

Social worker: Bakulbhai
Prabhudas Parmar
Registration number: SW32355
Fitness to Practise
Final Order Review meeting

Date of meeting: 08 January 2025

Meeting venue: Remote meeting

Final order being reviewed: Conditions of practice order – (expiring 20 February 2025)

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

Introduction and attendees:

1. This is the first review of a final conditions of practice order originally imposed for a period of 24 months by a panel of adjudicators on 23 January 2023. The panel noted the date given on the top cover of the original decision stated 2022. In checking this the panel received an email from Capsticks LLP that this should be corrected to 2023.
2. Mr Parmar 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
Bronwen Cooper	Social worker adjudicator

Hearings team/Legal adviser	Role
Jenna Keats	Hearings officer
Jo Cooper	Hearings support officer
Catherine Moxon	Legal adviser

Service of notice:

4. The panel of adjudicators (hereafter “the panel”) reviewed the service bundle totalling 11 pages.
5. 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 hearing dated 10 December 2024, for the Final Review hearing addressed to Mr Parmar at their email address which they provided to Social Work England;
 - An extract from the Social Work England Register as of 10 December 2024 detailing Mr Parmar’s registered email address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 10 December 2024 the writer sent by email to Mr Parmar the notice of hearing and related documents.

6. The panel accepted the advice of the legal adviser in relation to service and notice.
7. Having had regard to the Fitness to practise rules 2019 (as amended) ('the Rules') particularly rules 14, 15, 16, 44 and 45 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 Mr Parmar in accordance with Rules.

Proceeding with the final order review as a meeting:

8. The notice of final order review informed Mr Parmar 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 24 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."

9. The panel received no evidence to suggest that Mr Parmar had responded to the notice of final order review.
10. 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."
11. 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(c).
12. The panel considered the circumstances of Mr Parmar's absence. There had been no engagement from Mr Parmar since Feb 2021. The panel therefore inferred Mr Parmar had voluntarily absented himself. There is a strong public interest in expeditious disposal of the review of the current conditions of practice order which is due to expire in February 2025. Having carefully balanced Mr Parmar's interest and the public interest the panel decided it was appropriate to conduct a review in Mr Parmar's absence. In light of the lack of engagement from Mr Parmar the panel concluded that there would be no detriment to him to proceed as a meeting. Mr Parmar has deliberately absented himself. Further, it is in the public interest for the matter to proceed today.

Review of the current order:

13. 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).
14. The current order is due to expire on 20 February 2025.

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

15. The allegations found proved against Mr Parmar (the "**Allegations**") were as follows:

Between 1 November 2019 and 30 July 2020 whilst employed within Devon County Council, you:

1. Failed to safeguard service users in that you lacked the ability adequately to understand and/or recognise and/or address and/or analyse risk, including but not limited to:

b. Family D, in that you

ii) did not recognise the increased risk to children following a domestic incident within the family and/or did not take adequate steps to address the increased risk to the children;

c. Service User R, in that you did not analyse the risk, adequately or at all, of the effect upon R of domestic abuse within their home;

d. Child R, in that you did not recognise adequately or at all that the risk to Child R had changed following his meeting with Child R's parents;

e. Service User S and Child R, in that you sent a Child Protection Report relating to Child R to Child R's father which contained confirmation as to the children's centre which Child R attended. Service User S had requested that you did not share that information;

f. Service User A, in that you failed to act upon evidence of neglect;

g. A general lack of understanding regarding domestic violence which led Service User S making a complaint;

2. Failed to demonstrate the competency of a transitional social worker in that you:

a. failed to complete assigned work within appropriate timeframes including but not limited to:

ii) Service User R, when a parent assessment was due at the end of April 2020, but was still not completed by 2 June 2020;

iii) Service Users H & H, when a risk assessment was due on 11th May 2020 but was still not completed by 12th May 2020.

b. did not adequately manage an active case load.

The final hearing panel on 23 January 2023 determined the following with regard to impairment:

16. *“The panel first considered whether a finding of impairment was necessary in order to protect the health, safety and well-being of service users and the public generally. In so doing, it considered whether Mr Parmar’s lack of competence and capability had posed a risk to the health, safety and well-being of service users and their families and whether there was a risk of his lack of competence and capability giving rise to further incidents, such that there remained a risk to the public.*
17. *With regard to the first of those questions, the panel considered that Mr Parmar’s inability to recognise, understand, analyse and address risk had clearly posed a risk to the health, safety and well-being of the service users for whom he was the allocated social worker, especially as they included vulnerable children and their parents, several of whom were at risk of domestic violence.*
18. *With regard to the risk of Mr Parmar’s lack of competence and capability leading to further incidents, the panel considered whether there were any previous regulatory findings against Mr Parmar, whether he had expressed remorse for his lack of competence and capability and whether he had developed insight into, and remedied, that lack of competence and capability.*
19. *With regard to the first of those matters, the panel had not been informed of any previous regulatory findings against Mr Parmar.*
20. *With regard to the second of those matters, the panel noted that Mr Parmar did not appear to have expressed any remorse for his lack of competence and capability while working at the Council, nor had he done so in his communications with Social Work England. Indeed, in his written responses to the initial allegations, he had maintained that he was confident about his ability to understand, recognise, address and analyse risk and attributed his failure to pass his probation to the animosity of his Team Manager.*
21. *None of Mr Parmar’s communications or responses demonstrated that he had recognised, reflected on, or developed any insight into his lack of competence and capability. Likewise, he had not provided any evidence of having undertaken any training or other activity in order to remedy his lack of competence and capability. On the contrary, since February 2021, Mr Parmar appeared to have disengaged from the fitness to practise process. In other words, borrowing from the decision in Kimmance, the panel considered that, Mr Parmar had failed to look at his conduct with a self-critical eye, acknowledge fault and convince the panel that there was real reason to believe that he had learned a lesson from his experience.*

22. *Given the absence of any remorse, insight and remediation on the part of Mr Parmar, the panel concluded that there remained a high risk of instances of his lack of competence and capability being repeated. The absence of any previous regulatory findings against Mr Parmar did nothing to reduce that risk.*
23. *Accordingly, given the risk which Mr Parmar's lack of competence and capability posed to the health safety and well-being of service users, and given the risk of instances of that lack of competence and capability being repeated, the panel decided that Mr Parmar's practice is impaired in terms of the need to protect the health, safety and well-being of the public.*
24. *The panel also considered that informed and reasonable members of the public who were aware of the circumstances of the present case will be extremely concerned if Mr Parmar were allowed to practice without his being made subject to some form of regulatory measure. The panel therefore decided that Mr Parmar's fitness to practise was impaired in terms of the need to maintain public confidence in social workers.*
25. *Finally, the panel considered that, given the nature and extent of Mr Parmar's lack of competence and capability, professional standards for social workers would be seriously compromised if some form of regulatory measure were not taken against him. The panel therefore decided that his fitness to practise was impaired in terms of the need to maintain proper professional standards for social workers."*

The final hearing panel on 23 January 2023 determined the following with regard to sanction:

26. *"Having considered the matter, the panel decided that, in the circumstances of the present case, a conditions of practice order would be the appropriate and proportionate order for the following reasons:*
 - 26.1 *Mr Parmar's unfitness to practise resulted from a lack of competence and capability and, as recognised in paragraph 115 of the Sanctions Guidance, conditions of practice orders are most commonly applied in such cases.*
 - 26.2 *Mr Parmar's lack of competence and capability was remediable and a conditions of practice order would provide the structure, support and supervision to facilitate remediation.*
 - 26.3 *As stated in paragraph 141 of the Sanctions Guidance, it is in the public interest to support the return to unrestricted practice of a trained and skilled social worker, if this can be achieved safely. A conditions of practice order would provide an opportunity for this objective to be achieved in Mr Parmar's case.*
 - 26.4 *Given the nature and circumstances of Mr Parmar's unfitness to practise, a conditions of practice order would be adequate to maintain public confidence and*

proper professional standards. In this regard, the panel considered that Mr Parmar would not pose a risk to the public if he were allowed to practise subject to conditions which required supervision, including, initially at least, on visits to some service users and their families.

27 Despite his recent lack of engagement, the panel was confident that Mr Parmar would do his best to comply with any conditions which it might impose as all of Social Work England's witnesses had commented on Mr Parmar's enthusiasm for his work. Mr V, in particular, had referred to Mr Parmar's strong work ethic, willingness to learn new skills and his high level of engagement in supervision. Moreover, there was no indication that, while working for the Council, Mr Parmar had displayed any attitudinal issues during supervision.

28 Although Mr Parmar had not demonstrated any insight into his failings and did not appear to have undertaken any remediation, the panel considered that, given the reports of his positive attitude as mentioned above, a conditions of practise order would facilitate and encourage both remediation and insight.

29 Reporting requirements would ensure that Mr Parmar's compliance with the conditions would be monitored, measured and verified.

30 As the panel had concluded that a conditions of practice order would be adequate to protect the public and to maintain public confidence and proper professional standards, a suspension order would be excessive. Moreover, in the present case, suspending Mr Parmar would be unlikely to encourage or assist him to return to unrestricted practice.

[...]

31 In terms of duration, the panel considered that Mr Parmar would need time to find employment as a social worker, especially as any prospective employer would have to be willing to sponsor him to work in the United Kingdom. It also considered that given the nature and extent of his lack of competence and capability, he would require an extended period in order to fully develop insight and remedy his practice and to demonstrate that he could work consistently to the required standard. The panel therefore considered that the minimum period for which the conditions of practice order should run was 24 months."

Social Work England submissions:

27. The panel reviewed the previous panel's findings in relation to impairment and sanction.
28. The submissions on behalf of Social Work England. Were contained in the notice of hearing dated 10 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 evidence of further training or remediation since the making of the final order and a finding of impaired fitness to practise on the grounds of a lack of competence or capability. Social Work England have significant concerns in respect of the Social Worker’s level of insight, absent any evidence of reflection. The Social Worker did not attend or fully engage with the Fitness to Practise Hearing and has not engaged with the Case Review Team since the Order was imposed. The Social Worker has had no engagement with Social Work England since February 2021. His disengagement, it is submitted, is a significant concern and evidences an unwillingness or inability to remediate. It is understood that the Social Worker is living in [PRIVATE] and has not evidenced working in a social work role in England, or elsewhere. It has not, therefore, been possible to test compliance with the conditions imposed or to assess the effectiveness of the Social Worker’s current practice. Social Work England submit that it is appropriate and proportionate to make an order for removal upon expiry of the existing order to protect the public, including the wider public interest in upholding professional standards and the reputation of the profession.”

Social worker submissions:

29. Mr Parmar did not attend and provided no written evidence and/or submissions for the Panel to consider.

Panel decision and reasons on current impairment:

30. 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 panel. 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'.
31. The panel had regard to all of the documentation before it, including the decision and reasoning of the original panel. The panel also took account of the submissions made on behalf of Social Work England.
32. 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.
33. The panel first considered whether Mr Parmar's fitness to practise remains impaired.
34. Mr Parmar did not attend the review provide written documentation or written submissions. The panel determined that in light of Mr Parmar failing to engage with Social Work England since February 2021 and with no evidence of him working in social work in England or any attempts to gain employment there has been no change in circumstances since the original hearing. Consequently there was no evidence provided to the panel that the risk of repetition has reduced.
35. The original panel had considered that Mr Parmar would engage with the conditions of practice and had identified positive aspects to Mr Parmar's practice as a social worker. In respect of his remediation in the areas of safeguarding, this panel considers the deficiencies in carrying out risk assessments found in his practice remain.
36. In light of those considerations and no evidence of maintenance of competence nor improvement it follows that there is still a high risk of repetition of the deficiencies in Mr Parmar's practice.
37. The panel therefore decided that Mr Parmar's fitness to practise remains impaired.

Decision and reasons on sanction:

38. Having found Mr Parmar's 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 the submissions made, the information provided to it and accepted the advice of the legal adviser.

39. The panel considered the written submissions made on behalf of Social Work England and for the panel to consider imposing a Removal order. The panel also took into account the 'Impairment and sanctions guidance' published by Social Work England.
40. The panel was mindful that the purpose of any sanction is not to punish Mr Parmar, 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 by upholding proper standards of conduct and behaviour. The panel applied the principle of proportionality by weighing Mr Parmar's interests with the public interest.

Impose a removal order with effect from the expiry of the current order.

41. The panel accepted the legal advice provided to them and considered the least restrictive sanction first before going on to consider more serious sanctions.

No order

42. The panel considered its own decision on impairment and determined making no order would be entirely unsuitable and would not be commensurate with the regulatory objectives.

Warning

43. The panel considered whether to impose a warning order.
44. The panel noted that this sanction would not restrict Mr Parmar's ability to practise and was therefore not appropriate where there is a current risk to public safety. In any event, the deficiencies identified with Mr Parmar's practice had the potential to have wide-ranging adverse consequences and therefore some restriction on his practice is required. Therefore, the panel concluded that issuing a warning would be inappropriate and insufficient to meet the public interest.

Conditions of practice order

45. The panel took the view that the deficiencies identified with Mr Parmar's practice are potentially capable of being remedied and was satisfied that, in theory, appropriate, workable conditions could be formulated. However, the panel concluded that Mr Parmar had not taken the real opportunity extended to him by the previous panel to remediate and there was no evidence that a further period of time would lead to his engagement. Mr Parmar has not engaged with Social Work England since February 2021 and has not provided any evidence that he has engaged with his current conditions of practise.
46. The panel noted that members of the public would be likely to be concerned if a social worker was given an additional order of conditions when that social worker made no effort to meet the original order of conditions.

47. Having considered paragraph 114 of the Impairment and Sanctions Guidance the panel concluded that conditions would be inappropriate because the social worker has not demonstrated insight, the panel cannot be confident that Mr Parmar can and will comply with the conditions and as such the social worker does pose a risk of harm to the public.

Suspension order

48. This panel considered paragraphs 136, 137 and 138 of the Impairment and Sanction Guidance. The panel particularly considered paragraph 138 to be relevant:

“When a suspension order may not be appropriate

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”*

49. The panel considered that a suspension order would send a strong message to the social worker and would protect the public during that period.

50. Ultimately the key to why a suspension order would not be appropriate was the lack of insight and remediation shown by Mr Parmar. The panel held in mind the reputation of the profession and that it is not in the public interest that the cycle of reviews continues indefinitely. Although protecting the public, the panel had no confidence that an order of suspension would achieve anything as there is no evidence that Mr Parmar is willing to address his failings. Ultimately a suspension order would be inappropriate.

Removal order

51. The panel was satisfied it could consider that a removal order was available to the panel as Mr Parmar’s fitness to practise was originally found impaired on the basis of grounds as set out in regulation 25(2), (b) namely lack of competence or capability and Mr Parmar had been subject to a conditions of practice final order for a continuous period of two years immediately preceding the day when the removal order would take effect.

52. 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 a removal order would be appropriate because of the total lack of engagement from Mr Parmar. The panel recognised and weighed the potential impact of this sanction upon Mr Parmar but ultimately determined that those considerations were outweighed by the need to protect the health, safety and wellbeing of the public and to maintain public confidence and proper professional standards.

53. This being a competency case, the failings could have been remediated with action from Mr Parmar. The panel have no evidence that any meaningful action, or any action

at all, has been taken by Mr Parmar which is why the last resort of a removal order is necessary now. No other outcome would protect the public and maintain public confidence in the profession.

54. For the reasons set out above the panel determined that the appropriate sanction is to impose a new order namely a removal order with effect from the expiry of the current order on the 20 February 2025.

Right of appeal:

55. 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.

56. 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.

57. 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.

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

Review of final orders:

59. 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).

60. 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

61. 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>