

Social worker: Maria L Cox
Registration number: SW108426
Fitness to Practise
Final Order Review Meeting

Date of Meeting: 02 August 2023

Meeting venue: Remote Meeting

Final order being reviewed:

Conditions of practice order – (expiring 16 September 2023)

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

Introduction and attendees:

1. This is the second review of a final order originally imposed as a conditions of practice order for a period of 24 months by a panel of adjudicators on 17 March 2021.
2. Ms Cox did not attend and was not represented.
3. Social Work England was represented by Capsticks LLP and their written submissions are set out within the notice of hearing letter.
4. The panel of adjudicators conducting this review (the “**panel**”) and the other people involved in it were as follows:

Adjudicators	Role
Bryan Hume	Chair
Anne Rice	Social worker adjudicator

Hearings team/Legal adviser	Role
Simone Ferris	Hearings officer
Jo Cooper	Hearings support officer
Neville Sorab	Legal adviser

Service of notice:

5. The panel had careful regard to the documents contained in the final order review hearing service bundle as follows:
 - A copy of the Notice of Review dated 27 June 2023 addressed to Ms Cox at her email address as it appears on the Social Work England Register;
 - An extract from the Social Work England Register detailing Ms Cox’s registered email address;
 - A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 27 June 2023 – more than seven days before this hearing – the writer sent by email and post to Ms Cox at her registered email address, respectively: Notice of Review and related documents;
 - Emails between Ms Cox and Social Work England within the period 04 July 2023 and 31 July 2023 (inclusive) concerning content of this final order review. In particular, Ms Cox attaching a reflective piece and information relating to her CPD; and

- Ms Cox's emails to Social Work England on 30 July 2023 and 31 July 2023, informing them that she is unable to attend the review due to work commitments.

6. The panel accepted the advice of the legal adviser in relation to service of notice. This included reference to Rules 16, 44 and 45 of Social Work England's Fitness to Practise Rules 2019 (as amended) (the "FTP Rules 2019").
7. Having had regard to Rules 16, 44 and 45 of the FTP Rules 2019 and all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Ms Cox in accordance with Rules 44 and 45 of the FTP Rules 2019.

Proceeding with the final order review as a meeting:

8. The notice of final order review hearing informed the social worker that the review would take place electronically. The notice stated:

"If you would like to attend before the adjudicators in order to make oral submissions, please confirm your intention by no later than 4pm on 13 July 2023. Unless we hear from you to the contrary, we shall assume that you do not want to attend a hearing and Social Work England may decide to deal with the review as a meeting. If Social Work England do hold a meeting, the adjudicators will be provided with a copy of this letter setting out Social Work England's submissions and a copy of any written submissions you provide."

9. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering whether it was fair and appropriate to proceed with the review in the absence of Ms Cox. 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 Fitness to Practise Rules 2019 (as amended) 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."

10. The panel was satisfied that it would be fair and appropriate to conduct the review in the form of a meeting in accordance with Rule 16(d) on the basis that:
 - a. Ms Cox was informed about the review and has expressly waived her presence;
 - b. Ms Cox has not asked for any adjournment to the review;
 - c. Any adjournment would not guarantee the attendance of Ms Cox in the future; and

- d. The continuation of the meeting was important, both as it is a statutory review, and to consider the protection of the public.

Review of the current order:

11. This final order review hearing is taking place under Paragraph 15(1) of Schedule 2 of The Social Workers Regulations 2018 (as amended) and Social Work England's Fitness to Practise Rules 2019 (as amended).
12. The current order is due to expire on 16 September 2023.

The allegations which resulted in the imposition of the agreed disposal were as follows:

13. In February 2021, the Case Examiners considered that there was a realistic prospect of proving allegations that:

Whilst working as a social worker for Rochdale Borough Council, Ms Cox failed to demonstrate the necessary level of knowledge, skill, or judgement in the following areas:

1. *obtaining the appropriate supervisory authorisation for assessments completed.*
2. *failing to complete required Care Act assessments.*
3. *failing to write up assessment notes.*
4. *failing to record assessments.*
5. *lack of structure and/or preparation for assessments completed.*
6. *failing to complete allocated work.*

Your fitness to practise as a social worker is impaired by reason of your lack of competence/capability and/or misconduct.

The previous final order review panel on 17 January 2023 determined the following with regard to impairment:

22. *"The panel acknowledged that Ms. Cox had completed her social work training however she failed to complete her ASYE (Assessed and Supported Year in Employment) successfully but considered that her conduct is remediable. However, the panel had no evidence of anything Ms Cox had done to attempt to remedy her actions.*
23. *The panel acknowledged that Ms. Cox had complied with condition of practise number 9 and did submit a reflective piece which demonstrated*

some insight, but this was limited and it did not accept responsibility, instead referring to her view that there had been no proper supervision in place for her. The panel noted that following the submission of this reflective piece in August of 2021, Ms Cox had then had limited engagement with Social Work England. The panel therefore considered it did not have any sense of how Ms Cox would remediate her conduct and considered Ms Cox had not demonstrated sufficient insight into her actions and not said what she would do differently.

24. *The panel considered the likelihood of risk and the public interest. The panel considered that Ms Cox had not sufficiently demonstrated what steps she had taken, or was taking, to address the risks of her actions and impact and, absent that, there was a risk of repetition. 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 and the panel considered that the public would be alarmed if Ms Cox's conduct was not found to be impaired. The panel therefore considered that Ms Cox's fitness to practice remains impaired."*

The previous final order review panel on 17 January 2023 determined the following with regard to sanction:

32. *"The panel considered the proposed extension and variation of the current conditions of practice order. The panel took the view that the deficiencies identified with Ms Cox's practice are capable of being remedied. The panel considered that a further period of 6 months would be appropriate to give Ms Cox time to complete training and engage with Social Work England. It would provide Ms Cox with an opportunity to consider whether she wished to practice. Varying the order to include a further condition would enable Ms Cox to engage in CPD (Continuing Professional Development) training which the panel considered to be appropriate. The panel noted that the CPD training required was not such that it was necessary to be working in a registered setting to undertake it.*
33. *The panel went on to consider a suspension order. The panel agreed with the case examiners that in the circumstances of this case, a suspension order could be seen as punitive. The panel reflected that they are seeking to encourage Ms Cox back to the profession in a safe and appropriate manner where the public could be confident in her work.*
34. *A suspension order removes the opportunity for Ms Cox to develop her practice. The panel noted that it did not appear that anything Ms Cox had done is malicious, rather the impairment related to competency and Ms Cox cannot develop that if a suspension order is in place.*

35. *The panel concluded that a Suspension Order is too severe at this point.*
36. *Having had careful regard to all of the evidence and circumstances of the case, the panel concluded that they were minded to vary the current conditions of practice order to include condition 14 (highlighted in red) and extend the Order for a period of 6 months.*

CONDITIONS OF PRACTICE ORDER

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

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

3.

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

(b) You must not start/restart work until these arrangements have been approved by Social Work England.

(c) You must allow your reporter and Social Work England to exchange information.

4. *You must provide reports from your reporter to Social Work England every 6 months from the date condition 3 comes into effect and at least 14 days prior to any review.*

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

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

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

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

9. Within 6 months of these conditions coming into effect, you must submit to Social Work England, a reflective piece (of no less than 1000 words, and no more than 2000 words) which demonstrates your insight into:

- the actions that led to the referral to your regulator
- the impact of your actions on members of the public and the reputation of your profession
- how you will approach any similar situations in the future to avoid a repetition of your actions.

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

- Comprehensive training in the relevant legislative framework in the area in which you are working
- Preparing and conducting assessments in line with the relevant legislation
- Time management
- Record keeping.

11. You must provide a copy of your personal development plan to Social Work England within 12 weeks from commencement of any employment as a registered social worker and an updated copy 2 weeks prior to any review.

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

13. You must inform, within 7 days from the date these conditions take effect, the following parties that your registration is subject to the conditions listed at 1 to 12, above:

- Any organisation or person employing or contracting with you to undertake social work services whether paid or voluntary
- Any locum, agency or out-of-hours service you are registered with or apply to be registered with (at the time of application)
- Any prospective employer (at the time of application)

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

You must forward written evidence of your compliance with this condition to Social Work England within 14 days from the date these conditions take effect.

14. You must provide evidence of 6 hours CPD undertaken to Social Work England within four months of these conditions taking effect. The CPD should be around the following topics:

- *Preparing and conducting assessments in line with social work legislation*
- *Time management*
- *Record keeping*

15. You must permit Social Work England to disclose the above conditions, 1 to 13, to any person requesting information about your registration status.

37. This panel cannot bind a future panel. However, a future reviewing panel would expect Ms Cox to attend the review hearing and it would be of assistance to that panel if Ms Cox were able to provide evidence that she had undertaken significant steps that would facilitate a safe and effective return to the register without restriction. This may include:

- a. What work Ms Cox has been undertaking and if she has been using her social work skills and knowledge in any way;*
- b. An understanding Ms Cox's future intentions in relation to working in a social work role;*
- c. Providing references and testimonials in relation to any related roles Ms Cox has undertaken;*
- d. Evidence of any applications for social work positions where Ms Cox has been refused due to the Conditions of Practice; and*
- e. Whilst acknowledging the submission of a reflective piece, the panel considered it would be beneficial to have a further reflective piece to demonstrate how Ms Cox's insight into events which led to the referral to Social Work England has developed."*

Social Work England submissions:

14. The panel received the following written submissions from Social Work England set out in an email dated 27 June 2023:

“Subject to any further evidence or submissions received from the Social Worker prior to, or at the review hearing, Social Work England will invite the Panel to impose a Removal Order.

At the time of sending the notice of hearing, Social Work England were awaiting confirmation of the Social Worker's ongoing compliance with Condition 9 and Condition 14 of the Order. Having initially engaged well, the Social Worker had not contacted her case review officer since August 2021. As such, Social Worker England were seeking for the current Conditions of Practice Order to be replaced with a Removal Order.

On 15 July 2023, the Social Worker provided a piece in compliance with Condition 9. Evidence of Continued Professional Development (CPD) was due on 17 July 2023. Condition 14 states:

‘You must provide evidence of 6 hours CPD undertaken to Social Work England within four months of these conditions taking effect The CPD should be around the following topics:

- Preparing and conducting assessments in line with social work legislation*
- Time management*
- Record keeping’*

This was followed up by the Case Review Officer on 18 July 2023. On 25 July 2023 the Social Worker provided a further document ‘CPD 21.07.23’. The Social Worker does not appear to have complied with Condition 14 of the order. Although this document refers to her current employment and some transferable skills, and offers some further reflection into the previous conduct, it does not provide evidence of further relevant training or professional development as directed by condition 14.

Within the reflective piece, the Social Worker acknowledges that she became overwhelmed with her case work causing her to fail to comply with her duties. However, the reflective piece does not show evidence of any additional training or remediation that has been taken by the Social Worker since the Order was imposed. Whilst she has previously indicated that she did not intend to work as a social worker again, she had wished to use her qualification. There was no indication of her future plans or if she wishes to remain registered. The Case Review Officer sought confirmation of the Social Workers future intention and whether she wishes to remain registered The Social Worker has responded:

'In answer to your query I presently have no desire to work in a statutory social work role.'

The Social Worker does not appear to have been employed in a social work role to put into practice any remediation or to demonstrate that they have maintained the skills and knowledge of a social worker. Therefore, the concerns as to her fitness to practise remain.

Social Work England are therefore seeking a Removal Order as it is not appropriate to hold a social worker on the Register indefinitely if they have no desire to return to practice and are not keeping their skills and knowledge up to date. The Social Worker will still have her qualification, but should not be able to call herself a social worker if she is not safe to practise and has no intention of remediating the concerns."

Social worker submissions:

15. Ms Cox did not attend the hearing to make oral submissions and did not provide the panel with any written submissions. She did, however, provide a reflective piece and an update on her CPD.

[PRIVATE]

Panel decision and reasons on current impairment:

16. In considering the question of current impairment, the panel undertook a comprehensive review of the final order in light of the current circumstances. It took into account the decisions of the previous panels. However, it has exercised its own judgement in relation to the question of current impairment. The panel also took into account Social Work England's "Impairment and sanctions guidance".
17. The panel had regard to all of the documentation before it, including the decision and reasons of the final hearing panel and the first reviewing panel. The panel also took account of Social Work England's submissions and the reflective piece and CPD update provided by Ms Cox.
18. 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.
19. The panel first considered whether Ms Cox's fitness to practise remains impaired.
20. The panel considered the starting point in this case to be that Ms Cox failed to complete her ASYE, which in effect, is a probationary period. The panel has no information before it to determine that Ms Cox can work as a social worker unsupported.

21. Ms Cox has provided a reflective piece and a CPD update (which the panel considered to be another reflective piece) which the panel considers demonstrate some degree of insight and reflection. However, there is no evidence before the panel of CPD or training taking place. Further, the panel does not have any references or testimonials concerning Ms Cox's current capabilities. Consequently, the panel is aware of only some insight and remediation (and only from Ms Cox's personal evidence). As a result, the panel considers there to be a risk of repetition of the behaviour set out in the agreed disposal, and therefore a risk to service users, fellow practitioners and the public, should Ms Cox be allowed to return to practice unrestricted.
22. In light of the risk to the public, the panel also concluded that an informed member of the public would be concerned to learn, given the facts in the agreed disposal and the limited insight, that Ms Cox was allowed to continue to practise without some restriction being placed upon her registration. The panel therefore considered that an order remains necessary in the wider public interest, in order to maintain public confidence in the social work profession and uphold proper professional standards.

Decision and reasons:

23. Having found that Ms Cox's fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel had regard to the submissions made along with all the information and accepted the advice of the legal adviser.
24. The panel considered the submissions made by Social Work England during which they invited the panel to consider imposing a removal order. The panel also took into account Social Work England's *"Impairment and sanctions guidance"*.
25. The panel was mindful that the purpose of any sanction is not to punish Ms Cox, but to protect the public and the wider public interest. The public interest includes maintaining public confidence in the profession and Social Work England as its regulator and by upholding proper standards of conduct and behaviour. The panel applied the principle of proportionality by weighing Ms Cox's interests with the public interest.

Advice/Warning

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

Conditions of practice order

27. The panel considered that a conditions of practice order would be insufficient due to:
- Ms Cox's indication – to this panel and the previous final order review panel – that she no longer wishes to practice as a social worker;

- b. conditions of practice require full engagement from Ms Cox. The panel considers that Ms Cox has had only limited engagement with Social Work England – demonstrating insufficient insight – since the previous final order review hearing in January 2023. During the two-and-a-half years that the conditions of practice have been in place, Ms Cox has neither secured a social work job in which she could have engaged with the conditions, nor demonstrated to the panel any steps that she has taken to gain such a role;
- c. The previous final order reviewing panel added a further condition for Ms Cox to complete six hours of CPD, which she has failed to do. The panel considers this demonstrates that Ms Cox has failed to adhere to conditions previously; and
- d. The panel has no information before it to determine that Ms Cox can work as social worker unsupported, and has been out of social work practice for a period of approximately two-and-a-half years to date. Without information forthcoming from Ms Cox, there is a risk that Ms Cox has become deskilled to some degree which could place service users at risk of harm.

Suspension order

28. The panel next considered whether a suspension order would be an appropriate sanction. The panel determined that a suspension order would be insufficient as Ms Cox has had approximately two-and-a-half years to address concerns in relation to her practice but has failed to do so. The panel does not consider that Ms Cox will utilise any further time given to improve her insight and remediation.

Removal order

29. The panel noted that a removal order is a sanction of last resort where there are no other means of protecting the public or the wider public interest. The panel took the view that a removal order would be proportionate in this matter due to:
- a. Ms Cox has not completed her ASYE. The panel has no information before it to determine that Ms Cox can work as social worker unsupported. Ms Cox has no social work foundation upon which to return;
 - b. Ms Cox has indicated to two consecutive panels that she no longer wishes to work as a registered social worker;
 - c. Ms Cox has had approximately two-and-a-half years to address concerns in relation to her practice and has failed to do so; and
 - d. Ms Cox's continued existence upon the social work register is likely to result in further hearings, which have yielded only limited insight and remediation to date. Therefore, it is in the public interest to not spend time and resources on further hearings.

Right of appeal:

30. 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.
31. 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.
32. 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.
33. This notice is served in accordance with Rules 44 and 45 of the FTP Rules 2019 (as amended).

Review of final orders:

34. 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).
35. 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

36. 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>