

Social worker: Joanna
Musialowska
Registration number: SW105107
Fitness to Practise
Final Order Early Review Meeting

Date of Meeting: 10 July 2024

Meeting venue: Remote meeting

Final order being reviewed:
Conditions of practice order – expiring 25 October 2024

Meeting Outcome: Impose a removal order with immediate effect

Introduction and attendees:

1. This is an early review of a final conditions of practice order under paragraph 15(2) of schedule 2 of The Social Workers Regulations 2018 (as amended) (“the regulations”) originally imposed for a period of 18 months by the case examiners by way of accepted disposal on 17 March 2022. The order was reviewed by a panel of adjudicators on 13 September 2023 and varied and extended for a period of 12 months.
2. Ms Musialowska did not attend and was not represented. She supplied written submissions, dated 10 June 2024, to which the panel of adjudicators (the panel) refers below.
3. Social Work England was not represented at this review because this review was listed as a meeting. The panel had before it the written submissions of Capsticks LLP solicitors, acting on behalf of Social Work England, as set out within the notice of early review letter dated 6 June 2024. These submissions are referred to below.
4. The details of the other people involved in the conduct and administration of this review are set out below.

Adjudicators	Role
Caroline Healy	Chair
Sarah Redmond	Social worker adjudicator

Hearings team/Legal adviser	Role
Wallis Crump	Hearings officer
Khadija Rafiq	Hearings support officer
Andrew Lewis	Legal adviser

Service of notice:

5. The panel had careful regard to the documents contained in the final order review service bundle as follows:
 - A copy of the notice of the final order review hearing dated 6 June 2024 and addressed to Ms Musialowska at her email address which they provided to Social Work England;
 - An extract from the Social Work England Register detailing Ms Musialowska’s registered address;

- A copy of a signed statement of service, on behalf of Social Work England, confirming that on 6 June 2024 the writer sent , by email to Ms Musialowska at the address referred to above: notice of hearing and related documents;
6. The panel accepted the advice of the legal adviser in relation to service of notice.
 7. Having had regard to Rule 16 and all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Ms Musialowska in accordance with Rules 16, 44 and 45, and Schedule 2 paragraph 15(5) of the Regulations.

Proceeding with the final order review as a meeting:

8. The notice of final order review informed Ms Musialowska 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 June 2024. Unless we hear from you to the contrary, we shall assume that you do not want to attend a hearing and Social Work England may decide to deal with the review as a meeting. If Social Work England do hold a meeting, the adjudicators will be provided with a copy of this letter setting out Social Work England’s submissions and a copy of any written submissions you provide.”
9. The panel saw written submissions from Ms Musialowska dated 10 June 2024, in which she said:

“From the date of the Final Decision, 17th March 2022, I have made my personal decision to not continue my career as a social worker.

I have failed to submit requested evidence to complete my Voluntary Removal application due to personal circumstances that are my priority at the present times.

I do understand that the Social Work England must follow the required procedures, therefore I wish to provide my statement as my final decision to have my name removed from the registration.

Considering fact (sic) that I was unsuccessful to complete my application for Voluntary Removal I am happy for the decision of Removal Order to be made.”
10. The panel heard and accepted the advice of the legal adviser with regard to Rule 16(d) of the Fitness to Practise Rules 2019 (as amended) which provides:

Where the registered social worker makes written submissions and states that they do not intend to attend before the regulator, the regulator may direct that the question of whether an order should be made is determined by means of a meeting.

11. The panel was satisfied that it was entitled to conduct the review by means of a meeting in accordance with Rule 16(d)
12. The panel then considered whether it should exercise its discretion to proceed as a meeting in the absence of Ms Musialowska.
13. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when deciding whether it was fair and appropriate to conduct the review in Ms Musialowska's absence. This included the Social Work England's guidance 'Service of notices and proceeding in the absence of the social worker' and the guidance given to panels by the decision of the *House of Lords in R v Jones [2002] UKHL 5* and the further guidance given to panels by the Court of Appeal in **GMC v Adeogba [2016] EWCA Civ 162**, endorsed in **Sanusi v GMC [2019] EWCA Civ 1172**. These include the following:
 - The discretion to continue in the absence of the social worker should be exercised with great caution and with close regard to the fairness of the proceedings.
 - The decision about whether or not to proceed must be guided by Social Work England's primary objective of protecting the public.
 - Fairness to the social worker is very important, but so is fairness to Social Work England and the public.
 - Whether all reasonable efforts have been taken to serve the social worker with notice.
 - The Panel should consider the nature of the social worker's absence and in particular whether it was voluntary.
 - Whether there is any reason to believe the social worker would attend or make submissions at a subsequent hearing.
 - The duty of professionals to engage with their regulator.
 - There must be an end to the "adjournment culture".
14. The Panel had regard to the direction given by the Court of Appeal in Adeogba (above) *"Where there is good reason not to proceed, the case should be adjourned; where there is not, however, it is only right that it should proceed."*
15. In addition to the submissions set out above the panel also had regard to previous correspondence from Ms Musialowska stating that she no longer wished to practise as a social worker and also saw the application for voluntary removal, to which Ms Musialowska referred in her submissions.
16. Having regard to all these matters, the panel was satisfied that Ms Musialowska was aware of this meeting and had chosen (as she was entitled to do) not to attend. The panel noted that Ms Musialowska had not asked for an adjournment and was satisfied that there was no reason to believe that an adjournment would result in her attending on a subsequent date. The panel reminded itself that there is always a potential disadvantage to a social worker in not attending a review, but was satisfied that in this

case the disadvantage must be set against the reason for Ms Musialowska's absence and the public interest in the expeditious disposal of this review.

17. For these reasons the panel was satisfied that it was fair and appropriate to proceed in Ms Musialowska's absence. The panel was also satisfied that it did not require any further information from Social Work England.
18. Accordingly, the panel decided to proceed with this review by means of a meeting.

Review of the current order:

19. This early final order review hearing is taking place under Paragraph 15(2) of Schedule 2 of The Social Workers Regulations 2018 (as amended) and Social Work England's Fitness to Practise Rules 2019 (as amended).
20. Under paragraphs 15(2)(a) to (f), the regulator may review a final order early 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, and may—
 - confirm the order
 - extend, or further extend, the period for which the order has effect, provided that the extended period does not exceed in the case of conditions of practice order, three years
 - reduce the period for which the order has effect
 - substitute any order which the adjudicators or the case examiners could have made on the date on which they made the order
 - revoke the order, and in the case of a suspension order may make the revocation subject to the social worker satisfying such requirements as to additional education or training and experience as apply to them
 - revoke or vary any condition imposed by the order
21. The decision on a review under sub-paragraph (2) takes effect from the date on which the regulator completes the review notwithstanding any appeal against that decision.
22. The legal adviser highlighted that the meaning of 'new evidence' is not defined in the rules and regulations but Social Work England's 'Early Review Guidance' does explore the meaning of the term stating that new evidence:
 - "Must raise a realistic prospect that the order originally imposed is no longer appropriate or proportionate to address those concerns. It must be genuinely new evidence, which was not and could not have been made available to the decision makers when they imposed the order;"
 - "New evidence almost certainly will be about events which have happened since the order was imposed;" and that

- “The new evidence must be verifiable.”

23. The current order is due to expire at the end of 25 October 2024.

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

That whilst registered as a social worker you:

1. On or around 24 February 2020, you failed to consider the welfare of a child or the risk of potential harm to the child, who you left unattended in a locked car.
2. Failed to demonstrate the necessary level of social work knowledge, skills and judgment in the following areas:
 - 2.1 Providing inaccurate information during supervision sessions with your manager
 - 2.2. Failing to report safeguarding issues to a manager/supervisor.
 - 2.3 Failing to complete Child in Need and Child Protection Plans correctly.
 - 2.4 Failing to complete supervision action and follow manager recommendations for Child in Need and Child Protection Plans.

The matters outlined in regulatory concern 1 amount to the statutory ground of misconduct.

The matters outlined in regulatory concerns 2 amount to the statutory ground of lack of competence.

Your fitness to practise as social worker is impaired by reason of misconduct and/or lack of competence or capability

24. For ease of reference, the panel has set out below the findings of the case examiners and the first review panel.

The Case Examiners on 4 March 2022 determined the following with regard to impairment:

Personal element

“The case examiners have considered the circumstances and findings with regards to regulatory concerns 1 to 2.

- *The social worker has submitted a response as part of the regulatory concerns that have been raised. The social worker has expressed remorse and there is evidence of some insight. For example, they have identified what future actions they would take to minimise the risk when transporting service users in their car. The case examiners also note that the social worker was proactive and sought*

support from a senior colleague in January 2020, when the practice concerns were formalised in the performance development plan.

- The social worker concedes that their practice is impaired. They have also outlined in detail, the personal and professional challenges they were experiencing at the time these events took place. The case examiners have taken this into account. The social worker highlights “my relationship with my manager deteriorated to the point where I was becoming very confused and struggled to find my own professional view on the issues affecting the family”.
- The case examiners also note that social worker had recently returned from **(Private)** and this was a contributory factor to some of the challenges they were experiencing. The social worker describes **(Private)**. They report that **(Private)** subsided once they had left the local authority. There is limited evidence that the social worker’s feelings of stress were explored by the employer.
- With regards to regulatory concerns 2, the case examiners take the view that the social worker’s submissions focus mainly on their perception of manager’s conduct and the impact it had upon them. The social worker appears to fail to understand the impact they would have had on service users. The case examiners consider that a social worker who is incurious presents a risk as they may not ask relevant questions.
- Similarly, the social worker fails to appreciate the potential for reputational damage to the local authority that could have occurred because of their failure to identify and manage risk.
- Although the misconduct is serious, the case examiners consider that this conduct is remediable. For example, the social worker could take additional training for example, in Signs of Safety, safeguarding etc to ensure that they fully understand their professional duties.
- The case examiners note the social worker’s submissions. They agree that the social worker needs to recognise the need to reflect on areas in practice. However, they provide very little information as to how they would use the supervisory process, training and reflective practice to ensure that they are able to consistently demonstrate the required level of competence whilst working in a busy social work team. Consequently, the case examiners are concerned that there is a risk of repetition.

Case examiners therefore consider that, in relation to regulatory concerns 1 - 2 there is a realistic prospect that the social worker’s fitness to practise may be found impaired on the personal element by adjudicators.”

“The public expect that a social worker will work in accordance with relevant legislation and act in a way that seeks to support and keep vulnerable individuals safe. There is a need to maintain trust and confidence in the profession. The conduct of the social worker had the potential to undermine trust and confidence in the profession. Case Examiner Guidance (February 2020) states “Some concerns are so serious that action is required even if the social worker poses no current risk to the public”.

The case examiners are aware that, notwithstanding the remorse shown by the social worker, there are matters where the public’s confidence in the profession would be undermined if a finding of impairment were not made.

Due to the serious nature of these allegations, there is a realistic prospect that a finding of current impairment would be made by adjudicators, should the allegations be found proven.”

The Case Examiners on 4 March 2022 determined the following with regard to sanction:

“Case examiners are of the view that the social worker appears to have the potential for remediation, in terms of reflecting upon their professional social work responsibilities. The primary purpose of conditions of practice orders are to protect the public while a social worker takes any necessary steps to remediate their fitness to practise.

The case examiners consider, if accepted by the social worker, a conditions of practice order over a period of eighteen months is sufficient to protect the public. This will allow them time to reflect upon their actions and the potential impact on service users and their employers and on the reputation of the profession and to satisfy the regulator that there will be no repetition of this conduct. Case examiners are of the view that eighteen months is sufficient for the social worker to demonstrate remediation and a longer period is not necessary.”

Ms Musialowska accepted the decision of the case examiners and confirmed by email that:

“I have read the case examiners’ decision and the ‘further information about accepted disposal’ guidance document. I understand the terms of the proposed disposal of my fitness to practise case and accept them in full”

The case examiners concluded that it was not in the public interest for this matter to be referred to a final hearing to be considered by adjudicators and applied the following conditions of practise to Ms Musialowska’s registration for a period of 18 months:

Condition 1. You must notify Social Work England within 7 days of any professional appointment you accept or are currently undertaking and provide the contact details of your employer, agency or any organisation with which you

have a contract or arrangement to provide social work services, whether paid or voluntary.

Condition 2. You must allow Social Work England to exchange information with your employer, agency or any organisation with which you have a contract or arrangement to provide social work or educational services, and any reporter or workplace supervisor referred to in these conditions.

Condition 3a. At any time that you are providing social work services, which require you to be registered with Social Work England, you must agree to the appointment of a supervisor nominated by you and approved by Social Work England. The supervisor must be on Social Work England's register.

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

Condition 4. You must provide reports from your workplace supervisor to Social Work England every 4 months and at least 14 days prior to any review.

Condition 5. You must inform Social Work England within 7 days of receiving notice of any formal disciplinary proceedings taken against you from the date these conditions take effect.

Condition 6. You must inform Social Work England within 7 days of receiving notice of any investigations or complaints made against you from the date these conditions take effect.

Condition 7. You must inform Social Work England if you apply for social work employment / self-employment (paid or voluntary) outside England within 7 days of the date of application.

Condition 8. You must inform Social Work England if you are registered or subsequently apply for registration with any other UK regulator, overseas regulator or relevant authority within 7 days of the date of application [for future registration] or 7 days from the date these conditions take effect [for existing registration].

Condition 9. You must work with your workplace supervisor, to formulate a personal development plan, specifically designed to address the shortfalls in the following areas of your practice:

- assessment and care planning
- record keeping
- risk assessment

Condition 10. You must provide a copy of your personal development plan to Social Work England within 4 weeks of starting employment in a social work role and an updated copy 4 weeks prior to any review.

Condition 11. You must inform, within 7 days from the date these conditions take effect, the following parties that your registration is subject to the conditions listed at 1-10 above:

- Any organisation or person employing or contracting with you to undertake social work services whether paid or voluntary.
- Any locum, agency or out-of-hours service you are registered with or apply to be registered with in order to secure employment or contracts to undertake social work services whether paid or voluntary (at the time of application).
- Any prospective employer who would be employing or contracting with you to undertake social work services whether paid or voluntary (at the time of application)
- Any organisation, agency or employer where you are using your social work qualification/knowledge/skills in a non-qualified social work role, whether paid or voluntary. You must forward written evidence of your compliance with this condition to Social Work England within 14 days from the date these conditions take effect.

Condition 12. You must permit Social Work England to disclose the above conditions, 1- 11 to any person requesting information about your registration status.

Condition 13. You must read Social Work England's 'Professional Standards' (July 2019) and provide a written reflection four months after these conditions take effect, focusing on how your conduct, for matters relating to this case was allegedly below the accepted standard of a social worker, outlining what you should have done differently. The social worker's reflection should address the matters outlined in regulatory concerns 1 and 2. The reflective account should be a minimum of 1000 words and no more than 2,500 words.

The previous final order review panel on 13 September 2023 determined the following with regard to impairment and sanction:

25. The panel agreed with the case examiners that the issues are remediable, but found that there is insufficient evidence before it that the concerns identified have been remedied. It therefore considered that there remained a real risk of repetition should Ms Musialowska be allowed to return to practise without restriction. The panel found that Ms Musialowska's fitness to practise remained currently impaired.

26. With regard to sanction the panel took the view that the deficiencies identified with Ms Musialowska's practice are potentially capable of being remedied. It took into account that Ms Musialowska has engaged with Social Work England in relation to the existing conditions and had complied with condition 13 by submitting a reflective statement, albeit late. The panel was therefore satisfied that a conditions of practice order was still appropriate to address the deficiencies, protect the public and the wider public interest.
27. The panel noted that Ms Musialowska in her email dated 20 August 2023, had stated that she no longer wanted to practice as a social worker. However, the panel took the view that a conditions of practice order should be extended for a further period of 12 months. The panel considered that this would allow sufficient time for Ms Musialowska to apply for voluntary removal from the register, if she no longer wished to practice or to demonstrate remediation if she decided to return to social work.
28. The panel amended condition 13 to make it clear "that Ms Musialowska needs to further extend her reflective writing to include consideration of the impact of the concerns on service users, members of the profession and the public. It has also decided to slightly reorder the conditions in line with Social Work England's conditions bank.
29. The panel ordered the following conditions:

Condition 1. You must notify Social Work England within 7 days of any professional appointment you accept or are currently undertaking and provide the contact details of your employer, agency or any organisation with which you have a contract or arrangement to provide social work services, whether paid or voluntary.

Condition 2. You must allow Social Work England to exchange information with your employer, agency or any organisation with which you have a contract or arrangement to provide social work or educational services, and any reporter or workplace supervisor referred to in these conditions.

Condition 3a. At any time that you are providing social work services, which require you to be registered with Social Work England, you must agree to the appointment of a supervisor nominated by you and approved by Social Work England. The supervisor must be on Social Work England's register.

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

Condition 4. You must provide reports from your workplace supervisor to Social Work England every 4 months and at least 14 days prior to any review.

Condition 5. You must inform Social Work England within 7 days of receiving notice of any formal disciplinary proceedings taken against you from the date these conditions take effect.

Condition 6. You must inform Social Work England within 7 days of receiving notice of any investigations or complaints made against you from the date these conditions take effect.

Condition 7. You must inform Social Work England if you apply for social work employment / self-employment (paid or voluntary) outside England within 7 days of the date of application.

Condition 8. You must inform Social Work England if you are registered or subsequently apply for registration with any other UK regulator, overseas regulator or relevant authority within 7 days of the date of application [for future registration] or 7 days from the date these conditions take effect [for existing registration].

Condition 9. You must work with your workplace supervisor, to formulate a personal development plan, specifically designed to address the shortfalls in the following areas of your practice:

- assessment and care planning
- record keeping
- risk assessment

Condition 10. You must provide a copy of your personal development plan to Social Work England within 4 weeks of starting employment in a social work role and an updated copy 4 weeks prior to any review.

Condition 11. You must inform, within 7 days from the date these conditions take effect, the following parties that your registration is subject to the conditions listed at 1-10 above:

- Any organisation or person employing or contracting with you to undertake social work services whether paid or voluntary.
- Any locum, agency or out-of-hours service you are registered with or apply to be registered with in order to secure employment or contracts to undertake social work services whether paid or voluntary (at the time of application).
- Any prospective employer who would be employing or contracting with you to undertake social work services whether paid or voluntary (at the time of application)

- Any organisation, agency or employer where you are using your social work qualification/knowledge/skills in a non-qualified social work role, whether paid or voluntary. You must forward written evidence of your compliance with this condition to Social Work England within 14 days from the date these conditions take effect.

Condition 12. You must extend your written reflection four months after these conditions take effect to reflect in greater depth your current position in relation to the concerns raised and how your actions may have impacted on service users, the profession and the public.

Condition 13. You must permit Social Work England to disclose the above conditions, 1- 12 to any person requesting information about your registration status.

Social Work England submissions:

30. The panel noted the written submissions from Social Work England as outlined in the notice of hearing dated 28 May 2024.

“In summary, on behalf of Social Work England we submit that:

Social Work England have exercised their discretion to call an early review of the Final Order in this case. This is as a result of new information relevant to the Order, namely the failure of the Social Worker to comply with the conditions of practice currently in place and confirmation she no longer wishes to be registered.

Social Work England invite the panel to impose a Removal Order. The Social Worker has not provided any evidence of remediation since the last review hearing, and therefore it is submitted that her fitness to practise remains impaired as found by the previous Panel.

Since the last review, the Social Worker was due to provide a reflective piece by 12 March 2024 as required by Condition 12. The Social Worker has not provided this piece, which is now 12 weeks overdue, and is therefore in breach of her conditions.

It is noted that in advance of the previous review, the Social Worker expressed in an email dated 20 August 2023 that she did not wish to return to social work practice. The previous reviewing Panel acknowledged this, however considered that extending the Order by a further period of 12 months would afford the Social Worker the opportunity to apply for Voluntary Removal. On 12 March 2024 the Social Worker reiterated to her Case Review Officer that she had decided not to continue her career as a social worker and there was no reason for her being registered.

The Social Worker was sent guidance on the Voluntary Removal process on 25 March 2024. The Social Worker submitted her Voluntary Removal form on 1 May 2024,

however there were incomplete sections on the form. The Case Review Team have attempted to re-engage the Social Worker and requested further evidence in support of the application on 2 May, 24 May and 28 May 2024, but further evidence in support has not been provided. The application for voluntary removal has therefore been closed and an early review called.

In the absence of any evidence being provided in advance of the review hearing to demonstrate that the Social Worker has changed her intentions and now wishes to return to practice, Social Work England invite the Panel to impose a Removal Order.

Social Work England submit that Conditions of Practice are no longer workable due to the Social Worker's non-engagement, and in light of the Social Worker's expressed intention not to return to practice there is no utility in a period of suspension. As such Social Work England submits that the appropriate order is now a Removal Order."

Social worker submissions:

31. The panel had regard to the written submissions of Ms Musialowska, which it set out above.

The Panel's approach

32. The panel heard and accepted the advice of the legal adviser, which it has followed in its decision.
33. The panel first reminded itself that this early review had been requested by Social Work England because it submitted that Ms Musialowska had not complied with conditions 13 of the conditions imposed upon her. It accepted that it must first decide that question and then review the current order as it would at a mandatory review.
34. The panel reminded itself of its powers under Paragraph 15 of schedule 2, part 5 of the Social Worker Regulations 2018 to extend the period for which the order has effect or impose any order the first panel could have imposed. It could also revoke the current order with immediate effect.
35. It reminded itself of the importance of a review hearing, described by the Supreme Court in *Khan v GPhC [2016] UKSC 64* as "the 'teeth' behind the sanctions other than erasure and should focus the [doctor's] mind on the need to undertake any necessary remediation".
36. It followed the ordered sequence of decision making set out by Blake J in *Abrahaem v General Medical Council [2008] EWHC 183*:
 - i. address whether the fitness to practise is impaired before considering conditions.

- ii. whether all the concerns raised in the original finding of impairment have been sufficiently addressed to the Panel's satisfaction.
- iii. In practical terms there is a persuasive burden on the practitioner at a review to demonstrate that he or she has fully acknowledged why past professional performance was deficient and through insight, application, education, supervision or other achievement sufficiently addressed the past impairments.

37. It bore in mind the guidance given to Panels by the Supreme Court in *Khan* (above), to focus on the Registrant's current fitness to practise:

"The guidance therefore makes clear that the focus of a review is upon the current fitness of the registrant to resume practice, judged in the light of what he has, or has not, achieved since the date of the suspension. The review committee will note the particular concerns articulated by the original committee and seek to discern what steps, if any, the registrant has taken to allay them during the period of his suspension."

38. The Panel had regard to the over-arching objective of protecting the public which involves the pursuit of the following objectives:

- to protect, promote and maintain the health, safety and well-being of the public;
- to promote and maintain public confidence in the profession regulated under this Order; and
- to promote and maintain proper professional standards of conduct for members of the profession.

39. It also bore in mind that in deciding whether the Registrant's fitness to practise is still impaired it should follow the approach of Dame Janet Smith endorsed by the High Court in *CHRE v NMC and P Grant* [2011] EWHC 927 (Admin): *"Do our findings of fact in respect of the (registrant's) misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her fitness to practise is impaired in the sense that s/he:*

- *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*
- *has in the past brought and/or is liable in the future to bring theprofession into disrepute; and/or*
- *has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession; and/or*

- has in the past acted dishonestly and/or is liable to act dishonestly in the future."

40. The panel also had regard to Social Work England Sanctions Guidance and reminded itself that *"A social worker must not be allowed to resume unrestricted practice unless the decision makers are satisfied their fitness to practise is no longer impaired."*

The panel's decision.

41. The panel had careful regard to all the evidence before it and was satisfied that Ms Musialowska was in breach of condition 13 for the reasons set out by Social Work England. The panel noted that Social Work England has reminded Ms Musialowska a number of times about her need to comply with that condition and the potential consequences of not doing so. Nevertheless, Ms Musialowska has not submitted the reflective piece she was required to submit.
42. The Panel considered whether Ms Musialowska's fitness to practise remains impaired. It bore in mind that there had already been a finding of impairment and asked itself whether she had demonstrated that she had taken sufficient steps to allay the concerns of the Case Examiners and the subsequent reviewing panels.
43. The Panel undertook a comprehensive review of the final order in light of the current circumstances and was satisfied that Ms Musialowska's fitness to practise remains impaired. The panel agreed with the last review panel that although Ms Musialowska's misconduct and failings are remediable, there is insufficient evidence before it today that the concerns identified have been remedied. It therefore considered that there remains a real risk of repetition, and hence that Ms Musialowska will put service users at risk of harm and bring the profession into disrepute should she be allowed to return to practise without restriction.
44. The panel then considered what if any sanction to impose.
45. The panel was satisfied that neither taking no action not giving advice or a warning was sufficient to protect the public, and the wider public interest, given the limited remediation undertaken by Ms Musialowska and the risk of repetition identified.
46. The panel then considered whether it could protect the public by extending the current conditions of practice order. The panel concluded that it could not because Ms Musialowska had demonstrated that she could not be relied upon to comply with conditions.
47. The panel then considered whether it would be sufficient to impose a suspension order. The panel had regard to paragraphs 137 and 138 of the sanctions guidance:
137. Suspension may be appropriate where (all of the following):
- the concerns represent a serious breach of the professional standards
 - the social worker has demonstrated some insight

- there is evidence to suggest the social worker is willing and able to resolve or remediate their failings

138. Suspension is likely to be unsuitable in circumstances where (both of the following):

- the social worker has not demonstrated any insight and remediation
- there is limited evidence to suggest they are willing (or able) to resolve or remediate their failings

48. The panel concluded that a suspension order would protect the public in the short term but would be insufficient to maintain public confidence in the profession where there was no evidence that Ms Musialowska was willing to resolve or remediate her failings.

49. The panel then considered whether a removal order was the appropriate sanction. It reminded itself that the failings in this case had not been considered sufficiently serious for a removal order to be appropriate by either the case examiners or the last reviewing panel.

50. Nevertheless, it reminded itself of paragraph 149 of the sanctions guidance which provides that:

149. A removal order may be appropriate in cases involving (any of the following):

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

51. The panel reminded itself of the correspondence in this case and the clearly expressed wish of Ms Musialowska to cease practice as a social worker as well as her reluctance to engage further with demonstrating remediation or insight.

52. In those circumstances, the panel was satisfied that the correct and proportionate sanction in this case is a removal order.

53. Accordingly, the panel orders that Ms Musialowska's name be removed immediately from Social Work England's register.

Right of appeal

54. 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:

- 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,

- the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.

55. 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.

56. Under Paragraph 15(2A) of Schedule 2 of The Social Workers Regulations 2018 (as amended), the decision of a review under sub-paragraph (2) takes effect from the date on which the regulator completes the review notwithstanding any appeal against that decision.

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

The Professional Standards Authority

58. 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>