

Social worker: Dawn Elsie Susan
Dora Taylor
Registration number: SW17635
Fitness to Practise
Final Hearing

Dates of hearing: 07 June 2023 to 16 June 2023

Hearing venue: Remote hearing

Hearing Outcome: Removal order

Interim order: 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 Taylor attended and was not represented.
3. Social Work England was represented by Ms Rebecca Steels case presenter instructed by Capsticks LLP.

Adjudicators	Role
Karen McArthur	Chair
Sarah Redmond	Social worker adjudicator
Bridget Makins	Lay adjudicator

Elle Langdown	Hearings officer
Kathryn Tinsley	Hearings support officer
Paul Moulder	Legal adviser

Service of notice:

4. The panel of adjudicators (“the panel”) observed from the Service Bundle that notice of this hearing was sent to Ms Taylor by email and next day postal delivery service to addresses provided by Ms Taylor (namely her registered addresses as they appear on the Social Work England register).
5. The panel of adjudicators 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 28 April 2023 and addressed to Ms Taylor at her email and postal addresses which she provided to Social Work England;
 - An extract from the Social Work England Register as at 28 April detailing Ms Taylor’s registered addresses;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 28 April 2023 the writer sent by next day delivery service and email to Ms Taylor at the addresses referred to above the notice of hearing and related documents;
 - A copy of the Royal Mail Track and Trace Document indicating “signed for” delivery to Ms Taylor’s address at 11:38 on 29 April 2023.
6. Having had regard to Rule 14 and all 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 Taylor in accordance with Rules 14, 44 and 45.

Preliminary matters:

7. Ms Steels made an application for the panel to sit in private for parts of the hearing. She submitted that, whilst the rules required the panel to sit in a public hearing, there was an exception when the panel is considering the physical or mental health of the social worker. Ms Taylor did not oppose the hearing to sit in private, save that she asked the panel to sit for the whole of the hearing in private.
8. The legal adviser advised the panel that the default position, pursuant to Rule 37, was to sit in public, but Rule 38 required the panel to sit in private for all or part of the hearing when considering the social worker's physical or mental health. There is also a discretion to sit in private, when the interests of a participant require, or in the public interest.
9. The panel decided that it should sit in private for parts of the hearing which would consider the social worker's physical or mental health, but otherwise it would sit in public, taking into account that the case was not directly a 'health' case and alluded to health matters only indirectly.
10. Ms Taylor informed the panel that she wanted to provide a further written statement in response to the statements which had only recently been provided by Social Work England in relation to Driving and Vehicle Licensing Agency ("DVLA") matters. Ms Taylor provided a copy of the statement in advance for the parties' consideration. Ms Steels indicated, having seen the statement, that she would not object to the admission of the statement, on the understanding that she would make submissions about the weight the panel should attach to the hearsay evidence contained within the statement.

Allegations:

11. The Allegations referred to a hearing were as follows:

Whilst employed as a Social Worker for North Yorkshire County Council:

- 1. Between 12 November 2018 and 3 July 2019, you failed to provide a copy of your driving licence despite repeated requests by the management team to do so.*
- 2. You failed to declare to your employer a 6 months' disqualification from driving received on 19 December 2018.*
- 3. Between 19 December 2018 and 19 June 2019, whilst on duty as a social worker, you drove whilst disqualified from driving.*
- 4. Your actions at paragraphs 1, and/or 2, and/or 3 were dishonest.*
- 5. You behaved in an unprofessional manner whilst the Emergency Duty Team Manager on or around 20 April 2019 which included using the language set out in Schedule A.*

Your conduct in Allegations 1 to 5 amounts to the statutory ground of misconduct. By reason of your misconduct, your fitness to practise is impaired.

Schedule A

a) "Dicko";

b) Reference to being topless;

c) References to alcohol:

i. "I was just lying in the sun then I thought is it time for a beer";

ii. "Now try again not to ring me because I'm, I'm now going to have to have a beer because I feel like you've stressed me now";

iii. "Can I have a beer, can I have a beer now?";

iv. "Did you hear me open a can of beer then".

v. "I'm only on me second beer";

vi. "It's only low alcohol... well it's low alcohol because I'm on the lower floor".

d) Swearing:

i. "ah, fuck";

ii. "fucking hell";

iii. "By fuck";

iv. "fuck knows";

v. "oh you bastard";

e) In discussion about dyslexia:

i. "what you want a new fucking machine or summat or you want a sign language person by side of you to help you";

ii. "I'm thinking what the fuck, she didn't have a fucking sign language for beside her before".

Admissions:

12. 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.

13. Following the reading of the allegations the panel Chair asked Ms Taylor whether she admitted any of the allegations. Ms Taylor informed the panel that she admitted allegations 1, 3 and 5 as factual allegations.
14. The panel therefore found allegations 1, 3 and 5 proved by way of Ms Taylor's admissions.
15. The panel noted that Ms Taylor denied allegations 2 and 4.
16. In line with Rule 32c(i)(a) of the Rules, the panel then went on to determine the disputed facts.

Summary of evidence:

Social Work England

17. Social Work England relied on the evidence of Mr Peter Hopkins, Head of Care and Support for North Yorkshire County Council ("the Council"), and a registered social worker since 2001. He provided a witness statement and gave oral evidence at the hearing.
18. Mr Hopkins stated that, at the time of the concerns, he had overall operational support, oversight and responsibility for a number of teams at the Council. For periods of time, Mr Hopkins had been Ms Taylor's direct line manager, or managing her line manager. Mr Hopkins outlined Ms Taylor's required hours of work in her role.
19. Mr Hopkins stated that Ms Taylor and he had a reasonably good working relationship, but this was not so in her relations with some other colleagues. In oral evidence he clarified that Ms Taylor had good relationships with her own team, but less good with Ms Clayton, and her team.
20. Mr Hopkins stated that Ms Taylor had been required to drive for her role. He clarified that parts of the role required the ability to respond to emergencies at unsocial hours when it would be necessary to be able to drive oneself. Mr Taylor exhibited the Council's policy '*Driving at Work Policy and Procedure*', which he said required employees to notify their line manager of issues with their holding a driving licence. Mr Hopkins told the panel that Ms Taylor never provided him with a copy of her driving licence.
21. Mr Hopkins also gave evidence about the Council's policy regarding claiming travel expenses, in respect of travel for work and exhibited a policy document. Although it was not the document in place in 2018, he stated a belief that he would be surprised if it had changed. He accepted in oral evidence that there was not an express obligation on employees to claim expenses, although he thought it was implied.
22. Mr Hopkins stated that Ms Taylor had notified himself and Ms Clayton that she had received 'points' on her licence as part of a discussion regarding a return to work following sickness absence. Mr Hopkins told the panel that he considered that Ms Taylor had been adequately supported on her return to work. Mr Hopkins stated that he contacted the Council's Human Resources department concerning matters and exhibited the correspondence. He also

stated that Ms Taylor was not, at the time, making claims for 'mileage'. He said that Ms Taylor had stated that it was her right to decide whether to make claims. Mr Hopkins stated he was troubled by Ms Taylor's decision to not claim.

23. Mr Hopkins stated that Ms Taylor had not responded to requests to provide sight of her driving licence, over a period of months. He stated that he had learnt of Ms Taylor's court appearance on 7 November 2018, Ms Taylor having telephoned Ms Clayton to advise her that Ms Taylor had been fined but not banned from driving ("the November 2018 conviction"). Mr Hopkins gave evidence concerning Ms Taylor's work appointments in February 2019, exhibiting her work diary over this period.
24. Mr Hopkins gave evidence concerning Ms Taylor's communication with colleagues and stated that he had concerns regarding her tone. He stated that Ms Taylor's relationship with Ms Clayton had been particularly difficult. Mr Hopkins stated that he listened to audio recordings of two telephone calls involving Ms Taylor and other colleagues. He said that Ms Clayton had been conducting some governance activities when she found them and brought them to his attention.
25. Mr Hopkins stated that he was horrified, having listened to the calls. He exhibited transcripts of the calls. Copies of the audio files were also made available to the panel. He described the language used as "unacceptable". He said that he recognised that the person Ms Taylor was speaking to in the first call had been a personal friend, but that did not apply to the second call. He was concerned at the reference by Ms Taylor in the calls to drinking alcohol and the effect on perception of management at the Council.
26. Mr Hopkins stated that he was aware of significant stressors in Ms Taylor's life at a time around the events, although he could not now recall the details. Mr Hopkins accepted that there was an official practice of obtaining signatures on supervision notes, and that this had not always been followed.
27. Mr Hopkins stated that there had been twelve phone calls on the log for Ms Taylor on the same date, but he had not listened to audio recordings of all of them. He said that the numbers of calls going to Ms Taylor had been considered excessive compared to others. He agreed that the advice Ms Taylor had given to colleagues had been good, professional advice.
28. Social Work England called Ms Sheila Hall, Head of Engagement and Governance of Health and Adult Services with the Council to give evidence. Ms Hall stated that, in July 2019 she had conducted an investigation into the concerns with Ms Taylor.
29. Ms Hall stated that she had first spoken to Ms Taylor on 29 November 2019 in the first investigation interview. Ms Hall stated that Ms Taylor did not produce her driving licence to Ms Hall. She clarified that Ms Taylor did provide the 'card' or 'plastic' copy only of her licence, which was not sufficient. Ms Hall stated that Ms Taylor did not respond to requests to provide Ms Hall with a 'code' for the DVLA website, so that Ms Taylor's driving licence endorsements could be checked online. Ms Hall exhibited a copy of interview transcripts and email correspondence with Ms Taylor.

30. Ms Hall stated that she had corresponded with the courts and obtained publicly available information about Ms Taylor's case. As a result of the response, Ms Hall said that she became aware of a second court case, in December 2018, which Ms Taylor had not mentioned ("the December 2018 conviction"). She said that Ms Taylor refused her consent for Ms Hall to obtain further information. Ms Hall exhibited a copy of the Memorandum of Entry in the Register for the North Yorkshire Magistrates Court for 19 December 2018.
31. Ms Hall stated that she had further interviewed Ms Taylor in June 2020 and exhibited a copy of the interview transcript. She also exhibited further email correspondence received from Ms Taylor regarding the interview transcript and the disqualification, in August 2020.
32. Ms Hall gave evidence concerning the interview process conducted with Ms Taylor. She told the panel, in answer to questions from Ms Taylor, that she had only listened to recordings of two telephone calls, as these were the ones over which concerns had been raised. She was unable to answer as to the manner or content of other calls which Ms Taylor conducted on the same day. Ms Hall was unable to state whether any claims made for expenses in November 2018 had actually been paid, Ms Taylor having suggested that she had retracted them.
33. Ms Ambika Lall, a solicitor of Capsticks Solicitors LLP ("Capsticks"), provided a witness statement. Neither party required Ms Lall to attend the hearing for questioning. She exhibited correspondence between Capsticks and the DVLA, which it had received following enquiries, Ms Taylor having refused consent to obtain information.
34. Ms Towers, a paralegal from Capsticks, provided a witness statement, but was not required to attend for questioning. Ms Towers exhibited copies of documents received from the York Magistrates' Court concerning Ms Taylor's driving matters.
35. Ms Towers' exhibits showed the underlying speeding matter in relation to the December 2018 conviction occurred on 23 March 2018 and the Notice of Intended Prosecution ("NIP") was dated the same date. A Notice from North Yorkshire Police dated 24 October 2018 informed of the two then proposed offences, to be heard in court on 21 November 2018. A Notice of Fine and Collection order (for the failure to disclose offence) and a Notice of withdrawn offences (the speeding offence) were dated 19 December 2018 and addressed to Ms Taylor.
36. Ms Julie Ann Pitt, an Administrative Officer at the DVLA, provided a witness statement. Ms Pitt was not required by either party to attend and answer questions at the hearing.
37. Ms Pitt gave evidence from her consideration of the records compiled and kept by DVLA. Ms Pitt stated that DVLA holds a full driver record for a Dawn Elsie S D Taylor at the same address as appears on Social Work England's register.
38. The DVLA records hold a report by North Yorkshire Magistrates' Court, advising that Ms Taylor was convicted of offences of failure to give the identity of a driver (MS90) and 'TT99'. The relevant recorded dates were 24 April 2018 (offence), 21 November 2018 (conviction) and 19 December 2018 (sentence). The sentence is recorded as £660 fine and 6-month disqualification imposed for accumulated 'penalty points'.

39. It was recorded that Ms Taylor failed to surrender her licence at the time of the hearing. Ms Pitt stated that a letter was automatically sent requesting return of Ms Taylor's driving licence. The disqualification expired at midnight on 18 June 2019.
40. Ms Pitt explained in her witness statement that an application form for renewal of driving licence is automatically sent to the driver's address approximately 56 days before the end of the disqualification. She stated that a renewal form was received from Ms Dawn Elsie S Taylor. The application was processed on 14 June 2019, the licence was renewed and issued to Ms Taylor. Ms Pitt produced a copy of the application form. Ms Pitt produced a copy of Ms Taylor's summary driver record.
41. Ms Kate Clayton, currently Relief Service Manager for the Council, gave evidence and provided a witness statement. She stated that at the time, she had been the interim Service Manager for the Emergency Duty Team ("EDT"), Care and Support Team and for the Sensory Service.
42. Ms Clayton stated that Ms Taylor had been off sick for a period. She had returned to work in October 2018, prior to which a return to work plan had been discussed between Ms Clayton, Mr Hopkins and Ms Taylor.
43. Ms Clayton stated that Ms Taylor was expected to drive for her role. A 'catch up' meeting had been held between Ms Clayton, Mr Hopkins and Ms Taylor on 25 October 2018. It was after this meeting that Ms Taylor told them about her impending hearing for the 07 November 2018 conviction. Ms Taylor told them it was for a speeding offence, and she would contact Ms Clayton after the hearing.
44. Ms Clayton stated that Ms Taylor had phoned her after the 07 November 2018 hearing and said that she had "13 points" but had not been disqualified, as a "Judge's concession". Ms Clayton stated that this was the last time she knew about any court appearances for Ms Taylor.
45. Ms Clayton stated that thereafter, at the request of Mr Hopkins and in line with Council policy, on 12 November 2018, Ms Clayton emailed Ms Taylor asking for her driving licence. She emailed again in December 2018 and raised the matter in supervision. Ms Clayton exhibited the relevant emails and Supervision record. Ms Clayton stated, "*when I asked the Social Worker for her driving licence she said she did not have it and needed to send it away*". Ms Clayton stated that she repeatedly asked for the driving licence, but never received it and stopped asking. She had difficulty in remembering the detailed timeframes.
46. Ms Clayton stated that she listened to audio recordings of calls that Ms Taylor took whilst on duty for the EDT over the Easter bank holiday weekend in 2019. She had been checking the payment claims made, as manager. Ms Clayton heard Ms Taylor in the calls saying that she was drinking and laughing a lot. She was concerned as some calls were not answered and she asked Mr Hopkins to listen to the calls.
47. Ms Clayton told the panel that she thought that Ms Taylor had been very well supported on return to work. She had not been at all aware of the driving disqualification at the time. She said that Ms Taylor had not produced her driving licence to Ms Clayton but had said that she

would take advice from HR as to whether she had to, because she was not claiming mileage expenses.

48. Ms Clayton accepted that she had not listened to all the recordings of telephone calls for the day relating to paragraph 5 of the Allegations.
49. Ms Clayton agreed that it was practice for both participants to sign the Supervision records. She did not recall ever having received a signed copy of Supervision records from Ms Taylor. Ms Clayton agreed she had amended one record, following Ms Taylor's request. Ms Clayton accepted that she had last received a mileage claim from Ms Taylor in June 2018 for approval.

Ms Taylor

50. Ms Taylor gave evidence to the panel at the facts stage. She had also provided a written response to the regulatory concerns, a witness statement dated 31 May 2023 and an additional statement provided on the first day of the hearing.
51. Ms Taylor set out in her witness statement that she accepted not having provided a copy of her driving licence. She apologised and stated that she had no reason not to provide the licence after the request on 12 November 2018. She stated that, at the 25 October 2018 meeting, Ms Clayton had said that Ms Taylor might need to find another job, whereas Mr Hopkins had been more supportive.
52. Ms Taylor stated that Mr Hopkins asked her on 5 June 2019 to bring her licence to the next meeting, scheduled for 18 June 2019. That meeting had been postponed to 21 June 2019. At that meeting, Ms Taylor said Mr Hopkins told her she was *"under developing performance"*. She did not provide the driving licence as this discussion had been the focus of the meeting. She stated that when she challenged him, he left the meeting. Ms Taylor stated that she was suspended from work on 03 July 2019.
53. Ms Taylor stated that she had a challenging relationship with Ms Clayton. Ms Taylor stated that she had been defiant but not obstructive due to 'gaslighting' and being subject to a bullying culture at work. She noted that the Supervision records were not signed by her as a true record. She agreed that Ms Clayton had asked for her driving licence, but not on a regular basis.
54. Ms Taylor stated that she remained firm that she had not known of the December 2018 court hearing. She explained the difficult circumstances of her home life around this time. This included accommodating various family members at her home. Ms Taylor stated that she had to deal with this alongside the workplace bullying.
55. Ms Taylor reflected on the consequences of driving whilst disqualified. She told the panel that she was aware that she could have caused an injury and been further prosecuted and punished. She stated she was happy to attend any appropriate remediation courses. Ms Taylor told the panel that, had she known about the December 2018 conviction, she would have informed the Council.

56. Ms Taylor accepted that she had used inappropriate language in her call with one team member. Ms Taylor provided reflections on the wider issues arising from the case, in relation to public trust and confidence in the profession.
57. Ms Taylor acknowledged how it might appear that she had been 'covering up'. She stated that she stopped claiming mileage in July 2018, following Ms Clayton's refusal of her claim. Ms Clayton disputed knowing about the disqualification and blamed matters on the deteriorating relationship with her managers and her personal homelife issues. Ms Taylor stated that she was not dishonest: Mr Hopkins had given evidence that sometimes she was "*too honest*".
58. Ms Taylor provided an additional statement on the first day of the hearing. In the additional statement, Ms Taylor set out what she had been told by her son. Following Ms Taylor receiving the statements including that of Ms Pitt, she said she had become distressed. She stated that her son said that he had taken her car without permission in March [2018]. He had thereafter intercepted all post concerning this particular matter. He had then subsequently applied in Ms Taylor's name for the renewal of her licence. She states that he is able to forge her signature. He had obtained a postal order for the £65 fee.
59. Ms Taylor told the panel that she had her driving licence with her on 18 June 2019. She had not seen the paperwork. Her son had swapped her licences. It had only been when Ms Hall interviewed Ms Taylor, in June 2020, that she found out about the disqualification. Ms Taylor maintained that she had received her licence back from DVLA in March 2019, but accepted her comments recorded in June 2019 stating she was seeking its return appeared to be a change in her account.
60. Ms Taylor stated that she had not claimed mileage expenses after June 2018 and referred to Ms Clayton's acceptance of this in her oral evidence. She denied that the signature on the 'renewal' form was her signature. She said that she had never seen the form until it had been provided by Social Work England.

Submissions

61. Ms Steels submitted that the panel should find all of the paragraphs of the Allegations proved. She submitted to the panel that all of Social Work England's witnesses were clear and credible. The evidence of the written statements was not challenged by Ms Taylor.
62. Ms Steels submitted that the additional statement provided by Ms Taylor suffered from the main content being hearsay evidence. Ms Taylor's son had not given oral evidence, been cross-examined or asked questions. There was no independent evidence to support his account. Ms Steels submitted that the panel should give little weight to the character evidence.
63. Ms Steels submitted that Ms Taylor's account of the licence did not make sense. There was inconsistency as to when the licence was first returned to DVLA. She submitted that, notwithstanding Ms Clayton's concession in oral evidence, the documents showed Ms Clayton making expense claims until November [2018].

64. Ms Steels submitted that it was more likely than not that Ms Taylor had known of her disqualification in December 2018. It had been an important part of Ms Taylor's role to be able to drive. She submitted that Ms Taylor's evident poor relations with Ms Clayton made it more likely that she would not disclose her disqualification.
65. Ms Taylor submitted that the panel should take into account that she had represented herself at the disciplinary hearing **[PRIVATE]** and should not have attended the hearing. She had also represented herself before this panel. She said that she had been unable to access material which would contradict Social Work England's case. The case had taken four years to come to a hearing. She asked the panel to note that she had not signed the Supervision records and on one occasion Ms Clayton had to make a correction.
66. Ms Taylor submitted that the evidence showed that she had followed the Council's policy in relation to the November 2018 conviction and had disclosed the impending hearing. She said that this demonstrated that she was honest and submitted that it supported a contention that she would have disclosed the proceedings for the December 2018 conviction, if she had known of it.
67. Ms Taylor accepted that her additional statement had come late. She submitted that this was because she had only lately received the evidence provided by DVLA from Social Work England. She noted the evidence regarding claiming expenses in November 2018, but submitted that the panel should prefer the concession made by Ms Clayton, that she had not been aware of a claim after June 2018.
68. Ms Taylor submitted that she had not knowingly driven whilst disqualified. She said that her son had only told her what he had done, seeing her distressed. Otherwise, she submitted, she surely would have used this evidence in the disciplinary hearing.
69. Ms Taylor submitted that she had not knowingly failed to disclose her disqualification. She said she had always been honest and referred the panel to her character references. Ms Taylor submitted that she had been stubborn in not providing her licence. Ms Taylor said she had not known that she was driving whilst disqualified.
70. Ms Taylor submitted that she had been consistent throughout that she had not known of the driving disqualification imposed in respect of the December 2018 conviction.

Legal Advice

71. The legal adviser advised the panel that, save for the admitted facts, the burden of proving facts lay on Social Work England. The standard to be met is the balance of probabilities. He advised the panel of the courts' judgments concerning the approach to assessing evidence, in *Dutta v GMC* [2020] EWHC 1974 (Admin) and *Byrne v GMC* [2021] EWHC 2237 (Admin), which were approved of in *Joseph v GMC* [2022] EWHC 3345 (Admin).
72. On the matter of the allegation of failure to declare the disqualification, the legal adviser advised the panel that the case run by Social Work England was that failure had been with knowledge of the disqualification. He advised that the resolution of this disputed matter would also be relevant to the panel's assessment of the dishonesty allegation. He advised

the panel that, in relation to dishonesty, it had to apply the test in *Ivey v Genting Casinos* [2017] UK SC 62, to each of paragraphs 1, 2 and 3 separately when considering paragraph 4 of the Allegations.

Finding and reasons on facts:

Paragraphs 1, 3 and 5

73. Paragraphs 1, 3 and 5 of the Allegations were admitted by Ms Taylor at the start of the hearing. In accordance with Rule 32(c)(i)(aa), the panel found those facts proved by virtue of Ms Taylor's admissions.

Paragraph 1

74. In relation to paragraph 1 the panel saw evidence of emails and Supervision records on at least seven occasions from November 2018 to June 2019 in which Ms Clayton and Mr Hopkins requested to see a copy of Ms Taylor's driving licence.

Paragraph 2

75. Mr Hopkins had exhibited as part of his evidence the Council's policy documents with regard to the duty on the Council's employees to disclose matters with regard to their driving licences, including impending prosecutions and disqualifications. In evidence, Ms Taylor had accepted that there was a duty on her to disclose such matters. She relied on her knowledge of and compliance with the Council's policies as part of her response to the Allegations. The panel found that Ms Taylor had been subject to a duty to declare to the Council her disqualification from driving.
76. It was not in dispute that Ms Taylor had not disclosed her disqualification on 19 December 2018 for a period of 6 months to the Council. In that sense the panel considered that there had been a 'failure' to disclose the disqualification.
77. Social Work England's case went further, however. It alleged as an underlying fact that Ms Taylor had known about the disqualification at the time. Ms Taylor disputed having had any knowledge of the disqualification. The panel noted that, since dishonesty was alleged elsewhere in the Allegations, it would have to make findings as to Ms Taylor's knowledge or belief as to the facts, when assessing dishonesty as well.
78. The panel had been provided with evidence in the documents concerning the two driving offences. Ms Taylor provided a copy of the Memorandum of entry in relation to the 07 November 2018 speeding conviction. This showed that, in respect of an offence committed on 22 January 2018, Ms Taylor entered a guilty plea on 20 June 2018. On 07 November 2018 Ms Taylor was sentenced, but not subject to a 'totting' disqualification due to mitigating circumstances.
79. Mr Hopkins gave evidence that this impending court hearing had been discussed at a return to work planning meeting on 25 October 2018 and the matter of how it might affect Ms

Taylor working in her role had been discussed. Ms Clayton recalled that Ms Taylor telephoned her on 07 November 2018 to advise that she had not been disqualified. An email exhibited by Mr Hopkins supported this. It also showed that Ms Clayton intended to ask Ms Taylor to provide a copy of her driving licence.

80. The dates for the December 2018 conviction, as set out above were according to the unchallenged evidence of Ms Pitt: 24 April 2018 (offence), 21 November 2018 (conviction) and 19 December 2018 (sentence).
81. Ms Taylor's response to paragraph 2 had consistently been that she was unaware of the disqualification in December 2018. Her evidence in her additional statement and in oral evidence, was that her son disclosed to Ms Taylor for the first time on 03 June 2023, that he was responsible for her lack of "*awareness and knowledge of the proceedings*"?
82. The panel took into account that there was evident concern at the meeting on 25 October 2018, concerning Ms Taylor's role and the impending prosecution. Also, the email of 07 November 2018 and the telephone call to Ms Clayton of the same date were focussed on Ms Taylor having avoided a disqualification.
83. The panel took into account that Ms Taylor had no apparent difficulty in receiving the post concerning the speeding conviction which was sentenced on 07 November 2018. At the time that documents had first been posted to her relating to the December 2018 conviction she had not been sentenced for the November matter and would have been receiving communications in relation to both matters.
84. Ms Taylor said that she had sent off her licence to DVLA, within a week of the 07 November 2018 hearing, possibly on 12 November 2018. However, the second matter was heard on 21 November 2018, in her absence. Ms Pitt's evidence was that a letter was sent, requesting return of Ms Taylor's licence, dated 19 December 2018.
85. In Ms Taylor's interview by the investigator, Ms Hall, on 29 November 2019 she is asked about the 07 November 2018 hearing.

JH: Did you have to send your driving licence away to have ...

DT: Yeah I had, I had to give my driving licence into the Clerk and that's what I did

SH: And you got that back?

DT: Yeah

SH: Okay

JH: When did you, when did you get your driving licence back?

DT: I think probably about March I think, yeah March"

86. Ms Taylor repeated the March date later in the interview. In oral evidence, Ms Taylor said that she had sent the licence to the court, but confirmed her evidence that she had received the licence back in March. The panel noted, in contrast to this, that the Supervision records

for 05 June 2019 recorded Ms Taylor as telling Mr Hopkins that she was still awaiting the return of her licence.

87. The panel took into account that, whether surrendered at court or posted in November 2018, the return of Ms Taylor's driving licence in March 2019 seemed unlikely, if she had been disqualified in December 2018. Her comment about 'June' however was consistent with the end of the disqualification period on 19 June 2019.
88. Ms Taylor's account to the panel had been that she had been in possession of her driving licence, at the supervision meetings on 05 June, 18 June (postponed) and 21 June 2019. However, she stated, she had chosen not to show it, out of stubbornness and due to her difficult relationship with her managers. However, the earlier two of these dates also predated the end of her disqualification.
89. Ms Taylor's explanation of her lack of awareness of the disqualification was that her son intercepted all correspondence related to the December 2018 conviction. This would have included the NIP dated 23 March 2018, the Notice from Police, dated 24 October 2018, the other notices related to the fine and all the relevant correspondence from DVLA. The panel noted that this comprised seven letters, all sent to Ms Taylor's address and over an extended period.
90. The panel took into account that, earlier in the proceedings, Ms Taylor's explanation had been that her house at the time had been 'chaotic' and it had possibly been her now daughter-in-law who had misplaced the relevant post. Although Ms Taylor had been the subject of an internal investigation, had raised a grievance against her employer [PRIVATE], the panel noted that, on Ms Taylor's case, her son had not seen fit to provide her with an explanation until 03 June 2023.
91. The panel took into account that Ms Taylor had only lately been provided with the statements from the DVLA. However, it appeared that it was evidence of an application being made in Ms Taylor's name, writing her signature, to apply for renewal of Ms Taylor's licence following disqualification which had prompted the additional statement and Ms Taylor's son's evidence, as hearsay.
92. The panel had admitted the additional statement, notwithstanding that it contained the hearsay evidence of Ms Taylor's son. It noted the importance of this evidence to Ms Taylor's explanation. However, the panel had also to bear in mind that Ms Taylor's son did not attend and give evidence and this evidence was not tested in cross-examination. The panel considered that it lessened the weight that it could give this evidence, in this case.
93. The panel also considered that it was accepted that Ms Taylor had no previous regulatory findings against her, and therefore was of 'good character'. Ms Taylor had provided a number of character references, some of which, it was told, were from members of the EDT team. These were positive about Ms Taylor's character and ability. The panel took these into consideration, although it could not consider the opinion evidence as to the primary facts offered in one witness' letter.

94. The panel considered that the evidence of character did have a bearing on whether Ms Taylor was a credible witness and also whether she was likely to commit misconduct, as alleged. It gave a degree of weight to this evidence; however, this evidence was balanced by the obvious concerns relating to the potential consequences of Ms Taylor receiving a driving ban. It was recorded in the Memorandum of Conviction for 07 November 2018 that a ban had potentially serious consequences for Ms Taylor. The panel concluded that a second driving conviction, so soon after the November conviction and mitigation having previously been used up, was likely to have weighed very heavily with Ms Taylor.
95. The panel also had the copy of the application for '*Renewal of driving licence after disqualification*' form D27P, exhibited by Ms Pitt. The document appeared unremarkable and bore a signature and date of completion of 02 June 2019. It had 'receipt' stamps dated 10 June 2019 and Ms Pitt stated that a full licence was issued in response on 14 June 2019.
96. On the evidence the panel considered that either this document was what it represented to be on its face, an application by Ms Taylor for renewal, or it had been completed by her son, on Ms Taylor's case, he having intercepted the form being sent out to her, having completed it, having forged her signature and having made payment.
97. The panel took into account that Social Work England's case was supported as a prima facie case by a clear sequence of letters, all addressed to Ms Taylor's home address, all consistent with her being notified of the inception, progression and outcome of the proceedings. Then, there were documents to support her having been written to and having completed the renewal of licence application.
98. The panel had heard Ms Taylor being cross-examined and asked questions about the chronology and the dates at which the licence had been in her possession. It considered that her evidence about this had been unclear and did not accord with other facts, such as the date of return of her driving licence to DVLA in November 2018 and its renewal in June 2019.
99. The panel noted that a key part of Ms Taylor's account had been that she had not claimed for vehicle expenses after June 2018, well before the November conviction. However, the panel had been provided with copies of the claims submitted for Ms Taylor. Based on the interpretation of the columns given by Mr Hopkins, the panel accepted that this was evidence that Ms Taylor made multiple claims as late as November 2018 for events apparently in July, August and October 2018. It noted that this was just around the time of the November conviction. The panel noted that this was contradictory to Ms Clayton's evidence. The panel therefore gave little weight to Ms Taylor's submission that she had ceased to claim in June 2018. The panel considered that the data was more reliable as evidence.
100. The panel considered the Supervision Records and took into account Ms Taylor's submission that she had not signed the record to indicate her agreement. It noted that no evidence had been provided to show her specific disagreement at the time with the record, save on one occasion. It appeared that she did not dispute having been asked for the production of her licence in repeated supervision sessions, as the records stated. The panel noted that there

was no mention in the records of her dislike of management requests as being a reason for not producing her licence, which she gave to the panel in her evidence.

101. The panel took into account that the lack of Ms Taylor producing a copy of her licence over the period from 12 November 2018 to 3 July 2019 was consistent with her having been convicted of the November 2018 offence and then a request to surrender her licence being sent on 19 December 2018 and the licence not being renewed until 19 June 2019. The panel bore in mind that Ms Taylor did not give an online DVLA code to the Council's investigator, Ms Hall to allow her to check the record. It took into account that not disclosing a disqualification appeared to be in Ms Taylor's interests also, bearing in mind her concerns with the issue of disqualification in relation to the 07 November 2018 offence.
102. The panel weighed these matters with the suggestion by Ms Taylor on the other hand that her son had been successful in intercepting all her post relating to the December 2019 conviction, starting with the NIP in March 2018 and had then gone on to complete a forged renewal application. It took into account that all the letters were addressed to Ms Taylor's constant home address, even allowing for the fact that Ms Taylor stated to the panel, it not being said before, that she had spent part of the relevant period living at her flat in Filey.
103. The panel concluded that, on the balance of probabilities, it was more likely the case that the documents reaching Ms Taylor's address had come to her attention, that the licence had been surrendered to DVLA at some point in around November/December 2018 and that the renewal application was as it appeared on its face, a document completed by Ms Taylor. In the light of that, the panel concluded that Ms Taylor had been aware of the disqualification in December 2018 and for reasons of her own, had failed to declare it.
104. The panel found paragraph 2 proved.

Paragraph 4

105. The panel next considered paragraph 4, which alleged that Ms Taylor's actions in relation to Paragraphs 1, 2 and/or 3 had been dishonest.
106. The panel accepted the advice of the legal adviser. It applied the test in *Ivey v Genting Casinos* [2017] UKSC 62 to its findings of fact. First, the panel decided what had been Ms Taylor's state of knowledge or belief as to the facts, in the case of each paragraph of the Allegations. Then the panel decided whether, in the light of those findings, ordinary, decent people would regard her conduct as dishonest by their own standards.
107. The panel had already made a finding that Ms Taylor was aware of her disqualification, in its findings on paragraph 2, above and it took this into account in assessing her state of knowledge for the purposes of paragraph 4. It also considered that it was more likely than not that Ms Taylor had been aware of other documents, such as the NIP or the Notice from the Police dated 24 October 2018.
108. It followed that Ms Taylor had known by 12 November 2018 that a further prosecution was pending. She never disclosed the subsequent disqualification to her employer, the Council, which had learnt of it from other enquiries. The panel concluded that Ms Taylor's state of

knowledge in relation to paragraph 1 was that she did not want to make known the position she was in and that was why she did not produce her driving licence. This was despite it being not disputed that the Council's policy required her to inform the Council.

109. The panel concluded that ordinary decent people would consider this to be dishonest by their standards.
110. The panel had found that Ms Taylor's failure to disclose her conviction in paragraph 2 had been in the face of her knowledge of the disqualification. The panel found that she had deliberately decided not to disclose the disqualification. The panel had no doubt that ordinary decent people would also consider this dishonest by their standards.
111. The panel noted that Ms Taylor had admitted driving whilst disqualified between 19 December 2019 and 19 June 2019. The evidence of Mr Hopkins was that she had attended a number of work events, as shown by Ms Taylor's work diary, to which she would likely have driven.
112. The panel's findings in relation to paragraph 2 also led the panel to conclude that Ms Taylor had knowingly driven whilst disqualified. The panel concluded that, by the standards of ordinary decent people, this too was dishonest behaviour.
113. The panel found paragraph 4 proved in relation to each of paragraphs 1, 2 and 3.

Paragraph 5

114. In relation to paragraph 5, the panel had sight of the transcript and had the opportunity to listen to an audio recording which put the conversation in context. Ms Taylor had admitted the swearing and said that she had not sworn when giving her advice. The panel noted that Mr Hopkins and Ms Clayton stated that the advice given had been sound.

Finding and reasons on grounds:

115. The panel went on to consider whether the facts found proved amounted to misconduct by Ms Taylor. The panel was aware that the matter of misconduct was for the panel's judgement based on its findings of fact. It is not every finding that will amount to misconduct. To satisfy the statutory ground of 'misconduct' the panel had to be satisfied that there had been serious professional misconduct.
116. Ms Steels submitted that the conduct found proved did amount to misconduct, the statutory ground. She submitted that, although 'misconduct' as a term is not defined in the legislation, it had been considered as a concept by the courts.
117. Ms Steels referred the panel to the description of misconduct in *Roylance v GMC* (no.2) [2000] 1 AC 311 and *Rylands v GMC* [1999] Lloyd's Rep Med 139. Ms Steels submitted that the conduct admitted and found proved in the case did amount to misconduct in the sense described by those cases. Ms Steels submitted that Ms Taylor had failed to comply with core requirements of the profession and had breached fundamental tenets. Ms Steels submitted

that Ms Taylor had breached a number of the relevant HCPC Standards of conduct, performance and ethics which had applied at the time. She referred the panel to the Statement of Case, which set out that the following paragraphs were engaged: 6.1, 9.1 and 9.2. Ms Steels said that the panel ought to consider each of the factual allegations in turn and consider whether it was misconduct.

118. Ms Steels submitted that Ms Taylor had failed to respond to repeated requests to provide her driving licence, over a period of months. She said that this had been serious, given the importance of driving to Ms Taylor's role with the Council. Her conduct had hindered the Council in complying with its own obligations.
119. Ms Steels submitted that Ms Taylor had been aware of her responsibility to maintain a driving licence. However, the panel had found that she had known of her disqualification. Ms Steels submitted that driving whilst disqualified constituted a criminal offence and was serious. Ms Steels submitted that a finding of dishonesty was also a serious matter.
120. Ms Steels submitted that the language used in the calls recorded was inappropriate. Whilst in one of the calls Ms Taylor was talking with a friend, this was still a professional call and the language used was inappropriate. Mr Hopkins confirmed that this was unacceptable irrespective of the relationship and that this risked the Council's reputation. In his opinion it fell short of what was expected of Ms Taylor.
121. Ms Steels said that the public would expect a finding of misconduct, given the findings of fact.
122. Ms Taylor submitted that she maintained her position but accepted that the panel had made its findings of fact. Ms Taylor noted the finding of dishonesty. She accepted that the conduct found proved will have damaged the profession. She asked the panel to take into account her 30 years' service without any question of her integrity. Ms Taylor asked the panel to consider this matter as a 'blip' which would never be repeated.
123. The legal adviser advised the panel that it had to consider whether its findings of fact also demonstrated misconduct by Ms Taylor. There was no definition of misconduct, but in *Roylance* it was said to be a "*word of general effect, involving some act or omission which falls short of what would be proper in the circumstances*" [2000] 1 AC 311, at page 331B. The case of *Roylance* also states that to amount to statutory 'misconduct' the professional misconduct in question must be 'serious'. The matter of what amounts to 'serious' misconduct is for the panel to decide.
124. The legal adviser referred the panel to Social Work England's *Impairment and Sanctions Guidance* ("ISG") for guidance in the matter of misconduct. He advised the panel to consider each paragraph of the Allegations separately and decide if each amounted to serious professional misconduct.
125. The panel considered the Standards which had been relevant to its findings in this case. The relevant standards were in the *Standards of conduct, performance and ethics* issued in 2016 by the Health and Care Professions Council ("Standards"). The panel considered that the following were engaged:

“6.1 You must take all reasonable steps to reduce the risk of harm to service users, carers and colleagues as far as possible.

6.2 You must not do anything, or allow someone else to do anything, which could put the health or safety of a service user, carer or colleague at unacceptable risk.

9.1 You must make sure that your conduct justifies the public’s trust and confidence in you and your profession.

9.5 You must tell us as soon as possible if:

– you accept a caution from the police or you have been charged with, or found guilty of, a criminal offence;

...

9.6 You must co-operate with any investigation into your conduct or competence, the conduct or competence of others, or the care, treatment or other services provided to service users.”

126. The panel considered its findings in relation to paragraph 1 of the Allegations. It bore in mind that it had found that Ms Taylor had failed to provide her driving licence, despite a number of requests and had concealed the real reasons behind her failure.
127. The panel was clear that both the Council’s policies and Ms Taylor’s professional obligations had required her to be candid. The panel considered that Ms Taylor’s failure to provide her driving licence and her offering excuses had frustrated these objectives and the Council’s ability to maintain proper checks for the safety of service users. This conflicted in particular with paragraphs 6.1 and 6.2, in terms of reduction of risk. Ms Taylor had also failed to co-operate with Ms Hall, by failing to assist her in making enquiries concerning Ms Taylor’s driving licence, contrary to paragraph 9.6.
128. The panel was satisfied that Ms Taylor’s failure to provide her driving licence in response to requests was serious professional misconduct.
129. The panel considered that, alike to paragraph 1, Ms Taylor’s failure to disclose her disqualification breached her obligations and prejudiced the reduction of risk, contrary to paragraphs 6.1 and 6.2 of the Standards. It also breached the trust that the public has in social workers, contrary to paragraph 9.1.
130. The conduct was also a direct breach of the Council’s policy on declaring proceedings and convictions and directly conflicted with standard 9.5. The panel considered that this conduct was serious professional misconduct.
131. The panel considered that Ms Taylor having driven whilst disqualified was very serious. As she herself recognised in her written statement, it had placed other road users and passengers in her own vehicle at risk of a lack of direct insurance cover. Moreover, ~~this~~ driving whilst disqualified is a serious criminal offence.

132. The panel noted that it did not have direct evidence of the number of occasions when or circumstances in which Ms Taylor had driven whilst disqualified. However, it did have evidence that her role required her to drive, together with her admission to having driven whilst disqualified, between 19 December 2018 and 19 June 2019.
133. The panel considered that this conduct breached paragraphs 6.1, 6.2 and 9.1. It was a significant breach of the requirement on social workers to maintain the public's trust and confidence in the profession. The panel considered that this conduct conflicted directly with the principle that social workers were supposed to protect the public from the risk of harm. The panel was in no doubt that this was serious professional misconduct.
134. The panel noted that it had found, in relation to paragraph 4, that Ms Taylor had behaved dishonestly in relation to each of paragraphs 1 to 3 of the Allegations.
135. The panel noted the ISG states, in relation to dishonesty, in part as follows:

“172. Honesty is key to good social work practice. Social workers are routinely trusted with access to private spaces (such as people's homes), and highly sensitive and confidential information (such as case notes).

173. Other organisations also rely on the honesty and integrity of social workers when making important decisions about service users, their relatives and carers. This includes (all of the following):

- *the police*
- *the courts*
- *local and health authorities*
- *other agencies*

Because of this, dishonesty is likely to threaten public confidence in the social work profession. This is the case both in professional practice and in the social worker's private life.”

136. The panel considered that dishonesty obviously conflicted with the obligations in paragraph 9.1 of the Standards. It undermined the confidence that the public would have in the profession. This also was serious professional misconduct.
137. In relation to paragraph 5, the panel noted that Ms Taylor had admitted having behaved unprofessionally in respect of two phone calls. She had accepted having made the comments that were set out in Schedule A to the Allegations.
138. The panel had received evidence from Mr Hopkins and Ms Clayton as to their concerns as to the manner in which Ms Taylor had spoken in the telephone calls and the potential impact on the reputation of the Council's management.
139. The panel had the opportunity to listen to audio recordings of the calls. It took into account that the conversations in question had been with other colleagues at the Council, one of whom was a personal friend of Ms Taylor. The panel also took into account that the evidence from Mr Hopkins and Ms Clayton was that the advice given had been sound and it

appeared to the panel that the advice was not affected by the unprofessional language in other parts of the calls.

140. The panel considered that Ms Taylor had behaved in an unprofessional manner in the two telephone calls. However, whilst this had been poor conduct and should not be repeated, the panel did not consider that it was so unprofessional and of such extreme effect that it amounted to serious professional misconduct.

Finding and reasons on current impairment :

141. Having found that the facts in relation to paragraphs 1 to 4 inclusive were serious professional misconduct, the panel went on to consider if Ms Taylor's fitness to practise as a social worker is currently impaired. When considering the question of impairment, the panel took into account Social Work England's 'Impairment and sanctions guidance' ("ISG").
142. Ms Steels submitted that the panel must be mindful that it is dealing with current impairment. However, she said this still involved taking Ms Taylor's past conduct into account.
143. Ms Steels reminded the panel of the test of impairment in *CHRE v NMC & Grant* [2011] EWHC 927 (Admin). She submitted that Ms Taylor had, by her misconduct, put service users at risk of harm. This resulted from her dishonesty and having driven whilst disqualified. She submitted that risk remained.
144. Ms Steels said that Ms Taylor had brought the profession into disrepute by her conduct. She had broken fundamental tenets of the profession, because she had failed to act honestly. She submitted that the dishonesty, as an attitudinal failing, was not remediable.
145. Ms Steels referred the panel to paragraphs of the ISG relating to the matter of dishonesty. She submitted that Ms Taylor's dishonesty was at the more serious end of the scale. Ms Steels said that Ms Taylor's misconduct had not been remedied.
146. Ms Steels said that Ms Taylor's CPD had been carried out at the latest in January 2022. She said that Ms Taylor had not provided any current references for her work. She had not provided any reflection on the harm caused to the profession more widely.
147. Ms Steels submitted that Ms Taylor's fitness to practise was impaired on the 'personal element' of impairment.
148. Ms Steels submitted that Ms Taylor's dishonesty had been so significant that it was highly damaging to public confidence, and a finding of impairment was required on the basis that it was necessary in order to maintain public confidence in the profession.
149. Ms Taylor told the panel that she had qualified as a social worker in 1992. She had worked as a social worker, assistant team manager and a team manager for the Council. She had worked with vulnerable adults and children. Ms Taylor had been an Approved Mental

Health Practitioner and Deprivation of Liberty assessor and considered herself a 'generic' social worker. She said that there had been no formal complaints in 30 years of practice and no previous regulatory proceedings against her.

150. Ms Taylor said that she was from a traveller background, she had faced hostility and had worked hard to become a social worker. She submitted that she had always worked from a philosophy of honesty and openness.
151. Ms Taylor told the panel that she had not been made subject of any regulatory restrictions in the four years since the events leading up to this hearing. She had not been deemed a risk to the public. Ms Taylor had worked for a number of agencies, mostly in the child protection team. She was now works in an independent capacity checking social work evidence templates ("SWET"). Ms Taylor clarified that this was a self-employed position on a referral basis from solicitors.
152. Ms Taylor submitted that she had not "*hidden*" from the allegations. She had represented herself in the hearing and had to listen to her career being demolished. However, she recognised that the proceedings were concerned with the impact on the profession.
153. Ms Taylor said that she had reflected on her refusal to provide her driving licence. She had let her relationship with Ms Clayton distract her. She said Mr Hopkins had confirmed their good relationship and she had been praised for her EDT work. She said that she should have complained about the workplace bullying sooner.
154. Ms Taylor submitted that she realised that the findings of her failure to disclose her disqualification and driving whilst disqualified were serious matters. She accepted that it was her responsibility to check her driving licence. She realised she had let people down but was passionate about social work.
155. Ms Taylor also accepted that dishonesty is a serious matter. On the matter of whether this was 'attitudinal', she referred the panel to her character references and her 30-year career. She submitted this had been a 'blip' and would not be repeated.
156. Ms Taylor submitted that she has fully engaged with the regulatory process. Ms Taylor said that she was truly sorry for her past conduct. She did realise the impact on the profession and on the public. Ms Taylor submitted that she had been re-living the last seven months of her work for the Council since that time. She would fully engage with her employers' policies in the future.
157. Ms Taylor said that she has tried to get a place on a driving course, but only the police could make referrals. The police were not pursuing the disqualified driving matter and she now had an automated speed limiter on her car. She would welcome any directions on how to remedy her misconduct.
158. The legal adviser advised the panel that the matter of whether Ms Taylor's fitness to practise is impaired is a matter for the panel's judgement. He referred the panel to the ISG and the factors that the guidance sets out. He advised the panel to consider whether Ms Taylor's misconduct was capable of remediation, whether it had been remedied and

whether it was 'highly unlikely' to be repeated, as in *Cohen v GMC* [2008] EWHC 581 (Admin).

159. The legal adviser advised the panel that the matter of current insight and the continued denial of matters in connection with dishonesty was dealt with in the case of *Sawati v GMC* [2022] EWHC 283 (Admin).
160. He also advised that where the misconduct consists of violating a fundamental rule of the relationship between a professional and their patient, a finding of impaired fitness to practise may be made in order to maintain public confidence in the profession. The legal adviser reminded the panel of the test of impairment in *CHRE v NMC & Grant*.
161. The panel considered that Ms Taylor had potentially put people, including service users, at risk of harm by her actions. She had hindered checks on her licence by the Council, not disclosed her disqualification and had driven whilst disqualified.
162. The panel also agreed with the submission that Ms Taylor's actions had breached fundamental tenets of the profession, by not being honest and not reducing the risk of harm to service users. It considered that public confidence in the profession would be prejudiced, if the public learnt of the misconduct, in particular failing to disclose the disqualification and driving whilst disqualified.
163. The panel was concerned also at the dishonesty that it had found proved in the case. It accepted the submission that dishonesty raises issues that may be attitudinal. It considered that dishonesty is hard, though not impossible, to remediate.
164. The panel acknowledged the character references and testimonials which Ms Taylor had provided. It took into account her long career, without any previous regulatory findings against her. However, the panel balanced this with its findings that she had been dishonest over a significant period of time, and the dishonesty had been found in several aspects, in relation to the failure to produce her licence, failure to disclose her disqualification and driving whilst disqualified.
165. The panel considered that Ms Taylor has shown some insight into the issues, including the effect of the matter of driving whilst disqualified on the profession and its potential effect on the public, and public confidence in the profession. It was of the view that this insight had been demonstrated relatively late on in the process and was still evolving.
166. Steps that Ms Taylor informed the panel about, such as completing a course on professional boundaries and having a speed limiter fitted to her vehicle had some relevance and were welcomed. However, they did not go to the central issue, of dishonestly failing to provide her licence details, the driving disqualification itself and driving whilst disqualified. The panel accepted the submission that no recent testimonials on Ms Taylor's recent performance or from her current or recent employers had been provided.
167. The panel acknowledged Ms Taylor had engaged throughout the process and defended herself in the proceedings and throughout maintained a denial of the matters, as is her right. She had stated that she accepted that the panel had made findings of fact. The panel

concluded, however, that Ms Taylor has not demonstrated the development of full insight into the issues in the case and the panel's findings, particularly with reference to the core need for honesty in the profession and the importance of engaging effectively with her employer. Ms Taylor had not shown that she had done any reflective or other work on these issues. The panel was concerned to note that there were indications that Ms Taylor's explanations of events had developed over time, in response to further information being disclosed.

168. Dishonesty in social workers is noted in the ISG to be serious. As the ISG states:

"180. Dishonesty is generally recognised as one of the most serious forms of misconduct. However, decision makers should consider that dishonest behaviour is nuanced and can take different forms. They should consider it on a scale of seriousness.

181. Factors that decision makers can consider when reviewing dishonesty include (all of the following):

- *the duration of any dishonesty*
- *whether the dishonesty was an isolated instance, or indicates a larger problem or pattern of behaviour*
- *whether the social worker admitted dishonest behaviour at an early opportunity, or if they tried to purposefully hide their dishonesty*
- *whether the dishonesty was for the social worker's own personal gain*
- *any other relevant aggravating or mitigating factors"*

169. The panel considered that the dishonesty in the case had continued over a significant period. It was in this sense a single, but continuing circumstance. There had been no admission of the dishonesty. The dishonesty rendered Ms Taylor a benefit, in the sense that it removed a potential threat of dismissal, because she needed to drive for work. The panel considered the dishonesty was at the serious end of the scale.

170. The panel considered that Ms Taylor's misconduct has not been remedied and it could not therefore say that it was 'highly unlikely' to be repeated. There remains a risk of repetition, in the view of the panel.

171. The panel also concluded that members of the public, if aware of the panel's findings in this case, that Ms Taylor had knowingly failed to declare her disqualification, then failed to provide her licence and driven whilst disqualified, would be very alarmed at this misconduct. Therefore, the panel decided that a finding of impairment was also necessary, in order to maintain public confidence in the profession and to declare and uphold proper standards of conduct for social workers in England.

172. The panel found that Ms Taylor's fitness to practise as a social worker is currently impaired.

Decision and reasons on sanction:

173. Having determined that Ms Taylor's fitness to practise is impaired, the panel next considered what, if any sanction it needed to impose. When considering the question of sanction, the panel took into account Social Work England's '*Impairment and sanctions guidance*' ("ISG").
174. Ms Steels submitted that the panel had a number of options open to it. She submitted that the purpose of sanctions is not to punish but to protect the public. Protection of the public has three limbs, in Social Work England's overarching objective.
175. Ms Steels submitted that, in this case and based on the panel's findings, only a removal order was the proportionate sanction. She submitted that the panel had found Ms Taylor's fitness to practise impaired in relation to her driving whilst disqualified, failing to report her disqualification and failing to produce her driving licence.
176. Ms Steels submitted that the misconduct was aggravated by Ms Taylor's breach of fundamental tenets of the social work profession. She referred to the panel's finding that Ms Taylor had been found to have been dishonest over a significant period and in relation to a number of matters, as in its impairment decision.
177. Ms Steels reminded the panel of its finding that there had been limited evidence of remediation, that Ms Taylor's insight was partial and that her steps taken to remediate had been limited.
178. Ms Steels submitted that the ISG set out that a removal order had to be made where no lesser sanction met the need for public protection. She submitted that only a removal order was sufficient to protect the public, reduce the risk of repetition and uphold public confidence in the profession.
179. Ms Steels took the panel through the available sanctions, starting with the least serious and submitting that taking no action, issuing advice or a warning, a conditions of practice order nor a suspension order were sufficient.
180. Ms Steels submitted that this was not a case where a sanction falling short of removal would be sufficient and only a removal order would adequately deal with the findings made by the panel.
181. Ms Taylor submitted that she acknowledged that the panel had serious concerns over her misconduct. She said that she had driven whilst disqualified and had not produced her licence. Ms Taylor submitted that she was fully aware of the impact and understood the impact of her actions, on the profession and others. She acknowledged the findings made by the panel.
182. Ms Taylor submitted that the panel had the option of imposing a Warning Order for up to five years or a conditions of practice order. She said that such an order would protect the public whilst she demonstrated remediation. It would also help to maintain public

confidence in the profession. Ms Taylor submitted that it would allow the involvement of the regulator in her practice and allow oversight by the regulator.

183. The legal adviser advised the panel that, since it had found misconduct and impairment, the panel had to go on and consider what if any sanction to impose. The panel had to impose the least restrictive sanction which achieved the aims of protection of the public and which was proportionate to the level of impairment. Although the purpose of sanction is not to be punitive, it may have that effect.
184. The legal adviser advised the panel that it may be helpful to consider any factors which aggravated or mitigated the misconduct. He advised the panel as to the guidance set out in the case of *Sawati*, in relation to fair treatment of the registrant in a dishonesty case when there is a maintained denial.
185. The panel reminded itself that paragraph 180 of the ISG, as set out above, states dishonesty is one of the more serious forms of misconduct, but it is nuanced and there is a range of seriousness. The panel considered the relevant factors set out in paragraph 181 of the ISG, as above. It had concluded that the particular dishonesty in this case was at the serious end of the scale.
186. The panel noted that Ms Taylor had engaged with the regulatory process and had attended and represented herself at the hearing. However, she had conducted little in the way of remediation of the key concerns. She had offered some personal testimonials and character references which were old, but nothing from recent employers or people that she worked with.
187. The panel did find that there was some mitigation in Ms Taylor's character references and her long career, which it would weigh in the balance. The panel noted that her actions in concealing the disqualification might have been motivated by a fear of losing her job. It also considered that her expertise was of value to the public.
188. Ms Taylor informed the panel of the personal and financial hardship which might attend any serious sanction. The panel considered that personal mitigation was of less weight in relation to sanction (see *Bolton* below).
189. On the other hand, the panel considered that the dishonesty had been carried out over a long period, and there had been a number of times Ms Taylor had refused requests to produce her licence and a number of times she could have taken the opportunity to make a disclosure. As stated, she demonstrated not a great deal of insight into the dishonesty issues and had not undertaken remediation of the dishonesty.
190. The panel first considered taking no action. It took into account that this would result in Ms Taylor potentially resuming practice without restriction. The panel considered that there were no exceptional circumstances in the case which justified this course. It decided that taking no action would be inconsistent with the finding of a risk of repetition of misconduct and the need to protect the public.

191. The panel considered that giving advice or a warning would mark the panel's finding of impairment, but again this would be inconsistent with the risk of repetition. The panel decided that this would give insufficient oversight by the regulator. Nor was either advice or a warning commensurate with the seriousness of the misconduct which the panel had found.
192. The panel considered whether restrictions or conditions of practice could be imposed. The panel noted that the ISG states that conditions of practice are commonly used in capability or competence cases. However, that was not the type of concern in this case.
193. The panel took into account that the facts of the case involved a mix of Ms Taylor's private and professional life. She had been disqualified in response to her failure to give information relating to the identification of a driver and had gone on to drive whilst disqualified. In relation to her work, she had failed to produce her driving licence and failed to declare her disqualification.
194. The panel considered that conditions were not particularly germane to risks in relation to conduct in a social worker's private life. In addition, the professional concerns related to failure to engage appropriately with Ms Taylor's management. This raised concerns over whether conditions would be complied with if they could be formulated.
195. The panel had identified as a central concern, the dishonesty it had found in the case. The panel considered that the dishonesty indicated attitudinal concerns and the ISG states, at paragraph 119, that conditions are *"unlikely to be appropriate"*. Further, the period for which the dishonesty had lasted, and Ms Taylor's lack of co-operation with the Council's investigation led the panel to conclude that conditions of practice would not protect the public.
196. The panel also considered that a conditions of practice order, allowing Ms Taylor to resume practice, did not meet the seriousness of the panel's findings of misconduct and impairment.
197. The panel next considered a suspension order. The panel bore in mind that it had the power to suspend Ms Taylor from practice for up to 3 years. The panel noted that the concerns represented a serious breach of the professional standards as above and in the dishonesty and the creation of a potential risk of harm. Ms Taylor had demonstrated some, though limited, insight. She had said that she was willing to take direction from the panel on how to remediate her misconduct.
198. The panel noted, however, paragraphs 148 and 149 of the ISG. These state, where relevant, as follows:

"When a removal order may be appropriate"

148. A removal order must be made where the decision makers 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*”

149. A removal order may be appropriate in cases involving (any of the following):

...

- *dishonesty, especially where persistent and/or concealed (see section ‘dishonesty’)*”

199. The panel had found that Ms Taylor’s dishonesty had lasted over a significant period and involved her not co-operating with the Council’s investigation in trying to find out about her licence.
200. The panel considered its findings in relation to the factors in paragraph 181 (set out above at paragraphs 168/169 of the determination. It had concluded that elements of all those factors were present in this case and the dishonesty was at the serious end of the scale.
201. The panel took into account the learned judge’s guidance in *Sawati*. It bore in mind Ms Taylor’s right to deny and defend an allegation. In all the circumstances, the panel did not consider that Ms Taylor’s denial of the allegations in the hearing was an aggravating factor, of itself, albeit the panel had not accepted her explanation. Nevertheless, the panel was concerned by the evidence that Ms Taylor had maintained her dishonesty with the Council over a significant period and adapted her account during the history of the matter, so that her actions were concealed.
202. The panel also took into account that Ms Taylor has had a long career as a social worker. It had been informed that this 30-year career was without any regulatory findings against Ms Taylor. There was also evidence of her professional ability from her character referees and both Mr Hopkins and Ms Clayton, which the panel also weighed in the balance.
203. The panel also took into account Ms Taylor’s submission that she had been allowed to remain in practice without regulatory restriction for some four years until the current proceedings. The panel was mindful that the test for imposing interim restrictions was different to that which applies in the final hearing. The panel considered that this period was balanced by the fact that a hearing had now taken place at which serious findings of dishonesty had now been made.
204. The panel bore in mind the submissions made by Ms Taylor concerning the fact that she is a single parent and has responsibilities towards her grandchildren and financial dependants. However, it also bore in mind the ISG reference to the case of *Bolton v Law Society* [1994] 1 WLR 512, which states:

‘The reputation of the profession is more important than the fortunes of any individual member. Membership of a profession brings many benefits, but that is part of the price.’

205. The panel took into account the considerable impact that this decision will have in terms of Ms Taylor's personal and professional circumstances. However, the panel considered that the combination of the seriousness and duration of Ms Taylor's dishonesty, her concealment of matters from her employers, the evidence of adaptation of Ms Taylor's account to maintain her position and the seriousness of the risks she caused the Council by not producing her licence and being able to drive for work, meant that her misconduct rendered her continuing presence on the register untenable.
206. The panel concluded that Ms Taylor's breach of the fundamental tenets of the profession, of honesty and avoiding the risk of harm for service users, were fundamentally incompatible with registration.
207. The panel concluded that no lesser sanction would suffice and it decided to make a removal order.

Interim order:

208. In light of its findings on sanction, the panel next considered an application by Ms Steels for an interim suspension order to cover the appeal period before the final order becomes effective. For the same reasons as submitted in relation to the sanction stage and in pursuit of all three limbs of the overarching objective.
209. The legal adviser advised the panel that it could make any interim order necessary for the protection of the public or in the best interests of the social worker. The panel should bear in mind its findings, in considering the necessity for an interim order. It should impose the least restrictive interim order necessary.
210. The panel considered whether to impose an interim order. It was mindful of its earlier findings and that it had found a risk of repetition of past misconduct and a need for a removal order for public protection. The panel decided that it would be wholly incompatible with those earlier findings if there was not an interim order in place. The panel first considered interim conditions of practice, but decided that, in light of its findings that a removal order was necessary, an interim conditions of practice order would not meet the need for public protection.
211. Accordingly, the panel concluded that an interim suspension order is necessary for the protection of the public. The interim order is for 18 months. When the appeal period expires, this interim order will come to an end unless an appeal has been filed with the High Court. If there is no appeal, the final order of a removal order shall take effect when the appeal period expires.

Right of appeal:

212. 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.
213. 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.
214. 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.
215. 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:

216. 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
217. 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:

218. 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>.