

Social worker: Nneamaka Ijeh-
Nwankwo
Registration number: SW108877
Fitness to Practise
Final Hearing

Dates of hearing: 23 May 2023 to 25 May 2023

Hearing venue: Remote hearing

Hearing Outcome: Fitness to practise impaired, removal order

Interim order: Interim suspension order (18 months)

Introduction and attendees:

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018 (as amended) (“the regulations”).
2. Ms Ijeh-Nwankwo did not attend and was not represented.
3. Social Work England was represented by Ms Norman case presenter instructed by Capsticks LLP.

Adjudicators	Role
Hilary Nightingale	Chair
Belinda Henson	Social worker adjudicator
Judith Webb	Lay adjudicator

Alicia Whitehouse	Hearings officer
Jo Cooper	Hearings support officer
Emma Boothroyd	Legal adviser

Service of notice:

4. Ms Ijeh-Nwankwo did not attend and was not represented. The panel was informed by Ms Norman that notice of this hearing was sent to Ms Ijeh-Nwankwo via recorded delivery and first class post to her address on Social Work Register (“the Register”) on the 17 April 2023. In addition the notice was also sent to Ms Ijeh-Nwankwo’s registered email address. Ms Norman submitted that the notice of this hearing had been duly served.
5. The panel had careful regard to the documents contained in the final hearing service bundle as follows:
 - A copy of the notice of the final hearing dated 17 April 2023 and addressed to Ms Ijeh-Nwankwo at her address as it appears on the Social Work England Register;
 - A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 17 March 2023 Raeesa Haq a paralegal at Capsticks sent the Notice of Hearing by special delivery to Ms Ijeh-Nwankwo at her registered address and that a copy of the documents were also sent via email to Ms Ijeh-Nwankwo’s registered email address;
 - A copy of the Royal Mail Track and Trace Document indicating that the documents were delivered on the 18 April 2023;
 - Telephone note between Ms Ijeh-Nwankwo and “CAE” of Social Work England indicating that she had received the papers and was not in a position to attend the final hearing.
6. The panel accepted the advice of the legal adviser in relation to service of notice.
7. Having had regard to Rule 44 of the Fitness to Practise Rules 2019 (“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 Ms Ijeh-Nwankwo in accordance with the rules. The Panel noted the statement of service set out that the documents were sent on the 17 March 2023. The Panel considered that this was a typographical error and the documentation before it supported that notice was in fact sent on the 17 April 2023.

Proceeding in the absence of the social worker:

8. The panel heard the submissions of Ms Norman on behalf of Social Work England. Ms Norman submitted that notice of this hearing had been duly served, no application for an adjournment had been made by Ms Ijeh-Nwankwo and as such there was no guarantee that adjourning today's proceedings would secure their attendance. Ms Norman further submitted that Ms Ijeh-Nwankwo was aware of today's hearing and had indicated that she did not wish to attend and had provided written submissions for the Panel to consider. Ms Norman submitted that Ms Ijeh-Nwankwo had voluntarily absented herself from the proceedings and had been clear that she did not wish to engage with the hearing. Ms Norman submitted that there were witnesses ready to give evidence today. Ms Norman therefore invited the panel to proceed in the interests of justice and the expeditious disposal of this hearing.
9. 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 [2003] UKPC*; *General Medical Council v Adeogba [2016] EWCA Civ 162*. The panel also took into account the Social Work England guidance 'Service of notices and proceeding in the absence of the social worker'.
10. The panel considered all of the information before it, together with the submissions made by Ms Norman on behalf of Social Work England. The Panel noted that there had been emails, letters and telephone calls to Ms Ijeh-Nwankwo advising her of the hearing and providing information about how she could participate. The panel reminded itself that the required notice of hearing documents had been correctly and properly served and Ms Ijeh-Nwankwo had been provided with sufficient notice of the hearing in accordance with the rules.
11. The panel considered Ms Ijeh-Nwankwo's reasons for non-attendance as explained in her telephone call on 2 May 2023 with Social Work England. Ms Ijeh-Nwankwo stated that as a new mother, she would find the process negative and "triggering" and she wished to avoid such situations. The panel had no information about any likely timescale for when Ms Ijeh-Nwankwo would feel able to participate or whether any reasonable adjustments would allow her to manage her feelings. The panel accepted that proceedings were likely to be stressful, but it took into account the advice and guidance that something more than stress occasioned by the proceedings was required. The panel considered that any stress would likely recur at any postponed hearing and therefore any delay would serve no useful purpose.

12. The panel went on to consider whether there were any other factors that would make it unfair to proceed in the absence of Ms Ijeh-Nwankwo. The panel considered the legal advice and the factors it was required to consider as set out in the guidance note and the case law. The panel noted that there would be some disadvantage to Ms Ijeh-Nwankwo if she were not here to present her case however this was outweighed by the need to deal with the proceedings expeditiously in order to protect the public. Further, the panel could test the evidence, with the assistance of the Legal Adviser to ensure that Ms Ijeh-Nwankwo's case was explored. The panel also had the benefit of some written representations from Ms Ijeh-Nwankwo.
13. The panel noted that the witnesses would be inconvenienced if the matter did not proceed today and that their memories and future participation would be adversely impacted by any further delay. The panel had no reason to believe that a postponement would result in Ms Ijeh-Nwankwo's attendance. The panel determined that Ms Ijeh-Nwankwo had in effect voluntarily absented herself from these proceedings. Having weighed the interests of Ms Ijeh-Nwankwo with regard to her attendance at the hearing with those of Social Work England and the public interest in an expeditious disposal of this hearing, the panel determined to proceed in Ms Ijeh-Nwankwo's absence.

Allegation:

14. The allegation arising out of the regulatory concerns referred by the Case Examiners on 23 June 2022 is:

"Whilst registered as a social worker:

- 1. On or around dates between 12 October 2021 and 21 October 2021, you were employed in two full-time social work roles with Hampshire County Council and Southend-on-Sea Borough Council.*
- 2. On or around dates between 11 October 2021 and 17 October 2021, you submitted timesheets claiming payment for core working hours at both Hampshire County Council and Southend-on-Sea Borough Council.*
- 3. On or around dates between 12 October 2021 and 21 October 2021, you failed to inform your manager at Southend-on-Sea Borough Council that you were working in a full-time role at Hampshire County Council.*
- 4. On or around 21 October 2021, you provided false and / or misleading information regarding secondary employment when asked by your manager at Hampshire County Council.*
- 5. Your conduct at paragraphs 1 – 4 was dishonest.*
- 6. On or around 21 October 2021, you failed to ensure service user information was kept confidential as you were heard discussing a Southend case during a remote Hampshire team meeting.*

The matters outlined at paragraphs 1 – 6 amount to the statutory ground of misconduct.

Your fitness to practise is impaired by reason of misconduct."

Background:

15. On 27 October 2021, Social Work England received a referral from Hampshire County Council ("HCC") regarding the Respondent social worker, Nneamaka Ijeh-Nwankwo ("the Social Worker").
16. The Social Worker was employed as an agency social worker within the Multi-Agency Safeguarding Hub ("MASH") at HCC. She had been employed in this role since 12 October 2021. During a remote team meeting at HCC on 21 October 2021, the Social Worker had not muted her microphone and was heard by Alex Best, the MASH team manager, to answer a telephone call saying, *"Hi this is Nnaemaka, you're through to Southend Children's Services"*. The name of the child to whom the call related was heard by a number of participants in the team meeting before Alex Best manager muted the Social Worker's microphone to stop any further information being shared.
17. As a result of the Social Worker's actions during the team meeting, Alex Best escalated his concerns to Andrew Jacobs, another MASH Team Manager at HCC. Andrew Jacobs contacted Ethel Ngwenya, the MASH team Manager, at Southend-on-Sea Borough Council ("SBC"). Ethel Ngwenya informed Andrew Jacobs that that the Social Worker was also employed as a full-time locum social worker within the MASH team at SBC.
18. Andrew Jacobs, then telephoned the Social Worker to ask about her employment with SBC. The Social Worker initially denied it stating that it was her sister that worked for SBC. However, she later admitted to Andrew Jacobs in another telephone call that she was employed in full time roles with both HCC and SBC. As a result, both HCC and SBC terminated the Social Worker's employment with them with immediate effect.
19. Ethel Ngwenya also spoke with the Social Worker on the 21 October 2021 to find out if it was correct that the Social Worker was working for HCC. Ethel Ngwenya was not aware that the Social Worker had other employment and the Social Worker explained that she intended to raise it the following week during her supervision meeting at SBC.
20. The Social Worker submitted timesheets to both HCC and SBC claiming payment for the same dates and the same core hours for the period between 12 and 21 October 2021.

Admissions:

21. Rule 32c(i)(aa) Fitness to Practise Rules 2019 (as amended) (the 'Rules') states:

"Where facts have been admitted by the social worker, the adjudicators or regulator shall find those facts proved."
22. Although the submissions of the Social Worker could potentially be considered as partial admissions to some of the allegations it was not clear whether these statements were unequivocal admissions. In these circumstances the Panel considered that it would proceed on the basis that Ms Ijeh-Nwankwo denied all of the allegations.

23. In line with Rule 32c(i)(a) of the Rules, the panel proceeded to determine all the disputed facts.

Summary of evidence:

24. The Panel was provided with the following documentary evidence:
- Statement of Case on behalf of Social Work England dated 9 May 2023
 - Witness statements and exhibits of:
 - Mr Andrew Jacobs, Team Manager at HCC
 - Mr Alex Best, Team Manager at HCC
 - Ms Ethel Ngwenya, Team Manager at SBC
 - Representations and responses of the Social Worker.
 - Service Bundle containing emails and correspondence with the Social Worker from Social Work England.

The Panel also heard live evidence from Mr Jacobs, Mr Best and Ms Ngwenya.

Finding and reasons on facts:

25. The panel accepted the advice of the legal adviser, who reminded the panel that it is for Social Work England to prove the facts on the balance of probabilities and no adverse inference should be drawn from the non-attendance of Ms Ijeh-Nwankwo. The panel should consider each particular separately and consider whether it is more likely than not that the facts are as alleged. The legal adviser reminded the panel of the approach to be taken in determining dishonesty as set out in the case of *Ivey v Genting Casino* [2017] UKSC 67. The legal adviser advised the panel that dishonesty is a serious allegation and the panel should look for cogent evidence in support. The panel should also consider whether there is an innocent explanation for the conduct, without speculating, which falls short of dishonesty. The panel were reminded that Ms Ijeh-Nwankwo has not been cross examined on the assertions she makes in her representations and the panel should bear this in mind when determining what weight to attach to that evidence.

Particular 1 – found proved.

1. On or around dates between 12 October 2021 and 21 October 2021, you were employed in two full-time social work roles with Hampshire County Council and Southend-on-Sea Borough Council.

26. The panel considered the written and oral evidence of Ms Ngwenya, Mr Jacobs and Mr Best together with the written submissions of the Social Worker and the timesheets contained in the bundle. The Panel was satisfied that between 12 and 21 October 2021 the Social Worker was undertaking two full time social work roles with the same core hours for both HCC and SBC. The Panel noted the Social Worker's written representations dated 15 November 2021

which stated, *“I was working two jobs – however, it must be noted that with Hampshire I was only in my second week and was doing training/induction. It was never my intention to maintain two jobs.”*

27. The Panel noted that this came to light as the Social Worker was heard to answer a call relating to SBC whilst attending a team meeting for HCC. The Panel accepted the evidence of Ms Ngwenya and Mr Jacobs that both roles required the Social Worker to be working Monday to Friday between approximately 9am and 5pm to deliver the work required. In the circumstances the Panel concluded that the Social Worker was undertaking both roles simultaneously.

Particular 2 – found proved.

“On or around dates between 11 October 2021 and 17 October 2021, you submitted timesheets claiming payment for core working hours at both Hampshire County Council and Southend-on-Sea Borough Council.”

28. The Panel noted the timesheets submitted by the Social Worker to HCC and SBC as contained in the bundle of exhibits. The Panel was satisfied that the Social Worker submitted a timesheet to SBC that covered the period 9 October to 15 October 2021 and this confirmed that she had worked seven and a half hours on 11,12,13 and 14 October 2021. In addition the Panel had sight of a timesheet submitted to HCC for the week ending 17 October 2021 which confirmed that the Social worker had worked from 09:00 to 17:00 Monday to Thursday inclusive. The Panel was satisfied that these timesheets were submitted by the Social Worker to both Councils for essentially the same core hours. The Panel also noted the written representations made by the Social Worker on the 15 November 2021 which stated, *“I had also informed my agency that I would like to do the two jobs and then decide which of the two I preferred.”* The Panel was therefore satisfied that the Social Worker had submitted the timesheets to the agency claiming payment for the same core hours.

Particular 3 – found proved.

On or around dates between 12 October 2021 and 21 October 2021, you failed to inform your manager at Southend-on-Sea Borough Council that you were working in a full-time role at Hampshire County Council.

29. The panel noted the evidence from Ethel Ngwenya contained in her witness statement as follows, *“[the Social Worker] had not mentioned secondary employment to me in any of our regular morning check-ins....She gave me the date of 12 October 2021 as to when she started at HCC. I then queried as to why she did not disclose this to The Council, myself or the deputy team manager when we had our regular check-ins and she told me that it was her intention to share this information during her formal supervision which was scheduled for the following week on 27 October 2021.”* The panel accepted the oral evidence of Ethel Ngwenya that she was *“shocked”* to discover that the Social Worker had been working full time for HCC. Further, Ethel Ngwenya told the Panel that there was no reason for the Social

Worker to wait to disclose this information and that during the telephone call when it was discussed, the Social Worker was apologetic and remorseful. The Panel was satisfied that the Social Worker had not told anybody at SBC about her work at HCC.

Particular 4 – found proved.

“On or around 21 October 2021, you provided false and / or misleading information regarding secondary employment when asked by your manager at Hampshire County Council.”

30. The Panel noted the witness statement of Andrew Jacobs which stated that after he had contacted SBC and established that the Social Worker was working full time for them he telephoned the Social Worker to discuss matters. He stated, *“I advised that it was overheard that she had said “Southend Children Services” on the call. She initially denied it and said that it was her sister who is also a social worker working from home.... I then managed to speak to her later on in the day at which point she admitted that it was her that was working for SBC as well.”*
31. In her written representations dated 15 November 2021 the Social Worker stated, *“I initially denied working for Southend, I had panicked as I was put on the spot and also felt embarrassed....In a follow up call with the manager I had admitted that I had lied and apologised for this and explained the reasons for this which were instinctive as I had panicked and felt embarrassed..”*
32. The Panel was satisfied that the evidence demonstrated that the Social Worker had initially provided false and misleading information when first asked if she was working for SBC.

Particular 5 – found proved in its entirety.

“Your conduct at paragraphs 1 – 4 was dishonest.”

33. The panel considered this particular with care. It had regard to the approach as set out in the case of Ivey referred to by the Legal Adviser. It took into account that the Social Worker was of previous good character and had regard to the evidence as a whole when looking at dishonesty. It has applied the test to each particular separately.

Particular 1

34. The Panel noted the fact as found proved that the Social Worker was undertaking two full time roles for two different Councils. The Panel had regard to the Social Worker’s explanation as set out in her written representations to Social Work England that she was deciding which of the two roles she preferred and did not intend to maintain both jobs. The Panel noted the Social Worker’s representations that she secured both roles with the same agency and initially was not aware that she needed to disclose this and so she was not being deceitful.
35. The Panel considered that as a matter of common sense, it should have been clear to the Social Worker that she could not maintain two full time roles with the same core hours. The Panel considered that as a social worker Ms Ijeh-Nwankwo would have been well aware of

her duties and responsibilities and the importance of being available for children and families during the core hours. The panel considered that the evidence demonstrated that the Social Worker had deliberately chosen to work for two employers in the same role. The panel considered that the Social Worker would have known that this was dishonest and that it would be considered to be dishonest by the standards of ordinary decent people. The Panel did not accept the Social Worker's explanation that as she was only undertaking training and had been open with her agency, that she did not think there was anything wrong with this arrangement. When the Social Worker was asked by Andrew Jacobs about undertaking both roles she stated that she had "*panicked*" and initially lied. The Panel did not think that this was consistent with a genuinely held belief that it was acceptable to work in both roles.

Particular 2

36. The panel adopted the same reasons for its finding in relation to particular 2. The panel was satisfied that the Social Worker had made a claim for the same hours from two different Council's. The Panel did not consider that the Social Worker's explanation was credible that she wasn't aware that this was not acceptable. The Panel considered that the Social Worker was attempting to obtain a financial benefit and was effectively claiming twice for the same core hours. The panel considered that Ms Ijeh-Nwankwo would have been aware that this was dishonest, and that ordinary decent people would consider such conduct dishonest.

Particular 3

37. In relation to Particular 3 the panel noted the Social Worker's explanation that she did not intend to maintain both jobs and would have mentioned the situation at her supervision. The Panel could identify no reason why the Social Worker would need to wait to advise her managers of her dual roles if, as she contended, she was not aware that it was not allowed. The Panel considered that it was more likely that the Social Worker failed to mention the role with HCC to her managers at SBC because she was aware that this was likely to have been considered unacceptable. In these circumstances the panel considered that it was more likely that the Social Worker had deliberately withheld the information because she knew it was not appropriate. The Panel considered that this would be considered to be dishonest by the standard of ordinary decent people.

Particular 4

38. In relation to Particular 4 the Panel adopted similar reasons for its findings in relation to Particular 3. The Panel noted that the Social Worker admitted that she initially lied to Andrew Jacobs because she was "*panicked*" and "*embarrassed*". In her submissions the Social Worker indicated that on reflection she should "*have just been honest and straight up from the get go*". This suggested to the Panel that the Social Worker was aware that she should not have been working in the two roles simultaneously and sought to deny that she was responsible for her conduct. Her explanation, that it was her sister who had been overheard was, in the view of the Panel, an attempt to mislead Andrew Jacobs and to cover up the fact that she had been undertaking two full time roles. The Panel considered that the

Social Worker would have known that her response was dishonest and that ordinary decent people would consider it dishonest.

Particular 6 – found not proved.

39. The Panel noted the written evidence of Alex Best who confirmed in his oral evidence that he clearly heard the Social Worker answer a telephone call whilst on a remote meeting with him and say that she was from Southend Children's Services. In his evidence Alex Best was unable to recall the details of any information that he overheard beyond a recollection that the Social Worker may have asked for the name and repeated that name back.
40. Alex Best was clear in his evidence that he took steps to mute the Social Worker's microphone as soon as he was aware that the Social Worker was engaged on a call. Alex Best stated that he was not able to say with any certainty whether he heard anything beyond an initial introduction as he was focussed on muting the Social Worker's microphone so that he could continue with the meeting.
41. The Panel noted that the Social Worker was not made aware of the details of the breach of confidentiality and this was not raised with her by SBC at the time. Ethel Ngwenya confirmed in her oral evidence that she was not aware of the details of any confidentiality breach.
42. The Panel noted that the Social Worker accepted that there was a breach of confidentiality on the basis that her conversation was overheard.
43. The Panel did not consider that the evidence supported a conclusion that the Social Worker was overheard discussing a case and that service users details were not kept confidential. It appeared to the Panel that Alex Best muted the Social Worker very early on in the conversation and he did not suggest that he, or other team members on the virtual meeting overheard the Social Worker discussing the details of a case. His evidence was that the Social Worker was heard to answer the telephone and give the name of Southend. He stated that to the best of his recollection there was an initial enquiry by the Social Worker about a name but no further details.
44. The Panel was in no doubt that the prompt action by Alex Best in muting the Social Worker's prevented the details of the Social Worker's conversation being overheard. However, it was not satisfied on the basis of the evidence it had seen and heard that there was a breach of confidentiality as the Social Worker was not overheard discussing a case as she was muted. In these circumstances the Panel considered that Social Work England had not discharged its burden to prove the facts of this particular.

Finding and reasons on grounds

Summary of Submissions – Grounds and Impairment:

45. Ms Norman submitted that the facts found proved amounted to misconduct and that the Social Worker's fitness to practise is currently impaired. She directed the panel to the

Professional Standards for Social Workers (2019) in particular Paragraphs 2.1 and 5.2. Ms Norman reminded the panel of the relevant framework and caselaw.

46. Ms Norman submitted that the misconduct was serious as it involved dishonestly claiming public funds for the same core hours. In addition, the Social Worker placed service users at risk of harm as she was not available as required. Ms Norman reminded the panel of Mr Jacob's evidence that he had been unable to contact the Social Worker when required to deal with an urgent matter. Ms Norman submitted that the Social Worker had failed to demonstrate any remorse, insight or remediation. In any event, dishonest conduct is difficult to remediate. Ms Norman submitted that a finding of impaired fitness to practise was necessary to protect the public and wider public interest.

Findings and Reasons - Grounds and Impairment:

47. The panel accepted the advice of the legal adviser that it should keep at the forefront of its consideration the overarching objectives when exercising its functions. It must consider whether the Social Worker's fitness to practise is currently impaired by reason of misconduct. To do so, it must first consider whether the proved allegations amounted to misconduct, whether that misconduct was serious and, if so, whether that leads to a finding of current impairment. Neither party bears the burden of proof. When considering impairment, the panel should consider whether the misconduct is remediable and, if so, whether it has been remedied and what insight has been demonstrated by the Social Worker. The panel must also determine whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of current impairment were not made. The legal adviser advised the panel to have regard to the guidance published by Social Work England.
48. The panel noted that "*misconduct*" in regulatory proceedings was defined by Lord Clyde in the case of *Roylance v General Medical Council* [2001] 1 AC 311 as follows:

"...._some act or omission which falls short of what would be proper in the circumstances. The standard of propriety may often be found by reference to the rules and standards ordinarily required to be followed by a practitioner in the particular circumstances."

49. The panel was satisfied that the conduct found proved breached the following Professional Standards:

"As a social worker, I will:

2.1 Be open, honest, reliable and fair.

As a social worker, I will not:

5.2 behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work."

50. The panel was satisfied that the proved allegations each constituted misconduct, as they amounted to significant failures to adhere to the standards expected of someone in Ms Ijeh-Nwankwo's position.
51. Further, the panel was satisfied that the misconduct was serious as the Social Worker had breached fundamental tenets of social work in relation to honesty and integrity. By undertaking two roles simultaneously with the same core hours the Social Worker had placed vulnerable service users at risk. The nature of her role required her to be available to progress referrals within a short time frame and the panel was satisfied that she could not be focussed on her responsibilities when undertaking both roles. The Panel noted that she was taking a call for one Council whilst at a team meeting for another and had been unavailable to progress an urgent matter.
52. Additionally, dishonesty is always to be considered as serious and it is aggravated in this case by the fact that the Social Worker sought to conceal the fact that she was working two roles simultaneously and lied when initially confronted. In addition the Social Worker dishonestly claimed for hours not worked for her own benefit and so diverted public funds.
53. Further, the panel was satisfied that members of the public and profession would be appalled at Ms Ijeh-Nwankwo's behaviour. Actions such as those found, breach trust between service users and the social work profession, which in turn negatively impacts upon service users' engagement with social workers and therefore hinders the assessment of need and risk. The Panel was therefore satisfied that the facts found proved amounted to serious professional misconduct.
54. The Panel went on to consider whether the Social Worker's fitness to practise is currently impaired. The panel considered that Ms Ijeh-Nwankwo's behaviour would be difficult, albeit not impossible, to remediate, as a lack of integrity was a common thread throughout the proved misconduct. However, the Panel considered that there was no evidence of meaningful remediation or insight.
55. Ms Ijeh-Nwankwo has not meaningfully engaged with these proceedings. Ms Ijeh-Nwankwo has not reflected on the impact of her conduct on Service Users, colleagues or public confidence in the social work profession. Instead, her reflections focus on the impact of the consequences of her behaviour on her. The panel considered that the Social Worker had not taken ownership of her conduct and instead sought to blame others. The Social Worker suggested that she lied to her manager because he, "*put her on the spot*". Further, she stated that her Agency were aware of her undertaking both roles and the panel considered that this appeared to be an attempt to shift responsibility for her actions.

56. The panel had regard to the very low level of remediation and insight. It also noted that this was a sustained and deliberate course of conduct carried out for financial gain. The panel noted that Ms Ijeh-Nwankwo was an experienced social worker with no previous regulatory concerns. The panel noted that Ms Ijeh-Nwankwo has not been working as a social worker and that no recent evidence has been provided to show her current work performance or any training undertaken. Having taken all of those matters into account, the panel was satisfied that there was a significant risk of repetition of the proved misconduct.
57. The panel found that Ms Ijeh-Nwankwo's practise currently poses a risk to the public. The public requires social workers to carry out their statutory responsibilities responsibly and act with probity and integrity. The panel therefore found that public confidence in the social work profession would be seriously undermined if there was no finding of impairment in these circumstances. Further, given that the serious misconduct related to a breach of fundamental tenets of social work, the panel was satisfied that professional standards would not be promoted and maintained by a finding that her fitness to practise is not currently impaired.
58. The panel therefore concluded that as a consequence of Ms Ijeh-Nwankwo's serious misconduct, a finding of impaired fitness to practise is necessary to protect the public and to promote and maintain public confidence in the social work profession and proper professional standards.

Summary of Submissions – Sanction:

59. Ms Norman, on behalf of Social Work England submitted that in light of the nature and extent of the misconduct, the appropriate sanction was one of suspension from the social work register for a significant period. She argued that there was no evidence of remediation before the panel and that the Social Worker had failed to demonstrate any meaningful insight into the harm caused by her conduct. She submitted that public trust would be diminished as a consequence of Ms Ijeh-Nwankwo's actions, particularly her dishonesty and subsequent lack of remorse. She drew the panel's attention to para 93 of the Impairment and sanctions guidance and submitted that any sanction at the lower end would be inappropriate and would be insufficient to protect the public interest.
60. Ms Norman submitted that suspension was the only appropriate and proportionate sanction in light of the circumstances of the proved misconduct which involved dishonesty. She argued that suspension would be the proportionate sanction that would maintain public confidence in the profession as no workable conditions could be formulated. A suspension order would allow the social worker to develop insight. Ms Norman did not submit any length of order was appropriate and stated that it was a matter for this panel.

Decision on sanction

61. The panel accepted the advice of the legal adviser who reminded it of the overarching objective when considering what, if any sanction was appropriate. The panel was reminded to apply the principle of proportionality, balancing Ms Ijeh-Nwankwo's interests with the public interest. The primary purpose of a sanction is to protect the public and not to be punitive, although a sanction may have a punitive effect. The panel considered the least restrictive sanction first and then went on to consider the sanctions in ascending order of severity. The panel had regard to the Social Work England Impairment and sanctions guidance, updated in December 2022.
62. The panel reminded itself of its determination in relation to misconduct and impairment and took into account all the evidence it had seen and heard.
63. In relation to aggravating features, the panel noted that there was risk of harm to service users as the Social Worker was undertaking two roles and could not have been wholly focussed on her responsibilities. The misconduct is further aggravated by the fact that Ms Ijeh-Nwankwo sought to conceal this fact from her employers. The dishonesty was a serious abuse of the trust placed in her as a social worker working from home and was undertaken for financial gain. Ms Ijeh-Nwankwo has failed to demonstrate insight or remediation during the significant period since these events.
64. The panel noted that before this incident there had been no concerns with Ms Ijeh-Nwankwo's practice. The panel took into account that Ms Ngwenya had commented that there were no concerns with the work she had carried out for SBC. The panel noted that Ms Ijeh-Nwankwo had indicated that there had been difficulties with her pregnancy which had impacted on her ability to engage with this process. However, the panel had no medical evidence to support this and so gave little weight to this aspect and it did not consider it amounted to a mitigating factor.
65. The panel considered that taking no action, or issuing advice or a warning, would not adequately reflect the serious nature of Ms Ijeh-Nwankwo's misconduct and would not protect the public, maintain public confidence in the profession nor promote proper professional standards.
66. The panel next considered whether a conditions of practice order would be sufficient to protect the public and wider public interest. The panel noted in particular paragraph 118 - 119 of the guidance, which states:

"Conditions of practice are less likely to be appropriate in cases of character, attitude or behavioural failings. ...conditions are unlikely to be appropriate in cases of

-
-
- *dishonesty*
- *abuses of trust*
- ...

67. The panel noted that the misconduct found proved encompassed breaches of fundamental tenets of the social work profession, including probity and integrity. Given that these failures are attitudinal in nature and did not stem from a lack of experience or knowledge, the panel was satisfied that workable conditions could not be formulated which would adequately protect the public. Further, in light of the seriousness of the misconduct found proved, the panel was satisfied that conditions would not be sufficient to promote and maintain public confidence or proper professional standards.
68. The panel therefore considered whether Ms Ijeh-Nwankwo should be subject to a suspension order. The panel considered, in particular, paragraphs 137 and 138 of the guidance, which sets out that suspension may be appropriate where the social worker has demonstrated some insight and there is evidence to suggest the social worker is willing and able to resolve or remediate their failings.
69. In this case, the panel concluded that there was very little evidence that the social worker was able to resolve or remediate their failings. The social worker has provided very limited evidence of insight despite a period of over eighteen months since the events.
70. The panel went on to consider whether a removal order would be appropriate. The panel took into account the guidance at paragraph 148 which states

“A removal order must be made where the adjudicators conclude that no other outcome would be enough to (do one or more of the following):

- *protect the public,*
- *maintain confidence in the profession*
- *maintain proper professional standards for social workers in England.”*

71. In relation to the allegations of dishonesty, the panel took into account, in particular, paragraphs 172 to 177 of the Sanctions Guidance:

“Dishonest conduct is highly damaging to public confidence in social work. Therefore, it is likely to warrant a finding of impairment and a more serious sanction of suspension or removal.”

72. The panel considered that, whilst a suspension order would protect the public during its operational period, as it would restrict Ms Ijeh-Nwankwo from practising in social work, it would not adequately protect the public in the longer term. The proved misconduct took

place in 2021 and, during the lengthy period since then, Ms Ijeh-Nwankwo has failed to demonstrate insight or remediation. Ms Ijeh-Nwankwo has engaged to a limited extent with these proceedings but has continued to blame others for her actions. The panel accepted that although very difficult, the conduct was capable of remediation with the development of appropriate and meaningful insight. However, the panel had no confidence based on the evidence it had seen and heard that Ms Ijeh-Nwankwo would take the opportunity of further time to reduce the risk to the public arising from her practice and it considered that a period of suspension would serve no useful purpose.

73. Additionally, the panel was satisfied that a suspension order would not promote and maintain public confidence in the social work profession or proper professional standards in light of the aggravating features. It took into account the significant dishonesty which involved undertaking two roles, claiming for hours not worked, failing to inform her manager and lying when confronted. Reasonable and knowledgeable members of the public and social work profession would be shocked and concerned if, in those circumstances, a social worker was not removed from the social work register, especially upon the social worker failing to demonstrate meaningful insight and remediation.
74. The panel was therefore satisfied that the only proportionate and appropriate sanction was one of removal from the social work register.

Decision on interim order

75. In light of its findings on Sanction, the panel next considered an application by Ms Norman for an Interim Suspension Order to cover the appeal period before the Sanction becomes operative. The panel heard and accepted the advice of the legal adviser.
76. The panel next considered whether to impose an interim order. It was mindful of its earlier findings and decided that it would be wholly incompatible with those earlier findings and the imposition of a removal order to conclude that an Interim Suspension Order was not necessary for the protection of the public or otherwise in the public interest for the appeal period.
77. Accordingly, the panel concluded that an Interim Suspension Order should be imposed on public protection and public interest grounds. It determined that it is appropriate that the Interim Suspension Order be imposed for a period of 18 months to cover any appeal period. When the appeal period expires this Interim Order will come to an end unless there has been an application to appeal. If there is no appeal the Removal Order shall apply when the appeal period expires.

Right of Appeal

78. Under Paragraph 16(1)(a) of Schedule 2 of the regulations, the social worker may appeal to the High Court against the decision of adjudicators:
 - a. the decision of adjudicators:
 - i. to make an interim order, other than an interim order made at the same time as a final order under Paragraph 11(1)(b),

- ii. not to revoke or vary such an order,
 - iii. to make a final order.
 - b. the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.
79. Under Paragraph 16(2) of Schedule 2 of the regulations an appeal must be filed before the end of the period of 28 days beginning with the day after the day on which the social worker is notified of the decision complained of.
80. Under Regulation 9(4) of the regulations this order may not be recorded until the expiry of the period within which an appeal against the order could be made, or where an appeal against the order has been made, before the appeal is withdrawn or otherwise finally disposed of.
81. This notice is served in accordance with Rules 44 and 45 of the Social Work England Fitness to Practice Rules 2019 (as amended).

Review of final orders:

82. Under Paragraph 15(1), 15(2) and 15(3) of Schedule 2 of the regulations:
- 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), and a final order does not have effect until after the expiry of that period
83. Under Rule 16(aa) of the rules 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:

84. Please note that in accordance with section 29 of the National Health Service Reform and Health Care Professions Act 2002, a final decision made by Social Work England's panel of adjudicators can be referred by the Professional Standards Authority ("the PSA") to the High Court. The PSA can refer this decision to the High Court if it considers that the decision is not sufficient for the protection of the public. Further information about PSA appeals can be found on their website at: <https://www.professionalstandards.org.uk/what-we-do/our-work-with-regulators/decisions-about-practitioners>.