

Social worker: Amy Etches

Registration number: SW111794

Fitness to Practise

Final Hearing

Dates of hearing: 10 March 2025 to 12 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 Etches did not attend and was not represented.
3. Social Work England was represented by Ms Curzon of counsel, instructed by Capsticks LLP.

Adjudicators	Role
Paula McDonald	Chair
Jacqui Smith	Social worker adjudicator
Jane Dalton	Lay adjudicator

Hearings team/Legal adviser	Role
Poppy Muffett	Hearings officer
Chiugo Eze	Hearings support officer
Scott McDonnell	Legal adviser

Service of notice:

4. The panel of adjudicators (hereafter “the panel”) was informed by Ms Curzon that notice of this hearing was sent to Ms Etches by email to an address provided by the social worker (namely their registered address as it appears on the Social Work England register). Ms Etches also directed the panel to the hearing participation form completed by Ms Etches on 4 February 2025 in which she indicated that she would not be attending the hearing. Ms Curzon submitted that the notice of this hearing had been duly served.
5. The panel of adjudicators had careful regard to the documents contained in the final hearing service bundle as follows:
 - A copy of the notice of the final hearing dated 31 January 2025 and addressed to Ms Etches at her email address which she provided to Social Work England;
 - An extract from the Social Work England Register as of 31 January 2025 detailing Ms Etches registered address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 31 January 2025 the writer sent by email to Ms Etches’ 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 the Social Work England (Fitness to Practise) Rules 2019 (as amended) (“the Rules”) and all 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 Etches in accordance with Rules 14, 15, 44 and 45.

Proceeding in the absence of the social worker:

8. The panel heard the submissions of Ms Curzon on behalf of Social Work England. Ms Curzon submitted that notice of this hearing had been duly served and Ms Etches had submitted the hearing participation form on 4 February 2025 in which she indicated that she would not be attending the hearing.
9. The panel was invited to proceed in the interests of justice and the expeditious disposal of this hearing.
10. 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'.
11. The panel considered all of the information before it, together with the submissions made by Ms Curzon on behalf of Social Work England. The panel noted the hearing participation form completed by Ms Etches in which she stated that she would not attend the hearing and understood that in her absence matters could progress without her.
12. The panel noted that Ms Etches had been sent notice of today's hearing and the panel was satisfied that she was aware of today's hearing.
13. The panel therefore concluded that Ms Etches had chosen voluntarily to absent herself. The panel had no reason to believe that an adjournment would result in Ms Etches' attendance. Having weighed the interests of Ms Etches' in regard to their attendance at the hearing with those of Social Work England and the public interest in an expeditious disposal of this hearing, the panel determined to proceed in Ms Etches' absence.

Preliminary matters:

14. The chair of the panel of adjudicators (the panel) confirmed that all parties had been provided with the hearing timetable (5 pages), the statement of case (13 pages), the agreed statement of facts (10 pages), the witness statement bundle (23 pages), the exhibits bundle (97 pages), Ms Etches' response (25 pages) and the service and supplementary bundle (63 pages).

Allegations:

15. The allegations arising out of the regulatory concerns referred by the Case Examiners on 19 December 2022 are:

Whilst registered as a Social Worker:

1. On 7 March 2022, you accessed service user records and/or conducted a Child in Need meeting whilst in the presence of Person A, who (a) was, and (b) you knew to be, a registered sex offender.

2. On or around 11 May 2022, you made assertions to your employer, Coventry City Council, to the effect that you denied carrying out work using your employer's computer equipment and online access whilst in the presence of Person A, which were false and/or intended to mislead.

3. Your conduct at paragraph 2 above was dishonest.

The matters outlined in paragraphs 1, 2 and 3 amount to the statutory ground of misconduct.

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

Admissions:

16. 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.

17. Following the reading of the allegations the panel chair asked Ms Curzon whether Ms Etches admitted any of the allegations.

18. Ms Curzon informed the panel that Ms Etches had confirmed within a voluntary removal application form dated 5 February 2025, that the facts of the allegations above are admitted in their entirety and Ms Curzon referred the panel to the statement of agreed facts in which she admitted the allegations in paragraphs 1, 2 and 3.

19. The panel therefore found the allegations proved by way of Ms Etches' admissions.

20. The panel then went on to determine whether or not the facts set out above as admitted by Ms Etches amount to misconduct and heard a summary of the evidence from Ms Curzon in order to assist.

Summary of evidence:

21. Ms Curzon informed the panel that on 16 March 2022, Social Work England received a self-referral regarding Ms Etches. She was employed as a Consultant Social Worker within Coventry City Council Children's Services ('the Council') between August 2020 and May 2022. In her role she supported student social workers who were completing the Frontline pre-qualification social work programme.

22. Police Constables Shane O'Brien and Andrew Glover were Sex Offender Managers within the Northamptonshire Police department of management of sexual and violent offenders. This involved responsibility for the management of sex offenders living within the community, the management of compliance with court orders and notification

requirements, and to assess and manage risk in relation to sex offenders within the community.

23. They visited Person A's home at 10:00 on 7 March 2022 because he was a registered sex offender with a Sexual Harm Prevention Order in place, managed at the time by PC O'Brien. The visit included monitoring of his contact with children and the usage of electronic devices.
24. Person A lives within a home of multiple occupancy. When the Officers arrived, Person A let them in and told them that Ms Etches was present in the room. When they walked into Person A's room, Ms Etches was sat in the bed working on a laptop. She said she had spent the night at the address. The Officers already knew of Ms Etches' connection to Person A because monitoring him included reviewing his telephone, which had shown 'a lot' of conversation between them, supportive of a 'casual friendship/relationship' between them. The messages between them had not been sexual.
25. When the Officers spoke to Ms Etches she confirmed she knew about Person A's offending. She had known Person A for a long time since they were both employed in the pub trade.
26. It was apparent to the police officers that during the visit, Ms Etches was working. She mentioned that she had a meeting quite soon and there was a little bit of time pressure. PC Glover was unclear if the meeting had just taken place, or if it was about to happen, but she made no reference to leaving the address (or having left the address to participate in it). Ms Etches had a briefcase next to where she sat. She said she was employed as a social worker.
27. When Person A was asked about any sexual relationship with Ms Etches, he said "I have no doubt we will entertain ourselves throughout the rest of the day", which PC Glover interpreted as meaning Ms Etches would remain at the address for the rest of the day.
28. After the visit, the Officers submitted a referral to the Local Authority Designated Officer ('LADO') at Coventry City Council, where Ms Etches was employed, in light of her presence at Person A's flat and the apparent personal relationship.
29. A note of the visit was recorded by PC O'Brien on a Police system used for recording interactions with registered sex offenders.
30. As part of the Council investigation carried out by a staff member, she looked at whether there was evidence that Ms Etches had accessed children's records when in the presence of Person A. The staff member gathered information from the allocated children's files and contacted a colleague in IT.

31. The investigation included conducting an interview with Ms Etches. This was held on 11 May 2022. Ms Etches attended with a Trade Union representative and a Human Resources Business Partner was present to take notes of what was said.
32. Ms Etches said that she had been sat in the bed of Person A and had used her work laptop in his presence, to help him write his CV. Person A was said to be present in the room when she was writing it for him.
33. The Cyber Security Lead at the Council is responsible for the technical security of council data and he has produced a report showing the technological facilities accessed by Ms Etches from 00.30 to 23.00 on 7 March 2022.
34. Ms Etches was suspended from her post on 14 March 2022 while an internal investigation took place. Ms Etches had already resigned from her post on 2 March 2022 (ie prior to the visit and investigation) and her last day of service with the Council was 20 May 2022.
35. The panel then referred to the statement of agreed facts.

Paragraph 1

On 7 March 2022, you accessed service user records and/or conducted a Child in Need meeting whilst in the presence of Person A, who (a) was, and (b) you knew to be, a registered sex offender

36. Ms Etches admits the facts of this paragraph of the allegation in its entirety
37. Ms Etches admitted that the following facts are true:
38. *“At 10:00 on 7 March 2022, Police Officers attended at Person A’s address. The Social Worker was working at the time of this visit; she said that she had a meeting quite soon and that there was a little bit of time pressure. The Social Worker made no reference to leaving the address (or having left the address to participate in it). She had a briefcase next to where she sat. She said she was employed as a social worker.*
39. *When the Social Worker logged in using her laptop at 09.33 on 7 March 2022, the IP address used is not a Council IP address. The IP address is likely to be Virgin Media and so the Social Worker logged onto her laptop when she was connected to someone’s personal broadband. The IP address data shows she was at that location online until 10.34. She later logged on at the same location at 15.34.*
40. *The day of 7 March 2022 was a working day for the Social Worker. Her work would have been confidential and related to children and families. The Social Worker accessed Teams at 10.59 on 7 March 2022, described as a ‘user sign in’. The device used is listed as Android, which means it took place using a mobile phone. The Teams log-in at 10.59 was made using a different IP address, indicating that the mobile phone was not on*

the same broadband as the laptop and it was using the telephone's own internet/data access.

41. *The Social Worker's diary listed a scheduled Child In Need Review meeting at 11.00 on 7 March 2022. The Child In Need Review meeting notes for that meeting were completed by the Social Worker dated 7 March 2022, demonstrating she had undertaken the meeting and completed the review on 7 March 2022. The name of the student social worker also attending the meeting appears against that entry in the diary and in the minutes.*
42. *The list of children whose case files were accessed by the Social Worker were all allocated to the Social Worker at the time, so she had professional reason to access these records if she was working.*
43. *The list of files accessed shows the following were accessed by the Social Worker on 7 March 2022:*
 - i. *Child record – 75094 – a child in need review outcomes dated 4 March 2022 was accessed four times between 09.45-10.14;*
 - ii. *Child record – 50324 – a child in need review outcomes form dated 4 March 2022 was accessed three times between 09.45-10.14;*
 - iii. *Child record – 53389 – a child in need review outcomes form dated 4 March 2022 was accessed three times between 09.49-10.14;*
 - iv. *Child record – 110540 – a looked after child care plan dated 15 February 2022 was accessed at 16.04, part two of that care plan dated 15 February 2022 was accessed at 16.04 too. A looked after review outcome dated 15 February 2022 was accessed at 16.04 along with the basic demographics page of that child at 16.03.*
44. *The Social Worker admits that she looked at the files listed above at (i) to (iv) in person A's room, while he was present.*
45. *The Social Worker was aware of the Council's data protection policies. All employees are required to read the Council's Code of Conduct and confirm they have read it at the time of their appointment. The Social Worker undertook Data Protection training courses on 11 August 2020 and 17 August 2021."*

Paragraph 2

On or around 11 May 2022, you made assertions to your employer, Coventry City Council, to the effect that denied carrying out work using your employer's computer equipment and online access whilst in the presence of Person A, which were false and/or intended to mislead.

46. Ms Etches admits the facts of this paragraph of the allegation in its entirety.

47. Ms Etches admits that the following facts are true:
48. *“When the Social Worker was interviewed by on 11 May 2022, she gave the account outlined below as to what she was using her work laptop for on 7 March 2022. She denied using the laptop that day for a work-related purpose.”*
49. *“The effect of the Social Worker’s version of events was to admit that she had used her work laptop to write Person A’s CV, but not used it for work purposes.*
50. *Implicit in her denial is that she was denying using Council equipment and systems. However, the evidence shows (and the Social Worker admits) that during the time around the Police visit to Person A, when she was in Person A’s company, she accessed children’s files and conducted a CIN review meeting.*
51. *The Social Worker said in her interview on 11 May 2022 that she was taking TOIL in the morning and was working afterwards, that she left Person A’s address at 11.00am and arrived home just after 12 noon. However, the evidence relating to IP addresses shows (and the Social Worker admits) the Social Worker logged on at the same location from 09.33-10.34 and again at 15.34 and in the Social Worker’s self-referral the Social Worker states that ‘[Person A] lives 1.5 hours drive from [her] house’.*
52. *The evidence shows (and the Social Worker admits) that her claim to have left Person A’s address before conducting any work was untrue.*
53. *The Social Worker’s assertions that she was not working during the morning of 7 March 2022 were both false and intended to mislead.”*

Paragraph 3

Your conduct at paragraph 2 above was dishonest

54. Ms Etches admits the facts of this paragraph of the allegation in its entirety.
55. Ms Etches *“accepts that she acted dishonestly in the provision of false and misleading version of events when interviewed, as to what she used her work laptop for and when she denied carrying out work while in the presence of Person A.”*

Social Work England submissions:

56. Ms Curzon referred the panel to the objectives of Social Work England:
- protecting the public from harm
 - maintaining public confidence
 - declaring and upholding professional standards.

Ms Curzon submitted that Ms Etches was in breach of all three of these objectives.

57. Ms Curzon submitted that there had been a real risk of harm or serious harm to vulnerable service users by Ms Etches' conduct.
58. Ms Curzon referred the panel to the case of *Roylance v General Medical Council (No 2)* and that misconduct was defined as *"a word of general effect, involving some act or omission which falls short of what would be proper in the circumstances."* *"[T]he standard of propriety may often be found by reference to the rules and standards ordinarily required to be followed by a [. . .] practitioner in the particular circumstances."*
59. Ms Curzon submitted that Ms Etches was in breach of Social Work England's Professional Standards 2019 (the standards) and Ms Curzon referred the panel to those standards, in particular the requirement to:
- 2.1 Be open, honest, reliable and fair
 - 2.2 Respect and maintain people's dignity and privacy
 - 2.6 Treat information about people with sensitivity and handle confidential information in line with the law
60. In addition as a social worker, Ms Etches will not:
- 5.1 Abuse, neglect, discriminate, exploit or harm anyone, or condone this by others
 - 5.2 Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work
61. Ms Curzon reminded the panel that Ms Etches had not been honest and open and had given a false account. She had not adhered to data protection protocols. Ms Curzon submitted that Ms Etches had placed service users at harm and had seriously breached her obligations to others.
62. Ms Curzon submitted that Ms Etches had been in a position of trust and had breached core tenets of the profession.
63. The panel asked Ms Curzon if there were any other standards that Ms Etches may have breached. She referred the panel to the requirement to:
- 6.7. Cooperate with any investigations by my employer, Social Work England, or another agency, into my fitness to practise or the fitness to practise of others

Ms Curzon explained that Ms Etches' lack of honesty in giving her account was not full cooperation with the investigation.

Legal advice

64. The panel heard and accepted legal advice from the legal adviser.

65. The panel heard and accepted legal advice from the legal adviser. The panel at all times had in mind the overriding objective of Social Work England which includes its duty to protect the public, promote and maintain public confidence in social workers in England and to promote and maintain proper professional standards for social workers in England.
66. The panel was referred to *R(on the application of Remedy UK Limited) v GMC [2010] EWHC 1245 (Admin)* and that misconduct is of two principal kinds. First, it may involve sufficiently serious misconduct in the exercise of professional practice such that it can properly be described as misconduct going to fitness to practise. Secondly, it can involve conduct of a morally culpable or otherwise disgraceful kind, which may, and often will occur, out with the course of professional practice itself, but which brings disgrace upon the registrant and thereby prejudices the reputation of the profession
67. The panel was reminded that a social worker's fitness to practise is impaired if they pose a risk to public safety, or if their conduct or performance undermines the confidence the public is entitled to place in all social workers in England. A social worker's fitness to practise may also be impaired if their actions make it necessary to send a public message about the standards expected of social workers.

Findings and reasons on grounds

68. The panel decided that the allegations proved were very serious and potentially breached the trust of other professionals, Ms Etches' employer, the service users and their families. It also put vulnerable service users at risk of harm. Ms Etches had accessed sensitive and confidential information about her clients in the presence of Person A (who she knew was a convicted sex offender) including chairing a Child in Need meeting. Additionally, she was dishonest in attempting to deceive her employer about appropriate use of her work laptop.
69. She had not been open and failed to demonstrate insight by initially denying her conduct and thereafter admitted all the allegations at a later date. The panel noted that the admission of the facts does not necessarily make the case less serious.
70. There was a lack of awareness at the time from Ms Etches as to the risks and potentially serious impact of her behaviour. For example, despite the visit from the police officers (which should have alerted her to the serious risk), the panel had evidence that Ms Etches accessed children's records again on her laptop later in the afternoon at the same location.
71. The panel noted the conflicts in the accounts between the 2 police officers (PC Glover and PC O'Brien) and Ms Etches in regard to the relationship with Person A. The panel decided that by not declaring the nature and extent of her relationship with Person A to her employer, Ms Etches had demonstrated significant misjudgement.

72. The panel noted that as a consultant social worker she had responsibility for supervising student social workers. Ms Etches also had a professional responsibility to safeguard children. She should have been acutely aware of the standards and values that she should apply. In addition, the panel agrees that her comments that she “hates children” was inappropriate and gives reason for concern.
73. The panel were concerned that Ms Etches failed to acknowledge the seriousness of maintaining a relationship with a registered sex offender whose offences involve children when she was employed as a social worker safeguarding vulnerable children and the conflict this represented.
74. The panel considered that a member of the public, fully apprised of the facts, would be shocked by Ms Etches’ behaviour. The panel decided that there were aggravating circumstances in this matter due to Ms Etches’ dishonesty and attempts to cover up what she had done, which was very serious.
75. The panel decided that all three limbs of Social Work England’s objectives:
- protecting the public from harm
 - maintaining public confidence
 - declaring and upholding professional standards

had been engaged and that the professional standards identified by Ms Curzon had all been breached.

76. The panel decided the following professional standards had also been breached by Ms Etches:
- 2.7 [I will] Consider where conflicts of interest may arise, declare conflicts as early as possible and agree a course of action
 - 3.1 [I will] Work within legal and ethical frameworks, using my professional authority and judgement appropriately
 - 5.6 [I will not] Use technology, social media or other forms of electronic communication unlawfully, unethically, or in a way that brings the profession into disrepute
 - 6.6 [I will] Declare to the appropriate authority and Social Work England anything that might affect my ability to do my job competently or may affect my fitness to practise, or if I am subject to criminal proceedings or a regulatory finding is made against me, anywhere in the world
77. The panel decided that the conduct arising from the facts admitted and proved in allegations 1, 2 and 3 did amount to serious professional misconduct.

Finding and reasons on current impairment

Social Work England's submissions:

78. Ms Curzon addressed the panel on the issue of impairment and submitted that the panel should refer to Social Work England's 'Impairment and sanctions guidance' (the guidance) when considering this issue.
79. Ms Curzon reminded the panel that 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, *Meadow v GMC [2006] EWCA Civ 1390*.
80. Ms Curzon referred the panel to the two core elements of impairment, namely the private element and the public element.
81. Ms Curzon submitted that Ms Etches had placed service users at a potential risk of harm. Person A had been in the room with Ms Etches when she had accessed confidential material and chaired a Child in Need meeting. This would have had a negative effect on the service users' privacy and possible harm, including sexual harm in light of Person A being on the sex offenders' register.
82. Ms Curzon referred the panel to paragraph 21 of the guidance that "Decision makers should assess the extent to which the social worker could (and should) have foreseen the risk of harm (or actual harm caused). The decision makers may conclude that the social worker should have anticipated the risk of harm and managed it in advance."
83. Ms Curzon submitted that Ms Etches should have anticipated the risk of harm by her actions.
84. Ms Curzon submitted that, although Ms Etches had provided a reflective statement accepting that she had placed service users at risk, the seriousness of this had not been addressed. Ms Etches had shown limited insight and failed to understand the magnitude of the risk.
85. Ms Curzon submitted that the content of the reflective statement failed to demonstrate insight and/or understanding, which meant that there was a risk of repetition.
86. Although Ms Etches had said that she regretted her actions this was in the context of the impact on herself rather than others. Ms Etches had provided no evidence of any steps taken to remediate.
87. Ms Curzon referred the panel to the issue of dishonesty in this matter and that as this is an attitudinal issue it would be difficult for Ms Etches to remediate.
88. Ms Curzon referred the panel to paragraph 35 of the guidance, namely "Offering an apology that includes an acceptance of personal responsibility may be evidence of insight. However, the decision makers must not treat this alone as an admission of facts or impairment. Expressions of remorse may be evidence of insight if the social

worker demonstrates a genuine understanding of the impact of their actions on others, and the profession. If the social worker only expresses remorse due to the impact it had on themselves, this is unlikely to be evidence of insight.”

89. Ms Curzon submitted that Ms Etches had focused on herself rather than others. She had not addressed the issue of how she would act differently in the future.
90. Ms Curzon then referred the panel to Ms Etches’ previous employment history and indicated that Ms Etches had no adverse regulatory decisions made against her. With regard to the allegations found proved Ms Etches had engaged with her employer, but she had been dishonest with them.
91. Ms Curzon submitted that Ms Etches had shown some level of insight, but this was limited.
92. Ms Curzon then addressed the panel with regard to the second component of impairment, namely the public component.
93. Ms Curzon submitted that a finding of impairment should be made on the grounds of the public interest in upholding professional standards and in order to maintain confidence in the profession.
94. Ms Curzon referred the panel to paragraph 61 of the guidance that, “Some concerns are so serious that if proven, a finding of impairment is likely. This is because in these cases, a failure to make a finding of impairment may (do one or more of the following):
 - undermine public confidence in the profession
 - fail to maintain the professional standards expected of social workers”
95. Ms Curzon submitted that the allegations found proved demonstrated a risk of harm to members of the public were they to be repeated. She suggested that there was limited evidence of insight and no demonstration of steps to remediate beyond Ms Etches’ apologies made in her written submissions and her acceptance that her fitness to practise is impaired. Ms Curzon suggested that the attitudinal issues involved are difficult to remediate in any event.
96. Ms Curzon submitted that a finding of impairment on public protection grounds should be made given the risk of repetition and of consequent harm. She also submitted that a finding of impairment should be made on wider public interest grounds (to maintain public confidence in the profession and promote and maintain proper professional standards for social workers in England).
97. Ms Curzon concluded by submitting that the panel should make a finding of impairment in all the circumstances.

Legal Advice

98. The panel was reminded that a social worker’s fitness to practise is impaired if they pose a risk to public safety, or if their conduct or performance undermines the

confidence the public is entitled to place in all social workers in England. A social worker's fitness to practise may also be impaired if their actions make it necessary to send a public message about the standards expected of social workers.

99. With regard to the "private element" and the principles referred to in *Cohen v GMC* [2008] EWHC 581 (Admin) the panel should consider if the conduct is remediable, has the conduct been remediated and is there a likelihood of repetition?
100. With regard to the "public interest element" the panel must take into account that even where the misconduct is easily remediable, has been remedied and there is no risk of repetition a registrant's fitness to practise may still be impaired, *Yeong v GMC* [2009] EWHC 1923 (Admin) & *CHRE v NMC & Grant* [2011] EWHC 927 (Admin).
101. The panel should consider the limbs of public interest, which includes the protection of service users, colleagues and the wider public from the risk of harm, maintaining public confidence in the social work profession, protecting the reputation of the social work profession and declaring and upholding appropriate standards of conduct and competence among social workers.
102. The panel was also referred to the four tests identified by Dame Janet Smith in her 5th Shipman Report and cited in *CHRE v (1) NMC and (2) Grant*. The panel was advised to consider whether:
 - a. The social worker has in the past and/or is liable in the future to place service users at unwarranted risk of harm.
 - b. The social worker has in the past brought and/or is liable in the future to bring the profession into disrepute.
 - c. The social worker has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the profession.
 - d. Has the social worker in the past acted dishonestly and/or is liable to act dishonestly in the future.

Panel's decision

103. When considering the question of impairment, the panel took into account Social Work England's 'Impairment and sanctions guidance'.
104. The panel decided that Ms Etches' practice is currently impaired. The panel considered that there was a risk of repetition despite Ms Etches demonstrating some insight and showing some remorse.
105. However, the panel assessed that Ms Etches' insight was limited and she had provided no additional information to explain how she had remediated.
106. The panel considered the private and public elements of impairment and concluded that there was a risk of repetition due to Ms Etches' limited insight.

107. The panel referred to each of the tests identified by Dame Janet Smith cited in *CHRE v* (1) *NMMC* and (2) *Grant* and decided that all had been engaged by Ms Etches' conduct.
108. The panel was concerned that while Ms Etches had acknowledged the impact of her behaviour on her own personal circumstances, she had limited consideration regarding the impact on others. Ms Etches had failed to address her own dishonesty in any depth in her reflective statement.
109. The panel decided that the private and public elements of impairment had been met. Ms Etches had shown limited remediation and insight into the impact on others. She had failed to demonstrate what she would have done differently.
110. The panel reviewed all the evidence in this matter as well as the statement of agreed facts and assessed that it was difficult not to conclude that there would be repetition of Ms Etches' misconduct in the future.
111. The panel decided that Ms Etches had breached fundamental tenets of the profession and her practice was currently impaired.

Decision and reasons on sanction

Submissions by Social Work England

112. Ms Curzon referred the panel to the guidance, the general principles described within and paragraph 69, namely, "Decision makers must select the least restrictive sanction necessary to protect the public and the wider public interest."
113. Ms Curzon submitted that a sanction should be necessary and proportionate and referred to the principle described in *Bolton v Law Society* [1994] 1 W.L.R. 512 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.
114. Ms Curzon also referred the panel to paragraph 71 that, "If personal impairment is found, a sanction restricting or removing a social worker's registration will normally be necessary to protect the public. This may include requiring a social worker to comply with specific conditions or suspend them from practising whilst they address the issues that led to the concern or until their fitness to practise is no longer impaired. However, after considering the social worker's mitigation, decision makers may resolve some cases with a warning or advice."
115. Ms Curzon submitted that there were aggravating and mitigating factors in this case.
116. With regard to aggravating factors, Ms Curzon referred the panel to Ms Etches potentially putting service users at risk of harm. Ms Curzon reminded the panel that Ms Etches had lied in interview and submitted that Ms Etches had demonstrated limited insight and remediation.
117. Ms Curzon addressed the panel regarding mitigating factors identifying that Ms Etches had no previous adverse regulatory history. She had demonstrated some insight and

remorse. Ms Curzon submitted that Ms Etches had reflected on the impact of her actions in her own personal context.

118. Ms Curzon indicated to the panel that a number of sanctions were available to the panel, but suggested that any sanction that did not restrict the practice of Ms Etches would not be suitable. As such no further action, advice or a warning would protect the public. This was due to the continuing risk that Ms Etches posed in light of the finding of impairment.
119. Ms Curzon submitted that a conditions of practice order was not appropriate in this matter and referred the panel to paragraph 118 of the guidance, “Conditions of practice are less likely to be appropriate in cases of character, attitude or behavioural failings. They may also not be appropriate in cases raising wider public interest issues.” Paragraph 119 continued, “For example, conditions are unlikely to be appropriate in cases of (any of the following):
 - sexual misconduct
 - violence
 - dishonesty
 - abuses of trust
 - discrimination involving a protected characteristic”
120. This was due to Ms Etches placing service users at risk of harm, breaching professional standards and being dishonest when being interviewed regarding her conduct.
121. Ms Curzon referred the panel to the guidance regarding the appropriateness of a suspension order and factors that decision makers can consider when reviewing dishonesty.
122. Ms Curzon also referred the panel to paragraph 174, “Concerns that raise questions of character (such as dishonesty) may be harder to remediate. This is because it is more difficult to produce objective evidence of reformed character. Evidence of professional competence cannot mitigate serious or persistent dishonesty. Dishonest conduct is highly damaging to public confidence in social work. Therefore, it is likely to warrant a finding of impairment and a more serious sanction of suspension or removal.”
123. Ms Curzon submitted that a suspension order was an appropriate sanction in this case as Ms Etches had made admissions and demonstrated some insight. In addition such an order was required to uphold public confidence.
124. Turning to the proposed duration of any suspension order Ms Curzon submitted that 12 months would be sufficient for Ms Etches to remediate and therefore submitted that a suspension order should be made for a period of 12 months.
125. Ms Curzon submitted that a removal order was not necessary as Ms Etches’ dishonesty was not persistent and/or concealed.

126. At the conclusion of Ms Curzon's submissions the panel asked if she would be making any submissions regarding an abuse of trust. Ms Curzon informed the panel that she had not been instructed to make such submissions.
127. The panel also asked what purpose would be achieved if a suspension order was made as Ms Etches had indicated in the material provided to the panel that she did not wish to return to the profession. Ms Curzon responded that sanction was a matter for the panel, including a removal order, but Social Work England had assessed that a suspension order was the most appropriate order in the current circumstances.

Legal Advice

128. The panel heard and accepted the advice of the legal adviser with regard to sanction. The panel should consider that the imposition of a sanction is primarily to protect the public, not to punish Ms Etches, although a sanction may have a punitive effect.
129. The panel should consider what sanctions are available and refer to Social Work England's "Impairment and sanctions guidance". The panel must start from the least restrictive sanction. Insight and remediation are important factors. The panel should also identify any aggravating and mitigating factors in the case when deliberating on sanction.

Panel's Decision

130. When considering the question of sanction, the panel took into account Social Work England's 'Impairment and sanctions guidance'
131. The panel noted the aggravating and mitigating factors in this case.
132. Aggravating factors:
- Potential harm to service users
 - Ms Etches lied during the interview regarding her conduct
 - Ms Etches had demonstrated limited insight and remediation
133. Mitigating circumstances:
- Ms Etches had no previous disciplinary history
 - She had demonstrated some level of insight and remediation
 - Ms Etches' personal circumstances
134. In considering aggravating and mitigating factors, the panel concluded that the aggravating factors significantly outweighed the mitigating factors.
135. The panel considered all of the sanctions available to it. When reflecting upon the submissions by Ms Curzon that a suspension order was most appropriate the panel noted that Ms Etches had declared that she had no intention of returning to the

profession. Ms Etches had retrained in another profession and started her own business.

136. The panel considered that if Ms Etches was not going to return to the profession then she would not be able to demonstrate remediation, insight and a change of behaviour during the course of a suspension order if such an order was made by the panel.
137. The panel reminded itself the Ms Etches' practice was found to be impaired. Her breach of trust was significant and she had exposed service users to potentially significant harm.
138. Whilst Ms Etches had demonstrated some insight and remorse, she had not identified how she would not repeat her behaviour. Additionally, she had not reflected on how she could have acted differently or convincingly reflected on how her actions put vulnerable service users at risk.
139. During the course of its deliberations the panel noted that Ms Etches had not made an early admission regarding her behaviour or engaged honestly with the investigation.
140. The panel also noted that Ms Etches had not provided submissions or testimonials to the panel, which would have assisted.
141. The panel considered each available sanction in ascending order.

No action, warning or advice

142. The panel decided that no action, a warning or advice was not appropriate as none of these measures would restrict Ms Etches' practice.

Conditions

143. The panel could not identify any conditions that would address Ms Etches' conduct especially regarding the issue of dishonesty, which was attitudinal. No conditions would be workable or measurable.

Suspension

144. The panel considered Ms Curzon's submissions and that allegations admitted and found proved were extremely serious. The panel decided that it would not make a suspension order. The panel considered a member of the public would be shocked or surprised if Ms Etches had the opportunity to return to the profession in light of the facts and allegations that were found proved.
145. Although it had been suggested that a suspension order of 12 months would address the seriousness of Ms Etches' conduct and permit her to demonstrate remediation and insight, she had said that she would not be returning to the profession.
146. The panel also noted that since 2022, Ms Etches has not practised and the panel had no evidence that she had kept her social work skills and knowledge up to date and has

not demonstrated any interest in returning to social work. The panel has found no evidence that Ms Etches is willing or able to resolve or remediate her failings.

147. In light of the above, the panel concluded the purpose of a suspension order would be frustrated and redundant.

Removal Order

148. The panel decided to make a removal order. There had been a significant breach of trust in this case by Ms Etches' accessing vulnerable child service users' information in the presence of a convicted sex offender (Person A) and chairing a Child in Need meeting in his presence.
149. Service users had been placed at the potential risk of significant harm. Ms Etches had failed to demonstrate an understanding of this. When reflecting on the impact of her actions Ms Etches had focused primarily on herself rather than others, including vulnerable service users.
150. The panel noted paragraph 149 of the guidance and that a removal order may be appropriate in cases involving abuse of trust and dishonesty, which was the case here.
151. The panel also took into account Ms Etches' persistent lack of insight into the potential consequences of her actions and her inability and unwillingness to remediate as there is clear evidence that she does not want to practise as a social worker in the future.
152. The panel decided that a removal order needed to be made to:
- protect the public from harm
 - maintain public confidence
 - declare and uphold professional standards
153. The panel considered that a removal order is a sanction of last resort and should be reserved for those categories of cases where there is no other means of protecting the public and the wider public interest. The panel decided that Ms Etches' case falls into this category because of the nature and gravity of her misconduct and the ongoing risk of repetition.
154. The panel concluded that Ms Etches' current impairment and continuing risk to service users required that she should be removed from the register to protect the public from harm. The panel was satisfied that any lesser sanction would also undermine public trust and confidence in the profession and would be wholly insufficient to maintain professional standards.
155. In reaching this conclusion the panel balanced the public interest against Ms Etches' interests. The panel took into account the consequential personal and professional impact a removal order may have upon Ms Etches, but concluded that these considerations were significantly outweighed by the panel's duty to give priority to public protection and the wider public interest.

Interim order:

156. In light of its findings on sanction, the panel next considered an application by Ms Curzon for an interim suspension order of 18 months to cover the appeal period before the final order becomes effective.
157. An interim order would be necessary in accordance with Schedule 2, paragraph 11 (b) of the Social Workers Regulations 2018 to cover the appeal period. Ms Curzon submitted that an interim order was necessary to protect the public in light of the findings made by the panel. Ms Curzon invited the panel to revoke any interim suspension order that had been put in place in preparation for this hearing.
158. The panel heard and accepted the advice of the legal adviser with regard to the imposition of an interim order. The test is that it is necessary for the protection of the public and/or in the best interests of the social worker.
159. The panel considered whether to impose an interim order. It was mindful of its earlier findings and the risk of repetition and decided that it would be wholly incompatible with those earlier findings to permit Ms Etches to practise during the appeal period.
160. Accordingly, the panel concluded that an interim suspension order of 18 months is necessary for the protection of the public. 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:

161. 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:
 - 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.
 - the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.
162. 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.
163. 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.

164. 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:

165. 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

166. 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:

167. 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>.