

Social worker: Nick Raymond

Registration number: SW33830

Fitness to Practise

Final Order Review Meeting

Date of meeting: 26 June 2023

Meeting venue: Remote meeting

Final order being reviewed: Suspension order – (expiring 10 August 2023)

Hearing Outcome: Removal Order (to take effect upon expiry of current suspension order on 10 August 2023)

Introduction and attendees:

1. This is the second review of a final suspension originally imposed for a period of 6 months by a panel of adjudicators on 15 July 2022.
2. Mr Raymond 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
Sara Nathan	Chair
Joanna Bowes	Social worker adjudicator

Hearings team/Legal adviser	Role
James Dunstan	Hearings officer
Camilla Read	Hearings support officer
David Mason	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 incorrectly dated 16 May 2023 and addressed to Mr Raymond at his email address which he provided to Social Work England
 - An extract from the Social Work England Register as at 18 May 2023 detailing Mr Raymond's registered email address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 18 May 2023 the writer sent by email to Mr Raymond at the address referred to above: notice of hearing and related documents;
 - An email response from Mr Raymond dated 23 May 2023 referring to documents he had received from Social Work England.
5. The panel accepted the advice of the legal adviser in relation to service of notice. He advised that Social Work England was required to prove that the notice of hearing was sent to Mr

Raymond giving him not less than 28 days notice of the meeting and containing information as to the time and place of the meeting, his right to attend, or to provide written submissions and setting out a statement of Social Work England's case. The legal adviser advised that there was no duty upon Social Work England to prove receipt of the notice of hearing, but that in this case there was an indication that Mr Raymond had received the documents, or was at least aware of the hearing.

6. Having had regard to Rule 44 and all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Mr Raymond in accordance with the rules

Proceeding in the absence of the social worker:

7. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. This included reference to Rule 43 of the Rules and the cases of *R v Jones [2003] UKPC*; *General Medical Council v Adeogba [2016] EWCA Civ 162*. The panel also took into account Social Work England guidance 'Service of notices and proceeding in the absence of the social worker'.
8. The panel considered all of the information before it. The panel noted that Mr Raymond had been sent notice of today's proceedings and the panel was satisfied that he was or should be aware of today's final order review.
9. The panel, therefore, concluded that Mr Raymond had chosen voluntarily to absent himself from this meeting. It noted the content of his email to Social Work England of 23 May 2023 which it found indicated that he had no intention of engaging with the proceedings. The panel had no reason to believe that an adjournment would result in Mr Raymond's attendance. Having weighed the interests of Mr Raymond in regard to his attendance at the hearing with those of Social Work England and the public interest in an expeditious disposal of this hearing, the panel decided it was in the interests of all parties to proceed in Mr Raymond's absence.

Proceeding with the final order review as a meeting:

10. The notice of final order review informed Mr Raymond 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 1 June 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."

11. The panel took into account the email from Mr Raymond to Social Work England dated 23 May 2023 and concluded that he had made no objection to the review being held as a meeting.
12. The panel heard and accepted the advice of the legal adviser with regard to Rule 16(c) of the Fitness to Practise Rules 2019 (as amended) which provides:

“Where the registered social worker does not state within the period specified by the regulator whether they intend to attend before the regulator, the regulator may determine whether to make an order by means of a meeting.”
13. The panel was satisfied that it would be fair and appropriate to conduct the review in the form of a meeting in accordance with Rule 16(c).

Review of the current order:

14. 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).
15. The current order is due to expire on 10 August 2023.

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

“Whilst registered as a social worker:

- 1. On or around 7 November 2019 you physically restrained Child A, who was an 8-year-old service user.*
- 2. In or around January 2019, you purchased an electronic vaping device for Child B, who was a 16-year-old service user, despite UK law stating that a person must be 18 years old to use the device.*
- 3. In or around January 2019, you gifted Child B, who was a 16-year-old service user a PlayStation and TV.*
- 4. On unspecified dates, you demonstrated unprofessional practice when communicating and engaging with service users and/ or other professionals in that you:*
 - a) Not proved;*
 - b) Called Child O’s mother “hun”;*
 - c) Not proved;*
 - d) Placed your vape on the table during one or more professional meetings;*
 - e) Attended a professional meeting at a school wearing a T-shirt with the word*

“sex” on it.

16. The previous final order review panel on 19 December 2022 decided the following with regard to impairment:

“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 had regard to all of the documentation before it, including the decision and reasons of the final hearing panel. The panel carefully considered the written submissions on behalf of the Social Work England and Mr Raymond’s e-mails dated 16 May 2022 and 21 October 2022.

The panel heard and accepted the advice of the legal adviser. In reaching its decision, the panel was mindful of the need to protect the public and the wider public interest in declaring and upholding proper standards of behaviour and to maintain public confidence in the profession.

The panel first considered whether Mr Raymond’s fitness to practise remains impaired. It noted that the final hearing panel found Mr Raymond had remediated allegation 2 in full, shown full insight and remorse for his actions, and their conclusion on current impairment was limited to allegation 1.

The panel considered that Mr Raymond has not provided any information in response to the guidance given by the final hearing panel or any information relevant to the panel’s assessment of insight or remediation in relation to the previous panel’s finding. There was no information that Mr Raymond has taken any steps to remediate or that he is currently motivated to do so.

The panel concluded that there has been no change in the level of risk identified by the final hearing panel. The ongoing risk of repetition means that a finding of current impairment is required on the ground of public protection. There is also a risk of standards not being maintained which would negatively impact upon public confidence and the reputation of the social work profession. Accordingly, the panel finds that a finding of impairment is required to uphold professional standards and public confidence in the profession as well as to protect the public.”

The previous final order review panel on 19 December 2022 decided the following with regard to sanction:

17.

“Having found that Mr Raymond’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.

The panel was mindful that the purpose of any sanction is not to punish Mr Raymond, 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, taking into account the seriousness of Mr Raymond’s conduct, Mr Raymond’s interests and the public interest. The panel was of the view that, when considered in context, the misconduct and impairment finding in this case is towards the lower end of the scale of seriousness. The finding of impairment was limited to particular 1. It was isolated incident in that it involved conduct on a single day. The final hearing panel identified a number of mitigating factors, including poor line management and very stressful working environment at the time of the incident, and included Mr Raymond’s eighteen years experience as a social worker with no fitness to practise history.”

Social Work England submissions

18. The panel considered written submissions provided by Social Work England in the notice of hearing:

“Subject to any further response from the Social Worker indicating that they wish to remain registered or take remedial steps, Social Work England invite the Panel to consider directing removal of the Social Worker’s name from the register.

On 21 October 2022 the Social Worker wrote to Social Work England and indicated that they will not comply with the final hearing Panel’s recommendations, reiterated by the last reviewing Panel, namely that the Social Worker ought to provide evidence of reflection and remediation work for the next review. Further, they have clearly indicated that they would like to be removed from the register. They stated that they have previously requested removal and reiterated this was their desired outcome.

Social Work England submit that the Social Worker has provided no evidence of further insight or remediation and has clearly stated he does not intend to do so. As such his fitness to practise remains impaired as it was at the date of the final hearing. The Social Worker does not wish to practice as a social worker in the future and further suspension serves no useful purpose.

Although removal is a sanction of last resort there is no benefit in holding a social worker on the register who holds no desire to remediate or continue to practice. At this stage it is submitted that removal is now the appropriate and proportionate outcome."

Social worker submissions:

19. Mr Raymond did not attend and did not provide any formal submissions. The panel took account of his email to Social Work England of 23 May 2023:

"Thank you for reporting the error, although I have nothing to say - I do not review paperwork sent as as [sic] I haven't for 3 years, and do not respond as it's all been said before and SWE are just trying to get an apology- I've stated (seemingly endlessly) that the process is a farce - I stated 3 years ago I wouldn't return to SociL [sic] work - I wonder if I FOI'ed the cost of all these reviews and legal expense which are being spent on this farce."

Panel decision and reasons on current impairment:

20. 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 panels, including the decision of the first reviewing panel to extend the order of suspension by 6 months. However, it 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'.
21. The panel had regard to all of the documentation before it, including the decision and reasons of the original panel and previous review panel and new documentation from Mr Raymond consisting of his email of 23 May 2023. The panel also took account of Social Work England's written submissions.
22. The panel accepted the advice of the legal adviser. He advised that the panel should first consider whether Mr Raymond's fitness to practise remains impaired. The legal adviser advised that on a review of a final order there is a persuasive burden of proof on Mr Raymond to show that his fitness to practise is no longer impaired. He advised that if the panel found that Mr Raymond's fitness to practise remains impaired, it should then consider what was the appropriate sanction to impose upon Mr Raymond's registration.
23. The legal adviser advised that the panel's powers were to:
- Revoke the present order of conditions
 - Make no order, so that the current suspension order would expire on its due date
 - Make a new order from the date when the current order will expire which could have been made by the previous adjudicators:

a warning order for up to five years,
a conditions of practice order for up to three years,
an order of suspension for up to three years
a removal order

24. The legal adviser advised that the panel should take account of Social Work England's guidance on sanction, revised in December 2022. He advised that the panel should apply the principle of proportionality in making its decision on sanction, taking account public protection and the interests of Mr Raymond. He advised that any sanction imposed should be the minimum necessary to protect the public, and no more. The legal adviser advised that protection of the public included maintaining standards in the profession and protecting its reputation.
25. 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.
26. The panel first considered whether Mr Raymond's fitness to practise remains impaired.
27. The panel noted that the original panel found that Mr Raymond had limited insight and had found that the misconduct it had found had not been remedied by Mr Raymond and that he had taken no steps towards doing so. The original panel made suggestions as to information a reviewing panel would find helpful which might indicate that Mr Raymond had taken steps towards remediation.
28. The first reviewing panel found that Mr Raymond had taken no steps towards remediation and had not sought to provide evidence as suggested by the original panel of an intention to remediate. Mr Raymond made it clear to that reviewing panel that he did not intend to attempt to remediate his shortcomings and that he had no intention of returning to social work. It was clear to this reviewing panel from Mr Raymond's email of 23 May 2023 that this remained his stance and that he had made no effort to remediate his misconduct and had no intention of doing so. The panel therefore concluded that Mr Raymond had not discharged the persuasive burden upon him to show remediation and that his fitness to practise remains impaired.
29. Having found Mr Raymond'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.
30. The panel also took into account the 'Impairment and sanctions guidance' published by Social Work England.
31. The panel was mindful that the purpose of any sanction is not to punish Mr Raymond, 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 Mr Raymond's interests with the public interest.

32. The panel considered whether it was appropriate to make no order so that the present order of suspension would lapse in due course to revoke the present order of suspension. The panel found that this would be inappropriate and would fail to protect the public as Mr Raymond's deficiencies remained wholly unremediated.
33. The panel then considered whether a conditions of practice order was appropriate. As Mr Raymond had demonstrated that he has no intention of attempting to remediate his deficiencies the panel found that conditions of practice order would be unworkable in those circumstances and would not protect the public.
34. The panel then considered whether it was appropriate to impose an order of suspension on Mr Raymond's registration for up to three years. It took into account Social Work England's guidance on sanction at paragraph 137:

"137. Suspension may be appropriate where (all of the following):

- *the concerns represent a serious breach of the professional standards*
- *the social worker has demonstrated some insight*
- *there is evidence to suggest the social worker is willing and able to resolve or remediate their failings"*

35. It was clear to the panel that the concerns over Mr Raymond's conduct were serious enough to lead the original panel to find that his fitness to practise was impaired. It was also clear to the panel that Mr Raymond has shown no, or very limited insight, into his deficiencies throughout these proceedings. Mr Raymond had, the panel found, made his position over not wanting to return to the profession, by demonstrating remediation, quite clear. It was therefore apparent to the panel that Mr Raymond is unwilling to resolve or remedy his failings. The panel therefore concluded that suspension was not an appropriate sanction. In doing so it took into account the guidance on removal at paragraphs 148 and 149;

"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):

...

- *persistent lack of insight into the seriousness of their actions or consequences*

- *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)”*

36. The panel was satisfied that removal was now the only sanction that would protect the public, in particular in its confidence in the profession. The panel found that Mr Raymond had consistently failed to engage properly with his regulator in these proceedings and had throughout shown a lack of respect for his regulator’s requirements of him. It was clear to the panel that having been given the opportunity by the original and the first reviewing panel to demonstrate an intention of remedying his deficiencies, Mr Raymond had made it clear that he had no intention of doing so. Public confidence in the profession would, the panel found, be undermined if a social worker who had repeatedly ignored opportunities to remedy his deficiencies was allowed to remain on the register, in particular where Mr Raymond had made it clear that he had no intention of returning to social work and was opposed to the continuation of these proceedings. It was also clear to the panel that Mr Raymond had persistently shown a lack of insight and had demonstrated an unwillingness to take any steps towards remediation.
37. The panel therefore directs that Mr Raymond’s name be removed from the register of social workers.

Right of appeal:

38. 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.
39. 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.
40. 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.

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

- made under Regulation 25(5).

The Professional Standards Authority

42. 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>