

Social worker: Brian John Street

Registration number: SW36904

Fitness to Practise

Final Order Review meeting

Date of meeting: 31 July 2024

meeting venue: Remote meeting

Final order being reviewed:

Suspension order (expiring 11 September 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 order originally imposed for a period of 12 months by a panel of adjudicators on 14 August 2023.
2. Mr Street 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
Debbie Hill	Chair
Marva Kelly	Social worker adjudicator

Hearings team/Legal adviser	Role
Robyn Watts	Hearings officer
Heather Hibbins	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 2 July 2024 and addressed to Mr Street at his email address which he provided to Social Work England;
 - An extract from the Social Work England Register as of 2 July 2024 detailing Mr Street's registered address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 2 July 2024 the writer sent the notice of hearing and related documents by email to Mr Street at the address referred to above.
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 Mr Street in

accordance with Rules 16, 44 and 45 of Social Work England (Fitness to Practise) Rules 2019 (as amended) (the “Rules”).

Proceeding with the final order review as a meeting:

7. The notice of final order review informed Mr Street 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 17 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 took into account an email from Mr Street dated 17 July 2024 in which provided written submissions and stated that he did not intend to attend the review hearing.

9. The panel heard and accepted the advice of the legal adviser with regard to Rule 16(d) of the Rules 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.”

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 was satisfied that Mr Street is aware of the review and has voluntarily chosen not to participate in a hearing. Mr Street has not requested an adjournment and the panel considered that an adjournment would serve no purpose. There is a public interest in the expeditious disposal of the review hearing. The panel concluded that it would be fair and appropriate to conduct the review in Mr Street’s absence and in the form of a meeting in accordance with Rule 16(d).

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 11 September 2024.

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

1. The allegation arising out of the regulatory concerns referred by the Case Examiners on 28 January 2022 is:

Allegation 1

Whilst registered as a social worker employed by the London Borough of Hillingdon between on or around 18 April 2020 and 22 May 2020;

1. You failed to maintain professional boundaries, in that you:

1.1 Exchanged text messages with Service User CC outside of working hours and/or in a non-professional capacity;

1.2 Made and received telephone calls to and from Service User CC outside of working hours and/or in a non-professional capacity;

1.3 Exchanged photographic images of yourself with Service User CC outside of working hours and/or in a non-professional capacity;

1.4 Agreed to meet with Service User CC outside of working hours in a non-professional capacity.

1.5 Did not disclose the maintained contact with Service User CC with your supervisor/line manager

Allegation 2

You failed to maintain case records in that you did not document or record the contact you had with Service User CC described above in Allegation 1.

Allegation 3

You failed to take appropriate action to safeguard Service User CC.

The matters described at Allegation 1, 2 and 3 amount to the statutory ground of misconduct.

As a result of your conduct at Allegation 1, 2 and 3 your fitness to practise is impaired by reason of misconduct.

The final hearing panel on 14 August 2023 determined the following with regard to impairment:

The panel had regard to the questions posed by Dame Janet Smith in her fifth Shipman report endorsed in the case of Council for Healthcare Regulatory Excellence v Nursing and Midwifery Council and Grant [2011] EWHC 927 Admin. In light of its findings on misconduct the panel concluded that Mr Street had, in the past:

- (i) acted so as to put a member of the public at unwarranted risk of harm;*
- (ii) brought the profession of social work into disrepute;*
- (iii) breached fundamental tenets of the social work profession (in relation to safeguarding the vulnerable);*

The panel considered that although difficult, Mr Street's misconduct was capable of remediation. Mr Street has failed to acknowledge both the impact and harm that his behaviour has had upon Service User CC.

Mr Street made early admissions to his employer and has expressed remorse and shame. He has engaged with the regulatory process by responding in writing to the Social Work England statement of case with a detailed response. However, the panel determined that Mr Street has provided no satisfactory explanation as to why he acted as he did.

The panel considered the testimonials and references provided by Mr Street. These references emanate from colleagues who had a long-standing professional relationship with Mr Street as well as a former service user, and all speak highly of him. However, the panel noted that the references date back to 2021, and do not specifically address the concerns which have been raised by the regulator. The panel considered that the references do not offer a current view of Mr Street's fitness to practice.

The panel concluded that Mr Street has not evidenced remediation, for example any efforts to address his behaviour or address the concerns raised in respect of his inability to maintain professional boundaries with this service user.

The panel is aware that Mr Street has expressed that he no longer wishes to practise as a social worker. The panel has not seen any evidence to support the fact that Mr Street has undertaken any relevant training to address the concerns raised.

The panel determined that Mr Street has provided limited evidence of insight beyond acknowledging his failings. Mr Street has not meaningfully addressed the consequences of his actions for Service User CC, and although he has expressed remorse, he has demonstrated limited insight. There is no evidence that Mr Street has carefully reflected on his conduct and the impact it may have had upon Service User CC, those supporting her or the social work profession as a whole.

The panel therefore determined that Mr Street has not demonstrated remediation and has shown limited insight. Ms Street has had ample opportunity to provide such evidence within written responses and during the hearing.

The panel determined that Mr Street in failing to maintain professional boundaries and thereby engaging in an inappropriate relationship he breached a fundamental tenet of the profession, and as such he has brought the profession of social work into disrepute. Due to these findings, together with an absence of evidenced remediation and limited insight, the panel concluded that there was a high risk of repetition of the misconduct.

The panel was satisfied that a finding of impaired fitness to practise was necessary to protect the public. Further, the panel considered that reasonable, well informed, members of the public would be shocked by Mr Street's conduct and the potential harm to Service User CC. The panel therefore concluded that a finding of impaired fitness to practise was necessary to maintain and promote public confidence in the social work profession.

Given that Mr Street's misconduct related to breaches of fundamental tenets of social work, the panel was satisfied that professional standards would not be promoted and maintained by a finding that Mr Street's fitness to practise is not currently impaired, particularly considering the panel's assessment of limited insight and an absence of remediation.

The panel therefore concluded that, because of Mr Street's misconduct, a finding of impaired fitness to practise was necessary to protect the public, promote and maintain public confidence in the social work profession and declare and uphold proper professional standards.

The final hearing panel on 14 August 2023 determined the following with regard to sanction:

In respect of the aggravating features of this case, the panel noted its determination that there was a high risk of repetition of Mr Street's conduct. Further, the panel noted that there was a risk of serious harm to Service User CC.

The panel considered that Social workers hold privileged positions of trust. Their role often requires them to engage with vulnerable people. It is essential to the effective delivery of social work that the public can trust social workers. Any abuse of trust by a social worker is a serious and unacceptable risk in terms of public protection and confidence in the profession.

The panel had regard to paragraph 155 of the Impairment and Sanctions Guidance which states as follows;

155. A social worker may abuse their professional position in a number of ways, for example (by doing any of the following):

- crossing professional boundaries by engaging in inappropriate personal relationships*
- financially exploiting a service user, their relatives or carers*
- inappropriately accessing confidential information without professional reason*

In respect of Mr Street's crossing of professional boundaries, which led to a failure to safeguard Service User CC, the panel considered that Mr Street had over 40 years' experience as a social worker and would have been fully aware of the importance of maintaining professional boundaries.

The panel considered Mr Street's communications with Service User CC, a clearly vulnerable service user, were inappropriate and took place over a protracted period. The panel noted that the contact with Service User CC was fundamentally initiated by Mr Street, who provided a non-council phone number and made himself available to Service User CC, when he ought to have referred her to other professional colleagues.

In relation to mitigating features, the panel noted that Mr Street has a long and unblemished career and was of good character. The panel also took account of Mr Street's positive testimonials and references which spoke highly of his character and his work within the profession.

The panel took into consideration the fact that Mr Street had made early admissions to the concerns which had been raised. The panel also noted the explanation provided by Mr Street that the communication took place with Service User CC during the COVID-19 pandemic, which was a difficult time for him. However, the panel did not consider this excused him from abusing his professional position.

The panel considered that taking no action, or issuing advice or a warning, would not adequately reflect the serious nature of Mr Street's misconduct. These

outcomes would not adequately protect the public, as they would not restrict Mr Street's practice. The panel has assessed there to be a high risk of repetition, and so considered that the public could not currently be adequately protected unless Mr Street's practice is restricted.

Further, taking no action, or issuing advice or a warning, would not maintain public confidence in the profession or promote proper professional standards, considering the panel's finding that Mr Street breached fundamental tenets of the profession in that he failed to safeguard Service User CC.

The panel next considered whether a conditions of practice order would be sufficient to protect the public and wider public interest. The panel, however, noted paragraph 114 and 128 of the Impairment and Sanctions Guidance, which states:

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

- the social worker has demonstrated insight*
- the failure or deficiency in practice 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*

The panel noted its findings in relation to insight and remediation and determined that it could not be confident that Mr Street could or would comply with any conditions imposed. The panel noted that Mr Street has expressed that he does not wish to return to the profession. The panel was not satisfied therefore that workable or proportionate conditions could be formulated to adequately protect the public. Further, considering the serious nature of the misconduct, the panel was not satisfied that conditions would be sufficient to maintain public confidence, or to promote proper professional standards.

The panel went on to consider making a suspension order. The panel consider paragraphs 137-138 of the Impairment and Sanctions Guidance, which state as follows:

"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”

The panel considered that the facts proved involved serious breaches of the professional standards, as set out in its earlier findings.

The panel has found that there was some, albeit limited insight demonstrated by Mr Street into his misconduct. The panel also considered that he made early admissions to this conduct. The panel considered its previous finding that the conduct is potentially remediable in this case.

Mr Street has stated that he no longer wishes to be involved in the Social work profession, and therefore there is a lack of clarity in respect of his willingness to resolve or remediate his failings. The panel however noted that Mr Street has had a long and unblemished career and the panel considered that Mr Street ought to be provided with an opportunity to salvage that career.

The panel considered paragraph 148 of the SG, which states:

“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 panel considered that a removal order in the present case was not proportionate. While Mr Street’s conduct is very serious, given Mr Street’s demonstration of some, albeit limited, insight and his early admissions to the conduct, the Panel determined that this was not a case in which no other outcome would be enough to either protect the public, maintain confidence in the profession or maintain proper professional standards for social workers in England.

The panel considered that a removal order would remove a highly skilled practitioner from the workplace, in circumstances where there is the potential for Mr Street to remediate the concerns.

The panel therefore determined that the most appropriate sanction in this case was a suspension order.

Having determined that a suspension order ought to be imposed, the panel went on to consider the length of such an order. The panel noted the submissions of Social Work England that a 12-month order ought to be imposed.

The panel noted that 12 months was a sufficient period to mark the seriousness of the concerns, but also would provide Mr Street with sufficient time to begin the remediation process and develop his insight. The panel therefore considered that 12 months was an appropriate and proportionate length for the suspension order.

The panel recognised the impact a 12-month suspension order would have on Mr Street and took this into account. However, it considered the public interest outweighed Mr Street's interests. The panel therefore concluded that the only sanction which achieved the aim of public protection in all three limbs was a 12-month suspension order, with no lesser sanction being sufficient.

This panel cannot bind a future panel. However, should Mr Street choose to engage at a future date, a future reviewing panel would expect Mr Street to attend the review hearing. It would be of assistance to that panel if he was able to provide evidence that he has undertaken steps that would facilitate a safe and effective return to the register without restriction. The panel intend to give a further explanation of the steps, which a further reviewing panel may wish to see. These steps may include:

- i. Obtaining current testimonial and character evidence;*
- ii. Evidencing learning, self-directed or otherwise;*
- iii. Providing a reflective piece in respect of insight and remediation.*

Social Work England submissions:

14. The written submissions on behalf of Social Work England were set out in the Notice of Hearing letter dated 2 July 2024 as follows:

'Social Work England will invite the Panel at the forthcoming Final Order Review to replace the Suspension Order with a Removal Order.

The Social Worker did not attend the Final Hearing, and prior to the Final Hearing, had indicated that he had retired from the social work profession and did not intend to return to practice.

Since the Final Hearing from 7 to 14 August 2023, Social Work England has received no contact from the Social Worker, and the Social Worker has provided no evidence of engagement with the recommendations of the Final Hearing Panel.

It is submitted that the Social Worker's fitness to practise remains impaired. Given there has been no evidence of engagement from the Panel's

recommendations during the lengthy period of suspension to date, Social Work England submit that a further period of suspension would serve no purpose.

The Social Worker will have the opportunity to re-engage with Social Work England upon receipt of this Notice. If the Social Worker provides sufficient evidence of engagement with the recommendations of the Panel ahead of the forthcoming Review, Social Work England reserves the right to reconsider the position set out in these submissions.

However, based on the current information and circumstances, it is submitted that a Removal Order is the appropriate Order.'

Social worker submissions:

15. The panel noted the submissions made by Mr Street in his e-mail dated 17 July 2024 as follows:

"As I have said several times before, I admitted wrongdoing immediately my most unprofessional conduct in this case came to light, I cooperated with the investigation, and made a fairly rapid decision to retire, in the hope that I would cause as little further trouble to Managers, for whom I had respect. Indeed, when the matter was passed to Social Work England, I was very keen to do so, once I found I could remove myself voluntarily from the Register, for similar reasons. I partly understood why this was rejected, i.e. that retired Social Workers sometimes return to work, but I continue to (re)assure you I have absolutely no intentions or even thoughts of doing so.

I have also said before that I loved my career, my profession and was extremely proud to be honoured after 40 years with Brent, and 25 years with Hillingdon, and to go to a Queen's garden party at Buckingham Palace. I was well known in the Civic centres of both Councils, and unlike other EDT workers, worked much of my shifts, and took a lot of time out to speak to day workers, there. Several decades ago, when a "Neighbourhood" worker, I was known and to a degree revered there, and when a Community worker, similarly within the mental health community. For these reasons, I would be considerably distressed, it would be a hammer blow to my pride, should I be removed from the Register. However, I have memories of the 45 years, before the events of Spring 2020, in which I was held thus in high esteem, and still appear to be so, despite my confessions about those events, to colleagues I worked with, some also retired now, some still working, as I continue to be invited to social events outside the workplaces. They have, I think, a perspective on my long career, I have just been asking yourselves also to part-recognise this, by not de-registering me.

My mental health, as a result of my professional wrongdoing, though there were other minor factors, suffered through the spring & summer of 2020, as I have stated before, and I recovered in part due to the assistance of the services, in

part due to the support of my children and a couple of friends, and in part due to my own insight. I shared my experience later with colleagues I had worked with in mental health, Social Workers, Psychiatric Nurses and Psychiatrists. Having started my career with “Anti-psychiatry” views, as many of our profession were in the 1970s, I had become gradually a “supporter” of psychotropic medication, and a little questioning of the efficacy of the value of social interventions, talking therapies, etc, regarding not only the chronic mentally ill but also many of those who came to the attention of AMHPs at Mental Health assessments, where the presentation was floridly psychotic. But I had such symptoms myself for at least a few weeks, and it was more the social intervention, talking and development of insight that helped than the medication. I do not wish to dwell upon the following, but a friend very close to me became unwell in 2021, and I was instrumental in referring her to mental health services and helping her from her discharge after being detained four months (Diagnosis was First Episode Psychosis) until this day. I have done this for her, using my knowledge obtaining from my career, but never divulging this to anyone. These significant mental health episodes, mine and hers, some may say, and it has entered my thoughts occasionally, have been my come-uppance.

I am very aware and sorry that I never “got round to” your recommendations of Remediation, and up to date references from my Referees. I am in occasional touch through Social media with all 4 kind people who sent references before, but I have only seen Stan, who is an actual good friend rather than a “friend through work”. I have nevertheless spent little time even talking with Stan, who is very involved in broader issues of health of the homeless, and historic abuse of children in the care system, about my personal mental health or my ongoing professional suspension. The three others gave references almost entirely about my performance at work, and they obviously would have nothing further to add regarding this. I have to admit “Remediation” was not a word I was familiar with so had to go to the Dictionary for a definition, and learned that it was about finding a remedy for a particular action. I can see that I blurred my professional boundaries on a very occasional basis in my 45 year career, though there was, though maybe sometimes wrong, usually a means to an end argument behind it (to enhance rapport with a client, or improve relations with another Agency), and, were I to continue my career, which I won’t, I would have most definitely learned from this, the big mistake of my career. I would not, like many if not all colleagues, give my mobile phone to others, but ask them to go through Switchboard. I would also record a message on my phone clarifying my professional boundaries, advising contact with that switchboard, particularly as I only worked part time, in case anyone “got through”. I always methodically ensured at the end of my shifts that all my contacts were recorded, my non recording in this case occurred because I was not on Duty at the time. In that way, I would have avoided anything like this episode ever happening again.

There are many other issues I could mention now, but I think have been mentioned before in my previous statements. Last but not least, however, I would like to mention two people. Firstly, the client involved in this case. I have obviously had not contact with her, and have had no news of what has become of her. If I had any way indirectly in which I could say sorry, I would, without any harm being caused, but I obviously would leave that to the wisdom of others. Secondly, Ritu Gupa was my Manager but also my friend. She has been very professional through this. However, I hope once again when a line has been drawn under this long running episode, I can again talk to her. Indeed, there is no one throughout this matter that I have felt anger towards, only myself.

I always imagined I would read a lot of books when I retired, but I have read very few, as I have been rarely able to concentrate. I have also lost considerable sleep over this matter, having always previously thought I would have the luxury of proper regular sleep with no more out of hours working. I have also had to put on hold my dream of some creative writing, in which I would utilise some of my work and life experiences, with my older daughter, who is forging a career in drama.”

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 made 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 Mr Street’s fitness to practise remains impaired. It carefully reviewed Mr Street’s written submissions and the extent to which he has acted upon the recommendations of the previous panel as to what might assist this reviewing panel. Mr Street has provided the panel with an update on his current circumstances and his written reflections. Although Mr Street has apologised for his past misconduct, the panel was of the view that there had been little change in the level of his insight. The panel found little evidence that Mr Street has reflected on the impact of his conduct on the service user, those who supported her, or the social work profession. Mr Street’s reflections suggest that the blurring of professional boundaries might be acceptable in

certain circumstances, rather than reflecting on the fundamental tenet of the profession to maintain such boundaries.

20. The panel was concerned about the information provided by Mr Street that he has continued to assist a friend using his professional knowledge while he is subject to a suspension order. This information did not reassure the panel that Mr Street understands and respects his responsibilities as a suspended social worker. Mr Street's submissions did not provide reassurance to the panel that there would be no repetition of a breach of professional boundaries or a similar error of judgment.
21. The panel found no evidence that Mr Street has taken remedial action. He has informed the panel that he remains retired and has no intention of returning to social work. Mr Street has not presented evidence of any learning activities he has undertaken since the imposition of the suspension order or steps he has taken to keep his knowledge and skills up to date.
22. Having concluded that the insight demonstrated by Mr Street is limited and that he has not provided evidence of remediation, the panel concluded that there remains a real risk of repetition.
23. The panel was satisfied that a finding of impaired fitness to practise was necessary to protect the public. The panel also concluded that a finding of impaired fitness to practise was necessary to maintain and promote public confidence in the social work profession.

Decision and reasons:

24. Having found Mr Street'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. 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 Mr Street, but to protect the public and the wider public interest. The public interest includes maintaining public confidence in the profession and Social Work England as its regulator and by upholding proper standards of conduct and behaviour. The panel applied the principle of proportionality by weighing Mr Street's interests with the public interest.

Take no further action/allow the suspension order to lapse/impose a warning order

26. The panel noted that these options would not restrict Mr Street ability to practise and were therefore not appropriate where there is a risk of repetition and a current risk to public safety. Therefore, the panel concluded that taking no action or imposing a warning order would be inappropriate and insufficient to meet the public interest.

Conditions of practice order

27. The panel took the view that conditions of practice would be unrealistic and unworkable in circumstances where Mr Street has confirmed that he has retired and has no intention of practising as a social worker in the future. The panel was also unable to formulate conditions of practice which would be sufficient to protect the public because the misconduct is behavioural in nature and involved conduct outside working hours.

Extend the current suspension order for a further period of time with effect from the expiry of the current order:

28. The panel considered whether the current suspension order should be extended. It noted that Mr Street has requested that the panel should not impose a removal order because of the impact that such an order would have on his reputation. The alternative to a removal order would be for the panel to extend the current suspension order.
29. Although Mr Street has requested that the panel should not impose a removal order, his engagement with the process has been limited and he has not provided this panel with evidence that suggests that he is willing and able to resolve and remediate his failings. The purpose of a suspension order is with a view to the rehabilitation of a social worker to safe and effective practice as a social worker, once they have demonstrated a sufficient level of insight and remedial action. Mr Street has confirmed that he has no intention of returning to practise as a social worker and in the lengthy time that he has already been subject to a suspension order he has not provided evidence of remedial action.
30. A suspension order would prevent Mr Street from practising during the suspension period and would therefore provide protection against the risk of repetition. However, the panel was of the view that a suspension order would be insufficient to maintain public confidence in the profession. The panel considered that it is not in the public interest to retain on the register a social worker who is not willing and able to remediate their failings. The panel was of the view that an informed member of the public would be concerned if Mr Street were to remain a registered social worker, given the content of his written representations including the confirmation of his decision that he has retired and has no intention of returning to practise as a social worker.

31. The panel agreed with the submission of Social Work England that an extension of the suspension order would serve no purpose.
32. The panel decided that a suspension order would be insufficient to maintain public confidence in the profession.

Removal order

33. The panel was satisfied it could consider that a removal order was available to the panel as Mr Street's fitness to practise was originally found impaired on the basis of misconduct.
34. The panel noted that a removal order is a sanction of last resort where there is no other means of protecting the public or the wider public interest. The panel considered paragraph 49 of the guidance and took the view that this case fell into the following categories where a removal order may be appropriate:
 - 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)
35. The panel took the view that a removal order would be appropriate because it would damage public confidence if Mr Street were to remain on the Register. It would damage public confidence because of the very limited insight demonstrated by Mr Street, his lack of judgment in providing assistance to his friend using his social work knowledge while suspended, and the absence of any real prospect that Mr Street can be rehabilitated to safe practice as a social worker.
36. The panel took into account Mr Street's interests, and it had in mind his request that he should not be removed from the register because of the negative impact on his reputation. The panel decided that Mr Street's interests were outweighed by the need to protect the public and the wider public interest.
37. The panel therefore decided that the appropriate and proportionate order is a removal order which will take effect from the expiry of the current suspension order.

Right of appeal:

38. 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.

39. 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.

40. 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.

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

Review of final orders:

42. 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).

43. 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

44. 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>