

Social worker: Latoyah D Campbell

Registration number: SW2858

Fitness to Practise

Final Hearing

Dates of hearing: 18 to 21 September 2023

Hearing venue: Remote hearing

Hearing Outcome: Fitness to practise impaired, removal order

Interim order: Interim suspension order (18 months)

Introduction and attendees:

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018 (as amended) (“the regulations”).
2. Ms Campbell did not attend and was not represented.
3. Social Work England was represented by Mr Connor, case presenter instructed by Capsticks LLP.

Adjudicators	Role
Jacqueline Nicholson	Chair
Joma Wellings-Longmore	Social worker adjudicator
Jane Dalton	Lay adjudicator

Paul Harris	Hearings officer
Gabriella Berettoni	Hearings support officer
Charlotte Mitchell-Dunn	Legal adviser

Service of notice:

4. Ms Campbell did not attend and was not represented. The panel of adjudicators (hereafter “the panel”) was informed by Mr Connor that notice of this hearing was sent to Ms Campbell by email and next day postal delivery service to an address provided by Ms Campbell (namely her registered address as it appears on the Social Work England register). Mr Connor referred to the fact that the postal delivery was signed for in Ms Campbell’s initials. He also noted that Ms Campbell had responded to Social Work England the day after the notice of hearing was sent, using the same email address that the notice was sent to. Mr Connor 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 hearing service bundle as follows:
 - A copy of the notice of the final hearing dated and addressed to Ms Campbell at her address which she provided to Social Work England;
 - An extract from the Social Work England Register as at 17 August 2023 detailing Ms Campbell’s registered postal and email addresses;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 17 August 2023 the writer sent by email and next day delivery service to Ms Campbell 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 Campbell’s address at 08.42am on 19 August 2023
6. The panel accepted the advice of the legal adviser in relation to service of notice.

7. Having had regard to Rule 14-15 and 44-46 of the Fitness to Practise Rules 2019 (as amended) (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 Campbell in accordance with the Rules.

Proceeding in the absence of the social worker:

8. The panel heard the submissions of Mr Connor on behalf of Social Work England. Mr Connor submitted that notice of this hearing had been duly served, no application for an adjournment had been made by Ms Campbell and as such there was no guarantee that adjourning today's proceedings would secure her attendance. Mr Connor further submitted that while Ms Campbell's postal address had changed around the time that the notice of hearing was sent, there was documentation within the bundle showing that the papers were signed for using Ms Campbell's initials. Mr Connor also submitted that Ms Campbell had communicated with Social Work England after the notice of hearing was sent using the email address that the notice of service had been sent to. Mr Connor 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] 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'.
10. The panel considered all of the information before it, together with the submissions made by Mr Connor on behalf of Social Work England. The panel considered that Ms Campbell had been sent notice of today's hearing and the panel was satisfied that she was or should be aware of today's hearing. The panel considered that Social Work England had offered to take a number of steps to seek to facilitate Ms Campbell's attendance at this hearing and despite this she had indicated that she did not wish to attend.
11. The panel therefore concluded that Ms Campbell had chosen voluntarily to absent herself. The panel had no reason to believe that an adjournment would result in Ms Campbell's attendance. Having weighed the interests of Ms Campbell in regard to their 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 Campbell's absence.

Preliminary matters:

Matters dealt with in private

12. The panel heard an application by Mr Conner that the evidence in respect of Ms Campbell's health and private life should be heard in private because it touched upon personal matters in her private life.
13. The panel had regard to rules 37 and 38 of the Rules which provide:

37. Subject to Rule 38, a hearing under these Rules shall be held in public.

38. (a) A hearing, or part of a hearing, shall be held in private where the proceedings are considering:

(i) whether to make or review an interim order; or

(ii) the physical or mental health of the registered social worker.

(b) The regulator, or adjudicators as the case may be, may determine to hold part or all of the proceedings in private where they consider that to do so would be appropriate having regard to:

(i) the vulnerability, interests or welfare of any participant in the proceedings; or

(ii) the public interest including in the effective pursuit of the regulator's over-arching objective.

14. The Panel considered the evidence that it had read and the requirement to hold as much of the hearing as possible in public. Balancing all matters, the panel decided that it would hear parts of the evidence relating to the health and private life of Ms Campbell in private.

Application to amend

15. On the second day of the hearing, Social Work England made an application to amend the allegation in order to provided clarity in respect of allegation 11 amounting to the statutory ground of criminal conviction or caution in the UK. The application was made on the basis that while the allegation specifically referred to the conviction of Ms Campbell it was not explicitly clear that allegation 11 went to the statutory ground of criminal conviction or caution in the UK.

16. Mr Connor explained that the amendment was for the purpose of providing further clarity and made no material change to the allegations accepted by Ms Campbell.

17. The panel was provided with legal advice in which their attention was drawn to the requirement for an allegation to be clearly drafted and identify the individual statutory grounds alleged.

18. The panel noted that the amendment clarified the allegation. The panel considered the prejudice to Ms Campbell in respect of this late amendment, but tempered that with the duty to ensure that the allegation was explicitly clear and therefore the matter is not under prosecuted. Given the nature of the amendment the panel considered that it was fair to amend the allegation, as a failure to do so may have the result of the case being under prosecuted.

Voluntary removal

19. The panel was provided with an application made by Ms Campbell for voluntary removal. This application was dated 29 June 2023. The panel enquired as to the status of the application and were informed that the application had not yet been considered by Social Work England. The panel were informed that it was not required to consider this application, and that

dependent upon the outcome of the case the application would be reviewed by Social Work England, following the outcome of this hearing.

Allegations:

(Allegations as amended on 19 September 2023)

FTPS-17775

1. The allegations arising out of the regulatory concerns referred by the Case Examiners on 20 May 2021 are:

Whilst contracted as a Social Worker at Birmingham Children's Trust ('the Trust'):

1. On or around 27 June 2018, you booked a hire car at the Trust's expense for the purposes of travelling to Devon on 5 July 2018 to conduct an assessment of the maternal Grandparents' of Child K
2. Between 27 June 2018 and around 6 July 2018, you made a claim for £95 petrol expenses, for travelling to Devon on 5 July 2018
3. On or around 5 July 2018, you:
 - a) Did not travel to Devon for an assessment of Child K's grandparents
 - b) Used the car hired at paragraph 1, to visit family and/or for other personal use
4. Your conduct at paragraphs 1 and/or 2 was dishonest by reason of paragraph 3a and/or 3b
5. On 28 August 2018 you were scheduled to carry out a visit to Child F and Child G at 10:00hrs, and;
 - a) You sent a message to the Foster Carer of Child F and Child G, Ms R, on 28 August 2018, cancelling the visit, and
 - b) You told Ms R in a text message sent on 28 August 2018 that you were cancelling the visit due to an emergency which required you to attend Court
6. On 28 August 2018 you were scheduled to carry out a visit to Child B1 and Child B2 at 13:00hrs, and;
 - a) You telephoned the Foster Carer of Child B1 and Child B2, Ms LC, to cancel the visit; and
 - b) You told Ms LC that you were cancelling the visit as you were in Court

7. On 28 August 2018 you advised your manager, Ms IR, by text message that you had done 'a visit' to Child F and Child G, and Child B1 and B2
8. You knew that you:
 - a) Had not been required to attend and/or attended Court on 28 August 2018
 - b) Had not conducted a visit to Child F and Child G and/or Child B1 and Child B2 on 28 August 2018
9. Your conduct at paragraph 5 and/or paragraph 6 was dishonest by reasons of paragraph 8a
10. Your conduct at paragraph 7 was dishonest by reasons of paragraph 8b

FTP-74015

2. The allegations arising out of the regulatory concerns referred by the Case Examiners on 25 January 2022 are:

Whilst employed as a Social Worker at Dudley Council ('the Council'):

11. On 6 September 2019, at the Crown Court in Birmingham you were convicted of two offences of committing an act/series of acts with intent to pervert the course of justice
12. On 20 September 2019, at the Crown Court in Birmingham, you were sentenced to two sentences of five months imprisonment suspended for 18 months for the offences set out at Paragraph 11, to run concurrently.
13. Between 21 June 2019 and 18 September 2019, you failed to disclose to your employer that you had been charged with the following criminal offences:
 - a) Between the 8 June 2018 and the 18 June 2018 at Birmingham in the County of West Midlands, with intent to pervert the course of public justice, did an act, namely provided false information on a notice of intended prosecution, which had a tendency to pervert the course of public justice, contrary to Common Law; and
 - b) Between the 29 June 2018 and the 9 July 2018, at Birmingham in the county of West Midlands, with intent to pervert the course of public justice, did an act, namely provided false information on a notice of intended prosecution, which had a tendency to pervert the course of public justice, contrary to Common Law.
14. Between 6 September 2019 and 18 September 2019, you failed to disclose to your employer that you had been convicted of the offences set out in Paragraph 11.

15. You knew that the Council's Code of Conduct for employees, required you to notify your Manager or HR if you were charged or convicted of a crime, as soon as possible and within 5 days

16. Your conduct at Paragraph 13 and/or Paragraph 14 was dishonest by reason of Paragraph 15

17. You failed to inform your regulator, the HCPC that:

- a) On or around April 2019 you had been charged with two criminal offences;
- b) On 6 September 2019 you were convicted at Birmingham Crown Court of two offences of committing an act/series of acts with intent to pervert the course of justice;
- c) On 20 September 2019, at Birmingham Crown Court, you received two sentences of five months imprisonment suspended for 18 months for the offences set out at Paragraph 11, to run concurrently.

18. Your conduct at Paragraph 17 was dishonest

The matters outlined in paragraphs 1 – 10, 12 - 18 above amount to the statutory ground of misconduct.

The matter outlined in paragraph 11 above amounts to the statutory ground of a criminal conviction or caution in the UK.

Admissions:

20. Rule 32c(i)(aa) Fitness to Practise Rules 2019 (as amended) (the 'Rules') states:

Where facts have been admitted by the social worker, the adjudicators or regulator shall find those facts proved.

21. Following the reading of the allegations the panel Chair noted the clear and unequivocal written admissions to the allegation, which were signed by Ms Campbell and dated 23 June 2023. This document provided Ms Campbell an opportunity to state whether she admitted any of the allegations and whether she admitted that her fitness to practise is currently impaired.

22. Ms Campbell within the document made admission to all of the allegations and accepted that she was currently impaired.

23. The panel therefore found allegations 1-18 proved by way of Ms Campbell's admissions.

24. In line with Rule 32c(i)(a) of the Rules, the panel then went on to determine the issue of misconduct and impairment.

Summary of evidence:

Factual Background

25. Ms Campbell has two open fitness to practise cases, that have both been referred to a FTP hearing by the Case Examiners. On 30 March 2023 a Panel of Adjudicators directed that FTP-74015 and FTPS-17775 were joined to be heard at the same Final Hearing, pursuant to Rule 27(1)(e) and 32(b)(i) of the Fitness to Practise Rules 2019 (as amended).

FTPS- 17775

26. On 21 July 2020, Social Work England received a referral from Birmingham Children's Trust (the 'Trust') regarding Ms Campbell.
27. Ms Campbell was employed by the Trust through an employment agency between 10 January 2018 and 7 September 2018.
28. On 5 July 2018, Ms Campbell used a hire car at the expense of the Trust, which she stated at the point of hire was to travel to Devon for work purposes, namely to conduct an assessment of the grandparents of Child K. Ms Campbell also claimed £95 worth of fuel expenses, again for a trip to Devon on 5 July 2018.
29. It is alleged that Ms Campbell did not use the hire car for the purposes of travelling to Devon for work on 5 July 2018, and instead used the hire car for unauthorised personal use, including to visit her family in London. It is further alleged that the fuel expenses claimed by Ms Campbell for the trip to Devon on 5 July 2018, were in fact for fuel purchased in London, and used for unauthorised personal use.
30. On 28 August 2018 Ms Campbell was booked to conduct two statutory visits – one to Child F and Child G, and one to Child B1 and Child B2. On the day of the 28 August 2018, it is alleged Ms Campbell cancelled both visits and falsely advised the respective Foster Carers that this was due to Ms Campbell being required to attend court. Ms Campbell was not required to attend court, and did not attend court, at any time on the 28 August 2018.
31. It is further alleged that on 28 August 2018, Ms Campbell's then manager, Ms Iffit Rehman made enquiries with Ms Campbell as to her whereabouts. It is alleged that Ms Campbell advised Ms Rehman by text that she was on her way back to the office, and that she had done a visit to both Child F and Child G, and Child B1 and Child B2. Neither visit had taken place.

FTP – 74015

32. On 26 September 2019 Ms Campbell was referred to HCPC by her former employer Dudley Metropolitan Borough Council ('Dudley Council'). Ms Campbell was employed by Dudley Council between 21 June 2019 and 18 September 2019. It was alleged that Ms Campbell had

failed to disclose to her employer that she had been charged and convicted with a criminal offence.

33. Between February and April 2019, Ms Campbell was sent a postal requisition charging her with two offences of committing acts which intended to pervert the course of justice. Both offences related to Ms Campbell nominating fictitious people as the driver of her car, at the time she committed two speeding offences.
34. The matter was initially listed for trial, however Ms Campbell later indicated she wished to enter a guilty plea. On 6 September 2019, Ms Campbell was convicted of two offences of doing an act tending and intending to pervert the course of public justice. The first offence occurred between 7 June 2018 and 23 June 2018, and the second offence occurred between 28 June 2018 and 10 July 2018.
35. On 20 September 2019 Ms Campbell, in respect of each offence, was sentenced to five months imprisonment, suspended for 18 months, to run concurrently.
36. It was a requirement of the Council's Code of Conduct for employees that:

"If during the course of employment or services provided to the Council where an employee is charged, convicted of a crime or receives a caution or other form of reprimand in relation to a criminal or civil offence, even if the offence does not relate to their employment or contract with the Council, they must report as soon as possible and within 5 working days, the conviction or caution or other form of reprimand to their manager / Headteacher or HR Services"
37. Dudley Council raised concerns that at no time during her employment did Ms Campbell disclose to them that she was charged with two criminal offences, or that she was subsequently convicted of both offences in September 2019. Dudley Council became aware of the conviction through a local press article.
38. There is no record of Ms Campbell informing her regulator at the time, HCPC, of arrest, charge or conviction.
39. On 23 June 2023 Ms Campbell completed a pro forma which addressed each individual allegation. Within the same, Ms Campbell admitted all allegations. Further, she accepted that her conduct was dishonest and that her fitness to practise is impaired as a result.
40. In an email chain dated 12 June 2023 Ms Campbell confirms that she takes no objection to the hearing bundle and the witness requirements.
41. Ms Campbell made an application for voluntary removal from the register. This application is dated 29 June 2023. Within the Application Ms Campbell accepted all of the allegations and that her fitness to practise is impaired as a result.

Summary of evidence:

42. Social Work England rely on the evidence of the following witnesses:

- i) Robert Marsh- Business partner at Dudley Metropolitan Council
- ii) Joseph Stockwell- Head of Registration and Advice at Social Work England
- iii) SR- Foster Carer
- iv) LC- Foster Carer
- v) Iffit Rehman- Ms Campbell's manager at Birmingham Children's Trust

43. Owing to the fact that Ms Campbell admitted all of the allegations and the panel had no questions for the witnesses the statements were taken as read, and no witnesses were called to give live evidence.

Finding and reasons on facts:

44. Ms Campbell admitted all of the allegations and therefore the panel found all of the allegations proved in line with Rule 32c(i)(aa) of the Rules.

Submissions on misconduct and impairment

Social Work England's submissions in respect of misconduct and impairment

45. Mr Connor on behalf of Social Work England set out the test for misconduct and submitted that Ms Campbell's conduct had breached the following standards:

HCPC Standards of Conduct, Performance and Ethics:

9.1 you must make sure that your conduct justifies the public's trust in you and your profession.

9.5 you must tell us as soon as possible if:

- You accept a caution from the police or you have been charged with, or found guilty of, a criminal offence.

46. Mr Connor submitted that the misconduct in this case had three elements, Ms Campbell's dishonesty in respect of claiming a hire car and fuel, her dishonesty in respect of her stating that she had visited service users when she had not and the dishonesty in omitting to report her criminal conviction to her employer and regulator.

47. Mr Connor submitted acting dishonestly damages the reputation of the profession and can lead to a loss of trust and confidence.

48. Mr Connor acknowledged that no direct harm was caused to service users, but stated service users were placed at a risk of harm on the basis that Ms Campbell had stated that she had conducted the visit, which had not taken place.
49. Mr Connor submitted Ms Campbell's conduct demonstrated a pattern of dishonest behaviour, which clearly departed from good professional practice. He submitted the misconduct was sufficiently serious to amount to misconduct.
50. In respect of impairment Mr Connor referred to the submissions within the statement of case these set out as follows;

"Allegations of dishonesty are serious. Probity is a fundamental tenet of the social work profession. Social workers are relied upon by the public, by the courts and by Service Users to handle sensitive and confidential information, and to provide fair and factually accurate assessments, records and written reports to assist significant decisions about Service User's lives. Dishonest conduct by a Social Worker can have significant implications for the safety and wellbeing of service users, placing them at risk of harm.

Allegations of dishonesty, if proven, significantly undermine the public confidence in both the Social Worker and the profession. If the allegations in this case are proven, they require a finding of impairment to maintain the public confidence in both the profession, and the maintenance of professional standards. A finding of impairment is required to send a clear message to the profession that conduct of this nature is not compatible with being a Social Worker.

The Social Worker has made full admissions to the conduct, and expresses remorse. A lack of insight is demonstrated by the repetitive nature of the Social Worker's dishonest conduct. The Social Worker's conviction relates to two offences of intending to pervert the course of justice, this is a serious conviction of dishonesty arising for conduct in the Social Worker's personal life. The Social Worker has then gone on to withhold knowledge of those charges and the conviction from her employer, and her regulator, knowing that she is required to disclose them. This conduct was carried out over a significant period of time

The allegations arising from the Social Worker's role at the Trust, also concern repeated instances of dishonesty – some for financial gain, and some for misleading services users and her employer about the completion of statutory visits. Statutory visits play an important role in safeguarding and assessing the wellbeing of looked after children. The repetitive nature of the lying, demonstrates a serious behavioural concern that is fundamentally incompatible with being a Social Worker.

The Social Worker has limited insight into the seriousness of the allegations, in particular the allegations of dishonesty. Whilst the Social Worker expresses regret for her conduct, this primarily revolves around the impact the proceedings have had on her professional and personal life. She has shown limited insight into the impact of her actions on the safety of Service Users, and the impact of her actions on the wider public confidence. The Social Worker has demonstrated little insight as to the impact of her actions on her

colleagues. The Social Worker has indicated she would be willing to undertake course on professional ethics, however, has not yet done so. There is no evidence of remediation. A lack of insight and lack of remediation by the Social Worker indicate a high risk of repetition.”

51. Mr Connor referred to the fact that dishonesty is difficult to remediate and likely to be viewed as serious, he noted the significant pattern of dishonesty. Due to these factors Mr Connor submitted Ms Campbell’s actions presented a continuing risk to public confidence.
52. The panel noted the documentation and written responses provided by Ms Campbell and noted that Ms Campbell had accepted misconduct, her criminal conviction and impairment.

Finding and reasons on grounds:

53. The panel considered all the evidence and the submissions. The panel accepted the advice of the legal adviser and was aware that:
 - a. The overriding objective of Social Work England is to protect the public, which includes maintaining public confidence in social workers and maintaining professional standards of social workers.
 - b. Whether the facts found amount to misconduct is a matter for the panel's independent judgement.
 - c. There is no statutory definition of misconduct, but the panel had regard to the guidance given in *Roylance v GMC (No2)* [2001] 1 AC 311:

‘Misconduct is a word of general effect, involving some act or omission which falls short of what would be proper in the circumstances. The standard of propriety may often be found by reference to the rules and standards ordinarily required to be followed by a... practitioner in the particular circumstances’.
 - d. The conduct must be serious and fall well below the required standards (*Nandi v GMC* [2004] EWHC 2317).
 - e. A social worker’s conduct should be considered in the light of any standards of conduct, performance and ethics or other fitness to practise requirements that were applicable to the social worker at the time of the alleged misconduct.
 - f. The test for impairment set out by the court in *Council for Health and Regulatory Excellence v Nursing and Midwifery Council and Grant* [2011] EWHC 927 (Admin) was whether the panel’s findings in respect of the practitioner’s competence and capability show that the practitioner’s fitness to practise is impaired in the sense that they have in the past and/or are liable in the future (a) to put service users at unwarranted risk of harm; (b) to bring the profession into disrepute; (c) to breach one of the fundamental tenets of the profession; (d) to act dishonestly and/or be liable to act dishonestly in the future.

g. At the impairment stage the tribunal should take account of evidence and submissions that the conduct (i) is easily remediable, (ii) has already been remedied; and (iii) is highly unlikely to be repeated.

h. The panel should also consider whether Ms Campbell's fitness to practise is impaired in the sense that a finding of impairment is required to maintain public confidence or proper professional standards.

54. The panel found that Ms Campbell's conviction had been proved by the Certificate of Conviction in the bundle and by her admission in her communications with Social Work England. The panel therefore found that the statutory ground of criminal conviction or caution in the UK as alleged in allegation 11 was made out.

55. In respect of misconduct, the panel concluded that the proved facts of the allegation amounted to a breach of the following Health and Care Professions Council, Standards of conduct, performance, and Ethics 2016:

9.1 you must make sure that your conduct justifies the public's trust in you and your profession.

9.5 you must tell us as soon as possible if:

- You accept a caution from the police or you have been charged with, or found guilty of, a criminal offence.

56. Further the panel considered that the proved facts of the allegation amounted to a breach of the HCPC Standards of Proficiency (2017)

3. be able to maintain fitness to practise

3.1 understand the need to maintain high standards of personal and professional conduct

57. The panel was therefore satisfied that the proved allegations amounted to a significant failure to adhere to the standards expected of someone in Ms Campbell's position as an experienced social worker.

58. In respect of allegations 1-4 the panel considered that Ms Campbell breached a fundamental tenet of the profession in lying in respect of her use of a hire vehicle and in claiming the expenses for that vehicle.

59. Ms Campbell used the vehicle for her own personal use and in doing so failed to attend on a service user to conduct an assessment. The panel considered that Ms Campbell only revealed the truth in respect of matters, when confronted, and as such may not have otherwise been honest in respect of these matters.

60. While the panel noted that Ms Campbell paid the money back in respect of the expenses claimed, the panel considered that this did not detract from the fact that in acting

dishonestly for her own personal gain, Ms Campbell placed a vulnerable service user at an unwarranted risk of harm by failing to conduct an assessment.

61. The panel considered in respect of allegations 5a, 5b, 6a, 6b, 7, 8, 9 and 10, Ms Campbell placed further vulnerable service users at an unwarranted risk of harm in failing to conduct scheduled visits. The panel noted that Ms Campbell's failure to conduct visits, despite stating she had, led to her manager having a lack of confidence in her work. This in turn has reportedly resulted in a question in the reliability of Ms Campbell's work. The panel considered that the impact of this on Ms Campbell's manager was a loss of trust in Ms Campbell to have carried out the work she reported she had. This would also have an impact on Ms Campbell's colleagues adding to their workload, as she was not allowed to carry out any further work alone or without approval by her manager. The panel also considered that some of the cases Ms Campbell has been working on were reportedly in the middle of proceedings and required a new Social Worker to be allocated creating a potential disruption for the children involved.
62. The panel considered that Ms Campbell's actions have an impact on public confidence in the profession. As the public should be able to trust that when a social worker reports that a visit is completed, this is correct.
63. In respect of allegation 11-17 the panel observed that Ms Campbell in her representations has not provided any real explanation for her failure to inform her employer or her regulator of the criminal charge against her.
64. The panel determined that the conduct of Ms Campbell was deliberate, and her rationale was to conceal the fact that she had been charged with perverting the course of justice, as this would likely have led to disciplinary and/or regulatory action. The panel noted that were it not for the fact that the matters were reported in the local press, this matter may not have come to the attention of Ms Campbell's employers' or the regulator.
65. The panel considered that the criminal offence of perverting the course of justice is a serious dishonesty offence. The panel considered that the conduct of Ms Campbell clearly represents an established pattern of dishonest behaviour.
66. The panel noted that dishonesty should always to be considered serious, and the panel was satisfied that members of the public and profession would be shocked at Ms Campbell's pattern of behaviour, as it amounts to a serious breach of trust between her employer, the regulator, and the social work profession.
67. The panel therefore decided that in respect of allegations 1-10 and 12-18 that Ms Campbell's conduct represented serious and persistent breaches of the professional standards. Ms Campbell's repeated dishonesty, both in her personal life by reason of her conviction, and in her professional life was significantly serious. The multiple proved allegations of dishonesty, breach one of the fundamental tenets of the profession and therefore amount to serious misconduct.

Finding and reasons on current impairment:

68. Having determined that the proved facts amount to misconduct, the panel considered whether Ms Campbell's fitness to practise is currently impaired. When considering the question of impairment, the panel took into account Social Work England's 'Impairment and sanctions guidance'.
69. The panel had regard to the questions posed by Dame Janet Smith in her fifth Shipman report endorsed in the case of Council for Healthcare Regulatory Excellence v Nursing and Midwifery Council and Grant [2011] EWHC 927 Admin. In light of its findings on misconduct the panel concluded that Ms Campbell had, in the past:
- i. acted so as to put a member of the public at unwarranted risk of harm;
 - ii. brought the profession of social work into disrepute;
 - iii. breached fundamental tenets of the social work profession (in relation to acting honestly and safeguarding the vulnerable);
 - iv. acted dishonestly.
70. The panel considered that Ms Campbell's misconduct and established pattern of dishonest behaviour was extremely difficult to remediate.
71. While Ms Campbell has accepted her conduct and acknowledged that she is currently impaired. The panel noted that overall there was limited engagement from Ms Campbell in the regulatory process or in this hearing. The panel concluded that Ms Campbell has not evidenced remediation, for example her efforts to attend ethics training or address the cause of her pattern of dishonest behaviour.
72. The panel has no information regarding what, if any, work Ms Campbell is undertaking, and understand that having emigrated she is not currently working as a social worker. Further, the panel note that Ms Campbell has sought to voluntarily remove herself from the profession.
73. The panel noted Ms Campbell has provided very limited evidence of insight. Ms Campbell has not expressed genuine remorse or regret, through showing she has reflected on her conduct and the impact it may have had on vulnerable service users, her regulator, or the social work profession as a whole.
74. The panel therefore considered that Ms Campbell has not demonstrated remediation and has demonstrated very limited insight. Ms Campbell has had ample opportunity to provide such evidence within a written response or during the hearing.
75. Ms Campbell's conduct placed vulnerable service users at an unwarranted risk of harm. Her misconduct relates to failings in a core obligation as a social worker, namely honesty. The panel considered that Ms Campbell's repeated pattern of dishonest conduct was a breach of a fundamental tenet of the profession. Due to these findings, together with an absence of

evidenced remediation and very limited insight, the panel concluded that there was a high risk of repetition of the misconduct.

76. The panel was satisfied that a finding of impaired fitness to practise was necessary to protect the public, particularly vulnerable service users. Further, the panel considered that reasonable, well informed, members of the public would be shocked about Ms Campbell's established pattern of dishonest conduct. The panel therefore concluded that a finding of impaired fitness to practise was necessary to maintain and promote public confidence in the social work profession.
77. Given that Ms Campbell's misconduct related to breaches of fundamental tenets of social work, namely honesty, the panel was satisfied that professional standards would not be promoted and maintained by a finding that Ms Campbell's fitness to practise is not currently impaired, particularly considering the panel's assessment of very limited insight and an absence of remediation.
78. The panel therefore concluded that, because of Ms Campbell's misconduct, a finding of impaired fitness to practise was necessary to protect the public, promote and maintain public confidence in the social work profession and declare and uphold proper professional standards.

Submissions on sanction:

79. Mr Connor on behalf of Social Work England, submitted that, considering the nature of the misconduct, the appropriate sanction was a removal order. He argued that such a sanction would adequately protect the public and the wider public interest, considering the severity of the misconduct.
80. Mr Connor reminded the panel of its conclusions as to remediation, insight, and risk of repetition. He further stated that the case involved a finding of repeated dishonesty in both Ms Campbell's professional and private life, which placed service users at a risk of harm.
81. Mr Connor noted the aggravating features of the case namely the repetitive nature of the dishonesty, he noted that Ms Campbell had demonstrated very limited insight and in her reflections discussed the impact these matters have had upon herself, rather than considering the impact on service users and the profession. Mr Connor noted in mitigation that Ms Campbell had made admissions to the allegations.
82. Mr Connor submitted that it was necessary to impose a sanction that restricted Ms Campbell's practice, as nothing else would protect the public. He argued that, considering Ms Campbell's conduct represented an attitudinal concern, conditions of practice would not be workable or proportionate.
83. Mr Connor noted that Ms Campbell had applied for voluntary removal and noted the panels conclusions in respect of remediation and insight. Mr Connor argued that a removal order was the most appropriate outcome and that a suspension order would not be appropriate, on the basis that this would not mark the seriousness of the concerns.

84. Mr Connor referred to the cases of *PSA v HCPC and Another* [2014] EWHC 2723 (Admin), *Khan v GMC* [2015] EWHC 301 (Admin), *Naheed v GMC* [2011] EWHC 702 (Admin) and *R (on the application of Young) v General Medical Council* [2021] EWHC 534 (Admin) to support his submission that in cases of dishonesty, where a lack of insight is shown, the appropriate sanction is a removal order.

Finding and reasons on sanction:

85. The panel accepted the advice of the legal adviser, that it must again pursue the overarching objective when exercising its functions. The panel must apply the principle of proportionality, balancing Ms Campbell's interests with the public interest. The purpose of a sanction is not to be punitive, although a sanction imposed may have a punitive effect. The panel noted it should consider the least restrictive sanction first, and only if this does not provide adequate protection of the public, consider more restrictive sanctions as appropriate. The panel had regard to the Social Work England Impairment and Sanctions Guidance, published in December 2022.

86. The panel were provided with a brief summary of the principles set out in the following cases; *PSA v HCPC and Another* [2014] EWHC 2723 (Admin), *Khan v GMC* [2015] EWHC 301 (Admin), *Naheed v GMC* [2011] EWHC 702 (Admin), *R (on the application of Young) v General Medical Council* [2021] EWHC 534 (Admin) and *Kalaf v General Medical Council* [2018] EWHC 1446 (Admin).

87. The panel reminded itself that it had concluded that Ms Campbell's fitness to practise was found to be impaired, due to her misconduct.

88. In respect of the aggravating features of this case, the panel noted its determination that Ms Campbell engaged in repeated acts of dishonesty, in both her professional and personal life. The panel considered that a conviction for perverting the course of justice is extremely serious. The panel concluded that this indicated that Ms Campbell was engaged in a pattern of repetitive and deep-seated dishonesty.

89. The panel noted that Ms Campbell had failed to show any evidence of remediation and had taken no responsibility in seeking to identify ways in which she could remediate her dishonesty. Conversely, Ms Campbell had indicated she wished to be voluntarily removed from the register indicating that she had no intention to remediate the concerns.

90. The panel considered that in respect of all of the concerns raised in respect of Ms Campbell, she had only admitted to wrongdoing when confronted. In respect of Ms Campbell's criminal conviction, the panel considered its previous conclusions that were it not for the fact that the matters were reported in the local press, the criminal conviction may not have come to the attention of Ms Campbell's employers' or the regulator.

91. The panel agreed with the submissions of Mr Connor that Ms Campbell's insight was very limited due to the fact that it focussed upon the impact her actions have had upon herself, as opposed to the impact that they have had on service users, colleagues, her employers

and the profession itself. The panel considered that Ms Campbell's limited insight meant that she posed a continuing risk of harm to service users.

92. The panel considered the mitigating factors in this case. The panel noted that Ms Campbell accepted the concerns raised against her. Further, the panel noted that Ms Campbell had been practising since 2010 without any prior concerns being raised in respect of her practice.
93. The panel considered that taking no action, or issuing advice or a warning, would not adequately reflect the serious nature of Ms Campbell's misconduct. These outcomes would not adequately protect the public, as they would not restrict Ms Campbell's practice.
94. The panel has assessed there to be a high risk of repetition, and so considered that the public could not currently be adequately protected unless Ms Campbell's practice is restricted. Further, taking no action, or issuing advice or a warning, would not maintain public confidence in the profession or promote proper professional standards, considering the panel's finding that Ms Campbell engaged in an established pattern of dishonesty and placed service users at a risk of harm.
95. The panel next considered whether a conditions of practice order would be sufficient to protect the public and wider public interest. The panel considered that this was not the type of case in which conditions of practice would be suitable, given the panel's findings in respect of Ms Campbell demonstrating very limited insight and no remediation.
96. The panel reminded itself of the following paragraphs of the Impairment and sanctions guidance in respect of conditions of practice;

114. *Conditions of practice may be appropriate in cases where (all of the following):*

- *the social worker has demonstrated insight*
- *the failure or deficiency in practice is capable of being remedied*
- *appropriate, proportionate, and workable conditions can be put in place*
- *decision makers are confident the social worker can and will comply with the conditions*
- *the social worker does not pose a risk of harm to the public by being in restricted practice*

116. *When considering public protection, decision makers must fully assess insight and the social workers past engagement with the regulator and any employer. This should help to determine whether the social worker can comply with conditions of practice.*

119. *For example, conditions are unlikely to be appropriate in cases of (any of the following):*

- ...
- ...
- *dishonesty*
- *abuses of trust*
- ...

97. The panel noted its findings in relation to insight and remediation. The panel determined that it could not be confident that Ms Campbell could or would comply with conditions of practice. The panel considered that Ms Campbell had sought voluntary removal and had not provided any indication to the panel that she wished to practice in the future. Given the deep-seated attitudinal concerns which arise in respect of Ms Campbell's dishonesty, the panel was satisfied that no workable conditions could be formulated to adequately protect the public. Further, when considering the aggravating factors, the panel was satisfied that conditions would not be sufficient to mark the seriousness of the concerns and maintain public confidence or promote proper professional standards.

98. The panel next considered a suspension order. The imposition of a suspension order would give an opportunity to Ms Campbell to reflect and remediate. However, the panel had no evidence before it to suggest that this is something which Ms Campbell wishes to do; indeed, to the contrary, Ms Campbell has applied for voluntary removal, emigrated to a different country and expressed that she no longer wishes to work as a social worker.

99. The panel noted paragraph 138 of the Impairment and sanctions guidance, which reads as follows;

138. *Suspension is likely to be unsuitable in circumstances where (both of the following):*

- *the social worker has not demonstrated any insight and remediation*
- *there is limited evidence to suggest they are willing (or able) to resolve or remediate their failings*

100. The panel was not persuaded in this case to adopt the more lenient outcome of a suspension order. Ms Campbell's misconduct was serious, and she has demonstrated very limited insight and an absence of remediation. The panel had seen no evidence to suggest Ms Campbell was willing (or able) to acknowledge or remediate her failings.

101. The panel noted the following paragraphs of the Impairment and sanctions guidance;

148. *A removal order must be made where the decision makers conclude that no other outcome would be enough to (do one or more of the following):*

- *protect the public*
- *maintain confidence in the profession*
- *maintain proper professional standards for social workers in England*

149. *A removal order may be appropriate in cases involving (any of the following):*

...

- *dishonesty, especially where persistent and/or concealed (see section 'dishonesty')*

...

- *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)*

102. Ms Campbell's conduct was serious, and in circumstances where she has shown a lack of genuine remorse, very limited insight, and an absence of remediation. The panel decided that the proportionate outcome is a Removal Order. This is the only possible sanction that will properly:

- a. protect, promote and maintain the health, safety and well-being of the public, including vulnerable service users;
- b. promote and maintain public confidence in the profession; and
- c. promote and maintain proper professional standards within the profession.

103. The panel considered that a removal order would prevent Ms Campbell from working as a social worker and, as a consequence, she may be caused significant financial or professional hardship. The panel noted that Ms Campbell had emigrated and expressed that she did not wish to practice through her voluntary removal application, nevertheless the panel considered that this may be a position which changed in the future. However, the panel considered that conduct of Ms Campbell represented a deep-seated attitudinal concern, which Ms Campbell had shown a lack of insight into and had not sought to remediate, in these circumstances the panel considered that the need to protect the public outweighed Ms Campbell's interests. As such the panel determined that a removal order was proportionate in all the circumstances.

Interim order:

104. In light of its findings on sanction, the panel next considered an application by Mr Connor for an interim suspension order to cover the appeal period before the final order becomes effective.

105. The panel received advice from the legal adviser that as the panel has made a final order they may go on, without needing to give notice to Ms Campbell, to impose an interim order to cover the appeal period or the period before any appeal is heard. Interim orders can be

for a total period of 18 months. The adjudicators may make an interim order where they consider it necessary for the protection of the public or in the best interests of the social worker. Protection of the public can include wider public interest grounds.

106. The panel was mindful of its earlier findings and decided that it would be wholly incompatible with those earlier findings and the imposition of a removal order to conclude that an interim suspension order was not necessary during the appeal period:

- a. to protect, promote and maintain the health, safety and well-being of the public, including vulnerable service users;
- b. to promote and maintain public confidence in the profession; and
- c. to promote and maintain proper professional standards within the profession.

107. Accordingly, the panel concluded that an interim suspension order should be imposed on public protection and public interest grounds. It determined that it is appropriate that the interim suspension order be imposed for a period of 18 months to cover the appeal period.

108. When the appeal period expires, this interim order will come to an end unless there has been an application to appeal. If there is no appeal the removal order shall apply when the appeal period expires.

Right of appeal:

109. Under Paragraph 16(1)(a) of Schedule 2 of the regulations, the social worker may appeal to the High Court against the decision of adjudicators:

- 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.

110. Under Paragraph 16(2) of Schedule 2 of the regulations 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.

111. Under Regulation 9(4) of the regulations this order may not be recorded until the expiry of the period within which an appeal against the order could be made, or where an appeal against the order has been made, before the appeal is withdrawn or otherwise finally disposed of.

112. This notice is served in accordance with Rules 44 and 45 of the Social Work England Fitness to Practice Rules 2019 (as amended).

Review of final orders:

113. Under Paragraph 15(1), 15(2) and 15(3) of Schedule 2 of the regulations:

- 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), and a final order does not have effect until after the expiry of that period

114. Under Rule 16(aa) of the rules 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.