

Social Worker: Shahina Tazeen
Ahmad

Registration Number: SW39512

Fitness to Practise:

Final Order Review Hearing

Date(s) of hearing: 22 August 2023

Meeting venue: Remote meeting

Final order being reviewed:

Suspension order (12 months) expires 11 October 2023

Hearing Outcome:

Removal order (to take effect from the expiry of the current Suspension 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 on 14 September 2022.
2. Ms Ahmad 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 |
|-----------------|---------------------------|
| Nigel Westwood | Chair |
| Charlotte Scott | Social worker adjudicator |

| Hearings team/Legal adviser | Role |
|-----------------------------|--------------------------|
| Tom Stoker | Hearings officer |
| Robyn Watts | Hearings support officer |
| Graeme Dalglish | Legal adviser |

Service of notice and proceeding in absence

4. The panel of adjudicators (“the panel”) had regard to the documents contained in the hearing service bundle. This included a copy of the notice of the review hearing dated 18 July 2023 sent to Ms Ahmad at her registered email address; an extract from the Social Work England Register detailing her registered email, and a copy of a signed Statement of Service on behalf of Social Work England confirming service by email on 18 July 2023. The panel accepted the advice of the legal adviser and was satisfied that notice of this hearing had been properly served.
5. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering whether to proceed in the absence of Ms Ahmad, and to conduct the review as a meeting. The legal adviser referred it to Rule 43 and to the guidance in *GMC v Adeogba* [2016] EWCA Civ 162. It has found proper notice of this review hearing has been served and there is no application for an adjournment by Ms Ahmad. She has not engaged in this hearing or in the fitness to practice process generally. There is nothing to suggest that adjourning today’s proceedings would secure her attendance on a later date. The Notice of hearing advised her about the nature of this hearing and the panel noted that Social Work

England has reminded her over the period of suspension what was expected of her. She was also advised of her entitlement to attend this review. The panel decided that in all of these circumstances Ms Ahmad has voluntarily absented herself and that it is fair and appropriate to proceed in her absence.

Proceeding with the final order review as a meeting:

6. The notice of final order review informed Ms Ahmad 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 August 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.”

7. The panel has received nothing to suggest that Ms Ahmad had responded to the notice of final order review. 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.”

8. 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) and in the absence of Ms Ahmad. There is a public interest in proceeding.

Review of the current order:

9. 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).
10. The current order is due to expire at the end of 11 October 2023

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

1. Failed to recognise/act appropriately in response to risk in that you;

1.1 Did not take appropriate action following reports of Child Sex Exploitation regarding Service User BL on or around 12 June 2017.

1.2 During the period 1 May 2017 to 15 September 2017, did not report a new

pregnancy for Family 2 in a timely fashion.

1.3 In July/August 2017 delayed in arranging a strategy meeting when there was an indication of increased risk of domestic violence regarding Service User IM.

2. Failed to make clear, accurate and timely records in that you;

2.1 Did not adequately record Child Protection visits or Social Care assessments, Risk assessments or Case Closures for:

(a) Service User IM on or around 27 June 2017;

....

(c) Service User KE during the period September- October 2017;

(d) Service User JL during the period March 2017 — January 2018

2.2 Did not adequately record child in need visits on the Mosaic workflow system for;

....

(b) Service User RH on or around 8 September 2017;

(c) Service User KMH on or around 23 January 2018;

(d) Service Users RH & CH on or around 5 October 2017;

3. Demonstrated poor case management in that you;

3.1 Did not progress cases adequately in respect of:

(a) Service User BL;

(b) Service User OB;

(c) Service User PC.

3.2 Did not arrange visits as required or when appropriate in respect of:

(a) Service Users RH and CH;

(b) Service Users IM and TW;

(c) Service User PH15

3.3 Did not arrange adequate Social Worker cover for periods of absence during your period of employment.

3.4 Did not follow reasonable management requests or act on management advice in relation to:

(a) Service User RH and a letter that had been written by the Service User regarding treatment of the family in November 2017 and;

(b) Service User TW and the need for an early help assessment from the midwife in January 2018

The final hearing panel decision on 12 September 2022 on impairment

11. The reviewing panel noted that two sub-particulars were found not proved and that 13 of the particulars in the allegation were found to amount to misconduct. The panel at the final hearing concluded that the findings were remediable and stated in its reasoning as follows:-

“The panel agreed with Ms Ferrario’s submission that there is no explanation for Ms Ahmad’s misconduct, which followed a lengthy period of satisfactory safe practice.

KA and LB described concerns about Ms Ahmad appearing to be chaotic and not managing her time well, but the root cause of her behaviour is unclear. There is no evidence that ill health was a contributory factor.

In the panel’s judgment Ms Ahmad has not demonstrated insight. Her current position is set out in her e-mail dated 4 September 2022 that she has “more important and satisfying priorities” and this is the reason for her non-attendance. This indicated to the panel that Ms Ahmad does not ascribe any importance to her role as a social worker or her responsibilities to her profession.

On 21 March 2021 Mr Walker described that Ms Ahmad had reflected on her practice and identified that she had to “improve her recording and ask for help”. The panel acknowledged that Ms Ahmad is entitled to deny the facts of the allegation, but the panel’s concern was the absence of anything in her correspondence or submissions indicating that

she understands the seriousness of the allegation, if it were found proved. The panel considered that Ms Ahmad has not demonstrated insight into the impact of the conduct on service users, her colleagues, or the reputation of the profession. She has not taken responsibility for the deficits in her practice, but has attributed blame to others, including her Practice Supervisor.

Ms Ahmad's position appears to be the same as she presented to the appeal panel in relation to her dismissal, where she was aggrieved about what she considered to be unfair treatment and insufficient support from her Practice Supervisor. In her reflections she does not appear to have moved beyond indignation about her situation. There was no indication that she understands that her conduct may have put service users at risk of harm.

In the panel's judgment Ms Ahmad's conduct is potentially remediable, but there is no evidence of any remedial steps. If Ms Ahmad were to practise as a social worker, the panel decided that the risk of repetition is very high. Therefore, there is an ongoing risk to service users which requires a finding of current impairment on the ground of public protection...

Given the serious nature of the misconduct, and the high risk of repetition, the panel decided that an informed member of the public would be troubled and shocked if Ms Ahmad were permitted to practise as a social worker without restriction. The panel therefore decided that a finding of impairment is required in the public interest to maintain public confidence in the profession and uphold the standards for social workers"

The final hearing panel decision on 12 September 2022 on sanction

12. The panel at the final hearing stated in their reasoning on sanction:-

The panel was not persuaded that at the current time, a conditions of practice order would be sufficient to mitigate the high risk of repetition of similar misconduct. In reaching this decision the panel took into account the pattern of repetition of misconduct involving several families over a period of time. The conditions of practice proposed by Ms Ferrario involved supervised practice with regular reports.

Ms Ahmad had the benefit of support and supervision during her probationary period, but this was not sufficient to prevent a repetition of similar concerns.

In its decision on current impairment the panel has concluded that Ms Ahmad's misconduct is potentially remediable. The misconduct in this case involves a wide range of practice deficits involving basic social work tasks which are capable of correction, but the panel's view was that remediation would require commitment by Ms Ahmad and, as a minimum, developing insight. This case therefore did not fit within the SG for a conditions of practice order because the panel had insufficient confidence that Ms Ahmad would take steps to remediate her fitness to practice. In circumstances where Ms Ahmad has not attended the hearing due to her other priorities and has not demonstrated any insight, the panel was not

able to conclude that she is currently capable of complying with conditions of practice, particularly given that she has not worked as a social worker under the interim conditions of practice for a period of almost four years. In the circumstances, conditions of practice would not currently be realistic or workable.

The panel did not consider that conditions of practice were sufficient or suitable to maintain public confidence in the profession in circumstances where Ms Ahmad has chosen to disengage with the final hearing and there was no indication that she is committed to remediating her practice...

The panel considered that a suspension order would be sufficient to protect the public because it would protect service users. The panel was of the view that while the allegation is serious, it does not involve dishonesty, discrimination, sexual misconduct or abuse. The panel acknowledged that there has been a delay in bringing this case to a final hearing for a variety of reasons, as explained by Ms Ferrario, and that the delay may have had an impact on Ms Ahmad's attitude to attending this final hearing. There is a public interest in the rehabilitation of an experienced social worker to safe practice and the panel has noted the evidence that Ms Ahmad is capable of safe and effective practice. The reasons for her unacceptable performance in the period of time covered by the allegation are unclear. The panel's assessment was that in these circumstances the imposition of a removal order would be disproportionate. Such an order is the order of last resort, and it should only be imposed if no other outcome would be sufficient to protect the public.

In the panel's judgment a suspension order is a sufficient sanction to maintain public confidence in the profession and to uphold standards for social workers. It is a serious sanction which sends a clear message to other social workers and to members of the public that social workers must act appropriately in response to risk, make clear, accurate and timely records, arrange visits to children when appropriate, progress cases adequately, and follow reasonable management requests...

13. The panel at the final hearing suggested that the following may assist a future reviewing panel:

- *Ms Ahmad's attendance at/engagement with the review hearing;*
- *A written reflective piece addressing the misconduct found by the panel including failures to safeguard service users, not progressing cases, and record keeping failures;*
- *Evidence of steps taken by Ms Ahmad to keep her skills and knowledge up to date such as completion of continuing professional development or training;*
- *References from employment (paid or unpaid).*

Social Work England submissions:

14. The panel considered the submissions from Social Work England contained in the notice of this review hearing which stated:-

Subject to the Social Worker providing any evidence in relation to the Panel's recommendations prior to the review, Social Work England invites the Panel to make a Removal Order in this case.

At the final hearing when the Panel imposed a 12 month Suspension Order, the Panel were of the view that the misconduct was potentially remediable but that remediation would require commitment by the Social Worker and, as a minimum, developing insight. The Panel were of the view that the risk of repetition was very high.

The Panel set out four recommendations in particular that might assist the next Panel at the review of this Order. The Social Worker has not complied with any of these, including there being no indication that she will attend the Review Hearing.

The Social Worker did not attend the final hearing, stating that she now has "more important priorities". Since then she has continued to fail to demonstrate any insight, engagement with the process, or to demonstrate any intent or desire to improve.

Social Work England's Sanctions Guidance provides that in the absence of improved insight or other remediation upon review, a removal order may be an appropriate sanction (Guidance para 146). Further, that suspension is likely to be unsuitable in circumstances where (both of the following): the social worker has not demonstrated any insight and remediation; and there is limited evidence to suggest they are willing (or able) to resolve or remediate their failings (Guidance para 138).

Further that a Removal Order may be appropriate in cases involving (any of the following): ... persistent lack of insight into the seriousness or 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) (Guidance para 149).

The Social Worker's experience was noted by the Panel at the final hearing, but she has failed to demonstrate that she ascribes any importance to her role or the standards of the profession.

Social Work England submit that the Social Worker's fitness to practise remains impaired.

At the final hearing the Panel specifically considered that a shorter period of suspension would be insufficient and ineffective for the Social Worker to reflect and prepare evidence for a review hearing, and so imposed a 12 month suspension period to allow her time to do this. However no evidence of reflection or learning has been provided, in line with the Panel's recommendations, or at all.

The Social Worker has been written to in relation to the Suspension Order and the Panel's recommendations on 19 October 2022, 16 January 2023, 3 April 2023 and 6 June 2023. No response has been received.

It is submitted that a Removal Order is now the appropriate and proportionate order to make, given the Social Worker's unwillingness to remediate."

Reviewing Panel decision and reasons on current impairment:

15. In considering the question of current impairment, the panel accepted the legal advice of the legal adviser. He reminded it to review the issue of current impairment of fitness to practice and, if relevant, the issue of sanction. It must not review any issue of fact.
16. 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 and it exercised its own judgement in relation to current impairment and sanction. The panel took into account Social Work England's 'Impairment and sanctions guidance'. 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 maintain public confidence in the profession.
17. The panel has received no information from Ms Ahmad. It has nothing to indicate any insight or remediation, or any willingness to develop the same. The panel noted that Ms Ahmad has been reminded by Social Work England several times during the suspension period as to what she might do to evidence remediation. Ms Ahmad has not engaged in this process to any extent, and she has not provided any information to the panel.
18. The panel has nothing before it to indicate insight or remediation and therefore that the risk of repetition has been reduced. There is no information that indicates that Ms Ahmad has to any extent reflected on the findings and that she has sought to remedy and improve her professional practice. She had not engaged with this process and she has not responded to any of the suggestions by the panel at the final hearing, such as providing a reflective piece.
19. The panel decided that Ms Ahmad's fitness to practise remains currently impaired.

Decision and reasons on sanction:

20. Having found Ms Ahmad's fitness to practise is currently impaired, the panel considered what, if any, sanction it should impose in this case. The panel had regard to the submissions made by Social Work England and accepted the advice of the legal adviser. It was mindful of the sanctions guidance and the need to act proportionately.
21. The panel was mindful that the purpose of any sanction is not to punish, but to protect the public and the wider public interest which includes maintaining public confidence in the profession and Social Work England as its regulator and by upholding proper standards of conduct and behaviour.

Impose a new order - Removal order

22. The panel considered a lesser sanction than suspension would fail to reflect the seriousness of the findings. It considered whether a further period of suspension would be appropriate. Ms Ahmad has not engaged and she had provided this panel with nothing to review or consider. There is nothing to suggest that Ms Ahmad has moved from the position the panel at the final hearing found when it stated that there was a lack of insight and a “very high” risk of repetition. The failures found proved had the potential to place service users at risk of harm. Ms Ahmad has not engaged and she has not expressed any interest in acknowledging her conduct or maintaining her career as a social worker. There is no information before the panel which indicates that she has made any attempt to keep her knowledge and skills up to date.
23. In these circumstances, the panel decided that a further period of suspension would serve little purpose. In a period of almost 1 year of suspension, Ms Ahmad has not engaged and she has provided nothing to indicate any insight or remediation, or any interest in maintaining her profession or professional standards. The panel therefore decided that a further period of suspension was not appropriate.
24. The panel was mindful of the sanctions guidance and it noted the terms of paragraph 149 of the sanctions guidance on Removal order, and in particular the following factors:-
- *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)*
25. The panel was satisfied that a removal order was available and it was mindful that it is a sanction of last resort where there is no other means of protecting the public or the wider public interest. The panel concluded that a removal order would be appropriate as the above factors are clearly engaged in this case. Despite a lengthy period of suspension and constructive recommendations from the final panel, Ms Ahmad has continued not to engage and she has provided no evidence of insight into her misconduct or maintaining her skills. Further, the panel was satisfied that in such circumstances Ms Ahmad is unwilling to remediate, having failed to take any opportunity to do so in the period of suspension.
26. The panel was satisfied that a removal order was also in the public interest. Ms Ahmad has not engaged and there is no public interest in providing a further period of suspension in the circumstances of this case. There is a public interest in a fair and expeditious disposal of fitness to practice cases.
27. The panel therefore concluded that a removal order was the appropriate and proportionate sanction in the circumstances of this case. It imposes a removal order which will take effect on the expiry of the suspension order.

Right of appeal:

28. 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.
29. 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.
30. 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.
31. This notice is served in accordance with Rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

Review of final orders:

32. 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).

33. 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

34. 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>