

Social Worker: Neil Parnell
Registration Number: SW32360
Fitness to Practise: FTPS-16839
Final Order Review Meeting

Meeting venue:	Remote meeting
Date of meeting:	21 November 2023
Order being reviewed: January 2024)	Final suspension order – 6 months (expiring 6
Outcome:	Removal order

Introduction and attendees:

1. This review took place pursuant to paragraph 15(1) of Schedule 2 to the Social Workers Regulations 2018. It was the first review of a six-month final suspension order in respect of Mr Neil Parnell which was made on 8 June 2023 by a panel of adjudicators appointed by Social Work England after they had held a final hearing of the allegations against him.
2. This review was held remotely.
3. Mr Parnell did not attend this review and was not represented.
4. As this review took place as a meeting, Social Work England was not represented but its solicitors, Capsticks LLP, had included written submissions on its behalf in the notice of this review.
5. The panel of adjudicators conducting this review (the “**panel**”) and the other people involved in it were as follows:

Adjudicators	Role
Timothy Skelton	Chair
Glenys Ozanne-Turk	Social Worker Adjudicator

Hearings Team/Legal Adviser	Role
Tom Stoker	Hearings Officer
Sam Harvey	Hearings Support Officer
Charles Redfearn	Legal Adviser

Service of Notice:

6. The panel had careful regard to the contents of the service bundle, which included the following documents:
 - An extract from Social Work England’s register (the “**Register**”) showing the email address for Mr Parnell which is held by Social Work England.
 - A copy of the notice of this final order review (the “**Notice**”), which was dated 23 October 2023. The notice stated that it was to be sent by email and was addressed to Mr Parnell at his email address as it appears on the Register. The Notice informed Mr Parnell of the step which Social Work England was seeking in relation to this review and that he could attend, and be represented at, this review or make written submissions. The Notice specified the date of this review and the date by which Mr Parnell should confirm his attendance or make written submissions, such date being 7 November 2023.
 - A copy of a covering email dated 23 October 2023, which was sent by an employee of Capsticks LLP, addressed to Mr Parnell at his email address as it appears on the

Register and referred to attached correspondence relating to a substantive order review, scheduled to take place on 21 November 2023.

- A copy of a signed statement of service which was made on 23 October 2023 by the employee of Capsticks LLP who was the sender of the covering email and which stated that, on 23 October 2023, that employee had sent the Notice and its enclosures by email to Mr Parnell at his email address as it appears on the Register.
7. The panel also noted that the review bundle contained notes of two telephone conversations involving Mr Parnell on 26 October 2023, one with Capsticks LLP and the other with Social Work England, in which he reportedly indicated that he had received the Notice and was aware of this review. The panel also noted that Mr Parnell had responded to the Notice by submitting a form in which he provided written submissions for the purposes of this review and stated that he would not be attending it.
 8. The panel accepted the advice of the Legal Adviser in relation to service of notice. This included reference to rules 16, 44 and 45 of Social Work England's Fitness to Practise Rules (the "**FTP Rules**") and paragraph 15(5) of Schedule 2 to the Social Worker's Regulations 2018.
 9. Having had regard to rules 44 and 45 of the FTP Rules, and on the basis of the documents mentioned above, the panel was satisfied that (i) notice of this review had been served on Mr Parnell in accordance with rule 44(a) of the FTP Rules; (ii) the requirements of paragraph 15(5) of Schedule 2 to the Social Worker's Regulations 2018 and rules 16(a) and (b) of the FTP Rules had been fulfilled; and (iii) Mr Parnell had been given adequate notice of this review.

Proceeding with the final order review as a meeting:

10. The panel noted that the notice of this review 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 Thursday 7 November 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."
11. Given the above wording and that the panel had determined that notice of this review had been served on Mr Parnell in accordance with the FTP Rules, the panel was satisfied that Mr Parnell would have understood that, in his absence, this review could proceed as a meeting.
12. The panel heard and accepted the advice of the Legal Adviser on rule 16(d) of the FTP Rules, which states:

“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.”

13. As the review bundle included a form dated 6 November 2023 and signed sent by Mr Parnell which contained both written submissions and a statement that he did not intend to attend this review, the panel considered that Social Work England’s discretion under rule 16(d) had been engaged.
14. Each member of the panel had received an email from Social Work England dated 20 November 2023, which informed them that this review would proceed as a meeting. The panel understood this to be a direction by Social Work England under rule 16(d). The panel therefore proceeded to conduct this review as a meeting in accordance with that determination.
15. When considering the matter of proceeding with this review as a meeting, the panel noted that Mr Parnell had not attended the final hearing on the grounds that he had retired and that he had expressed an intention not to return to social work and a wish to be removed from the Register.

Background:

16. The allegations against Mr Parnell arose from a referral made on 3 January 2020 to Social Work England by Coventry City Council (the “**Council**”), where, at the time of the events to which the allegations relate, Mr Parnell worked as a case manager and grade 7 social worker in adult social care.
17. The allegations concerned Mr Parnell’s handling of the case of Service User A, which was allocated to him in September 2018. Service User A resided in NG Care Home and had dementia. The social worker previously responsible for the case had referred a possible safeguarding issue in relation to Service User A’s finances to the Council’s financial assessments team. When Service User A’s case was allocated to Mr Parnell, his team leader informed him that the manager of the financial assessments team had requested that a safeguarding enquiry was launched. It was alleged that Mr Parnell failed to do so.
18. On 29 November 2018, NG Care Home made a safeguarding referral to the Council in relation to Service User A regarding an incident in which another resident of NG Care Home had been found in Service User A’s room lying on top of him during the night shift. Mr Parnell allegedly failed to launch a safeguarding enquiry in relation to this matter.
19. On 21 January 2019, NG Care Home made another safeguarding referral to the Council in respect of Service User A, again regarding an incident in which a resident was found lying on top of Service User A during the night. Again, Mr Parnell allegedly failed to launch a safeguarding enquiry in relation to this matter.

20. It was also alleged that, in relation to each of those safeguarding referrals, Mr Parnell failed to record matters, either in a timely fashion or at all.
21. On 9 April 2023, Mr Parnell made an application to Social Work England for voluntary removal from the Register. The application was refused on 23 May 2023 due to the proximity of the final hearing.

Final hearing panel's findings on facts and grounds:

22. The allegations against Mr Parnell which were considered at the final hearing were as follows:

Whilst registered as a social worker and working at Coventry City Council, you:

1. Failed to respond to safeguarding referrals adequately, or at all, in relation to Service User A on or around:

a. 12 September 2018

b. 4 December 2018

c. 21 January 2019

2. Failed to maintain proper and adequate records in relation to Service User A.

23. The panel of adjudicators who conducted the final hearing found allegation 1 proved and Mr Parnell admitted allegation 2.
24. The final hearing panel also found that Mr Parnell's conduct as described in allegations 1 and 2 amounted to misconduct and the, by reason of that misconduct, his fitness to practise was impaired.

Final hearing panel's findings on impairment:

25. The final hearing panel made the following findings with regard to impairment:

132. In relation to the first [personal] component the panel determined that Mr Parnell has in the past/is liable in the future to place service users at unwarranted risk of harm. The panel considered that the findings on misconduct at paragraphs 119-128 show that Mr Parnell has acted in a way as to put Service User A at risk of harm. Although there is no evidence before the panel that Mr Parnell's misconduct caused actual harm to Service User A or other service users in NG Care Home, his conduct gives rise to the potential for harm. As the safeguarding referrals were not adequately dealt with, proper risk assessments and analysis was not carried out and nor was there discussion about possible next steps to ensure risks were mitigated.

133. In relation to the question of whether Mr Parnell has in the past brought and/or is liable in the future to bring the profession into disrepute, the panel determined he had. A

significant aspect of public interest is upholding proper standards of behaviour so as not to bring the profession into disrepute. The panel took the view that members of the public would be extremely concerned to learn that a registered social worker working with vulnerable adults has behaved in the manner found in Mr Parnell's case. The public, including fellow professionals expect safeguarding matters to be dealt with in an adequate and timely way to ensure vulnerable people are protected.

134. In finding that Mr Parnell did not behave and conduct himself in such a way as to adhere to the HCPC professional standards, the panel determined that he had breached fundamental tenets of the social work profession. The panel considered that adequately responding to safeguarding concerns and keeping records of the same are fundamental social work skills.

135. The panel considered the extent to which the misconduct in this case can be and has been remediated by Mr Parnell and whether it is likely to be repeated. The panel took into account the written evidence provided by Mr Parnell which was supported by a letter confirming his retirement from the Council.

136. The panel accepted that Mr Parnell has undertaken relevant training courses relating to adult care and safeguarding as described in his written evidence. Whilst the panel did not have independent evidence of the training, it placed reliance on Mr Parnell's previous good character. It also took into account that such courses would have been highly relevant on his return to work at the Council as he describes having become deskilled whilst suspended from the Council during its investigation.

137. The panel took into account that Mr Parnell has engaged with Social Work England, although he has not attended the final hearing indicating the reason for that as being his retirement from the Council and from social work. He had a career in social work for over twenty years and the allegations dealt with in this case relate to a very narrow window of time within that.

138. Whilst Mr Parnell has exercised his right to deny the facts relating to allegation 1, that did not prevent him from considering the impact that his alleged (now proved) conduct had or could have had on Service User A, other residents at NG Care Home, the Council and the wider public. The panel found Mr Parnell's written reflections to primarily focus on how the fitness to practise and Council investigations had impacted on him. He focuses his written evidence on a failure to record the initial telephone calls to the finance team and NG Care Home and the fact that Service User A was not harmed.

139. The panel determined that Mr Parnell had not fully understood the seriousness of his misconduct or understood what his role was within the incidences. The panel found that Mr Parnell had demonstrated limited insight on the impact his failings had or could have had on Service User A and the wider public. He does not recognise what went wrong or his responsibility in the events. The panel were not confident or assured that Mr Parnell appreciated what he should have done differently or how he would react if the same

situation were to occur. Whilst his written evidence talks about ensuring he now makes a record of telephone calls, there is no mention of completing SG1 forms or any steps he would take when dealing with safeguarding referrals in future. Nor does he set out what he would do should he find himself in a similar situation where he was struggling with his workload.

140. The panel concluded that there is a risk of Mr Parnell repeating such behaviour as he has not shown understanding of how his failings and conduct has impacted on service users and the wider public. Although the misconduct in this case is capable of remediation, in the absence of fully developed insight and remediation the panel determined the risk of repetition remains. The panel did take into consideration that Mr Parnell has now retired from the Council, and he has indicated that he is retiring from social work. Whilst this may be the case it remains open for Mr Parnell to reconsider his retirement and return to practise as a social worker if he so chooses. Therefore, retirement of itself does not reduce the risk of repetition.

141. The panel determined that Mr Parnell's fitness to practise is currently impaired on the grounds of his misconduct.

142. The panel next considered whether a finding of current impairment was necessary in the public interest. The panel was mindful that the public interest encompassed not only public protection but also the declaring and upholding of proper standards of conduct and behaviour as well as the maintenance of public confidence in the profession. It took into account the guidance in Grant at paragraph 74:

'In determining whether a practitioner's fitness to practise is impaired by reason of misconduct, the relevant panel should generally consider not only whether the practitioner continues to present a risk to members of the public in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.'

143. The panel considered its findings in relation to misconduct and the impact Mr Parnell's conduct could have had on the wider public as per AS's oral evidence. The panel took into account that social workers have a responsibility to provide support to vulnerable people and part of that is ensuring their safety. It is essential to the effective delivery of social work that the public can rely on social workers to deal with safeguarding referrals effectively. Safeguarding lies at the heart of social work practice.

144. The panel considered that members of the public, even if they knew the full facts of Mr Parnell's mitigation and otherwise unblemished career, would be concerned if the Regulator were not to mark the seriousness of Mr Parnell's misconduct with a finding of current impairment on public interest grounds. The panel therefore decided on the public interest element of impairment that Mr Parnell's fitness to practise is currently impaired.

Final hearing panel's findings on sanction:

26. The final hearing panel made the following findings with regard to sanction:

151. The panel identified the following mitigating factors:

- Mr Parnell had raised the issue of his high and complex case load which was not reduced during the time period to which the facts found proved relate.*
- Mr Parnell's managers were aware of his health issues which date back to 2016 but only limited adjustments were made to support him.*
- Mr Parnell had had no previous concerns raised about his practice before the events to which these proceedings relate during his twenty-two-year social work career.*
- Mr Parnell has completed some relevant training since the time of the events occurring.*

152. The panel identified the following aggravating factors:

- The repetition and related nature of the facts.*
- Mr Parnell's limited insight and remediation.*
- Mr Parnell's failings had placed service users at risk of harm.*

153. The panel first gave careful consideration as to whether it would be appropriate to conclude the case with no action and had regard to paragraph 95 of the Sanctions guidance. Given its findings in relation to misconduct and impairment, the panel determined that to conclude the case with no action would send out the wrong message to the public, the profession, and Mr Parnell about what is an acceptable standard of conduct. It would not achieve the aims of Social Work England's primary objective to protect the public and specifically to:

- a. Protect, promote, and maintain people's health and wellbeing.*
- b. Promote and maintain public confidence in social workers in England.*
- c. Promote and maintain proper professional standards for these social workers.*

154. The panel concluded that a sanction which did not restrict Mr Parnell's practice would not meet the need to protect the public and the public interest given the serious concerns found in this case which relate to safeguarding. It therefore found that issuing Mr Parnell with advice or a warning would not be appropriate.

155. The panel went on to consider whether a conditions of practice order would be appropriate. Whilst the failures in practice found in this case are capable of remediation the panel would need to be satisfied that Mr Parnell would fully engage and comply with the conditions. Mr Parnell has not participated at this final hearing and taking into account his consistent message that he has no intention to return to social work practice, the panel had only limited evidence that Mr Parnell would be able or willing to comply with a conditions of

practice order if imposed. The panel reminded itself that it had found Mr Parnell has shown only limited insight into his failings and that the risk of repetition remains. Therefore, the panel could not devise any conditions that would protect the public and the public interest in these circumstances.

156. The panel next considered whether a suspension order would be sufficient to meet the risks identified in Mr Parnell's case. The panel took into account that whilst it had found the concerns do represent a serious breach of the professional standards, Mr Parnell has developed limited insight, and has undertaken some training courses indicating a willingness to remediate his failings in part. The panel considered the guidance at paragraphs 136-137 of the Sanctions guidance and accepted the submissions of Social Work England that a suspension order would be an appropriate and proportionate sanction.

157. The panel considered the length of the suspension order to impose keeping in mind that orders can be imposed for up to three years. The panel reminded itself that its findings in this case were primarily aimed at maintaining confidence in the profession and ensuring that professional standards are observed. The panel recognised that it is in the public interest to support skilled social worker to return to practise if this can be achieved safely and took into account the risk of de-skilling. Whilst Mr Parnell has indicated that he has retired from the Council, the panel kept in mind its finding that he could reflect and change his mind about his decision to retire from the social work profession. The panel concluded that a six-month suspension order would be proportionate. Six months would mark the seriousness of the misconduct to the public but also allow Mr Parnell an opportunity to further develop his insight and attempt to address the impairment in his fitness to practise should he wish to do so.

158. The panel took into account that a suspension order might cause Mr Parnell financial and reputational hardship but concluded that the protection of the public outweighs the harm that might be caused to Mr Parnell by the imposition of this order.

159. To satisfy itself that a suspension order is the appropriate and proportionate order, the panel considered the Sanctions guidance on removal orders. The panel did not consider that removal of Mr Parnell from the Social Work Register at the present time was the only way of protecting the public and the public interest. It took into account the mitigating circumstances it had found in this case and reminded itself that the misconduct it had found was over a limited period of time after a long career. Therefore, the panel considered removal from the Social Work Register would be disproportionate.

160. The panel would encourage Mr Parnell to re-engage with Social Work England and attend at the hearing that will be held to review this order. The panel is of the view that the following actions would help a future panel (undertaking the review) to establish whether Mr Parnell's practice remains impaired:

a) A written reflective statement from you (Mr Parnell) specifically addressing your insight to the facts found proved and demonstrating the impact your failings had or may have had on service users, the public and the profession.

b) Any remediation in relation to safeguarding and record keeping. This could include learning and development specifically targeted at those areas of social work in which failings were identified.

c) Recent testimonials and/or references from people involved with any paid or unpaid work you carry out in the social work field.

Submissions on behalf of Social Work England:

27. The notice of this review contained submissions made by Capsticks LLP on behalf of Social Work England, which invited the panel to make a removal order in respect of Mr Parnell. Having received Mr Parnell's written submissions for this review, Capsticks LLP, on 15 November 2023, sent to Mr Parnell the following revised submissions:

In the Notice of Hearing dated 23 October 2023, Social Work England submitted that it is a matter for the Panel to determine whether a Removal Order, or an extension of the existing Substantive Suspension Order for a period of six months, is appropriate.

Since the Notice of Hearing was served, the Social Worker has contacted Social Work England to confirm that they have re-submitted their voluntary removal application (on 10 November 2023), that they have retired, and they have no intention to return to social work. However, due to the proximity to the review hearing on 21 November 2023, it is unlikely that the voluntary removal application will be processed in advance of the review.

As outlined in the Notice of Hearing, the Final Hearing Panel made a number of recommendations for the Social Worker to engage with that it considered may assist a reviewing Panel. The Social Worker has not engaged with these recommendations, instead, the Social Worker has reaffirmed their intention to be removed from the Social Work England register. As such, there is no new evidence is available to undermine the finding of impairment by the previous Panel. Accordingly, in Social Work England's submission, the Social Worker's fitness to practise remains impaired.

In light of the above circumstances, Social Work England invite the Panel to consider that a Removal Order is now appropriate. There is no indication that the Social Worker will engage with the recommendations of the previous Panel since they do not wish to return to social work practice, so Social Work England submit that a further period of suspension would be inappropriate.

Submissions from Mr Parnell:

28. On 6 November 2023, Mr Parnell sent email to Social Work England attaching the following submissions:

I am just informing the panel that I will not be attending the hearing.

As mentioned prior to the original hearing which I didn't attend, I retired from work after 25 years as a Qualified Social Worker in May 2023, which was my reason for not attending the original hearing.

Due to my retirement I will not be working again as a Social Worker.

The 6 month suspension runs out in January 24 I believe, however my re-registration is due at the end of November 2023. Due to my retirement last May I will not be renewing my registration at the end of November.

I will again submit my original application to 'Voluntary withdraw' from the register which was declined due to the pending original hearing. I will not be submitting an updated request as my circumstances have not changed from the time I submitted the original request, so will submit the original one for consideration.

If the 'voluntary removal request is granted that will be great, however my registration will expire at the end of November regardless as I will not be applying to renew it.

I would just like to add that working as a Social Worker for the past 25 years has been rewarding and challenging in equal measure, but it has always been by decision to retire after 25 years and when I reached the age of 60 years. Which I have now done.

Legal advice on the review process

29. The panel heard and accepted the advice of the Legal Adviser with regard to the procedure which it should follow, and the matters which it should consider, when conducting reviews of final orders under paragraph 15(1) of Schedule 2 to the Social Workers Regulations 2018.
30. In giving his advice, the Legal Adviser referred the panel to the section on final order reviews found at paragraphs 213 to 218 of Social Work England's Impairment and Sanction Guidance (the "**Guidance**") and to the case of *Khan v General Pharmaceutical Council [2017] 1 WLR 169 SC (Sc)*, in which the court stated "... The focus of a review is upon the current fitness of the registrant to resume practice, judged in the light of what he has, or has not, achieved since the date of the [original order]. The review committee will note the particular concerns articulated by the original committee and seek to discern what steps, if any, the registrant has taken to allay them during the period of [the original order]. The original committee found that his fitness to practice was impaired. The review committee asks, "Does his fitness to practice remain impaired?"
31. The panel understood from the Legal Adviser's advice that:

- the panel must first decide whether Mr Parnell's fitness to practise remains impaired; and
- if the panel decides that Mr Parnell's fitness to practise is no longer impaired, it may revoke the existing final suspension order with immediate effect or it may make no order and allow the existing suspension order to expire at the end of its term; or
- if the panel decides that Mr Parnell's fitness to practise remains impaired, it must then decide which of the measures available to it would be appropriate and proportionate in the circumstances.

Panel's decision and reasons on current impairment:

Legal advice on impairment

32. The panel heard and accepted the advice of the Legal Adviser on impairment. That advice included the following points:
- The existence of impairment is a matter for the panel's own independent judgment or assessment and, in considering whether Mr Parnell's fitness to practise remains impaired, the panel should take account of the Guidance.
 - Given the three elements of Social Work England's overarching objective of 'protection of the public', the panel should consider, not only whether Mr Parnell's misconduct still poses a risk to the health, safety and well-being of the public, but also whether his fitness to practise remains impaired in the sense that a finding of impairment is still required in order to maintain public confidence in, or proper professional standards for, social workers in England.
 - In line with the decision in *Cohen v GMC [2008] EWHC 581 (Admin)*, the panel should consider whether Mr Parnell's misconduct (a) is easily remediable; (b) has already been remedied; and (c) is highly unlikely to be repeated.
 - When determining the third of those points, the panel should consider the factors mentioned in paragraphs 16 to 63 of the Guidance, which include any admissions or expressions of remorse on the part of Mr Parnell; any previous regulatory findings against Mr Parnell and his conduct since the final hearing; and any evidence of insight and remediation on the part of Mr Parnell.

Panel's decision on impairment

33. In considering the question of current impairment:
- The panel had regard to all of the documentation before it, as well as to the submissions made on behalf of Social Work England, the submissions from Mr Parnell and the advice given by the Legal Adviser.

- The panel undertook a comprehensive review of the final suspension order in respect of Mr Parnell in the light of the current circumstances.
 - The panel took into account the decisions and reasons of the adjudicators who had made the final suspension order, whilst exercising its own judgement in relation to the matters to be determined.
34. The panel noted that the final hearing panel had decided that Mr Parnell's fitness to practise was impaired both in terms of the need to protect the health, safety and well-being of the public and in terms of the need to maintain public confidence and proper professional standards.
 35. The panel first considered whether Mr Parnell's fitness to practise remained impaired in the sense that his misconduct remained a risk to the health, safety and well-being of the public.
 36. In that regard, the panel noted that Mr Parnell's misconduct included failures to undertake safeguarding enquiries when required to do so. The panel considered that failures of this nature were serious and clearly posed a risk to the health, safety and well-being of any service user concerned, as they could result in safeguarding risks to the service user not being identified and appropriate measures not being implemented to address those risks and provide support.
 37. The panel then considered whether the risk of Mr Parnell's conduct being repeated had changed since the final hearing. In that regard, the panel considered whether any concerns had arisen about Mr Parnell's conduct (other than those to which these proceedings relate); whether he had developed insight into his misconduct; and whether he had remedied his misconduct.
 38. In relation to the first of those matters, the panel noted that, at the time of the final hearing, there were no previous regulatory or criminal findings against Mr Parnell and that, since then, no other concerns had arisen and his misconduct did not appear to have been repeated. However, this could be explained by his having retired from social work shortly before the final hearing and being suspended from practice since that hearing.
 39. In terms of remedying his misconduct, the panel noted that, although the final hearing panel has accepted that Mr Parnell's submission that he had undertaken some remedial training even though he had not produced any supporting certificates, it had nevertheless suggested that the present panel would be assisted by his undertaking remediation in relation to safeguarding and record keeping. However, Mr Parnell had not produced any evidence of having undertaken any such remedial activity.
 40. With regard to insight:
 - The panel noted that the principal reason for the final hearing panel's finding of impairment was Mr Parnell's lack of insight. In particular, the final hearing panel considered that Mr Parnell's written reflections primarily focused on how both the Council's investigation and the fitness to practise investigation had affected him and

had demonstrated limited insight on his part into the impact his failings could have had on Service User A and the wider public. The final hearing panel also considered that Mr Parnell had not fully understood the seriousness of his misconduct; did not recognise what went wrong or his responsibility for it; and had not appreciated what he should have done differently or how he would react if the same situation were to occur again.

- As a result of its findings regarding Mr Parnell's lack of insight, the final hearing panel had suggested that the present panel would be assisted by Mr Parnell providing a written reflective statement, specifically addressing his insight into the facts found proved and demonstrating an understanding of the impact that his failings had, or may have had, on service users, the public and the profession. However, Mr Parnell had not provided such a statement or any other evidence that he had developed any meaningful insight into his misconduct and its potential effects. On the contrary, his written submissions confirmed his retirement from social work and his wish to be removed from the Register.

41. Similarly, Mr Parnell had not acted on the final hearing panel's suggestion that the present panel should be provided with testimonials or references, which could attest to his developing insight into his misconduct and taking steps to remedy it.
42. In the circumstances, although Mr Parnell's misconduct was very remediable, there was no evidence before the panel to show that he had taken any steps to do so, or to develop insight into his misconduct, since the final hearing. As a result, the panel considered that there remained a material risk of Mr Parnell's misconduct being repeated, if he were allowed to practise without restriction.
43. Given the risk which Mr Parnell's misconduct posed to the health, safety and well-being of service users, and given the risk of that misconduct being repeated, the panel concluded that Mr Parnell's fitness to practise remained impaired in terms of the need to protect the health, safety and well-being of the public.
44. Given the panel's conclusion that Mr Parnell's misconduct had not been remedied and still posed a risk to service users, the panel considered that informed and reasonable members of the public would be concerned if he were allowed to return to unrestricted practice. Accordingly, the panel concluded that Mr Parnell's fitness to practise remained impaired in terms of the need to maintain public confidence in social workers.
45. For the same reasons, the panel considered that professional standards for social workers would be compromised if Mr Parnell were allowed to practise again without restriction. Accordingly, the panel concluded that Mr Parnell's fitness to practise remained impaired in terms of the need to maintain proper professional standards for social workers.

Panel's decision and reasons on sanction:

Legal Advice on Sanction

46. The panel heard and accepted the advice of the Legal Adviser on sanction.
47. The panel understood from that advice that, as it had found that Mr Parnell's fitness to practise remained impaired, it could, under paragraph 15(1) of Schedule 2 to the Social Workers Regulations 2018 (as amended):
 - extend the existing suspension order by a period of up to three years;
 - replace the existing suspension order by a conditions of practice order (which, by implication, should be for a period of up to three years); or
 - make any order which the adjudicators could have made when they made the existing suspension order, again for a period of up to three years. (In this regard, the adjudicators could have made a "final order", which, pursuant to paragraph 13(1) of Schedule 2 to the Social Workers Regulations 2018, could be a warning order, a conditions of practice order, a suspension order or a removal order).
48. The panel also understood from the Legal Adviser's advice that, when determining the action which it should take, it should act in accordance with the Guidance, in particular, the section on sanction.

Panel's decision on sanction

49. In terms of sanction, the panel considered the measures available to it in ascending order of severity.
50. As the panel had found that Mr Parnell's impaired fitness to practise still posed a risk to the health, safety and well-being of the public, it did not consider that a warning order would be appropriate, as such an order would not restrict his ability to practise as a social worker nor otherwise manage the risk to service users posed by his impairment. For the same reason, the panel considered that a warning order would not be sufficient to maintain public confidence and proper professional standards.
51. The panel considered that a conditions of practice order could be appropriate in circumstances such as the present, where a social worker needed to improve aspects of their practice in order to practise safely. However, the panel concluded that, in the present case, replacing the current final suspension order by a final conditions of practice order would serve no useful purpose given Mr Parnell's insistence that he has retired from social work, his wish to be removed from the Register and his resulting lack of interest in developing insight into, and remedying, his misconduct.
52. The panel considered that the extension of the current final suspension order would similarly serve no useful purpose. It appeared from the evidence (or lack of evidence) before the panel that Mr Parnell had not used the time afforded by the current suspension to

develop insight into, and remedy, his misconduct. For the reasons given above in relation to conditions of practice, it seemed equally clear to the panel that he would not use the additional time afforded by an extension of the current suspension for those purposes either. When arriving at its decision not to extend the final suspension order, the panel bore in mind paragraph 138 of the Guidance, which states that suspension is likely to be unsuitable in circumstances where the social worker has not demonstrated any insight and remediation and there is limited evidence to suggest they are willing, or able, to resolve or remedy their failings.

53. The panel noted from the review bundle that (i) in April 2023, Mr Parnell had applied to have his entry voluntarily removed from the Register but that application had been refused because of the proximity of the final hearing and the desirability of having the strength of the case against Mr Parnell tested at such a hearing and (ii) on 10 November 2023, Mr Parnell had re-submitted the same application. Therefore, in arriving at its decision not to extend the current final suspension order, the panel also considered whether such an extension was appropriate in order to allow time for that application to be processed so that, if it were successful, the record would show that Mr Parnell had been removed from the Register at his own request rather than as a result of fitness to practise proceedings. However, the panel decided that an extension on those grounds would not be appropriate as the panel doubted whether Mr Parnell's application for voluntary removal would succeed. This was because, in the application form which he had submitted, he had (i) wrongly stated that the final hearing of the allegations against him was yet to occur and that he was not currently subject to a suspension order and (ii) stated that he did not accept the allegation concerning his failure to conduct safeguarding enquiries or that his fitness to practise was impaired, whereas both of those matters had been established at the final hearing.
54. The panel also considered that Mr Parnell had already had an opportunity to avoid this situation by acting on the final hearing panel's recommendations regarding the things which would assist the present panel. Had Mr Parnell produced a persuasive reflective piece, evidence of appropriate remediation and supporting testimonials, it was highly likely that the present panel would have found that his fitness to practise was no longer impaired and revoked the current final suspension order. This would have brought the fitness to practise proceedings against Mr Parnell to an end which would, in turn, have made it more likely that an updated application for voluntary removal would succeed.
55. The panel then moved on to consider whether a removal order was appropriate. In this regard, it appeared from Mr Parnell's submissions and from his conduct since the final hearing that he was unlikely to take any steps towards developing insight into, and remedying, his misconduct in the future. Therefore, given that Mr Parnell's fitness to practise remained impaired by reason of his misconduct and that there was no indication that this situation would change, the panel considered that it was appropriate and proportionate to remove Mr Parnell from the Register in order to protect the health, safety

and well-being of the public and maintain public confidence and proper professional standards and that no other order would be sufficient for those purposes. The panel considered that this decision was in line with paragraphs 148 of the Guidance which stated that, depending on the circumstances of the case, *“in the absence of improved insight or other remediation upon review, a removal order may be an appropriate sanction”*.

56. Moreover, Mr Parnell, in his written submissions and in other communications with Social Work England and its solicitors, had stated that he had retired from social work and wished to have his name removed from the Register. In the circumstances, the panel also considered that making a removal order would be in line with paragraph 149 of the Guidance, which states *“A removal order may be appropriate in cases involving ... 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)”*.
57. **ORDER: that Mr Parnell’s entry be removed from the Register with effect from the expiry of the existing final suspension order in respect of him.**
58. In passing, the panel noted that, in his written submissions of 6 November 2023, Mr Parnell had stated that his registration as a social worker would, in any event, lapse when it fell due for renewal as he did not intend to renew it. However, regulation 13(2) of the Social Workers Regulations 2018 states that Social Work England must remove a registered social worker’s entry from the register where they fail to renew their registration unless, among other things, they are, as in the present case, subject to fitness to practise proceedings or to a suspension order.

Right of Appeal:

59. Under paragraph 16(1)(a) of Schedule 2 to the Social Workers Regulations 2018 (as amended), the social worker may appeal to the High Court against:
- (a) the decision of adjudicators:
 - i. to make an interim order, other than an interim order made at the same time as a final order under paragraph 11(1)(b),
 - ii. not to revoke or vary such an order, or
 - iii. to make a final order; and
 - (b) the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.
60. Under paragraph 16(2) of Schedule 2 to 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.

61. Under Paragraph 15(1A) of Schedule 2 to the Social Workers Regulations 2018 (as amended), where a social worker appeals against a decision made under sub-paragraph 15(1), the decision being appealed takes effect from the date specified in that sub-paragraph notwithstanding any appeal against that decision.
62. This notice is served in accordance with rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

The Professional Standards Authority:

63. Please note that in accordance with section 29 of the National Health Service Reform and Health Care Professions Act 2002, a final 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>.