

Social worker: Violet Riley
Registration number: SW15467
Fitness to Practise
Final Order Review meeting

Date of meeting: 15 September 2023

meeting venue: Remote meeting

Final order being reviewed:

Suspension order – (expiring 04 November 2023)

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

Introduction and attendees:

1. This is the second review of a final order of suspension originally imposed for a period of 12 months by a panel of adjudicators on 8 April 2022. At the first review hearing on 27 February 2023 the order was extended for a further period of six months.
2. Ms Riley 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
Clive Powell	Chair
Marva Kelly	Social worker adjudicator

Hearings team/Legal adviser	Role
Wallis Crump	Hearings officer
Robyn Watts	Hearings support officer
Helen Gower	Legal adviser

Service of notice:

4. 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 8 August 2023 and addressed to Ms Riley at her address which she provided to Social Work England;
 - An extract from the Social Work England Register as at 8 August 2023 detailing Ms Riley's registered address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 8 August 2023 the writer sent the notice of hearing and related documents by e-mail to Ms Riley at the address referred to above.
5. The panel accepted the advice of the legal adviser in relation to service of notice.
6. Having had regard to 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 Riley in accordance

with Rules 16, 44 and 45 of Social Work England (Fitness to Practise) Rules 2019 (as amended) (the “Rules”).

Proceeding with the final order review as a meeting:

7. The notice of final order review informed Ms Riley 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 21 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.”

8. The panel received no information to suggest that Ms Riley had responded to the notice of final order review.
9. The panel heard and accepted the advice of the legal adviser with regard to Rule 16(c) of the Rules 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.”

10. The panel also accepted the advice of the legal adviser in relation to the factors it should take into account when considering whether it was fair and appropriate to proceed with the meeting in the absence of Ms Riley. This included reference to Rule 43 of the Rules and the cases of *R v Jones [2003] UKPC*; *General Medical Council v Adeogba [2016] EWCA Civ 162*. The panel also took into account Social Work England guidance ‘Service of notices and proceeding in the absence of the social worker’.
11. The panel considered that Ms Riley has waived her right to attend the review and that an adjournment was unlikely to secure her attendance. The panel noted Ms Riley’s position, as set out in her email of 30 June 2023, that she does not wish to practise as a social worker and therefore would not be submitting evidence for the review. The panel decided that it would be fair and appropriate to conduct the review in the absence of Ms Riley and in the form of a meeting in accordance with Rule 16(c).

Review of the current order:

12. 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).
13. The current order is due to expire at the end of 4 November 2023.

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

Whilst registered as a Social Worker and working at Sandwell Metropolitan Borough Council:

1.1. Between 18 June 2019 and 14 August 2019 you failed to take timely action to engage with other professionals and / or Service User 1 to review Service User 1's care plan.

1.2. On or around 21 June 2019 (and / or at any stage thereafter) you failed to raise a safeguarding concern when Service User 1 was admitted to hospital.

1.3. Between 23 June 2019 and 14 August 2019 you failed to take timely and / or effective action to contact Service User 1 to verify her wellbeing.

1.4. From 23 June 2019 to 14 August 2019 you failed to ensure that Service User 1's care package was resumed following her discharge from hospital and you failed at any stage to perform (or instruct others to perform) a safe and well check on Service User 1.

1.5. Between 21 June 2019 and 14 August 2019 you failed to escalate any concerns to your manager regarding Service User 1's wellbeing and / or update your manager regarding the risks involved in Service User 1's case prior to commencing annual leave on 12 August 2019.

2. The matters set out at paragraphs 1.1 – 1.5 above amount to misconduct.

3. By reason of your misconduct, your fitness to practise is impaired.

The previous final order review panel on 27 February 2023 determined the following with regard to impairment:

"The Panel first considered whether the Social Worker's fitness to practice remained currently impaired and whether if Ms Riley was allowed to return to unrestricted practice, she poses a risk to the public and/or because what she has done is so serious it risks undermining public confidence in social workers if there is no finding of current impairment.

The Panel concluded that Ms Riley's current fitness to practice remains impaired. The panel has not been provided with any evidence to undermine the continued validity of the original decision of the final hearing panel.

Ms Riley has engaged with Social Work England, but only to the extent that she has attended at the review hearing today.

However, she has not provided any information to the panel, which was not available to the final hearing panel, or steps she has taken to remediate her proven misconduct and/or complied with the recommendations which the previous panel thought would assist a reviewing panel. Ms Riley did not offer any explanation as to why she had not obtained a reference from her current employer and her only response when asked about the absence of a reflective piece of writing, was her initial stated position, that she was not going to return to social work.

There is no further evidence of insight or remediation. Ms Riley's focus was exclusively on the difficulties she has faced since her suspension. There was no mention of the effect of her misconduct on the service user, her colleagues, or the wider profession.

In addition, it is clear that Ms Riley has not undertaken any comprehensive steps to keep up to date with current practice or continuing professional development.

The panel concluded therefore that there was an ongoing risk of repetition which posed a risk of harm to the public.

The panel also concluded that in the absence of any further evidence of remediation a reasonable and well-informed member of the public would be extremely concerned by Ms Riley's misconduct and decided that a finding of current impairment was required to publicly declare that it was unacceptable for a registered social worker to fail to discharge her professional responsibility to safeguard a vulnerable adult such as Service User 1.

Further, the panel was of the view that public trust and confidence in the social work profession would be significantly undermined if a finding of current impairment was not made, given the serious nature of Ms Riley's misconduct, her limited insight and the absence of any evidence of remediation.

The panel concluded that a finding of current impairment was therefore required in the wider public interest."

The previous final order review panel on 27 February 2023 determined the following with regard to sanction:

“The panel considered whether the current Suspension Order should be extended for a further period of time, namely the 6-month period submitted for by Social Work England. A suspension order would prevent Ms Riley 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 because:

- (a) Ms Riley has not engaged with the recommendations of the final hearing panel, which afforded her an opportunity to remedy her misconduct. She has not submitted any evidence in advance of the hearing,*
- (b) However, Ms Riley did attend the hearing today. It is clear from her submissions that she has been frustrated by her inability to access courses for which a social work registration is required. She is also in alternative employment which she says she is enjoying. Although she initially stated an intention not to return to social work, she did say that she may change her mind on this, if there was support and training available, which she could access. She was reminded by the panel of her own responsibility to engage with Social Work England if she wished to continue in her social work career. This should have been carried out well in advance of this review.*
- (c) An extension of the Suspension Order by a period of 6 month would allow Ms Riley a further and final opportunity to engage with the recommendations of the previous final hearing panel.*
- (d) If Ms Riley does not engage or provide any additional evidence of steps taken to remediate her misconduct, within the further suspension period, then a panel at the next review hearing may conclude that a Removal Order is the appropriate sanction.*

This panel cannot bind a future panel. However, a future reviewing panel would expect Ms Riley to attend the review hearing. In addition, it is likely to be of assistance to that panel, if Ms Riley was able to provide evidence of the steps she has undertaken to facilitate a safe and effective return to the register without restriction.

This may include the matters set out above at paragraph 38 above, and as recommended by the final hearing panel, including a reference from her current employer, evidence of continuing professional development (CPD) and a reflective piece of writing, focusing on the effect of misconduct on the service user, colleagues and the wider social work profession.”

Social Work England submissions:

14. Social Work England’s submissions prepared by Capsticks were set out in the notice of hearing letter dated 8 August 2023 as follows:

“Social work England invite the Panel to impose a removal order. A Removal Order is now the appropriate sanction as the Social Worker has not submitted any evidence which would demonstrate remediation or engagement with the findings of previous panels. The Social Worker has not submitted any evidence to show that she has engaged with any of the recommendations made by the final hearing panel and/or the recommendations of the first review panel.

The Social Worker has shown no insight/reflection on the misconduct or demonstrated how her knowledge and skills have been kept up-to-date. She has not provided references from any current employment, either paid or unpaid.

In summary it is submitted that the Social Worker has not addressed any of the concerns raised and there is no evidence of current safe and effective practice. As a result Social Work England invite the Panel to determine that her fitness to practise remains impaired, and to direct removal from the register.”

Social worker submissions:

15. There were no submission by or on behalf of Ms Riley. The panel noted that on 30 June 2023 Ms Riley sent an e-mail to her case review officer stating that she did not wish to continue to perform duties as a social worker and that she would not be submitting any evidence for the next review hearing.

Panel decision and reasons on current impairment:

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

17. The panel had regard to all of the documentation before it, including the decision and reasons of the previous review panel.
18. The panel heard and accepted the advice of the legal adviser. In reaching its decision, the panel was mindful of the need to protect the public and the wider public interest in declaring and upholding proper standards of behaviour and maintain public confidence in the profession.
19. The panel first considered whether Ms Riley's fitness to practise remains impaired.
20. Ms Riley has chosen not to provide evidence for this panel to review and there was no new information which demonstrated that Ms Riley has addressed the concerns identified in the by the final hearing panel. There was no evidence that Ms Riley has taken steps to remediate her misconduct, or that there has been any change in the level of her insight. She has not taken up any of the suggestions made by the review panel for resources she might access such as Community Care magazine, Research in Practice, Social Work England and podcast providers. Despite indicating to the last review panel that she might take steps to engage with the recommendations of the final hearing panel, Ms Riley has chosen not to provide evidence.
21. The panel therefore concluded that there was an ongoing risk of repetition which posed a risk of harm to the public. The panel also decided that in the absence of any further evidence of remediation a reasonable and well-informed member of the public would be extremely concerned by Ms Riley's misconduct and decided that a finding of current impairment was required to publicly declare that it was unacceptable for a registered social worker to fail to discharge her professional responsibility to safeguard a vulnerable adult such as Service User 1.
22. Further, the panel was of the view that public trust and confidence in the social work profession would be significantly undermined if a finding of current impairment was not made, given the serious nature of Ms Riley's misconduct, her limited insight and the absence of any evidence of remediation. Therefore, a finding of current impairment was required in the wider public interest.

Decision and reasons on sanction:

23. Having found Ms Riley's fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel had regard to the submissions made along with all the information before it and accepted the advice of the legal adviser. The panel also took into account the 'Impairment and sanctions guidance' published by Social Work England.
24. The panel considered the submissions made by Social Work England which invited the panel to consider imposing a Removal Order.

25. The panel was mindful that the purpose of any sanction is not to punish Ms Riley, 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 Riley's interests with the public interest.

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

26. The panel has found that there is an ongoing risk of repetition which has not been addressed and therefore an option which would not restrict Ms Riley's practice would be insufficient to protect the public and meet the public interest.

Impose a new order namely conditions of practice for with effect from the expiry of the current order:

27. Ms Riley has not demonstrated to the panel a sufficient level of insight or engagement with the recommendations made by previous panels for conditions of practice to be appropriate. The panel also had insufficient confidence that Ms Riley would comply with conditions of practice. Ms Riley does not wish to practise as a social worker and conditions of practice would therefore be unrealistic. Therefore, conditions of practice would not be appropriate or sufficient to protect the public.

Extend the current suspension order for a further period with effect from the expiry of the current order:

28. The panel considered whether the current suspension order should be extended for a further period of time. The current suspension order was extended by the last review panel to give Ms Riley a further opportunity to engage with the recommendations made by the final hearing panel. In her e-mail dated 30 June 2023 she clearly stated that she has decided that she does not wish to return to practise and would not submit evidence for the review. In these circumstances, the panel was satisfied that Ms Riley is not able or willing to remediate her misconduct and that a further extension of the suspension order would serve no purpose.
29. The panel therefore decided that a further extension of the suspension order would be inappropriate and insufficient to maintain public confidence in the profession and regulatory process.

Removal order

30. The panel was satisfied that a removal order was available to the panel as Ms Riley's fitness to practise was originally found impaired on the ground of misconduct.
31. 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. Social Work England's sanctions guidance at paragraph 149 states that a removal order may be appropriate where a social

worker is 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).

32. Taking a balanced view of the interest of Ms Riley with that of Social Work England and the wider public interest, the panel took the view that a removal order would be appropriate because there is clear evidence that Ms Riley does not wish to practise as a social worker. She has been given an opportunity to remediate her misconduct and guidance about how she might do so, but has chosen not to engage further in the process.
33. The panel therefore imposed a removal order as the appropriate and proportionate sanction.

Right of appeal:

34. 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.
35. 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.
36. 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.
37. This notice is served in accordance with Rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

Review of final orders:

38. 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).

39. 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

40. 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>