



Social worker: Isolyn Dohurla
Clarke

Registration number: SW3555

Fitness to Practise

Final Order Review meeting

Date of meeting: 22 March 2024

meeting venue: Remote meeting

Final order being reviewed:
Suspension order – (expiring 27 April 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 18 months by a panel of adjudicators on 30 September 2022.
2. Ms Clarke 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
Bryan Hume	Chair
Pervez Akhtar	Social worker adjudicator

Hearings team/Legal adviser	Role
Titlee Pandey	Hearings officer
Mollie Roe	Hearings support officer
Megan Ashworth	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 19 February 2024 and addressed to Ms Clarke at her address which she had previously provided to Social Work England;
 - An extract from the Social Work England Register as at 19 March 2024 detailing Ms Clarke's registered email address;
 - A copy of a signed statement of service, on behalf of Social Work England, dated 19 February 2024, confirming that on 19 February 2024 the writer sent the notice of hearing and related documents by email to Ms Clarke 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 Rules 16, 44 and 45 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 Clarke in accordance with the Rules.

Proceeding with the final order review in the absence of Ms Clarke by way of a meeting:

7. The notice of final order review informed Ms Clarke 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 5 March 2024. Unless we hear from you to the contrary, we shall assume that you do not want to attend a hearing and Social Work England may decide to deal with the review as a meeting. If Social Work England do hold a meeting, the adjudicators will be provided with a copy of this letter setting out Social Work England’s submissions and a copy of any written submissions you provide.”

8. The panel received no information to suggest that Ms Clarke had responded to the notice of final order review. The panel noted that there had been no engagement from Ms Clarke since the final hearing when the suspension order had been imposed. It noted that in addition to the notice of review itself, Social Work England had attempted to correspond with Ms Clarke during the course of her suspension order, sending her letters about it on 27 April 2023, 26 October 2023 and 15 December 2023. The panel noted that Ms Clarke had not responded to any of the correspondence.
9. The panel heard and accepted the advice of the legal adviser in relation to the factors to take into account with regard to proceeding with the meeting in the absence of Ms Clarke, as well as 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 Ms Clarke had been afforded the opportunity to attend the review as required by the Regulations and ought to be aware of the review but had decided not to attend. The panel had received no request or application to postpone the review and had no reason to believe that an adjournment would result in Ms Clarke’s future attendance. Having weighed the interests of Ms Clarke in respect of her attendance at the review, with those of Social Work England and the public interest in an expeditious disposal of this mandatory review, the panel was satisfied that it was appropriate and fair to proceed in Ms Clarke’s absence by way of a meeting. The panel was also satisfied that it had sufficient information to conduct the review in the absence of the parties, and on the papers alone.

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 at the end of 27 April 2024.

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

1. *Whilst registered with the Health and Care Professions Council/Social Work England, and during the course of your employment at Sandwell Metropolitan Borough Council ('the Council'), you failed to safeguard service users "KC", "TH" and "BB", on the dates set out in Schedule 1, in that you:*
 - i) *did not adequately assess and/or manage risk in relation to "KC", "TH" and "BB" and*
 - ii) *you did not take appropriate actions when concerns were raised to safeguard "KC", "TH" and "BB".*
2. *The matters described in paragraph 1 constitute misconduct.*
3. *Your fitness to practise is impaired by reason of your misconduct.*

Schedule 1

- a. *KC 19 August 2019*
- b. *BB 3 March 2020*
- c. *[...]*
- d. *TH 17 May 2020*

The final hearing panel between 26 and 30 September 2022 determined the following with regard to impairment:

13. In relation to impairment, the final hearing panel determined:

It was the judgement of the panel that although Ms Clarke was of good character, with no previous disciplinary findings against her name, and although she had admitted her failings, she had not shown full insight into her actions. In response to the allegations in September 2021 she denied parts of the allegation. It was only recently that she admitted the allegation in full. She has consistently chosen to explain her actions as being in part due to pressure at work and her poor health. The panel accepted that both had been real phenomena at the time. However, they could not exculpate Ms

Clarke from her failings in her position as Lead Officer of safeguarding, nor was it now suggested by Ms Clarke that they did so. The panel considered that Ms Clarke's insight is developing.

The panel took account of the limited evidence of remediation that Ms Clarke had provided in the form of a certificate in Safeguarding of Vulnerable Adults Level 3. The panel appreciated that Ms Clarke had been in retirement since 29 December 2020 and therefore it had been difficult for her to evidence full remediation. However, the panel concluded that the level of remediation and insight demonstrated by Ms Clarke was limited. Further, it could not be said that her misconduct was isolated, in that the three events spanned from 19 August 2019, to 3 March 2020 and finally 17 May 2020.

In those circumstances the panel concluded that it could not be said that it was highly unlikely that Ms Clarke would repeat her misconduct if permitted to practise unrestricted.

Accordingly, the panel concluded that Ms Clarke's fitness to practise is currently impaired on public protection grounds.

The panel also concluded that in the light of the seriousness of the misconduct, which had involved a failure, whilst in the position of Lead Officer, to place three extremely vulnerable service users on the safeguarding pathway when this was clearly indicated, a finding of impairment was required to uphold proper standards, and to maintain public confidence in the profession and its regulator.

In those circumstances the panel concluded that Ms Clarke's fitness to practise is also impaired on public interest grounds.

The final hearing panel on 30 September 2026 determined the following with regard to sanction:

14. In relation to sanction, the final hearing panel determined:

"The panel took account of Ms Clarke's previous good character; her previous lengthy unblemished career, in particular as Lead Officer of safeguarding since 2015; her full admissions to the Allegation; her remorse; her developing insight and the significant amount of work pressure she had been under at the time, as agreed by SS.

The panel balanced these factors against the seriousness of the misconduct which had taken place in the context of her position as Lead Officer of safeguarding, in the course of which she dealt with three extremely vulnerable service users, KC, BB, and TH.

In considering the submission on sanction made by Social Work England the panel took account of the fact that it was not suggested that there was a causal link between Ms Clarke's misconduct and the death of the service users in this case. The panel also accepted that whilst there had been a passage of time between the misconduct found in Schedule 1(a), on 19 August 2019, and the misconduct found in Schedule 1(d), on 17

May 2020, this was not a case that had involved continuous misconduct throughout that period of time; it was a case that involved three discrete events.

The panel concluded that a suspension order was the appropriate and proportionate sanction in all those circumstances.

It was the judgment of the panel that a suspension order would prevent Ms Clarke from working as a social worker for a period of time and thereby protect the public.

A suspension order would also adequately protect the public interest. It was the judgement of the panel that a reasonable member of the public, informed of all the facts, would be concerned if anything less than a suspension order were to be imposed. The panel was satisfied that such an order was sufficient to uphold proper standards of conduct and behaviour and maintain public confidence in the profession and its regulator.

The panel concluded that an order of 18 months in duration would be sufficient to protect the public and the wider public interest in the circumstances of this case. It would be sufficient to mark Ms Clarke's conduct whilst preventing her from becoming deskilled should she decide to return to practice."

15. The final hearing panel also set out recommendations which may assist a future reviewing panel when it came to review the suspension order before its expiry. The recommendations were as follows:

"The panel concluded that a future panel may be assisted by

- A reflective statement, written by Ms Clarke*
- Evidence of how Ms Clarke has kept her skills and knowledge up to date*
- Testimonials in relation to any paid or voluntary employment that Ms Clarke might obtain.*
- Evidence of training in risk identification, risk management, decision making and case recording in the context of safeguarding adults."*

Submissions:

16. The panel noted the written submissions from Social Work England as outlined in the notice of hearing. In summary, Social Work England submitted that Ms Clarke's fitness to practise remained impaired on all three elements of public protection and the appropriate and proportionate sanction was that of a removal order. The written submissions drew attention to the absence of any engagement by Ms Clarke and that she had not provided any evidence to address the concerns that the final hearing panel had identified or engaged with any of the recommendations which had been set out.

17. Ms Clarke did not provide any written submissions for the panel to consider or any evidence of the type suggested in the final hearing panel's recommendations.

Panel decision and reasons on current impairment:

18. 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 and the written submissions from Social Work England. 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'.
19. The panel heard and accepted the advice of the legal adviser. Her advice included that, at a review, the onus was on the social worker to demonstrate that they were fit to resume unrestricted practice. In reaching its decision, the panel was mindful of the need to protect the public and the wider public interest in maintaining public confidence in the profession as well as declaring and upholding standards.
20. The panel first considered whether Ms Clarke's fitness to practise remains impaired.
21. The panel noted the observations of the final hearing panel in September 2022, to the effect that whilst Ms Clarke had some insight into her misconduct, it was not sufficiently developed. It also noted that the final hearing panel considered that Ms Clarke's remediation was limited, given that she had been in retirement since December 2020. The panel bore in mind that the final hearing panel had been concerned that there was a risk of repetition, given its findings in respect of Ms Clarke's limited insight and remediation. The panel bore in mind that the misconduct found proved was serious and had placed three vulnerable service users at significant risk of harm due to Ms Clarke's inaction in her managerial role.
22. The panel bore in mind that Ms Clarke had not engaged with Social Work England since the final hearing when the suspension order had been imposed. It noted that she had been given a number of recommendations which may assist her in evidencing improved insight and the steps taken to remedy her practice. No evidence or any written submissions had been received. The panel considered that there was nothing to suggest that the position had changed since the suspension order had been imposed, or that the risk of repetition previously identified had been reduced. Consequently, the panel considered that Ms Clarke had not discharged the onus on her to demonstrate that she was fit to resume unrestricted practice. Accordingly, in the panel's judgement, Ms Clarke's fitness to practise remains impaired on the personal element.
23. The panel was also of the view that members of the public would be concerned if no finding of impaired fitness to practise were made in respect of a social worker who had not remedied their misconduct, such that the risk of repetition remained. Accordingly, in the panel's judgement, Ms Clarke's fitness to practise remains impaired on the public element.

24. In all the circumstances, the panel considered that Ms Clarke's fitness to practise remains impaired on the grounds of public protection, which includes the components of promoting and maintaining public confidence in the profession and upholding professional standards.

Panel's decision and reasons on sanction:

25. Having found Ms Clarke's fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel noted that submission of Social Work England that removal was the appropriate sanction in this case. The panel had regard to the Sanctions Guidance issued by Social Work England and accepted the advice of the legal adviser.
26. The panel was mindful that the purpose of any sanction is not to punish the social worker, but to protect the public and the wider public interest. The panel applied the principle of proportionality by weighing the social worker's interests with the public interest and by considering each available sanction in ascending order of severity.

No action, advice or warning

27. The panel concluded that it would be inappropriate to take no action, or to issue advice or a warning. None of these options would restrict Ms Clarke's practice, and so meet the ongoing potential risk of repetition. Consequently, none of these options would be sufficient to protect the public, maintain public confidence and uphold the reputation of the profession.

Conditions of practice order

28. The panel went on to consider a conditions of practice order. Given the lack of engagement from Ms Clarke, and the fact that she had apparently retired, the panel did not consider that she would be willing and able to abide by conditions. In any event, the panel considered that it was not possible to formulate workable conditions which would sufficiently protect the public as well as to maintain public confidence in the profession and the regulator.

Suspension order

29. Having determined that a conditions of practice order would not be appropriate, the panel went on to consider whether an extension to the current suspension order would be the appropriate and proportionate response. It acknowledged that such an order would protect the public for the period for which it was in place. However, the panel also questioned whether it would satisfy the public interest, in terms of maintaining public confidence in the profession and upholding professional standards, given the persistent lack of engagement over the nearly 18 months for which the suspension order has been in place. In light of this, the panel did not consider that the public interest would be addressed in keeping a social worker on the register, albeit suspended.

Removal order

30. The panel was satisfied a removal order was available to the panel, as Ms Clarke's fitness to practise was originally found impaired on the basis of misconduct. The panel noted that a removal order is a sanction of last resort where there is no other means of protecting the public or the wider public interest.
31. Taking account of the factors set out in Social Work England's Sanctions Guidance, of when a removal order may be appropriate, the panel considered that the following may be relevant in Ms Clarke's case:
 - 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)
32. The panel considered that Ms Clarke had been given 18 months to evidence that her insight into her misconduct had developed sufficiently to reduce the risk of repetition. Over that significant period of time she had not engaged with Social Work England at all and had not provided any evidence to demonstrate improved insight, for example providing a reflective piece as recommended or attending to give evidence directly. From the absence of engagement over a significant period of time, the panel concluded that there was a persistent lack of insight by Ms Clarke.
33. The panel also considered that Ms Clark had been given 18 months to evidence remediation in respect of her practice, so as to sufficiently reduce the risk of repetition. In that time she had not engaged with Social Work England and had not provided any evidence of, for example, courses undertaken, efforts to keep her knowledge and skills up-to-date, or working in an unregulated role in the sector. The panel bore in mind that Ms Clarke had been retired since 2020. In light of all of these factors, the panel was satisfied that there was clear evidence that Ms Clarke did not wish to practise as a social worker in the future.
34. Having ruled out a suspension order, the panel determined to impose a removal order. It was satisfied that this was now the only sanction sufficient to satisfy public protection, which includes the components of maintaining the reputation of the profession and upholding standards.
35. Consequently, the panel directs that Ms Clarke be removed from the social work register upon the expiry of the existing suspension order.

Right of appeal:

1. 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.
2. 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.
3. 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.
4. This notice is served in accordance with Rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

Review of final orders:

5. 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).
6. 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

7. 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>