

Social worker: Sarah Jane
Hargreaves
Registration number: SW79323
Fitness to Practise
Final Order Review meeting

Date of meeting: 10 June 2024

meeting venue: Remote meeting

Final order being reviewed:
Suspension order – (expiring 19 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 final suspension originally imposed for a period of 6 months by a panel of adjudicators on 21 December 2023.
2. Ms Hargreaves 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
Sara Nathan	Chair
(Christine) Anne Rice	Social worker adjudicator

Hearings team/Legal adviser	Role
Robyn Watts	Hearings officer
Andrew Brown	Hearings support officer
Helen Gower	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 9 May 2024 and addressed to Ms Hargreaves at her email address which she provided to Social Work England;
 - An extract from the Social Work England Register as of 9 May 2024 detailing Ms Hargreaves's registered address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 9 May 2024 the writer sent the notice of hearing and related documents by ordinary email to Ms Hargreaves at the address referred to above and to an alternative email address provided by Ms Hargreaves to Social Work England.
5. The panel accepted the advice of the legal adviser in relation to service of notice.

6. Having had regard to 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 Hargreaves in accordance with Rules 16, 44 and 45 of Social Work England (Fitness to Practise) Rules (as amended) (“the Rules”).

Proceeding with the final order review as a meeting:

7. The notice of final order review informed Ms Hargreaves 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 24 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 Ms Hargreaves had responded to the notice of final order review. It noted that on 14 February 2024 Ms Hargreaves had responded to correspondence from Social Work England and had stated that she would not be returning to Social Work. She asked for advice as to what she should do regarding the forthcoming final order review hearing. In response to this e-mail on 15 February 2024 Social Work England drew Ms Hargreaves attention to the voluntary removal process which she might wish to consider. Ms Hargreaves did not respond to this correspondence. When her attention was drawn to the suggestions made by the final hearing panel she sent a further email dated 27 March 2024 explaining that she would not be able to provide material in response to the recommendations because she does not agree with the outcome of the hearing. She added that she felt that she had been treated extremely poorly and that she did not want to be associated with Social Work England.
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 also accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. This included reference to the cases of *R v Jones [2002] UKHL 5*; *General Medical Council v Adeogba [2016] EWCA Civ 162*. The panel also took into account Social Work England guidance ‘Service of notices and proceeding in the absence of the social worker’.
11. The panel considered the circumstances of Ms Hargreaves’ absence. It was satisfied that she was aware of today’s review and had made a decision that she would not attend the hearing

or engage with Social Work England. In her correspondence Ms Hargreaves has made it clear how she feels about the matter and the panel concluded that her absence is voluntary. The panel was of the view that Ms Hargreaves' position is entrenched and that deferring the hearing to a later date would serve no purpose. Although there is a disadvantage to Ms Hargreaves in not participating in the review, the panel decided that this was outweighed by the public interest in the expeditious disposal of the review. The panel decided that it would be fair and appropriate to conduct the review in Ms Hargreaves' absence and in the form of a meeting in accordance with Rule 16(c).

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 19 July 2024.

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

2. On 11 and/or 12 January 2017 you did not explore the option of Service User 1's children staying with Parent B.
3. On 12 January 2017 you took the children of Service User 1 to a medical examination without either Service User 1 and/or Parent B in attendance.
4. Between 11 January 2017 and 13 January 2017, you did not record sufficient case notes in relation to the temporary removal of the children of Service User 1.
5. Between 11 and 12 January you did not contact Parent B, or ensure Parent B was contacted:
 - a. to gather his views; and/or
 - b. to keep him informed as to why his children had been removed from their home;
 - c. and/or as to the ongoing safeguarding process.

The final hearing panel on 21 December 2023 determined the following with regard to impairment:

*'The Panel first looked at the four tests set out in the **Grant** case, cited above. The Panel was satisfied that by not cooperating with others and in particular by failing to record adequate case notes, Ms Hargreaves had put service users at unwarranted risk of harm, albeit that there is no evidence that any actual harm was caused. In*

those circumstances, the Panel was also satisfied that Ms Hargreaves brought the profession into disrepute and breached a fundamental tenet of the profession not working in partnership with service users.

The Panel then asked itself whether the misconduct was easily remediable by Ms Hargreaves. The Panel had regard to the fact that the misconduct occurred over a short period against the background of a long career in which no other complaints have been made against her. It also had regard to the largely favourable references supplied.

The Panel also had regard to the matters raised by Ms Hargreaves in her emails to the HCPC in 2021 in which she said, "I do not feel my fitness to practice was impaired during the situations related to this investigation. I have reflected on the concerns raised and this has informed my current practice in particular around record keeping and the management of the collaborative aspect of cases."

The Panel also bore in mind that Ms Hargreaves did demonstrate a measure of insight into her record keeping failure by admitting those failures in advance of this hearing.

Nevertheless, the Panel has no other material before it that might show, the conclusions of Ms Hargreaves' reflections or the way in which she has improved her practice. Nor has the Panel seen any evidence of further study or training that might address Ms Hargreaves' failings in this case. The Panel also notes that, in her most recent communication with Social Work England, Ms Hargreaves indicated that she had not worked as a social worker for a year.

For these reasons, the Panel concluded that the matters proved were easily remediable but there was no material before the Panel sufficient to reassure it that Ms Hargreaves had developed the insight and undertaken the work necessary to remediate her failings.

Accordingly the Panel can only conclude that there remains a risk that Ms Hargreaves will repeat her misconduct and that Ms Hargreaves' fitness to practise remains impaired because of the risk of repetition.

The Panel also reminded itself of the importance of upholding the wider public interest in maintaining confidence in the profession of social workers and promoting and maintaining standards of conduct for the profession. It concluded that in all the circumstances of this case, a finding of impairment was necessary in the wider public interest, in particular in light of the fact that there is insufficient evidence that Ms Hargreaves has addressed the concerns in this case.

Accordingly, the Panel found that Ms Hargreaves' fitness to practise is currently impaired under all three limbs of the overarching objective, including the protection of the public and the wider public interest in maintaining confidence in the profession of social work and upholding standards of conduct.

The final hearing panel on 21 December 2023 determined the following with regard to sanction:

The Panel identified the following aggravating features:

- 1. Ms Hargreaves is an experienced social worker and her failings were in fundamental areas of social work practice.*
- 2. Ms Hargreaves has demonstrated some insight but it is very limited and there is no evidence of successful remediation despite the passage of several years.*

The Panel identified the following mitigating factors:

- 1. The misconduct in this case was confined to two days in an otherwise unblemished career.*
- 2. There is no previous regulatory history recorded against Ms Hargreaves.*
- 3. Ms Hargreaves demonstrated a measure of insight by her admission to Paragraph 4 of the Allegation, which the panel found was the most serious misconduct.*

The Panel has weighed up the aggravating and mitigating factors and had regard to the circumstances of Ms Hargreaves' misconduct, including the suggestion in her email correspondence that she needed more support than she had and that she had a high caseload at the time. The Panel also reminded itself of its finding that Ms Hargreaves misconduct was remediable. The Panel concluded that the misconduct in this case, although serious, did not require the most restrictive sanction and in particular not one that ended her career.

The Panel then considered each of the sanctions in turn.

The Panel considered taking no further action. However, it concluded that there were no exceptional circumstances which would justify that course in the light of its findings.

The Panel considered giving advice or a warning. However, it concluded that neither sanction would be sufficient to address the risk to the public which the Panel has identified nor would either be sufficient to address the wider public interest, in the absence of sufficient insight or any remediation.

The Panel then considered whether it should impose a condition of practice order. The Panel had regard to paragraphs 114-117 of the Sanctions Guidance.

114. Conditions of practice may be appropriate in cases where (all of the following):

- the social worker has demonstrated insight*

- *the failure or deficiency is capable of being remedied*
- *appropriate, proportionate, and workable conditions can be put in place*
- *decision makers are confident the social worker can and will comply with the conditions*
- *the social worker does not pose a risk of harm to the public by being in restricted practice*

115. Decision makers commonly apply conditions of practice in cases of lack of competence or ill health. Conditions of practice where (both of the following apply):

- *public protection can be delivered by some restriction of practice*
- *it is not necessary for public protection (or public confidence in the profession) to suspend the social worker's registration*

116. When considering public protection, decision makers must fully assess insight and the social worker's past engagement with the regulator and any employer. This should help to determine whether the social worker can comply with conditions of practice.

117. Decision makers must also be satisfied that the social worker is willing to (and capable of) complying with the conditions. Previous breaches of guidance or protocols may raise significant doubt about whether the social worker can (or will) comply with conditions. This is especially true where breaches were deliberate. On the other hand, early engagement with retraining and remediation may indicate that conditions are appropriate and workable.

The Panel was satisfied that the misconduct found in this case could, in the correct circumstances, be dealt with by appropriate conditions of practice. However, having considered the matters set out in paragraph 116 of the Sanctions Guidance, the Panel reminded itself it had found only limited insight and engagement with the regulator. The Panel noted that it had no information regarding Ms Hargreaves' subsequent employment and that she had notified Social Work England that she had not worked as a social worker for over a year and did not intend to return to social work.

For these reasons the Panel found that there was no basis upon which it could be satisfied that Ms Hargreaves is "willing to (and capable of) complying with the conditions". Looking again at paragraph 117 of the Sanctions Guidance, the Panel reminded itself that there was no evidence of "early engagement with retraining and remediation (which) may indicate that conditions are appropriate and workable."

Accordingly, the Panel concluded that it would not be appropriate to impose a conditions of practice order on Ms Hargreaves, at this time.

The Panel then considered whether it should impose a suspension order. The Panel had regard to paragraph 138 of the Sanctions Guidance. Having regard to its findings in this case the Panel found that Ms Hargreaves had demonstrated some insight and there was just sufficient evidence to “suggest” that she is willing to remediate her failings.

In order to be sure that a suspension order is a sufficient sanction to protect the public, the Panel had regard to paragraphs 147-149 of the Sanctions Guidance regarding Removal Orders.

The Panel balanced its finding as to the seriousness of the misconduct in this case against its concerns about Ms Hargreaves’ insight and remediation and concluded that, at this time, a removal order was not necessary to protect the public and the wider public interest.

The Panel then considered what was the appropriate period of suspension to impose. The Panel balanced its findings about the seriousness of the misconduct found in this case against the need to give Ms Hargreaves time to engage with Social Work England and remediate her failings. The Panel concluded that the correct balance between those considerations was struck by a suspension order of six months.

Accordingly, the Panel directs that Ms Hargreaves’ registration be suspended for a period of six months.

This order will be reviewed shortly before it expires. The Panel accepts that it cannot bind a future reviewing Panel but in one more attempt to assist Ms Hargreaves, the Panel points out that a reviewing Panel is likely to be assisted by the following:

- 1. Ms Hargreaves attendance at the review hearing.*
- 2. a written reflective piece containing Ms Hargreaves’ reflection on her misconduct, the impact it can have on colleagues, service users and public confidence.*
- 3. evidence that Ms Hargreaves has addressed her shortcomings, in particular those relating to record keeping, through study, appropriate courses or any other means.*
- 4. testimonials from any work, paid or unpaid that Ms Hargreaves has undertaken.*
- 5. Evidence of up to date CPD to demonstrate that Ms Hargreaves has kept her knowledge and skills up to date.*

The Panel hopes that it is clear from its reasoning in this case that a less restrictive sanction could be appropriate if Ms Hargreaves engaged and demonstrated the matters set out above. At the same time, Ms Hargreaves had to understand that, if she does not engage, there will come a time when a Panel is likely to conclude that she must be removed from the register.

Social Work England submissions:

14. The written submissions on behalf of Social Work England were set out in the notice of hearing letter dated 10 May 2024 as follows:

‘Social Work England invite the panel to find that the Social Worker’s fitness to practise remains impaired and to impose a Removal Order.

There has been no evidence of remediation to mitigate the risk to the public if the Social Worker were permitted to return to practice or to address the wider public interest concerns.

The Social Worker has indicated that she does not wish to return to social work, and that she will not be providing any evidence to satisfy the recommendations made by the previous Panel.

The Social Worker was provided with information regarding the voluntary removal process on 15 February 2024, however no application has been received. In these circumstances, Social Work England submit that a further period of suspension would serve no benefit, and that a Removal Order is now the appropriate and proportionate sanction.

The Social Work England Impairment and Sanction Guidance (at 138) states that suspension (or in this case further suspension) is likely to be unsuitable in circumstances where (both of the following):

1.1 the social worker has not demonstrated any insight and remediation

1.2 there is limited evidence to suggest they are willing (or able) to resolve or remediate their failings

This position can be revisited if the Social Worker provides any evidence for the review, or states a change in intention with regards to returning to practice. Absent such indication, or evidence of any intention to remediate, Social Work England invite the Panel to direct removal from the register.’

Social worker submissions:

15. There were no submissions by or on behalf of Ms Hargreaves.

Panel decision and reasons on current impairment:

16. 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’.

17. The panel had regard to all of the documentation before it, including the decision and reasons of the original panel. The panel also took account of the written submissions on behalf of Social Work England.
18. 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.
19. The panel first considered whether Ms Hargreaves' fitness to practise remains impaired.
20. This panel noted that the original panel found that the matters proved were easily remediable but that there was not sufficient material to reassure that panel that Ms Hargreaves had developed the insight and undertaken the work necessary to remediate her findings. On this basis, the final hearing concluded that there remained a risk that Ms Hargreaves would repeat her misconduct.
21. Ms Hargreaves has not presented any new evidence to the panel relating to her current level of insight or any remediation. She has not acted upon any of the recommendations of the final hearing panel. This panel was disappointed that Ms Hargreaves has not taken any remedial steps, particularly because the matters found proved are easily remediable, and given Ms Hargreaves previous unblemished career. The panel respects the decision Ms Hargreaves has taken that she does not wish to engage in remediation and does not intend to return to practise as a social worker nor engage with Social Work England. Nevertheless, the panel concluded that a professional has a duty to communicate and comply with their regulator, otherwise professional regulation becomes impossible.
22. Social Work England provided Ms Hargreaves with information about the voluntary removal process, but she has not taken up this option.
23. In the circumstances the panel concluded that there has been no change in the circumstances since the decision of the final hearing panel. Ms Hargreaves has not demonstrated that she is now capable of safe and effective practice and that there will be no repetition of the misconduct found proved. The panel concluded that Ms Hargreaves' fitness to practise remains impaired.

Decision and reasons:

24. Having found Ms Hargreaves' 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. It noted the submissions made on behalf of Social Work England that the appropriate action would be to impose a removal order. The panel also took into account the 'Impairment and sanctions guidance' published by Social Work England.

25. The panel was mindful that the purpose of any sanction is not to punish Ms Hargreaves, 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 Hargreaves' interests with the public interest.
26. The panel considered the option of taking no further action or allowing the suspension order to lapse upon its expiry. The panel noted that this sanction would not restrict Ms Hargreaves' ability to practise and was therefore not appropriate where there is a current risk of repetition. Therefore, the panel concluded that taking no further action or allowing the suspension order to lapse would be inappropriate and insufficient to meet the public interest. For the same reasons it would be insufficient for the Panel to give advice to Ms Hargreaves or to impose a warning order.
27. The panel considered the option imposing a conditions of practice order, but decided that this would be insufficient and inappropriate in circumstances where Ms Hargreaves does not intend to practise as a social worker and her stated position is that she does not wish to be associated with Social Work England. Ms Hargreaves level of engagement is too limited for the panel to have confidence that she would comply with conditions of practice.
28. The panel next considered the option of extending the suspension order. This option would give Ms Hargreaves a further opportunity to engage with Social Work England and to demonstrate remediation and a sufficient level of insight. However, the panel was of the view that it should give weight to Ms Hargreaves' statements that she will not engage with the recommendations made by the final hearing panel and that she does not wish to have any association with Social Work England. Ms Hargreaves made this decision when it had been explained to her that a decision not to engage may have consequences for her registration as a social worker. In its decision the final hearing panel clearly explained to Ms Hargreaves that if she chose not to engage, a future panel is likely to conclude that she must be removed from the register. Ms Hargreaves has maintained a consistent position that she does not intend to return to practise as a social worker over a period of time.
29. The panel therefore concluded that there is now no evidence to suggest that Ms Hargreaves is willing to remediate the misconduct found proved. Ms Hargreaves has expressly stated to the contrary, that she is not willing to do so. Ms Hargreaves has also not demonstrated any change in the level of her insight. The panel concluded that the criteria in paragraph 138 of the Sanctions Guidance did not apply.
30. The panel considered whether Ms Hargreaves might change her position if the panel were to extend the suspension order for a further period. While this possibility cannot be excluded, there was nothing that indicated any likelihood of such a change. It would be inappropriate and not in the public interest for the panel to extend a suspension order when Ms Hargreaves is not inviting the panel to do so and she does not wish to have any further association with Social Work England.
31. Having excluded the less restrictive sanctions, the panel next considered the option of a removal order. The panel was satisfied it could consider that a removal order was available

to the panel as Ms Hargreaves' fitness to practise was originally found impaired on the basis of misconduct. 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.

32. The panel considered that this was a case where the following factors from paragraph 149 of the guidance applied:

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

33. The panel was of the view that Ms Hargreaves had been given a sufficient opportunity to engage with Social Work England, but that she has chosen not to do so. In the circumstances, a removal order, the sanction of last resort, is the appropriate and proportionate sanction. Although Ms Hargreaves no longer wishes to have any association with Social Work England, the imposition of a removal order may have a negative impact on her. The panel decided that her interests were outweighed by the need to protect the public and the wider public interest.

34. The panel therefore directs that Ms Hargreaves should be removed from the register.

Right of appeal:

35. 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.

36. 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.

37. 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.

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

Review of final orders:

39. 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).

40. 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

41. 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>