

Social worker: David Chasumba

Registration number: SW127968

Fitness to Practise

Final Order Review Meeting

Date of meeting: 03 May 2024

Meeting venue: Remote meeting

Final order being reviewed:

Suspension order – (expiring 16 June 2024)

Meeting Outcome: Removal order - with effect from the expiry of the current order

Introduction and attendees:

1. This is the first review of a final suspension order originally imposed for a period of 12 months by a panel of adjudicators on 19 May 2023.
2. Mr Chasumba 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
Clive Powell	Chair
Marva Kelly	Social worker adjudicator

Hearings team/Legal adviser	Role
Simone Ferris	Hearings officer
Kathryn Tinsley	Hearings support officer
Marian Killen	Legal adviser

Service of notice:

4. The panel of adjudicators (hereafter “the panel”) noted that the Service bundle consisted of 11 pages and contained the following information:
 - A copy of the notice of the final order review hearing dated 4 April 2024 and addressed to Mr Chasumba at their email address which they provided to Social Work England;
 - An extract from the Social Work England Register as of 4 April 2024 detailing Mr Chasumba’s registered address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 4 April 2024 the writer sent by email to 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 16,44,45 of the Fitness to Practise Rules 2019 (as amended) 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 Mr Chasumba in accordance with the Rules.

Proceeding with the final order review as a meeting:

7. The notice of final order review informed Mr Chasumba that the review would take place as a hearing, but the adjudicators could decide to hold it by way of a meeting if no response was received. 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 April 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.”

8. The panel was provided with legal advice as to the principles it should take into account when considering whether to proceed to conduct a review in the absence of the registrant by way of a meeting. The advice included reference to Rule 43 of the Rules and the cases of *R v Jones [2002] UKHL 5*; and *General Medical Council v Adeogba [2016] EWCA Civ 162*. The panel was referred to ‘Service of notices and proceeding in the absence of the social worker’.
9. The panel was also referred 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.”

10. In reaching its decision the panel also took into account Social Work England guidance.
11. The panel had already determined that service had been properly effected on Mr Chasumba and considered that he should be aware, or had the means of being aware, of the review hearing. It had received no information to suggest that Mr Chasumba responded to the notice of final order review. No application had been received requesting an adjournment. The panel concluded that Mr Chasumba had voluntarily absented himself from the hearing.
12. The panel considered whether to adjourn the hearing, but in the absence of any information from Mr Chasumba, it had no reason to believe that he would attend a review at a later date, if the case were to be adjourned. The panel also noted that Mr Chasumba did not attend the substantive order hearing in May 2023.
13. The panel took into account the the public interest in conducting a review in an expeditious and timely manner and noted this was a mandatory review.
14. The panel was satisfied, after considering all the information, that it would be fair and appropriate to conduct the review in the form of a meeting in accordance with Rule 16(c) in the absence of Mr Chasumba.

Review of the current order:

15. 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).
16. The current order is due to expire on 16 June 2024.

The allegations found proved on 19 May 2023 which resulted in the imposition of the final order were as follows:

Allegations:

- 1. *Whilst registered as a social worker between September and December 2020 you failed to demonstrate the necessary level of knowledge, skills or judgement in the respect of the following Patients as set out in Schedule 1:***

Particular 1:

1. .1a Patient VA – a. Identification of Risk and Needs, on or around 2 October 2020
- 2..2.a Patient MS – a. Identification of Risk and Needs, 2 October 2020
4. .a Patient RD – a. Timely records, 1 October – 5 November 2020
- 4.b Patient RD – a. Timely records, 1 October – 5 November 2020
- 4.c. Patient RD – c. Insufficient records, 1 October – 5 November 2020
6. b.Patient MH – b. Insufficient records, 6 October – 5 November 2020

- 2. *Whilst registered as a social worker between September and December 2020, you:***

2.1 *Failed to declare to East Sussex County Council that you had been dismissed by a previous employer on a job application.*

2.2 *Provided conflicting accounts to East Sussex County Council regarding the reason(s) you left your previous role, in that you stated to DL:*

a. *On 20 November 2020, you had left due to travelling long distances;*

b. *On 25 November 2020 that;*

i. *a service user's death had added pressure to the teams;*

ii. *you had been advised that there was a secondee waiting to return to the team;*

iii. *you had been told that you were the "fall guy" or used words to that effect.*

- 3. *Your conduct at paragraph 2 was dishonest***

Lack of competence – in respect of facts proved in schedule 1 of particular 1

Misconduct found – in respect of facts proved in particulars 2 and 3

Impairment – by reason of lack of competence

Impairment – by reason of misconduct

The final hearing panel on 19 May 2024 determined the following with regard to impairment:

Misconduct

“The panel considered that Mr Chasumba’s repeated pattern of dishonesty had in the past brought the profession into disrepute. It considered that members of the public and the profession would be very troubled to hear about a social worker who had dishonestly failed to declare a dismissal from a previous employer, due to concerns about performance, and then had repeatedly given conflicting and dishonest reasons for that dismissal.

The panel was satisfied that honesty is a fundamental tenet of the social work profession, given the high level of trust placed in social workers in respect of vulnerable patients and service users. It considered that members of the public trust social workers with sensitive and confidential information; and they are trusted to go into vulnerable service users’ homes and to make important decisions in their best interests. The panel considered that Mr Chasumba had in the past breached a fundamental tenet of the profession by acting dishonestly.

In order to assess whether Mr Chasumba was liable to breach the Grant limbs in the future, the panel considered the elements of the case of Cohen, namely whether Mr Chasumba’s conduct was remediable, whether it had been remedied and whether it was likely to be repeated.

The panel considered that Mr Chasumba’s dishonesty was potentially capable of remediation, albeit it would be more difficult to remedy than practice failures as it involves attitudinal issues. Nevertheless, the panel considered that through extensive reflection and development of insight, together with examples of positive conduct, it may be possible for him to remediate.

In considering insight, the panel was of the view that Mr Chasumba has developed some insight. It noted that in his written submissions from 2021, he had accepted his dishonesty, had apologised and demonstrated remorse. However, the panel considered that he had also sought to minimise his dishonesty, citing his challenging personal circumstances at the time. The panel noted that he had sought to justify his dishonesty on the application form by stating that he had answered “no” because he disagreed with Kent’s decision to terminate his contract and that it had been unfair. The panel was of the view that Mr Chasumba had made a conscious decision to act dishonestly in his application form and this action had been for his and his family’s benefit.

The difficulty for the panel was that it had no recent reflections from Mr Chasumba to demonstrate that his insight had continued to develop and move away from his tendency to minimise and justify his dishonesty. As a result, the panel had no information to reassure it that Mr Chasumba would not resort to acting dishonestly in the future, if placed under significant pressures again. Further, the panel did not consider that the information before it demonstrated that Mr Chasumba had understood the gravity of his dishonesty and the implications it may have on employers, fellow professionals and public confidence in the social work profession as a whole.

The panel also bore in mind that it had no evidence of recent relevant training, for example in professional ethics, or references which may provide examples of positive conduct on Mr Chasumba's part.

In all the circumstances, the panel did not consider that Mr Chasumba had remediated his misconduct and as a result there was a risk of repetition of him acting dishonestly in the future, which would breach a fundamental tenet of the profession, place patients at risk of harm, and bring the profession into disrepute.

The panel also considered that public confidence in the profession would be undermined if no finding of current impairment were made in this case, as the trust the public places in social workers to act honestly would be damaged.

Accordingly, the panel finds that Mr Chasumba's fitness to practise is currently impaired by reason of his misconduct, both on the grounds of public protection and public confidence."

Lack of Competence

17. In relation to the finding of impairment on the basis of lack of competence the final order panel had this to say:

"The panel considered that limbs (a), (b), and (c) of Grant were engaged by reason of Mr Chasumba's lack of competence.

In relation to Mr Chasumba's lack of competence, the panel considered that this had placed patients at risk of harm in the past, as if a social worker did not have the ability to identify, assess and address risk, then patients would be exposed to risk of harm. The panel considered that in the cases of Patients VA and MS, the patients would have been placed at significant risk of harm if professional colleagues had not stepped in to assist, thereby identifying and addressing the risks. The panel also considered that an inability to maintain clear, concise, timely and accurate records also placed patients at risk of harm.

The panel considered that addressing risk, as well as maintaining clear, accurate and timely records were fundamental tenets of the social work profession, as they informed all aspects of safeguarding and protecting vulnerable service users and patients and Mr Chasumba had breached these fundamental tenets in the past.

The panel considered that although the concerns arose early on in Mr Chasumba's career, the public would be concerned if a social worker lacking competence was allowed to work independently with service users or patients. It was of the view that this would reflect badly

on the reputation of social workers as a whole, with the risk that members of the public may distrust the capability of social workers generally, as well as reflecting badly on the employer. Accordingly, the panel considered that Mr Chasumba's lack of competence had brought the profession into disrepute in the past.

The panel considered that Mr Chasumba's lack of competence had the potential to be remediated, through education, training and application. However, the panel had no evidence of remediation before it. The panel considered that Mr Chasumba did not appear to have recognised the potential implications of his failures, noting his observations in his Personal Statement that he tried to address the concerns raised in supervision but that it was "disappointing that the quality of my work was still deemed inadequate and lacked confidence and capability".

The panel noted the additional information provided to it at the impairment stage, but was mindful that the training evidenced had all been completed in 2020, and there was no new relevant information before the panel to reassure it that Mr Chasumba would now be capable of identifying, assessing and addressing risk or of maintaining clear, accurate, and timely records. Whilst critical reflection tools might potentially be useful, there was no information regarding how Mr Chasumba had or might put them into practice. While the panel considered that a lack of recent relevant training and experience may be understandable as Mr Chasumba had previously indicated that he no longer intended to practise as a social worker, it also meant that none of the risks resulting from his lack of knowledge, skills and judgement had been reduced.

In all the circumstances, the panel did not consider that Mr Chasumba had remediated his lack of competence and as a result there was a risk of repetition in the future, which would place patients at risk of harm, breach fundamental tenets of the profession and bring the profession into disrepute.

The panel also considered that public confidence in the profession would be undermined if no finding of current impairment were made in this case and a finding of current impairment was also required to uphold professional standards.

Accordingly, the panel finds that Mr Chasumba's fitness to practise is currently impaired by reason of his lack of competence, both on the grounds of public protection and public confidence.'

The final hearing panel on 19 May 2023 determined the following with regard to sanction:

"The panel considered the following to be the relevant mitigating factors:

- a. Mr Chasumba had admitted his dishonesty, which he described as a "serious error of judgement", apologised for it and expressed remorse;*

- b. Mr Chasumba had demonstrated some insight, albeit his insight was partial as he had not demonstrated sufficient depth of understanding as to the implications his dishonesty may have had on the safety and well-being of individual patients or how it would have impacted on public confidence in the profession;*
- c. In relation to the dishonesty, there had been personal mitigation which had put him under pressure;*
- d. In relation to the lack of competence, Mr Chasumba was a NQSW not long into the ASYE programme at East Sussex.*

The panel considered the following to be the relevant aggravating factors:

- e. The dishonesty was repeated and maintained over a period of time;*
- f. Mr Chasumba had not provided any evidence of remediation, albeit the panel acknowledged that this may be as a result of Mr Chasumba having said he was not intending to continue working as a social worker;*

No further action, advice or warning:

The panel was mindful of its conclusions at the impairment stage that there was a risk of repetition in respect of both Mr Chasumba's lack of competence and his misconduct, which had the potential to place patients or service users at risk of harm. Accordingly, the panel did not consider that taking no further action or issuing advice or a warning, would be sufficient to protect the public. In reaching this conclusion, the panel had regard to paragraph 71 of the Guidance which states:

"If personal impairment is found, a sanction restricting or removing a social worker's registration will normally be necessary to protect the public..."

In addition, the panel was of the view that the dishonesty found proved was too serious for the case to be concluded with no further action, advice or a warning. It had regard to its earlier conclusion that members of the public would be very troubled to hear if a social worker who had dishonestly failed to declare a dismissal from a previous employer, which was due to concerns about performance, and then had repeatedly given conflicting and dishonest reasons for that dismissal, was allowed to work unrestricted. In light of this, the panel did not consider that taking no further action would address the wider public interest considerations of maintaining public confidence in the profession.

The panel next considered a conditions of practice order. The panel considered that if the case had simply related to lack of competence, then it may have been possible to formulate workable conditions to address the lack of competence while at the same time protecting service users or patients, albeit mindful that it had no evidence of remediation during the previous two years and no evidence of willingness to comply with conditions. However, the panel considered that once the dishonesty was taken into account, it was not possible to formulate conditions which would address the risk of repetition of dishonesty which the

panel had identified may occur if Mr Chasumba were placed in a future pressured situation, due to his partial insight. In reaching this conclusion, the panel also had regard to the Guidance which indicated that conditions were less likely to be appropriate in cases with attitudinal issues, such as dishonesty. In any event, the panel considered that the nature of the misconduct itself was too serious to be addressed by way of a conditions of practice order and conditions would not maintain public confidence.

Suspension order

The panel considered that on the facts of this case, the only two possible options for the appropriate sanction were a suspension order or a removal order.

In relation to suspension, the panel considered that many of the features set out in the Guidance, which may indicate that a suspension order was appropriate, were present in this case. In particular workable conditions could not be formulated; the concerns represented a serious breach of the professional standards; and he had demonstrated some insight. Although Mr Chasumba had not indicated a willingness to remediate, and his latest indication in his application for voluntary removal was that he did not intend to practise as a social worker, the panel noted from his Personal Statement in July 2021 that he had said:

“Nevertheless, I take full responsibility for my misconduct and bringing the Social Work profession into disrepute. I should be held accountable for my practice and learn lessons from my misconduct. However, I still wish to continue to work in social work with charities, teaching social logical perspectives of social work, lecturing in Health and Social Care and in Social Work research.”

The panel was mindful that at this stage, removal was not available in relation to the lack of competence, and so it was important not to conflate the lack of competence and dishonesty. The question for the panel was whether the dishonesty, in and of itself, was so serious that it required Mr Chasumba’s removal from the register. Whilst the panel considered that the dishonesty was serious, it was not the most serious type of dishonesty which would require removal from the register. The panel also noted that at the impairment stage, it had considered that Mr Chasumba’s dishonesty may be capable of remediation, albeit it would be difficult to remedy as it involved attitudinal issues. In light of this, the panel did not consider that Mr Chasumba’s dishonest conduct was fundamentally incompatible with remaining on the register.

The panel did nevertheless go on to consider a removal order, and noted from the Guidance that dishonesty, especially if it were persistent and/or concealed, was one of the identified factors for when a removal order may be appropriate. However, the panel did not consider that removal was the only way to protect the public, maintain public confidence in the profession and maintain proper professional standards for social workers in England. The panel was satisfied that these objectives could be met in this case by way of the imposition of a suspension order. In all the circumstances of this case, the panel considered that a removal order would be disproportionate at this stage.

Therefore, the panel decided to impose a suspension order for 12 months. It was satisfied that this period would properly reflect the seriousness of the case, whilst also giving Mr Chasumba sufficient time to further develop his insight and understanding into his dishonesty and lack of competence, as well as taking steps to remediate both elements of his impairment. The panel considered that this would require a significant effort on Mr Chasumba's part, but it was satisfied that 12 months would provide a suitable amount of time. The panel was also satisfied that a suspension order for 12 months was sufficient to satisfy the public interest considerations of maintaining public confidence and upholding professional standards.

The panel acknowledged that a suspension order may cause Mr Chasumba financial hardship. Nevertheless, the panel was satisfied that Mr Chasumba's own interests were outweighed by those of the public interest.

The panel decided to follow the Guidance and set recommendations for Mr Chasumba which may assist him in evidencing his improvement for when the suspension order comes to be reviewed shortly before its expiry. The panel considered that a reviewing panel may be assisted by the following:

- g. Mr Chasumba's participation at any review hearing;*
- h. Evidence of critical reflection demonstrating Mr Chasumba's insight into the potential impact of his lack of competence and dishonesty on patients or service-users, his former colleagues and employer and the public's trust in social workers, and what he has learnt from the fitness to practice process;*
- i. References or testimonials from any paid or voluntary work, specifically commenting on Mr Chasumba's honesty and integrity; and his competence in the areas of identifying and assessing needs and risks, and maintaining clear, accurate, and timely records;*
- j. Information about Mr Chasumba's future intentions in relation to social work;*
- k. Documentary evidence of any training, learning and development in relation to the importance of honesty and integrity in social work and the identified areas of lack of competency."*

Social Work England submissions:

18. The panel noted Social Work England submissions contained in the notice of Hearing provided by Capsticks LLP.

"Subject to receipt of any further evidence of insight or remediation prior to the review, Social Work England invite the Panel to replace the Suspension Order with a Removal Order on the basis that it is necessary to protect the public and in the wider public interest.

The Social Worker has not engaged with Social Work England at all since the imposition of the Suspension Order. This is in the context of him not participating in the substantive hearing, as well as making an application for voluntary removal. This case involves serious concerns about the Social Worker's ability to practise safely and competently, as well as concerns that the Social Worker will act dishonestly in future. Without any evidence to support a finding of a lower risk of repetition, given the need to protect the public, a total restriction on his practice is necessary. The wider public interest requires that standards are upheld and maintained, which cannot be said to have been achieved.

The Panel of Adjudicators identified five areas that a reviewing panel would be assisted by. The Social Worker has been reminded of these recommendations by the Case Review Team on a number of occasions. There has been no engagement whatsoever from the Social Worker. It is submitted there is no basis upon which to lower the assessment of the risk of repetition. Accordingly, it is submitted that the Social Worker remains impaired. The Social Worker has failed to heed multiple reminders from Social Work England to demonstrate that he can practise safely. There is no evidence of further insight or remediation.

Social Work England submit that the Social Worker has shown there is no realistic prospect of them engaging in future. Accordingly, it is submitted that a Removal Order is necessary and proportionate."

Social worker submissions:

19. No submissions were received from Mr Chasumba or on his behalf.

Legal advice on impairment and sanction

20. The legal adviser advised the panel that it was carrying out a comprehensive review of all the information provided to determine if Mr Chasumba's fitness to practise remains impaired on the grounds of lack of competence and/or misconduct and, if so, the appropriate sanction to impose. The panel was reminded that it was not going behind the facts found proved at the substantive hearing and that there was a persuasive burden on Mr Chasumba to satisfy the panel that his fitness to practise was no longer impaired.
21. The panel was referred to the applicable legal principles identified in cases including *Cohen v GMC* [2008] EWHC 581 Admin and *CHRE and Grant v NMC* [2011] EWHC 927 (Admin) and *Abrahaem v GMC* [2008] EWHC 183 (Admin). The panel was referred to the guidance issued by Social Work England on Impairment and Sanction and the need to act in a proportionate manner in reaching its decision.
22. The panel was advised in relation to its powers under Schedule 2 Paragraph 13(2) of the Social Work England Regulations [2018] and the prohibition on removal from the register where a finding had been made on the statutory ground of lack of competence. It also received advice as to its powers to remove a registrant under Regulation 13(2)(a) relating to the statutory ground of misconduct.

Panel decision and reasons on current impairment:

23. 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 to maintain public confidence in the profession.
24. 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'. It accepted the advice of the legal adviser. The panel noted that there is a persuasive burden on Mr Chasumba to prove he is no longer currently impaired on the grounds of lack of competence and that: *"he has fully acknowledged why past professional performance was deficient and through insight, application, education, supervision, or other achievement sufficiently addressed the past impairment."*
25. The panel had regard to all of the documentation before it which included a 53 page hearing bundle. It noted that no new information has been provided by Mr Chasumba for the panel to consider. The panel also took account of the written submissions made by Social Work England. The panel noted that Mr Chasumba was given an opportunity to provide submissions or attend the review in his case.
26. The panel first considered whether Mr Chasumba's fitness to practise remains impaired on the grounds of lack of competence. It took into account the findings made at the substantive hearing. The panel applied the principles set out in the cases of *Cohen v GMC [EWHC] 581* and *CHRE and Grant v NMC [2011] EWHC 927 (Admin)* and *Abrahaem v GMC [2008] EWHC 183 (Admin)*.
27. The panel noted that limbs (a), (b), and (c) of Grant were engaged as a result of Mr Chasumba's failure to maintain accurate record keeping which is of fundamental importance in a social worker's profession.
28. The previous panel found Mr Chasumba had placed service users at risk of harm as a result of his lack of competence. That panel noted that Mr Chasumba was given support during his period of employment when the concerns were identified but the concerns remained unaddressed. That panel also found that:
"addressing risk, as well as maintaining clear, accurate and timely records were fundamental tenets of the social work profession, as they informed all aspects of safeguarding and protecting vulnerable service users and patients and Mr Chasumba had breached these fundamental tenets in the past."
29. This panel understood that in relation to impairment, what had to be determined was current impairment, looking forward from today.
30. The panel, in reviewing all of the information, noted that the following recommendations were made on 19 May 2023 to assist Mr Chasumba at a review hearing:

- a. Evidence of critical reflection demonstrating Mr Chasumba's insight into the potential impact of his lack of competence and dishonesty on patients or service-users, his former colleagues and employer and the public's trust in social workers, and what he has learnt from the fitness to practice process;*
- b. References or testimonials from any paid or voluntary work, specifically commenting on Mr Chasumba's honesty and integrity; and his competence in the areas of identifying and assessing needs and risks, and maintaining clear, accurate, and timely records;*
- c. Information about Mr Chasumba's future intentions in relation to social work;*
- d. Documentary evidence of any training, learning and development in relation to the importance of honesty and integrity in social work and the identified areas of lack of competency."*

31. The panel has not received any information from Mr Chasumba in relation to any of the concerns found proved at the substantive hearing or how they have been addressed. It has noted the lack of engagement by Mr Chasumba in the regulatory process and that he did not attend the final order hearing.
32. In the absence of receiving any information from Mr Chasumba that he has acknowledged the findings in respect of lack of competence and that he has taken steps to successfully address the identified deficiencies in his practice, the panel considers that a risk of repetition remains. The panel has no evidence of insight by Mr Chasumba of the impact the proven concerns have on the safety of the public or the impact on public confidence in the profession.
33. The panel does not consider that Mr Chasumba has remediated his lack of competence and as a result a risk of repetition remains in the future, which would place patients at risk of harm, breach fundamental tenets of the profession and bring the profession into disrepute. This lack of engagement has also amplified the concerns identified by the previous substantive panel in relation to his lack of competence.
34. The panel considered that, in the circumstances of this case, public confidence in the profession would be undermined if no finding of current impairment were made and a finding of current impairment is required to uphold professional standards and maintain public confidence in the profession.
35. Accordingly, the panel finds that Mr Chasumba's fitness to practise is currently impaired by reason of his lack of competence, both on the grounds of public protection and public confidence.

Impairment by reason of misconduct

36. The panel next considered whether Mr Chasumba remains currently impaired on the grounds of misconduct. It reviewed the test as set out in the case of *Grant* and considered that each of the four limbs set out below are engaged:
- a.* 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
 - b.* Has in the past brought and/or is liable in the future to bring the profession into disrepute; and/or
 - c.* Has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the profession; and/or
 - d.* Has in the past acted dishonestly and/or is liable to act dishonestly in the future.
37. Again, as noted in the panel's finding relating to impairment on the grounds of lack of competence, Mr Chasumba has not provided any information or evidence as to his insight or steps taken to remediate the findings relating to misconduct at the original hearing. No information has been provided to demonstrate what steps, if any, have been taken by him to address his proven dishonesty or to demonstrate insight into the impact his conduct has had on public confidence and public safety. There has been no engagement by Mr Chasumba in relation to the review hearing at all. The panel considers that, in the absence of any evidence that demonstrates remediation of the misconduct found proved (which includes dishonesty) a risk of repetition of him acting dishonestly remains which would breach a fundamental tenet of the profession, place patients at risk of harm, and bring the profession into disrepute. The panel was of the view that the lack of engagement by Mr Chasumba served to amplify the previous panels findings in respect to his misconduct which includes repeated dishonesty.
38. The panel also considers that public confidence in the profession would be undermined if no finding of current impairment were made in this case where there has been a finding of dishonesty which has not been remediated.
39. In these circumstances the panel finds that Mr Chasumba remains currently impaired by reason of his misconduct on the grounds of public protection and public confidence.

Decision and reasons on sanction:

40. Having found Mr Chasumba's fitness to practise is currently impaired on the statutory grounds of lack of competence and misconduct, 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.

41. 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. The panel also took into account the 'Impairment and sanctions guidance' published by Social Work England.
42. The panel was mindful that the purpose of any sanction is not to punish Mr Chasumba, 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 Mr Chasumba's interests with the public interest.
43. The panel considered the least restrictive sanction that would protect the public and the wider public interest.

Warning

44. The panel considered whether to provide advice or give a warning order. It determined that neither advice nor a warning were appropriate or sufficient to protect the public or the wider public interest given the findings in this case.

Replacing the suspension order with a conditions of practice order

45. The panel, after careful consideration determined that a conditions of practice order would not be appropriate or provide the level of protection for the public or the wider public interest given the findings in this case. It noted the finding of dishonesty and the lack of any engagement with the process either at the final order hearing or with this review. The panel has no information to suggest that Mr Chasumba is committed to continuing in the profession and has noted his request to seek voluntary removal and the panel has no information as to any steps taken by him to remediate the findings. The panel concluded it could not devise any conditions of practice that would be relevant and workable that would also provide an appropriate level of protection of the public and satisfy the wider public interest.

Suspension order

46. The panel, having concluded that lesser sanctions were not appropriate then considered whether to exercise its power to extend the existing suspension order for up to three years. It took into account the content of Social Work England Guidance. The panel noted that Mr Chasumba has not engaged in the regulatory process and has not taken any steps at all to address the concerns previously identified. It has noted that Mr Chasumba wishes to seek voluntary removal. The panel was aware that a further period of suspension would provide a level of protection but it considers that this is not in the public interest. A well-informed member of the public would be very concerned if a further period of suspension were imposed in circumstances where a registrant has demonstrated no engagement, no remediation, no reflection, no insight and no wish to remain on the Social Work Register. A further period of suspension is not in the public interest.

Removal order

47. The panel considered whether a removal order may be appropriate however, it noted that a removal order was not available to the panel as Mr Chasumba's fitness to practise was originally found impaired on the basis of one or more grounds as set out in regulation 25(2), (b), (e) or (h) and he had not yet been suspended from practice or subject to a conditions of practice final order (or a combination of both) for a continuous period of two years immediately preceding the day when the removal order would take effect. In this case the panel noted that the statutory ground of lack of competence was engaged.
48. The panel was satisfied that it could consider that a removal order was available to the panel as Mr Chasumba'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). The panel noted that the statutory ground of misconduct was engaged.
49. 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 because of a complete failure by Mr Chasumba to engage in the regulatory process and his expressed wish to be removed from the Register. The panel formed the view that the ongoing lack of engagement only served to amplify the panel's concerns in relation to impairment on the grounds of misconduct. The panel considers there is no useful purpose in keeping Mr Chasumba on the register for any further period and that the public will be protected and the wider public interests served by Mr Chasumba's removal from the register.

Right of appeal:

50. 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.
51. 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.
52. 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.

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

Review of final orders:

54. 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).

55. 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

56. 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>