

Social worker: Valerie Kaczurynski

Registration number: SW75066

Fitness to Practise

Final Order Review Meeting

Date of meeting: 30 May 2023

Meeting venue: Remote meeting

Final order being reviewed:

Conditions of practice order – expiring 14 July 2023

Hearing Outcome: Removal Order to come into effect upon expiry of the current order

Introduction and attendees:

1. This is the first review of a final conditions of practice order originally imposed for a period of 12 months by a panel of adjudicators which took effect on 15 July 2022.
2. Ms Kaczurynski did not attend and was not represented.
3. Social Work England was represented by Capsticks LLP and their written submissions are set out within the notice of hearing letter.

Adjudicators	Role
Kerry McKevitt	Chair
Linda Norris	Social worker adjudicator

Hearings team/Legal adviser	Role
Natasha Quainoo	Hearings officer
Mollie Roe	Hearings support officer
Helen Gower	Legal adviser

Service of notice:

4. The panel of adjudicators had careful regard to the documents contained in the final order review service bundle as follows:
 - A copy of the notice of the final hearing dated 25 April 2023 and addressed to Ms Kaczurynski at her address which she provided to Social Work England;
 - An extract from the Social Work England Register as at 25 April 2023 detailing Ms Kaczurynski's registered address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 25 April 2025 the writer instructed Docucentre to send the Notice of Hearing and related documents by next day special delivery service to Ms Kaczurynski at the address referred to above;
 - A copy of the Royal Mail Track and Trace Document indicating attempted delivery to Ms Kaczurynski's address on 26 April 2023.
5. The panel accepted the advice of the legal adviser in relation to service of notice.

6. Having had regard to 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 Kaczurynski in accordance with Rules Social Work England (Fitness to Practise) Rules 2019 (as amended) (the “Rules”).

Proceeding with the final order review as a meeting:

7. The notice of final order review informed Ms Kaczurynski that the review would take place as a meeting. The notice stated:

“If you would like to attend before the adjudicators in order to make oral submissions, please confirm your intention by no later than 4pm on 9 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.”

8. The panel noted the content of the supplementary bundle. On 19 May 2023 Ms Kaczurynski sent an e-mail to a representative from Capsticks confirming that she had received documents regarding a hearing. She added:

“I have left the job several years ago and am now retired and am living abroad.

I do not want involvement with either [Social Work England and Capsticks] and do not want to receive mail or else. I had made it clear in the past but I keep receiving mail etc and find this harassing”

9. Capsticks replied to Ms Kaczurynski on 23 May 2023 explaining that Social Work England were required to contact her regarding the review of the Conditions of Practice Order.
10. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering whether it was appropriate to conduct the review in Ms Kaczurynski’s absence. 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 Social Work England guidance ‘Service of notices and proceeding in the absence of the social worker’.
11. The panel also 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.”
12. The panel was satisfied that Ms Kaczurynski is or should be aware of the review of the conditions of practice order and that she has waived her right to attend a hearing. It was apparent to the panel from Ms Kaczurynski’s e-mail dated 19 May 2023 that she is not requesting an adjournment and that an adjournment would serve no purpose. The panel considered that it was in the public interest for the review to be conducted expeditiously. In

all the circumstances the panel was satisfied that it would be fair and appropriate to conduct the review in Ms Kaczurynski's absence and in the form of a meeting in accordance with Rule 16(c).

Review of the current order:

13. 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).
14. The current order is due to expire on 14 July 2023.

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

"Whilst employed at Manchester City Council as a registered social worker, you:

1. Did not follow the appropriate procedures when a disclosure of potential sexual abuse involving Person A was made to you by Service User B on 1 November 2016.

2. On 1 November 2016 discussed the allegations made by Service User B involving Person A with Service user B in the presence of Person A.

3. On or around April 2015 did not arrange a DBS check of Person K when you became aware they were staying at Person A's home.

4. [not proved]

5. Recorded that Person F had their DBS checked when they did not at the time have a valid DBS

6. Did not ensure that Person F had a valid DBS

7. Arranged for Person F to care for young service users alone when they did not have a valid DBS

8. [not proved]

9. [not proved]

10. [not proved]

11. Your actions at 8a) and b) constitute misconduct.

12. Your actions at 1 to 7, and 9 and 10 constitute misconduct and/or lack of competence.

13. By reason of your misconduct and/ or lack of competence, your fitness to practise is impaired.”

The final hearing panel on 27 June 2022 determined the following with regard to impairment:

The panel considered that whilst Ms Kaczurynski had made limited admissions about her conduct during the investigative process, there had not been any material recognition by her of the extent of her misconduct, and the impact that it had on vulnerable service users, their carers, and on her professional colleague.

The panel considered that the failure to carry out the appropriate DBS check in order to ensure that a service user was properly safeguarded constituted misconduct that brought the social work profession into disrepute and breached one of the fundamental tenets of the social work profession which was safeguarding service users.

The misconduct found proved in this case was capable of being remedied, but in the panel’s judgement it had not been. The panel had little evidence of remediation and noted that whilst Ms Kaczurynski had provided a written testimonial, the panel considered it not to be sufficiently up to date. The panel also considered the level of insight shown by Ms Kaczurynski in her written engagement to be centred on herself. In particular, she did not address to any extent how her misconduct could have, and indeed did, put services users at risk of harm, or the wider impact of her misconduct on the reputation of the profession. The panel was of the view that there could have been a real and significant risk of harm to the service users she was responsible for as a result of her misconduct.

Given the lack of insight and remediation demonstrated by Ms Kaczurynski, the panel concluded that that was a risk of repetition of the misconduct found proved.

The panel was satisfied that Ms Kaczurynski’s misconduct, in this case, engages all three of the limbs in the Grant test. It therefore concluded that Ms Kaczurynski’s fitness to practise is impaired by reason of her misconduct.

Further, in the panel’s judgement the need to maintain public confidence in the profession, and the need to maintain and declare proper professional standards would both be compromised if a finding of current impairment were not made on the wider public interest ground. Consequently, the panel also find current impairment on the wider public interest ground.”

1. *"The panel noted that it was suggested in the Council's disciplinary hearing that with more guidance from management she would be unlikely to find herself in a similar situation again, but the panel has no current information bef*

The final hearing panel on 17 June 2022 determined the following with regard to sanction:

"Before considering the individual options open to it, the panel identified what it considered to be the relevant aggravating and mitigating features in the case.

The panel identified the following mitigating features: -

- *No previous adverse regulatory findings*
- *A background of a degree of inconsistent management and supervision*

The panel identified the following aggravating features: -

- *Ms Kaczurynski was already subject to a disciplinary finding where similar concerns had been raised by the Council when these concerns were raised*
- *Ms Kaczurynski left service users and a colleague at risk*
- *Failed to recognise those risks*
- *There had been no engagement with Social Work England.*

The panel had regard to paragraph 1 of the Sanctions Guidance which states:

"Social Work England's overarching objective is to protect the public. We do so by protecting, promoting, and maintaining the health and well-being of the public; by promoting and maintaining public confidence in social workers in England; and by promoting and maintaining proper professional standards for social workers in England. Our fitness to practise powers enable us to deliver this overarching objective through proportionate sanctions where an individual social worker's fitness to practise is impaired."

The panel then went on to consider each of the available sanctions in ascending order of restrictiveness.

The panel first considered whether this was an appropriate case for it to take no further action, or to impose an advice or warning order. In the panel's view, the misconduct found proved in this case was serious. The panel had identified a continuing risk to the public caused by Ms Kaczurynski's continuing lack of insight.

Ms Kaczurynski had not remediated her misconduct. The panel noted that these sanctions would place no active restriction on Ms Kaczurynski's practice should she return to the profession. Accordingly, the panel concluded that to take no further action, or to impose an advice or warning order would be insufficient to protect the public and would fail to address the wider public interest concerns in this case.

The panel next considered the imposition of a conditions of practice order. The panel had regard to the Sanctions Guidance and noted that such orders are more commonly appropriate in cases involving errors in practice, a lack of competence, or ill-health. In this case misconduct was found to have taken place, but the panel on balance considered that the misconduct found proved was capable of being remedied should Ms Kaczurynski decide to return to the social work profession. The panel decided that with appropriate conditions in place, then the sanction would meet the need to protect the public, including the wider public interest, and seek to address the misconduct established in the allegations that have been found proved. The panel recognised that there is a public interest in the return of a fully remediated practitioner to safe practice in due course.

The panel as a matter of good practice considered whether a suspension order was an appropriate and proportionate sanction in this case, but given the length of time between the date of the misconduct and the hearing, coupled with the fact that nothing further had come to light regarding Ms Kaczurynski's practice, the panel determined that a suspension order was disproportionate at this time.

The panel decided to impose a conditions of practice order for 12 months in the following terms: -

Condition 1

You must notify Social Work England within 7 days of any professional appointment you accept or are currently undertaking and provide the contact details of your employer, agency or any organisation with which you have a contract or arrangement to provide social work services, whether paid or voluntary.

Condition 2

You must allow Social Work England to exchange information with your employer, agency or any organisation with which you have a contract or arrangement to provide social work or educational services, and any reporter or workplace supervisor referred to in these conditions.

Condition 3

a. At any time you are providing social work services, which require you to be registered with Social Work England, you must agree to the appointment of a reporter nominated by you and approved by Social Work England. The reporter must be on Social Work England's register.

b. You must not start or continue to work until these arrangements have been approved by Social Work England.

Condition 4

You must provide reports from your reporter to Social Work England every 6 months and at least 28 days prior to any review and Social Work England will make these reports available to any workplace supervisor referred to in these conditions on request.

Condition 5

You must inform Social Work England within 7 days of receiving notice of any formal disciplinary proceedings taken against you from the date these conditions take effect.

Condition 6

You must inform Social Work England within 7 days of receiving notice of any investigations or complaints made against you from the date these conditions take effect.

Condition 7

You must inform Social Work England if you apply for social work employment / self-employment (paid or voluntary) outside England within 7 days of the date of application.

Condition 8

You must inform Social Work England if you are registered or subsequently apply for registration with any other UK regulator, overseas regulator or relevant authority within 7 days from the date these conditions take effect.

Condition 9

You must work with your workplace supervisor/reporter, to formulate a personal development plan, specifically designed to address the shortfalls in the following areas of your practice:

- *Safeguarding regarding the implementation of the child protection process*

- *Safeguarding regarding completing satisfactory assessments*
- *Understanding and implementing DBS checks*
- *Professional responsibilities to work colleagues*

Condition 10

You must provide a copy of your personal development plan to Social Work England within 6 weeks from the date these conditions take effect and an updated copy 4 weeks prior to any review.

Condition 11

a. At any time you are employed, or providing social work services, which require you to be registered with Social Work England; you must place yourself and remain under the close supervision of a workplace supervisor nominated by you and agreed by Social Work England. The workplace supervisor must be on Social Work England 's register.

b. You must not start or continue to work until these arrangements have been approved by Social Work England.

Condition 12

You must provide reports from your workplace supervisor to Social Work England every 6 months and at least 28 days prior to any review, and Social Work England will make these reports available to any reporter referred to in these conditions on request.

Condition 13

You must only work as a social worker in premises where at least 2 other social workers are employed at any one time and are on the premises daily.

Condition 14

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

Condition 15

You must not be responsible for the work of any other social worker or student social worker.

Condition 16

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

Condition 17

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

Condition 18

You must engage in social work practice only at an establishment you do not own, at premises where another social worker is working at the same time as you, and with whom you have made personal contact before you start work each day.

Condition 19

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

Condition 20

You must not carry out Form F Assessments or supported lodgings providers assessments unless allocated and supervised by your line manager.

Condition 21

You must read Social Work England's 'Professional Standards' (July 2019) and provide a written reflection 4 months after these conditions take effect, focusing on how your conduct, for matters relating to this case, as set out in Condition 9, was below the accepted standard of a social worker, outlining what you should have done differently.

Condition 22

You must provide a written copy of your conditions, within 7 days from the date these conditions take effect, to the following parties confirming that your registration is subject to the conditions listed at 1 to 21, above:

- Any organisation or person employing or contracting with you to undertake social work services whether paid or voluntary.*
- Any contracts to undertake social work services whether paid or voluntary (at the time of application).*
- Any prospective employer who would be employing or contracting with you to undertake social work services whether paid or voluntary (at the time of application).*

- Any organisation, agency or employer where you are using your social work qualification/knowledge/skills in a non-qualified social work role, whether paid or voluntary.

You must forward written evidence of your compliance with this condition to Social Work England within 7 days from the date these conditions take effect.

Condition 23

You must permit Social Work England to disclose the above conditions 1 to 22 to any person requesting information about your registration status.”

Social Work England submissions:

15. The submissions prepared by Capsticks on behalf of Social Work England’s were set out in the Notice of Hearing letter dated 25 April 2023 as follows:

“Subject to the Social Worker’s continued disengagement, Social Work England invite the Panel to impose a Removal Order. The Social Worker’s fitness to practise was found to be impaired by reason of misconduct. The Social Worker has now been subject to a Conditions of Practice Order since 15 July 2022. To date she has not engaged with that order or the review process.

Social Work England submit that the Social Worker’s fitness to practise remains impaired. The Social Worker has not been in contact with the Case Review Team for the duration of the Order. She did not fully engage with the final hearing. In previous communication with Social Work England the Social Worker stated she “wanted nothing to do with the process and whatever was sent would simply go in the bin”.

Condition 21 required that the Social Worker must read Social Work England’s “Professional Standards” (July 2019) and provide a written reflection 4 months after the condition took effect. The Social Worker has not provided this. As such, there is no evidence of insight or remediation. There is no indication that the Social Worker has made any attempt to address the issues identified in her practice. Consequently there remains a high risk of repetition and a risk to the public should the Social Worker be permitted to practise without restriction.

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

Social worker submissions:

16. There were no submissions by or on behalf of Ms Kaczurynski. The panel noted her position, as set out in her e-mail dated 19 May 2023 that she has retired, not worked for several years, and no longer wishes to have any involvement with Social Work England.

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 decision of the previous panel. 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 original panel. The panel also took account of the written submissions made on behalf of Social Work England.
19. The panel 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 maintaining public confidence in the profession.
20. The panel first considered whether Ms Kaczurynski's fitness to practise remains impaired.
21. The panel noted that Ms Kaczurynski has not engaged with Social Work England's Case Review Team and has taken no steps towards compliance with the conditions of practice order. She has not provided any evidence of reflection, insight, or remediation for the panel to review. She did not respond to correspondence from the Case Review Team which pointed out that she had not complied with the conditions of practice. Ms Kaczurynski's position is clearly set out in her e-mail dated 19 May 2023 that she has chosen to disengage from the process. In the circumstances, the panel concluded that there is a significant ongoing risk of repetition of misconduct.
22. The panel noted that the misconduct found proved by the final hearing panel was serious and wide-ranging with potentially significant implications for service users. The panel concluded that there is an ongoing risk of harm to members of the public.

Decision and reasons:

23. Having found Ms Kaczurynski'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.

24. The panel considered the submissions made on behalf of Social Work England, which invited the panel to consider imposing a Removal Order. The panel also took into account the 'Impairment and sanctions guidance' published by Social Work England.
25. The panel was mindful that the purpose of any sanction is not to punish Ms Kaczurynski, 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 Kaczurynski's interests with the public interest.
26. The panel considered the options available to it in ascending order.

Revoke the conditions of practice order/allow the current conditions of practice order to lapse upon its expiry/impose a warning

27. The panel has concluded that the deficiencies identified with Ms Kaczurynski's practice continue to have the potential to have wide-ranging adverse consequences and therefore some restriction on her practice is required. Therefore, the panel concluded that options that would not restrict practice would be inappropriate and insufficient to meet the public interest.

Extend the current conditions of practice order for a further period of time with effect from the expiry of the current order:

28. The panel considered whether the current conditions of practice order should be extended for a further period of time. Although the deficiencies identified with Ms Kaczurynski's practice are potentially capable of being remedied, Ms Kaczurynski has failed to comply with the conditions and has chosen to disengage from the process. There was no material before the panel to indicate that her position will change, and there would be no merit in extending the current order.

Suspension order

29. The panel considered the option of imposing a suspension order, but decided that it was inappropriate and would serve no purpose in circumstances where Ms Kaczurynski has chosen to disengage from the process and does not wish to engage with Social Work England. It is not in the public interest for the panel to impose a suspension order in circumstances where there is no realistic prospect that Ms Kaczurynski will engage with her regulator. In this case there is no evidence to suggest that Ms Kaczurynski is willing to resolve or remediate her failings and therefore the panel concluded that a suspension order would not be appropriate or sufficient to meet the public interest.

Removal order

30. The panel was satisfied it could consider that a removal order was available to the panel as Ms Kaczurynski's fitness to practise was originally found impaired on the basis of misconduct.
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 because Ms Kaczurynski's fitness to practise remains impaired, but she does not wish to engage with Social Work England. The Sanctions Guidance states that a removal order may be appropriate for "*social workers who are unwilling and/or unable to remediate (for example, where there is clear evidence that they do not wish to practise as a social worker in the future)*". In this case the panel was satisfied that there is clear evidence that Ms Kaczurynski does not wish to practise as a social worker in the future. There was no evidence before the panel to indicate that she opposes her removal from the register.
32. A removal order protects the public and it also sends a clear message to members of the profession and the public as to the required professional standards for social workers in England. The Panel concluded that a removal order is the appropriate and proportionate order.

Right of appeal:

2. 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.
3. 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.
4. 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.

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

Review of final orders:

6. 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).
7. 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

8. 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>