



# Social worker: Clare Watmough

## Registration number: SW97850

### Fitness to Practise

## Final Order Review Meeting

Date of meeting: Thursday 9 February 2023

Meeting venue: Remote meeting

Final order being reviewed:

Suspension order—(Expires 13 April 2023)

Hearing Outcome: Extend the current suspension order for a further 6 months with effect from the expiry of the current order

### Introduction and attendees:

1. This is a review of a final suspension order originally imposed for a period of 18 months by a panel of adjudicators on 16 September 2021.
2. Ms Watmough did not attend and was not represented.

Social Work England was represented by Capsticks LLP but no representative attended. Social Work England's written submissions are set out within the Notice of Hearing Letter which was sent to Ms Watmough on 11 January 2023.

<b>Adjudicators</b>	<b>Role</b>
Frank Appleyard	Chair
Sabraj Akhtar	Social worker adjudicator

<b>Hearings team/Legal adviser</b>	<b>Role</b>
Paige Swallow	Hearings officer
Jo Cooper	Hearings support officer
Charlotte Mitchell-Dunn	Legal adviser

### Service of notice:

3. The panel of adjudicators (hereafter "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 dated 11 January 2023 and addressed to Ms Watmough at their address, which they provided to Social Work England
  - An extract from the Social Work England Register as at 11 January 2023 detailing Ms Watmough's registered address;
  - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 11 January 2023 the writer sent by next day special delivery and email to Ms Watmough at the address referred to above: notice of hearing and related documents;
  - A copy of the Royal Mail Track and Trace Document indicating "signed for" delivery to Ms Watmough's address at 10.29am on 13 January 2023.

4. The panel accepted the advice of the legal adviser in relation to service of the Notice of Hearing.
5. The Notice of Hearing confirms the date and time of the hearing and that it would take place remotely. In these circumstances, the panel was satisfied that Ms Watmough has been given reasonable notice of the substantive review hearing. The panel concluded that the notice of hearing had been served on Ms Watmough in accordance with Rules 44 and 45 of the Fitness to practice rules 2019 (as amended).

#### Proceeding with the final order review as a meeting:

6. The notice of the final order review informed Ms Watmough 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 25 January 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 does 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 received no information to suggest that Ms Watmough had responded to the notice of final order review.
8. 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.”*
9. The panel was satisfied that it would be fair, proportionate, and appropriate to conduct the review in the form of a remote meeting for the following reasons:
  - a. The panel has been provided with no information to indicate that Ms Watmough has responded to the Notice of Hearing or sought to engage with the regulatory process
  - b. There has been no application to adjourn and no indication from Ms Watmough that she would be willing to attend on an alternative date and, therefore, re-listing this review hearing would serve no useful purpose.
  - c. The panel acknowledged that there may be some disadvantage to Ms Watmough in proceeding with the hearing in her absence. However, the panel was satisfied that Ms Watmough was or ought to have been aware of this hearing. The panel concluded that Ms Watmough chose not to request a hearing, and any disadvantage to Ms Watmough was significantly outweighed by the strong public interest in ensuring that the review hearing is considered and determined as expeditiously as possible.

## Review of the current order:

10. 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).
11. The current order is due to expire at the end of 16 April 2023.

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

- 1. On 22 October 2019 you were convicted of 'drug driving' contrary to Section 5A(1)(a) of the Road Traffic Act 1988 and Schedule 1 to the Road Traffic Offenders Act 1988 and 'driving without due care and attention' contrary to section 3 of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988 – at Caernarfon Magistrates Court.*
- 2. Between 19 April 2019 and 24 October 2019, you failed to inform your employer of the drug related element of the incident until after conviction.*
- 3. Between 19 April 2019 and 14 November 2019, you failed to report to the social work regulator the whole incident, police investigation and subsequent convictions.*
- 4. Your conduct in relation to particular 2 was dishonest.*
- 5. The matters set out at particulars 2 to 4 constitute misconduct.*
- 6. By reason of conviction and /or misconduct, your fitness to practise is impaired.'*

## Background

12. The adjudicators decision refers to the background circumstances as follows:

*"On 14 November 2019, the Health and Care Professions ('HCPC'), the regulator for social workers prior to Social Work England, received a referral from a member of the public who raised concerns regarding Ms Watmough's fitness to practise. The member of public made the referral following the reporting of a Court Hearing, on 22 October 2019, in which Ms Watmough was convicted of two offences relating to 'drug driving'.*

*Upon further investigation, it was confirmed that Ms Watmough was convicted of 'driving without due care and attention' and 'driving under the influence of drugs' at Caernarfon Magistrates Court on 22 October 2019. Ms Watmough entered a guilty plea and was sentenced to a community order with a requirement to carry out two hundred hours of unpaid work, as well as being disqualified from driving for thirty months. Ms Watmough was also fined £320 and ordered to pay a victim surcharge and prosecution costs of £90 and £85 respectively.*

*The convictions arose from an incident on 19 April 2019 whereby Ms Watmough's vehicle collided with a toddler who was playing on a grass verge. The toddler's injuries were so severe that they were admitted to an intensive care unit where they remained for two weeks with a total hospital stay of over five weeks. A 'drug swipe test' was carried out by the Police, at the scene of the accident, which was a positive indication for, at that time, cocaine.*

*At the time of the incident, Ms Watmough was employed by Country Care Children's Home ("CCCH") in Derbyshire. She was not working as a social worker at that time. Ms Watmough was suspended on 26 October 2019 as soon as her employer realised the conviction related to drug misuse. Ms Watmough's employer conducted an investigation on 05 December 2019, however, Ms Watmough resigned from her role on 10 December 2019 before the investigation was complete.*

*It is alleged, by Social Work England, that Ms Watmough failed to inform her employer of the drug related element of the incident until after conviction and failed to report to the social work regulator the whole incident, police investigation and subsequent conviction. Social Work England also allege that in respect of her failure to disclose the drug related element of the incident to her employer that her actions were dishonest."*

The final hearing panel on 13-16 September 2021 determined the following with regard to impairment:

*"122. The panel acknowledged that Ms Watmough had previously engaged with Social Work England and the fitness to practise process. The panel also noted, that prior to this incident, Ms Watmough had a long and unblemished career. The panel also had regard to the fact that both NB and JM spoke very highly of Ms Watmough as a practitioner.*

*123. The panel carefully considered Ms Watmough's previous engagement in the proceedings and noted that her engagement in the regulatory proceedings halted in 2020. The panel had regard to the fact that she had failed to engage in this hearing and whilst the panel had some written submissions from her, it did not have her submissions in respect of some of the matters raised during the hearing, or importantly its findings on facts.*

*124. The panel considered the two criminal convictions in this case to be serious and noted that they concerned matters of driving without due care and attention and driving whilst under the influence of drugs. The panel also had in mind its findings, in respect of Ms Watmough dishonestly failing to disclose the incident, which occurred on 19 April 2019, to her employer and of her failure to disclose the fact that she had been charged and convicted to the HCPC.*

*125. The panel determined that the facts found proved in this case were serious. It noted that Ms Watmough had admitted using cocaine, prior to being involved in an accident whereby a small child was seriously injured. The panel considered that, of itself, a road traffic accident could perhaps be said to happen to anyone. However, the fact that Ms Watmough accepted using cocaine sometime prior to the incident and had failed to*

*demonstrate any meaningful insight in respect of a causal link between her drug use and the accident, was concerning. Whilst the panel noted that Ms Watmough had expressed remorse for her part in the accident and the impact that her actions had on the child, and the child's family, the panel noted that Ms Watmough lacked sufficient insight into the impact that her drug taking may have had in her role in the incident on 19 April 2019.*

*126. Further, the panel had regard to the impact of Ms Watmough's failure to inform her employer of the drug related element of the incident. The panel noted that Ms Watmough's dishonesty had a detrimental effect on the risk assessment undertaken by JM and NB. The risk assessment process was rendered inadequate in terms of providing protection to children and young people at CCCH. The panel considered that Ms Watmough had not provided any reflection on this. In the absence of any evidence of reflection or remediation the panel concluded that the behaviour might be repeated.*

*127. Additionally, the panel noted that Ms Watmough had demonstrated only limited insight into the impact that her actions had on the reputation of the profession or the confidence of the public in it. Given this limited insight, in respect of her conduct, the panel determined that there was a risk that Ms Watmough may repeat her behaviour and consequently determined that she posed an ongoing risk to the public.*

*128. The panel considered whether Ms Watmough's conduct could be remediated. In the panel's view, Ms Watmough has taken some steps to remediate her drug misuse by undertaking a CPD accredited, new skills academy drug and alcohol awareness diploma course. However, in respect of Ms Watmough's dishonesty, the panel noted that dishonesty is inherently difficult to remediate and in the absence of any evidence to suggest that she accepts its findings or that she had demonstrated any insight in respect of them, the panel concluded that Ms Watmough could not be said to have remedied her dishonest conduct.*

*129. The panel carefully considered Ms Watmough's dishonesty in this case. There was no evidence before the panel that Ms Watmough is inherently dishonest. Nevertheless, the panel was of the view that being honest and trustworthy, at all times, are fundamental tenets of the profession and Ms Watmough had breached both when she had dishonestly failed to disclose the full nature of the incident on 19 April 20*

*Given the panel's conclusion that Ms Watmough demonstrates only limited insight and reflection, the panel concluded that there was a risk of repetition. In particular, the panel concluded that Ms Watmough's actions brought the profession into disrepute, breached fundamental tenets of the profession and demonstrated that her integrity could not be relied upon. There was no evidence before the panel that Ms Watmough had reflected on her dishonesty. Honest reflection is fundamental to the role of a social worker and therefore the panel was led to the conclusion that there is an on-going risk of repetition in this regard also.*

*131. The panel concluded that for all of these reasons Ms Watmough's fitness to practise is currently impaired based on the personal component.*

132. The panel went on to consider whether this was a case that required a finding of impairment on public interest grounds in order to maintain public confidence in the profession and in the regulator. In considering the public component the panel had regard to the public interest, which included the need to maintain confidence in the profession and declare and uphold proper standards of conduct and behaviour.

133. The panel was satisfied that an informed member of the public, who was aware of the facts of the case, would have their confidence in the profession and the regulator undermined if a finding of impairment were not made given Ms Watmough's dishonest conduct and the limited insight and lack of evidence of full remediation shown by her.

134. In the panel's view, Ms Watmough's dishonest conduct demonstrated a disregard for her professional obligations and members of the public would be extremely concerned to learn that a registered social worker had omitted key information from her employers. The panel considered it critically important for the profession to have integrity and for the public to be able to trust the words and actions of a social worker.

135. A significant aspect of the public component is upholding proper standards of behaviour. Ms Watmough's conduct fell far below those expected. The panel concluded that public confidence in the profession would be undermined if a finding of impaired fitness to practise were not made, given the seriousness of Ms Watmough's conduct.

136. The panel therefore concluded that Ms Watmough's current fitness to practise is impaired on the basis of both the personal component and the wider public interest."

The final hearing panel on 13-16 September 2021 determined the following with regard to sanction:

143.... It considered that taking no action would not be appropriate in this case given its findings. The panel moved on to consider issuing an advice or warning. The panel noted that these were serious matters and had regard to its findings on dishonesty. The panel was of the view that an advice or warning would be insufficient, in this case, to mark the seriousness of the matters that led to Ms Watmough's Convictions and the panel's findings.

144. The panel next considered a Conditions of Practice Order. The panel determined that a Conditions of Practice Order was not the appropriate sanction in this case. In forming this view, the panel had regard to the fact that it had no information before it in respect of Ms Watmough's current employment. Neither did the panel have any information from Ms Watmough to indicate that she may be willing to comply with a conditions of practice order. Therefore, the panel could not be satisfied that a conditions of practice order would be workable, appropriate or verifiable. Additionally, whilst the panel considered that a conditions of practice may have been appropriate had Ms Watmough's conduct been limited to driving without due care

*and attention and drug driving, given the panel's findings in respect of dishonesty the panel was not satisfied that conditions of practice could be formulated which would address this aspect of her conduct.*

*145. The panel next considered whether to make a Suspension Order. Such an order would provide the necessary degree of protection for the public, whilst leaving open the possibility of remediation and improved insight. The panel was of the view that Ms Watmough is a effective and talented practitioner, who was very well regarded by her employer, peers and colleagues. The panel noted that JM, Ms Watmough's manager, described her as 'exemplary'. The panel heard no reasons as to why Ms Watmough cannot address her conduct in the future and concluded that she can remediate and determined that she had begun the journey toward full insight and remediation.*

*146. In the panel's view, a suspension order would provide Ms Watmough with an opportunity to re-engage with her regulator and the regulatory proceedings, whilst also providing Ms Watmough with an opportunity to demonstrate further insight, remorse and remediation. The panel considered that a Suspension Order would also reflect the seriousness of Ms Watmough's conduct and the panel's findings and would send out a clear message that such conduct was not acceptable. In making its decision the panel also noted that Ms Watmough is yet to complete the 30-month driving ban, imposed at Caernarfon Magistrates' Court, on 22 October 2019.*

*147. In light of all of the aforementioned matters, the panel considered that this was a suitable case for a period of suspension. The panel was of the view that to strike Ms Watmough from the Register, which is a sanction of last resort, would be disproportionate at this stage and that a lesser sanction was therefore appropriate in this case.*

*148. Accordingly, the panel make an order directing the Registrar to suspend the registration of Ms Watmough for a period of 18 months.*

*149. The panel recognised that there was a risk of de-skilling, by imposing a suspension order for a period of eighteen months. The panel was of the view however, that an eighteen-month period of suspension is appropriate as this will allow Ms Watmough sufficient time to address her insight and demonstrate remediation and would cover the period for her existing criminal sentence to be completed within. The panel was also of the view that this period of suspension would satisfy the public interest, in terms of maintaining public confidence in the profession and regulatory process.*

*150. The panel considered that a reviewing panel would be assisted by the following:*

- I. Ms Watmough's attendance at the review hearing;*



- II. a detailed reflective piece, preferably using a reflective tool, on the impact of her dishonesty on both herself, her professionalism professional standards and the wider public interest;
- III. evidence of any on-going professional development, CPD or training;
- IV. up to date testimonials or references from any employer, whether paid or unpaid, specifically regarding her trustworthiness.

### Social Work England submissions:

#### 13. Social work England in its written submissions stated:

*“Social Work England submit that the Substantive Suspension Order should be replaced with a removal order.*

*The final hearing Panel determined that a removal order would have been disproportionate at that time and noted that the Social Worker was highly regarded by her employer, peers and colleagues. The final hearing Panel noted that the Social Worker had previously sent a written response to Social Work England which demonstrated remorse. The panel said they heard no reasons why the Social Worker’s conduct could not be addressed and suggested a number of ways in which the Social Worker could demonstrate full insight and remediation ahead of a review of the substantive order.*

*Since the final hearing the Social Worker has not taken the opportunity to demonstrate insight and remediation, as she had not engaged with the regulatory process in any way. There is no information to suggest the Social Worker will re-engage with the process in the future, given a further opportunity.*

*It would be inappropriate to continue to review substantive orders indefinitely, particularly where further extension would serve no useful purpose. The concerns are serious and involve substance misuse, serious harm resulted to a young child as a result of the Social Worker’s actions, and she has acted dishonestly in regards to her actions subsequent to the criminal offence. Although the previous Panel considered the conduct was remediable, there has been no further evidence of remediation.*

*Social Work England therefore invite the Panel to find that the Social Worker’s fitness to practise remains impaired and to replace the Substantive Suspension Order with a removal order.”*

### Social worker submissions:

14. There has been no engagement by Ms Watmough with Social Work England since the suspension order was imposed at the conclusion of the final hearing on 16 September 2021 at which she did not attend and she has not submitted any evidence in response to the recommendations made by the original panel set out at paragraph 150.

### Panel decision and reasons on current impairment:

15. In considering the question of current impairment, the panel undertook a comprehensive review of the final order in light of the current circumstances. It took into account the decision of the previous panel. However, it has exercised its own judgement in relation to the question of current impairment. The panel also took into account Social Work England's 'Impairment and sanctions guidance'.
16. The panel had regard to all the documentation before it, including the decision and reasons of the original panel. The panel also took account of the written submissions made by Social Work England.
17. The panel took into account the advice it received from the legal adviser as to the proper approach it should adopt. In particular, that:
  - i. The purpose of the review is to consider the current impairment based on the agreed disposal, the extent to which Ms Watmough has engaged with the regulatory process, the scope and level of her insight, and the risk of repetition.
  - ii. The persuasive burden is on Ms Watmough
  - iii. In terms of whether the regulatory concerns have been sufficiently, and appropriately remediated, relevant factors include whether Ms Watmough:
    - a. fully appreciates the gravity of the previous panel's finding of impairment;
    - b. has kept her skills and knowledge up to date;
    - c. is likely to place service users at risk if she were to return to unrestricted practise.
  - iv. The panel should take into account any information that it has received relating to Ms Watmough's ability to practise safely and effectively and the wider public interest which includes promoting and maintaining proper professional standards of behaviour and promoting and maintaining public confidence in the profession.
  - v. It is only if the panel determine that Ms Watmough's fitness to practise remains impaired, that it should go on to consider what, if any, sanction to impose by applying the guidance as set out in the Sanctions Guidance (SG), the Regulations and the principles of proportionality which require Ms Watmough interests to be balanced against the interests of the public.

18. The panel first considered whether Ms Watmough's fitness to practise remains impaired.
19. As a consequence of Ms Watmough's non-attendance and the absence of any written submissions on the issue of insight and remediation, there was no evidence before the panel that Ms Watmough has acquired an understanding of the seriousness of the regulatory concerns or the impact these concerns had upon the child involved or the reputation of the social work profession as a whole.
20. The panel noted that it has no information in respect of any work which Ms Watmough may currently be undertaking and the panel further noted that Ms Watmough was on leave and not on duty at the time of the incident.
21. In the absence of any evidence of insight and remediation, the panel concluded that there has been no material change in circumstances, since the adjudicators decision in September 2021. This was despite the fact that Ms Watmough was provided with a clear list of the types of evidence a reviewing panel would be assisted by. Ms Watmough has not provided any information pertaining to her addressing her drug use, any reflection, or any evidence of training or CPD. She has not provided any testimonials from paid or unpaid work, social work or otherwise.
22. Although Ms Watmough previously engaged with Social Work England to a limited extent up until 2020, there has been no engagement by her with Social Work England since, which is a significant period of time. She has not attended this hearing. There therefore remains no demonstration of regret, insight, remorse or remediation. The panel concluded that there is no evidence provided to suggest that the risk of repetition of the misconduct has reduced and there therefore remains a very real risk of repetition.
23. The panel noted that a significant aspect of the public component is promoting and maintaining public confidence and promoting and maintaining proper professional standards for social workers. Members of the public would be extremely concerned if a social worker was permitted to resume unrestricted practise in circumstances where the regulatory concern which led to a suspension order had not been remediated.
24. The panel concluded that, in these circumstances, a finding of no impairment would seriously undermine public trust and confidence in the profession and Social Work England as a professional regulator. Therefore, the panel concluded that Ms Watmough's fitness to practise remains impaired. The panel went on to consider what sanction, if any, to impose.

### Decision and reasons on sanction:

25. Having found Ms Watmough's fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel accepted the advice of the legal adviser that under Schedule 2, paragraphs 15(1)(a) to (c) of the Regulations the panel can:

a) with effect from the date on which the order would have expired, extend or further extend the period for which the order has effect, provided that the extended period does not exceed three years,

(b) with effect from the expiry of the order, make any order which the case examiners or the adjudicators (as the case may be) could have made at the time they made the order, provided that the period for which the orders have effect does not exceed three years in total,

(c) in the case of a suspension order, with effect from its expiry make a conditions of practice order with which the social worker must comply if they resume practice as a social worker at the end of the period of suspension specified in the order.

26. The panel noted the advice of the legal adviser that paragraphs 15(1)(b) states as follows; (emphasis added)

“with effect from the expiry of the order, make any order which the case examiners or the adjudicators (as the case may be) could have made at the time they made the order, **provided that the period for which the orders have effect does not exceed three years in total**”

27. The panel was advised by the legal adviser that the wording of paragraph 15(1)(b) was ambiguous. Applying the plain and ordinary meaning to the wording of paragraph 15(1)(b), meant that the panel was unable to impose a removal order. The advice was provided on the basis that such an order is permanent and by its very nature exceeds three years in totality.

28. The panel were advised that it was likely that those drafting paragraph 15(1)(b) intended the words “*provided that the period for which the orders have effect does not exceed three years in total*” would only apply to Suspension Orders and Conditions of Practice Orders. However paragraph 15(1)(b) only states “the orders”.

29. The words “the orders” must encompass a removal orders, on the basis that a removal order is an order which the case examiners or the adjudicators (as the case may be) could have made at the time they made the order.

30. A removal order, however cannot be restricted to a three year period in totality, and therefore cannot be imposed.

31. The legal adviser advised that given the implication of the imposition of a removal order, it would not be appropriate to adopt a wider or alternative meaning to paragraph 15(1)(b).

32. The panel considered the submissions made by Capsticks, on behalf of Social Work England, which invited the panel to consider the imposition of a removal order. The panel also took into account the Impairment and Sanctions Guidance published by Social Work England. The panel noted the advice of the legal adviser.

33. On the basis of the advice of the legal adviser the Panel determined that it should consider the sanctions available on the basis that it was precluded from making a removal order by virtue of the wording of paragraph 15(1)(b).
34. The panel was mindful that the purpose of any sanction is not to punish Ms Watmough, 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 Watmough's interests with the public interest and by considering each available sanction in ascending order of severity.
35. The panel bore in mind Social Work England's overarching objective which is to protect the public which is achieved by:
- a. protecting, promoting and maintaining the health, safety and wellbeing of the public;
  - b. promoting and maintaining public confidence in social workers in England; and
  - c. promoting and maintaining proper professional standards for social workers in England.

Decision on whether to revoke order/make no further order

36. The panel noted the following paragraphs of the Impairment and Sanctions Guidance:

*215. If a social worker remains not fit to practise, the adjudicators will make a decision on what order should be imposed.*

*216. A social worker must not be allowed to resume unrestricted practice unless the decision makers are satisfied their fitness to practise is no longer impaired.*

37. The panel concluded that, in view of the nature and seriousness of Ms Watmough's impairment which has not been remedied, and in the absence of any evidence of insight or remediation, it would not be appropriate to take no further action. Furthermore, it would be insufficient to protect the public, maintain public confidence and uphold the reputation of the profession, given the risk of repetition.

Decision on whether to issue advice or warning on expiry of suspension order

38. The panel then considered whether to issue advice or a warning. The panel noted that neither of these sanctions would restrict Ms Watmough's ability to practise and is therefore not appropriate where there is a current risk to public safety. Therefore, the panel concluded that issuing advice or a warning would be inappropriate and insufficient to meet the public interest.

### Decision on whether to impose a conditions of practice order on expiry of suspension order

39. The panel went on to consider a conditions of practice order. The panel took the view that, given the misconduct findings in this case which relate to dishonesty, and the lack of any recent engagement from Ms Watmough, workable conditions could not be formulated.

### Decision on whether to extend the period of suspension order

40. The panel next considered whether to extend the current period of suspension. It noted the advice in respect of paragraph 15(1)(b). Further, the panel noted that Ms Watmough had failed to respond to the notice of substantive order review hearing. She also did not respond to the letters from Social Work England dated 14 October 2021, 25 July 2022 and 21 December 2022 which were delivered to her registered address. These letters had reminded her:

- a. of what the determination had specified that a reviewing panel would be assisted by;
- b. that if she wished to provide this evidence, she should send it via email, by early 2023

41. The panel also noted that Capstick's letter dated 11 January 2023, delivered on 13 January 2023, gave Ms Watmough a further opportunity to respond by 25 January 2023. She did not respond to this letter either.

42. The panel concluded that given the prolonged period with no engagement from Ms Watmough, despite communications from Social Work England and Capsticks, she is unlikely to engage with Social Work England in the future, or take the necessary steps in order to satisfy any reviewing panel that her fitness to practise is no longer impaired.

43. Ms Watmough has not taken the opportunity to demonstrate insight, remorse, and remediation that was afforded to her at that hearing. The panel noted the following paragraph of the Impairment and Sanctions Guidance: 149. A removal order may be appropriate in cases involving (any of the following): ...

- 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)

44. Given the panel's conclusion that Ms Watmough had not engaged with Social Work England since 2020, and is unlikely to engage with Social Work England in the future or take the necessary steps in order to satisfy any reviewing panel that her fitness to practise is no longer impaired, the public interest is not served by keeping her on the register, with the associated requirement for future review hearings.

45. The panel, however, noted the advice it received in respect of paragraph 15(1) and its inability to impose a removal order under paragraph 15(1)(b).
46. The panel noted that continuing a suspension order in this case for a prolonged period would not be appropriate, however given the panel's inability to impose a removal order under paragraph 15(1)(b) the panel determined that it should extend the period of suspension for a six-month period.
47. The panel determined by extending the suspension order for a six months period, Social Work England could continue to observe whether Ms Watmough continues to fail in her engagement with the regulator, and should this be the case Social Work England has the power to request an early review of the final order under paragraph 15(2) which enables the panel under paragraph 15(2)(d) to apply for a removal order.
48. In all the circumstances the panel therefore extend Ms Watmough's suspension for a period of six months.

#### Right of appeal:

49. 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.
50. 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.
51. 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.
52. This notice is served in accordance with Rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

## Review of final orders:

53. 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).

54. 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

55. 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>