



Social worker: Eileen Anne Gregory Registration number: SW6398 Fitness to Practise Final Order Early Review Meeting

Date of meeting: 23 October 2023

Meeting venue: Remote meeting

Final order being reviewed:
Conditions of practice order – (expiring 21 March 2024)

Meeting Outcome: Impose a new order – suspension order for 18 months (with immediate effect)

Introduction and attendees:

1. This is an early review of a final conditions of practice order under paragraph 15(2) of schedule 2 of The Social Workers Regulations 2018 (as amended) (“the Regulations”) originally imposed for a period of 12 months by a Case Examiners’ decision which was agreed to by Ms Gregory on 21 March 2023 and which became an agreed disposal of the regulatory concerns.
2. Ms Gregory 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
Paul Grant	Chair
Natalie Williams	Social worker adjudicator

Hearings team/Legal adviser	Role
Titlee Pandey	Hearings officer
Gabriella Berettoni	Hearings support officer
Andrew McLoughlin	Legal adviser

Service of notice:

4. The panel of adjudicators (“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 21 September 2023 and addressed to Ms Gregory’s email address at their address which they provided to Social Work England and also sent to her trade union representative;
 - An extract from the Social Work England Register (“the Register”) as at 21 September 2023 detailing Ms Gregory’s email address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 21 September 2023 the writer sent the notice of hearing and related documents by email to Ms Gregory and to her trade union representative to the email address referred to above.

5. The panel accepted the advice of the legal adviser, which included reference to Rules 16, 44 and 45 of the Social Work England Fitness to Practise Rules 2019(as amended) (“the Rules”).
6. Having had regard to all of the information before it in relation to service of the notice, the panel was satisfied that notice of the review had been served on Ms Gregory in accordance with Rules 16, 44 and 45 of the Rules.

Proceeding with the final order review as a meeting:

7. The notice of final order review hearing informed Ms Gregory that the review would take place electronically. 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 6 October 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 took into account that Ms Gregory’s trade union representative sent an email to Capsticks dated 3 October 2023 which stated as follows: –

“Ms Gregory is not practicing as a Social Worker and has no intention to do so, therefore she cannot submit any CPD to Social Work England or respect the Conditions of Practice Order. The registrant nor UNISON will be attending an early review hearing as it is Ms Gregorys (sic) intention to be removed from the register.”

9. The panel also noted that in a separate email also dated 3 October 2023 Ms Gregory’s trade union representative stated as follows: –

“As you are aware it is Ms Gregory intention to seek VR from the SWE register. You kindly provided the link to facilitate the application. Ms Gregory has received an email from SWE stating that her VR application has been closed due to the fact she has a Conditions of Practice Order in place. Ms Gregory is seeking the application to be removed due to the fact the process is having a detrimental affect on her mental health and she is not practicing as a Social Worker and does not intend to practice as a Social Worker. Ms Gregory also cannot respect certain elements of the order as she is no longer practicing. There is a provision I see in the VR guide which states registrants can be removed under exceptional circumstances. Are we still in a position to submit the VR removal documents for the registrant.”

10. The panel heard and accepted the advice of the legal adviser with regard to Rule 16(d) of the Fitness to Practise Rules 2019 (as amended) (“the Rules”) which provides:

“Where the registered social worker makes written submissions and states that they do not intend to attend before the regulator, the regulator may direct that the question of whether an order should be made is determined by means of a meeting.”

11. The panel was satisfied that it would be fair and appropriate to conduct the review in the form of a meeting in accordance with Rule 16(d).

Review of the current order:

12. This early final order review hearing is taking place under Paragraph 15(2) of Schedule 2 of the Regulations and the Rules.
13. Under paragraphs 15(2)(a) to (f), the regulator may review a final order early 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, and may—
- confirm the order
 - extend, or further extend, the period for which the order has effect, provided that the extended period does not exceed in the case of conditions of practice order, three years
 - reduce the period for which the order has effect
 - substitute any order which the adjudicators or the case examiners could have made on the date on which they made the order
 - revoke the order, and in the case of a suspension order may make the revocation subject to the social worker satisfying such requirements as to additional education or training and experience as apply to them
 - revoke or vary any condition imposed by the order
14. The decision on a review under sub-paragraph (2) takes effect from the date on which the regulator completes the review notwithstanding any appeal against that decision.
15. The legal adviser highlighted that the meaning of ‘new evidence’ is not defined in the rules and regulations but Social Work England’s ‘Early Review Guidance’ does explore the meaning of the term stating that new evidence:
- “Must raise a realistic prospect that the order originally imposed is no longer appropriate or proportionate to address those concerns. It must be genuinely new evidence, which was not and could not have been made available to the decision makers when they imposed the order;”
 - “New evidence almost certainly will be about events which have happened since the order was imposed;” and that
 - “The new evidence must be verifiable.”
16. The current order is due to expire at the end of 21 March 2024.
17. The panel accepted the advice of the legal adviser and concluded that new evidence had been submitted by Social Work England, namely that Ms Gregory had failed to comply with condition 11 of the conditions of practice order imposed upon her by not submitting

appropriate evidence with regard to her CPD and that that omission had only occurred following the conditions of practice order being in force.

The allegations which Ms Gregory accepted and which resulted in the imposition of the final order by agreement were as follows:

“Regulatory concern 1

Whilst registered as a social worker between 2016-2019 You failed to meet the required practise standards for your role, in that you:

1.1) Did not record case observations in a timely manner and/or at all

The case examiners have been provided with case notes for five service users allocated to the social worker. Some of these case notes, in the view of the case examiners, reflect some thorough and good quality intervention for some service users, including a great deal of liaison with families, advocates and care providers of service users in order to progress the necessary work.

However, it appears from the assessments/other forms and case notes of other workers that there was a lot of work which was not recorded, as there is not a clear chronology of what has occurred for any of the service users. As will be discussed below, assessments were often not written up until months later, which makes it even more essential to ensure case observations are up to date, to provide a clear picture of what intervention has been identified, what has been provided and why.

The case examiners do not consider it is useful to detail every example evidenced by the former employer, but they have been provided with evidence of Best Interest work being completed in April 2018 but not written up until 2019. The emails from the social worker to others involved appear to have caused some frustration as the social worker was requesting information from a long time previously, which the recipients did not have easy access to.

For another service user there were at times gaps of up to six months between case recording and there is email evidence of another professional chasing up in September 2015, asking why support discussed in May 2015 was not yet in place when the family are continuing to struggle. This same service user, whose parents were struggling to manage their behaviours at home, required assessment and identification of alternative housing yet there were long periods with no case records noted, up to nine months at a time. Given the nature of the work required, it appears that this family needed regular reviews and visits, to assess what support was needed and how the service user's needs could be met. Although some of these periods can be accounted for with short periods of absence from the social worker, it is notable that the service user was allocated to the social worker in April 2015, with the aim of moving them to supported living but this did not occur until August 2018. Whilst there are periods of interaction recorded where the social worker appears to be attempting to progress this work, there are also long periods of inactivity, according to the records.

The case examiners have been provided with the former employer's recording with care policy, which states that any records should be completed within five working days of an event or observation.

The social worker has accepted this regulatory concern and has provided mitigation as to why they did not ensure that case observations were recorded in a timely way or at all. This mitigation will be considered later within this decision.

The case examiners are satisfied there is a realistic prospect of this regulatory concern being found proven, should the matter go forward to adjudicators.

1.2) Did not complete assessments in a timely manner and/or at all

The case examiners have been provided with a large amount of evidence including assessments, correspondence to and from the social worker about assessments and the performance improvement plan (PIP), along with relevant reviews of this plan.

The case examiners note there are many examples of assessments taking a long time to complete, or ultimately being re-allocated to another social worker, with the assessment incomplete.

The case examiners have been provided with emails to and from the social worker regarding an assessment being delayed, which impacted on finding suitable accommodation for the service user.

For another service user, two mental capacity assessments appear to have been undertaken in July 2016 but not written up/completed until January 2017. While some assessment work appears to have been completed in a timely manner, there is a care and support plan which was started in March 2017 but not completed until September 2018. Additionally, a mental capacity assessment was initiated in September 2017 but not completed until August 2018.

The case examiners have been provided with evidence from the former employer which states that assessments generally should be completed within 28 days, however it is acknowledged that in some cases this will not be possible, and the assessment process may exceed this. However, the case examiners note that the evidence provided to them suggests that many assessments were taking more than six months to complete, which in their view does not constitute a reasonable timeframe for intervention nor does it suggest exceptional circumstances when several service users had assessments significantly delayed.

Once again, the social worker accepts this concern, and supplies mitigation.

The case examiners are satisfied there is a realistic prospect of this regulatory concern being found proven, should the matter go forward to adjudicators.

1.3) Were unable to manage a full caseload effectively

The case examiners have been provided with supervision records where the social worker shared why they were struggling, and advice was provided by their line manager to try and alleviate these difficulties.

The case examiners have been provided with documentation from the PIP and capability process, which suggests that the social worker was not given new allocations for many months and that their caseload was lower than similarly experienced colleagues. The supervision records suggest that the social worker accepts this is the case but does not feel they can manage more cases and at times questions whether it is the right job for them. The social worker suggests in November 2018 that they could cover duty full time as they are very aware they have not had any new allocations for some time.

The social worker accepts this concern, subject to the mitigation provided.

The case examiners are satisfied there is a realistic prospect of this regulatory concern being found proven, should the matter go forward to adjudicators.

Regulatory concern 2

Whilst registered as a social worker between December 2018-April 2019 You failed to safeguard SU A, in that you:

- ***Did not complete a safeguarding notification in a timely manner despite management instruction to do so.***

The case examiners have been provided with records of the PIP review meetings, where the safeguarding information received by the social worker was discussed. The evidence suggests that the social worker had advised the care provider, who had shared the information with them, to raise a safeguarding concern, as the care provider had the full information. In a later review, the social worker was advised to raise this themselves as the care provider had not done so and the line manager was of the view that this needed to be raised as an official safeguarding concern. By the subsequent review meeting the line manager recorded being concerned that the social worker had not followed this instruction and “will be speaking with their Team Manager regarding disciplinary for not following manager’s instruction or reporting abuse which has been known since March”.

The social worker accepts this concern, submitting that their judgement may have been clouded by the PIP process and other issues within work.

The case examiners are satisfied there is a realistic prospect of this regulatory concern being found proven, should the matter go forward to adjudicators.”

Grounds

“The case examiners have concluded that regulatory concerns 1.1, 1.2, 1.3 and 2 have a realistic prospect of being found proven. It is suggested these may amount to the statutory grounds of misconduct and/or a lack of competence or capability.

Misconduct

In considering whether the regulatory concerns would amount to misconduct, the case examiners note that ‘misconduct’ denotes serious acts or omissions, suggesting a significant departure from what would be proper in the circumstances.

The case examiners have considered whether the regulatory concerns are serious enough to meet the threshold for misconduct and have considered the standards in place at the time. The applicable standards were set by the Health and Care Professions Council (2016), and the case examiners are of the view that the social worker's conduct may have departed from the following standards:

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

6.1 You must take all reasonable steps to reduce the risk of harm to service users, carers and colleagues as far as possible.

7.1 You must report any concerns about the safety or well-being of service users promptly and appropriately.

10.1 You must keep full, clear, and accurate records for everyone you care for, treat, or provide other services to.

10.2 You must complete all records promptly and as soon as possible after providing care, treatment or other services.

The case examiners are of the view that inadequate visiting of service users or poor recording does not support good planning or review of necessary work and it makes intervention in the absence of the allocated social worker very difficult. There is evidence that significant delay to assessments being completed led to delays in appropriate housing and support providers being identified, which could have had significant consequences for both service users and their families/carers.

Additionally, the case examiners consider that a failure to raise a safeguarding concern is serious, particularly when clearly directed to do so by a line manager. While the evidence supports the social worker's delay in acting initially, believing the care provider was in a better position to do so, the continued delay in reporting this may have placed the service user at ongoing risk.

In conclusion, the case examiners conclude that the regulatory concerns meet the threshold for seriousness required to amount to the statutory grounds of misconduct. However, the case examiners will now consider whether the social worker's conduct could more accurately be found to amount to lack of competence or capability.

Lack of competence *The case examiners note the case examiner guidance (December 2022), which sets out that lack of competence or capability "must usually be demonstrated over a fair sample of a social worker's work". The case examiners have been provided with evidence which relates to a number of service users and over a period of three years; they are therefore satisfied this could be reasonably described as a fair sample.*

The case examiners note that the social worker had been employed in their role with the local authority since 2008, in a number of adult teams, without any concerns being raised previously. There is evidence provided to them that the social worker was well thought of within the team and as already noted, the case records demonstrate that the social worker

was capable of good quality intervention and practice. This would suggest that the social 22 14 worker was capable of fulfilling their role for many years and that they understood what was required of them but struggled to complete their work effectively for the period in question.

The case examiners have been provided with evidence that the social worker experienced significant difficulties in their personal life and was providing a lot of support for their family during the period of concern. This appears to have led to them feeling entirely overwhelmed at work and unable to prioritise and complete tasks required of them, despite the significant support provided by the employer, including a freeze in new allocations and support from the line manager to set out clearly what action was needed.

The case examiners consider this is a finely balanced decision in terms of which statutory grounds are more appropriate. There is evidence that the social worker knew they were required to record case observations, complete assessments, manage their caseload and raise a safeguarding concern, but did not do so, which would ordinarily suggest misconduct. However, there is also significant evidence that the social worker felt incapable of completing their work, even when their caseload reduced to six service users.

The case examiners consider that the evidence provided is more indicative of a period of lack of competence or capability than of misconduct. The case examiners are therefore satisfied there is a realistic prospect of adjudicators finding that the regulatory concerns (1 and 2) amount to a lack of competence or capability."

The Case Examiners, views with regard to impairment with which Ms Gregory agreed:

"Impairment

18. The case examiners have then considered whether the social worker's fitness to practise could be found impaired, in relation to regulatory concerns 1 (in its entirety) and 2.
19. The case examiners have reminded themselves that the purpose of regulation is not to punish a social worker for past mistakes. Rather, the regulatory process seeks to establish whether a social worker is safe and fit to practise today and in the future.
20. The case examiners have assessed current impairment on the grounds of public protection and in the wider public interest.
21. In considering current impairment, the case examiners have considered whether the social worker has demonstrated insight and/or undergone remediation, and whether there is a likelihood the matters alleged will be repeated.
22. Although it appears from the employer's documentation that the social worker initially demonstrated good insight into how they were struggling and not managing their caseload; by August 2019, there is a record of a phased return review meeting which suggests the social worker was asking why other customers could not be transferred to other social workers, while they were busy with two customers. This suggests the social worker lacks

insight into the need for them to evidence they can manage and prioritise a full caseload. The case examiners are of the view there are few, if any social work roles which would involve working only with two customers or service users.

- 23. The social worker has accepted the regulatory concerns and within their submissions during the employer's stage 2 meeting, has acknowledged the impact of their alleged omissions in practice, including the risk to service users and feeling regret that they could have left vulnerable people in need. They also communicated to their employer that they accepted families would have a right to feel angry and frustrated that their relatives had waited so long for an intervention or visit and that a judge would not consider their practice acceptable, should a matter come under legal review.*
- 24. The social worker details the significant challenges in their private life [PRIVATE] The social worker described being overwhelmed and feeling that they were needed as a social worker 24/7. The social worker also details the various changes experienced at work, including several changes in line manager, reconfiguration of the team and changes to the work environment, including office space which was not appropriate for the nature of their role. The social worker submits that all of these circumstances [PRIVATE] made it impossible for them to complete the work expected of them in the relevant time period. They are of the view that they were not adequately supported and that the PIP process felt undermining and as though they were being scrutinised rather than supported.*
- 25. The case examiners have been provided with emails and reports relating to the support offered to the social worker and it appears that the social worker was provided with a significant amount of support and adjustments, such as a reduced caseload for many months. The social worker in correspondence thanks their line manager for the support offered to them and it appears from the earlier supervision sessions that they feel supported and heard. While the social worker submits that more could and should have been done, the case examiners acknowledge that the local authority has recorded attempts to support as far as they felt able to, under their policies and processes. While the social worker may feel that the PIP was punitive and exacerbated their difficulties, it must also be noted that employers have a responsibility to ensure that social workers are fulfilling their duties and keeping service users and their families safe. The case examiners are of the view that the social worker has demonstrated some insight into the concerns but that it would be possible to develop more understanding of the potential impact upon service users, notwithstanding the difficult circumstances they were in.*
- 26. In terms of remediation, it is difficult for the social worker to evidence this as they have not been employed as a social worker since the time of concern. While it is positive they have maintained full time employment since their dismissal, without the employment being in social work, it is not sufficient evidence that the social worker is able to manage and safeguard a caseload effectively.*
- 27. The case examiners acknowledge that these concerns occurred several years ago and there were mitigating factors as discussed above. They also acknowledge the positive references supplied by the social worker's previous colleagues. The case examiners note these referees*

knew the social worker at the time of the concerns and though this is evidence of good practice, which is positive and in line with the case examiners' previous observations, this cannot fully mitigate against the volume of evidence referred to within the report. Without any evidence from the intervening years of effective practice as a social worker, the case examiners cannot be assured there is a low risk of repetition.

28. *The case examiners are also of the view that there is a public interest in a finding of impairment, given the significance of the risks for some of the service users affected. Assessment, case recording and safeguarding are central tenets of the social work role, and the case examiners are of the view that a member of the public would be troubled to learn that a social worker who had failed in these aspects of practice, had been allowed to practise without sanction.*
29. ***Accordingly, the case examiners are of the view that there is a realistic prospect of adjudicators making a finding of impairment, in both the personal and public interest element."***

The case examiners views with regard to sanction with which Miss Gregory agreed:

30. *"In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's sanctions guidance (December 2022) and reminded themselves that the purpose of a sanction is not to punish the social worker, but to protect the public.*
31. *The case examiners have decided that it is not in the public interest to refer this matter to a final hearing and have chosen the least restrictive sanction necessary to protect the public and the wider public interest. They have started at the lowest possible sanction and worked up, testing the appropriateness of each sanction and the next sanction above it to confirm their decision is proportionate.*
32. *The case examiners have already determined that there is a realistic prospect that the social worker's fitness to practise would be found impaired. The sanctions guidance advises that if the personal element of impairment is found, "a sanction restricting or removing a social worker's registration will normally be necessary to protect the public". The case examiners are therefore led to consider sanctions which restrict the social worker's practice. They note that the guidance suggests it may therefore "be reasonable to move beyond the lower sanctions (no action, advice or a warning) on this basis alone". The case examiners have already determined that they do not consider that the social worker has demonstrated sufficient insight nor remediation. Therefore, the sanctions of no further action, advice or a warning are considered inappropriate on the basis that these outcomes will not restrict practice and therefore not sufficiently protect the public.*
33. *In order to provide this oversight and protection, the case examiners have decided to suggest a conditions of practice order to the social worker that they must comply with. The case examiners note the social worker has recognised the need to ensure they have adequate support in any future employment and consider these conditions may also be in the best interests of the social worker as they re-enter the social work profession.*

34. *The case examiners have considered whether the concerns before them require a sanction of suspension and are of the view that this would be disproportionate given the mitigation evidenced by the social worker and the developing insight demonstrated.*
35. *The case examiners consider the appropriate duration of the conditions of practice order to be a period of one year. By putting in place a timescale of one year this allows a full appraisal cycle to be completed by an employer to ensure the correct level of support and oversight for the social worker. The case examiners have decided to propose to the social worker a conditions of practice order of one year duration. They will now notify the social worker of their intention and seek the social worker's agreement to dispose of the matter accordingly. The social worker will be offered 28 days to respond. If the social worker does not agree, or if the case examiners revise their decision regarding the public interest in this case, the matter will proceed to a final hearing.*

Content of the conditions of practice

36. *Conditions 1-12 (inclusive) should be in place for a 12-month period. In accordance with paragraph 15 of Schedule 2 of The Social Workers Regulations 2018, the regulator must review the conditions of practice order before its expiry. The social worker and/or Social Work England can seek early review if new evidence becomes available to suggest the current order needs to be varied, replaced, or removed.*
- 1. You must notify Social Work England within 7 days of any professional appointment you accept or are currently undertaking and provide the contact details of your employer, agency or any organisation with which you have a contract or arrangement to provide social work services, whether paid or voluntary.*
 - 2. You must allow Social Work England to exchange information with your employer, agency or any organisation with which you have a contract or arrangement to provide social work or educational services, and any reporter or workplace supervisor referred to in these conditions.*
 - 3.*
 - a) At any time you are providing social work services, which require you to be registered with Social Work England, you must place yourself and remain under the supervision of a workplace supervisor nominated by you and approved by Social Work England. The workplace supervisor must be on Social Work England's register and needs to be someone who can oversee your practice.*
 - b) You must not start or continue to work until these arrangements have been approved by Social Work England.*
 - 4. You must provide reports from your workplace supervisor to Social Work England every 3 months and at least 14 days prior to any review.*
 - 5. You must inform Social Work England within 7 days of receiving notice of any formal disciplinary proceedings taken against you from the date these conditions take effect.*

6. You must inform Social Work England within 7 days of receiving notice of any investigations or complaints made against you from the date these conditions take effect.
7. You must inform Social Work England if you apply for social work employment / selfemployment (paid or voluntary) outside England within 7 days of the date of application.
8. You must inform Social Work England if you are registered or subsequently apply for registration with any other UK regulator, overseas regulator or relevant authority within 7 days of the date of application [for future registration] or 7 days from the date these conditions take effect [for existing registration].
9. You must work with your workplace supervisor, to formulate a personal development plan, specifically designed to address the shortfalls in the following areas of your practice: • Case recording, safeguarding and completing assessments in a timely manner.
10. You must provide a copy of your personal development plan to Social Work England within 4 weeks from the date condition 3 takes effect. You must also provide to Social Work England an updated copy every 4 months and at least 14 days prior to any review.
11.
 - a) You must undertake 21 hours of CPD in relation to completing assessments, case recording and safeguarding.
 - b) You must provide evidence of CPD undertaken to Social Work England within 4 months of these conditions taking effect.
12. You must provide a written copy of your conditions, within 7 days from the date these conditions take effect, to the following parties confirming that your registration is subject to the conditions listed at 1 to 10, above:
 - Any organisation or person employing or contracting with you to undertake social work services whether paid or voluntary.
 - Any locum, agency or out-of-hours service you are registered with or apply to be registered with in order to secure employment or contracts to undertake social work services whether paid or voluntary (at the time of application).
 - Any prospective employer who would be employing or contracting with you to undertake social work services whether paid or voluntary (at the time of application).
 - Any organisation, agency or employer where you are using your social work qualification/knowledge/skills in a non-qualified social work role, whether paid or voluntary. You must forward written evidence of your compliance with this

condition to Social Work England within 14 days from the date these conditions take effect.

13. You must permit Social Work England to disclose the above conditions, 1 to 12, to any person requesting information about your registration status.

Response from the social worker

37. The social worker has responded to say they accept the case examiner's decision and the proposed sanction."

Social Work England submissions:

38. In the Notice, Capsticks LLP made the following written submissions on behalf of Social Work England:

"Social Work England invite the Panel to review the Final Order under their early review powers under the Social Workers Regulations 2018, Schedule 2, Part 15(2) and replace the existing Conditions of Practice Order with a 12 month Suspension Order, with immediate effect.

Condition 11 required the Social Worker to provide her CPD by 21 July 2023, however to date these have not been received. This is therefore a breach of condition 11.

Due to the Social Worker's failure to comply with providing CPD, it is not clear whether she is currently working towards remediating her practice so that she can offer safe and effective care. Accordingly, the Conditions of Practice are no longer workable.

The Social Worker initially engaged with the Conditions but has subsequently has professed a desire to be removed from the register due to the impact the profession and the Conditions of Practice are having upon her mental health.

Social Work England therefore invite the Panel to replace the existing Conditions of Practice Order with a 12 month Suspension Order."

Social worker submissions:

Ms Gregory did not attend but the panel duly noted the contents of the two emails dated 3 October 2023 which had been sent by her trade union representative.

Panel decision and reasons on current impairment:

39. 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 of the agreed outcome reached between Ms Gregory and the Case Examiners of Social Work England. 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'.

40. The panel had regard to all of the documentation before it. The panel also took account of the submissions made by Social Work England and those made by Ms Gregory's trade union representative.
41. 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 maintaining public confidence in the profession.
42. The panel first considered whether Ms Gregory's fitness to practise remains impaired.
43. The panel noted that the Case Examiners found that Ms Gregory had demonstrated some insight into the concerns but that it would be possible to develop more understanding of the potential impact upon service users, notwithstanding the difficult circumstances they were then in. The panel further noted that the Case Examiners concluded that without evidence from the intervening years of effective practice as a social worker, since the concerns came to light, they were not sure that there was a low risk of repetition by Ms Gregory and viewed that a member of the public would be troubled to learn that a social worker had failed to maintain effective case recording and safeguarding in their practice.
44. The panel concluded that Ms Gregory's fitness to practice remained impaired because there was no evidence to suggest that the regulatory concerns had been addressed by her since the imposition of the conditions of practice order by agreement. In particular the panel noted that Ms Gregory decided not to comply with the conditions of practice order imposed upon her by failing to supply the appropriate information with regard to CPD as required by condition 11 of the conditions of practice order.
45. The panel noted that compliance with such a condition would provide evidence of remediation but Ms Gregory had failed to comply.
46. The panel concluded that the only insight demonstrated by Miss Gregory into the regulatory concerns was a present desire not to continue to practise as a social worker.

Decision and reasons:

47. Having found Ms Gregory's fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel had regard to the submissions made along with all the information and accepted the advice of the legal adviser.
48. The panel considered the written submissions made by Social Work England, which invited the panel to consider imposing a suspension order for 12 months. It noted the submissions/representations made by Ms Gregory's trade union representative that she no longer intended to practise as a social worker and wished to be voluntarily removed from

the Register. The panel also took into account the 'Impairment and sanctions guidance' published by Social Work England ("the Guidance").

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

Impose a new order namely a suspension order for 18 months with effect immediately:

50. The panel noted paragraphs 136, 137 and 138 of the Guidance which stated as follows: –

When a suspension order may be appropriate

136. Suspension is appropriate where (both of the following apply):

- *the decision makers cannot formulate workable conditions to protect the public or the wider public interest*
- *the case falls short of requiring removal from the register (or where removal is not an option)*

137. Suspension may be appropriate where (all of the following):

- *the concerns represent a serious breach of the professional standards*
- *the social worker has demonstrated some insight*
- *there is evidence to suggest the social worker is willing and able to resolve or remediate their failings*

When a suspension order may not be appropriate

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*

51. The panel concluded that the appropriate sanction available to it is a suspension order. A suspension order would prevent Ms Gregory from practicing during the suspension period, which would therefore protect the public and the wider public interest.
52. The panel concluded that it was satisfied that a conditions of practice order no longer remained an appropriate sanction in Ms Gregory's case as she had failed to comply with Condition 11 of the conditions of practice order and had no intention of returning to social work practice and therefore a conditions of practice order was unworkable.

53. The panel determined that the suspension order should be imposed for a period of 18 months. The panel was satisfied that this period was appropriate because Ms Gregory demonstrated some insight into the regulatory concerns outlined by the Case Examiners and with which she agreed. Therefore, the suspension period reflects the amount of time that Ms Gregory may need to reflect on the panel's findings and devise a plan of action targeted towards an unrestricted return to the register if her health improved and she was willing to re-engage with the regulatory process with a view to continuing in the social work profession.
54. This panel cannot bind a future panel. However, a future reviewing panel would expect Ms Gregory to attend the review hearing and it would be of assistance to that panel if they were able to provide evidence that they had undertaken significant steps that would facilitate a safe and effective return to the register without restriction. This may include:
- Evidence that they have kept their social work skills and knowledge up to date, such as:
 - Training courses (online or otherwise);
 - A reflective piece addressing insight and remediation.
 - Testimonials from any employer in relation to any paid/unpaid work carried out.
55. The panel considered whether a removal order may be appropriate however it noted that a removal order was not available to the panel as Ms Gregory's fitness to practise was originally found impaired on the basis of lack of competence or capability as set out in regulation 25(2), (b), (e) or (h) and she had not yet been suspended from practice or subject to a conditions of practice final order (or a combination of both) for a continuous period of two years immediately preceding the day when the removal order would take effect.

Right of appeal

56. 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:
- 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,
 - the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.

57. 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.
58. Under Paragraph 15(2A) of Schedule 2 of The Social Workers Regulations 2018 (as amended), the decision of a review under sub-paragraph (2) takes effect from the date on which the regulator completes the review notwithstanding any appeal against that decision.
59. This notice is served in accordance with Rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

Review of final orders:

60. 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).
61. 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

62. 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>