



Social worker: Simon T Mattock

Registration number: SW92074

Fitness to Practise

Final Order Review Meeting

Date of Meeting: 07 June 2024

Meeting venue: Remote Meeting

Final order being reviewed:
Suspension order – (expiring 21 July 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 first review of a suspension order originally imposed for a period of 12 months by a panel of adjudicators on 23 June 2023.
2. Mr Mattock 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
Karen McArthur	Chair
Joma Wellings-Longmore	Social worker adjudicator

Hearings team/Legal adviser	Role
Simone Ferris	Hearings officer
Kathryn Tinsley	Hearings support officer
Sinead Roberts	Legal adviser

Service of notice:

4. 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 3 May 2024 and addressed to Mr Mattock at their email address which they provided to Social Work England;
 - An extract from the Social Work England Register as of 3 May 2024 detailing Mr Mattock's registered address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 3 May 2024 the writer sent by email to Mr Mattock 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, 17, 44 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 Mattock in accordance with the Fitness to practise rule 2019 (as amended).

Proceeding with the final order review as a meeting:

7. The notice of final order review informed Mr Mattock 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 20 May 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 received no information to suggest that Mr Mattock had responded to the notice of final order review
9. 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."

10. The panel was satisfied that it would be fair and appropriate to conduct the review in the form of a meeting in accordance with Rule 16(c).

Review of the current order:

11. 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).
12. The current order is due to expire at the end of 21 July 2024.

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

- 1. Between 1 December 2019 and 7 January 2020, you failed to complete a Regulation 44 visit to Children's Home 1 as required.
- 2.a. Between approximately 5 May 2020 and 12 June 2020, you failed to adequately complete: a. Reports and / or decisions from Foster Carer Reviews, in the cases of one or more service users on or around: (i) 6 April 2020; (ii) 9 April 2020 and (iii) 12 April 2020.

- 2.b.i Between approximately 5 May 2020 and 12 June 2020, you failed to adequately complete: a. Child Protection Plans within required timescales, in the cases of: Service User A, in relation to a review on or around 5 May 2020;
- 2.b.ii Between approximately 5 May 2020 and 12 June 2020, you failed to adequately complete: b. Child Protection Plans within required timescales, in the cases of: Service Users B, C and D, in relation to a review on or around 12 May 2020;
- 2.b.iv Between approximately 5 May 2020 and 12 June 2020, you failed to adequately complete: b. Child Protection Plans within required timescales, in the cases of: iv. Service User Family G, in relation to a review on or around 25 March 2020.
- 2.c.vi Between approximately 5 May 2020 and 12 June 2020, you failed to adequately complete: c. Case Recordings, including in relation to review meeting minutes, in the cases of: vi. Service User J, in relation to a review on or around 15 April 2020;
- vii. Service User K, in relation to a review on or around 15 April 2020;
- viii. Service User L, in relation to a review on or around 29 April 2020;

13. The final hearing panel concluded that Mr Mattock's conduct amounted to serious misconduct in relation to regulatory concerns 1, 2.b.i, 2.b.ii and 2.b.iv.

The final hearing panel on 23 June 2023 determined the following with regard to impairment:

14. The final hearing panel was concerned that Mr Mattock has not provided any recent information to Social Work England in relation to the proceedings or his current professional or personal circumstances. The panel considered that whilst Mr Mattock's conduct was capable of remediation, it had received no evidence that his persistent failures to record information appropriately on casefiles has been remedied.

15. Mr Mattock had not provided evidence of training in record keeping, or explanations of the possible impact on service users of his failure to adequately record information in a timely fashion. The panel could not therefore determine whether he had developed insight or remedied his professional failings since leaving his employment in 2020 and could only take account of his past conduct when forming a view of the likelihood of repetition of the misconduct.

16. The panel had no assurance that the shortcomings would not be repeated should Mr Mattock return to the profession. His conduct had exposed the Council and vulnerable service users to risk in respect of each of the regulatory concerns amounting to serious professional misconduct.

17. [PRIVATE].

18. The panel concluded that Mr Mattock would, on the information currently available to it, pose a risk to the public if allowed to return to practice unrestricted because it had no confidence that the same issues, a slowly building backlog of recording and a failure to undertake a statutory visit, would not recur. It therefore found Mr Mattock to be impaired on the 'personal' aspect of the test for impairment.
19. In considering the public component of impairment, the panel had regard to the important public policy issues which include the need to maintain confidence in the profession and declare and uphold proper standards of conduct and behaviour. It recognised that some concerns were so serious that action may be required even if the social worker posed no current risk to the public, because not marking the conduct could undermine public confidence in social workers generally, or may fail to maintain the professional standards expected of social workers.
20. The panel concluded that Mr Mattock may pose a risk to the public if allowed to return to practise without restriction. The panel believed the public and members of the social work profession would be concerned to learn that 4 regulatory concerns which amounted to serious misconduct arose across the course of Mr Mattock's 8 month employment with the Council. The panel was conscious that the majority of these concerns arose at a highly unusual period of time due to the Covid 19 pandemic and resultant lockdown, but it was apparent that Mr Mattock started to struggle with his recording well before the first Covid 19 lockdown (in March 2020) and the failure to conduct the Regulation 44 statutory visit occurred the previous year, in December 2019.
21. The panel found that public and professional trust and confidence in the profession, professional standards and the regulator would be undermined if a finding of impairment was not made in this instance. It was satisfied that a reasonable member of the public, having knowledge of all of the above factors, would be shocked if Mr Mattock's ability to practise was not found to be impaired on the public component of impairment. Further, to uphold the standards of the profession and public confidence in the profession and the regulator, it was necessary to mark the disapproval of his conduct. Accordingly, the panel found Mr Mattock's fitness to practise to be impaired on both the public and private elements.

The final hearing panel on 23 June 2023 determined the following with regard to sanction:

22. The panel identified the following aggravating features in this case: lack of remorse, insight, remediation and engagement demonstrated by Mr Mattock. The breaching of fundamental tenets of the profession by Mr Mattock during his employment at the Council and a pattern of entirely withdrawing from the probation and regulatory hearings.
23. The panel also identified some mitigating features, Mr Mattock's personal circumstances at the time [PRIVATE]; the impact of the Covid-19 lockdowns upon working practices and the profession as a whole and early partial admissions in respect of some professional failings.

24. The panel determined that the allegations found proved were serious and although it had not been made aware that any harm had materialised for any service users, the potential for harm could not be ignored. The panel considered it imperative that the public have confidence and trust in social work professionals and the regulator. Accordingly, the panel did not consider it appropriate to address this matter by way of no further action, advice or a warning. The misconduct had the potential to have serious consequences even if those consequences had thankfully not actually occurred on this occasion.

25. The panel discounted a conditions of practice order on the basis that these would be unworkable without the engagement of Mr Mattock. The panel carefully considered whether any conditions could be drafted in this case and whilst the panel considered that it may be possible to formulate conditions which adequately protect the public from the professional failings it identified, in the circumstances of this particular case, given Mr Mattocks total withdrawal from the regulatory process, a conditions of practice order was not considered to be an appropriate sanction at that point in time.

26. The panel concluded that the nature and seriousness of the misconduct was such that the public and the wider profession would consider anything less than a suspension order to be insufficient. A period of suspension would enable Mr Mattock to demonstrate that he was in control of his personal circumstances, undertake appropriate training and reflection, particularly in relation to the importance of comprehensive and timely case recording and enable him to demonstrate to the regulator that the impairment of his practice had been remediated. It would also give Mr Mattock the opportunity to make submissions to the regulator as to whether he truly wished to be removed from the register.

27. The panel considered whether a Removal Order would be appropriate given the concerns and findings made by the panel but considered that such an order would be disproportionate and excessive at this point. The panel considered that the imposition of a suspension order would give Mr Mattock the opportunity to demonstrate insight, remorse and remediation in the event he wished to remain in the profession.

28. In terms of duration the panel determined that a suspension of anything less than one year would be insufficient to mark the serious nature of the misconduct or allow Mr Mattock time to ensure that his practise was remediated by way of remorse, insight and reflection. Anything more than one year would, in the panel's opinion, be punitive and disproportionate in the circumstances. Accordingly, the appropriate length of the suspension order would be one year.

29. The Panel considered that a reviewing panel would be assisted by Mr Mattock:

- a. Attending the review;
- b. Providing testimonials as to his character from colleagues he works with on a paid or voluntary basis (whether in the social work field or not);
- c. Identifying, undertaking, and providing confirmation of training and continuing professional development relevant to the concerns identified in this regulatory decision;

- d. Submitting a reflective piece to the regulator in respect of the findings in this decision;
- e. [PRIVATE].

Social Work England submissions:

30. The panel considered the written submissions from Social Work England contained within the notice of hearing dated 3 May 2024.

"In summary, on behalf of Social Work England we submit that: Subject to any further evidence or submissions received from the Social Worker prior to, or at the review hearing, Social Work England will invite the Panel to replace the Suspension Order with a Removal Order.

Since the last hearing, the Social Worker has failed to engage with the recommendations provided by the previous panel. Further, he has not taken up the panel's invitation to make submissions on whether he truly wishes to be removed from the register. The Panel are therefore invited to find that the Social Worker's fitness to practise is still impaired for the reasons identified by the previous Panel. In light of the Social Worker's failure to comply with the recommendations despite the further opportunity to develop insight and provide evidence of remediation, Social Work England invite the Panel to replace the current Suspension Order with a Removal Order.

This is not a health or lack of competence case and no such finding was made. The Panel therefore has discretion to make a Removal Order notwithstanding that it is less than 2 years since the Suspension order was imposed.

At the last hearing, the panel imposed a suspension order in order to give the Social Worker an opportunity to "demonstrate that he was in control of his personal circumstances, undertake appropriate training and reflection, particularly in relation to the importance of comprehensive and timely case recording and enable him to demonstrate to the regulator that the impairment of his practice had been remediated. It would also give Mr Mattock the opportunity to make submissions to the regulator as to whether he truly wished to be removed from the register."

There no longer appears to be any public interest in extending the Suspension to allow the Social Worker more time to take the opportunity afforded to him by the previous Panel. An extension of the suspension will merely prolong the matter with attendant administration and expense. Removal is now proportionate, fair, and in the public interest. Should the Panel be of the view that the Social Worker should be afforded a last opportunity to engage with the process then they are invited to extend the Suspension for a further 6 months. This would provide a meaningful period of time for the registrant to address their lack of compliance and provide further evidence of insight and remediation."

Social worker submissions:

31. Mr Mattock was not in attendance and had not provided any written submissions or evidence for the panel's consideration.

Panel decision and reasons on current impairment:

32. 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'.
33. The panel had regard to all of the documentation before it, including the decision and reasons of the original panel.
34. The panel heard and accepted the advice of the legal adviser. In reaching its decision, the panel was mindful of the need to protect the public and the wider public interest in declaring and upholding proper standards of behaviour and maintain public confidence in the profession.
35. The panel first considered whether Mr Mattock's fitness to practise remains impaired.
36. The panel noted that the original panel found Mr Mattock had limited insight and had demonstrated insufficient remediation in particular in relation to record keeping and failure to conduct a statutory visit. This panel noted that Mr Mattock had failed to engage with any of the recommendations of the previous panel, he had not attended at the review hearing, he had failed to submit any evidence demonstrating insight or remediation, he had not provided any evidence of training, reflective work, current employment or testimonials or [PRIVATE]. Furthermore, the panel had no information in relation to whether Mr Mattock was working or had retired as indicated in his previous communication on 8 February 2022 with Social Work England prior to the final hearing. Accordingly, the panel could not be satisfied that if left to practise unrestricted Mr Mattock would not be at risk of repeating the previous behaviour which had the potential to put service users at risk. The failure to carry out a statutory visit was particularly serious and had the potential to put vulnerable service users at risk.

Decision and reasons:

37. Having found Mr Mattock'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.
38. The panel considered the written submissions on behalf of Social Work England. It noted Social Work England's position that the appropriate action would be to impose a removal

order or alternatively extend the current suspension order. The panel also took into account the 'Impairment and sanctions guidance' published by Social Work England.

39. The panel was mindful that the purpose of any sanction is not to punish Mr Mattock, 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 Mattock's interests with the public interest.

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

40. The panel considered the various options open to it, starting with the least restrictive.

Warning

41. The panel initially considered whether to impose a warning order.

42. The panel noted that this sanction would not restrict Mr Mattock'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 Mr Mattock's practice had the potential to have wide-ranging adverse consequences and therefore some restriction on his practice is required. Therefore, the panel concluded that issuing a warning would be inappropriate and insufficient to meet the public interest.

Conditions of practice order

43. The panel took the view that the whilst the deficiencies identified with Mr Mattock's practice could potentially be capable of being remedied, in light of Mr Mattock's failure to engage with the previous panel's recommendations, provide any written submissions or attend at the review hearing the panel could not be satisfied that Mr Mattock would engage with any conditions of practice therefore this option was discounted.

Suspension order

44. The panel considered whether the current suspension order should be extended to allow further time for Mr Mattock to demonstrate that his fitness to practice was no longer impaired. However, this option was discounted on the basis that it appeared Mr Mattock had clearly indicated that he was not going to engage with the regulatory process. Mr Mattock had previously indicated that he had intended to retire. The panel noted that Mr Mattock had been given an opportunity by the last panel and guidance around appropriate steps to take which would assist a reviewing panel but had elected not to comply with these. Therefore, the panel considered that it would not be in the wider public interest to incur the additional expenditure associated with continuing these proceedings in these circumstances where Mr Mattock had made his position clear by his lack of engagement.

Removal order

45. The panel was satisfied that it could consider a removal order as Mr Mattocks's fitness to practise was originally found impaired on the basis of grounds set out in regulation 25(2)(a) (misconduct).

46. 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 the only appropriate and proportionate order because there had been no evidence to show remediation, or insight since the last hearing. Mr Mattock had not followed up on the recommendations of the previous panel. Mr Mattock had not communicated with Social Work England for over a year. The misconduct found proved at the final hearing was serious and included a failure to make statutory visit within an appropriate timescale, this amounted to a fundamental flaw in respect of a basic tenant of the social work role therefore a removal order was necessary to protect the public and uphold proper professional standards.

Right of appeal

47. 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.

48. 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.

49. 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.

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

Review of final orders:

51. 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).

52. 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

53. 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>