

Social worker: Riffat Sultana
Ismail

Registration number: SW51441

Fitness to Practise

Final Order Review meeting

Date of meeting: 11 January 2024

meeting venue: Remote meeting

Final order being reviewed:

Suspension order – (expiring 24 February 2024)

Hearing Outcome: The panel imposed a new order namely a removal order
with effect from the expiry of the current order.

Introduction and attendees:

1. This is the first review of a final suspension order originally imposed for a period of 18 months by a panel of adjudicators on 27 July 2022.
2. Ms Ismail 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
Catherine Boyd	Chair
Natalie Williams	Social worker adjudicator

Hearings team/Legal adviser	Role
Titlee Pandey	Hearings officer
Khadija Rafiq	Hearings support officer
Gerard Coll	Legal adviser

Service of notice:

4. Ms Ismail did not attend and was not represented.
5. The panel of adjudicators (the panel) were provided with the following bundles of documents:
 - 1.1 Substantive Order Review Bundle of 92 pages;
 - 2.1 Service Bundle SOR of 11 pages.
6. 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 8 December 2023 and addressed to Ms Ismail at her email address which she provided to Social Work England;
 - an extract from the Social Work England Register as of 8 December 2023 detailing Ms Ismail's registered email address which matched the delivery address above;

- a copy of a signed statement of service, on behalf of Social Work England, confirming that on 8 December 2023 the writer sent by email to Ms Ismail at the email address referred to above: notice of hearing and related documents;

The panel accepted the advice of the legal adviser in relation to service of notice in accordance with Social Work England Fitness to Practise Rules 2019 (as amended) (the rules). Having had regard to rules 16, 44, and 45 of 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 Ismail in accordance with the rules.

Proceeding with the final order review as a meeting:

7. The notice of final order review informed Ms Ismail that the review would take place as a meeting. The notice stated:

*“If you would like to attend before the adjudicators in order to make oral submissions, please confirm your intention **by no later than 4pm on 22 December 2023. Unless we hear from you to the contrary, we shall assume that you do not want to attend a hearing and Social Work England may decide to deal with the review as a meeting.** If Social Work England do hold a meeting, the adjudicators will be provided with a copy of this letter setting out Social Work England’s submissions and a copy of any written submissions you provide.”*

8. The panel received no information to suggest that Ms Ismail had responded to the notice of final order review, nor had there been a request for an adjournment.
9. The panel heard and accepted the advice of the legal adviser with regard to rule 16(c) of the rules) which provides:

“Where the registered social worker does not state within the period specified by the regulator whether they intend to attend before the regulator, the regulator may determine whether to make an order by means of a meeting.”
10. The panel was satisfied that it would be fair and appropriate to conduct the review in the form of a meeting in accordance with rule 16(c).

Preliminary matters:

11. The panel accepted the advice of the legal adviser and decided that any reference to Ms Ismail’s physical or mental health would be heard in private in terms of rule in accordance with rule 38. (a) (ii).

Review of the current order:

12. This final order review hearing is taking place under paragraph 15(1) of Schedule 2 of The Social Workers Regulations 2018 (as amended) (the regulations) and in accordance with the rules.
13. The current order is due to expire at the end of 24 February 2024.

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

14. The following allegations were found proved:

While registered as a social worker, working at Wakefield Council, you:

- 1. On 21 November 2019 failed to take appropriate safeguarding action in relation to Child A who had non-accidental injuries, placing Child A at risk of harm;*
- 2. In relation to matters at RC1, misled Colleague A by stating Child A could stay at their family home on the evening of 21st November 2019, and that this had been agreed with Manager A which was not the case;*
- 3. Between 1 June 2019 and 30 November 2019, you failed to meet required practice standards in that you:*

a) ...:

i. ...:

a. ...;

b. ...;

c. ...;

b) Made inaccurate and/or incomplete recordings of information in case records for:

i. Child 6 on visit B, by recording that the visit had taken place at school but selecting that the child was seen at home and that their bedroom had been seen;

ii. Child 9 on visit A, by indicating that the child's bedroom had not been seen but providing no explanation as to why;

iii. Child 11 on visit B, by:

a. recording that the visit had taken place at school when it had not;

b. ...;

iv. Child 16 on visit A, by failing to fully complete the visit form.;

v. Child 16 on visit B, by failing to fully complete the visit form;

- vi. *Child 17 on visit A, by failing to fully complete the visit form;*
- vii. *Child 17 on visit B, by failing to fully complete the visit form;*
- c) *Conducted visits outside of the children's family homes contravening practise[sic] standards that state all statutory visits should take place at their homes, in respect of the following Children:*
 - i. *Child 1:*
 - a. *On visit A, conducted the visit at the child's school;*
 - b. *On visit B, conducted the visit at the child's school;*
 - ii. *Child 2:*
 - a. *On visit B, conducted the visit at the child's school;*
 - iii. *Child 3:*
 - a. *On visit A, conducted the visit at the child's school;*
 - iv. *...:*
 - a. *...;*
 - b. *...;*
 - c. *...;*
 - d. *...;*
 - v. *Child 6:*
 - a. *On visit A, conducted the visit at the child's school;*
 - b. *...;*
 - c. *On visit C, conducted the visit at the child's school;*
 - vi. *...:*
 - a. *...;*
 - vii. *Child 8:*
 - a. *On visit A, conducted the visit at the child's school;*
 - b. *On visit D, conducted the visit at the child's school;*
 - viii. *Child 10:*

- a. *On visit A, conducted the visit at the child's school;*
 - ix. *Child 11:*
 - a. *...;*
 - b. *On visit C, conducted the visit at the child's school;*
 - x. *Child 12:*
 - a. *On visit A, conducted the visit at the child's school;*
 - xi. *Child 13:*
 - a. *On visit A, conducted the visit at the child's school:*
 - xii. *...:*
 - a. *...;*
 - xiii. *Child 15:*
 - a. *On visit A, conducted the visit at the child's school;*
 - xiv. *Child 16:*
 - a. *On visit B, conducted the visit at the child's school;*
 - xv. *Child 17:*
 - a. *On visit A, conducted the visit at the child's school;*
 - b. *On visit B, conducted the visit at the child's school;*
 - 4. *Your conduct at the following charges was dishonest:*
 - a) *Charge 2.*
 - b) *Charge 3(a)*

Your actions at 1-4 above amount to misconduct, and by reason of your misconduct your fitness to practise is impaired.

The final hearing panel on 27 July 2022 determined the following with regard to impairment:

- 15. The panel finds that Ms Ismail has demonstrated very limited insight into her general standards of practice and specifically her behaviour on 21 November 2019. She has not provided a reflective piece to the panel, despite indicating she made a mistake and can learn

from it. The panel was also troubled that she considered it acceptable that her decision to leave Child A at home on 21 November 2019 was “*delayed but not abandoned*” because she offered to return to transport Child A if further instructed to do so by management.

16. In respect of the matters found to have amounted to lack of competence (i.e. record keeping), the panel was satisfied that her practice was capable of remediation. However, she has produced no evidence that her persistent failures have been remedied. She has also produced no evidence of training in record keeping, nor any proper understanding of the possible impact on service users of her insufficient and inaccurate recording. She appears to have very limited insight into her incompetent practice in respect of case recording, and how to prevent such behaviour in the future. Without appropriate insight and understanding, the effectiveness of any remediation would be limited.
17. Allegations 1 and 2 however had been judged to amount to misconduct, with allegation 2 also being found to be dishonest by virtue of allegation 4(a). The panel was mindful that dishonesty is extremely difficult to remedy, and in this instance Ms Ismail has not accepted any dishonesty despite the inconsistencies identified and set out within this determination. The panel was also concerned as to Ms Ismail’s lack of insight into the differing expectations on her as a senior social worker, and Witness NH in her ASYE, and her own duty to model safe and appropriate practice.
18. The panel concluded, in the absence of attendance by Ms Ismail, that she lacked insight into her conduct, dishonesty and competence. There was no evidence of meaningful remediation and therefore limited assurance to the panel that the shortcomings would not be repeated. Her conduct had placed a vulnerable child at real risk of harm and there had been very limited information as to why Ms Ismail had behaved as she did. This may have been attributable to her health and concerns about doing the right thing, but there was simply no evidence before the panel in this regard. It considered that she would, on the information currently available to it, pose a risk to the public if allowed to return to practice unrestricted. It therefore found Ms Ismail to be impaired on the “personal” aspect of the test for impairment.
19. In considering the public component of impairment, the panel had regard to the important public policy issues which include the need to maintain confidence in the profession and declare and uphold proper standards of conduct and behaviour. It considered that members of the public and members of the profession would be concerned to learn that a social worker had been found to lack competence in relation to case recording over a sustained period of time. The panel also concluded that members of the public and of the profession would be concerned at a finding of misconduct, some of which was dishonest. It determined that public and professional trust and confidence in the profession, professional standards, and the regulator would be undermined if a finding of impairment was not made.
20. The panel concluded that a reasonable member of the public, having knowledge of all of the above factors, would be shocked if Ms Ismail’s ability to practise was not found to be impaired on the public component of impairment. Further, to uphold the standards of the profession and public confidence in the profession and the regulator, it was necessary to

mark the disapproval of her conduct. Accordingly, the Panel found Ms Ismail's fitness to practise is currently impaired on the public aspect of the test for impairment.

21. In the absence of current and meaningful information relevant to the shortcomings in practice it had identified, the panel found that Ms Ismail's fitness to practise is currently impaired on the basis of both the personal and public component.

The final hearing panel on 27 July 2022 determined the following with regard to sanction:

22. The panel therefore moved on to consider whether a conditions of practice order would be appropriate. It was conscious that the purpose of a conditions of practice order is to restrict a social worker's practice to protect the public while requiring them to take remedial action. Imposition of a conditions of practice order means that the panel is satisfied that the social worker may be capable of practising safely and effectively, beyond the conditions, the conditions being remedial or rehabilitative in nature. The sanctions guidance provided by Social Work England does however provide that conditions are most commonly applied in cases of lack of competence or ill health and are less likely to be appropriate in cases of character, attitudinal or behavioural failings. The guidance also states that conditions would generally be insufficient in cases involving dishonesty.
23. The panel considered whether any conditions could be drafted in this case to adequately protect the public from the failings it had identified. It concluded that it would not be possible to draft workable conditions that were not tantamount to a suspension. The panel could not formulate any conditions which would sufficiently mark the serious nature of, and protect the public from, a registered professional misleading a junior colleague, deliberately ignoring a direct management instruction and failing to safeguard a vulnerable child, already at risk of harm, from further harm. Accordingly, the panel found that a conditions of practice order was not an appropriate sanction to impose in this case.
24. The panel concluded that the nature of the misconduct and dishonesty was such that the public and the wider profession would consider anything less than a suspension order to be insufficient.
25. The panel noted that Ms Ismail, in her submissions to the panel for the hearing, maintained that she had something to offer in a caring capacity saying *"I understand the responsibilities of the social worker in protecting the vulnerable children and adults.... I sincerely care about people and would not put anyone at risk on purpose."* While contradicting her earlier representations to Social Work England in respect of voluntary removal, the panel considered that Ms Ismail's recently stated desire to *"develop my skills, build my confidence, and show my competency as a social worker"* showed she may be open to addressing her failings and returning to the profession. It also demonstrated an awareness that some work was required by her. However, the panel considered that she would benefit from further

time to focus on her reflections on these proceedings and her future intentions, and to address the failings identified by the panel.

26. The panel was content that fellow professionals, colleagues, and the public would, if aware of all of the circumstances of this case, recognise that a period of suspension was appropriate and proportionate to allow a professional of a number of years standing with no previous regulatory finding, the opportunity to demonstrate reflection, insight and remediation. It also noted that the sanctions guidance issued by Social Work England provides *“Where possible, it is in the public interest to support the return to practise of a trained and skilled social worker if this can be achieved safely.”*
27. The sanctions guidance also advocates that *“It’s good practice to test the appropriateness and proportionality of a proposed sanction by considering the next sanction up against each of the limbs of the overarching objective that were found to apply at the impairment stage.”* The panel therefore considered whether a removal order was more appropriate in the circumstances, particularly given that Ms Ismail did indicate as recently as April 2022 that she wished to apply for voluntary removal from the register.
28. The panel was mindful that the sanction of removal from the register should only be imposed when no other outcome would be enough to protect the public, maintain confidence in the profession or maintain proper professional standards for social workers. The concerning conduct related to a short period of time and could not be considered persistent or pervasive. It also was not for her own financial gain, though it could potentially have been said for her benefit (i.e. to get her out of the situation on 21 November 2019). It was suggested by Ms Ismail that the dishonest conduct was influenced by her health, though the panel had no independent evidence of this. However, it was not disputed that Ms Ismail had suffered a bereavement in 2019 and then a traumatic event in respect of a family she was closely involved with. The panel also noted that the sanctions guidance indicates that removal orders are not available immediately for impairment which can be remedied. It concluded that if health was a factor influencing Ms Ismail’s dishonest conduct, it was appropriate to allow her the time to demonstrate that this was no longer a factor. **[PRIVATE]** Given all of the above, the panel was satisfied that a removal order would, at this stage, be disproportionate and not in the public interest.
29. Having determined that a suspension order was the appropriate and proportionate sanction to impose, the panel considered the length of time that it should be in place, conscious that it was in the public interest to support the return to practise of a qualified social worker when this can be achieved safely. It determined that anything less than 18 months would be insufficient to mark the serious nature of the misconduct, whereas anything more than this would be punitive and disproportionate in the circumstances. Accordingly, the appropriate length of the suspension order would be 18 months.

Social Work England submissions:

30. The panel read the submissions written by Social Work England in the notice of hearing dated 8 December 2023, which were:

‘Subject to any evidence of insight, reflection and remediation received prior to the review hearing, Social Work England invite the Panel to find that the Social Worker’s fitness to practise remains impaired.

The Social Worker initially made a good start towards remediating the concerns highlighted by the panel, but since March 2023 has not provided any further evidence and since May 2023 has not engaged with Social Work England. She has indicated that she wishes to be removed from the Social Work England register, though a formal voluntary removal application has not yet been received.

In the absence of clear evidence of insight and remediation, Social Work England submit that the Social Worker’s fitness to practise remains impaired as it was at the final hearing.

If the Panel determines that the Social Worker’s fitness to practise remains impaired, and in light of the Social Worker’s request for removal from the register, it is open to the Panel to consider imposing a Removal Order at this stage.

Social Work England will invite the Panel to impose a Removal Order if there is no further engagement, insight, reflection and evidence of remediation from the Social Worker for the purpose of the forthcoming Review.

However, should the Social Worker show a sufficient willingness to engage with the Review and to confirm their commitment to returning to social work practice, the Panel may wish to consider imposing a further short period of suspension [6 months] to allow the Social Worker to show the necessary insight and remediation.’

Social worker submissions:

31. There were no submissions for or on behalf of Ms Ismail

Panel decision and reasons on current impairment:

32. In considering current impairment, the panel undertook an independent and comprehensive review of the final order in light of the current circumstances. It was informed by and took into account the decision of the previous panels. The panel, however, has exercised its own judgement on whether the social worker’s professional practice is still currently impaired today.
33. The panel accepted the legal adviser’s advice. It took into account Social Work England’s ‘Impairment and Sanctions Guidance’.

34. The panel had regard to all of the documentation before it, including the decision and reasons of the original panel. The panel also took account of the written submissions provided by Social Work England.
35. The panel understood that the onus is now on Ms Ismail to satisfy the panel that she is no longer impaired as at today's date. The panel took into consideration what was said by Mrs Justice Cox in the case of *CHRE v NMC and Grant* [2011] EWHC 927 (Admin).
36. In paragraph 74, Cox, J said: *'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.'*
37. In paragraph 116 she said, *'When considering whether fitness to practise is currently impaired, the level of insight shown by the practitioner is central to a proper determination of that issue.'*
38. Insight, the panel understood, has three aspects tied to the supporting objectives of the statutory objective of public safety:
- impact on service users' safety and wellbeing demonstrated by an understanding of the depth of the impact especially in cases where dishonesty is made out, an appropriately thorough acknowledgement of fault and practical measures to address the risks in future,
 - impact on the public's trust and confidence in the profession and reflections, professional development or training that will reassure the public that there is no longer an unaddressed or unidentified risk and that measures are in place to remove the risk of a repeat, and
 - impact on declaring and upholding of professional standards for social workers in England – are the things done by the social worker sufficient in all of the circumstances to reassure the panel that standards are not any longer at risk.
39. The social worker carries the persuasive burden of satisfying the panel that their fitness to practise is no longer impaired. In *Abrahaem v General Medical Council* [2008] EWHC 183 (Admin) at paragraph 23 the court said that *'...the review has to consider whether all the concerns raised in the original finding of impairment through misconduct have been sufficiently addressed to the panel's satisfaction. In practical terms there is a persuasive burden on the practitioner at a review to demonstrate that he or she has fully acknowledged why past professional performance was deficient and through insight, application, education, supervision, or other achievement sufficiently addressed the past impairments.'*
40. The panel kept in mind what was said in the Supreme Court by Lord Wilson said in *Khan v GPhC* [2017] 1 WLR 169 SC (Sc) that:

'The Committee will also need to satisfy itself that the registrant has fully appreciated the seriousness of the relevant breach(es), has not committed any further breaches of the Council's standards of conduct, ethics, and performance, and has maintained their skills and knowledge to date, and that the public will not be placed at risk by resumption of practice or by the imposition of conditional registration. In that case, Lord Wilson also said:

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 suspension. 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 his suspension. The original committee will have found that his fitness to practise was impaired. The review committee asks: "Does his fitness to practise remain impaired"?

It is also noteworthy that, in the fifth report of the Shipman Inquiry, 9 December 2004, Dame Janet Smith, Chair, stated at paragraph 27.267: "Review hearings are extremely important. They are the "teeth" behind the sanctions other than erasure and should focus the doctor's mind on the need to undertake any necessary remediation.'

41. The panel recognised therefore that it should be alive to any material change in position since the last hearing which addresses the risks to the safety of the public.
42. In the event that the panel decided that Ms Ismail's practice is currently impaired then it should consider what sanctions are available and refer to Social Work England's Sanctions.

Current impairment of Fitness to practise

43. The panel first considered whether Ms Ismail's fitness to practise remains impaired.
44. The panel noted that Ms Ismail had initially responded positively to the continued Final Order. On 15 December 2022, Ms Ismail initiated the early review request process and in an email dated 11 January 2023, she submitted:

'I have been working as family support worker since beginning of August 2022. I am working in a team of about 20 workers. Our team is statutory but our service provision is voluntary. We take whole family support approach but mainly work with children.

I have been supporting up to 16 children on my caseload. I had cases which were step down from the social care for ongoing support. We also escalate cases to social care if there are safeguarding concerns.

In the last 5 months I have been on a number of trainings such as risk, assessment and planning, trauma informed practice, disguise compliance and DV informed practice. I book myself regularly on trainings that are discussed monthly in supervisions.

I am feeling much better emotionally as I have a very supportive team and management. My manager is prepared to submit a report of my progress at work to support me to get my SW registration back.

There are a number of job opportunities within the council that does not require SW registration but I feel privileged to be part of a regulatory BODY that has changed me as a person. I would have never been the person that I am today. Through social work knowledge, I am able to see the world from different perspectives without being judgemental.

When I was going through FTP process, I felt overwhelmed with emotions and just couldn't attend any panels but through the process, I was able to know myself better. I am a very resilient person and my commitment to work with vulnerable people to help them is as strong as ever before. It was hard on many levels to start all over again but in the end it was worth all the difficulties.'

45. On 6 February, Ms Ismail followed this up with a telephone discussion with Social Work England which was recorded as:

'Riffat Ismail (RI) asked me what the process is once she has sent her evidence and request for an early review. I advised RI that I will submit her request for consideration and as soon as I have a response I will get back to her. RI asked how long it takes for an early review to take place if it is granted, I advised RI that I cannot give a specific timeframe but it could take a few weeks.

RI explained that she is now working in a social care role, and she is starting to get back into the routine and rebuild her confidence. RI told me that it takes time to rebuild confidence after going through the fitness to practise process and being out of work. I advised RI that if [sic] she has any evidence from her non-social work role that she feels would be relevant to the next review panel she can send it me.

RI asked when her next review would be if an early review is not granted. I advised RI that it would likely take place at the end of the year or early 2024. RI acknowledged this.

RI thanked me for calling her and said that she feels better after having a conversation with me. I said to RI that she can call me any time with any further questions, RI thanked me.'

46. On 13 March 2023, Ms Ismail developed her submissions in support of an early review by submitting a reference dated 3 March 2023 from her current team manager in the department of Children's Services at City of Bradford Metropolitan District Council which stated, among other things, that '*...I feel so lucky and proud to have Riffat as part of my team.*'

'Riffat has been working with us since the beginning of August 2022. She became part of the team very quickly and demonstrated her knowledge and ability to work with the service users in a professional manner, gather information constructively and record accurately.

Riffat has a caseload of up to 20 children. Our team works with families that require level three support. It means that some cases are stepped down from the Children's Social Care but they still require high level of support to keep the children safe while also ensuring that they continue to live with their families. Riffat has acted promptly and used her knowledge to step up a case to the social care for urgent action after the child's family situation changed and safeguarding issues arose.

Riffat shows her commitment by working as part of the team and tries to complete her assessments, undertake her visits, and record them on the system as soon as possible.

Riffat demonstrated her ability to work with the children, young people and their families who have complex needs. She applied her knowledge to make executive decisions to manage the challenging situation while also keeping the family unit together. Riffat does not hesitate to discuss and confirm her decisions with the management or to seek support from her colleagues if she is uncertain about something. Riffat is extremely confident dealing either on the phone or in person with different outside agencies including Children's Social Care.

Riffat gets monthly personal and caseload supervision. Riffat utilises her supervision sessions by proactively preparing the notes in advance and reflecting on her learning experience. She is able to discuss any personal and work-related difficulties and recognises the need to take timeout to maintain her health and wellbeing.

Riffat is very organised and self-driven to maintain her continuous professional development. She has completed a number of training sessions relevant to her role. She demonstrates her ability to use her social work knowledge and skills learnt through training and literature to use in her assessments. Indeed, other family support workers will tap into her vast knowledge in this area for possible solutions to the cases they are working on.'

47. Ms Ismail added some responses to the Final Panel's suggestions as follows:

'd. details of any professional literature she reads, and for her to incorporate in her reflective work how the literature has impacted upon her practice,

I have been reading a number of books, particularly on mental health, counselling and understanding children's behaviour, Safeguarding, Community care, child development for childcare and protection workers, Child abuse and neglect, Emotional intelligence, how to raise happy children? and how to become elite in anything.

I have completed a number of online trainings sessions arranged by Social Work England to keep my CPD up to date and use the information in my social work Journals. I also keep my knowledge up to date with community care journals and newsletters.

I also get the opportunities to have intellectual social work discussions with the colleagues at work about the ongoing issues and difficulties of vulnerable people and how best we can make a positive change in their lives with the resources that are available to us. It is continuous personal and professional development at work that would increase with more opportunities and experience.'

48. Since that point in time, Ms Ismail has not responded to any of the several emails to her inviting her to advance further material demonstrating insight and remediation for the proposed early review.
49. On 3 May 2023, Ms Ismail submitted an email to Social Work England enquiring about the process for voluntary removal from the Register. Since that point, Ms Ismail has not responded to any correspondence sent to her by Social Work England..
50. Ms Ismail had been informed of today's proceedings and reminded of the first review panel's analysis of what might assist her in taking this issue forward in a constructive way designed to secure the safety of the public. Despite the encouraging submissions referred to above, Ms Ismail had elected not to participate. Her attendance today would have been highly beneficial to the panel and perhaps also to Ms Ismail, even without any written submissions or other documents in support.
51. Ms Ismail has not provided any additional evidence to the panel, and the most important gap in her submissions were in relation to her as-yet unaddressed proven dishonesty.
52. In the panel's view, Ms Ismail had not demonstrated that she was no longer a risk to service users or the wider public. The panel considered that despite the serious nature of the regulatory concerns found against her and the clear indications of a way forward for her, Ms Ismail had not seized the opportunities available to her to demonstrate any sufficient insight or remediation into her fitness to practise. The panel had been encouraged by the above referenced responses which pointed favourably towards practical and meaningful insight and remediation in the matters of competence and risks to child service users. The panel has not been provided by Ms Ismail, or by anyone on her behalf, any material to address the issue of repetition of dishonesty and in all of the circumstances, it could not be confident that there would not be any repetition of the misconduct (including dishonesty) found by the panel at the final hearing.
53. The panel reflected carefully and anxiously on the material supplied by Ms Ismail for a proposed early review of this final order, and also the sudden and not further pursued enquiry by Ms Ismail regarding voluntary removal. After some hesitation, the panel finally decided that Ms Ismail's resolved position appears to be that she no longer wishes to participate in this process in a meaningful way that might lead towards her return to practice. In such circumstances, the panel is left with little option but to conclude that there has been no sufficient material and meaningful change on Ms Ismail's insight and reflection which would permit a decision that Ms Ismail is not any longer impaired. In light of that, the panel decided that Ms Ismail remains a risk to the public both in respect of service users and her professional colleagues and also in respect of the wider public interest considerations, on the basis of both personal and public interest grounds.

Decision and reasons on sanction:

54. Having found Ms Ismail's fitness to practise currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel had regard to the written submissions provided by Social Work England and accepted the advice of the legal adviser. Social Work England invited the panel to impose a removal order, failing which a six-month continued suspension order. Nothing was submitted by or on behalf of Ms Ismail to protest that this was unnecessary or disproportionate.
55. The panel also took into account the 'Impairment and Sanctions Guidance' published by Social Work England. The purpose of any sanction is not to punish Ms Ismail but is only to protect the public and to address 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, recognising that it must identify what risks if any arose from Ms Ismail's current impairment, and if necessary, meet those risks with the least restrictive but equally effective alternative to a removal order if possible. The panel must balance Ms Ismail's interests with the interests of public protection, although the public interest is likely to outweigh her personal interests in the event that serious risks to the public remained unaddressed by her.

No action, advice of warning

56. The panel noted that none of these sanctions would restrict Ms Ismail's ability to practise. As such they were not appropriate or sufficient to address the concerns raised due to the nature and seriousness of Ms Ismail's impairment which has not yet been remedied.
57. None of these outcomes would be sufficient to protect the public, to maintain public confidence or to declare and uphold the reputation of the profession.

Conditions of practice order

58. The panel went on to consider a conditions of practice order. The panel recognised that conditions of practice were, in theory, practical, workable, measurable, and sufficient to meet the risks posed by Ms Ismail's current impairment. Dishonesty had been a factor in that current impairment. However, as the High Court has reminded panels, dishonesty is a nuanced concept, which should be looked at carefully and in context. Distinctions had to be drawn between cases where an act of dishonesty was immediate and irreparably corrosive of the public's trust and confidence and those other cases which suggested a poor decision made under pressure of circumstances. Ms Ismail's case might have been regarded as falling into the latter category. Conditions of practice might have been an option where there had been sincere and honest reflections in regard to dishonesty, supported by professional testimonials might have begun to address the issues. However, the panel had been supplied with nothing at all which met this requirement. In these circumstances, the panel could not identify sufficient conditions to address Ms Ismail's current impairment, noting her continuing lack of engagement since her request in May 2023 for information regarding voluntary removal from the Register.

59. In addition the panel decided that in light of the wide-ranging nature of the serious allegations it was not satisfied that conditions of practice could be devised which would be sufficient to protect the public without thoughtful and honest engagement by Ms Ismail. In any event, Ms Ismail's request for information regarding voluntary removal from the Register suggested an unwillingness to adhere to conditions of practice.

Further period of suspension

60. The panel considered whether the current suspension order should be extended for a further period of time. This was a proposal made as an alternative sanction by Social Work England.

61. A suspension order would prevent Ms Ismail from practising during the suspension period, which would therefore protect the public and the wider public interest.

62. The panel determined however, after reflection and careful consideration of all of the circumstances that a further period of suspension would not be in the public interest. The panel revisited the material supplied by Ms Ismail prior to her information request regarding voluntary removal. With some regret, the panel concluded that the suspension order already in place had not had the effect of encouraging Ms Ismail to engage with the process in a purposeful, targeted, comprehensive, and meaningful way.

63. The final hearing panel had categorised in an explicit and sensitive way the means for Ms Ismail to reestablish her career in a way that would also fully protect the public. It was disappointing for the panel to find that, after a potentially valuable beginning, the final hearing panel's bid had been met, ultimately, with silence. The panel was unable to identify any reason for this that was inconsistent with an established and concluded decision by Ms Ismail to resist any means of a safe and effective return to practice. If true, the panel considered that this would be, if otherwise unexplained, evidence of a regression of insight and remediation by Ms Ismail. It pointed towards a discreditable attitude of distance and indifference for the safety of vulnerable service users and the wider public interest that was inconsistent with Ms Ismail's continued professional registration.

64. The panel concluded that, for reasons of public protection, it could not find any objective basis to provide Ms Ismail with a further opportunity to demonstrate that she could remediate her practice. The panel accepted that Ms Ismail had come to the attention of her regulator at a relatively advanced stage in her career and in association with some personal difficulties. Her conduct is remediable partly for that reason. However, there was no purpose to be served by extending a period of suspension where there was no positive indication of any response by Ms Ismail. In contrast, the reasonable and informed member of the public, mindful of the primacy of protection of the public, would observe with concern an unjustified pursuit of engagement with an impassive registrant.

Removal order

65. The panel again had regard to the Impairment and Sanctions Guidance last updated on 19 December 2022. Paragraphs 148 and 149 of the guidance assists review panels by reminding them that:

'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*

A removal order may be appropriate in cases involving:

- *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.'*

66. The panel concluded after careful consideration that in Ms Ismail's case only a removal order would now sufficiently protect the public in all of the aspects of the overarching objective. Further, although her dishonesty did not immediately and irreversibly point towards a removal order in the circumstances, her persistent refusal to engage and to show insight and remediation made that outcome unavoidable now.

67. The panel decided that a removal order should be made with effect from the expiry of the current suspension order. The panel did not identify a pressing reason to make the order immediately effective. Ms Ismail cannot presently practice and so the public remain fully protected until this order comes into effect at the end of 24 February 2024.

Right of appeal:

68. Under Paragraph 16(1)(b) of Schedule 2 of The Social Workers Regulations 2018 (as amended), the social worker may appeal to the High Court against:

- a. the decision of adjudicators:
 - i. to make an interim order, other than an interim order made at the same time as a final order under paragraph 11(1)(b),
 - ii. not to revoke or vary such an order,
 - iii. to make a final order,
- b. the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.

69. 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.
70. Under Paragraph 15(1A) of Schedule 2 of The Social Workers Regulations 2018 (as amended), where a social worker appeals against a decision made under sub-paragraph (1), the decision being appealed takes effect from the date specified in that sub-paragraph notwithstanding any appeal against that decision.
71. This notice is served in accordance with Rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

Review of final orders:

72. 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).
73. 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

74. 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>