

Social worker: Burcin Bruce

Registration number: SW23890

Fitness to Practise

Final Order Review Meeting

Date of meeting: 10 February 2025

Meeting venue: Remote meeting

Final order being reviewed:
Suspension order (expiring 24 March 2025)

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

Introduction and attendees:

1. This is the second review of a final suspension order originally imposed for a period of 9 months by case examiners on 22 September 2023 under paragraph 9(2)(c) of the Social Workers Regulations 2018 (the Regulations) and extended for a further nine months at the first review held under paragraph 15 of the Regulations on 14 May 2024. This review is also held under paragraph 15 of the Regulations.
2. Ms Bruce 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. Capsticks LLP did not attend.

Adjudicators	Role
Gill Mullen	Chair
Rosemary Chapman	Social worker adjudicator

Hearings team/Legal adviser	Role
Hannah Granger	Hearings officer
Molly-Rose Brown	Hearings support officer
Rachel Birks	Legal adviser

Service of Notice:

4. The panel of adjudicators (the panel) had careful regard to the documents contained in the final order review hearing service bundle as follows:
 - a. A copy of the notice of final order review hearing dated 7 January 2025 and addressed to Ms Bruce at her email address as it appears on the Social Work England Register. Under “The proposed action” it states that “*Social Work England is seeking a 9 month extension of the current Conditions of Practice Order*”. An email was sent to Ms Bruce on 3 February 2025 clarifying that this should state “*Social Work England is seeking a 9 month extension of the current Suspension Order*”, as is set out in the submissions within the notice of hearing.
 - b. An extract from the Social Work England Register detailing Ms Bruce's registered email address.
 - c. A copy of the email sent on 7 January 2025 to Ms Bruce at her email address as it appears on the Social Work England Register, sending:
 - i. FOR hearing bundle
 - ii. Written submission form
 - iii. Hearing participation form
 - iv. Notice of representation form
 - v. Notice of hearing

- d. A copy of a signed Statement of Service, on behalf of Social Work England, confirming that on 7 January 2025 the writer sent by email to Ms Bruce at the address referred to above: "*the Notice of Hearing and enclosures*".
- 5. The panel accepted the advice of the legal adviser in relation to service of the notice.
- 6. Having had regard to all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing has been served on Ms Bruce in accordance with Rules 14 and 44 of Social Work England's Fitness to Practise Rules (the Rules). It did not find that the typographical error in the notice impacted proper service having been effected.

Proceeding in the absence of the social worker:

- 7. The panel accepted the advice of the legal adviser in relation to the factors it should consider when considering this application. This included reference to:
 - a. Rule 43 which provides that where the registered social worker does not attend a hearing and is not represented, the panel may proceed to determine the matter, if they are satisfied that the registered social worker has been served or that all reasonable efforts have been made to serve the registered social worker with notice of the hearing, in accordance with the Rules.
 - b. The case of *Tait v The Royal College of Veterinary Surgeons [2003] UKPC 34*), which confirms that the decision to proceed with a hearing in the absence of a practitioner is a discretion which a Panel should exercise with the utmost care and caution. The factors which a Panel must bear in mind when deciding whether to exercise their discretion to proceed are those as set out in the case of *R v Jones (Anthony) [2003] AC 1, HL*. These include:
 - i. The nature and circumstances of the Registrant's behaviour in absenting themselves from the hearing.
 - ii. Whether the Registrant has voluntarily absented themselves from the proceedings.
 - iii. Whether an adjournment would resolve the Registrant's absence.
 - iv. If so, the likely length of any such adjournment.
 - v. The disadvantage to the Registrant in not being able to present their case.
 - c. The case of *Adeogba v GMC [2016] EWCA Civ 162* which draws a distinction between criminal and disciplinary proceedings in terms of the procedure to be followed when deciding on whether to proceed in the absence of the registrant. Key features of that judgement are:

- i. The GMC was to be guided by the context of its main statutory objective, and in that regard the fair, economical, expeditious and efficient disposal of the allegations was of very real importance.
 - ii. Fairness involves fairness both to the registrant, which is the prime consideration, but also fairness to the regulator and to the public.
 - iii. The GMC was perfectly entitled and indeed bound to use the address provided on practitioner's registration.
 - iv. The Registrant knew that disciplinary proceedings were ongoing and made no attempt to contact the GMC so that he could be apprised of what was going on.
 - v. There was no reason for the Registrant not to participate in the hearing.
8. The panel considered all of the information before it. The panel also took into account Social Work England's guidance 'Service of notices and proceeding in the absence of the social worker'.
9. The panel noted that notice of this hearing had been duly served and that Ms Bruce should be aware of it. It noted that although there has been engagement by Ms Bruce in the past, there has been no engagement by her with Social Work England since the review of her suspension on 14 May 2024. The deadline for her to provide a response was made clear in the notice of final order review hearing. No application for an adjournment had been made by Ms Bruce and as such there is no guarantee that adjourning today's proceedings would secure her attendance.
10. The panel, therefore, concluded that Ms Bruce has chosen voluntarily to absent herself. Having weighed the interests of Ms Bruce in regard to her attendance at the hearing with those of Social Work England and the public interest in an expeditious conclusion of this mandatory review before the expiry of the current period of suspension, the panel concluded that it was appropriate to proceed in the absence of Ms Bruce.

Proceeding with the final order review as a meeting:

11. The notice of final order review hearing informed Ms Bruce of the following:
- "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 21 January 2025. 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."*
12. The panel has received no information to suggest that Ms Bruce had responded to the notice of final order review hearing.

13. The panel heard and accepted the advice of the legal adviser with regard to Rule 16(c) of the Rules 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.”

14. 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).

Review of the current order:

15. 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).
16. The current order is due to expire at the end of 24 March 2024.

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

17. Regulatory Concern 1

Whilst registered as a social worker, you failed to demonstrate the expected level of competence and capability in that you:

- a) Failed to maintain timely and sufficient records.
- b) Failed to complete reports, care and placement plans and a later life letter in a timely manner or at all.
- c) Failed to complete statutory reviews within the agreed timescales.
- d) Failed to recognise the importance of keeping information confidential.
- e) Failed to recognise the importance of maintaining professional boundaries.
- f) Failed to recognise and respond to risk relating to covid-19.

Regulatory Concern 2

Whilst registered as a social worker, you failed to provide the appropriate level of care and support in the case of Child A and Child B in that:

- d) You did not provide the foster carers with the necessary information, including EHC plans, to allow them to appropriately care for the children;
- e) You failed to action a referral to the Attach service in a timely manner.

The previous final order review panel on 14 May 2024 determined the following with regard to impairment:

18. *"The panel found that Ms Bruce had not discharged the persuasive burden of proof which required her to advance evidence before the panel to show that her practice deficiencies had been remedied. It was satisfied that the deficiencies found by the case examiners were capable of remedy but that despite guidance from Social Work England Ms Bruce had failed to provide the panel with any evidence of remediation or development of insight. Therefore the panel considered that there remained a risk of repetition. The panel concluded that Ms Bruce's fitness to practise remained impaired by reason of lack of competence."*

The previous final order review panel on 14 May 2024 determined the following with regard to sanction:

19. *"The panel then considered what, if any, was the appropriate sanction in Ms Bruce's case. It did so by first considering whether it was appropriate to take no action and to allow the present order to expire in due course, or to revoke the order. It concluded that these courses were not sufficient to protect the public and the public interest. The panel then considered whether issuing Ms Bruce with a warning or advice was appropriate. It concluded that this course was insufficient to protect the public and the public interest as it imposed no restriction on Ms Bruce's practice. The panel then considered whether a conditions of practice order was an appropriate course. It concluded that although conditions of practice might have been appropriate, as Ms Bruce had not actively engaged with Social Work England since the present order was made, or demonstrated any efforts to remedy her deficiencies, a conditions of practice order would not be workable or sufficient to protect the public and the public interest. The panel had no evidence of a willingness to comply with conditions of practice."*

The panel decided that it was appropriate and proportionate to extend the current suspension order for a period of 9 months. It noted that this was the period of time which the case examiners had said would be required for Ms Bruce 'to provide evidence of a reflective statement and remediation and further insight into the difficulties that brought them before the regulator.' and considered that a further period of suspension for 9 months would provide Ms Bruce with a further opportunity to do so. It noted that there was no evidence that the process of remediation and reflection had commenced and in these circumstances 6 months would be insufficient to enable Ms Bruce to address the practice deficiencies identified."

This panel cannot bind a future panel. However, a future reviewing panel would expect Ms Bruce to attend the review hearing and it would be of assistance to that panel if she were able to provide evidence that she had undertaken significant steps that would facilitate a safe and effective return to the register without restriction. This may include evidence that she has kept her social work skills and knowledge up to date, evidence of

and reflection on relevant training courses (online or otherwise) and addressed the concerns which led to the making of the current order of suspension."

Social Work England submissions:

20. The panel received written submission from Social Work England as follows:

"Subject to any evidence of remediation received prior to the review, Social Work England invite the Panel to find that the Social Worker's fitness to practise remains impaired for the same reasons given by the Case Examiners, and by the panel at the previous Final Order Review.

To date no evidence has been received to demonstrate compliance with either the Case Examiners' recommendations, or the recommendations of the previous Review panel; or to demonstrate that the concerns raised by the Case Examiners and the previous Panel regarding her insight or learning have been addressed. This is despite the previous Review panel extending the Suspension Order to, among other things, allow the Social Worker more time to address the practice deficiencies identified.

It is therefore submitted there has been no evidence of remediation, so as to undermine the finding that the Social Worker's fitness to practice is impaired. The Social Worker has provided no evidence that they are now safe to practice, or that any of the concerns raised by either the Case Examiners or the previous Panel have been addressed.

Since the previous Final Order Review meeting, the Social Worker has not engaged with Social Work England. No evidence or documentation has been received. As a consequence, at this stage it is submitted the Social Worker's fitness to practise remains impaired and a less restrictive sanction is not appropriate on the basis of the same reasoning advanced by the panel at the previous Final Order Review meeting.

A Conditions of Practice Order is not appropriate as, given that Social Worker has not actively engaged with Social Work England since the order was made, demonstrated any efforts to remedy her deficiencies, or provided any evidence that her skills and knowledge have been maintained, it would not be workable or sufficient to protect the public and the public interest. Indeed, there is no evidence of a willingness to comply with conditions of practice on the part of the Social Worker.

The Panel are invited to extend the Suspension Order for a further 9 months to enable the Social Worker to further reflect, comply with the Case Examiner's and Final Order Review panel's recommendations, and to provide evidence of insight and further training such that they can demonstrate they are capable of safe and effective practice. Should the Social Worker continue not to engage or

demonstrate evidence of steps taken to address the deficiencies in their practice it would be open to a future Panel to consider whether a Removal Order was then appropriate."

Social worker submissions:

21. There were no written submissions provided by Ms Bruce.

Panel decision and reasons on current impairment:

22. The panel first considered whether Ms Bruce's fitness to practise remains impaired.

23. 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 and reasons of the case examiners and of the previous review panel. However, it has exercised its own judgement in relation to the question of current impairment.

24. The panel took into account Impairment and Sanctions Guidance published by Social Work England (December 2022), The panel also took into account Social Work England's submissions.

25. The panel heard and accepted the advice of the legal adviser which included that:

- a. In practical terms there is a persuasive burden on Ms Bruce at this review to demonstrate that she has fully acknowledged and addressed the past impairment, and has fully acknowledged the issues that led to the imposition of the sanction and addressed them sufficiently 'through insight, application, education, supervision or other achievement...' (*Abrahaem v General Medical Council [2008] EWHC 183 (Admin)*).
- b. The Impairment and Sanctions Guidance, para 217, outlines the factors to be considered when determining impairment:
 - i. Whether the social worker has demonstrated remediation, insight and/or remorse.
 - ii. Whether the social worker has demonstrated they are now safe to practise and/or there is no longer a risk to the public.
 - iii. Whether the social worker has taken steps to maintain their skills and knowledge.
 - iv. Whether the social worker's fitness to practise remains impaired (and if so, whether the existing order or another order needs to be in place).
 - v. Whether the social worker has sufficiently addressed the concerns raised in the original finding of impairment.

- c. The panel must therefore determine whether Ms Bruce's fitness to practise is impaired today, taking into account her conduct at the time of the events and any relevant factors since then such as whether the matters are remediable, have been remedied and any likelihood of repetition.
- 26. 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.
- 27. The panel noted that the previous review panel found that Ms Bruce had failed to provide the panel with any evidence of remediation or development of insight. Therefore, the previous review panel considered that there remained a risk of repetition. This panel noted that there is no evidence that Ms Bruce has acted upon the recommendations of the previous panel as to what might assist a future reviewing panel. She has not attended the hearing as recommended. There is no evidence that she has:
 - a. undertaken any, let alone any significant steps, which would facilitate a safe and effective return to the register without restriction.
 - b. kept her social work skills and knowledge up to date.
 - c. undertaken and reflected on relevant training courses (online or otherwise).
 - d. taken other steps to address the concerns which led to the making of the current order of suspension.
- 28. The panel noted that Ms Bruce's lack of engagement means that she has not demonstrated remediation, insight or remorse. She has not discharged the persuasive burden to demonstrate that her fitness to practise is no longer impaired. This is despite the clear guidance from the case examiners when the suspension was initially imposed, and from the previous review panel in their determination, as to the types of things that she would need to do in order to be able to demonstrate remediation.
- 29. The panel therefore considered that there remained a risk of repetition of the types of issue which led to Ms Bruce's referral to Social Work England. The panel concluded that Ms Bruce's fitness to practise remains impaired by reason of lack of competence or capability.

Decision and reasons on sanction:

- 30. Having found Ms Bruce's fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel accepted the advice of the legal adviser that under Schedule 2, paragraphs 15(1)(a) to (c) of the Regulations the panel can:
 - a. extend or further extend the period for which the suspension order has effect, provided that the extended period does not exceed three years.

- b. with effect from the expiry of the order, make any order (the new order) which the case examiners could have made provided that the period for which the new order has effect does not exceed three years in total. The orders that were available to the case examiners were:
 - i. Suspension Order for up to 3 years
 - ii. Conditions of practice Order for up to 3 years,
 - iii. Warning Order for 1, 3 or 5 years.
- c. in the case of a Suspension Order, with effect from its expiry make a Conditions of Practice Order with which the social worker must comply if they resume practice as a social worker at the end of the period of suspension specified in the order.
- d. revoke the order with effect from the date of the review for the remainder of the period for which it would have had effect.

31. The panel considered the written submissions made by Capsticks, on behalf of Social Work England, which invited the panel to consider imposing a further suspension order for a period of 9 months. The panel also considered the Impairment and Sanctions Guidance.

32. The panel was mindful that the purpose of any sanction is not to punish Ms Bruce, 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 Ms Bruce's interests with the public interest and by considering each available sanction in ascending order.

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

No action

33. The panel further considered whether to revoke the suspension or to allow it to lapse.

34. The panel has found that Ms Bruce's fitness to practise remains impaired. The allegations found proved in relation to competence/capability were wide ranging, and there has been no evidence provided to demonstrate that the public would be protected if Ms Bruce returned to unrestricted practice. Taking no further action would not be appropriate.

Warning

35. The panel considered whether to impose a warning order.

36. The panel noted that this sanction would not restrict Ms Bruce's ability to practise and was therefore not appropriate where there is a current risk to public safety. The deficiencies identified with Ms Bruce's practice had the potential to have wide-ranging adverse consequences and therefore some restriction on her practice is required. The panel concluded that issuing a warning would be inappropriate and insufficient to meet the public interest.

Conditions of practice order

37. The panel next considered whether to replace the current suspension order with a conditions of practice order.

38. Conditions would not be workable, and therefore would not be appropriate, because of the lack of any engagement by Ms Bruce with Social Work England.

Suspension order

39. The panel considered whether the current suspension order should be extended for a further period of time.

40. A suspension order would prevent Ms Bruce from practising during the suspension period, which would therefore protect the public and the wider public interest. It would not prevent Ms Bruce from taking steps to demonstrate that she has insight, has reflected and has taken steps to remediate. It is therefore proportionate.

41. The panel concluded that the appropriate sanction is a suspension order.

42. The panel determined that the suspension order should be imposed for a period of nine months. The panel was satisfied that this period was appropriate because Ms Bruce is unlikely to be able to take the remediation steps required in a lesser period. Therefore, the suspension period reflects the amount of time that Ms Bruce may need to reflect on the panel's findings and devise a plan of action targeted towards a return to the register.

43. The panel flags that there is still an opportunity for Ms Bruce to engage and work towards remediation. At the next review hearing Ms Bruce will have been suspended for a continuous period of over two years. A future review panel will therefore have the option of removal from the register available to it, if Ms Bruce's fitness to practise is found to remain impaired. Ms Bruce should have regard to the recommendations in the following paragraph, if she is to put herself in the best possible position to avoid removal.

44. This panel cannot bind a future panel. However, a future reviewing panel would expect Ms Bruce to attend the review hearing and it would be of assistance to that panel if she were able to provide evidence that she had undertaken significant steps that would facilitate a safe and effective return to the register without restriction. This may include:

- a. Evidence that she has kept her social work skills and knowledge up to date,
- b. Evidence of and reflection on relevant training courses (online or otherwise) and

- c. Evidence that she has addressed the concerns which led to the making of the initial, and then extended, order of suspension.

45. The panel notes from the papers before it, that Ms Bruce was sent a very helpful email by Social Work England on 27 March 2024. This set out detailed and helpful information for Ms Bruce on how she could go about taking steps to demonstrate insight and show remediation. Social Work England will be able to send a further copy of that email to Ms Bruce if she has not retained a copy.

Removal order

46. The panel considered whether a removal order may be appropriate however, it noted that a removal order was not available to the panel as Ms Bruce's fitness to practise was originally found impaired on the basis of lack of competence or capability, as set out in regulation 25(2) (b) of the Regulations, and she had not yet been suspended from practice or subject to a conditions of practice final order (or a combination of both) for a continuous period of two years immediately preceding the day when the removal order would take effect.

Right of appeal:

47. 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.

48. 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.

49. 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.

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

Review of final orders:

51. 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).

52. 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

53. 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>