

Social Worker: Lois H D
Bracegirdle
Registration Number: SW120249
Fitness to Practise
Final Order Review Meeting:

Meeting Venue: Remote meeting

Date of meeting: 5 December 2024

Final Order being reviewed:
Conditions of practice order – expires 16 January 2025

Meeting Outcome:
Removal Order

Introduction and attendees

1. This was the first review of an order originally imposed by a case examiners of Social Work England on 17 January 2022. The panel imposed a final order of conditions for 3 years, which was a disposal agreed with Ms Bracegirdle.
2. Ms Bracegirdle did not attend the review and was not represented.
3. Social Work England was represented by Capsticks LLP.

Adjudicators	Role
Linda Owen	Lay Chair
Bronwen Cooper	Social Work Adjudicator

Hearings Team/Legal Adviser	Role
Paige Swallow	Hearings Officer
Jo Cooper	Hearing Support Officer
Nathan Moxon	Legal Adviser

Service of Notice:

4. The panel of adjudicators (hereafter “the panel”) had careful regard to the documents contained in the substantive order review hearing service bundle as follows:
 - i. A copy of the notice of substantive order review hearing dated 4 November 2024 and addressed to Ms Bracegirdle at her email address as it appears on the Social Work England Register;
 - ii. An extract from the Social Work England Register detailing Ms Bracegirdle’s registered email address;
 - iii. A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 4 November 2024 the writer caused the notice of hearing to be sent by email to Ms Bracegirdle’s registered address;
 - iv. A copy of the email;
 - v. Email reply from Ms Bracegirdle stating that she cannot open the documents enclosed; that she has “*no intention of returning to social work*” and that she

would not be able to attend the review but does not want the hearing to be deferred or to be required to attend in the future. She adds: *“I am fully aware and ashamed of the incident and wish this to be something from my past as although I am qualified as a social worker, I do not class myself as one as I am no longer registered therefore cannot practice, and wouldn’t do without informing social care England, I now work in retail and enjoy the role which I am told I am good at, this role I intent to continue with until I retire”*;

- vi. A further email from Ms Bracegirdle, also dated 4 November 2024, in which she states that she has been able to open the documents, having been given the password to do so.
5. The panel accepted the advice of the legal adviser in relation to service of notice.
6. Having had regard to rule 16 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 Bracegirdle in accordance with rules 44 and 45 of Social Work England’s Fitness to Practise Rules (updated 9 April 2020) (‘the Rules’).

Proceeding with the final order review as a meeting:

7. The notice of final order review informed Ms Bracegirdle that the review would take place electronically.
8. 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 19 November 2024. Unless we hear from you to the contrary, we shall assume that you do not want to attend a hearing and social Work England may decide to deal with the review as a meeting. If Social Work England do hold a meeting, the adjudicators will be provided with a copy of this letter setting out Social Work England’s submissions and a copy of any written submissions you provide.**”*

9. The panel heard and accepted the advice of the legal adviser with regard to rule 16(d) of the Rules which provides:

“Where the registered social worker makes written submissions and states that they do not intend to attend before the regulator, the regulator may direct that the question of whether an order should be made is determined by means of a meeting.”

10. The panel decided that it would be fair and appropriate to conduct the review in the form of a meeting in accordance with rule 16(d). The panel noted that Ms Bracegirdle emailed Social Work England on 17 January 2022, 4 March 2022, 18 October 2023 and 4 November 2024 stating that she has no intention of returning to

social work practice. She has asked that the review be concluded in her absence. The panel was therefore satisfied that Ms Bracegirdle had intentionally absented herself and it concluded that adjourning the review would not secure her participation on a future occasion.

Review of the current order:

11. The final order review was determined in accordance with Part 5 of the Regulations, Schedule 2 paragraph 15 of the Regulations and Social Work England's Fitness to Practise Rules.

The allegations:

12. Ms Bracegirdle undertook telephone calls on Christmas Day 2020 whilst not at work and whilst under the influence of alcohol. She told a placement provider that a service user and their mother were “*dicks*” for not agreeing a contact plan. The service user and mother felt “*bombarded*” with texts and calls from Ms Bracegirdle that evening. One of the texts from Ms Bracegirdle responded to the mother with the word “*rubbish*”.

13. The regulatory concerns that were subject to the final order, are as follows:

“Whilst registered as a social worker:

1) On 25 December 2020, you contacted a placement provider and service users, including a young person and their mother whilst off duty and under the influence of alcohol.

2) On 25 December 2020, in relation to a young person and their mother, you made inappropriate comments to:

a) member of staff at the residential placement of the young person

b) the young person and/or their mother

3) You failed to report your actions within regulatory concerns (1) and (2) to your employer.

4) **[PRIVATE]**

The matters outlined in regulatory concerns (1), (2) and (3) amount to the statutory ground of misconduct.

[PRIVATE].

Your fitness to practise is impaired by reason of misconduct **[PRIVATE].”**

Case Examiners' determinations:

14. The case examiners found that Ms Bracegirdle's actions breached the following standards within Social Work England Professional Standards (2019):

I will:

1.7 Recognise and use responsibly, the power and authority I have when working with people, ensuring that my interventions are always necessary, the least intrusive, proportionate, and in people's best interests

2.1 Be open, honest, reliable and fair

I will not:

5.2 Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.

15. In concluding misconduct, the case examiners noted that Ms Bracegirdle had recognised that she had not acted in a professional manner and that the service user was impacted by her behaviour as he no longer wanted her to be his social worker. The case examiners noted that Ms Bracegirdle had referenced highly sensitive information during the conversation with the service user's mother and that this had caused distress. The text messages to the mother "*...appear unprofessional, unnecessary, and disproportionate to the risks being managed by the placement that day*". For those reasons, it was concluded that Ms Bracegirdle had departed significantly from the expected professional standards.
16. In concluding impairment, the case examiners acknowledged that Ms Bracegirdle expressed remorse during her initial conversation with her manager in January 2020. **[PRIVATE]**. The case examiners concluded that there was no evidence of reflection on the impact of her action on the service user, their mother, the residential placement staff and Ms Bracegirdle's team. They assessed her evidence of insight as limited. **[PRIVATE]**.
17. **[PRIVATE]**. It was noted that there had been a similar allegation made to Social Care Wales in 2018 which had resulted in Ms Bracegirdle, in October 2018, being reminded of the Code of Professional Practice.
18. Further, the case examiners concluded that Ms Bracegirdle's actions, which amounted to a significant departure from professional standards, would undermine the public's trust and confidence in the social work profession. Members of the public would be concerned about the decisions made by Ms Bracegirdle; her communication with a placement provider, service user and the service user's mother; and her failure to report the incident to their employer. They would expect action to be taken by the regulator.
19. The case examiners proposed conditions of practice which were accepted by Ms Bracegirdle on 6 December 2021 and imposed from 17 January 2022.

20. When notified of the order on 17 January 2022, Ms Bracegirdle replied by email stating that she does not envisage returning to social work practice. Ms Bracegirdle sent a further email on 4 March 2022 in which she said that she has no intention of returning to social care. Similarly, by email dated 18 October 2023 Ms Bracegirdle stated that she has no intention of returning to social work and would not be renewing her registration.

Submissions:

21. Within the notice of hearing, dated 4 November 2024, Social Work England primarily submitted that the panel should impose a removal order:

“Subject to any evidence of further insight or remediation provided prior to the review, Social Work England will invite the Panel to find that impairment remains and to consider imposing a Removal Order.

The Conditions of Practice Order has been in effect since January 2022. The stated aim of the Case Examiners in recommending this Order was to give ‘an opportunity for the social worker to demonstrate to the regulator the full scope of their reflection and learning’. The Social Worker has not worked in a social work role since the Order was made, nor has her reflective piece materially addressed the topics detailed in Condition 14 [communication...what you would do differently if you face challenges that might impact upon your practice in the future, and a reflection on how you have applied learning from these concerns to your current practice]. Moreover, the Social Worker has stated in writing on three occasions that she does not intend to return to social work practice. After the third statement to that effect on 18 October 2023, the Social Worker has not been in communication with Social Work England. This is despite a letter being sent with information as to how she could make an application for Voluntary Removal (19 October 2023), and a letter requesting evidence/information for this review (11 September 2024).

It is submitted that, notwithstanding the remorse and accountability shown at the Accepted Disposal stage, there is no evidence of remediation. Therefore, her fitness to practise remains impaired on both public protection and wider public interest grounds.

The Social Worker was given 3 years as an opportunity to remediate. The only material development has been a repeatedly stated intention never to return to social work. It appears that the Social Worker will not change her position. With that, it is submitted there is no realistic prospect of remediation. If the Reviewing Panel accepts that submission, then a Removal Order becomes necessary and proportionate, as neither a further period of conditions nor a period suspension would serve a useful purpose.

If evidence is received in advance of the review hearing in compliance with the Conditions, then this position may be revisited.”

Decision and reasons on current impairment:

22. 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 case examiners. However, it exercised its own judgement in relation to the question of current impairment.
23. The panel had regard to all of the documentation before it, including the decision and reasons of the case examiners. The panel also took account of the written submissions.
24. The panel heard and accepted the advice of the legal adviser. In reaching its decision, the panel was mindful of the need to protect the public and the wider public interest in declaring and upholding proper standards of behaviour and maintain public confidence in the profession.
25. The burden is upon Ms Bracegirdle to provide evidence and information to show development of insight and remediation and she has not done so.
26. Whilst Ms Bracegirdle provided a reflective statement, dated 18 July 2022, it did not demonstrate any insight or remediation in relation to the misconduct. **[PRIVATE]**. She had previously expressed remorse and in her email dated 4 November 2024 said that she was ashamed. **[PRIVATE]**. She has not demonstrated insight on the triggers for her behaviour or how it would have affected service users, colleagues and public confidence in the profession. The panel was satisfied that she had therefore failed to show adequate development of insight or remediation since the final order was imposed in 2022.
27. In light of the lack of evidence of adequate insight and remediation, the panel found that there remains a real risk of repetition of her failings and that a finding that her fitness to practise was impaired remained necessary to protect the public.
28. **[PRIVATE]**.
29. Further, in light of the lack of evidence of sufficiently developing insight and remediation; **[PRIVATE]** and her lack of adequate engagement in these proceedings, the panel concluded that members of the public would be concerned if her fitness to practise was not found to be impaired and that such a finding would undermine public confidence in the profession. Such a finding would similarly fail to uphold professional standards.
30. The panel was therefore satisfied that Ms Bracegirdle’s fitness to practise continues to be impaired by reason of misconduct **[PRIVATE]**.

Decision and reasons on sanction:

31. Having found Ms Bracegirdle's fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose in this case.
32. The panel considered the submissions made on behalf of Social Work England. The panel also took into account the Impairment and Sanctions Guidance published by Social Work England.
33. The panel was mindful that the purpose of any sanction was not to punish Ms Bracegirdle, but to protect the public and the wider public interest. The public interest includes maintaining public confidence in the profession and Social Work England as its regulator and upholding proper standards of conduct and behaviour.
34. The panel applied the principle of proportionality by weighing Ms Bracegirdle's interests with the public interest and by considering each available sanction in ascending order of severity.
35. The panel considered that taking no action, or issuing advice or a warning, would not adequately reflect the serious nature of Ms Bracegirdle's misconduct. They would not adequately protect the public as they would not restrict her practice. The panel had assessed there to be a real and present risk of repetition, and so considered that the public cannot currently be adequately protected unless Ms Bracegirdle's practice is restricted.
36. The panel took into account paragraph 76 of the Guidance, which states:

"In some cases, the decision makers may determine that the social worker's impairment poses a current risk to public safety. If so, it may be reasonable to move beyond the lower sanctions (no action, advice or a warning) on this basis alone. This is because these outcomes will not address the risk to the public as they do not restrict the social worker's practice."
37. Further, taking no action, or issuing advice or a warning, would not maintain public confidence in the profession or promote proper professional standards in light of the particularly serious nature of the misconduct.
38. The panel next considered whether a conditions of practice order would be sufficient to protect the public and wider public interest. The panel noted paragraph 114 of the Guidance which provides that conditions of practice may be appropriate in cases where the failure is capable of being remedied and the social worker has demonstrated insight. Ms Bracegirdle's failings are remediable, however the panel reminded itself that it had concluded that there had been inadequate insight and remediation demonstrated by Ms Bracegirdle in relation to the proved misconduct. Ms Bracegirdle had been subject to conditions of practice for the past three years and has not taken the opportunity to provide adequate evidence that she has worked on her insight and remediation in that time.

39. Given the assessed risk of repetition and the absence of adequate insight and remediation in the three years since the final order was imposed, the panel was satisfied that workable conditions could no longer be formulated to adequately protect the public. This was particularly the case given that Ms Bracegirdle has stated, on four different occasions, that she has no intention of returning to social work practice.
40. Having determined that a conditions of practice order would not be appropriate, the panel considered whether to impose a period of suspension. The panel noted paragraph 137 of the Guidance which states:

“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”*

41. The panel concluded that suspension would not be appropriate or proportionate in all of the circumstances. Ms Bracegirdle has been subject to a final order for 36 months and has failed, in that time, to demonstrate adequate insight and remediation into her actions. The panel therefore concluded that, having failed to utilise the opportunities given by the case examiners, and having instead said that she no longer intends to work in social work, there was little prospect of her utilising any subsequent opportunities. The panel also considered such an order not to be in Ms Bracegirdle’s best interests given that she does not wish to return to social work nor does she wish to attend any further reviews.
42. Further, the panel concluded that it would not maintain public confidence in the profession or professional standards to impose a period of suspension upon a social worker who had failed to utilise the previous period of conditions to demonstrate remediation and insight and who has repeatedly expressed an intention not to return to the profession.
43. The panel noted that a removal order was a sanction of last resort where there was no other means of protecting the public or the wider public interest. The panel took the view that a removal order was necessary, appropriate and proportionate in this matter in light of the serious nature of Ms Bracegirdle’s failings and the absence of development of insight and remediation. Further, Ms Bracegirdle has stated in her 4 November 2024 email: *“I want this to be concluded with no further meetings”*. That was a clear indication that she wants these proceedings to come to an end. A removal order affords her this closure.

Right of appeal:

44. 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:

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

45. 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.

46. 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.

47. This notice is served in accordance with Rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

Review of final orders:

48. Under regulation 15(1), 15(2) and 15(3) of Schedule 2 of The Social Workers Regulations 2018 (as amended):

- 15(1) The regulator must review a suspension order, or a conditions of practice order, before its expiry.
- 15(2) The regulator may review a final order where new evidence relevant to the order has become available after the making of the order, or when requested to do so by the social worker.
- 15(3) A request by the social worker under sub-paragraph (2) must be made within such period as the regulator determines in rules made under Regulation 25(5).

49. Under Rule 16(aa) of the Fitness to Practise Rules 2019 (as amended), a social worker requesting a review of a final order under paragraph 15 of Schedule 2 must make the request within 28 days of the day on which they are notified of the order.

The Professional Standards Authority

50. 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>