

Social worker: Lisa Webdale

Registration number: SW107821

Fitness to Practise

Final Hearing

Dates of hearing: 12 February 2024 to 23 February 2024

Hearing venue: Remote hearing

Hearing Outcome: Fitness to practise impaired, removal order

Interim Order: Suspension order (18 months)

Facts found proved: 1(ii), 1(iii), 1(iv), 1 (vi), 1 (vii), 1 (ix), 2 (ii), 3(i), 4(i), 4 (ii) and 5.

Facts found not proved: 1(i), 1(v), 1(viii), 2(i).

Introduction and attendees:

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

Adjudicators	Role
Alexander Coleman	Chair
Belinda Henson	Social worker adjudicator
Louise Wallace	Lay adjudicator

Simone Ferris / Paul Harris	Hearings officer
Khadija Rafiq	Hearings support officer
Charlotte Mitchell-Dunn	Legal adviser

Service of notice:

4. Ms Webdale did not attend and was not represented. The panel of adjudicators (hereafter “the panel”) was informed by Mr Kirke that notice of this hearing was sent to Ms Webdale by email and post, to addresses provided by Ms Webdale (namely her registered addresses as they appear on the Social Work England register). Mr Kirke submitted that the notice of this hearing had been duly served.
5. The panel of adjudicators had careful regard to the documents contained in the final hearing service bundle as follows:
 - A copy of the notice of the final hearing dated 10 January 2024 and addressed to Ms Webdale at her addresses which she provided to Social Work England;
 - An extract from the Social Work England Register as of 10 January 2024 detailing Ms Webdale’s registered addresses;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 10 January 2024 the writer sent by email and special delivery post to Ms Webdale at the address referred to above: notice of hearing and related documents;
 - A copy of the Royal Mail Track and Trace Document indicating “signed for” delivery to Ms Webdale’s address at 10.43am on Thursday 11 January 2024.
6. The panel accepted the advice of the legal adviser in relation to service of notice.
7. Having had regard to Rule 14-15 and 44-46 of the Fitness to Practice Rules 2019 (as amended) (the Rules) and all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Ms Webdale in accordance with the Rules.

Proceeding in the absence of the social worker:

8. The panel heard the submissions of Mr Kirke on behalf of Social Work England. Mr Kirke submitted that notice of this hearing had been duly served, no application for an adjournment had been made by Ms Webdale and as such there was no guarantee that adjourning today's proceedings would secure her attendance. Mr Kirke further submitted that the email sent by Ms Webdale on 11 February 2024 indicated that she was aware of today's hearing and had voluntarily absented herself. Within the email Ms Webdale stated as follows;

"I will not be attending the hearing tomorrow. This is mainly due to not being able to afford a solicitor and feeling unable to face it alone I feel the last 7 years has been a total witch hunt and although I understand that my recording lead to monies being taken from people that it was my duty to protect I only recorded what I was told to be true.

All procedures were always put in place and I feel that people are weighing the missing funds (which I have been exonerated for) on the reason these safeguards weren't in place when actually it was that I believed a solicitor was in place.

As for the person who stated I said that 'they don't need the money' that is something which I have never said in any situation.

I have seeked advice from ACAS and will be following their advice and procedures in due course"(sic)

9. Mr Kirke invited the panel to proceed in the interests of justice and the expeditious disposal of this hearing.
10. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. This included reference to Rule 43 of the Fitness to Practise Rules (2019) as amended (The Rules) and the cases of *R v Jones [2002] UKHL 5*; *General Medical Council v Adeogba [2016] EWCA Civ 162*. The panel also took into account Social Work England's guidance 'Service of notices and proceeding in the absence of the social worker'.
11. The panel considered all of the information before it, together with the submissions made by Mr Kirke on behalf of Social Work England. The panel noted that Ms Webdale had been sent notice of today's hearing and the panel was satisfied that she was aware of today's hearing.
12. The panel therefore concluded that Ms Webdale had chosen voluntarily to absent herself. The panel had no reason to believe that an adjournment would result in Ms Webdale's attendance. Ms Webdale did not provide any information as to the advice she was seeking from ACAS. Having weighed the interests of Ms Webdale in regard to her attendance at the hearing with those of Social Work England and the public interest to proceed with hearing the case, the panel determined to proceed in Ms Webdale's absence.

Allegations:

Whilst registered as a social worker:

- 1. Between on or around 18 November 2015 and 23 January 2018 you did not take steps to ensure Service User A's finances were managed appropriately, including that you:**
 - i. Did not make a best interest decision in respect of Service User A's finances.**
 - ii. Did not contact relevant parties to manage Service User A's finances;**
 - iii. Did not make enquiries with the Office of Public Guardian, to ascertain if a Lasting Power of Attorney had been registered by Service User A before going into care;**
 - iv. Did not arrange deputyship and / or appointeeship;**
 - v. Did not discuss Service User A's ability to manage their finances with Suffolk County Council;**
 - vi. Falsely led Suffolk County Council to believe that Service User A's care would be managed through the sale of assets;**
 - vii. Did not make a request to the head of Financial Inclusion and Advice Service (FIAS) for an accrual of home care fees to be agreed;**
 - viii. Did not inform Service User A's bank that Service User A lacked mental capacity;**
 - ix. Did not manage Service User A's utility bills.**
- 2. Between on or around 3 April 2017 and 23 January 2018 you did not take steps to ensure Service User B's finances were managed appropriately, including that you:**
 - i. Did not make a best interest decision in respect of Service User B's finances;**
 - ii. Did not arrange deputyship and / or appointeeship.**
- 3. Between on or around 01 January 2017 and 23 January 2018 you did not follow management direction in relation to Service User A, including that you:**
 - i. Did not provide information about Service User A's solicitors when directed to do so.**
- 4. Between on or around 01 January 2017 and 23 January 2018 you recorded and / or shared information you knew, or ought to reasonably have known, to be factually incorrect when you:**
 - i. Stated a solicitor was managing Service User A's finances when this was not the case.**
 - ii. Stated Service User A's house was for sale when this was not the case.**
- 5. Your actions at paragraphs 1 (vi) and / or 3 and / or 4(i) and / or 4 (ii) above were dishonest.**

The matters outlined in paragraphs 1-5 amount to the statutory ground of misconduct.

Your fitness to practise is impaired by reason of misconduct.

The panel adopted the position that Ms Webdale denied all of the allegations.

Application to adduce new evidence

13. During the hearing the panel requested that Social Work England locate any training records and supervision records in respect of Ms Webdale, on the basis that the evidence relied upon by Social Work England discussed these areas. Following an adjournment the panel was informed that these documents could not be obtained, however in the process of searching for documentation Social Work England had located a record in respect of Ms Webdale's Assessed and Supported Year in Employment (ASYE).
14. Social Work England made an application to adduce this evidence as new evidence in relation to the hearing.
15. The panel heard and accepted advice from the legal adviser in respect of the admission of new evidence. Such evidence must be relevant, and it must be fair to adduce the evidence.
16. The panel considered that the application was made by Social Work England at a very late stage in the proceedings. The panel noted that the documentation had not been provided to Ms Webdale for comment. Further, the panel considered that the origin of the documentation was unclear, as it was not clear whether the documentation represented a final version of Ms Webdale's ASYE assessment or whether it was a saved draft. The panel considered that while the documentation was relevant, it would be unfair to admit it on the basis that its origin was unclear and Ms Webdale had not had the opportunity to comment on the documentation. As such the panel refused Social Work England's application.

Factual Background

17. Ms Webdale began her employment at Suffolk County Council ("the Council") in the role of community care practitioner, on 10 November 2014.
18. On 24 October 2015, Ms Webdale qualified as a social worker and was registered with the HCPC. As a result of gaining that qualification, Ms Webdale was offered a social worker position based at the Council.
19. At the time of the concerns, Ms Webdale was employed as a social worker within the Mildred Hall Dementia Cluster team for Adult Services at the Council. The team was a specialist team, dedicated to customers and families of customers with advanced dementia or complex needs arising as a result of dementia.

20. On 10 November 2015, the Social Worker became the allocated social worker for Service User A (“SUA”) and undertook various mental capacity assessments (MCAs) relating to their accommodation and care needs (but not their finances).
21. Ms Webdale concluded that SUA lacked capacity to make a decision about her care and accommodation on 18 December 2015.
22. SUA resided at Alexander Court Residential Home between 18 December 2015 – 16 February 2016, whereupon they were then moved to Kentford Manor Care Home.
23. In 2016, it became apparent that there were outstanding care charges for SUA’s care. On 25 October 2016, an employee from the Financial Inclusion & Advice Service Visiting Team at the Council confirmed the outstanding care charges were £1,130.04. Following this, multiple emails were sent to Ms Webdale chasing for updates around the payment of this debt.
24. On 4 November 2016, a credit control team leader contacted Ms Webdale in relation to the SUA’s residency at Kentford Care Home. In the email, it is confirmed that the overdue balance stands at £34,177.88 following a direct debit being returned as ‘no instruction’.
25. As of 12 December 2017, the £1,130.04 referred above also remained outstanding.
26. In correspondence, Ms Webdale is alleged to have suggested that SUA’s home was being sold and, to her knowledge, SUA had multiple ISAs and investments that could be used to repay the debt and is alleged to have suggested that a solicitor was involved on behalf of SUA. Details of this solicitor were never provided.
27. On or around June / July 2017, OG, a practitioner at the Council received a call from the finance department at Kentford Care Home requesting to speak to Ms Webdale about the debt as this remained unpaid.
28. OG received further calls from the same department in November 2017 and January 2018 with the overall debt then standing at £26,930. OG called the Personal Finance team to check if SUA had been logged into their system as OG assumed Ms Webdale had completed a financial assessment for SUA, but the Personal Finance team confirmed they had no involvement with SUA.
29. Following the call from the finance department at Kentford Care Home in January 2018 OG then escalated the matter to her line manager, JM. SUA’s case records were investigated.
30. As a result, OG met with the friends of SUA, AD and RD. OG stated she received some letters (not provided to the panel) addressed to SUA from AD and RD with regards to non-payment of utility bills and bank statements.
31. On 15 January 2018, a MASH referral was made given the uncertainty as to who was managing SUA’s finances and whether this was in their best interests. Just over a week later, following their suspension from work, Ms Webdale resigned from the Council and a referral was made to the HCPC by JM.

32. On 18 January 2018, JM conducted a further mental capacity assessment (MCA) of SUA, concluding that it was in SUA's best interests for their finances, property and assets to be managed by the Council.
33. Prior to this, it is alleged there was no previous assessment of SUA's capacity to manage their finances, property and assets by Ms Webdale.
34. In February 2018, JM cleared Ms Webdale's locker and found bank statements belonging to SUA showing that the bank account was overdrawn. A police investigation was launched by Suffolk Police. The investigation resulted in SUA's bank statements being produced where it was alleged that the withdrawals from SUA's bank account during the relevant period total £58,021.95.
35. On 15 January 2019, the police received a further referral that another service user, Service User B ("SUB"), had almost £23,000 taken from their account between May 2017 – January 2018. This was discovered following a Section 42 Enquiry.
36. SUB had been a resident at Mabbs Hall Care Home residential home since 15 May 2017 and suffered from dementia, diagnosed psychosis and cognitive impairment.
37. The Social Worker undertook a MCA of SUB in April 2017, concluding that SUB lacked the mental capacity to make a decision about their care and accommodation needs. However, no such assessment took place in respect of SUB's finances.
38. In the Section 42 Enquiry it was noted that cash withdrawals were being made from SUB's account whilst they resided in residential care. SUB also did not have a Lasting Power of Attorney before it was deemed they lacked mental capacity and therefore SUB's finances were unmanaged.

Witnesses on behalf of Social Work England

39. Social Work England will call evidence from the following witnesses:

- i) JM (Senior Practitioner - NHS Foundation Trust);
- ii) OG (Retired – previously Community Care Practitioner);
- iii) AD (Civilian – friend of SUA);
- iv) CM (Civilian – family member of SUB);
- v) AT (Principal Social Worker – Adult and Community Services);

40. Social Work England also relied on the statement of which were read:

- vi) RL (Detective Constable – Suffolk Constabulary);
- vii) RD (Civilian – friend of SUA).

41. At a Case Management Meeting on 8 February 2024 a Panel of Adjudicators granted Social Work England's application to adduce the following hearsay evidence:

- i) RS (Exhibit RL/07)
- ii) AI (Exhibit RL/09)
- iii) SN (Exhibit RL/11)
- iv) PW (Exhibit RL/13)
- v) VR (Exhibit RL/14)

Summary of evidence:

JM

42. JM was called to give evidence. Her witness statement stood as her evidence in chief. JM explained what the Assessed and Supported Year in Employment (ASYE) was. JM explained that within this year social workers receive additional levels of support and a higher levels of supervision. JM explained that she was Ms Webdale's supervisor for the purposes of the ASYE.
43. JM explained that Ms Webdale was employed as an unqualified worker in the dementia care team, and then she applied for a job as a qualified social worker following the completion of her training. In respect of Ms Webdale's training JM confirmed that staff are required to undertake safeguarding modules when they join the Council. JM stated "she must have adhered to that" because she would have been notified if it had not been completed. JM confirmed she was not notified of any anomalies within Ms Webdale's training record. JM stated, "*she certainly did training, about mental capacity*".
44. In respect of training in relation to dealing with finances in respect of those lacking mental capacity JM stated, "*I couldn't tell you whether she had undertaken specific training*". JM noted this wasn't an absolute requirement. In respect of the Financial Inclusion and Advice Service (FIAS) JM confirmed that training courses were run by the Council, but stated she would need to review Ms Webdale's training record to ascertain whether such course were attended by Ms Webdale. She was unable to confirm if these courses were mandatory.
45. In respect of SUA JM stated that the care home made contact to say that there was a debt, and this went on for a while. JM confirmed the care home were seeking clarification as to the Lasting Power of Attorney and how the care home fees would be redeemed from either SUA's ISA or SUA'S house sale. JM confirmed that the care home was contacting Ms Webdale to ask her for details of how the care fees would be paid. JM stated Ms Webdale had assured her that the matter was being dealt with by the Lasting Power of Attorney.
46. JM explained that a direct debit had been set up and this had paid towards SUA's care for a period of time, however the fund ran out and the debt with the care home started to build. JM stated Ms Webdale should have been aware that no one was managing SUA's financial affairs. She stated if someone was managing SUA's finances, documents in respect of these finances would not have been sent to SUA's home address. JM confirmed documents about SUA'S finances were being retrieved by SUA's neighbours. JM stated she would have

expected any diligent Lasting Power of Attorney to be making sure that they were getting all the financial correspondence in order to fulfil their role.

47. JM was asked whether in Ms Webdale's first assessment of SUA she would be expected to make an assessment surrounding her finances. JM confirmed this was not a specific and standalone process and the expectation would be that this was assessed as part of the overall assessment of the person's ability to manage. JM stated that the social worker would look at what the person was able to do and what they were not able to do.
48. JM stated that a social worker would be looking for signs that the service user wasn't managing their financial affairs. She acknowledged that in respect of SUA there was limited information from family and stated that it may not be immediately apparent on their first visit what role or part the neighbours were playing. JM stated the issue of finances needed to be in a social worker's mind, but at the first visit it wouldn't necessarily be the first thing that a social worker would look at. JM stated that the initial visit at home would have been about assessing whether or not the person needed more support, it would look at immediate risk of harm.
49. JM explained that the expectation for the social worker was to assess financial capability in terms of managing the move to the care home. JM stated there would have to be a clear expectation about how the care home was going to be funded. JM stated in order to make a best interest decision for somebody to be moved into a care home, it had to be clear who was going to pay for the care home. JM explained if a person had no assets there would have to be a contractual arrangement with the Council for funding of their placement.
50. JM stated her understanding was that the capacity assessment only related to the service user's capacity to make the decision about her care and accommodation. She stated there was less of an emphasis on how SUA's placement would be funded as it didn't require authorisation from the Council to fund the placement because SUA had sufficient assets.
51. JM discussed the need for management of financial assets and deputyship. She stated in the case of SUA there wasn't such a gap seemingly identified for the service user because Ms Webdale proceeded on the basis that SUA had a Lasting Power of Attorney who was managing all her financial affairs. JM stated that she was not aware that there was a discussion about a capacity assessment to manage financial affairs by the time SUA's placement was made.
52. JM was asked about the direct debit mandate and stated, *"I can't comment on whether or not SUA had the capacity to sign the direct debit mandate because it predated when I met her"*. JM stated this would suggest that Ms Webdale did not complete a capacity assessment in relation to SUA's ability to manage her financial affairs. JM explained that correspondence relating to SUA's finances were going to an empty house. She commented that there were no mechanisms in place that prevented money being able to be withdrawn from SUA's account by another party.

53. JM confirmed it was a duty of the social worker to consult with friends and family in relation to making a best interest decision for a service user. She stated in this case Ms Webdale did consult with the friends and neighbours.
54. JM was asked whether Ms Webdale had a duty to discuss matters internally with the council. JM stated, *"if we are to accept that somebody else was entirely managing SUA's finances the decision the social worker was making was around care and accommodation and a best interest decision for the least restrictive option for SUA'S safety."* She stated there should have been extensive discussion with the Council's finance department in light of the fact that they then found out that there was no one managing SUA's financial affairs.
55. In respect of contacting FIAS, JM stated that there would have needed to have been an application made to request that the Council become Department of Work and Pensions (DWP) appointee. She stated they would need to make sure that the bank was aware that the person whose account it is, no longer has the capacity to manage their financial affairs.
56. JM was asked about a duty to manage utility services when a person lacked capacity. JM stated that they would generally pass that on to the personal finance team and part of their role was to take on the management of bills and make contact with the utility companies. JM stated the social worker would have a responsibility to make sure that those things were in place.
57. JM confirmed SUA was subject to a deprivation of liberty safeguard, and on that basis she wasn't free to leave the care home and was subject to continuous supervision and control.
58. JM was asked about SUA's capacity to manage her finances and she stated, *"what I couldn't comment on with any certainty was whether or not she had capacity to manage her financial affairs at the point that Ms Webdale had her sign the direct debit mandate."*
59. JM was asked about SUA's care home notes and what you would expect to see if there was a Lasting Power of Attorney. JM stated with hindsight it should say who the power of attorney is and have verification from the Office of Public Guardian (OPG). She stated however there was no standard practice for a privately funded placement. JM stated at the time she thought it was a case of the social worker not getting around to providing the details of the Lasting Power of Attorney, not a question of them not existing. She stated because the care home fees were being paid, there was no expectation that the council would remain involved after the placement was made.
60. JM confirmed she did not see the name of the Lasting Power of Attorney and was chasing the name of the solicitors. JM stated that if SUA's neighbours were unable to provide the details of the Lasting Power of Attorney, the social worker could have obtained the details from the OPG.
61. JM confirmed if there is no-one with Lasting Power of Attorney or nobody else is available to apply for deputyship the social worker should make an application to the Court of Protection for deputyship (if a person lacks the capacity to manage their financial affairs) dependant on their assets. JM confirmed SUA had significant savings and a house to sell, and therefore it would require deputyship to be applied for.

62. JM stated that deputyship wouldn't necessarily have needed to have been applied for at the beginning of the Council's involvement, but it may have only really come to light that it was necessary when it became apparent SUA was no longer able to manage her financial affairs. JM stated only at that stage was a formal assessment of SUA's capacity to manage her financial affairs required. She stated it was difficult to say at exactly what point this assessment was required. JM stated that an assessment to show the person lacks capacity to manage their financial affairs is a significant part of the application for deputyship. JM stated when Ms Webdale got SUA to sign a direct debit mandate there should have been alarm bells. She stated this would suggest that there wasn't a Lasting Power of Attorney managing her financial affairs, and this could have been a moment to clarify if SUA's finances were protected.
63. JM stated, *"as I've alluded to before somebody's capacity to manage their financial affairs isn't quite as overnight all or nothing."* JM stated that at the point that somebody lacks the capacity to manage their financial affairs, and no one else is suitably acting to do that, there would be a duty to act.
64. JM was asked about Ms Webdale's knowledge and understanding of her duties in respect of financial capacity. JM stated Ms Webdale wasn't backward in coming forward in presenting practice dilemmas in respect of capacity assessments. She stated, *"she would tell me about adhering to the Mental Capacity Act, she would debate capacity assessments"*. JM stated Ms Webdale was somebody who sought advice a lot of the time.
65. JM was asked about who was responsible for the catalogue of errors in SUA's case. She stated, *"I find it very hard to answer I mean I think it's very difficult with hindsight isn't it, because as those bits came to light, it revealed where the gaps possibly were."* She stated, *"it was more of a kind of perfect storm than a catalogue of errors you know, she didn't have family who was tracking her money, she didn't have somebody who was concerned about her finances... there was the confusions of the initial placement to a different care home, so she went from a temporary care home before she moved"*.
66. JM stated *"I've considered whether or not I was sufficiently diligent, should I have spotted the anomalies, but I wouldn't have had access to each bits of the recording system so the finance recording system for example at that point it wasn't embedded in the social work recording"* She stated *"I don't know the answer to the question, I don't know what happened, it just seem to exploit some gaps but I don't know who individually could have remedied it other than the social worker."*
67. JM agreed she apportioned blame to Ms Webdale. She stated she had reflected, and the system could have been more robust and not dependent on the integrity and honesty of the social worker.
68. JM was taken to the emails showing the outstanding debt in August 2016, she was asked what steps she would have taken. She stated she would have taken steps to apply for deputyship and she would have been alarmed if the debt had reached that level. She stated that level of debt would make her quite anxious, and she would be seeking help and advice.
69. In respect of the direct debit mandate JM confirmed that there were question marks about whether or not SUA had the capacity to manage her financial affairs and therefore she stated making a decision about the signing of a direct debit mandate wasn't an appropriate way to deal with the payment of SUA's care fees.
70. JM was asked about a meeting with AD and RD on 15 September. JM stated Ms Webdale was clarifying who had Lasting Power of Attorney. She stated if the information was unknown she would expect Ms Webdale to be alerting somebody in a senior position that this had occurred and applying

to the OPG to verify categorically whether there was or was not a Lasting Power of Attorney in place. JM confirmed the response from the OPG would take 24 to 48 hours. Following this, she stated further steps could have been taken in respect of applying for deputyship. JM highlighted her concern that SUA's placement was at risk.

71. JM was asked about whether Ms Webdale ever raised concerns about a Lasting Power of Attorney being in place, she confirmed she did not. JM was asked about the delay in the responses given by Ms Webdale in respect of the provision of information to the care home. JM was asked whether this was acceptable she confirmed that it was "shockingly slow".
72. In respect of the level of detail recorded by Ms Webdale about SUA's finances JM noted that there were very specific details about the amounts in SUA's bank account. She stated she would have expected this level of information to have come from a conversation with the Lasting Power of Attorney.
73. JM stated it was completely unacceptable to have a delay of one month to respond in respect of SUA's finances. She noted by 2017 there were two debts in respect of SUA's care with two different care providers. JM noted that these issues ought to have been raised by Ms Webdale with her line manager.
74. JM was asked when she became aware of the debt issues, she stated this was when CS was chasing a debt in respect of domiciliary care in 2017. She stated at this stage she did not have any reason to class the debt as a red flag because she had assumed the care fees were being paid.
75. JM described Ms Webdale's delay in respect of providing details in respect of the solicitor as completely unacceptable. She stated, *"I gave that time scale, I would say that I would have expected a response from her confirming that it was all sorted."* JM stated in hindsight she should have followed the issue up with others.
76. JM confirmed that care homes would usually have the contact details of a resident's solicitor who is managing that person's finances, on the basis that they are anxious to ensure payment. JM stated Ms Webdale gave lots of affirmations that everything would be covered, and the care home accepted her word.
77. JM confirmed that she was not aware that the debt was still outstanding in May 2017. She described the delay in the social worker's response as unforgivable. JM was asked whether she followed up about payment. JM stated, *"there would be no reason to think in normal circumstances that somebody's care home fees are not being paid, if somebody has a Lasting Power of Attorney, who I believe is managing the person's finances, I don't check with the care home that they're getting their money, I assume that they are."*
78. JM stated Ms Webdale's inaction only made sense if she knew there was no Lasting Power of Attorney. She stated, if this were the case, however, it meant that the money was not being managed properly and this put the service user at risk. JM said that she did not question Ms Webdale at this stage, because she always provided confident information with clear figures, plans and timescales.
79. JM described that when she first became aware that the debts were still outstanding, her frustration escalated to exasperation. JM stated the debts were outstanding for over a year and Ms Webdale had kept putting off responding. In respect of Ms Webdale's explanation at the time JM described that Ms Webdale had said she was putting off responding because she was waiting for the solicitor

and wanted to respond when she had an absolute timescale for when the debt would be paid. JM stated, *"I mean it doesn't seem satisfactory that I tolerated that explanation now, but I obviously did at the time."*

80. JM noted a reference made by Ms Webdale to getting the contact details of the solicitors on 13th September 2017. She noted that a calendar entry in Ms Webdale's calendar related to SUA on that date. JM stated she expected the details to be obtained and noted that if there was no Lasting Power of Attorney in place Ms Webdale should have escalated matters immediately.
81. JM stated she does not remember any time when there was not a discussion about the sale of SUA's house and she noted Ms Webdale had told her about this asset.
82. JM was asked about various emails in the lead up to Christmas 2017 and after. JM noted that Ms Webdale took extended leave over the Christmas period. JM confirmed it was around this time and leading up to Ms Webdale's resignation that they realised matters were not as they seemed.
83. JM was asked about her instructions to Ms Webdale about the details of the solicitor. She stated she believed she discussed the matter with Ms Webdale. She stated, *"I had a conversation with her and expressed my concern and said she needed to provide the information and I was shocked that she hadn't."*
84. JM was asked why OG was asked to look at the matter. JM stated OG was on duty, so she asked her as a task to get the details from the neighbours of the Lasting Power of Attorney. JM stated this was when they realised that the bank statements were being sent to the house.
85. JM stated that this suggested that someone wasn't managing SUA's finances as had been suggested by Ms Webdale. She stated, *"you wouldn't expect the bank to be still sending bank statements in SUA's name to her vacant property."*
86. JM described discovering that no-one had Lasting Power of Attorney. She stated it was what she was anticipating because of the information that OG had got from the neighbours. She stated she had asked OG to speak to the solicitors provided by the neighbours and they had said that they were just dealing with SUA's will. JM stated it was apparent by that point that there had been no Lasting Power of Attorney. She stated the confirmation from the OPG confirmed her worst fears.
87. JM was asked when a best interest decision in respect of SUA's finances should have been made. JM stated, *"at the point it was known that she lacked capacity, and she hadn't got anyone appointed to manage her financial affairs."* She stated, *"I can't pinpoint when that was but that's when it should have occurred."* JM stated, *"from my timescale point of view the best interest decision had to occur as soon as I determined that she lacked capacity to manage her financial affairs."*
88. JM was asked about Ms Webdale's understanding in respect of best interest decisions. She stated, *"in other cases she is understood, and we've had discussions about a balance sheet approach to best interest decision making."*
89. JM was asked about Service User B (SUB) and deputyship. She stated that the Council had understood that the family were applying for deputyship and from the family's point of view, they thought that the Council was applying. She stated it created a gap where both parties thought the other party was applying.
90. In respect of a best interest decision JM stated, *"there would need to be some consideration of financial management"* but *"it doesn't look as though she (Ms Webdale) did a formal mental*

capacity assessment, so she didn't do a formal best interest decision". JM stated, "my recollection from the recording is that she recorded the need for a deputyship application, which would suggest that she had formed a view that SUB was not able to manage their financial affairs".

91. JM confirmed that it was the role of the social worker to set up a placement contract with the care home.
92. JM was asked about Ms Webdale's resignation letter. JM stated, *"I met with her in a private room and gave her a letter of suspension, to which she said to me I'm leaving anyway, and then I think it was the following day that she brought in her letter and her laptop."* JM was asked if Ms Webdale gave a reason for resigning and she stated Ms Webdale had said *"I don't like the bureaucracy, I don't like this, it's not for me. I've been on holiday. I've been thinking about it, and I don't want to do it anyway."*
93. JM was asked questions by the panel. She was asked about the fact that the MCA she had completed in respect of SUA was blank in respect of financial or legal responsibility, and this was completed a short time after her appointment. JM confirmed that Ms Webdale would have completed a number of MCAs prior to SUA's case.
94. JM confirmed that there was no job description for Ms Webdale as a qualified social worker. JM confirmed Ms Webdale was responsible for holding a case load. She confirmed she would be assessing eligibility under the Care Act in a broadly holistic way, to consider the needs at a basic and progressive level and to maximise the chance someone can be at home. Ms Webdale would commission a package of care and then review that package of care. She would assess if the person consented to the arrangements and whether they have understanding and insight into the risks that they would be taking if they refused care arrangements. Ms Webdale would also be responsible for building an ongoing relationship and rapport to try to maximise the impact of the care input.
95. JM acknowledged that the team dealt with complex matters, she stated there was an increased chance that the person concerned would lack capacity. JM confirmed as a consequence the case load was lower.
96. JM was asked about Ms Webdale's ASYE and the level of supervision. JM confirmed because it was her ASYE year there would be an expectation of more frequent supervision at the initial period of placement. JM stated, *"I hope she got that...but it's possible that she didn't, it may not have been as frequent"*.
97. JM stated she was working part time at the relevant time. She confirmed that she undertook lots of ad hoc supervision with Ms Webdale on a regular basis. JM was asked about her understanding of supervision. In respect of caseload supervision, she stated *"I'll be honest it was largely self-reported...I wasn't in the person's caseload reading the recording and then asking them to tell me about the case, they would largely bring their version of what was going on in the case."* She stated within the Council there is now more auditing of casework, which wasn't present at that time. JM described being quite reliant on what the social worker was reporting. In respect of the case recording system Care First 6 she stated that it was not built into the system that completed work would be sent to managers for authorisation. She confirmed that social workers self-authorised their own work.
98. JM confirmed there were no delays in Ms Webdale completing her ASYE. In respect of Ms Webdale's team, JM confirmed that the nature of the work in the team made it quite difficult to give non-

complex work at the outset. She stated the only way that this could be compensated was a higher offer of support. JM confirmed there was no option to co-allocate work.

99. JM was unable to recall whether SUA was open to another team prior to being allocated to Ms Webdale but she confirmed that this was a possibility. JM confirmed that Ms Webdale would have undertaken MCAs with the support of her practise educator when she was a student in the team, and she would have undertaken MCAs as a community care practitioner.
100. JM stated that she assumed she allocated SUA to Ms Webdale.
101. JM was asked about MCA's and best interest decisions. JM stated, *"I think it would have been useful to have the information recorded, had it been available, but this decision seemed to relate specifically to whether or not care was required."* JM stated the decision was based on the need for a care home. JM stated after that it would be looking at the mechanism of the care home and the funding. JM stated she was confused about the process that had occurred and she hadn't been given full access to the recording system.
102. JM was asked why Ms Webdale was not instructed to carry out an assessment of finances. JM stated she was told that this bit was already taken care of. JM stated the outcome of the best interest decision would have been informed by the Lasting Power of Attorney. She stated, *"this would have set out the plan to fund a different package of care"*. JM explained that quite often the Lasting Power of Attorney for finance is one of the people that a social worker would consult as part of the decision about care and accommodation, but not always. JM stated, *"sometimes there is a distinct and standalone financial management"*. She stated that she could only assume that the issue of SUA's capacity to manage her financial affairs wasn't a current issue, on the basis that it already been established that she needed somebody else to manage her finances and that they were doing so.
103. JM was asked why she didn't ask Ms Webdale to go to the OPG. JM stated *"that's an excellent question but at the time the woman's care fees were paid... it's only the benefit of hindsight that now it seems ridiculous when I read those records... I never I didn't think for a second the scenario with the direct debit was occurring naively... I unfortunately did only conclude that it was because she had somebody paying her bills for her, so I just thought it was a matter of who."* JM stated she couldn't continuously scrutinise Ms Webdale. She stated it was not obvious at the time that there was a problem.
104. JM was asked whether it was possible that Ms Webdale completed an MCA at the time and SUA had capacity. JM stated in the absence of a formal assessment she could not say SUA lacked capacity.
105. JM was asked if it couldn't be established that SUA lacked capacity, could it be a reasonable step to put in place the direct debit. JM responded that it was reasonable to consider it, however she wouldn't expect it to be signed without a formal assessment about capacity.
106. JM was asked about whether as a ASYE social worker Ms Webdale could have been confused by the process rather than attempting to mislead. JM stated, *"I don't believe so when I look at her other actions on other cases."* JM stated Ms Webdale was able to conduct rigorous capacity assessments. JM stated she was aware of the deputyship process and involved in making such applications.
107. JM was asked how supervision worked in her job share; she confirmed that the person sharing her role conducted ad hoc supervision. JM was asked about the cost of deputyship in 2017 she stated between £200-£2000, dependent on the level of work involved by a solicitor.

108. JM was asked to define a management instruction she stated this was a clear directive with a likely timescale. She agreed she did not give a timescale for Ms Webdale to provide the solicitors details, but stated it was a management instruction. She stated a failure to follow such instructions could have consequences, such as disciplinary action.
109. JM confirmed that members of Ms Webdale's team encountered similar issues with service users, and they worked in an open plan office. JM stated there was no inhibitions to speaking with colleagues. In respect of the case load she stated a low case load was around 12 cases. JM confirmed both herself and Ms Webdale started at around 7.30-8am and Ms Webdale would often come to her to discuss cases.

CM

110. CM confirmed the content of her witness statement. CM was asked how many calls she had with Ms Webdale in which deputyship was discussed. She stated it was a long time ago, but she believed 3-4 times over a few weeks.
111. CM stated Ms Webdale was supposed to supply the forms, but she did not. CM stated that Ms Webdale had stated that the Council would apply for the deputyship. CM stated, *"I don't know if she [Ms Webdale] was trying to put me off."*
112. CM confirmed that she felt that Ms Webdale didn't want to discuss the issue of deputyship and didn't give a reason why. She stated she didn't receive any paperwork from Ms Webdale. She felt Ms. Webdale was acting strangely about the subject.
113. CM stated that she requested SUB's bank statements, but they were not received. CM stated she felt Ms Webdale gave false information on the deputyship, she stated the other [later] social worker who subsequently advised her gave her a different lower price.
114. CM stated Ms Webdale had told her that the Council had applied for deputyship, and she took Ms Webdale for her word. CM stated that Ms Webdale had not put her down as a next of kin at SUB's care home.
115. CM stated Ms Webdale failed to tell her that it was preferential that the family should apply for deputyship.
116. The panel had no questions for CM.

OG

117. OG confirmed the content of her witness statement. She confirmed that Mr S from the care home called in respect of outstanding payments in relation to SUA when she was on duty. She confirmed that such a call was not unusual.
118. OG noted that there were 3 occasions when Mr S called when she was on duty, she stated she would either call Ms Webdale about this, or if she was away she would email her. She stated if Ms Webdale was not the allocated worker she would have spoken to a manager. She noted Mr S complained about speaking to Ms Webdale. She stated she had her own cases and didn't consider the matter further.
119. OG stated the next time Mr S called she knew what he was calling about and had thought it was dealt with. OG noted Ms Webdale was on holiday and the fees claimed had gone up, so she spoke to

a manager. She contacted the personal finance team to see if they were aware of the case, but they were not.

120. OG explained that she had known Ms Webdale a long time and she assumed Mr S was trying panic tactics to get a payment, by saying SUA may have to be moved from the care home. OG stated Ms Webdale had told her everything was in hand, and therefore she didn't think anything of it again.
121. After a third call OG went to speak to JM. She was asked by JM to see what she could find out. She stated SUA's neighbours were her friends, but they didn't want to be involved in her finances anymore. She phoned AD and RD and requested the solicitors' details. OG confirmed that the solicitors were not involved in the sale of the property and were only involved with SUA's will.
122. OG noted that AD and RD had told her that they had SUA's post, she found this unusual so spoke to JM. OG went to SUA's house and noticed that there was no for sale sign and the grass was growing above the windowsill in the front garden.
123. OG described having a conversation with AD and RD, they had both presumed the house was not up for sale.
124. OG described the steps required to complete a financial assessment.
125. The panel had no questions for OG.

AD

126. AD confirmed her witness statement. She was asked questions by the panel and confirmed that none of SUA's friends had contact with Ms Webdale. AD confirmed she had known SUA for a long time. She stated, "most of her life". She confirmed that she worked with SUA at two different places, and they had been friends for 60 years. She stated SUA was a lovely person.

AT

127. AT confirmed the content of her witness statement. She confirmed that when Ms Webdale qualified she secured a position as a social worker. AT confirmed that it was an essential part of Ms Webdale's role to understand MCAs. AT described the training conducted in respect of the Mental Capacity Act. She stated the training included reference to Lasting Power of Attorney.
128. AT was asked about AF1 forms, and she confirmed that these were standard forms sent out by the social worker. In respect of the AF1 form completed in relation to SUA on 25 May 2015, AT confirmed that AD had financial responsibility in relation to SUA. AT was unable to comment on the frequency of how often the AF1 form should be updated.
129. AT explained the process of placing an individual within a care home. She stated that initially if debt were likely to accrue, this would need to be set up with the FIAS team. AT stated she was not aware of whether Ms Webdale completed the FIAS training as she had not seen her training record, however she stated that training was compulsory, and staff attended a 3-day course in respect of FIAS training.
130. AT was not aware of any requests made to the finance team in respect of SUA or SUB by Ms Webdale.

131. AT explained the deputyship process and the process by which the OPG can be contacted to check if anybody has legal responsibility over a service user. AT described this taking 48 hours and noted the information was provided fairly quickly. AT noted Ms Webdale would have completed training on the OPG as part of her MCA training.
132. AT described Ms Webdale's failure to contact the OPG in the case of SUA as inexplicable. She noted the delay of nearly two years in establishing who the solicitors were. AT stated she wouldn't expect this from a social worker. AT stated, *"in hindsight none of it makes sense in terms of the time it took to get to the bottom of matters."*
133. In respect of the FIAS training course AT explained that this covered direct payments, deferred payments and accruals. The course also covered power of attorney and safeguarding in respect of a service users finances. AT also noted that the Council's legal department also published a flow-chart for practitioners (which was not available to the panel) to follow when deputyship was being considered. AT confirmed that guidance was also available on the intranet.
134. AT noted that it was part of Ms Webdale's professional obligation to seek support or advice around any areas of practice that she did not understand or had concerns about. AT noted that internal policies and advice was available such as the Mental Capacity Act codes of practise.
135. AT was asked about a capacity assessment conducted on 18 December 2015 in respect of SUA. AT confirmed that a person's finances weren't always considered for respite care. She stated the existing AF1 would have been sufficient at this time. AT stated that for a respite placement it was more commonplace to undertake assessments of mental capacity in respect of accommodation and care needs. AT was unable to recall whether the person's financial contribution changed and stated she couldn't comment on what conversations should have happen at that stage.
136. AT was asked whether a separate financial assessment was required at this stage, and she confirmed it was not. She stated this would become relevant when a person is moving to a care home permanently. AT stated when this move was made she would expect the social worker to know details of SUA's ownership of the property.
137. AT confirmed there would be a need to consider the service user's ability to manage their finances. AT stated there was a need to clarify who would be making that overall payment to the care home. AT was asked about when a best interest decision was considered. AT stated this would be a part of a MCA relating to finances, and it should happen pretty much straight after it is determined there is a need for a permanent placement. AT stated the best interest decision did not take place.
138. AT confirmed SUA was a full costs payer due to her assets being above £23250. AT stated that the notion that a solicitor was involved muddled the water in respect of the assessments. AT stated that they did not know at that stage whether SUA had capacity to manage her finances, but she stated it was highly unlikely.

139. AT was asked whether there should have been a revision of the best interest decision, when it was discovered that the solicitors were not involved. AT stated this was difficult to answer because it was a hypothetical situation.
140. AT stated that a best interest decision was made after the concerns came to light about what was in place for SUA. She stated there was no evidence to confirm capacity prior to that decision.
141. In respect of the solicitor's involvement AT stated if a solicitor was involved she would expect to see details in respect of this within the case notes.
142. AT confirmed that there should have been an MCA prior to SUA signing the direct debit mandate. She confirmed that there was no assessment as to SUA's ability to understand the direct debit mandate.
143. AT stated the direct debit mandate suggested that Ms Webdale knew that a solicitor was not involved, because this would have been dealt with by the firm if they had deputyship. AT confirmed that Ms Webdale's correspondence at the relevant time implied that a solicitor was involved as Lasting Power of Attorney, but she stated she could find no evidence of this.
144. AT confirmed that the £34,000 debt owed to the Kentford Manor care home was very high and she stated that this situation should not have occurred. AT was asked whether it was appropriate for a social worker to meet with a service user's bank, when the service user was not present, she confirmed that it was not.
145. AT was asked about the bank statements of SUA, she stated that it was inappropriate for Ms Webdale to have retained these. She noted that there was a bank statement of SUA discovered in Ms Webdale's locker [it was unclear if the panel was provided with this bank statement. The panel was provided with a statement without an origin. The panel was not informed whether the statement(s) found in Ms Webdale's locker were opened or unopened]. AT asserted that the bank statement showed withdrawals from SUA's bank account which could not have been made by SUA. AT stated this should have triggered a need to safeguard SUA's finances.
146. AT was asked about her conclusion that Ms Webdale fabricated the involvement of a solicitor, she stated there was no evidence to corroborate the involvement of a solicitor or of anything that Ms Webdale had said.
147. AT was asked about SUB. She was asked about any financial assessments made in respect of SUB. She confirmed a best interest decision was not made on the form that she was taken to however she stated she wouldn't have expected to have seen the assessment on that form. AT confirmed financial assessment were completed on a different form, but she had not seen such a form.

148. AT confirmed in respect of deputyship Ms Webdale was expected to discuss this with SUB's relatives and support an application. AT noted that she could have asked about alternative ways to fund deputyship.
149. In response to panel questions AT confirmed that she had no relationship with Ms Webdale, and they worked on different teams. AT confirmed she was involved in collating evidence in respect of this matter in order to maintain confidentiality.
150. AT was unable to confirm how many bank statements were found in Ms Webdale's locker or whether the statement provided to the panel was a statement found in the locker. AT was unable to recall if they were found opened or unopened.
151. AT confirmed that financial information in respect of service user was recorded on the Care First 6 system. AT confirmed that the financial observations were included in the case records on Care First 6.
152. AT was asked about the distinction between Ms Webdale and OG. AT stated Ms Webdale was qualified and expected to undertake MCAs at the time. AT was asked about supervision and the assistance provided in respect of MCA's. AT stated that this would be dependent on the persons competence and skills. She stated not all newly qualified individuals would require support with MCA's.
153. In respect of the AF1 form AT acknowledge that social workers are not always able to undertake the financial assessment if they do not have the relevant information.
154. AT confirmed her understanding of supervision and noted that this occurred monthly. She noted it was a joint process and there was an element of control in that the person could raise issues they wished to benefit from. AT confirmed caseloads were not audited and she stated there was a level of autonomy. AT noted supervision was available on an ad hoc basis.

Finding and reasons on facts:

155. The panel accepted the advice from the legal adviser, she reminded the panel that the allegation was for Social Work England to prove on the balance of probabilities. She reminded the panel of the need to assess all the evidence and to proceed with caution in respect of the hearsay evidence. She referred the panel to the relevant case law on the assessment of witnesses and dishonesty. She stressed to the panel the central importance of fairness.
156. The panel considered that all of the witnesses called to give evidence strove to be helpful to the panel. The panel was aware that: objective evidence, such as contemporaneous documents, are of the utmost importance; the reliability of evidence should not be considered in isolation; the confident delivery and demeanour of a witnesses' evidence is

not a reliable guide to whether they are telling the truth; and witness evidence (in most cases) is not the only relevant part of the evidence as memories are fluid and malleable.

157. The panel assessed the facts of each allegation separately. The panel took into account all the evidence placed before it.

1. Between on or around 18 November 2015 and 23 January 2018 you did not take steps to ensure Service User A's finances were managed appropriately, including that you:

i. Did not make a best interest decision in respect of Service User A's finances.

158. The panel accepted the evidence of JM. The panel noted that JM was candid in that she accepted that the timing for a best interest decision in respect of SUA's finances was not straight forward. She stated, "*I can't pinpoint when that was*" in respect of when a decision should have been made in respect of SUA's capacity. The panel noted from the evidence that in order to complete a best interest decision an MCA was required. It was clear from the evidence that SUA must first have been found to have lacked capacity in respect of financial decisions, prior to a best interest decision taking place.

159. The panel considered the fact that no allegation had been brought in respect of Ms Webdale's failure to complete an MCA and as such no criticism had been raised of Ms Webdale's actions in this regard. The panel further noted JM's evidence that in the absence of a formal assessment, she could not say that SUA lacked capacity, until such time as she was assessed.

160. The panel considered that if Ms Webdale was not required to complete an MCA in respect of SUA, she could not be criticised for not making a best interest decision. The panel determined this on the basis that a best interest assessment followed on from an MCA.

161. The panel noted the evidence of JM that it may be assumed that SUA had financial capacity at the time she was assessed by Ms Webdale, in respect of care and accommodation. The panel further noted that the evidence of AT that capacity was time and date specific.

162. The panel considered that neither JM nor AT could establish the point at which SUA was said to lack capacity in respect of her finances during the timeframe of the allegation. There was no direct criticism of Ms Webdale for a failure to complete an MCA by either witness. The panel considered that an MCA was a prerequisite of a best interest decision.

163. The panel therefore considered that Ms Webdale could not be criticised for a failure to take steps to ensure SUA's finances were managed appropriately by making a best interest decision, if an MCA in respect of SUA's was not required. On this basis the panel found that paragraph 1 (i) of the allegation was not proved.

ii. Did not contact relevant parties to manage Service User A's finances;

164. The panel considered with care the evidence of JM, AT, AD and OG. It was clear from their evidence that there was confusion for a significant period of time as to the involvement of a Lasting Power of Attorney in respect of SUA's affairs.
165. The panel considered that Ms Webdale was required to contact AD and RD or the OPG to ascertain whether a Lasting Power of Attorney was in place. The panel noted the evidence of OG and considered that OG established with relative ease that there was no Lasting Power of Attorney and that the solicitors involved with SUA were not dealing with SUA's financial affairs.
166. The panel noted that there was no evidence before it to suggest that Ms Webdale contacted relevant parties to manage SUA's finances. Further, the panel noted the clear evidence that during the period in which Ms Webdale was involved in the case SUA's finances were mismanaged resulting in a number of unauthorised withdrawals from her bank account and a significant debts building up with her care homes.
167. The panel considered that Ms Webdale would have been aware that there were concerns surrounding SUA's finances when she was emailed about the debts. The panel noted that the confusion around the Lasting Power of Attorney should have caused Ms Webdale to contact relevant parties to ensure that SUA's finances were being managed appropriately.
168. The panel considered that the failure to contact relevant parties occurred over a significant time frame. Therefore, the panel considered that paragraph 1 (ii) of the allegation was proved.

iii. Did not make enquiries with the Office of Public Guardian, to ascertain if a Lasting Power of Attorney had been registered by Service User A before going into care;

169. The panel considered the evidence of JM, OG and AT. The panel noted that there was no evidence before it, including within the case notes in respect of SUA to suggest that Ms Webdale at any stage made enquiries with the OPG to ascertain if a Lasting Power of Attorney had been registered by SUA before going into care.
170. The panel noted the evidence of JM that this process took between 24 and 48 hours. The panel further noted the evidence of OG and AT and considered that the process was relatively straight forward.
171. The panel considered that Ms Webdale would have known or at least suspected that there was no Lasting Power of Attorney in respect of SUA, following concerns being raised with her in respect of debts accruing at two different care homes, and following her request of SUA to sign a direct debit mandate.

172. The panel considered that Ms Webdale was required to make enquiries with the OPG, if there were any concerns around SUA's Lasting Power of Attorney. The panel therefore concluded that Ms Webdale's failure to make such enquiries amounted to a failure to ensure SUA's finances were managed appropriately. On this basis the panel found paragraph 1 (iii) of the allegation was proved.

iv. Did not arrange deputyship and / or appointeeship;

173. The panel considered that it was clear from the evidence that Ms Webdale did not arrange deputyship and / or appointeeship. The panel noted the evidence of JM that Ms Webdale told her, both in supervision and in emails that SUA's solicitors had Lasting Power of Attorney to manage SUA's finances and assets at the relevant time.

174. The panel considered that if Ms Webdale was telling JM that Lasting Power of Attorney was already in place, it would have been inconsistent for her to have gone on to arrange deputyship and / or appointeeship.

175. The panel noted the evidence of AD, who did not provide any evidence to suggest that Ms Webdale had mentioned or explored deputyship or appointeeship with her.

176. Further, the panel noted the evidence of OG who made enquiries with the personal finance department at the Council and noted that they were not aware of SUA.

177. The panel noted its previous finding in respect of the requirement on Ms Webdale to ascertain whether or not a Lasting Power of Attorney was in place, given the lengthy timeframe of Ms Webdale's dealings with SUA.

178. For all the reasons set out the panel considered that paragraph 1 (iv) of the allegation was proved.

v. Did not discuss Service User A's ability to manage their finances with Suffolk County Council;

179. The panel noted the evidence of JM that there was no standard practice for a privately funded placement.

180. The panel noted that there were extensive discussions about SUA's ability to manage her finances with the Council, through JM and others. These discussions centred on there being a Lasting Power of Attorney being in place to manage SUA's finances.

181. JM stated there should have been extensive discussion with the Council's finance department in light of the fact that it was found out that there was no one managing SUA's financial affairs, however the panel consider that this failure was different to a failure to discuss SUA's ability to manage their finances.

182. The panel considered that Social Work England had not proved to the requisite standard that Ms Webdale did not discuss SUA's ability to manage their finances with the Council.

183. As such the panel considered that paragraph 1 (v) of the allegation was not proved.

vi. Falsely led Suffolk County Council to believe that Service User A's care would be managed through the sale of assets;

184. The panel considered the evidence of JM, OG, AD and AT. The panel also noted the documentary evidence provided in the hearing bundle which set out a number of emails sent by Ms Webdale in relation to the debt owed by SUA to her care home, Kentford Manor.

185. Within the emails sent by Ms Webdale she set out specific details in respect of the sale of SUA's house, she further asserted that the proceeds of the sale could be used to clear the debt built up in respect of SUA's care.

186. The panel noted the evidence of AD and OG which established that it was clear that there was no evidence that SUA's house was for sale during the relevant period. The panel considered all the evidence before it and determined that Ms Webdale had falsely led the Council to believe that SUA's care would be managed through the sale of assets.

187. For the reason set out the panel considered that paragraph 1 (vi) of the allegation was proved.

vii. Did not make a request to the head of Financial Inclusion and Advice Service (FIAS) for an accrual of home care fees to be agreed;

188. The panel considered that there was clear evidence that SUA was accruing home care fees, and Ms Webdale was made aware of this on multiple occasions over an extended period.

189. The panel considered that there was no evidence before it to suggest that Ms Webdale made a request to the head of FIAS for an accrual of home care fees to be agreed. The panel considered that this should have occurred in the case of SUA given the clear concerns raised by the care home in respect of SUA's placement.

190. For the reason set out the panel considered that paragraph 1 (vii) of the allegation was proved.

viii. Did not inform Service User A's bank that Service User A lacked mental capacity;

191. The panel considered the evidence of JM and the lack of clarity in respect of SUA mental capacity. The panel noted JM's evidence that in the absence of a formal assessment she

could not say SUA lacked capacity. The panel noted that an MCA was not conducted in respect of SUA until it was performed by JM.

192. On the basis of JM's evidence, the panel considered that Social Work England had not proved to the requisite standard that Ms Webdale was required to inform SUA's bank that SUA lacked mental capacity.

193. For the reason set out the panel considered that paragraph 1 (viii) of the allegation was not proved.

ix. Did not manage Service User A's utility bills.

194. The panel considered the evidence of JM, AD and OG. The panel noted the evidence of OG that she had discussed SUA's utility bills with AD and discovered that these were not being managed.

195. The panel noted the evidence of JM who stated the social worker would have a responsibility to make sure management of the utility bill took place.

196. The panel noted that there was no evidence before it to suggest that Ms Webdale did take steps to manage SUA's utility bills.

197. For the reason set out the panel considered that paragraph 1 (ix) of the allegation was proved.

2. Between on or around 3 April 2017 and 23 January 2018 you did not take steps to ensure Service User B's finances were managed appropriately, including that you:

i. Did not make a best interest decision in respect of Service User B's finances;

198. The panel considered its previous conclusions in respect of the requirement upon Ms Webdale to make a best interest decision.

199. The panel considered that an MCA was a prerequisite of a best interest decision.

200. The panel therefore considered that Ms Webdale could not be criticised for a failure to take steps to ensure SUB's finances were managed appropriately by making a best interest decision, if an MCA in respect of SUB's was not required.

201. On this basis the panel found that paragraph 2 (i) of the allegation was not proved.

ii. Did not arrange deputyship and / or appointeeship.

202. The panel noted the evidence of CM and noted that she required advice in respect of deputyship and / or appointeeship.
203. The panel considered that CM gave clear evidence that she was not assisted by Ms Webdale, and she was given the impression that the Council would be applying for deputyship.
204. The panel considered that there was a requirement on Ms Webdale to arrange deputyship and / or appointeeship in the case of SUB.
205. For the reason set out the panel considered that paragraph 2 (ii) of the allegation was proved.

3. Between on or around 01 January 2017 and 23 January 2018 you did not follow management direction in relation to Service User A, including that you:

i. Did not provide information about Service User A's solicitors when directed to do so.

206. The panel considered the evidence of JM and the various emails within the hearing bundle.
207. The panel noted the evidence of JM, that she had given Ms Webdale a management direction to provide information about SUA's solicitors. While the panel noted within the emails no timescale was set for the action, given the fact that numerous requests were made by JM to Ms Webdale to provide this information, the panel considered that it would have been clear to Ms Webdale that the action should be completed with some urgency. The panel noted the evidence of JM in respect of the actions that could be taken if management direction were not followed, namely disciplinary action. The panel considered that JM was clear that the request she made of Ms Webdale was a management direction.
208. The panel noted that there was no evidence which demonstrated that Ms Webdale provided any information in respect of SUA's solicitors. The panel noted that this information was eventually obtained by OG, who discovered that the solicitors involved with SUA were only dealing with SUA's will.
209. The panel considered in all the circumstances that Ms Webdale did not provide information about SUA's solicitors when directed to do so, and this was a failure to follow a management direction.
210. For the reason set out the panel considered that paragraph 3 (i) of the allegation was proved.

4. Between on or around 01 January 2017 and 23 January 2018 you recorded and / or shared information you knew, or ought to reasonably have known, to be factually incorrect when you:

i. Stated a solicitor was managing Service User A's finances when this was not the case.

211. The panel considered its previous conclusion in respect of what Ms Webdale ought to have known in respect of the Lasting Power of Attorney in relation to SUA. The panel considered that Ms Webdale was involved with SUA's case for a significant period of time and had sufficient time to ascertain whether or not the solicitors connected to SUA were managing SUA's finances.
212. The panel noted in any event that Ms Webdale had asked SUA to sign a direct debit mandate. She would therefore have known at that stage that the solicitors were not managing SUA's finances. Further, Ms Webdale was emailed on a multitude of occasions and told that debt was accruing in respect of SUA's care fees. The panel considered that if Ms Webdale genuinely believed solicitors were managing SUA's finances this ought to have triggered an enquiry by her in respect of what was occurring.
213. The panel noted the evidence of OG that the solicitors were not involved in managing SUA's finances and were involved only in respect of her will. The panel considered that OG discovered this information with relative ease and noted that Ms Webdale was in charge of SUA's case for a significant period of time.
214. The panel considered that Ms Webdale either knew of or ought to have known that solicitors were not managing SUA's finances, and the panel considered its previous conclusions in respect of what Ms Webdale ought to have realised in respect of SUA's funds being mismanaged.
215. For the reason set out the panel considered that paragraph 4 (i) of the allegation was proved.

ii. Stated Service User A's house was for sale when this was not the case.

216. The panel considered the evidence of JM and OG, the panel also noted the various emails within the bundle in which Ms Webdale made reference to the sale of SUA's house.
217. The panel noted that there was no evidence from any other sources which could have led Ms Webdale to believe that SUA's house was for sale.
218. The panel considered the evidence of AD who made clear that whilst SUA was still alive, her house was not for sale. AD noted that SUA died before it even went on the housing market.
219. The panel further noted the evidence of OG in respect of there being no for sale sign at the house and the garden not being kept.

220. The panel considered that Ms Webdale either knew or ought to have known that SUA's house was not for sale and the panel considered its previous conclusions in respect of what Ms Webdale ought to have realised that the solicitors were not managing SUA's finances.
221. For the reason set out the panel considered that paragraph 4 (ii) of the allegation was proved.

5. Your actions at paragraphs 1 (vi) and / or 3 and / or 4(i) and / or 4 (ii) above were dishonest.

222. The panel noted its conclusions in respect of allegation 1 (vi). Within the emails sent by Ms Webdale she set out specific details in respect of the sale of SUA's house, she further asserted that the proceeds of the sale could be used to clear the debt built up in respect of SUA's care. The panel noted the evidence of AD and OG which established that it was clear that there was no evidence that SUA's house was for sale during the relevant period. The panel considered its previous conclusion that Ms Webdale had falsely led the Council to believe that SUA's care would be managed through the sale of assets.
223. The panel considered its conclusion that Ms Webdale would have known or ought to have known that the house was not for sale. The panel considered this in light of the specific details which Ms Webdale provided about the sale of the house and the panel concluded that Ms Webdale would have known what she was saying about the sale of the house was false. The panel considered that taking account of the Social workers' understanding of the circumstances, an ordinary decent person would find her conduct to be dishonest.
224. For those reasons the panel considered that the actions in paragraphs 1 (vi) of the allegation were dishonest.
225. In respect of paragraph 3 of the allegation the panel noted its conclusions that there was no evidence which demonstrated that Ms Webdale provided any information in respect of SUA's solicitors. The panel noted that this information was eventually obtained by OG, who discovered that the solicitors involved with SUA were only dealing with SUA's will.
226. The panel considered its previous conclusions that Ms Webdale ought to have known that the solicitors were only dealing with SUA's will. The panel considered this in light of the repeated references made by Ms Webdale to the involvement of SUA's solicitors in respect of the management of SUA's finances. The panel considered that Ms Webdale would have known what she was saying was false. The panel concluded that taking account of the Social workers' understanding of the circumstances, an ordinary decent person would find her conduct to be dishonest.
227. For those reasons the panel considered that actions in paragraphs 3 (i) of the allegation were dishonest.
228. In respect of paragraph 4(i) of the allegation the panel noted its previous conclusions that Ms Webdale either knew or ought to have known that solicitors were not managing SUA's

finances. The panel also considered its previous conclusions, in respect of that fact that Ms Webdale ought to have realised that SUA's funds being mismanaged, and substantial debt was accruing. The panel concluded that taking account of the Social workers' understanding of the circumstances, an ordinary decent person would find her conduct to be dishonest.

229. In respect of paragraph 4(ii) of the allegation the panel noted its previous conclusions that Ms Webdale either knew or ought to have known that SUA's house was not for sale at the relevant time. The panel considered this in light of the repeated references made by Ms Webdale to the sale of the property. The panel considered that Ms Webdale would have known what she was saying was false. The panel concluded that taking account of the Social workers' understanding of the circumstances, an ordinary decent person would find her conduct to be dishonest.

230. For the reasons set out above the panel considered that the actions set out in paragraphs 4(i) and (4(ii) of the allegation were dishonest.

Submissions on misconduct and impairment:

Social Work England

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

HCPC Standards of conduct, performance and ethics (January 2016)

Promote and protect the interests of service users and carers

1.1 You must treat service users and carers as individuals, respecting their privacy and dignity.

1.4 You must make sure you have consent from service users or other appropriate authority before you provide care, treatment or other services.

1.7 You must keep your relationships with service users and carers professional.

Manage risk

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

6.2 You must not do anything, or allow someone else to do anything, which could put the health and safety of a service user, carer or colleague at an unacceptable risk.

Be honest and trustworthy

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

232. Mr Kirke submitted that the misconduct in this case related to Ms Webdale's failure to safeguard the finances of vulnerable service users and her commission of repeated acts of

dishonesty. Mr Kirke submitted Ms Webdale ought to have known what was expected from her. He stated she had attended training and had access to support materials including flow-charts to help her manage each case.

233. Mr Kirke submitted that Ms Webdale was managed by JM who is knowledgeable on the subject of managing finances under the MCA and despite that, Ms Webdale ignored management directions on several occasions. Mr Kirke referred to Ms Webdale's conduct as deliberate misconduct.

234. Mr Kirke submitted that the facts proved suggested that the two service users, as well as their friends and families, were not provided with the proper professional support expected from a Social Worker. Mr Kirke submitted that by not appropriately managing each service users' finances, Ms Webdale failed to manage risk and brought the profession into disrepute.

235. Mr Kirke noted that there were several acts of dishonesty committed by Ms Webdale which were seemingly committed as a means of covering up her failures to safeguard each service user. Mr Kirke highlighted the fact that Ms Webdale knew SUA did not have solicitors, nor was her house up for sale. He stated Ms Webdale repeatedly over a lengthy period of time dishonestly informed colleagues of this fact. He submitted this continued act of dishonesty placed SUA at risk of harm, as SUA could have been evicted from their Care Home.

236. In respect of impairment Mr Kirke submitted that Ms Webdale has shown no insight into her failings. Mr Kirke submitted her failure to understand or remediate her actions meant that there was a clear risk of repetition.

237. Mr Kirke submitted that a finding of impairment was required in respect of the public component. He submitted given the serious dishonesty by Ms Webdale a finding of impairment was required to protect service users, declare, and uphold proper standards of behaviour and maintain public confidence in the profession.

Ms Webdale

238. Ms Webdale did not provide any submissions in respect of misconduct or impairment.

Finding and reasons on grounds

239. The panel considered all the evidence and the submissions. The panel accepted the advice of the legal adviser and was aware that:

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

“Misconduct is a word of general effect, involving some act or omission which falls short of what would be proper in the circumstances. The standard of propriety may often be found by reference to the rules and standards ordinarily required to be followed by a... practitioner in the particular circumstances”.

- d. The conduct must be serious and fall well below the required standards.
- e. A social worker’s conduct should be considered in the light of any standards of conduct, performance and ethics or other fitness to practise requirements that were applicable to the social worker at the time of the alleged misconduct.
- f. The test for impairment set out by the court in Council for Health and Regulatory Excellence v Nursing and Midwifery Council and Grant [2011] EWHC 927 (Admin) was whether the panel’s findings in respect of the practitioner’s competence and capability show that the practitioner’s fitness to practise is impaired in the sense that they have in the past and/or are liable in the future (a) to put service users at unwarranted risk of harm; (b) to bring the profession into disrepute; (c) to breach one of the fundamental tenets of the profession; (d) to act dishonestly and/or be liable to act dishonestly in the future.
- g. At the impairment stage the tribunal should take account of evidence and submissions that the conduct (i) is easily remediable, (ii) has already been remedied; and (iii) is highly unlikely to be repeated.
- h. The panel should also consider whether Ms Webdale’s fitness to practise is impaired in the sense that a finding of impairment is required to maintain public confidence or proper professional standards.

240. The panel concluded that the proved facts of the allegation amounted to serious breaches of the following standards;

HCPC Standards of conduct, performance and ethics (January 2016)

Promote and protect the interests of service users and carers.

1.1 You must treat service users and carers as individuals, respecting their privacy and dignity.

1.7 You must keep your relationships with service users and carers professional.

Working with colleagues

2.6 You must share relevant information, where appropriate, with colleagues involved in the care, treatment or other services provided to a service user.

Manage risk

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

6.2 You must not do anything, or allow someone else to do anything, which could put the health and safety of a service user, carer or colleague at an unacceptable risk.

Follow up concerns

7.6 You must acknowledge and act on concerns raised to you, investigating, escalating or dealing with those concerns where it is appropriate for you to do so.

Be honest and trustworthy

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

241. The panel acknowledged that Ms Webdale's breaches of the above standards occurred in circumstances where she was a relatively inexperienced social worker. However, in respect of the allegations found proved the panel determined that these amounted to misconduct.
242. The panel concluded that Ms Webdale failed to conduct herself in a manner that would justify the public's trust and confidence. Ms Webdale committed repeated acts of dishonesty and the panel was therefore satisfied that the proved allegations amounted to a significant failure to adhere to the standards expected of a social worker.
243. The panel considered that the actions of Ms Webdale were not isolated, but amounted to repeated failures to act honestly, which put two vulnerable service users at a risk of harm, on the basis that their finances were improperly managed.
244. The panel observed that Ms Webdale in her representations has not provided any explanation for her actions. The panel determined that the conduct of Ms Webdale was deliberate, and her rationale was to conceal the fact that the financial affairs of SUA were not being correctly managed.
245. The panel noted that dishonesty is always to be considered serious, and the panel was satisfied that members of the public and profession would be shocked at Ms Webdale's behaviour, as it amounted to a breach of trust between service users, their friends and family, her employer, the regulator, and the social work profession.
246. The panel determined that the proved facts within the allegations amounted to misconduct.

Finding and reasons on current impairment:

247. Having determined that the proved facts amount to misconduct, the panel considered whether Ms Webdale's fitness to practise is currently impaired. When considering the question of impairment, the panel took into account Social Work England's 'Impairment and sanctions guidance'.
248. The panel had regard to the questions posed by Dame Janet Smith in her fifth Shipman report endorsed in the case of Council for Healthcare Regulatory Excellence v Nursing and

Midwifery Council and Grant [2011] EWHC 927 Admin. In light of its findings on misconduct the panel concluded that Ms Webdale had, in the past:

- ii) acted so as to put a member of the public at unwarranted risk of harm;
- iii) brought the profession of social work into disrepute;
- iv) breached fundamental tenets of the social work profession (in relation to safeguarding the vulnerable);
- v) acted dishonestly.

249. The panel considered that Ms Webdale's misconduct was capable of remediation. It considered that her dishonest conduct was more difficult, but not impossible, to remediate.

250. The panel noted that overall, there was limited engagement from Ms Webdale in the regulatory process or in this hearing. The panel concluded that Ms Webdale has not evidenced remediation, for example her efforts to attend ethics training or address the cause of her pattern of dishonest behaviour.

251. The panel has no information regarding what, if any, work Ms Webdale is or has undertaken.

252. The panel noted Ms Webdale has provided no evidence of insight. Ms Webdale has not expressed remorse or regret, through showing she has reflected on her conduct and the impact it may have had on vulnerable service users, their families and friends, her regulator, or the social work profession as a whole.

253. The panel therefore considered that Ms Webdale has not demonstrated remediation nor demonstrated insight. Ms Webdale has had ample opportunity to provide such evidence within a written response or during the hearing.

254. Ms Webdale's conduct placed vulnerable service users' finances at an unwarranted risk of harm. Her misconduct relates to failings in a core obligation as a social worker, namely honesty. The panel considered that Ms Webdale's repeated pattern of dishonest conduct was a breach of a fundamental tenet of the profession. Due to these findings, together with an absence of evidenced remediation or insight, the panel concluded that there was a high risk of repetition of the misconduct.

255. The panel was satisfied that a finding of impaired fitness to practise was necessary to protect the public, particularly vulnerable service users. Further, the panel considered that reasonable, well informed, members of the public would be shocked about Ms Webdale's established pattern of dishonest conduct.

256. Given that Ms Webdale's misconduct related to breaches of fundamental tenets of social work, namely honesty, the panel was satisfied that professional standards would not be promoted and maintained by a finding that Ms Webdale's fitness to practise is not currently impaired, particularly considering the panel's assessment of no insight and an absence of remediation.

257. The panel therefore concluded that, because of Ms Webdale's misconduct, a finding of impaired fitness to practise was necessary to protect the public, promote and maintain public confidence in the social work profession and declare and uphold proper professional standards.

Submissions on sanction

258. Mr Kirke, on behalf of Social Work England, submitted that, considering the nature of the misconduct, the appropriate sanction was one of removal. He argued that such a sanction would protect the public and the wider public interest, considering the severity of the misconduct.

259. Mr Kirke highlighted the mitigating factors, namely Ms Webdale's good character. In respect of the aggravating factors, he stated that Ms Webdale lacked insight, remorse and had not remediated her conduct. He emphasised that Ms Webdale's conduct caused harm to vulnerable service users.

260. Mr Kirke submitted that it was necessary to impose a sanction that restricted Ms Webdale's practice, as nothing else would protect the public. He argued that, considering Ms Webdale's lack of engagement with the regulatory process, conditions would not be workable and proportionate.

261. Mr Kirke argued that a suspension was not an appropriate outcome in this case as Ms Webdale had not demonstrated insight and there was no evidence to suggest she was willing and able to resolve or remediate her failings.

262. Mr Kirke argued that the sanction of a removal order was proportionate in the circumstances.

263. Ms Webdale did not provide any submissions in respect of sanction.

Findings and reasons on sanction:

264. The panel accepted the advice of the legal adviser, that it must again pursue the overarching objective when exercising its functions. The panel must apply the principle of proportionality, balancing Ms Webdale's interests with the public interest. The purpose of a sanction is not to be punitive, although a sanction imposed may have a punitive effect. The panel considered the least restrictive sanction first and then moved up the sanctions ladder as appropriate. The panel had regard to the Social Work England Impairment and Sanctions Guidance, published in December 2022, together with its determination of grounds and impairment.

265. The Panel were provided with legal advice in respect of the following authorities of Bolton v Law Society [1994] 1WLR 512, CA, Khan v General Medical Council [2015] EWHC 301 (Admin), R (Farah) v. General Medical Council [2008] EWHC 731, Alam v GMC [2015] EWHC 854 (QB), Solicitors Regulation Authority v Sharma [2010] EWHC 2022 (Admin), Hassan v.

General Optical Council [2013] EWHC 1887 (Admin) and Kalaf v. General Medical Council [2018] EWHC 1446 (Admin).

266. The panel reminded itself that it had concluded that Ms Webdale's fitness to practise was found to be impaired due to serious misconduct.
267. In relation to mitigating features, the panel noted that Ms Webdale was of good character. The panel also took into consideration at the start of Ms Webdale's involvement with SUA she had limited experience and was a newly qualified social worker. Further, the panel noted that there was no evidence before it of Ms Webdale making a personal financial gain from her dishonesty.
268. In respect of the aggravating features, the panel reminded itself of its finding that Ms Webdale had shown no insight, remediation or remorse. The panel noted that Ms Webdale had provided no character references, testimonial or evidence of continuing professional development.
269. The panel noted that Ms Webdale's dishonesty was sustained, and she misled numerous individuals in respect of the financial affairs of SUA. The panel considered that Ms Webdale's misconduct caused harm to two vulnerable service users. The panel noted that the mismanagement of service users' finances, which could have been discovered at an early stage but for Ms Webdale's actions, resulted in substantial losses which could have substantially impacted service users, their family and friends and the local authority. Further, the panel noted that by acting dishonestly in respect of SUA's finances, Ms Webdale allowed substantial debt to accrue which could have threatened SUA's placement at her care home.
270. The panel considered that taking no action, or issuing advice or a warning, would not adequately reflect the serious nature of Ms Webdale's misconduct. These outcomes would not adequately protect the public, as they would not restrict Ms Webdale's practice. The panel has assessed there to be a risk of repetition due to the lack of insight, remorse and remediation, and so considered that the public could not currently be adequately protected unless Ms Webdale's practice is restricted. Further, taking no action, or issuing advice or a warning, would not maintain public confidence in the profession or promote proper professional standards, considering the panel's finding that Ms Webdale's dishonesty exposed vulnerable service users to a risk of harm.
271. The panel next considered whether a conditions of practice order would be sufficient to protect the public and wider public interest. The panel, however, noted paragraph 114 of the Impairment and Sanctions Guidance, which states:

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

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

272. The panel noted its findings in relation to insight and Ms Webdale's level of engagement. The panel determined that it could not be confident that Ms Webdale could or would comply with conditions. The panel noted that it had no information as to whether Ms Webdale was currently working as a social worker. The panel was satisfied that workable conditions could not be formulated to adequately protect the public. Further, considering the serious misconduct, the panel was satisfied that conditions would not be sufficient to maintain public confidence, or to promote proper professional standards.

273. The panel went on to consider making a suspension order. The panel noted the submission made by Social Work England. The panel consider paragraphs 137-138 of the Impairment and Sanctions Guidance, which state as follows:

"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*

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"*

274. The panel also considered paragraphs 172-177 of the Impairment and Sanctions Guidance, which state as follows:

"172. Honesty is key to good social work practice. Social workers are routinely trusted with access to private spaces (such as people's homes), and highly sensitive and confidential information (such as case notes).

173. Other organisations also rely on the honesty and integrity of social workers when making important decisions about service users, their relatives and carers. This includes (all of the following):

- *the police*
- *the courts*
- *local and health authorities*

- *other agencies*

Because of this, dishonesty is likely to threaten public confidence in the social work profession. This is the case both in professional practice and in the social worker's private life.

174. Concerns that raise questions of character (such as dishonesty) may be harder to remediate. This is because it is more difficult to produce objective evidence of reformed character. Evidence of professional competence cannot mitigate serious or persistent dishonesty. Dishonest conduct is highly damaging to public confidence in social work. Therefore, it is likely to warrant a finding of impairment and a more serious sanction of suspension or removal.

Dishonesty in professional practice

175. The most serious instances of dishonesty in professional practice are those which (do either of the following):

- *directly harm service users*
- *have the potential to put service users at risk*

176. This could include (any of the following):

- *defrauding people who use social work services, their relatives or carers*
- *falsifying records (such as falsely recording that a safeguarding referral has been made or a statutory visit carried out)"*

Other examples of dishonesty in professional practice include (any of the following):

- *defrauding an employer*
- *financial dishonesty (such as theft or fraud)*
- *submitting inaccurate or misleading information in a CV or job application*
- *providing inaccurate information to the regulator (such as not disclosing a criminal conviction in a registration renewal application)*

177. Financial dishonesty (such as theft or fraud) is particularly serious if it leads to (either of the following):

- *losses of public funds that should be used to deliver services*
- *people who use social work services (and their families) losing their property (such as their belongings)*

This is because it may impact the amount of resources available to support people."

275. The panel considered that the serious misconduct in which it had found Ms Webdale had placed vulnerable service users at risk of harm. This included that the panel considered its findings that Ms Webdale's dishonesty was persistent in nature and repeated to a number of individuals.
276. The panel concluded that Ms Webdale's misconduct in relation to two vulnerable service users was fundamentally incompatible with registration and, on current information, was behaviour which had not been remediated.
277. The panel recognised the impact a removal order would have on Ms Webdale and took this into account. However, it considered the public interest outweighed Ms Webdale's interests. The panel therefore concluded that the only sanction which achieved the aim of public protection in all three limbs was a removal order, with no lesser sanction being sufficient.

Interim Order

278. In light of its findings on sanction, the panel next considered an application by Mr Kirke for an Interim Suspension Order under schedule 2, paragraph 11(1)(b) of the Social Workers Regulations 2018 (the Regulations) to cover the appeal period before the final order becomes effective.
279. Mr Kirke submitted that, in view of the panel having made a removal order, an interim order should be imposed. He submitted that the interim suspension order imposed under schedule 2, paragraph 8(2) of the Regulations could not be revoked at today's hearing because the social worker had not waived their right to notice. He submitted that an interim order under schedule 2, paragraph 11(1)(b) was necessary because the panel had directed the removal of Ms Webdale's name from the register, and in the event that there might be an appeal.
280. The panel was advised that it had power to make any interim order if it considered this necessary to protect the public, or in the best interests of the social worker. The panel was mindful of its earlier findings. The panel decided that it would be wholly incompatible with those earlier findings to not protect the public with an interim order to cover the appeal period, or the period until any appeal is resolved.
281. The panel was mindful that it could make any interim order. It considered that, in light of its findings, it was necessary to make an Interim Suspension Order. Since any appeal, if made, might take a long time to resolve, the panel decided to make the interim order for 18 months.
282. Accordingly, the panel concluded that an Interim Suspension Order is necessary for the protection of the public. When the appeal period expires, this interim order will come to an end unless an appeal has been filed with the High Court. If there is no appeal, the final order of a removal order shall take effect when the appeal period expires.

Right of appeal

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

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

284. Under Paragraph 16(2) of Schedule 2 of the regulations an appeal must be filed before the end of the period of 28 days beginning with the day after the day on which the social worker is notified of the decision complained of.

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

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

Review of final orders:

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

- 15(1) The regulator must review a suspension order or a conditions of practice order, before its expiry
- 15(2) The regulator may review a final order where new evidence relevant to the order has become available after the making of the order, or when requested to do so by the social worker
- 15(3) A request by the social worker under sub-paragraph (2) must be made within such period as the regulator determines in rules made under Regulation 25(5), and a final order does not have effect until after the expiry of that period

288. Under Rule 16(aa) of the rules a social worker requesting a review of a final order under Paragraph 15 of Schedule 2 must make the request within 28 days of the day on which they are notified of the order.

The Professional Standards Authority:

289. 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>.