

Social worker: Lisa Andrews

Registration number: SW112767

Fitness to Practise

Final Hearing

Dates of hearing: 11 to 15 November and 18 November 2024

Hearing venue: Remote hearing

Hearing outcome:
Fitness to practise impaired, removal order

Interim order:
Interim suspension order – 18 months

Introduction and attendees:

1. This is a hearing of allegations against Ms Lisa Andrews, which is held under Part 5 of the Social Workers Regulations 2018 (as amended).
2. Ms Andrews only attended the fourth day of this hearing and was not represented.
3. Social Work England was represented by Mr Matthew Corrie, Counsel instructed by Capsticks LLP, solicitors to Social Work England.
4. The panel of adjudicators (the “**panel**”) and the other people involved in the conduct and administration of this hearing were as follows:

Adjudicators	Role
Alexander Coleman	Chair (Lay adjudicator)
Rachael Kumar	Social worker adjudicator
Angela Brown	Lay adjudicator

Simone Ferris, Joel Tweddell, Hannah Granger	Hearings officers
Jo Cooper and Robyn Watts	Hearings support officers
Charles Redfearn	Legal adviser

Service of Notice:

Service documents

5. The documents before the panel included the following:
 - An extract from Social Work England’s register (the “**Register**”) showing the email address for Ms Andrews which was held by Social Work England and which would have been provided by Ms Andrews.
 - A copy of the notice of this final hearing dated 8 October 2024 (the “**Notice**”), which stated that it was to be sent by email and was addressed to Ms Andrews at her email addresses as it appears on the Register.
 - A statement of case, setting out Social Work England’s case against Ms Andrews (the “**Statement of Case**”).
 - A copy of a covering email dated 8 October 2024 and sent to Ms Andrews at her email address as it appears on the Register. The covering email specified various attachments, including a Notice of Hearing and a Statement of Case.
 - A copy of a signed Statement of Service which was made on 25 October 2024 by the employee of Capsticks LLP who had sent the covering email. The Statement of Service stated that, on 8 October 2024, that employee had sent the Notice and its enclosures by email to Ms Andrews at her email address as it appears on the Register.

Submissions on service

6. Mr Corrie, on behalf of Social Work England, submitted that:
- The Notice had been served by email, which is one of the mandatory means of service specified in rule 44(a) of the Social Work England's Fitness to Practise Rules (the "**FTP Rules**"), as evidenced on the face of the Notice and by the Statement of Service.
 - As the Notice had been sent on 8 October 2024, Ms Andrews had received not less than 28 days' notice of this hearing as required by rule 14(a) of the FTP Rules.
 - As required by rule 15 of the FTP Rules, the Notice specified the date, time and place of this hearing and was accompanied by a Statement of Case.
 - The email address given on the Notice and the covering email was those which appeared in Ms Andrews's entry in the Register.
 - Service of the Notice was proved by the Statement of Service. Moreover, the recent emails from Ms Andrews to Social Work England regarding her attendance at this hearing indicated that she had received the Notice.

Legal advice on service

7. The panel accepted the advice of the legal adviser on service of notice. That advice included reference to paragraph 10(2) of Schedule 2 to the Social Workers Regulations 2018 and rules 14, 15, 44 and 45 of the FTP Rules.

Panel's decision on service

8. With regard to the contents of the Notice and its enclosures, the panel noted that:
- The Notice satisfied the requirements of paragraph 10(4) of Schedule 2 to the Social Worker's Regulations 2018 in that (i) it notified Ms Andrews of the date and time of this hearing and that it would take place remotely; (ii) it invited her to make written submissions; and (iii) it informed her that she could attend this hearing, be represented at it, make oral submissions and call witnesses.
 - The Notice satisfied the requirements of rule 15(b) of the FTP Rules in that its enclosures (and the attachments to the covering email) included a Statement of Case.
 - The Statement of Case also satisfied the requirements of rule 15(b) as it set out those matters that are agreed between the parties, those matters that are not agreed, and the basis for alleging Ms Andrews's impairment of fitness to practise.
9. The panel noted from the Notice, its covering email, the extract from the Register and the Statement of Service that, when sending the notice, Social Work England had used one of the mandatory means of service specified in rule 44(a) of the FTP Rules, namely,

sending the Notice by email to an email address provided by Ms Andrews, being those appearing on Ms Andrews's entry in the Register.

10. With regard to proof that the Notice had been served on Ms Andrews:
 - The panel considered that service of the Notice sent by email had, pursuant to rule 44(b)(iii) of the FTP Rules, been conclusively proved by the Statement of Service, which, as required by that rule, had been made by the sender of the covering email and its attachments (which included the Notice and the Statement of Case).
 - The panel also noted that the service bundle contained a note of a telephone conversation between Social Work England's solicitors and Mr Andrews on 8 October 2024, in which she is recorded as having stated that "*she has received the email and has seen the notice of hearing but will not be opening the other attachments as this causes SW to think continuously about the contents and causes stress.*"
 - The panel also considered that Ms Andrews' recent emails to Social Work England about her attendance at this hearing also indicated that she had received the Notice.
11. The panel noted that, having found service of the Notice by email proved, rule 45 of the FTP Rules required it to treat the Notice as being served on the day on which it was sent, namely 8 October 2024. On that basis, the panel was satisfied that Ms Andrews had been given at least 28 days' notice of this hearing, as required by rule 14(a) of the FTP Rules.
12. Accordingly, the panel concluded that Ms Andrews had been served with notice of this hearing in accordance with the FTP Rules and the Social Workers Regulations 2018.

Proceeding in the absence of Ms Andrews:

Submissions on proceeding in absence

13. Mr Corrie referred the panel to its discretion to proceed in the absence of the social worker under rule 43 of the FTP Rules, where, as in the present case, Ms Andrews had not attended (and was not represented at) the relevant hearing and the panel was satisfied that notice of this hearing had been served on Ms Andrews.
14. Mr Corrie then submitted that it would be fair for this hearing to proceed in Ms Andrews' absence for the following reasons:
 - Ms Andrews had been made aware of these proceedings and had been given the means and opportunity to attend but she had chosen not to and had confirmed that she was content for this hearing to proceed in her absence.

- This case was four years old, scarce resources had been committed to it and witnesses had been warned.
- There was therefore no good reason for this hearing not to proceed.

Legal advice on proceeding in absence

15. The panel heard and accepted the advice of the legal adviser in relation to proceeding in Ms Andrews' absence.
16. That advice included reference to rule 43 of the FTP Rules, Social Work England's guidance entitled 'Service of Notices and Proceeding in the Absence of the Social Worker' and the cases of *R v Jones [2003] UKPC 1* and *General Medical Council v Adeogba [2016] EWCA Civ 162*.
17. The panel noted from that advice that:
 - Under rule 43 of the FTP Rules, where a social worker does not attend a hearing and is not represented, the panel has a discretion to proceed with that hearing in the absence of the social worker provided that it is satisfied that the social worker has been served with notice of that hearing.
 - The discretion to proceed in the absence of the social worker should be exercised with great caution and with close regard to the fairness of the proceedings. Fairness to the registrant is of prime importance, but fairness to Social Work England and the public must also be taken into account.
 - The panel had therefore to balance the interests of Ms Andrews in being able to present her case against the interests of Social Work England and the public in an expeditious disposal of the allegations against Ms Andrews.
 - As far as fairness to Ms Andrews is concerned, (i) the panel should not proceed with this final hearing if it has evidence that she was involuntarily absent; (ii) the panel could take account of any communication from Ms Andrews indicating that she was content for proceedings to take place in her absence; and (iii) the question of whether an adjournment would secure Ms Andrews's attendance was also relevant.
 - In considering fairness to Social Work England and the public, the panel should bear in mind Social Work England's overarching objective of protection of the public.
 - The court in *General Medical Council v Adeogba* had concluded that, "*where there is good reason not to proceed, the case should be adjourned; where there is not, however, it is only right that it should proceed*".
 - As stated in *McDaid v NMC [2013] EWHC 586 (Admin)* and the line of cases which preceded it, if this hearing proceeds in the absence of Ms Andrews, the panel, the case presenter and the legal adviser should ensure that they explore any weaknesses in Social Work England's case and identify any points which may be of

assistance to Ms Andrews (but that duty does not require the panel to cross-examine witnesses in the same way that a litigant or their representative would do).

Panel's decision on proceeding in absence

18. The panel considered that its discretion to proceed in Ms Andrews' absence under rule 43 of the FTP Rules had been engaged as (a) Ms Andrews was not present or represented at this hearing and (b) the panel had concluded that notice of this hearing had been served on her in accordance with the FTP Rules.
19. The panel considered that Ms Andrews would have been aware that, if she failed to attend this hearing, it could proceed in her absence, as the Notice stated, *"... if you do not attend the hearing the adjudicators may proceed to determine the matter in your absence, including in circumstances where you have previously indicated that you wish to attend the hearing, if they are satisfied that you have been served this notice or that all reasonable efforts have been made to serve this notice."* Moreover, Social Work England had reminded Ms Andrews of this possibility by in its second emails to her of 11 November 2024.
20. The panel noted that:
 - In her email to Social Work England of 29 October 2024, Ms Andrews had stated *"I was fully prepared to attend for 11/11 but I cannot commit a whole week my apologies. I have submitted all my evidence previously and will wait for the written conclusion in the post."*
 - In her email of 3 November 2024, Ms Andrews then advised Social Work England, *"On the weds (day 3) I have a day long job interview so I cannot make that day but Thursday I can join. If you would like to send me a link for that day I will be present."*
 - In response, Social Work England, in its email of 11 November 2024, asked Ms Andrews whether Thursday was the only day on which she could attend. Ms Andrews replied in an email of the same date in which she stated, *"Just Thursday, please do proceed in my absence as you can imagine considering the length of time this has taken, I believe we are into the 4th year? I'd like it to come to an end."*
 - Ms Andrews had not requested that this hearing be adjourned nor had she provided any dates on which she would be able to attend a five-day hearing.
 - Other than the email of 3 November 2024 advising Social Work England that she had to attend an all-day interview on the third day of this hearing, the panel had no information before it to indicate that Ms Andrews was involuntarily absent from this hearing by illness or incapacity.

21. In the circumstances, the panel concluded that Ms Andrews had made a clear choice not to attend this hearing in the knowledge that it could proceed in her absence, and that an adjournment would be unlikely to secure her attendance.
22. The panel considered that it was in the interests of Social Work England's overarching objective of protection of the public that his hearing should proceed given that the case against Ms Andrews related to events which had occurred over four years ago and, in her latest email to Social Work England, she herself had expressed a wish for it to be brought to a conclusion. Moreover, Social Work England had arranged for six witnesses to attend this hearing and re-listing it at this late stage would cause inconvenience both to the witnesses and to Social Work England.
23. The panel also considered that the extent of any disadvantage which might be suffered by Ms Andrews as a result of not being able to present her case at this hearing would be mitigated by the panel having the benefit of the several extensive and detailed written responses that she had previously provided to the initial concerns raised about her conduct.
24. In the circumstances, the panel concluded that there was no good reason for this final hearing not to proceed and that the balance of fairness lay in its proceeding in Ms Andrews' absence.

Related issue

25. On the third day of this hearing, Social Work England closed its case and made closing submissions. Given the possibility of Ms Andrews' attending on the fourth day of this hearing, the questions then arose of (i) whether the panel had the discretion under rule 32(a), which allowed it to regulate its proceedings, to allow her to make submissions or give evidence if the panel had not, by the time when she attended, handed down its decision on the facts and, if so, (ii) whether it should commence its deliberations before it had ascertained whether she intended to attend and wished to make submissions or give evidence. Mr Corrie helpfully referred the panel to the case of *TZ v General Medical Council [2015] EWHC 1001 (Admin)* in which it was held that a Medical Practitioners Tribunal Service panel had the power to revisit its decision before it was handed down. The court in that case also set out factors which should be taken into account when deciding whether to admit new evidence which was produced after the panel had made its decision but before it was handed down. The legal adviser agreed that, on the basis of that case, the present panel could commence its deliberations on the facts and wait to see whether Ms Andrews wished to apply to make submissions on the facts or provide additional evidence when, and if, she appeared on the fourth day of this hearing.

Hearsay application

Submissions on hearsay

26. Mr Corrie informed the panel that one of Social Work England's witnesses, the Operational Manager of the service at Essex County Council in which Ms Andrews had worked was unable to attend this hearing until its final day. He explained that this was because information about this hearing had been sent to the Operational Manager at an old email address held by Social Work England, which had not been updated and, as a result, by the time he learned of the dates of this hearing, he had already made other commitments. Mr Corrie therefore applied for the Operational Manager's witness statement to be admitted without him being called to give evidence.
27. In support of that application Mr Corrie, having referred the panel to the principles set out in the case of *Thorneycroft v Nursing and Midwifery Council [2014] EWHC 1565 (Admin)*, submitted that it was fair to admit the Operational Manager's statement because:
 - The Operational Manager's statement was not the sole or decisive evidence against Ms Andrews'. In his role, he was not responsible for directly supervising Ms Andrews and his evidence largely comprised background information and information about Ms Andrews' conduct which had been relayed to him by others. His statement did, however, exhibit three letters which he had sent to Ms Andrews after she had ceased to work for Essex County Council telling her, among other things, to cease her contact with service users. This evidence is more relevant to grounds, impairment and sanction rather than proving the allegations against Ms Andrews as it shows that she persisted in maintaining contact with services users despite official instructions to the contrary.
 - Ms Andrews had not challenged the Operational Manager's account in her written responses to the concerns about her or subsequently.
 - Ms Andrews had not been given notice of this application but this had not been possible as the situation which prompted the application had only come to light immediately before this hearing was due to start.
 - As Ms Andrews was not attending this hearing, she would be unable to cross-examine the Operations Manager in any event.

Legal advice on hearsay

28. The panel heard and accepted the legal adviser's advice on hearsay. This included reference to the panel's discretion under rule 32(b)(vii) of the FTP Rules to admit evidence where they consider it fair to do so whether or not such evidence would be admissible before the courts and the principles for exercising that discretion, as set out in the case of *Thorneycroft v NMC*. The legal adviser also referred the panel to the

caution which panels should exercise when considering hearsay information, as described in *Ogudele v NMC [2013] EWHC 2748 (Admin)*.

Panel's decision on hearsay

29. The panel decided that it would be fair to admit the Operational Manager's statement and its exhibits for the following reasons:
- The Operational Manager's evidence was not the sole or decisive evidence in relation to the allegations of fact but it was nevertheless relevant in terms of background and, in the case of the three letters exhibited to his statement, in relation to misconduct, impairment and sanction, should this hearing proceed to those stages.
 - Social Work England had made efforts to secure the Operational Manager's attendance at this hearing and there was a good reason for his inability to attend.
 - Mr Andrews', in her written responses, did not appear to dispute the Operational Manager's evidence. Likewise, the three letters exhibited to the Operational Manager's statement had been sent to her and she did not appear to have challenged their contents. Moreover, there was no suggestion that the Operational Manager had any reason to fabricate his evidence.

Allegations and background:

Background

30. Ms Andrews was employed by the Council as an adult social worker in its Learning Disability and Autism Service ("**LDA Service**") from around 2017 until she left that employment on 31 March 2020. In her role at the Council, Ms Andrews had been the allocated social worker for two service users ("**Service User 1**" and "**Service User 2**"). The allegations against Ms Andrews (the "**Allegations**") concern Ms Andrews' alleged failure to maintain professional boundaries with Service User 1 and Service User 2 after she had left the Council's employment.

Allegations

31. The Allegations were as follows:
1. *Whilst registered as a social worker you failed to maintain professional boundaries in respect of Service User 1, in that:*
 - i. *You remained in contact with Service User 1 after you ceased being her social worker on 31 March 2020;*
 - ii. *On a date or dates unknown between 31 March 2020 and 31 December 2020 you made a number of purchases for Service User 1, including:*
 - a. *On one or more occasions you purchased groceries for Service User 1;*

- b. You purchased a microwave for Service User 1;*
- c. You purchased shoes for Service User 1;*
- d. You purchased paint for Service User 1;*
- e. You purchased eye drops for Service User 1;*
- iii. On a date or dates unknown between June and July 2020 you assisted Service User 1 to set up a bank account;*
- iv. On a date or dates unknown between June and July 2020 you assisted Service User 1 to instruct a solicitor;*
- v. On around 13 July 2020 you drove Service User 1 to Brighton in order to see a solicitor;*
- vi. On one or more occasions in around July 2020 to December 2020 Service User 1 attended your home address;*
- vii. On or around 17 September 2020 you drove Service User 1 to Asda;*
- viii. On or around 3 December 2020 you took Service User 1 to the dentist.*
- 2. Whilst registered as a social worker you failed to maintain professional boundaries in respect of Service User 2, in that:*
 - i. You remained in contact with Service User 1 after you ceased being her social worker on 31 March 2020;*
 - ii. On a date unknown prior to 1 August 2020 you provided your personal telephone number to Service User 2;*
 - iii. You invited Service User 2 to lunch on Christmas day 2020;*
 - iv. In or around July 2021 you arranged to meet Service User 2.*

Allegations 1 – 2 above amount to the statutory ground of misconduct.

By reason of your misconduct your fitness to practise is impaired.

Admissions:

- 32. The panel noted that rule 32(c)(i)(aa) of the FTP Rules states, “Where facts have been admitted by the social worker, the adjudicators or regulator shall find those facts proved”.
- 33. In that regard, Mr Corrie referred the panel to the fourth direction in Directions Order made on 24 June 2024, which read, “If the social worker does not return a completed response form in compliance with direction 2 above, Social Work England will be entitled to rely on evidence of any previous admissions made by the social worker. This

evidence shall be admitted unless it is considered by the adjudicators to be unfair to do so.”

34. Mr Corrie then submitted that Social Work England did not seek to rely on the “evidence of previous admissions” referred to in that direction as admissions for the purposes of rule 32(c)(i)(aa) but simply wished to adduce that evidence, along with evidence from other sources, for the purpose of proving the Allegations.
35. The legal adviser advised the panel that he shared that interpretation of the direction. He added that, having the consultation document published by Social Work England when proposing the introduction of rule 32(c)(i)(aa), along with other new and amended rules, indicated that that rule was intended to apply to “agreed facts”.
36. On the basis of Mr Corrie’s submissions and the legal adviser’s advice, and as Ms Andrews had made no formal admissions for the purpose of the present proceedings, the panel decided to treat all of the Allegations as disputed facts.
37. The panel also considered that it was fair, in accordance with the above-mentioned direction, to admit the evidence of previous admissions on the part of Ms Andrews which were contained in her written responses to the concerns about her conduct and the allegations arising from those concerns. This was because those admissions were part and parcel of her responses and made because she considered her alleged contact with Service User 1 and Service User 2 after she ceased to be their allocated social worker to be appropriate in the circumstances.

Summary of evidence

Witnesses and evidence produced by Social Work England

38. Social Work England relied on evidence from the following witnesses:
 - The senior social worker in Ms Andrews’ team in the LAD Service between March 2018 and November 2021 (the “**Senior Social Worker**”), who became the allocated social worker for Service User 1 on 3 July 2020 after Ms Andrews had left the LAD Service and subsequently the allocated social worker for Service User 2.
 - A social worker who had worked in Ms Andrews’ team in the LDA Service at the time to which the Allegations relate (“**Social Worker A**”). Social Worker A became the allocated social worker for Service User 1 after Ms Andrews left the LAD Service but, after Service User 2 refused to engage with her, this responsibility passed to the Senior Social Worker.
 - The Deputy Team Manager in the Physical and Sensory Team North Quadrant for the Council since April 2018 (the “**Deputy TM**”), who met with Service User 1 in order to investigate two safeguarding concerns relating to her contact with Ms Andrews and, as part of that task, to assess Service User 1’s capacity to manage her finances.

- A Deputyship Case Officer in the Deputyship Team at Essex Legal Services (the “**Deputyship CO**”), who had been in that post since 2002. The Deputyship CO produced records relating to the Council’s deputyship of Service User 1. These included a chronology detailing telephone calls on the subject for the period covered by the Allegations.
 - The Deputyship Manager in the Council’s legal services team. (the “**Deputyship Manager**”), who had held that post since 2005, who provided evidence regarding deputyship orders in respect of Service Users 1 and 2.
 - A community nurse, who had worked in the North-East Essex Specialist Learning Disability Community team since October 2019 (“**Community Nurse A**”) and who covered temporarily for Service User 2’s allocated community nurse (“**Community Nurse B**”). Community Nurse B did not give evidence.
 - The Operational Manager of LDA Service between April 2018 and August 2021 (the “**Operational Manager**”), who provided background evidence as well as copies of three letters which he had sent to Ms Andrews after she had left the LDA Service, which, among other things, required her to cease contact with Service User 1.
39. Each of Social Work England’s witnesses produced a written witness statement and, with the exception of the Operational Manager, gave oral testimony. The witnesses also produced copies of case notes, telephone attendance notes, emails, letters and other records and documents relating to the cases of Service User 1 and Service User 2. Many of those documents recorded details of conversations with Service User 1 or Service User 2 and, in particular, details of statements made by Service User 1 or Service User 2 concerning contact which they had had with Ms Andrews after she ceased to their allocated social worker.
40. With regard to Service User 1, from the evidence provided by Social Work England’s witnesses, the panel understood that:
- Service User 1 had been diagnosed with a mild learning disability and an emotionally unstable personality disorder and relies on state benefits as her sole income.
 - Service User 1 has been assessed as not having the capacity to manage her own finances. As a result, since 1996, she has been subject to a deputyship arrangement under which, the Council receives Service User 1’s income and manages her expenditure.
 - In March 2020 Ms Andrews assessed Service User 1 has having the capacity to manage her finances.
41. With regard to Service User 2, from the evidence provided by Social Work England’s witnesses, the panel understood that:

- Service User 2 is a young woman with cerebral palsy and learning difficulties who lives independently in a block of flats run by a charity with residents who have similar needs.
- There were concerns that Service User 2 was being financially exploited by her boyfriend and his family as well as by her personal assistant. This latter concern had been reported by Community Nurse A and led to a formal safeguarding concern being raised.
- In October 2017 Ms Andrews assessed Service User 2 as having the capacity to manage her finances but an application to have the deputyship order revoked was unsuccessful. However, the order was subsequently revoked in July 2018 on the basis of a further assessment by Ms Andrews.

Evidence produced by Ms Andrews

42. Although Ms Andrews did not attend, she had nevertheless provided three detailed responses to the concerns raised about her conduct in relation to Service User 1 and Service User 2.
43. The first response was dated 21 August 2020 and ran to fifteen pages. It contained Ms Andrews' detailed comments on the initial concerns raised about her conduct. In addition, it described how Ms Andrews had removed Service User 1 from the influence of two women who appeared to be exploiting her and gave examples of Ms Andrews' abilities as a social worker.
44. Ms Andrews' second response was undated and dealt at length with issues concerning mental capacity assessments for Service User 1. In that response, Ms Andrews also denied that she was trying to gain from her contact with Service User 1.
45. Ms Andrews' third response was again undated. The response described Ms Andrews' frustration with working as a social worker for a local authority; briefly described Service User 2's situation and mentioned that Ms Andrews has invited her to a Christmas meal; and described in more detail Service User 1's situation and isolation and mentioned things that Ms Andrews had done to help her.
46. Ms Andrews also produced character references from two friends and [PRIVATE]. In addition to describing her personal qualities, the reference from [PRIVATE] mentioned that she was in regular contact with two service users.

Finding and reasons on facts

Submissions on behalf of Social Work England

47. Mr Corrie opened his submissions on behalf of Social Work England by referred the panel to relevant matters of law. These included, among other matters, whether any adverse inference should be drawn from Ms Andrews' failure to attend and give evidence and the degree of reliance which could be attached to the statements of those witnesses who relayed what had been said to them by Service User 1 or Service User 2.
48. With regard to adverse inference:
- Mr Corrie referred the panel to the test for whether adverse inference should be drawn from a registrant's failure to give evidence, as set out by the court in R (Kuzmin) v General Medical Council [2019] EWHC 2129 Admin. In this connection, he submitted that Social Work England had established a prima facie case and that the Notice warned Ms Andrews that an adverse inference could be drawn from her failure to attend and give evidence. He also referred to the email correspondence from Ms Andrews prior to the start of this hearing, which provided some reasons for her non-attendance.
 - Mr Corrie also referred the panel to its discretion under rule 31 of the FTP Rules to draw an adverse inference from Ms Andrews' failure to comply with the directions made prior to this hearing for her to state whether she admitted any of the Allegations.
 - In the circumstances, Mr Corrie stated that he had no specific submissions on adverse inference but suggested that the panel should take Ms Andrews' failure to attend in order to give evidence into account in so far as there was any dispute in relation to any facts.
49. In relation to hearsay evidence of statements made by Service User 1 or Service User 2, Mr Corrie referred the panel to the Considerations relevant to weighing of hearsay evidence in s.4 of the Civil Evidence Act 1995. He then submitted that the evidence of Social Work England's witness as to what was said to them by Service User 1 and Service User 2 could be relied upon for the following reasons:
- The evidence was given by professionals who had obtained it in the course of performing their professional roles and whose codes of conduct required them to act with honesty and integrity.
 - The witnesses had made an accurate and contemporaneous record of the relevant hearsay statements. In this regard, Mr Corrie reminded the panel that each witness had, in their oral evidence, confirmed that either they had recorded what was said to them soon after the relevant conversation or they had made the

record a few days later, in most cases using manuscript notes which they made at the time of the conversation.

- There was no evidence to suggest that the witnesses had a reason to fabricate their evidence; neither was there a suggestion that the accounts given by Service user 1 and Service user 2 were untrue.
- In her written responses, Ms Andrews did not appear to have disputed this hearsay evidence.

50. Mr Corrie then took the panel through the evidence on which Social Work England relied to prove Allegations 1 and 2 and each of their particulars. In relation to each particular of each Allegation he referred the panel to the pertinent part of the relevant witness statement and the related telephone attendance note, email or other record.

51. In relation to the stem of each Allegation, Mr Corrie submitted that Ms Andrews was under a duty to maintain professional boundaries by virtue of paragraph 2.3 of Social Work England's Professional Standards. He then submitted that each of particularised facts amounts to a breach of that duty for the following reasons:

- There is an imbalance of power between a social worker and a service user and the social worker is in a position of trust. This especially the case where the service user is vulnerable, as in the present instance. It is therefore important that social workers perform their role within the parameters of professional rules, which protect both the service user and the social worker.
- Ms Andrews met Service Users 1 and 2 in the course of her professional employment, where the above considerations applied.
- The alleged contact between Ms Andrews and Service Users 1 and 2 occurred in close proximity in time to her acting as their allocated social worker.
- The alleged contact between Ms Andrews and Service User 1, included activities such as Ms Andrews' purchasing things for Service User 1 and assisting her to open a bank account, which were all things which should have been done in a formal social work setting.
- Each of the witness had confirmed that the activities particularised in Allegations 1 and 2 were, in their view, breach of professional boundaries (and Mr Corrie referred the panel to the relevant parts of the oral and written evidence of the Community Nurse A, Social Worker A and the Deputy TM).

Legal advice on fact-finding stage

52. The panel heard and accepted the advice of the legal adviser on the fact-finding stage. That advice included reference to Rule 32(c) of Social Work England's Fitness to Practise Rules, regulation 25(4) of Social Workers Regulations 2018 and the case of *Miller v Minister of Pensions* [1947] 2 All ER 372. The panel noted, in particular, that it

was for Social Work England to prove each of the Allegations on the balance of probabilities.

53. With regard to the statements of those witnesses who relayed what had been said to them by Service User 1 or Service User 2, the legal adviser advised that the panel should give such weight to that hearsay evidence as it thinks appropriate. He added that, in considering that matter, it would be helpful to have regard to the factors set out in s.4 of the Civil Evidence Act 1995 and that, in line with the decision in *Ogudele*, the panel should (i) proceed with caution in the absence of cross examination of the witness; (ii) review the absent witness' evidence to see if there is any inherent or other weakness in it; (iii) ascertain if there is evidence supporting the untested evidence; and (iv) make a fair assessment in all the circumstances.
54. In terms of assessing the credibility of the witnesses and considering the evidence generally, the legal adviser referred the panel to the cases of *Suddock v Nursing and Midwifery Council [2015] EWHC 3612 (Admin)* and *Sri Lanka v SSHD [2018] EWCA Civ 391*, *R (on the application of Dutta) v General Medical Council [2020] EWHC 1974 (Admin)* and *Khan v General Medical Council [2021] EWHC 374 (Admin)*. The panel understood from the legal adviser's advice that:
- objective evidence, such as contemporaneous documents, should be considered before other factors;
 - the reliability of evidence should not be considered in isolation;
 - the confident delivery and demeanour of witness is not a reliable guide as to whether they are telling the truth;
 - witness evidence (in most cases) is not the only relevant part of the evidence;
 - the only objective and reliable approach is to focus on the content of the testimony and to consider whether it is consistent with other evidence (including evidence of what the witness has said on other occasions) and with known or probable facts.
55. On the question of assessing whether an adverse inference should be drawn from Ms Andrews' failure to give evidence, the legal adviser referred the panel to the test in the case of *R (Kuzmin) v General Medical Council [2019] EWHC 2129 Admin* in which the judge stated, "... whilst emphasising that whether an adverse inference is drawn will be highly dependent upon the facts of the particular case, it seems to me that, generally, no inference will be drawn unless:
1. a *prima facie* case to answer has been established;
 2. the individual has been given appropriate notice and an appropriate warning that, if he does not give evidence, then such an inference may be drawn; and an opportunity to explain why it would not be reasonable for him to give evidence and, if it is found that he has no reasonable explanation, an opportunity to give evidence;

3. *there is no reasonable explanation for his not giving evidence; and*
4. *there are no other circumstances in the particular case which would make it unfair to draw such an inference*

Panel's decision on adverse inference

56. The panel considered whether it was appropriate for it to draw an adverse inference from Ms Andrews' failure to comply with the directions order dated 12 June 2024. Those directions required her to confirm which alleged facts were admitted, whether she accepted the alleged grounds of impairment, whether she accepted the contents of the statements of Social Work England's witnesses and whether she required any of them to be called. Given that it had been reported in a telephone attendance note made on 8 October 2024 by Social Work England's solicitors that Ms Andrews has stated that she had not opened the attachments to the email containing the Notice because the contents caused her stress, the panel considered that this was a likely explanation for her failure to comply with the directions. It therefore considered that that failure was not intended to frustrate or obstruct the present proceedings or to conceal any matters from the panel. In the circumstances, the panel decided that it would be unfair to it to draw an adverse inference from Ms Andrews' non-compliance.
57. With regard to the question of whether it was appropriate for it to draw an adverse inference from Ms Andrews' failure to attend the first three days of this hearing and give evidence:
 - In line with the first two elements of the test in Kuzmin, the panel considered that Social Work England had established a prima facie case and that, in the Notice, Ms Andrews had been notified that an adverse inference could be drawn from her failure to engage with the proceedings.
 - The panel considered that Ms Andrews had provided a reasonable explanation for her inability to attend, notwithstanding that it could have been fuller. In her email of 29 October 2024, Ms Andrews, informed the panel that she could not commit to a whole week's hearing. On 3 November 2024, she informed Social Work England that she had an all-day job interview on the third day of the hearing but could attend on the fourth day. The panel also noted Ms Andrews' concerns about reading about the case against her as indicted by the telephone attendance note of 8 October 2024 mentioned above, which the panel considered could have contributed to her absence from this hearing.
 - In the circumstances, the panel did not consider that Ms Andrews' failure to attend the hearing and give evidence was intended to obstruct the present proceedings or prevent her being cross-examined on her written responses. Accordingly, it did not consider that it would be fair to draw an adverse inference from that failure.

Panel's decision on facts

Reliance on hearsay statements

58. Having reviewed the evidence, the panel was satisfied that, in each of the instances mentioned in its decisions below, it could rely on, and attach significant weight to, the evidence given by the Senior Social Worker, the Deputyship CO, the Deputy TM, Social Worker A and Community Nurse A regarding what they had been told by Service Users 1 and 2 about their contact with Ms Andrews. The reasons for that view were as follows:
- The witnesses had confirmed under oath or affirmation that the records and emails recording the hearsay statements were created shortly after the relevant information was relayed by the relevant service user to the witness or were created a few days afterwards on the basis of contemporaneous manuscript notes.
 - The statements made by Service Users 1 and 2 were obtained and recorded by the witnesses in their professional capacity and whilst acting in the course of their employment.
 - Many of the statements were supported by Ms Andrews' written responses.
 - There was nothing before the panel to make it consider that either Service Users 1 and 2 or the witnesses had any reason to fabricate those statements. In this regard, the panel noted that, although Ms Andrews rejected any assertions that she had acted for personal gain or had erred in her assessment of Service User 1's capacity, she did not dispute allegations about her continuing contact with Service Users 1 and 2 after she ceased to be their allocated social worker, except for correcting the precise nature of certain contact or matters of detail.

Approach

59. The panel considered Allegation 1 and Allegation 2 in turn. In each case, panel considered whether the particulars of each Allegation were proved before going on to consider whether each particular amount to a failure to maintain professional boundaries. In relation to particulars 1(i) and 2(i), as these referred to contact with the relevant service user in general, the panel first considered whether the specific types of contact specified in the remaining particulars were proved, as this would inform the panel's decision on the contact in general.

Particular 1(i): You remained in contact with Service User 1 after you ceased being her social worker on 31 March 2020 – PROVED

60. Given its findings in relation to the other particulars of Allegation 1, the panel concluded that particular 1(i) was also proved. In addition, panel noted that there was further evidence that Ms Andrews remained in contact with Service User 1 after she ceased being her social worker. In particular, Service User 1 was reported as saying that she spoke to Ms Andrews over the telephone several times a day and this was confirmed by

Ms Andrews in her responses. The panel also noted that the Senior Social Worker had stated that Service User 1 would refer to Ms Andrews as “Lisa” or “Mummy Cuddles”.

Particular 1(ii): On a date or dates unknown between 31 March 2020 and 31 December 2020 you made a number of purchases for Service User 1, including (a) on one or more occasions you purchased groceries for Service User 1; (b) you purchased a microwave for Service User 1; (c) you purchased shoes for Service User 1; (d) you purchased paint for Service User 1; (e) you purchased eye drops for Service User 1 - PROVED

Particular 1(ii)(a)

61. In relation to particular 1(ii)(a), the panel noted in entry in chronology of telephone contact prepared by the Deputyship CO (the “Chronology”) which referred to a telephone call made by her on 9 July 2020 to Service User 1. The entry read “*T/C to check on yesterday's discussion as unable to reach her on call back. Confirmed she was up Asda with 'mummy cuddles, Lisa' doing a big shop as Asda is cheaper.*”
62. A further entry recorded a telephone call between the Deputyship CO and Service User 1 on 19 August 2020, in which shopping for groceries and pillow was discussed. In that call, Service User 1. The entry states “... *Discussed her getting some new ones [pillows] tomorrow when Lisa takes her shopping*” and later “*Lisa should be able to support her to budget whilst out shopping as pillows at Asda (where she now shops) or locally at Dunelm should not be too expensive.*”
63. In addition, Ms Andrews, in her first response to the concerns about her conduct, referred to her doing shopping for Service User 1.
64. The panel concluded from those entries that Ms Andrews took Service User 1 shopping, that from at least mid-July onwards the supermarket where they shopped was Asda (which principally sells groceries) and that they had shopped at Asda on 9 July 2020.
65. A case noted dated 17 September 2020 and made by the Senior Social Worker refers to a call with Service User 1 in which Service User 1 recorded as stating that “*she was in the car with Lisa going to ASDA to do her shopping*”.
66. However, the entry in the Chronology for the call on 19 July 2020 indicated that Service User 1 used her own money to pay for groceries on such trips with Ms Andrews helping her to budget. In the circumstances, it was not clear that Ms Andrews actually purchased groceries for Service User 1. This is supported by an entry in the Chronology recording a telephone call on 5 November 2020, which states “... *still has support of mummy my ex social worker who she said came to see her this morning as usual to get her shopping and that she had given Lisa the money and Lisa had gone to Aldi for her*”. By contrast, a case note made by the Senior Social Worker refers to a call with Service User 1 on 22 September 2020, in which Service User 1 states that, because of Covid, Ms Andrews does her shopping for her and she pays Service User 1 back. The panel

therefore found particular 1(ii)(a) proved given that it appeared that, in some instances, Ms Andrews actually purchased the groceries. It also recognised that the shopping trips where Service User 1 paid for the groceries herself nevertheless represented contact with Service User 1 for the purposes of particular 1(i).

Particular 1(ii)(b)

67. With regard to particular 1(ii)(b), the panel noted that an entry in the Chronology refers to a call from Service User 1 to the Deputyship CO in which Service User 1 states the Ms Andrews had bought her a microwave oven but it was not Service User 1's preferred brand. This was confirmed by a passage in Ms Andrews' first response which read "*She [Service User 1] also wanted a microwave which she had been asking ELS [Essex Legal Services, which administered deputyship orders] to provide for ages but was being ignored. I went on Ebay and ordered her the simplest to use black microwave but when it arrived she did not want it because its not hotspot*". Given that evidence, the panel found particular 1(i)(b) proved.

Particulars 1(ii)(c), (d) and (e)

68. With regard to particulars 1(ii)(c), (d) and (e), the panel noted that, in her first response, Ms Andrews stated "*Another time she had no decent shoes and the ones she had hurt her bunion so I searched on ebay for some sandals with straps that avoid her bunion and ordered them for her. ... Another time she had a sty in her eye and needed eye drops, it was out of surgery time and she was in pain so she rang me from Boots and I paid over the phone for her eye drops, what is the alternative? ... Alongside this, there was paint to decorate her house, a Rainbow sticker & stars for her ceiling.*". Given those statements, the panel found particulars 1(ii)(c), (d) and (e) proved.

Particular 1(iii): On a date or dates unknown between June and July 2020 you assisted Service User 1 to set up a bank account – NOT PROVED as account opened outside specified period

69. In relation to particular 1(iii), the panel found that Ms Andrews had assisted Service User 1 to set up a new bank account. The reasons for that finding were as follows:
- In an email dated 9 June 2020 from the Deputyship CO which was copied to the Operational Manager, the Deputyship CO stated that she had, on that date, received a call from Service User 1 in which Service User 1 stated, "*She said she banks with Lloyds and that Lisa opened the account for her.*" The email also reported Service User 1 as saying that she had a new bank card.
 - The Deputyship CO also produced a letter dated 2 September 2020 which confirmed that Service User 1 held an account with her and that it had been opened on 28 May 2020.
 - In her first response, Ms Andrews stated, "*... the next step would be for her [Service user 1] to open her own local account for her money to be transferred*

into. I supported to undertake this task because again, you have to use the internet and she now has her own bank card and account ...”

70. However, as the letter from Lloyds Bank plc stated that Service user 1’s account had been opened on 28 May 2020 and this was outside the period specified in particular 1(iii), the panel found that particular not proved. Nevertheless, as the panel had found that Ms Andrews had assisted Service User 1 to open a bank account, the panel considered that this was a form of contact between them for the purposes of particular 1(i).

Particular 1(iv): On a date or dates unknown between June and July 2020 you assisted Service User 1 to instruct a solicitor - PROVED

71. In relation to particular 1(iii), the panel found that Ms Andrews had assisted Service User 1 to instruct a solicitor. The reasons for that finding were as follows:
- The Deputyship CO’s email of 9 June 2020 reported Service User 1 as stating, *“I asked who her solicitor was. She said his name is Paul. I asked who he works for, she said she didn't know, so I asked where did you see him, was this in Colchester. She said 'Lisa got him for me, I don't know Lisa has his number. He's writing to your boss, [the Deputyship TM].”*
 - In her first response, Ms Andrews stated, *“[Service User 1] understood she would be better off with a solicitor and asked for my help to find one. I have enabled her to have a face to face & zoom meetings with her solicitor because she wants to regain control of her finances which she is fully entitled to do. [Service User 1] is perfectly within her rights to seek legal advice & representation and the solicitor has acted upon HER instruction not mine. ...her solicitor, is instructed directly by [Service User 1] – not me. If you so wish you can ask him yourselves his name is [Name] from Seagull Legal Solicitors, Brighton, you can find his details online. All I have ever done is enable her to access services, information and help which she cannot do herself as she does not have access to the internet nor the understanding to navigate it.”*
 - Ms Andrews produced a letter dated 12 June 2020 from Seagull Legal Services in Brighton to the Deputyship TM which advised him that the law firm had been consulted by Service User 1. Given the date of the letter, which occurred two full working weeks after the start of June 2020, the panel considered it likely that the law firm would have been consulted at some point during that two-week period.
 - The panel noted that, in their letter, Seagull Legal Services did not describe themselves as solicitors or state that they were regulated by the Solicitors Regulatory Authority. However, the panel considered that, in particular 1(iv), the term solicitors was intended to be include other types of law firm providing legal services to the general public and that both Ms Andrews and Social work England appeared to treat Seagull Legal Services as “solicitors”. The panel therefore did

not consider that the status of Seagull Legal Services precluded the panel from finding particular 1(iv) proved. If the panel was wrong in this, then particular 1(iv) nevertheless represented a form of contact between Ms Andrews and Service User 1 for the purposes of particular 1(i).

Particular 1(v): On around 13 July 2020 you drove Service User 1 to Brighton in order to see a solicitor - PROVED

72. In relation to particular 1(iii), the panel found that Ms Andrews had driven Service User 1 to Brighton to see a solicitor. The reasons for that finding were as follows:

- The letter from Seagull Legal Services dated 12 June 2020 gives the address that firm's offices as being in Brighton.
- In the Chronology, the Deputyship CO records a telephone conversation with Service User 1 on 10 July 2020 in which Service user 1 says that, on 13 July 2020, Ms Andrews is to take her to Brighton to see a solicitor.
- In a note of a call with Service user 1 on 13 July 2020 produced by the Senior Social Worker, Service user 1 states that Ms Andrews ("Lisa") is going to drive her to Brighton to see a solicitor.
- A case note made by the Senior Social Worker on 14 July 2020 records a telephone conversation of the same date with Service user 1 in which she confirms that the trip to Brighton took place.
- In a list of corrections to the allegations against her which were attached to Ms Andrews' final response, Ms Andrews states that her dog, not her child, had accompanied her and Service User 1 to Brighton.

73. The panel's observations regarding the status of Seagull Legal Services in relation to particular 1(iv) are equally applicable to particular 1(v).

Particular 1(vi): On one or more occasions in around July 2020 to December 2020 Service User 1 attended your home address - PROVED

74. The panel found particular 1(vi) proved on the basis of the following evidence:

- In a case note made on 21 July 2020, the Senior Social Worker records that, on that date, she had a telephone conversation with Service User 1 in which Service User 1 stated that she was "*with her friend Lisa at her house*".
- In an email dated 30 November 2020 which was produced by the Senior Social Worker, the sender of the email (an employee of a firm which provided cleaning services to Service User 1) informs the Senior Social Worker that she "... *won't be visiting [Service User 1] at [address] again until Wednesday 10th as she informs me she is staying with Lisa in Sudbury while her kitchen is being fitted.*"

- In a case note made on 1 December 2020, the Senior Social Worker records that, on that date, she had a telephone conversation with Service User 1 in which Service User 1 stated she was “*staying with Lisa and had gone over to her yesterday*”.
- In the list of corrections attached to Ms Andrews’ final response, Ms Andrews denied that Service user 1 stayed at her home overnight but she did not deny that Service User 1 had visited her home.

Particular 1(vii): On or around 17 September 2020 you drove Service User 1 to Asda - PROVED

75. The panel found particular 1(vii) proved by a case note made on 17 September 2020 by the Senior Social Worker. The case note records a telephone conversation with Service User 1 on that date, during which Service user 1 states that she was “*in the car with car with Lisa going to ASDA to do her shopping.*”. In addition, the panel considered that this situation was consistent with its findings about the Service User shopping at ASDA with Ms Andrews in respect of particular 1(ii)(a).

Particular 1(viii): On or around 3 December 2020 you took Service User 1 to the dentist - PROVED

76. The panel found particular 1(viii) proved on the basis of a case note on Service user 1’s file which was produced in evidence by the Senior Social Work but made on 4 December 2020 by a colleague of hers in the emergency duty service. The case note recorded a telephone call from a police officer, who stated that he had visited Ms Andrews’ home and she had stated that she had taken Service user 1 to the dentist on the previous day (i.e. 3 December 2020). The panel considered that it could rely on this evidence as it was an official record made by a member of the Council’s social services team in the course of her duty which recorded information relayed by a police officer in the course of his duty. Moreover, it was supported by several references in the documentary evidence to Service User 1 having poor dental health (which made such a trip plausible) and by a line in Ms Andrews’ second response which remarked that the police had attended her house on 4 December.

Allegation 1: failure to maintain professional boundaries in respect of Service User 1- PROVED

77. In relation to the stem of Allegation 1 panel considered that, as a registered social worker, Ms Andrews had been under a duty to maintain professional boundaries with service users by virtue of Standard 2 of Social Work England’s Professional Standards (2019) which states, “*As a social worker, I will ... 2.3 Maintain professional relationships with people and ensure that they understand the role of a social worker in their lives.*” The panel understood that this duty applied in respect service users after a social worker had ceased to be their allocated social worker and this understanding was confirmed by the evidence of the Senior Social Worker, Social Worker A and the Deputy

TM, all of whom are experienced social workers. For example, the panel noted that, in her witness statement, the Senior Social Worker stated *“When I work with a service user and the relationship ends, I would not establish or continue relationships with the service user outside the remit of my job and outside work. I deem a relationship with a service user as a work relationship that requires professional boundaries. As social workers we work with some of the most vulnerable individuals in our society who, through perhaps their life experiences, may respond to our empathy and support in the wrong way and want a different relationship. We have to maintain professional boundaries to protect them as well as ourselves.”*

78. Given its findings in relation to the particulars of Allegation 1, the panel found that, Ms Andrews had failed to maintain professional boundaries with Service User 1 by remaining in contact with her in the manner described in those findings after ceasing to be Service User 1’s social worker. This decision was informed by the evidence of the Senior Social Worker, Social Worker A and the Deputy TM, who all emphasised the impropriety of a social worker maintaining contact with a service user after the social worker had ceased to be the service user’s allocated social worker. Moreover, Ms Andrews herself, in her first response, stated *“On reflection of this situation, I am fully aware that remaining in contact with a client is a blur of professional boundaries and my SW registration is at risk.”*

Particular 2(i): You remained in contact with Service User 2 after you ceased being her social worker on 31 March 2020 – PROVED

79. Given its findings in relation to the other particulars of Allegation 2, the panel concluded that particular 2(i) was also proved. In addition, the panel noted that there was further evidence that Ms Andrews remained in contact with Service User 1 after she ceased being her social worker, such as the statement of [PRIVATE] in her character reference to the effect that Ms Andrews remained in contact with both Service Users.

Particular 2(ii): On a date unknown prior to 1 August 2020, you provided your personal telephone number to Service User 2 – PROVED

80. The evidence in support of particular 2(ii) is the evidence of Social Worker A, who stated that Service User 2 had mentioned that she and Ms Andrews were still in contact after Ms Andrews left the Council and that they had exchanged phone numbers. Social Worker A also produced an email from her to the Operational Manager in which she reported, among other things, *“LA and [Service User 2] still in contact with each other personal numbers exchanged”*. Moreover, Ms Andrews in her responses did not deny remaining in contact with Service User 2. On the basis of that evidence the panel found particular 2(ii) proved.

Particular 2(iii): You invited Service User 2 to lunch on Christmas Day – PROVED

81. The panel found particular 2(iii) proved on the basis of two items of evidence. The first was a case note made on 7 December 2020 by Community Nurse A of a visit to Service User 2. The case note records that Service User 1 said that *“Lisa her old Social Worker has been in contact with her (either Wednesday or Thursday) and she has invited [Service User 2] to Christmas lunch”*. This is confirmed by one of the corrections attached to Ms Andrews’ final response, which stated that she had not invited Service User 1 to her home for Christmas dinner but to a restaurant. Ms Andrews added that, in the event, this did not take place due to Covid restrictions.

Particular 2(iv): In or around July 2021 you arranged to meet Service User 2 – NOT PROVED

82. The evidence for particular 2(iv) was a case note made by Community Nurse A of a visit to Service User 2 on 15 July 2021 at which Service User 2’s partner was present. The note contained an entry reading *“PARTNER said that they had spoken with Lisa Social Worker) and that she would be coming over on a friday night with her dog”*. The Senior Social Worker produced a copy of an email to her from Community Nurse A dated 16 July 2021, which reports the same statement. However, the email goes onto say that, when Community Nurse A spoke to Service User 2 separately she stated that she *“did not know if/when Lisa would visit”*. Given this latter statement, the panel were not convinced that an arrangement had been made as opposed to a suggestion or a possibility. The panel considered that the probabilities that an arrangement had been made were even and therefore gave the benefit of the doubt to Ms Andrews and found particular 2(iv) not proved. However, the panel also considered that the evidence showed that Ms Andrews had been in contact with Service User 2 after 31 March 2020 for the purposes of Particular 2(i).

Allegation 2: failure to maintain professional boundaries in respect of Service User 2 - PROVED

83. As stated above in relation to Allegation 1, the panel considered that Ms Andrews was under a duty to maintain professional boundaries with service users after she ceased to be their allocated social worker. The panel also considered that, given its findings in relation to the particulars of Allegation 2, Ms Andrews had breached that duty in relation to Service user 2 by remaining in contact with her after she ceased to be her registered social worker. Again, the panel’s decision in this regard was informed by the evidence of Senior Social Worker, Social Worker A and the Deputy TM and of Ms Andrews herself. In addition, it noted that, when Community Nurse A had discovered that Ms Andrews had been in contact with Service User 2, she, as a fellow healthcare professional, had found this conduct so unusual and concerning that she had spoken to her manager about it.

Finding and reasons on grounds:

Submissions on grounds on behalf of Social Work England

84. Mr Corrie opened his submissions by referring to Social Work England's statutory objective, and the definition of misconduct and by reminding the panel that any breach of professional standards must be serious in order to amount to misconduct.
85. Mr Corrie then submitted that Ms Andrews' breach of professional boundaries had been serious for the following reasons:
- As a social worker, Ms Andrews had been in a position of trust and had been expected to act so as to justify that trust.
 - As a social worker, Ms Andrews had been in a position of power in relation to service users and she had been dealing with vulnerable service users.
 - The requirement to maintain professional boundaries set out in standard 2.3 of Social Work England's Professional Standards is a central tenet of the social work profession.
 - There is a clear need for professional boundaries to protect both service users and social workers.
 - Ms Andrews had been under a duty to work within the rules of her profession. It had not been for her to decide what rules should be applied in any individual case. However, Ms Andrews had remained in contact with two service users despite having received three letters from the Operational Manager warning her not to do so.
 - Although there was no evidence of actual harm to service users, there was a risk of harm. Service Users 1 and 2 were vulnerable individuals and it would have been appropriate for any support which they required to have been supplied within the structure of a social worker - service user relationship.
 - Ms Andrews' had only come to meet Service Users 1 and 2 because of her professional relationship with them and her contact with them resumed shortly after that relationship ended.
 - Ms Andrews may well have had good intentions but they do not excuse her lack of respect for professional boundaries.

Submissions from Ms Andrews

86. Ms Andrews attended this hearing on its fourth day. She addressed the panel after Mr Corrie had completed his submission on grounds and impairment. Her submissions are set out in the section on impairment below.

Legal Advice on Grounds

87. The panel heard and accepted the legal adviser's advice on misconduct. The panel understood from that advice that:
- Whether facts proved or admitted amount to misconduct is a matter of judgment for the panel rather than a matter of proof. [*Council for the Regulation of Health Care Professionals v GMC and Biswas* [2006] EWHC 464].
 - Misconduct is, in essence, a serious departure from the standards of conduct expected of social workers as professionals and what would be proper in the circumstances of the case. [*Roylance v General Medical Council (No.2)* [2000] 1AC]
 - Whether a breach of professional rules should be treated as professional misconduct depended on whether it would be regarded as serious and reprehensible by competent and responsible [registrants] and on the degree of culpability. [*Solicitors Regulatory Authority v Day & ors* [2018] EWHC 2726 (Admin)].
 - There is a high threshold of gravity for misconduct. Behaviour which is trivial, inconsequential, a mere temporary lapse or something otherwise excusable or forgivable does not constitute misconduct. [*Khan v Bar Standards Board* [2018] EWHC 2184(Admin)]

Panel's decision on Grounds

88. Although the statement of case suggested a number of professional standards from Social Work England's Professional Standards (2019), the panel considered that Standard 2.3 was clearly applicable in the present instance. That Standard read, "As a social worker, I will ... maintain professional relationships with people and ensure that they understand the role of a social worker in their lives."
89. In its decisions regarding the opening wording of Allegation 1 and Allegation 2, the panel had already decided that Ms Andrews was, by virtue of Standard 2.3, under an obligation to maintain professional boundaries with Service Users 1 and 2 but had failed to do so by having contact with them as described in those Allegations after she ceased to be their allocated social worker on 31 March 2020. The panel had therefore, in effect, concluded that Ms Andrews had breached Standard 2.3. Accordingly, it proceeded to consider whether her breach of that Standard was of sufficient seriousness to amount to misconduct.
90. The panel considered that Ms Andrews breach of Standard 2.3 by failing to maintain professional boundaries with Service Users 1 and 2 was serious for the following reasons:

- Ms Andrews' contact with Service Users 1 and 2 was not accidental. She had, by her own admission, announced her intention to remain in contact with Service Users 1 and 2 before she left her post at the Council and had maintained that contact despite three letters from the Operational Manager advising her not to do so.
- Ms Andrews's contact with Service Users 1 and 2 was not restricted to a few sporadic and isolated incidents. She was in regular – almost daily – contact with Service User 1 and that contact extended not only to telephone calls but also visits to Ms Andrews' home, shopping trips and, on one occasion, an excursion to Brighton to see a solicitor. Her contact with Service User 2 appeared to be much less frequent but, by exchanging telephone numbers with her, Ms Andrews had effectively invited and enabled Service User 2 to make contact as often as she wished. (For this reason, along with the others cited in the indents of this paragraph, the panel would have made a finding of misconduct in relation to Allegation 2 in the absence of Allegation 1.)
- Likewise, Ms Andrews' contact with Service Users 1 and 2 outside her professional role had commenced soon after she had left her employment with the Council and, as confirmed by Ms Andrews at this hearing, still persisted over four years later.
- Ms Andrews had maintained her contact with Service Users 1 and 2 even though she recognised that it blurred professional boundaries and was a breach of professional standards of sufficient seriousness to put her registration at risk.
- The social workers and other health professionals who gave evidence to the panel all considered Ms Andrews' continued involvement in the lives Service Users 1 and 2 after she ceased to be their allocated social worker to be entirely inappropriate.

91. In arriving at those conclusions, the panel noted that Ms Andrews appeared to have remained in contact with the Services Users with the best of intentions. However, given the risks to service users mentioned in the panel's decision in impairment below, this did not excuse her continued and on-going breaching of professional standards.
92. In the circumstances, the panel found that Ms Andrews's proven failure to maintain professional boundaries with Service Users 1 and 2 amounted to misconduct.

Finding and reasons on current impairment:

Social Work England's submissions on impairment

93. Mr Corrie opened his submissions on impairment by summarising the concept of impairment and referring the panel to Social Work England's Guidance on Impairment and Sanction.

94. Mr Corrie then turned to the personal component of impairment. He first referred to Ms Andrews' level of engagement with the fitness to practise process. In this regard, he submitted that, although she had provided extensive written responses to the concerns about her conduct, she had not attended this hearing during the fact-finding stage to be questioned on those responses.

95. Mr Corrie then cited the following passages from Ms Andrews' written responses:

"On reflection of this situation, I am fully aware that remaining in contact with a client is a blur of professional boundaries and my SW registration is at risk."

"I am self-aware enough to realize that being a SW for the LA does not suit me, particularly on the long-term team – which is what I was on - due to the relationships you can build..... This does not mean I am unable to practice SW I could still undertake freelance reviews or indeed write form F assessments for potential foster carers, but I know my limits and would not seek an LA position again. It is evident in my career choice that I care too much which is why I have always wanted to foster and I am now fulfilling my true ambition where I can have my work at home where I can make real positive change to children's lives. Alongside which, I do not believe that SW's in the LA are enabled to make real changes for adults with eligible care needs because the LA is targets, budget & savings driven ..all encapsulated in red tape and bureaucracy which ties the hands of professionals trying to make a real difference."

"When my notice period ended and I shared my intention to remain in contact with [Service User 1] I was advised not to & I acknowledged the advice but as I have said consistently the relationship to [Service User 1] is more valuable than red tape and bureaucracy."

96. Mr Corrie cited the following passage from the character reference provided by [PRIVATE]

"With hindsight this may have been the wrong move for her. Being assigned to care for and organise people's lives and then discovering that perhaps they were not being provided with the best kind of help and advice – well she couldn't easily put it right, there was red tape and authorities to deal with; what chance does one person have? But Lisa, being the kind of person she is, will continue to fight and go above and beyond to help. This was especially true of [Service Users 1 and 2]. Lisa saw the potential in both of them, saw what they were capable of in their lives and wanted to do all she could to help them achieve independence and lead, as far as possible, fulfilling lives."

97. Mr Corrie added that it appeared that Ms Andrews has stayed in touch with both Service Users to date. He also pointed out that the testimonials which Ms Andrews had provided to the panel were not from professional colleagues and therefore did not provide any information on her past or present professional practice.

98. Turning to insight, remediation and the risk of repetition, Mr Corrie accepted that there were positive aspects in that Ms Andrews had accepted that her remaining in contact

with Service Users 1 and 2 blurred professional boundaries and was serious enough to put her registration at risk. However, he then submitted that there were concerns which pointed to the conclusion that Ms Andrews' misconduct was highly likely to be repeated. These were:

- Ms Andrews had remained in touch with both Service Users despite receiving warnings to the contrary and despite the present fitness to practice proceedings.
- The passages which he had quoted showed that Ms Andrews did not intend to be bound by the professional rules which apply to others but would continue to act as she thinks fit.
- There was no evidence of her having undertaken any training in maintaining professional boundaries or any other remediation and, as she had not given evidence, there was no information on what she would do if the same situation were to arise in the future.
- There were therefore no grounds to conclude that Ms Andrews had developed any significant insight or undertaken any remediation so as to make a repetition of her misconduct unlikely.

99. Mr Corrie concluded by submitting that Ms Andrews' failure to accept the need to maintain professional boundaries meant that the only way to maintain public confidence and profession standards was by sending a strong message in the form of a finding of impairment.

Submissions from Ms Andrews

100. Ms Andrews accepted what Mr Corrie had said in his submissions but added that they had been made from a regulatory perspective.
101. Ms Andrews stated that if, in the long term, she were to return to a social work role in which she dealt directly with service users, as she had done whilst working for Essex County Council, and if, in that role, she were to meet an individual who was unbearably lonely, sad and suicidal and by befriending them she could make them happy, she probably would.
102. Ms Andrews said that Service Users 1 and 2 still maintained their relationship with her and that, only today, she had received four calls from Service User 1. Ms Andrews added that contact with her was a lifeline for Service User 1 and perhaps that contact had prevented her from taking her own life.

Legal Advice on Impairment

103. The panel heard and accepted the advice of the legal adviser on impairment. That advice included reference to Social Work England's Impairment and Sanctions Guidance as well as the following points:

- The existence of impairment is a matter for the panel's own independent judgment or assessment and, in considering whether Ms Andrews' fitness to practise was impaired, the panel should take account of Social Work England's Impairment and Sanctions Guidance.
- According to the Impairment and Sanctions Guidance, a social worker is fit to practise when they have the skills, knowledge, character and health to practise their profession safely and effectively without restriction. If a panel decides that a social worker's fitness to practise is impaired, this means that it has serious concerns about the social worker's ability to practise safely, effectively, or professionally.
- As stated in *Meadow v General Medical Council [2006] EWCA Civ 1390*, the purpose of fitness to practise proceedings is not to punish the practitioner for past misdoings but to protect the public against the acts and omissions of those who are not fit to practise.
- Protection of the public, as defined in s.37 of the Children and Social Work Act 2017, comprises protecting, promoting and maintaining the health, safety and well-being of the public, promoting and maintaining public confidence in social workers and promoting and maintaining proper professional standards for social workers. The panel should consider whether a finding of impairment is required for any or all of those three purposes.
- The test for impairment, as set out by the court in *Council for Health and Regulatory Excellence v Nursing and Midwifery Council and Grant [2011] EWHC 927 (Admin)*, is whether the panel's finding of misconduct in respect of Ms Andrews indicated that her fitness to practise is impaired in the sense that she had in the past (a) put service users at unwarranted risk of harm; (b) brought the social work profession into disrepute; (c) breached one of the fundamental tenets of that profession; and/or (d) acted dishonestly or, in each case, was liable to do so in the future.
- As stated in *Cohen v General Medical Council [2008] EWHC 581 (Admin)*, at the impairment stage the tribunal should take account of evidence and submissions that the conduct (a) is easily remediable, (b) has already been remedied and (c) is highly unlikely to be repeated.
- When assessing whether a finding of impairment is required in order to protect the health, safety and well-being of the public, the panel should consider the extent to which the social worker's conduct gave rise to harm or a risk of harm and the likelihood of that conduct being repeated. Assessment of the risk of repetition involves consideration of (i) the social worker's previous history and their conduct since the concerns about their conduct arose and (iii) the extent to which they have developed insight into their misconduct and (iii) the extent to which they have taken steps to remedy any failings on their part which led to that misconduct.

- A finding of personal impairment is usually not needed if (a) the social worker has understood the causes of, and learnt from, any mistakes or misjudgements; and (b) there is no risk of repetition. However, the panel should also consider whether a finding of impairment is required in order to maintain public confidence and proper professional standards (the so-called public component of impairment). Depending on the circumstances, a finding of impairment on these grounds can be necessary even where the social worker poses no current risk to the public.
- When considering the testimonials submitted by a social worker, the panel should assess the content of each testimonial on the light of their knowledge of any relationship between author and social worker and on the basis of (i) the relevance of the content to the specific findings in the case; (ii) the extent to which the author's views are consistent with other available evidence; (iii) the length of time for which the author has known the social worker; and (v) the extent to which the testimonial offers a current view of the social worker's fitness to practise. In addition, the panel should give little weight to testimonials from persons who are not aware of the fitness to practise proceedings or the actions behind them.

Panel's decision on Impairment

104. Having found that Ms Andrews' conduct, as described in the Allegations, amounted to misconduct, the panel then considered whether her fitness to practise was currently impaired by reason of that misconduct.
105. The panel first considered whether Ms Andrews' fitness to practise was currently impaired in terms of the need to protect the health, safety and well-being of the public. For that purpose, the panel considered, firstly, whether Ms Andrews' misconduct had caused any harm to the health, safety and well-being of the public or given rise to a risk of such harm being caused; and, secondly, whether her misconduct was likely to be repeated.
106. With regard to the first of those matters, the panel noted that Ms Andrews' conduct did not appear to have caused any apparent harm to either of Service Users 1 and 2 and, in the case of Service User 1, Ms Andrews appeared to have provided a considerable amount of practical and emotional support. It also recognised that Ms Andrews appeared to have been acting out of compassion and with the best of intentions. Nevertheless, the panel considered that the extent of her contact with the Services Users, in particular Service User 1, was such as could expose them to a risk of harm. This was because the level and nature of the support which Ms Andrews provided appeared to have caused both Service Users to move away from the formal system of support offered by social services. This, in turn, would make them isolated and vulnerable if, for any reason, Ms Andrews' support were no longer available, which could lead to adverse consequences for their emotional and physical well-being. The panel therefore concluded that Ms Andrews' misconduct had posed a risk to the health, safety and well-being of the public and, in particular service users.

107. The panel then considered whether there was a risk of Ms Andrews's misconduct being repeated. In doing so, the panel considered Ms Andrews's previous history and her conduct since the time to which the Allegations relate and the extent to which she had developed insight into, and remedied, her misconduct. Having considered those matters, the panel concluded that there was a high risk of Ms Andrews misconduct being repeated for the following reasons:

- Although the panel had no evidence of any previous regulatory findings against Ms Andrews, her contact with Service Users 1 and 2 after she ceased to be their allocated social worker (which led to the panel's finding of misconduct) had nevertheless persisted, not only during the period covered by the Allegations but also up to the present day. Indeed, it seemed from Ms Andrews' written responses and oral submissions that she intended to remain in contact with both Service Users.
- Ms Andrews had shown some insight into her misconduct in that she was clearly aware that it breached professional standards and could lead to her losing her registration. However, she had shown no other signs of insight. In particular, she appeared to have no remorse for her actions which led to the present finding of misconduct, nor did she appear to have reflected upon them or their potential consequences for Service Users 1 and 2 or herself. Likewise, she had provided no evidence of having any appreciation of the reasoning behind, and need for, professional boundaries between social workers and service users.
- The panel considered that Ms Andrews' conduct was, in principle, capable of remedy provided that she had the will to do so. However, that will appeared to be completely lacking and, not surprisingly, there was no evidence before the panel of Ms Andrews having undertaken any training or other form of remediation.
- Ms Andrews' misconduct had occurred and persisted notwithstanding that she was well aware that it contravened a fundamental tenet of social work and could cost her career as a social worker. Moreover, in her submissions she indicated that, if she were faced by a similar situation in the future, she would act in the same way.

108. Given the panel's conclusions regarding the risk which Ms Andrews's misconduct posed to the health, safety and well-being of service users and the risk of that misconduct being repeated, **the panel found that Ms Andrews's fitness to practise was currently impaired in terms of the need to protect the health, safety and well-being of the public.**

109. With regard to the public component of impairment:

- Ms Andrews had persisted – and continues to persist - with her misconduct in the knowledge that it flouts the rules of her profession, contrary to the repeated advice of her manager and despite the present fitness to practise proceedings. In the circumstances, the panel considered that professional standards for social

workers would be severely compromised, if a finding of impairment were not made against her. **The panel therefore found that Ms Andrews’s fitness to practise was currently impaired in that such a finding was required in order to maintain proper professional standards for social workers in England.**

- The panel considered that informed and reasonable members of the public who were aware of the circumstances of the present case would be disturbed to hear that a social worker could persistently breach professional boundaries and the rules of their profession without any consequences in terms of their professional status. **The panel therefore found that Ms Andrews’s fitness to practise was currently impaired in that such a finding was required in order to maintain public confidence in social workers in England.**

Decision and reasons on sanction:

Submissions on Sanction

110. Mr Corrie referred the panel to Social Work England’s overarching objective of protection of the public, Social Work England’s Guidance on Impairment and Sanction (the “**Guidance**”), and the principles behind sanction, as set out in the Guidance.
111. Mr Corrie informed the panel that Ms Andrews had been subject to an interim suspension order between 8 October 2020 and 19 June 2024. He referred the panel to the case of *Adil v General Medical Counsel [2023] EWHC 797 (Admin)*, in which the court considered the circumstances in which the time spent on interim suspension could be taken into account when determining sanction but submitted that it was not appropriate to do so in the present case, as the panel had found that Ms Andrews posed a continuing risk to the health, safety and well-being of service users.
112. Mr Corrie submitted that, in the present case, there were a number of aggravating factors, namely:
 - Ms Andrews had breached her professional boundaries with two service users over a prolonged period.
 - Ms Andrews had demonstrated a lack of insight, remorse and remediation and had only partially engaged with the fitness to practise process.
 - Ms Andrews presented a risk to service users despite her good intentions.
113. In terms of mitigating factors, Mr Corrie mentioned that Ms Andrews had no previous adverse regulatory history, had shown some evidence of insight and had produced testimonials.
114. Mr Corrie then referred the panel to paragraphs 154 to 158 of the Guidance which deal with abuse of trust and pointed out that paragraph 155 envisaged that crossing professional boundaries could also be an abuse of trust.

115. Mr Corrie then made submissions about each of the options open to the panel for disposal of the present case.
116. Ms Corrie submitted that, in line with paragraphs 97 and 99 of the Guidance, as taking no further action, giving advice or making a warning order would not restrict Ms Andrews' practice, they would not be appropriate in the present instance as the panel had determined that Ms Andrews presents a current risk to the health safety and well-being of the public.
117. Referring the panel to paragraph 114 of the Guidance, Mr Corrie submitted that a conditions of practice order would not be appropriate because the panel had found that, although Ms Andrews' conduct was, in principle, remediable, she had not demonstrated the will to do so. Moreover, there was no evidence to suggest that Ms Andrews would comply with any conditions which the panel might impose on her practice.
118. In relation to the possibility of making a suspension order, Ms Corrie referred the panel to paragraphs 137 and 138 of the Guidance and pointed out that the suitability of such an order largely depended on the extent to which the social worker had demonstrated a willingness and ability to remedy any failings in their practice, both of which, Mr Corrie submitted, were apparently absent in Ms Andrews' case.
119. In the circumstances, Mr Corrie regretfully submitted that, in line with paragraph 149 of the Guidance, a removal order was appropriate in the present case.

Legal Advice on Sanction

120. The panel heard and accepted the advice of the legal adviser on sanction.
121. In terms of the measures available to the panel, legal adviser advised that:
- Pursuant to paragraphs 12(3) of Schedule 2 to the Social Worker's Regulations 2018, as the panel had found that Ms Andrews' fitness to practise was impaired by reason of her misconduct, it could take no further action, give advice or make a "final order". Pursuant to paragraphs 13 of Schedule 2, a final order could be a warning order, a conditions of practice order, a suspension order; or an order removing Ms Andrews from the Register (a "removal order").
 - A conditions of practice order or a suspension order could be of up to three years' duration.
 - Pursuant to rule 48 of Social Work England's Fitness to Practise Rules, adjudicators, when giving advice or a warning, must specify that the advice or warning will stay on the social worker's entry in the Register for a period of one, three or five years.
122. The legal adviser then mentioned the following points of principle:

- The purpose of sanction is not to punish the social worker but to protect the health, safety and well-being of the public and to maintain public confidence in social workers and proper professional standards.
- The sanction imposed should be proportionate in that it should be the minimum necessary for those purposes. It should also be consistent with the panel's decision on impairment.
- The consequences of a sanction for a social worker's personal circumstances should not usually affect the assessment of the appropriate and proportionate sanction.

123. The legal adviser's advice on each of the measures available to the panel included the following points:

- Taking no further action is likely to be exceptional and would be appropriate in cases where the finding of impairment itself is enough to protect the public and the wider public interest.
- Advice and warnings do not directly restrict practice and are therefore not appropriate where there is a current risk to the public.
- Conditions of practice are commonly applied in cases of lack of competence or ill health. They are less likely to be appropriate in cases of character, attitude or behavioural failings and may also not be appropriate in cases raising wider public interest issues.
- Conditions of practice may be appropriate if (i) the social worker has demonstrated insight; (ii) the failure or deficiency in their practice is remediable; (iii) appropriate, proportionate, achievable and workable conditions can be put in place; (iv) the panel is confident that the social worker can, and will, comply with the conditions and that their compliance can be monitored; and (v) the social worker does not pose a risk of harm to the public by being in restricted practice.
- Suspension is appropriate where no workable conditions can be formulated but where the case falls short of requiring removal from the Register.
- Suspension may be appropriate if the allegations found proved represent a serious breach of the professional standards but the social worker has demonstrated some insight and there is evidence to suggest they are willing and able to remedy their failings. Conversely, suspension is likely to be unsuitable where the social worker has not demonstrated any insight and remediation and there is limited evidence to suggest that they are willing, or able, to remedy their failings.
- A removal order must be made where the panel concludes that no other outcome would be enough to protect the health, safety and well-being of the public and maintain public confidence and professional standards. Cases in which a removal order may be appropriate include those which involve (i) abuses of position or

trust; (ii) dishonesty, especially where persistent and/or concealed; (iii) a social worker who demonstrates a persistent lack of insight into the seriousness of their actions or their consequences; and (iv) a social worker who is unwilling and/or unable to remediate.

Panel's decision on Sanction

124. In determining the appropriate sanction, the panel first considered the aggravating and mitigating factors of the present case.

125. The panel identified the following aggravating factors:

- Ms Andrews' misconduct had occurred over a prolonged period and was apparently continuing.
- Ms Andrews had not taken any steps to remedy her misconduct and had not shown any willingness to do so in the future.
- Ms Andrews had demonstrated only limited insight into her misconduct or into the potential adverse impacts on service users of her breaching professional boundaries.
- Ms Andrews had remained in contact with Service Users 1 and 2 for over four years after she ceased to be their allocated social worker even though (i) she knew that it breached the rules of her profession, (ii) her manager had written to her three times advising her to cease that contact and (iii) her regulator had brought the present proceedings against her. Although she recognised that she risked being removed from the Register, she appeared adamant that she would remain in contact with Service Users 1 and 2 and did not appear to have reflected on the possibility of taking a different course of action.

126. The panel identified the following mitigating factors:

- Ms Andrews had no previous regulatory findings against her.
- Ms Andrews had accepted many of the alleged facts in her written submissions and had engaged with the present proceedings.
- Ms Andrews had produced four favourable and supportive character references. The authors appeared to be aware that Ms Andrews was subject to the present proceedings. However, those references were from friends and family rather than colleagues and could therefore not provide a view of her as a social work professional.

127. The panel then considered each measure available to it in turn.

128. In line with paragraphs 97 and 99 of the Guidance, the panel did not consider that taking no further action, giving advice or making a warning order would be appropriate. This was because the panel had found that the risk of Ms Andrews' conduct being

repeated represented a risk to the health, safety and well-being of service users and those measures would not restrict her practice so as to prevent this. The panel also considered that, given Ms Andrews' prolonged and wilful breaching of the regulatory requirement to maintain professional boundaries, those measures would not be sufficient to maintain proper professional standards or public confidence.

129. Having considered the factors which could make a conditions of practice order suitable (as set out in paragraph 114 of the Guidance), the panel concluded that such an order would, in Ms Andrews' case, be neither adequate nor appropriate for the following reasons:

- As mentioned in paragraph 115 of the Guidance, conditions of practice are commonly applied in cases of lack of competence or ill health. However, there was no suggestion that either of those circumstances applied in Ms Andrews' case and therefore there was no requirement to monitor Ms Andrews' performance at work.
- The concern which had led to these proceedings was Ms Andrews' remaining in contact with service users outside work. Supervising her conduct at work would not address this concern.
- Imposing a condition that Ms Andrews should not contact service users outside her role as their allocated social worker would serve no purpose for three reasons. First, as the condition would relate to Ms Andrews' conduct outside work, it would be difficult to monitor. Second, Ms Andrews was already under a regulatory obligation not to breach professional boundaries which, in the case of Service User 1 and Service User 2, she had ignored for over four years. Third, when she addressed the panel, Ms Andrews had made it clear that she intended to remain in contact with Service Users 1 and 2 and would, in the future, probably provide support outside her professional role to other service users in similar situations, if she thought it appropriate. It was therefore clear that Ms Andrews would not comply with any condition which required her to act otherwise.
- Following on from the last point, the purpose of conditions of practice is to allow a social worker time to remedy any failings in their practice which led to a finding of impairment. For the reasons given above, it was also clear that Ms Andrews had no desire to remedy her propensity to breach professional boundaries. Conditions of practice would therefore not assist Ms Andrews to remedy her misconduct.
- In any event, given Ms Andrews' prolonged and wilful breaching of the regulatory requirement to maintain professional boundaries, a conditions of practice order would not be adequate to maintain public confidence or proper professional standards.

130. The panel next considered whether a suspension order would be appropriate. The panel thought that, in principle, a suspension of around a year would be sufficient to maintain

public confidence and proper professional standards in the present case. It would also allow Ms Andrews time to reflect on her misconduct and undertake training in the importance of professional boundaries and how to maintain them. She could then provide the panel appointed to review the suspension order with evidence that she had developed insight into, and remedied, her misconduct, so as to satisfy that panel that it was appropriate to allow her to return to unrestricted practice. However, the panel was precluded from taking this course of action by Ms Andrews' stated intention to remain in contact with Service User 1 and Service User 2 and by her acknowledgment that she would probably provide support outside her professional role to other service users in the future, if she felt that their situation required it.

131. The panel came to the same conclusion when it applied paragraphs 137 and 138 of the Guidance, which read:

137. Suspension may be appropriate where (all of the following):

- the concerns represent a serious breach of the professional standards*
- the social worker has demonstrated some insight*
- there is evidence to suggest the social worker is willing and able to resolve or remediate their failings*

138. Suspension is likely to be unsuitable in circumstances where (both of the following):

- the social worker has not demonstrated any insight and remediation*
- there is limited evidence to suggest they are willing (or able) to resolve or remediate their failings*

132. Ms Andrews' case did not fall within paragraph 137 (which specifies the circumstances in which suspension may be appropriate) because, although she had shown some limited insight into her misconduct, she was not "*willing and able to resolve or remediate*" her failings as a social worker, specifically her position regarding contact with service users after she ceased to be their allocated social worker. Conversely, Ms Andrews' case appeared to fit almost exactly within paragraph 138 (which specifies the circumstances in which suspension is likely to be unsuitable) as she had demonstrated little insight and remediation and there was no evidence to suggest she was willing to remedy her misconduct.
133. This left a removal order as the only option open to the panel. The appropriateness of this measure was confirmed when the panel had regard to paragraph 149 of the Guidance, which set out the situations in which a removal order may be appropriate. The final two situations in that paragraph were "*persistent lack of insight into the seriousness of their actions or consequences*" and "*social workers who are unwilling and/or unable to remediate*".

134. The panel therefore determined that, in the circumstances of the present case, a removal order was the only measure which would be sufficient to protect the health, safety and well-being of the public and maintain public confidence and proper professional standards.
135. In arriving at that conclusion, the panel also noted that, in her first response, Ms Andrews' had stated, *"Obviously, I would love to keep my social work registration, I worked hard for my degree whilst being a single mum, I did not fail one module and enjoyed it thoroughly. I am also the only person in my family to achieve this level of education."* The panel recognised that, in that context, removal from the Register may come as a blow to Ms Andrews, notwithstanding that she may have changed her mind about remaining in social work since she wrote those words. The panel also recognised that removal may also adversely affect Ms Andrews both financially and professionally. However, given Ms Andrews' intention to maintain contact with Service Users 1 and 2 and her position on contact with other service users outside her social worker role, a removal order was proportionate as it was the only order which would be adequate and appropriate for the purpose of protecting the health, safety and well-being of service users and the public generally and maintaining public confidence and proper professional standards.
136. The panel did, however, note that Ms Andrews should be able to apply for re-registration in five years' time. She may wish to do so if, in the future, she should change her position on professional boundaries and wish to return to social work.
137. **FINAL ORDER: that Ms Andrews be removed from Social Work England's register of social workers.**

Interim order

138. Subsequent to his submissions on sanction, Mr Corrie, on behalf of Social Work England, made an application for an 18-month interim suspension order to cover the period during which Ms Andrews may make an appeal against the removal order and the period required for any such appeal to be concluded. This was on the basis that such an order was necessary to protect the health, safety and well-being of the public and to maintain public confidence and proper professional standards and would be consistent with the panel's reasons for making a removal order.
139. The panel heard and accepted the advice of the legal adviser on its power to make an interim order under paragraph 11(1)(b) of Schedule 2 to the Social Workers Regulations 2018.
140. As the panel had decided that a removal order was necessary to protect the health, safety and well-being of the public and to maintain public confidence and proper professional standards, it likewise decided that an interim suspension order was necessary for the same reasons. To reach any other conclusion would be inconsistent

with the panel's substantive findings. It also decided that the interim suspension order should run for a period of 18 months, as this should be sufficient to cover the time required for the making and conclusion of any appeal against the removal order.

141. **INTERIM ORDER: that Ms Andrews be suspended from practising for a period of 18 months.**

Right of appeal:

142. Under Paragraph 16(1)(a) of Schedule 2 to the Social Workers Regulations 2018 (the “**Regulations**”), 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.
143. Under paragraph 16(2) of Schedule 2 to the Regulations 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.
144. Under regulation 9(4) of the Regulations this order may not be recorded until the expiry of the period within which an appeal against the order could be made or, where an appeal against the order has been made, before the appeal is withdrawn or otherwise finally disposed of.
145. This notice is served in accordance with Rules 44 and 45 of the Social Work England Fitness to practise Rules 2019 (as amended).

The Professional Standards Authority:

146. Please note that in accordance with section 29 of the National Health Service Reform and Health Care Professions Act 2002, a final 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>.