

Social worker: Richard Lohman

Registration number: SW33443

Fitness to Practise

Final Order Review hearing

Date of hearing: 22 April 2025

hearing venue: Remote hearing

Final order being reviewed:

Conditions of practice order (expiring 03 June 2025)

Hearing outcome:

Extend the current conditions of practice order for a further 9 months with effect from the expiry of the current order

Introduction and attendees:

1. This is the third review of a final suspension order originally imposed for a period of 12 months by a panel of adjudicators on 08 November 2022. At the first review on 31 October 2023 the suspension order was replaced by a conditions of practice order for a period of 12 months. At the second review on 23 October 2024 the conditions of practice order was extended for a period of 6 months.
2. Mr Lohman attended and was not represented.
3. Social Work England was represented by Ms Adjei-Ntow, case presenter instructed by Capsticks LLP.

Adjudicators	Role
Claire Cheetham	Lay Chair
Julie Brown	Social worker adjudicator

Hearings team/Legal adviser	Role
Poppy Muffett	Hearings officer
Chiugo Eze	Hearings support officer
Ruksana Kosser	Legal adviser

Preliminary matters:

4. Ms Adjei-Ntow applied for part of the hearing to take place in private as there was information contained within the documents regarding Mr Lohman's health. Mr Lohman opposed the application. Mr Lohman submitted that he should have the right to decide whether personal information relating to him should be in private or not and that he was content for the hearing to be held in public.
5. The panel accepted the advice of the legal adviser who referred to rules 37 and 38 of Social Work England's Fitness to practise Rules 2019 (as amended).
6. The panel noted that in accordance with rule 37, Social Work England hearings usually take place in public, subject to the discretion to depart from that principle provided for in rules 38(a) and (b) of the Social Work England Fitness to Practise Rule ("FTP Rules 2019"), namely;

"(a) A hearing, or part of a hearing, shall be held in private where the proceedings are considering:

(i) whether to make or review an interim order; or

(ii) the physical or mental health of the registered social worker.

(b) The regulator, or adjudicators as the case may be, may determine to hold part or all of the proceedings in private where they consider that to do so would be appropriate having regard to:

(i) the vulnerability, interests or welfare of any participant in the proceedings; or

(ii) the public interest including in the effective pursuit of the regulator's overarching objective."

7. The panel also noted that the last review hearing was held wholly in private as there was information in relation to Mr Lohman's health.
8. The panel was therefore satisfied that it was appropriate that part of this hearing should be held in private where there is mention of health issues in relation to Mr Lohman's health or private life in accordance with Rule 38.
9. The chair confirmed that all parties were in receipt of the hearing bundle (272 pages) and the service and supplementary bundle (66 pages). The panel also acknowledged the additional evidence submitted by Mr Lohman today.

Review of the current order:

10. This final order review hearing is taking place under Paragraph 15(1) of Schedule 2 of The Social Workers Regulations 2018 (as amended) and Social Work England's Fitness to Practise Rules 2019 (as amended).
11. The current order is due to expire at the end of 03 June 2025.

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

1. *Whilst registered as a social worker;*
 1. *On or around 9 November 2017, during the course of your employment with Oxford Health NHS Foundation Trust:*
 - 1.1 *You attempted to administer medication to Service User A:*
 - i. *When you were not authorised and / or not competent to do so;*
 - ii. *When Service User A was intoxicated;*
 - 1.2. *You did not follow a reasonable management request from Colleague A, in that you did not go home when first requested to do so.*
 2. *You suffer from an adverse health condition as set out in Schedule 1 which impacts on your ability to practise as a social worker.*
- The matters at allegation 1 above amount to the statutory ground of misconduct.*

The matters at allegation 2 above amount to the statutory ground of adverse physical or mental health.

Your fitness to practise is impaired by reasons of your misconduct and / or your adverse physical or mental health

Schedule 1:

Complex Post traumatic stress disorder (PTSD)

The previous final order review panel on 23 October 2024 determined the following with regard to impairment:

12. [PRIVATE]
13. The panel noted that one of the triggers leading to the original allegations related to Mr Lohman feeling that he was not sufficiently supported at work.
14. The panel concluded that members of the public would be very concerned if Mr Lohman was permitted to return to practise as a social worker with no restrictions in place and there would be an adverse impact on public confidence if this took place.
15. *The panel therefore concluded that Mr Lohman's fitness to practise remains impaired on the grounds of public protection and in the wider public interest to uphold trust or confidence in the profession."*

The previous final order review panel on 23 October 2024 determined the following with regard to sanction:

Take no further action/advice/warning

16. "The panel noted that none of these sanctions would restrict Mr Lohman's ability to practise. As such they were not appropriate or sufficient to address the concerns raised due to the nature of Mr Lohman's impairment which has not yet been remedied.
17. Furthermore, none would be sufficient to protect the public, maintain public confidence and uphold the reputation of the profession."

Extend the current conditions of practice order with effect from the expiry of the current order:

18. "The panel took the view that Mr Lohman's impairment is potentially capable of being remedied and was satisfied that appropriate, workable conditions could be formulated, taking account of Mr Lohman's progress since the last order.
19. The panel decided to impose a conditions of practice order of 6 months. This would permit any prospective employer to provide two reports for the next substantive review and for Mr Lohman to take action to demonstrate that he could manage stress in the workplace, whether in the field of social work or in other roles such as voluntary work which would draw on his social work skills or training.

20. The panel further considers that any future panel would be greatly assisted by testimonials from any paid or unpaid work.
21. The panel decided to remove some conditions of practice order proposed by Social Work England and to vary others in order to recognise the progress made by Mr Lohman and also to address his current impairment.
22. The panel decided that the following conditions of practice would be necessary and adequately protect the public and the wider public interest as well as being practical and sufficient.”

Conditions of practice order:

23. “The panel determined to impose the following conditions of practice:

- 1. You must notify Social Work England within 10 days of any professional appointment you accept or are currently undertaking and provide the contact details of your employer, agency or any organisation with which you have a contract or arrangement to provide social work services, whether paid or voluntary.*

- 2. You must allow Social Work England to exchange information with your employer, agency or any organisation with which you have a contract or arrangement to provide social work or educational services, and any reporter or workplace supervisor referred to in these conditions.*

- 3.*

- a. At any time you are providing social work services, which require you to be registered with Social Work England, you must agree to the appointment of a reporter nominated by yourself and approved by Social Work England. The reporter must be on Social Work England’s register.*

- b. You must not start or continue to work until these arrangements have been approved by Social Work England.*

- 4. You must provide reports from your reporter to Social Work England every 3 months and at least 14 days prior to any review. Social Work England will make these reports available to any workplace supervisor referred to in these conditions (if the workplace supervisor is not the same person as your reporter) on request. The report should include:*

- a. your overall performance as a social worker; and*

- b. [PRIVATE]*

- 5. You must inform Social Work England within 7 days of receiving notice of any formal disciplinary proceedings taken against you from the date these conditions take effect.*

6. You must inform Social Work England within 7 days of receiving notice of any investigations or complaints made against you from the date these conditions take effect.

7. You must inform Social Work England if you apply for social work employment/self-employment (paid or voluntary) outside England within 7 days of the date of application.

8. You must inform Social Work England if you are registered or subsequently apply for registration with any other UK regulator, overseas regulator or relevant authority within 7 days of the date of application (for future registration) or 7 days from the date these conditions take effect (for existing registration).

9.

a. At any time you are employed, or providing social work services, which require you to be registered with Social Work England; you must place yourself and remain under the supervision of a workplace supervisor nominated by yourself and agreed by Social Work England. The workplace supervisor must be on Social Work England's register. (The workplace supervisor should wherever possible be the same person as the reporter referred to in condition 3a above).

b. You must not start or continue to work until these arrangements have been approved by Social Work England.

10. You must meet with your workplace supervisor or temporary supervisor every month as a minimum. The discussion should include:

a. your performance as a social worker, and

b. [PRIVATE]

11. You must provide reports from your workplace supervisor to Social Work England every 3 months and at least 14 days prior to any review, and Social Work England will make these reports available to any reporter referred to in these conditions on request.

12. [PRIVATE]

13. [PRIVATE]

a. You must make arrangements for the testing of breath/urine for the recent and long-term ingestion of alcohol and/or other drugs (e.g., Cannabis). You will be responsible for the cost of this testing.

b. You must provide test results to Social Work England at least 14 days prior to any review.

14. [PRIVATE]

a. You must limit your alcohol consumption in accordance with any health professional's advice, abstaining absolutely if required.

15. [PRIVATE]

16. You must provide a written copy of your conditions within 10 days from the date these conditions take effect, to the following parties confirming that your registration is subject to the conditions listed at (1) to (15) above;

- Any organisation or person employing or contracting with you to undertake social work services whether paid or voluntary.*
- Any locum, agency or out-of-hours service you are registered with or apply to be registered with in order to secure employment or contracts to undertake social work services whether paid or voluntary (at the time of application).*
- Any prospective employer who would be employing or contracting with you to undertake social work services whether paid or voluntary (at the time of application).*
- Any organisation, agency or employer where you are using your social work qualification/knowledge/skills in a non-qualified social work role, whether paid or voluntary*

You must forward written evidence of your compliance with this condition to Social Work England within 14 days from the date these conditions take effect."

17. You must permit Social Work England to disclose the above conditions, 1-4a, 5-10a, 11, and 16 to any person requesting information about your registration status.

Social Work England submissions:

24. The panel today heard submissions from Ms Adjei-Ntow as to the background and the previous panel's findings in relation to impairment and sanction.
25. Ms Adjei-Ntow invited the panel to extend the conditions of practice order for a further 9 months.
26. Ms Adjei-Ntow acknowledged that Mr Lohman has complied with the conditions in so far as they have been in effect. Furthermore, upon receipt of the final tests and reports from Turning Point dated 26 March 2025, Social Work England has reviewed its position with regards to the continuation of condition 13. [PRIVATE]
27. Ms Adjei-Ntow submitted that in light of this, the panel may consider that condition 13 is no longer necessary. [PRIVATE]
28. Ms Adjei-Ntow stated that in the last review the panel had remarked that a future panel would be assisted by testimonials from any paid or unpaid work. However, Mr Lohman

has not undertaken any social work role so as to demonstrate compliance with most of the conditions. There is no other evidence of relevant experience or work undertaken by Mr Lohman during the Order so far, and so no evidence of current safe and effective practice. Ms Adjei-Ntow accepted that Mr Lohman may be limited in his availability for work because of his caring commitments and being preoccupied with the sale of his house.

29. Ms Adjei-Ntow acknowledged that since the notice of the hearing was sent out Mr Lohman has provided evidence of his attempt to secure voluntary work. But this is in its early stages and Mr Lohman is still in the process of securing a placement.
30. Ms Adjei-Ntow submitted that a further period of conditions would allow Mr Lohman a reasonable period to find work, such that any conditions can be adhered to, and his ability to manage a stressful work environment can be demonstrated in practice.
31. Ms Adjei-Ntow further submitted that the need for learning, reflection and demonstration of safe practice remains. Overall, the current Conditions of Practice Order continues to be necessary and is the proportionate way to ensure a safe return to practice.
32. Ms Adjei-Ntow invited the panel to find that Mr Lohman's fitness to practise remains impaired until such time as Mr Lohman can provide evidence of managing his stress during paid or unpaid work, and that he can show that he is capable of safe and effective practice.

Social worker submissions:

33. Mr Lohman referred to his written submission dated 7 April 2025 and made brief submissions.
34. [PRIVATE]
35. Mr Lohman stated that he understood and found it reasonable that the other conditions remain in place until a report can be provided to Social Work England from voluntary or paid part time work that has taken place. When asked by the panel about the length of the order, Mr Lohman stated that he agreed with Social Work England that 9 months would be appropriate as it would give him time to sort out any work placement and be able to carry out any work whether paid or voluntary, considering the time it may take for his house sale to complete, and bearing in mind his caring commitments.
36. Mr Lohman stated that he was progressing his application as a volunteer with the Iranian Community Network charity and that he had been offered and agreed to attend an event on the 28 May 2025.
37. Mr Lohman stated that in respect of his application to Oxfam as a volunteer, as part of the application he was requested to provide a reference from a supervisor from the last two years. As he has not worked for some time now, unfortunately he is not able to provide this and is therefore no longer able to pursue this.

38. Mr Lohman stated that at present he is registered with one social work agency and had only received one response. Mr Lohman believed that the limited offer of work was due to restrictions placed upon him because of his conditions of practice order. Mr Lohman stated that he was hopeful to go back to his former employer Oxford Social Services, but although he had contacted them, he had not received any response from them.

Panel decision and reasons on current impairment:

39. In considering the question of current impairment, the panel undertook a comprehensive review of the final order in light of the current circumstances. It took into account the decision of the previous panels. However, it has exercised its own judgement in relation to the question of current impairment. The panel also took into account Social Work England's 'Impairment and sanctions guidance'.

40. The panel had regard to all of the documentation before it, including the decision and reasons of the previous review panel and the new documentation provided by Mr Lohman.

41. The panel also took account of the submissions made by Ms Adjei-Ntow on behalf of Social Work England and those made by Mr Lohman.

42. The panel accepted the advice of the legal adviser, which it incorporated into the decision set out below.

43. The panel reminded itself of its powers under Paragraph 15 of schedule 2, part 5 of the Social Worker Regulations 2018.

44. The panel also reminded itself of the importance of a review hearing, and it followed the sequence of decision making set out by Blake J in *Abrahaem v General Medical Council* [2008] EWHC 183:

- Address whether the fitness to practise is impaired before considering the appropriate sanction.
- Whether all the concerns raised in the original finding of impairment have been sufficiently addressed to the panel's satisfaction.
- In practical terms there is a persuasive burden on the practitioner at a review to demonstrate that he or she has fully acknowledged why past professional performance was deficient and through insight, application, education, supervision, or other achievement sufficiently addressed the past impairments.

45. The panel had regard to the over-arching objective of protecting the public which involves the pursuit of the following objectives:

- To protect, promote and maintain the health, safety, and well-being of the public.
- To promote and maintain public confidence in the profession.

- To promote and maintain proper professional standards of conduct for members of the profession.

46. The panel first considered whether Mr Lohman's fitness to practise remains impaired. It kept in mind that there had already been a finding of impairment, and the panel considered whether Mr Lohman had demonstrated that he had taken sufficient steps to allay the concerns of the previous panel.

47. [PRIVATE]

48. Furthermore, Mr Lohman has also shared his conditions of practice with his employment agency on 6 December 2024 and in his recent attempts to find voluntary work. He has provided evidence of his attempts to keep his skills and knowledge up to date and to maintain his CPD.

49. However, the panel noted that in the previous reviews, concern remained as to how Mr Lowman would manage stress as this had not been tested in the workplace as he had not worked for a number of years. The panel was of the view that the risk of repetition had not been tested.

50. The purpose of previous panels extending the Conditions of Practice Order was to allow Mr Lowman to find prospective employment (paid or voluntary) and for Mr Lohman to take action to demonstrate that he could manage stress in the workplace, whether in the field of social work or in other roles such as voluntary work which would draw on his social work skills or training. This would permit any prospective employer to provide reports and testimonials to assist future panels.

51. The panel today acknowledged that because of Mr Lohman's caring commitments and being preoccupied with the sale of his property, he had not been able to fully engage himself in finding work. However, the panel was encouraged by the efforts made by Mr Lohman in trying to secure voluntary work Oxfam and the Iranian Community Network charity.

52. The panel concluded that Mr Lohman's ability to manage stress remained untested, because he had not undertaken any paid or unpaid work since the last review. The panel was not satisfied that Mr Lohman had discharged the persuasive burden upon him that he had sufficiently addressed all of the outstanding concerns. The panel therefore considered that the risk to the public remained.

53. The panel therefore concluded that Mr Lohman's fitness to practise remains impaired, having regard to both the personal and the public interest, for the same reasons as the previous panels.

Decision and reasons on sanctions:

54. Having found Mr Lohman's fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel had regard to

the submissions made along with all the information and accepted the advice of the legal adviser.

55. The panel considered the submissions made by Ms Adjei-Ntow, on behalf of Social Work England, during which she invited the panel to continue the current conditions of practice order. It noted the submissions made by both Ms Adjei-Ntow and Mr Lohman that the panel should consider removing condition 13 [PRIVATE]
56. The panel also took into account the 'Impairment and sanctions guidance' published by Social Work England.
57. The panel was mindful that the purpose of any sanction is not to punish Mr Lohman, but to protect the public and the wider public interest. The public interest includes maintaining public confidence in the profession and Social Work England as its regulator and by upholding proper standards of conduct and behaviour. The panel applied the principle of proportionality by weighing Mr Lohman's interests with the public interest.

Take no further action/advice/warning

58. The panel noted that none of these sanctions would restrict Mr Lohman's ability to practise. As such they were not appropriate or sufficient to address the concerns raised due to the nature of Mr Lohman's impairment which has not yet been demonstrably remedied.

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

59. The panel went on to consider extending the conditions of practice order. The panel took the view that Mr Lohman's impairment was still capable of being remedied and was satisfied that a conditions of practice order was the appropriate order, taking account of Mr Lohman's progress since the last order.
60. The panel decided to extend the conditions of practice order for 9 months. This would permit any prospective employer to provide reports for the next substantive review and for Mr Lohman to take action to demonstrate that he could manage stress in the workplace, whether in the field of social work or in other roles such as voluntary work which would draw on his social work skills or training.
61. As Mr Lohman had consistently provided negative results, the panel felt that condition 13 relating to the testing was no longer necessary and therefore could be removed. All the other conditions remain.
62. The panel further considers that any future panel would be greatly assisted by testimonials from any paid or unpaid work and evidence of Mr Lohman's engagement with community services [PRIVATE]

63. The panel decided that the following conditions of practice would be necessary and adequately protect the public and the wider public interest as well as being practical and sufficient and address the concerns.

Conditions of practice order:

64. The panel determined to impose the following conditions of practice:

1. You must notify Social Work England within 10 days of any professional appointment you accept or are currently undertaking and provide the contact details of your employer, agency or any organisation with which you have a contract or arrangement to provide social work services, whether paid or voluntary.

2. You must allow Social Work England to exchange information with your employer, agency or any organisation with which you have a contract or arrangement to provide social work or educational services, and any reporter or workplace supervisor referred to in these conditions.

3.

a. At any time you are providing social work services, which require you to be registered with Social Work England, you must agree to the appointment of a reporter nominated by yourself and approved by Social Work England. The reporter must be on Social Work England's register.

b. You must not start or continue to work until these arrangements have been approved by Social Work England.

4. You must provide reports from your reporter to Social Work England every 3 months and at least 14 days prior to any review. Social Work England will make these reports available to any workplace supervisor referred to in these conditions (if the workplace supervisor is not the same person as your reporter) on request. The report should include:

a. your overall performance as a social worker; and

b. [PRIVATE]

5. You must inform Social Work England within 7 days of receiving notice of any formal disciplinary proceedings taken against you from the date these conditions take effect.

6. You must inform Social Work England within 7 days of receiving notice of any investigations or complaints made against you from the date these conditions take effect.

7. You must inform Social Work England if you apply for social work employment/self-employment (paid or voluntary) outside England within 7 days of the date of application.

8. You must inform Social Work England if you are registered or subsequently apply for registration with any other UK regulator, overseas regulator or relevant authority within 7 days of the date of application (for future registration) or 7 days from the date these conditions take effect (for existing registration).

9.

a. At any time you are employed, or providing social work services, which require you to be registered with Social Work England; you must place yourself and remain under the supervision of a workplace supervisor nominated by yourself and agreed by Social Work England. The workplace supervisor must be on Social Work England's register. (The workplace supervisor should wherever possible be the same person as the reporter referred to in condition 3a above).

b. You must not start or continue to work until these arrangements have been approved by Social Work England.

10. You must meet with your workplace supervisor or temporary supervisor every month as a minimum. The discussion should include:

a. your performance as a social worker, and/or

b. [PRIVATE]

11. You must provide reports from your workplace supervisor to Social Work England every 3 months and at least 14 days prior to any review, and Social Work England will make these reports available to any reporter referred to in these conditions on request.

12. [PRIVATE]

13. [PRIVATE]

You must limit your alcohol consumption in accordance with any health professional's advice, abstaining absolutely if required.

14. [PRIVATE]

15. You must provide a written copy of your conditions within 10 days from the date these conditions take effect, to the following parties confirming that your registration is subject to the conditions listed at (1) to (15) above;

- Any organisation or person employing or contracting with you to undertake social work services whether paid or voluntary.*
- Any locum, agency or out-of-hours service you are registered with or apply to be registered with in order to secure employment or contracts to undertake social work services whether paid or voluntary (at the time of application).*

• Any prospective employer who would be employing or contracting with you to undertake social work services whether paid or voluntary (at the time of application).

• Any organisation, agency or employer where you are using your social work qualification/knowledge/skills in a non-qualified social work role, whether paid or voluntary

You must forward written evidence of your compliance with this condition to Social Work England within 14 days from the date these conditions take effect.”

16. You must permit Social Work England to disclose the above conditions, 1-4a, 5-10a, 11, and 16 to any person requesting information about your registration status.

Suspension order

65. The panel, having considered that a conditions of practice order is most appropriate in the current circumstances, went on to consider whether a suspension order would be an appropriate sanction. The panel determined that a suspension order would be disproportionate, noting that the conditions of practice identified are able to address Mr Lohman’s current impairment.

Right of appeal:

66. Under Paragraph 16(1)(b) of Schedule 2 of The Social Workers Regulations 2018 (as amended), the social worker may appeal to the High Court against:

- a. the decision of adjudicators:
 - i. to make an interim order, other than an interim order made at the same time as a final order under paragraph 11(1)(b),
 - ii. not to revoke or vary such an order,
 - iii. to make a final order,
- b. the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.

67. Under Paragraph 16(2) of Schedule 2 of The Social Workers Regulations 2018 (as amended) an appeal must be filed before the end of the period of 28 days beginning with the day after the day on which the social worker is notified of the decision complained of.

68. Under Paragraph 15(1A) of Schedule 2 of The Social Workers Regulations 2018 (as amended), where a social worker appeals against a decision made under sub-paragraph (1), the decision being appealed takes effect from the date specified in that sub-paragraph notwithstanding any appeal against that decision.

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

Review of final orders:

70. Under regulation 15(1), 15(2) and 15(3) of Schedule 2 of The Social Workers Regulations 2018 (as amended):

- 15(1) The regulator must review a suspension order, or a conditions of practice order, before its expiry.
- 15(2) The regulator may review a final order where new evidence relevant to the order has become available after the making of the order, or when requested to do so by the social worker.
- 15(3) A request by the social worker under sub-paragraph (2) must be made within such period as the regulator determines in rules made under Regulation 25(5).

71. Under Rule 16(aa) of the Fitness to Practise Rules 2019 (as amended), a social worker requesting a review of a final order under paragraph 15 of Schedule 2 must make the request within 28 days of the day on which they are notified of the order.

The Professional Standards Authority

72. Please note that in accordance with section 29 of the National Health Service Reform and Health Care Professions Act 2002, a review decision made by Social Work England's panel of adjudicators can be referred by the Professional Standards Authority ("the PSA") to the High Court. The PSA can refer this decision to the High Court if it considers that the decision is not sufficient for the protection of the public. Further information about PSA appeals can be found on their website at:

<https://www.professionalstandards.org.uk/what-we-do/our-work-with-regulators/decisions-about-practitioners>