

Social worker: Kelly Anderson

Registration number: SW118983

Fitness to Practise

Final Hearing

Dates of hearing: 26 February 2024 to 29 February 2024

Hearing venue: Remote hearing

Hearing Outcome: Fitness to practise impaired, removal order

Interim order: Interim suspension order - (18 months)

Introduction and attendees:

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

Adjudicators	Role
John Walsh	Chair
Joanna Bowes	Social worker adjudicator
Douglas Thorpe	Lay adjudicator

Robyn Watts	Hearings officer
Jo Cooper	Hearings support officer
Emma Boothroyd	Legal adviser

Service of notice:

4. Ms Anderson did not attend and was not represented. The panel of adjudicators (hereafter “the panel”) was informed by Ms Ferrario that notice of this hearing was sent to Ms Anderson by email and special delivery service to an address provided by the social worker (namely their registered address as it appears on the Social Work England register). Ms Ferrario explained that the Notice of hearing was initially served in September 2023 and again on 26 January 2024. Ms Ferrario 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 26 January 2024 and addressed to Ms Anderson at their postal and email address which they provided to Social Work England;
 - An extract from the Social Work England Register as of 26 January 2024 detailing Ms Anderson’s registered postal and email address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 26 January 2024 the writer sent by special delivery service and email to Ms Anderson 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 Anderson’s address at 09.43am on 27 January 2024.

6. The panel accepted the advice of the legal adviser in relation to service of notice.
7. Having had regard to Rule 44 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 Anderson in accordance with the Rules.

Proceeding in the absence of the social worker:

8. The panel heard the submissions of Ms Ferrario on behalf of Social Work England. Ms Ferrario submitted that notice of this hearing had been duly served, no application for an adjournment had been made by Ms Anderson and as such there was no guarantee that adjourning today's proceedings would secure their attendance. Ms Ferrario further submitted that Ms Anderson had last been in contact with Social Work England in April 2022 to confirm that she was not currently working. Ms Ferrario submitted that Ms Anderson had been provided with ample opportunity to engage in these proceedings. Ms Ferrario submitted that these allegations arose in 2020 and there are 6 witnesses on standby to provide evidence. Ms Ferrario submitted that it was in the interests of justice to proceed to an expeditious disposal of this hearing.
9. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. This included reference to Rule 44 of 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 guidance 'Service of notices and proceeding in the absence of the social worker'.
10. The panel considered all of the information before it, together with the submissions made by Ms Ferrario on behalf of Social Work England. The panel noted that Ms Anderson had been sent notice of today's hearing on more than one occasion by both email and post. The panel noted that Ms Anderson had corresponded with Social Work England using her registered email address in April 2022 and someone giving that surname of Anderson had signed for the registered delivery letter containing the notice. The panel was satisfied that Ms Anderson was, or should be, aware of today's hearing. In addition, the panel noted that Ms Anderson was sent the joining instructions and the links for the hearing and had not responded to the hearings officer.
11. The panel therefore concluded that Ms Anderson had chosen voluntarily to absent herself. The panel had no reason to believe that an adjournment would result in Ms Anderson's attendance. The panel were satisfied that Ms Anderson had chosen to disengage from proceedings and an adjournment would serve no useful purpose.
12. The panel noted that there may be a disadvantage to Ms Anderson in proceeding. However, having weighed the interests of Ms Anderson in regard to their attendance at the hearing with those of Social Work England and the public interest in an expeditious disposal of this hearing, the panel determined to proceed in Ms Anderson's absence.

Background:

13. On 23 December 2020, Social Work England received a referral from Blackpool Country Council (“the council”) regarding the social worker’s conduct. The social worker began working at the council in 2019. As she had not been in a social work role before joining the Council she was placed in the Assessed and Supported Year in Employment (“ASYE”) which is usually for newly qualified social workers. The social worker was therefore more closely supported in her role. Initially, ‘NB’ was her line manager.
14. On 23 September 2020, ‘LH’ took over as the Social Worker’s line manager. On 13 October 2020, the Social Worker told LH that she was unable to be in work because of issues with her partner (‘Person A’).
15. On 14 December 2020, the Social Worker’s fifteen-year-old daughter together with Person A were involved in a driving incident where the Social Worker’s daughter had driven the vehicle into a shop window. Subsequently, a referral was made to Blackpool Children’s Services about her daughter’s care and the council conducted an internal investigation into their concerns about the social worker’s conduct.
16. As part of the internal investigation the council carried out an audit of the council’s record system “Mosaic” to establish whether there had been any access of the casefiles relating to Person A or his children. Child B, C & D are the children of Person A, who were the subject of an investigation by social services in 2020. The results of that audit found that the social worker’s log in details were recorded as using the council’s Mosaic computer system to access Person A’s casefile on 21 August 2020 and Child B, C and D’s casefiles on 21 August, 10 September, and 17 September 2020.
17. When the need for this audit was raised during a phone call between the social worker and LH on 17 December 2020 the social worker denied ever having used Mosaic for the purpose of accessing the records of her ex-partner (Person A) or his children. The social worker subsequently called LH back and said that Person A had asked her on a regular basis that she accessed his and his children’s case files but that she had always refused to do so.
18. During a disciplinary interview the social worker said that she had not accessed the records of Person A or Child B, C and D and could not understand how the audit data suggested that she had. The Social Worker attended a disciplinary hearing on the council on 15 June 2021 and maintained that she had not accessed the records as alleged.

Allegations:

- (1) Whilst employed as a social worker by Blackpool County Council during the period 21 August 2020 – 27 September 2020 you,
 - (a) Did not handle confidential information appropriately in that you accessed and/or allowed another to access the records of service users with no professional reason to do so as set out in Schedule 1;

Schedule 1

- (a) On 21 August 2020 accessed the records of Person A.
- (b) On 21 August 2020 accessed the records of Child B.
- (c) On 10 September 2020 accessed the records of Child B.
- (d) On 17 September 2020 accessed the records of Child B.
- (e) On 21 August 2020 accessed the records of Child C.
- (f) On 10 September 2020 accessed the records of Child C.
- (g) On 17 September 2020 accessed the records of Child C.
- (h) On 21 August 2020 accessed the records of Child D.
- (i) On 10 September 2020 accessed the records of Child D.
- (j) On 17 September 2020 accessed the records of Child D.

Your actions as set out above amount to the statutory ground of misconduct.
Your fitness to practise is impaired by reason of misconduct.

Summary of evidence:

19. The panel was provided with a written statement of case dated 16 February 2024 prepared by Capsticks on behalf of Social Work England which set out the allegations and the evidence relied upon in support of the allegation.
20. The panel received written statements together with supporting exhibits from:
 - LB – Ms Anderson’s line manager from September 2020;
 - KH – Chair of Ms Anderson’s disciplinary hearing;
 - LP – System Liaison Officer within the ICT Department at the council who produced the audit reports.
 - NB – Ms Anderson’s line manager until September 2020
 - RS – Investigating Officer in relation to the disciplinary investigation undertaken by the council in respect of Ms Anderson.
 - RA – Lead Investigating Officer in relation to the disciplinary investigation undertaken by the council in respect of Ms Anderson.
21. The results of the audit undertaken by LP and the Systems Access and Activity Report by ‘RA’ on behalf of the council were contained within the panel’s exhibit bundle and the panel had sight of the disciplinary interviews and hearing notes and recordings.
22. The panel heard oral evidence from RA, he told the panel that the information within his report regarding the working locations of Ms Anderson on the dates in question was obtained from Ms Anderson’s line managers at the time. RA confirmed that during that time, Covid restrictions meant that teams were working alternate weeks in the office, so it

was easier to know who was scheduled to be there on any given week. RA also told the panel that once Ms Anderson was logged on to the network, if she left her device, it would “lock” after a time, but she would only be required to sign back into the device, not the network or Mosaic which would continue to run in the background. RA also confirmed that the council’s IT system at that time was “glitchy” because Covid restrictions in the earlier months of the pandemic had led to the number of homeworkers expanding significantly.

23. The panel also had sight of two emails written by the Social Worker to Social Work England during its investigation.

Submissions

24. Ms Ferrario on behalf of Social Work England opened the case in detail and highlighted to the panel the relevant evidence. In her closing submissions, Ms Ferrario invited the panel to find the facts proved in their entirety, on the basis of the evidence presented. In summary she submitted that the evidence was credible and reliable, and Ms Anderson had put forward no alternative explanation. Ms Ferrario invited the panel to conclude that it was more likely than not that it had been Ms Anderson who had accessed the casefiles and that she had no legitimate reason to do so. Ms Ferrario invited the panel to draw an adverse inference from Ms Anderson’s non-attendance at this hearing.

Finding and reasons on facts:

25. The panel accepted the advice of the legal adviser, who reminded the panel that it is for Social Work England to prove the facts on the balance of probabilities. The panel should consider each of the dates in the schedule separately and consider whether it is more likely than not that the facts are as alleged. The legal adviser drew the panel’s attention to the case of *Kuzmin v General Medical Council* [2019] EWHC 2129 which sets out that the panel would be entitled to draw an adverse inference from the non-attendance of the Social Worker unless it would be unfair to do so. In considering whether such an inference should be drawn the panel should be satisfied that the social worker has been given appropriate notice and warning that such an inference may be drawn.
26. The panel finds the allegation proved in its entirety. The panel accepted the evidence contained within the statements and attached exhibits of LP that the Social Worker’s log in details were used to access the case files on the dates as set out in Schedule 1. The panel accepted the evidence of LP that the audit of the Mosaic system showed that the records of Person A and Child B, C and D were accessed and viewed by a user with Ms Anderson’s log in details. The panel considered this contemporaneous documentary audit to be credible and reliable.
27. The panel noted that the audit report was unable to show that Ms Anderson was logged into the council’s network on the 21 August 2020. However, the panel accepted the oral evidence of RA that this was likely to be a “glitch”. The panel noted that as a matter of

common sense, Ms Anderson would need to be logged into the network to access the Mosaic system. The panel had no reason to conclude that the lack of evidence that Ms Anderson was logged on to the network on 21 August 2020 impacted the Mosaic data relating to records accessed and viewed. The panel noted that the audit showed Ms Anderson was clearly working legitimately within Mosaic in relation to other unrelated matters on that date and so was active within Mosaic.

28. The panel considered that this evidence gave rise to a reasonable inference that it was in fact Ms Anderson that had accessed these records on the dates set out in Schedule 1. The panel noted that Ms Anderson had consistently stated that she had not accessed the records, but the panel could identify no evidence that would support a credible alternative.
29. The panel noted that on 21 August 2020 and 17 September 2020 the social worker was working from home and on 10 September the social worker was working in the office. The panel was satisfied that these dates and locations were correct on the basis of RA's evidence that during that time the social workers were working one week at home and one week in the office to preserve the "bubble" due to Covid restrictions. Further, NB in her interview as part of the council investigation, recalled that she had seen the social worker in the office on 10 September 2020. NB recalled that the social worker had been off work on 9 September 2020 because of issues with Person A.
30. The panel considered that it was highly unlikely that the same individual would be in both Ms Anderson's home and office, and this therefore made it more likely than not that it was in fact Ms Anderson who had accessed the records. The panel noted that the evidence from the audit demonstrated that immediately before and after accessing the records relating to Person A and his children, the same user with Ms Anderson's details, was recording work on Mosaic relating to children on Ms Anderson's caseload. Given the timings involved, the panel did not consider that it was either credible or likely that an individual accessed these records whilst Ms Anderson had left her device unattended. Further, the panel considered that it would have been evident to Ms Anderson that these records had been accessed, given that they would appear in the "recent files" area on her Mosaic account.
31. The panel noted that there was evidence from LH that Ms Anderson had told her that Person A had asked her to access his files on a regular basis. The panel also noted that Person A and his family were of interest to Ms Anderson given their personal relationship. The panel noted that on the 10 September 2020 Ms Anderson had returned to the office after a day at home to deal with issues with Person A. The panel considered that that the access to casefiles relating to Person A's children on this day was likely to be Ms Anderson given the context of the difficulties she was experiencing with Person A at home. The panel considered that the documentary evidence from the audit was more likely than not to be correct and that Ms Anderson had viewed the records as alleged.
32. The panel noted that the records were accessed in quick succession on each date which would suggest a familiarity with the Mosaic system. The panel considered that this would support the conclusion that Ms Anderson rather than Person A accessed the records.

33. The panel was satisfied that Ms Anderson had no professional reason to access the information in schedule 1 on the dates in question. The panel accepted the evidence of NB that this was not a family that was part of Ms Anderson's caseload or known to the team in which she was working. The panel is satisfied that these individuals were not part of Ms Anderson's case load and that, given her personal connection it was inappropriate for her to access the case files.
34. The panel is satisfied that Ms Anderson was aware that this was confidential information, given her training and induction and the written guidance produced by the council that was available to her. Further, Ms Anderson on several occasions accepted that she should not access this information and it was not appropriate for her to have done so, even though she denied that she was responsible.
35. The panel was satisfied on the evidence for the reasons set out above that Ms Anderson had accessed the records on the dates set out in schedule 1. The panel noted that she had offered no credible evidence about any alternative explanation during the internal disciplinary process beyond suggesting that she may have been "set up". The panel considered that there was no evidence to support such a contention. For the avoidance of doubt the panel did not draw any adverse inference from Ms Anderson's non-attendance at the hearing and based its conclusions on the evidence before it.

Summary of Submissions – Grounds and Impairment:

36. Ms Ferrario submitted that the facts found proved amounted to misconduct and that the Social Worker's fitness to practise is currently impaired. She directed the panel to revisit the Statement of Case prepared on behalf of Social Work England and stated that the position was unchanged. Ms Ferrario directed the panel to the Professional Standards for Social Workers (2019) in particular Paragraphs 2.1, 2.2, 2.6, 2.7, 3.1 and 5.2. Ms Ferrario reminded the panel of the relevant framework contained within the Social Work England guidance and referred to the case law.
37. Ms Ferrario submitted that the misconduct was serious as it involved a breach of trust and was conduct which placed vulnerable service users at risk of harm. Ms Ferrario reminded the panel of the evidence that Ms Anderson had discussed the issue of access to confidential material with her line manager during her supervision and had received training in relation to the Mosaic system. Ms Ferrario submitted that Ms Anderson was fully aware that she should not have accessed the information that she did. Ms Ferrario submitted that accessing confidential information for her own benefit was an abuse of the position of trust and privilege Ms Anderson held as a social worker. Ms Ferrario submitted that this was conduct that fellow practitioners would find deplorable.
38. Ms Ferrario submitted that the Social Worker had failed to demonstrate any remorse, insight or remediation and had not provided any evidence that she has appreciated the impact of her actions. Ms Ferrario submitted that a finding of impaired fitness to practise

was necessary on public interest grounds to uphold proper professional standards and uphold confidence in the profession.

Findings and Reasons - Grounds and Impairment:

39. The panel accepted the advice of the legal adviser that it should keep at the forefront of its consideration the overarching objectives of Social Work England when exercising its functions. It must consider whether the Social Worker's fitness to practise is currently impaired by reason of misconduct. To do so, it must first consider whether the proved allegations amounted to misconduct, whether that misconduct was serious and, if so, whether that leads to a finding of current impairment. Neither party bears the burden of proof. When considering impairment, the panel should consider whether the misconduct is remediable and, if so, whether it has been remedied and what insight has been demonstrated by the Social Worker. The panel must also determine whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of current impairment were not made. The legal adviser advised the panel to have regard to the guidance published by Social Work England.

40. The panel noted that "misconduct" in regulatory proceedings was defined by Lord Clyde in the case of *Roylance v General Medical Council* [2001] 1 AC 311 as follows:

"...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."

41. The panel was satisfied that the conduct found proved breached the following Professional Standards:

"As a social worker, I will:

2.2 Respect and maintain people's dignity and privacy

2.6 Treat information about people with sensitivity and handle confidential information in line with the law

3.1 Work within legal and ethical frameworks, using my professional authority and judgement appropriately

As a social worker, I will not:

5.2 behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work."

42. The panel was satisfied that the facts found proved constituted misconduct, as the conduct amounted to significant failures to adhere to the standards expected of someone in Ms

Anderson's position. The panel reminded itself of its factual findings and noted that Ms Anderson had looked in detail, on more than one occasion into confidential records relating to her ex-partner and his children for her own purposes. The panel considered such conduct had the potential to put those service users at risk of harm and was a breach of their privacy and dignity. The Panel considered that this conduct was an abuse of Ms Anderson's trusted position as a social worker.

43. Further, the panel was satisfied that the misconduct was serious as handling sensitive and confidential information is a core duty of the social work profession. Social Workers are entrusted with sensitive information not available to members of the public and the expectation is that it will be handled appropriately. The panel considered that failing to adhere to these principles was conduct that fellow practitioners and the public in general would find deplorable.
44. Additionally, the panel considered that the social worker's conduct was aggravated as it was undertaken in the specific knowledge that it was not appropriate. The panel reminded itself of the evidence of NB relating to the supervision session on 28 May 2020 in which Ms Anderson was specifically advised that she should not access any records of anyone she was not directly working with and that there was an expectation to uphold confidentiality. Ms Anderson indicated that she was aware and would never do anything of that nature. Nevertheless, in spite of that discussion Ms Anderson went on to access the records of individuals to whom she had a personal and not a professional connection in August and September 2020. The panel considered that this increased the seriousness of the conduct.
45. The panel was satisfied that members of the public and of the profession would be appalled at Ms Anderson's conduct. Actions such as those found, breach trust between service users and the social work profession, which in turn negatively impacts upon service users' engagement with social workers and therefore hinders the assessment of need and risk. The panel was therefore satisfied that the facts found proved amounted to serious professional misconduct.
46. The Panel went on to consider whether the Social Worker's fitness to practise is currently impaired. The panel considered that with insight, reflection, and remorse the conduct was capable of remediation. However, the panel considered that there was no evidence of any remediation or insight. Although the social worker acknowledged in her disciplinary interview that the conduct was wrong, she had continued to maintain that she was not responsible.
47. Ms Anderson has not meaningfully engaged with these proceedings. Ms Anderson has not reflected on the impact of her conduct on Service Users, colleagues, or public confidence in the social work profession.
48. The panel had regard to the absence of evidence of remediation and insight. It also noted that this was a repeated and deliberate course of conduct carried out for her own purposes in the specific knowledge that it was not appropriate. The panel noted that Ms Anderson had been placed on the ASYE programme as a result of her previous career history which meant that there was additional support open to her and she had access to resources for

assistance. The panel noted that Ms Anderson has not been working as a social worker (as far as the panel is aware) since April 2022 and that no recent evidence has been provided to show her current work performance or any training undertaken. Having taken all of those matters into account, the panel was satisfied that there was a significant risk of repetition of the proved misconduct.

49. The panel found that Ms Anderson's practice currently poses a risk to the public. The public requires social workers to carry out their statutory responsibilities diligently and not abuse their position to access information for their own purposes. The panel therefore found that public confidence in the social work profession would be seriously undermined if there was no finding of impairment in these circumstances. The panel considered that the public would be concerned to learn of Ms Anderson's conduct, and this could lead to a reluctance to share information with social workers.
50. The panel therefore concluded that as a consequence of Ms Anderson's serious misconduct, a finding of impaired fitness to practise is necessary to protect the public and to promote and maintain public confidence in the social work profession and proper professional standards.

Summary of Submissions – Sanction:

51. Ms Ferrario, on behalf of Social Work England, submitted that in light of the nature and extent of the misconduct, and the lack of meaningful engagement by Ms Anderson the only appropriate sanction was one of removal. She submitted that in relation to mitigating factors there had been no actual harm caused to any service users and Ms Anderson had no previous disciplinary history. Ms Ferrario submitted that in relation to aggravating factors the panel had found that the conduct was a repeated pattern of behaviour and although there had been no actual harm there was the risk of harm to Person A and his children. Ms Ferrario submitted that there had been no evidence of insight, remorse, or remediation. Ms Ferrario submitted that in light of these factors together with the risk of repetition identified taking no action or imposing a warning or advice would be insufficient to protect the public. Ms Ferrario told the panel that Ms Anderson had been subject to an interim conditions of practice order since 28 September 2021. Ms Ferrario told the panel that the regulator had at no time been notified that Ms Anderson had worked as a social worker under those conditions and she had not attended any of the interim order hearings or reviews. Ms Ferrario submitted that this panel could not be satisfied that Ms Anderson was willing or able to comply with conditions given this history. In any event she submitted that the misconduct found proved was attitudinal in nature and no suitable conditions could be formulated. Ms Ferrario submitted that given the complete lack of evidence that Ms Anderson was willing to remedy her failings the panel could not be satisfied that a period of suspension would serve any useful purpose. Ms Ferrario submitted that it was unlikely that Ms Anderson would use a period of suspension to address her failings. Ms Ferrario submitted that any directions given by the panel for steps to be taken by the social worker prior to a review would be unlikely to be complied with. Ms Ferrario reminded the panel of

the guidance and submitted that Ms Anderson's actions had involved a breach of trust. Ms Ferrario submitted that paragraph 154 of the guidance indicated that suspension or removal would be the appropriate sanction in these cases. Ms Ferrario submitted that in the light of the fact that Ms Anderson had not engaged only removal would be sufficient to satisfy the public interest.

Decision on sanction:

52. The panel accepted the advice of the legal adviser who reminded it of the three limbs of the overarching objective when considering what, if any sanction was appropriate. The panel was reminded to apply the principle of proportionality, balancing Ms Anderson's interests with the public interest. The primary purpose of a sanction is to protect the public and not to be punitive, although a sanction may have a punitive effect. The panel considered the least restrictive sanction first and then went on to consider the sanctions in ascending order of severity. The panel had regard to the Social Work England sanctions guidance, published in July 2022 and updated in December 2022.
53. The panel reminded itself of its determination in relation to misconduct and impairment and took into account all the evidence it had seen and heard.
54. In relation to mitigating features the panel took into account that there was no evidence of any actual harm to Person A or his children. However, it balanced this with its earlier finding that there was the potential for harm. The panel also noted that there was no evidence of any previous disciplinary history, but it noted that Ms Anderson was working in an "ASYE" at the time of the misconduct.
55. The panel considered that the aggravating features included that this was a repeated pattern of conduct, there was a risk of harm to service users and that Ms Anderson had demonstrated no meaningful insight, remediation, or remorse.
56. The panel noted that there was some evidence that Ms Anderson was experiencing difficult personal circumstances at the time of the misconduct. However, the panel had no evidence from Ms Anderson to support this and so gave little weight to this aspect and it did not consider it amounted to a mitigating factor.
57. The panel considered that taking no action, or issuing advice or a warning, would not adequately reflect the serious nature of Ms Anderson's misconduct and would not protect the public, maintain public confidence in the profession nor promote proper professional standards. The panel considered that some restriction of Ms Anderson's practice was required on the basis that it had identified a risk of repetition.
58. The panel next considered whether a conditions of practice order would be sufficient to protect the public and wider public interest. The panel noted in particular paragraph 85 of the Sanctions Guidance, which states:

"Conditions are most commonly applied in cases of lack of competence or ill health. They're less likely to be appropriate in cases of character, attitudinal or behavioural

failings, or in cases raising wider public interest issues. For example, conditions would almost certainly be insufficient in cases of sexual misconduct, violence, dishonesty, abuses of trust and discrimination involving a protected characteristic.”

59. The panel noted that the misconduct found proved encompassed breaches of fundamental core duties of the social work profession to safeguard sensitive information. Given that these failures appeared to the panel to be attitudinal in nature and did not stem from a lack of experience or knowledge, the panel was not satisfied that workable conditions could be formulated which would adequately protect the public. The panel also noted that Ms Anderson had not engaged with her interim conditions of practice order or attended any reviews of that order, and it had no confidence that Ms Anderson would engage with and abide by conditions.

60. Further, in light of the seriousness of the misconduct found proved, the panel was satisfied that conditions would not be sufficient to promote and maintain public confidence or proper professional standards.

61. The panel therefore considered whether Ms Anderson should be subject to a suspension order or removal order. The panel again reminded itself that a sanction of removal should only be imposed if suspension would not adequately protect the public or wider public interest. It considered, in particular, paragraph 138 of the Sanctions Guidance, which states:

“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”*

62. The panel considered that both of these circumstances were applicable in Ms Anderson’s case. These events took place in 2020 and Ms Anderson has provided no evidence that she has done anything to address her failings in the intervening period. The panel noted that she has completely disengaged from proceedings and there is no evidence that she is willing or able to remediate her misconduct. The panel accepted that the conduct was capable of remediation with the development of appropriate and meaningful insight. However, the panel had no confidence based on the evidence it had seen and heard that Ms Anderson would take the opportunity of further time to reduce the risk to the public arising from her practice and it considered that a period of suspension would serve no useful purpose.

63. Additionally, the panel was satisfied that a suspension order would not promote and maintain public confidence in the social work profession or proper professional standards in light of the aggravating features and the serious breach of trust found proved. Reasonable and knowledgeable members of the public and the social work profession would be shocked and concerned if, in those circumstances, a social worker was not removed from the social

work register, especially upon the social worker failing to demonstrate remorse, insight and remediation.

64. The panel was therefore satisfied that the only proportionate and appropriate sanction was one of removal from the social work register.

Interim order

65. In light of its findings on Sanction, the panel next considered an application by Ms Ferrario for an interim suspension order to cover the appeal period before the Sanction becomes operative. Ms Ferrario submitted that an interim order of suspension was the appropriate and proportionate order given the panel's findings.
66. The panel next considered whether to impose an interim order. It was mindful of its earlier findings and decided that it would be wholly incompatible with those earlier findings and the imposition of a removal order to conclude that an interim suspension order was not necessary for the protection of the public or otherwise in the public interest for the appeal period.
67. Accordingly, the panel concluded that an interim suspension order should be imposed on public protection and public interest grounds. It determined that it is appropriate that the interim suspension order be imposed for a period of 18 months to cover the appeal period. When the appeal period expires, this interim order will come to an end unless there has been an application to appeal. If there is no appeal the Removal Order shall apply when the appeal period expires.

Right of appeal

68. 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.
69. 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.

70. 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.

71. 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:

72. 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

73. 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:

74. 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>.