

Social worker: Joanne
Tomaszewski
Registration number: SW94488
Fitness to Practise
Final Order Review meeting

Date of meeting: 01 August 2025

Meeting venue: Remote

Final order being reviewed:
Suspension order (expiring 12 September 2025)

Meeting outcome:
Extend the current suspension order for a further 6 months with effect from
the expiry of the current order

Introduction and attendees:

1. This is the first review of a final suspension order originally imposed as an accepted disposal by the Case Examiners for a period of 2 years on 12 September 2023.
2. Ms Tomaszewski did not attend and was not represented.
3. Social Work England was represented by Capsticks LLP and their written submissions are set out within the notice of hearing letter.

Adjudicators	Role
Bryan Hume	Chair
Julie Brown	Social worker adjudicator

Hearings team/Legal adviser	Role
Andrew Brown	Hearings officer
Chiugo Eze	Hearings support officer
Kelly Dixon	Legal adviser

Service of notice:

4. The panel of adjudicators had careful regard to the documents contained in the final order review service bundle as follows:
 - A copy of the notice of the final order review hearing dated 1 July 2025 and addressed to Ms Tomaszewski at her email address which she provided to Social Work England;
 - An extract from the Social Work England Register as of 1 July 2025 detailing Ms Tomaszewski's email registered address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 1 July 2025 the writer sent by email to Ms Tomaszewski at the address referred to above: notice of hearing and related documents;
5. The panel accepted the advice of the legal adviser in relation to service of notice.
6. Having had regard to rule 16 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 Tomaszewski in accordance with rules 44 and 45 of Social Work England's Fitness to Practise Rules (as amended) ("the rules").

Proceeding with the final order review as a meeting:

7. The notice of final order review informed Ms Tomaszewski that the review would take place as a meeting. The notice stated:

“If you would like to attend before the adjudicators in order to make oral submissions, please confirm your intention by no later than 4pm on 16 July 2025. Unless we hear from you to the contrary, we shall assume that you do not want to attend a hearing and Social Work England may decide to deal with the review as a meeting. If Social Work England do hold a meeting, the adjudicators will be provided with a copy of this letter setting out Social Work England’s submissions and a copy of any written submissions you provide.”

8. The panel received no information to suggest that Ms Tomaszewski had responded to the notice of final order review.
9. The panel heard and accepted the advice of the legal adviser with regard to Rule 16(c) of the Fitness to Practise Rules 2019 (as amended) which provides:

“Where the registered social worker does not state within the period specified by the regulator whether they intend to attend before the regulator, the regulator may determine whether to make an order by means of a meeting.”

10. The panel was satisfied that it would be fair and appropriate to conduct the review in the form of a meeting in accordance with Rule 16(c).
11. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering whether it was fair and appropriate to proceed with the review in the absence of Ms Tomaszewski. This included reference to rule 43 and the cases of *R v Jones [2003] AC1 HL*, and *General Medical Council v Adeogba [2016] EWCA Civ 162*. The panel also considered the Social Work England guidance ‘Service of notices and proceeding in the absence of the social worker’.
12. The panel was satisfied that it would be fair and appropriate to proceed in the absence of Ms Tomaszewski, on the basis that:
 - Ms Tomaszewski has had an opportunity to make submissions within the time periods specified under rule 16(b) of the rules.
 - No application for an adjournment has been made. In any event, the panel had no evidence to suggest that an adjournment would result in Ms Tomaszewski’s future attendance, given her lack of engagement with the regulator since the suspension order was imposed.
 - It would not be in the public interest to adjourn the review given that it is a mandatory review of the final order which must take place within the specified statutory timescales.

Review of the current order:

13. 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).

14. The purpose of this review is to review the current suspension order, which is due to expire at the end of 12 September 2025.

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

15. As recorded in a final decision dated 12 September 2023, Case Examiners appointed by Social Work England determined that there was a realistic prospect that adjudicators would determine that Mr Tomaszewski's fitness to practise was impaired on the grounds of misconduct on the basis of the following the regulatory concerns:

1. You suffer from an adverse health condition as set out in Schedule 1 which impacts on your ability to practise as a social worker.

2. You did not make a referral to the regulator regarding Regulatory Concern 1.

The matters outlined in Regulatory Concern 1 amount to the statutory grounds of adverse physical or mental health. The matters outlined at Regulatory Concern 2 amount to the statutory grounds of misconduct.

16. The Case Examiners determined that it was not in the public interest to refer the case to a final hearing and proposed to dispose of the case by making a 2 year final suspension order in respect of Ms Tomaszewski.
17. Ms Tomaszewski consented to that proposed disposal on 11 September 2023.
18. The case was returned to the Case Examiners on 12 September 2023 who determined to accept Ms Tomaszewski's response. The Case Examiners remained satisfied that an accepted disposal by way of a suspension order for 2 years, was a fair and proportionate disposal and was the minimum necessary to protect the public and the wider public interest.

The Case Examiners on 12 September 2023 determined the following with regard to impairment:

Personal element

With regards to the concerns before the regulator, the case examiners have given thought to their guidance, and they note that they should give consideration to whether the matters before the regulator are easily remediable, and whether the social worker has demonstrated insight and/or conducted remediation to the effect that the risk of repetition is highly unlikely.

Whether the conduct can be easily remedied

The case examiners are of the view that the social worker's adverse health can be remedied, although it is likely to take time and support to maintain good health while returning to work.

In terms of the failure to report their health to the regulator, this could be remediated by the social worker reflecting upon their duty to report and the potential impact of not doing so, as well as considering what they would do differently in the future, and how they can prevent a recurrence.

Insight and remediation

The case examiners note that the social worker has provided submissions about their health, which appear to reflect the medical records provided.

The case examiners have been provided with evidence from the complainant which refers to the social worker demonstrating that they have sought support, such as contacting their GP and other relevant health professionals.

The employer's absence management process confirms that the social worker took time off when they were unable to practice [PRIVATE]. It appears from the evidence that, that since 2019, the social worker has been open and honest about their health [PRIVATE]. The case examiners consider the evidence provided suggests that the social worker has demonstrated good insight into their health and sought to limit their practice when necessary.

The social worker denies that they did not inform the regulator of their health condition in order to conceal the issues, rather that they felt these were managed by themselves and their employer. The case examiners are of the view that the social worker has not yet developed good insight into their failure to report to the regulator.

Risk of repetition

The case examiners note the health guidance which suggests that if social workers are limiting their employment to ensure that their fitness to practise is not compromised as a result of their health issues, then it may be appropriate for adjudicators to make a finding of no impairment. However, they also note that the social worker's health condition is susceptible to relapse [PRIVATE]. The case examiners note the conclusions of the UKIM report which suggests that the social worker is currently "only fit to practice with restrictions on their registration and having monitoring put in place". They are of the view that notwithstanding the social worker's actions to date and the way they have sought to manage their health, there remains is a risk of repetition. Further, the case examiners are of the view that any repeated unplanned absences from work in order to manage a condition is likely to have an adverse impact on colleagues and on the quality of the service offered to service users; as such they consider that the social worker needs to demonstrate evidence of a fuller

recovery before their condition can be considered to be being effectively managed.

Although the case examiners acknowledge all of the positive effort made by the social worker to limit their practise when they were unwell, they have also identified that the social worker had a responsibility to inform the regulator and that they knew this, particularly having been advised by the complainant. Given there is evidence of a lack of acceptance and insight demonstrated by the social worker on this matter, the case examiners are of the view that there is also a risk of repetition of the misconduct.

Public element

The case examiners have next considered whether the social worker's actions have the potential to undermine public confidence in the social work profession, or the maintenance of proper standards for social workers. They are of the view that the public would be troubled if a social worker was permitted to practice unrestricted, given the evidence from a health professional that restriction and monitoring is necessary, alongside the risk of repetition of both adverse physical and/or mental health and misconduct.

The case examiners consider that there is a realistic prospect of the social worker's fitness to practise being found to be currently impaired.

The Case Examiners on 12 September 2023 determined the following with regard to sanction:

In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's sanctions guidance (December 2022) and reminded themselves that the purpose of a sanction is not to punish the social worker, but to protect the public.

The case examiners have decided that it is not in the public interest to refer this matter to a final hearing and have chosen the least restrictive sanction necessary to protect the public and the wider public interest. They have started at the lowest possible sanction and worked up, testing the appropriateness of each sanction and the next sanction above it to confirm their decision is proportionate.

The case examiners have already determined that there is a realistic prospect that the social worker's fitness to practise would be found impaired. The sanctions guidance advises that if the personal element of impairment is found, "a sanction restricting or removing a social worker's registration will normally be necessary to protect the public". The case examiners are therefore led to consider sanctions which restrict the social worker's practice. They note that the guidance suggests it may therefore "be reasonable to move beyond the lower

sanctions (no action, advice or a warning) on this basis alone". The case examiners have already determined that they do not consider the social worker has demonstrated sufficient insight into the alleged misconduct and there remains a risk of repetition. Therefore, the sanctions of no further action, advice or a warning are considered inappropriate on the basis that these outcomes will not restrict practice and therefore not sufficiently protect the public.

In order to provide this oversight and protection, the case examiners have considered suggesting a conditions of practice order to the social worker that they would be required to comply with. The case examiners note the social worker has recognised the need to ensure their health is sufficiently recovered to return to practice and the evidence suggests that the social worker does not currently intend to practise, choosing to concentrate on their recovery instead. Given the fact the social worker has no current plans to return to practice, the case examiners are of the view that conditions of practice are not appropriate at this time.

The case examiners have then gone on to consider a suspension order and have noted the sanctions guidance which indicates that such an order may be appropriate in cases where there has been a serious breach of the professional standards, the social worker has demonstrated some insight and there is evidence to suggest the social worker is willing and able to resolve or remediate. The case examiners are of the view that this case meets all three requirements, and this order would give the social worker time to return to practice when they feel able to do so safely.

In considering the duration of the suspension order, the case examiners once again return to the sanctions guidance, which indicates that while an order can be made up to 3 years in duration, case examiners need to be mindful of the risk of deskilling a social worker, if proposing a prolonged suspension order.

However, the case examiners further note that the guidance recognises that a social worker may "not intend to remediate or practise in the short term but wishes to do so later". This would appear to be the situation for the social worker in this case. The guidance sets out how "it may then be in the interests of the social worker to impose a longer period of suspension...to avoid the stress of a review hearing before they have recovered to full health".

The case examiners are of the view that a 2-year suspension order provides an opportunity for the social worker to continue their recovery and undertake professional development to assist with their return to practice. This sanction will mark the seriousness of not informing the regulator when advised to, as well as considering the social worker's adverse health. If the social worker's health recovers prior to the end of this order, the social worker is able to request an early review hearing where it may be considered more appropriate to support the social worker's return to practice through a conditions of practice order.

The case examiners are aware that removal orders are not an available sanction in cases where the primary concern relates to adverse physical and/or mental health. Given the social worker's engagement and the steps they have taken to limit their practice, the case examiners are of the view that such an order would, in any case, be too punitive in the circumstances of this case.

To conclude, the case examiners have decided to propose to the social worker a suspension order of 2 years duration...

Prior to any future attendance at a review panel, the case examiners suggests that it would be of assistance to any such panel if the social worker was able to provide evidence that they had undertaken steps that would facilitate a safe and effective return to the register without restriction.

These steps may include:

- i. Obtaining up-to date evidence of health and treatment;*
- ii. Evidencing learning, self-directed or otherwise;*
- iii. Providing a reflective piece in respect of insight and remediation.*

Social Work England submissions:

19. The panel considered the written submissions provided on behalf of Social Work England, as outlined in the Notice of Hearing dated 1 July 2025. The letter included the following submissions:

Subject to any further evidence or submission, Social Work England invites the Panel to consider that the fitness to practise of the Social Worker remains impaired on the basis that the Social Worker has not provided any evidence of reflection, remediation or insight. There has been no change in circumstances since the imposition of the Suspension Order and the risk of repetition remains high.

Social Work England has sought to engage the Social Worker in the fitness to practice process but there has been no engagement at all. The Case Review Officer has written to the social worker on four occasions and there has been no response from the Social Worker at this time. The Social Worker has not provided any information to suggest that they have engaged with the Case Examiner's recommendations.

The Panel are invited to continue the Suspension Order for a further 6 months to allow the Social Worker to provide evidence of reflection, remediation and insight. In addition, the social worker will be afforded a further opportunity to engage with the fitness to practice process.

In the event that the Suspension Order is continued and the Social Worker fails to engage over the following 6 months, a future reviewing Panel may be invited to consider a Removal Order.

Social worker submissions:

20. Ms Tomaszewski did not provide any submissions for the panel to consider at this review meeting.

Panel decision and reasons on current impairment:

21. 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 case examiners. 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'.
22. The panel had regard to all of the documentation before it. The panel also took account of the written submissions made on behalf of Social Work England.
23. The panel accepted the advice of the legal adviser and reminded itself of its powers under Paragraph 15 of schedule 2, part 5 of the Social Worker Regulations 2018. The panel reminded itself of the significance of a review hearing and followed the structured sequence of decision-making as 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. The panel note that the case of *Abrahaem* concerned alleged deficient professional performance. However, it finds that the persuasive burden applies equally to cases such as this, which involve misconduct.
24. 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.

25. In reaching its decision, the panel was mindful of the need to protect the public and the wider public interest in declaring and upholding proper standards of behaviour and maintain public confidence in the profession.
26. The panel also considered that, in reaching its decision as to whether Ms Tomaszewski's fitness to practise is still impaired, that it should follow the approach of Dame Janet Smith endorsed by the High Court in *CHRE v NMC and P Grant [2011] EWHC 927 (Admin)*.
27. The panel first considered whether Ms Tomaszewski fitness to practise remains impaired.
28. The original finding of impairment was made nearly two years ago, with the most recent information from the social worker dating back to September 2023, when Ms Tomaszewski agreed to a two-year suspension. This was intended to allow her time to address her health condition.
29. Despite clear guidance provided in the case examiner's decision, there has been no further engagement or evidence submitted by Ms Tomaszewski since that time. The panel has received **[PRIVATE]**.
30. While the conduct in question is capable of remediation, **[PRIVATE]** the absence of any recent evidence means the panel cannot be satisfied that the social worker's fitness to practise is no longer impaired. The panel notes that the social worker did engage in 2022 and provided some evidence **[PRIVATE]**, but there is nothing current **[PRIVATE]**.
31. Given the extended history **[PRIVATE]** and the complete lack of recent information, the panel finds that the Ms Tomaszewski's fitness to practise remains impaired. The public would rightly be concerned if a finding of no impairment were made in the absence of any evidence to demonstrate that the issues have been addressed.
32. The panel noted that the case examiners had clearly set out their expectations for what should be provided at a future review hearing. These included: up-to-date evidence of the social worker's health and any treatment received; evidence of learning, whether self-directed or otherwise; and a reflective piece demonstrating insight and remediation. However, the panel has received no evidence in respect of any of these points, and there has been no indication that the social worker has taken any steps to meet these expectations.
33. Without any evidence addressing the expectations set out by the case examiners, the panel is of the view that the risk of repetition remains high. In the absence of any indication that the social worker has taken steps to understand or remediate the concerns, the panel cannot be assured that the underlying issues have been resolved or that similar conduct would not occur again.

34. Accordingly, the panel determines that the social worker's fitness to practise remains impaired.

Decision and reasons:

35. Having found Ms Tomaszewski 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.

36. The panel considered the written submissions made on behalf of Social Work England, which invited the panel to consider imposing a 6 month suspension order. The panel also took into account the 'Impairment and sanctions guidance' published by Social Work England.

37. The panel was mindful that the purpose of any sanction is not to punish Ms Tomaszewski, 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 Ms Tomaszewski's interests with the public interest.

38. The panel first considered taking no further action. However, given the ongoing impairment and the absence of any evidence of remediation or engagement, the panel concluded that taking no action would not protect the public or maintain public confidence in the profession.

39. The panel then considered providing advice to the social worker but determined that it was not appropriate in this case because she has not engaged with the regulator or demonstrated any willingness to remediate the concerns raised. Without any current information about her health, **[PRIVATE]**, the panel cannot be confident that she would follow or benefit from advice. In these circumstances, advice would not serve to protect the public or uphold professional standards, and a more robust regulatory response is necessary.

40. The panel then considered whether a warning order would be appropriate. However, a warning order does not place any restriction on the social worker's practice and would not address the ongoing concerns about her health and lack of engagement. The panel determined that a warning order would also be insufficient to protect the public.

41. The panel next considered imposing conditions of practice. However, the social worker has not engaged with Social Work England since September 2023, and there is no evidence that she would comply with any conditions. In the absence of engagement or up-to-date information, the panel concluded that a conditions of practice order would not be workable or enforceable.

42. The panel therefore determined that the only sanction capable of protecting the public and maintaining confidence in the profession is a suspension order. The panel considered this to be the minimum necessary sanction in the circumstances.

Extend the current suspension order for a further 6 months with effect from the expiry of the current order:

43. The panel considered whether the current suspension order should be extended for a further period of time of 6 months.
44. A suspension order would prevent Ms Tomaszewski from practising during the suspension period, which would therefore protect the public and the wider public interest.
45. The panel determined that the suspension order should be extended for a period of 6 months. The panel is satisfied that a six-month extension of the suspension order is appropriate and proportionate. This period would provide Ms Tomaszewski with a clear opportunity to demonstrate progress by submitting up-to-date evidence of her health and any treatment received, evidence of learning and a reflective piece showing insight and remediation. The panel considers this timeframe sufficient for meaningful engagement and expects the social worker to take active steps to address the concerns if she wishes to return to practice.
46. This panel cannot bind a future panel. However, a future reviewing panel would expect Ms Tomaszewski to attend the review hearing, and it would be of assistance to that panel if they were able to provide evidence that they had undertaken significant steps that would facilitate a safe and effective return to the register. This may include:
- (i) Obtaining up-to date evidence of health and treatment;
 - (ii) Evidencing learning, self-directed or otherwise;
 - (iii) Providing a reflective piece in respect of insight and remediation.
47. Although this panel cannot bind the decision of any future panel, it considers it important to make clear that if the social worker fails to provide the evidence requested, then the next reviewing panel may reasonably conclude that a removal order is necessary. Continued non-engagement and lack of remediation would raise serious concerns about the social worker's ability and willingness to return to safe and effective practice.

Right of appeal:

48. 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.

49. 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.

50. 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.

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

Review of final orders:

52. 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).

53. 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

54. 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>