

Social worker: Roslyn Ann Sims

Registration number: SW66611

Fitness to Practise

Final Order Review Hearing

Date of Hearing: 3 April 2024

Hearing venue: Remote Hearing

Final order being reviewed:

Suspension order (expiring 5 May 2024)

Hearing Outcome: Impose a new order namely a removal order with effect from the expiry of the current order

Introduction and attendees:

1. This is the third review of a final order originally imposed as a conditions of practice order for a period of 12 months on 6 July 2021. At the first review on 5 July 2022, the conditions of practice order was continued for a period of 12 months. On 20 June 2023 a reviewing panel imposed a suspension order for a period of 9 months which expires on 5 May 2024.
2. Ms Sims did not attend and was not represented.
3. Social Work England was represented by Capsticks LLP and its written submissions are set out within the notice of hearing letter.
4. The panel of adjudicators conducting this review (the “panel”) and the other people involved in it were as follows:

Adjudicators	Role
Claire Cheetham	Lay Chair
Vicki Lawson-Brown	Social worker adjudicator

Hearings team/Legal adviser	Role
Hannah Granger	Hearings officer
Andrew Brown	Hearings support officer
Andrew McLoughlin	Legal adviser

Service of notice:

5. The panel had careful regard to the documents contained in the final order review service bundle as follows:
 - A copy of the notice of the final order review hearing dated 4 March 2024 and addressed to Ms Sims at her email address which she provided to Social Work England. This notice indicated that the final order review hearing was rearranged from 22 March 2024 to 3 April 2024;
 - An extract from the Social Work England Register as at 4 March 2024 detailing Ms Sims’ email address and her registered address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 4 March 2024 the writer sent by email to the email address referred to above: notice of hearing;
 - A copy of the Royal Mail Track and Trace Document indicating “signed for” delivery to Ms Sims’ registered address at 09.14am on 21 February 2024, purportedly containing the original notice and documents for use at the hearing.
6. The panel accepted the advice of the legal adviser in relation to service of notice. This included reference to Rules 16, 44 and 45 of Social Work England’s Fitness to Practise Rules 2019 (as amended) (the “Rules”).

7. Having had regard to Rules 16, 44 and 45 of the Rules and all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Ms Sims in accordance with Rules 44 and 45 of the Rules because notice of the amended hearing date of been served by email on 4 March 2024 and the documents served by signed for delivery at Ms Sims' registered address on 21 February 2024.

Proceeding with the final order review as a meeting:

8. The notice of interim order review hearing informed Ms Sims that the review would take place electronically. The notice stated:

"If you would like to attend before the adjudicators in order to make oral submissions, please confirm your intention by no later than 4pm on 18 March 2024. Unless we hear from you to the contrary, we shall assume that you do not want to attend a hearing and Social Work England may decide to deal with the review as a meeting. If Social Work England do hold a meeting, the adjudicators will be provided with a copy of this letter setting out Social Work England's submissions and a copy of any written submissions you provide."

9. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering whether it was fair and appropriate to proceed with the review in the absence of Ms Sims. This included reference to the cases **of R v Jones [2003] UKPC; and 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".
10. The panel heard and accepted the advice of the legal adviser with regard to Rule 16(c) of the Rules which provides:

"Where the registered social worker does not state within the period specified by the regulator whether they intend to attend before the regulator, the regulator may determine whether to make an order by means of a meeting."

11. The panel was satisfied that it would be fair and appropriate to conduct the review in the form of a meeting in accordance with Rule 16(c) on the basis that:
 - Ms Sims was served with the Notice of Review in which it was set out that, in her absence, the interim order review may take place as a meeting;
 - Ms Sims has provided written submissions for the hearing in the form of an email dated 2 April 2024;
 - Ms Sims has not requested to adjourn the hearing;
 - Any adjournment would not guarantee the attendance of Ms Sims in the future; and

- The continuation of the meeting was important, both as it is a statutory review, and to consider the protection of the public.

Review of the current order:

12. This final order review hearing is taking place under Paragraph 15(1) of Schedule 2 of The Social Workers Regulations 2018 (as amended) and the Rules 2019.
13. The current order is due to expire at the end of 5 May 2024.

The allegations which resulted in the imposition of the agreed disposal were as follows:

14. In July 2021, the Case Examiners considered that there was a realistic prospect of proving allegations that, whilst registered as a social worker for West Sussex County Council, Ms Sims:
 1. You made incorrect and / or misleading recordings of statutory visits.
 2. You failed to safeguard children in that you:
 - a. Did not carry out statutory visits at the required frequency and / or did not see children on their own between January 2018 and July 2019.
 - b. Did not complete appropriate risk assessments or care plans.
 - c. Did not keep accurate records.
 3. You did not communicate effectively with children and / or carers.
 4. Your actions in relation to regulatory concern 1 were dishonest.

The matters outlined in regulatory concerns 1 to 4 amount to the statutory ground of misconduct.

Your fitness to practise as a social worker is impaired by reason of misconduct.

The previous final order review panel on 20 June 2023 determined the following with regard to impairment:

15. *"The panel considered the facts in the agreed disposal – dishonesty, lack of safeguarding, failure to carry out statutory visits and leaving service users at risk of harm – to be very serious. The panel has seen little insight, remediation, remorse or strengthening of practice from Ms Sims, and no engagement with Social Work England since August 2022. Consequently, the panel is unaware if Ms Sims has gained any insight or demonstrated any remediation, remorse or strengthened her practice since the last review. As a result, the*

panel considers there to be a risk of repetition of the behaviour set out in the agreed disposal, and therefore a risk to service users, fellow practitioners and the public, should Ms Sims be allowed to return to practice unrestricted.

16. *In light of the risk to the public, the panel also concluded that an informed member of the public would be concerned to learn, given the facts in the agreed disposal and the limited insight, that Ms Sims was allowed to continue to practise without some restriction being placed upon her registration. The panel therefore considered that an order remains necessary in the wider public interest, in order to maintain public confidence in the social work profession and uphold proper professional standards.”*

The previous final order review panel on 20 June 2023 determined the following with regard to sanction:

17. *“The panel was mindful that the purpose of any sanction is not to punish Ms Sims, but to protect the public and the wider public interest. The public interest includes maintaining public confidence in the profession and Social Work England as its regulator and by upholding proper standards of conduct and behaviour. The panel applied the principle of proportionality by weighing Ms Sims’ interests with the public interest.*

Advice/Warning

18. *The panel considered that advice or a warning was insufficient to protect the public, and not in the wider public interest, given Ms Sims’ limited insight and remediation (as discussed above).*

Conditions of practice order

19. *The panel considered that a conditions of practice order would be insufficient due to:*
- a. conditions of practice require full engagement from Ms Sims. The panel considers that Ms Sims has not engaged with Social Work England since the previous final order review hearing in August 2022;*
 - b. it being difficult to formulate and impose conditions of practice for behavioural issues such as dishonesty; and*
 - c. Ms Sims has been out of social work practice for a period of at least two years to date. There is a concern that, without information forthcoming from Ms Sims, there is a risk that Ms Sims has become deskilled to some degree which could place service users at harm.*

Suspension order

20. *The panel next considered whether a suspension order would be an appropriate sanction. The panel determined that a suspension order would be proportionate to protect the public for the following reasons:*

a. Ms Sims was provided time and steps by the previous panel to assist her to demonstrate insight and evidence that she can practise without placing the public at risk. However, Ms Sims has not engaged with these steps;

b. The panel is unaware of the reasons – which may be legitimate – for Ms Sims disengaging with Social Work England. Ms Sims has previously engaged with the regulatory process and indicated her desire to practise as a social worker. Ms Sims should be afforded another opportunity to remediate the issues which impair her fitness to practise; and

c. Suspension would protect service users from the risk of harm that exist until Ms Sims engages with the process to remediate her fitness to practise.

Removal order

21. The panel noted that a removal order is a sanction of last resort where there are no other means of protecting the public or the wider public interest. The panel took the view that a removal order would be disproportionate:

a. without knowing the reasons for her non-engagement since August 2022; and

b. to provide Ms Sims another opportunity to demonstrate insight and that she is no longer a risk to the public.

22. However, the panel was of the view that any future panel may give further thought to a removal order should there be a continued lack of engagement from Ms Sims.

Assistance for future panels

23. This panel cannot bind a future panel. However, it would be of assistance to any future reviewing panel if Ms Sims was able to provide evidence that she has undertaken significant steps that would facilitate a safe and effective return to the register without restriction. This may include:

a. Evidence that she has kept her social work skills and knowledge up to date, such as training courses (online or otherwise);

b. A reflective piece of writing on the issues in her case, including the original concerns, the effect on the service users, the wider public and the profession, and any other reflections Ms Sims considers relevant; and

c. References and/or testimonials from any employers for whom Ms Sims' works, or other persons who have relevant knowledge of Ms Sims' or her practice.

Length of the order

24. As set out in the previous paragraph, the panel has set out what would assist any future panel. The panel considers a period of nine-months a proportionate amount of time for Ms Sims to substantively engage with Social Work England."

Social Work England submissions:

25. The panel considered the written submissions of Social Work England which stated as follows: –

“Subject to any further evidence or submissions received from the Social Worker prior to, or at the forthcoming Final Order Review, Social Work England will invite the Panel to impose a Removal Order.

Since the Suspension Order came into effect following the last Final Order Review on 20 June 2023, the Social Worker has not provided any evidence of remediation or reflection. The Social Worker has not provided any evidence of engagement with the recommendations of the previous Panel.

Having had ample opportunity to engage with Social Work England, the Social Worker has not demonstrated, or taken steps to demonstrate that her current practice is no longer impaired. The Social Worker does not appear to be engaging with Social Work England to attempt to remediate her fitness to practise. Social Work England therefore invites the Panel to find that the Social Worker’s fitness to practise remains impaired.

The previous reviewing Panel observed that a future Panel may give further thought to a Removal Order should there be a continued lack of engagement from the Social Worker. In light of the Social Worker’s continued lack of engagement, Social Work England invite the Panel to impose a Removal Order.”

Social worker submissions:

26. Ms Sims did not attend the hearing but stated in her email of 2 April 2024 as follows: –

“Sorry I have not been in touch sooner.

A year ago I sent an email to my SEW [sic] case worker, I heard nothing back. It then transpired I assumed that she had left but no one advised me of this.

I did not renew my registration in November 2023 as I no longer feel able to continue to pursue [sic] a career in Social Work. After 28 years of me and my family dedication our lives for my job it was time to leave.

immensely

I can no longer fight to keep working in Social Work.

I did not in any way feel listened to by West Sussex County Council who restricted my the evidence I wanted to put to them.

My physical and mental health have suffered and there have been day's when I have questioned how I have managed to continue to live. Not one person had asked how I was or offered support for my mental health. When I was at my lowest my family &

friends kept me going and I was determined not to be a Social Work statistic [PRIVATE].

No one in Social Work wants to employ a Social Worker who has been suspended then dismissed for misconduct. However, many managers I spoke to were sympathetic to my situation. One said when he heard the reasons for my being dismissed that in his team of 10 Social Workers not one would be able to say they had not done they same , some were in fact doing the same as we spoke. However, senior managers would not agree to having someone like me on their staff.

I now work as a Clinic Lead in a health clinic and have trained as a phlebotomist.

Many thanks

Ros Sims''

Today's panel decision and reasons on current impairment:

27. In considering the question of current impairment, the panel undertook a comprehensive review of the final order in light of the current circumstances. It took into account the decision of the previous panels. However, it has exercised its own judgement in relation to the question of current impairment. The panel also took into account Social Work England's 'Impairment and sanctions guidance'.
28. The panel had regard to all of the documentation before it, including the decision and reasons of the original panel and previous review panels and Ms Sims' email of 2 April 2024. The panel also took account of the written submissions on behalf of Social Work England and those made by Ms Sims.
29. The panel heard and accepted the advice of the legal adviser. In reaching its decision, the panel was mindful of the need to protect the public and the wider public interest in declaring and upholding proper standards of behaviour and maintain public confidence in the profession.
30. The panel first considered whether Ms Sims' fitness to practise remains impaired.
31. The panel considered the facts in the agreed disposal which involved dishonesty, lack of safeguarding, failure to carry out statutory visits and leaving service users at risk of harm. The panel considered these to be very serious and wide-ranging examples of misconduct.
32. The panel has seen little insight, remediation, or remorse from Ms Sims and it considered that her most recent email demonstrated a minimisation of the seriousness of her behaviour and misconduct. The panel concluded that there had been no meaningful involvement with Social Work England since August 2022. As a result, the panel is of the view that Ms Sims has not gained any insight or demonstrated any remediation, remorse or strengthened her practice since the last review. Consequently, the panel considers there to be a risk of repetition of the behaviour set out in the agreed disposal, and therefore a risk to

service users, fellow practitioners and the public, should Ms Sims be allowed to return to practice unrestricted.

33. In light of the risk to the public, the panel also concluded that an informed member of the public would be concerned to learn, given the facts in the agreed disposal and the limited insight, that Ms Sims was allowed to continue to practise without some restriction being placed upon her registration. The panel therefore considered that an order remains necessary in the wider public interest, in order to maintain public confidence in the social work profession and uphold proper professional standards.

Decision and reasons:

34. Having found Ms Sims' fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel had regard to the submissions made along with all the information and accepted the advice of the legal adviser.
35. The panel noted the submissions made on behalf of Social Work England that the appropriate action would be to direct that Ms Sims be removed from the social workers' register, as well as noting the content of the email sent by Ms Sims dated 2 April 2024. The panel also took into account the 'Impairment and sanctions guidance' published by Social Work England.
36. The panel was mindful that the purpose of any sanction is not to punish Ms Sims, but to protect the public and the wider public interest. The public interest includes maintaining public confidence in the profession and Social Work England as its regulator and by upholding proper standards of conduct and behaviour. The panel applied the principle of proportionality by weighing Ms Sims' interests with the public interest.
37. The panel first considered whether revoking the current order of suspension forthwith was an appropriate sanction. It found this was not an appropriate course to take as it would not protect the public and would damage the reputation of the profession.
38. The panel did not consider that issuing an advice or warning would be sufficient sanction as this would not protect the public and would damage the reputation of the profession.
39. The panel then considered whether a conditions of practice order was an appropriate sanction. It took into account her very limited engagement with the regulator since before the last review of the order, her stated unwillingness to return to social work, and her lack of insight into her failings. In addition, the panel considered that it was not possible to devise conditions of practice which would be workable and sufficient to protect the public given the attitudinal nature that dishonesty demonstrates. It also considered that a conditions of practice order would not meet the need to protect public confidence in the profession.
40. Having concluded that lesser sanctions were not appropriate, the panel considered whether it should exercise its power to extend the present order of suspension for up to three years.

It referred to the guidance on suspension beginning at paragraph 135. It noted the guidance at paragraph 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*

41. The panel had concluded that Ms Sims had not demonstrated insight into her failings or provided any evidence of a willingness or ability to resolve them when considering whether her fitness to practise was currently impaired. It bore in mind that, at this stage of the fitness to practise proceedings, the persuasive burden is on the social worker. The panel again noted her stated unwillingness to return to social work, evident in her recent email. The panel therefore found that a further period of suspension would not be appropriate. It found that the extent of Ms Sims' lack of insight was demonstrated by her failure to address the concerns and provide information outlined in the very clear guidance given by the last review panel. This panel exercising its own judgement agreed with that panel as to the seriousness of the allegations found proved and what was required of Ms Sims. Consequently there was no purpose in imposing a further period of suspension as there was no evidence to show Ms Sims was working towards a return to the social work profession.

42. The panel noted that a removal order is a sanction of last resort where there is no other means of protecting the public or the wider public interest. The panel referred to the guidance at paragraph 149.

A removal order may be appropriate in cases involving (any of the following):

- *persistent lack of insight into the seriousness of their actions or consequences*
- *social workers who are unwilling and/or unable to remediate (for example, where there is clear evidence that they do not wish to practise as a social worker in the future)*

43. The panel concluded that taking this guidance into account with the guidance at paragraph 138 on suspension and its findings over Ms Sims's insight and failure to attempt remediation, the appropriate order in this case was one of removal of Ms Sims from the register. The panel could see little prospect of Ms Sims gaining insight or attempting to remedy her deficiencies if she were suspended for a further period, in particular as she had shown no change in her level of insight or shown attempts at remediation in the time since the last review of the order.

Right of appeal:

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

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

- 45. Under Paragraph 16(2) of Schedule 2 of The Social Workers Regulations 2018 (as amended) an appeal must be filed before the end of the period of 28 days beginning with the day after the day on which the social worker is notified of the decision complained of.
- 46. Under Paragraph 15(1A) of Schedule 2 of The Social Workers Regulations 2018 (as amended), where a social worker appeals against a decision made under sub-paragraph (1), the decision being appealed takes effect from the date specified in that sub-paragraph notwithstanding any appeal against that decision.
- 47. This notice is served in accordance with Rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

The Professional Standards Authority

- 48. Please note that in accordance with section 29 of the National Health Service Reform and Health Care Professions Act 2002, a review decision made by Social Work England's panel of adjudicators can be referred by the Professional Standards Authority ("the PSA") to the High Court. The PSA can refer this decision to the High Court if it considers that the decision is not sufficient for the protection of the public. Further information about PSA appeals can be found on their website at:

<https://www.professionalstandards.org.uk/what-we-do/our-work-with-regulators/decisions-about-practitioners>