

Social worker: Joan Denise
Blenkinsopp
Registration number: SW73429
Fitness to Practise
Final Order Review Meeting

Date of Meeting: 03 April 2024

Meeting venue: Remote Meeting

Final order being reviewed: Suspension order – (expiring 18 May 2024)

Hearing Outcome: Impose a new order namely a removal order

Introduction and attendees:

1. This is the first review of a final suspension order originally imposed on 20 April 2023 for a period of 12 months by a panel of adjudicators appointed by Social Work England.
2. Ms Blenkinsopp did not attend and was not represented.
3. Social Work England was represented by Capsticks LLP in the proceedings, although neither was present at the review which was conducted as a meeting.

Adjudicators	Role
Sara Nathan	Chair
Marva Kelly	Social worker adjudicator

Hearings team/Legal adviser	Role
Hannah McKendrick	Hearings officer
Khadija Rafiq	Hearings support officer
Paul Moulder	Legal adviser

Service of notice:

4. Ms Blenkinsopp did not attend and was not represented . The panel of adjudicators (“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 04 March 2024 and addressed to Ms Blenkinsopp at the address which was provided to Social Work England
 - An extract from the Social Work England Register as at 04 March 2024 detailing Ms Blenkinsopp’s registered email address
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 04 March 2024 the writer sent by email to Ms Blenkinsopp at the address referred to above: notice of hearing and related documents
5. The panel accepted the advice of the legal adviser in relation to service of notice.
6. Having had regard to Rules 16 of Social Work England’s Fitness to Practise Rules 2019 (as amended) (“the Rules”) and all of the information before it in relation to the service of

notice, the panel was satisfied that notice of this hearing had been served on Ms Blenkinsopp in accordance with Rules 16, 44 and 45.

Proceeding with the final order review as a meeting:

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

*“If you would like to attend before the adjudicators in order to make oral submissions, please confirm your intention **by no later than 4pm on 19 March 2024 we hear from you to the contrary, we shall assume that you do not want to attend a hearing and Social Work England may decide to deal with the review as a meeting.** If Social Work England do hold a meeting, the adjudicators will be provided with a copy of this letter setting out Social Work England’s submissions and a copy of any written submissions you provide.”*

8. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering whether to proceed with the review as a meeting. This included reference to the cases of *R v Jones* [2002] UKHL 5 and *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*’.
9. The panel received no information to suggest that Ms Blenkinsopp had responded to the notice of final order review. The panel noted that the last correspondence in the bundle of documents provided from Ms Blenkinsopp to Social Work England was dated 17 February 2023. The panel took into account the information in the Notice of Hearing letter which informed Ms Blenkinsopp that in the absence of her stating a wish to attend the review, it could proceed as a meeting.
10. The panel heard and accepted the advice of the legal adviser with regard to Rule 16(c) of the Fitness to Practise Rules 2019 (as amended) 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 took into account that this is a review of a final order which otherwise expires on 18 May 2024. Accordingly, there is a public interest in conducting the review, for the protection of the public. The panel had not been provided with any request for an adjournment. In the circumstances of an apparent and complete lack of engagement by Ms Blenkinsopp, the panel concluded that there was no point in adjourning the hearing with an ensuing risk to the public, if the order was not reviewed. The panel was satisfied, in all the circumstances, that it would be fair and appropriate to conduct the review in the form of a meeting in accordance with Rule 16(c).

Preliminary matters:

12. The panel noted that the original hearing, conducted between 18 and 20 April 2023, had been held entirely in private. Although the panel decided to conduct this review as a meeting (and therefore neither the parties nor the public were in attendance) it considered that it was appropriate for the sensitive detail of the review determination to remain in private, in accordance with the procedure adopted at the original hearing.

Review of the current order:

13. This final order review hearing is taking place under Paragraph 15(1) of Schedule 2 of The Social Workers Regulations 2018 (as amended) and Social Work England's Fitness to Practise Rules 2019 (as amended).
14. The current order is due to expire at the end of 18 May 2024.

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

Whilst registered as a social worker:

1. On or around 31 December 2019, you drove Service User A to a new foster placement, despite:

[PRIVATE]

The particulars set out at 1 above amount to misconduct.

By reason of misconduct, your fitness to practise as a social worker is impaired.

[PRIVATE]

The final hearing panel on 20 April 2023 determined the following with regard to impairment:

15. The panel considered the facts found proved amounted to serious professional misconduct. It stated in its determination, in part, as follows:

[PRIVATE]

Having found misconduct, the panel went on to find that Ms Blenkinsopp's fitness to practise was impaired, stating in its determination, in part:

[PRIVATE]

The panel decided that Ms Blenkinsopp's fitness to practise as a social worker is currently impaired."

The final hearing panel on 20 April 2023 determined the following with regard to sanction:

16. The panel next considered what sanction it should impose in response to the finding of impairment. Part of the determination was as follows:

[PRIVATE]

...

The panel makes a suspension order of 1 year on Ms Blenkinsopp's registration as a social worker."

Social Work England submissions:

17. Social Work England set out its proposed step in the Notice of Hearing letter dated 04 March 2024, which the panel took as its submissions in relation to the review, as follows:

"Social Work England invite the Panel to impose a Removal Order which will take effect at the expiry of the current Suspension Order.

Social Work England submit that the Social Worker's fitness to practise remains impaired. The Social Worker has not demonstrated that her insight has developed any further, that she has undertaken relevant remediation, or reflected on the seriousness of her conduct and the impact on the protection of the public and/ or the wider public interest.

The Social Worker was asked to provide any evidence that she had met the previous Panel's recommendations by 29 January 2024; to date, no such evidence has been provided. The Social Worker indicated in her last communication, dated February 2023, prior to the final hearing, that she did not intend to practise as a social worker in the future and she has not communicated any change to that position. As a result, it is submitted that an extension to the existing Suspension Order would serve no useful purpose.

Should the Social Worker provide any evidence in line with the Panel's recommendations ahead of the Review, Social Work England reserves the right to reconsider the position set out in these submissions."

Social worker submissions:

18. Ms Blenkinsopp did not attend the review, was not represented and did not provide any submissions. As a result Ms Blenkinsopp did not give evidence and the panel was not

provided with any information from her regarding any steps taken to remediate her past misconduct.

Panel decision and reasons on current impairment:

19. 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 panel. 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*' ("ISG").
20. The panel had regard to all of the documentation before it, including the original decision and reasons of the original panel. The panel also took account of the submissions made on behalf of Social Work England.
21. The panel heard and accepted the advice of the legal adviser. He advised the panel to first consider whether it regarded Ms Blenkinsopp's fitness to practise to be currently impaired. Impairment, he advised, concerned both the risk of repetition of past misconduct, but also the wider public interest in maintaining public confidence in the profession and upholding professional standards for the social work profession. Depending on the panel's finding on impairment, it should consider its powers under paragraph 15(1) of Schedule 2 of the Regulations. The legal adviser advised the panel to balance Ms Blenkinsopp's interests with the public interest.
22. 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.
23. The panel first considered whether Ms Blenkinsopp's fitness to practise remains impaired. The panel noted that the original panel found that Ms Blenkinsopp had demonstrated limited insight and had undertaken insufficient remediation.
24. This panel noted that Ms Blenkinsopp had not attended the original hearing and that panel had referred to her responses to her employer's investigation. The panel had noted Ms Blenkinsopp's "*limited recognition*" that her decision to drive had been incorrect. The panel considered it had been provided no reflection on and no real acceptance of the risks to the service user. Nor was there any reflection on the issues around ignoring management instruction. The final hearing panel concluded that there was a risk of repetition. It had also concluded that maintaining public confidence in the profession and maintaining professional standards required a finding of impairment.
25. The panel at this review bore in mind that, at a review there is a 'persuasive burden' on a registered professional to demonstrate that they have reflected on the concerns of the original panel and by education, reflection and/or other remediation dealt with those concerns: *Abraham v GMC* [2008] EWHC 183.

26. The panel noted that Ms Blenkinsopp had not attended the original hearing and has continued not to engage with her regulator. It took into account that, following the decision of the original panel, Social Work England's Case Officer had written to her with the original panel's decision and drawing to her attention that panel's recommendations as to evidence she might wish to provide a reviewing panel. Further letters following this up had been sent, dated 18 September 2023 and 15 January 2024. This panel noted that the social worker had not responded to any of the correspondence.
27. The panel reviewing the final order today concluded that it had no further evidence that Ms Blenkinsopp had developed any more recognition as to her previous misconduct. It had no evidence that there had been any further reflection, development of insight or other remediation undertaken. [PRIVATE]. Given the lack of evidence to the contrary the panel concluded that there remained a risk of repetition of Ms Blenkinsopp's past misconduct.
28. Further, the panel took into account that a further year had elapsed since the original final order. That original finding of impairment had also been based on a need to maintain public confidence and uphold professional standards. The reviewing panel today considered that the continued failure to engage with the regulator and address the impairment also led the panel to conclude that it should find impairment on the basis that it is in the wider public interest. The panel decided that a finding of impairment is necessary to maintain public confidence in the profession and to uphold professional standards.

Decision and reasons:

29. Having found Ms Blenkinsopp's 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.
30. The panel considered the submissions made on behalf of Social Work England, during which it invited the panel to consider imposing a removal order. The panel also took into account the ISG.
31. The panel also took into account the latest communication which had been provided by Ms Blenkinsopp. The panel noted from the papers provided that the last communication received from Ms Blenkinsopp relating to the proceedings had been in February 2023. In her email dated 17 February 2023, Ms Blenkinsopp had stated:
- "At no point have I ever stated that I did not drive my vehicle. I have no intention of practicing as a social worker in the future and am unable to attend any hearings. "*
- Ms Blenkinsopp enclosed her completed Case Management Questionnaire for the forthcoming substantive hearing.
32. The panel noted that, as she had stated, Ms Blenkinsopp did not attend the original hearing. She had not responded to the Notice of Hearing for this review. She had provided no further

evidence or information to Social Work England, in response to the letters mentioned above.

33. The panel heard and accepted the advice of the legal adviser, that it should consider the available powers from the least serious and moving up, imposing the least restrictive sanction which met the level of impairment. It had to balance Ms Blenkinsopp's interests with the public interest and act proportionately.
34. The panel was mindful that the purpose of any sanction is not to punish Ms Blenkinsopp 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 Blenkinsopp's interests with the public interest.
35. The panel considered that to take no action or allow the current order to lapse in the particular circumstances where it concluded that there continued to be a risk to the public was completely inappropriate. It would leave the public without the necessary protection and send the wrong message to the public and to the profession.
36. The panel noted that imposing a warning order would not restrict Ms Blenkinsopp's ability to practise and was therefore not appropriate where there is a current risk to public safety. In any event, the deficiencies identified with Ms Blenkinsopp's practice had the potential to have wide-ranging adverse consequences and therefore some restriction on their practice is required. Therefore, the panel concluded that issuing a warning would be inappropriate and insufficient to meet the public interest. The panel considered that imposing a warning order would not be sufficient to protect the public and the wider public interest.
37. The panel next considered whether conditions of practice could be imposed. However, in the light of Ms Blenkinsopp's lack of engagement with her regulator, the panel could have no confidence that conditions of practice would be workable, practicable and enforceable. Accordingly, the panel could not be satisfied that the public would be protected.
38. The panel considered that it could extend the current suspension order or impose a fresh suspension order. This would prevent Ms Blenkinsopp from practising during the suspension period, which would therefore protect the public and the wider public interest. However, the panel noted paragraph 138 of the ISG, as follows:

"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"*

Removal order

39. The panel was satisfied it could consider that a removal order was available to the panel as Ms Blenkinsopp's fitness to practise was originally found impaired on the basis of one or more grounds as set out in regulation 25(2)(a), (c), (d), (f) or (g).
40. The panel noted paragraphs 149 of the ISG, which stated:

"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)*

41. 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 took the view that a removal order would be appropriate in this case because, there had been:

- previous serious misconduct findings
- a complete lack of engagement with the regulator
- evidence of an intention to no longer practise as a social worker
- a continuing risk to the public from un-remediated misconduct

42. The panel took into account that imposing a removal order will prevent Ms Blenkinsopp from practicing as a social worker. However, it considered that the interests of the public outweighed her interests on the facts of the case. The panel considered that the only appropriate step is to impose a removal order.

43. The panel decided to impose a removal order with effect from the expiry of the current 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).

Review of final orders:

48. Under regulation 15(1), 15(2) and 15(3) of Schedule 2 of The Social Workers Regulations 2018 (as amended):
- 15(1) The regulator must review a suspension order, or a conditions of practice order, before its expiry.
 - 15(2) The regulator may review a final order where new evidence relevant to the order has become available after the making of the order, or when requested to do so by the social worker.
 - 15(3) A request by the social worker under sub-paragraph (2) must be made within such period as the regulator determines in rules made under Regulation 25(5).
49. Under Rule 16(aa) of the Fitness to Practise Rules 2019 (as amended), a social worker requesting a review of a final order under paragraph 15 of Schedule 2 must make the request within 28 days of the day on which they are notified of the order.

The Professional Standards Authority

50. 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>