



Social worker: Tiffany Owen

Registration number: SW106529

Fitness to Practise

Final Order Review Meeting

Date of Meeting: 21 August 2024

Meeting venue: Remote Meeting

Final Order being reviewed: Suspension Order – (expiring 02 October 2024)

Meeting 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 second review of a suspension order originally imposed for a period of 18 months by a panel of adjudicators on 05 September 2022. The final order was reviewed on 21 February 2024 where the suspension order was extended by a further six months.
2. Ms Owen did not attend and was not represented at the review.
3. Social Work England was represented by Capsticks LLP and their written submissions are set out within the notice of hearing letter.
4. The panel of adjudicators conducting this review (the “panel”) and the other people involved in it were as follows:

Adjudicators	Role
Adrian Smith	Chair
Linda Norris	Social worker adjudicator

Hearings team/Legal adviser	Role
Tom Stoker	Hearings officer
Heather Hibbins	Hearings support officer
Neville Sorab	Legal adviser

5. The panel had careful regard to the documents contained in the service bundle as follows:
 - A copy of the Notice of Hearing dated 18 July 2024 addressed to Ms Owen at her email address as it appears on the Social Work England Register;
 - An extract from the Social Work England Register detailing Ms Owen’s registered email address; and
 - A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 18 July 2024 – more than seven days before this review – the writer sent by email and special delivery to Ms Owen at her registered email address: Notice of Hearing and related document.
6. The panel accepted the advice of the legal adviser in relation to service of notice. This included reference to Rules 16, 44 and 45 of Social Work England’s Fitness to Practise Rules 2019 (as amended) (the “FTP Rules 2019”).

7. Having had regard to Rules 16, 44 and 45 of the FTP Rules 2019 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 Owen in accordance with Rules 44 and 45 of the FTP Rules 2019.

Proceeding with the interim order review as a meeting:

8. The notice of final order review hearing informed the social worker that the review would take place electronically. 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 1 August 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 accepted the advice of the legal adviser in relation to the factors it should take into account when considering whether it was fair and appropriate to proceed with the review in the absence of Ms Owen. This included reference to the cases of *R v Jones [2002] UKHL5*; *General Medical Council v Adeogba [2016] EWCA Civ 162*. The panel also took into account Social Work England's guidance "*Service of notices and proceeding in the absence of the social worker*". The panel heard and accepted the advice of the legal adviser with regard to Rule 16(c) of the Fitness to Practise Rules 2019 (as amended) which provides:

"Where the registered social worker does not state within the period specified by the regulator whether they intend to attend before the regulator, the regulator may determine whether to make an order by means of a meeting."

10. The panel was satisfied that it would be fair and appropriate to proceed in Ms Owen's absence and conduct the review in the form of a meeting in accordance with Rule 16(c) on the basis that:

- a. Ms Owen was served with the Notice of Hearing in which it was set out that, in her absence, the final order review may take place as a meeting;
- b. On previous occasions in 2022, Ms Owen, or her legal representations, have told Social Work England that Ms Owen will no longer be engaging any further with the fitness to practice process. As such, the panel consider that she has voluntarily absented herself;
- c. Ms Owen has not requested to adjourn the review;
- d. Any adjournment would not guarantee the attendance of Ms Owen in the future;
- e. The review is a statutory review; and

- f. The continuation of the meeting was important in order to consider the protection of the public.

Review of the current order:

11. This final order review hearing is taking place under Paragraph 15(1) of Schedule 2 of The Social Workers Regulations 2018 (as amended) and Social Work England's Fitness to Practise Rules 2019 (as amended).
12. The current order is due to expire on 03 October 2024.

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

Whilst registered with the Health and Care Professions Council as a Social Worker, and employed by Foster Care Associates:

2. *You inputted electronic signatures onto foster care records purporting them to be signed by the Foster Care Family in the following cases:*
 - a. *Family 1, forms dated:*
 - ii. *30 May 2017.*
 - b. *Family 2, forms dated;*
 - iii. *26 June 2017.*
 - iv. *25 July 2017.*
 - vi. *13 October 2017.*
 - d. *Family 4, forms dated;*
 - iii. *08 August 2017.*
 - e. *Family 5, forms dated;*
 - i. *12 July 2017.*
 - ii. *16 August 2017.*
 - f. *Family 6, forms dated 03 November 2017.*
4. *Your actions as described at paragraphs 2 are dishonest.*
5. *The matters at paragraph 2 amount to misconduct.*
6. *By reason of your misconduct your fitness to practise is impaired.*

The previous final order review panel on 21 February 2024 determined the following with regard impairment:

25. *"The panel first considered whether Ms Owen's fitness to practise remains impaired. The panel noted that the final hearing panel had found that Ms Owen had acted dishonestly. It also noted that Ms Owen did not attend the final hearing or engage in any way with Social Work England and had therefore not provided that panel with any evidence of remediation or insight. As Ms Owen has not engaged with Social Work England since the final order was made and has not engaged in this review, the panel concluded that there remains no evidence of insight or remediation and that Ms Owen's fitness to practice remains currently impaired."*

The previous final order review panel on 21 February 2024 determined the following with regard sanction:

28. *The panel considered that issuing a warning or imposing a conditions of practice order was not appropriate or proportionate in this case.*
29. *The panel considered whether the current suspension order should be extended for a further period of time. A suspension order would prevent Ms Owen from practising during the suspension period, which would therefore protect the public and the wider public interest.*
30. *The panel in considering the appropriate sanction noted its powers, including a power at this review to remove Ms Owen from the register. It referred to the Sanctions Guidance on removal from the register which states:*

'A removal order must be made where the adjudicators conclude that no other outcome would be enough to protect the public, maintain confidence in the profession or maintain proper professional standards for social workers in England. A decision to impose a removal order should explain why lesser sanctions are insufficient to meet these objectives.'
31. *The panel considered that a sanction less than removal from the register would be sufficient to protect the public and the public interest. It noted that the final hearing panel had not made any recommendations to Ms Owen as to what might assist a panel reviewing the order. It also noted the submission on behalf of Social Work England that an extension of six months to the present suspension order was appropriate in the circumstances. It considered the allegations found proved by the final hearing panel and concluded that although they included a finding of dishonesty, Ms Owen's failings were remediable, which had been acknowledged by that panel.*

32. *The panel considered the significance of Ms Owen not engaging with this review, and her position at the time of the final hearing that she did not intend to engage with that process and that she did not then acknowledge her regulator. However, the panel considered that removal from the register was a serious step, and that Ms Owen may have been influenced by the submission that an extension to the suspension order was appropriate in deciding not to engage with this review. It took full account of the possibility of Ms Owen being able to remedy the defects in her practice found proved at the final hearing. It noted that the defects in her practice occurred early in her career and that some mitigation had been identified by the final hearing panel. This panel weighed the need to protect the public and the public interest with Ms Owen's interests. It noted that a further period of suspension would protect the public and found that it would also satisfy the public interest.*
33. *The panel determined that the current suspension order should be extended for a period of six months. The panel considered that this would give Ms Owen a further opportunity of demonstrating that she had addressed the defects in her practice identified at the final hearing and that she had commitment to remedying them with an intention of returning to the profession. It took into account that should there be no, or insufficient, evidence of insight or remediation at a future review it would be open to that panel to remove Ms Owen from the register.*
34. *This panel cannot bind a future panel. However, a future reviewing panel would expect Ms Owen to attend the review hearing and it would be of assistance to that panel if she provided evidence that she had undertaken significant steps to facilitate a safe and effective return to the register without restriction. This may include:*
- (i) Evidence that she has kept her social work skills and knowledge up to date, such as:*
 - Training courses (online or otherwise)*
 - Completion of CPD requirements*
 - (ii) Evidence of insight into her previous failings, which might include a written reflection on what had occurred leading to her suspension*
 - (iii) Testimonials as to her conduct since the final hearing and commitment to return to the profession"*

Social Work England submissions:

13. In the Notice of Review, Capsticks LLP made the following written submissions on behalf of Social Work England:

“Social Worker England invite the Panel to make a Removal Order.

The Final Hearing Panel found that the Social Worker’s fitness to practise was impaired by reason of misconduct. They considered that imposing an 18 month Suspension Order would afford the Social Worker time to demonstrate remediation and gain insight and they balanced this against the need to protect the public and the wider public interest of upholding professional standards and maintaining public confidence.

At the First Final Order Review the panel found that there was no evidence to demonstrate that the Social Worker has engaged in any remediation or developed insight during the lifetime of the existing Suspension Order.

They opined that a future reviewing panel would expect the Social Worker to attend the review hearing and it would be of assistance to the future panel if she provided evidence that she had taken significant steps to facilitate a safe and effective return to the register.

They made the following recommendations for the Social worker to take to assist a future panel:

(i) Evidence that the SW has kept her social work skills and knowledge up to date, such as:

- Training courses (online or otherwise)*
- Completion of CPD requirements*

(ii) Evidence of insight into previous failings, which might include a written reflection on what had occurred leading to her suspension;

(iii) Testimonials as to her conduct since the final hearing and commitment to return to the profession.

At the review hearing Social Work England considered that the Social Worker should be afforded a final opportunity to engage in remediation and invited the panel to extend the order.

The Social Worker has not engaged with the Case Review Team since the last review and has not taken the further opportunity afforded to her to remediate her practice. It is submitted that her fitness to practise remains impaired as it did at the Final Hearing.

The Panel are invited to find that the Social Worker’s fitness to practise remains impaired by reason of misconduct and to make Removal Order. As there is no

evidence of insight or remediation, and no indication of future intention to take such steps, it is submitted that this is now the appropriate and proportionate sanction."

Social worker submissions:

14. Ms Owen did not attend to give evidence, nor provided written submissions for the panel's consideration.

Panel decision and reasons on current impairment:

15. 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 final hearing panel and the previous final order review 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*".
16. The panel had regard to all of the documentation before it, including the decision and reasons of the final hearing panel and previous final review panel. The panel also took account of Social Work England's written submissions.
17. The panel heard and accepted the advice of the legal adviser, including the case of *Abrahaem v GMC [2008] EWHC 183* which sets out that, at a review, there was a persuasive burden on the registrant to demonstrate that previous concerns and impairments had been sufficiently addressed. 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 to maintain public confidence in the profession.
18. The panel first considered whether Ms Owen's fitness to practise remains impaired. The panel determined that Ms Owen was still impaired for the following reasons:
 - a. She has not engaged with Social Work England for approximately two years. Consequently, she has not been able to demonstrate that she is no longer impaired. Further, she has not provided any indication that she is willing to remediate her practice.
 - b. The previous Final Order Review Panel provided Ms Owen with guidance on how her practice may be remediated. This gave Ms Owen an opportunity to remediate her practice. However, Ms Owen has not engaged with any of this guidance.

Decision and reasons on sanction:

19. Having found Ms Owen'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.
20. The panel considered the submissions made by Social Work England, during which they invited the panel to consider imposing a removal order. The panel also took into account the *"Impairment and sanctions guidance"* published by Social Work England.
21. The panel was mindful that the purpose of any sanction is not to punish Ms Owen, 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 Owen's interests with the public interest.
22. The panel decided it would not be appropriate to take no further action or issue a warning. It had made a finding of impairment and any sanction that does not restrict Ms Owen's practice is not appropriate and would not protect the public.
23. The panel next considered whether conditions of practice would be an appropriate sanction. The panel considered that conditions of practice was not an appropriate or proportionate sanction given Ms Owen's lack of engagement, insight and remediation. The panel considered that allowing Ms Owen to practice, even with restrictions, may place service users and the public at risk of harm. Further, given the finding of dishonesty, along with the lack of engagement, insight and remediation, the panel did not think that conditions of practice would be appropriate.
24. The panel considered that a suspension order would not be appropriate or proportionate given Ms Owen's lack of engagement over the past two years, and her lack of insight and remediation. Ms Owen has not demonstrated that any risk she poses by practicing as a social worker has been reduced since her Final Hearing, despite being given guidance and the opportunity to remediate her practice. The panel also considered that, given Ms Owen's indication that she no longer wishes to engage with the fitness to practice process, that continuing with a suspension order would not be in her best interests.
25. The panel was satisfied it could consider that a removal order was available to the panel as Ms Owen's fitness to practise was originally found impaired on the basis of one or more grounds as set out in regulation 25(2)(a).
26. 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. Due to Ms Owen's consistent lack of engagement with Social Work England, despite numerous opportunities to demonstrate insight and remediate her practice, the panel considers removal, upon expiry of the current order, to be the appropriate sanction in the circumstances given:
 - a. Ms Owen's lack of engagement over the past two years;

- b. Ms Owen's lack of insight and remediation;
- c. Ms Owen has not demonstrated that any risk she poses by practicing as a social worker has been reduced since her Final Hearing, despite being given guidance and the opportunity to remediate her practice;
- d. The panel also considered that, given Ms Owen's indication that she no longer wishes to engage with the fitness to practice process, that continuing with a suspension order would not be in her best interests.

Right of appeal:

27. 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.

28. 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.

29. 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.

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

Review of final orders:

31. 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).

32. 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

33. 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:

34. <https://www.professionalstandards.org.uk/what-we-do/our-work-with-regulators/decisions-about-practitioners>