

Social Worker: Sharon Lorraine  
Hughes  
Registration Number: SW55849  
Fitness to Practise  
Final Order Review Meeting:

Meeting Venue: Remote meeting

Date of meeting: Tuesday 13 October 2020

Final Order being reviewed: Suspension Order – (expiry: 26 November 2020)

Hearing Outcome: Removal Order - to take effect upon expiry.

## Introduction and attendees

1. This is a hearing of the Fitness to Practise Committee held under Part 5, Schedule 2 paragraph 15 of the Social Workers Regulations 2018 and Social Work England's Fitness to Practise Rules 2019.
2. 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 Health and Care Professions Council ('HCPC') on 29 October 2019.
3. Ms Hughes (hereafter 'the social worker') did not attend and was not represented.
4. Social Work England was represented by Capsticks LLP and their written submissions were set out within the Notice of Hearing letter.

| Adjudicators | Role                      |
|--------------|---------------------------|
| Ian Spafford | Chair                     |
| Ros Chapman  | social worker Adjudicator |
| Alan Meyrick | Lay Adjudicator           |

| Hearings Team/Legal Adviser | Role                    |
|-----------------------------|-------------------------|
| Jenna Keats                 | Hearings Officer        |
| Heather Hibbins             | Hearing Support Officer |
| Francesca Keen              | Legal Adviser           |

## Allegations

*Whilst registered as a Social Worker and during the course of your employment at Northamptonshire County Council:*

1. *In relation to Foster Child A you:*
  - a) *Placed Foster Child A with Foster Carers 1 and 2 on 9th June 2015 but did not provide them with sufficient information about Foster Child A until around 13 July 2015*
  - b) *Delayed the placement planning meeting originally scheduled on 12 June 2015 beyond procedural timescales*
  - c) *Arranged to visit Foster Child A on 25th June 2015 but:*

- i. *Did not attend the visit*
- ii. *Did not inform the Foster Carers of your change of plan*

*d) Arranged a LAC (Looked After Child) review meeting on or around 6th July 2015 without giving adequate notice to:*

- i. Foster Carer 1 and 2*
- ii. other relevant professionals*

*e) Breached confidentiality in that you provided Foster Child A's Foster Carers with medical information in relation to a different child*

*f) Did not respond to Foster Carer 1's emails requesting:*

- i. Information in relation to Foster Child A*
- ii. Support for Foster Child A*

*g) Did not respond to the Foster Carers concerns regarding the suitability of Foster Child A's placement*

*h) Did not arrange counselling for Foster Child A i) On 27 July 2015 you arranged for a sessional worker to attend Foster Child A's placement but:*

- i. Did not inform the Foster carers that you had arranged the visit*
- ii. Did not provide the sessional worker with information about Foster Child A*
- iii. Did not inform the sessional worker what she should be doing with Foster Child A*

*j) Did not provide the Foster Carers with details of the permanency planning meeting which took place on 29 July 2015*

*2) On or around 21 July 2015 you revealed the identity of Child B's adoptive family to Child B's birth family*

*3) The matters set out at paragraphs 1 - 2 constitute misconduct and/or lack of competence.*

*4) By reason of your misconduct and/or lack of competence your fitness to practise is impaired'*

5. The substantive hearing panel found particulars 1(a), 1(b) 1(c)i-ii, 1(e), 1(l)i-iii proved and that particulars 1(a) and 1(e) amounted to misconduct and that the Registrant's fitness to practise was impaired.
6. The substantive hearing panel did not find particulars 1(d)i-ii, 1(f)i-ii, 1(g), 1(h), 1(j) or 2 proved.

## Service of Notice:

7. The Panel of Adjudicators (hereafter 'the Panel') had careful regard to the documents contained in the substantive order review hearing service bundle as follows:
  - i. A copy of the Notice of Substantive Order Review hearing dated 30 September 2020 and addressed to the social worker at her email address as it appears on the Social Work England Register;
  - ii. An extract from the Social Work England Register detailing the social worker's registered email address; and
  - iii. A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 30 September 2020 the writer sent by email, to the social worker at the address referred to above, the Notice of Hearing and related documents.
8. The Panel noted that the Notice informed the social worker that adjudicators had been appointed to review the Suspension Order to which she was subject, at 09.30am on 13 October 2020 at an 'electronic hearing'. The Notice invited the social worker to either confirm her intention to attend by 4pm on 07 October 2020 or to make written submissions by that time. The Notice also informed her *'Unless we hear from you to the contrary, we shall assume that you will not be attending the electronic hearing and Social Work England may under Rule 16 of the Fitness to Practise Rules, decide to deal with the review as a meeting'*.
9. The Notice contained instructions on how to make written submissions and asked her to indicate whether she would be attending the hearing or making submissions.
10. The Panel accepted the advice of the legal adviser in relation to service of notice.
11. Having regard to Rules 16, 43 and 44 of the Social Work England Fitness to Practise Rules 2019 ('the Rules'), and all of the information presented to it in relation to service of notice, the Panel was satisfied that notice had been served on the social worker in accordance with the Rules.

## Proceeding in the absence of the social worker:

12. The Panel noted that 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.
13. The Panel also noted, from the documentation provided to it, that the social worker had neither replied to the Notice nor sent written submissions to be considered by the Panel.

14. The Panel accepted the advice of the legal adviser and had regard to Rule 16(c) which provides that *'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'*.
15. The Panel determined, on the advice of the legal adviser, that because the practical effect of proceeding at a meeting was to conduct the review without any submissions from the social worker and without her express agreement, the Panel should have regard to the test for considering whether to proceed in the absence of a social worker at a hearing.
16. The Panel also 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 the Social Work England guidance *'Service of Notices and Proceeding in the Absence of the Social Worker'*, Rule 43 of the Rules and the cases of *R v Jones [2003] UKPC*; *General Medical Council v Adeogba [2016] EWCA Civ 162*. The Panel also considered all of the information before it.
17. The Panel noted that the social worker had been sent notice of today's hearing and was satisfied that she was, or should be, aware of today's hearing. The Panel considered that Social Work England had made all reasonable efforts to serve the Notice on the social worker and that she had been informed of the date, time and venue of the hearing. The Panel determined that it was reasonable in the circumstances of this case, and that it was in the public interest, to proceed with the hearing because it was satisfied that the social worker had been properly notified of the hearing.
18. The Panel also noted that the social worker has sent three emails to Social Work England in June 2020, one of which stated that she had retired from practice. The Panel had regard to the fact that since she was served with the Notice of Hearing, she had not engaged with her regulator. Consequently, the Panel formed the view that the Registrant's non-attendance was voluntary and should be considered as a deliberate waiver of her right to participate in person. She had not sought an adjournment of the proceedings and the Panel was not therefore satisfied that adjourning today's proceedings would be likely to secure her attendance at a future hearing.
19. Further, the Panel also considered the public interest need to deal with substantive review matters expeditiously and having weighed the interests of the social worker in regard to her attendance at the hearing with those of Social Work England and the public interest in an expeditious disposal of this hearing, the Panel determined to proceed in the social worker's absence.
20. The Panel was also 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:

21. Ms Hughes was a locum social worker working for Northamptonshire County Council ('the Council') from January 2015.
22. Broadly, the Allegation was that Ms Hughes failed to provide appropriate management of the case of Foster Child A, [Private], who in the summer of June 2015 had been placed by the Council with foster parents, Foster Carer 1 and Foster Carer 2.
23. As Foster Child A's social worker, Ms Hughes was responsible for his welfare and safeguarding. Amongst other duties, her role was to provide relevant information to Foster Carer 1 and Foster Carer 2, obtain medical consent, undertake statutory visits, attend meetings, and make necessary referrals.
24. Ms Hughes' failures were the insufficient provision of information to Foster Carer 1 and Foster Carer 2 about Foster Child 1 for a period of about seven weeks from the start of the placement, delaying the required placement meeting beyond procedural timescales, non-attendance at an arranged visit to Foster Carer 1, and the arrangement of a LAC meeting without giving adequate notice to the foster parents and other relevant professionals. A number of other complaints were made about Ms Hughes' alleged arrangement for a sessional worker to attend Foster Child A's placement on 27 July 2015. It was suggested that, two days later, a permanency-planning meeting took place, which, it was further alleged Ms Hughes did not inform Foster Carer 1 and Foster Carer 2 of.
25. It was also alleged that Ms Hughes revealed the identity of Child B's adoptive family to Child B's birth family on or about the 21 July 2015.
26. The substantive hearing panel found particulars 1(a), 1(b) 1(c)i-ii, 1(e), 1(l)i-iii proved and that particulars 1(a) and 1(e) amounted to misconduct and that the Registrant's fitness to practise was impaired.
27. The substantive hearing panel determined the following with regard to impairment:

*'84.On any view, the misconduct that the Panel has found Ms Hughes was responsible for has to be regarded as serious. A vulnerable 8-year old child was let down by her as well as the Council.*

*85.So, too, were Foster Carers 1 and 2 who expressed that they had never previously experienced such a poor quality of service from a Social Worker.*

*86.Similarly, the breach of confidentiality (Particular 1(e)) is regarded by the Panel as being serious. It could have led to harm to the welfare of the sibling concerned.*

*87.Dealing with the personal component, although these failings by Ms Hughes are theoretically remediable, there is no evidence from any quarter that she has made any efforts to redeem them. There is a reference within the documentation in favour of Ms Hughes which bears the date April 2017, and in her statement of 14 August 2019, she*

*says that she has not practised as a Social Worker since September 2017 because of her own health difficulties. She added that she will never work again. If she were permitted to practise unrestricted in the future, there is no evidence of her having achieved any CPD points and the Panel's view is that it is likely that these shortcomings could be repeated. There is no evidence that she has shown anything other than limited insight.*

*88. In relation to the public component, Ms Hughes has demonstrated that she has not been acting in the best interests of service users and that she has breached a fundamental tenet of the profession. In concluding that she is impaired on this ground as well, the Panel has had regard to the public interest in the wider sense – that is, the maintenance of public confidence in the profession and the upholding of proper conduct, standards and behaviour.*

*89. In the Panel's judgement, the fitness to practise of Ms Hughes is currently impaired.'*

28. The substantive hearing panel determined the following with regard to sanction:

*'92. The Panel took into account the following mitigating and aggravating factors:*

- The mitigating factors include the previous unblemished record of the Registrant and the fact that her proved misconduct was in relation only to one of the children in her care; additionally, there is no doubt that Ms Hughes was given an excessive workload, exacerbated by her 'out of county duties' and the requirement to prioritise cases coming to court. The culture of the Council at the time included high staff turnover of Social Workers and social work managers. In addition, the childrens'[sic] social care service was ineffectively managed.*

- The aggravating factors include the impact her shortcomings had upon the attitude towards the Council of an experienced pair of foster carers and the negative impact upon Foster Child A*

*93. The Panel is satisfied that the Registrant's actions would be regarded as sufficiently serious by fellow practitioners and the public at large as to merit the imposition of an appropriate and proportionate sanction. Given the nature of the Registrant's misconduct and its potential to undermine the reputation of the profession, the Panel is of the view that it would not be sufficient to conclude this case by taking no action or by referring it for mediation. Neither course would serve to protect service users or maintain the standing of, and public confidence in, the profession.*

94. The Panel then moved on to consider whether to conclude this case by imposing a Caution Order. Although the misconduct found proved in this case could be said to be isolated, it patently was not relatively minor in nature. Ms Hughes has demonstrated a lack of insight since these matters came to light and the Panel's view therefore is that the risk of repetition is not low. As such, a Caution Order would provide inadequate protection to the public.

95. Turning next to Conditions of Practice, the Panel noted that Ms Hughes has not been engaged in social work for over two years now and she has shown a disinclination to return to the profession. In such circumstances, the Panel's view is that it would be impractical to seek to draft workable Conditions of Practice.

96. The imposition, however, of a Suspension Order would serve to protect the public and provide Ms Hughes with an opportunity to show that she can remedy her deficiencies if she wishes to. The period of one year would provide her with this opportunity.

97. The Panel did give consideration to a Striking Off Order, but decided that such a sanction, in all the circumstances, would be disproportionate.'

## Submissions:

### Social Work England:

29. The reviewing Panel noted that Social Work England's submissions, in respect of the Order, were contained within the Notice sent to the social worker and were as follows:

*'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. The Panel found that the Social Worker had breached a fundamental tenet of the profession which had not been remediated. The Social Worker has not demonstrated any insight, remorse or remediation since the last hearing. The Social Worker has stated in correspondence that she repeatedly asked to be removed from the register in 2019 and that she has retired from social work. It therefore does not appear to be her intention to remediate the misconduct.*

*It is submitted therefore that in all the circumstances, a Removal Order is the appropriate order'.*

### Social Worker:

30. The Panel noted that the social worker had not provided any submissions for it to consider.



## Panel decision and reasons on current impairment:

31. The Panel took account of the documents provided to it by Social Work England and had regard to the evidence and submissions. It also took into account the decision of the previous panel. However, it exercised its own judgement in relation to the question of current impairment.
32. The Panel considered the relevant Professional Standards Guidance and accepted the advice of the legal adviser, which had drawn its attention to Schedule 2 paragraph 15 of the Social Workers Regulations 2018 and the proper approach to be adopted when considering current impairment.
33. In making its decision, the Panel had regard to both the personal and public elements of impairment. In considering the question of current impairment, the Panel undertook a comprehensive review of the substantive order in light of the current circumstances. 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.
34. The Panel first considered whether the social worker's fitness to practise remains impaired. It bore in mind that in deciding whether the social worker's fitness to practise is still impaired it should follow the approach of Dame Janet Smith endorsed in the High Court in *CHRE v NMC and Grant [2011] EWHC 927 (Admin)*.
35. The Panel noted that the substantive hearing panel found that *'although these failings by Ms Hughes are theoretically remediable, there is no evidence from any quarter that she has made any efforts to redeem them'*. The Panel shared this view. In its view the social worker has not provided any evidence that she has understood the substantive panel's decision regarding her misconduct or that she has taken steps to address her conduct. She has also not provided any evidence of additional training, or skills learned in a non-social work role, which might have addressed her failings and she has not demonstrated any insight or remorse for her actions, which had an impact on a vulnerable [Private] child. Further, the Panel also noted that it has no information before it, in respect of whether or not she was complying with the existing order. The Panel observed that the social worker has had twelve months, whilst suspended, to provide evidence of insight and remediation and she has failed to do so. The Panel considered that it could not yet be confident that the social worker has the required insight and that she has remediated her failings and therefore could not be confident that the behaviour would not be repeated.
36. The Panel noted that the substantive hearing panel found the following in respect of the public component of impairment *'Ms Hughes has demonstrated that she has not been acting in the best interests of service users and that she has breached a fundamental tenet of the profession. In concluding that she is impaired on this ground as well, the Panel has had regard to the public interest in the wider sense – that is, the maintenance of public*

*confidence in the profession and the upholding of proper conduct, standards and behaviour’.*

37. The Panel was of the view that the social worker remained impaired in respect of the public component. Her misconduct occurred a number of years ago and she has not provided any evidence of further training, which would satisfy the Panel that she had addressed her conduct, nor had she provided evidence to demonstrate that she had not become de-skilled during this time. The Panel was of the view that the public needed to be protected from a practitioner in these circumstances and that a finding of impairment was required to maintain public confidence in the profession and the regulatory process. The Panel is not satisfied, that in all the circumstances, the social worker does not still pose a real and on-going risk to the public and that public confidence in the profession would not be undermined should the Registrant be permitted to return to unrestricted practice.
38. Accordingly, taking all of the aforementioned into account, the Panel concluded that, with the personal and public components in mind, and taking into account the social worker’s limited engagement, her fitness to practise remains impaired.

### Decision and reasons on sanction:

39. 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 accepted the legal adviser’s advice and had regard to Social Work England’s Sanction Guidance.
40. The Panel has borne in mind that sanction is a matter for its own independent judgment and that the purpose of a sanction is not to punish the social worker but to protect the public. Further, that any sanction must be proportionate, so that any order must be the least restrictive order that would protect the public interest, including public protection.
41. The Panel first considered taking no action. The Panel concluded that, in view of the serious nature of the concerns, which remain unaddressed, it would be inappropriate to take no action because that would be insufficient to protect the public.
42. Due to the continuing concerns about the social worker’s fitness to practise, the Panel concluded that neither no further action nor caution would be appropriate or sufficient to protect the public. Neither sanction would be subject to a review and would not adequately address the concerns that have been identified.
43. The Panel next considered a Conditions of Practice Order. However, owing to the social worker’s limited engagement, there is no information before the Panel regarding her current circumstances, other than where she states in her email that she is retired. The Panel could therefore not be satisfied that any conditions imposed would be appropriate, workable or able to be put into practice.

44. Having determined that a conditions of practice order would not be appropriate, the Panel next considered extending the current Suspension Order versus imposing a Removal Order. Having regard to the fact that the social worker has over 12 months failed to engage in any meaningful way in the proceedings and has failed to provide any evidence of insight or attempts at remediation, the Panel was not satisfied that extending the current Suspension Order would serve any legitimate purpose. Further, the Panel noted at paragraph 96 of Social Work England's Sanction Guidance, that panels are required to consider whether an individual who has been subject to a period of suspension for longer than one year would be likely to be '*deskilled*'. The Panel noted, that the social worker in this case has been suspended for twelve months and has not furnished any evidence of up-to-date continuing professional development to satisfy it that she has not become deskilled.
45. Having regard to all of the circumstances of this case, and without any evidence to the contrary, the Panel determined that there is a real risk that the social worker has become deskilled. Further, the Panel is also satisfied that a member of the public, appraised of all of the facts of this case, would be satisfied that the social worker has been provided with every opportunity to demonstrate insight and remediation, during the last twelve months, and that she had failed to do so.
46. 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 also had regard to the social worker's comments that she wished to be removed from the Social Work Register as she had retired from the profession and did not wish to return. Balancing the public interest with those of the social worker, the Panel was of the view that a Removal Order would, in this case, protect the public and uphold public confidence in the regulator and the regulatory process.
47. Consequently, the Panel was of the view that the appropriate order is one of Removal and that the current order should be varied to a Removal Order to come into effect from the expiry of the current suspension order.

#### Right of Appeal:

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,
1. the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.
  - b. 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.
2. 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

3. 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.
4. 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**

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 or restricted.

5. 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.