

Social worker: Daryle J
Allingham
Registration number: SW20706
Fitness to Practise
Final Hearing

Dates of hearing: 04 February 2025 to 05 February 2025

Hearing venue: Remote hearing

Hearing outcome:
Fitness to practise impaired, removal order

Interim order:
Interim suspension order (18 months)

Introduction and attendees:

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018 (as amended) (“the Regulations”).
2. Mr Allingham did not attend and was not represented.
3. Social Work England was represented by Ms Emma Rutherford, Counsel instructed by Capsticks LLP.
4. The panel of adjudicators conducting this hearing (the “panel”) and the other people involved in it were as follows:

Adjudicators	Role
Rachel O'Connell	Chair
Joma Wellings-Longmore	Social worker adjudicator

Hearings team/Legal adviser	Role
Poppy Muffett	Hearings officer
Kathryn Tinsley	Hearings support officer
Neville Sorab	Legal adviser

Service of notice:

5. The panel was informed by Ms Rutherford that notice of this hearing was sent to Mr Allingham by email and special delivery to an email address and postal address, respectively, provided by the social worker as they appear on the Social Work England register. Ms Rutherford submitted that the notice of this hearing had been duly served.
6. The panel of adjudicators had careful regard to the documents contained in the final hearing service bundle as follows:
 - A copy of the Notice of Hearing dated 03 January 2025 addressed to Mr Allingham at his email address and postal address as they appear on the Social Work England Register;
 - An extract from the Social Work England Register detailing Mr Allingham’s registered email address and postal address;
 - A copy of a signed Statement of Service, on behalf of Social Work England. This confirmed that on 03 January 2025 – more than 28 days before this hearing – a Notice of Hearing and related documents were sent by email and special delivery to Mr Allingham at his registered email address and postal address;

- A copy of the Royal Mail Track and Trace Document indicating “*signed for*” delivery to Mr Allingham’s address at 09.32am on 04 January 2025; and
- Hearing Participation Response Forms on 28 August 2023 and 05 January 2025 in which Mr Allingham sets out that he will not be attending, nor be represented at, the Final Hearing, enclosing his written submissions to be considered by the panel.

7. The panel accepted the advice of the legal adviser in relation to service of notice. This included reference to Rules 14, 15, 44 and 45 of Social Work England’s Fitness to Practise Rules 2019 (as amended) (the “Rules”).
8. 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 Allingham in accordance with Rules 44 and 45 of the Rules.

Proceeding in the absence of the social worker:

9. The panel heard the submissions of Ms Rutherford on behalf of Social Work England. Ms Rutherford submitted that:
 - a. notice of this hearing had been duly served;
 - b. the notice of hearing sets out that the hearing can proceed in Mr Allingham’s absence;
 - c. on 30 November 2022, in an email to Social Work England, Mr Allingham had stated “*I won’t be attending any hearings in court or on video*”. Mr Allingham had completed Hearing Participation Response Form on 28 August 2023 confirming that he would not be attending the hearing. As such, he had voluntarily absented himself from the hearing;
 - d. no application for an adjournment had been made by Mr Allingham and as such there was no indication that adjourning today’s hearing would secure his attendance; and
 - e. it is fair to proceed in Mr Allingham’s absence and he would not be prejudiced in the Final Hearing proceeding.
10. Ms Rutherford therefore invited the panel to proceed in the interests of justice and the expeditious disposal of this hearing.
11. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. This included reference to Rule 43 of the Rules and 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’s guidance “*Service of notices and proceeding in the absence of the social worker*”.

12. The panel considered all of the information before it, together with the submissions made by Ms Rutherford on behalf of Social Work England. The panel noted that Mr Allingham had been sent notice of the Final Hearing. The panel considered that:
- a. Mr Allingham was served with the notice of hearing in which it was set out that, in his absence, the hearing may take place in his absence;
 - b. Mr Allingham was aware of the hearing;
 - c. Mr Allingham has voluntarily absented himself from the hearing through his completed Hearing Participation Response Forms on 28 August 2023 and 05 January 2025, and in his email dated 30 November 2022 to Social Work England, in which he stated “*I won’t be attending any hearings in court or on video*”;
 - d. Mr Allingham has not requested to adjourn the meeting;
 - e. Any adjournment would be unlikely to secure the attendance of Mr Allingham in the future; and
 - f. Given the length of time passed since the allegations (nearly six years), and Mr Allingham’s voluntary absence at this hearing, it is considered that it is in Mr Allingham’s own interests to proceed with the Final Hearing.
13. Given the reasoning in paragraph 12, the panel determined to proceed in Mr Allingham’s absence.

Preliminary matters – Application for discontinuance:

14. On behalf of Social Work England, Ms Rutherford made an application to discontinue allegation 5: “*Your actions at paragraph 4a were dishonest.*” It did so on the basis that evidence obtained since the Case Examiner decision, namely, the witness statement of Peter Griffiths and Exhibit PG/3, shows that Mr Allingham included reference to the 2016 Police Caution in his witness statement dated 03 April 2019, which was included in Mr Allingham’s self-referral on 22 July 2019. It is therefore submitted that, in light of this new information, namely that Mr Allingham did provide the 2016 Police Caution to the Regulator, there is no longer a prospect of paragraph 5 to the allegation being found proved. It is also submitted that bringing an allegation of dishonesty in respect of a delay in the 2016 Police Caution being reported to the Regulator would be inconsistent with the Case Examiner decision to close the dishonesty concern insofar as it related to the conduct in paragraphs 4(b) and (c) to the allegation (a delay in notifying the Regulator of convictions).
15. Mr Allingham made no written submissions in relation to the discontinuance application and was not present to provide any oral submissions.

16. The panel accepted the advice of the Legal Adviser on discontinuance, which included reference to Social Work England's Discontinuance Guidance. The panel noted, in particular, that they may discontinue one or more of the factual particulars and/or grounds on which the Case Examiners have referred a case to the adjudicators, when the adjudicators are satisfied that new information available since the determination of the Case Examiners means that there is no longer a realistic prospect of finding those factual particular(s) and/or ground(s) proved.
17. The panel considered that since the Case Examiners made their decision to refer the regulatory concerns to a hearing, new information has appeared in that the witness statement of Peter Griffiths and Exhibit PG/3, shows that Mr Allingham included reference to the 2016 Police Caution in his witness statement dated 03 April 2019, which was included in Mr Allingham's self-referral on 22 July 2019. Furthermore, at the time, Mr Allingham was not practising as a social worker, but nevertheless kept his employer aware of the criminal proceedings against him taking place. The panel does not consider this as intent by Mr Allingham to conceal the criminal proceedings against him, from any professional setting. Consequently, the panel considers that allegation 5 cannot be proved.
18. The panel does not envisage the likelihood of credible further evidence being obtained to strengthen allegation 5. The panel considers itself fully informed of the issues in this case.
19. The panel has therefore decided it is appropriate for the regulator to no longer pursue allegation 5 as there is no longer a realistic prospect of this allegation being found proved. The panel agrees to the application and allegation 5 is discontinued.

Preliminary matters – Application for matters to be heard in private:

20. PRIVATE
21. PRIVATE

Allegations (as amended):

22. Mr Allingham faces the following allegations:

Whilst registered as a Social Worker:

1. *On 29 April 2019 you were convicted at Herefordshire Magistrates Court of an offence of threatening behaviour contrary to section 4(1) and (4) of the Public Order Act 1986 in that on 9 February 2019 you used towards Person A threatening, abusive or insulting words or behaviour with intent to cause that person to believe that immediate unlawful violence would be used against Person A whereby Person A was likely to believe*

that such violence would be used, or it was likely that such violence would be provoked.

2. *On 9 February 2019 you assaulted Person B.*
3. *On 8 October 2016 you were issued a Police Caution for assault by beating contrary to Section 39 of the Criminal Justice Act 1988 and Criminal Damage to property valued under £5000 contrary to Sections 1(1) and 4 of the Criminal Damage Act 1971.*
4. *You failed to notify your regulator as soon as possible about the following incidents:*
 - a. *The receipt of a Police Caution for the offence of assault by beating and criminal damage on 8 October 2016 and/ or*
 - b. *The conviction for an offence contrary to Section 4(1) and (4) of the Public Order Act 1986 on 29 April 2019 and/ or*
 - c. *Pleading guilty to an offence of assault by beating contrary to section 39 of the Criminal Justice Act 1988 on 29 April 2019.*

The matters outlined in paragraphs 1 and 3 amount to the statutory ground of a conviction or caution in the United Kingdom for a criminal offence.

The matters outlined in paragraphs 2 and 4 amount to the statutory ground of Misconduct.

Your fitness to practise is impaired by reason of your misconduct and/or a conviction or caution in the United Kingdom for a criminal offence.

Admissions:

23. Rule 32c(i)(aa) of the Rules states: *“Where facts have been admitted by the social worker, the adjudicators or regulator shall find those facts proved.”*
24. The panel has considered Social Work England’s Pre-Hearing Case Management Guidance published on its website, which sets out:

“When our external legal provider discloses Social Work England’s case, they will ask the social worker to complete a response form. In this form, the social worker can confirm which of the factual allegations they admit (if any) and which remain in dispute.

If the social worker confirms that they admit any of the factual allegations, our external legal provider will treat this as a formal admission.”
25. The panel has had sight of the Response Form completed by Mr Allingham on 30 November 2022, which is referred to by Mr Allingham in his Response Form dated 05

January 2025. The panel notes that, of the allegations still proceeded with by Social Work England against Mr Allingham, the only one which was denied was “*You did not notify the regulator about the caution in RC3*”. The panel notes that since 30 November 2022, that allegation has been amended to “*You failed to notify your regulator as soon as possible about the following incidents: The receipt of a Police Caution for the offence of assault by beating and criminal damage on 8 October 2016;*” the key change being notification “*as soon as possible*” rather than not notification whatsoever.

26. The panel has had sight of the Response Form completed by Mr Allingham in which he admitted allegations 1-4, and signed by him on 28 August 2023. This Response Form includes an admission to the updated allegation of notifying Social Work England “*as soon as possible*” (allegation 4(a)), which has been admitted to by Mr Allingham. Although this was signed by Mr Allingham approximately 18 months ago, the panel has not seen any evidence that it should no longer rely on the Response Form and do not consider it to be unfair to rely on it, especially in light of Mr Allingham remaining engaged in correspondence with Social Work England. Therefore, the panel considers allegations 1-4 to be proved.

Summary of evidence:

27. On 29 April 2019, Mr Allingham pleaded guilty at Hereford Magistrates Court to offences of:
- a. threatening behaviour contrary to section 4(1) and (4) of the Public Order Act 1986; and
 - b. assault by beating contrary to section 39 of the Criminal Justice Act 1988
28. The panel has seen the memorandum of conviction for both offences.
29. Mr Allingham was sentenced on 29 April 2019 to:
- a. a fine of £216, ordered to pay £250 in costs and £30 by way of victim surcharge, in respect of the offence in allegation 1; and
 - b. a 24-month conditional discharge for the offence in allegation 2.
30. Mr Allingham entered a basis of plea and this was accepted by the Court and Prosecution. This basis was:
- a. PRIVATE
 - b. PRIVATE
 - c. PRIVATE
 - d. PRIVATE
 - e. PRIVATE

i. PRIVATE

ii. PRIVATE

iii. PRIVATE

f. PRIVATE

31. On 8 October 2016, Mr Allingham admitted to an offence of assault by beating and criminal damage and accepted a caution in respect of these offences. The panel has seen evidence of this caution.
32. The first notification to Social Work England of the convictions in allegations 1 and 2 was made when Mr Allingham made a self-referral to Social Work England on 22 July 2019; almost three months after he pleaded guilty to these offences at the Hereford Magistrates Court on 29 April 2019.
33. Until 2 December 2019, the Health and Care Professions Council (“HCPC”) was responsible for regulating the fitness to practise of social workers. Mr Allingham was required by paragraph 9.5 of the HCPC Standards of Conduct Performance and Ethics to tell his regulator as soon as possible that he had been found guilty of a criminal offence, or accepted a Police caution.
34. In an email dated 27 October 2021, in response to the allegation that he had not notified the regulator of his convictions in a timely manner, Mr Allingham stated that: *“This is quite possibly true though, to say the least, my life and health were in a little turmoil at the time. I was suffering from [PRIVATE] and preparing a defence for my court appearances.”*

Finding and reasons on facts:

35. For the reasons identified in paragraphs 23-26 above, allegations 1-4 are admitted and therefore to be found proved. The factual basis upon which these allegations are proved are set out in paragraphs 27-34 above.

Finding and reasons on grounds:

36. On behalf of Social Work England, Ms Rutherford submitted:
- a. The panel has before it the Memorandum of Conviction for allegation 1 and the caution for allegation 3. Therefore, the ground of conviction and caution are met pursuant to article 25(2)(c) of the Regulations.
 - b. Because Mr Allingham received a conditional discharge for the offence set out in allegation 2, and the offence occurred prior to October 2020, the conviction for this offence could not be relied upon as a ground. Therefore, allegation 2 falls under misconduct. Mr Allingham’s conduct at allegation 2

reaches the threshold for misconduct as his actions in assaulting Person B impact upon his suitability to act as a social worker, even if the action occurred in his private life. In doing so, Mr Allingham breached standard 9.1 of the HCPC Standards of Conduct, Performance and Ethics/Proficiency (“HCPC Standards”): *“You must make sure that your conduct justifies the public’s trust and confidence in you and your profession”*.

- c. By failing to notify his regulator as soon as possible about the incidents set out in allegation 4, Mr Allingham breached standard 9.5 of the HCPC Standards, namely: *“You must tell us as soon as possible if: you accept a caution from the police or you have been charged with, or found guilty of, a criminal offence.”* Consequently, Mr Allingham’s conduct reaches the threshold of misconduct.

37. Mr Allingham made no written submissions in relation to grounds and was not present to provide any oral submissions.

38. The panel considered that having had sight of the Memorandum of Conviction for allegation 1 and the caution for allegation 3, the ground of conviction and caution are met pursuant to article 25(2)(c) of the Regulations.

39. The panel notes the basis of plea and also the Magistrates Court notes for allegation 2, including:

“[Person B] had got into his house by climbing through the window. [PRIVATE]. The defendant accepts on reflection this should not have happened and feels considerable remorse.”

Nevertheless, the panel considers that Mr Allingham’s conduct at allegation 2 reaches the threshold for misconduct on the basis that at no point should a social worker resort to violence without a legal basis, in either a social or professional setting. [PRIVATE]. Mr Allingham’s actions breached Standard 9.1 of the HCPC Standards, would be considered deplorable by fellow practitioners, and brings disgrace upon Mr Allingham and the social work profession.

40. The panel considers that Mr Allingham’s actions, as set out in allegation 4, reaches the threshold for misconduct on the basis that:

- a. For allegation 4(a), Mr Allingham did not notify his regulator for approximately three years. The panel considers there to be no justification for such a delay. Mr Allingham’s actions breached Standard 9.5 of the HCPC Standards, and would be considered deplorable by fellow practitioners.
- b. For allegations 4(b) and 4(c), Mr Allingham did not notify his regulator for approximately 10 weeks. [PRIVATE]. The panel considers 10 weeks to be a considerable delay in notifying the regulator, despite the difficult circumstances, without justification. Mr Allingham’s actions breached

Standard 9.5 of the HCPC Standards, and would be considered deplorable by fellow practitioners.

Finding and reasons on current impairment:

41. On behalf of Social Work England, Ms Rutherford submitted that Mr Allingham was currently impaired on the basis that:

- a. The allegations represent a serious departure from the standards expected of social workers. The public would have concerns about this conduct, in particular the resorting to violence and threatening behaviour to resolve conflict.
- b. There is no insight provided by Mr Allingham. There is limited evidence that he has appreciated the seriousness of the conduct towards Person B and there is no reflection as to how others would perceive his behaviour and how that would impact upon the general public and their perceptions of social workers. This taken together with the fact that there is a pattern of behaviour indicates that the risk of repetition is high.
- c. Mr Allingham failed to notify the regulator of criminal caution in 2016 as soon as possible, and there was a delay in notifying the regulator regarding the conviction and guilty plea to the assault in 2019; however, a self-referral was made 10 weeks after the conviction. This represents a departure from the standards expected of social workers as the public would expect a conviction and a guilty plea to an assault to be disclosed in a timely manner so appropriate risk assessments can be undertaken and fitness to practise can be assessed.
- d. The admitted conduct by Mr Allingham is likely to undermine public confidence in the social work profession.
- e. There is no evidence of remediation, which in turn raises the risk of repetition.

42. Mr Allingham made no written submissions in relation to impairment and was not present to provide any oral submissions.

43. The panel accepted the advice of the legal adviser that when considering impairment, the panel should consider whether Mr Allingham is currently impaired in relation to the misconduct found. The panel was asked by the legal adviser to consider:

- a. whether Mr Allingham has acted in the past and/or is liable in the future to act so as to put a service user at unwarranted risk of harm;
- b. whether Mr Allingham has in the past and/or is liable in the future to bring the social work profession into disrepute;

- c. whether Mr Allingham has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the social work profession; and
- d. whether Mr Allingham has in the past acted dishonestly and/or is liable to act dishonestly in the future.

44. When considering the question of impairment, the panel took into account Social Work England's "*Impairment and sanctions guidance*".

45. The panel considered Mr Allingham's insight and remediation to be pertinent to all the questions set out at paragraph 43, so considered this prior to answering the questions.

46. The panel considered Mr Allingham to have limited insight on the basis that:

- a. Mr Allingham has shown some insight given his guilty pleas in relations to allegation 1 and 2, and remarks made by the Magistrates, in particular: "*The defendant accepts on reflection this should not have happened and feels considerable remorse*" and "*The incident was completely out of character and the defendant is very remorseful*".
- b. However, the panel has not seen evidence of:
 - i. How Mr Allingham would manage a stressful confrontation without resorting to physical violence;
 - ii. Any reflection from Mr Allingham on the impact of his actions on Person B, Person A, the wider public and the social work profession; and/or
 - iii. Any insight in relation to allegation 4. The panel has not seen any evidence of Mr Allingham's insight for not informing his regulator of a criminal conviction or caution.

47. The panel considered that Mr Allingham had not undertaken any remediation. The panel has not been provided with evidence of Mr Allingham's ability to not resort to violence in stressful situations, and keeping his regulator informed of important information such as a conviction or caution. However, the panel notes that if Mr Allingham has not received any convictions or cautions since those referred to in allegations 1 and 2, that any remediation would be difficult to evidence.

48. The panel has had sight of three character reference testimonials. One was undated; one was from 2019; and one was from 2021. Two are from his line manager and one is from a professional colleague. The panel considers that, although helpful when describing Mr Allingham's general demeanour, his conduct at work, and ability to diffuse potentially difficult situations, they do not address Mr Allingham's ability to deal with stressful situations in his personal life, nor address his current employment or impairment.

Whether Mr Allingham has acted in the past and/or is liable in the future to act so as to put a service user at unwarranted risk of harm

49. Although the allegations concern Mr Allingham's private life, the panel considers that Mr Allingham has acted in the past so as to put service users at unwarranted risk of harm in that he:
- a. Resorted to violence in an attempt to resolve stressful situations;
 - b. Directed violence to a vulnerable person; and
 - c. Failed to inform his regulator that he had received a conviction and/or caution. In turn, due to the regulator's inability to assess any risk, this could have put service users at risk of harm.

50. Given the limited insight and lack of evidence of remediation undertaken by Mr Allingham as set out in paragraphs 46 and 47 above, the panel considers that Mr Allingham is liable in the future to act so as to put a service user at unwarranted risk of harm.

Whether Mr Allingham has in the past and/or is liable in the future to bring the social work profession into disrepute

51. For the reasons set out in paragraph 49, the panel considers that Mr Allingham has in the past brought the social work profession into disrepute.

52. Given the limited insight and lack of evidence of remediation undertaken by Mr Allingham as set out in paragraphs 46 and 47 above, the panel considers that Mr Allingham is liable in the future to bring the social work profession into disrepute in the future.

Whether Mr Allingham has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the social work profession

53. The panel considers that Mr Allingham has breached a fundamental tenet of the social work profession, namely the protection of others, especially those who are vulnerable.

54. Given the limited insight and lack of evidence of remediation undertaken by Mr Allingham as set out in paragraphs 46 and 47 above, the panel considers that Mr Allingham is liable in the future to breach a fundamental tenet of the social work profession in the future.

Whether Mr Allingham has in the past acted dishonestly and/or is liable to act dishonestly in the future

55. This is not a case where Mr Allingham has acted dishonestly. Therefore, the panel does not consider that Mr Allingham is likely to act dishonestly in the future.

Panel's conclusion on impairment

56. In light of the above, the Committee considered Mr Allingham's fitness to practise to be currently impaired on the personal element.

57. Further, members of the public would be concerned to learn that a social worker had:

- a. Resorted to violence in an attempt to resolve stressful situations;
- b. Directed violence to a vulnerable person; and
- c. Failed to inform his regulator that he had received a conviction and/or caution. In turn, due to the regulator's inability to assess any risk, this could have put service users at risk of harm.

Consequently, the Committee considered Mr Allingham's fitness to practise is impaired on the wider public interest element, namely maintaining public confidence in social workers in England and maintaining proper professional standards for social workers in England.

Decision and reasons on sanction:

58. On behalf of Social Work England, Ms Rutherford submitted that a suspension order for no less than 12 months is an appropriate and proportionate sanction, on the basis that:

- a. Mr Allingham's conviction and misconduct included violence and criminal damage, and represented a pattern of behaviour. Mr Allingham's conduct was serious.
- b. A suspension order is necessary to protect the public and uphold the standards of the social work profession.
- c. Mr Allingham has set out that he has no intention of working in the social work profession in the future. However, Social Work England is not requesting a removal order should Mr Allingham change his mind in the future. A 12-month suspension order would provide Mr Allingham with the opportunity to demonstrate insight and remediation for any future panel.

59. Mr Allingham made no written submissions in relation to sanction and was not present to provide any oral submissions.

60. The panel accepted the advice of the legal adviser that it must again pursue the overarching objective when exercising its functions. The purpose of a sanction is not to be punitive although a sanction imposed may have a punitive effect. The panel considered the least restrictive sanction first and then moved up the sanctions ladder as appropriate. The panel had regard to the Social Work England Sanctions Guidance, updated in December 2022.

61. The panel considered the following factors to be mitigating:

- a. Mr Allingham has shown evidence of remorse, as set out by the Magistrates Court:
 - i. *"The defendant accepts on reflection this should not have happened and feels considerable remorse."*

- ii. *“The incident was completely out of character and the defendant is very remorseful.”*

- b. PRIVATE
- c. Mr Allingham has been open about the allegations with his employer as is evident from his professional references. The professional references also provide evidence to the panel of Mr Allingham’s ability and behaviour in a professional setting.
- d. Mr Allingham pleaded guilty at the Magistrates Court; accepted the caution; and has admitted to all the allegations in this hearing. All were done at an early opportunity.
- e. Mr Allingham has engaged with Social Work England, albeit not with attending the hearing.

62. The panel considered the following factors to be aggravating:

- a. Mr Allingham caused actual harm to a vulnerable person.
- b. There is no evidence before the panel that Mr Allingham has remediated his conduct, both for the criminal actions or the non-reporting of his criminal caution and convictions to his regulator.
- c. There has been a pattern of behaviour in relation to Mr Allingham’s conviction and misconduct.
- d. There is no evidence before the panel that Mr Allingham has understood the impact of his actions upon the victims, others or the profession, either for the criminal actions or the non-reporting.
- e. Mr Allingham’s failure to inform his regulator that he had received a conviction and/or caution diminished the regulator’s ability to assess any risk. In turn, this could have put service users at risk of harm.

63. In light of the seriousness of its findings in relation to Mr Allingham’s conviction, misconduct and current impairment, the panel finds that taking no action or issuing advice or a warning would not adequately protect the public because his practice would not be restricted so as to mitigate the risk of harm. In addition, these sanctions would not adequately meet the wider public interest of maintaining public confidence in the profession and declaring and upholding proper standards of conduct and behaviour.

64. The panel then considered whether a conditions of practice order would be proportionate and appropriate in the circumstances. The panel found that it could not formulate conditions which were proportionate or workable in order to protect the public given:

- a. Mr Allingham's conviction and misconduct relates to actions outside of a professional setting. This makes any protection of the public hard to address through conditions of practice.
- b. It is unknown to the panel whether Mr Allingham is working, or working in a social work setting. Consequently, it is not known whether conditions of practice would ever be able to be implemented and then monitored. Further, Mr Allingham is not present for the panel to consider his engagement with conditions of practice.
- c. The panel considers there to be insufficient insight from Mr Allingham for conditions of practice to be effective.
- d. The panel has not seen any evidence that Mr Allingham would be willing to engage with conditions of practice.
- e. The panel could not formulate any workable conditions in relation to the admitted conviction and misconduct.

65. The panel next considered whether it was appropriate to impose a suspension order. The panel had regard to the paragraphs 137 and 138 of the Sanctions Guidance:

"137. Suspension may be appropriate where (all of the following):

- *the concerns represent a serious breach of the professional standards*
- *the social worker has demonstrated some insight*
- *there is evidence to suggest the social worker is willing and able to resolve or remediate their failings"*

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"*

66. The panel considered Mr Allingham's conviction and misconduct to represent a serious breach of professional standards (violence towards a vulnerable person and non-reporting of serious matters to his regulator, resulting in an unsighted regulator and placing services users at risk); and that he has demonstrated some insight (albeit predominantly concerning himself and not regarding the impact of his actions on others or the social work profession). However, the panel does not consider that there is evidence before it to suggest that Mr Allingham is willing to resolve or remediate his failings. In particular, Mr Allingham's written submissions of 05 January 2025 state: *"Please see Hearing Bundle Index – Social Worker Response, page 15."* This refers to an email with an attachment. The email sets out in particular:

“I have worked in a day centre nearly forty years, I have never practice as a social worker, never wanted to be a social worker, never will be a social worker and since 2019 I have been trying to deregister. I am not interested in being a social worker, I am just looking forward to retiring in the near future and not concern about my future as a worker.”

Further, the panel has not seen any evidence that Mr Allingham is willing to resolve or remediate his failings, despite nearly six years having passed since the most recent incident. Consequently, the panel does not consider a suspension order to be appropriate and proportionate.

67. The panel considered the Guidance in respect of a removal order. In particular, the panel took into account paragraph 149 of the Guidance which sets out:

“A removal order may be appropriate in cases involving (any of the following):

- Criminal convictions for serious offences*
- Violence*
- Social workers who are unwilling and/or unable to remediate (for example, where there is clear evidence that they do not wish to practise as a social worker in the future)”*

68. In the particular circumstances, the panel considers that a removal order is the appropriate and proportionate sanction to impose. Further, the panel considers a removal order to be appropriate given that a removal order would protect the public, maintain confidence in the social work profession and maintain proper professional standards for social workers in England.

Interim order:

69. In light of its findings on sanction, the panel next considered an application by Ms Rutherford for an interim suspension order for 18 months to cover the appeal period before the final order becomes effective. Mr Allingham was not present to make submissions on whether the panel should impose an interim order.

70. The panel next considered whether to impose an interim order. It was mindful of its earlier findings and decided that it would be wholly incompatible with those earlier findings and the imposition of a removal order to conclude that an interim suspension order was not necessary for the protection of the public or otherwise in the public interest for the appeal period.

71. Accordingly, the panel concluded that an interim suspension order is necessary for the protection of the public and public interest grounds. It determined that it is appropriate that the Interim Suspension Order be imposed for a period of 18 months to cover the appeal period. When the appeal period expires, this interim order will come to an end

unless an appeal has been filed with the High Court. If there is no appeal, the final order of 05 February 2025 shall take effect when the appeal period expires.

Right of appeal:

72. Under Paragraph 16(1)(a) of Schedule 2 of the regulations, the social worker may appeal to the High Court against the decision of adjudicators:
- 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.
73. Under Paragraph 16(2) of Schedule 2 of the regulations 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.
74. Under Regulation 9(4) of the regulations this order may not be recorded until the expiry of the period within which an appeal against the order could be made, or where an appeal against the order has been made, before the appeal is withdrawn or otherwise finally disposed of.
75. This notice is served in accordance with Rules 44 and 45 of the Social Work England Fitness to Practice Rules 2019 (as amended).

Review of final orders:

76. Under Paragraph 15(1), 15(2) and 15(3) of Schedule 2 of the regulations:
- 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), and a final order does not have effect until after the expiry of that period

77. Under Rule 16(aa) of the rules 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:

78. Please note that in accordance with section 29 of the National Health Service Reform and Health Care Professions Act 2002, a final 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>.