

Social worker: Ann Hartill

Registration number: SW48576

Fitness to Practise

Final Order Review Hearing

Date of Hearing: 09 January 2025

Hearing venue: Remote Hearing

Final order being reviewed:

Suspension order – (expiring 21 February 2025)

Hearing Outcome:

Replace the suspension order with a conditions of practice order for a period of 18 months with effect from the expiry of the current order

Introduction and attendees:

1. This is the first review of a final suspension order originally imposed for a period of 12 months by a panel of adjudicators on 24 January 2024.
2. Mrs Harthill attended and was represented by Mr Paddy McIntyre from the British Association of Social Workers.
3. Social Work England was represented by Mr Batch, case presenter, instructed by Capsticks LLP.

Adjudicators	Role
Wendy Yeadon	Chair
Bronwen Cooper	Social worker adjudicator

Hearings team/Legal adviser	Role
Poppy Muffett	Hearings officer
Andrew Brown	Hearings support officer
Judith Walker	Legal adviser

Review of the current order:

6. 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).
7. The current order is due to expire at the end of 21 February 2025.

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

8. *Whilst registered as a social worker and in your role as a Service Manager at Cloverleaf Advocacy:*
 - 1 You disclosed information that had been shared with you in connection with your role as a social worker and/or manager without a legitimate or professional reason to do so.
 - 2 Your behaviour towards colleagues and in the workplace was inappropriate.
9. In its determination the final order panel stated that it was mindful of the words used in the allegation and *"found that there was a distinct lack of particularisation in the*

allegations which made its assessment of the evidence difficult” and “Only where the panel were confident that incidents and issues were properly understood by Mrs Hartill and where the evidence was sufficiently clear and cogent about specific incidents were the panel able to make appropriate and robust findings of fact.”

10. In finding allegation 1 proved the final order panel ‘concluded that Mrs Hartill had:

- *shared information with LK and PR about the health of colleague TD;*
- *shared information with PR and HC about the health of LK’s mother;*
- *shared information about PR’s sister’s health condition with SA;*
- *made comments to LK and PR about OA’s sexuality.*

The panel also found that these matters were a clear breach of Cloverleaf’s Confidentiality Policy.”

11. The final order panel stated that it “found that these amount, together and individually, to a sharing of information that had been shared with Mrs Hartill in connection with her role as a social worker and/or manager without a legitimate or professional reason to do so. The panel accordingly found particular 1 proved to the extent of the behaviours detailed above.”

12. In respect of particular 2, the final order panel stated that:

“Having considered all the evidence of these witnesses in the round, the panel concluded that Mrs Hartill’s behaviour in the work place was inappropriate in the following respects: -

- *The use of negative facial expressions, grimacing, tone of voice, expressions of distaste about colleagues indicating who was in or out of favour, who was in the “bad books”*
- *Swearing, unpredictable and erratic behaviour toward staff*
- *Describing colleague SA as fat, pushy and aggressive*
- *Belittling PR, OA and HC*
- *Her comments about PR’s sister health condition*
- *Her comments about OA’s sexuality*
- *Her repeated conduct of supervisions in the open office, and in cafés and pubs.”*

The final order panel determined the following with regard to impairment:

13. The final order panel determined that the matters found proved amounted to the statutory ground of misconduct and that by reason of her misconduct Mrs Harthill’s fitness to practise was currently impaired.

14. The final order panel was of the view that Mrs Harthill's misconduct was remediable. It noted that there was some evidence of remediation and some courses had been undertaken by Mrs Hartill. However, the panel found that these courses did not particularly engage with the findings. The panel did not find that the evidence before it demonstrated a sufficient level of remediation of her practice, and it concluded that her practice had not been remedied.
15. In respect of insight the final order panel noted that Mrs Hartill had apologised and expressed some remorse, but that her reflections were not specific to the findings of fact. She had not reflected at all on data protection issues and the central importance of confidentiality. Whilst the panel found that she had shown some insight, it considered this insight was somewhat generalised and had only emerged after the findings of fact. The panel found that the reflection and insight demonstrated by Mrs Hartill failed to specifically or sufficiently engage with the findings of fact, her failings and risks they raise. The panel found that Mrs Hartill's insight was developing but was not such that the panel could properly or safely conclude that her conduct and behaviour was highly unlikely to be repeated. The panel concluded that due to the lack of evidence of sufficient insight and remediation that a real risk of repetition remained.
16. The final order panel was also mindful of the public interest element and the need to declare and uphold proper professional standards and maintain confidence in the profession. It decided that *"a reasonable and well-informed member of the public would be concerned, in light of findings of misconduct of this gravity and nature, if there were not a finding of impairment of fitness to practise."* The panel therefore concluded that on both the personal and public interest elements that Mrs Hartill's fitness to practise was currently impaired.

The final order panel determined the following with regard to sanction:

17. Having concluded that advice or a warning would be insufficient the final order panel considered whether conditions of practice would be appropriate. It noted that no issues about Mrs Hartill's competence arose but the misconduct was a sustained course of conduct, impacting negatively on several of her colleagues. The panel was of the view that the misconduct was essentially attitudinal and behavioural in nature, and had not been sufficiently reflected on, acknowledged, or addressed by Mrs Hartill.
18. The final order panel next considered a suspension order. It considered that, given time, Mrs Harthill was able to remediate her failings and a one year suspension order would protect the public and the wider public interest, marking the seriousness of the findings and sending the appropriate message that this conduct is totally unacceptable.
19. The final order panel indicated that a future reviewing panel may be assisted by Mrs Hartill providing the following:
- A detailed written reflective piece on the facts found proved, addressing her conduct, attitude and behaviour towards colleagues, and its impact on the profession.

- Evidence of remediation, including any relevant training and courses, specific to the facts found proved.

Social Work England submissions:

20. Today's panel heard submissions from Mr Batch who summarised the background to the case and the findings of the final hearing panel in relation to impairment and sanction. Mr Batch confirmed that Social Work England's submissions today accorded with its submissions set out in the notice of today's review hearing dated 10 December 2024. The submissions are as follows:

"Social Work England invite the Panel to replace the Suspension Order with a Conditions of Practice Order for a period of 12 months. A copy of the proposed Conditions are enclosed with the Notice of Hearing.

The concerns, which spanned a significant period of time, are wide ranging, were repeated and in some instances impacted colleagues well-being and are considered serious.

The Social Worker has expressed a desire to return to part-time practice as a social worker but does not intend to manage other social workers.

Since the Final Hearing the Social Worker has engaged in remediation and reflection. She now accepts her culpability and has demonstrated remorse within her reflection.

She has engaged with the recommendations of the previous Panel and provided evidence of keeping her knowledge and skills up to date and provided records of training that are linked to the concerns in the case. However, it is submitted that this further training and increased resilience have yet to be tested in the working environment and as such it is not known whether these changes have been embedded in her practice.

Social Work England invites the reviewing Panel to conclude that the Social Worker's fitness to practise remains impaired, and to replace the Suspension Order with a Conditions of Practice Order for 12 months from the date it would otherwise expire in order to protect the public and in the public interest generally."

21. In respect of sanction, Mr Batch drew the panel's attention to the proposed conditions of practice set out in the main bundle, submitting that these conditions would provide support and supervision for Mrs Harthill and were necessary to protect the public. The panel raised a question about the necessity of condition 12 which requires Mrs Harthill to read Social Work England's Professional Standards' (July 2019) and provide a written reflection 6 months after the conditions take effect, focusing on how her conduct, attitude and behaviour towards colleagues and maintaining the confidentiality of colleagues, was below the accepted standard of a social worker, outlining what she should have done differently. In response Mr Batch confirmed that he would not have a

particular concern if that condition was removed given that Mrs Harthill's existing reflections appear to address these issues.

Submissions on behalf of Mrs Harthill:

22. Mr McIntyre confirmed that Mrs Harthill was largely in agreement with the need for a conditions of practice order. He explained that Mrs Harthill had been a social worker for many years and had hitherto had an exemplary record and had helped many other social workers with their practice over the years. He said she had found the allegations difficult to take in and after the hearing she had been mortified at her practice falling as it had. She engaged in some serious thinking and began to move forward, engaging in a lot of soul searching, academic work and also with a family and their disabled daughter. She realised that in her role as manager she moved away from her social work skills into a management style that was not effective. Since the previous hearing she has worked with families and relearnt her social work skills to become the social worker she was. He confirmed that the final order hearing was about behaviours in a management role and Mrs Harthill has now learnt ways to change and maintain her behaviour and is pleased that Social Work England have recognised this.
23. Mr McIntyre confirmed that Mrs Harthill does not want to manage staff again but wishes to focus on core social work values and helping people. He explained that she has had supervision in the last year and in response to a panel question Mrs Harthill explained that she had been supervised by a social worker when she supported a parent and their daughter who wanted her own home. She was also supervised by a psychotherapist who was guardian to two clients who Mrs Harthill had visited, with Mrs Harthill adding that she had discussed the cases with the guardian who had 'put her through the hoops' during the discussions.
24. Mr McIntyre referred to Mrs Harthill's extensive reflections and training and development work, submitting that its application has been tested to an extent through her befriending work. He said it was arguable that she is not currently impaired but indicated that Mrs Harthill considers that she does need some support and supervision in returning to social work practice. Mr McIntyre likened the position to that of building a car, but when you start it you might find it doesn't fully work and said Mrs Harthill accepts that the panel may consider her remediation needs to be further tested.
25. In respect of sanction. Mr McIntyre confirmed that Mrs Harthill would welcome conditions but raised some concern about the impact of the proposed conditions on her ability to obtain a social worker role. In particular, he queried whether the proposed conditions 3 and 9 which require any reporter and workplace supervisor to be on Social Work England's register, could be amended to allow those positions to be filled by a person approved by Social Work England. In respect of the proposed condition 12, Mr McIntyre confirmed that Mrs Harthill had already addressed the requirements of this condition.

Panel decision and reasons on current impairment:

26. 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 order panel and the documents submitted by Mrs Harthill prior to today's hearing. These included her PDP, reflective piece and list of training and development activities submitted in November 2024 and her further submissions and details of befriending roles with peer supervision which she submitted in December 2024. The panel also took account of the submissions made by Mr Batch on behalf of Social Work England and those made by Mr McIntyre on behalf of Mrs Harthill. However, the panel 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' (updated 19 Dec 2022).
27. The panel heard and accepted the advice of the legal adviser including reference to the case of *Abrahaem v GMC* [2008] EWHC 183 (Admin) which confirms that there is a persuasive burden on a registrant at a review hearing to demonstrate that previous concerns have been sufficiently addressed. The panel was also 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.
28. The panel first considered whether Mrs Harthill's fitness to practise remains currently impaired on the ground of misconduct.
29. The panel noted Mrs Harthill's statement that she does not wish to have any management responsibilities and accepts the need for conditions. However, the panel also bore in mind that the question of whether her fitness to practise is currently impaired is a decision for the panel to make, having considered all the information available, including any new information since the final order was originally imposed.
30. The panel noted the extensive work which Mrs Harthill has done since the final order hearing. It considered that her personal development plan and her reflective pieces addressed the specific failings and issues identified in the previous decision.
31. The panel noted the steps which Mrs Harthill had taken to improve her practice, focusing on the professional standards which she was found to have failed to comply with, including her work in a befriending role. It noted her learning and reflections in relation to communicating effectively, managing boundaries, and how this links to treating everyone with dignity and respect. The panel noted her apologies and her remorse and considered that she has now demonstrated strong insight into her previous misconduct, identifying how and when she fell short of the behaviours expected and how she would act differently in the future. The panel noted that Mrs Harthill still feels she has something to offer to social work and would like to be able to contribute, in a part time position, without responsibility for managing staff and with support and guidance.

32. Having considered all the information before it the panel considered that Mrs Harthill's training and development work, her reflection on what had gone wrong and what must be done in the future and her befriending work was a credit to her and sought to address the issues identified by the final order panel. However, the panel was concerned that she had not worked as a social worker since 2019 and there was no objective evidence to assure the panel that, if Mrs Harthill returned to practice, she would be able to put her learning and reflection successfully into practice. The panel concluded that without any objective assessment or testing of successful implementation there remained a real risk to the public and that Mrs Harthill's fitness to practise remains currently impaired.
33. In respect of the wider public interest, the panel considered that the current suspension order of one year sent a clear message to the public and the profession about the seriousness of Mrs Harthill's misconduct and was sufficient to uphold public confidence in the profession and maintain proper professional standards. The panel therefore considered that the wider public interest had been satisfied by the existing suspension order.

Panel decision and reasons to impose a new order namely a conditions of practice order for a period of 18 months with effect from the expiry of the current order:

34. Having found Mrs Harthill's fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose. The panel had regard to the submissions made along with all the information and accepted the advice of the legal adviser. The panel also took into account the 'Impairment and sanctions guidance' published by Social Work England.
35. The panel was mindful that the purpose of any sanction is not to punish Mrs Harthill but to protect the public and the wider public interest. The panel applied the principle of proportionality by weighing Mrs Harthill's interests with the public interest. The panel considered the options available to it in ascending order of seriousness.

No Action, Advice or Warning

36. The panel first considered whether to take no action or issue advice or a warning. The panel noted that none of these outcomes would restrict Mrs Harthill's ability to practise and would not address the potential risk to service users were she permitted to practise without restriction. Therefore, the panel concluded that no action or issuing advice or a warning would be inappropriate and insufficient to protect the public.

Conditions of Practice Order

37. The panel went on to consider a conditions of practice order. It noted that Mrs Harthill agreed with Social Work England's submission that a conditions of practice order was appropriate and that she would indeed welcome such an order. The panel considered that Mrs Harthill has now shown good insight and has sought to address the issues

identified by the final order panel. However, the panel was concerned by the lack of objective evidence to assure the panel that if Mrs Harthill returned to practice, she would be able to successfully put her learning and reflection into practice, particularly as she has not practiced for five years.

38. Given the extent of Mrs Harthill's previous engagement and remedial work, the panel was satisfied that Mrs Harthill would comply with any conditions imposed and that public protection can be delivered by a conditions of practice order. The panel determined that the conditions proposed by Social Work England were appropriate and workable, with the exception of proposed condition 12 which the panel considered had already been fully addressed by Mrs Harthill. The panel did not accept Mr McIntyre's suggestion that the reporter and workplace supervisor could be a person approved by Social Work England rather than a person on the social work register as the panel considered this requirement reflects the need for Social Work England to be able to hold those filling these roles to account.
39. The panel considered the length of such order, recognising that Mrs Harthill wishes to work part time and has first to find a social work position, and then requires sufficient time to demonstrate that she has put her remediation successfully into practice. For these reasons the panel decided that a period of 18 months was an appropriate period, recognising that an early review can be held if there is new evidence available and the relevant circumstances are met.

Extension of the existing Suspension Order

40. In order to check that a conditions of practice order was appropriate the panel considered an extension of the existing suspension order but was satisfied that given Mrs Harthill's remediation to date this would be disproportionate and would not allow her to demonstrate that she has successfully put her remediation into practice. Accordingly, the panel remained satisfied that a conditions of practice order was the appropriate and proportionate order.
41. The panel imposed the following conditions of practice order for a period of 18 months:
1. You must notify Social Work England within 7 days of any professional appointment you accept or are currently undertaking and provide the contact details of your employer, agency or any organisation with which you have a contract or arrangement to provide social work services, whether paid or voluntary.
 2. You must allow Social Work England to exchange information with your employer, agency or any organisation with which you have a contract or arrangement to provide social work or educational services, and any reporter or workplace supervisor referred to in these conditions.
 3. a. At any time you are providing social work services, which require you to be registered with Social Work England, you must agree to the appointment of a reporter nominated by you and approved by Social Work England. The reporter

must be on Social Work England's register. The reporter could be the same person as the workplace supervisor.

b. You must not start or continue to work until these arrangements have been approved by Social Work England.

4. You must provide reports from your reporter to Social Work England every 3 months and at least 14 days prior to any review and Social Work England will make these reports available to any workplace supervisor referred to in these conditions on request.
5. You must inform Social Work England within 7 days of receiving notice of any formal disciplinary proceedings taken against you from the date these conditions take effect.
6. You must inform Social Work England within 7 days of receiving notice of any investigations or complaints made against you from the date these conditions take effect.
7. You must inform Social Work England if you apply for social work employment / self employment (paid or voluntary) outside England within 7 days of the date of application.
8. You must inform Social Work England if you are registered or subsequently apply for registration with any other UK regulator, overseas regulator or relevant authority within 7 days of the date of application [for future registration] or 7 days from the date these conditions take effect [for existing registration].
9. a. At any time you are employed, or providing social work services, which require you to be registered with Social Work England; you must place yourself and remain under the supervision of a workplace supervisor nominated by you, and agreed by Social Work England. The workplace supervisor must be on Social Work England's register. The workplace supervisor could be the same person as the reporter.

b. You must not start or continue to work until these arrangements have been approved by Social Work England.
10. You must provide reports from your workplace supervisor to Social Work England every 3 months and at least 14 days prior to any review, and Social Work England will make these reports available to any reporter referred to in these conditions on request.
11. You must not supervise or be responsible for the work of any other social worker or student social worker.
12. You must provide a written copy of your conditions, within 7 days from the date these conditions take effect, to the following parties confirming that your registration is subject to the conditions listed at 1 to 11, above:

- Any organisation or person employing or contracting with you to undertake social work services whether paid or voluntary.
- Any locum, agency or out-of-hours service you are registered with or apply to be registered with in order to secure employment or contracts to undertake social work services whether paid or voluntary (at the time of application).
- Any prospective employer who would be employing or contracting with you to undertake social work services whether paid or voluntary (at the time of application).
- Any organisation, agency or employer where you are using your social work qualification/knowledge/skills in a non-qualified social work role, whether paid or voluntary.

You must forward written evidence of your compliance with this condition to Social Work England within 14 days from the date these conditions take effect

13. You must permit Social Work England to disclose the above conditions, 1 to 12, to any person requesting information about your registration status

**Supervised*

The social worker's day-to-day work must be supervised by a person who is registered with and approved by Social Work England. The supervisor does not have to work at the same premises as the social worker but must make themselves available for advice or assistance within a reasonable time period if needed.

The social worker's practice must be reviewed at least once every two weeks by the supervisor in one-to-one meetings and case-management supervision. These fortnightly meetings must be focused on all areas of the concerns identified in the conditions.

Right of appeal:

42. 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.

43. 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.
44. 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.
45. This notice is served in accordance with Rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

Review of final orders:

46. 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).
47. 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

48. 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>