

Social worker: Andrew Peter
Chappell
Registration number: SW21261
Fitness to Practise
Final Order Review Hearing

Date of hearing: 16 January 2025

Hearing venue: Remote Hearing

Final order being reviewed: Conditions of Practice Order – (expiring 27 February 2025)

Hearing Outcome: Extend the current Conditions of Practice Order for a further 12 months with effect from the expiry of the current order

Introduction and attendees:

1. This is the first review of a final order originally imposed as a conditions of practice order for a period of 12 months by the case examiners by way of an accepted disposal decision on 21 February 2024.
2. Mr Chappell attended and was not represented at the review.
3. Social Work England was represented by Wafa Shah, Case Presenter from Capsticks LLP.
4. The panel of adjudicators conducting this review (the “panel”) and the other people involved in it were as follows:

Adjudicators	Role
Hermione McEwen	Chair and lay adjudicator
Sabraj Akhtar	Social worker adjudicator

Hearings team/Legal adviser	Role
Tom Stoker	Hearings officer
James Dunstan	Hearings support officer
Neville Sorab	Legal adviser

Review of the current order:

5. 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).
6. The current order is due to expire on 27 February 2025.

The regulatory concerns which resulted in the imposition of the final order were as follows:

“Regulatory Concern 1.1: Between July and August 2020, you failed to maintain appropriate professional boundaries in relation to Service User A.

Regulatory Concern 3: You transported Service User A in the same car as another looked after child and therefore you failed to protect the confidentiality of the service users.

Regulatory Concern 5: You did not maintain full and up to date records for Service User A.

Your fitness to practise is impaired by reason of misconduct."

The case examiners on 21 February 2024 determined the following with regard to impairment:

"Personal element

With regards to the concerns before the regulator, the case examiners have given thought to their guidance, and they note that they should give consideration to whether the matters before the regulator are easily remediable, and whether the social worker has demonstrated insight and/or conducted remediation to the effect that the risk of repetition is highly unlikely.

Whether the conduct can be easily remedied

The case examiners consider that the concern around breaching professional boundaries could be difficult to remediate, as they undermine the trust placed in social workers with access to vulnerable people. However, the case examiners consider that the social worker could potentially remediate this by completing further training, reflecting upon the impact of their actions and setting out what they would do differently to prevent a recurrence.

Insight and remediation

The social worker provided initial submissions in September 2020 when they did not admit to the concerns but did acknowledge that their reactions to Child A may have been reactive and that they have a propensity to seek to 'rescue'. The social worker submitted they 'recognise that being able [sic] be critically reflective even in fast moving crisis situations is something that is possible but did not really achieve this during this case'.

The most recent submissions of the social worker were provided following their completion of a Professional Boundaries in Practice course in October 2021. The social worker demonstrated greater insight into their actions and the conduct before the regulator; it is apparent they were open to reflecting during this training and considering what they could have done differently. The case examiners consider these more recent submissions to be clear and carefully considered, with the social worker taking responsibility for their actions and acknowledging the potential harmful impact upon Child A;

‘My failure to assert clear boundaries, introduced risk to the relationship. Whilst this was not intentional, I recognise that to some degree that relationship met needs in me, rather than wholly predominating on the needs and best interest of the young person. I recognise that I have an innate need to be liked was both self-serving and unlikely to contribute towards a safe therapeutic relationship’.

The social worker also commits to ongoing reflection and makes plans for how they would avoid breaching boundaries if they returned to social work, through ongoing discussion and reflection with colleagues.

The case examiners, whilst acknowledging the quality of the social worker’s reflections and insight demonstrated, note that the training course was for one day and they have had no further evidence of training or remediation since 2021.

Risk of repetition

The case examiners consider that although there is evidence of developing insight and remediation, as the social worker has not practised since the concerns were raised, their new approach to professional boundaries has not been tested in practice. The case examiners consider that without evidence of this, they cannot be satisfied that the risk of repetition is low.

Public element

The case examiners have next considered whether the social worker’s actions have the potential to undermine public confidence in the social work profession, or the maintenance of proper standards for social workers.

The case examiners have already noted that the concerns are serious and could undermine trust in the social worker and the profession as a whole. They have considered their sanctions guidance (December 2022), which indicates that concerns around abuses of trust, which can incorporate the crossing of professional boundaries, are likely to be viewed as sufficiently serious to engage the public interest and require a finding of impairment to maintain confidence in the profession.”

The case examiners on 21 February 2024 determined the following with regard to sanction:

“The case examiners have already determined there is a realistic prospect that the social worker’s fitness to practise would be found impaired. The sanctions guidance advises that if the personal element of impairment is found, ‘a sanction restricting or removing a social worker’s registration will normally be necessary to protect the

public'. The case examiners are therefore led to consider sanctions which restrict the social worker's practice. They note that the guidance suggests it may therefore 'be reasonable to move beyond the lower sanctions (no action, advice or a warning) on this basis alone'. The case examiners have already determined that they do not consider that the social worker has demonstrated continued reflection or sufficient remediation and consequently a risk of repetition remains. Therefore, the sanctions of no further action, advice or a warning are considered inappropriate on the basis that these outcomes will not restrict practice nor sufficiently protect the public.

In order to provide this oversight and protection, the case examiners have decided to suggest a conditions of practice order to the social worker that they must comply with. This will afford the social worker further opportunity to evidence any reflection and insight they may have developed and put their training around professional boundaries into practice, so the regulator can be assured that the risk of repetition is reduced.

The case examiners have considered whether the concerns before them require a sanction of suspension and are of the view that this would be disproportionate given the insight already demonstrated and the challenging context within which they were practising.

The case examiners consider the appropriate duration of the conditions of practice order to be a period of one year. By putting in place a timescale of one year, this provides sufficient time for the social worker to return to practice with support to allow them to reflect and evidence their changing approach to professional boundaries. The case examiners have also borne in mind, in setting this time period, the serious nature of the concerns raised, and their role in upholding professional standards and sending a message to the profession as a whole. Given that the case examiners have identified that there is developing insight, they are of the view that a longer period of conditions is unnecessary and would be disproportionate."

7. The imposed conditions of practice are:

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 workplace supervisor referred to in these conditions.

3.

- 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 approved by Social Work England. The workplace supervisor must be on Social Work England's register.*
 - 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 workplace supervisor to Social Work England every 4 months and at least 14 days prior to any review.*
 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. *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 8, above:*
 - a. *Any organisation or person employing or contracting with you to undertake social work services whether paid or voluntary.*
 - b. *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).*
 - c. *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).*

- d. 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.

10. You must permit Social Work England to disclose the above conditions, 1 to 9, to any person requesting information about your registration status.

Social Work England submissions:

8. In the Notice of Review, Capsticks LLP made the following written submissions on behalf of Social Work England:

“Social Work England will invite the panel to find that the Social Worker’s fitness to practise remains impaired and to extend the Conditions of Practice Order for a further of 12 months.

The Social Worker has continued to engage with Social Work England since the imposition of the Order. He has only recently accepted his first social work role since the Order was imposed. He has largely complied with the Conditions of Practice apart from the fact that there has been a technical breach of condition number 9, as the Social Worker did not attach a full copy of the conditions for the agency at the time of application, and only attached part of the letter sent by Social Work England informing him he was subject to a Conditions of Practice Order for 12 months.

Evidence has been received that this has been rectified before the Social Worker starts employment. As the Social Worker has not been practicing as a social worker there is no evidence of further insight or remediation such that the risk of repetition identified by the case examiners has been addressed.

Social Work England therefore invite the reviewing panel to find the Social Worker’s fitness to practise remains impaired for the same reasons identified by the case examiners.

It is submitted a Conditions of Practice Order for a further period of 12 months remains the appropriate order as it will afford the Social Worker an opportunity to put into practice his training, develop his insight and provide evidence of further remediation.

It is submitted an order remains necessary on the grounds of public protection and remains in the public interest as no new information has been provided that

undermines the continued necessity of the order. It is also submitted that a conditions of practice order remains the most appropriate sanction as a suspension order or a removal order would be disproportionate due to the insight the Social Worker demonstrated when the matter was before the case examiners, and due to the fact that the Social Worker has continued to engage with Social Work England since the order was imposed."

9. Ms Shah supplemented Social Work England's written submissions with the following oral submissions:

- a. Mr Chappell has only recently taken up employment in a social worker role.
- b. Mr Chappell has been open and honest with his new workplace supervisor about the Social Work England proceedings.
- c. Mr Chappell continues to work on his training and insight. As he has only just commenced a social worker role, the opportunity to demonstrate his insight and remediation has only just come to fruition.
- d. A continuation of the conditions of practice order for a period of 12 months is appropriate and proportionate as it will allow sufficient time for Mr Chappell to achieve insight and remediation as envisaged by the case examiners. Mr Chappell has fully engaged with Social Work England and reembarked upon a journey to recommence work as a social worker.
- e. Mr Chappell is still impaired on public protection and public interest grounds on the basis that there is no evidence that has further developed his insight or been able to remediate his practice. There is no evidence to undermine the case examiners original finding.
- f. It would be disproportionate to suspend Mr Chappell.

Social worker submissions:

10. In his oral submissions, Mr Chappell accepted the concerns which were raised in his practice and welcomed the opportunity to demonstrate insight and remediation, with conditions of practice, over the next 12 months now that he is working as a social worker again.

Panel decision and reasons on current impairment:

11. 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 decisions of the case examiners. 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".

12. The panel had regard to all of the documentation before it, including the decision and reasons of the case examiners. The panel also took account of Social Work England's written submissions, and Mr Chappell's previous contributions.
13. The panel heard and accepted the advice of the legal adviser, including the case of *Abrahaem v GMC [2008] EWHC 183* which sets out that, at a review, there was a persuasive burden on the registrant to demonstrate that previous concerns and impairments had been sufficiently addressed. 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 to maintain public confidence in the profession.
14. The panel first considered whether Mr Chappell's fitness to practise remains impaired. The panel determined that Mr Chappell was still impaired for the following reasons:
 - a. There is no evidence before the panel of further insight or that he has remediated his practice. This is primarily due to Mr Chappell not having had the opportunity to address the concerns until recently, when he recommenced work as a social worker.
 - b. Although the panel has had sight of Mr Chappell's first supervisor's report, this was given only weeks into his employment and, in the panel's view, is too early to demonstrate full insight and remediation. Only three cases have currently been allocated to Mr Chappell and more time is needed for Mr Chappell to demonstrate insight and remediation.
 - c. Mr Chappell has demonstrated some insight, by accepting the case examiners' findings and recognising the seriousness of them. He has undertaken some training and reflective work. At the hearing today, he stated that he welcomed the opportunity to further demonstrate insight and remediation.

Given these reasons, the panel considered that although heading in the right direction, Mr Chappell's practice is still impaired, risking a likelihood of repetition and public protection concerns, should Mr Chappell be permitted to practise unrestricted.

15. The panel also considered that public confidence, and proper professional standards, in the social work profession would be undermined if a finding of impairment was not made under these circumstances.

Decision and reasons on sanction:

16. Having found Mr Chappell'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 along with all the information and accepted the advice of the legal adviser.
17. The panel considered the submissions made by Social Work England, during which they invited the panel to consider extending a conditions of practice order. The panel also took into account the "*Impairment and sanctions guidance*" published by Social Work England.

18. The panel was mindful that the purpose of any sanction is not to punish Mr Chappell, 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 Chappell's interests with the public interest.
19. The panel decided it would not be appropriate to take no further action or issue a warning. It had made a finding of impairment and any sanction that does not restrict Mr Chappell's practice is not appropriate and would not protect the public.
20. The panel next considered whether conditions of practice would be an appropriate sanction. The panel considered that conditions of practice was an appropriate and proportionate sanction, and that they would protect the public, given:
- a. The regulatory concerns in Mr Chappell's practice can be remediated.
 - b. Mr Chappell has demonstrated some insight and remediation and enthusiasm to reach full insight and completely remediate his practice. The panel considers that a conditions of practice order would provide Mr Chappell the opportunity to achieve this.
 - c. Although there was a breach of the conditions in the past 12 months, this breach was technical and has been addressed. His workplace supervisor has confirmed in her first report that he was open about his fitness to practise matters in his application for the role and that she has no concerns about his work to date. Consequently, the panel considers that conditions of practice are still workable.
 - d. Placing Mr Chappell under conditions of practice would fulfil the wider public interest in that confidence in the profession and maintaining proper professional standards can be achieved through conditions on Mr Chappell's practice.
 - e. Given that Mr Chappell has not practised since the summer of 2020. Conditions of practice would allow him to return to practice in a supported way.
21. The panel considers that the conditions imposed by the case examiners to be appropriate given:
- a. there is nothing to suggest that the current conditions are not working;
 - b. there has been no request to vary the conditions; and
 - c. Mr Chappell has been employed for under one month to date, so the conditions have yet to be tested for an extended period of time.
22. The panel considered that a period of 12 months for the current conditions of practice to be imposed would be appropriate as it would allow Mr Chappell sufficient time to address his insight and remediate his practice.
23. The panel therefore decided to continue the current conditions of practice for a further period of 12 months.

Right of appeal:

24. 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.
25. 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.
26. 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.
27. This notice is served in accordance with Rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

Review of final orders:

28. 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).

29. 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

30. 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>