

Social worker: George Bobo
Registration number: SW109532
Fitness to Practise
Final Order Review Meeting

Date of meeting: Monday 17 April 2023

Meeting venue: Remote meeting

Interim order being reviewed: Suspension order (expiring on 8 June 2023)

Hearing Outcome: Removal order with effect from the expiry of the current order

Introduction and attendees:

1. This is the second review of a final suspension order originally imposed for a period of 12 months by a panel of adjudicators on 12 March 2021 and subsequently extended on 24 February 2022 for 14 months.
2. Mr Bobo 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
Gill Mullen	Chair
Ian Vinall	Social worker adjudicator

Hearings team/Legal adviser	Role
Robyn Watts	Hearings officer
Heather Hibbins	Hearings support officer
Scott McDonnell	Legal adviser

Service of notice:

4. Mr Bobo did not not attend and was not represented.
5. The panel of adjudicators (the panel) were provided with a bundle of documents. This was composed of the hearing bundle (54 pages) and the service bundle (10 pages).
6. The panel had careful regard to the documents contained in the final order review service bundle as follows:
 - A copy of the notice of the final hearing dated 16 March 2023 and addressed to Mr Bobo at their email address which they provided to Social Work England.
 - An extract from the Social Work England Register as at 16 March 2023 detailing Mr Bobo's registered email address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 16 March 2023 the writer sent by email to Mr Bobo at the email address referred to above: notice of hearing and related documents;

7. The panel accepted the advice of the legal adviser in relation to service of notice in accordance with Social Work England Fitness to Practise Rules (the Rules). Having had regard to Rule 44 of the Rules and all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Mr Bobo in accordance with the Rules.

Proceeding with the final order review as a meeting:

8. The notice of final order review informed Mr Bobo that the review would take place as a meeting. The notice stated:

'If you would like to attend before the adjudicators in order to make oral submissions, please confirm your intention by no later than 4pm on 30 March 2023. Unless we hear from you to the contrary, we shall assume that you do not want to attend a hearing and Social Work England may decide to deal with the review as a meeting. If Social Work England do hold a meeting, the adjudicators will be provided with a copy of this letter setting out Social Work England's submissions and a copy of any written submissions you provide.'

9. The panel referred to an email from the hearings officer dated 14 April 2023 indicating that Social Work England had received confirmation that Mr Bobo would not be attending on 17 April 2023. Mr Bobo did not provide prepared written submissions to be considered in advance of the review.
10. The panel heard and accepted the advice of the legal adviser with regard to Rule 16(c) of the Fitness to Practise Rules 2019 (as amended) 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."
11. 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:

12. This final order review hearing falls under the Transitional and Savings Provisions (Social Workers) Regulations 2019 and as a result the review will be determined in accordance with Paragraph 15(1) of Schedule 2 of The Social Workers Regulations 2018 (as amended) and Social Work England's Fitness to Practise Rules 2019 (as amended).
13. The current order is due to expire at the end of 8 June 2023.

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

‘Between 5 June 2017 and 12 January 2018, during the course of your employment as a Social Worker by West Sussex County Council:

1. One or more of the Child and Family and/or Child in Need assessments you undertook and/or wrote were inadequate, namely in relation to:
 - a) Service User 2 and his family, in respect of a visit conducted on or around 10 August 2017;
 - b) Service User 15 and her family, in respect of a visit conducted on 4 September 2017;
 - c) Service User 19 and her family, in respect of a visit conducted on or around 27 June 2017;
 - d) Service User 24 and her family, in respect of a visit conducted on 7 August 2017;
 - e) Service User 29 and her family, in respect of a visit conducted on or around 5 July 2016;
 - f) Service User 33 and her family, in respect of a visit conducted on or around 8 August 2017;
 - g) Service User 37 and his family, in respect of a visit conducted on or around 4 August 2017;
 - h) Service User 41 and her family, in respect of a visit conducted on or around 3 November 2017;
2. You did not complete adequate visits and/or communicate effectively with service users, in that:
 - a) On 4 September 2017, in respect of Service User 15 and her family, you;
 - (i) did not sufficiently explore the allegation that Service User 18 had hit another member of the family;
 - (ii) asked one or more inappropriate and/or leading questions;
 - b) On or around 23 November 2017, when visiting Service User 49 and her family, you disclosed information which may have put Service User 49 at risk;
3. You did not complete Child and Family Assessments in a timely manner, in respect of:
 - a) Service User 37;
 - b) Service User 38;
 - c) Service User 14;

- d) Service User 15;
 - e) Service User 16;
 - f) Service User 17;
4. You did not complete adequate risk assessments for:
- a) Service User 2 on:
 - (i) 10 August 2017;
 - (ii) 15 August 2017;
 - b) Service User 19 and/or Service User 20 on 21 July 2017;
 - c) Service User 23 and/or Service User 24 and/or Service User 25 on 6 August 2017.
5. The matters described in paragraphs 1 - 4 constitute a lack of competence.
6. By reason of your lack of competence, your fitness to practise is impaired.'

The previous final order review panel on 24 February 2022 determined the following with regard to impairment:

- 14. *'In considering the question of current impairment, the panel undertook a comprehensive review of the existing suspension order in light of the current circumstances. It took into account the decision of the previous panel. However, it has exercised its own judgement in relation to the question of current impairment.'*
- 15. *The panel had regard to all of the documentation before it, including the decision and reasons of the original panel, together with Social Work England's written submissions.*
- 16. *The panel heard and accepted the advice of the legal adviser. 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.*
- 17. *The panel first considered whether Mr Bobo's fitness to practise remains impaired.*
- 18. *The panel bore in mind that there had been no engagement from Mr Bobo with his regulator for around two years, and so there was no information from him regarding his current circumstances. The panel noted that the substantive hearing panel had set out some suggestions for Mr Bobo as to what may assist a reviewing panel, and Social Work England had followed this up with correspondence to Mr Bobo reminding him of this and asking him if he wished to provide any evidence for the reviewing panel. There had been no response from Mr Bobo and no information had been provided. Therefore, the panel had no information to indicate that Mr Bobo's insight had developed or that he had taken any steps towards remediation. In light of this, the panel had no evidence to indicate that the position had changed, or that the risks identified by the original panel had diminished, indeed, the*

panel considered that with the passage of time, the risks may have increased. The panel therefore concluded that the risk of repetition remained high, and there was a consequent risk of harm to the public if Mr Bobo were permitted to practise unrestricted. Accordingly, the panel considered that Mr Bobo's fitness to practise remained impaired on the personal element.

- 19. The panel also considered that without evidence that Mr Bobo's insight had developed, or evidence of any remediation, the public would be concerned if no finding of current impairment were made in Mr Bobo's case. Therefore, the panel concluded that Mr Bobo's fitness to practise also remains impaired on the public element of the wider public interest in order to maintain public confidence in the profession and to uphold professional standards.*
- 20. Accordingly, the panel concluded that Mr Bobo's fitness to practice remains impaired on the grounds of both public protection and the wider public interest.'*

The previous final order review panel on 24 February 2022 determined the following with regard to sanction:

- 21. 'Having found that Mr Bobo's fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel had regard to the submissions made along with all the information and accepted the advice of the legal adviser.*
- 22. The panel was mindful that the purpose of any sanction is not to punish a social worker, 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 Mr Bobo's interests with the public interest and by considering each available sanction in ascending order of severity.*

No action, advice, or warning

- 23. The panel concluded that in the absence of evidence of insight and remediation, it would be inappropriate to simply allow the suspension order to lapse on its expiry or to issue advice or a warning. In the panel's view, none of these options would restrict Mr Bobo's practice and so would not be sufficient to protect the public, maintain public confidence and uphold the reputation of the profession.*

Conditions of Practice Order

- 24. The panel went on to consider conditions of practice order. Although the panel noted that this was a lack of competency case, and so the failings may theoretically be remediable, the panel did not consider that a conditions of practice order was either practicable or workable. It agreed with the reasons of the substantive panel, that, given Mr Bobo's ongoing lack of engagement, the panel could not be satisfied that he would be either willing or able to abide by conditions. Furthermore, he had been provided with extensive support and supervision by*

his previous employer, but that had not resulted in a sustained improvement to an acceptable level. In light of this, the panel was not satisfied that conditions would be sufficient to protect the public.

Suspension Order

25. *Having determined that a conditions of practice order was not sufficient to protect the public, the panel concluded that the appropriate sanction is a suspension order. Such an order would prevent Mr Bobo from practising during the suspension period, and so protect the public for the period for which it is in force. In addition, it would maintain public confidence in the profession, reassuring the public that those who are not capable of safe and effective practice and are not committed to resolving issues to achieve competency, will not be permitted to practise. Therefore, the panel was satisfied that a suspension order would protect the public and the wider public interest.*
26. *The panel decided that the suspension order should be imposed for a period of 14 months. The panel was of the view that this was plenty of time for Mr Bobo to re-engage with Social Work England and to start taking steps towards remediation, should he choose to do so. As this is a lack of competency case, the panel noted that a removal order was not available to it at this time. The panel considered that this length would provide the next reviewing panel with all available sanctions. The panel considered that if Mr Bobo had still not engaged by the time of the next review of the order, which would be shortly before its expiry, then the sanction of removal would be available to that reviewing panel.*
27. *This panel understood that it cannot bind a future panel, but it decided to set out some recommendations to Mr Bobo as to what may assist a future reviewing panel. It considered that evidence of re-engagement with Social Work England would be of assistance, together with:*
- evidence of training in risk assessment, risk analysis and communication skills; and*
- a reflective piece of work demonstrating insight into the potential harm to the public that arose from Mr Bobo's lack of competence.'*

Social Work England submissions:

28. The panel read submissions from Capsticks LLP on behalf of Social Work England, which sought a Removal Order.
29. Capsticks LLP submitted that:
- "Subject to the Social Worker's continued disengagement, Social Work England invite the Panel to impose a Removal Order. The Social Worker's fitness to practise was found to be impaired by reason of lack of competence. The Social Worker has now been subject to a Substantive Suspension Order for 2 years and a Removal Order is therefore available to the Panel.*

Social Work England submit that the Social Worker's fitness to practise remains impaired. The Social Worker did not attend the substantive hearing and has not been in contact with the Case Review Team for the duration of the Order. He has not engaged with the regulator since June 2020. The Panel on the last two occasions made recommendations that the Social Worker provide evidence of training and a reflective piece to assist a future reviewing panel. The Social Worker has not provided these. As such, there is no evidence before the Panel of insight or remediation. There is no indication that the Social Worker has made any attempt to address the issues identified in his practice. Consequently, there remains a high risk of repetition and a risk to the public should the Social Worker be permitted to practise without restriction.

A Removal Order is the appropriate and proportionate order to impose as any lesser sanction would be insufficient to protect the public and the wider public interest, due to the Social Worker's unwillingness to remediate, in accordance with paragraph 149 of the Sanction Guidance."

Social worker's submissions:

30. Mr Bobo did not provide any written submissions.

Panel decision and reasons on current impairment:

31. 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 previous panels. However, it has exercised its own judgement in relation to the question of current impairment. The panel also took into account Social Work England's 'Impairment and Sanctions guidance'.
32. The panel had regard to all of the documentation before it, including the decision and reasons of the original panel and previous review panel. The panel also took account of the written submissions made by Capsticks LLP on behalf of Social Work England.
33. The panel heard and accepted the advice of the legal adviser. The panel was reminded that a social worker's fitness to practise is impaired if they pose a risk to public safety, or if their conduct or performance undermines the confidence the public is entitled to place in all social workers in England. A social worker's fitness to practise may also be impaired if their actions make it necessary to send a public message about the standards expected of social workers.
34. If the panel decided that Mr Bobo's practice is currently impaired then it should then consider what sanctions are available and refer to Social Work England's "Impairment and Sanctions Guidance". The panel must start from the least restrictive sanction. Insight and remediation are important factors.
35. The panel first considered whether Mr Bobo's fitness to practise remains impaired.

36. The panel noted that the previous panel found that Mr Bobo had failed to engage with these proceedings for more than two years. He had also failed to demonstrate insight or remediation. The previous panel concluded that the risk of repetition remained high, and there was a consequent risk of harm to the public if Mr Bobo were permitted to practise unrestricted.
37. The panel at today's meeting noted that no new or additional material had been provided by Mr Bobo since the last meeting to demonstrate that his circumstances were any different. Mr Bobo had not provided evidence of remediation. He had failed to engage or provide the panel with any information to show any insight. Mr Bobo had failed to take the opportunity to provide the panel with evidence of training or a reflective piece of work as recommended by the previous panel. The panel considered that in light of all of these circumstances there was a high risk of repetition and a risk of harm to the public including public confidence.
38. The panel decided that Mr Bobo's practice remains currently impaired. This was on the grounds of public protection including public confidence.

Decision and reasons:

39. Having found Mr Bobo's fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel had regard to the submissions made along with all the information provided and accepted the advice of the legal adviser.
40. The panel considered the written submissions made by Capsticks LLP on behalf of Social Work England in which they invited the panel to impose a Removal Order. The panel also took into account the 'Impairment and Sanctions Guidance' published by Social Work England.
41. The panel was mindful that the purpose of any sanction is not to punish Mr Bobo, 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 Mr Bobo's interests with the public interest.

No action, advice or warning, allow the current suspension order to lapse upon its expiry

42. The panel noted that none of these measures would restrict Mr Bobo's ability to practise. As such they were not appropriate or sufficient to address the concerns raised due to the nature and seriousness of Mr Bobo's impairment which has not yet been remedied
43. Furthermore, none would be sufficient to protect the public, maintain public confidence and uphold the reputation of the profession.

Conditions of practise order

44. The panel went on to consider whether it would be possible to replace the current suspension order with a conditions of practise order.
45. The panel could not identify any conditions of practice that would be sufficient to protect the public or that would be practicable noting the wide ranging nature of the concerns found.

Extend the current suspension order for a further 10 months with effect from the expiry of the current order:

46. The panel considered whether the current suspension order should be extended for a further period of time.
47. The panel did not consider that extending the current suspension order would sufficiently address the circumstances before the panel including that Mr Bobo had failed to engage or demonstrate any remediation or insight during these proceedings and for more than 2 years. The panel decided that no purpose would be served in extending the current suspension order in light of Mr Bobo not engaging with Social Work England since June 2020. Mr Bobo had not provided evidence of training or a reflective piece as recommended by previous panels and no effort had been made to provide evidence of insight or remediation. The panel considered that there remains a high risk of repetition and a risk to the public should Mr Bobo be permitted to practise without restriction.

Removal order

48. The panel was satisfied it could consider that a removal order was available to the panel as Mr Bobo's fitness to practise was originally found impaired on the basis of one or more grounds as set out in regulation 25(2), (b), (e) or (h) and he had been suspended from practice or subject to a conditions of practice final order (or a combination of both) for a continuous period of two years immediately preceding the day when the removal order would take effect.
49. 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. The panel took into account the Impairment and Sanctions Guidance provided by Social Work England, including paragraph 149.
50. The panel decided to make a removal order because Mr Bobo had demonstrated by his refusal to engage with these proceedings a persistent lack of insight into the seriousness of his actions or consequences. In addition Mr Bobo had shown that he was unwilling or unable to remediate.

Right of appeal:

51. 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.
52. 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.
53. 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.
54. This notice is served in accordance with Rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

Review of final orders:

55. 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).
56. 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

57. 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>