

Social worker: Anne Ward

Registration number: SW83193

Fitness to Practise

PSA Remittal Hearing

Dates of hearing: 12 to 13 January 2023, and 29 to 30 March 2023

Hearing venue: Remote hearing

Hearing outcome:

Fresh consideration of sanction following Professional Standards Authority (PSA) remittal, removal order imposed

Interim order:

Interim suspension order for 18 months

Introduction and attendees:

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018 (as amended) (the regulations)
2. Ms Ward attended and was represented by Ms Adeyemi.
3. Social Work England was represented by Ms Sharpe presenting officer from Capsticks LLP.

Adjudicators	Role
John Walsh	Chair
Warren Dillon	Social Worker Adjudicator
Angela Duxbury	Lay Adjudicator

Elle Langdown	Hearings Officer
Wallis Crump	Hearings Support Officer
Megan Ashworth	Legal Adviser

Allegations

“Whilst registered as Social Worker with the Health and Care Professions Council:

- 1) *For a period of time between 2010 and 2016, you conducted a personal relationship with Person A, for whom you had been allocated Social Worker from August 2010 until March 2011.*
- 2) *For a period of time between 2010 and 2016, you conducted a sexual relationship with Person A.*
- 3) *You did not inform your employer Lancashire County Council of your relationship(s) with Person A.*
- 4) *The matter set out in paragraph 3 is dishonest.*

The matters set out in paragraphs 1-4 constitute misconduct.

As a result of your misconduct, your fitness to practise is impaired.”

Background to case being remitted to a differently constituted panel for sanction:

4. On 11 April 2017, the Health and Care Professions Council (HCPC) received a referral regarding Ms Ward, made on behalf of Lancashire County Council (the Council), her former employer.

5. Ms Ward had been employed as a social worker within the Council's adult social care team from 1999. On 30 March 2016, the Council was informed by a former service user at that point (Person A), by telephone that he had had a personal relationship with Ms Ward which began while she was his social worker and continued until 2016. Ms Ward had been appointed as Person A's allocated social worker in August 2010 and remained his allocated social worker until March 2011.
6. On 4 April 2016, Person A withdrew his original complaint that he had made to the Council, but the Council nonetheless investigated the complaint, given the potential safeguarding implications. On 28 June 2016, Ms Ward provided a statement responding to the disciplinary allegations, denying that she had had a personal relationship with Person A or had breached professional boundaries towards him in any way.
7. In February 2017, Ms Ward was dismissed from her post. At that time the complaint was referred to the Health and Care Professions Council (HCPC), at that time the regulator for social workers. No further action was taken by the HCPC.
8. On 30 January 2018, Person A again contacted the Council about Ms Ward, saying that he was now prepared to make a full statement about their relationship. The matter was investigated as a safeguarding adults issue. Person A provided photographs of the social worker as well as email correspondence substantiating his account.
9. On 22 November 2021, a substantive fitness to practise hearing before a panel of adjudicators (the original panel) was convened by Social Work England. The substantive hearing was to consider the allegations in respect of impaired fitness to practise and lasted six days, concluding on 29 November 2021. Ms Ward attended the hearing throughout and was legally represented. She also gave evidence.
10. All of the factual allegations were found proved by the original hearing panel. Ms Ward had admitted each of the allegations but contended that the alleged personal relationship and sexual relationship started after the professional relationship had ended. That disputed fact was resolved against Ms Ward, with the original panel finding that both the personal and sexual relationships had started whilst Ms Ward was still Person A's allocated social worker. It found that the relationship had been professional between August and November 2010. It concluded that the relationship had become more than professional by the time of a trip to Liverpool together in December 2010 and that the relationship had become sexual in nature by the time of a trip to the West End together for Ms Ward's birthday in January 2011.
11. In summary the original hearing panel found that Ms Ward had conducted a personal and sexual relationship with Person A whilst she was his allocated social worker. It considered that the sexual relationship started around the time that Service User A and Ms Ward went to the West End in January 2011. It found that she had failed to inform her employer of the relationship and that her failure to do so was dishonest. The original

panel found that Ms Ward's dishonesty about her relationship with Person A lasted, in various guises, for a period of around ten years.

12. The original panel found that the conduct amounted to the statutory ground of misconduct and that Ms Ward's fitness to practise was impaired by reason of that misconduct. In relation to impairment, the original panel concluded that Ms Ward was only at the beginning of understanding her behaviour; her insight was only starting to develop; and she had not remediated. It considered that Ms Ward's misconduct had breached a fundamental tenet of the profession, brought the profession into disrepute; and there remained a risk of repetition of the dishonesty. In the original panel's judgement, public confidence in the profession would be undermined if a finding of impairment were not made.
13. The original panel imposed a Suspension Order for a period of 12 months.
14. The Professional Standards Authority for Health and Social Care (the PSA) appealed the original panel's decision on sanction, as handed down on 29 November 2021, pursuant to section 29 of the National Health Service Reform and Health Care Professions Act 2002. The basis of the appeal was that the sanction (decision) was insufficient to protect the public, and that there were a number of procedural irregularities whereby the original panel had failed to give adequate reasons for its decision on sanction.
15. On 24 May 2022, the Appeal was disposed of by way of a Consent Order, before the Honourable Mr Justice Linden, with the parties agreeing that the original hearing panel had provided insufficient reasons for reaching its decision on sanction. The sanction imposed by the original panel was quashed and the matter of sanction was remitted to be considered by a differently constituted panel of Adjudicators with the following directions:
 - i. The adjudicators shall be provided with a copy of this Consent Order and the documents set out in paragraph 11 of Schedule 1 to this Order;*
 - ii. The adjudicators shall redetermine the sanction to be imposed pursuant to this Order and produce a reasoned decision on sanction that meets the requirements of paragraphs 70, 111 and 112 of the Social Work England Sanctions Guidance and addresses the issues identified in this Consent Order and the agreed Schedule of Issues;*
 - iii. The adjudicators shall have regard to the Appellant's grounds of appeal when redetermining the sanction to be imposed pursuant to this Order."*
16. The Consent Order stated that for the avoidance of doubt, the determinations made by the original panel in relation to facts, the statutory ground and impairment remained undisturbed. The Consent Order also set out a number of issues relevant to the sanction decision to be made by the differently constituted panel of adjudicators as follows:

1. *The seriousness of the Second Respondent's (Ms Ward's) misconduct in that:*
 - a. *she participated in a personal and sexual relationship with the service user/former service user, over a significant period of time, in particular when i) she was his allocated social worker for some of that period and ii) she knew that the service user/former service user was highly emotionally vulnerable;*
 - b. *the conduct described at (a) above amounts to a serious breach of trust;*
 - c. *she knowingly misled a Local Authority Safeguarding Adults Enquiry until presented with sexually explicit photographic evidence;*
 - d. *she relied upon the vulnerabilities of the service user/former service user as a means of persuading authorities charged with investigating her conduct not to believe allegations he had made about her which were later found to be true;*
 - e. *she has put her own interests ahead of those of the vulnerable service user; and*
 - f. *she knowingly misled her regulators, first the Health and Care Professions Council and then the First Respondent.*
2. *The nature, breadth and extent of the Second Respondent's dishonesty, which involved her:*
 - a. *breaching her professional duty of candour on multiple occasions over a significant period of time;*
 - b. *casting serious aspersions on Person A's character (alcoholic and liar) to conceal her own misconduct;*
 - c. *exploiting Person A's vulnerability in order to undermine his allegations against her;*
 - d. *admitting to the sexual relationship only when presented with evidence in the form of photographs (the production of which by Person A she put down to revenge porn);*
 - e. *maintaining her denial over many years;*
 - f. *lying (as a Social Worker) during the course of an Adult Safeguarding Investigation; and*
 - g. *knowingly misleading her regulators.*
3. *The limited evidence of any insight on the part of the Second Respondent, in that:*

- a. *by the time of the hearing before the panel of adjudicators (original panel) she had:*
 - i. *considerable time to reflect upon her conduct and its impact upon Person A and upon the public perception of Social Workers; and*
 - ii. *multiple opportunities (including formal inquiries) to act in accordance with her professional duty of candour and report it.*
- b. *the remediation undertaken by the registrant included undertaking training offered by Liverpool City Council and reading in full Frank Cooper's e-book titled "Professional Boundaries in Social Work and Social Care". Following this she undertook to independent courses in relation to professional boundaries. The two courses were completed five and a half weeks before the panel of adjudicators.*

Decision on sanction following remittal:

17. The panel bore in mind that the findings of the original hearing panel in respect of misconduct and impairment remained undisturbed following the appeal by the Professional Standards Authority (PSA) which was dealt with by way of a consent order. It noted that the original hearing panel found impairment on both the personal and public aspects of impairment. It noted the judgement of the original hearing panel to the effect that Ms Ward was unlikely to form a personal or sexual relationship with a service user in the future, but it could not be confident, in the light of the persistence of Ms Ward's past serious dishonesty that, if faced with difficulties in her practice which she felt could damage her employment or reputation, she would not resort to dishonesty rather than be open and seek help from management.
18. Ms Ward provided further written reflections and gave evidence at the remitted sanction stage. She also submitted testimonials on her own behalf.
19. The panel took account of the submissions of Ms Sharpe on behalf of Social Work England. She took the panel through Social Work England's 'Impairment and Sanctions Guidance' and went through each of the available sanctions. She submitted that the only appropriate and proportionate sanction was that of a removal order.
20. The panel also took account of the submissions of Ms Adeyemi on behalf of Ms Ward. She submitted that a removal order was neither necessary nor appropriate in this case, and invited the panel to consider a period of suspension. She submitted that it was open to the panel to find that in circumstances where Ms Ward had demonstrated her commitment to the profession, made efforts to remediate, removal was not required. Given the 13 months of (interim) suspension since the substantive hearing, the insight and reflection, and the principle of proportionality, Ms Adeyemi submitted that a period of suspension would be the appropriate and proportionate sanction.

21. The panel heard and accepted the advice of the legal adviser and exercised its independent judgement. She advised the panel that the question of sanction was to be considered afresh, albeit informed by the factors set out in the consent order. The legal adviser explained that the High Court had not determined whether or not the sanction of suspension was the appropriate and proportionate sanction, rather it had been agreed by the parties in the consent order that the original hearing panel had not given sufficient reasons as to why it had concluded that suspension had been sufficient.
22. The panel had regard to the Impairment and Sanction Guidance (the Guidance) and considered the sanctions in ascending order of severity. The panel was aware that the purpose of sanction is not to be punitive but to protect members of the public. It also had regard to paragraph 72 of the Guidance which states:

Decision makers should make sure the sanction is appropriate and proportionate. However, they should also consider the relevance of confidence in the profession as a factor in determining sanction. This principle is set out in the case of Bolton v Law Society [1994] 1 WLR 512:

“the reputation of the profession is more important than the fortunes of any individual members. Membership of a profession brings many benefits, but that is part of the price.”

23. In considering the individual options open to it, the panel considered the aggravating and mitigating factors of the case. As a starting point, the panel considered the issues which had been set out in the Schedule of issues within the consent order.

Aggravating factors:

- a. *‘she participated in a personal and sexual relationship with a service user/former service user, over a significant period of time, in particular when i) she was his allocated social worker for some of that time and ii) she knew that the service user/former service user was highly emotionally vulnerable’.* The panel agreed with this characterisation of Ms Ward’s actions. It noted that both the personal and sexual relationship started whilst she was his allocated social worker and continued until 2016, some five years later. As his social worker, the panel considered that there would have been a clear power imbalance between them and because of his vulnerabilities, he had become emotionally dependent upon her and this had caused emotional harm and distress.
- b. *‘the conduct described at (a) above amounts to a serious breach of trust’.* The panel agreed that Ms Ward’s actions amounted to a serious breach of trust. As a social worker she was entrusted to work in Service User A’s best interests and adhere to professional boundaries whilst doing so. The panel considered that she

had persistently breached that trust placed in her in pursuing and maintaining a personal and sexual relationship with him.

- c. *'she knowingly misled a Local Authority Safeguarding Adults Enquiry (the Enquiry) until presented with sexually explicit photographic evidence'*. The panel agreed with this description of Ms Ward's actions. The Enquiry was held in 2018, after Service User A contacted the Council a second time on 30 January 2018 to make a complaint about Ms Ward, the first time having been in 2016. Ms Ward was interviewed on 27 July 2018 and in that interview denied having a sexual relationship with Service User A until she was shown sexually explicit photographs which had been provided by Person A as part of the Enquiry. The panel considered that Ms Ward had deliberately sought to mislead and thereby obstruct the Enquiry by giving false and inaccurate information until confronted with evidential photographs. The panel considered that such behaviour could have implications for safeguarding.
- d. *'she relied on the vulnerabilities of the service user/former service user as a means of persuading the authorities charged with investigating her conduct not to believe allegations he had made about her which were later found to be true'*. The panel agreed with this description. It noted that following Service User A's first complaint in 2016, Ms Ward had attempted to dismiss his evidence by highlighting all his vulnerabilities as a means of undermining his allegations, and describing him as manipulative.
- e. *'she put her own interests above those of the vulnerable service user'*. The panel agreed that Ms Ward's actions in denying the existence of the relationship and undermining Service User A's account by relying on his vulnerabilities were self-serving in trying to maintain her employment and her reputation and in this regard she had prioritised her own interests over a vulnerable service user.
- f. *'she knowingly misled her regulators, first the Health and Care Professions Council and then the First Respondent'*. The panel agreed that Ms Ward had knowingly misled the HCPC and Social Work England throughout their respective investigations. Her efforts had initially been successful in respect of the HCPC, which had closed its first investigation when following the first referral in 2016. In respect of the second referral in 2018, Ms Ward had persistently maintained that the relationship had not been personal or sexual whilst she was Service User A's allocated social worker, albeit her account had been discounted by the original panel. The panel considered that Ms Ward's denials had been a deliberate and repeated pattern of behaviour.
- g. *'breaching her professional duty of candour on multiple occasions over a significant period of time'* The panel agreed that Ms Ward had consistently and

repeatedly breached her professional duty of candour over a period of around ten years. It considered that she had had many opportunities over the years to disclose her actions, but instead chose to dishonestly conceal her actions and mislead others. The panel noted that Ms Ward's relationship with Service User A was ongoing until 2016, which was whilst she was working at the Council, albeit she was not his allocated social worker after 2011.

- h. Ms Ward's dishonesty was serious for the reasons set out in part 2 of the Schedule of Issues, but the panel did not consider that they were additional aggravating factors as they were encompassed in the aggravating features at part 1.

Mitigating factors

- a. No previous fitness to practise history, and previously a well-regarded social worker for 18 years.
- b. Ms Ward had further developed her insight into her actions since the substantive hearing in November 2021.
- c. Ms Ward fully accepted the panel's findings and understood the impact of her actions on Service User A, and the actual and potential emotional harm she had caused him.
- d. Ms Ward had undertaken further remedial steps, repeating the Professional Boundaries e-learning course, taking her time to review and understand it, as well as purchasing and reviewing the Professional Boundaries book by Frank Cooper and reflecting on her actions in the context of what she had learnt.

No further action:

- 24. The panel considered that the misconduct found proved was too serious for the case to be concluded with no further action. The panel noted that both it and the original hearing panel had not been able to rule out a risk of repetition of dishonest behaviour. The panel did not consider that taking this option would either protect the public or maintain public confidence in the profession.

Advice or warning:

- 25. The panel did not consider that issuing a warning would be sufficient to promote and protect public confidence in the profession or uphold standards. In addition, such an outcome would not restrict Ms Ward's practice, bearing in mind that the panel had not been in a position to rule out the risk of repetition of future dishonesty.

Conditions of practice order:

26. The panel next considered a conditions of practice order. The panel considered that Ms Ward's misconduct had been attitudinal in nature. In particular, it considered that her dishonesty had been repeated and persistent, and as such it would be difficult to formulate conditions to address such behaviour. The panel also had regard to the Guidance which indicated that conditions were less likely to be appropriate in cases of character, attitude or behavioural issues. In any event, the panel considered that the nature of the misconduct itself was too serious to be addressed by way of a conditions of practice order.

Suspension order:

27. The panel considered that on the facts of this case, the only two possible candidates for the appropriate sanction were a suspension order or a removal order.
28. In relation to suspension, the panel identified that there had been further development in Ms Ward's insight since the substantive hearing in November 2021. It noted that she now fully accepted the findings of the original hearing panel, and understood the potential and actual impact of her actions on Service User A. The panel was of the view that Ms Ward had fully engaged with Social Work England's proceedings to a level beyond that required of a social worker, giving evidence and subjecting herself to cross examination and making considerable efforts to remediate. The panel accepted that she understood the impact her actions would have on the profession, including bringing it into disrepute. Nevertheless, the panel was acutely aware of its primary responsibility to protect and promote the public interest, which included maintaining public confidence in the profession and upholding proper professional standards.
29. The panel considered that many of the features set out in the Guidance which may indicate that a suspension order was appropriate, were present in this case, in particular: workable conditions could not be formulated; the concerns represented a serious breach of the professional standards; Ms Ward had demonstrated some insight; and had indicated a willingness to remediate. The question for the panel was whether the case fell short of requiring her removal from the register.

Removal order:

30. The panel had regard to the Guidance and the paragraphs relevant to a removal order. In particular, it had regard to the following paragraphs:

148 – A removal order must be made where the decision-makers conclude that no other outcome would be enough to (do one or more of the following):

- *protect the public*
- *maintain confidence in the profession*

- *maintain proper professional standards for social workers in England*

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

- *abuses of position or trust...*
- *sexual misconduct...*
- *...*
- *dishonesty, especially where persistent and/or concealed...*
- *...*

31. The panel noted that the section of the Guidance covering abuse of trust said the following:

154 – social workers hold privileged positions of trust. The role often requires them to engage with vulnerable people. It is essential to the effective delivery of social work that the public can trust social workers. Any abuse of trust by a social worker is a serious and unacceptable risk in terms of public protection and confidence in the profession.

32. The panel considered that Ms Ward's actions had been a serious breach of trust. She had been the allocated social worker assigned to a service user who had been discharged from hospital after a lengthy stay, and who was socially isolated with significant vulnerabilities. Her actions had caused actual emotional harm to Service User A who had become emotionally dependent upon her.

33. The panel noted that the sections of the Guidance covering sexual misconduct identified that it included pursuing an inappropriate sexual relationship with people using social work services. In circumstances involving an abuse of professional position, the Guidance identified that the sexual misconduct would be considered serious. The panel considered that this was such a case as Ms Ward had abused her position as the allocated social worker to conduct an inappropriate sexual relationship with a service user, and as such, it was serious sexual misconduct on her part.

34. The panel noted the Guidance at paragraph 163 as follows:

163 – in all cases of serious sexual misconduct, it will be highly likely that the only proportionate sanction is a removal order. If decision-makers decide that a sanction other than a removal order would be appropriate, they must fully explain why they have made that decision.

35. The panel noted that the sections of the Guidance covering dishonesty included the following:

181 – factors that decision-makers can consider when reviewing dishonesty include (all of the following):

- *The duration of any dishonesty*
- *Whether the dishonesty was an isolated instance, or indicates a larger problem or pattern of behaviour*
- *Whether the social worker admitted dishonest behaviour at an early opportunity, or if they tried to purposely hide their dishonesty*
- *Whether the dishonesty was for the social workers own personal gain*
- ...

36. The panel considered that the duration of the dishonesty had persisted for a significant number of years; amounted to a pattern of behaviour; had been purposely hidden from her employer and her regulators; and was for her own personal gain in seeking to maintain her employment and reputation.
37. Taking all of the factors into account, the panel considered that the actions of Ms Ward were fundamentally incompatible with the role of a social worker. The panel bore in mind that Ms Ward had developed a personal and sexual relationship with a service user at the time she was the allocated social worker, charged with the responsibility of safeguarding and protecting him.
38. The panel did not consider that public confidence in the profession could be satisfied by any sanction less than a removal order. It considered that the fair minded and reasonable member of the public would be shocked and troubled if a social worker who had been found to have behaved as Ms Ward had were not removed from the register. The panel was satisfied that the only appropriate and proportionate sanction in this case was a removal order.
39. The panel was mindful of the principle of proportionality, and that a sanction of removal would prevent Ms Ward from working in the profession. Nevertheless, the panel was satisfied that the public interest factors of protecting the public, maintaining public confidence in the profession and upholding proper professional standards outweighed the interests of Ms Ward.
40. Accordingly, the panel imposes a removal order.

Interim order:

41. Ms Sharpe made an application for an interim order of suspension to cover the appeal period before the substantive removal order comes into effect, or if Ms Ward were to appeal, until such time as the appeal is withdrawn or otherwise finally disposed of. She submitted that an interim order was necessary on the ground of public protection, which includes promoting public confidence in the profession and maintaining standards.
42. Ms Stewart, on behalf of Ms Ward did not object to the application, accepting it was appropriate in light of the panel's decision.
43. Having heard and accepted the advice of the legal adviser, the panel was satisfied that an interim order of suspension was necessary to protect the public, in respect of each of the three elements of protecting the health, safety and well-being of the public, protecting public confidence in the profession and upholding proper professional standards. It considered that such an interim order was necessary for the same reasons as set out in the substantive decision, in particular having found that no other sanction was sufficient to protect and promote public confidence in the profession.
44. Having concluded that an interim order is necessary to protect the public the panel considered what type of interim order to impose. For the same reasons as set out in the substantive decision, the panel was not satisfied that it was possible to formulate workable conditions, nor did it consider that conditions would be sufficient to protect public confidence.
45. In all the circumstances, the panel decided to make an interim suspension order for 18 months, to cover the 28 days in which Ms Ward was entitled to appeal before the removal order took effect, and if Ms Ward were to appeal, until that appeal was withdrawn or otherwise disposed of, which could take a considerable period of time.
46. The panel considered the principle of proportionality and acknowledged that this interim order will prevent Ms Ward from working as a social worker. However, it determined that the need to protect the public outweighs the social worker's interests in this regard.

Right of Appeal:

47. Under Paragraph 16(1)(a) of Schedule 2 of the regulations, the social worker may appeal to the High Court against the decision of adjudicators:
 - 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.
48. Under Paragraph 16(2) of Schedule 2 of the regulations 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.
49. Under Regulation 9(4) of the regulations this order may not be recorded until the expiry of the period within which an appeal against the order could be made, or where an appeal against the order has been made, before the appeal is withdrawn or otherwise finally disposed of.
50. This notice is served in accordance with Rules 44 and 45 of the Social Work England Fitness to Practice Rules 2019 (as amended).

The Professional Standards Authority:

51. Please note that in accordance with section 29 of the National Health Service Reform and Health Care Professions Act 2002, a final 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>.