

Social worker: Amy Loveland
Registration number: SW107372
Fitness to Practise
Final Order Review Meeting

Date of meeting: 05 September 2024

Meeting venue: Remote meeting

Final order being reviewed:

Conditions of practice order – (expiring 20 October 2024)

Meeting Outcome:

Impose a new order namely a removal order

Introduction and attendees:

1. This is the second review of a final conditions of practice order originally imposed for a period of 18 months by a panel of adjudicators on 25 March 2022 and extended on first review until 21 October 2024.
2. Ms Loveland 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 and neither attended the review meeting.

Adjudicators	Role
Dr Nigel Westwood	Chair
Elaine Mackie	Social worker adjudicator

Hearings team/Legal adviser	Role
Paul Harris	Hearings officer
Andrew Brown	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 07 August 2024 and addressed to Ms Loveland at her email address which had been provided to Social Work England
 - An extract from the Social Work England Register as of 07 August 2024 detailing Ms Loveland's registered email address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 07 August 2024 the writer sent by email service to Ms Loveland 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 Practise 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 Loveland 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 Loveland 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 21 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.

8. The panel received no information to suggest that Ms Loveland had responded to the notice of final order review.
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; *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 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.”
11. The panel noted that there had been no response from Ms Loveland to the notice of hearing. She had not attended the first review on 01 September 2023. Social Work England had also written in June 2024 to propose today’s date for the review. The panel had not been provided with any request for a postponement. The panel noted Social Work England’s submission that there had been no contact from Ms Loveland for a period of nearly 25 months. The panel was mindful that, in *Adeogba*, the Court had stated that professional persons bore a duty to maintain an effective means of communication with their regulator.
12. The panel took into account that the Regulations mandated a review of the order prior to expiry. Although the expiry was not imminent, for the reasons above, the panel considered that an adjournment was unlikely to result in Ms Loveland’s attendance. 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(c).

Background leading to the allegations:

13. On 5 February 2020 Social Work England received a self-referral from Ms Loveland disclosing conduct and performance issues during her employment at Kent County Council (KCC). She reported that:-

“...not all of my statutory visits had been fully recorded, although they were on the system, they were not all fully written up for a few visits, on a few of my cases.”

“...there was [also] concerns that I had not brought a case to panel as directed by senior management. I explained my reasonings [sic] behind this, but ultimately the case did not go to panel within the time frame asked for, so it was raised as a further concern.”

14. In 2018 concerns had been raised by PM, Ms Loveland’s supervisor, about her failing to keep her case record keeping up to date. At the time, she acknowledged she needed to do so and to better manage her time. Ms Loveland accepted at the time that she did not keep all her case notes up to date and that timely recording was important. A formal Capability plan was put in place between January 2018 and May 2018. Ms Loveland’s performance improved during that period but is alleged that, to an extent, it relapsed thereafter.
15. On 9 October 2018, PM prepared a list of seven cases on which Ms Loveland had failed to properly record a statutory visit or had inaccurately recorded one as having taken place when this was incorrect. On reviewing Ms Loveland’s files on 5 November 2018 PM observed instances where she had opened a record but annotated it to read “*to be completed later*”. It is alleged that the effect of this was that the record would not appear on the system as late and resulted in inaccurate and incomplete records on service user’s files.
16. KK, PM’s line manager, also reviewed Ms Loveland’s cases and he raised further concerns that she had a pattern of making decisions that strayed from management policy and risked placing service users at risk. KK was concerned with Ms Loveland’s work in respect of SU1, a vulnerable 16 year old female. He raised concerns that the risk assessment undertaken by Ms Loveland appeared to overlook vital information and KK considered that it was not adequate and that she failed to safeguard SU1. It is alleged that the risk assessment was over optimistic and was not properly evidence based, despite the concerns being discussed at supervision and raised in emails to Ms Loveland by KK. At the time Ms Loveland accepted she had not properly completed the risk assessment but stated that she had collected the information but had not presented it in the appropriate, formal way.
17. PM had further concerns about the risk assessment conducted by Ms Loveland in respect of SU1. It is alleged that Ms Loveland failed to follow management instructions in that she failed to complete the required risk assessment, despite being given two

months by PM to complete it. It is alleged that she did not complete the proper process for conducting a risk assessment in that timescale and it is alleged that the risks to SU1 were not therefore sufficiently addressed.

18. In respect of SU2, Ms Loveland was the allocated social worker. SU2 had been subject to a Care Order since 2012 and had complex needs. SU2's mother had mental health issues and KCC had concerns regarding the use of physical chastisement by SU2's father, with domestic abuse previously reported within the family home. Additionally, there were significant concerns regarding SU2's relationship with her boyfriend to the extent that a Child Abduction Warning Notice ("CAWN") had been put in place by the Police to deter contact between SU2 and her boyfriend.
19. In October 2018, SU2 went missing and this triggered a response by Ms Loveland and her colleagues which ultimately led PM and KK to conclude that Ms Loveland had failed to properly address the risks posed to SU2 and that she had thereby failed to safeguard SU2. It is alleged that no case notes were recorded at the time by Ms Loveland, she had not undertaken a risk assessment and had failed to act proactively. It is further alleged that she failed to follow management instructions by KK. It is alleged there was also a delay by Ms Loveland in proceeding with a Deprivation of Liberty Safeguards Order ("DoLS") in respect of SU2. At the management investigation meeting on 18 February 2019 Ms Loveland appeared to accept she could have done more and taken action sooner and that her conduct could have had safeguarding implications for SU2.
20. Ms Loveland was subject to a disciplinary process that commenced in November 2018 and concluded in March 2019. Ms Loveland left her position with KCC in November 2019.
21. Ms Loveland had been engaged by Southwark Council as an agency worker from 19 November 2019 to mid-January 2020.

Review of the current order:

22. 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).
23. The current order is due to expire at the end of 21 October 2024.

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

24. At a hearing between 21 and 25 March 2023 a panel of adjudicators found the following allegations proved:
 1. *Failed to accurately maintain and/or keep service user's case records up to date in a timely manner notwithstanding that you were required to do so;*

2. *Failed to undertake any adequate risk assessment in respect of Service User 1;*
3. *Failed to adequately safeguard Service User 1;*
4. *Failed to adequately safeguard Service User 2;*
5. *Failed to follow management instructions in a timely manner which put Service User 1 and Service User 2 at risk of harm.*

The previous final order review panel on 01 September 2023 determined the following with regard to impairment:

25. *“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’.*
26. *The panel had regard to all of the documentation before it, including the decision and reasons of the original panel. It took account of the submissions made by Social Work England. The Panel noted that Ms Loveland explained in her telephone contact with the representative from Capsticks on the 26 July 2023 that she had not been working in a social work role and so was in difficulty providing evidence of remediation.*
27. *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.*
28. *The panel first considered whether Ms Loveland’s fitness to practise remains impaired.*
29. *The panel noted that the original panel found that Ms Loveland had begun to develop insight, but as she had not been working there was no proper or reliable evidential basis upon which it could conclude that she had sufficiently remediated her practice. This panel was in a similar position. It had no evidence before it which would enable it to conclude that Ms Loveland had addressed her failings and was no longer at risk of repeating her misconduct. This panel noted that Ms Loveland had not returned to practice **[PRIVATE]** and that she had indicated she was not currently working in a social work role.*
30. *Even though Ms Loveland was not currently in a social work role there was no evidence that she had made any efforts to keep her social work skills and knowledge up to date, for example by undertaking any relevant training. The panel had no evidence of*

reflection from Ms Loveland which could reassure it that she had continued to develop her insight. The panel had no references or testimonials and no indication from Ms Loveland about her intentions with regard to her future in social work. The panel had no information about Ms Loveland's current role and whether she was using any of her social work skills.

- 31. In these circumstances, the panel had no evidence upon which it could rely to suggest that Ms Loveland's fitness to practise was no longer impaired.*
- 32. In these circumstances, the panel concluded that not to find Ms Loveland's fitness to practise impaired would undermine public confidence in the profession and would fail to uphold proper professional standards.*
- 33. Having considered all the circumstances, the panel concluded that Ms Loveland's fitness to practise remains currently impaired on both the personal and public interest elements of impairment."*

The previous final order review panel) on 01 September 2023 determined the following with regard to sanction:

- 34. "Having found Ms Loveland'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.*
- 35. The panel considered the submissions made by Social Work England, during which they invited the panel to consider re-imposing the Conditions of Practice Order for a further 12 months. The panel also took into account the 'Impairment and sanctions guidance' published by Social Work England.*
- 36. The panel was mindful that the purpose of any sanction is not to punish Ms Loveland, 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 Loveland's interests with the public interest. It was mindful that it must act proportionately and apply the least restrictive sanction that protects the public and the public interest.*
- 37. Firstly the panel considered whether to allow the order to lapse or give a Warning. However, the panel considered that where there is a finding of a lack of remediation and a risk a repetition, this would fail to deal proportionately with the seriousness of the panel's findings. A Warning would not sufficiently protect the public and the panel concluded that a Warning would undermine public confidence and would fail to uphold proper professional standards.*

38. *The panel next considered whether the current conditions of practice should be extended for a further period of time.*
39. *The panel took the view that the deficiencies identified with Ms Loveland's practice are potentially capable of being remedied and was satisfied that the current conditions of practice order was still appropriate to address the deficiencies. The panel took the view that the order should be extended for a further 12 months. The panel considered that this period would be sufficient for Ms Loveland to demonstrate that she had remedied the deficiencies in her practice and would give her a further opportunity to return to social work. The panel noted that Ms Loveland [PRIVATE] and it determined that a period of 12 months would provide sufficient time for Ms Loveland to obtain a social work role, subject to the conditions, should she wish to.*
40. *This panel cannot bind a future panel. However, a future reviewing panel would expect Ms Loveland to attend the review hearing and it would be of assistance to that panel if she were able to provide evidence that she had undertaken steps that would facilitate a safe and effective return to the register without restriction. This may include:*
- (i) Evidence about how she has kept her social work skills and knowledge up to date, such as:*
 - Training courses (online or otherwise);*
 - Evidence of any role that the social worker has been undertaking that utilises the skills and knowledge required of a social worker.*
 - (ii) References and testimonials that comment on the social workers skills and abilities whether or not obtained in a social work role.*
 - (iii) A written reflection addressing the impact of the social worker's conduct on service users and the wider public."*

Social Work England submissions:

41. *The panel read submissions from Social Work England as set out in the Notice of hearing letter dated 07 August 2023, which were as follows:*

Subject to any further evidence of engagement prior to the review hearing, Social Work England invite the Panel to impose a Removal Order. The Panel at the Final Hearing found that the Social Worker's conduct is remediable but that they had very limited evidence about remediation and work done in the period since the proved conduct. The Panel at that stage concluded that the Social Worker had not remedied her practice and there remained a real risk of repetition of the misconduct.

The Panel noted that the Social Worker was a committed and dedicated social worker and that she had developing insight into the misconduct and willingness to engage in any form of remediation/training. In spite of this there has been very limited engagement

and no evidence of remediation since that time. The Panel at the first review noted the lack of evidence that the Social Worker had addressed her failings and was no longer at risk of repeating her misconduct. They noted there was no evidence that the Social Worker had made any effort to keep her social work skills and knowledge up to date. The Panel had no references or testimonials and no indication from the Social Worker about her intentions with regard to her future in social work. They concluded that she had not remediated and concluded that her fitness to practise remained impaired, although still remediable. At the time of drafting this notice of hearing that position remains the same.

The Conditions of Practice Order has not come fully into effect because the Social Worker has not secured employment in a social work role. She has not obtained employment, whether in a social work role or social care role, which would have enabled her to work with support and provide evidence of skills relevant to the Panel's concerns.

The Social Worker could have undertaken, and provided evidence of, training or independent study, for example, addressing the issues raised, and to keep up to date with developments in social work. The only email contact from the Social Worker since the Final Hearing indicated that the reason she would not be returning to a social work role in the foreseeable future, was due to her [PRIVATE] (as at April 2022). Although this did not indicate that the Social Worker had no desire to ever return to social work.

Since the first review there has been no further contact from the Social Worker in spite of multiple attempts by the case Review Team to re-engage with her. Whilst it is acknowledged that the Social Worker may have been [PRIVATE], that may impact on her ability to undertake employment, it is now over 25 months since any contact was made by the Social Worker and there has been no indication if she wishes to return to social work now, or in the future.

In the absence of any further information or evidence, there remains the same risk of repetition of the conduct as the Final Hearing Panel found. The Social Worker's fitness to practise remains impaired. The deficiencies in the Social Worker's practice remain capable of being remedied. It is submitted that, although the Conditions of Practice Order remains appropriate to address those deficiencies, should the Social Worker return to a social work role, there is no benefit to extending that Order or perpetually reviewing it if the Social Work does not re-engage.

Social Work England consider that the 28 day notice period between serving the notice of hearing and the review hearing offers ample opportunity for the Social Worker to re-engage and indicate her future intention with regards to her registration and return to social work. If she engages and indicates a desire to remediate in future and remain on the register the Conditions of Practice Order should be extended, unamended, for a period of 12 months to allow this to happen. This is a long enough period for the Social Worker to demonstrate any training or study she has undertaken to maintain and develop her skills and remediate her practice, to correspond with the Social Work

England Case Review Officer as to her future intentions as to social work or social care roles, and to return to practice (if the Social Worker wishes to do so) subject to adhering to the Conditions of Practice. If there is no response to the notice of hearing and no indication of a desire to remediate then it is submitted that a Removal Order is now the appropriate sanction.

Social worker submissions:

42. Ms Loveland did not attend the review and did not provide any submissions for the panel's consideration. The panel noted in the bundle an email from Ms Loveland dated 10 April 2022. In her email, Ms Loveland stated that she had, at that time, recently had a baby and had not been working. Ms Loveland stated in her email that she was not then employed and had no plans to resume practice as a social worker for the foreseeable future **[PRIVATE]**

Legal advice:

43. The legal adviser advised the panel that, at a review the panel had to consider its powers pursuant to paragraph 15(1) of Schedule 2 of the Regulations. First, the panel had to decide whether Ms Loveland's fitness to practise is impaired at present. He referred the panel to *Abrahaem v GMC* [2008] EWHC 183. In that case, referring to similar legislation for the medical profession, the court had stated that at a review there is a persuasive burden on the professional to show that they had dealt with past concerns and that they are fit to return to practise. If the panel did find current impairment, it should then go on to consider its powers in paragraph 15(1) of the Regulations.

Panel decision and reasons on current impairment:

44. 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 panels. 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'.
45. The panel had regard to all of the documentation before it, including the decision and reasons of the original panel and previous review panel and all the documentation provided in the review hearing bundle.
46. 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.

47. The panel first considered whether Ms Loveland's fitness to practise remains impaired. The panel took into account the decision of the original panel that its findings of fact had amounted to impairment of Ms Loveland's fitness to practise. It had found that Ms Loveland had been in breach of several relevant standards of the Health and Care Professions Council's Standards of conduct, performance and ethics which had applied. However, the panel had also considered that Ms Loveland's misconduct had been remediable. It had considered Ms Loveland to be a *"passionate and caring social worker"* who had *"fully and meaningfully engaged throughout the process"*. The panel found that Ms Loveland had shown some insight and a willingness to remedy her practice.
48. As a result, the original panel had determined that it had been appropriate to impose conditions of practice for a period of 18 months on Ms Loveland's registration. It stated that the purpose of imposing conditions of practice was *"to provide a fair and proportionate opportunity for Ms Loveland to comply and demonstrate progress"*.
49. In accordance with the Regulations, before the expiry of the original 18 months conditions of practice order, a review panel was convened to consider that order and Ms Loveland's progress towards remediation. The panel sat on 01 September 2023 ("the first reviewing panel"). Ms Loveland did not attend the review and was not represented. The reviewing panel had been satisfied that Ms Loveland had been properly served with notice of the review hearing. It had no information from Ms Loveland that she wished to attend or that she had provided any submissions or evidence for the review.
50. The first reviewing panel concluded that it had no evidence on which it could rely to suggest that Ms Loveland's fitness to practise was no longer impaired. Accordingly, the panel decided that it would undermine public confidence in the profession and fail to uphold proper professional standards, if it did not find Ms Loveland's fitness to practise was still impaired. It found impairment on both the 'personal' and 'public interest' elements of impairment.
51. The first reviewing panel remained of the view, however, that the deficiencies identified were potentially capable of being remedied and that the current conditions of practice were still appropriate to address those deficiencies. The panel extended the conditions of practice order for a further 12 months.
52. The first reviewing panel stated that it would expect Ms Loveland to attend the next review of her order. It suggested that she provide evidence to indicate that she had taken steps to facilitate a safe return to practice, including: evidence that she had kept her social work skills and knowledge up to date; references and testimonials; and a written reflection addressing the impact of her past conduct on service users and the wider public.

Second review

53. Social Work England provided this second reviewing panel with evidence of its correspondences with Ms Loveland after the previous hearing. It had previously sent Ms Loveland the determination of the panel after the first review by email dated 24 October 2023. Further, Ms Loveland had been sent reminders of the recommendations of the first reviewing panel by further letters emailed on 22 January 2024 and 15 April 2024. On 17 June 2024, Social Work England emailed a letter to Ms Loveland in which it advised her of the provisional date for this review and made a request to her to submit any evidence for this review.
54. Social Work England's submission, as set out above, is that there has been no contact from Ms Loveland for over 25 months. In fact, this panel notes that the last contact from Ms Loveland was dated 10 April 2022 which is now 29 months ago. The panel reviewing the conditions of practice order today has no information from Ms Loveland and no submissions or evidence from her from which it could conclude that she has done anything to remedy her previous misconduct.
55. Although two previous panels have determined that Ms Loveland's misconduct was remediable, the reviewing panel today considered that Ms Loveland has not discharged the persuasive burden of demonstrating that she has dealt with the past concerns. The panel therefore concluded that the risk of repetition, as found by previous panels, remains.
56. Further, the panel concluded that it would fail to maintain public confidence in the profession and fail to declare and maintain proper professional standards, if the panel did not find Ms Loveland's fitness to practise is impaired. Despite the imposition of the original conditions of practice order, extension of that order and reminders to Ms Loveland to provide information, the panel has been informed that there has been no further engagement from Ms Loveland with Social Work England.
57. The panel therefore found that Ms Loveland's fitness to practise as a social worker is currently impaired, both due to a risk of repetition of misconduct, but also due to the need to maintain public confidence in the profession and to maintain professional standards.

Decision and reasons:

58. Having found Ms Loveland's fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose in this case.
59. The legal adviser advised the panel that it should consider its powers pursuant to paragraph 15(1) of Schedule 2 of the Regulations. These included the power to take no action, to extend or further extend the current order, to revoke the order, or to impose any order that the adjudicators could have originally imposed. He advised the panel to have regard to the Impairment and Sanctions Guidance ("ISG") published by Social Work England in making a decision. In order to be proportionate, the panel should

approach sanctions in ascending order of seriousness, balancing Ms Loveland's interests with the public interest.

60. The panel accepted the advice of the legal adviser. It had regard to the submissions made on behalf of Social Work England, during which it invited the panel to consider imposing a removal order. The panel also took into account the ISG published by Social Work England.
61. The panel was mindful that the purpose of any sanction is not to punish Ms Loveland, 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 Loveland's interests with the public interest.
62. In its approach to making a direction under paragraph 15(1), the panel took into account that the original misconduct had related to competency issues which had been found to be potentially remediable and that it had been found that Ms Loveland displayed a degree of insight. However, the panel had to also take into account that previous panels had expected that the imposition of conditions of practice would result in Ms Loveland undertaking a period of remediation in practice, thereby demonstrating a willingness to remediate her misconduct.
63. The panel also took into account that, in April 2022, Ms Loveland had informed Social Work England that she was not working and was **[PRIVATE]**. She had stated that she did not intend a return to practice for the foreseeable future, but had not expressed an intention never to return. However, the panel considered that, had Ms Loveland formed an intention to return, or an intention to attempt remediation of her misconduct but there had been some obstacle, she should have been able to indicate this. However, there was no information to suggest either. Even though Ms Loveland might not be in employment, the panel considered that she still owed an obligation to co-operate with her regulator.
64. The panel considered whether it would be appropriate to take no action, or to revoke the conditions of practice order. However, taking either of these steps would allow Ms Loveland to resume unrestricted practice and, in light of the panel considering that there was a risk of repetition, this would fail to protect the public.
65. The panel noted that it had the power to issue advice or a warning to Ms Loveland. The panel was aware that giving advice or a warning would serve to mark the finding of impairment. However, this would not be sufficient to protect the public in view of the finding of a risk of repetition of misconduct.
66. The panel considered whether the current conditions of practice order should be extended for a further period of time, which could be for a period of up to three years. The panel took into account that the deficiencies identified with Ms Loveland's practice had been deemed potentially capable of being remedied.

67. In this case, however, the lack of any contact from Ms Loveland indicating her commencement of steps to remediate, or an intention to remediate her misconduct, led the panel to consider that this would be a futile exercise. The panel bore in mind that, in order for a conditions of practice order to be appropriate, the panel needed to be satisfied that there was a willingness to comply with conditions.
68. In the circumstances, the panel concluded that imposing a further period of conditions of practice failed to protect the public, in that it would potentially allow a return to practice, where there was no clear intention to remedy past misconduct.
69. A suspension order would prevent Ms Loveland from practising during the suspension period, which would therefore protect the public and the wider public interest. The panel considered, however, that this would merely provide a further hiatus and fail to deal with the need for Ms Loveland to remedy her misconduct. Furthermore a suspension order would prevent Ms Loveland from demonstrating that any remediation has been put into practice and had been effective. It would amount to simply further delaying matters, incurring further hearing time and expense. This was neither appropriate nor proportionate, in light of there having been no expression by Ms Loveland of an intention to deal with the misconduct.
70. Therefore, the panel concluded that imposing a suspension would also be inappropriate and insufficient to meet the public interest.
71. The panel was satisfied that a removal order was available to the panel to consider as Ms Loveland's fitness to practise was originally found impaired on the basis of the ground as set out in regulation 25(2)(a), which is 'misconduct'.
72. The panel accepted Social Work England's submission that Ms Loveland had been provided with sufficient notice of its proposal of a removal order in the letter dated 07 August 2024 giving notice of the hearing. The panel considered that, even at this stage, there had been an opportunity for Ms Loveland to make contact, if she intended to undertake remediation of misconduct.
73. The panel noted paragraphs 148 and 149 of the ISG, as follows, so far as relevant:

"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*

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

- (omitted)*
- 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)”*

74. 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 took the view that a removal order would be appropriate in this case because it concluded that the failure to undertake remediation indicated a lack of insight into the seriousness of the past misconduct. Further, the lack of contact from Ms Loveland implied an intention that she did not wish to practice as a social worker in the future. Therefore, the panel concluded, there was no other means of protecting the public or the wider public interest.

75. The panel determined to make a removal order which will take effect from the expiry date of the current conditions of practice order.

Right of appeal:

76. 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.

77. 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.

78. 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.

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

Review of final orders:

80. 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).

81. 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

82. 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>