



Social worker: Noor Yusuf
Registration number: SW118547
Fitness to Practise
Final Hearing

Dates of hearing: 04 March 2024 to 06 March 2024

Hearing venue: Remote hearing

Hearing Outcome: Fitness to practise impaired, Suspension order (18 months)

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”) (“the Rules”).
2. Mr Yusuf attended and was represented by a family member, Mr Ibrahim Patel.
3. Social Work England was represented by Ms Sophie Sharpe, case presenter, from Capsticks LLP.

Adjudicators	Role
Kerry McKeivitt	Chair
Elaine Mackie	Social worker adjudicator
Sally Underwood	Lay adjudicator

Wallis Crump	Hearings officer
Mollie Roe	Hearings support officer
David Mason	Legal adviser

Preliminary matters:

4. An application was made by Mr Patel under Rule 40(c) of the Rules that the panel should exercise its discretion to allow him to represent Mr Yusuf at the hearing. Ms Sharpe told the panel that there was no objection to the application. Mr Patel said that he had been involved in assisting Mr Yusuf with his case for about 12 months and that he was a practising social worker, managing an adult social work team.
5. The panel accepted the advice of the legal adviser that it should exercise its discretion fairly to the parties. He said that the panel would have to consider whether Mr Patel was a ‘suitable person’ as set out in the regulation, that this was a matter for the panel and that there was no definition of ‘suitable person’ in the Rules.
6. The panel was satisfied that Mr Patel was a suitable person to act as Mr Yusuf’s representative and acceded to the application.
7. Ms Sharpe made an application under Rule 32(a) of the Rules that the matters set out in paragraph 1(b) and (c) of the allegation be dealt with under the statutory ground of conviction, not misconduct. She said that the Case Examiners had referred them as misconduct under the mistaken belief that the matters set out in that part of the allegation were not criminal offences. Ms Sharpe referred the panel to the relevant legislation and submitted that they were criminal offences and should be dealt with consistently with the conviction referred to in paragraph 1(a) of the allegation.
8. Mr Patel raised no objection to the application.
9. The panel accepted the advice of the legal adviser that it had discretion to treat the matters set out at paragraphs 1 (b) and (c) of the allegation under the statutory ground of conviction, not misconduct, provided that doing so caused no injustice to Mr Yusuf. He

advised that Mr Yusuf had notice of the application as it was set out in the statement of case which had been served upon him on 30 January 2024 and that granting the application would make consideration of the issues in those paragraphs consistent with the panel's consideration of paragraph 1(a). He advised that the matters set out in paragraphs 1(b) and (c) were criminal offences.

10. The panel was satisfied that the application could be acceded to without unfairness to Mr Yusuf. It was satisfied that the matters set out in paragraphs 1(b) and (c) of the allegation were criminal offences and should be dealt with consistently with allegation 1(a). The panel therefore granted the application.
11. In the course of the allegation being read Mr Patel said that the date in paragraph 2(a)(ii) of the allegation referred to 28 February 2018 the correct date was 28 February 2019. Ms Sharpe told the panel that this was a typographical error and that there was no objection to it being amended.
12. The panel accepted the advice of the legal adviser that an amendment to the allegation could be agreed to by the panel if it caused no unfairness. The panel was satisfied that this was a typographical error which could be amended without unfairness to the parties and agreed that the date in allegation 2(a)(ii) should be amended to 28 February 2019.

Allegations:

Whilst registered as a Social Worker:

1. You were convicted of the following offences:

- a. Dangerous driving contrary to section 2 of the Road Traffic Act 1988 on or around 22 October 2021 at Manchester Crown Court and/or;*
- b. Using a motor vehicle without insurance contrary to section 143 of the Road Traffic Act 1988 on or around 18 October 2021 at Manchester Crown Court and/or;*
- c. Driving without due care and attention, contrary to section 3 of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988 on or around 2 May 2018 at Greater Manchester Magistrates' Court.*

2. You failed to inform the regulator that you had:

a. Been arrested and/ or charged with the following offences:

- i. Causing death by dangerous driving contrary to section 1 of the Road Traffic Act 1988, following an incident on 28 February 2019 and/ or;*
- ii. Causing death by dangerous driving whilst unlicensed, disqualified or uninsured contrary to section 3ZB of the Road Traffic Act 1988 following an incident on 28 February 2019.*

The matters outlined at paragraph 1 above amount to the statutory ground of a conviction in the United Kingdom for a criminal offence

The matters outlined at paragraph 2 above amount to the statutory ground of misconduct.

Your fitness to practise is impaired by reason of your convictions and/ or misconduct.

Admissions:

13. Rule 32c(i)(aa) Fitness to Practise Rules 2019 (as amended) (the 'Rules') states:

Where facts have been admitted by the social worker, the adjudicators or regulator shall find those facts proved.

14. Following the reading of the allegations the Panel Chair asked Mr Yusuf whether he admitted any of the allegations.

15. Mr Yusuf informed the panel that he admitted allegations 1 and 2 in their entirety.

16. The panel therefore found allegations 1 and 2 proved by way of Mr Yusuf's admissions.

Submissions on the facts

17. Ms Sharpe submitted that whilst all the allegations relating to the facts had been admitted, it was fair that the panel should decide as a matter of fact when Mr Yusuf's duty to inform his then regulator arose. She referred the panel to the Health and Care Professions Council ("HCPC") 'Standards of conduct, performance and ethics' document (2016) and submitted that until the regulation of social workers was transferred to Social Work England on 03 December 2019 these were the standards Mr Yusuf was subject to and that this included the date of his arrest on 28 February 2019. She referred to the relevant HCPC standards

9 Be honest and trustworthy

Personal and professional behaviour

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

Important information about your conduct and Competence

9.5 You must tell us as soon as possible if:

– you accept a caution from the police or you have been charged with, or found guilty of, a criminal offence;

18. Ms Sharpe submitted that whilst the standards did not expressly require that social workers were required to inform HCPC of their being arrested, there was a duty under standard 9.1 on Mr Yusuf to report that he had been arrested for a serious criminal offence as it affected his personal conduct and confidence in the profession.

19. Mr Patel raised no objection to Ms Sharpe's submissions.

Legal advice

20. The panel accepted the advice of the legal adviser that it was required to find the allegations proved which Mr Yusuf had admitted but that it was important for it to determine when the duty to inform his regulator under allegation 2 first applied to Mr Yusuf as it might be relevant at a later stage.

Finding and reasons on facts:

21. The panel considered the content of the standards relevant at the time when Mr Yusuf was arrested for the offence of dangerous driving. It accepted that on the face of HCPC standard 9.5 he was not specifically required to inform HCPC of his arrest. However, the panel concluded that the offence for which he was arrested was serious and involved a death. It accepted that at a later stage Mr Yusuf was acquitted of causing the death, but found that at the time of his arrest that was a serious allegation. It considered that this was '...important information about (Mr Yusuf's) conduct...'. The panel was satisfied that this was a matter which Mr Yusuf was required to report to his then regulator at the time of his arrest.

Submissions on grounds

22. Ms Sharpe submitted that in relation to allegation 1 the statutory ground of conviction was made out by the panel finding that proved on Mr Yusuf's admissions.
23. In relation to the statutory ground of misconduct, Ms Sharpe referred the panel to the case of *Roylance v General Medical Council* [2000] 1 AC 311 and to the relevant professional standards in place at the relevant times:

HCPC Standards of Performance Conduct and Ethics (2016)

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

Social Work England's Professional Standards (2019)

Standard 5.2: [I will not] Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.

Standard 6.6:

Declare to the appropriate authority and Social Work England anything that might affect my ability to do my job competently or may affect my fitness to practise, or if I am subject to criminal proceedings or a regulatory finding is made against me, anywhere in the world.

24. Ms Sharpe submitted that at this stage there was no burden or standard of proof and that it was a matter for the panel's judgement whether the statutory ground of misconduct was made out. She submitted that Mr Yusuf fell below the standards expected of a social worker and that the falling below was serious. Ms Sharpe submitted that by not informing his

successive regulators of his arrest and charge. Mr Yusuf had prevented his regulators from carrying out their task of protecting the public and maintaining standards in the profession and protecting its reputation.

25. Mr Patel said that Mr Yusuf accepted that he should have informed both the HCPC and Social Work England of his arrest and charge and regretted not doing so. He said that Mr Yusuf valued his work as a social worker and his opportunity to assist the public. Mr Patel informed the panel that Mr Yusuf mistakenly thought that as at the time of his arrest he was not working as a social worker, he did not have to report his arrest and subsequent charge and conviction and now accepted that this was wrong and that 'ignorance was no defence'.

Legal advice on grounds

26. The legal adviser advised in relation to paragraph 1 of the allegation that the statutory ground of conviction was made out without the panel having to consider any issues other than the fact of the convictions.
27. The legal adviser advised the panel that at this stage of the proceedings there was no burden or standard of proof and that its decisions were a matter of its own judgement. He referred the panel to the case of Roylance and advised the panel that misconduct was a serious falling below the standards expected of a social worker, as contained in the standards documents relevant at the time.

Decision and reasons on grounds

28. The panel took fully into account the submissions of the parties, its decision on the facts and accepted the advice of the legal adviser.
29. The panel accepted that the convictions proved by admission in paragraph 1 of the allegation amounted to the statutory ground of conviction.
30. In relation to the statutory ground of misconduct, the panel considered that the failure by Mr Yusuf to inform his regulators at the relevant time was a serious falling below the standards expected of a social worker. It considered that the offence for which Mr Yusuf was arrested, causing death by dangerous driving, to be a particularly serious offence and that although the HCPC standards did not explicitly require the reporting of arrests, his arrest should have been reported to his regulator in any event because it impinged on his conduct.
31. The panel found that in not informing his regulators of the matters set out in paragraph 2 of the allegation, Mr Yusuf had deprived them of the opportunity of performing their function of protecting the public, maintaining standards in the profession and protecting its reputation. It was concerned that by not informing his regulator at the required time, it left it open for Mr Yusuf to seek work as a social worker without his regulator being in a position to deal with the potential risk to the public.
32. The panel therefore finds that the statutory grounds of conviction and misconduct are established in this case.

Evidence and Submissions on Impairment

33. Mr Patel informed the panel that Mr Yusuf intended to give evidence to the panel under affirmation.
34. Mr Yusuf gave evidence under affirmation. He told the panel that he qualified as a social worker in September 2017 and at the time of his arrest he was employed by Wigan Council as a social worker in adult care, having previously worked briefly for Bury Council. He said that he had given notice to leave his employment prior to his arrest but was still employed by the Council at the time. Mr Yusuf told the panel that he had given notice to leave his employment because he wanted to carry out charitable work in West Africa and that Mr Patel and others ran a charity providing aid in that area. He explained that his plans changed after his arrest and that he was unable to leave to do the charitable work because of his ongoing court case and the need to support his family. Mr Yusuf said that he had been supporting his family by doing manual work and had not had time to take the theory and practical extended driving test to regain his driving licence or to undertake any training or activities in social work. He said that he had completed the 200 hours of community work ordered by the court.
35. Mr Yusuf told the panel that he accepted that he had a duty to the public to uphold standards in the social work profession and to protect its reputation and that members of the public would be concerned over his convictions and failures to report them. He said that social work required honesty and transparency and acknowledged that these had been lacking in his conduct. Mr Yusuf said that he valued his work as a social worker and had reflected on what had happened and its effect on the reputation of the profession and the need to be honest and transparent. He said he had been 'haunted' by the events leading to his arrest.
36. Mr Yusuf said that he intended to return to social work and would undertake training, shadowing and voluntary work to do so. He said that he missed social work.
37. In answer to questions from the panel, Mr Yusuf said that he wanted to return to social work but that he had not undertaken any training or associated work by way of preparation at present. He said that in relation to his conviction for having no insurance, at the time he thought he had cover on his own insurance policy or on his father in law's insurance, whose car he was driving at the time, but that this had not been the case. He said that he had held a driving licence since he was 17 and could not understand the court record which said he had never held a DVLA licence.
38. Mr Patel submitted on Mr Yusuf's behalf that his failure to report his convictions arose from an error of judgement that he regretted and would not repeat.
39. Ms Sharpe submitted that Mr Yusuf's fitness to practise is currently impaired on the statutory grounds of conviction and misconduct.
40. Ms Sharpe referred the panel to the case of *Cohen v General Medical Council* [2008] EWHC 581 (Admin):

“{a}ny approach to the issue of whether a doctor's fitness to practise should be regarded as ‘impaired’ must take account of ‘the need to protect the individual patient, and the collective need to maintain confidence {in the} profession as well as declaring and upholding proper standards of conduct and behaviour of the public in their doctors and that public interest includes amongst other things the protection of patients, maintenance of public confidence in the’(sic).” He went on to say that “it must be highly relevant in determining if a {practitioner’s} fitness to practice is impaired that first his or her conduct which led to the charge is easily remediable, second that it has been remedied and third that it is highly unlikely to be repeated”.

41. Ms Sharpe also referred the panel to the case of Council for Healthcare Regulatory Excellence v Nursing and Midwifery Council, Paula Grant [2011] EWHC 927 (Admin):

“Do our findings of fact in respect of the doctor's misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her fitness to practise is impaired in the sense that s/he:

- i. has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or*
- ii. has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or*
- iii. has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession;*

42. Ms Sharpe also referred the panel to the case of Meadow v GMC (2007) 1 WB 462:

The purpose of (fitness to practise) proceedings is not to punish the practitioner for past misdoings but to protect the public against the acts or omissions of those who are not fit to practise. The [tribunal] looks forward, not back. However, in order to form a view as to the fitness to practise of a person today, it is evident that [the tribunal] will have to take account of the way in which the person concerned has acted or failed to act in the past...

43. Ms Sharpe additionally rereferred the panel to the Social Work England guidance on sanction which deals with impairment.

44. Ms Sharpe submitted that at this stage there was again no burden or standard of proof and that the issue of impairment was one for the panel’s judgement. She submitted that the issue must be dealt with in the present and looking forward and that issues of public protection and public interest arose in this case. Ms Sharpe said that Mr Yusuf had been involved in two driving incidents (02 May 2018 and 28 February 2019) and in the first, driving without due care and attention, both he and the other driver had attended hospital. She stated that in the second incident, Mr Yusuf had been sentenced for the offence of dangerous driving on the basis that he had driven at excessive speed over a short distance. She said that Mr Yusuf had failed to report these incidents to his regulators who did not become aware of them for about eighteen months, during which Mr Yusuf had been able to

practise without restriction. Ms Sharpe informed the panel that Mr Yusuf had been subject to an interim suspension order by Social Work England since January 2021 and acknowledged that this would hamper him in remedying his actions and in returning to social work. She said that there was guidance for suspended social workers from Social Work England on their website and other sources.

45. Ms Sharpe submitted that whilst Mr Yusuf now appeared to understand the need to report appropriate issues to a regulator and had shown some insight, but his insight was incomplete and therefore there remained a risk of repetition. She said that Mr Yusuf had done nothing to remedy his driving ability as he had not undertaken the extended test ordered by the court. She said that this left members of the public at risk in relation to his driving, as well as his failure to report his arrest and convictions.
46. Ms Sharpe submitted that Mr Yusuf had brought the profession into disrepute and referred to the need to set and uphold standards in the profession and to protect its reputation with the public. She submitted that by his actions Mr Yusuf had undermined the social work profession and that informed members of the public would be shocked if there was not a finding that Mr Yusuf's fitness to practise is currently impaired.

Legal Advice on Impairment

47. The legal adviser advised the panel that this was again a matter for its judgement and that there was no burden or standard of proof. He referred the panel to the cases of Cohen and Council for Healthcare Regulatory Excellence v Nursing and Midwifery Council, Paula Grant. The legal adviser advised the panel that it should consider whether Mr Yusuf's fitness to practise is currently impaired, in the present tense, looking forward but that in doing so it should take into account the relevant events of the past. He advised that at this stage the panel should consider the extent of Mr Yusuf's insight into his shortcomings.
48. The legal adviser advised the panel that it should in considering impairment take into account the public interest in maintaining standards in the profession and in protecting its reputation. He advised the panel to consider what informed members of the public would think if there was no finding of impairment.

Panel's decision and reasons on impairment

49. The panel took fully into account Mr Yusuf's evidence, Ms Sharpe's submissions and Mr Patel's submissions. It accepted the advice of the legal adviser. It proceeded on the basis that it had to consider Mr Yusuf's fitness to practise now and in the future but that it would have to do so by taking account of the events of the past. It accepted that its function was not to punish Mr Yusuf but was to protect the public and the wider public interest.
50. The panel first considered the level of Mr Yusuf's insight and his reflection on what had occurred in relation to his driving convictions and failures in his duty to report serious issues affecting his work as a social worker to his regulator.
51. The panel was not satisfied that Mr Yusuf had demonstrated full insight into his past failings or had taken sufficient measures to remedy them. It accepted that he had reflected upon

them but was not persuaded that he fully understood them and considered that there was a risk of repetition in relation to both his driving and his failures to report matters to his regulator. The panel took fully into account what Mr Yusuf had told it, but was left with an impression that Mr Yusuf had told the panel what he thought it would wish to hear, without a full understanding of what his words meant. It was unconvinced that Mr Yusuf would not repeat his actions, which it found to be breaches of fundamental tenets of social work, which include the need to be honest, open and trustworthy.

52. The panel took into account the problems faced by a suspended social worker in remedying deficiencies but noted that Social Work England does provide advice and help to suspended social workers and that there were other sources of training and Continuing Professional Development which Mr Yusuf could have pursued. It noted that Mr Yusuf had not worked as a social worker for about five years and that he had not been qualified for long before he ceased social work. It considered that he will need considerable training and assistance if he is to return to social work.
53. The panel concluded that Mr Yusuf's fitness to practise is currently impaired in relation to public protection.
54. The panel considered the effects of Mr Yusuf's actions on public confidence in the profession. It concluded that informed members of the public, knowing the facts of Mr Yusuf's case, would be shocked if there was no finding of impairment in this case and would not understand how a social worker who had breached fundamental requirements of social workers was allowed to work as a social worker without restriction.
55. The panel therefore concluded that Mr Yusuf's fitness to practise is currently impaired for reasons of both public protection and public interest.

Submissions on sanction

56. Ms Sharpe said that Social Work England submitted that the appropriate order in this case was one of suspension. She submitted that as the panel had found there was a risk of Mr Yusuf repeating his conduct, taking no action, or issuing him with advice or a warning would not place any restriction on his practice, and would not protect the public or the public interest.
57. Ms Sharpe submitted that the panel should then consider the remaining sanctions in ascending order of restriction, beginning with a conditions of practice order. She referred the panel to Social Work England's guidance on sanction (2022 version) and referred to the factors which might make a conditions of practice order appropriate at paragraph 114. She submitted that as the Mr Yusuf's convictions and misconduct arose in his private life, it was not possible to formulate workable conditions which would protect the public and that in any event a conditions of practice order was insufficient to meet the public interest element of the case.
58. Ms Sharpe referred the panel to the guidance on suspension and submitted that Mr Yusuf's case met the criteria for an order of suspension as it was not possible to devise conditions

which would be workable and sufficient but that removal from the register was not the only means of protecting the public.

59. Ms Sharpe said that a period of suspension would give Mr Yusuf time to develop his insight and to remedy his deficiencies as a social worker. She said that the panel could make recommendations as to what might assist a reviewing panel. Ms Sharpe submitted that a suspension order would give Mr Yusuf time to remediate, whilst being sufficient to satisfy the public interest.
60. Mr Patel said that Mr Yusuf accepted that a finding of impairment was necessary in his case and that he recognised the rationale for the finding. He accepted on Mr Yusuf's behalf the gravity of his actions and said that it would not happen again. Mr Patel said that Mr Yusuf valued the social work profession and understood that he could not return to the profession until he had reached the standard required for social work. He submitted that removal from the register was too severe a sanction and that a period of suspension with recommendations of what might assist a future panel was appropriate. He said that this would give time for Mr Yusuf to restore his regulator's confidence in him and would protect the public.

Legal advice on sanction

61. The legal adviser advised that the appropriate sanction was a matter for the panel's judgement and Social Work England made submissions only to assist the panel. He advised that the purpose of a sanction is not to punish a social worker for events in the past and was intended to protect the public and the public interest. The panel must, the legal adviser advised, be sure that the action it proposes to take is sufficient to protect the public and the public interest and no more. In deciding what sanction to impose, he advised, the panel should apply the principle of proportionality, weighing the interests of the public with those of the practitioner. The legal adviser advised that the panel should consider what were the mitigating and aggravating features of the case. He referred the panel to paragraphs 81 and 82 of the guidance.
62. The panel was advised by the legal adviser that it should refer to Social Work England's guidance on sanction in its deliberations and should consider the sanctions open to it in ascending order of seriousness, although when considering a sanction the panel could refer to the next more serious sanction in deciding if it was appropriate. He advised that the sanctions open to the panel were:
- no further action
 - advice
 - warning order
 - conditions of practice order
 - suspension order
 - removal order
63. The legal adviser advised that the panel should consider whether taking no action would be appropriate, which he said would be an exceptional course given the panel's finding of

impairment and the need to protect the public and the public interest. He advised that if the panel decided that taking no action was not appropriate it should then consider the further sanctions in ascending order, beginning with issuing advice to Mr Yusuf, and that the issuing of advice or a warning would not place any restriction on Mr Yusuf's ability to practise.

64. In relation to a conditions of practice order, the legal adviser referred the panel to the guidance and the need for conditions to be workable and sufficient to protect the public, as well as the need to protect the public interest. The legal adviser referred the panel to the guidance on suspension and removal from the register.
65. The legal adviser advised the panel that whilst it could not bind a future reviewing panel or impose what would amount to conditions on Mr Yusuf, it could provide an indication of what might be useful to a panel reviewing the order.
66. The legal adviser advised that the length of a suspension would have to be proportionate and would need to protect the public.

The panel's decision and reasons on sanction

67. The panel took fully into account the submissions made on behalf of both parties. It accepted the advice of the legal adviser. It referred to Social Work England's guidance on sanction throughout its deliberations.
68. The panel began by considering what mitigating and aggravating factors it should take into account.
69. The panel identified the following as mitigation:
 - Mr Yusuf was newly qualified at the relevant time;
 - He had no previous regulatory findings against him;
 - He did not attempt to conceal his arrest from his employers;
 - He now understands the need to inform his regulator of significant events affecting him as a social worker;
 - He has undergone personal and financial hardship as a result of his conduct;
 - He made an early admission of the facts and has engaged with his regulator in the investigation.
70. The panel identified the following aggravating factors:
 - There were two criminal convictions for driving offences;
 - The length of time which elapsed before both regulators were informed of the relevant events;
 - The report was made by his then employer, not Mr Yusuf;
 - There was a repetition of Mr Yusuf failing to inform his regulator;

- Mr Yusuf has not undertaken the extended driving test;
- Mr Yusuf has not undertaken any CPD, training or education during the time he has not been working as a social worker;
- Mr Yusuf has only partial insight into his failings.

71. The panel first considered whether taking no action against Mr Yusuf's registration was an appropriate sanction. Having identified that Mr Yusuf posed a continuing risk to the public, the panel determined that a disposal which did not restrict Mr Yusuf's ability to practise was not appropriate and not in the public interest. The panel reached a similar conclusion in relation to issuing Mr Yusuf with advice or a warning.

72. The panel then considered whether a conditions of practice order was an appropriate sanction. It noted that the events leading to this hearing occurred in Mr Yusuf's private life, not in his professional activities. It took into account that Mr Yusuf has not undertaken any training or education in the interim. It also took into account the wider public interest. The panel concluded that it was not possible to devise conditions that were workable and sufficient to protect the public and the public interest. It considered that any conditions which might be devised would be so limiting upon Mr Yusuf's ability to practise as to amount to suspension.

73. The panel then considered the sanction of a suspension order. In doing so it also considered whether removal of Mr Yusuf from the register of social workers was appropriate. The panel noted the Social Work England guidance on suspension:

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

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

74. The panel considered that Mr Yusuf's case satisfied both limbs of the test. It concluded that removal from the register was not appropriate in this case as it was not the only means of protecting the public and the public interest, and would be disproportionate.

75. The panel took into account Mr Yusuf's evidence that he hoped to work towards returning to social work and considered that a period of suspension would give him time and an incentive to undertake what was necessary to enable him to do so. It was satisfied that suspension was a sufficient sanction to protect the public and the public interest and was proportionate.

76. The panel considered what was the appropriate period for a suspension order. It concluded that the appropriate length of suspension was 18 months. It considered that this was the minimum time Mr Yusuf would need to achieve his aim of preparing himself for a return to social work.

77. The panel, without binding a future reviewing panel, considered that that panel would be assisted by the following:
- Evidence that Mr Yusuf had engaged in appropriate education and training, in particular an update to his social work skills and also ethics and professional governance;
 - A written reflective piece setting out what Mr Yusuf had learned from the events leading to this hearing;
 - Testimonials or references from those of good standing which indicated Mr Yusuf's suitability to return to social work;
 - Evidence of steps taken by Mr Yusuf to take the extended driving test.
78. The panel therefore concluded that a suspension order of 18 months was the appropriate sanction in Mr Yusuf's case.

Interim Order

79. The panel next considered an application by Ms Sharpe for an interim suspension order to cover the appeal period before the final order becomes effective. She submitted that as the panel had decided that an interim suspension order was required to protect the public and the public interest, it would be inconsistent to allow Mr Yusuf to practise without restriction during the period of 28 days until the substantive order takes effect.
80. Ms Sharpe informed the panel that the current interim suspension order was to be reviewed on 05 April 2024 and submitted that if Mr Yusuf agreed to waive the requirement for him to have 7 days' notice of the review, this panel could review that order today and if appropriate use its power to revoke the order.
81. Mr Patel told the panel that Mr Yusuf understood the need for an interim order and raised no objection to it. He also indicated that Mr Yusuf consented to waive the requirement for him to receive 7 days' notice of an intention to review the existing interim suspension order and had no objection to it being reviewed today and revoked if the panel thought that was appropriate.
82. The legal adviser advised the panel that it should consider whether an interim suspension order was necessary and that in doing so it should take into account its decision to impose a suspension order of 18 months to protect the public and the public interest. He advised it should consider whether it would be consistent with that order to give Mr Yusuf the opportunity of practising for 28 days without restriction.
83. The legal adviser advised that it was open to the panel to consider the current interim suspension order if satisfied that Mr Yusuf had waived his right to 7 days' notice of the review hearing. He advised that otherwise the existing interim order would remain in place and would have to be reviewed as required by the Rules.
84. The panel 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 to

permit Mr Yusuf's registration to be unrestricted pending the coming into effect of its substantive order. Accordingly, the panel concluded that an interim suspension order is necessary for the protection of the public and the public interest. 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 suspension shall take effect when the appeal period expires.

85. The panel was satisfied that Mr Yusuf had waived his right to 7 days' notice of a review of the existing interim suspension order and ordered that it be revoked on the grounds that it now had no useful function and is therefore unnecessary.

Right of appeal

86. 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.

87. 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.

88. 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.

89. 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:

90. 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

91. 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:

92. 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>.