

Social worker: Lana Ruth
Lockwood
Registration number: SW11339
Fitness to Practise
Final Order Review meeting

Date of meeting: 20 November 2024

meeting venue: Remote meeting

Final order being reviewed: Suspension Order – (expiring 7 January 2025)

Hearing Outcome: Impose a new order namely a removal order with effect
from the expiry of the current order

Introduction and attendees:

1. This is the second review of a final suspension order originally imposed for a period of 12 months by a panel of adjudicators on 9 December 2022.
2. Ms Lockwood did not attend and was not represented.
3. Social Work England was represented by Capsticks LLP and their written submissions are set out within the notice of today's review.

Adjudicators	Role
Rachel O'Connell	Chair
Christine Anne Rice	Social worker adjudicator

Hearings team/Legal adviser	Role
Simone Ferris	Hearings officer
Andrew Brown	Hearings support officer
Judith Walker	Legal adviser

Service of notice:

4. The panel of adjudicators had careful regard to the documents contained in the final order review service bundle as follows:
 - A copy of the notice of the final order review dated 17 October 2024 addressed to Ms Lockwood at the email address which she provided to Social Work England.
 - An extract from the Social Work England Register detailing Ms Lockwood's registered address.
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 17 October 2024 the writer sent by email to Ms Lockwood at the address referred to above: notice of hearing and related documents.
5. The panel accepted the advice of the legal adviser in relation to service of notice.
6. Having had regard to Rules 16,44 and 45 of the Social Work England (Fitness to Practise) Rules 2019 (as amended) (the Rules) and all of the information before it in

relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Ms Lockwood in accordance with the Rules.

Proceeding with the final order review as a meeting in the absence of the social worker:

7. The notice of final order review informed Ms Lockwood that the review may take place as a meeting. The notice stated:

“If you would like to attend before the adjudicators in order to make oral submissions, please confirm your intention by no later than 4pm on 30 October 2024. Unless we hear from you to the contrary, we shall assume that you do not want to attend a hearing and Social Work England may decide to deal with the review as a meeting. If Social Work England do hold a meeting, the adjudicators will be provided with a copy of this letter setting out Social Work England’s submissions and a copy of any written submissions you provide.”

8. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering whether it was fair and in the interests of justice to proceed with this review in the absence of Ms Lockwood. This included reference to Rule 43 of the Rules and the cases of *R v Jones* [2002] UKHL 5; *General Medical Council v Adeogba* [2016] EWCA Civ 162.
9. The panel received no information to suggest that Ms Lockwood had responded to the notice of review which had been sent by email to her registered email address. The panel noted that Ms Lockwood had not engaged with Social Work England since prior to the final hearing; she had not applied for an adjournment and, given her previous lack of engagement, the panel did not consider that adjourning today’s proceedings would secure her attendance. The panel also bore in mind that this is a statutory review of Ms Lockwood’s suspension order involving consideration of Ms Lockwood’s current fitness to practise and potential risk to the public.
10. Having weighed the interests of Ms Lockwood in regard to her attendance at the hearing with those of Social Work England and the public interest in an expeditious disposal of this hearing, the panel determined to proceed with the review as a meeting in Ms Lockwood’s absence.

Review of the current order:

11. This final order review hearing is taking place under Paragraph 15(1) of Schedule 2 of The Social Workers Regulations 2018 (as amended) (the Regulations) and Social Work England’s Fitness to Practise Rules 2019 (as amended) (the Rules).
12. The current order is due to expire at the end of 7 January 2025.

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

13. The allegations found proved were as follows:

While registered as a Social Worker at Wakefield Council:

Between June 2018 and March 2019 you failed to safeguard children in that you:

- 1. On or around 12 March 2019, did not collect Child C from school and/or supervise Child C as agreed;*
- 3. On 4 June 2018 you failed to take sufficient steps to ensure the safety of Child A and Child B; and*
- 4. While registered as a social worker you have a health condition as set out in Schedule 1 which affects your practise.*

Schedule 1

[PRIVATE]

The matters outlined in Allegation paragraphs 1 and 3 amount to the statutory ground of misconduct.

The matters outlined in Allegation paragraph 4 amount to the statutory ground of adverse [PRIVATE] health.

Your fitness to practise is impaired by reason of misconduct and adverse [PRIVATE] health.

The previous final order review panel on 24 November 2023 determined the following with regard to impairment:

14. The panel determined that Ms Lockwood remains impaired. There has been no new information since the final hearing to suggest that Ms Lockwood is no longer impaired. Ms Lockwood was given a 12-month suspension order which should have provided her time to engage and demonstrate ability and willingness to remediate, but she has not done so. The final order panel provided Ms Lockwood with a list of recommendations to complete in order to demonstrate insight and remediation. Ms Lockwood failed to engage with this list and with Social Work England, including failing to attend the final hearing. Further, in relation to her adverse [PRIVATE] health, the panel finds that it has no evidence that Ms Lockwood's condition has improved or she has been able to respond to treatment. The panel considers that, due to the lack of engagement, insight

and remediation, the public would be put at risk of harm should Ms Lockwood return to social work practice unrestricted.

15. In light of the potential risk to the public, the panel concluded that an informed member of the public would be concerned if a finding of impairment was not made in order to uphold trust or confidence in the profession and to maintain proper professional standards.
16. The panel therefore concluded that Ms Lockwood's fitness to practise remains impaired on the grounds of public protection and in the wider public interest to uphold trust or confidence in the profession and uphold proper professional standards.

The previous final order review panel on 24 November 2023 determined the following with regard to sanction:

17. *The panel considered that taking no action, or issuing advice or a warning was insufficient to protect the public, and was not in the wider public interest, given that Ms Lockwood's fitness to practise remains impaired. In coming to this conclusion, the panel took into account the potential to place service users at unwarranted risks of harm were Ms Lockwood permitted to practise unrestricted.*
18. *The panel considered that a conditions of practice order would be insufficient and unworkable for the following reasons:*
 - a. *Conditions of practice require engagement from Ms Lockwood and Ms Lockwood has not materially engaged in the Social Work England process from the final hearing onwards.*
 - b. *The panel has no information before it to determine whether Ms Lockwood has been engaging with medical services and treatment to address her [PRIVATE] health.*
19. *The panel could therefore not be satisfied that Ms Lockwood would be willing or able to comply with a conditions of practice order.*
20. *The panel next considered whether a suspension order would be an appropriate sanction.*
21. *The panel would have given strong consideration to a removal order were it not for Rule 150 of Social Work England's Sanctions Guidance, which sets out that removal orders are not available in cases involving grounds of adverse physical or mental health, unless:*
 - a. *the social worker's registration has already been subject to a final order of suspension or conditions of practice (or a combination of both) on these grounds; and*

- b. *these orders have applied continuously for at least 2 years leading up to the making of the removal order. The time a social worker has spent subject to an interim order does not count towards this time period.*
- 22. *As Ms Lockwood has been subject to a suspension order for just under a year on grounds including adverse [PRIVATE] health, a removal order is not open to the panel.*
- 23. *The panel determined that a suspension order would be proportionate given that Ms Lockwood has health concerns and the panel is unaware of the reasons for her non-engagement with Social Work England. If Ms Lockwood continues to disengage and does not show any intention to remediate or seek to return to the register then a removal order may be appropriate upon further review. However, the panel considers that Ms Lockwood should be given more time to engage and remediate given her ongoing [PRIVATE] health condition. As set out by the final hearing panel, any future review panel would benefit from the following:*
 - a. *A full and detailed reflective piece.*
 - b. *Details of any training which Ms Lockwood has undertaken or accessed which addresses the concerns found proved, with reference to the Social Work England website that could guide her towards appropriate reflection and training.*
 - c. *Consideration of completion of CPD (Continued Professional Development) and any other training which Ms Lockwood has undergone.*
 - d. *Any testimonials/feedback for Ms Lockwood for any paid or voluntary employment which go towards social work values.*
 - e. *An up-to-date medical assessment and reports [PRIVATE]; and*
 - f. *Ms Lockwood's attendance at the review.*
- 24. *The panel considers that a suspension order for a further 12-months to be proportionate to provide Ms Lockwood with sufficient time to reflect, obtain insight, remediate, and engage with Social Work England. A suspension order for a further 12-months would also open the possibility for any future review panel to apply a removal order should it deem it necessary.*
- 25. *For the reasons set out in paragraph [21] the panel cannot make a removal order at this time. However, if Ms Lockwood continues to disengage and does not show any intention to remediate or seek to return to the register then a removal order may be appropriate upon further review.*

Social Work England submissions:

- 26. *The panel noted the written submissions on behalf of Social Work England which are set out in the notice of today's review. They are as follows:*

“Subject to any further evidence or submissions received from the Social Worker prior to, or at the review hearing, Social Work England will invite the panel to replace the Suspension Order with a Removal Order.

The Social Worker has not engaged with Social Work England since before the Final Fitness to Practise Hearing. She has not engaged with the recommendations made by the panel at the Final Hearing or at the First Final Order Review. The reasons given by the Final Hearing Panel were clear that the period of suspension was to give the Social Worker time to engage and demonstrate her ability and willingness to remediate.

The further period of suspension on review offered additional time [to] for the Social Worker to engage. She has not. There is no evidence of a change in circumstances from the Final Hearing, the risk remains and it is submitted that her fitness to practise remains impaired.

The Social Worker has provided no evidence or information in respect of the recommendations or otherwise. She appears to show no interest in addressing the concerns raised at the final hearing and in returning to social work practice.

With no evidence of engagement throughout, and no evidence of remediation despite a number of reminders, the panel are invited to make a Removal Order.

It is submitted that a Removal Order is open to the Reviewing Panel to make, in accordance with Schedule 2, part 13 (2) (a), and Regulation 25 (2) (a) of the Social Workers Regulations 2018. This is because the grounds of impairment in this case are both health and misconduct.

Schedule 2

13.

(2) A removal order may only be made in a case where-

(a) the adjudicators found the social worker’s fitness to practise to be impaired on one or more of the grounds set out in regulation 25(2)(a), (c), (d), (f), or (g),

The ground in Regulation 25(2) (a) is misconduct.

It is submitted that as the Social worker is either unwilling or unable to remediate that Removal is now appropriate.”

Social worker submissions:

27. Ms Lockwood did not attend and did not provide any written submissions or information to be placed before the panel.

Panel decision and reasons on current impairment:

28. In considering the question of current impairment, the panel undertook a comprehensive review of the final order in light of the current circumstances. It took into account the decision of the previous panels. However, it has exercised its own judgement in relation to the question of current impairment. The panel also took into account Social Work England's 'Impairment and sanctions guidance' (last updated 19 December 2022).
29. The panel had regard to all of the documentation before it, including the decision and reasons of the original panel and the previous review panel. It also took account of the submissions on behalf of Social Work England and noted that no information had been submitted by or on behalf of Ms Lockwood.
30. The panel heard and accepted the advice of the legal adviser including reference to the case of *Abrahaem v GMC* [2008] EWHC 183 (Admin) which confirms that there is a persuasive burden on a registrant at a review hearing to demonstrate that previous concerns have been sufficiently addressed.
31. The panel first considered whether Ms Lockwood's fitness to practise remains currently impaired on the grounds of both misconduct and health. The panel noted that the final hearing panel were of the view that Ms Lockwood's misconduct was remediable but she had only engaged with the fitness to practise process to a limited extent prior to the final hearing and there was no evidence before it to demonstrate any steps taken to remedy her practice and give that panel confidence that similar conduct would not occur in the future. In relation to health, that panel noted that they had no evidence that Ms Lockwood's condition had improved or that she had been able to respond to treatment.
32. The first review panel noted that Ms Lockwood had continued to not engage with Social Work England or the fitness to practise process. She had not responded to the recommendations made by the final hearing panel and had provided no new information to suggest that her fitness to practise was no longer impaired.
33. The panel today faced a similar situation. Ms Lockwood's failure to engage with Social Work England has continued. Despite reminders, she has not responded to the recommendations made by the previous review panel or provided any information to indicate that her insight has developed or that she has taken any steps towards remediation. Similarly, the panel had no information about Ms Lockwood's current state of health and no information as to whether her condition has altered.
34. Therefore, the panel had no evidence to indicate that the risks identified by the final hearing panel had diminished. The panel therefore concluded that there remained a risk of harm to the public if Ms Lockwood was permitted to practise unrestricted. The panel also considered that without any evidence that Ms Lockwood's insight had developed, or evidence of any remediation, the public would be shocked and concerned if no finding of current impairment was made. Accordingly, the panel

concluded that a finding of current impairment was necessary in order to maintain public confidence in the profession and to uphold professional standards.

35. In these circumstances the panel decided that Ms Lockwood's fitness to practise remains currently impaired on the grounds of both misconduct and health.

Decision and reasons on sanction:

36. Having found Ms Lockwood's fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose. The panel had regard to all the information before it and accepted the advice of the legal adviser. The panel took into account the impairment and sanctions guidance. It also considered the written submissions on behalf of Social Work England which invited the panel to impose a removal order.
37. The panel was mindful that the purpose of any sanction is not to punish Ms Lockwood but to protect the public and the wider public interest. The panel applied the principle of proportionality by weighing Ms Lockwood's interests with the public interest and by considering each available sanction in ascending order of severity.

No Action, Advice or Warning

38. The panel first considered whether to take no action or issue advice or a warning. The panel noted that none of these outcomes would restrict Ms Lockwood's ability to practise and would not address the potential risk to service users were she permitted to practise without restriction. Further, such a disposal may seriously undermine public confidence in the profession. Therefore, the panel concluded that no action or issuing advice or a warning would be inappropriate and insufficient to protect the public and the wider public interest.

Conditions of Practice Order

39. The panel went on to consider a conditions of practice order. Although Ms Lockwood's deficiencies are potentially capable of being remedied, this is dependent on her willingness to engage with remediation and comply with conditions. Ms Lockwood has failed to respond to the recommendations made by two previous panels regarding information she may wish to provide to a future panel and she has not engaged with Social Work England at all since before the final hearing in December 2022. In these circumstances the panel has no confidence that Ms Lockwood would be willing or able to comply with a conditions of practice order.

Suspension Order

40. The panel next considered a suspension order. A suspension order would prevent Ms Lockwood from practising during the suspension period, which would therefore protect the public and the wider public interest and it would provide a further period for Ms Lockwood to demonstrate insight and remediation. However, Ms Lockwood has not

engaged with recommendations made by two previous panels or with Social Work England since before the hearing in December 2022. The determination of that final hearing panel made it clear that the period of suspension was to give Ms Lockwood time to engage and demonstrate her ability and willingness to remediate. The previous review panel imposed a further period of suspension, allowing additional time for Ms Lockwood to engage but she has not done so. The previous review panel also stated clearly in its reasoning that if Ms Lockwood continues to disengage and does not show any intention to remediate or seek to return to the register, then a removal order may be appropriate upon further review.

41. In light of the above the panel concluded that it has no information to indicate that Ms Lockwood has demonstrated any further insight into her misconduct or the potential impact of her health on her fitness to practise. She has provided no information to indicate any intent to engage with the process or to remediate or seek to return to the register. In these circumstances the panel considered a further period of suspension would serve no purpose and would be inappropriate.

Removal Order

42. The panel was satisfied it could consider that a removal order was available today as Ms Lockwood's fitness to practise was originally found impaired on the basis of one or more grounds as set out in regulation 25(2)(a), (c), (d), (f) or (g); regulation 25(2)(a) is the ground of misconduct.
43. The panel noted that a removal order is a sanction of last resort where there is no other means of protecting the public or the wider public interest. The panel took the view that Ms Lockwood's continued failure to engage or provide any information to demonstrate insight or remediation, or a future intention to engage, or information regarding her current health, indicates that a removal order is the only appropriate and proportionate order.
44. Accordingly, the panel has decided to impose a removal order with effect from the expiry of the current order.

Right of appeal:

45. Under Paragraph 16(1)(b) of Schedule 2 of The Social Workers Regulations 2018 (as amended), the social worker may appeal to the High Court against:
- a. the decision of adjudicators:
 - i. to make an interim order, other than an interim order made at the same time as a final order under paragraph 11(1)(b),
 - ii. not to revoke or vary such an order,
 - iii. to make a final order,

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

The Professional Standards Authority

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