

Social worker: Hannah Smith

Registration number: SW102114

Fitness to Practise

Final Order Review meeting

Date of meeting: 30 May 2023

Meeting venue: Remote meeting

Final order being reviewed: Suspension order – (expiring 31 July 2023)

Hearing Outcome: Impose a new order namely removal order with effect from the expiry of the current order

Introduction and attendees:

1. This is the second review of a final order originally imposed as a suspension order for a period of 06 months by a panel of adjudicators on 22 April 2022. At the first review on 20 October 2022, the suspension order was continued for a period of 08 months.
2. Ms Smith 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.
4. The panel of adjudicators conducting this review (the “**panel**”) and the other people involved in it were as follows:

Adjudicators	Role
Wendy Yeadon	Chair
Julie Brown	Social worker adjudicator

Hearings team/Legal adviser	Role
Alicia Whitehouse	Hearings officer
Jo Cooper	Hearings support officer
Neville Sorab	Legal adviser

Service of Notice:

5. The panel had careful regard to the documents contained in the interim order review hearing service bundle as follows:
 - A copy of the Notice of Hearing dated 27 April 2023 addressed to Ms Smith at her email address as it appears on the Social Work England Register;
 - An extract from the Social Work England Register detailing Ms Smith’s registered email address; and
 - A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 27 April 2023 – more than seven days before this hearing – the writer sent by email to Ms Smith at her registered email address: Notice of Hearing and related documents.
6. 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 2019 (as amended) (the “FTP Rules 2019”).

7. Having had regard to Rules 16, 44 and 45 of the FTP Rules 2019 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 Smith in accordance with Rules 44 and 45 of the FTP Rules 2019.

Proceeding with the interim order review as a meeting:

8. The notice of interim order review hearing informed the social worker that the review would take place electronically. 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 12 May 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 accepted the advice of the legal adviser in relation to the factors it should take into account when considering whether it was fair and appropriate to proceed with the review in the absence of Ms Smith. This included reference to the cases of *R v Jones [2003] UKPC*; *General Medical Council v Adeogba [2016] EWCA Civ 162*. The panel also took into account Social Work England's guidance "*Service of notices and proceeding in the absence of the social worker*". 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."

10. 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) on the basis that:
 - a. Ms Smith was served with the Notice of Hearing in which it was set out that, in her absence, the interim order review may take place as a meeting;
 - b. Ms Smith has provided written submissions for the hearing;
 - c. Ms Smith has not requested to adjourn the hearing;
 - d. Any adjournment would not guarantee the attendance of Ms Smith in the future; and
 - e. The continuation of the meeting was important, both as it is a statutory review, and to consider the protection of the public.

Review of the current order:

11. This final order review hearing is taking place under 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).
12. The current order is due to expire on 31 July 2023.

The case examiners determined that there is a realistic prospect of the following allegations being found proved:

13. The case examiners determined, and Ms Smith agreed in the accepted disposal, that there is a realistic prospect of the following regulatory concerns being found proven and that those concerns could amount to misconduct, and that Ms Smith's fitness to practise could be found impaired:

Whilst registered as a social worker at Kent County Council:

1. *You committed the following breaches of personal data:*
 - a. *on or around 9th December 2019 by accessing social care records for a child that you had no authority to access.*
 - b. *on or around 9th December 2019 by accessing social care records for an adult that you had no authority to access.*
 - c. *On or around 8th February 2016 by accessing the social care records for your own child without a legitimate reason for doing so.*

The matters outlined in regulatory concern 1 amounts to the statutory ground of misconduct.

Your fitness to practise is impaired by reason of misconduct.

14. The case examiner's reasoning for determining that there is a realistic prospect of the above regulatory concerns being found proven and that those concerns could amount to misconduct, and that Ms Smith's fitness to practise could be found impaired is as follows:

"The case examiners have been provided with evidence for regulatory concern 1a and b from the employer's investigation report, along with the primary evidence of case file audits. The social worker accepts they accessed the records on 9th December and had no authority to do so.

The social worker states they have no memory of accessing their own child's records in 2016. The employer's investigation report states this is evidenced by the case file audit, but this has not been provided to the case examiners.

Accordingly, the case examiners are satisfied that there is a realistic prospect of adjudicators finding the regulatory concerns proven, should the matter go forward to a hearing.

In considering whether the regulatory concerns would amount to misconduct, the case examiners note that 'misconduct' denotes serious acts or omissions, suggesting a significant departure from what would be proper in the circumstances.

The case examiners have considered whether the regulatory concerns are serious enough to meet the threshold for misconduct and have considered the professional standards in place at the time. The applicable standards were Social Work England's professional standards (2019), and the case examiners are of the view that the social worker's conduct may have departed from the following standards;

As a social worker, I will:

1.7 Recognise and use responsibly, the power and authority I have when working with people, ensuring that my interventions are always necessary, the least intrusive, proportionate, and in people's best interests.

2.2 Respect and maintain people's dignity and privacy.

2.6 Treat information about people with sensitivity and handle confidential information in line with the law.

2.7 Consider where conflicts of interest may arise, declare conflicts as early as possible and agree a course of action.

3.7 Recognise where there may be bias in decision making and address issues that arise from ethical dilemmas, conflicting information, or differing professional decisions.

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.

The social worker accepts that they accessed the records of the complainant and their child but submits they did so to identify who the allocated social worker was, in order to share concerns. The social worker admits to knowing this was not authorised and the correct way to refer concerns was to contact the 'front door' team but that they had been waiting for half an hour on hold to do so. There is evidence the social worker did contact the 'front door' team and passed on their concerns, after they had accessed the records.

The case examiners consider the social worker's explanation as insufficient to explain why they should breach data protection. The evidence suggests that the social worker's concerns came from an incident on Friday 06 December 2019 when the complainant and their daughter saw the social worker at school and the

complainant asked the social worker to move away as their daughter was frightened. The social worker states this led them to be concerned about possible psychological abuse of the children from the complainant, questioning why the children should be scared of a social worker. The social worker recognised these concerns were not sufficiently serious to warrant referring over the weekend and no evidence has been provided to suggest there was sufficient urgency to justify not waiting to get through to the front door service the following Monday, on 09 December.

The social worker's actions, regardless of intention, is a breach of the complainant's rights to confidentiality. The case examiners consider that the social worker's actions breached the trust that the council placed in the social worker and that the complainant placed in the council. The case examiners are of the view that for members of the public, who may at times become users of social care services, it is essential they should be able to trust that their information will only be viewed and used by those with authority to do so. The children's services electronic system is reported to have a message present every time a member of staff logs on, to remind them of the importance of confidentiality and that they must have a professional reason for accessing information. This indicates that not only was the social worker, by their own admission, trained in appropriate information governance, they were reminded regularly of their responsibilities, which suggests they actively chose to disregard the policy.

The case examiners consider that respecting the confidentiality of known individuals to a social worker is of even greater importance. They would expect a social worker to understand that service users known to them through their personal life are likely to feel vulnerable and at risk of emotional harm, should information be accessed inappropriately. This matter is made more serious given the consequences for the complainant and their children. It appears from the evidence that the social worker was not aware that the complainant lived in a refuge, but they were aware that Person A (who is the complainant's ex-partner) was subject to a non-molestation order in relation to the complainant. In the view of the case examiners, the social worker should have recognised the delicate situation they found themselves in and acted with integrity at all times, to ensure the complainant and their children were protected. It is unacceptable that children who had likely experienced a great deal of trauma and instability, were required to leave the refuge they called home and experience further disruption, as a result of the social worker's actions.

The case examiners are satisfied that the social worker's conduct would be considered by adjudicators to be sufficiently serious as to amount to misconduct."

The case examiners provided the following reasons with regard to impairment:

“The case examiners have reminded themselves that the purpose of regulation is not to punish a social worker for past mistakes. Rather, the regulatory process seeks to establish whether a social worker is safe and fit to practise today and in the future.

The case examiners have assessed current impairment on the grounds of public protection and in the wider public interest.

In considering current impairment, the case examiners have considered whether the social worker has demonstrated insight and/or undergone remediation, and whether there is a likelihood the matters alleged will be repeated.

The social worker submitted to their employer and to the regulator that they were struggling with their mental health at the time of the concerns and acknowledged they were not making good judgements. The social worker has stated they regret accessing the records and would not repeat this behaviour in the future.

However, the case examiners do not consider that the social worker’s submissions demonstrate sufficient insight into the impact of their conduct upon the complainant and their children. The social worker states it was wrong to access the records and that they feel responsible for the children having to move to another refuge. The social worker is clear however that they do not believe there was any violence in the previous relationship between Person A and the complainant and writes at length about their reasons for this conclusion.

The case examiners are not able to interrogate this claim, however they do note that from the employer’s investigation, it is clear that the local authority considered the complainant to be at risk of domestic abuse from Person A, as did the police and courts. The case examiners consider it would be appropriate for a social worker to be aware of the nature of abusive relationships and remain cynical about Person A’s account of the relationship with the complainant.

The social worker has not practised in social work since they were suspended in March 2020 and then dismissed in July 2020. They have therefore been unable to demonstrate any remediation and their submissions focus on the care they have taken around their own wellbeing to prevent a recurrence of this conduct.

The social worker has provided as mitigation, some context to their decision to access records inappropriately. They state they were working under significant stress and pressure at the time of the concerns and that their mental health was suffering, something they were unsupported with at work. The case examiners do not consider there is sufficient evidence to support the claim that this stress and pressure was sufficient to diminish their responsibility for the conduct of concern. The detailed supervision notes provided by the employer suggest the social worker

was supported as appropriate and declined to access support through Occupational Health.

The case examiners acknowledge they have not made extensive reference to regulatory concern 1c, that the social worker allegedly accessed their own child's file some years before. The social worker claims they cannot recall this and there is limited evidence regarding what information the social worker may have gained or any possible motivation. However, the case examiners consider that it could be indicative of a pattern of behaviour, with the social worker choosing to disregard data protection in order to gain information for their own purposes.

Given the lack of insight and no evidence of remediation, the case examiners are of the view that there is a risk of repetition, should the social worker be permitted to practise unrestricted.

The case examiners have also considered whether there is a public interest in a finding of impairment. They are of the view that a member of the public may be troubled to learn that a social worker who had accessed information of a member of the public, without any professional reason to do so, which resulted in children being placed at risk of harm and required to move, was allowed to practise without restriction from the regulator.

The case examiners therefore consider that there is a realistic prospect of the social worker's fitness to practise being found to be currently impaired, on the grounds of both public protection and public interest."

The case examiners provided the following additional reasoning for concluding that the public interest can be satisfied without the need for a hearing:

"The case examiners are mindful of their guidance, which provides they must refer matters to a hearing if there is disagreement about the underlying facts of the case which give rise to the allegations of impairment. In this case, the social worker has fully admitted the facts.

The case examiners have noted there may be some ongoing risk due to the lack of remedial action. However, the case examiners believe this risk can be managed by one of the outcomes available to them, without the need to refer the matter to a hearing. The case examiners have powers to restrict the social worker's practice, if thought necessary.

The case examiners are of the view that the social worker's actions were very serious and have indicated this within their reasoning on grounds and impairment. However, they do not consider that adjudicators are likely to conclude that a removal order is the only sanction available to them, should the matter go forward to a hearing. They note the evidence from the former employer which suggests that the social worker was previously well thought of and a capable practitioner.

The case examiners are mindful of their guidance which sets out that the fitness to practise process is “not designed to punish social workers for mistakes”; and that “any order imposed as a result of a fitness to practise investigation must be the minimum necessary to protect the public and the wider public interest”. The case examiners are of the view that adjudicators would be likely to consider the restrictive sanctions of conditions of practice or suspension orders to be sufficient in this case and the case examiners have the ability to propose these sanctions through the accepted disposal process.

The case examiners note case examiner guidance states that “in most cases, publishing fitness to practise decisions and their reasoning will satisfy public interest”. In this instance the case examiners are satisfied the publication of their decision will send a clear message about the types of behaviour that are completely unacceptable. It would also demonstrate that the regulator will take significant regulatory action when presented with such types of behaviour. As such, the examiners have concluded that public interest can be satisfied without the need for a hearing.

The case examiners are also mindful that the fitness to practise process is “not designed to punish social workers for mistakes”; and that “any order imposed as a result of a fitness to practise investigation must be the minimum necessary to protect the public and the wider public interest” (case examiner guidance). For the reasons given above, they believe the public would support their view that it would not be proportionate to refer this matter to a hearing, having considered the specific circumstances. Considering all the factors discussed above, the case examiners have decided it is not in the public interest to refer this matter to a hearing. Alternatively, they will seek to resolve this matter, with the social worker’s consent, by way of an ‘accepted disposal’.

The case examiners provided the following reasons with regard to sanction:

“In considering the appropriate outcome in this case, the case examiners had regard to Social Work England’s sanctions guidance (November 2019) and reminded themselves that the purpose of a sanction is not to punish the social worker but to protect the public and the wider public interest.

The case examiners have decided that it is not in the public interest to refer this matter to a final hearing. They must choose the least restrictive sanction necessary to protect the public and the wider public interest. They have started at the lowest possible sanction and worked up, testing the appropriateness of each sanction and the next sanction above it to confirm their decision is proportionate.

The case examiners have already determined that there is a realistic prospect that the social worker’s fitness to practise would be found impaired. The sanctions guidance advises “Impairment is when a social worker is not suitable to be

registered without restriction". The case examiners are therefore led to consider sanctions which restrict the social worker's practice. They note that the same paragraph makes allowances for cases "where the mitigating factors put forward by the social worker in defence such as insight and remediation are strong enough that restriction is not required". The case examiners have already determined that they do not consider that the social worker has demonstrated sufficient insight nor remediation. Therefore, the sanctions of no further action, advice or a warning are considered inappropriate on the basis that these outcomes will not restrict practice and therefore not sufficiently protect the public.

The case examiners considered a conditions of practice order, however they noted the social worker is not currently practising. As such, a conditions of practise order may be unworkable. Furthermore, case examiners felt this order is not proportionate to the serious nature of the alleged misconduct.

The case examiners were then led to consider a suspension order. Case examiner guidance states that "suspension is appropriate where no workable conditions can be formulated that can protect the public or the wider public interest, but where the case falls short of requiring removal from the register". Furthermore, the guidance states that "most cases of serious abuses of trust are likely to require suspension or removal of registration". As such, the case examiners have concluded that a suspension order is the appropriate and proportionate outcome in this case; and represents the minimum sanction necessary to maintain and uphold the public's confidence. The public will also be protected by a suspension order, as the social worker will not be permitted to practise until they have sufficiently remediated, and they are able to provide evidence of full insight to adjudicators.

When considering a suspension order, case examiners are required to decide a period of suspension, and in doing so, consider the need to protect the public and the wider public interest. They should also balance this against the risk that a prolonged suspension may result in deskilling. The case examiners are aware that where possible it is in the public interest to support the return to practice of a trained skilled social worker if this can be done safely. Finally, the case examiners then reminded themselves that the purpose of the proceedings is not to punish.

The case examiners have considered the length of time for the suspension order and consider six months to be proportionate in this case. The case examiners consider that anything less than six months would not adequately signal the strong disapproval of the regulator or uphold public confidence in the social work profession; and that anything more than six months could lead to deskilling, particularly as the social worker has not practised since March 2020.

The case examiners have previously reasoned that they do not feel a removal order is the appropriate sanction required to protect the public. They are of the view that the suspension order will give the social worker time to reflect upon this process

and their decision and develop insight into the full circumstances of their conduct. The social worker will have the opportunity to demonstrate insight and remediation when the adjudicators review the suspension order and if the social worker will not or cannot evidence the required insight and remediation, a removal order may be considered by adjudicators at a future hearing.”

Social Work England submissions:

15. The panel received the following written submissions from Social Work England set out in the Notice of Hearing dated 27 April 2023:

“Social Work England invite the Panel at this stage to direct that the Social Worker’s name is removed from the register in accordance with her wishes. The Social Worker’s fitness to practise remains impaired for the same reasons given by the Case Examiners in reaching their decision on accepted disposal. Further, the Social Worker has indicated she wishes to be removed from the register and does not intend to practise again. The Social Worker has raised serious and enduring health concerns that mean she is unlikely to be able to remediate in the future.

There has been no material change in the risk to the public since the last hearing, and the Social Worker has not been able to provide any further evidence that she has taken any actions to follow the recommendations of the Adjudicators at the last review. She has informed Social Work England that her health is such that this has not been possible. The Social Worker accepts that she will not be able to return to practice.

Social Work England provided the Social Worker with guidance on the Voluntary Removal process on 3 April 2023. At the date of sending the notice of hearing no application had been received. Absent such an application the only means of removing the Social Worker from the register, whilst subject to fitness to practise proceedings and a final order, is to direct removal. It is submitted that this is now the appropriate and proportionate order in this case.”

Social worker submissions:

16. Ms Smith provided the following written submissions by email on 31 March 2023:

“I would like to raise my concerns about the requirements placed on me by Social Work England.

During the review of my suspension I advised that this last year has been extremely difficult for me [PRIVATE].

I expressed my desire to be removed from the register at the last review as I believed that I would not return to social work. Given the long term impact that

the condition has had on me both physically and emotionally I know that I will not be returning to social work. I have been very focused on [PRIVATE] and am not in a position to undertake the required tasks specified by Social Work England.

I am advising you at this stage that I have not completed the tasks and will not be doing so prior to the next review. I wish to be removed from the register as previously requested.

My personal health and the health of my family is my priority, not writing an essay to try to demonstrate that I have learned from my previous unacceptable behaviour.

Under different circumstances I would absolutely carry out the required tasks, however given the circumstances and the significant changes in my health and on-going difficulties I am not in a position to do this."

Panel decision and reasons on current impairment:

17. 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 decisions 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".
18. The panel had regard to all of the documentation before it, including the decision and reasons of the final hearing panel and the first reviewing panel. The panel also took account of Social Work England's submissions and Ms Smith's submissions.
19. 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 to maintain public confidence in the profession.
20. The panel first considered whether Ms Smith's fitness to practise remains impaired.
21. The panel notes paragraph 44 of the previous panel's decision:

"[PRIVATE]. Although the panel recognised that this situation is not one of Ms Smith's making, the position is that the panel has little supportive information in respect of her developing insight, any training or CPD undertaken, or any examples of having responded differently when under pressure in a similar situation in a work environment. In these circumstances the panel considered Ms Smith's insight remained untested, and that Ms Smith had not yet been able to demonstrate that she had fully addressed her misconduct. In these circumstances the panel concluded that she still poses a risk to the public."

22. The panel notes that the evidence before it does not demonstrate that Ms Smith's position in relation has changed since the previous hearing. Ms Smith herself states in her submissions that *"I am advising you at this stage that I have not completed the tasks and will not be doing so prior to the next review."*
23. Accordingly, the panel concluded that Ms Smith is currently impaired by reason of her misconduct and on the ground of public protection.

Decision and reasons:

24. Having found Ms Smith'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.
25. The panel considered the submissions made by Social Work England during which they invited the panel to consider imposing a removal. It noted the submissions made by Ms Smith that the appropriate action would be to impose a removal order. The panel also took into account Social Work England's *"Impairment and sanctions guidance"*.
26. The panel was mindful that the purpose of any sanction is not to punish Ms Smith, 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 Ms Smith's interests with the public interest.

Advice/Warning

27. The panel considered that advice or a warning was insufficient to protect the public, and not in the wider public interest, given Ms Smith's limited insight and remediation (as discussed above).

Conditions of practice order

28. The panel considered that a conditions of practice order would be insufficient due to:
- The panel being unable to form conditions which would protect the public that would not be tantamount to a suspension. The panel was concerned that the risk to the public of the conduct being repeated remained.
 - Conditions of practice require full engagement from Ms Smith. Ms Smith has submitted that she is not currently in a position to fully engage with Social Work England:

"Given the long term impact that the condition has had on me both physically and emotionally I know that I will not be returning to social work. I have been very focused on [PRIVATE] and am not in a position to undertake the required tasks specified by Social Work England."

I am advising you at this stage that I have not completed the tasks and will not be doing so prior to the next review. [...]

My personal health and the health of my family is my priority, not writing an essay to try to demonstrate that I have learned from my previous unacceptable behaviour.

Under different circumstances I would absolutely carry out the required tasks, however given the circumstances and the significant changes in my health and on-going difficulties I am not in a position to do this."

Suspension order

29. The panel next considered whether a suspension order would be an appropriate sanction. The panel determined that a suspension order would not be appropriate for the following reasons:

- a. Ms Smith was provided time and steps by the previous panel to assist her to find insight and demonstrate that she can practice without placing the public at risk. However, for reasons which are not in Ms Smith's control, she has been unable to do this and is unlikely to be in a position to do so henceforth.
- b. Ms Smith has requested to be removed from the social work register due to her health and the health of her family. Social Work England has also requested that Ms Smith be removed from the register due to Ms Smith's wishes.

Removal order

30. The panel was satisfied it could consider that a removal order was available to the panel as Ms Smith's fitness to practise was originally found impaired on the basis of one or more grounds as set out in regulation 25(2)(a), (c), (d), (f) or (g).
31. 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 the view that a removal order would be appropriate for the reasons provided in paragraph 29 above.

Right of appeal:

32. 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.
- 33. 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.
- 34. 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.
- 35. This notice is served in accordance with Rules 44 and 45 of the FTP Rules 2019 (as amended).

Review of final orders:

- 36. 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).
- 37. 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

- 38. 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>