

Social worker: Mihaela Bocica

Registration number: SW44373

Fitness to Practise

Final Hearing

Dates of hearing: 26 February 2025 to 06 March 2025

Hearing venue: Remote hearing

Hearing outcome: Warning order (1 year)

Introduction and attendees:

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018 (as amended) (“the regulations”).
2. Ms Mihaela Bocica attended on days 1, 2 and 3 of the hearing, and was represented by Dr D.E. Willetts throughout.
3. Social Work England was represented by Ms Rebecca Malczewski, Counsel, instructed by Capsticks LLP.

Adjudicators	Role
Kerry McKevitt	Chair
Jill Wells	Social worker adjudicator
Lorna Taylor	Lay adjudicator

Hearings team/Legal adviser	Role
Hannah Granger	Hearings officer
Ruby Wade	Hearings support officer
Sadia Zouq	Legal adviser

Preliminary matters:

Application for the hearing to be held in private

4. At the outset of the hearing Ms Malczewski invited the panel to conduct the entire hearing in private. She submitted that Ms Bocica has referred to her health in her various written responses to the Allegation, including her absence record and [PRIVATE]. Ms Bocica has also referred to the impact upon her of [PRIVATE]. Ms Malczewski submitted that conducting the entirety of the hearing in private will protect Ms Bocica’s right to a private life. Dr Willetts, on behalf of Ms Bocica, supported the application.
5. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering the application. The panel was reminded of its discretionary power to hear part of the hearing in private where appropriate, having due regard to any of the parties welfare. The panel was reminded of the need to balance the protection of any affected party’s welfare with the public interest in open justice.
6. It was clear from the documentation before the panel that references in relation to health will be made by both parties. The panel exercised its discretion to hear details relating to Ms Bocica’s health and that of [PRIVATE] in private, and for the entirety of Ms Bocica’s evidence to be heard in private. The remainder of the case would be heard in public in accordance with the public interest in open justice.
7. As a result of the panel’s decision two versions of this Determination will be produced, with a redacted version for publication.

Application to amend the Allegation

8. Ms Malczewski invited the panel to exercise its discretion to amend the Allegation. She proposed that the wording in Particular 1, *“during the period 13 February 2019 – 13 March 2019,”* be removed and inserted at the start of Particular 1.1 so that it read *“During the period 13 February 2019 – 13 March 2019 you did not inform Child A of a placement move either / or...”* Ms Malczewski submitted that amending the Allegation in this way would provide clarity and does not alter the case that Ms Bocica faces.
9. Dr Willetts submitted that the dates in the Allegation refer to two separate incidents, namely, Ms Bocica’s alleged conduct between the dates of 13 February 2019 and 13 March 2019, and Ms Bocica’s alleged conduct in the management interviews of 22 July 2019 and 27 September 2019. Dr Willetts did not object to the proposed amendment provided that Ms Bocica’s alleged conduct in relation to all of these dates was considered thoroughly by the panel.
10. The panel accepted the legal advice and was mindful of the fundamental entitlement of Ms Bocica to a fair hearing. The panel considered that the amendment provided clarity and did not widen the scope or seriousness of the Allegation. The panel was satisfied that by acceding Social Work England’s application, neither party would be caused an injustice.

Admissions:

11. At the outset of the hearing, Ms Bocica admitted Particulars 1, 1.1 (a), 1.1(b) and 1.2 of the Allegation. Ms Bocica submitted she had mitigation to put before the panel in relation to the admitted Particulars. The panel considered Ms Bocica’s admissions as unequivocal. In line with Rule 32c(i)(a) of the Rules, the panel then went on to determine the disputed facts.

Allegation (as amended):

1. *Whilst a registered social worker and working for South Tyneside Council you did not communicate effectively and/ or appropriately with Child A and/ or your colleagues in that you;*
 - 1.1. *During the period 13 February 2019 – 13 March 2019 did not inform Child A of a placement move either/or*
 - (a) *within the timescale agreed during the Placement Planning Meeting on 13 February 2019*
 - (b) *at all.*
 - 1.2. *Did not notify your line manager or any other appropriate person that the placement move had not been communicated to Child A in the relevant*

timescales that had been agreed in the Placement Planning meeting on 13 February 2019.

1.3. Provided inaccurate information to your line manager on 13 March 2019 when you said that the Fostering Agency and/ or Foster Carer had agreed that Child A could remain at their foster placement for a few more days.

1.4. Provided conflicting information during management interviews on 22 July 2019 and 27 September 2019 as part of an internal investigation in that you:

1.4.1. Said during the meetings that you had planned to tell Child A about the placement move on 1 and/ or 8 and/ or 12 March 2019 and had not done so because it had not been the right time for Child A, and subsequently you said that you had not told them because you had felt overwhelmed or used words to that effect.

1.4.2. Said during the meetings that you had first been made aware of respite care being available for Child A on 1 March 2019 when you had sent an email to a Placements Officer in Team Fostering at South Tyneside Council on the 28 February 2019 to say that you agreed with the respite care that had been put in place.

2. Your actions at 1.3 above were dishonest because you knew at the time of providing the information that it was inaccurate, and that Child A was required to leave their placement on 13 March 2019.

Your actions above amount to the statutory ground of misconduct.

Your fitness to practise is impaired by reason of misconduct.

Background:

12. On the 1 August 2012 Ms Bocica registered with the Health and Care Professions Council (“HCPC”) as a social worker.
13. At the relevant time Ms Bocica was employed by South Tyneside Council (“the Council”) as a social worker in the Children’s Cared for Team.
14. On 15 September 2015, Ms Bocica was allocated as Child A’s social worker. On 2 October 2015, Child A was placed with a long-term foster carer.

15. On 13 February 2019 a Placement Planning meeting for Child A was organised by Team Fostering (a fostering agency). It was agreed at this meeting that the foster placement had broken down and that Team Fostering served 28 days notice on the Council to find an alternative placement. It was agreed at the meeting that Ms Bocica would inform Child A that they were to be moved approximately two weeks into the 28 days notice period which would have been on or around 27 February 2019. Ms Bocica was involved in email communication with relevant parties regarding Child A's move and respite care for the foster carer during the notice period between 13 February 2019 to 13 March 2019.
16. On 1 March 2019 Ms Bocica visited Child A at school and arranged to take her to a respite care foster placement for the weekend. This is the only time that Ms Bocica saw Child A during this period.
17. On 7 March 2019, the foster carer confirmed to Ms Bocica that she would not be extending Child A's placement. Ms Bocica was contacted on 8 March 2019 by the supervising social worker, Helen Stone from Team Fostering. Ms Bocica advised that she had arranged to attend Child A's school to inform her of the placement ending. However, Ms Bocica did not meet Child A that day and did not inform colleagues or her manager, Natalie Clark, that the visit did not happen. On 12 March 2019, Ms Bocica informed Ms Clark via email that the foster carer was insisting that Child A be removed from their care the following day. As of 12 March 2019, Ms Bocica had not informed Child A or her colleagues of Child A's placement coming to an end.
18. On 13 March 2019, Ms Clark was made aware by Tracey Bulley, team manager at Team Fostering that Child A had not been told that she was to move that day from her current placement. Ms Clark telephoned Ms Bocica who was in court that day to find out what had happened. Ms Clark later went to Child A's school and told her about the move that day. Child A was described as crying during the conversation. Ms Clark then took Child A to her foster carer to collect some of her belongings and took her to the bridging placement that had been arranged that day.
19. Ms Clark said that she telephoned Ms Bocica in the morning of 13 March 2019 and that Ms Bocica told her that as far as she was aware, Child A's foster carer was content to keep Child A for a few more days. This was not consistent with Ms Bocica's email exchange with Ms Clark prior to 13 March 2019.
20. Ms Clark conducted a disciplinary investigation into Ms Bocica's handling of Child A's case. Ms Bocica was absent from work [PRIVATE] from 25 March 2019 to 2 September 2019. Management meeting interviews were held on 22 July 2019 and 27 September 2019.
21. The Council referred concerns to the HCPC on 2 December 2019. In early 2020 the matter was transferred to Social Work England as the new regulator for social workers.
22. Ms Bocica's initial response to the concerns was received on 17 November 2020. On 1 March 2022, Ms Bocica provided a response to the regulatory concerns that were being referred to the Case Examiners at Social Work England.

23. On 10 March 2022, Case Examiners referred the above Allegation to a final hearing panel.
24. On 2 November 2022, Social Work England wrote to Ms Bocica advising her of the outcome of the Case Examiner referral. Ms Bocica provided responses to the Allegation on 16 November 2022, 1 April 2023 and 19 December 2024.

Summary of evidence

25. The panel was provided with the following documentation:
 - i) Social Work England:
 - Hearing Bundle – Statements, 31 pages;
 - Hearing Bundle – Exhibits, 197 pages;
 - Statement of Case, 24 pages;
 - Hearing Timetable, 6 pages;
 - Identification Key.
 - ii) Ms Bocica:
 - Social Workers Responses Bundle, 293 pages.
26. The panel heard live evidence from:
 - (i) Natalie Clark: Registered social worker and Practice Manager for the Cared For Children Team at the Council.
 - (ii) Helen Stone: Registered social worker and employed by Team Fostering, a fostering agency, as a supervising social worker.
 - (iii) Tracey Bulley: Registered social worker, employed by Team Fostering and line manager of Helen Stone.
 - (iv) Mihaela Bocica: Registered social worker, employed by South Tyneside Council in the Children's Cared For Children Team.

Finding and reasons on facts:

27. The panel heard submissions from Ms Malczewski on behalf of Social Work England, and Dr Willetts on behalf of Ms Bocica.
28. The panel accepted the advice of the legal adviser, which included the following:
 - a. The panel must always have regard to the overarching objective to protect the public and to promote and maintain public confidence in the social work profession and proper professional standards;
 - b. It is for Social Work England to prove the allegations upon the balance of probabilities;

c. All of the evidence should be considered before making findings of credibility, and when making such findings the panel should not rely exclusively on demeanour;

d. The fact that Ms Bocica was dismissed by the council is not evidence in support of the Allegation. The panel is solely responsible in these proceedings for making findings of fact;

e. In relation to the allegation of dishonesty, the panel will consider the test as set out in *Ivey v Genting Casinos (UK) Ltd* [2017] UKSC 67. It first had to ascertain the actual subjective state of Ms Bocica's knowledge or belief as to the facts, and then determine whether, by the objective standards of ordinary decent people, Ms Bocica's alleged conduct was dishonest.

e. Ms Bocica's good character is relevant as to propensity and credibility.

29. The panel considered each Particular of the Allegation separately.
30. The panel first considered the documents made available by Social Work England. The panel accepted that these included contemporaneous documents which were authentic and uncontaminated. The dates and times of emails, case notes and records in relation to Child A and Ms Bocica's electronic diary, for example, were not disputed. Interview notes with the foster carer and Social Work England's witnesses, Management Meeting transcripts of 22 July 2019 and 27 September 2019 and the Placement Meeting Minutes from 13 February 2019 would have been completed soon after the events. The Placement Meeting Minutes were distributed shortly after to the relevant parties for their review and comment. This promoted the panel's confidence that the Placement Meeting notes were likely to have been accurately captured since they were open to challenge by attendees at the time.
31. The panel noted that there was only one supervision record from 22 January 2019 which was detailed and unambiguous. Ms Bocica did not recall seeing this supervision record. She also did not recall seeing the Informal Work Plan dated 22 January 2018 (confirmed in evidence the correct date was 2019). This plan stated, "plan to be reviewed in each supervision." The supervision record contents had been challenged insofar as Ms Bocica said that she had not seen the record for it to be countersigned and that her response to the Allegation focused on a lack of support or [PRIVATE].
32. The panel observed that all the witnesses for Social Work England and Ms Bocica could not recall all of the events that they were asked about due to the passage of time and the fact that two of the witnesses for Social Work England, Ms Clark and Ms Stone were no longer in the same previous roles. The panel noted that Ms Clark relied almost solely on her witness statement and other documents during her oral evidence. The panel noted that Social Work England's witnesses had made their statements almost three years after the events. The panel recognised that their statement contents and Ms Bocica's various responses to the Allegation, the first of which is dated 17 November 2020, may have been inadvertently shaped by the passage of time. The panel was careful to assess

the extent to which the evidence and Ms Bocica's responses accorded or diverged from the contemporaneous documentation.

Particular 1.1 – Admitted, and found proved

1. Whilst a registered social worker and working for South Tyneside Council during the period 13 February 2019 – 13 March 2019 you did not communicate effectively and/or appropriately with Child A and/or your colleagues in that you;

1.1 Did not inform Child A of a placement move either/ or

(a) within the timescale agreed during the Placement Planning Meeting on 13 February 2019

(b) at all.

33. It was not disputed that:

- Child A was allocated to Ms Bocica in September 2015 and was placed in a foster placement with an agency called Team Fostering since October 2015;
- Child A's case was complex;
- A Placement Support Meeting took place on 13 February 2019 because the foster carer was struggling emotionally and physically to continue to care for Child A. The purpose of the meeting was to discuss the most appropriate way forward for Child A;
- The meeting was chaired by Ms Bulley (from Team Fostering) and attended by Ms Stone, Ms Clark, the foster carer and Ms Bocica, following which minutes of the meeting that included action points were distributed to the attendees;
- Ms Bocica and Ms Clark agreed during the meeting that 28 days notice be served to Team Fostering for Child A to be moved and *"that it is important that K (Child A) is move from B's (foster carer) in a planned way to reduce any unnecessary anxiety for K"*;
- Action plans from the minutes record include that *"Mihaela to inform K (Child A) of her move from B (foster carer) approximately two weeks before. She will endeavour to tell K's (Child A) mother on the same day to ensure that there is some control over this information being shared. It was felt of benefit for a new foster home to be obtained by this time so that K (Child A) can be told where she is going and introductions can be arranged."*

34. There was no evidence before the panel to suggest that the content of these minutes was not agreed by Ms Bocica at the time. The expectation therefore was for Ms Bocica to inform Child A on or around 27 February 2019, regardless of whether a placement had been found. This did not happen.

35. The panel heard evidence from Ms Clark, Ms Stone and Ms Bulley. All three witnesses state that it would have been ideal if a new placement had been found but the requirement was for Child A to be informed about the placement end date regardless and that it was Ms Bocica's responsibility to do this as Child A's designated social worker. Ms Bulley states the timescales to inform Child A were made "*really clear*" at the placement support meeting. Ms Stone states that Ms Bocica "*knew of her responsibility to tell Child A about the move and was aware that she would need to do this about two weeks beforehand.*" She also states that it had been made clear by the foster carer to Ms Bocica that extending the placement was not an option, due to the difficult situation between the foster carer and Child A.
36. The panel considered the contemporaneous documentation. It first reviewed the case notes for Child A and the two entries in the notes made by Ms Bocica since 27 February 2019. Ms Bocica met with Child A on 1 March 2019. At no point had Ms Bocica recorded that she told Child A of her placement ending on 13 March 2019. The second case note entry from Ms Bocica is on 4 March 2019. Ms Bocica had recorded that it would be a "*high risk*" for all concerned for Child A to be in a placement with teenage boys when a potential alternative placement was identified.
37. The panel next considered the email exchanges between Ms Bocica and her colleagues during the 28 day notice period. On 5 March 2019, Ms Bocica concluded an email to Ms Clark with "*On 13.03.2019 I have to move her...*" (referring to Child A). On 7 March 2019, Ms Bocica informed Ms Clark that the foster carer will not be considering extending the 28 day notice period due to her concerns with Child A. Ms Stone states that over halfway through the 28 days notice period the foster carer was becoming very stressed as she knew that Child A had not been notified about the move. Ms Stone said that both she and the foster carer had tried to contact Ms Bocica prior to the 8 of March 2019 via telephone.
38. On 8 March 2019 Ms Stone had a telephone conversation with Ms Bocica in which Ms Stone confirmed that the notice period could not be extended. On the same date, the foster carer spoke to Ms Bocica as Child A was refusing to go to school. Later that day Child A stayed out until midnight and was reported as missing from home. Ms Bocica had advised Ms Stone on 8 March 2019 that she would arrange to go into Child A's school to speak with her on 11 March 2019 but this visit did not take place. Ms Bocica emailed Ms Stone on 11 March 2019. She confirmed the difficulties the foster carer was having with Child A, and that she had told the foster carer there was no placement for Child A. Ms Bocica states "*I tackled the possibility of her keeping until Friday and to have the weekend with...foster carer was clear that she will not keep Child A anytime after Wednesday.*"
39. As of 11 March 2019, the documentary evidence shows that it was clear Child A was unaware of her placement ending on 13 March 2019. On 12 March 2019, Ms Bocica emailed Ms Clark to inform her that an appropriate placement or a bridging placement had not been identified for Child A, and that the "*foster carer declined to keep her longer and was adamant that the move will have to happened tomorrow.*" In the morning of 13 March 2019, Ms Bocica was attending Court for a hearing in relation to another child. Ms

Clark spoke to Ms Bocica over the telephone as she had been informed by Ms Bulley that Child A had not been informed that her placement was ending that day. Ms Bocica had also not informed her colleagues that she had not communicated to Child A that her placement was ending.

40. The panel considered Ms Bocica's evidence in relation to the admitted Particular. Ms Bocica told the panel in her oral evidence that she intended to inform Child A of her placement ending on 1 March 2019 when she took her to the respite foster placement. She made the decision not to because of Child A's response to having to go to respite care. Ms Bocica also said that she *"felt it was unfair on Child A to be moved from her long term placement without having a view of her next move. My big worry was Child A's reaction and impulsive response and risky behaviour. I was concerned this could trigger an early end to her placement with her foster carer and I felt that would be more of a disadvantage as at that point no appropriate placement had been identified for Child A"*. This was despite the fact that two weeks of the 28 day notice period had passed. Ms Bocica accepted in her oral evidence that her contact with Child A should have increased during this period. In her statement dated 17 November 2020 Ms Bocica said *"I felt overwhelmed by the idea of giving bad news to a young person, when in my professional judgment it was the wrong time to do it..."* In her response to Social Work England dated 1 March 2022 Ms Bocica stated:

"During the period mentioned before 13th February 2019 and 13th March 2019 I had difficulties in managing work and maintaining appropriate level of communication with professionals and service users due to feeling overwhelmed by work commitments and personal circumstances [PRIVATE]. At that time the task of informing A about her long-term placement ending was extremely difficult for me to deliver and I couldn't find the strengths to share this with any other professionals. My good feeling told me to share the information immediately but I was advised in the meeting on 13th February 2019 to be delayed until a placement will be sourced for A. I was hoping that I can compensate the negative impact of informing about the imminent ending of her long-term placement with telling A about her new foster placement. However I pushed back every day due to not finding a placement for A and some visits were verbally arranged and I missed to put them in the electronic agenda. My organisational and time management skills were extremely affected as generally I was overwhelmed and stressed."

41. It was clear from the email of 12 March 2019 referred to above that Ms Bocica knew the foster carer was not going to extend the placement and that Child A's move would happen on 13 March 2019, yet Ms Bocica had not informed Child A that this would be the last day of her placement. Ms Bocica was in Court on 13 March 2019, and accepted in her oral evidence that there was a risk she could have been at court all day. Dr Willetts submitted that Ms Bocica would have gone to see Child A to inform her of the placement end after the Court hearing. However, Ms Bocica had not made any arrangements to visit Child A on 13 March 2019. The panel's view was that there was no attempt to implement the action point agreed in the Planning Meeting of 13 February 2019 at any point.

42. Having considered all of the evidence, the panel was satisfied that Ms Bocica did not communicate effectively and appropriately with Child A and her colleagues in that she did not inform Child A of a placement move between 13 February 2019 and 13 March 2019, or at all. This was also supported by Ms Bocica's admissions. The panel therefore found this Particular of the Allegation proved in full.

Particular 1.2 – Admitted, and found proved

1.2 Did not notify your line manager or any other appropriate colleague at South Tyneside Council that the placement move had not been communicated to Child A in the relevant timescales that had been agreed in the Placement Planning meeting on 13 February 2019.

43. Ms Bocica admitted Particular 1.2. The first Ms Clark knew of Child A not having been informed of the move was on 13 March 2019, the day of the move when Ms Bulley contacted her. This is supported by the evidence of Ms Stone and Ms Bulley. Ms Bocica said that she had tried talking to Ms Clark on the telephone on 8 March 2019 but felt dismissed and that she was in an *"impossible situation."* Ms Clark said that had there been difficulties with informing Child A of the move, she would have expected Ms Bocica to have informed her as her line manager. At no point in the email correspondence referred to above did Ms Bocica inform Ms Clark or her colleagues that she had not communicated the placement end to Child A.
44. Dr Willetts submitted that the actions in the minutes did not *"say explicitly... That telling Child A about the move was conditional on a new placement having been identified. Nor did the plan say explicitly that Child A must be told as soon as possible, regardless of whether a new placement had been found. It was implied that, ideally, the two things should happen together."* Dr Willetts further submitted that Ms Bocica had attempted to keep Ms Clark and others informed in the email correspondence referred to above. The panel's reading of the action point *"Mihaela to inform K (Child A) of her move from B's (foster carer) approximately two weeks before"* was that it explicitly specified that it was Ms Bocica's responsibility to inform Child A about her placement move. It was the panel's view that Ms Bocica had agreed the action points in the minutes and it was her role as Child A's social worker to have informed Child A of the placement move.
45. Ms Bocica accepted that she had not told her colleagues at the Council and Team Fostering that she had not told Child A of her placement move. Ms Stone said that she and the foster carer had attempted to contact Ms Bocica a number of times via telephone once the two week period had been reached but was unsuccessful until 8 March 2019. Ms Bocica said that she could not recall the number of phone calls from Ms Stone and said, *"I think there was a discussion after the period of respite."* However, Ms Bocica accepted that a telephone call with Ms Stone took place on 8 March 2019 in which she told Ms Stone that she was going to visit Child A. When asked by Ms Malczewski *"did you tell Helen you would inform Child A of the end of the placement"*, Ms Bocica replied *"I think that was the purpose of the visit"*. However, Ms Bocica did not tell Ms Stone or the

foster carer that the visit did not take place. Ms Bocica told the panel she missed putting the visit in her diary. Ms Bulley said that she *“felt it was unacceptable on all levels, that the Social Worker had not told Child A, that she had not communicated with us and that Child A was going to be told by two people she did not know.”*

46. Having considered all of the evidence, the panel was satisfied that Ms Bocica did not notify Ms Clark or any other appropriate person that the placement move had not been communicated to Child A in the relevant timescales that had been agreed in the Placement Planning Meeting on 13 February 2019. This was also supported by Ms Bocica’s admission. The panel therefore found this Particular of the Allegation proved.

Particular 1.3 – Not proved

1.3 Provided inaccurate information to your line manager on 13 March 2019 when you said that the Fostering Agency and/ or Foster Carer had agreed that Child A could remain at their foster placement for a few more days.

47. Ms Clark’s recollection is that she telephoned Ms Bocica on 13 March 2019 and asked her why Child A was unaware of her imminent move. Ms Clark states *“I think at that time, on the phone call the Social Worker said she had been told that the young person was able to stay a few more days in her placement.”* Following the telephone call, Ms Clark read the email of 12 March 2019 in which Ms Bocica said that the foster carer had declined to keep Child A for longer and was adamant that the move will happen tomorrow. Ms Clark considered that Ms Bocica had provided her with inaccurate information. Ms Clark states, *“I do not know where she got the information from that Child A could stay longer.”*
48. Ms Bocica told the panel that she was in Court on 13 March 2019. She was upset that the foster carer would not extend Child A’s placement for another two days. When it was put to Ms Bocica that Team Fostering had not informed her of the placement being extended, she replied, *“there was some discussion”* and when she spoke to Ms Clark on 13 March 2019 *“this was more about confusion.”*
49. The panel considered Ms Bocica’s written responses to this Particular. In her response dated 1 April 2023, Ms Bocica stated *“there were discussions with the fostering agency about potentially extending the placement with few days until the bridging placement would be identified but unfortunately nothing was recorded. I have no clear recollection of how was word it and I started to question myself if I got this wrong.”*[sic] In her response dated 19 December 2024, it is noted that *“Mihaela hoped that the foster carer would keep Child A for just two more days until the temporary respite place became available on 15th March, to gain a bit more time to find a new placement. This had been discussed verbally, as a hope, as a speculative possibility, as a possible temporary solution, but such comments are not recorded. It is possible that Mihaela’s hope that this might be possible was stronger than the expectation of Team Foster.”* [sic]

50. There is no written record before the panel of the telephone call between Ms Clark and Ms Bocica on 13 March 2019, and no other contemporaneous evidence to corroborate what was said during the telephone call. Both Ms Clark and Ms Bocica have attempted to recall the contents of their conversation three years after it had taken place. The panel considered that both Ms Clark and Ms Bocica were credible when they gave their evidence in relation to this Particular.
51. The panel took into account that Ms Bocica was in Court for another case when Ms Clark telephoned her in the morning of 13 March 2019, and that Ms Clark had just been made aware that Ms Bocica had not informed Child A that their placement was ending that day. Having carefully considered the evidence and bearing in mind the burden and standard of proof, the panel concluded that there was insufficient evidence to prove Particular 1.3 and that Social Work England had not discharged its burden of proof. Accordingly, Particular 1.3 was found not proved.

Particular 1.4.1 – Found proved.

1.4 Provided conflicting information during management interviews on 22 July 2019 and 27 September 2019 as part of an internal investigation in that you,

1.4.1 Said during the meetings that you had planned to tell Child A about the placement move on 1 and/ or 8 and/ or 12 March 2019 and had not done so because it had not been the right time for Child A, and subsequently you said that you had not told them because you had felt overwhelmed or words to that effect.

52. Ms Bocica denied this Particular. It is not in dispute that management interviews with Ms Bocica took place on 22 July 2019 and 27 September 2019 as part of the internal investigation. Both interviews were attended by Ms Clark, a Human Resources adviser, Ms Bocica and her trade union representative.
53. The panel considered Particular 1.4.1 in two parts. It first considered what Ms Bocica had said in the interviews about her plans to tell Child A of the placement move on 1, 8 and 12 March. It then considered what Ms Bocica said subsequently as to why she had not told Child A about the placement move.
54. The panel carefully considered the interview transcripts. Ms Bocica said that she had hoped to inform Child A of her placement ending by arranging to pick her up from school on 1 March 2019. However, she did not inform Child A on this date, initially due to respite care and because Child A was already upset; but also, because she thought that a placement might be found the following week and the current placement could be extended. Ms Bocica said that she had next planned to tell Child A about the placement move on 8 March 2019 but decided not to as Child A was refusing to go to school on this day, it was not the right time to explain about the placement move “*and to leave it for*

Monday in the possibility that we might have a placement.” When it was put to Ms Bocica that she had planned to tell Child A about the placement move on 12 March 2019, Ms Bocica said that she was confused regarding the date of 12 March 2019 as she was dropping her parents off at the airport in the morning that day and could not recall having a discussion with Ms Clark about telling Child A about the placement end on this date. Ms Clark replied “I don’t think you said that, you just planned to do that yourself but there was an email...that you’d sent just saying that the current foster carer had declined to keep her longer and was adamant the move would need to happen...”

55. The panel was satisfied that during interviews Ms Bocica had said she had planned to tell Child A about the placement move on 1 and 8 March and had not done so. The panel did not find that Ms Bocica had planned to tell Child A about the placement move on 12 March 2019.
56. Ms Bocica subsequently said in the interviews that she had not told Child A. In the July interview Ms Bocica said she had “*pushed back and pushed back and pushed back because...it was a very difficult task to go share this with her (Child A).*” Ms Bocica said “*I was having my own emotional issues...*” In the September interview Ms Bocica said “*well, it was very difficult situation and I was very much kind of overwhelmed with all the things that were happening and the fact that I didn’t have a car to take her out and to try to have this kind of conversation outside of her placement. I found difficult to go back and I think that Friday there were also other issues on my case loads and...*” Ms Bocica also said “*I was overwhelmed with everything. I don’t think I was really thinking straight*” and “*I was struggling with everything. I couldn’t talk because I think there were quite a few issues with other of my cases*” and “*because at that point I was not functioning. I was overwhelmed, I was not being able to plan ahead and sit down and to discuss with anybody...*” The panel was satisfied that Ms Bocica had subsequently and repeatedly said during the two interviews that she had not told Child A about the placement move because she had felt overwhelmed.
57. The panel next considered whether Ms Bocica had provided conflicting information during the two interviews and concluded that she had. The inconsistencies arise because Ms Bocica said that she had planned to tell Child A about the placement move on 1 and 8 March 2019 and later said that she had not as she felt overwhelmed and that she had not been thinking straight at the time. Accordingly, the panel found Particular 1.4.1 proved.

Particular 1.4.2 – Found proved.

Provided conflicting information during management interviews on 22 July 2019 and 27 September 2019 as part of an internal investigation in that you,

Said during the meetings that you had first been made aware of respite care being available for Child A on 1 March 2019 when you had sent an email to a Placements Officer in Team Fostering at South Tyneside

Council on the 28 February 2019 to say that you agreed with the respite care that had been put in place.

58. Ms Bocica denied this Particular. Dr Willetts submitted on her behalf that Ms Bocica had made an honest mistake during the interviews as she was muddled and confused in her thinking. Ms Bocica felt that questions were being put to her aggressively and persistently until she provided the desired response. Dr Willetts submitted that Ms Bocica was frequently interrupted during the interviews and was not given time to digest the questions or formulate an answer. Dr Willetts referred to Ms Bocica's health and its impact on her and said that there had been no consideration that English was not Ms Bocica's first language. Dr Willetts submitted that if Ms Bocica had been thinking straight, she would have known that she had sent an email on 28 February 2019 and would have admitted the same.
59. The panel considered the evidence. During the Placement Meeting on 13 February 2019, it was agreed that, if possible, respite care would be put in place for Child A during the 28 day notice period.
60. In the interview on 22 July 2019, Ms Bocica said that when she went to see Child A's foster carer prior to collecting Child A from school on 1 March 2019, the foster carer told her that respite care had been arranged and that this was the first that Ms Bocica had heard about respite care being in place.

NC: and did you know about the respite.

MB: No I didn't know. When I get there I was told. I mean when I talked with the foster carer, trying to sort it out. I mean reminding her that I was going to pick her up from school. Foster carer, by the way you will not be bring her home you will have to take her to the foster carer and I will leave the bags with her at school and you will take the bags from reception.

NC: so you weren't aware before you went to visit her that there was respite in place?

MB: No, it was the morning when I took her.

NC: right, so you said you didn't find out about the respite until you were going to go out and see her, when did you find out, on 1st March?

MB: Friday, the same day.

61. When the management interview reconvened on 27 September 2019, Ms Bocica was asked again if it had been on 1 March 2019 when she had first been made aware that respite care had been arranged. Ms Bocica confirmed that it was.

MB: no, at that point when I went out to take her to the respite placement K was really distressed and I felt that I can't share that information that particular day because I

have to introduce her to this new foster carer and went around and that I have to support her because she was more worried for her friends and the fact she had to go out and she was really kind of upset and angry because she knew about this respite in the morning, the same day when I knew about it.

NC so, I'll just start with that now and go back to the bits around K being told on 13th. But obviously you've identified, you've just stated there that you can recall you were told on 1st march, you weren't aware previous you said the last time we met on 22nd, that K was going into respite so you were informed on that day. And you advised you'd had a conversation with B who'd said to you, by the way you will not be bringing her home, you'll have to take her to the foster carer and I will leave the bags with her at school and you will take them from reception.

MB: all this arrangements was already done. This is what she instructed me I have to do, I have to take her bags from the reception because she left them in the morning

NC: but you're saying that you only found out on 1st March?

MB: yeah, yeah

NC: ok. So you're saying that K only found out on the morning of 1st March as well?

MB: mmhum.

62. Ms Bocica was then shown the email she sent on 28 February 2019 to Allison Poyzer, a Placements Officer with Team Fostering, in which Ms Bocica said *"I had a word with Helen and with B and we are in agreement with respite to go ahead for K. I'll drop her tomorrow at her respite placement as I already arranged to see her after school."* Ms Poyzer had also sent Ms Bocica an email on 27 February 2019 informing her that respite care had been arranged for Child A for two nights from 1 March 2019.
63. Ms Bocica said in her interview on 27 September 2019 that she could not recall sending the email to Ms Poyzer on 28 February 2019. It was then put to Ms Bocica that the email of 28 February 2019 indicated that she had discussions with the foster carer and with Helen Stone prior to 1 March 2019 regarding respite care, so why would she have needed to have another discussion on 1 March 2019 when she was already aware of respite care? Ms Bocica replied, *"I really can't remember. It was definitely....I really can't remember."*
64. The panel considered that Ms Bocica's statements in the interviews of July and September 2019 that she was not aware of Child A's respite care until 1 March 2019 were contradicted by the email she had sent to Ms Poyzer dated 28 February 2019. The panel therefore concluded that Ms Bocica had provided conflicting information during the management interviews. Accordingly, the panel found Particular 1.4.2 proved.

Particular 2

2. *Your actions at 1.3 were dishonest because you knew at the time of providing the information that it was inaccurate, and Child A was required to leave their placement on 13 March 2019.*

65. Having found Particular 1.3 of the Allegation not proved, the panel did not need to go on to consider whether it was dishonest.

Finding and reasons on grounds:

66. In view of the factual findings the panel went on to consider the issue of misconduct but only in relation to the Particulars that were found proved. No further consideration was given to Particulars 1.3 and 2 which were not found proved.
67. The panel considered the submissions by Ms Malczewski on behalf of Social Work England, and Dr Willetts on behalf of Ms Bocica.
68. The panel received and accepted the advice of the Legal Adviser. The panel bore in mind that the issue of misconduct was a matter for its own judgment, that there is no standard of proof to be applied at this stage and neither party bears the burden of proof.
69. With regard to misconduct, the panel bore in mind the guidance of Lord Clyde in *Roylance v GMC* [No 2] 2000 1 AC 311. It noted that misconduct involves an act or omission which fell short of what would be proper in the circumstances and that not every falling short of the expected standard amounts to misconduct: the falling short must be serious and one which would attract a degree of strong public disapproval and may be considered deplorable by other professionals. The panel was advised that although a breach of the relevant standards does not of itself amount to misconduct, the Standards set are indicative of behaviour becoming of a registered social worker. The panel was also advised to consider Ms Bocica's conduct in context taking into account all of the circumstances.
70. In relation to Particulars 1.1 and 1.2, the panel noted that at the time of the events:
- Ms Bocica had many years of experience working with children, both prior to becoming a registered social worker and after.
 - Ms Bocica had a case load of 22 children with the number of open cases she was actively working on as 19 children. The size of Ms Bocica's case load was disputed.
 - Child A was the most complex case in Ms Bocica's case load.
 - Ms Bocica had been Child A's allocated social worker since 2015. She was therefore extremely familiar with Child A's background.
 - Child A was 12 years of age.
 - Ms Bocica had been [PRIVATE].

- Ms Bocica was placed on an Informal Work Plan on 22 January 2019.
- Ms Bocica had a supervision session with Ms Clark on 22 January 2019, with the frequency of supervision sessions noted as “3 weekly.” The record states that there was a delay with personal supervision due to time and [PRIVATE].
- Ms Bocica told Ms Clark during the supervision session of 22 January 2019 that she was struggling with aspects of her casework. This included that she felt there was not enough time to do the work within timescales. Ms Bocica told Ms Clark about [PRIVATE].
- Ms Clark discussed [PRIVATE]. There was no indication within the supervision record that adjustments were made to Ms Bocica’s caseload.
- There was a delay by Ms Clark in [PRIVATE].

Particular 1.1(a)

71. The action point from the Planning Meeting on 13 February 2019 stated that Ms Bocica was to notify Child A “*approximately*” two weeks before the placement was coming to an end. The two weeks start date was not specified. Ms Bocica told the panel that she planned to tell Child A on 1 March 2019 but decided that the timing was not right for Child A as she was unhappy moving to respite care that day and that she wished to deliver negative news with the positive news as she was hoping that a placement would be found before the expiry of the 28 day’s notice. The panel considered that it was reasonable for Ms Bocica to have used her professional judgment in deciding it was not in Child A’s best interests to tell her of a placement move on 1 March 2019 so as to reduce the potential harm and distress to the child. Accordingly, the panel did not consider that Ms Bocica’s conduct at Particular 1.1(a) was sufficiently serious as to amount to misconduct.

Particular 1.1(b)

72. The panel considered the contextual circumstances set out above and concluded that Ms Bocica’s conduct was serious and amounted to misconduct for the following reasons. At the time of the events, Ms Bocica had been Child A’s social worker for three and a half years, she knew Child A very well and was the best person to inform Child A that her placement was ending.
73. Instead, Child A was informed of her placement move on her last day by Ms Clark, whom she had not met before. This may have compounded the harm caused to Child A who was described as being visibly distressed upon being told of her placement end. Ms Stone said the impact on Child A was “*devastating*”. Had Ms Bocica informed Child A prior to this, it would have allowed Child A to be supported by the foster carer emotionally and physically and to prepare for a move of placement, thereby possibly reducing any distress. Child A was unable to say goodbye to everyone, she was unable to pack her own belongings, and the time between Child A being informed of her placement end and leaving her placement was said to be thirty minutes. Ms Bocica had failed to prioritise

Child A's emotional and physical wellbeing thereby increasing the risk of harm to Child A.

74. The panel noted Ms Bocica's position that she intended to tell Child A on 13 March 2019, however Ms Bocica was in court that day and her calendar did not refer to any contact with Child A. It is unclear what Ms Bocica thought would happen that day, given she had not told Child A of the move and the move had to take place that day.

Particular 1.2

75. The panel considered that Ms Bocica's conduct at Particular 1.2 was serious and amounted to misconduct. Ms Bocica said that she was concerned about the impact on Child A when no alternative placement could be found and therefore, she "pushed back." Ms Bocica was also finding it difficult to inform Child A of her placement move, yet she made no effort during the 28 day notice period to discuss her difficulty with her manager Ms Clark or Team Fostering, Ms Bocica said that she "*couldn't find the strength to share this with any other professionals.*" Her failure to liaise with others demonstrated that her practice was lacking in respect of communication with those who could have offered assistance and ensured that Child A was told with time for Child A to receive support. In the panel's view, had Ms Bocica informed Ms Clark or other appropriate persons that she was having difficulty communicating the placement change to Child A, they could have worked together to consider the best way to manage Child A's situation. The way that Child A was told, at such short notice and by someone that she did not know was clearly avoidable. Furthermore, Ms Bocica's failure to communicate with colleagues and the foster carer and the need for Ms Clark to tell Child A is likely to have had an impact on them.
76. Ms Clark said that she had an open door policy and regularly spoke with Ms Bocica. There were also others in the team who Ms Bocica had a good relationship with and she could have gone to them for support. Ms Bulley and Ms Stone both said they could have helped Ms Bocica. Ms Stone said that she and the foster carer tried to contact Ms Bocica several times in early March 2019 to discuss the situation. The fact that there were opportunities for Ms Bocica to reduce the potential stress to Child A, the foster carer and her colleagues increased the seriousness of harm in this case.

Particulars 1.4, 1.4.1 and 1.4.2

77. The panel had found that Ms Bocica provided conflicting information during the management interviews on 22 July 2019 and 27 September 2019. The panel considered the contextual factors prevailing at the time of the two interviews. In particular the panel noted that:
- Ms Bocica was [PRIVATE]. During this period, Ms Bocica said that she did not have access to any documents.
 - There was a delay in Ms Clark [PRIVATE] that had been discussed with Ms Bocica in the supervision session of 22 January 2019. [PRIVATE].

- Ms Bocica was [PRIVATE] when she was asked to attend work for the investigation management interview on 22 July 2019. [PRIVATE].
- Ms Bocica had only just returned to work [PRIVATE] when she was asked to attend the second investigation management interview on 27 September 2019.
- At the end of 2018, Ms Bocica had [PRIVATE].

78. Ms Bocica consistently maintained in her responses to the Allegation and during the investigation interviews that she was finding the interview process difficult and was unable to recall events. In her response of 1 March 2022, Ms Bocica said:

“During the Management interview in July 2019 I couldn’t recall all the sequence of the events when the respite placement was arranged for A on 1st March 2019 which coincide with my original date to inform her about her long-term placement breakdown.

At the time of the Management Interview in July 2019 I was on [PRIVATE] from 25th March 2019 and I did not have access to any document I was confused and I miss recall some details, it was not my intention to provide false information. Also in September 2019 during the second Management Interview I was back at work after [PRIVATE]. I found very difficult to deal with all the process.”

79. It was clear from the interview transcripts that on numerous occasions Ms Bocica said that she was confused and could not recall events, discussions and documents. For example:

- *MB: I really cant remember. But I think I explained about the difficulty of not being able to share that information with her and we found also, because we didn’t have a placement, it was nothing yet sorted for her to go.*

NC: so you explained the difficulties of that situation, not being able to tell her, with who?

MB: I don’t think...I really cant remember if I talked with someone in the team or I talked with ...I have no recollection.

- *MB: Right, I cant remember what I was doing on 12th ...*

NC: the 12th is the day when you’d sent the email saying that you’d spoke to team fostering and they were adamant that she was moving. I’m just a little confused because it seems that...

MB: I am a bit confused myself because actually on that particular morning I was dropping my parents to the airport in Newcastle and I can’t remember exactly if, because I remember having the conversation with you on the 13th but I can’t remember having any discussion about going and telling her on the 12th or sharing with someone that I will go the following day.

NC: so the foster carer said that you offered to come and her response was that she didn’t think that would be helpful to K because of the previous experience that you’ve just said...

MB: I can’t remember.

- *NC: so you're saying that had a conversation with yourself?*
MB: I really can't remember exactly the date but that was her kind of worries, if I'm going out to tell K before and this placement will end earlier than 13th March.
- *NC: but you recall a conversation clearly with identifying that.... So why would you then have another discussion on 1st March if you were already aware of that?*
MB: I really can't remember. It was definitely...I really can't remember.
- *MB: well I couldn't remember all this emails. What I could remember is that I was requesting, exploring residential placements for her because there was no other placements.*
- *NC: so why didn't you do that?*
MB: because at that point I was not functioning. I was overwhelmed, I was not being able to plan ahead and to sit down and to discuss with anybody
- *NC: can you recall that life story work was identified as something that needed to take place?*
MB: I really can't remember. No but if it's in the document definitely but I really cant remember.
- *MB: yes I think, not necessarily, I really cant remember. What I was doing was trying to progress the contact, she was having indirect contact with her father on the telephone but I was looking into progressing direct contact, face to face contact because this is what she wanted me to do*
NC: so you felt that that work couldn't be done at the same time as doing that?
MB: I really cant remember.

80. It was clear that during both interviews Ms Bocica was trying her best to recall events that had occurred months earlier. At the time of the interviews she had no or limited access to documentation, and she had [PRIVATE] at the time of the second interview. Some of Ms Bocica's responses appeared confused, and her attempts to recall events may have been exacerbated by the [PRIVATE]. The panel also took into account that English was not Ms Bocica's first language.

81. Having considered all of the above, the panel did not find that Ms Bocica's conduct at Particulars 1.4, 1.4.1 and 1.4.2 was sufficiently serious as to amount to misconduct.

HCPC Standards

82. The panel considered the HCPC Standards of Conduct, Performance and Ethics 2016 ("the Standards") and concluded that, in relation to Particulars 1.1(b) and 1.2 Ms Bocica's conduct breached Standards 2.3 and 6.1 which state:

2.6 - You must share relevant information where appropriate, for the benefit of service users and carers.

6.1 – You must take all reasonable steps to reduce the risk of harm to service users, carers and colleagues as far as possible.

83. The panel considered the HCPC's Standards of Proficiency for Social Workers but determined that they were not engaged in this case.
84. The panel was aware that breaches of the Standards alone do not necessarily constitute misconduct. However, the panel was satisfied that Ms Bocica's conduct failed to meet the high standards expected of a registered social worker. The panel took the view that fellow practitioners and the public would be extremely concerned that a social worker allocated to a child for over three years had not informed the child that they were going to be imminently moved from their long term placement and that the social worker had also not informed her colleagues and line manager that she had not told the child of her placement move. Ms Bocica's conduct therefore fell short of the standards ordinarily required to be followed by a social worker such that the matters at Particulars 1.1(b) and 1.2 above individually and collectively amount to misconduct.

Finding and reasons on current impairment:

85. The panel went onto consider whether Ms Bocica's fitness to practise is currently impaired and, in doing so, reminded itself of paragraph 11 of Social Work England's Impairment and sanctions guidance:

"Not every case where the statutory ground has been found necessarily means that the social worker's fitness to practise is impaired. There are 2 elements to impairment; the personal element and the public element."

86. The panel took into account its findings in relation to misconduct and the oral submissions of Ms Malczewski and Dr Willetts, as well as the documentary evidence provided by Social Work England and Ms Bocica.
87. The panel accepted the advice of the legal adviser. The panel reminded itself that the decision of impairment was a matter for its own independent judgment. The panel must determine whether Ms Bocica's fitness to practise is impaired as of today. The panel has taken 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. The panel must also determine whether Ms Bocica has demonstrated insight, and if so, to what extent.
88. The panel was assisted by the guidance provided by Dame Janet Smith in the Fifth Shipman Report, as adopted in the High Court in *CHRE v NMC and Paula Grant* [2011] EWHC 297 Admin with regard to commonly occurring features that are likely to be present when impairment is found:

"a. Has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or

b. Has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or

c. Has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession

d.....”

89. The panel reminded itself that it must consider whether the public component requires a finding of impairment, for example where the need to uphold proper professional standards and public confidence in the profession would be undermined if it did not do so. The panel was aware that not every case of misconduct will result in a finding of impairment. The panel also bore in mind all three limbs of the statutory overarching objective.

Personal component

90. The panel assessed Ms Bocica’s level of insight into her misconduct. It noted that Ms Bocica consistently maintained throughout her written responses and in her oral evidence that it was never her intention to cause harm or distress to Child A, that she had acted in good faith and exercised her professional judgment in the best interests of Child A in difficult circumstances. This was also what Ms Bocica had said in the two management investigation interviews of July and September 2019.
91. In response to questions in cross examination, Ms Bocica said that she had reflected on her professional judgment and the decisions she had made at the time of the events and told the panel *“I felt in my judgment I should avoid more distress. Probably looking back it is not entirely right...I have had to reflect on it but I think it was my judgment”* and *“looking back now I agree. It shouldn’t have happened and should have happened in a different way. Should have supported Child A and told her and bringing support.”*
92. Ms Bocica also agreed that acting in Child A’s best interests meant having the difficult conversation with Child A about her placement ending. When asked whether she accepted that her actions failed to uphold proper professional standards, Ms Bocica replied *“I try all the time to address and support all the children on my caseload. It was the only situation I felt I did not act appropriately.”*
93. The panel considered that, although Ms Bocica had maintained that she was acting in the best interests of Child A, when it was put to her what should have happened in the circumstances of Child A’s case, she acknowledged that she had not communicated appropriately and that, upon reflection, her actions were not correct. In response to the panel question of what she would do if she found herself in the same situation, Ms Bocica said that she would contact Ms Clark, Ms Stone and the foster carer to tell them that she did not have a placement and had not told Child A. She also said that she would discuss having a meeting the following week with them to discuss their views to develop a plan to support Child A.

94. The panel concluded that Ms Bocica's insight into her misconduct had developed during the hearing and was not deep-seated or attitudinal in nature. Ms Bocica had fully engaged in the Council's investigation and these proceedings. She had admitted the same Particulars of the Allegation at the outset of the hearing which the panel subsequently determined amounted to misconduct. She recognised the impact of her misconduct on Child A. Although her recognition was not extended to her line manager and colleagues, Ms Bocica told the panel that if she found herself in a similar situation in the future, she would communicate effectively and appropriately with service users and colleagues and she recognised the importance of seeking support from colleagues.
95. The panel next considered remediation. In the panel's view Ms Bocica's misconduct is remediable. As set out above, at the time of the events [PRIVATE]. [PRIVATE] helped her understand why she had difficulty giving Child A bad news and has provided her with techniques on how to have difficult conversations.
96. Ms Bocica's employment at the Council ended in November 2019. Thereafter she was employed as a social worker in the Children Services department at Hexham Council. She describes having a positive experience at Hexham Council with supportive management and training opportunities, however her employment was cut short by Hexham Council due to Social Work England's investigation, despite there being no restrictions on her registration. Ms Bocica said that she continued to apply for social worker roles and attended for an interview at Durham County Council but was told to wait until Social Work England's investigation had concluded. Ms Bocica has therefore not worked as a social worker since her employment at Hexham Council.
97. Dr Willett's submitted that Ms Bocica has kept her knowledge and skills in social work up to date by reading and researching areas of interest. Ms Bocica completed safeguarding and the "Signs of Safety" training which involves planning and supporting parents caring for children. Ms Bocica said she has learned how to apply the training to social work cases, and that *"it is a very important step forward in my practice regarding how I can build up a partnership with parents, extended family members and children to establish a supporting plan and address maltreatment issues around the children."* Whilst Ms Bocica has not worked as a social worker for sometime, the panel took into account Ms Bocica's current role as a bilingual teaching assistant in a school which involves communicating effectively and appropriately with children, parents and professional colleagues.
98. The panel determined that Ms Bocica's remediation, when coupled with her insight, meant that she was unlikely to repeat her misconduct. In coming to this conclusion, the panel also took into account that Ms Bocica's misconduct was confined to a single service user during a period of approximately two weeks set against an otherwise unblemished career as a social worker for over 20 years. The panel also considered that the investigation and these proceedings have been a salutary lesson for Ms Bocica to reflect and reinforce the importance of communicating effectively and appropriately with service users and colleagues at all times and the possible consequences of not doing so.

99. The panel noted the character references in the bundle and considered their contents. The references are dated back sometime, do not refer to the Allegation and are not written in knowledge of being used in these proceedings. Whilst the panel gave limited weight to the references, they are an indication that Ms Bocica has been a well thought of social worker during her long career.
100. In all the circumstances the panel concluded that Ms Bocica was not currently impaired on the personal component.

Public component

101. The panel next considered if it needed to make a finding of impairment on the public component. This case was about effective and appropriate communication with colleagues and a vulnerable 12 year old service user, at a critical time in that service user's life. The panel had determined that Ms Bocica's conduct increased the seriousness of harm to Child A, the foster carer and Ms Bocica's colleagues. This was all clearly avoidable by Ms Bocica. The panel was of the view that the profession would view Ms Bocica's misconduct in this case as serious.
102. The panel also considered that a properly informed member of the public, armed with all the facts, would seek a finding of impairment in such circumstances. The public require social workers to be able to safeguard vulnerable service users from unnecessary harm and work with colleagues to ensure that a decision is made in a service users best interest. Even upon taking into account Ms Bocica's lengthy social work career and the misconduct being confined to a single service user during a short period of time, the panel was satisfied that public confidence in the profession and the wider public interest would be adversely impacted if a finding of impairment was not made.
103. The panel therefore concluded that, as a consequence of Ms Bocica's serious misconduct, a finding of impaired fitness to practise was necessary to promote and maintain public confidence in the social work profession and to uphold proper professional standards.
104. The panel, having determined that Ms Bocica's current fitness to practise is impaired on the public component, moved on to consider what sanction to impose.

Decision and reasons on sanction:

105. The panel heard submissions from Ms Malczewski on sanction. Her submissions included reference to aggravating and mitigating features and to Social Work England's Impairment and sanctions guidance. She invited the panel to impose a warning of at least one year, or a conditions of practice order.
106. The panel heard submissions from Dr Willetts on Ms Bocica's behalf. Her submissions included reference to Ms Bocica's personal mitigation, her expression of insight and remorse, her reassurance that the misconduct will not be repeated and that Ms Bocica does not pose a risk to the public. She invited the panel to take no action. She submitted

that to impose a sanction would be punitive as Ms Bocica has already suffered catastrophic consequences following the end of her employment at the Council.

107. The panel accepted the advice of the legal adviser that it must again pursue the overarching objective when exercising its functions. The panel must apply the principle of proportionality, balancing Ms Bocica's interests with the public interest. The purpose of a sanction is not to be punitive, although a sanction imposed may have a punitive effect. The legal adviser referred to the cases of *Bolton v. Law Society* [1994] 1 WLR 512 in which it was said that "*the reputation of the profession is more important than the fortunes of any individual member. Membership of a profession brings many benefits, but that is part of the price*" and *Sayer v. General Osteopathic Council* [2021] EWHC 370 (Admin) in which it was said that "*the denial of misconduct is not a reason to increase sanction.*" The panel is to consider the least restrictive sanction first and then move up the sanctions ladder as appropriate. The panel is to have regard to Social Work England's Impairment and Sanctions Guidance together with its findings at the facts, grounds and impairment stages of proceedings.
108. The panel reminded itself that it had concluded that Ms Bocica's fitness to practise is impaired, due to serious misconduct on the public component, that is the public interest in upholding professional standards and maintaining public confidence in the profession.
109. The panel identified the following mitigating features:
 - Ms Bocica's genuine remorse regarding the impact on Child A
 - Ms Bocica's early admissions to the Particulars of the Allegation that were found to amount to serious misconduct
 - Ms Bocica's full engagement with the Council and Social Work England's investigations, and these proceedings
 - Ms Bocica's personal mitigation including [PRIVATE]
 - Absence of previous fitness to practise history
 - The limited support provided to Ms Bocica by the Council as evidenced by the [PRIVATE]
 - The lack of an alternative placement for Child A up to and until 13 March 2019, the last day of the notice
 - The misconduct was a one-off incident confined to a single service user over a period of two weeks.
110. The panel identified the following aggravating features:
 - Ms Bocica was a highly experienced social worker and should have known how best to deal with this situation involving Child A or known when to seek support

- Ms Bocica knew Child A very well, having been her allocated social worker for over three years
- There was likely harm caused to Child A, her mother, colleagues and the foster carer.

111. The panel noted the passage of time since the date of the regulatory concerns, which took place almost six years ago. It noted that the delay has been through no fault of Ms Bocica. It accepted that the delay has caused Ms Bocica significant distress.
112. In light of its findings on the facts and misconduct, the panel considered that there were no exceptional reasons that would support taking no action or issuing an advice notice to Ms Bocica. Taking no action or issuing advice would not maintain public confidence in the profession or promote proper professional standards in light of the likely harm to Child A, her mother, colleagues and the foster carer.
113. The panel considered the factors set out in Social Work England's Impairment and Sanctions Guidance and acknowledged Ms Bocica's mitigating factors as set out above. However, the panel had also determined that Ms Bocica's conduct was a departure from the HCPC's Standards of Conduct, Ethics and Performance (2016) and the misconduct was serious.
114. The panel considered the proportionality of issuing a warning and weighed the interests of the public with those of Ms Bocica. It was satisfied that there was a need to mark the misconduct in this case with a warning to ensure that public confidence is maintained in the profession and regulatory process. The panel also considered that warning was necessary to uphold proper professional standards.
115. The panel considered that a member of the public fully aware of the circumstances of this case would be of the opinion that a warning order would be sufficient to send a strong message of disapproval in respect of Ms Bocica's conduct. It would also serve as a reminder to Ms Bocica and the profession as a whole that the conduct fell below the standard expected.
116. Having arrived at an appropriate sanction, the panel concluded that to impose the more restrictive sanction of a conditions of practice order would be unnecessarily punitive and disproportionate. The Impairment and Sanctions Guidance states that conditions are less likely to be appropriate in cases raising wider public interest issues and most commonly applied in cases of lack of competence or ill health. Having only found impairment on the basis of the public component the panel would not have been able to formulate any workable or practicable conditions, having reached the conclusion that the risk of repetition is low. The panel concluded that the public interest issues in this case were adequately addressed by a warning order.
117. Having determined a warning order to be the most appropriate sanction, the panel went on to consider the length of the order. The panel considered that a one year warning was sufficient to address Ms Bocica's misconduct which was isolated to a single service user

over a period of two weeks. One year was also sufficient the need to uphold the professional standards expected of social workers.

118. Accordingly, the panel imposed a warning order for one year.

Right of appeal:

119. 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.

120. 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.

121. 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.

122. This notice is served in accordance with Rules 44 and 45 of the Social Work England Fitness to Practice Rules 2019 (as amended).

The Professional Standards Authority:

123. 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>.