

Social Worker: Marietjie Connan

Registration Number: SW4707

Fitness to Practise

Final Order Review Meeting:

Meeting Venue: Remote meeting

Date of meeting: 9 December 2024

Final Order being reviewed:
Suspension order – expires 20 January 2025

Hearing Outcome:
Removal Order upon expiry of the suspension order

Introduction and attendees

1. This was the second review of an order originally imposed by panel of adjudicators of Social Work England on 24 June 2022. The panel imposed a suspension order of two years. The first review panel extended the suspension by a further 6 months on 7 June 2024.
2. Ms Connan did not attend the review and was not represented.
3. Social Work England was represented by Capsticks LLP.

Adjudicators	Role
Alexander Coleman	Lay Chair
Louise Fox	Social Work Adjudicator

Hearings Team/Legal Adviser	Role
Tom Stoker	Hearings 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 8 November 2024 and addressed to Ms Connan at her email address as it appears on the Social Work England Register;
 - ii. An extract from the Social Work England Register detailing Ms Connan’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 Ms Connan’s registered address;
 - iv. A copy of the email; and
 - v. An email from Ms Connan, dated 5 December 2024, in which she states that she will never return to social work and that “*that part of my life is over*”.

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 Connan 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 hearing informed Ms Connan 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 25 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 was satisfied 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 was satisfied that Ms Connan had intentionally absented herself. She had not attended the final hearing or the first review and her email dated 5 December 2024 clearly indicated that she would not attend any further hearing. It concluded that adjourning the review would not secure her participation on a future occasion in light of the comments within her email to Social Work England and the disengagement from proceedings thereafter.

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

Whilst working as a registered social worker:

1. On around 23 March 2019 you placed a vulnerable child at risk by failing to safeguard Child A when it was recorded they had placed a ribbon around their neck;

[PRIVATE]

Final hearing panel's determinations:

13. [PRIVATE]

14. The final hearing panel concluded that in light of that evidence and the risk of further efforts, her fitness to practise is impaired on the grounds of public protection.

[PRIVATE]. The panel was therefore satisfied that a finding of impairment was required to maintain the reputation of the profession and to promote and maintain proper professional standards.

15. The final hearing panel concluded that taking no action or issuing a warning was not sufficient. It concluded that conditions of practice were not sufficient and noted that Ms Connan had been supported in her previous employment yet had nevertheless made errors. Any condition of practice order would need to be highly restrictive so that it would be difficult to see how such an order would work in any conceivable social work environment. She does not intend to return to social work. As such, conditions of practice would not be practicable.

16. The final hearing panel concluded that the only appropriate and proportionate sanction was a suspension order for a period of two years. It stated that the reviewing panel would be assisted by the engagement of Ms Connan [PRIVATE].

Final hearing panel's determinations:

17. The first review panel noted the lack [PRIVATE] and the lack of reflections or insight by Ms Connan. It noted that there had been no change in the circumstances since the sanction of suspension was imposed two years earlier. It therefore concluded that Ms Connan's fitness to practise remained impaired.

18. In determining that the appropriate sanction was a further six-month period of suspension, the first hearing panel stated:

"The panel notes with genuine regret that Ms Connan's decision not to engage or to seek to address the remediable findings of the final hearing has resulted in their decision for a further suspension order however the panel hopes this time will allow Ms Connan further time to consider if she wishes to engage with her regulator and take the necessary steps in order to satisfy any reviewing panel that her fitness to practise is no longer impaired."

Submissions:

19. Within the notice of hearing, dated 8 November 2024, Social Work England submitted that the panel should impose a removal order:

“Social Work England invite the Panel to consider a removal order. The Social Worker has been subject to a final suspension order since 24 June 2022 – the criteria for the making of a removal order are satisfied.

The Social Worker has not engaged in a meaningful way with the Case Review Team [PRIVATE].

The Social Worker did not attend the Fitness to Practise Hearing or the final order review meeting and has not engaged with the process since the suspension order was made. The last indication from the Social Worker – set out in Dr Sharkey’s report of 1 February 2022 - was that she was not seeking to return to a social work role and wished to deregister.

[PRIVATE]

Social Work England invite the Panel to consider a removal order in light of the fact that the suspension order will have been in place for more than two years by the review date. In that time the Social Worker has not engaged with Social Work England in a meaningful way and has not demonstrated insight, reflection or remediation. There is evidence dating back to 1 February 2022 that the Social Worker no longer intends to work in social work and intends to deregister. The lack of engagement evidences, it is submitted, that she no longer seeks to practise as a social worker. No request for voluntary removal has been made.

It is therefore submitted that a removal order is now the appropriate and proportionate sanction.”

20. Within the aforementioned email, Ms Connan states that she has recently talked about the incident that led to the allegation and has realised “..I have not really dealt with it but just swept it under the carpet”. **[PRIVATE]**.

Decision and reasons on current impairment:

21. 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 final hearing and review panels. However, it exercised its own judgement in relation to the question of current impairment.
22. The panel had regard to all of the documentation before it, including the decision and reasons of the final hearing and review panels. The panel also took account of the written submissions.
23. 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.
24. The burden is upon Ms Connan to provide evidence and information to show that she no longer poses a risk of harm to the public. **[PRIVATE]** She has failed to show

that she no longer poses a risk to the public. In light of that, and the failure of Ms Connan to adequately engage with these continuing regulatory proceedings, the panel found that there remains a real risk of repetition of the regulatory concerns and that a finding that her fitness to practise was impaired remained necessary to protect the public.

25. **[PRIVATE]** 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.

Decision and reasons on sanction:

26. Having found Ms Connan's fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose in this case.
27. 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. It also considered that Ms Connan has consistently demonstrated a clear intention not to return to social work.
28. The panel was mindful that the purpose of any sanction was not to punish Ms Connan, 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.
29. The panel applied the principle of proportionality by weighing Ms Connan's interests with the public interest and by considering each available sanction in ascending order of severity.
30. The panel considered that taking no action, or issuing advice or a warning, would not adequately reflect the serious nature of the regulatory concerns. 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 Connan's practice is restricted.
31. 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."*
32. Further, taking no action, or issuing advice or a warning, would not maintain public confidence in the profession.

33. The panel next considered whether a conditions of practice order would be sufficient to protect the public and wider public interest. **[PRIVATE]** it considered that conditions remain unworkable and would not protect the public or wider public interest. This was particularly the case given that Ms Connan has stated that she has no intention of returning to social work practice. **[PRIVATE]**
34. The panel concluded that suspension would not be appropriate or proportionate in all of the circumstances. Ms Connan has been subject to a final order for 2 ½ years and has failed, in that time, to demonstrate adequate insight and remediation. **[PRIVATE.]** The panel therefore concluded that, having failed to utilise the opportunities given by previous panels, 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 Connan's best interests given that she does not wish to return to social work.
35. 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 suspension to demonstrate any reduced risk of repetition and who has repeatedly stated that they do not wish to return to social work practice.
36. 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. **[PRIVATE]**. The panel took the view that, regrettably, a removal order was necessary, appropriate and proportionate in this matter in all of the circumstances.
37. The panel wished to take the opportunity to thank Ms Connan for her email, dated 5 December 2024, and to wish her the best in her future career outside social work.

Right of appeal:

38. 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.
39. 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.

40. 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.
41. This notice is served in accordance with Rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

Review of final orders:

42. 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).
43. 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

44. 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>