

Social Worker:
Christopher Colin Tasker
Registration Number: SW36830
Fitness to Practise:
Final Order Review Hearing

Hearing Venue: Remote hearing

Date of hearing: 26 February 2021

Final Order being reviewed:
Suspension Order – (expiring on 12 April 2021)

Hearing Outcome:
Removal Order to take effect upon expiry of current suspension order on 12 April 2021.

Introduction and attendees

1. This is the first review of a final hearing suspension order originally imposed for a period of 6 months by a Fitness to Practise Committee of the Health and Care Professions Council (HCPC) on 9 October 2019. That order did not come into effect until an appeal by Mr Tasker was dismissed on 13 October 2020.
2. Mr Tasker did not attend and was not represented.
3. Social Work England was represented by Ms Chaplin, presenting officer from Capsticks LLP.

Adjudicators	Role
Jane Everitt	Chair
Pervez Akhtar	Social Worker Adjudicator
Yvonne Walsh	Lay Adjudicator

Hearings Team/Legal Adviser	Role
Jyoti Chand	Hearings Officer
Simone Ferris	Hearings Support Officer
Gerrard Coll	Legal Adviser

Service of Notice:

4. Mr Tasker did not attend and was not represented. The panel of adjudicators (the panel) was informed by Ms Chaplin that notice of this hearing was sent to Mr Tasker by special delivery and by email to his addresses on Social Work England's Register (the Register). Ms Chaplin submitted that the notice of this hearing had been duly served having regard to the following:
 - A copy of the notice of substantive order review hearing dated 18 February 2021 and addressed to Mr Tasker at the postal and email addresses that appear on the Register;

- An extract from the Social Work England Register detailing Mr Tasker's registered home and email addresses.
- A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 18 February 2021 the writer sent by special deliver and by email to Mr Tasker's addresses referred to above: Notice of Hearing and related documents.

Ms Chaplin referred the panel to a response by Mr Tasker dated 25 February 2021, that he had not received the documents in time to meet the minimum of 7-days' notice. He had not been able to open the email attachments due to not having the password made available to him despite his email and telephone requests. The postal copy arrived on 22 February. Accordingly he had only had 3 days' notice. Ms Chaplin explained that the minimum service period mandated in the rules is that Mr Tasker would have 7 days' notice, but delivery of email notice and postal notice is presumed to have occurred on the day of the email being sent and the day following for postal delivery. The rules have accordingly been met.

5. The panel accepted the advice of the legal adviser in relation to service of notice.
6. Having had regard to rules 16 and 45 of the Social Work England (Fitness to Practise) Rules 2019 (the rules or rule) and all 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 Tasker in accordance with the rules.

Proceeding in the absence of the social worker:

7. The panel heard the submissions of Ms Chaplin on behalf of Social Work England. Ms Chaplin submitted that notice of this hearing had been duly served, no application for an adjournment had been made by Mr Tasker and as such there was no guarantee that adjourning today's proceedings would secure his attendance. Ms Chaplin pointed out Mr Tasker's response of 25 February 2021 by email in which he said that he would not attend today's review and that he had retired from social work. He said that he wished to 'de-register'. Ms Chaplin further submitted that there were public protection concerns arising from the allegations found proved and reminded the panel that this was a mandatory review. She therefore invited the panel to proceed in the interests of justice and the expeditious disposal of this hearing.
8. The panel 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 rule 43 of the Rules and the cases of *R v Jones* [2003] UKPC; *General Medical Council v Adeogba* [2016] EWCA Civ 162.

9. The panel considered all of the information before it, together with the submissions made by Ms Chaplin on behalf of Social Work England. The panel considered that although Mr Tasker appeared not to have received the documents in the post until 22 February 2021 the bundle was a small one and would have been familiar to him because it contained the decision from the substantive hearing and correspondence between Mr Tasker and Social Work England. Capsticks had explained its instructions to seek a removal order today in the absence of any new information or material contribution by Mr Tasker. He had been able to make a response saying that he did not intend to appear at the review and wished to deregister having retired. The panel noted that there had been compliance with the requirements of service but in deciding whether to proceed without Mr Tasker, had to consider the prejudice to him of doing so, any unfairness to him and also the public protection aspects of conducting a mandatory review. Mr Tasker was aware of today's hearing.
10. The panel, therefore, concluded that Mr Tasker had chosen voluntarily to absent himself. The panel had no reason to believe that an adjournment would result in Mr Tasker's attendance. Having weighed the interests of Mr Tasker in regard to his attendance at the hearing with those of Social Work England and the public interest in an expeditious disposal of this mandatory review, the panel determined to proceed in Mr Tasker's absence.

Review of the current order:

11. This final order review hearing falls under the Transitional and Savings Provisions (Social Workers) Regulations 2019 and as a result the review will be determined in accordance with Part 5 of the Regulations, Schedule 2 paragraph 15 of the Regulations and Social Work England's Fitness to Practise Rules.

The current order is due to expire at the end of 12 April 2021.

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

Whilst registered as a Social Worker with the Health and Care Professions Council, and in your role as a Social Worker and Assistant Team Manager at Swindon Borough Council ("SBC"), you:

1. Failed to undertake and/or make any or any adequate record of supervision sessions between around November 2014 and January 2016, including for the following service users:
 - a. SU:1;
 - b. SU:2;

- c. SU:3;
- d. SU:4;
- e. SU:5;
- f. SU:6.

2. In relation to Child Q and/or Child Q's siblings, you:

- a. Failed to undertake and/or make any or any adequate record of statutory visits between January 2015 and March 2015;
- b. Failed to undertake and/ or make any or any adequate record of Core Group meetings ("CGMs") between January 2015 and March 2015;
- c. Failed to adequately follow up on the issue of Child Q's nonattendance at health appointments;
- d. Failed to undertake and/or make any or any adequate record of Children in Need ("CIN") meetings between March and August 2015;
- e. Not proved.

3. The matters set out in Paragraphs 1 and 2 constitute misconduct and/or lack of competence.

4. By reason of your misconduct and/or lack of competence, your fitness to practise as a Social Worker is impaired.

The final hearing panel on 9 October 2019 determined the following with regard to impairment:

"Having determined that the Registrant's conduct, as found proved, amounted to misconduct, the Panel proceeded to consider whether the Registrant's fitness to practise is impaired by reason of that misconduct. The Panel was aware that what is to be assessed is the Registrant's current fitness to practise. In considering this issue, the Panel considered and applied the principles stated by Mrs Justice Cox in the case of the Council for Healthcare Regulatory Excellence v Nursing and Midwifery Council; Paula Grant (2011) EWHC 927 (Admin). In particular, the Panel considered whether there was a risk that the Registrant would in the future act in a way similar to that found proved. The Panel also considered whether public confidence in the profession, in the HCPC as its Regulator, and the need to maintain proper standards of conduct would be undermined if a finding of current impairment was not made.

The Panel concluded that the Registrant's current fitness to practise is impaired by reason of his misconduct. In coming to this conclusion, the Panel took into account the following:

- The Registrant has not engaged with the HCPC as regards this hearing and has not produced any evidence of remorse, contrition, or remediation;*
- Having regard to the repeated failings that have been identified, which occurred over an extended period, the Panel concluded that the risk of repetition is high and, if repeated, could put service users at a serious risk of unwarranted harm.*
- Moreover, the likely repetition of the Registrant's failings could bring the profession of Social Work into disrepute and would also breach fundamental obligations of the profession.*

The Panel also considered that public confidence in the profession of Social Work and in the HCPC as its regulator would be undermined if a finding of impairment was not made. The matters found proved were serious failings which carried serious risk of harm to service users. The Panel also considered that a finding of current impairment was necessary in order to maintain proper standards within the profession."

The final hearing panel on 9 October 2020 determined the following with regard to sanction:

"Having concluded that the Registrant's fitness to practise is impaired, the Panel proceeded to consider what, if any, Order is appropriate and proportionate to protect the public and to safeguard the public interest.

Mr Millin made submissions on behalf of the HCPC. He emphasised that the decision as to the appropriate sanction to be imposed was a matter for the judgement of the Panel. However, he identified a number of conditions that the Panel might consider in the event that they were minded imposing a Conditions of Practice Order. He reminded the Panel of the principle of proportionality. He said that the Panel should have regard to the Sanctions Policy (SP) published by the HCPC in March 2019. He reminded the Panel that it should have regard to both aggravating and mitigating factors.

The Panel considered all the submissions and evidence that it had heard and read. It accepted the advice of the Legal Assessor. It took account of the SP. It kept in mind that the purpose of a sanction was not to be punitive but to protect the public and the public interest.

The Panel took into account the principles of proportionality, balancing the interests of the Registrant with the public interest.

The Panel also took into account the relevant aggravating and mitigating factors.

As regards the aggravating factors, the Panel noted the following:

- The failure by the Registrant to engage with the HCPC and the complete lack of evidence as to any insight, remorse, or remediation;*
- The number of failings found proved occurred over a significant period of time and related to fundamental aspects of social work;*
- The high risk of repetition, as there was no evidence of any remediation;*
- Similar issues had been identified by his previous employer;*
- The failures continued even though the Registrant had been afforded protected time and admin support;*
- If the Registrant had concluded that he was unable to perform all the tasks despite the support offered, he should have done more to bring that to the attention of his manager;*
- The Registrant's failings potentially put service users at a serious risk of unwarranted harm. The Registrant, as an experienced Social Worker, must have been aware of this;*
- Child Q was a very vulnerable service user and yet there was a failure on the Registrant's part to safeguard her;*
- The Registrant was an Assistant Team Manager who had a responsibility to set a good example of performance to the social workers for whom he had a managerial responsibility. This he failed to do.*

As regards the mitigating factors, the Panel noted the following:

- There appeared to be systemic failures within the Council which may have contributed to the Registrant's own failings;*
- The case of Child Q and her siblings should not have been allocated to the Registrant as an Assistant Team Manager. It was poor practice that the Registrant was asked to hold a case load of this complexity alongside his management duties;*
- The Registrant's working environment was particularly turbulent. Relevant factors included resource constraints, staff 'churn', and the fact that the Registrant was often required to deal with emergencies;*
- The Registrant was well-regarded by social workers for whom he was responsible. It was said that he was helpful and supportive of other members of the team.*

The Panel, having taken account of the mitigating and aggravating factors outlined above, considered that a sanction was necessary in order to protect the public and the

public interest, maintain public confidence, and to uphold professional standards.

The Panel concluded that to take no action would be wrong. Such an outcome would be wholly inappropriate having regard to the facts of the case. It would not protect the public or maintain public confidence in the profession or in the HCPC as its Regulator.

The Panel came to the same conclusion as regards a Caution Order. The Registrant's failings were not isolated, limited, or relatively minor in character. The risk of repetition was high and there was no evidence of remediation or of insight.

The Panel concluded that mediation is inappropriate in a case of this kind.

The Panel next considered making a Conditions of Practice Order. It took into account the guidance in the SP. After very careful consideration, the Panel concluded that a Conditions of Practice Order would not protect the public or address the public interest. In coming to this conclusion, the Panel took into account the following:

- The Registrant has not engaged with these proceedings. He has provided no evidence of insight, remorse, remediation, or contrition;*
- In the absence of the Registrant's engagement with the HCPC, the Panel could not be confident that the Registrant was genuinely committed to resolving the concerns raised or would comply with any conditions imposed.*

The Panel next considered the imposition of Suspension Order. It concluded that a Suspension Order was the appropriate sanction in this case. In coming to this conclusion, the Panel took into account the following:

- The Registrant's failings, though serious and persistent, were in principle remediable;*
- The Registrant was an experienced and knowledgeable Social Worker, and it was in the public interest that he should be given the opportunity to address his failings and show that he could practise safely and effectively. A Suspension Order would give the Registrant the time to demonstrate his commitment to remediating his failings;*
- The Registrant's failings are serious and cannot be reasonably addressed by a Conditions of Practice Order without engagement and agreed compliance.*

The Panel determined that the Suspension Order should be for a period of six months. The Panel considered that this would satisfy the public interest and the need to protect the public. It would also give the Registrant sufficient time to address his failings and to satisfy a reviewing panel of his ability to practise safely and effectively.

The Panel did consider making a Striking Off Order, but in view of all the considerations identified above it concluded that such an Order would be disproportionate and was not required for public protection or public interest reasons.

The Order will be reviewed before its expiry. The Panel considered that the reviewing panel might be assisted by the following:

- The Registrant's active engagement with the HCPC review process;*
- A written reflective piece from the Registrant setting out the insight that he has gained from the Panel's findings, how he proposes to remediate his failings, and what he has learnt from this experience, including his understanding of the impact that his failings had on service users and which they might have on the reputation of the profession of Social Work;*
- Relevant testimonials and references, both personal and those from any paid or unpaid occupation;*
- Evidence of how he has kept his skills and knowledge base up- to-date and evidence of any Continuing Professional Development (CPD) that he has undertaken."*

Submissions on current impairment and sanction:

12. Ms Chaplin on behalf of Social Work England submitted that Mr Tasker had not made any attempt to engage with the final hearing panel's decision on suspension and the points set out by them as a means of remediating his failings. None of the matters referred to by the final hearing panel had been addressed by him and his only response to today's review was to take issue with the notice given to him. On 25 February 2021, Mr Tasker told Social Work England that he had retired from social work practice. He said that he wished to deregister.
13. Mr Tasker had not devoted any attention to the breaches of standards identified by the final hearing panel and his misconduct, in particular, when it was pointed out to him that acting in the best interests of service users and keeping records appropriately and communicating effectively were areas where he could show insight and remediation. The final hearing panel had given him the means of coming to this review with evidence of his having addressed the risks created to service users and in particular to child Q. The misconduct identified by the final hearing panel had extended over a lengthy period from November 2014 to January 2016. In respect of child Q, the very vulnerable child had been failed for a period of six weeks. The final hearing panel had determined that public confidence in the profession would be undermined were a finding of impairment not made in the circumstances.
14. Ms Chaplin submitted that the risk of Mr Tasker repeating his failings remained high. He had not taken any steps to address his failings despite reminder letters sent to him by Social Work England by post and email. She said it was unclear if he even accepts the findings made against them. In any event, Ms Chaplin said that Mr Tasker's failure to demonstrate remorse, remediation and insight into what went wrong meant that his fitness to practice remains currently impaired. The circumstances found by the final hearing panel have not significantly changed since that time.

15. For those reasons, Ms Chaplin submitted that Social Work England invited the panel to consider a removal order. A six-month suspension order had been specifically imposed to give Mr Tasker sufficient time to address his failings and to satisfy this panel of his ability to practice safely and effectively without a restriction. He has not acted on any of the recommendations. Recently, he has indicated that he now wishes to be removed from the register as he has retired. In Ms Chaplin's submissions, it was difficult to see what a further period of suspension would achieve, assuming that no lesser sanction was proportionate and appropriate. She said that Mr Tasker showed no intention to engage with the process and to engage with conditions of practice as a means of securing his readmission to the profession. Voluntary removal was not available to Mr Tasker due to the continuing fitness to practice proceedings. She said that in Social Work England's view, Mr Tasker has been given every opportunity to demonstrate that he can practice safely but he is unwilling to address his failings and unwilling to improve his practice. In the light of the current risks to the public and the fundamental and serious risk to service users, only a removal order was proportionate and appropriate. Ms Chaplin submitted that public confidence on the whole would be undermined if it were not demonstrated to the public that these matters were taken seriously by the panel. In all circumstances, the proportionate order is one of removal.

Panel decision and reasons on current impairment:

16. The panel accepted the advice of the legal adviser who referred to the Sanctions Guidance which panels should have regard to. He further advised that the persuasive burden rested on a social worker who was subject to a final order or review. In particular, Mr Tasker would need to satisfy the review panel that all of his past failings and shortcomings had been fully addressed and remedied so that service users were no longer at risk were he to return to unrestricted practice, that the public trust and confidence in the profession would not be damaged by his return to unrestricted practice and that the public interest in the declaring and upholding of proper professional standards for social workers in England would not be undermined by his unrestricted return to practice.

17. 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 had regard to all of the documentation before it, including the decision and reasons of the original panel. There was no new information apart from Mr Tasker's brief indication that he now wished to deregister. The panel also took account of the submissions made by Ms Chaplin on behalf of Social Work England.

18. The panel determined that Mr Tasker's fitness to practise is currently impaired. His failings are, in principle, remediable but there is no evidence that he has taken any steps to begin remediation. There is no evidence of remorse or insight and there is no evidence of a willingness by him to remedy his practice. He has not provided the panel with any evidence to show that any positive steps have been taken by him, despite the fact that the final hearing panel provided him with clearly signposted recommendations which would have helped him. The recommendations in themselves were not onerous. Given his years of experience and his previous practice at a senior level, acting as a manager the recommendations set out were well within his reach.
19. The panel considered that Mr Tasker had not been asked to do anything that lay beyond its capacity given his degree of experience and years of good practice. In his circumstances, a reflective piece as recommended by the final hearing panel could be regarded as undemanding and the panel would have expected him to have appreciated the risks that he had created for child Q over a period of six weeks. Mr Tasker had not given any evidence of his appreciation of the risks that service users had been placed in by his inadequate record-keeping and supervision records between 2014 and 2016. He had a history of good professional practice, as evidenced by the good testimonials that were available to the final hearing panel. That panel had found a number of mitigating factors. The panel considered that Mr Tasker's failure to address any of the recommendations, might indicate that he does not accept the findings made against him. Even if his settled intention was to retire from professional practice, he could readily have demonstrated sufficient remediation that would justify the panel in finding that all of the risks identified had been mitigated to the extent that a lesser sanction could be identified, leading to a return to the register unrestricted in due course. It would not be necessary for Mr Tasker to be working as a social worker in order to achieve this.
20. In all the circumstances the panel found that Mr Tasker had not satisfied the burden on him to persuade the panel that all of his past failings and wrongdoing had been remediated so that he was no longer a risk to service users and the public and he did not create a risk in the public's mind that the profession and its regulator would be diminished in standing.

Decision and reasons on sanction:

21. Having found Mr Tasker'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.
22. The panel considered the submissions made by Ms Chaplin on behalf of Social Work England, during which she invited the panel to consider imposing a removal order. The panel also took into account the Sanctions Guidance published by Social Work England.

23. The panel was mindful that the purpose of any sanction is not to punish Mr Tasker, 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 Tasker's interests with the public interest and by considering each available sanction in ascending order of severity.

No Action

24. The panel concluded that, in view of the nature and seriousness of Mr Tasker's impairment which has not been remedied, and in the absence of exceptional circumstances, it would be inappropriate to take no action. Furthermore, it would be insufficient to protect the public, maintain public confidence and uphold the reputation of the profession.

Advice or Warning

25. The panel then considered whether to issue advice or a warning. The panel noted that neither of these sanctions would restrict Mr Tasker's ability to practise and is therefore not appropriate where there is a current risk to public safety. In any event, the deficiencies in Mr Tasker's practise had the potential to have wide-ranging adverse consequences and therefore some restriction on his practise is required. Therefore, the panel concluded that issuing advice or a warning would be inappropriate and insufficient to meet the public interest.

Conditions of Practice Order

26. The panel went on to consider a conditions of practice order. The panel took the view that Mr Tasker's deficiencies are potentially capable of being remedied and was satisfied that, in theory, appropriate, workable conditions could be formulated. However, in circumstances where he has not shown any insight and, on the face of it, made any attempt to engage with the list of recommendations made by the final hearing panel, the panel considered that it could not identify conditions which were workable and measurable. The public would not be adequately protected by a conditions of practice order where there was no evidence that Mr Tasker would engage with them.

Suspension Order

27. Having determined that a conditions of practice order would not be appropriate, the panel considered whether the appropriate sanction is a suspension order. A suspension order would prevent Mr Tasker from practising during the suspension period, which would therefore protect the public and the wider public interest. However, Mr Tasker has not engaged in any material way with the existing suspension order. The panel

considered that there was no evidence that another period of suspension would achieve a significant change in Mr Tasker's willingness to address his failings. There was, in the panel's view, a serious and significant risk that the public would regard such a sanction as diminishing the trust and confidence that it placed in the regulator to take seriously the risks caused to service users and the public by failings such as Mr Tasker's. There was a danger that the public might perceive such a sanction as prioritising Mr Tasker's interests above the interests in maintaining the public's trust and confidence and in declaring and upholding proper standards for social workers in England.

Removal Order

28. 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 and proportionate in Mr Tasker's case. The panel considered that only a removal order would meet all the risks to the public and also support the public's trust and confidence in social workers in England.

Right of Appeal:

29. Under paragraph 16 (1) (b) of schedule 2, part 5 of the Social Workers Regulations 2018, 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.

30. Under regulation 16 (2) schedule 2, part 5 of the Social Workers Regulations 2018 an appeal must be made within 28 days of the day on which the social worker is notified of the decision complained of.

31. Under regulation 9(4), part 3 (Registration of social workers) of the Social Workers Regulations 2018, this order can only be recorded on the register 28 days after the social worker was informed of the decision or, if the social worker appeals within 28 days, when that appeal is exhausted.

This notice is served in accordance with rules 44 and 45 of the Social Work England Fitness to Practice Rules 2019. Review of final orders

32. Under regulation 15 (2) and 15 (3) of schedule 2, part 4 of the Social Workers Regulations 2018:

- 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), and a final order does not have effect until after the expiry of that period.

33. Under rule 16 (aa) of Social Work England’s fitness to practise rules, a registered 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.