



Social Worker: Coreen Esnath Butler
Registration Number: SW41189
Fitness to Practise
Final Order Review Meeting:

Meeting Venue: Social Work England, Remote Meeting

Date of Meeting: Tuesday 29 September 2020

Final Order being reviewed: Suspension Order (12 months)

Hearing Outcome: Removal Order to come into effect at the expiry of the
current Suspension Order

Introduction and attendees:

1. This meeting was conducted remotely.
2. Ms Butler (hereafter “the social worker”) did not attend and was not represented.
3. Social Work England was represented by Capsticks LLP and they provided a written submission.

Adjudicators	Role
Lubna Shuja	Chair
Sarah Redmond	Social Worker Adjudicator
Robert Fish	Lay Adjudicator

Jyoti Chand/ Tom Stoker	Hearings Officer
Laura Merrill/ Simone Ferris	Hearing Support Officer
Sean Hammond	Legal Adviser

Service

4. The panel of adjudicators (hereafter “the panel”) had careful regard to the documents contained in the final order review hearing service bundle as follows:
 - A copy of the notice of final order review hearing dated 15 September 2020 and addressed to the social worker at her address as it appears on the Social Work England Register;
 - An extract from the Social Work England Register showing the social worker’s registered address;
 - A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 18 September 2020 the writer sent the Notice of Hearing and related documents by ordinary first-class post and special next day delivery to the social worker’s registered address; and

- A copy of the Royal Mail Track and Trace Document indicating “signed for” delivery to the Social Worker’s registered address on 19 September.

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 of the Social Work England (Fitness to Practice) Rules 2019 (hereafter “the Rules”) and all of the information before it in relation to the service of notice, the panel was satisfied that the Notice of Hearing had been served on the social worker in accordance with the Rules.

Proceeding by way of a Meeting:

7. The notice of final order review hearing informed the social worker that in line with the current government guidance concerning the COVID-19 virus (Coronavirus) pandemic, the review would take place electronically. The notice stated:

“If you wish to attend the electronic hearing, please confirm your intention by no later than 4pm on 24 September 2020. Unless we hear from you to the contrary, we shall assume that you will not be attending the electronic hearing and the adjudicators may decide to deal with the review as a meeting. If the adjudicators do hold a meeting, they 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 heard and accepted the advice of the legal adviser who referred the panel to Rule 16(c) of the Rules which provides:

“16(c): 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.”
9. The legal advisor also referred the panel to the guidance provided in the case of Adeogba v GMC [2016] EWCA Civ 162, which makes clear that the first question the panel should ask is whether all reasonable efforts have been taken to serve the social worker with notice. Thereafter, if the panel is satisfied on notice, the discretion whether or not to proceed must be exercised having regard to all the circumstances of which the panel is aware, with fairness to the social worker being a prime consideration, but balancing that with fairness to the regulator and the interests of the public.
10. The panel noted that there has been no response from the social worker to the notice of hearing.
11. In these circumstances, the panel had no reason to believe that an adjournment would result in the social worker’s attendance. In reaching this decision, the panel noted that the social worker has not engaged with the regulatory process since the imposition of the final suspension order originally imposed for a period of 12

months by a Fitness to Practise Committee of the Health and Care Professions Council (hereafter “HCPC”) on 18 October 2019. The panel was satisfied that the social worker had voluntarily absented herself.

12. Having weighed the interests of the social worker with those of Social Work England, and the public interest in the expeditious disposal of this mandatory review of a final order due to expire on 14 November 2020, the panel determined it was fair and appropriate to proceed in the social worker’s absence and to conduct this matter as a meeting.
13. Accordingly, the panel determined that it would be fair and appropriate to conduct the review in the form of a meeting in accordance with Rule 16(c) of the Rules.

Review of the current order:

14. This final order review hearing falls under the Transitional and Savings Provisions (Social Workers) Regulations 2019. As a result, the review will be determined in accordance with Schedule 2 paragraph 15 of the Social Workers Regulations 2018 (hereafter “the Regulations”) and Social Work England’s Fitness to Practise Rules.
15. This is the first review of a final suspension order originally imposed for a period of 12 months by a Fitness to Practise Committee of the HCPC on 18 October 2019.
16. The current order is due to expire at the end of 14 November 2020.

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

Whilst registered as a Social Worker and during the course of your employment with the Salford City Council and Salford Health and Social Care Division of the Salford Royal NHS Foundation Trust, you:

- 1. In relation to Service User 1, who was allocated to you on 31 October 2016 and was found to be in a state of neglect on 11 January 2017:*
 - a. Did not undertake and/or record any visits to Service User 1 after 11 November 2016;*
 - b. Did not:*
 - (i) arrange and/or record arranging for Amadeus to assess Service User 1;*
 - (ii) complete and/or record a support plan for Service User 1.*
 - c. Did not complete and/or arrange a Mental Capacity Assessment of Service User 1;*
 - d. Did not communicate and/or record communicating any concerns about Service User 1 to the care agency providing care for Service User 1;*
 - e. Did not liaise and/or record liaising with the housing team to highlight the risk of fire at Service User 1's property and Service User 1's limited mobility, despite being directed to at the Multi-Disciplinary Group Meeting ('MDG') held on 29 November 2016.*
 - f. Did not make and/or record any referrals to the:*

- (i) fire service;*
- (ii) bowel and bladder service; and/or*
- (iii) the district nurses.*

2. In respect of Service User 2, who was allocated to you on 06 June 2016:

- a. Did not visit and/or record a visit to Service User 2 other than on 10 June 2016 for an initial assessment;*
- b. Did not implement the support plan which was due to begin on 8 July 2016;*
- c. Closed the case when it was not appropriate to do so.*

3. In respect of Service User 3, who was allocated to you on 05 July 2016:

- a. Did not make and/or record a 'Carers Personal Budget' (CPB) application for Service User 3's wife;*
- b. Did not contact and/or record that you had contacted the hospital and/or Service User 3's family for an update, following Service User 3's admission to hospital on 21 January 2017.*
- c. Did not record any observations after 5 September 2016.*

4. In respect of Service User 5, who was allocated to you on 25 July 2016:

- a. Did not complete and/or record an Independence Led Assessment;*
- b. Did not inform Sevacare to restart support following Service User 5's discharge from hospital on:*
 - (i) 9 September 2016; and/or*
 - (ii) On or around 29 September 2016.*
- c. Did not involve Sevacare in the review of 23 August 2016;*
- d. Did not take action in a timely fashion after receipt of the ambulance welfare notice on or around 12 September 2016;*
- e. Completed a support plan on 17 January 2017, which was:*
 - (i) a duplicate of the previous support plan, and/or*
 - (ii) without reassessing Service User 5;*
- f. Completed a self-assessment questionnaire and/or personal budget without visiting Service User 5;*
- g. Closed the case on 20 January 2017 without contacting Service User 5 and/or his wife.*

5. In respect of Service User 6 who was allocated to you on 31 October 2016:

- a. Did not undertake and/or record a visit to Service User 6;*
- b. Did not undertake and/or record a capacity assessment of Service User 6;*

6. In respect of Service User 7, who was allocated to you on 21 December 2016:

- a. Did not complete and/or record an Independence Led Assessment;*
- b. Did not complete and/or record a Supported Self-Assessment Questionnaire;*
- c. Did not identify Service User 7's risks or desired outcomes in the support plan of 21 December 2016;*
- d. Did not contact and/or record contacting Service User 7 and/or Service User 7's family to review the care package.*

7. In respect of Service User 8, who was allocated to you on 10 February 2016:

- a. Did not complete and/or record an Independence Led Assessment;
- b. Did not complete and/or record a self-assessment questionnaire;
- c. Did not contact and/or record contacting Service User 8 and/or their family after the new care provider commenced care for Service User 8 on 18 February 2016;
- d. Did not complete and/or record a review following the new care provider commencing care for Service User 8 on 18 February 2016;
- e. Did not identify Service User 8's risks and/or desired outcomes in the support plan of 10 February 2016;

8. In respect of Service User 10, who was allocated to you on 02 December 2016:

- a. Did not complete and/or record an Independence Led Assessment;
- b. Did not review and/or record reviewing whether any further support and/or intervention was required after Service User 10 returned home following emergency respite care.
- c. Did not identify Service User 10's risks and/or desired outcomes in the support plan of 2 December 2016;
- d. Did not record any observations after 13 December 2016.

9. In respect of Service User 11, who was allocated to you on 24 October 2016:

- a. Did not complete and/or record an Independence Led Assessment;
- b. Did not complete and/or record a self-assessment questionnaire;
- c. Did not complete and/or record an indicative amount and/or personal budget.
- d. Did not follow and/or record following the self-neglect process, despite concerns about self-neglect being raised at a Professionals Meeting held on or around 23 November 2016;
- e. Did not contact and/or record contacting Service User 11's GP to request a referral to the Memory Assessment Team following a Professionals' Meeting held on or around 23 November 2016.

10. In respect of Service User 12, who was allocated to you on 04 November 2016, did not take and/or record taking any action following an initial telephone call to Service User 12's niece on 04 November 2016.

11. In respect of Service User 13, who was allocated to you on 10 February 2016:

- a. Did not complete and/or record an Independence Led Assessment;
- b. Did not complete and/or record a supported self-assessment questionnaire;
- c. Did not complete and/or record a personal budget;
- d. Did not sign off the support plan until 02 June 2016, despite its start date being 22 February 2016;
- e. (Not Proved)

12. (Not Proved)

13. The facts as described in paragraphs 1 - 12 constitute misconduct and/or lack of competence.

14. By reason of that misconduct and/or lack of competence, your fitness to practise is impaired.

Background:

17. The social worker commenced her employment as a qualified social worker with Salford City Council (hereafter “the Council”) in 2002. The team in which she was working became part of the Salford City Council and Salford Health and Social Care Division of the Salford Royal NHS Foundation Trust (hereafter “the Trust”) in July 2016.
18. The social worker was employed within the Irlam Integrated Team (hereafter “the Team”) as a Level 3 Social Worker at the time of the incident involving service user 1 (hereafter “SU1”) on 11 January 2017. The social worker had transferred to this team in June 2016, upon her return from three months sickness absence.
19. Concerns regarding the social worker’s case management came to light on 12 January 2017, when the Team received an Ambulance Welfare Notice and a Police Welfare Notice regarding an incident involving SU1 the previous day. SU1 had been allocated to the social worker as part of her caseload on 31 October 2016.
20. As a result of these notices, a Safeguarding Strategy Meeting was held on 18 January 2017.
21. At the end of January 2017, the social worker’s immediate line manager undertook an audit of the social worker’s then current caseload. The Trust subsequently undertook a more in-depth audit of the cases held by the social worker in the previous 12 months.
22. From this wider audit, the Trust identified the social worker’s frequency of interaction with service users, the carrying out and recording of any assessments undertaken (including support plans), and whether any safeguarding concerns could be identified. The entries on the online recording system called ‘CareFirst’ were used in the preparation of this audit report. The results of that audit resulted in a referral to the HCPC.

The final hearing panel on 18 October 2019 determined the following with regard to impairment:

23. The panel noted that the final hearing panel found all parts of the allegation proved save for parts: 11(e) and 12. Furthermore, in relation to those parts of the allegation found proved, the final hearing panel determined that the following amounted to misconduct: 1(a)-(b), 1(d)-(f)(i), 2(c), 3(a), 3(c), 4(a), 4(b)(i), 4(d), 4(e)(i)-(ii), 4(f)-(g), 5(a)-(b), 6(a)-(d), 7(e), 8(a)-(d), 9(a)-(e), 10 and 11(a)-(c).
24. In relation to impairment, the final hearing panel determined:

“164. Having found that there are matters on which it can make a finding of misconduct, the Panel moved on to establish whether, in light of the information before it, the Registrant’s fitness to practise is currently impaired.

165. The Panel noted the HCPC’s representations that there had been little by way of acknowledgement by the Registrant of her responsibility and any steps taken by her in acknowledgement of failure to discharge that responsibility. The HCPC stated that the public would be appalled if it saw the photographs which had been taken of the living conditions in which Service User 1 had been found. The public would rightly be concerned if there were not a finding of impairment on the public component.

166. The Panel appreciated that it was considering two elements when reaching its decision: the personal and the public components. The Panel has received detailed advice on these matters from the Legal Assessor and started by considering the evidence that the Registrant has taken steps to address her misconduct. The Panel appreciates that matters of a pure personal nature should not be used to downgrade a finding of impairment and may be a matter which might more properly go to Sanction.

*167. The Panel took into consideration the information supplied by the Registrant in her emailed representations. This disclosed the fact that the Registrant had not worked as a social worker since the referral to the HCPC which had resulted in an interim suspension order being imposed, a matter which the Panel put from its mind. The Registrant’s representations did not indicate whether the Registrant had been working within a social work environment, nor does it disclose whether the Registrant had been taking steps to keep her professional knowledge and skills up to date. The Registrant in her representations to the Panel states:
‘I made the poor judgment and decision to come into work even when I was not feeling well and I used my leave and flexi time as much as I could. Again, my stress levels were high and I was in a vicious circle. I regret this decision it was irresponsible and in doing so I put service users in my care at risk [and] for this [I] am truly sorry.’*

168. The Panel has accepted that the Registrant has gained and displayed some insight into the underlying reasons for her misconduct. She has expressed regret that her poor management of her health and work situation has impacted on her professional performance. She has not however demonstrated that she understands how this had actually had an impact on her service users or her employer or colleagues. Her representations were inward looking and concentrated on the management failings and her health. There was no evidence of any objective reflection. The Registrant has not provided the Panel with any information that would assist it in determining that she has completely accepted that there are failings and taken corrective action such that there would not be a repetition of the misconduct. The Panel has therefore concluded that the Registrant is currently impaired on the personal component of its decision.

169. The Panel has also come to the conclusion that there is current impairment on the public component. Its reasons are that the failings were so widespread and over

such a period of time that it would be a matter of public concern if this registrant were allowed to remain in practice without some mark of censure or restriction on her practise. The incident of service user 1 was so serious that it had resulted in a Police referral and then a Safeguarding investigation. It is accepted that as an organisational issue there was insufficient guidance on the issue of self-neglect. Nonetheless, the Registrant had not identified that there should have been greater intervention and control of this particular case and this reflects adversely on her and her profession and the public confidence in her and her profession.”

The final hearing panel on 18 October 2019 determined the following with regard to sanction:

“171. The Panel appreciated that at this stage it was determining the least restrictive sanction to impose that would balance the interests of the Registrant and her ability to return to safe practice, with those of service users and the wider public interest, in other words, applying the principles of proportionality.

172. The HCPC stated that the issue of sanction is of course a matter for the Panel. However, it was submitted, that this was a case involving a case of self-neglect by a service user and multiple instances of failure to act and/or to record all of which had the potential to cause service user harm and, in some instances, had. This was therefore a case that may warrant a serious sanction in the public interest and to provide service user protection.

173. As advised by the Legal Assessor the Panel has taken into account the guidance contained in the Sanctions Policy, the edition which came into effect in July 2019. It noted in particular the section of that Policy in relation to the issue of equality and diversity and how it should be reflected in the Panel’s decision making and recording of decision.

174. The Panel noted the content of the email communication from the Registrant received by the Panel in July in which the Registrant focused on the personal and organisational obstacles which had interfered with her performance. At this stage, the Panel gave very close attention to the correlation between caseload, performance and absences to establish what was a reasonable expectation of her in those circumstances.

175. To assist it with its consideration of what is the proportionate and appropriate sanction in this case the Panel identified the following aggravating and mitigating elements:

Aggravating factors:

- *Actual service user harm.*
- *Seriousness of failings.*
- *Not an isolated incident.*

- *Limited insight.*
- *Risk of repetition.*
- *No evidence of remedial action.*
- *Limited contrition/remorse.*
- *15 years' experience as a Social Worker which should have enabled her to recognise the impact of her failings.*
- *Failure to inform colleagues of the need for action for planned absences.*
- *No engagement with this hearing except limited representations sent during the July hearing.*
- *No evidence of keeping professional skills up to date.*

Mitigating features:

- *No previous HCPC fitness to practise referrals.*
- *High number of cases held by the Registrant, having regard to the extent of her absences.*
- *The acceptable management of some of her caseload by the Registrant despite her frequent absences.*
- *Subsequent recognition by the Registrant that she had not planned the progression of some of her caseload.*
- *Management's lack of oversight of the Registrant's caseload when the Registrant was absent.*
- *Lack of organisational recognition, understanding, or policy, regarding self-neglect before the events involving service user 1.*
- *Changes in professional practices and procedures such as change of employer, introduction of overlapping forms and policies, duplication of Social Workers' email accounts.*
- *Organisational and management failings such as, lack of full accurate absence records, immediate line managers not being fully aware of the Registrant's health, and lack of intervention by others, or other agencies such as the GP and the care service providers, in the case of service user 1.*
- *Inexperienced management.*
- *Frequent and several changes of manager.*

176. As advised, the Panel started its consideration of what is the proportionate and appropriate sanction in this case by starting with the least restrictive measures of taking no action or offering mediation. The Panel considered that given the seriousness of this matter and the lack of any public protection this level of restriction would provide it was neither proportionate nor appropriate. Mediation was not practicable or appropriate.

177. In considering whether a Caution Order should be imposed, the Panel noted the following parts of the Sanctions policy which state at paragraph 101:

A Caution Order is likely to be an appropriate sanction in cases in which:

- *the issue is isolated, limited, or relatively minor in nature;*
- *there is low risk of repetition;*
- *the registrant has shown good insight; and*

- *the registrant has undertaken appropriate remediation.*

178. The Panel has concluded that it is inappropriate to impose a Caution Order in this case where there is no evidence of any remediation, the failings are wide ranging and numerous, and there remains a likelihood of repetition. A Caution Order would not provide the requisite level of service user protection. Further, this level of sanction would be insufficient to mark the public concern and the public interest in this case.

179. The Panel noted the Legal Assessor's guidance that whilst conditions of practice normally focus on the need to monitor and restrict a registrant's performance whilst in practice, they can also be fashioned in anticipation of return to practice, and to address personal and professional deficiencies. The Panel noted the guidance within the Sanctions Policy which states that conditions will only be effective in cases where a registrant is genuinely committed to resolving the concerns raised and a panel is confident they will do so.

180. There is no evidence before this Panel that the Registrant would be willing and able to comply with any conditions. Also, there is insufficient evidence before the Panel as to whether she is well enough to undertake a program of personal development, or to resume work now, or indeed in the future. The Panel considered that the Registrant's issues are wide ranging, and too complex to be addressed in this way, at this time. The Panel has therefore concluded that this level of sanction is not appropriate. Further, given the lack of evidence that the Registrant has gained full insight into her failings, and the lack of any measures taken to address those failings, a Conditions of Practice Order is not, in the Panel's view, proportionate.

181. The Panel went on to consider a Suspension Order. In this regard, the Panel considered whether the Registrant's actions were fundamentally incompatible with remaining on the Register. In other words, were the Registrant's acts and omissions so serious, so deplorable, that only a Striking Off Order would be proportionate and appropriate in the public interest. The Panel noted the large number of mitigating factors in this case. The Registrant's representations received by the Panel in July gave the Panel its first true insight into the Registrant and her role and current view of the matters alleged. It is from this communication that the Panel has identified the extent of the various factors that came together to influence events and more importantly the reasons why the Registrant had failed to maintain her standards of professional conduct. It is clear from the evidence this Panel received of the wider surrounding circumstances that the Registrant, whilst taking an inappropriate strategy to cope with her personal and work conditions, was to some degree in a position where she would inevitably fail. It is this which has persuaded the Panel that her conduct has just come within the realm of a suspension order rather than a striking off order.

182. The Panel has heard from the Registrant's colleagues that the Registrant had historically been a good social worker and had been relied on to undertake serious complex cases. The Registrant has expressed her pride in being a member of her profession. In its determination above, the Panel has considered the public

perception of the matters found proven, particularly in relation to the conditions in which service user 1 was found. It concluded that the Public would be appalled if it saw the photographs and the number of missed opportunities to change the course of that one particular case. The Registrant's actions from that perspective fell within the top end of serious. From that perspective, the Panel considered whether the public, in the knowledge of all the circumstances in which the Registrant found herself, and the role of others in the matters found proven, would wish, or demand, a more serious sanction than suspension. The Panel has come to the conclusion that the public would not. Whilst the reputation of the profession has undoubtedly been tarnished by the Registrant's acts and omissions it would not be in her profession's interest, or the wider public interest for this former able practitioner to leave it on a permanent basis at this time without the opportunity to undertake remediation and gain full insight into her conduct.

183. The Panel has given consideration to the issue of whether to impose a striking off order but, for the same reasons that it considers that a suspension order is proportionate, that is the extent of the various mitigating factors, the Panel has come to the conclusion that to strike off the Registrant would be disproportionate in this instance.

184. The Panel considered that the suspension should be for the maximum period of twelve months. Such a period is in the Panel's view sufficient for the Registrant to be able to undertake the measures which are required to demonstrate her ability to return to safe practice. In particular a period in which to gain full insight into her acts and omissions and the impact these had on service users and colleagues.

185. Whilst the Panel is unable to restrict or direct what a future reviewing Panel would wish to see by way of evidence from the Registrant of remediation this Panel considers that it would be in the Registrant's interests to produce to any future reviewing Panel the following information:

- A reflective piece of writing in which the Registrant demonstrates her understanding and acceptance of her role in the matters that led to these professional regulatory proceedings. This reflective piece should also identify the ways in which the Registrant has assessed and addressed her responsibility for maintaining her wellbeing and how she would approach similar events to those of 2016 and 2017 differently from this perspective of her wellbeing. This reflective piece should also feature the steps which the Registrant has taken to ensure that there would not be any repetition of her former misconduct, particularly in respect of the lack of record keeping and failing to complete assessments.*
- Up to date medical report, or reports, as to her current and historic medical conditions.*
- The Registrant's attendance at a future review hearing is considered important. If however the Registrant is unable to attend the review hearing then it is in her interests to provide evidence of the reasons why she is unable to attend and*

the extent to which those reasons may also impact on her ability to return to practice in the future. In this regard, the Registrant should be aware that she is able to call for a hearing closer to home or can participate in a review hearing by way of video conference or by telephone.

- *The Registrant should provide the reviewing panel with evidence of the ways she has kept her professional skills and knowledge up to date.*
- *Testimonials should be provided including some from current or former social worker colleagues. The Registrant should also provide evidence of her ability to work without cause for concern from all or any employers since 2017. This includes any employer, not just within the social care environment.”*

Today's submissions:

Social Work England:

25. Capsticks LLP made the following written submissions on behalf of Social Work England:

“Social Work England will submit that a Removal Order is appropriate in this case. The previous Panel found that the Social Worker’s fitness to practise was impaired by reason of misconduct. This misconduct took place over a significant period of time and affected a large number of service users. The Social Worker’s failings caused actual harm to a service user. The Social Worker demonstrated limited insight and limited remorse in written correspondence during the substantive hearing however, she demonstrated no remediation.

The previous Panel confirmed that it would not be in the profession’s interest or public interest for the Social Worker to be permanently removed without an opportunity to demonstrate remorse, remediation and further insight. Social Work England have not received any evidence of the same from the Social Worker since the last hearing, despite requests for this evidence. The Social Worker has failed to act upon any of the recommendations made by the previous Panel.

It is submitted therefore that a Removal Order, despite being an order of last resort, is the appropriate order.”

Social Worker:

26. The social worker has not engaged with Social Work England and has not provided any written submissions or evidence for the consideration of the panel.

Panel decision and reasons on current impairment:

27. In considering the question of current impairment, the panel undertook a comprehensive review of the final order in light of the current circumstances. It

took into account the decision of the final hearing panel. However, it has exercised its own judgement in relation to the question of current impairment.

28. The panel heard and accepted the advice of the legal adviser.
29. The panel first considered whether the social worker's fitness to practise remains impaired. The panel noted that at a review of a final order, there is a persuasive burden on the social worker to demonstrate to the panel that her fitness to practise is not currently impaired.
30. In the panel's view, the allegations found proved in this case were very serious and wide ranging and resulted in actual harm to a vulnerable service user. The panel was satisfied that the social worker's actions fell far below the standards expected of a social worker and were capable of damaging public confidence in the profession.
31. The panel noted that the final hearing panel provided the social worker with clear and comprehensive guidance at paragraph 185 of its decision in relation to the evidence of remediation that would assist this reviewing panel. However, the social worker has not engaged in any way and has not followed any of the recommendations. In the absence of any such evidence, and having regard to the persuasive burden on the social worker to demonstrate that her fitness to practice is not currently impaired, the panel determined that there remains a risk of repetition of the misconduct and an on-going risk to vulnerable service users.
32. The panel was mindful that the protection of the public is the overarching objective of Social Work England. Protection of the public has three elements: to protect, promote and maintain the health, safety and wellbeing of the public; to promote and maintain public confidence in social workers in England; and to promote and maintain proper professional standards for social workers in England.
33. The panel has therefore concluded that the social worker's fitness to practise remains impaired. The panel was satisfied that a finding of current impairment was necessary to protect the public and that all three limbs of the test are engaged.

Decision and reasons on sanction:

34. Having found the social worker'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 written submissions made by Social Work England along with all of the information provided in the final review hearing bundle. The panel also had regard to the sanctions guidance published by Social Work England.
35. The panel accepted the advice of the legal adviser.
36. 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 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 the social worker's

interests with the public interest and by considering each available sanction in ascending order of severity.

No Action

37. The panel concluded that, in the absence of exceptional circumstances, it would be inappropriate to take no action, in light of the nature of the finding of impairment and the continued risk of harm to service users. Furthermore, it would be insufficient to maintain public confidence and uphold the reputation of the profession.

Warning

38. The panel then considered whether to issue a warning. The panel noted that this sanction would not restrict the social worker's ability to practise and is therefore not appropriate as it would fail to adequately protect the public and meet the wider public interest concerns.

Conditions of Practice Order

39. The panel went on to consider a Conditions of Practice Order. The panel took the view that the misconduct identified at the final hearing remains capable of remediation. However, given the lack of engagement by the social worker with Social Work England, the panel has no information about the social worker's current situation, whether or not she has kept her skills and knowledge up to date or whether she is willing to engage with a conditions of practice order. In these circumstances, the panel concluded that a conditions of practice order would be unworkable. In reaching this decision, the panel took the view that the lack of progress made since the imposition of the suspension order was such that the set of conditions now required to protect the public would be tantamount to a suspension order.
40. The panel therefore concluded that it was not possible to formulate workable conditions that would be sufficient to protect the public and meet the wider public interest concerns.

Suspension Order

41. Having determined that a conditions of practice order would not be appropriate, the panel considered the imposition of a further suspension order. The social worker has already had a period of 12 months suspension from practice. During this period, notwithstanding the clear pathway to a return to practice set out by the final hearing panel, the social worker has chosen not to engage with Social Work England and has provided no evidence of remediation or insight into her failings. The panel therefore carefully considered whether a further period of suspension would serve any purpose and came to the conclusion that it would not. It considered that the social worker had been given ample opportunity to collate and provide any information to indicate if she wished to continue to practise. The previous panel had made it clear in its determination that the social worker's conduct had just come within the realm of a

suspension order rather than a striking off order, which had given a clear indication to the social worker as to how serious that panel had viewed her conduct.

Removal Order

42. 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. However, the panel took the view that, given the seriousness and wide-ranging nature of the misconduct found proved together with the social worker's lack of engagement with the regulatory process and failure to demonstrate remediation, a removal order would be the appropriate and proportionate sanction. There was no indication that the social worker had any intention of engaging with her regulator or that she intended to take action to address any of her failings. In the circumstances, the panel concluded that a removal order would ensure that the public was protected, whilst maintaining public confidence in the profession and upholding professional standards.
43. The panel therefore ordered that the social worker's name be removed from the Social Work England Register upon the expiry of the existing suspension order.

Right of Appeal:

1. Under paragraph 16 (1) (a) of schedule 2, part 5 of the Social Worker Regulations 2018, the social worker may appeal to the High Court against 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.
2. Under paragraph 16 (2) schedule 2, part 5 of the Social Worker 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.
3. Under regulation 9(4), part 3 (Registration of social workers) of the Social Worker 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.
4. 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:

5. Under paragraphs 15 (2) and 15 (3) of schedule 2, part 4 of the Social Worker 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.
6. 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.

European alert mechanism:

7. In accordance with Regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015, Social Work England will inform the competent authorities in all other EEA States that the social worker’s right to practise has been prohibited.
8. The social worker may appeal to the County Court against Social Work England’s decision to do so. Any appeal must be made within 28 days of the date when this notice is served on the social worker. This right of appeal is separate from the social worker’s right to appeal against the decision and order of the panel.

That concludes this determination.