

Social worker: Sonia Paulette
Peters-Hewitt
Registration number: SW62856
Fitness to Practise
Final Order Review Hearing

Date of hearing: 24 August 2023

Hearing venue: Remote hearing

Final order being reviewed:
Suspension order expiring 04 October 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 third review of a final suspension order originally imposed for a period of 12 months by a panel of adjudicators on 8 September 2021. The order was first reviewed on 23 August 2022 when a further suspension order of 6 months was imposed. At the second review on 1 February 2023 the suspension order was extended for a further 6 months.
2. Ms Peters-Hewitt did not attend and was not represented.
3. Social Work England was represented by Mr Barnfield case presenter instructed by Capsticks LLP.

Adjudicators	Role
Frank Appleyard	Chair
Beverley Blythe	Social worker adjudicator

Hearings team/Legal adviser	Role
Tom Stoker	Hearings officer
Andrew Brown	Hearings support officer
Helen Gower	Legal adviser

Service of notice:

4. Ms Peters-Hewitt did not attend and was not represented. Mr Barnfield referred the panel of adjudicators (hereafter “the panel”) to documents in the service bundle and submitted that the notice of this hearing had been duly served.
5. The panel of adjudicators had careful regard to the documents contained in the final order review service bundle as follows:
 - A copy of the notice of the final hearing dated 24 July 2023 and addressed to Ms Peters-Hewitt at their address which they provided to Social Work England;
 - An extract from the Social Work England Register as at 24 July 2023 detailing Ms Peters-Hewitt’s registered address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 24 July 2023 the writer sent the notice of hearing and related documents to Ms Peters-Hewitt by email at the address referred to above.

6. The panel accepted the advice of the legal adviser in relation to service of notice.
7. Having had regard to the Rules 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 Peters-Hewitt in accordance with Rules 16, 44 and 45 of Social Work England (Fitness to Practise) Rule 2019 (as amended) (the “Rules”).

Proceeding in the absence of the social worker:

8. The panel heard the submissions of Mr Barnfield on behalf of Social Work England. Mr Barnfield referred the panel to correspondence from Ms Peters-Hewitt. She had requested that the hearing take place in the afternoon and had indicated that she would attend if her request could be accommodated. She had also provided the name of a representative. Social Work England had agreed to accommodate this request and the hearing was due to commence at 1.30 p.m. Efforts had been made to contact Ms Peters-Hewitt, but they were unsuccessful. In these circumstances, Mr Barnfield submitted that Ms Peters-Hewitt had voluntarily absented herself. There was no information as to why Ms Peters-Hewitt had chosen not to attend the hearing and no information that suggested that postponing the matter would result in a different outcome. Mr Barnfield further submitted that there was a necessity to determine the review in the timescale required. He therefore invited the panel to proceed in the interests of justice and the expeditious disposal of this hearing.
9. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. This included reference to Rule 43 of the Rules and the cases of *R v Jones [2003] 1 AC 1*; *General Medical Council v Adeogba [2016] EWCA Civ 162*. The panel also took into account Social Work England guidance ‘Service of notices and proceeding in the absence of the social worker’.
10. The panel considered all of the information before it, together with the submissions made by Mr Barnfield on behalf of Social Work England. The panel noted that Ms Peters-Hewitt’s request for a later start to the hearing had been accommodated by Social Work England and was satisfied that she was aware of today’s hearing. There was no explanation or any communication from Ms Peters-Hewitt explaining why she had not attended the hearing, despite indicating that she would attend. The panel also noted that, other than administrative arrangements, Ms Peters-Hewitt’s engagement with Social Work England has been minimal. The panel concluded that she had voluntarily chosen not to attend the hearing. The panel was also of the view that in these circumstances an adjournment would serve no purpose. Having weighed the interests of Ms Peters-Hewitt in regard to her attendance at the hearing with those of Social Work England and the public interest in an expeditious disposal of this hearing, the panel determined to proceed in Ms Peters-Hewitt’s absence.

Social Worker's request for a postponement:

11. While the panel were deliberating on their decision Ms Peters-Hewitt contacted Capsticks at 15.04 pm. She stated that the emails relating to the hearing had gone to junk and that she did not know the hearing would be taking place at 1.30 pm and thought it would take place at 3 pm. Ms Peters-Hewitt was advised that she had requested this time (1.30 pm) and it had been confirmed by Capsticks in multiple e-mails. Ms Peters-Hewitt said that she had not seen this and said that Social Work England had emailed "confirming 3 pm by mistake". Ms Peters-Hewitt was requested to provide a copy of this e-mail. She provided an e-mail which advised her that there was an error in the e-mail which referred to a 9.30 am start and clearly confirmed to her that "the review will be starting at **1.30pm**".
12. Ms Peters-Hewitt subsequently sent an e-mail to a Hearings Officer stating that she had contacted a representative from Capsticks to explain the misunderstanding and "he will now seek to postpone for another date". Ms Peters-Hewitt requested that the hearing be postponed to 15 September 2023.
13. The panel reconvened to consider this development. The panel requested that an attempt should be made to contact Ms Peters-Hewitt and invite her to join the hearing. There was no response to a telephone call and Ms Peters-Hewitt did not join the hearing in response to an e-mail inviting her to join.
14. Mr Barnfield submitted that the panel should proceed and conclude the hearing. He informed the panel that there was no indication anywhere in the correspondence from Social Work England that the hearing would start at 3 pm. He also informed the panel that the representative from Capsticks who spoke to Ms Peters-Hewitt had not told her that he would seek to postpone the hearing.
15. The panel accepted the advice of the legal adviser. She advised that Ms Peters-Hewitt had indicated that she wished the matter to be postponed and rescheduled for a different date. Although this request was made at a very late stage of the hearing, after the panel had retired to consider their decision, it was an option open to the panel. There are circumstances in which a hearing may reconvene to address various matters, and this may occur even after the panel have retired to make its decision. Alternatively, the panel could decide that it was appropriate to proceed and conclude the hearing. In its decision the panel should consider all the circumstances, including the degree to which Ms Peters-Hewitt might be prejudiced, the likely consequences of the adjournment, the reason for the requested postponement and whether there was any fault, and the history of the case.
16. The panel was of the view that Social Work England's correspondence with Ms Peters-Hewitt was clear that the start time of the hearing was 1.30 pm and it could not have been misunderstood as 3 pm. Ms Peters-Hewitt appeared to be suggesting that Social Work England was at fault, which was unreasonable. The fault lay entirely with Ms Peters-Hewitt. In the panel's view Ms Peters-Hewitt had not presented correct information. The e-mail she referred to was clear as to the start time of the hearing and there was no basis for any misunderstanding. She had incorrectly stated that Social Work England would seek to postpone the hearing. Given the circumstances, and knowing that the hearing was in

progress, the panel would have expected that Ms Peters-Hewitt to have been very concerned that the hearing had started in her absence. She would have ensured that she could be contacted and available to join the hearing, at least after 3 pm. However, she could not be contacted. The panel noted that the time of the hearing had been arranged for Ms Peters-Hewitt's convenience, the request for a postponement was made at the 'eleventh hour', and Ms Peters-Hewitt had attempted to suggest that Social Work England was responsible for her non-attendance. The panel was of the view that in these circumstances, Ms Peters-Hewitt's request for a postponement was utterly unreasonable.

17. The panel noted the history of the matter including Ms Peters-Hewitt's minimal engagement with Social Work England and that she did not attend previous review hearings.
18. The panel considered that there may be prejudice to Ms Peters-Hewitt in not being able to present her case to the panel. However, the panel carefully balanced this disadvantage with fairness to Social Work England and the need for expedition. Having carefully considered all the circumstances, the panel decided that it would not postpone the hearing and would proceed with its determination.

Review of the current order:

19. 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 Worker's Regulations 2018 (as amended) and Social Work England's Fitness to Practise Rules 2019 (as amended).
20. The current order is due to expire at the end of 04 October 2023.

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

Head of Charge 1 - While providing a care placement for Person B, you failed to safeguard Person B in that you:

- 1.1 did not provide the level of care agreed by Person B and/or professionals;
- 1.2 left him alone with an unapproved carer;
- 1.3 cancelled the care placement at short notice.

Head of Charge 2 - While providing a care placement for Person B, you used Person B's money in ways that had not been approved by Person B and/or Person D and/or professionals.

Head of Charge 3 - You communicated with other professionals involved with Person B in an unprofessional manner.

Head of Charge 4 - While under investigation by Social Work England, you did not comply with the Social Workers Regulations 2018 in that you refused to give employment details when requested.

Your actions at paragraphs 1 to 4 constitute misconduct.

By reason of your misconduct your fitness to practise is impaired

Background

21. The background to the allegations against Ms Peters-Hewitt is as follows.
22. At the time of the incidents to which the allegations relate, Ms Peters-Hewitt was working as a carer for the Grace Eyre Foundation (GEF). GEF is a “Shared Lives” provider. The Shared Lives scheme supports adults with learning disabilities, mental health problems or other needs that make it harder for them to live on their own. Shared Lives matches these adults with an approved carer, with whom the adult can live.
23. The allegations found proved related to Ms Peters-Hewitt’s care for an adult with learning disabilities (Person B), who had significant care needs. He had limited cognitive ability and was hindered by his physical abilities. He had communication difficulties, with his communication being partly non-verbal and would make use of Makaton and picture cards. On Mondays, Tuesdays, Thursdays and Fridays Person B attended the Bede Learning Disabilities Centre (the Bede).
24. Person B had been supported by his father and his step-mother (Person D). However, shortly after Person B’s father’s death, Person D found that she was unable to continue to provide support for Person B and so an alternative placement with a carer was sought through GEF in conjunction with Southwark Council (the placing local authority) .
25. It was agreed that Person B would be placed with Ms Peters-Hewitt. Under that placement, Person B would live with Ms Peters-Hewitt in her home and she would provide him with care as agreed with Southwark Council and GEF in a care/support plan.
26. The allegations found proved occurred during the placement as follows:
 - Ms Peters-Hewitt failed to appropriately safeguard Person B in that she (i) did not provide the level of care agreed by Person B and professionals involved in his care and (ii) left Person B with an unapproved carer and cancelled the placement at short notice.
 - Ms Peters-Hewitt used Person B’s money in a way that had not been approved by Person B, Person D and/or the professionals involved in his care
 - Ms Peters-Hewitt communicated with other professionals involved in Person B’s care in an unprofessional manner.
27. The above matters caused GEF to refer Ms Peters-Hewitt to the Health and Care Professions Council (the HCPC) on 23 May 2018.

28. During the course of the investigation by Social Work England, Ms Peters-Hewitt did not comply with the Social Worker Regulations (2018) in that she refused to provide details of her employment when requested to do so. The final hearing panel found that Ms Peters-Hewitt's failure to safeguard Person B as described in particulars 1.1 and 1.2 amounted to misconduct, but that the cancellation of Person B's placement at short notice did not amount to misconduct. The panel also found that particulars 2 and 3 were not sufficiently serious to amount to misconduct. The conduct in particular 4 (the failure to give employment details to Social Work England), amounted to misconduct.

The previous final order review panel on 1 February 2023 determined the following with regard to impairment:

"The panel considers there is no evidence that Ms Peters-Hewitt has insight into her conduct as found in the original allegations. Her last response to Social Work England demonstrated repeated concerns about the nature of her employment at the time of the original allegations and not reflection or remediation. There is no evidence before the panel of any reflection, training, CPD or meaningful steps to remediate the conduct found proved.

The panel notes that the previous review panel set out helpful indicators of areas which might assist Ms Peters-Hewitt in demonstrating to a future review panel that remediation had taken place. The panel notes that an email sent by Rispah Cockayne, dated 02 December 2022, set out clearly to Ms Peters-Hewitt methods by which she may demonstrate insight and remediation and steps she could take to support her position at a review hearing. Notwithstanding this clear and helpful information, there remains no evidence before this panel.

Ms Peters-Hewitt has therefore not complied with the recommendations of the previous panel, not undertaken remediation or training and not engaged with her professional regulator.

The panel is therefore satisfied there is a high risk of a repetition of the conduct found proved at final hearing. The panel concludes that Ms Peters-Hewitt's fitness to practise remains impaired on the grounds of public protection, and of public interest, which includes the components of promoting and maintaining public confidence in the profession and professional standards."

The previous final order review panel on 1 February 2023 determined the following with regard to sanction.

"Take no action / allow order to lapse / advice /warning

The Panel considered whether no action should be taken or the order allowed to lapse and substituted with advice or a warning. Given the panel's finding that Ms Peter-Hewitt's fitness to practise remains impaired, these options would not be appropriate as they do nothing to

remediate the risk to the public and the wider public interests. The panel concluded that these options were insufficient to meet the risks presented which have not been remediated.

Conditions of practise order

The panel considered the suitability of imposing a conditions of practise order upon Ms Peters-Hewitt. The Panel noted that there had been no meaningful engagement with Social Work England in the course of both the original and extended suspension periods. The only communication received from Ms Peters-Hewitt continued to question the circumstances of the original conduct and the involvement of Social Work England and notwithstanding specific direction from the previous reviewing panel, no engagement occurred in advance of this review hearing.

The panel is not satisfied that Ms Peters-Hewitt would engage with Social Work England to comply with conditions of practise and non-compliance with conditions of practise would ensure the risks to the public and wider public interest remain. Conditions which are not complied with are akin to taking no action and thus where the panel concludes it is not satisfied that conditions of practise will be complied with, the imposition is unsuitable to address the risks presented by Ms Peters-Hewitt's impairment.

Suspension Order

Having determined that a conditions of practice order would not be appropriate or proportionate in the circumstances of this case, the panel went on to consider whether a suspension order would be the appropriate and proportionate response. The panel noted that Social Work England was requesting an extension to the current suspension order as opposed to a removal order.

A suspension order would prevent Ms Peters-Hewitt from practising during the suspension period, which would therefore protect the public and the wider public interest.

The panel determined that the suspension order should be extended for a period of 6 months. The panel was satisfied that this period was appropriate for the following reasons:

- a) Ms Peters-Hewitt has already been the subject of a 12 month suspension and an additional 6 month suspension. In this time there has been no evidence provided as to insight or remediation;*
- b) The last review panel provided clear directions to assist Ms Peters-Hewitt to engage with Social Work England and demonstrate such steps as may enable her to resume practise as a Social Worker, something she appears to seek in such correspondence that is available;*
- c) However the status quo cannot continue indefinitely. The panel considers that 18 months of previous suspension has provided Ms Peters-Hewitt sufficient time to demonstrate steps towards insight and remediation which have not been acted upon. The panel considers that a further 6 month suspension is proportionate to determine*

whether steps towards insight and remediation are forthcoming from Ms Peters-Hewitt or whether consideration ought to be given to removal from the register of Social Workers.

Therefore, the panel decided to extend the suspension order for a period of six months on the expiry of the current suspension order, in accordance with Regulation 15(1)(a).

The panel did not wish to fetter the decisions of the next reviewing panel, but it did consider that the next reviewing panel may be assisted by the following:

- *Meaningful engagement by Ms Peters-Hewitt with Social Work England;*
- *An up to date reflective summary, focussing on how her actions fell below the standards expected of a social worker; outlining what she could have done differently; and the potential impact of her actions on Person B, her colleagues, and the social work profession as a whole;*
- *Clearer evidence of ongoing CPD;*
- *Any relevant training; and*
- *Any recent or current references and testimonials.”*

Social Work England submissions:

29. The panel heard submissions from Mr Barnfield as to the background and the previous panel's findings in relation to impairment and sanction. Mr Barnfield submitted that there had been no material change in the circumstances and that Ms Peters-Hewitt's fitness to practise remained impaired. Ms Peters-Hewitt had been given opportunities over a significant period of time to engage with Social Work England, but had not taken the opportunity to act in accordance with the clear recommendations she had been given by previous panels.

Social worker submissions:

30. There were no submissions for or on behalf of Ms Peters-Hewitt.

Panel decision and reasons on current impairment:

31. In considering the question of current impairment, the panel undertook a comprehensive review of the final order in light of the current circumstances. It took into account the

decision of the previous panels. 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'.

32. The panel had regard to all of the documentation before it, including the decision and reasons of the previous review panel.
33. 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 maintain public confidence in the profession.
34. The panel first considered whether Ms Peters-Hewitt's fitness to practise remains impaired. There has been no material change in the circumstances since the last review on 1 February 2023.
35. The previous review panel suggested a further six months would be sufficient to allow Ms Peters-Hewitt the opportunity to demonstrate that she has taken steps towards remediation and the development of insight. Ms Peters-Hewitt did not present to the panel any evidence of insight or remediation.
36. The panel noted that on 2 December 2022 Ms Peters-Hewitt had been given detailed and helpful guidance which explained the evidence a review panel might expect to see in the light of the recommendations it had made. This included an explanation of reflective writing and how Ms Peters-Hewitt might seek help if she was struggling. Ms Peters-Hewitt was also helpfully given advice on how she might provide evidence of CPD activities and training, and testimonials. Ms Peters-Hewitt has not provided the panel with any evidence that she has begun to make progress in any of these areas.
37. Given the length of time that Ms Peters-Hewitt has been subject to an interim suspension order, which is now approaching two years, the panel identified nothing that indicated that Ms Hewitt was able or motivated to take remedial steps to address the risk of repetition.
38. The panel was therefore satisfied that there is a high risk of a repetition of the conduct found proved at the final hearing. The panel decided that Ms Peters-Hewitt's fitness to practise remains impaired on the grounds of public protection, and of public interest, which includes the components of promoting and maintaining public confidence in the profession and professional standards.

Decision and reasons:

39. Having found Ms Peters-Hewitt'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.

40. The panel considered the submissions made by Mr Barnfield on behalf of Social Work England, during which they invited the panel to consider imposing a removal order. The panel also took into account the 'Impairment and sanctions guidance' published by Social Work England.
41. The panel was mindful that the purpose of any sanction is not to punish Ms Peters-Hewitt, 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 Peters-Hewitt's interests with the public interest.

Take no further action/allow the current order to lapse upon its expiry/advice/warning

42. The panel considered whether no action should be taken or the order allowed to lapse and substituted with advice or a warning. Given the panel's finding that Ms Peters-Hewitt's fitness to practise remains impaired, this option would be insufficient to protect the public and the wider public interest. These options would not be sufficient to address the ongoing risk of repetition.

Conditions of practice order

43. The panel considered whether a conditions of practice order would be sufficient to protect the public. The panel considered that conditions of practice would not be suitable given the level of Ms Peters-Hewitt's engagement with Social Work England. Although there was some correspondence with Ms Peters-Hewitt in advance of this review hearing, this was limited to the administrative arrangements. The panel was not satisfied that Ms Peters-Hewitt has demonstrated sufficient insight for conditions of practice to be appropriate, and it had insufficient confidence that she would comply with conditions of practice.
44. The panel therefore decided that conditions of practice would be insufficient to protect the public and to maintain public confidence in the social work profession.

Suspension Order:

45. The panel next considered the option of extending the suspension order for a further period of time. While this option is available to the panel, a suspension order is intended to protect the public with the prospect that the social worker will take steps to rehabilitate themselves to the register. Panels provide recommendations to assist social workers in the rehabilitation process, but there are circumstances where social workers are not able or willing to take remedial steps. The sanctions guidance suggests that a suspension order may

not be appropriate where the social worker has not demonstrated any insight and remediation and there is limited evidence to suggest that they are willing or able to resolve their failings. The panel considered that this guidance is applicable because Ms Peters-Hewitt has not demonstrated insight or remediation and there is little evidence to indicate that she is willing or able to resolve the matters found proved by the final hearing panel.

46. The panel was therefore of the view that a further extension of the suspension order was inappropriate and insufficient to maintain public confidence in the profession and the regulatory process.

Removal order

47. The panel was satisfied it could consider that a removal order was available to the panel as Ms Peters-Hewitt's fitness to practise was originally found impaired on the ground of misconduct. Ms Peters-Hewitt is aware from the decision of the last review panel that removal from the register might be considered at this hearing.
48. The panel considered the sanctions guidance and noted that a removal order may be appropriate where there is persistent lack of insight into the seriousness of the social worker's actions or consequences and where the social worker is unwilling or unable to remediate. The panel would describe Ms Peters-Hewitt's lack of insight as persistent. There has been little change in the level of her insight since the final hearing. There is also a pattern of minimal engagement with Social Work England. The panel could detect no signs of any change in Ms Peters-Hewitt's position.
49. A removal order is likely to disadvantage Ms Peters-Hewitt. It will prevent her from practising her chosen career. In this case, taking into account the lengthy period of suspension during which Ms Peters-Hewitt has not taken rehabilitative steps, the panel decided that Ms Peters-Hewitt's interests were outweighed by the need to protect the public and the wider public interest.
50. 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 decided that in the circumstances of this case a removal order was required to maintain public confidence in the profession and the regulatory process. The panel therefore imposed a removal order as the appropriate and proportionate sanction.

Right of appeal:

51. 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.
52. 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.
53. 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.
54. This notice is served in accordance with Rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

Review of final orders:

55. 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).
56. 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

57. 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>