

Social worker: Stuart Sanders

Registration number: SW103743

Fitness to Practise

Final Order Review Meeting

Date of meeting: 6 January 2025

Meeting venue: Remote meeting

Final order being reviewed:

Suspension order (expiring 14 February 2025)

Hearing outcome:

Extend the current suspension order for a further nine months with effect from the expiry of the current order

Introduction and attendees:

1. This is the third review of a final suspension order. A conditions of practice order was originally imposed for a period of 24 months by a panel of adjudicators on 17 January 2023. At the first early review on 13 November 2023 the panel varied the original conditions and at the second early review on 4 June 2024 the panel replaced the conditions of practice order with a suspension order for the remainder of the term of the order.
2. Mr Sanders did not attend and was not represented.
3. Social Work England was represented by Capsticks LLP and their written submissions are set out within the notice of hearing letter.

Adjudicators	Role
Jacqueline Nicholson	Chair
Liz Murphy	Social worker adjudicator

Hearings team/Legal adviser	Role
Hannah Granger	Hearings officer
Jo Cooper	Hearings support officer
Helen Gower	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 hearing dated 6 December 2024 and addressed to Mr Sanders at his email address which he provided to Social Work England;
 - An extract from the Social Work England Register as of 6 December 2024 detailing Mr Sanders' registered email address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 6 December 2024 the writer sent the notice of hearing and related documents by email to Mr Sanders at the address referred to above.
5. The panel accepted the advice of the legal adviser in relation to service of notice.
6. Having had regard to 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 Mr Sanders in accordance with Rules 16, 44 and 45 of Social Work England (Fitness to Practise) Rules 2019 (as amended) (the "Rules").

Proceeding with the final order review as a meeting:

7. The notice of final order review informed Mr Sanders that the review would take place as a meeting. The notice stated:

“If you would like to attend before the adjudicators in order to make oral submissions, please confirm your intention by no later than 4pm on 20 December 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 received no information to suggest that Mr Sanders had responded to the notice of final order review.
9. The panel heard and accepted the advice of the legal adviser with regard to Rule 16(c) of the Fitness to Practise Rules 2019 (as amended) which provides:

“Where the registered social worker does not state within the period specified by the regulator whether they intend to attend before the regulator, the regulator may determine whether to make an order by means of a meeting.”

10. The panel also accepted the advice of the legal adviser in relation to the factors it should take into account when considering whether it was appropriate to conduct the review in the absence of Mr Sanders. This included reference to the cases of *R v Jones [2002] UKHL 5*; *General Medical Council v Adeogba [2016] EWCA Civ 162*. The panel also took into account Social Work England guidance ‘Service of notices and proceeding in the absence of the social worker’.
11. The panel considered the circumstances of Mr Sanders’ absence. There has been no engagement from Mr Sanders since his e-mail dated 2 June 2024 advising that he requested the removal of his name from the register. The panel inferred that Mr Sanders had voluntarily absented himself and that an adjournment was unlikely to secure his attendance. There is a strong public interest in the expeditious disposal of the review of the current suspension order which is due to expire next month. Having carefully balanced Mr Sanders interests and the public interest, the panel decided that it was appropriate to conduct the review in Mr Sanders’ absence. The panel was also satisfied that it would be fair and appropriate to conduct the review in the form of a meeting in accordance with Rule 16(c).

Review of the current order:

12. This final order review hearing is taking place under Paragraph 15(1) of Schedule 2 of The Social Workers Regulations 2018 (as amended) and Social Work England’s Fitness to Practise Rules 2019 (as amended).

13. The current order is due to expire at the end of 14 February 2025.

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

14. *In January 2019, Birmingham Children’s Trust (“the Trust”) submitted a referral to the Health and Care Professions Council (HCPC) in relation to concerns relating to Mr Sanders’ practice. Mr Sanders was employed by the Trust as a children’s social worker, whose role was to work directly with children and families to whom he was allocated. Mr Sanders had completed his supported year in employment (ASYE) in December 2016.*
15. *An audit was carried out into Mr Sanders’ cases for the period February 2017 to November 2017. Following the audit of his caseload which had been undertaken in December 2017 an investigation was commenced in June 2018 which was completed in May 2019. The investigation identified 15 cases that had been allocated to Mr Sanders where there appeared to be concerns.*
16. *[PRIVATE]*
17. *“Having carefully reviewed the evidence the panel found particular 4 proved, but only in respect of Mr Sanders failure to manage risk by reason of the scale and scope of his inadequate record keeping. The panel found that Social Work England have not discharged the burden of proof in relation to the remainder of the concerns.*

Particular 4

Failed to appropriately manage risk and escalate concerns, in respect of service users:

- a. Child A*
 - b. Child B and C*
 - c. Children D, E and F*
 - d. Children G, H and I*
 - e. Children J and K*
 - f. Children L, M, N*
 - g. Child O”*
18. *“The panel reviewed the evidence provided by Mr Sanders in relation to [PRIVATE]. The reports describe [PRIVATE]. The panel found that [PRIVATE] was a contributory factor in Mr Sanders’ failures to complete full and timely records. The panel noted Mr Sanders’ evidence that his employer should have done more at an earlier stage to provide him with administrative and other support as a reasonable adjustment and his [PRIVATE]*

should have been reviewed each time he moved department or even his work base. It did not make any findings of fact because any conclusion about the results of the provision of such support would be speculative.”

19. *“The panel found particular 5 proved in relation to each of the sub-particulars by the documentary evidence and AC’s evidence.*

Particular 5

Failed to keep full and accurate records and failed to ensure records were completed promptly in respect of service users:

- a. Child A*
- b. Child B and C*
- c. Children D, E and F*
- d. Children G, H and I*
- e. Children J and K*
- f. Children L, M and N*
- Child O”*

The review panel on 4 June 2024 determined the following with regard to impairment:

“The panel first considered whether Mr Sanders’ fitness to practise remains impaired.

The panel noted that the issues and concerns identified by the previous panels had not been remedied by Mr Sanders. He continued to demonstrate a lack of insight and the panel was concerned at the risk of repetition in light of this.

The panel also noted that there had been a lack of engagement, or limited engagement by Mr Sanders. After the final hearing he had submitted CPD evidence, but this did not comply with the relevant condition in the conditions of practice order in place at the time.

In addition the reflective piece submitted by Mr Sanders did not address how the impact of his failings in professional practice impacted on others.

Although Mr Sanders had provided some reflection, he had in part blamed his employer for failings that had been identified. The panel had seen no evidence or information to demonstrate that Mr Sanders posed less of a risk since the last hearing.

The panel considered that members of the public would be concerned if Mr Sanders was permitted to practice without restriction.

The panel determined that there was a risk of repetition of the conduct found if Mr Sanders was permitted to practice without restriction. For those reasons, the panel therefore concluded that an order was necessary on the grounds of public protection.

The review panel on 4 June 2024 determined the following with regard to sanction:

“Take no further action, issue advice or a warning

The panel decided that taking no action, issuing advice or issuing a warning would not address the serious nature of Mr Sanders’ behaviour. Nor would they adequately protect the public as they would not restrict Mr Sanders’ practice.

Continue the current conditions of practice order or vary it for the remaining period of the current order:

The panel noted that Mr Sanders had failed to comply with all of the original conditions of practice order imposed by the final hearing panel as well as any of the revised conditions of practice order imposed by the previous reviewing panel.

Although Mr Sanders had made some attempts to comply in the first instance he had no longer done so for a considerable amount of time. Ultimately he had demonstrated a lack of compliance with the conditions of practice that he is subject to. By taking this course of action Mr Sanders has failed to uphold the standards of the profession.

Further, Mr Sanders has demonstrated that he is not willing to comply with the conditions or engage in these proceedings in any meaningful way. He has, however, informed Social Work England that he no longer intends to practise as a Social Worker and wishes to be removed from the register.

In light of these circumstances the panel decided that a conditions of practice order was no longer appropriate in this case.

Impose a new order namely a suspension order with immediate effect for the duration of the current order

The panel concluded that the appropriate sanction is a suspension order. A suspension order would prevent Mr Sanders from practising during the suspension period, which would therefore protect the public and the wider public interest.

The panel determined that the suspension order should be imposed with immediate effect for the duration of the current order.

The panel was satisfied that this period was appropriate to enable Mr Sanders to reflect on the panel's findings, engage with Social Work England and devise a plan of action targeted towards either to an unrestricted return to the register if he wished to do so, or if not to apply for voluntary removal from the register.

This panel decided that any future reviewing panel would be assisted by Mr Sanders attending in person and also providing a reflective piece addressing his:

- case note recording and its importance in identifying and managing risks*
- time management*
- raising professional concerns with a line manager*
- managing workloads*
- the limitations of having oral discussions about cases and not making written records*
- a social worker's responsibility to pro-actively seek help when needed*
- the wider impact on service users of his lack of competence and/or capability.*

In addition the panel advises that Mr Sanders complete CPD addressing:

i. managing a caseload effectively;

ii. accurate record keeping;

iii. Identifying risks and issues associated with inadequate record keeping”

Social Work England submissions:

20. The submission on behalf of Social Work England were contained in the notice of hearing dated 6 December 2024 as follows:

“Social Work England invite the reviewing Panel to consider removal from the register on the basis that the Social Worker has not demonstrated any insight, reflection or remediation. The Social worker's fitness to practise remains impaired on the basis that there has been no change of circumstances since the making of the final order.

Prior to the last review the Social Worker emailed Social Work England asking to be removed from the register. Following the review Social Work England invited him to engage with the review process but also provided him with information

about voluntary removal. No response has yet been received from the Social Worker and no application for voluntary removal has been made.

On 24 October 2024 Social Work England sent a letter to the social worker informing him of the impending review of the Order and inviting representations by 12 November 2024. No response has been received.

It is submitted that the Social Worker has disengaged from the fitness to practise process. His lack of engagement evidences, it is submitted, a lack of insight, a lack of focus on professional shortcomings, and a failure to accept personal responsibility in seeking to remedy the deficiencies in his professional practice. Further, by disengaging the Social Worker has provided no evidence of reflection or remediation.

The Social Worker has been given ample opportunity to engage and comply and has failed to do so meaningfully.

It is submitted that a Removal Order is appropriate and proportionate to protect the public and in the public interest generally on the basis that:

- the Social worker will have been subject to a final order – conditions of practice and suspension order – for 2 years continuously by 14 February 2025, the date at which the Removal Order would take effect;*
- the Social Worker failed to comply with the conditions of practice that he was previously subject to;*
- the Social Worker has disengaged since the first review, save for the email of 4 June 2024;*
- the Social Worker has indicated that he no longer wishes to practise as a social worker, that he does not wish to remain on the register and has asked to be removed. This, it is submitted, evidences an unwillingness to remediate;*
- the Social Worker was afforded a further opportunity to reflect and consider his position by the last reviewing Panel but has not availed himself of this opportunity.*

Social Work England therefore invite the Panel to impose a Removal Order, to take effect on the expiry of the current order.”

Social worker submissions:

21. There were no submissions by or on behalf of Mr Sanders.

Panel 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 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'.
23. The panel had regard to all of the documentation before it, including the decision and reasons of the original panel and previous review panels. The panel also took account of the submissions made on behalf of Social Work England.
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. In its deliberations the panel had in mind that there is an obligation on Social Work England and the panel to make reasonable adjustments in respect of [PRIVATE]. [PRIVATE].
26. The panel first considered whether Mr Sanders' fitness to practise remains impaired.
27. Mr Sanders did not attend the review, provide documentation, or written submissions. The panel therefore concluded that there had been no change in the circumstances since the last review and there remained concerns about the lack of insight demonstrated by Mr Sanders. Consequently, there was no evidence provided to the panel that the risk of repetition has reduced.
28. In its review the panel noted that the final hearing panel had identified positive aspects of Mr Sanders' practice as a social worker, but full and accurate record keeping is required for safe social work practice and deficiencies in record keeping expose members of the public to the risk of harm. The requirement of full and accurate record keeping is also within Social Work England's professional standards and failure to maintain the standards undermines public confidence in the profession.
29. The panel therefore decided that Mr Sanders' fitness to practise remains impaired.

Decision and reasons:

30. Having found Mr Sanders' fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel had regard to all the information, which included the material that was sent in previously by Mr Sanders that it had access to, and accepted the advice of the legal adviser.

31. The panel considered the written submissions made on behalf of Social Work England. The panel also took into account the 'Impairment and sanctions guidance' published by Social Work England.
32. The panel was mindful that the purpose of any sanction is not to punish Mr Sanders, 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 by upholding proper standards of conduct and behaviour. The panel applied the principle of proportionality by weighing Mr Sanders' interests with the public interest.
33. While the panel had foremost in its mind the overriding objective of protecting the public, it also considered as part of its deliberations, the obligations on Social Work England and the panel to make reasonable adjustments for Mr Sanders. The panel considered that along with this, Mr Sanders has a professional responsibility to communicate his needs to his employer and to his regulator.
34. The panel also noted Mr Sanders' e-mail dated 2 June 2024 in which he expressed his frustrations about what he said was a lack of support provided for him by his former employer. In that e-mail Mr Sanders also referred to the impact on his health of the events in 2017. Mr Sanders stated that he has decided not to return to social work, but he has not subsequently taken up the option of making an application for voluntary removal from the register.

Take no further action/impose a warning order/revoke the current suspension order/allow the current suspension order to lapse upon its expiry

35. The panel decided that taking no action, allowing the current order to expire, or imposing a warning order, would be insufficient to protect the public and to maintain public confidence in the profession. These options would not restrict Mr Sanders' practice and would not address the ongoing risk of repetition in relation to the record keeping deficiencies.

Replace the current order with a conditions of practice order with effect from the expiry of the current order

36. The panel noted that previous panels had concluded that Mr Sanders failed to comply with the original and the revised conditions of practice order. Given Mr Sanders' current lack of engagement, conditions of practice would not be practicable or workable, and would be tantamount to a suspension. This appears to be acknowledged by Mr Sanders himself in his e-mail dated 2 July 2024 when he stated that conditions of practice were impossible to comply with because he has been out of the sector for six years.

Extend the current suspension order for a further 9 months with effect from the expiry of the current order:

37. The panel considered whether the current suspension order should be extended for a further period of time.
38. The panel's primary responsibility is to protect the public and a suspension order would provide a sufficient measure of protection for members of the public. The panel was also of the view that, at the current time, a suspension order would be sufficient to maintain public confidence in the profession and uphold standards for social workers.
39. In its deliberations the panel had regard to the nuanced decision of the final hearing panel, which acknowledged the impact of [PRIVATE] and its relevance in mitigation to the degree of his culpability. The panel was of the view that the impact of [PRIVATE], as described in the final hearing decision, remained relevant. The panel was not provided with all the material which was before the previous review panels, and it did not reach any conclusion on whether Mr Sanders' [PRIVATE] may have impacted on the level of his engagement with Social Work England or the degree to which he complied with the conditions of practice in providing written material.
40. Assessing the position at today's date and looking forward, the panel was of the view that there were steps that the panel could take as reasonable adjustments to enable Mr Sanders to submit written material to demonstrate his reflection and insight into the importance of full and accurate record keeping, and the practical steps he would take in the future to prevent a repetition of the deficiencies found proven. The panel has therefore set out recommendations that may assist a future reviewing panel for Mr Sanders and recommendations for Social Work England.
41. Having conducted its review, the panel was of the view that there remains a realistic prospect that Mr Sanders may re-engage with Social Work England with the benefit of the recommendations the panel has made. It also remains an option for Mr Sanders to make an application for voluntary removal from the register.
42. The panel had in mind the reputation of the profession, and that it is not in the public interest that the cycle of reviews continues indefinitely. However, at the current time, the panel's view was that there remained a prospect of the rehabilitation of a skilled and trained social worker to the register, and it was appropriate and proportionate for Mr Sanders to be given a further opportunity to engage with Social Work England if he wishes to do so.
43. The panel decided that the suspension order should be extended for a period of nine months. The panel was satisfied that this period was appropriate and proportionate. It provides sufficient time for Mr Sanders to reflect on this decision and prepare evidence for a review panel, while ensuring that there is sufficient protection for the public and upholding the public interest.

44. A removal order taking effect on the expiry of the current order was available to the panel as Mr Sanders fitness to practise was originally found impaired on the basis of the grounds as set out in regulation 25(2)(b) and he had been suspended from practice or subject to a conditions of practice final order (or a combination of both) for a continuous period of two years immediately preceding the day when the removal order would take effect.
45. The panel considered the option of imposing a removal order, but decided that it would be disproportionate. In reaching this decision the panel took into account that the final hearing decision related to a discrete area of Mr Sanders' practice, that the deficiencies are remediable, and that Mr Sanders did initially engage with Social Work England for approximately one year following the imposition of a final order. The panel was also of the view that its responsibilities to protect the public and the wider public interest were met by the continuation of a suspension order.
46. The panel therefore decided that the appropriate and proportionate order is to extend the suspension order for a further period of nine months on the expiry of the current suspension order.
47. This panel cannot bind a future panel. However, a future reviewing panel would expect Mr Sanders to attend the review hearing and it would be of assistance to that panel if he was able to provide evidence that he had undertaken significant steps that would facilitate a safe and effective return to the register without restriction. This may include:
- (i) A reflective piece focussed on a social workers professional responsibilities in ensuring their skills and practice in record keeping meet professional standards. This should include a focus on public protection and maintaining public confidence in the profession. The completion of this reflection will be assisted by the panel making a reasonable adjustment and requesting the provision to Mr Sanders by Social Work England of a suitable template with headings to guide the structure of the reflection.
 - (ii) Any evidence on the development of skills in relation to full and accurate record keeping, from completing relevant Continuing Professional Development, and/or current employment, and/or voluntary work
 - (iii) Testimonials or references from current employment and/or voluntary positions
48. The panel was also of the view that Mr Sanders would be assisted by having peer discussions with another qualified social worker to assist him in focussing his reflections. The panel considered that Mr Sanders himself would be able to arrange this.
49. This panel cannot impose obligations on Social Work England. However, it recommends that Social Work England consider whether there are any reasonable adjustments that it might make as referred to in paragraph 47(i). This may also include:

- (i) Providing Mr Sanders with a template with relevant prompts and/or questions for a reflective statement
- (ii) Direction and/or links to relevant sources of advice/guidance

Right of appeal:

50. 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.

51. 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.

52. 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.

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

Review of final orders:

54. 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).

55. 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

56. 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>