

Social worker: Claire Shaw
Registration number: SW117077
Fitness to Practise
Final Order Review meeting

Date of meeting: 13 July 2023

Meeting venue: Remote meeting

Final order being reviewed:

Suspension order – (expiring 01 September 2023)

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

Introduction and attendees:

1. This is the first review of a final suspension order originally imposed for a period of 12 months by a panel of adjudicators (appointed by Social Work England) on 05 August 2022 and coming into effect on 02 September 2022.
2. Ms Shaw 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 dated 12 June 2023.
4. The adjudicators (hereinafter referred to as “the panel”) and other people present at the meeting are set out in the table below.

Adjudicators	Role
John Walsh	Chair
Liz Murphy	Social worker adjudicator

Hearings team/Legal adviser	Role
Wallis Crump	Hearings officer
Gabriella Berettoni	Hearings support officer
Natalie Amey-Smith	Legal adviser

Service of notice:

5. The panel 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 review dated 12 June 2023 and addressed to Ms Shaw at their electronic mail address which they provided to Social Work England.
 - An extract from the Social Work England Register as of 12 June 2023 detailing Ms Shaw’s registered electronic mail address.
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 12 June 2023 the writer sent by electronic mail to Ms Shaw at the address referred to above: notice of hearing and enclosures.

- A copy of the Mimecast notification to confirm that Ms Shaw accessed the email on 13 June 2023 at 23:21.
6. The panel accepted the advice of the legal adviser in relation to service of notice.
 7. Having had regard to rule 16 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 Shaw in accordance with rules 44 and 45 of Social Work England's Fitness to Practise Rules (as amended) ("the rules").

Proceeding with the final order review as a meeting and in the absence of Ms Shaw:

8. The notice of final order review informed Ms Shaw 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 26 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.'

9. The panel took into account the email sent by Ms Shaw to Capsticks LLP on 21 June 2023. The email states:

'Please note I will not be attending my social work hearing and would be grateful if you could advise me of the response via email.'

As previously requested and also taking into consideration the lengthy time my case has been opened for now which is six years, I would be extremely grateful if you could remove me from the register.'

10. The panel heard and accepted the advice of the legal adviser in relation to the factors it should take into account when considering whether it was fair and appropriate to proceed with the review in the absence of Ms Shaw. This included reference to the cases of *R v Jones [2003] UKPC*; *General Medical Council v Adeogba [2016] EWCA Civ 162*. The panel also took into account Social Work England's guidance '*Service of notices and proceeding in the absence of the social worker*'. The panel heard and accepted the advice of the legal adviser with regard to rule 16(d) of the rules which provides:

'Where the registered social worker makes written submissions and states that they do not intend to attend before the regulator, the regulator may direct that the question of whether an order should be made is determined by means of a meeting.'

11. 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(d) and in the absence of Ms Shaw, on the basis that:

- Ms Shaw has had an opportunity to make submissions within the time periods specified under rule 16(b) of the rules.
- Ms Shaw has indicated that she does not want to attend and seeks removal from the Social Work England register. Her non-attendance today appears to be a deliberate and voluntary action.
- Ms Shaw has not requested a postponement or adjournment, but in any event, the panel did not consider that a postponement or adjournment would result in Ms Shaw's future attendance.
- It would not be in the public interest or in Ms Shaw's interest to adjourn the mandatory review of the final order.

Preliminary matters:

12. The panel noted at the outset of the meeting that the substantive hearing had taken place in private. The substantive panel had found that whilst the identity of the children and their parents could be anonymised, their familial relationship with Ms Shaw was such that they could be identified. That panel was aware that all the allegations flow from that familial relationship.
13. At the substantive hearing, Ms Shaw submitted that she would like the hearing to be held in private to protect the identity of those family members, and the Social Work England Case Presenter agreed that the hearing should be heard in private.
14. That panel considered rules 32(a), 37 and 38 of the rules and determined that the circumstances of the case were unusual. They were such that the presumption that the hearing be in public had been displaced in the best interests of the three children to which they relate. Each of the children are vulnerable by virtue of their age and their reported family circumstances, which have resulted in social care interventions. Further, that panel considered it was necessary and appropriate to keep proceedings private to protect the confidentiality of users of social services and to prevent public disclosure of sensitive personal information.
15. The panel took into account and accepted the advice of the legal adviser. The panel considered and accepted the submissions which were made to the substantive panel. The panel acknowledged that there is a strong public interest in ensuring that hearings are conducted in public for transparency. However, the case relates to children who are relatives of Ms Shaw and who could easily be identified, therefore their vulnerability and welfare should be protected. As a result, the panel concluded that the entirety of the meeting would be conducted in private.

Review of the current order:

16. This final order review hearing falls under the Transitional and Savings Provisions (Social Workers) Regulations 2019 and as a result the review will be determined in accordance with 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).
17. The current order is due to expire at the end of 01 September 2023.

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

'1) On or around 9 April 2017, whilst employed as a Community Support Worker, at Lancashire County Council, you failed to recognise and/ or report safeguarding concerns in respect of:

i. Child 1

ii. Child 2

2) You breached confidentiality by accessing the records of service users without professional reason to do so in respect of:

i. Child 2 on:

a) 14 November 2015

b) 9 December 2016

c) 23 December 2016

d) 5 January 2017

e) 6 January 2017

f) 24 January 2017

g) 26 January 2017

h) 28 January 2017

i) 3 February 2017

ii. Child 3 on:

a) 21 January 2016

b) 2 February 2016

c) 3 February 2016

3) In your place of work at Lancashire County Council on or around 5 January 2017, you overheard colleagues discussing service users who are also your members of your family, and you subsequently:

- i. Failed to declare that you were related to the service users.*
- ii. Inappropriately shared that you had overheard the conversation with another family member.*

4) You failed to disclose that you had been made subject to a disciplinary investigation with your previous employer:

- i. When applying for employment with Excel Fostering on or around 21 July 2017 and/ or around 8 August 2017 (so far as it relates to 8 August 2017).*
- ii. When applying to the HCPC register on or around 21 July 2017.*

5) Your conduct at regulatory concern 4(i) and/ or 4(ii) was dishonest (so far as it relates to the 8 August 2017 interview and the HCPC registration form).

Your actions as set out in allegations 1, 2, 3, 4 and 5 amount to misconduct.

By reason of your misconduct your fitness to practise is impaired.'

The final hearing panel on 01-05 August 2022 determined the following with regard to impairment:

- 18. The panel found that Ms Shaw's behaviour would be difficult, albeit not impossible, to remediate as a lack of integrity was a common thread throughout the proved misconduct.*
- 19. In relation to the proved misconduct, the panel considered that there had been some remediation by Ms Shaw as she had expressed some regret and remorse for not having contacted EDT on 9 April 2017 and for having accessed the records of Child 2 and Child 3. She reiterated that remorse and regret within her email to the panel and outlined that she would not repeat the misconduct. The panel, however, would have liked to have seen evidence of Ms Shaw having reflected upon the importance of adequate safeguarding, confidentiality and probity and integrity. The panel would like to have seen action taken to increase her understanding, such as completion of relevant training. Further, she asserts that she acted because of pressure from family members, and has failed to outline how she would act differently in the future or how she had developed her resilience. Whilst Ms Shaw stated that she had undertaken some learning, she failed to provide specific details or particularise what she had learnt and how she would behave in the future.*
- 20. Ms Shaw has stated that she has worked without incident since the Allegation. However, she has not provided any supportive evidence from her employers addressing her compliance with safeguarding responsibilities and rules concerning confidentiality or that she has been open and honest about these current regulatory proceedings. There is no evidence that she has demonstrated integrity and probity in the intervening period.*

21. *The panel did not consider Ms Shaw's lack of professional representation to be an adequate explanation for the lack of evidenced remediation. The panel was of the view that she did not require legal advice to address the deficits in her behaviour that had been alleged. The panel accepted the submissions from Ms Compton that there was guidance available to her had she sought to access it in advance of the hearing.*
22. *The panel therefore concluded that Ms Shaw had demonstrated inadequate remediation.*
23. *Within her reflections, Ms Shaw concentrated on the effect that her misconduct had upon herself. She failed to acknowledge how her actions had or could have affected vulnerable children, her colleagues and the reputation of the social work profession. It is clear from Ms Shaw's sister's conversation with Mr Curtis that she did not wish for Ms Shaw to obtain her personal information. Ms Shaw has failed to acknowledge the effect that her misconduct has had on her sister.*
24. *Further, she sought to minimise her failings by stating that she had poor supervision and had not yet started her ASYE year. However, the panel considered that she had sufficient access to information about safeguarding, confidentiality and probity and integrity. These are areas that would have been covered within her university education, as she appears to have accepted within her email to the panel, in which she said that she has re-read some of that material. Whilst she was not registered with the HCPC at the relevant time, she was nevertheless working within social work and the panel was satisfied that she should have had an understanding of the relevant Standards. In any event, there were clear Codes of Conduct as provided to her by the Council. Further, it is a matter of common sense not to have acted in the manner that has been found proved. It is a matter of common sense to remove children from an unsafe environment, to not access or disclose information inappropriately and to act with honesty.*
25. *The panel noted that during the hearing Ms Shaw accepted that she should have contacted EDT on 7 April 2017. Whilst this demonstrates some developing insight, it is not timely as this was the first time she had accepted the failure and as recently as 2021 she was maintaining that she had adequately safeguarded the children.*
26. *The panel therefore concluded that Ms Shaw had demonstrated limited insight.*
27. *The panel had regard to the assessed level of remediation and insight. It also noted that the breaches of confidentiality and the dishonest behaviour were not isolated incidents, as outlined within the Allegation, but were repeated. The panel was therefore satisfied that there is a substantial risk of repetition of her failure to safeguard children, her breach of confidentiality and her dishonest behaviour.*
28. *The panel found that Ms Shaw poses a risk to the public. Failure to adequately recognise and act upon safeguarding issues has the consequence of vulnerable people not being protected. As outlined by Mr Curtis, breach of confidentiality gives rise to a risk of harm as it damages the relationship between service users and those that support them and foreseeably prevents them disclosing relevant information. A failure to act with honesty and integrity*

when applying for employment and professional regulation risks harm to the public as it can result in an unsuitable person obtaining jobs and responsibilities.

29. *Further, the panel considered that members of the public and the social work profession would be extremely concerned about Ms Shaw's actions. The public requires social workers to be able to identify and act upon safeguarding issues, maintain confidentiality and act with probity and integrity. The panel therefore found that public confidence in the social work profession would be undermined upon a finding that Ms Shaw's fitness to practise is not currently impaired. Further, given that the serious misconduct related to a breach of fundamental tenets of social work, the panel was satisfied that professional standards would not be promoted and maintained by a finding that her fitness to practise is not currently impaired.*
30. *The panel therefore concluded that, as a consequence of Ms Shaw's serious and multi-faceted misconduct, a finding that her fitness to practise is currently impaired is necessary to protect the public and to promote and maintain public confidence in the social work profession and proper professional standards.'*

The final hearing panel on 01-05 August 2022 determined the following with regard to sanction:

31. *The panel reminded itself that it had concluded that Ms Shaw's fitness to practise was found to be impaired, due to serious misconduct, in order to protect the public and to promote and maintain public confidence in the social work profession and proper professional standards.*
32. *In relation to aggravating features, the panel noted the risk that had been posed to Child 1 and Child 2 on 9 April 2017, to the extent that they were removed upon the police attending the property. The incident was aggravated by the fact that Ms Shaw was present for approximately 11 hours without taking the appropriate action of removing the children or contacting the authorities.*
33. *The breaches of confidentiality were aggravated by the fact that they were repeated: Ms Shaw had accessed confidential records on 14 separate occasions. She knew at the time that she was breaching confidentiality. It was further aggravated by the risk of harm that arose as a consequence, as outlined by Mr Curtis and detailed within the panel's determination on grounds and impairment.*
34. *It was a substantial breach of trust and data protection legislation, and the panel had regard to paragraph 103 of the Sanctions Guidance:*
- "Social workers hold privileged positions of trust. Their role often requires them to engage with people over extended periods when those people may be highly vulnerable. It is essential to the effective delivery of social work that the public can trust social workers implicitly. Any abuse of trust by a social worker is a serious and unacceptable risk in terms of public protection and confidence in the profession as a whole."*

35. Similarly, the acts of dishonesty were repeated as Ms Shaw sought to mislead both a potential employer and her regulator for personal gain. The panel had regard to paragraph 109 of the Sanctions Guidance:

“Dishonesty through misrepresenting qualifications, skills and experience, for example on a CV, is also particularly serious because it may lead to the social worker being appointed to roles and responsibilities that they cannot safely discharge. The public and employers must be able to trust the accuracy of such information provided by social workers.”

36. The serious misconduct is further aggravated by the lack of adequate insight and remediation, despite the fact that many of the concerns were raised with Ms Shaw over five years ago. The panel had regard to paragraph 37 of the Sanctions Guidance, as highlighted by Ms Compton.

37. In relation to mitigating factors, the panel noted that Ms Shaw had a previously unblemished social care career and continues to work in the sector. There has been no assertion of similar misconduct since 2017. In relation to the breaches of confidentiality and dishonesty, the panel did not consider her inexperience to be a mitigating factor given that the found misconduct amounted to breaches of fundamental tenets of social work and occurred after she had completed a social work degree. There was some slight mitigation in relation to the incident on 9 April 2017 as, whilst she would have been trained in relation to safeguarding, she did not have substantial practical experience.

38. Ms Shaw had accepted some of the Allegation and has expressed remorse and regret for accessing confidential information and failing to contact EDT on 9 April 2017.

39. The panel was conscious that in 2017 Ms Shaw’s family was experiencing various difficulties, with both her cousin’s and sister’s children subject to social care intervention. Her family had a strained relationship with social services, which impacted upon their relationship with Ms Shaw, in light of her career choice. The panel therefore acknowledged that Ms Shaw’s family circumstances were particularly complex. There is some evidence that her misconduct at paragraphs 1, 2 and 3 of the Allegation was heavily motivated by her seeking to assist her family. Further, at the material time, there was instability in leadership within her team at the Council and she did not have access to regular formal supervision, which would have been expected for someone newly qualified.

40. The panel considered that taking no action, or issuing advice or a warning, would not adequately reflect the serious nature of Ms Shaw’s misconduct and would not maintain public confidence in the profession or promote proper professional standards.

41. The panel next considered whether a conditions of practice order would be sufficient to protect the public and wider public interest. The panel noted paragraph 85 of the Sanctions Guidance, which states:

“Conditions are most commonly applied in cases of lack of competence or ill health. They’re less likely to be appropriate in cases of character, attitudinal or behavioural failings, or in cases raising wider public interest issues. For example, conditions would almost certainly be

insufficient in cases of sexual misconduct, violence, dishonesty, abuses of trust and discrimination involving a protected characteristic.”

42. *The panel noted that a sanction in this case was to address breaches of fundamental tenets of the social work profession, including confidentiality and probity and integrity. The failure to recognise and report a safeguarding concern had occurred outside of work. Given that many of the failures are attitudinal, the panel was satisfied that workable conditions could not be formulated which would adequately protect the public. Further, in light of the various incidents of misconduct, and their particularly serious nature, the panel was satisfied that conditions would not be sufficient to maintain public confidence or promote proper professional standards.*

43. *The panel was satisfied that a suspension order would be proportionate in all of the circumstances. The panel took into account paragraph 93 of the Sanctions Guidance, which states:*

“Suspension orders can be imposed for a period of up to three years. Suspension is appropriate where no workable conditions can be formulated that can protect the public or the wider public interest, but where the case falls short of requiring removal from the register or where removal is not an option.”

44. *The panel was satisfied that the case did fall short of requiring removal from the social work register. Whilst the panel had assessed a substantial risk of repetition, it noted that Ms Shaw’s development of insight and remediation was in its early stages. Ms Shaw participated with these regulatory proceedings and expressed a commitment to social work. The panel considered that, in light of her partial acceptance of wrongdoing and her regret, there was the potential that, with further time, she could develop her insight and remediation so as to reduce the risk of repetition and therefore reduce her risk of harm to the public. The panel was satisfied that if Ms Shaw was to further develop insight and remediation, she may become a competent social worker and could undertake important public service work. The panel considered it to be pursuant to the wider public interest to allow her that opportunity.*

45. *The panel therefore considered paragraph 98 of the Sanctions Guidance, which provides:*

“A removal order must be made where the adjudicators conclude that no other outcome would be enough to protect the public, maintain confidence in the profession or maintain proper professional standards for social workers in England. A decision to impose a removal order should explain why lesser sanctions are insufficient to meet these objectives.”

46. *Having done so, the panel found that, in all of the circumstance, removal from the social work register was not the only outcome that would maintain public confidence in the profession and promote proper professional standards.*

47. When considering the length of suspension, the panel had regard to the following paragraph 94 of the Sanctions Guidance:
48. *“In deciding on the period of suspension, decision makers should consider the need to protect the public and the wider public interest. They should balance this against the risk that prolonged suspension may result in deskilling. Where possible, it is in the public interest to support the return to practise of a trained and skilled social worker if this can be achieved safely. This means the risk of deskilling is a public interest consideration.”*
49. *The panel determined that a suspension of 12 months would be appropriate in all of the circumstances and would be faithful to the Sanctions Guidance. A lengthy period of suspension is necessary given Ms Shaw’s lack of current insight and remediation, despite the length of time that has passed since the misconduct occurred. The period would allow time for her to develop her insight and to seek to demonstrate a reduced risk of repetition. The panel considered that a longer order would be disproportionate and would result in a real risk of further deskilling.*
50. *The suspension order will be reviewed before it is due to expire and the panel considered that the review panel would foreseeably be assisted by Ms Shaw providing the following:*
- a. A reflective statement from Ms Shaw as to why she committed the proved misconduct and her understanding of the importance of safeguarding, confidentiality and probity and integrity by social workers. She should reflect upon the consequences of her misconduct upon the safety of service users, her colleagues and the wider public. She should also reflect on how she would react in similar circumstances in the future;*
 - b. Letters from her employers addressing Ms Shaw’s demonstrated understanding of safeguarding, confidentiality and probity and integrity. The testimonial should also confirm whether Ms Shaw has been open and honest about these regulatory proceedings;*
 - c. Evidence that Ms Shaw has undertaken relevant training and learning in relation to safeguarding, confidentiality and probity and integrity; and*
 - d. Evidence that Ms Shaw has maintained her skills and knowledge, by way of non-registered work and by training and learning.*
51. *Ms Shaw should understand that whilst the panel determined that a suspension was the appropriate sanction, it was a finely balanced decision and other panels may have decided upon removal. She should appreciate that if a review panel considers that she has not taken the opportunity afforded to develop her remediation and insight, there is a substantial risk that she will be removed from the social work register.’*

Social Work England submissions:

52. The panel received written submissions from Social Work England set out in the notice of hearing letter dated 12 June 2023. The letter set out the following submissions:

'Social Work England will invite the Panel to consider imposing a Removal Order. At the substantive hearing, the Panel outlined recommendations including;

- 1. a reflective statement,*
- 2. letters from her employers addressing the Social Worker's demonstrated understanding of safeguarding, confidentiality and probity and integrity,*
- 3. evidence that the Social Worker has undertaken relevant training and learning in relation to safeguarding, confidentiality and probity and integrity; and,*
- 4. evidence that the Social Worker has maintained her skills and knowledge, by way of nonregistered work and by training and learning.*

To date, the Social Worker has not provided evidence in line with the recommendations of the previous Panel, and therefore the concerns as to her fitness to practise remain.

On 12 August 2022 the Social Worker informed Social Work England that she is considering a career change and would like to be removed from the register. The Social Worker has not engaged with Social Work England further, nor has she submitted a Voluntary Removal application.

It is a matter for the Panel to consider whether the Social Worker ought to be afforded a final chance to engage with the recommendations. If the Panel consider that the Social Worker should be afforded a final opportunity to engage with the recommendations then the Panel is invited to impose a further 6 month period of Suspension.'

Social worker submissions:

53. Ms Shaw did not attend the hearing, nor did she provide written submissions prior to the hearing for the panel's consideration, save for the email dated 21 June 2023 as set out at paragraph 9 of this decision. The panel was provided with a copy of the telephone attendance note dated 12 August 2022 as referred to in the Social Work England Submissions. The telephone attendance note uses the initial CS to refer to Ms Shaw. In part it states as follows:

'CS told me that she would like to be removed from the register. I asked CS if she has mentioned this before. CS said that she has mentioned it in a few emails but she did not mention it in her hearings. CS said she has not made a decision yet but is thinking over her options.

I advised CS that her next review will likely take place early next year so she has some time to have a think about whether she wishes to return to social work. I advised CS that at her next

review, if she is certain she no longer wishes to be a social worker, she can explain her position to the panel. I advised CS that I cannot comment on the decision that will be made.

CS thanked me and said she will continue to have a think. CS reiterated that she is considering a career in law. CS thanked me for answering her queries and said she will keep me updated on her decision regarding her career.'

Panel decision and reasons on current impairment:

54. 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.
55. The panel took into account Social Work England's '*Impairment and sanctions guidance*' dated 19 December 2022.
56. The panel received and accepted the advice of the legal adviser, which it incorporated into the decision set out below.
57. It reminded itself of the importance of a review hearing, and it followed the sequence of decision making set out by Blake J in *Abrahaem v General Medical Council [2008] EWHC 183*:
 - Address whether the fitness to practise is impaired before considering conditions.
 - Whether all the concerns raised in the original finding of impairment have been sufficiently addressed to the panel's satisfaction.
 - In practical terms there is a persuasive burden on the practitioner at a review to demonstrate that he or she has fully acknowledged why past professional performance was deficient and through insight, application, education, supervision, or other achievement sufficiently addressed the past impairments.
58. The panel had regard to the over-arching objective of protecting the public which involves the pursuit of the following objectives:
 - To protect, promote and maintain the health, safety, and well-being of the public.
 - To promote and maintain public confidence in the profession.
 - To promote and maintain proper professional standards of conduct for members of the profession.
59. It also bore in mind that in deciding whether Ms Shaw's fitness to practise is still impaired it should follow the approach of Dame Janet Smith endorsed by the High Court in *CHRE v NMC and P Grant [2011] EWHC 927 (Admin)*. Do our findings of fact in respect of the (registrant's)

misconduct, deficient professional performance, adverse health, conviction, caution, or determination show that his/her fitness to practise is impaired in the sense that s/he:

- Has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or
- has in the past brought and/or is liable in the future to bring the ... profession into disrepute; and/or
- has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession; and/or
- has in the past acted dishonestly and/or is liable to act dishonestly in the future.

60. The panel first considered whether Ms Shaw's fitness to practise remains impaired. It kept in mind that there had already been a finding of impairment and asked itself whether Ms Shaw had demonstrated that she had taken sufficient steps to allay the concerns of the previous panel.

61. The panel concluded that Ms Shaw's fitness to practise remains impaired, having regard to both the personal and the public interest for the same reasons as the substantive panel. Ms Shaw has only partially engaged with Social Work England since the substantive hearing and has taken no steps towards compliance with the recommendations of that panel. Whilst it is not mandatory for Ms Shaw to have adhered to those recommendations, the panel considered that even with a suspension order in place, the recommendations would have enabled and assisted Ms Shaw to provide relevant information for the review.

62. The last reviewing panel decision set out that Ms Shaw, *'should appreciate that if a review panel considers that she has not taken the opportunity afforded to develop her remediation and insight, there is a substantial risk that she will be removed from the social work register'*. Despite this, Ms Shaw has not provided any evidence for this panel to review. The panel has no information in relation to Ms Shaw's reflections on the concerns, no evidence of insight from her to say how he could have acted differently, and no evidence of remediation including how she has updated her skills and knowledge.

63. In the circumstances, the panel concluded that there is a significant ongoing risk of repetition of misconduct. The panel noted that the misconduct set out in the substantive hearing decision was serious and wide-ranging, including safeguarding issues and confidentiality issues in respect of vulnerable service users. The misconduct also related to dishonesty and Ms Shaw was found to have breached the fundamental tenets of social work in relation to probity and integrity. Ms Shaw's breaches of confidentiality and the dishonest behaviour were not isolated incidents. The panel concluded that there has been no evidence of change that would reduce the risk of repetition since the substantive hearing, and that there is an ongoing risk of harm to members of the public.

64. Further, considering Ms Shaw's lack of evidenced insight and remediation, together with her lack of constructive engagement in this review hearing, the panel concluded that a failure to find Ms Shaw impaired would undermine public confidence in the profession and the regulator.

Decision and reasons:

65. Having found Ms Shaw'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 before it, and accepted the advice of the legal adviser having particular regard to the Social Work England '*Sanctions guidance*' previously mentioned in this decision.

66. The panel kept in mind that sanction is a matter for its own independent judgment, and that the purpose of a sanction is not to punish Ms Shaw but to protect the public.

67. It reminded itself that the protection of the public includes not only maintaining the health, safety, and well-being of the public but also maintaining public confidence in the profession and promoting and maintaining proper professional standards of conduct for members of the profession.

68. Furthermore, a sanction must be proportionate, so that any order that it makes should be the least restrictive order that would suffice to protect the public and the public interest.

69. The panel concluded that the serious misconduct demonstrated by Ms Shaw within her practice continue to have the potential to have wide-ranging adverse consequences for service users and therefore some restriction on her practice is required. As a result, the panel concluded that options that would not restrict practice would be inappropriate and insufficient to meet the public interest.

70. The panel considered whether a conditions of practice order could be imposed. The panel had regard to the Sanctions guidance and took into account that '*Conditions of practice are less likely to be appropriate in cases of character, attitude or behavioural failings. They may also not be appropriate in cases raising wider public interest issues.*' Ms Shaw's misconduct included both dishonest actions and a breach of trust, which the panel considered to be attitudinal in nature. Therefore, the panel could not formulate any workable conditions which would sufficiently protect the public.

71. In finding that it could not formulate any conditions of practice which would be sufficient to protect the public, the panel also had regard to the Sanctions guidance at paragraph 117. Given Ms Shaw's email of 21 June 2023 to indicate that she wants to be removed from the Social Work England Register, the panel was not satisfied that Ms Shaw would be willing to comply with conditions of practice even if conditions could have been formulated.

72. The panel next considered the option of extending the current suspension order. Whilst the panel acknowledged that the substantive hearing had found Ms Shaw to be in the early stages of developing insight and remediation, it had still found that a substantial risk of repetition remained. The substantive panel provided clear and reasonable recommendations as to how Ms Shaw could seek to demonstrate to this panel her developing insight and remediation. Despite this, Ms Shaw appears to have disengaged with the process of seeking to address her failings. The panel had no evidence to suggest Ms Shaw is willing and able to resolve or remediate her failings. Her failure to constructively engage appears entirely consistent with her indication that she wants to be removed from the Social Work England Register.
73. The panel considered that Ms Shaw has been given a full opportunity to demonstrate that she is willing to remediate the deficiencies in her practice. She has not suggested that there have been circumstances or barriers preventing her from taking any of the steps recommended by the substantive hearing panel. There was no suggestion or indication in her recent email dated 21 June 2023 that she wishes to engage with her regulator and take steps to remediate.
74. In the circumstances, the panel decided that there was little prospect that if the panel were to impose a suspension order, Ms Shaw would engage with Social Work England or provide evidence for a future review hearing. In the panel's judgment the imposition of a suspension order would serve no purpose. It is not in the public interest for the panel to impose a suspension order in circumstances where there is no realistic prospect that Ms Shaw will constructively engage with her regulator. The panel concluded that a suspension order would not be appropriate or sufficient to meet the public interest.

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

Removal order

75. The panel was satisfied it could consider that a removal order was available to the panel as Ms Shaw's fitness to practise was originally found impaired based on misconduct.
76. The panel noted that a removal order is a sanction of last resort where there is no other means of protecting the public or the wider public interest. The panel took the view that a removal order would be appropriate because Ms Shaw's fitness to practise remains impaired, but she is not able to or does not wish to remediate the deficiencies in her practice. The Sanctions guidance states that a removal order may be appropriate for '*social workers who are unwilling and/or unable to remediate (for example, where there is clear evidence that they do not wish to practise as a social worker in the future)*'. In this case Ms Shaw has given an indication that she does not want to practise as a social worker. There was no evidence before the panel to indicate that Ms Shaw would oppose her removal from the register, to the contrary, there is suggestion in her email that she seeks voluntary

removal in any event. It is not clear to the panel whether Social Work England had provided Ms Shaw with up-to-date information about the voluntary removal application as the rules changed in December 2022, which was after Ms Shaw had initially mentioned the possibility of removal in the August 2022 telephone call with Social Work England.

77. The Panel concluded that a removal order is the appropriate and proportionate order.

Right of appeal:

1. 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.
2. 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.
3. 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.
4. This notice is served in accordance with Rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

Review of final orders:

5. Under regulation 15(1), 15(2) and 15(3) of Schedule 2 of The Social Workers Regulations 2018 (as amended):
 - 15(1) The regulator must review a suspension order, or a conditions of practice order, before its expiry.
 - 15(2) The regulator may review a final order where new evidence relevant to the order has become available after the making of the order, or when requested to do so by the social worker.

- 15(3) A request by the social worker under sub-paragraph (2) must be made within such period as the regulator determines in rules made under Regulation 25(5).
6. Under Rule 16(aa) of the Fitness to Practise Rules 2019 (as amended), a social worker requesting a review of a final order under paragraph 15 of Schedule 2 must make the request within 28 days of the day on which they are notified of the order.

The Professional Standards Authority

7. 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>