



Social Worker: Lourdes Alvarez  
Danon  
Registration Number: SW108564  
Fitness to Practise: FTPS-56496  
Final Order Review Hearing

Hearing venue: Remote hearing

Date of hearing: Tuesday, 2 May 2023

Final order being reviewed:  
Final suspension order, expiring 14 June 2023

Hearing outcome: Removal order

## Introduction and attendees

1. This review took place pursuant to paragraph 15(1) of Schedule 2 to the Social Workers Regulations 2018. It was the second review of a final suspension order made on 16 March 2021 in respect of Ms Lourdes Alvarez Danon by adjudicators appointed by Social Work England. The final suspension order was first reviewed on 3 March 2022, when it was replaced by a further final suspension order of 14 months duration, which took effect on expiry of the original final suspension order.
2. This review was held remotely.
3. Ms Danon did not attend this review and was not represented.
4. As this review took place as a meeting, Social Work England did not attend but written submissions were provided on its behalf in the notice of this review by its solicitors, Capsticks LLP, solicitors.
5. The panel of adjudicators conducting this review (the “**panel**”) and the other people involved in it were as follows:

Adjudicators	Role
Adrian Smith	Chair
Glenys Ozanne-Turk	Social Worker Adjudicator

Hearings Team/Legal Adviser	Role
Hannah McKendrick	Hearings Officer
Heather Hibbins	Hearings Support Officer
Charles Redfearn	Legal Adviser

## Service of Notice:

6. The panel had careful regard to the contents of the service bundle, which included the following documents:
  - An extract from Social Work England’s register (the “**Register**”) showing the postal address for Ms Danon which was held by Social Work England.
  - A copy of a letter dated 25 March 2023 from Capsticks LLP to Ms Danon, which notified Ms Danon of this review (the “**Notice**”). The Notice stated that it was to be sent by special delivery and was addressed to Ms Danon at her postal addresses as it appears on the Register.
  - A copy of a signed statement of service which was dated 24 March 2023 and made by an employee of Capsticks LLP, who stated that, on 27 March 2023, he had instructed “Docucentre” to send the Notice, the hearing bundle and accompanying forms by

special delivery to Ms Danon at her postal address as it appears on the Register and that this was done on 28 March 2023.

- A copy of an email dated 28 April 2023 and sent to Social Work England by the employee of Capsticks LLP who had made the statement of service, in which that employee explained that he had made the statement of service on 24 April 2023 but, on reviewing the statement, he realised that he had erroneously dated it 24 *March* 2023.
- A copy of a Royal Mail tracking slip which stated that an unspecified item had been delivered to an unspecified address on 29 March 2022 and had been signed for by “LOURDES”.

7. The panel accepted the advice of the Legal Adviser in relation to service of notice. This included reference to rules 16, 44 and 45 of Social Work England’s Fitness to Practise Rules (the “**FTP Rules**”) and paragraph 15(5) of Schedule 2 to the Social Worker’s Regulations 2018.
8. The panel noted that the Notice (i) informed Ms Danon that this review would take place remotely on 2 May 2023 and that she could attend, and be represented at, this review or make written submissions; (ii) stated that Social Work England was seeking a removal order in respect of Ms Danon; and (iii) specified the date by which she should confirm her attendance or make written submissions (the “**Response Date**”), such date being 13 April 2023. The panel was therefore satisfied that the contents of the Notice fulfilled the requirements of paragraph 15(5) of Schedule 2 to the Social Worker’s Regulations 2018 and rule 16(a) of the FTP Rules.
9. As the Notice stated that it was to be sent by special delivery and was addressed to Ms Danon at her postal addresses as it appears on the Register, and as the statement of service confirmed that the Notice had been sent by special delivery, the panel was satisfied that it had been sent by the mandatory means of service specified in rule 44(a)(ii) of the FTP Rules, namely, by next day delivery service.
10. On the basis of the statement of service and the Royal Mail delivery slip, the panel was satisfied that service of the Notice had been proved and that the Notice had been sent to Ms Danon on 28 March 2023 by a next day delivery service, namely Royal Mail special delivery.
11. The panel noted that, as it had found that the Notice had been served by next day delivery service, rule 45(c) required it to treat the Notice as having been served on 29 March 2023. As a result, the panel considered that the requirement of rule 16(b) of the FTP Rules had been satisfied in relation to the Response Date and that Ms Danon had been given adequate notice of this review.

## Proceeding with this review as a meeting:

12. The panel noted that 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 13 April 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.”*

13. The panel also noted that the Notice informed Ms Danon that Social Work England was seeking a removal order, under which her name would be removed from the Register.

14. Given the above wording and that the panel had determined that notice of this review had been served on Ms Danon in accordance with the FTP Rules, the panel was satisfied that Ms Danon would have understood that, in her absence, this review could proceed as a meeting and that it was possible that, at this review, a removal order could be made in respect of her.

15. The panel heard and accepted the advice of the Legal Adviser on rule 16(c) of the FTP Rules, which states:

*“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.”*

16. As there was no evidence before the panel to show that Ms Danon had, by 13 April 2023, advised Social Work England whether she intended to attend this review, the panel considered that Social Work England’s discretion under rule 16(c) had been engaged.

17. Each member of the panel had received an email from Social Work England dated 27 April 2023, which informed them that this review would proceed as a meeting. The panel understood this to be a determination by Social Work England under rule 16(c). The panel therefore proceeded to conduct this review as a meeting in accordance with that determination.

18. In considering the question of this review proceeding as a meeting, the panel also noted that Ms Danon had not attended the substantive hearing at which the final suspension order was made nor the previous review of that order, nor otherwise engaged with Social Work England for at least the past 29 months. It also noted that Ms Danon had not requested that this review be adjourned, even though, as stated above, she had been made aware of the possibility of removal order being made in respect of her. The panel therefore considered that Ms Danon had voluntarily absented herself from this review and that it would not be in the interests of Social Work England’s overarching objective of protection of

the public to allow her absence to prevent this review from proceeding. It also considered that it would be in Ms Danon's interests for this review to proceed expeditiously.

### Allegations found proved at the substantive hearing:

19. The allegations which were found proved at the substantive hearing, and which resulted in the making of a final suspension order in respect of Ms Danon, were as follows:

*While registered as a social worker, and employed by Hampshire County Council, you:*

1) *[Not proved]*

2) *In respect of Child C:*

*a) On or around 19 October 2016:*

*i) did not complete [...] the section 47 assessment within the required timescale;*

*ii) did not contact and/or arrange a joint visit with the police as was required;*

*b) On or around 12 August 2016, did not complete an adequate Placement Referral form.*

3) *In respect of Child J:*

*a) Between 8 June 2016 and 05 September 2016, did not complete an urgent visit to Child J following an allegation made against a foster carer;*

*b) on or around 31 January 2017, did not complete and/or record an adequate pathway assessment in that the assessment did not address:*

*(i) steps taken to support Child J's health;*

*(ii) Child J's educational plan;*

*(iii) Child J's family and relationship support plan;*

*(iv) Child J's financial support plan.*

4) *In relation to Child L:*

*a) Did not complete risk assessments within the required timescale for the following statutory visits:*

*i) 26 August 2016*

5) *Did not record an accurate and/or carry out an adequate statutory visit for:*

*a) Child E, in respect of the visit completed on or around 22 June 2016; (proved to the extent of not an accurate record)*

*b) Child H, in respect of your visit completed in or around September 2016; (proved to the extent of not an accurate record)*

- c) Child I, in that Child I was not present during your visit on or around 30 June 2016; **(proved to the extent that the visit was not carried out)**
- d) Child N, in respect of the visit completed on or around 05 July 2016. **(proved to the extent of not an accurate record)**
- 6) Did not maintain contemporaneous, and/or accurate service user records in that you:
  - a) Between June and December 2016, did not consistently record statutory visits within the required timescales;
  - b) Did not complete and/or record a Single Assessment for the following service users within the required timeframe, or at all:
    - (i) On or around 15 November for Child F; (proved to the extent that did not complete)
    - (ii) On or around 12 December 2016 for Child G;
    - (iii) On or around 8 November 2016 for Child O;
    - (iv) On or around 12 December 2016 for Child P;
  - c) On or around 16 September 2016, you did not satisfactorily complete a Care Plan for Child A **(proved to the extent that did not maintain accurate records)**;
  - d) You did not submit a Care Plan within the required timescale for Child F's Looked After Review on 16 June 2016.
- 7) Did not communicate effectively and/or appropriately with service users and/or professionals involved in the care of:
  - a) Child A;
  - b) Child B;
  - c) Child C;
  - d) [not proved]
  - e) Child F
- 8) On or around 28 September 2016, you behaved in an unprofessional manner towards Child L and his Carer.
- 9) Did not complete and /or record work on the ICS workflow system in a timely manner.

### Determination of substantive hearing panel on grounds:

- 20. Paragraph 10 of the allegation against Ms Danon stated, "The matters set out in paragraphs 1 to 9 constitute misconduct and/or lack of competence".

21. The panel conducting the substantive hearing concluded that the facts found proved did not amount to misconduct either individually or collectively.
22. The panel conducting the substantive hearing was satisfied however that the facts found proved (except for allegation 4) constituted lack of competence.
23. With regard to allegation 4, the panel conducting the substantive hearing concluded that, although a risk assessment had not been completed in relation to a late statutory visit, the statutory visit was only one working day overdue and therefore that Allegation did not meet the threshold of seriousness for lack of competence or misconduct.

### Determination of substantive hearing panel on impairment:

24. The panel conducting the substantive hearing made the following determination with regard to impairment:

*183. The panel concluded that it would not be easy for the social worker to remediate her lack of competency, but that it was not impossible. It noted that she had achieved some small improvements in her practice, but these had not been sustained. It did not consider there to be any deep-seated attitudinal issues but noted that there was a tendency on the part of the social worker to blame others for problems arising out of her own deficiencies in her practice.*

*184. The panel concluded that there is:*

*a. no recent engagement by the social worker which enables it to assess whether she has any real insight into the issues regarding her competence and their impact upon:*

- i. vulnerable service users and carers;*
- ii. colleagues and other professionals;*
- iii. her employer; and*
- iv. the social work profession;*

*b. no evidence of any remediation;*

*c. a high risk of a repetition of issues arising from her lack of competence, particularly in relation to:*

- i. keeping on a top of her workload;*
- ii. record keeping; and*
- iii. understanding the systems and processes relevant to the role.*

*185. The panel noted that in the past there have been repeated issues impacting on safeguarding of vulnerable children. The panel noted these concerns in the main related to the social worker dealing with issues in a timely manner and maintaining accurate records. This did not enable other professionals to understand the up-to-date position relating to vulnerable*

*children. This collectively placed service users at unwarranted risk of harm, albeit no evidence of actual harm. This impacted on trust in, and the reputation of, the profession.*

*186. The panel had regard to the approach in Grant v GMC and concluded that: a. the social worker has in the past acted and is liable in the future to act so as to put service users at unwarranted risk of harm; and b. the social worker has in the past brought and is liable in the future to bring the social work profession into disrepute; and c. the social worker has in the past breached and is liable in the future to breach the fundamental tenets of the social work profession, most importantly to keep vulnerable children safe.*

*187. The panel therefore concluded that the social worker's fitness to practise is impaired by reason of her lack of competence, and that such a finding is necessary in order to uphold the overarching objective of protecting the public and in the pursuit of the following objectives: a. to protect, promote and maintain the health, safety and well-being of the public;*

*b. to promote and maintain public confidence in the profession; and*

*c. to promote and maintain proper professional standards of conduct for members of the profession.*

### **Determination of substantive hearing panel on sanction:**

25. The panel conducting the substantive hearing identified the following aggravating factors:

*a. The lack of engagement by the social worker at the hearing stage;*

*b. The written statement from the social worker provided at an early stage in the investigation which sought to blame others without taking personal responsibility for her poor performance;*

*c. No evidence of insight into the impact of her lack of competence on vulnerable service users, colleagues, her employer, and the profession;*

*d. The number of cases within the social worker's caseload that were impacted by her lack of competence;*

*e. The wide ranging concerns over a period of several months;*

*f. The repetition of issues of concern.*

26. The panel conducting the substantive hearing identified the following mitigating factors:

*a. There are no previous regulatory findings against the social worker. The panel noted however that the social worker had only worked in the UK as a social worker for a limited period of time;*

*b. The team that the social worker was working within at the Council was under pressure due to high workloads and sickness absence;*



*c. Regular supervision was not always available to the social worker.*

27. The panel conducting the substantive hearing ruled out taking no action or giving advice or a warning on the grounds that those measures would be inappropriate *“in a case where it has found a serious falling short of the required standards from the social worker and where it has identified there is a significant risk of repetition of competency issues which could potentially impact on the safety of service users”*.
28. The panel conducting the substantive hearing concluded that a conditions of practice order would be neither workable nor appropriate because *“The social worker has not engaged with Social Work England other than a written statement at an early stage of the investigation. There is no information before the panel as to whether she even intends to continue with a career in social work. There is nothing before the panel to suggest that she would be willing and capable of complying with conditions. There is no evidence of remediation including retraining.”*
29. The panel conducting the substantive hearing therefore concluded that no lesser sanction than a suspension order could achieve the over-arching objective of protecting the public.
30. In terms of the suspension order’s duration, the reasoning and conclusions of panel conducting the substantive hearing were as follows:

*205. The panel ... was mindful that the social worker has already been out of work as a social worker for several years due to an interim order being imposed. Such is the length of time since she last worked as a social worker, that retraining or a return to social work course is likely to be required in any event, and the panel should not add unnecessarily to the length of time that the social worker cannot practise. A long period of suspension would make it more difficult for the social worker to return to practise and would be tantamount to a removal order.*

*206. The panel was mindful that it needed to allow sufficient time for the social worker to reflect upon the deficiencies in her practice and to develop insight into the impact of those deficiencies on others. Given the lack of engagement by the social worker at the present time, that process will not be quick. The panel concluded that a suspension order for a period of 12 months with a review at the end of the period of suspension was proportionate and took into account the social worker's interests as well as the interests of the public.*

31. The panel conducting the substantive hearing considered that a reviewing panel would be assisted by the following:

*a. “An indication as to whether the social worker:*

- i. wishes to take the necessary steps to address the identified lack of competence; or*
- ii. no longer wishes to work as a social worker;*

- b. Testimonial letters from employers in relation to employment, whether paid or voluntary;*
- c. A reflective piece which can demonstrate insight into the failings in the social worker's practice and reflection on how those failings have, or could have, impacted service users, carers, other professionals, colleagues and the profession as a whole.*
- d. Evidence of any training or professional development undertaken to keep the social worker's knowledge up to date.*

### Determination of first review panel regarding impairment:

32. The first review panel made the following determination with regard to impairment:

*26. The panel bore in mind that there had been no engagement from Ms Danon with her regulator since the substantive hearing in March 2021, and that she had also not attended the substantive hearing. The panel considered that as a result of the complete lack of engagement by Ms Danon, it was no further forward than the substantive panel had been. It bore in mind that it had no information or evidence from which to assess whether Ms Danon was addressing the competency issues and there was no information from her regarding her current circumstances.*

*27. The panel was of the view that the competency issues were serious as they related to a wide range of failures relating to safeguarding of vulnerable service users. It considered that the failures related to core aspects of social work and had the potential to expose vulnerable service users to a significant degree of harm. Therefore, it was important that they be addressed and evidenced, in order for Ms Danon to demonstrate that she would be capable of safe and effective practice.*

*28. The panel noted that the substantive hearing panel had set out some suggestions for Ms Danon as to what may assist a reviewing panel, and Social Work England had followed this up with correspondence to Ms Danon on 16 April 2021 and 20 December 2021, reminding her of the recommendations and asking her if she wished to provide any evidence for the reviewing panel. There had been no response from Ms Danon and no information had been provided. As a result, the panel had no information to indicate that Ms Danon's insight had developed or that she had taken any steps towards remediation. Therefore, the panel had no evidence to indicate that the position had changed, or that the risks identified by the original panel had diminished.*

*29. The panel therefore concluded that the risk of repetition remained high and there was a consequent risk of harm to the public if Ms Danon were permitted to practise unrestricted. Accordingly, the panel considered that Ms Danon's fitness to practise remained impaired on the personal element.*

30. The panel also considered that without evidence that Ms Danon's insight had developed, or evidence of any remediation, the public would be concerned if no finding of current impairment were made in her case. Therefore, the panel concluded that Ms Danon'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.

31. Accordingly, the panel concluded that Ms Danon's fitness to practice remains impaired on the grounds of both public protection and the wider public interest.

### Determination of first review panel regarding sanction:

33. The first review panel made the following determination with regard to sanction:

#### No Action, advice or warning

34. 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 Ms Danon'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

35. The panel went on to consider a conditions of practice order. The panel was mindful that this was a lack of competency case, and so considered that it may be possible to formulate conditions to remediate her practice, although it noted that observations of the substantive panel that it would not be easy for Ms Danon to remediate her practice. However, the panel did not consider that a conditions of practice order was either practicable or workable in Ms Danon's case. In light of Ms Danon's ongoing complete lack of engagement, the panel had nothing before it to demonstrate a willingness on her part to comply. It was therefore not satisfied that conditions would be practical or workable. Consequently, the panel did not consider that a conditions of practice order was either appropriate or sufficient in this case to protect the public.

#### Suspension Order

36. 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 Ms Danon 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 in order 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.

*37. The panel noted that Social Work England had submitted that the suspension order should be extended by 16 months, in order that all sanctions would be available to the next reviewing panel. The panel considered that 14 months would be sufficient to allow all options to be available to the next reviewing panel and so the extra 2 months requested by Social Work England was not justifiable. Therefore, the panel decided that the suspension order should be extended by for a period of 14 months.*

*38. The panel was of the view that this was plenty of time for Ms Danon to re-engage with Social Work England and to start taking steps towards remediation, should she 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 Ms Danon 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.*

34. As regards things which would assist the second review panel, the first review panel made the same suggestions as those made by panel conducting the substantive hearing.

### Submissions on behalf of Social Work England:

35. In the notice of this review, Capsticks LLP made the following written submissions on behalf of Social Work England:

*Subject to the Social Worker's continued lack of engagement with the review process, the Panel are invited to impose a Removal Order. As this is a lack of competence case a removal order was not previously available. The Social Worker has however been subject to a Substantive Suspension Order since the Order first imposed by a Panel of Adjudicators on 16 March 2021, took effect on 16 April 2021. As such, at the time of the review hearing, the Social Worker will have been subject to the Substantive Suspension Order continuously for two years and a Removal Order is therefore an available sanction. The Social Worker did not attend any part of the Substantive Hearing that concluded in March 2021 and has not engaged with the regulator since.*

*The Social Worker did not attend the review hearing on 3 March 2022. There has been no indication of a desire to return to the field of social work, in spite of the opportunity afforded by the Panel on the last occasion. None of the recommendations made by the previous Panel appear to have been followed or evidenced.*

*There is no indication that the Social Worker would comply with a conditions of practice order so conditions would not be workable. This is on the basis that the Social Worker has not engaged in the review process so is unlikely to comply with such conditions.*

*No correspondence has been received from the Social Worker indicating any attempts at further remediation or a desire to continue as a social worker. The Social Worker has not*

*provided any insight or remediation into her lack of competence that would demonstrate she is capable of safe and effective practice.*

*The Panel are invited to find that the Social Worker's fitness to practise remains impaired. It is submitted that at this stage the appropriate and proportionate sanction is a Removal Order.*

### Submissions from Ms Danon:

36. Ms Danon did not attend the hearing, was not represented and made no written submissions.

### Legal Advice on the review process

37. The panel heard and accepted the advice of the Legal Adviser with regard to the procedure which it should follow, and the matters which it should consider, when conducting reviews of final orders under paragraph 15(1) of Schedule 2 to the Social Workers Regulations 2018.
38. The Legal Adviser referred the panel to:
- the case of *Khan v General Pharmaceutical Council [2017] 1 WLR 169 SC (SC)*, in which the court stated “... *The focus of a review is upon the current fitness of the registrant to resume practice, judged in the light of what he has, or has not, achieved since the date of the [original order]. The review committee will note the particular concerns articulated by the original committee and seek to discern what steps, if any, the registrant has taken to allay them during the period of [the original order]. The original committee found that his fitness to practice was impaired. The review committee asks, “Does his fitness to practice remain impaired?”*; and
  - paragraph 217 of Social Work England’s Impairment and Sanction Guidance (the “**Guidance**”), which states, “A review looks at what has happened since the order was put in place”.
39. The Legal Adviser also advised the panel that, in line with paragraph 217 of the Guidance, “*The review process should not undermine the original decision made by the case examiners or adjudicators.*”
40. The Legal Adviser therefore advised the panel that:
- the panel must first decide whether Ms Danon’s fitness to practice remains impaired; and
  - if the panel decides that Ms Danon’s fitness to practice remains impaired, it must then decide which of the measures available to it would be appropriate and proportionate in the circumstances; or

- if the panel decides that Ms Danon's fitness to practise is no longer impaired, paragraph 15(1)(d) of Schedule 2 to the Social Workers Regulations 2018 (as amended) empowers the panel to revoke the existing final suspension order with immediate effect.

## Panel's decision and reasons on current impairment:

### **Legal Advice on Impairment**

41. The panel heard and accepted the advice of the Legal Adviser on impairment. That advice included the following points:
  - The existence of impairment is a matter for the panel's own independent judgment or assessment and, in considering whether Ms Danon's fitness to practise remained impaired, the panel should take account of the Guidance.
  - In relation to this substantive order review, the test for impairment, as set out in *Council for Health and Regulatory Excellence v Nursing and Midwifery Council and Grant [2011] EWHC 927 (Admin)*, is, whether, given the substantive hearing panel's finding of lack of competence in respect of Ms Danon and given any developments since that finding, Ms Danon's fitness to practise remains impaired in the sense that she had in the past acted and/or was liable in the future to act, so as to (a) put service users at unwarranted risk of harm; (b) bring the social work profession into disrepute; (c) breach one of the fundamental tenets of that profession; and/or (d) act dishonestly.
  - Given the three elements of Social Work England's overarching objective of 'protection of the public', the panel should consider not only whether Ms Danon's lack of competence posed a risk to the health, safety and well-being of the public, but also whether her fitness to practise was impaired in the sense that a finding of impairment was required in order to maintain public confidence in, or proper professional standards for, social workers in England.
  - In line with the decision in *Cohen v GMC [2008] EWHC 581 (Admin)*, the panel should consider whether Ms Danon's proven lack of competence and capability (a) is easily remediable; (b) has already been remedied; and (c) is highly unlikely to be repeated.
  - When determining the third of those points, the panel should consider the factors mentioned in paragraphs 16 to 63 of the Guidance, which include any admissions or expressions of remorse on the part of Ms Danon; any previous regulatory findings against Ms Danon and her conduct since the final hearing; and any evidence of insight and remediation on the part of Ms Danon.

### **Panel's decision on impairment**

42. In considering the question of current impairment:

- The panel had regard to all of the documentation before it as well as the submissions made on behalf of Social Work England, and to the advice given by the Legal Adviser.
- The panel undertook a comprehensive review of the final suspension order in respect of Ms Danon in the light of the current circumstances.
- The panel took into account the decision and reasons of the panels which had made and reviewed the final suspension order, whilst exercising its own judgement in relation to the matters to be determined.
- The panel was mindful of Social Work England's overarching objective of the protection of the public, which, in s.37(2) of the Children and Social Work Act 2017, is defined as comprising (i) protecting, promoting and maintaining the health, safety and well-being of the public, (ii) promoting and maintaining public confidence in social workers and (iii) promoting and maintaining proper professional standards for social workers.

43. The panel noted that:

- The allegations found proved at the substantive hearing related to events which had occurred in 2016 and 2017, concerned the safeguarding of sixteen children and included failures to conduct section 47 risk assessments; to make or record statutory visits; to record or make accurate records; and to communicate effectively or professionally with service users, their carers and other professionals.
- Ms Danon had not attended the substantive hearing or the first review of the final suspension order and had not otherwise engaged with the fitness to practice process for at least the past 29 months.
- In particular, Ms Danon had not provided any explanation for the conduct on her part which had been found proved at the substantive hearing or any evidence that she had developed any insight into that conduct or taken any steps to avoid its being repeated, despite two requests for such evidence being made prior to this review. Nor had Ms Danon taken any of the steps which the substantive hearing panel and first review panel had suggested would be of assistance in any review of the interim suspension order.

44. The panel considered that, as the conduct on the part of Ms Danon which had been found proven at the substantive hearing was found to constitute a lack of competence and capability, that conduct should be capable of being remedied. However, there was no evidence before the panel to indicate that Ms Danon's lack of competence and capability had, to any extent, been remedied.

45. The panel also considered that the conduct on the part of Ms Danon which had been found proven at the substantive hearing posed a risk to the health, safety and well-being of young and vulnerable service users as it involved failures to undertake statutory visits and



assessments and failures to make records or complete accurate records (thus depriving colleagues and management of full or accurate safeguarding information).

46. The panel concluded that the risk of Ms Danon's conduct being repeated was high given that:
- Although Ms Danon had no previous regulatory findings against her and there was no evidence that the proven failings in her practice had been repeated after the substantive hearing, there had nevertheless been repeated instances of those failings which had occurred over an extended period of time, thus indicating a pattern of behaviour.
  - There was no evidence that Ms Danon had developed any insight into the failings in her practice or had expressed any remorse for those failings and their potential effects on service users, their carers, her colleagues and the social work profession.
  - There was no evidence of Ms Danon having undertaken any training or other remedial activity with a view to avoiding a repetition of the failings in her practice.
  - On the contrary, Ms Danon had failed to attend, or provide any submissions or evidence to, the substantive hearing, the first review of the final suspension order or this review and had failed to otherwise engage with the fitness to practise process.
47. Because of the risks to service users posed by the proven failings in Ms Danon's practice and because of the high risk of those failings being repeated, **the panel concluded that Ms Danon's fitness to practice remained impaired in terms of the need to protect the health safety and well-being of the public** and, in particular, of young and vulnerable service users.
48. Furthermore, given the nature and seriousness of the proven failings in Ms Danon's practice, the panel considered that informed and reasonable members of the public would be very concerned, if she were allowed to practise without restriction in the absence of any evidence of those failings being remedied. **The panel therefore concluded Ms Danon's fitness to practice remained impaired in terms of the need to to maintain public confidence in social workers.**
49. In addition, given the nature and seriousness of the proven failings in Ms Danon's practice, the panel considered that professional standards for social workers would be seriously compromised, if she were allowed to return to unrestricted practise before those failings had been remedied. **The panel therefore concluded that Ms Danon's fitness to practice remained impaired in terms of the need to maintain proper professional standards for social workers.**



## Panel's decision and reasons on sanction:

### **Legal Advice on Sanction**

50. The panel heard and accepted the advice of the Legal Adviser on sanction.
51. The Legal Adviser advised the panel that, pursuant to paragraph 15(1) of Schedule 2 to the Social Worker's Regulations 2018 (as amended), the panel could:
  - extend the existing final suspension order by up to three years from the date on which it would expire;
  - replace existing final suspension order by a conditions of practice order; or
  - make any order which the substantive hearing panel could have made provided that the period for which the new order has effect does not exceed three years.
52. With regard to the third of those options, the Legal Adviser advised the panel that:
  - Pursuant to paragraphs 12(3) and 13 of Schedule 2 to the Social Worker's Regulations 2018, the substantive hearing panel could have given advice or made a warning order, a conditions of practice order or a suspension order.
  - Paragraph 13(2) of Schedule 2 to the Social Worker's Regulations had precluded both the substantive hearing panel and the first review panel from making an order removing Ms Danon from the Register. However, as Ms Danon had, since the substantive hearing, been suspended from practice under a final suspension order for a continuous period of over two years, that option was now available to the present panel.
53. The Legal Adviser mentioned the following points of principle derived from the Guidance:
  - The purpose of sanction is not to punish Ms Danon but to protect the health safety and well-being of the public and to maintain public confidence in social workers and proper professional standards.
  - The sanction imposed should be proportionate in that it should be the minimum necessary for those purposes.
  - The consequences of a sanction for Ms Danon's personal circumstances should not usually affect the assessment of the appropriate and proportionate sanction.
54. The Legal Adviser's advice on each of the measures available to the panel included the following points (which, again, were derived from the Guidance):
  - Advice and warnings do not directly restrict practice and therefore they are not appropriate where there is a current risk to the public.
  - A warning order is likely to be appropriate where the fitness to practise issue is isolated or limited there is a low risk of repetition and the social worker has demonstrated insight.

- Conditions of practice may be appropriate in cases where the social worker has demonstrated insight; the failure or deficiency in practice is capable of being remedied; appropriate, proportionate, and workable conditions can be formulated and implemented; the panel is confident the social worker can and will comply with the conditions; and the social worker does not pose a risk of harm to the public by being in restricted practice.
- Suspension is appropriate where no workable conditions of practice can be formulated but where the case falls short of requiring removal from the register. Suspension may be appropriate where (i) the concerns represent a serious breach of professional standards; (ii) the social worker has demonstrated some insight; and (iii) there is evidence to suggest the social worker is willing and able to resolve or remediate their failings. Conversely, suspension is likely to be unsuitable where the social worker has not demonstrated any insight and remediation; and there is limited evidence to suggest they are willing, or able, to remedy their failings.
- A removal order must be made where the panel concludes that no other outcome would be enough to protect the health, safety and well-being of the public and maintain public confidence and professional standards. In the absence of improved insight or other remediation upon review, a removal order may be an appropriate sanction. A removal order may be appropriate in cases where the social worker shows a persistent lack of insight into the seriousness or consequences of their failings or is unwilling or unable to remedy those failings.

#### **Panel's decision on Sanction**

55. The panel considered that, in the present case:
- There were several aggravating factors namely, that there were repeated instances of the proven failings in Ms Danon's practice which occurred over an extended period of time; that those failings had exposed a significant number of young and vulnerable service users to a risk of harm; and that there was a complete lack of remorse, insight or remediation on the part of Ms Danon.
  - Ms Danon had not drawn the panels attention to any mitigating factors and there were none which the panel could discern with any certainty.
56. Given that the panel had concluded that Ms Danon continued to pose a risk to the health, safety and well-being of the public, it did not consider that giving advice or making a warning order would be appropriate as those measures would not restrict Ms Danon's practice and would therefore not afford service users any, or any adequate, protection from the proven failings in her practice.
57. The panel did not consider that a conditions of practice order would be appropriate because, although the failings in Ms Danon's practice appeared to be capable of remedy, given her lack of insight, remediation and engagement to date, the panel had no confidence

that Ms Danon could, or would be willing to, comply with any conditions order which the panel might make. Moreover, given the nature and extent of the failings in her practice, the panel considered that Ms Danon could pose a risk of harm to service users in restricted practice.

58. Similarly, the panel did not consider that continuing Ms Danon's suspension would be appropriate given that, during the two years since the substantive hearing, she had not demonstrated any insight or undertaken any remediation and there was no evidence to suggest she was willing, or able, to remedy her failings.
59. Given Ms Danon's persistent lack of insight into the causes, seriousness and consequences of her failings and her unwillingness or inability to remedy those failings, the panel concluded that no outcome other than removal from the Register would be adequate or appropriate to protect the health, safety and well-being of the public and maintain public confidence and proper professional standards. The panel therefore determined that, in the circumstances of the present case, a removal order would be the appropriate and proportionate measure.
60. **ORDER: that Ms Danon's entry be removed from the register.**

### Right of Appeal:

61. Under paragraph 16(1)(a) of Schedule 2 to 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, or
    - iii. to make a final order; and
  - (b) the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.
62. Under paragraph 16(2) of Schedule 2 to 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.
63. Under Paragraph 15(1A) of Schedule 2 to the Social Workers Regulations 2018 (as amended), where a social worker appeals against a decision made under sub-paragraph 15(1), the decision being appealed takes effect from the date specified in that sub-paragraph notwithstanding any appeal against that decision.
64. This notice is served in accordance with rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).