

Social worker: Fiona Thomas

Registration number: SW15877

Fitness to Practise

Final Hearing

Dates of hearing: 03 March 2025 to 06 March 2025

Hearing venue: Remote hearing

Hearing outcome:
Fitness to practise impaired, removal order

Interim order:
Interim suspension order (18 Months)

Introduction and attendees:

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018 (as amended) (“the regulations”).
2. Ms Thomas did not attend and was not represented.
3. Social Work England was represented by Ms Atkin instructed by Capsticks LLP.

Adjudicators	Role
Sally Berlin	Chair
Glenys Ozanne-Turk	Social worker adjudicator
Sue Ware	Lay adjudicator

Hearings team/Legal adviser	Role
Andrew Brown	Hearings officer
Heather Hibbins	Hearings support officer
Zill-E Huma	Legal adviser

Service of notice:

4. The panel of adjudicators (hereafter “the panel”) was informed by Ms Atkin that notice of this hearing was sent to Ms Thomas by email to an address provided by the social worker (namely her registered email address as it appears on the Social Work England register). Ms Atkin submitted that the notice of this hearing had been duly served.
5. The panel had careful regard to the documents contained in the final hearing service bundle as follows:
 - A copy of the notice of the final hearing dated 27 January 2025 and addressed to Ms Thomas at her email address which she provided to Social Work England;
 - An extract from the Social Work England Register detailing Ms Thomas’s registered address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 27 January the writer sent by email to Ms Thomas at the email address referred to above: notice of hearing and related documents.
6. The panel accepted the advice of the legal adviser in relation to service of notice.
7. Having had regard to Rules 14 and 15 of the Fitness to Practise Rules 2019 (as amended) (“the 2019 Rules”) and all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Ms Thomas in accordance with Rules 44 and 45 of the 2019 Rules.

Proceeding in the absence of the social worker:

8. The panel heard the submissions of Ms Atkin on behalf of Social Work England. Ms Atkin submitted that notice of this hearing had been duly served giving more than the required 28 days notice, no application for an adjournment had been made by Ms Thomas and as such there was no guarantee that adjourning today's proceedings would secure her attendance. Ms Atkin further submitted that Ms Thomas had clearly indicated in writing that she will not be attending the final hearing nor is she requesting the postponement of the hearing. Ms Atkin therefore invited the panel to proceed in the interests of justice and the expeditious disposal of this hearing.
9. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. This included reference to Rule 43 of the Rules and the cases of *R v Jones [2002] UKHL 5*; *General Medical Council v Adeogba [2016] EWCA Civ 162*. The panel also took into account Social Work England guidance 'Service of notices and proceeding in the absence of the social worker'.
10. The panel took account of Ms Thomas's response to the notice of hearing in which she indicated that she would not be attending the hearing and that she expected the hearing to proceed in her absence.
11. The panel took account of all of the information before it, together with the submissions made by Ms Atkin on behalf of Social Work England. The panel noted that Ms Thomas had been sent notice of today's hearing and the panel was satisfied, through Ms Thomas's responses that she was aware of today's hearing.
12. After careful consideration of all the information before it and in the absence of any compelling and /or good reasons, the panel therefore concluded that Ms Thomas had chosen voluntarily to absent herself. The panel had no reason to believe that an adjournment would result in Ms Thomas's attendance. Having weighed the interests of Ms Thomas in regard to her attendance at the hearing with those of Social Work England and the public interest in an expeditious disposal of this hearing, given that it has been 6 years since the allegations arose, the panel determined it was fair in all the circumstances to proceed in Ms Thomas's absence, ensuring the timely resolution of the case while maintaining the integrity of the process and the protection of the public.

Proceeding in the absence of the witness on behalf of Social Work England:

13. Ms Atkin informed the panel that Social Work England had intended to call Ms Johnson (Independent Reviewing Officer and former Team Manager at the Dudley Council) to provide oral evidence at the final hearing however Ms Johnson was unable to attend due to health issues.
14. Ms Atkin made an application to proceed without Ms Johnson's oral evidence at today's final hearing. Ms Atkin submitted that Ms Johnson's attendance at the final hearing was not necessary, and the panel could properly proceed on the written evidence provided.

She informed the panel that the evidence presented by Ms Johnson had been explicitly agreed by Ms Thomas. Ms Thomas had confirmed in writing that she did not dispute the contents of Ms Johnson's witness statements dated 15 February 2022 and 8 November 2024. Further, in her response form 10 January 2025, Ms Thomas had indicated that there was no necessity for Ms Johnson to be called as a witness. Finally, the case management directions of 11 October 2024 varied on 24 February 2025 provided the no party was required to call a witness where the other party has confirmed in writing that their witness statement is agreed and that they are not required to attend the hearing.

15. Ms Atkin submitted that the relevance of Ms Johnson's oral evidence to the disputed issues of the case, specifically the allegations of dishonesty, was likely to be limited. The primary disputes centred on Ms Thomas's state of mind and intentions at the relevant time, which Ms Johnson could not directly address. Her presence would not have added material further insight into whether Ms Thomas's actions were deliberate or accidental. Given that the allegations of dishonesty were serious and contested, it was crucial to focus on the evidence that directly pertained to these issues, which had already been established through the mutually agreed statements.
16. Ms Atkin further stated, that compelling Ms Johnson to attend the hearing would not have served the interests of justice, particularly considering the passage of time and the speculative nature of the supplementary evidence she may have been able to provide. During her evidence in the fitness to practise hearing in 2022, Ms Johnson indicated a need to refer back to her records to refresh her memory, suggesting that her recollection might not have been reliable without further reference to past documentation. This uncertainty further undermined the necessity of her attendance.
17. Ms Atkin invited the panel to consider the legitimate expectation of Ms Thomas that her fitness to practice case would be resolved promptly. Delaying the hearing to accommodate Ms Johnson's attendance could have resulted in the proceedings being prolonged, which was particularly concerning given the extended timeline since the initial concerns were raised. The background of this case, including the appeal by the Professional Standards Authority, had already introduced significant delays, and it would not have been reasonable to further extend the resolution process.
18. Ms Atkin submitted that taking into account these considerations, the panel could justly proceed with the hearing without Ms Johnson's attendance, relying on her detailed and extensive written evidence that had been explicitly agreed by Ms Thomas. This approach aligned with the principles of efficiency and fairness, ensuring that the case could be disposed of in a timely manner while maintaining the integrity of the proceedings.
19. The panel accepted the advice of the legal adviser. The panel recognised that it must ensure that the hearing is conducted fairly and must regulate its own procedure accordingly with fairness and transparency to all parties, and that it has the authority to do so including accepting hearsay evidence under rule 32(a) and 32(b) of the Fitness to Practice rules 2019.

20. The panel considered the submissions made by Ms Atkin regarding the necessity of Ms Johnson's attendance at the final hearing. After careful analysis of the information, the panel decided that Ms Johnson's presence was not required for the proceedings to be conducted fairly and effectively and that it could accept Ms Johnson's evidence as hearsay evidence under rule 32.
21. Having accepted the points made by Ms Atkin, the panel decided that it was appropriate and fair to proceed with the hearing without Ms Johnson's presence. The panel was satisfied that they could rely on the written evidence that had been explicitly agreed by Ms Thomas. This decision aligned with the principles of efficiency and fairness, ensuring that the case could be disposed of in a timely manner while maintaining the integrity of the proceedings. The panel concluded that there was no necessity to ask questions of the witness, as the available evidence was sufficient to allow for a just resolution of the case.

Background:

22. On 28 March 2019, Dudley Council ("the Council") made a referral to the Health and Care Professions Council ("HCPC") concerning Ms Thomas, who had been employed in the Council's Multi Agency Safeguarding Hub (MASH) team from 2 January 2019 to 1 March 2019. The referral outlined several concerns regarding her performance.
23. It was reported that Ms Thomas failed to adequately address Multi-Agency Referral Forms ("MARFs") that were emailed directly to her. Specifically, these forms were either not followed through, not acted upon, ignored, or moved to the deleted section of her email folder. Additionally, phone calls from the public and professionals were not appropriately progressed or documented, resulting in no written record in the Council's electronic system to show that the concerns raised were acknowledged or that any subsequent actions or advice were provided. Furthermore, referrals from MASH Team Managers and calls from the administration team were not recorded on Ms Thomas's daily worksheet, which meant there was no evidence of the work she had undertaken.
24. Between 25 July 2022 and 28 July 2022, a substantive fitness to practise hearing took place. Ms Thomas attended the hearing, during which the panel reached a final decision on 28 July 2022. The panel found that during her employment in Dudley's Multi-Agency Safeguarding Team, Ms Thomas failed to progress at least seven referrals assigned to her, either in a timely manner or at all, thereby leaving children at risk of harm.
25. Although the allegation initially referred to "at least seven referrals," the panel determined that it would only find Ms Thomas accountable for not progressing referrals concerning seven specific sibling groups. These groups included: Sibling Group 3 (Child A), Sibling Group 5 (Children B and C), Sibling Group 6 (Child D), Sibling Group 9 (Child G), Sibling Group 10 (Child H), Sibling Group 11 (Child K), and Sibling Group 14 (Children L and M).

26. Having established that the allegations were proven, the panel concluded that Ms Thomas's actions constituted misconduct, which impaired her fitness to practise. Consequently, they imposed a Conditions of Practice Order for 18 months and also approved an interim Conditions of Practice Order on her registration for the same duration.
27. The Professional Standards Authority for Health and Social Care (PSA) subsequently appealed the panel's decision, arguing that there was a serious procedural irregularity due to Social Work England's failure to thoroughly investigate the full extent of Ms Thomas's alleged failings. The PSA contended that this oversight rendered the panel's decision inadequate for protecting the public, maintaining confidence in the social work profession, and upholding professional standards.
28. On 1 March 2023, the appeal was resolved through a Consent Order approved by the Honourable Mr Timothy Corner KC. The appeal was granted, and the panel's decision from 28 July 2022 was quashed, although the findings of fact remained intact. Social Work England was instructed to conduct a further investigation, particularly to gather evidence on specific alleged misconduct by Ms Thomas, which included deleting or leaving unread 10 MARFs, failing to act on 77 assigned referrals, and misleading managers about having no outstanding work.
29. The matter was remitted to a differently constituted panel of adjudicators, along with any additional admissible evidence that either Social Work England or Ms Thomas wished to present. The order also allowed Social Work England to amend the allegations to include further particulars concerning Ms Thomas's alleged misconduct.

The Allegation:

30. *The allegation, as amended in line with the direction of the Honourable Mr Timothy Corner KC, is as follows:-*
 - 1.** *While registered as a social worker in Dudley Council's Multi-Agency Safeguarding Team, between January 2019 and March 2019:-*
 - a.** *you failed to progress one or more tasks and/or referrals in connection with one or more of the children referred to in Schedule 1, either in a timely manner or at all;*
 - b.** *you deleted emails containing one or more tasks and/or referrals in connection with one or more of the children referred to in Schedule 1;*
 - i.** *without reading them; and/or*
 - ii.** *when you had not completed the work;*
 - c.** *with respect to work that had not been progressed and/or completed by you, you;*

i. did not ensure that this was noted on your worksheet; and/or

ii. did not otherwise make Managers aware of what work was outstanding;

2. *Your conduct at 1(a) and/or 1(b) and/or 1(c) above had the potential to leave one or more children at risk of harm.*

3. *Your conduct at 1(b) and/or 1(c) above was dishonest, in that your actions were deliberate.*

Your actions at paragraphs 1 and/or 2 and/or 3 above amount to the statutory ground of misconduct.

Your fitness to practise is impaired by reason of misconduct.

Schedule 1

1. Child A (referred to as “sibling(s) group 3” within the Decision)

2. Child B (referred to as “siblings group 5” within the Decision)

3. Child C (referred to as “siblings group 5” within the Decision)

4. Child D (referred to as “sibling group 6” within the Decision)

5. Child G (referred to as “siblings group 9” within the Decision)

6. Child H (referred to as “siblings group 10” within the Decision)

7. Child K (referred to as “sibling group 11” within the Decision)

8. Child L (referred to as “siblings group 14” within the Decision)

9. Child M (referred to as “siblings group 14” within the Decision)

10. Child N

11. Child O

12. Child P

13. Child Q

14. Child R

15. Child S

16. Child T

17. Child U

18. Child V

19. Child W

20. Child X

- 21. *Child Y*
- 22. *Child AA*
- 23. *Child AB*
- 24. *Child AC*
- 25. *Child AD*
- 26. *Child AE*
- 27. *Unknown children*
- 28. *Child AF*
- 29. *Child AG*
- 30. *Child AH*
- 31. *Child AI*
- 32. *Child AJ*
- 33. *Unknown Child 1*
- 34. *Child AK*
- 35. *Unknown Child 2*
- 36. *Child AL*
- 37. *Child AN*
- 38. *Child AO*
- 39. *Child AP*
- 40. *Child AQ*
- 41. *Child AR*
- 42. *Child AS*
- 43. *Child AT*
- 44. *Unknown Child 3*
- 45. *Child AU*
- 46. *Child AV*
- 47. *Child AW*
- 48. *Child AY*
- 49. *Child AZ*

- 50. Child BA
- 51. Child BC
- 52. Child BD
- 53. Child BE
- 54. Child BF
- 55. Child BG
- 56. Child BI
- 57. Child BJ
- 58. Unknown Child 4
- 59. Child BK

Admissions:

31. Rule 32c(i)(aa) Fitness to Practise Rules 2019 (as amended) (the 'Rules') states:
Where facts have been admitted by the social worker, the adjudicators or regulator shall find those facts proved.
32. The panel noted that the Case Management Directions ("directions") were issued on 11 October 2024 which required Ms Thomas to indicate, by 10 January 2025, which of the factual allegations are admitted and which remain in dispute, and whether the statutory grounds of impairment are accepted. Ms Thomas complied with this direction and has provided a completed response form, signed and dated 10 January 2025, in which she admits the following allegations:-
 - Allegation 1a, in that she admits that she failed to progress one or more tasks and/or referrals in connection with all of the children identified in Schedule 1 either in a timely manner or at all';
 - Allegation 1b, in that she admits that she deleted emails containing one or more tasks and/or referrals in connection with one or more of the children referred to in Schedule 1 without reading them, and when she had not completed the work;
 - Allegation 1c, in that she admits that, with respect to work that had not been progressed and/or completed by her she did not ensure that this was noted on her worksheet, and did not otherwise make her managers aware of what work was outstanding;
 - Allegation 2, in that she admits that her conduct at 1a, 1b and 1c had the potential to leave one or more children at risk of harm.

33. With respect to the allegations which are admitted, the Social Worker admits that her actions amount to the statutory ground of misconduct. She denies however that her fitness to practise is currently impaired.
34. The panel therefore found allegations 1a, 1b, 1c, and 2 proved by way of Ms Thomas's admissions in her completed response form, signed and dated 10 January 2025.
35. The panel noted that Ms Thomas denied allegation 3.
36. In line with Rule 32c(i)(a) of the Rules, the panel then went on to determine the disputed facts.

Matters which are agreed/ disputed between the parties

37. Ms Thomas disputes allegation 3, in that she does not accept that her conduct at allegation 1b (deleting emails without reading them / when she had not completed the work) was intentional or dishonest. Similarly, she disputes that her conduct at allegation 1c (failing to ensure that work she had not progressed was on her worksheet or otherwise brought to the attention of her managers) was intentional or dishonest.
38. At the fitness to practise hearing which took place between 25 and 28 July 2022, Ms Thomas admitted that she had failed to progress at least seven referrals allocated to her, either quickly enough or at all, leaving children at risk of harm.
39. Prior to the 2022 hearing, Ms Thomas appeared to have accepted that she was not completing work within timescales, but considered that this was an issue across the team at the relevant time due to an *"overwhelming level of work received against the low level of staff available"*. She also appeared to have accepted that she had deleted emails allocating work to her, noting that *"whilst clearing old emails and cases that I had already been actioned I had at some point accidentally deleted some messages notifying me of additional cases"*. She went on to say that this was *"not a deliberate act as this would have been a pointless action as the original source and trail of the email would have come from the manager and remain and would have a clear link to me as the recipient"*.
40. Ms Thomas denies that her fitness to practise is currently impaired.
41. The panel heard submissions from Ms Atkin who invited the panel to find the allegation proved on balance of probabilities.
42. The panel accepted the advice of the Legal Adviser with regards to the burden and standard of proof and dishonesty. In relation to the allegations of dishonesty, the panel was referred to the test set out in *Ivey v Genting Casinos (UK) Ltd [2017] UKSC 67*. It recognised that the burden of proving each allegation rested with Social Work England and that the standard of proof required was the balance of probabilities.

Finding and reasons on facts:

43. The panel has carefully considered whether Ms Thomas's conduct, as set out in allegations 1b, was dishonest. The panel decided that the conduct of Ms Thomas in allegation 1b was dishonest. In reaching its decision, the panel applied the two-stage test established in *Ivey v Genting Casinos* [2017] UKSC 67. The first stage requires an assessment of Ms Thomas's actual state of knowledge or belief at the time the emails were deleted, specifically whether she deliberately deleted the emails. The second stage involves determining whether, considering that knowledge or belief, her conduct would be regarded as dishonest by the standards of ordinary, decent people.
44. In assessing the issue of dishonesty in Ms Thomas's conduct, the panel began by establishing her actual state of knowledge or belief regarding the relevant facts, as emphasised in the judgment of *Ivey v Genting Casinos (UK) Ltd* [2017] UKSC 67. After carefully considering all the documentary evidence the panel concluded that the evidence indicated that Ms Thomas was aware of the expectations placed upon her in her role. Specifically, she was required to progress tasks and referrals within one working day, and to update her worksheet on a daily basis with all assigned work, including outstanding items. The process was clearly laid out in the training materials with which she was provided and Ms Johnson's evidence was that Ms Thomas would have shadowed other staff when she started in the role.
45. The panel determined that this was additionally supported by the evidence from Ms Johnson and the records from the supervision session dated 31 January 2019, which explicitly outlined these expectations. The panel considered that overall Ms Thomas did not have an unmanageable workload. Additionally, Ms Thomas had previous experience in similar fast-paced MASH environments at other local authorities, which further underscored her familiarity with the operational standards and urgency necessary in such roles. Her acknowledgment during the previous final hearing in July 2022 that she had performed comparable duties in all previous positions highlighted her awareness of these requirements.
46. The panel concluded that it is clear from the evidence that Ms Thomas had consistent access to emails containing tasks and referrals throughout her tenure at the Council. Screenshots from her deleted items folder revealed a significant number of emails, both unread and read, between 10 January 2019 and 28 February 2019. This pattern indicated not only her awareness of the tasks assigned to her but also raised concerns regarding the intention behind her actions and omissions. These deletions could not reasonably be attributed to accidental deletion, particularly given the volume and timing of the deletions.
47. Moving to the second aspect of the test, the panel determined whether Ms Thomas's conduct, given her knowledge, aligned with the standards of ordinary decent people. The deliberate deletion of emails that contained unaddressed tasks and referrals, would likely have been viewed as dishonest by the standards of ordinary decent people.

The panel considered the context surrounding Ms Thomas's actions, in particular the discussions with Ms Johnson on 31 January 2019. There, Ms Thomas stated that she was not struggling with her workload. Further, Ms Johnson raised concerns about Ms Thomas's unacceptable 8 day turn around for cases. This suggested that the timing of these deletions was not coincidental but rather a calculated and deliberate move to conceal her failures in managing her responsibilities. The panel concluded that this was dishonest.

48. The panel noted that while it was not necessary to establish a particular motivation behind Ms Thomas's actions to demonstrate dishonesty, it was reasonable to infer that her conduct was motivated by a desire to conceal the extent of her outstanding work. Ms Thomas's actions appeared to reflect a conscious and deliberate decision to misrepresent her workload and capabilities, thereby undermining the trust that is foundational to her professional role.
49. The panel was satisfied that Ms Thomas's actions in allegation 1b constituted a deliberate and dishonest approach to her professional responsibilities. The combination of her knowledge, the evidence of her conduct, the lack of a reasonable explanation of why this happened, and the standards of ordinary decent people led to the unequivocal conclusion that her behaviour was dishonest. This finding was grounded in the established facts and the objective standards expected of a professional in her position.
50. The panel carefully considered the evidence presented regarding the conduct of Ms Thomas, in allegation 1c with regards to her failure to ensure that her worksheet accurately reflected her workload and to communicate any outstanding tasks to her managers. The panel concluded that her conduct in allegation 1c was dishonest. The findings indicated that she was aware of her responsibilities to update her worksheet. Despite this awareness, Ms Thomas consistently failed to record a substantive amount of work on her worksheets and communicate her workload with her manager, which raised significant concerns regarding the honesty of her conduct. The panel observed that she failed to record more than 40 tasks or allocations on her work sheets.
51. The panel noted that despite having ample opportunity to discuss her workload during daily briefings, she presented as confident and organised. This was contradicted by the evidence of outstanding work and her admitted failure to address the emails and to progress urgent tasks and respond to calls in a timely manner. In particular, Ms Johnson's written evidence included screenshots of emails which indicated that many of these emails were in a format that stood out as requiring attention. The panel noted, in Ms Johnson's evidence, her referral to the HCPC identified Ms Thomas's failure to explain why numerous emails remained unread in her deleted items folder or why work sent to her via email was not reflected on her worksheet. In her evidence during the hearing in July 2022, Ms Johnson commented that "*there was no real clear answer as to*

why things were still marked as unread in the deleted folder or things that were still marked as unread many days or quite longer back were still in her email but not reflected on her work sheet so we could see what work has been progressed or held”.

This lack of clear explanation raised significant questions about her accountability and honesty.

52. In assessing whether Ms Thomas’s actions were deliberate and therefore dishonest, the panel considered the records of her supervision sessions on 31 January 2019 and 27 February 2019. During these sessions, Ms Thomas gave an impression of effective workload management, despite being cognisant of her failure to open and read all emails relevant to her responsibilities. This contradiction indicated a conscious and deliberate decision to misrepresent her completion of her allocated tasks to her manager. Furthermore, the presence of outstanding work marked as 'not done' in her 'My Work' folder since January 2019 further supported the conclusion that Ms Thomas was aware of her shortcomings yet chose not to act upon them.
53. The panel concluded that Ms Thomas’s deliberate failure to document her work accurately and her lack of communication regarding outstanding tasks with her managers would indeed have been viewed as dishonest by ordinary decent people. The evidence suggested that she was actively concealing the extent of her outstanding work from her managers, which constituted a breach of the ethical standards expected of a social worker.
54. Moreover, the panel noted although it was not necessary to establish a specific motivation behind Ms Thomas’s actions to demonstrate dishonesty, the circumstances surrounding her conduct implied a likely intent to hide her inability to manage her workload. There was no evidence to corroborate her account that her actions were accidental. The evidence before the panel indicated that her actions were not merely negligent but were instead calculated and deliberate to obfuscate her performance issues and therefore dishonest. The panel found that this pattern of conduct demonstrated a clear disregard for the transparency and accountability expected in her role.
55. After carefully considering all the evidence, the panel determined that the conduct of Ms Thomas in allegation 1c was deliberate and dishonest. The evidence supported the assertion that she knowingly failed to fulfil her professional obligations and deliberately misled her managers regarding her workload. This behaviour not only undermined the integrity of the social work profession but also posed a risk to the welfare of those she was meant to serve.

Finding and reasons on grounds

56. Ms Atkin, in her submissions, invited the panel to conclude that the factual findings it had made amounted to misconduct by Ms Thomas. Ms Atkin referred the panel to *Roylance v GMC [2000] 1 AC 311* and to those parts of Social Work England's Professional Standards which, she submitted, had been contravened.
57. The panel heard and accepted the legal adviser's advice on misconduct. The panel understood from that advice that: -
- Whether facts proved or admitted amount to misconduct is a matter of judgment for the panel rather than a matter of proof. [Council for the Regulation of Health Care Professionals v GMC and Biswas [2006] EWHC 464].
 - Misconduct is, in essence, a serious departure from the standards of conduct expected of social workers as professionals and what would be proper in the circumstances of the case. [Roylance v General Medical Council (No.2) [2000] 1AC]
 - Whether a breach of professional rules should be treated as professional misconduct depended on whether it would be regarded as serious and reprehensible by competent and responsible [registrants] and on the degree of culpability. [Solicitors Regulatory Authority v Day & ors [2018] EWHC 2726 (Admin)].
 - There is a high threshold of gravity for misconduct. Behaviour which is trivial, inconsequential, a mere temporary lapse or something otherwise excusable or forgivable does not constitute misconduct. [Khan v Bar Standards Board [2018] EWHC 2184(Admin)]
 - The legal adviser reminded the panel that the question of misconduct was a matter for its judgment and that appropriate standards of conduct should be judged with reference to Social Work England's Professional Standards. Not every departure from those Standards would necessarily amount to misconduct. The departure had to be sufficiently serious; whether any particular departure was sufficiently serious to be categorised as misconduct was a matter for the judgement of the panel.
58. The panel conducted a thorough assessment of the findings against Ms Thomas, evaluating them individually and as a whole for misconduct.
59. The panel accepted that allegations 1a, 1b, 1c, and 2 are proved by way of Ms Thomas's admissions in her completed response form, signed and dated 10 January 2025. Ms Thomas has admitted that her actions in allegations 1a, 1b, 1c and 2 amount to the statutory ground of misconduct.
60. The panel noted from the statement of case that the conduct puts Ms Thomas in breach of the HCPC Standards of Conduct, Performance and Ethics / Proficiency, in particular

“ Work with colleagues

2.5 – You must work in partnership with colleagues, sharing your skills, knowledge and experience where appropriate, for the benefit of service users and carers

Manage risk

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

6.2 - You must not do anything, or allow someone else to do anything, which could put the health or safety of a service user, carer or colleague at unacceptable risk.

7.6 - You must acknowledge and act on concerns raised to you, investigating, escalating or dealing with those concerns where it is appropriate for you to do so.

Be honest and trustworthy

9.1 - Make sure that your conduct justifies the public's trust and confidence in you and your profession

9.2 You must be honest about your experience, qualifications and skills”

61. The panel considered that Ms Thomas was fully aware of the expectations placed upon her in her role, having received proper training and with significant experience in similar environments. She knew she was required to progress tasks and referrals within one working day and to update her worksheet daily. Given her prior experience as a senior social worker, her awareness of these responsibilities was not in question. Her failure to meet these expectations by deliberately deleting important emails containing tasks and referrals constitutes a serious breach of the professional standards. This behaviour amounts to misconduct, as it demonstrates a disregard for the welfare of a significant number of particularly vulnerable clients, and the responsibilities of her role and the expectations of the profession.
62. The panel considered the specific actions of Ms Thomas regarding the deletion of emails and concluded that these deletions were not accidental but deliberate, as evidenced by the volume and timing of the deleted emails. Ms Thomas's actions were calculated, and there was no reasonable explanation provided for her conduct. By hiding unaddressed tasks, she deliberately misrepresented her workload and her performance, which is a clear violation of the standard of honesty expected from a social worker. This deliberate attempt to conceal her responsibilities, mislead managers and the failure to address assigned tasks amounts to misconduct, as it directly undermines the trust and transparency that is essential to the profession.
63. The panel decided that Ms Thomas's conduct is incompatible with the professional standards of working with colleagues and managing risk. By concealing her outstanding work, she failed to collaborate effectively with her manager and colleagues, which is a

critical component of providing safe and effective care. Her actions also posed a risk to the safety and wellbeing of service users, carers, and colleagues, as they were not informed about the true state of her workload and due to her failings her colleagues had to pick up and act on the work she had not completed, adding to their workloads. These failures to acknowledge concerns and manage her responsibilities appropriately directly breach the HCPC standards regarding risk management and working collaboratively. Therefore, this behaviour amounts to misconduct as it jeopardises the effectiveness and safety of the service.

64. The panel concluded Ms Thomas's dishonesty and misrepresentation of her work undermines public trust and confidence in the social work profession. The HCPC standards required social workers to be honest and trustworthy, ensuring that their conduct justified the public's trust. By intentionally hiding her failures, Ms Thomas failed to uphold this standard, and her actions would likely be viewed as dishonest by ordinary decent people. This behaviour, which breaches the expectation of honesty and integrity, constitutes misconduct, as it reflects a serious lapse in professional and ethical standards.
65. In conclusion, the panel found that Ms Thomas's actions in allegation 3 amount to misconduct. Her deliberate deletion of emails to conceal her unaddressed tasks, coupled with her knowingly failing to meet the basic professional expectations, clearly breaches the HCPC standards and the ethical guidelines for social workers. The panel is satisfied that her conduct undermined the trust placed in her as a professional and significantly deviated from the standards expected in her role. As such, her behaviour constitutes misconduct.

Finding and reasons on impairment

66. Ms Atkin referred the panel to Social Work England's Guidance on Impairment and invited the panel to make a finding of current impairment of fitness to practise by reason of misconduct. She emphasised that Ms Thomas's level of insight in particular to the dishonesty, appeared to be poor as she failed to acknowledge her personal responsibility. She further asserted that although Ms Thomas did not have any previous matters on her record, Ms Thomas demonstrated a notable lack of insight as she constantly failed to recognise and accept her own personal responsibility in the matter at hand. Ms Atkin also submitted that the public interest required a finding of impairment to be made if the reputation of the profession and proper standards of behaviour were to be upheld. She referred to the cases of *Cohen v General Medical Council*, *Council for Healthcare Regulatory Excellence v Nursing and Midwifery Council* and *Grant*.

67. The panel heard and accepted the advice of the legal adviser on impairment. That advice included reference to Social Work England's Impairment and Sanctions Guidance as well as the following points:

- The existence of impairment is a matter for the panel's own independent judgment or assessment.
- A social worker is fit to practise when they have the skills, knowledge, character and health to practise their profession safely and effectively without restriction. If a panel decides that a social worker's fitness to practise is impaired, this means that it has serious concerns about the social worker's ability to practise safely, effectively, or professionally.
- As stated in *Meadow v General Medical Council* [2006] EWCA Civ 1390, the purpose of fitness to practise proceedings is not to punish the practitioner for past misdoings but to protect the public against the acts and omissions of those who are not fit to practise.
- Protection of the public, as defined in s.37 of the Children and Social Work Act 2017, comprises protecting, promoting and maintaining the health, safety and well-being of the public, promoting and maintaining public confidence in social workers and promoting and maintaining proper professional standards for social workers. The panel should consider whether a finding of impairment is required for any or all of those three purposes.
- The test for impairment, as set out by the court in *Council for Health and Regulatory Excellence v Nursing and Midwifery Council and Grant* [2011] EWHC 927 (Admin), is whether the panel's finding of misconduct in respect of Ms Thomas indicated that her fitness to practise is impaired in the sense that she had in the past (a) put service users at unwarranted risk of harm; (b) brought the social work profession into disrepute; (c) breached one of the fundamental tenets of that profession; and in each case, was liable to do so in the future.
- As stated in *Cohen v General Medical Council* [2008] EWHC 581 (Admin), at the impairment stage the tribunal should take account of evidence and submissions that the conduct (a) is easily remediable, (b) has already been remedied and (c) is highly unlikely to be repeated.
- When assessing whether a finding of impairment is required in order to protect the health, safety and well-being of the public, the panel should consider the extent to which the social worker's conduct gave rise to harm or a risk of harm and the likelihood of that conduct being repeated. Assessment of the risk of repetition involves consideration of (i) the social worker's previous history and their conduct since the concerns about their conduct arose and (iii) the extent to which they have

developed insight into their misconduct and (iii) the extent to which they have taken steps to remedy any failings on their part which led to that misconduct.

- A finding of personal impairment is usually not needed if (a) the social worker has understood the causes of, and learnt from, any mistakes or misjudgements; and (b) there is no risk of repetition. However, the panel should also consider whether a finding of impairment is required in order to maintain public confidence and proper professional standards (the public component of impairment). Depending on the circumstances, a finding of impairment on these grounds can be necessary even where the social worker poses no current risk to the public.
- When considering the testimonials submitted by a social worker, the panel should assess the content of each testimonial in the light of their knowledge of any relationship between author and social worker and on the basis of (i) the relevance of the content to the specific findings in the case; (ii) the extent to which the author's views are consistent with other available evidence; (iii) the length of time for which the author has known the social worker; and (v) the extent to which the testimonial offers a current view of the social worker's fitness to practise. In addition, the panel should give little weight to testimonials from persons who are not aware of the fitness to practise proceedings or the actions behind them.
- The legal adviser reminded the panel that impairment was to be judged at the present date and that the personal component of impairment involved a careful assessment of the risks of repetition of the misconduct. Regardless of this, however, the panel was also obliged to consider whether the public interest required a finding of impairment to be made on the basis that the absence of such a finding would undermine the reputation of the profession in the eyes of a reasonable and fully informed member of the public.

68. Ms Thomas denies that her fitness to practise is impaired.

69. After careful consideration of all the evidence before the panel and the relevant legal and regulatory frameworks, the panel concluded that Ms Thomas's fitness to practise as a social worker is currently impaired. This decision is based on the serious findings of misconduct in allegations 1a, 1b, 1c, 2 and 3 which included her failure to fulfil her professional obligations, the potential risks of harm her actions posed to vulnerable children, the scale of the failures, and her dishonesty. The panel also carefully considered Ms Thomas's explanations including her working conditions, testimonials and her previous good record but concluded that the seriousness of the misconduct and the ongoing risks to public protection justified a finding of impairment.

70. The panel acknowledged that Ms Thomas has been working under stringent conditions of practice. While the panel recognised that she had been heavily supervised, and she

had engaged in this process, this did not mitigate the risks identified. The close supervision she had been under likely prevented the full testing of her honesty, as she was working in a controlled environment where her actions were closely monitored. This meant that the panel could not fully assess whether Ms Thomas's honesty would have been tested in a less supervised setting or whether her actions would have been different without the stringent oversight.

71. The panel concluded that it was still unclear on the reasons behind Ms Thomas's dishonesty as the explanations given by Ms Thomas conflicted with the panel's findings. The motivations for her actions during the period in question remained unknown, and the panel could not understand why she had been deliberately misleading or dishonest in her professional practice. The panel was not persuaded that these actions had been solely due to work related pressures, as the evidence suggested that Ms Thomas's workload was not unreasonable. Ms Thomas chose not to attend this fitness to practise hearing, and as a result, the panel was unable to question her directly on this matter. This left a gap in the panel's understanding of the motivations behind her actions.
72. The panel noted that while Ms Thomas had made some admissions regarding her failings, including her failure to progress tasks and referrals, they did not extend to the dishonesty, which was a critical element of the case. Her denial of dishonesty undermined the panel's confidence in her ability to fully reflect on her actions and the impact they had on vulnerable children and on her colleagues and other professionals. The panel found that this lack of insight into her dishonesty was a significant concern, as it suggested that she might not fully appreciate the seriousness of her misconduct, leading to a risk of repetition in the future.
73. The panel considered that although the testimonials provided by Ms Thomas's colleagues and clients were positive, they did not directly address the core issues of the case. The testimonials mentioned specific instances of good work, but they failed to acknowledge the concerns regarding Ms Thomas's ability to manage a caseload and fulfil her professional duties more broadly. The panel noted that the testimonials did not address her failure to juggle multiple referrals or manage/respond to a group of urgent cases effectively. Additionally, the training Ms Thomas had undergone did not appear to have addressed these specific challenges, further highlighting the lack of sufficient reflection or remedial action on her part. Without evidence that Ms Thomas had actively worked to address the issues related to managing a caseload or the dishonesty identified in the case, the panel found that these positive testimonials did not sufficiently mitigate the risks identified.
74. The panel found it concerning that Ms Thomas had not reflected on key elements of her misconduct, particularly regarding the 266 unread emails in her deleted folder. It was difficult to understand how such a large number of unread emails could have gone

unnoticed, especially when using a system like Outlook, where such items are clearly visible. Her explanation that these emails had been deleted accidentally was not accepted by the panel and did not adequately address the seriousness of this lapse in professional judgment, nor did it demonstrate the level of reflection required to remediate her practice. The panel believed that this lack of reflection on such a significant issue further demonstrated Ms Thomas's failure to fully appreciate the impact of her actions on the children and families she had a duty to safeguard.

75. In considering whether Ms Thomas's fitness to practise was impaired, the panel had regard to the guidance provided by Social Work England, which outlined the factors to be considered in such cases, including harm, repetition, previous history, insight, remediation, admissions, and testimonials. The panel found that Ms Thomas's misconduct, including dishonesty and failure to progress a large volume of time critical safeguarding work, posed a significant risk to the public, particularly vulnerable children. Despite her positive testimonials and working under supervision, there was insufficient evidence to demonstrate that she had fully addressed the underlying issues that led to her misconduct. The panel was particularly concerned about the risk of repetition, as Ms Thomas had not demonstrated the level of insight or remediation needed to ensure she can work independently and safely and that similar failings would not occur in the future.
76. The panel also took into account the public component of impairment. It was clear that Ms Thomas's dishonesty and failure to meet professional standards were damaging to public confidence in social work. The potential risk to vulnerable service users, combined with the failure to demonstrate a full understanding of the misconduct, meant that a finding of impairment was necessary not only to protect the public but also to uphold the standards of conduct expected of social workers. Dishonesty, particularly when it put vulnerable service users at risk, was deeply damaging to public trust in the profession, and the panel considered that this had not been sufficiently remediated in Ms Thomas's case.
77. In light of the totality of the evidence, the panel was not satisfied that Ms Thomas had made sufficient progress in addressing the concerns raised by her misconduct. The evidence did not show that she had demonstrated sufficient insight or made the necessary changes in her professional conduct to ensure that similar failings would not recur. Therefore, the panel concluded that Ms Thomas's fitness to practise remained impaired.
78. Given that Ms Thomas's misconduct relates to breaches of fundamental tenets of social work, the panel was satisfied that professional standards would not be promoted and maintained by a finding that Ms Thomas's fitness to practise is not currently impaired, particularly considering the panel's assessment of her demonstrating limited insight and there being presently an absence of remediation.

79. In conclusion, the panel found that Ms Thomas's fitness to practise is impaired. The serious and repeated nature of her misconduct, including dishonesty and a failure to progress a significant volume of safeguarding work for which she had been unable to provide a cogent explanation, posed a risk to vulnerable individuals and undermined the integrity of the social work profession. While there had been some positive testimonials and recognition of her work since the incidents at the Council, the panel is not satisfied that these have fully addressed the concerns raised in this case. The lack of insight into her dishonesty, combined with the risk of repetition, led the panel to conclude that Ms Thomas's fitness to practise is currently impaired. The panel is satisfied that this finding is necessary to protect the public, maintain public confidence in the profession, and uphold the standards expected of social workers.

Decision and reasons on sanction

80. Ms Atkin invited the panel to impose a removal order. She submitted that, in accordance with Social Work England's Impairment and Sanctions Guidance, that is the appropriate sanction for Ms Thomas. The primary purpose of a sanction in this context is to protect the public and uphold the integrity of the social work profession, rather than to punish. As set out in the guidance, the panel must consider the severity of the misconduct, weighing mitigating factors against aggravating circumstances, and determine whether a sanction can sufficiently protect the public and maintain public confidence in the profession.
81. Ms Atkin contended that, in considering the mitigating factors, it is acknowledged that Ms Thomas has no prior regulatory findings against her, has provided positive testimonials from social work colleagues, and has engaged, to some extent, with the fitness to practise process. While these factors are noted, Ms Atkin asserted that they are outweighed by the seriousness of the misconduct, specifically her dishonesty and the failure to progress safeguarding work. Ms Thomas's experience as a social worker, particularly her knowledge of safeguarding, makes her misconduct even more concerning. The severity of her actions, which put vulnerable service users at significant risk, cannot be mitigated by her previous good record or positive feedback.
82. Ms Atkin highlighted that the findings against Ms Thomas are grave. Her dishonesty led to vulnerable service users' cases being left unaddressed, and she failed to inform her managers of this, preventing cases from being reassigned to other social workers. This failure to act appropriately undermines the core duties of a social worker, particularly the duty to safeguard vulnerable individuals and to act with honesty and integrity. The panel has found that Ms Thomas's fitness to practise remains impaired due to her lack of insight into the seriousness of her actions. This failure to reflect meaningfully on her

misconduct raises concerns about the risk of repetition, as she has not demonstrated adequate understanding or remorse for her behaviour.

83. Ms Atkin emphasised that the consequences of Ms Thomas's actions were significant. Not only did her dishonesty and failure to act create a direct risk to service users, but it also placed undue strain on her colleagues, who had to take on the unaddressed workload. This disruption further undermines the integrity of the social work profession and demonstrates the seriousness of her misconduct.
84. Ms Atkin asserted that the guidance clearly states that non-restrictive sanctions, such as no further action, advice, or warning, are not appropriate in cases where there is an ongoing risk to the public. In this case, Ms Thomas's misconduct continues to pose such a risk, and there is no evidence to suggest that her fitness to practise has been sufficiently restored. Conditions of practice are also not appropriate, as the guidance indicates that conditions are less likely to be suitable in cases involving dishonesty, particularly where there are public interest concerns, which is the case here.
85. Ms Atkin stated that, given the persistent nature of Ms Thomas's dishonesty, the significant risk she posed to vulnerable individuals, and her failure to demonstrate sufficient insight or remediation, a removal order is the only appropriate and proportionate sanction. The guidance supports this conclusion, particularly in cases where dishonesty undermines the public's confidence in the profession and poses a direct risk to service users. Allowing Ms Thomas to remain on the register would erode public trust in the social work profession and fail to protect vulnerable individuals from the potential harm her conduct could cause.
86. Ms Atkin submitted that, in light of the seriousness of Ms Thomas's misconduct, the ongoing risk it poses, and her lack of insight into the impact of her actions, a removal order is the necessary sanction to protect the public, maintain confidence in the profession, and uphold the standards of social work.
87. The panel heard and accepted the advice of the legal adviser on sanction. In terms of the measures available to the panel, legal adviser advised that:
 - Pursuant to paragraphs 12(3) of Schedule 2 to the Social Worker's Regulations 2018, as the panel had found that Ms Thomas fitness to practise was impaired by reason of her misconduct, it could take no further action, give advice or make a "final order".
 - Pursuant to paragraphs 13 of Schedule 2, a final order could be a warning order, a conditions of practice order, a suspension order; or an order removing Ms Thomas from the Register (a "removal order").

- A conditions of practice order or a suspension order could be of up to three years' duration.
- Pursuant to rule 48 of Social Work England's Fitness to Practise Rules, adjudicators, when giving advice or a warning, must specify that the advice or warning will stay on the social worker's entry in the Register for a period of one, three or five years.
- The legal adviser further advised that the panel must pursue the overarching objective when exercising its functions. The panel must apply the principle of proportionality, balancing Ms Thomas's interests with the public interest. The purpose of a sanction is not to be punitive but is to protect the public and the wider public interest. The public interest includes maintaining public confidence in the profession and its regulator and upholding proper standards of conduct and behaviour. The panel was advised to consider any aggravating and mitigating factors and it must consider each available sanction in ascending order of severity having had regard to the Social Work England Impairment and Sanctions Guidance, published in December 2022, together with its determination on grounds and impairment.

88. The panel reminded itself that it had concluded that Ms Thomas's fitness to practise was found to be currently impaired, due to her misconduct and dishonesty.

89. Before moving on to determine sanction, the panel considered both the mitigating and aggravating factors in this case.

- Mitigating factors included, the fact that Ms Thomas had no previous fitness to practise history, her engagement with Social Work England, her admissions, and positive feedback from her workplace supervisor regarding management of workload and time scales. In addition, Ms Thomas had provided feedback from a service user and evidence of CPD.
- Aggravating factors included, the seriousness of the misconduct, Ms Thomas's experience of working in the role of a senior social worker, lack of remorse for her behaviour, inadequate demonstration of insight, and limited remediation.

90. The panel considered that taking no action, or issuing advice or a warning, would not adequately reflect the serious nature of Ms Thomas misconduct and dishonesty. These outcomes would not adequately protect the public, as they would not restrict Ms Thomas's practice. The panel has assessed there to be a high risk of repetition of the

dishonesty, and so considered that the public could not currently be adequately protected unless Ms Thomas's practice is restricted. Further, taking no action, or issuing advice or a warning, would not maintain public confidence in the profession or promote proper professional standards, considering the panel's findings.

91. The panel next considered whether a conditions of practice order would be sufficient to protect the public and wider public interest. The panel, however, noted paragraph 114 of the Impairment and Sanctions Guidance, which states:

Conditions of practice may be appropriate in cases where (all of the following):

- *the social worker has demonstrated insight*
- *the failure or deficiency in practice is capable of being remedied*
- *appropriate, proportionate, and workable conditions can be put in place*
- *decision makers are confident the social worker can and will comply with the conditions*
- *the social worker does not pose a risk of harm to the public by being in restricted practice*

92. The panel was satisfied that workable conditions could not be formulated to adequately protect the public given its findings on dishonesty in particular Ms Thomas's attitudinal shortcomings. Ms Thomas has been subject to a conditions of practice order and although there have been positive reports as to her practising competently, these do not address the panel's finding of dishonesty. A conditions of practice order is unlikely to be appropriate in cases involving dishonesty, particularly when there has been no sufficient evidence of genuine insight or remediation. Further, considering the seriousness of the misconduct, the panel was satisfied that conditions would not be sufficient to maintain public confidence, or to promote proper professional standards.

93. The panel went on to consider making a suspension order. The panel considered paragraphs 137-138 of the Impairment and Sanctions Guidance, which state as follows:

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

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

138 Suspension is likely to be unsuitable in circumstances where (both of the following):

- *the social worker has not demonstrated any insight and remediation*
- *there is limited evidence to suggest they are willing (or able) to resolve or remediate their failings”*

94. The panel considered that the facts proved involved serious breaches of the professional standards, as set out in its earlier findings. Given the severity and persistence of Ms Thomas’s misconduct over an 8 week period, including dishonesty which has persisted to the present time, and her failure to demonstrate adequate insight or remediation, the panel concluded that suspension would not address the public interest concerns or the serious risks posed by Ms Thomas’s failure to safeguard vulnerable service users. Given the passage of time that has elapsed, Ms Thomas has had opportunity to fully reflect and explain the reasons for the misconduct and dishonesty. The panel considered that this omission indicates an unwillingness or an inability to do so.
95. After careful and thorough consideration of all the evidence presented during the hearing, the panel reached the decision to impose a removal order on Ms Thomas. The panel applied the aggravating and mitigating factors, the principle of proportionality, and balanced the interests of the social worker with the public interest. The panel referred to the Impairment and Sanctions Guidance and concluded that, after exhausting all available options in ascending order of severity, no sanction short of a removal order would sufficiently protect the public, maintain confidence in the profession, or uphold professional standards.
96. In this case, the panel found that the dishonesty proven against Ms Thomas was not just a violation of professional integrity but also had the potential to harm a significant number of vulnerable service users by leaving their cases unaddressed, leaving them at risk of serious harm. Furthermore, Ms Thomas’s failure to demonstrate sufficient insight into her actions, or sufficient remediation, further reinforced the panel’s belief that a removal order was the only appropriate response.
97. The panel was deeply concerned by Ms Thomas’s deliberate failure to progress safeguarding work, which is a fundamental responsibility for any social worker. As an experienced social worker with prior experience in a Multi-Agency Safeguarding Hub (MASH) team, Ms Thomas should have been acutely aware of the importance of timely assessments and safeguarding interventions to protect vulnerable individuals. However, Ms Thomas failed to take the necessary steps to progress cases in a timely and appropriate manner, leaving numerous vulnerable individuals at risk of harm. The panel found that her actions were not only negligent but also demonstrated a lack of care and disregard for her professional obligations. The failure to inform her managers about the backlog of cases further significantly compounded the problem, preventing her colleagues from taking timely action and addressing the outstanding work. This

deliberate omission prevented the reassignment of cases to other social workers, which escalated the risk to the service users involved.

98. The panel concluded that Ms Thomas's conduct was particularly egregious given her experience in the field. Having worked in a MASH team previously, she should have had a thorough understanding of safeguarding procedures and the high stakes involved in ensuring the protection of vulnerable children and families. Her failure to manage her workload effectively and her inability to prioritise the cases that were most critical to safeguarding children and families demonstrated a serious breach of professional standards. The panel found it deeply troubling that, despite her experience and training, Ms Thomas neglected her professional duties and failed to fulfil the core responsibilities of her role including alerting her manager through supervision or through the daily worksheets that she was falling behind.
99. The panel found that Ms Thomas's failure to demonstrate genuine insight into her lack of honesty was indicative of a lack of professional accountability. Her failure to appreciate the full scope of the harm caused by her misconduct, both to vulnerable service users and to her colleagues, and the additional work that her manager had to complete in identifying all of the outstanding referrals suggested a lack of empathy and understanding of the wider consequences of her behaviour. This was especially concerning given the nature of her work, which involved safeguarding vulnerable individuals who were at significant risk of harm. The panel found that Ms Thomas's failure to reflect on these broader consequences further undermined any argument that she had remediated her conduct or that the risk of recurrence had been adequately addressed. This left the panel with no confidence that a similar incident would not occur in the future.
100. The panel considered that equally concerning was Ms Thomas's continuing limited insight into her misconduct. Throughout the proceedings, the panel noted that Ms Thomas failed to take full responsibility for her actions or reflect on the underlying causes of her behaviour. While she admitted some aspects of the allegations, she did not provide a coherent or satisfactory explanation for her actions. Specifically, she did not address why she chose not to progress cases, why she failed to communicate effectively with her managers, or why she allowed the situation to deteriorate without taking steps to mitigate the consequences. This lack of self-reflection raised serious concerns about her ability to fully comprehend the gravity of her actions and the impact they had on service users, colleagues, and the profession as a whole. The panel found that Ms Thomas's failure to reflect on these broader consequences further undermined any argument that she had remediated her conduct or that the risk of recurrence had been adequately addressed.

101. The panel also noted that, given the passage of time, more than six years since the misconduct first came to light, Ms Thomas had multiple opportunities to reflect on her actions and engage meaningfully with the fitness to practice process. However, the panel was disappointed to find that her engagement with the remediation process had been insufficient. Condition 9 of the current conditions of practise order, imposed by the fitness to practise panel in 2022 and continued by the High Court in 2023, required Ms Thomas to use a personal development plan, specifically designed to address the shortfalls in the following areas of her practise: “Workload and practise management – Demonstrating your ability to deal with systems and comply with required statutory and other timescales for work required” and “Comprehensive reflection on induction: Evidence that you are proactively identifying your development needs within any role you undertake”. The panel found that the personal development plans, were not written by Ms Thomas at all and did not provide evidence of any direct engagement with these factors by Ms Thomas herself.
102. Moreover, her Continuing Professional Development (CPD) activities were found to be grossly inadequate. The panel was particularly concerned that one of her CPD activities involved watching an episode of a popular soap, a trivial and unprofessional choice that did not demonstrate the depth of learning required to address the significant failings identified in her practice. This approach to professional development suggested a lack of commitment to improving her practice or taking the necessary steps to address the serious concerns raised about her conduct. The panel would have anticipated CPD which address recognising and managing priorities and identifying strategies for address failures identified in this hearing including a discussion with a manager about the implications of this case and what had prompted the failure in her duty of care to service users and the failure in her duty of candour to her manager.
103. Additionally, the panel considered the wider impact of Ms Thomas’s actions on her colleagues. Due to her failure to progress her cases, her colleagues were forced to take on additional work to address the backlog of uncompleted cases. Colleagues in other professions, such as the police or nursing, were caused additional work. This placed additional strain on the MASH team, and other colleagues, and disrupted the management of risk for service users. The panel found that Ms Thomas’s actions not only harmed the vulnerable individuals under her care but also placed undue pressure on her colleagues, who were forced to take on additional caseloads. Ms Thomas’s failure to recognize or acknowledge the impact of her conduct on her team further demonstrated her lack of professional awareness and accountability. The fitness to practise panel in 2022 commented that a future panel would be assisted by Ms Thomas attending the review and providing further information such as a written reflective statement on the findings of the panel and the impact of her behaviours on workplace colleagues and the reputation of the wider profession. The panel noted that no such reflection has been provided.

104. The panel also took into account the fact that Ms Thomas's dishonesty and failure to meet professional standards had far-reaching consequences for the reputation and integrity of the social work profession. The panel noted that the public trust in social workers depends on the ability of professionals to maintain high ethical standards, including honesty and accountability. Ms Thomas's conduct undermined the trust that the public, service users, other professionals, and her colleagues placed in her, as well as the integrity of the profession as a whole. The panel was concerned that allowing Ms Thomas to continue practising would erode public confidence in the profession and send the wrong message about the seriousness of dishonesty and misconduct in social work.
105. The panel noted Ms Thomas's previously clear record, positive testimonials, and her prior and current experience in social work. The panel acknowledged that Ms Thomas had worked without other professional issues arising, which may reflect positively on her overall character and history in the profession. Ms Thomas has engaged with Social Work England through the investigation up to the preparation of this hearing. She had admitted the allegations, but for the dishonesty. Ms Thomas did not, however attend this hearing and it would have been helpful to the panel had she done so. Despite these mitigating factors, the panel concluded that they were insufficient to offset the seriousness of the dishonesty involved in this case. The severity of Ms Thomas's misconduct, particularly her failure to safeguard vulnerable service users and her continued failure to show meaningful insight into her actions, and remediation, outweighed any mitigating factors. The panel is of the view that these mitigating circumstances do not diminish the need for a strong sanction, as the risks posed by her conduct are significant.
106. In light of the above findings, the panel concluded that no sanction short of a removal order would be sufficient to address the serious concerns raised in this case. The dishonesty proven in this case was a direct violation of professional integrity and posed a significant risk to vulnerable service users on a substantial scale.
107. The panel acknowledged that removal is a severe sanction, but in this case, it is both necessary and proportionate. A removal order is essential to protect the public, maintain professional standards, and ensure that the integrity of the social work profession is upheld.

Interim Order

108. The panel next considered an application by Ms Atkin for an interim suspension order for 18 months to cover the appeal period before the final order becomes effective.

109. The panel heard and accepted the advice of the legal adviser on its power to make an interim order under paragraph 11(1)(b) of Schedule 2 of the Social Workers Regulations 2018.
110. The panel was mindful of its earlier findings and decided that it would be wholly incompatible with those findings not to impose an interim order. The panel considered paragraph 207 of the impairment and sanctions guidance which highlighted that “*an interim order may be necessary where the adjudicators have decided that a final order is required, which restricts or removes the ability for the social worker to practise...without an interim order, the social worker will be able to practise unrestricted until the order takes effect. This goes against our overarching objective of public protection*”. The panel had identified a risk of repetition if Ms Thomas was permitted to practise without restriction.
111. The panel concluded that the interim suspension order was the most prudent way to ensure the protection of the public. Accordingly, the panel concluded that an 18 month interim suspension order is necessary. When the appeal period expires this interim order will come to an end unless an appeal has been filed with the High Court. If there is no appeal, the final order of removal shall take effect when the appeal period expires.

Right of appeal

1. 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.
2. 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.
3. 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.

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

Review of final orders:

5. Under Paragraph 15(1), 15(2) and 15(3) of Schedule 2 of the regulations:
 - 15(1) The regulator must review a suspension order or a conditions of practice order, before its expiry
 - 15(2) The regulator may review a final order where new evidence relevant to the order has become available after the making of the order, or when requested to do so by the social worker
 - 15(3) A request by the social worker under sub-paragraph (2) must be made within such period as the regulator determines in rules made under Regulation 25(5), and a final order does not have effect until after the expiry of that period
6. Under Rule 16(aa) of the rules a social worker requesting a review of a final order under Paragraph 15 of Schedule 2 must make the request within 28 days of the day on which they are notified of the order.

The Professional Standards Authority:

7. 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>.