

Social worker: Kaleigh Crofts

Registration number: SW106943

Fitness to Practise

Final Order Review meeting

Date of meeting: 18 November 2024

Meeting venue: Remote meeting

Final order being reviewed:

Conditions of practice order – (expiring 02 January 2025)

Hearing Outcome: Vary and extend the current conditions of practice order
for a further 12 months with effect from the expiry of the
current order

Introduction and attendees:

1. This is the first review of a conditions of practice order originally imposed for a period of 18 months by agreement between Ms Crofts and Social Work England and accepted disposal by her on 27 June 2023, which was enacted on 03 July 2023.
2. Ms Crofts did not attend and was not represented.
3. Social Work England was represented by Capsticks LLP and their written submissions are set out within the notice of hearing letter.

Adjudicators	Role
Claire Cheetham	Chair (Lay member)
Vicki Lawson-Brown	Social worker adjudicator

Hearings team/Legal adviser	Role
Wallis Crump	Hearings officer
Jo Cooper	Hearings support officer
Scott McDonnell	Legal adviser

Service of notice:

4. The panel of adjudicators (the panel) was provided with various documentation including the hearing bundle (106 pages) and the service and supplementary bundle (62 pages).
5. The panel of adjudicators had careful regard to the documents contained in the final order review service bundle as follows:
 - A copy of the notice of the final order review hearing dated 18 October 2024 and addressed to Ms Crofts at her email address which she provided to Social Work England;
 - An extract from the Social Work England Register as of 18 October 2024 detailing Ms Crofts' registered address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 18 October 2024 the writer sent by email to Ms Crofts' email address referred to above: notice of hearing and related documents;

6. The panel accepted the advice of the legal adviser in relation to service of notice.
7. The panel also noted an email within the service bundle from Ms Crofts dated 30 October 2024 in which she had acknowledged receipt and stated that she would not be able to attend today; *“Please find attached my response form, my written response and the additional evidence for the review to consider. I confirm, that I am unable to attend due to my current work commitments and being unable to take time off during term time.”*
8. Having had regard to the Social Work England Fitness to practise rules 2019 (as amended) (the Rules) and all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Ms Crofts in accordance with Rules 14, 15, 44 and 45.

Proceeding with the final order review as a meeting:

9. The notice of final order review informed Ms Crofts that the review would take place as a meeting. The notice stated:

“If you would like to attend before the adjudicators in order to make oral submissions, please confirm your intention by no later than 4pm on 1 November 2024. Unless we hear from you to the contrary, we shall assume that you do not want to attend a hearing and Social Work England may decide to deal with the review as a meeting. If Social Work England do hold a meeting, the adjudicators will be provided with a copy of this letter setting out Social Work England’s submissions and a copy of any written submissions you provide.”
10. The panel took into account the hearing participation form which had been signed by Ms Crofts, but undated. The box ticked by Ms Crofts indicated that she would not be attending the hearing and that she had prepared written submissions to be considered in advance of the review. She also understood that in her absence, the review could proceed as a meeting. The panel also took account of the email from Ms Crofts dated 30 October 20204 referred to above and noted that there had been no request for a postponement from Ms Crofts.
11. The panel accepted the advice of the legal adviser with regard to Rule 16(c) of the Fitness to Practise Rules 2019 (as amended) which provides:

“Where the registered social worker does not state within the period specified by the regulator whether they intend to attend before the regulator, the regulator may determine whether to make an order by means of a meeting.”
12. The panel was satisfied that it would be fair and appropriate to conduct the review in the form of a meeting in accordance with Rule 16(c).

Review of the current order:

13. This final order review hearing is taking place under Paragraph 15(1) of Schedule 2 of The Social Workers Regulations 2018 (as amended) and Social Work England's Fitness to Practise Rules 2019 (as amended).
14. The current order is due to expire at the end of 02 January 2025.

The regulatory concerns acknowledged by Ms Crofts, which resulted in the accepted disposal and conditions of practice order are as follows:

Whilst working as a registered social worker at Derbyshire County Council, between July 2019 and October 2020 you:

1. Failed to safeguard service users in that you:
 - a. Did not act upon management direction in a timely manner;
 - b. Did not recognise and respond to risk appropriately;
 - c. Did not maintain timely contact with families on your caseload, including a lack of visits and/or a failure to meet statutory timescales for visits;
2. Failed to produce single assessments to the required standards for service users which includes:
 - a. Delay to completion of assessments and/or
 - b. Inclusion of a clear, detailed analysis of risks to families.
3. Failed to update child plans adequately in that:
 - a. You did not include key details including support accessed and requested by families;
 - b. There were significant delays between meetings/visits taking place to families and subsequent recording of notes/updates to plans.
4. Failed to maintain your diary management including invites for Child in Need meetings not being sent in a timely manner to the appropriate parties.

The matters outlined in regulatory concerns (1a), (1b), (1c), (1d), (2a), (2b), (3a), (3b) and (4) amount to the statutory grounds of misconduct and/or lack of competence or capability

Your fitness to practise is impaired by reason of misconduct and/or lack of competence or capability.

Background

15. A referral was raised by Ms Crofts' former employer, Derbyshire County Council ("the council") on 5 October 2020.
16. At the time of the alleged events, Ms Crofts was employed in the disabled children's team. The Council raised a series of concerns about Ms Crofts' competence and

conduct in her role, including failure to safeguard vulnerable service users, produce quality assessments, and complete work in a timely manner.

17. Ms Crofts was employed by the Council from December 2015 to December 2020 until her resignation. During her employment she was subject to a management improvement process from July 2019, and formal performance capability procedures in January 2020, due to concerns that her practice had still not met the required standards. On or around 1 October 2020, an audit of Ms Crofts' cases was conducted, and a significant safeguarding concern was identified in respect of a vulnerable child. Ms Crofts was suspended on 29 October 2020 pending a formal investigation, but she resigned before its conclusion.
18. An investigation was undertaken by Social Work England Case Examiners, which identified the regulatory concerns referred to above.

Conditions of Practice identified by the Case Examiners and accepted by Ms Crofts:

- 1. You must notify Social Work England within 7 days of any professional appointment you accept or are currently undertaking and provide the contact details of your employer, agency or any organisation with which you have a contract or arrangement to provide social work services, whether paid or voluntary.*
- 2. You must allow Social Work England to exchange information with your employer, agency or any organisation with which you have a contract or arrangement to provide social work or educational services, and any reporter or workplace supervisor referred to in these conditions.*
- 3.a. At any time you are providing social work services, which require you to be registered with Social Work England, you must agree to the appointment of a reporter nominated by you and approved by Social Work England. The reporter must be on Social Work England's register.*
- 3.b. You must not start or continue to work until these arrangements have been approved by Social Work England.*
- 4. You must provide reports from your reporter to Social Work England every 3 months and at least 14 days prior to any review and Social Work England will make these reports available to any workplace supervisor referred to in these conditions on request.*
- 5. You must inform Social Work England within 7 days of receiving notice of any formal disciplinary proceedings taken against you from the date these conditions take effect.*

6. You must inform Social Work England within 7 days of receiving notice of any investigations or complaints made against you from the date these conditions take effect.

7. You must inform Social Work England if you apply for social work employment/self-employment (paid or voluntary) outside England within 7 days of the date of application.

8. You must inform Social Work England if you are registered or subsequently apply for registration with any other UK regulator, overseas regulator or relevant authority within 7 days of the date of application [for future registration] or 7 days from the date these conditions take effect [for existing registration].

9. You must work with your workplace supervisor to formulate a personal development plan, specifically designed to address the shortfalls in the following areas of your practice:

Safeguarding practice which should include consideration of identifying and responding appropriately to risk and working safely with vulnerable people.

Undertaking assessments including analysis of risk.

Time management, including timely contact and visits to service users/families and facilitation of multi-agency meetings.

Maintaining accurate and contemporaneous records.

10. You must provide a copy of your personal development plan to Social Work England within 8 weeks from the date condition 3 and 11 takes effect. You must also provide to Social Work England an updated copy at least 14 days prior to any review.

11.a. At any time you are employed, or providing social work services, which require you to be registered with Social Work England; you must place yourself and remain under the supervision of a workplace supervisor nominated by you, and agreed by Social Work England. The workplace supervisor must be on Social Work England's register.

11.b. You must not start or continue to work until these arrangements have been approved by Social Work England.

12. You must provide reports from your workplace supervisor to Social Work England every 4 months and at least 14 days prior to any review, and Social Work England will make these reports available to any reporter referred to in these conditions on request.

13. You must only work as a social worker in premises where at least 2 other social workers are employed at any one time and are on the premises daily.

14.a. You must not work for an agency, as a locum or undertake out-of-hours work or on-call duties without the prior written agreement of your workplace supervisor/reporter.

14.b. You must provide the written agreement from your workplace supervisor/reporter to Social Work England at least 24 hours prior to any agency, locum, out-of-hours or on-call duties commencing.

15.a. You must make arrangements for an audit to be carried out by your workplace supervisor in relation to safeguarding practice, risk management, and working safely with vulnerable people. The audit must be signed by your workplace supervisor.

15.b. You must provide a copy of this audit to Social Work England every 4 months and at least 14 days prior to any review or, alternatively, confirm that there have been no such cases.

16.a. You must undertake 12 hours of CPD (at least 3 hours in each area) in relation to safeguarding practice, risk management, undertaking assessments and working safely with vulnerable people.

16.b. You must provide evidence of the first 6 hours of CPD undertaken to Social Work England within 6 months of these conditions taking effect and the remaining 6 hours of CPD undertaken in another 6 months.

17. You must provide a written copy of your conditions, within 7 days from the date these conditions take effect, to the following parties confirming that your registration is subject to the conditions listed at 1 to 16, above:

Any organisation or person employing or contracting with you to undertake social work services whether paid or voluntary.

Any locum, agency or out-of-hours service you are registered with or apply to be registered with in order to secure employment or contracts to undertake social work services whether paid or voluntary (at the time of application).

Any prospective employer who would be employing or contracting with you to undertake social work services whether paid or voluntary (at the time of application).

Any organisation, agency or employer where you are using your social work qualification/ knowledge/ skills in a non-qualified social work role, whether paid or voluntary.

You must forward written evidence of your compliance with this condition to Social Work England within 14 days from the date these conditions take effect.

18. You must permit Social Work England to disclose the above conditions 1 to 17, to any person requesting information about your registration status.

Social Work England submissions:

19. The panel read the written submissions from Social Work England:

“Subject to any further information or evidence, Social Work England invites the panel to extend and amend the Conditions of Practice Order as the Social Worker’s fitness to practise remains impaired. A copy of the proposed Conditions of Practice Order are enclose with the Notice of Hearing.

The Social Worker has engaged with the fitness to practise process and has provided evidence of compliance with Condition 16. However, Social Work England submits that there is, as yet, insufficient evidence of the requisite insight and remediation. The Social Worker has not worked in a social work role since 2020 and, therefore, they have not yet been able to demonstrate that their learning has become embedded within their practice. As such the insight and remediation that they have provided remains unproven and compliance with the remainder of the conditions remains untested. Accordingly, the risk of repetition remains a concern and unrestricted practice is not appropriate as matters stand.

It is submitted that the Conditions of Practice Order remains necessary and proportionate. However, as the Social Worker has provided more than the 12 hours of CPD required under Condition 16, and reflections relating to the safeguarding training it is submitted that Condition 16 is no longer necessary.

The Panel are therefore invited to amend and extend the Conditions of Practice Order for a further 12 months. This will afford the Social Worker the opportunity to work in a registered role with the requisite oversight, which would include supervision, a personal development plan and audits, and to demonstrate that she can practice safely.”

Social worker submissions:

20. Ms Crofts provided written submissions informing the panel that she has continued to remain employed in a non-social work related role.

21. Ms Crofts had tried over the last 16 months to apply and seek employment as a social worker or in a similar role and has been unable to secure employment in this sector. Ms Crofts had explored return to social work courses to ensure her skills are up to date, but due to her current financial situation she was unable to fund this or commit to the full time study. Ms Crofts had completed the CPD required of her within the conditions of practice order and continued to complete further CPD to remain up to date with current practice.

22. Ms Crofts informed the panel that she continued to reflect on and address the concerns raised around her practice. She had completed the CPD required as part of the conditions of practice as well as further CPD alongside this as part of helping her to stay up to date with current practice Ms Crofts included a reflective piece on her practice

and the concerns, to be considered by the review. The additional CPD conducted was by self-directed reading, listening to relevant podcasts, and attending relevant online seminars.

23. Within her written submissions Ms Crofts invited the panel to vary the current conditions of practice and told the panel that:

“I would like the conditions around me being able to hybrid work or work for an agency to be removed from the conditions of practice order. I am seeking this as, over the last 16 months, since being able to return to practice, I have applied for numerous roles, across the social work sector and in a variety of roles, including ones that are not a social worker, but that would allow me to demonstrate that I have addressed the concerns about my practice.

Despite all my applications, I have only been able to gain 3 interviews and no job offers. One of the roles, their only reservation for offering me a job, was around the conditions that are in place around the ability to hybrid work.

I have even had an interview offer removed, when I have queried if the employer would be able to support me with the conditions that are in place. With the current conditions I do not believe I will be able to gain employment in a social work role, this will mean that I am never able to demonstrate as decided needed by the conditions, that I have addressed the concerns and for the order to be relinquished. I have included evidence of all the jobs and outcomes of these for the panel to consider as part of my request.”

Panel decision and reasons on current impairment:

24. In considering the question of current impairment, the panel undertook a comprehensive review of the order in light of the current circumstances. It exercised its own judgement in relation to the question of current impairment. The panel also took into account Social Work England’s ‘Impairment and sanctions guidance’.
25. The panel had regard to all of the documentation before it, including the circumstances identifying the concerns raised and the accepted outcome. The panel also took account of the written submissions made by Social Work England and those made by Ms Crofts.
26. The panel accepted the advice of the legal adviser. The panel was reminded that a social worker’s fitness to practise is impaired if they pose a risk to public safety, or if their conduct or performance undermines the confidence the public is entitled to place in all social workers in England. A social worker’s fitness to practise may also be impaired if their actions make it necessary to send a public message about the standards expected of social workers.
27. If the panel decided that Ms Crofts’ practice is currently impaired then it should then consider what sanctions are available and refer to Social Work England’s “Sanctions

Guidance”. The panel must start from the least restrictive sanction. Insight and remediation are important factors.

28. The panel first considered whether Ms Crofts’ fitness to practise remains impaired.
29. The panel noted that Ms Crofts had not been in practice for a number of years and that the concerns identified were wide-ranging and related to capability and competence. The concerns identified related to safeguarding, diary management and responding to management directions.
30. All of these matters put service users at risk and by accepting the case examiners proposed outcome in June 2023 Ms Crofts had accepted that her practice was impaired at that time.
31. The panel noted that Ms Crofts had not provided the panel with any information about her current employment, which even if not in a social care environment, might have assisted it with its assessments. With regard to CPD Ms Crofts had completed more than she was required to. She had provided a detailed reflective piece of work and engaged with Social Work England. The panel was of the view that she had tried her best in the circumstances.
32. However, the panel decided that Ms Crofts remains impaired as she had not been able to demonstrate that she could perform as a social worker without supervision and that therefore there remains the risk of repetition.

Decision and reasons:

33. Having found Ms Crofts’ 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.
34. The panel considered the written submissions made by Social Work England, during which it invited the panel to consider imposing a conditions of practice order for a further 12 months. It noted the submissions made by Ms Crofts asking the panel to impose different conditions. The panel also took into account the ‘Impairment and sanctions guidance’ published by Social Work England.
35. The panel was mindful that the purpose of any sanction is not to punish Ms Crofts, but to protect the public and the wider public interest. The public interest includes maintaining public confidence in the profession and Social Work England as its regulator and by upholding proper standards of conduct and behaviour. The panel applied the principle of proportionality by weighing Ms Crofts’ interests with the public interest.

Take no further action/allow the current conditions of practice order to lapse upon its expiry

36. The panel did not consider that such a course of action would address the concerns identified and Ms Crofts' current impairment.

Extend the current conditions of practice order for a further 12 months with effect from the expiry of the current order:

37. The panel considered whether the current conditions of practice order should be extended for a further period of time.
38. The panel took the view that the deficiencies identified with Ms Crofts' practice are potentially capable of being remedied and was satisfied that the current conditions of practice order was still appropriate to address the deficiencies, but required amendment in order for her to be able to gain employment.
39. The panel was concerned that the current conditions of practice are so onerous as to be tantamount to suspension. The panel took the view that a revised conditions of practice order should be extended for 12 months. The panel was satisfied that this period was appropriate because it would allow Ms Crofts to demonstrate insight and remediation if she was employed as a social worker following the new conditions of practice being applied.

Conditions of practice order

40. The panel determined to impose the following conditions of practice:

Condition 1. You must notify Social Work England within 7 days of any professional appointment you accept or are currently undertaking and provide the contact details of your employer, agency or any organisation with which you have a contract or arrangement to provide social work services, whether paid or voluntary.

Condition 2. You must allow Social Work England to exchange information with your employer, agency or any organisation with which you have a contract or arrangement to provide social work or educational services, and any reporter or workplace supervisor referred to in these conditions.

Condition 3.

a) At any time you are providing social work services, which require you to be registered with Social Work England, you must agree to the appointment of a reporter nominated by you and approved by Social Work England. The reporter must be on Social Work England's register and may also be your supervisor.

b) You must not start or continue to work until these arrangements have been approved by Social Work England.

Condition 4. You must provide reports from your reporter/supervisor to Social Work England every 4 months and at least 14 days prior to any review and Social Work England will make these reports available to any further workplace supervisor referred to in these conditions on request. The reports should focus on your ability to rectify the shortfalls in the following areas of your practice:

- Safeguarding practice which should include consideration of identifying and responding appropriately to risk and working safely with vulnerable people.
- Undertaking assessments including analysis of risk.
- Time management, including timely contact and visits to service users/families and facilitation of multi-agency meetings.
- Maintaining accurate and contemporaneous records.

Condition 5. You must inform Social Work England within 7 days of receiving notice of any formal disciplinary proceedings taken against you from the date these conditions take effect.

Condition 6. You must inform Social Work England within 7 days of receiving notice of any investigations or complaints made against you from the date these conditions take effect.

Condition 7. You must inform Social Work England if you apply for social work employment/self-employment (paid or voluntary) outside England within 7 days of the date of application.

Condition 8. You must inform Social Work England if you are registered or subsequently apply for registration with any other UK regulator, overseas regulator or relevant authority within 7 days of the date of application [for future registration] or 7 days from the date these conditions take effect [for existing registration].

Condition 9.

a) At any time you are employed, or providing social work services, which require you to be registered with Social Work England; you must place yourself and remain under the supervision of a workplace supervisor nominated by you, and agreed by Social Work England. The workplace supervisor must be on Social Work England's register.

b) You must not start or continue to work until these arrangements have been approved by Social Work England.

Condition 10. You must only work as a social worker when you will have access to a supervisor at all times during working hours, whether in person or remotely.

Condition 11.

a) You must only work for an agency or as a locum with the prior written agreement of your workplace supervisor/reporter.

b) You must provide the written agreement from your workplace supervisor/reporter to Social Work England at least 24 hours prior to any agency, locum duties commencing. You must have access to your supervisor at all times during your working hours.

Condition 12. You must continue to undertake annual CPD.

Condition 13. You must provide a written copy of your conditions, within 7 days from the date these conditions take effect, to the following parties confirming that your registration is subject to the conditions listed at 1 to 12, above:

- Any organisation or person employing or contracting with you to undertake social work services whether paid or voluntary.
- Any locum, agency or out-of-hours service you are registered with or apply to be registered with in order to secure employment or contracts to undertake social work services whether paid or voluntary (at the time of application).
- Any prospective employer who would be employing or contracting with you to undertake social work services whether paid or voluntary (at the time of application).
- Any organisation, agency or employer where you are using your social work qualification/ knowledge/ skills in a non-qualified social work role, whether paid or voluntary.

You must forward written evidence of your compliance with this condition to Social Work England within 14 days from the date these conditions take effect.

Condition 14. You must permit Social Work England to disclose the above conditions 1 to 13, to any person requesting information about your registration status.

Right of appeal:

41. Under Paragraph 16(1)(b) of Schedule 2 of The Social Workers Regulations 2018 (as amended), the social worker may appeal to the High Court against:

- a. the decision of adjudicators:
 - i. to make an interim order, other than an interim order made at the same time as a final order under paragraph 11(1)(b),
 - ii. not to revoke or vary such an order,
 - iii. to make a final order,

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

- 42. Under Paragraph 16(2) of Schedule 2 of The Social Workers Regulations 2018 (as amended) an appeal must be filed before the end of the period of 28 days beginning with the day after the day on which the social worker is notified of the decision complained of.
- 43. Under Paragraph 15(1A) of Schedule 2 of The Social Workers Regulations 2018 (as amended), where a social worker appeals against a decision made under sub-paragraph (1), the decision being appealed takes effect from the date specified in that sub-paragraph notwithstanding any appeal against that decision.
- 44. This notice is served in accordance with Rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

Review of final orders:

- 45. Under regulation 15(1), 15(2) and 15(3) of Schedule 2 of The Social Workers Regulations 2018 (as amended):
 - 15(1) The regulator must review a suspension order, or a conditions of practice order, before its expiry.
 - 15(2) The regulator may review a final order where new evidence relevant to the order has become available after the making of the order, or when requested to do so by the social worker.
 - 15(3) A request by the social worker under sub-paragraph (2) must be made within such period as the regulator determines in rules made under Regulation 25(5).
- 46. Under Rule 16(aa) of the Fitness to Practise Rules 2019 (as amended), a social worker requesting a review of a final order under paragraph 15 of Schedule 2 must make the request within 28 days of the day on which they are notified of the order.

The Professional Standards Authority

- 47. Please note that in accordance with section 29 of the National Health Service Reform and Health Care Professions Act 2002, a review decision made by Social Work England's panel of adjudicators can be referred by the Professional Standards Authority ("the PSA") to the High Court. The PSA can refer this decision to the High Court if it considers that the decision is not sufficient for the protection of the public. Further information about PSA appeals can be found on their website at:
<https://www.professionalstandards.org.uk/what-we-do/our-work-with-regulators/decisions-about-practitioners>