

Social Worker: Abimbola Ayodeji
Ashiru
Registration Number: SW20754
Fitness to Practise
Final Order Early Review Hearing:

Date of Hearing: 12 April 2023

Hearing Venue: Remote Hearing

Final Order being reviewed:

Conditions of practice order (expiring - 03 November 2023)

Hearing Outcome: Removal order imposed with immediate effect

Introduction and attendees:

1. This is an early review of a final conditions of practice order under paragraph 15(2) of Schedule 2 of the Social Workers Regulations 2018 (as amended) (“the Regulations”) originally imposed for a period of 15 months by a panel of adjudicators on 7 July 2022.
2. Mr Ashiru did not attend and was not represented.
3. Social Work England was represented by Mr Barnfield, case presenter instructed by Capsticks LLP.

Adjudicators	Role
Manuela Grayson	Panel Chair
Liz Murphy	Social Worker Adjudicator

Hearings Team/Legal Adviser	Role
Elle Langdown	Hearings Officer
Sam Harvey	Hearings Support Officer
Sean Hammond	Legal Adviser

Service of Notice

4. The panel of adjudicators (“the panel”) had careful regard to the documents contained in the early final order review hearing service and supplementary evidence bundle as follows:
 - A copy of the notice of early final order review hearing dated 14 March 2023 and addressed to Mr Ashiru;
 - An extract from the Social Work England Register showing Mr Ashiru’s registered address and the electronic mail (“email”) address that he has provided to Social Work England;
 - A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 14 March 2023 the writer sent the notice of hearing and related documents by email to the email address Mr Ashiru had provided to Social Work England; and
 - A copy of an email from Mr Ashiru to Social Work England dated 15 March 2023 in which he acknowledged receipt of the notice of early final order review hearing dated 14 March 2023.
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 Social Work England (Fitness to Practise) Rules 2019 (as amended) (“the Rules”) and all of the information before it in relation to the service of notice, the panel was satisfied that the notice of hearing had been served on Mr Ashiru in accordance with the Rules.

Proceeding in the absence of the social worker:

7. Mr Barnfield referred the panel to rule 43 of the Rules and to the cases of R v Jones [2002] UKHL 5 and General Medical Council v Adeogba [2016] EWCA Civ 162. Mr Barnfield submitted that on 15 March 2023, Mr Ashiru had sent an email to Social Work England in which he stated:

“I have ceased to be a Social Worker from the end of November 2022 as I did not renew my registration to continuing practicing as a Social Worker. I have also requested voluntary removal from Social Work England register.

So going by the above, I shall not be attending this review.”

8. Mr Barnfield submitted that the panel should exercise its discretion to proceed with the early final order review hearing in Mr Ashiru’s absence.
9. Mr Barnfield addressed the criteria identified in the case of R v Jones [2002] UKHL 5 and submitted that Mr Ashiru was aware of today’s review hearing and had made an informed decision not to attend. He submitted that an adjournment would not result in Mr Ashiru’s attendance at a review hearing on a subsequent occasion. Mr Barnfield further submitted that there was a public interest in the hearing proceeding today as there was new evidence available which warranted an early review of the appropriateness of the existing final conditions of practice order.
10. 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 Rule 43 of the Rules and the cases of R v Jones [2002] UKHL 5 and General Medical Council v Adeogba [2016] EWCA Civ 162.
11. In reaching its decision, the panel had regard to the Social Work England guidance ‘Service of Notices and Proceeding in the Absence of a Social Worker’.
12. The panel considered all of the information before it. The panel was mindful that fairness to Mr Ashiru was a paramount consideration when exercising its discretion in relation to whether or not to proceed in his absence. However, it must balance this against the public interest in proceeding with the early final order review hearing today.
13. Having regard to all of the circumstances of the case, the panel concluded that it would be fair and appropriate to proceed with the early final order review hearing in Mr

Ashiru's absence. In reaching this decision, the panel took into account the following matters:

- The panel has already established good service of the notice of hearing;
- In the notice of hearing, Social Work England set out (i) the grounds upon which they have sought an early final order review hearing, (ii) the panel's powers under Schedule 2, paragraphs 15(2)(a) to (f) of the Regulations and (iii) their submissions as to why the existing final conditions of practice order should be replaced by a removal order. The panel was therefore satisfied that Mr Ashiru was fully aware of the potential outcome of the early final order review hearing;
- Mr Ashiru confirmed in his email dated 15 March 2023 that he is aware of today's hearing and that he would not be attending;
- Mr Ashiru has not requested an adjournment of this review hearing;
- Mr Ashiru has not engaged with the terms of the existing final conditions of practice order and has repeatedly expressed his desire to be removed from the Social Work England register; and
- The public interest in proceeding with the early final order review hearing having regard to Social Work England's overarching objective of public protection.

Review of the current order:

14. This early final order review hearing is taking place under Paragraph 15(2) of Schedule 2 of The Social Workers Regulations 2018 (as amended) and Social Work England's Fitness to Practise Rules 2019 (as amended).

15. Under paragraphs 15(2)(a) to (f), the regulator may review a final order early 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, and may—

- confirm the order
- extend, or further extend, the period for which the order has effect, provided that the extended period does not exceed in the case of a conditions of practice order, three years
- reduce the period for which the order has effect
- substitute any order which the adjudicators or the case examiners could have made on the date on which they made the order
- revoke the order, and in the case of a suspension order may make the revocation subject to the social worker satisfying such requirements as to additional education or training and experience as apply to them

- revoke or vary any condition imposed by the order
16. The decision on a review under sub-paragraph (2) takes effect from the date on which the regulator completes the review notwithstanding any appeal against that decision.
17. The legal adviser highlighted that the meaning of 'new evidence' is not defined in the rules and regulations but Social Work England's 'Early Review Guidance' does explore the meaning of the term stating that new evidence:
- "Must raise a realistic prospect that the order originally imposed is no longer appropriate or proportionate to address those concerns. It must be genuinely new evidence, which was not and could not have been made available to the decision makers when they imposed the order;"
 - "New evidence almost certainly will be about events which have happened since the order was imposed;" and that
 - "The new evidence must be verifiable."
18. The current order is due to expire on 3 November 2023.

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

"Whilst registered with the Health and Care Professions Council as a social worker and during the course of your employment with Salford Royal NHS Foundation Trust, you:

1. On 10 November 2015, you were advised by Service User A that person B would care for him, and/or you were aware of the impact of Service User A's dementia on his short term memory, and:

a) Did not undertake and/or record a capacity assessment of Service User's A's capacity to make decisions about his care arrangements;

b) Did not take any steps to assess whether Person B would be willing and/or capable of caring for Service User A.

2. On an unknown date between 1 November 2015 and 29 February 2016, Person B advised you by telephone that she was unable to look after Service User A, and you:

a) Did not record the telephone conversation in the service user's case record;

b) Did not discuss the telephone call with your manager;

c) Did not take any steps to ensure that Service User A had appropriate care in place;

3. In a witness statement to the Coroner's Court, dated 23 January 2017, made no reference to the telephone conversation you had had with Person B referred to at particular 2.

4. You did not complete or record an adequate Independence Led Assessment dated 17 November 2015 for Service User B, in that, you:

a) ...(Not Proved)

b) Did not complete a mental capacity test and/or record this on the care first system

5. In relation to Service User D:

a) On 19 April 2017 you contacted Service User D to advise her that the new care agency would start on 24 April 2017 but did not record the telephone conversation in the case record;

b) ...(Not Proved)

6. ...(Not Proved)

7. ...(Not Proved)

8. ...(Not Proved)

9. The matters described at paragraphs 1 - 8 amount to misconduct.

10. By reason of your misconduct your fitness to practise as a social worker is impaired."

19. The final hearing panel on 7 July 2022 determined that the facts found proved in particulars 1, 2 and 3 of the allegations amounted to misconduct.

The final hearing panel on 7 July 2022 determined the following with regard to impairment:

"112. The panel reminded itself of Mr Ashiru's denials in relation to a number of the allegations it has found proved. It took into account that he has provided some information about how his practice has changed. For example, in his response Mr Ashiru mentioned a recent case in which, having been advised that a member of a

Service User's family would be able to care for him, he followed this up by contacting the family member. He has not, however, demonstrated that:

- a. he accepts his failings in relation to Service User A and his family;*
- b. he has reflected on
 - i. his poor exercise of judgement in relation to Service User A;*
 - ii. the impact of his acts and omissions on Service User A and his family; and*
 - iii. what he needs to do to remediate.**
- c. he is remorseful for his omissions.*

113. The panel concluded that it had only seen evidence of limited insight, and there is no substantive evidence of remediation of the concerns that led to these allegations. There is, therefore, a very real risk of repetition of the conduct by Mr Ashiru.

114. The panel had regard to the approach in the case of Grant and concluded that:

- a. Mr Ashiru has in the past acted and is liable in the future to act so as to put a service user and carer at unwarranted risk of harm; and*
- b. Mr Ashiru has in the past brought and is liable in the future to bring the social work profession into disrepute; and*
- c. Mr Ashiru has in the past breached and is liable in the future to breach one of the fundamental tenets of the social work profession, which is to protect vulnerable service users.*

115. The panel concluded that a finding of impairment of fitness to practise is necessary in order to:

- a. protect, promote and maintain the health, safety and well-being of the public, including vulnerable service users;*
- b. promote and maintain public confidence in the profession; and*
- c. promote and maintain proper professional standards within the profession.*

116. The panel therefore concluded that Mr Ashiru's fitness to practise is impaired by reason of his misconduct."

The final hearing panel on 7 July 2022 determined the following with regard to sanction:

"130. The panel first considered the aggravating features of Mr Ashiru's misconduct. The panel was of the view that the significant distress caused to Person B and the absence of a demonstration of any remorse on the part of Mr Ashiru were aggravating features in this case.

131. The panel next moved on to consider mitigating features in this case. It considered that the working environment and conditions within the team in which Mr Ashiru was working, including high workloads and vacancies, and the difficult working relationship Mr Ashiru had with his line manager were mitigating features.

132. The panel first gave very careful consideration as to whether it would be appropriate to conclude the case with no action. The panel noted the following paragraphs of Social Work England's Sanctions Guidance:

"72. This outcome means there is no restriction on the social worker's practice. The social worker's fitness to practise is impaired at the point the decision is made, but the finding of impairment has no duration – the social worker is regarded as fit to practise at the end of the proceedings. This outcome is likely to be exceptional and would be in cases where the finding of impairment itself is enough to protect the wider public interest. It may be appropriate where there has been a significant departure from professional standards or guidance, but which has been fully remediated with no risk of repetition."

133. Given the panel's findings in relation to misconduct and impairment, the panel determined that to conclude the case with no action would send out the wrong message to the public, the profession and Mr Ashiru about what is an acceptable standard of conduct. It would not achieve the aims of Social Work England's primary objective to protect the public, given the panel's finding that there is a very real risk of repetition.

134. The panel next considered whether it would be appropriate to conclude the case with advice or a warning. The panel noted the following paragraphs of Social Work England's Sanctions Guidance.

"75. Advice or warnings issued following a finding of impairment are published on the Social Work England website and are included on the social worker's register entry. This means those engaging with the social worker professionally can be made aware of the concerns. The social worker's fitness to practise remains impaired while the advice or warning continues to be in effect.

76. These outcomes do not directly restrict practise and they cannot be reviewed before they expire, except in the case of a warning if new concerns are raised. They are therefore not appropriate where there is a current risk to the public."

135. Given its findings on risk of repetition, the panel determined that to conclude the case with advice or a warning would be insufficient to protect the public, maintain confidence in the profession and uphold proper standards of conduct.

136. The panel next considered whether to impose a conditions of practice order. The panel noted the following paragraphs of the Sanctions Guidance:

"The primary purpose of conditions of practice orders is to protect the public while the social worker takes any necessary steps to remediate their fitness to practise. In addition to any protective restrictions, the conditions may include remediation steps that the social worker must take as a minimum in order to regain fitness to practise, such as successful completion of relevant education or training.

Conditions may be appropriate where public protection can be delivered by some restriction of practice, but it is not necessary for either public protection or wider public confidence grounds to suspend the social worker's registration. When considering public protection, decision makers must fully assess insight and any attitudinal behaviours to determine whether or not the social worker is capable of complying with conditions."

137. The panel was mindful that Mr Ashiru has engaged fully and constructively with this hearing. Whilst he only has limited insight into his failings at this stage, the panel did not consider there to be evidence of any attitudinal issues. The testimonial evidence demonstrates that Mr Ashiru develops positive, strong working relationships and engages in reflective supervision with his manager. The panel considered that Mr Ashiru is capable of developing insight in order to remediate the issues which led to his failings in this case, and noted that there are elements of his social work practice that are described as being good. It had no reason to believe that he would not comply with conditions, and it was clear that he has the support of his employer to implement the conditions and oversee their compliance.

138. The panel concluded that, if Mr Ashiru worked under a carefully drafted conditions of practice order, the public would be protected. The panel determined that it would be disproportionate to suspend Mr Ashiru, in that it was not necessary in order to protect the public. The panel noted that a suspension would lead to de-skilling which was not in Mr Ashiru's interests or in the public interest. It reminded itself that sanctions are not intended to be punitive.

139. The panel imposed the following conditions by way of a Conditions of Practice Order, which are workable and proportionate:

- 1. You must notify Social Work England within 7 days of any professional appointment you accept or are currently undertaking and provide the contact details of your employer, agency or any organisation with which you have a contract or arrangement to provide social work services, whether paid or voluntary.*
- 2. You must allow Social Work England to exchange information with your employer, agency or any organisation with which you have a contract or arrangement to provide social work or educational services, and any workplace supervisor referred to in these conditions.*
- 3.*
 - a. At any time you are employed, or providing social work services, which require you to be registered with Social Work England; you must place yourself and remain under the supervision of a workplace supervisor nominated by you, and agreed by Social Work England. The workplace supervisor must be on Social Work England's register.*
 - b. You must not start or continue to work until these arrangements have been approved by Social Work England.*
- 4. You must inform Social Work England within 7 days of receiving notice of any formal disciplinary proceedings taken against you from the date these conditions take effect.*
- 5. You must inform Social Work England within 7 days of receiving notice of any investigations or complaints made against you from the date these conditions take effect.*
- 6. You must inform Social Work England if you apply for social work employment / self-employment (paid or voluntary) outside England within 7 days of the date of application.*
- 7. You must inform Social Work England if you are registered or subsequently apply for registration with any other UK regulator, overseas regulator or relevant authority within 7 days of the date of application [for future registration] or 7 days from the date these conditions take effect [for existing registration].*
- 8. You must work with your workplace supervisor, to formulate a personal development plan, specifically designed to address the shortfalls in the following areas of your practice:*

- a. Analysis, assessment and management of risk, particularly in relation to safeguarding*
- b. Communication and listening skills*
- c. Reasoned decision making*
- d. Record keeping, in particular in relation to communications with service users and decision making*

9. You must provide a copy of your personal development plan to Social Work England within 4 weeks from the date these conditions take effect and an updated copy 2 weeks prior to any review.

10. You must provide reports from your workplace supervisor to Social Work England every 3 months and at least 14 days prior to any review.

11. You must keep your professional commitments under review and limit your social work practice in accordance with your workplace supervisor's advice.

12. You must not supervise the work of any other social worker or student social worker.

13. You must not work as an independent social worker and must only work as a social worker at premises where other social workers are employed.

14. You must not be responsible for the administration/management of any independent social work practice/establishment.

15. You must not undertake any agency, locum, out-of-hours or on-call duties.

16. You must read Social Work England's 'Professional Standards' (July 2019), and provide a written reflection within 6 months after these conditions take effect, focusing on how your conduct, for matters relating to this case including:

- a. Risk management*
- b. Communication and listening skills*
- c. Reasoned decision making*
- d. Record keeping was below the accepted standard of a social worker, demonstrating how your practice has developed and what you could have done differently.*

17. You must provide a written copy of your conditions, within 7 days from the date these conditions take effect, to the following parties confirming that your registration is subject to the conditions listed at 1 to 16, above:

- a. Any organisation or person employing or contracting with you to undertake social work services whether paid or voluntary.*
- b. Any locum, agency or out-of-hours service you are registered with or apply to be registered with in order to secure employment or contracts to undertake social work services whether paid or voluntary (at the time of application).*
- c. Any prospective employer who would be employing or contracting with you to undertake social work services whether paid or voluntary (at the time of application).*
- d. Any organisation, agency or employer where you are using your social work qualification/knowledge/skills in a non-qualified social work role, whether paid or voluntary.*

You must forward written evidence of your compliance with this condition to Social Work England within 10 days from the date these conditions take effect

18. You must permit Social Work England to disclose the above conditions, 1 to 16, to any person requesting information about your registration status.

140. The panel then went on to consider the length of the Conditions of Practice Order. It determined that a period of 15 months would be proportionate in that it would give Mr Ashiru a reasonable opportunity to successfully complete his remediation, before any review takes place.

141. The panel therefore imposed a Conditions of Practice Order for a period of 15 months.”

Social Work England’s submissions:

20. Mr Barnfield submitted that since the imposition of a final conditions of practice order on 7 July 2022, new evidence had become available which warranted an early review hearing to consider whether the existing order was appropriate and proportionate to address the regulatory concerns identified in relation to Mr Ashiru’s practice.

21. Mr Barnfield submitted that the new evidence related to Mr Ashiru’s failure to comply with the terms of the final conditions of practice order and to his stated intention to be removed from the Social Work England Register.

22. Mr Barnfield informed the panel that since the imposition of the final conditions of practice order, Mr Ashiru had sent an email to Social Work England dated 9 January 2023 in which he stated:

"I ceased to be a social worker from the end of November 2022 as I did not renew my registration and I do not intend practicing as a social worker now or in the near future.

Please take me off the social work register."

23. Mr Barnfield informed the panel that Mr Ashiru was sent links to the appropriate forms and guidance in relation to voluntary removal from the register but Mr Ashiru had not submitted an application. Mr Barnfield informed the panel that Mr Ashiru had also been informed by his case review officer that that even though he was no longer working as a social worker, he remained subject to the terms of the final conditions of practice order.

24. Mr Barnfield submitted that Mr Ashiru has breached condition 16. Mr Ashiru was required to submit a reflective statement by 7 January 2023, however he has not done so. Mr Barnfield submitted that on 12 January 2023, Social Work England sent Mr Ashiru Mahachi an email giving him a '14-day warning' as a result of his non-compliance with condition 16. Mr Barnfield submitted that in response to this, Mr Ashiru had replied to Social Work England by email on the same date, stating:

"I shall be completing the voluntary removal from the Social Work England register.

I am no longer a social worker and do not now or ever want to practise social work. I've moved on with my life.

I will appreciate you stop hounding me."

25. Mr Barnfield submitted that in the circumstances, the existing final conditions of practice order was no longer appropriate or workable.
26. Mr Barnfield submitted that the appropriate and proportionate sanction was now a removal order. He therefore invited the panel to impose a removal order with immediate effect.
27. The panel also had regard to the written submissions provided by Social Work England contained in the notice of hearing dated 14 March 2023 as follows:

"Social Work England have called an early review of the Final Order in this case as a result of new evidence being received that is relevant to the Order, namely that the Social Worker no longer wishes to be registered or to be contacted in relation to the Order, and that they have not complied with the Order (in particular condition 16). Social Work England submit that the Social Worker's fitness to practise remains impaired but that the Conditions of Practice Order is no longer appropriate

or workable.

The Social Worker attended the Final Hearing and was represented. At the final hearing, the Panel noted they had only seen evidence of limited insight, and there was no substantive evidence of remediation of the concerns that led to these allegations. Therefore, the Panel highlighted the risk of repetition of the conduct by the Social Worker. Furthermore, the Panel noted that the Social Worker had denied a number of the allegations they had found proven. The Social Worker engaged throughout the regulatory process and has continued to engage with the regulator since the imposition of the final order; however, latterly the context of this engagement has been to outline that he no longer wishes to remain on the social work register and has not sought to renew his registration.

There is no further evidence of remediation, insight or remorse from the Social Worker. In the absence of demonstrable remediation, the Social Worker's fitness to practise remains impaired.

The Social Worker and the Northern Care Alliance NHS Foundation Trust both informed Social Work England that the Social Worker had tendered their registration. The Social Worker informed Social Work England that he had not renewed his registration in November 2022, as he no longer wished to practise. The Social Worker was informed that whilst they may not be working in a social work role, there are some conditions which are still applicable. These were listed as being: condition 1, 6, 7, 16 and 17. The condition to provide a written reflection needed to be provided by 7 January 2023, and when emailed by Social Work England on 9 January 2023 to notify him of the missed deadline, the Social Worker responded outlining he ceased to be a social worker in November, did not renew his registration and did not intend to practise as a social worker in the future. The Social Worker requested to be removed from the register.

The Social Worker was emailed a 14 day warning letter on 12 January 2023, to which he responded that he would be completing the voluntary removal form, reiterated he no longer wishes to practise as a social worker and requested Social Work England "stop hounding" him. The condition to provide a written reflection has not been complied with to date. This puts the Social Worker in breach of condition 16 and it is evident he does not intend to comply with this condition in the future. Furthermore, as the Social Worker has advised he does not intend to return to the profession and wishes to be taken off the register. Social Work England submit that there is clearly an indication of no intention to comply with the conditions more generally, which indicates the Conditions of Practice Order is no longer appropriate.

The Social Worker has advised that he does not wish to remain on the register. The Panel may then consider replacing the Conditions of Practice Order with a Suspension Order to allow time for a voluntary removal application. The Social Worker requested to be removed from the social work register on 9 January 2023 and Social Work England responded by providing the Voluntary Removal

application form and guidance on 10 January 2023. On 12 January 2023, Social Worker England sent a 14 day warning letter to the Social Worker for noncompliance with his conditions order, and he responded by stating he would be completing the voluntary removal form. A 7 day warning letter was sent to the Social Worker on 27 January 2023 and no response was provided. The guidance provided to the Social Worker explains that voluntary removal may be an option if certain circumstances are apparent. To date, the Social Worker has not made an application for voluntary removal nor has he explained whether his circumstances may meet the criteria for voluntary removal.

The Social Worker has had the opportunity to make an application for voluntary removal and has chosen not to do so. Social Work England submit that imposing a Suspension Order would serve no useful purpose because the Social Worker has no intention of remediating his past failings and has indicated he does not wish to be contacted further by the Case review Team.

Social Work England therefore invite the Panel to replace the Conditions of Practice Order with a Removal Order. At this stage this is the most appropriate and proportionate order.”

Social worker submissions:

28. Mr Ashiru did not provide the panel with any written submissions for its consideration at this review hearing. The panel therefore had regard to the content of those emails from Mr Ashiru to Social Work England which were contained within the bundle.

Panel decision and reasons on current impairment:

29. The panel first considered whether there was new evidence before it that warranted an early review of the final conditions of practice order imposed on 7 July 2022. The panel had regard to the advice of the legal adviser and to the guidance published by Social Work England in relation to early final order review hearings.
30. The panel noted that all of the matters relied upon by Social Work England had arisen since the imposition of the existing order. Furthermore, the panel was satisfied that the new evidence was verifiable and was relevant as it went directly to Mr Ashiru's willingness to engage with Social Work England and the terms of the final conditions of practice order. The panel was further satisfied that the new evidence was highly relevant to whether or not the existing final conditions of practice order was workable and whether it remained the appropriate and proportionate order.
31. The panel determined that there was new evidence available to it and that it was therefore appropriate to proceed with an early review of the final conditions of practice order.
32. The panel then undertook a comprehensive review of the final conditions of practice order in light of the current circumstances. It took into account all of the material before it. This included a 83-page final order early review hearing bundle and a 14-page final order early review service and supplementary evidence bundle.

33. The panel also had regard to the submissions on behalf of Social Work England and to the information contained in the emails sent by Mr Ashiru to Social Work England which were contained within the bundle since 07 July 2022.
34. The panel considered whether Mr Ashiru's fitness to practise remains impaired by reason of his misconduct. In so doing, the panel has exercised its own professional judgement in relation to the question of current impairment.
35. The panel heard and accepted the advice of the legal adviser. In particular, he referred the panel to the case of Khan v General Pharmaceutical Council [2016] UKSC 64, where it was identified that the focus of a review was upon the current fitness of a social worker to resume practice, judged in light of what he had or had not achieved since the date of sanction. That case also identified that the reviewing panel would note the particular concerns articulated by the original panel and seek to decide what steps, if any, the social worker had taken to allay them during the period of the sanction.
36. In reaching its decision, the panel was mindful of the need to protect the public and the wider public interest.
37. In the panel's view, there was no new evidence before it today that undermined the final hearing panel's reasons for its finding of impairment. In particular, the panel noted that Mr Ashiru has not presented any evidence of further insight, remediation or training to address the deficiencies in his practice that led to the finding of misconduct. Furthermore, Mr Ashiru has breached the terms of condition 16 of the final conditions of practice order and demonstrated his unwillingness to further engage with Social Work England. The panel noted that in response to the 14-day final warning email, sent to Mr Ashiru on 12 January 2023, he had responded by stating: *"...I am no longer a social worker and do not now or ever want to practise social work. I've moved on with my life. I will appreciate you stop hounding me."*
38. Having regard to the above, the panel was satisfied that there remained a risk of repetition of the misconduct and therefore a risk of harm to service users.
39. The panel was mindful that the protection of the public is the overarching objective of Social Work England. Protection of the public has three elements: to protect, promote and maintain the health, safety and wellbeing of the public; to promote and maintain public confidence in social workers in England; and to promote and maintain proper professional standards for social workers in England.
40. The panel has therefore concluded that Mr Ashiru's fitness to practise remains impaired. The panel was satisfied that a finding of current impairment was necessary to protect the public and that all three limbs of the test are engaged.

Panel decision and reasons on sanction:

41. Having found Mr Ashiru's fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose. The panel had regard to the

submissions made by Mr Barnfield and to all the information contained in the two bundles of documents.

42. The panel accepted the advice of the legal adviser and had regard to the sanctions guidance published by Social Work England.
43. The panel was mindful that the purpose of any sanction is not to punish the social worker but to protect the public and meet the wider public interest. The panel applied the principle of proportionality by weighing Mr Ashiru's interests with the public interest and by considering each available sanction in ascending order of restrictiveness.

No Action

44. The panel concluded that, in the absence of exceptional circumstances, it would be inappropriate to take no action. It would not protect the public and would be insufficient to maintain public confidence and uphold the reputation of the profession.

Advice/ Warning

45. The panel then considered whether to issue advice or a warning. The panel noted that these sanctions would not restrict Mr Ashiru's ability to practise and were therefore not appropriate as they would fail to adequately protect the public and meet the wider public interest concerns previously identified.

Conditions of Practice Order

46. The panel went on to consider whether a conditions of practice order remained the appropriate and proportionate sanction.
47. The panel noted that Mr Ashiru has breached the terms of condition 16 of the existing order and, as set out above, when contacted by the Social Work England Case Review Team regarding this breach, he had responded by asking Social Work England to stop "hounding him" and re-affirmed his decision to leave the profession. In these circumstances, the panel was of the view that a conditions of practice order was no longer workable as it was clear that Mr Ashiru was now unwilling to comply with such an order.
48. In these circumstances, the panel concluded that a conditions of practice order was no longer an appropriate and proportionate sanction.

Suspension Order

49. Having determined that a conditions of practice order would not be appropriate, the panel considered the imposition of a suspension order. The panel noted that the sanctions guidance provides that a suspension order may be appropriate where:

"...the social worker does not intend to remediate or practise in the short term but wishes to do so in due course."

50. In the panel's view, since the imposition of the final conditions of practice order on 7 July 2022, Mr Ashiru has made it abundantly clear in his email correspondence with Social Work England that he wishes to be removed from the Social Work England register and that he has moved on with his life. There is no information before the panel that Mr Ashiru wishes to remediate or return to practice as a social worker in due course. On the contrary, in November 2022 Mr Ashiru sought not to renew his registration as a social worker and on 12 January 2023, he emailed Social Work England stating that he would be applying for voluntary removal. The panel noted that in his most recent email to Social Work England, dated 15 March 2023, Mr Ashiru repeated that: *"I have ceased to be a Social Worker from the end of November 2022 as I did not renew my registration to continuing practicing as a Social Worker. I have also requested voluntary removal from Social Work England register"*. The panel was satisfied that although Mr Ashiru has not submitted an application for voluntary removal from the register, this email confirms Mr Ashiru's stated intention of leaving the profession.

51. Having regard to the above matters, the panel carefully considered whether a period of suspension would serve any purpose and came to the conclusion that it would not. The panel considered that there was nothing to suggest that Mr Ashiru would use any period of suspension to remediate or address the regulatory concerns found proved by the final hearing panel.

Removal Order

52. 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. However, the panel took the view that, given Mr Ashiru's breach of the existing final conditions of practice order, his unwillingness to engage with Social Work England, and his stated intention to seek removal from the register, a removal order would be the appropriate and proportionate sanction.

53. The panel therefore decided to impose a removal order with immediate effect.

Right of appeal

54. 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.

55. 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.
56. Under Paragraph 15(2A) of Schedule 2 of The Social Workers Regulations 2018 (as amended), the decision of a review under sub-paragraph (2) takes effect from the date on which the regulator completes the review notwithstanding any appeal against that decision.
57. This notice is served in accordance with Rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

Review of final order:

58. 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).
59. 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

60. 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>