

Social worker: Yvette Angelique Williams

Registration number: SW71893

Fitness to Practise

Final Hearing

Dates of hearing: 10 March 2025 to 14 March 2025

Hearing venue: Remote hearing

Hearing outcome:

Fitness to practise impaired, warning order (1 year)

Introduction and attendees:

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018 (as amended) (“the regulations”).
2. Ms Williams attended and was represented by Ms Fitzgerald.
3. Social Work England was represented by Ms Omotosho instructed by Capsticks LLP.

Adjudicators	Role
Adrian Smith	Chair
Ian Vinall	Social worker adjudicator
Angela Brown	Lay adjudicator

Hearings team/Legal adviser	Role
Simone Ferris/Tom Stoker	Hearings officer
Jo Cooper	Hearings support officer
Dido Ofei-Kwatia	Legal adviser

Service of notice:

4. The Panel was satisfied that service had been complied with in accordance with the rules.

Preliminary matters:

Consideration of a proposed amendment to particular 2

5. Ms Fitzgerald sought to have particular 2 amended so that Ms Williams could make an informed admission without ambiguity. Upon taking instructions Ms Omotosho confirmed that particular 2 would remain the same and not be amended.

Application to admit hearsay evidence on behalf of Social Work England

6. Ms Omotosho made a double hearsay application in relation to the evidence of Ms Davies and Mr Brown. Reference was made to the relevant provisions of the Criminal Justice Act and Rule 32 of the Fitness to Practise Rules 2019 (as amended). The Panel was informed that both witnesses are on standby, but the nature of their evidence is such that it can be tendered as hearsay. The statements are not the sole and decisive evidence, are supported with other reliable and consistent evidence and the appropriate weight can be attached. Ms Fitzgerald indicated a neutral position in response to the application.
7. The Panel heard and accepted the advice of the legal adviser and considered the cases of *NMC v Ogbonna* [2010] EWCA Civ 1216 and *Thorneycroft v NMC* [2014] EWHC 1565 which states that when considering whether to admit hearsay evidence it is essential to consider the following;

- “1. Whether the statements were the sole and decisive evidence in support of the charges;
2. The nature and extent of the challenge to the contents of the statements;
3. Whether there was any suggestion that the witnesses had reasons to fabricate their allegations;
4. The seriousness of the charge, taking into account the impact which adverse findings might have on the nurse’s career;
5. Whether there was a good reason for the non-attendance of the witnesses;
6. Whether the Respondent had taken reasonable steps to secure the attendance of the witness;
7. The fact that the nurse did not have prior notice that the witness statements were to be read”
8. The Panel decided that it would be fair in all the circumstances for both witness statements to be admitted as hearsay. It concluded that the statements were not the sole and decisive evidence, the application was not contested nor was there any suggestion that either of the witnesses would have reason to fabricate the evidence. Note was also taken of the fact that the witnesses were on standby and as such reasonable provision had been made for their attendance if necessary, and that Ms Williams had indeed been given prior notice of the application as made.

Application to hear part of the proceedings in private

9. Ms Fitzgerald made an application for the parts of Ms Williams’ evidence that related to the matters canvassed at paragraphs 104 and 112 of her witness statement to be held in private due to the personal and sensitive nature of the content of the evidence; she relied on Rule 38 of the Fitness to Practise Rules 2019 (as amended). Ms Omotosho responded that if the evidence in question does not go to the facts of the case, then the application is unopposed, however if the evidence does go to the facts and extends beyond being just background evidence then it should be heard in public. The Panel heard the advice of the legal adviser, and it decided to grant the application as there was no public interest in personal matters being heard in the open.

Application to admit hearsay evidence on behalf of Ms Williams

10. A subsequent application was made by Ms Fitzgerald for the statement of service user A’s son to be admitted as hearsay in the interests of justice. She stated Social Work England had confirmed they do not require him for cross examination and that the evidence is reliable and consistent with other evidence and without this evidence Ms Williams will be significantly disadvantaged in making her case. Ms Omotosho indicated Social Work England remained neutral in response to the application, although she noted that it contains multiple hearsays which is a matter she would canvass further in closing.

11. With reference to the cases as set out at paragraph 9 above, the Panel decided that it would be fair to admit the hearsay evidence of service user A's son. It noted that it was not sole and decisive evidence, and that Social Work England do not require him to give evidence. There was nothing to suggest the evidence has been fabricated or that his attendance was required at today's hearing. Notably the application was not contested by Social Work England, so no prejudice arises.

Background:

12. On 7 May 2019, the Health and Care Professions Council (the "HCPC") received a referral from South London and Maudsley NHS Foundation Trust ("South London and Maudsley") regarding Ms Williams. The referral raised concerns relating to the maintaining of professional boundaries. Ms Williams was service user A's allocated care coordinator between 28 January 2007 and December 2012 and she rented out a property she owned to service user A whilst in post as care coordinator.

Allegations:

13. The allegations against Ms Williams are as follows;
1. Whilst registered as a social worker:
 1. Between, on or around December 2008 and December 2012, whilst acting as Care Coordinator for Service User A, you let a property ("the Property") to Service User A, which:
 - a. breached professional boundaries; and/or
 - b. caused an actual or perceived conflict of interest; and/or
 - c. was exploitative in nature, in that:
 - (i) Service User A was vulnerable; and/or
 - (ii) you stood to gain financially from the arrangement.
 2. You did not tell your employer at the time, South London and Maudsley NHS Foundation Trust, about renting a property you owned to Service User A and/ or raise a potential conflict of interest.

Admissions:

14. 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.*
15. Following the reading of the allegations the Panel Chair asked Ms Williams whether she admits any of the allegations.

16. Ms Williams informed the Panel that she admitted allegations 1a and the 1b in relation to 'perceived conflict of interest' only.
17. The Panel therefore found allegations 1a and 1b proved by way of Ms Williams's admissions.
18. The Panel noted that Ms Williams denied allegations 1c (i), 1c (ii) and 2.
19. In line with Rule 32c(i)(a) of the Rules, the Panel then went on to determine the disputed facts.

Summary of evidence:

i) Social Work England

20. Ms Omotosho in opening the case referred the Panel to the statement of case and outlined the updated position in relation to the agreed facts. She called two witnesses on behalf of Social Work England, who gave evidence as set out below.

Julian Tomety

21. Mr Tomety adopted his witness statement in chief and gave supplementary evidence confirming that he remembered service user A and the issues that brought her to the service at the time. From his memory and professional opinion, he confirmed that service user A had suffered multiple difficulties that led to homelessness. Mr Tomety stated that her mental health issues and homelessness were a double vulnerability.
22. He was asked to clarify the contents of his witness statement where he said that a service user living in the property of a care coordinator 'breaks all the rules'. Mr Tomety explained his view that the role of the care coordinator is to ensure they are a good advocate so if there are any treatment or accommodation issues that arise for the service user the care coordinator can advocate on behalf of the client. But he stated that if the care coordinator becomes a seller of services, then there is a conflict as the advocacy role can be lost.
23. Mr Tomety was adamant that he did not write the letter at exhibit JT 1. He confirmed he would not have written it if he knew that service user A was living in Ms Williams' property and that all letters he wrote were dated and signed and that he would not have used that font.
24. In response to cross examination Mr Tomety confirmed that he allocated Ms Williams as service user A's care coordinator. He denied that Ms Williams had asked him what to do if she was to provide accommodation to service user A and that he had told her that she would not be able to receive money from her directly. Mr Tomety said he would not allow Ms Williams to suggest such a move. He stated that he was not lying as he had nothing to gain and added he would never have agreed to this arrangement as he always encouraged everybody to stick to policy.

25. Mr Tomety denied that he agreed for the letter (JT 1) to be written by Ms Williams and signed in his name as this would carry more weight with housing. He maintained he would have written the letter himself, signed and dated it to take ownership. He confirmed that he did not upload the letter, it was not his and so whoever wrote it broke the rules. He also added that he did not remember asking Ms Williams to write a letter in his name and that he would have signed it himself.
26. When asked, Mr Tomety stated that in his view there is a power relationship between a tenant and landlord and that a care coordinator and client have a therapeutic relationship. He explained that the relationship would be broken if the care coordinator is also a powerful landlord as this will break the trust needed in the therapeutic relationship.
27. Mr Tomety confirmed that the policies that he was referring to in his evidence were basic standards not to take advantage of clients or receive gifts. He was not aware however of a specific conflict of interest policy for South London & Maudsley. In response to a question about a previous conflict of interest in the workplace, Mr Tomety said he did not remember an issue where a care worker was said to have purchased a car at a discounted rate from a service user.
28. In response to questions from the Panel Mr Tomety confirmed that supervisions took place and were recorded. He explained that whilst the process was a paper system at the outset, post meeting a summary would be entered into the electronic patient journey. He said that it was likely that he had conversations with Ms Williams around service user A's accommodation needs given accommodation was a pressing need at the point of contact with the team, but no conversations were had around Ms Williams' renting of the property to her. Mr Tomety could not remember if Ms Williams had separate social work supervision whilst in post.

Judah Raffington

29. Mr Raffington adopted his witness statement in chief and gave supplementary evidence in which he explained that there would be a conflict of interest if the care coordinator was also the landlord as the two roles merging would create a conflict. He posited that if the service user became unwell and needed admission to hospital, the coordinator may not remain impartial as potentially rent would not be paid leading to a loss of income.
30. In response to cross examination, he confirmed that he was not employed at the same time as Ms Williams. Mr Raffington indicated that the guidance quoted at paragraph 25 of his witness statement is dated 2016 and he has nothing that predates this nor is he aware of any specific policy from South London & Maudsley. He was then referred to pages 145 and 146 of the exhibits bundle and agreed that even in 2017 it was not immediately clear what policy Ms Williams had breached at the time. He agreed that it was possible that a landlord who was also a care coordinator may be able to ensure the best interests of the service user, but that a conflict was still arguable.

31. Mr Raffington was of the view that service user A was currently under the care of her GP and doing well. He confirmed that she had never made a complaint against Ms Williams. Service user A did not want anything to do with these proceedings and had limited input into the safeguarding investigation. He also clarified that if a service user was to be admitted to hospital, it would be a team decision. Finally, he confirmed that aside from the safeguarding investigation a Social Work England referral was also made.

ii) Social worker

Yvette Williams:

32. Ms Williams adopted both of her witness statements in chief and gave supplementary evidence. She outlined her qualifications and what had led her into social work. [PRIVATE]. Her early childhood experiences led her into social work and she feels that as a result of her lived experiences she is able to listen effectively and provide holistic support to service users.
33. She explained that she was a shared lives carer (akin to foster care but for adults) and had an adult in need live in her home and that she had also been a foster carer for children who were difficult to place. Once she completed her social work training, she joined South London and Maudsley where she stayed until 2014. She left on a career break due to work changes and the suicide of a service user. [PRIVATE].
34. At the time Ms Williams met service user A she was living with 2 other service users away from her husband and children. Service user A was seeking accommodation so she could live with her 3 children, she was very distressed at being separated from them and had concerns about the welfare of her children all of whom were under 18 at the time.
35. Ms Williams explained that service user A's accommodation needs were discussed in team meetings. She stated that she owned a rental property that became available and signposted service user A to DSP (estate management company) as she felt they might be able to assist her find suitable accommodation. It was confirmed that her property was the only suitable option and so Ms Williams said it was at this point she had a conversation with Mr Tomety checking to see what she would have to do if she was to provide accommodation to service user A. She said the discussion occurred in an office but that it was an informal discussion in which Mr Tomety said that she would not be able to collect any money from service user A. She said that the response she received guided the way she proceeded with the arrangement.
36. Page 7 of the supplementary bundle was put to her and Ms Williams explained that housing benefit was paid rent directly to DSP, although she severed the relationship with them along the way as they failed to give her the rent received from housing benefit, minus their commission, in good time. Service user A eventually found out she was the Landlord but Ms Williams could not remember when this happened. Ms Williams had not told her from the beginning as she did not want to pressure her.

Samuel Williams is Ms Williams son for whom she purchased the property as an investment, that is why his name is on some of the documents.

37. Service user A managed to resolve matters in relation to the residual beneficial interest she had in her former matrimonial home and was on the Lewisham housing list. As such Ms Williams indicated she thought the provision of accommodation would be a short-term arrangement. Ms Williams acknowledged that she never informed South London & Maudsley when the arrangement commenced. She said there was no policy she was aware of and Mr Tomety did not give her any direction. Ms Williams stated that she is now more experienced and would not repeat her actions [PRIVATE].
38. Ms Williams indicated that she felt there might be a potential conflict of interest and that was why she had the conversation with Mr Tomety; it was his advice which then led her to forgo the deposit and rent advance. She confirmed that no money ever transferred directly between herself and service user A. Ms Williams stated that the conflict was only ever a perceived conflict of interest because as far as she was concerned she was never in a position where her position as a landlord impacted on the best interests of service user A. She stated that she was aware of a policy for not accepting gifts but that South London & Maudsley had no specific policy that covered her circumstances. She also referred to a colleague that had rented out her home to service users whilst providing care services under South London & Maudsley.
39. There was no desire for service user A to be her tenant and she was never short of prospective tenants. Ms Williams said that housing benefit is rent and she did not agree that in receiving rent she was exploiting service user A seeing as she would have had to pay it anyway. There was no financial gain as Ms Williams reduced the rent charged. Whilst she accepted that service user A was a vulnerable person, Ms Williams stated that she was not trying to exploit her but rather help support her and her family and keep them in the local area. There was no manipulation, power or control as that is not something she would do. Ms Williams was adamant she never stopped advocating for service user A and gave examples of how she had supported her and confirmed that she never prevented her from being admitted to hospital. She added that housing benefit would still have been paid for up to 52 weeks if someone was admitted into hospital.
40. Ms Williams confirmed that she wrote the letter JT 1 in the knowledge of Mr Tomety. From recollection she thought it was downloaded, printed, he was asked to sign it and then it was posted. She confirmed that Mr Tomety had access to service user A's electronic case record and would regularly go through it so would have been aware of the letter. Ms Williams also confirmed that from her recollection housing benefit would not have accepted an unsigned letter. Ms Williams acknowledged that as the care coordinator, she was likely to have been the one to change the address as per page 115 of the exhibit bundle. She stated that the system automatically recorded those who accessed the system.
41. Mr Tomety was Ms Williams' supervisor until he took retirement in 2012, and she did not recall having supervision with any other manager. Ms Williams said she had raised with

Mr Tomety that a staff member had purchased a car from a service user at a discounted rate and then sold the vehicle on. Mr Tomety had responded by saying it should be a safeguarding issue although, she was not aware of the outcome. Ms Williams said in that instance there was a conflict of interest because the staff member received financial gain.

42. Ms Williams said that if service user A's scenario happened again, she would ensure that everyone was aware of the arrangement so that both her and service user A were safeguarded. She said that this had occurred 17 years ago and she is now a different person. Mr Tomety was not a social worker nor was she receiving social work supervisions or reflecting on her practice, something that has now completely changed. Ms Williams confirmed that she has never received any complaints as a social worker, service user A never expressed displeasure at the arrangement and that if she had wanted to leave the property, she would not have been prevented from doing so.
43. In cross examination Ms Williams confirmed that she has good knowledge of a vulnerable person and the support they need. She accepted that at the material time service user A was on anti-psychotic drugs, had sleeping problems, experienced feeling fragile, appeared listless at times and suffered relapses. Her main vulnerability was her mental illness but her housing situation (homelessness) was a stressor and also had an impact on her vulnerability.
44. When referred to the guidance at page 345 of the final exhibits bundle, she acknowledged from the table displayed that people with capacity can be vulnerable. She agreed that this was the safeguarding policy at the time although stated that she was not part of the safeguarding team. As a care coordinator she accepted she had to be aware of safeguarding issues. Ms Williams conceded that even though she had capacity, service user A was vulnerable. She accepted that part of her job was to assist service user A in finding accommodation and that the way she carried out the arrangement breached professional boundaries. Ms Williams would not do things like this again as she now has insight into the social work policies and practices and those of her employer. She agreed that it was not part of her job description to provide accommodation to service user A and could see the perceived conflict of interest, in hindsight she would not repeat her actions.
45. Ms Williams confirmed that by 2011 service user A was aware that she was her landlord. During this time service user A had a problem with her benefits and Ms Williams accepted that her role would have been to assist service user A to have her housing benefit, reinstated. Ms Williams denied that at this point there would have been a conflict of interest, irrespective of the fact that Ms Williams was advocating for housing benefit money that would ultimately come to her. She stated there was no difference between service user A and any other service user.
46. She also denied using information she had from service user A to chase payments from housing benefits and ensure she was paid rents by DSP. Ms Williams said she did not financially gain from the arrangement as whilst she could have commanded a higher

rent, she reduced the rate and so rather suffered a loss. She maintained that her conduct was not exploitative but accepted that service user A was vulnerable and that rent was paid and received by herself. She accepted the contents of Ms Davies' statement and the assertions that during the period she received approximately [PRIVATE]. However, she stipulated that she had not gained money as service user A simply paid rent.

47. Ms Williams noted that the letting agents in the local catchment area had no suitable properties available for service user A. Also, the arrangement she has with DSP was such that they made the decision on who moved into her property. Ms Williams stated she recommended DSP to service user A because she knew them and believed they could assist service user A with the difficulties she was experiencing in finding suitable accommodation. Ms Williams refuted the idea that in having service user A in her property she was gaining guaranteed income. She remembered there was a period that housing benefit was stopped but she could not remember if she was still in post at the time.
48. When asked, Ms Williams confirmed that whilst accepting a deposit and advance would not have been exploitative, she chose not to do this. She confirmed she parted ways with DSP in 2009 and managed the property herself thereafter. Even though from 2009 the housing benefit was paid to her directly, Ms Williams still denied an actual conflict of interest, maintaining she could only see a perceived conflict. Despite Ms Williams's vast experience, she did not view the arrangement as an actual conflict and felt that the steps that she had taken were enough to mitigate any actual conflict of interest. She did not tell service user A from the outset because she did not want to influence her decision and could not see a power imbalance in the roles that she held as a care coordinator and landlord. Ms Williams confirmed that all care and support provided to service user A was as part of a multi-disciplinary team approach and that she fulfilled her role without issue.
49. Ms Williams denied that she had failed to be transparent with South London & Maudsley, prior to entering into the tenancy agreement with service user A. She maintained that she had sought advice from Mr Tomety. Ms Williams did however refer to the letter at exhibit JT 1, which she suggested indicated Mr Tomety was aware of the arrangement. She acknowledged that she had not been transparent with South London & Maudsley after entering into the tenancy agreement. Ms Williams stated that she was the one who notified service user A that she was the landlord when the relationship with DSP came to an end.
50. In response to questions posed by the Panel Ms Williams stated that she had never waived a deposit, guarantor or rent advance previously. She acknowledged that when she put service user A in touch with DSP, service user A attended on her own. And it was when it became apparent that hers was the only suitable property available that she spoke to Mr Tomety. Ms Williams said she did not remember if she told the agent about her professional relationship with service user A. She said that what she waived for service user A did not legally change the actual structure of the tenancy agreement.

51. Ms Williams said that she did not see any difference in her practice and treatment of service user A once she parted ways with DSP. She felt she treated her the same as other service users, and if any issues arose as a tenant, she responded as a landlady. Ms Williams said she could not remember service user A's response at being told she was the landlady. From reading through the exhibits and her recollection she could not see there was a change in service user A once she became aware of Ms Williams role as a landlady, she could not remember any awkwardness and the arrangement was only supposed to be for a short period of time.
52. She explained that in her understanding there was no actual conflict of interest because she was not providing housing or taking business away from South London & Maudsley. This was in addition to the protective steps she had taken of no deposit or advance rent. She also said she was very clear on her different roles and ensured that the dynamics did not change between her and service user A and that there was no overlap in the roles. If there was an actual conflict of interest, she would have had the intention to exploit service user A. She however acknowledged that without the intention to exploit, an actual conflict can still arise. Ms Williams explained that if she had persuaded service user A to take her property or prevented her from taking up any other accommodation then that would be an example of actual conflict.
53. The multi-disciplinary team meetings that took place were not focussed on service user A's accommodation needs and so there was no discomfort for Ms Williams even though she was service user A's landlord.
54. In response to questions arising from Ms Omotosho, Ms Williams explained that the arrangement was supposed to be temporary, and she had in her mind approximately 1 or 2 years. She also indicated that she did attend upon the property a few times outside of work and that these are not captured in her work notes because she was acting as a landlord. Ms Williams was clear that in her role as landlord there was nothing to suggest her judgement was compromised towards service user A. She said it might be so if a person did not have the same integrity, experience and history that she herself had as a care coordinator.
55. Finally in response to Ms Fitzgerald, Ms Williams confirmed that there was no actual conflict in her view because she was never conflicted in the 2 different roles she held. She was never conflicted so never acted contrary to the role as care coordinator.

Submissions

56. Ms Omotosho made closing submissions in which she recapped the case on behalf of Social Work England. She noted that allegation 1a had been proven by way of Ms Williams's admission as had 1b in relation to the matter of a perceived conflict of interest. Ms Omotosho invited the Panel to go further in respect of allegation 1b and find that there had been an actual conflict of interest. She invited the Panel to find that the remaining allegations should be found proven. Ms Omotosho clarified that 'coercion' was not the basis of the allegation in relation to 1c (i), but that the

relationship was exploitative in nature. She urged the Panel to place little weight on service user A's son's witness statement as it contained multiple hearsay.

57. Ms Fitzgerald reiterated the standard of proof in closing and asked the Panel to turn their minds to the material period in considering the allegations. She outlined the admissions as made by Ms Williams and added that the additional allegations should not be found proved. The case for Ms Williams was recapped and it was submitted that allegation 1b was only a perceived conflict of interest as there is no evidence to suggest she was conflicted in her two roles as landlord and care coordinator. She highlighted the contents of the statement of service user A's son and submitted that it supported the fact that Ms Williams had dealt with service user A appropriately and there was nothing in the evidence to suggest her work as a care coordinator was compromised, she never stopped advocating for or acting in her best interests so there was no actual conflict.
58. Service user A's vulnerability was not in of itself indicative that the relationship was exploitative and there was no other evidence to suggest exploitation. Ms Williams' motivation was to support service user A and aid her in keeping her family together locally and this desire was borne out of her personal experiences and the work that she had undertaken in various roles. She did not gain an unfair advantage and had actually suffered loss as she was disadvantaged by renting to service user A.
59. It was submitted that Ms Williams raised the issue of renting with Mr Tomety prior to the arrangement and as there was no relevant policy at the time. It was however accepted that she did not notify South Maudsley & London after the property had been rented to service user A. The Panel was invited to find her a credible witness with supporting evidence and as such the allegations have not been proved to the requisite standard.

Finding and reasons on facts:

60. The panel accepted the advice of the legal adviser, who reminded it where facts have been admitted they are to be found proved. Where facts are in dispute the Panel is required to go on to decide those facts. The burden to prove each allegation rests with Social Work England and the Panel must be satisfied on the balance of probabilities.
61. The Panel considered the hearsay evidence of Ms Davies and accepted that it was a 'production statement' written by a professional, backed by a statement of truth and as such it was afforded full weight. It also accepted the hearsay evidence of Mr Brown and afforded it full weight for the same reasons.
62. In considering the hearsay evidence of service user A's son the Panel noted that he was repeating what he had been told by his mother. It however considered that he is the eldest child of service user A and that he was present at the material time and the Panel saw no reason why his account would be fabricated or that he would have felt pressured into supporting Ms Williams. It decided that it would be afforded full weight.
63. In reaching its decision the Panel considered all of the evidence before it and the evidence from the live witnesses.

Particular 1a

Between, on or around December 2008 and December 2012, whilst acting as Care Coordinator for Service User A, you let a property (“the Property”) to Service User A, which: breached professional boundaries; and

64. The Panel found this allegation proven under Rule 32 of the Fitness to Practise Rules 2019 (as amended) by virtue of Ms Williams’s admission that she has breached professional boundaries.

Particular 1b

Between, on or around December 2008 and December 2012, whilst acting as Care Coordinator for Service User A, you let a property (“the Property”) to Service User A, which: caused an actual or perceived conflict of interest; and

65. The Panel found this allegation proven under Rule 32 of the Fitness to Practise Rules 2019 (as amended) by virtue of Ms Williams’ admission that she had caused a perceived conflict of interest.
66. The Panel additionally found Ms Williams had caused an actual conflict of interest. It decided that by being both a care coordinator and a landlord and receiving money from service user A whether directly or indirectly, an actual conflict had arisen. The Panel acknowledged Ms Williams’ positive motivation and good intent but decided this did not negate her actions. It was incumbent upon Ms Williams to be open and transparent and she would have had ample opportunity to do so; she should have had a formal discussion with Mr Tomety and the informal conversation she alleges took place did not suffice. Further, the Panel was satisfied that notwithstanding the evidence given the fact Ms Williams participated in multi-disciplinary meetings and failed to disclose that she was service user A’s landlord was in itself indicative of there being an actual conflict of interest.

Particular 1c(i)

Between, on or around December 2008 and December 2012, whilst acting as Care Coordinator for Service User A, you let a property (“the Property”) to Service User A, which: was exploitative in nature, in that: service user A was vulnerable; and/or

67. The Panel did not find this allegation proved. It noted that although Ms Williams accepted that service user A was vulnerable, Social Work England had failed to prove the exploitative element of the allegation. The Panel took note of the qualified position adopted by Social Work England that the element of ‘coercion’ was not identified as an underlying factor in the bringing of this allegation. In view of this the Panel looked towards the common dictionary definition of ‘exploitative’ which refers to “*treating somebody unfairly in order to gain an advantage or to make money*”. The Panel determined that the motivation of Ms Williams was intended to be supportive of service user A and her family. It concluded that it had not seen any evidence to suggest service user A had been treated unfairly in order to gain an advantage. The Panel also noted

that the 2017 safeguarding enquiry found no evidence of harm to service user A and that she had refused to participate in the investigation. Further, the witness statement of service user A's son was clear that no exploitation occurred. It also acknowledged that Ms Williams had sought to assist service user A as opposed to seeking to cause her harm.

Particular 1c(ii)

Between, on or around December 2008 and December 2012, whilst acting as Care Coordinator for Service User A, you let a property ("the Property") to Service User A, which: was exploitative in nature, in that: you stood to gain financially from the arrangement.

68. The Panel did not find this allegation proved. As in particular 1c(i) above, the Panel considered the dictionary definition of the term 'exploitative'. Ms Williams did not use service user A unfairly in a way to make money or cause harm. It accepted that whilst she gained financially it could not find that it was exploitative in nature. The Panel accepted Ms Williams' evidence that if she had rented her house out privately, she would have been likely to have received more rent than she did by letting service user A rent the property.

Particular 2

You did not tell your employer at the time, South London and Maudsley NHS Foundation Trust, about renting a property you owned to Service User A and raise a potential conflict of interest.

69. The Panel found this charge proven. The Panel carefully considered this allegation and was satisfied that Ms Williams had ample opportunities to tell South London & Maudsley about the arrangement. It noted the conflicting evidence of Mr Tomety and Ms Williams as to the alleged informal discussion and concluded that irrespective of whether any such conversation occurred, only a formal documented notification of the arrangement would have sufficed. The Panel additionally decided that JT 1 contained no information which would suggest that Ms Williams had or was informing South London & Maudsley that she was the landlord of service user A or that Mr Tomety had any knowledge of any such arrangement. It was satisfied that Ms Williams was professionally bound to tell her employer and raise the potential of a conflict of interest and that she failed to do so in an appropriate manner or at all.

Finding and reasons on grounds:

70. Ms Omotosho made submissions as set out in Social Work England's statement of case and addressed the Panel on the standards it believed Ms Williams had breached. The Panel was invited to find her conduct was serious in nature and as such amounted to the statutory ground of misconduct.

71. Ms Fitzgerald on behalf of Ms Williams submitted that during the material period there was a lack of clarity and no specific policy that covered Ms Williams' circumstances, and as such her actions did not necessarily amount to misconduct.
72. The Panel heard and accepted the advice of the legal adviser. The panel was reminded that the question of misconduct is a matter for its judgement and 'that the 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' as per Roylance v General Medical Council (No 2) 2000 1 AC 311. In line with Roylance the Panel was advised to decide for itself the professional standards it believed Ms Williams had breached.
73. The Panel was clear that Ms Williams' actions as set out in particulars 1a, 1b, and 2 all of which it found proven, amounted to misconduct. It was wholly satisfied that Ms Williams had departed from the professional standards expected of her and these actions were serious in nature.
74. The Panel decided that Ms Williams had breached the following standards;

HCPC Standards of Conduct, Performance and Ethics (2012):

3 You must keep high standards of personal conduct.

13 You must behave with [...] integrity and make sure that your behaviour does not damage the public's confidence in you or your profession.

Health and Care Professionals Council (HCPC) Standards of Proficiency (2012)

2.5 be able to manage competing or conflicting interests.

3.4 be able to establish and maintain personal and professional boundaries.

General Social Care Council (GSCC) Code of Practice for Social Care Workers (September 2004)

2.6 Declaring issues that might create conflicts of interest and making sure that they do not influence your judgement or practice.

3.8 Recognising and using responsibly the power that comes from your work with service users and carers.

5.4 You must not form inappropriate personal relationships with service users.

5.8 You must not behave in a way, in work or outside work, which would call into question your suitability to work in social care services.

- 75. Ms Williams exhibited poor judgement outside of her professional life in deciding to take up both the role of a care coordinator and landlord to service user A. This led to her breaching professional boundaries and failing to observe the standards of personal and professional conduct expected.
- 76. The panel therefore concluded the facts found proved amounted to misconduct.

Finding and reasons on current impairment:

- 77. On the question of impairment, Ms Omotosho referred to Social Work England's Impairment and Sanctions Guidance dated (19 December 2022). She submitted there was insufficient insight and that Ms Williams had breached professional boundaries and brought the profession into disrepute. The Panel was asked to find that Ms Williams is currently impaired.
- 78. Ms Fitzgerald submitted that Ms Williams is not impaired and set out that this could still be the case even in the event the Panel found misconduct. She submitted that there had been a long passage of time since the incident and that Ms Williams recognised the errors she had made. Attention was drawn to Ms Williams' unblemished career and the excellent references that indicate she has been professional since the incident.
- 79. The Panel heard and accepted the advice of the legal adviser, who referenced Cohen v GMC [2008] EWHC 581 (Admin) in that it should consider if the conduct is easily remediable, has already been remediated, and that it is highly unlikely to be repeated. Further, as per the case of Council for Healthcare and Regulatory Excellence v NMC and Grant [2011] EWHC 927 (Admin) the Panel was reminded to consider the following questions; a) If Ms Williams has in the past acted and/or is liable in the future to act so as to put a service user at unwarranted risk of harm; and/or b) has Ms Williams in the past and/or is she liable in the future to bring the profession into disrepute; and/or c) has Ms Williams in the past breached and/or is she liable in the future to breach one of the fundamental tenets of the profession. Finally, the Panel was also reminded of Social Work England's Impairment and Sanctions Guidance.
- 80. In determining the question of Ms Williams' current fitness to practise the Panel first considered the personal element of impairment. The Panel was satisfied that there was no actual harm to service user A. It decided that the passage of time (approximately 17 years) coupled with Ms Williams' high quality practice to date as evidenced by the testimonials, made the risk of repetition highly unlikely. It noted that the regulatory landscape had developed considerably and that Ms Williams had undertaken training, continuing professional development, reflective practice and developed her insight (even though she failed to acknowledge an actual conflict of interest) over the years. Additionally, the Panel acknowledged Ms Williams' engagement with the fitness to practise process and participation at the hearing. The Panel determined that Ms

Williams had demonstrated that she had sufficiently remediated the shortfalls in her practice. The Panel therefore concluded that Ms Williams was no longer personally impaired.

81. On the public element of impairment, the Panel was clear that Ms Williams in breaching professional boundaries and causing an actual conflict of interest had brought the profession into disrepute. The Panel noted that whilst Ms Williams' actions did not cause actual harm, they put service user A at an unwarranted risk of harm. In failing to acknowledge the breach of professional boundaries and the actual conflict of interest, Ms Williams failed to act with integrity by keeping the fact that she was service user A's landlord from South London & Maudsley. Ms Williams also failed to inform the multi-disciplinary team members with whom she attended meetings relating to the provision of care for service user A. Ms Williams should have sought to manage the risk of harm by being open and transparent, given that she had ample opportunity to do so.
82. The Panel was satisfied an informed and reasonable member of the public would be concerned if there were no finding of impairment. Any such finding would substantially reduce the public's confidence in the social work profession. The panel concluded that the finding of public impairment was necessary to uphold the public's confidence.

Decision and reasons on sanction:

83. Ms Omotosho made submissions on sanction and asked the Panel to refer to the Impairment and Sanctions Guidance when coming to its decision. She said that Social Work England seeks a suspension order as this is the most appropriate sanction to protect the public and to maintain confidence in the profession and ensure professional standards are maintained. She invited the Panel to reconsider its finding on the undermining of public confidence. It was submitted no further action, advice and a warning are not proportionate given the serious nature of the conduct. Ms Omotosho also stated that in the absence of the Panel finding Ms Williams personally impaired, a conditions of practice order would not be workable as no appropriate conditions could be formulated. She acknowledged that this case falls short of a removal from the Register.
84. Ms Fitzgerald referred to the Impairment and Sanctions Guidance and submitted the appropriate sanction is that of a warning order of 3 or 5 years. She noted Ms Williams is not a current risk to the public, the conduct was isolated, there is a low risk of repetition and insight has been demonstrated. She submitted a conditions of practice order would effectively amount to a suspension given that Ms Williams is an agency worker and this will negatively impact on her ability to find work. Also, it was highlighted that Ms Williams has been working continuously without issue. A suspension order would be disproportionate given a warning would be sufficient to satisfy the public interest.
85. The Panel accepted the advice of the legal adviser who reminded it that the purpose of a sanction was not to punish Ms Williams but to protect the public and the wider public interest. The Panel was reminded of the sanctions available and of the need to consider any aggravating and mitigating factors it sees fit. The Panel was also asked to ensure

that when considering sanctions, it begins with the lowest sanction and moves through all the available sanctions in ascending order of seriousness, before identifying the sanction it agrees is sufficient to protect the public and maintain confidence in the profession and uphold professional standards. The Panel carefully considered the Impairment and Sanction Guidance.

86. The panel identified the following mitigating factors;

- insight
- remorse
- early admission of the facts
- the successful completion of education or training courses
- personal hardship
- absence of previous and subsequent fitness to practice history
- evidence of good character in the form of testimonials
- lack of social work-led support and supervision
- genuine but misguided attempt to assist service user A

87. The panel identified the following aggravating factors;

- risk of harm to service user A and her family
- persistent failure to inform South London & Maudsley and the multi-disciplinary team

No action and Advice

88. The Panel decided that neither no action or advice were appropriate as it had found Ms Williams had breached professional standards and this gave rise to public interest considerations.

Warning Order

89. The Panel considered paragraph 107 of the Impairment and Sanction Guidance and determined that it was an isolated incident within a career spanning approximately 24 years. It decided that whilst Ms Williams does not pose a current risk to the public, there had been a breach of professional standards. It felt that a warning would be sufficient and serve to convey the disapproval with which Ms Williams' conduct was viewed. It decided that there was a low risk of repetition given Ms Williams' current insight and overall development.

90. 1 year order;

The Panel noted paragraph 110 of the Impairment and Sanctions Guidance which states “1 year may be appropriate for an isolated incident of relatively low seriousness. In these cases, the primary objective of the warning is to highlight the professional standards expected of social workers”. It was satisfied that 17 years had passed since the incident and there was no other evidence of any other regulatory concerns. The Panel acknowledged that at the time, the incident was serious, but agreed that Ms Williams had sufficiently addressed the concerns around her conduct and it was satisfied remediation had occurred and that the conduct was unlikely to be repeated.

91. 3 year order;

The Panel decided that a 1 year warning was the least restrictive order that was sufficient to ensure public confidence was maintained and professional standards observed. It was satisfied that Ms Williams had already demonstrated she has addressed any risk of repetition.

92. 5 year order;

The Panel determined that this was not a case that fell only marginally short of requiring the restriction of Ms Williams’ practice. It was satisfied a 5 year warning is disproportionate given that a 1 year warning effectively maintains public confidence and highlights the professional standards.

Conditions of practice

93. The Panel concluded that a conditions of practice order would not be appropriate as it would be disproportionate and impractical in these circumstances. It noted that the concerns are attitudinal in nature and have since been sufficiently addressed. It also acknowledged Ms Williams is an agency worker and that the imposition of a conditions of practice order would be tantamount to a suspension as it would effectively act as a barrier to her securing employment. The Panel was satisfied that Ms Williams does not pose a risk of harm to the public, her conduct has been remediated and is unlikely to reoccur. It noted she has continued to practise without issue since the incident and the Panel was not of the view that she required the imposition of any conditions on her ability to practise.

Suspension Order

94. The Panel determined that a suspension order would be disproportionate as it had not found impairment on public protection grounds. Also, Ms Williams has demonstrated insight and remediation so no purpose would be served through a suspension.

Removal Order

95. The Panel was clear that a removal order was an unnecessary and disproportionate sanction in the circumstances.

Right of appeal:

96. 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.
97. 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.
98. 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.
99. 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:

100. 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
101. 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:

102. 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>.