

Social worker: Carole Ann Teft

Registration number: SW67960

Fitness to Practise

Final Order Review meeting

Date of meeting: 26 July 2024

Meeting venue: Remote meeting

Final order being reviewed: Suspension order – (expiring 07 September 2024)

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

Introduction and attendees:

1. This is the first review of a final suspension order originally imposed for a period of 12 months by a panel of adjudicators on 10 August 2023.
2. Ms Teft 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, though neither attended the review, which was conducted as a meeting.

Adjudicators	Role
Timothy Skelton	Chair
Pervez Akhtar	Social worker adjudicator

Hearings team/Legal adviser	Role
Jenna Keats	Hearings officer
Jo Cooper	Hearings support officer
Paul Moulder	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 20 June 2024 and addressed to Ms Teft at her email address which she had provided to Social Work England;
 - An extract from the Social Work England Register as of 20 June 2024 detailing Ms Teft's registered email address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 20 June 2024 the writer sent by email service to Ms Teft at the address referred to above the 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 of Social Work England's Fitness to Practice Rules 2019 (as amended) ("the Rules") and all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Ms Teft in accordance with Rules 16, 44 and 45.

Proceeding with the final order review as a meeting:

7. The notice of final order review informed Ms Teft 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 05 July 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 had sight of an email dated 6 July 2024 from Ms Teft in response to enquiries about the forthcoming review,

“Thank you for your email of 3rd July advising me of the Final Order Review listed for 26 July 2024. I can confirm that I shall not be attending the Review. Also I shall not be submitting any written submissions save for Informing the panel that I believe they made the correct recommendation on the last occasion to provide me with an opportunity to undertake further training with a view to maintaining my registration. I wish to thank the panel for that opportunity, however, I am enjoying my retirement and therefore have chosen not to take up this option.”

9. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering whether to proceed as a meeting. This included reference to the cases of *R v Jones [2002] UKHL 5* and *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’.
10. The panel noted that Ms Teft had been sent notice of today’s hearing and the panel was satisfied that she was aware of today’s hearing. Taking into account Ms Teft’s email referred to above, the panel concluded that Ms Teft had voluntarily absented herself from the review. The panel took into account that Ms Teft may be prejudiced by not being present at the review. However, Ms Teft had set out her clear position in her email. The panel considered that there was a public interest in conducting the review of the order, and in the expeditious disposal of regulatory proceedings.
11. 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:

“(d) 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.
12. 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(d).

Review of the current order:

13. This final order review will be determined in accordance with 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) ("the Rules").
14. The current order is due to expire at the end of 07 September 2024.

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

Whilst a registered social worker acting as a freelance fostering assessor between March and September 2021:

- 1. You were made aware by Person A on 26 May 2021 that Mr X, a neighbour of Persons A and B (who were applying to become foster carers), had been charged with offences relating to sexual communication with a child, or sexual offences, or offences against children.*
- 2. You ought to have known or appreciated that, if the disclosure you received in Allegation 1 were true, the proximity of a possible sex offender to a placement had the potential to pose a risk to children and/or was a safeguarding issue of relevance in the approval of Persons A and B as foster carers.*
- 3. You failed to disclose and/or escalate information received about Mr X from Person A on or around 26 May 2021:*
 - a) In a timely way to your assessment manager and/ or anyone else at the National Fostering Group;*
 - b) In the Form F report completed in July 2021.*
- 4. You failed to conduct any, or any sufficient further enquiries, into the case against Mr X between receiving the disclosure about him on 26 May 2021 and submission of the Form F report on 6 July 2021.*
- 5. Your conduct at paragraphs 3 and/ or 4:*
 - a) Amounted to a failure to assess and/ or manage risk to possible children placed with Persons A and B ;*
 - b) Exposed possible children placed with Persons A and B to the risk of harm.*

The conduct above amounts to the statutory ground of misconduct.

Your fitness to practice is impaired by reason of misconduct.
15. Paragraphs 1, 2, 3, 4 and 5a were found proved by virtue of Ms Teft's written admissions. Paragraph 5b was found proved at the Hearing, after the panel heard evidence.

The final hearing panel on 7 to 10 August 2023 determined the following with regard to impairment:

16. Ms Teft had attempted to explain her failures as an error of judgement. However, if this were the case, the panel considered that error to be so serious and so fundamental as to amount to misconduct.

17. *Although Ms Teft may have decided not to disclose or follow up on the information about Mr X which she had received from Person A on the day on which she received it, the panel did not consider that her failure to relay that information to managers, include it in the Form F assessment or make further enquiries about it was a momentary lapse. On the contrary, it was a failure which persisted over a number of weeks, during which she had time to reflect upon the seriousness of the information, its implications for any children placed with Persons A and B and her decision not to disclose it to anyone in [PRIVATE] or include it in her Form F assessment. Even when Persons A and B were approved as foster carers and the possibility of vulnerable children being placed with them became real and imminent, Ms Teft still failed to make [PRIVATE] or the local authority aware of what she knew about Mr X or to enquire as to whether the charges against him had been dismissed or resulted in a conviction.*

18. *The panel considered that Ms Teft may well have had a genuine belief that she was doing the right thing by simply giving advice to Persons A and B and not sharing or following up on the information she had received about Mr X. However, given that those omissions on the part of Ms Teft represented very clear, basic and significant failures in safeguarding, the panel did not consider that any such genuine belief mitigated the seriousness of those failures or, for any other reason, removed them from the realm of misconduct.*

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19. *With regard to remediation, although the panel considered Ms Teft's misconduct to be remediable, there was no evidence before the panel which indicated that Ms Teft had taken any steps to remedy the failings in her practice which led to her misconduct so as to avoid its being repeated. The panel did not consider this surprising given the statements in Ms Teft's responses to the Allegations and in her application for voluntary removal from the Register [PRIVATE], had retired and did not intend to return to social work.*

20. *Given Ms Teft's minimal insight into her misconduct and her failure to undertake any remediation, the panel concluded that the risk of her misconduct being repeated, should she return to practice as a social worker, was high.*

21. *Given the panel's conclusions above regarding the risk which Ms Teft's misconduct posed the health, safety and well-being of the public and regarding the risk of her misconduct being repeated, the panel found that Ms Teft's fitness to practise was currently impaired in terms of the need to protect the health, safety and well-being of the public.*

22. *The panel considered that, given the nature of Ms Teft's misconduct, its possible consequences for any children placed with Persons A and B and her lack of insight and remediation, both informed and reasonable members of the public who were aware of the circumstances of the present case would be alarmed, if they were to learn that she were free to return practice without restriction, notwithstanding her decision to retire from social work. The panel therefore found that Ms Teft's fitness to practise was currently impaired in that such a finding was required in order to maintain public confidence in social workers in England.*

23. Similarly, the panel considered that, given the nature of Ms Teft's misconduct, it possible consequences for any children placed with Persons A and B and her lack of insight and remediation, professional standards for social workers would be compromised, if Ms Teft were free to practice without restriction, notwithstanding her decision to retire from social work. The panel therefore found that Ms Teft's fitness to practice was currently impaired in that such a finding was required in order to maintain proper professional standards for social workers in England.

The final hearing panel on 7 to 10 August 2023 determined the following with regard to sanction:

[T]he panel could appreciate that a suspension order might be considered inappropriate and serve no useful purpose given Ms Teft's apparent lack of interest in developing insight into, and remedying, her misconduct with a view to returning to practice. The panel accepted that, if it adopted this view, then it would follow that a removal order would be appropriate, especially in light of Social Work England's Impairment and Sanctions Guidance, which states that a removal order may be appropriate in the case of "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)".

24. However, the panel noted that, up to the time of the events to which the present proceedings relate, Ms Teft had had a very long career in a difficult field of social work with no regulatory findings against her. The panel was therefore reluctant to remove her from the register for a single instance of misconduct which was eminently remediable if she had the will to do so. In the circumstances, the panel considered that it would be fair and appropriate to allow her a final opportunity of reconsidering her position and returning to practice, should she decide to do so. With that in mind, the panel considered that the appropriate and proportionate order would be a suspension order, as this would be sufficient to protect the health, safety and well-being of the public and maintain both public confidence and professional standards whilst, at the same time, affording Ms Teft a final opportunity to decide her future with the benefit of the panel's findings.

25. In terms of duration, the panel considered that a suspension order of twelve months duration would afford Ms Teft reasonable opportunity to reflect on the panel's findings, reconsider her position and either engage with Social Work England with a view to remedying the failings in her practice and returning to social work or making a further application for voluntary removal from the Register (which, if made, the panel would encourage Social Work England to grant).

26. The panel therefore determine that, in the circumstances of the present case, a twelve month suspension order was the appropriate and proportionate final order.

Social Work England submissions:

27. The panel considered the previous panel's determination for the background to the case and read the submissions on behalf of Social Work England, which were set out in the Notice of Hearing. The written submissions were as follows:

"Social Work England invite the Panel to replace the Final Suspension Order with a Removal Order on the basis that it is necessary to protect the public and in the wider public interest.

The previous panel expressed the view that the current Final Suspension Order is arguably "inappropriate and serve[s] no useful purpose", given that the Social Worker (1) has expressed that she does not intend to return to a social work practice, (2) has no intention in participating in these proceedings, and (3) had made an application for voluntary removal (which was refused). Nevertheless, the Final Suspension Order was made because the panel wanted to afford the Social Worker a final opportunity to remediate her practice, noting that her misconduct is remediable, and she has had a long and otherwise unblemished social work career. In the form of a recommendation, the previous panel presented the Social Worker with two options:

- 1. Engage with Social Work England with a view to remedying the failings in her practice and returning to social work;*
- 2. Make a further application for voluntary removal from the Register. The Social Worker has not positively pursued either option, as there has been no engagement from her since the Order was first made. This is despite Social Work England writing to the Social Worker on the following occasions to encourage her to engage:*

- 11 September 2023: Social Worker was sent a new case suspension letter*
- 31 January 2024: Social Worker was sent a recommendation reminder letter*
- 3 May 2024: Social Worker was sent a final evidence request letter in preparation for the review hearing*

It is submitted that the Social Worker's position has not changed and there is no suggestion it is likely to change in future. There is no evidence that the Social Worker is prepared to take any steps to remediate her impaired fitness to practise. In these circumstances, it is submitted that only a Removal Order is appropriate."

Social worker submissions:

28. Ms Teft had provided her response to the request for any contribution to the review in her email dated 06 July 2024, Ms Teft stated as follows:

"Thank you for your email of 3rd July advising me of the Final Order Review listed for 26 July 2024. I can confirm that I shall not be attending the Review. Also I shall not be submitting any written submissions save for Informing the panel that I believe they made the correct recommendation on the last occasion to provide me with an

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opportunity to undertake further training with a view to maintaining my registration. I wish to thank the panel for that opportunity, however, I am enjoying my retirement and therefore have chosen not to take up this option.”

Panel decision and reasons on current impairment:

29. 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*’.
30. The panel also took account of the submissions made on behalf of Social Work England and the correspondence received from Ms Teft, referred to above.
31. 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.
32. The panel first considered whether Ms Teft’s fitness to practise remains impaired. The panel considered whether it regarded Ms Teft’s fitness to practise to be currently impaired, taking into account that impairment involved a consideration of whether the past misconduct was remediable, had been remedied and was highly unlikely to be repeated, but also whether a finding of impairment was necessary to uphold public confidence in the profession and to maintain standards for the profession.
33. The panel accepted the advice of the legal adviser that, in accordance with the judgment of the court in *Abrahaem v GMC* [2008] EWHC 183, at a review it is the panel’s role at a review to consider whether all the concerns in the original finding of impairment through misconduct have been sufficiently addressed. The court stated that, in practical terms, there is a persuasive burden on the Registrant to demonstrate that this address of past impairment had occurred.
34. The panel considered that the case had involved serious failings on the part of Ms Teft. It also acknowledged that the findings had been made against the background of Ms Teft having had a long, unblemished record in the social work profession. The panel at the substantive hearing had considered it was appropriate to direct suspension of Ms Teft’s registration for 12 months, to allow for a period in which she would have the opportunity to engage with Social Work England and to setting about demonstrating remediation of her past misconduct and preparing for a return to social work.
35. It was apparent to the panel from Ms Teft’s email dated 06 July 2024 that, having expressed her gratitude for the opportunity, Ms Teft’s clear decision not to take up the option of remediation and return. The panel had not been provided with any evidence of the further development of insight, reflection, CPD or other training done. It was

therefore not able to conclude that the past misconduct had been remedied and was highly unlikely to be repeated.

36. The panel noted Ms Teft's express intention to continue her retirement. Notwithstanding this, the panel considered that it was duty-bound to consider the position from the point of view of Ms Teft's fitness to practise, should she decide upon a return to social work practice and therefore the matter of retirement was not of particular relevance in that assessment.
37. The panel bore in mind that the panel at the substantive hearing had found a high risk of repetition, due to Ms Teft's lack of insight into her misconduct and her failure at that time to undertake any remediation. The panel at this review found itself in agreement with that assessment and also that there has been no demonstrated change from that position. Therefore, a finding of current impairment was necessary to protect the public.
38. Further, the previous panel had found that the previous misconduct would have alarmed members of the public and compromised professional standards. It had found impairment also on the basis of the wider public interests, in protecting public confidence in the profession and maintaining professional standards. On this review, there being no further attempt at developing insight or remediating the past misconduct demonstrated by Ms Teft, the panel concluded that a finding of impairment remained also necessary for the same reasons of the public interest.
39. The panel therefore concluded that Ms Teft's fitness to practise as a social worker remains impaired.

Decision and reasons on sanction:

40. Having found Ms Teft'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.
41. The panel considered the submissions made on behalf of Social Work England, during which they invited the panel to consider imposing a removal order. The panel took into account the email from Ms Teft dated 06 July 2024. The panel also took into account the '*Impairment and sanctions guidance*' published by Social Work England.
42. The panel was mindful that the purpose of any sanction is not to punish Ms Teft, 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 Teft's interests with the public interest.

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43. The panel took into account that there had been a previous finding of impairment, both on grounds of a risk of repetition and the wider public interest. There had been no exceptional circumstances of the case which might warrant taking an exceptional course and therefore the panel considered it was not appropriate to take ‘no action’ in this case.
 44. The panel considered that, bearing in mind the findings of serious misconduct and a high risk of repetition, it would neither serve to protect the public or serve the wider public interest to offer advice or impose a warning order.
 45. The panel took the view that, although the deficiencies identified with Ms Teft’s practice were potentially capable of being remedied, it was clear that Ms Teft had not engaged with Social Work England over the past 12 months to demonstrate the development of further insight and remediation. It was apparent also that Ms Teft did not intend in the future to alter that position, having expressed an intention to retire.
 46. The panel concluded, therefore, that conditions of practice were unlikely to be of any practical purpose and the lack of demonstration of developed insight led the panel to conclude that the public would not be adequately protected by this sanction.
 47. The panel was aware that it could direct the extension of the current suspension order for up to three years, or alternatively impose a separate suspension order from the expiry of the current suspension. However, on the basis that Ms Teft had not engaged with Social Work England over the past twelve months and effectively indicated that this would not change, the panel concluded that a suspension order would not serve any useful purpose.
 48. The panel noted paragraphs 148 and 149 of the ISG, which state, in part:

“When a removal order may be appropriate

148. A removal order must be made where the decision makers conclude that no other outcome would be enough to (do one or more of the following):

- *protect the public*
- *maintain confidence in the profession*
- *maintain proper professional standards for social workers in England*

The written decision should explain why lesser sanctions are insufficient to meet these objectives.

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

- ...

- *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)”*

49. The panel was satisfied it could consider that a removal order was available to the panel as Ms Teft’s fitness to practise was originally found impaired on the basis of one or more grounds as set out in regulation 25(2)(a), (c), (d), (f) or (g).

50. 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. Although the panel considered that Ms Teft’s misconduct was potentially remediable, there had now been a considerable period over which the misconduct had not been remediated and it was very unlikely, in the panel’s view, that this situation would change. The panel also took into account Ms Teft’s own interests in the balance. However, based on her expressed intentions, it considered that although there might be some reputational damage from a removal order, Ms Teft has said that she intends to continue her retirement and in any event the need for protection of the public had to take precedence.

51. The panel took the view that a removal order was therefore the only order which would serve to adequately protect the public in all the circumstances.

52. The panel decided to make a removal order.

Right of appeal:

53. 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:

- to make an interim order, other than an interim order made at the same time as a final order under paragraph 11(1)(b),
- not to revoke or vary such an order,
- 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.

54. 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.

55. 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-

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paragraph (1), the decision being appealed takes effect from the date specified in that sub-paragraph notwithstanding any appeal against that decision.

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

The Professional Standards Authority

57. 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>