

Social worker: Nicola Jane
Gullidge
Registration number: SW7636
Fitness to Practise
Final Order Review Meeting

Date of meeting: 18 April 2024

Meeting: Remote meeting

Final order being reviewed:
Conditions of practice order – (expiring 31 May 2024)

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

Introduction and attendees:

1. This is the second review of a final conditions of practice order originally imposed by accepted disposal between the case examiners and Ms Gullidge, for a period of 18 months which came into effect on 1 December 2021. The conditions of practice order (with amendments) had been extended for an additional 12 months at the first final order review meeting on 28 March 2023. The current order is due to expire on 31 May 2024.
2. Ms Gullidge did not attend and was not represented.
3. Social Work England was represented by Capsticks LLP and their written submissions are set out within the notice of hearing letter.

Adjudicators	Role
Jacqueline Nicholson	Chair
Ian Vinall	Social worker adjudicator

Hearings team/Legal adviser	Role
Tom Stoker	Hearings officer
Kathryn Tinsley	Hearings support officer
Gemma Gillet	Legal adviser

Service of notice:

4. Ms Gullidge did not attend and was not represented . The panel of adjudicators (hereafter “the panel”) was informed that notice of this hearing was sent to Ms Gullidge by email to an address provided by Ms Gullidge (namely their registered address as it appears on the Social Work England Register).
5. The panel of adjudicators 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 12 March 2024 and addressed to Ms Gullidge at their address which they provided to Social Work England
 - An extract from the Social Work England Register as at 12 March 2024 detailing Ms Gullidge’s registered email address;

- A copy of a signed statement of service, on behalf of Social Work England, confirming that on 19 March 2024 the writer sent by email to Ms Gullidge at the address referred to above: notice of hearing and related documents;
6. The panel accepted the advice of the legal adviser in relation to service of notice.
 7. Having had regard to 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 Gullidge.

Proceeding with the final order review as a meeting:

8. The notice of final order review informed Ms Gullidge 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. 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 took into account an email sent by Ms Gullidge on 12 March 2024 in response to the Notice of Hearing, in which she stated that she *“will not be in attendance”*. The panel also took into account a further email from Ms Gullidge sent on 13 March 2024 in which she had clarified her position by confirming that she would not be providing any supporting documents or submissions to share with the panel and added that she *“no longer wish[ed] to take part in this process and will not be reading the documents you sent”*.
10. The panel heard and accepted the advice of the legal adviser and concluded that Ms Gullidge had voluntarily absented herself from these proceedings.
11. The panel took into account that this was a mandatory review and there was a public interest in reviewing this order before its expiry. The panel was satisfied that it would be fair and appropriate to conduct the review in the form of a meeting in accordance with the Rules.

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 Social Work England’s Fitness to Practise Rules 2019 (as amended).
13. The current order is due to expire at the end of 31 May 2024.

The allegations found capable of proof which resulted in the final order were as follows:

Regulatory concern 1

Between 01 February 2017 and the 01 May 2017 whilst employed as a social worker for the Rutland County Council you failed to safeguard service users.

- a. recommended stepping down the family S from child protection to 'Child in Need' despite serious concerns being raised about the children's' father.*
- b. did not carry out adequate safety work with family S.*

Regulatory concern 2

Between 01 February 2017 and the 01 May 2017 whilst employed as a social worker for Rutland County Council. You did not complete tasks relating to your case work in a timely manner resulting in delays.

- I. In the case of WW, you did not apply for a passport for the child in a timely manner.*
- II. In the case of JJ you did not ensure that the cousins of JJ were spoken to in order to allow the care placement to proceed in a timely manner.*

The case examiners expressed the following with regard to impairment:

"Personal impairment

The case examiners view that the social worker seeks to clarify or explain the situation rather than offering any true insight into how this may have impacted upon the families that they were working with, how their conduct would be viewed by the public or the wider profession and what impact this may have on public confidence. Although the social worker does apologise to the children and families that were affected by things that were not done in a timely manner.

Adjudicators may consider that there is a lack of insight into the social worker's own professional responsibility to refresh the necessary skills and knowledge for the role alongside support from others and therefore a lack of insight into their limitations and responsibilities in their role.

In terms of remediation, the social worker has not provided evidence of additional training, however, the case examiners are mindful that the social worker has not practised as a social worker since leaving employment with the Council. They inform that they have decided not

to renew their registration due to their [PRIVATE]. The social worker has not been able to provide witness testimonies due to not being in social work practice currently.

Should the social worker wish to renew their professional registration in the future, the case examiners would expect the social worker to undertake reflection and refresher training relating to the themes around effective time management, comprehensive assessments, particularly relating to risk, and record keeping without which the risk of repetition of similar conduct remains.

Taking into account all the information, the case examiners conclude that there is risk of repetition. **Accordingly, the case examiners are satisfied that there is a realistic prospect of adjudicators would find the social worker to be personally impaired.**

Public interest

In this instance, there is evidence that there were omissions in risk assessments, delays in interventions and poor communication which had the real potential to cause stress and harm to the individuals involved. Adjudicators may also consider that there is also the potential harm to the wider public in terms of having confidence in the social worker's ability to operate as a social worker.

The case examiners have deemed there is a risk of repetition, therefore they must conclude that there is risk to the public.

It is likely the public would expect that a finding of current impairment is made by adjudicators to maintain public confidence in regulation of the profession. **Accordingly, the case examiners are satisfied that there is a realistic prospect of adjudicators making a finding of impairment on public interest ground.**

The case examiners proposed a conditions of practice order, which was agreed to by Ms Gullidge, stating as follows:

"The case examiners conclude that the appropriate and proportionate outcome is for a Conditions of Practice Order to be imposed on the social worker's registration.

Conditions will provide the social worker a supportive framework within which they can, if desired, return to practice while protecting the public. It will also enable the regulator to maintain oversight and supervision of the social worker's practice and be assured that they are meeting the appropriate standards required of social workers.

The case examiners consider that a period of 18-months would be appropriate in this case; this would allow the social worker to demonstrate competency over a sustained period, including at least one appraisal cycle that they had reached the necessary standards required of social workers. They also consider a longer period at this stage to be unnecessary; an 18-month period provides the social worker sufficient opportunity to return to a registered role and show they can reach the required standards and practise safely."

14. The case examiners proposed, and Ms Gullidge accepted, the following 18 months conditions of practice order:

1. *You must notify Social Work England within 7 days of any professional appointment you accept or are currently undertaking and provide the contact details of your employer, agency, or any organisation with which you have a contract or arrangement to provide social work services, whether paid or voluntary.*
2. *You must allow Social Work England to exchange information with your employer, agency, or any organisation with which you have a contract or arrangement to provide social work or educational services, and any reporter referred to in these conditions.*
- 3 (a) *At any time you are providing social work services, which require you to be registered with Social Work England, you must agree to the appointment of a reporter nominated by you and approved by Social Work England. The reporter must be on Social Work England's register.*

(b) *You must not start or continue to work until these arrangements have been approved by Social Work England.*

(c) *You must allow your reporter and Social Work England to exchange information.*
4. *You must provide reports from your reporter to Social Work England every 6 months from the date condition 3 comes into effect and at least 14 days prior to any review.*
5. *You must inform Social Work England within 7 days of receiving notice of any formal disciplinary proceedings taken against you from the date these conditions take effect.*
6. *You must inform Social Work England within 7 days of receiving notice of any investigations or complaints made against you from the date these conditions take effect*
- 7 *You must inform Social Work England if you apply for social work employment / self-employment (paid or voluntary) outside England within 7 days of the date of application.*
8. *You must inform Social Work England if you are registered or subsequently apply for registration with any other UK regulator, overseas regulator, or relevant authority within 7 days of the date of application [for future registration] or 7 days from the date these conditions take effect [for existing registration].*
9. *You must read Social Work England's 'Professional Standards' (July 2019) and provide a written reflection within 6 months of these conditions coming into effect, focusing on how your conduct, for matters relating to this case, was allegedly below the accepted standard of a social worker, outlining what you should have done differently.*
- I. *In respect of regulatory concerns 1 and 2, the reflective piece (of no less than 1000 words, and no more than 2000 words) should demonstrate your insight into:*
 - *the actions that led to the referral to your regulator*

- *the impact of your actions on the families you supported, members of the public and the reputation of your profession*
 - *how you will approach any similar situations in the future to avoid a repetition of your actions*
10. *You must work with your reporter, to formulate a personal development plan, specifically designed to address the shortfalls in the following areas of your practice:*
- *Safeguarding children (Level 3 or above)*
 - *Completing Section 47 Enquiries*
 - *Key Knowledge and Skills Statements (KSS) for Children and Families*
 - *Preparing and conducting assessments in line with the relevant legislation*
 - *Time management and Record keeping*
 - *Managing work / life balance*
11. *You must provide a copy of your personal development plan to Social Work England within 12 weeks from commencement of any employment as a registered social worker and an updated copy, 2 weeks prior to any review.*
12. *You must inform, within 7 days from the date these conditions take effect, the following parties that your registration is subject to the conditions listed at 1 to 11, above:*
- *Any organisation or person employing or contracting with you to undertake social work services whether paid or voluntary*
 - *Any locum, agency or out-of-hours service you are registered with or apply to be registered with in order to secure employment or contracts to undertake social work services whether paid or voluntary (at the time of application).*
 - *Any prospective employer who would be employing or contracting with you to undertake social work services whether paid or voluntary (at the time of application).*
 - *Any organisation, agency, or employer where you are using your social work qualification/knowledge/skills in a non-qualified social work role, whether paid or voluntary.*
- You must forward written evidence of your compliance with this condition to Social Work England within 14 days from the date these conditions take effect.*
13. *You must permit Social Work England to disclose the above conditions, 1 to 12, to any person requesting information about your registration status.*
14. *At the first review hearing on 28 March 2023, condition 9 was removed, the panel being satisfied that Ms Gullidge had met that condition with her reflective piece.*

Social Work England submissions:

15. The panel considered the written submissions from Social Work England, as set out in the Notice of Hearing:

“Subject to any further engagement by the Social Worker with the review process, Social Work England will invite the Panel to find that the Social Worker’s fitness to practise remains impaired.

Whilst the Social Worker has previously indicated that they did not wish to return to social work practice, they then engaged with condition 9 of the previous Conditions of Practice Order and provided a reflective piece in which they showed further insight and confirmed better practice in the future. As such, it is unclear whether the Social Worker may wish to return to social work practice.

As a result of the uncertainty around the Social Worker’s future plans, the previous reviewing panel considered that a future reviewing panel may be assisted by an up to date letter of the Social Worker’s intentions going forward. At present, the Social Worker has not provided this letter. In the eventuality that the Social Worker provides this letter, and it confirms that she does not intend to return to practice in the future, Social Work England will seek a Removal Order at the review hearing. If the Social Worker confirms that she does wish to return to practice, then Social Work England will seek the extension of the Conditions of Practice Order by a further period of 9 months, with varied conditions. If no response to the letter is received, then Social Work England will invite the Panel to extend the Conditions of Practice of Order to afford the Social Worker a final opportunity to engage.

The previous Panel were concerned that there was a lack of remediation from the Social Worker, and that she had been out of practice for approaching 6 years. They further noted that the Social Worker did not appear to have taken any steps towards getting her skills and knowledge back up to date through CPD or training. Accordingly, Social Work England consider that the Social Worker’s fitness to practise remains impaired, and that there is now a significant risk of de-skilling which is increased by the further passage of time since the last review. In light of this, Social Work England submit that if the Social Worker intends to return to practice then a comprehensive set of conditions is required, with supervision and CPD. Social Work England’s proposed amendments to the Conditions of Practice are attached to this notice.”

16. The panel also considered Social Work England’s updated submissions, following Ms Gullidge’s response to the Notice of Hearing which is set out in full at paragraph 17 below and which had been emailed to Ms Gullidge on 19 March 2024:

“Social Work England notified the Social Worker of the upcoming review of her Final Order on 12 March 2024. Within the submissions in the notice of hearing Social Work England indicated that a Conditions of Practice Order was appropriate, unless the Social Worker confirmed that she no longer wished to return to the profession. The Social Worker responded on 13 March 2024 and confirmed, “I do not intend on returning to the profession and this process is part of the reason”. The Social Worker also indicated she did not wish to

engage further with the review process. Social Worker England submit that, in light of the clear indication that the Social Worker no longer wishes to be a social worker or engage in the review process, then a Removal Order is now the appropriate order”.

Social worker submissions:

17. Ms Gullidge did not provide formal written submissions to be considered by this panel. However, the panel had careful regard to the email communication between Ms Gullidge and Social Work England in advance of this hearing. In particular Ms Gullidge's email sent on 13 March 2024, in which she stated that:

“I feel really frustrated with the length of time this has continued to take, I appreciate it was passed on by GSCC but we are now 6yrs on. I do not work in social care anymore. I do not intend on returning to the profession and this process is part of the reason. Whenever I defend myself I am made to feel like I do not have insight into what happened. Yes I take some responsibility as I have continued to state but I was scapegoated by RCC and conversations with my line manager suddenly were forgotten and conveniently dismissed when I asked for support.

I no longer wish to take part in this process and will not be reading the documents you sent”

Panel decision and reasons on current impairment:

18. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering the issue of current impairment. This included reference to the cases of *Council for Healthcare Regulatory Excellence v NMC and Grant [2011] EWHC 927 (admin)* and *Cohen v GMC [2008] EWHC 581*.
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 case examiners and 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’.
20. The panel had regard to all of the documentation before it, including the decision and reasons of the case examiner, the previous review panel and the documentation provided to the previous review panel, including Ms Gullidge’s reflective statement, dated 26 June 2022. The panel also took account of the submissions and email referred to above.
21. 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.
22. The panel first considered whether Ms Gullidge’s fitness to practise remains impaired.

23. The panel noted that the case examiners had been concerned that Ms Gullidge had insufficiently developed insight and had insufficiently demonstrated remediation. The panel on the previous occasion had noted that the allegation dated back to 2017, and that Ms Gullidge had not worked in social work since that time. The previous panel had found that despite not working in social work, Ms Gullidge had sought to engage and comply with the conditions. In particular, she had provided a reflective statement, dated 26 June 2022, which covered the areas identified in condition 9. The previous panel found that:

Whilst the panel would have liked to see more reflection on how her actions would have impacted on public confidence in the profession, it considered that the reflective piece demonstrated remorse and a level of understanding of how her actions had fallen below the accepted standards; the impact on the families involved; how she would approach such situations in the future so as to lessen the risk of repetition; and how in future she would seek to uphold the professional reputation of social work.

24. This panel agreed with and adopted those observations and accepted that the reflective statement showed evidence of insight.
25. The previous panel had considered the greater concern was the lack of remediation on the part of Ms Gullidge. This had been caused by her absence from the profession for six years and the lack of evidence that she had taken steps towards keeping her skills and knowledge up to date, for example through any continuing professional development in courses or training. This panel agreed with those concerns and noted that a further 12 months had passed and Ms Gullidge had not provided any further evidence of relevant work or training.
26. This panel found that the concerns considered by the case examiners had been in relation to a relatively limited (although important) aspect of Ms Gullidge's practice and over a relatively short period of time. This was in the context of an otherwise unblemished career. For these reasons this panel found that the concerns were remediable. The panel went on to consider whether there was evidence before them that the concerns had been remedied.
27. The panel found that there was no new evidence before them, that demonstrated that Ms Gullidge had sought to remediate the concerns found. The panel considered that although Ms Gullidge had not been working as a social worker there were steps she could have taken in terms of training or reading. The panel found that there was no evidence that Ms Gullidge had complied with the recommendations of the previous panel or the current conditions of practice order.
28. In the absence of evidence of remediation, the panel did not consider that the risks identified by the case examiners had been addressed by Ms Gullidge. The panel, therefore, considered that the risk of repetition remained. Accordingly, in the panel's judgement, Ms Gullidge's fitness to practise remains impaired on the personal element.
29. The panel found that a member of the public would be concerned that a social worker who had not addressed the concerns found by her regulator was entitled to practise unrestricted and that public confidence in the profession would be undermined, if a finding of impairment was not made. In addition, the panel considered that a finding of impairment

was required to uphold standards. Accordingly, in the panel's judgement, Ms Gullidge's fitness to practise remains impaired on the public element.

30. In all the circumstances, the panel considered Ms Gullidge's fitness to practise remains impaired on the grounds of public protection, which includes the components of promoting and maintaining public confidence in the profession and professional standards.

Sanction, decision and reasons:

31. Having found Ms Gullidge'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.
32. The panel considered the written submissions made on behalf of Social Work England, during which they invited the panel to consider imposing a removal order and Ms Gullidge's clear written statement that she did not intend to return to the profession and wanted no further part in the review process. The panel also took into account the 'Impairment and sanctions guidance' published by Social Work England.
33. The panel was mindful that the purpose of any sanction is not to punish Ms Gullidge, 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 Gullidge interests with the public interest.

Take no further action, advice or warning

34. The panel determined that in light of their conclusion that, in the absence of evidence of remediation, there remained a risk of repetition, it would be inappropriate to take no action and allow the current order to lapse on its expiry. The panel noted that these sanction's would not restrict Ms Gullidge's ability to practise and were therefore not appropriate where there is a current risk to public safety.

Extend the current conditions of practice order

35. The panel considered whether the current conditions of practice should be extended for a further period of time.
36. As detailed above, the panel took the view that the deficiencies identified with Ms Gullidge's practice are potentially capable of being remedied. However, conditions are only workable if Ms Gullidge chooses to engage. The panel were mindful of the fact that the conditions have been in place for over two years and that although Ms Gullidge had demonstrated insight in her reflective writing she has not demonstrated the desire or interest to address the concerns through remediation in order to demonstrate her ability to practise safely and in accordance with the standards of the profession going forwards.
37. The panel carefully considered Ms Gullidge's recent email communication with Social Work England and concluded that Ms Gullidge was unequivocal in her position that she no longer

wished to practise as a social worker and did not want this review process to continue. In light of which this panel was unable to formulate appropriate, workable conditions.

Suspension order

38. The panel concluded that given Ms Gullidge's clear and unequivocal statement that she does not intend to practise as a social worker or engage in any regulatory review process, the panel concluded that a suspension order would not be appropriate.

Removal Order

39. The panel was satisfied it could consider that a removal order was available to the panel as Ms Gullidge's fitness to practise was originally found impaired on the basis of one or more grounds as set out in regulation 25(2)(a).
40. 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 was the only appropriate and workable order because Ms Gullidge had failed to engage with the conditions imposed since the last review hearing and had made her intention to remain disengaged with the process and not return to the profession clear. In those circumstances, although the panel had considered all other sanctions available the removal order was the only means of protecting the public and the wider public interest.
41. The panel was satisfied in the specific circumstances of this case that the removal order should take effect at the expiry of the current conditions of practice on 31 May 2024.

Right of appeal:

42. 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.
43. 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.
44. 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.

45. This notice is served in accordance with Rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

Review of final orders:

46. 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).

47. 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

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>