

Social worker: Catherine
Wanjiru Kinyanjui
Registration number: SW37329
Fitness to Practise
Final Hearing

Dates of hearing: 30 September 2025 to 07 October 2025

Hearing venue: Remote hearing

Hearing outcome: Fitness to practise impaired, conditions of practice
order 2 years

Interim order: Interim conditions of practice order (18 months)

Introduction and attendees:

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018 (as amended) (“the regulations”).
2. Ms Kinyanjui attended and was represented by Ms Sheridan of [PRIVATE].
3. Social Work England was represented by Mr Carey Case Presenter instructed by Capsticks LLP.

Adjudicators	Role
Kerry McKevitt	Chair
Sarah Redmond	Social worker adjudicator
Baljeet Basra	Lay adjudicator

Hearings team/Legal adviser	Role
Jenna Keats	Hearings officer
Ruby Wade	Hearings support officer
Esther Oladipo	Legal adviser

Service of notice:

4. Service of notice was not specifically addressed during the hearing. However, as Ms Kinyanjui attended the hearing and was represented by Ms Sheridan, the Panel was satisfied that notice of the hearing had been properly effected in accordance with the relevant Rules.

Preliminary matters:

5. At the outset of the hearing, the Panel heard two applications made by Ms Sheridan on behalf of Ms Kinyanjui. The first application concerned a request for aspects of the hearing relating to Ms Kinyanjui’s private life, including her health, personal circumstances, and sensitive matters relating to her family, to be heard in private session.

Social Worker’s Submissions Privacy Application

6. Ms Sheridan submitted that the application was made pursuant to Rule 38(b) of the Social Work England Fitness to Practise Rules 2019. She reminded the Panel that adjudicators may determine to hold all or part of a hearing in private where they consider it appropriate, having regard to the vulnerability, interests, or welfare of any participant. She explained that while it was not anticipated that a detailed discussion of Ms Kinyanjui’s personal health or family matters would necessarily arise, it remained possible that references might need to be made during the course of evidence or submissions. Given the sensitive nature of such information, she submitted that it would be appropriate and proportionate for those parts of the hearing to be conducted in private to protect the welfare and interests of Ms Kinyanjui and her family.

Social Work England's Submissions Privacy Application

7. On behalf of Social Work England, Mr Carey confirmed that he did not oppose the application. He submitted that, insofar as the scope of the application had been described, Social Work England had no objection to those parts of the hearing where such private matters might be discussed being heard in private. He added that all parties would do their best to identify any such material in advance, so that the Panel could take appropriate steps before such information was disclosed in open session.

Social Worker's Submissions Hearsay Application

8. Ms Sheridan made an application for the statement of Ms Kinyanjui's [PRIVATE] to be admitted into evidence as hearsay.
9. Ms Sheridan submitted that under the civil procedure rules, the Panel has discretion to admit hearsay evidence, provided the other party has been given notice of the application. She explained that Social Work England had been notified of the potential for such an application in advance of the hearing. In considering admissibility, the Panel was reminded that relevant factors include whether it would have been reasonable or practicable for the witness to attend in person, whether the statement was made contemporaneously, whether the information in the statement is relevant, whether the witness had any motive to misrepresent matters, whether the statement was edited or made for another purpose, and whether admitting it as hearsay would prevent the proper evaluation of its weight.
10. Ms Sheridan submitted that the statement from [PRIVATE] supports aspects of Ms Kinyanjui's evidence, [PRIVATE]. She emphasised that the matters addressed in the statement were not disputed by Social Work England. In relation to attendance, Ms Sheridan stated that it would not be practical for [PRIVATE] to give evidence in person, [PRIVATE]. She submitted that there was no issue of motive or concealment and no contentious matters arising, and she invited the Panel to admit the statement as hearsay evidence, with appropriate weight to be determined by the Panel.

Social Worker England's Submissions Hearsay Application

11. Mr Carey submitted that he did not object to the application. He stated that while the relevance of the statement to the central issues in dispute was not immediately apparent, it was not irrelevant. He submitted that the admission of the statement as hearsay evidence would not cause any unfairness or prejudice to Social Work England's case. Mr Carey concluded by noting that, if the Panel admitted the evidence, he reserved the right to make submissions as to the weight the Panel should attach to it at the relevant time.

Legal Advice

12. The Legal Adviser reminded the Panel that the general rule under Rule 37 of the Social Work England (Fitness to Practise) Rules 2019 (as amended) is that hearings should be

held in public. This principle reflects the requirement for openness and transparency in regulatory proceedings, which supports public confidence in the profession.

13. However, the Panel was advised that Rule 38 creates exceptions to this principle. Under Rule 38(a), a hearing must be held in private where the proceedings concern the physical or mental health of the registered social worker. In those circumstances, privacy is mandatory in order to safeguard confidentiality.
14. The Panel was further advised that under Rule 38(b), it has a discretionary power to hold all or part of a hearing in private where it considers this appropriate, having regard to the vulnerability, interests, or welfare of any participant, or to the public interest. The Legal Adviser advised that this is a balancing exercise: on one hand, the presumption of open justice favours public hearings, while on the other, there may be circumstances in which privacy is necessary to protect sensitive information, facilitate full and frank evidence, or safeguard the welfare of participants. Any decision to hold proceedings in private must be proportionate, limited to what is strictly necessary, and reasons should be clearly recorded.
15. The Legal Adviser also provided advice on the application to admit the statement of [PRIVATE] as hearsay evidence. The Panel was directed to Rule 32(b)(vii) of the Fitness to Practise Rules 2019, which provides that a panel may admit evidence if it considers it fair to do so, whether or not that evidence would be admissible in a court of law. The test to be applied is one of fairness in all the circumstances.
16. The Legal Adviser referred the Panel to relevant legal principles, including *Bonhoeffer v GMC* and *Thorneycroft v NMC*, which establish that there is no absolute right to cross-examine witnesses in professional disciplinary proceedings, and that the admissibility of hearsay must be determined on the basis of fairness. The Panel was advised that particular caution should be exercised where hearsay evidence is the sole or decisive evidence relied upon; in such cases, the Panel should be satisfied that the evidence is demonstrably reliable or that there are other means of testing its reliability.
17. The Legal Adviser set out the factors to which the Panel should have regard when considering the application, including:
18. The reason for the witness's absence and whether attendance would be reasonably practicable.
 - The significance of the evidence to the issues in dispute.
 - Whether the hearsay is sole or decisive.
 - Whether the evidence is supported or corroborated by other material.
 - Whether admitting the evidence would be fair to both parties.
 - Whether there would be an opportunity to test the reliability of the evidence by other means.

19. The Panel was reminded that, should it admit the statement, it remains entitled to attach such weight to the hearsay evidence as it considers appropriate, taking into account the circumstances in which it was made and the extent to which it is corroborated by other evidence before the hearing.

Panel's Decision

20. The Panel carefully considered the submissions made by Ms Sheridan on behalf of Ms Kinyanjui, and the response from Mr Carey on behalf of Social Work England, together with the legal adviser's legal advice. The Panel noted that the application concerned the possible discussion of sensitive and private matters. The Panel further noted that Mr Carey did not object to the application and confirmed that the parties would seek to identify any such matters before they arose, to enable the Panel to take appropriate steps.
21. The Panel accepted the advice of the Legal Adviser that the general rule under Rule 37 of the Social Work England (Fitness to Practise) Rules 2019 is that hearings should ordinarily be held in public, but that Rule 38(b) gives the Panel discretion to conduct part of a hearing in private where it is appropriate, having regard to the vulnerability, interests, or welfare of any participant, or to the wider public interest.
22. The Panel was satisfied that the evidence which may be referred to in the course of the hearing could involve personal and sensitive information relating to Ms Kinyanjui and her family. It concluded that it was both reasonable and proportionate to allow those limited parts of the hearing to be heard in private in order to protect the private and family life of Ms Kinyanjui, whilst ensuring that the principle of open justice was maintained for the remainder of the hearing. Accordingly, the Panel granted the application.
23. The Panel next considered the application by Ms Sheridan for the statement of, [PRIVATE] (in the social worker's bundle), to be admitted into evidence as hearsay. The Panel took account of the submissions of both parties and the legal advice of the Legal Adviser. It noted that the statement corroborated Ms Kinyanjui's own account of her circumstances at the relevant time, [PRIVATE]. The Panel also noted that Ms Sheridan had explained that the witness was unable to attend [PRIVATE].
24. The Panel further noted Mr Carey's position on behalf of Social Work England, namely that he did not object to the application. While he did not regard the statement as being of fundamental importance to the central issues in the case, he accepted that its admission would not cause prejudice to Social Work England.
25. The Panel accepted the Legal Adviser's advice that it had discretion under Rule 32(b)(vii) of the Fitness to Practise Rules 2019 to admit hearsay evidence if it considered this to be fair, and that fairness was the central test. The Panel carefully considered the factors relevant to the admission of hearsay. It was satisfied that the reasons for the witness's absence were genuine, that the evidence was not sole or decisive to the issues in the case, and that the statement was supported by other

material. The Panel was confident that it would be able to assess the appropriate weight to attach to the statement in the context of all the evidence.

26. The Panel therefore concluded that it was fair and proportionate to admit the statement as hearsay. It emphasised that the statement would be considered as part of the overall evidence and that its weight would be assessed in due course in light of the circumstances in which it was made and its corroboration by other material. For these reasons the Panel granted the application and admitted the statement of [PRIVATE] as hearsay evidence.

Allegations:

While registered as a social worker:

- 1. Between 1 August and 31 December 2022, you produced inaccurate assessments in that you:***
 - a) On 10 October 2022 you completed a Deprivation of Liberty Safeguards Form 3 for Service User A and recorded one or more of the following statements, despite Service User A's mother having died on 27 January 2022:***
 - i. Listed Service User A's mother as one of the people you had met and consulted with***
 - ii. Recommended Service User A's mother as being the recommended representative for Service User A***
 - iii. You wrote words "her mother in particular is very involved in (A's) assessment and understands (A's) past and what mattered to her then"***
 - iv. You wrote that Service User A's mother "understands that she needs to monitor if her daughter makes any objections to her"***
 - v. You wrote "the restrictions placed on [Service User] A by her care plan enable her to remain safe" and so not appear to be having "any sort of negative or adverse effect" and "this view is echoed by (A's) mother";***
 - vi. Recorded one of the benefits for Service User A is that "it is easy for her mother to visit and for (A) to visit her mother"***

b) In one or more of the cases in Schedule A for which you completed a DoLs Form 3, you copied and pasted from other documentation, which resulted in your DoLs Form 3s being inaccurate in that they were:

- i) Copied from previous DoLs assessments which were carried out by a previous social worker / author; and/or***
- ii) Copied from previous DoLs assessments regarding a different service user; and/or***
- iii) Did not include reference to updated relevant medical and/or legal information.***

2. Your actions in paragraph 1 (in whole or in part) were dishonest in that you recorded information that you knew was not correct.

3. Between 1 August and 31 December 2022, your Deprivation of Liberty Assessments as listed in Schedule B were of poor quality.

The matters outlined in paragraphs 1-3 above amount to the statutory ground of misconduct.

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

Admissions:

27. 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.

28. Following the reading of the allegations, the Panel Chair asked Ms Kinyanjui whether she admitted any of the allegations and whether she admitted that her fitness to practise is currently impaired.

29. Ms Kinyanjui informed the Panel that she admitted allegation 1 and all of its sub-particulars, and allegation 3. She denied allegation 2, which relates to dishonesty, on the basis that while she accepted the conduct alleged, she did not accept that it had been carried out dishonestly. She also denied that her conduct amounted to misconduct or that her fitness to practise is currently impaired.

30. The Panel therefore found allegations 1 (and all sub-particulars) and 3 proved by way of Ms Kinyanjui's admissions.

31. The Panel noted that Ms Kinyanjui denied allegation 2, and denied that her conduct amounted to misconduct or that her fitness to practise is currently impaired.
32. In line with Rule 32c(i)(a) of the Rules, the panel then went on to determine the disputed facts.

Summary of evidence:

33. The Panel was provided with an updated written statement of case dated 22 September 2025 which set out the allegations and evidence upon which Social Work England relied. The supporting evidence was presented with the following documents titled Hearing timetable, Statement of Case, Statements Bundle, Exhibits Bundles, Social Workers Response Bundle and Service and Supplementary Bundle.

Social Work England's Case

34. At the relevant time Ms Kinyanjui was engaged in the capacity of a Best Interest Assessor (BIA) at Swindon Borough Council. Mr Carey set out a brief summary of the case and went on to call the first witness, Mrs Yvette Mason. [PRIVATE] Mrs Yvette Mason adopted her main witness statement dated 15 November 2024 and her supplementary statement dated 11 July 2025, confirming both were true to the best of her knowledge and belief, asking that those statements and accompanying exhibits stand as her evidence-in-chief. She explained that, at the relevant time, she was the Assistant Team Manager in the Mental Capacity Act / Deprivation of Liberty Team (MCA/DoLS) at Swindon Borough Council and, by the time of her statement, had become the MCA/DoLS Lead. Although she did not directly supervise Ms Kinyanjui, she had oversight within the team, including oversight of allocations, and on occasion allocated cases to her in "batches", guided by the line manager, Ms Umer. The team worked largely remotely with weekly catch-ups.
35. In examination by Mr Carey, Mrs Mason confirmed the process by which she reviewed and quality-assured assessments in early 2023 after concerns had arisen about the accuracy and quality of a number of Form 3 best interests assessments submitted by Ms Kinyanjui. She described why she had used (and understood others to use) the term "plagiarism" in relation to what she had observed during reviews: in her view, occasional transcription mistakes might reflect carelessness, but the repeated copying of substantial passages from previous assessments (including assessments concerning different service users) without attribution amounted to plagiarism. She highlighted the professional risks of such copying for colleagues and service users: colleagues and signatories might reasonably rely on the content of a Form 3 as accurate when determining whether to authorise a deprivation of liberty, and inaccurate or out-of-date content could lead to authorisations based on incorrect facts, repeated assessments, and inaccurate records, with consequent risk to service users.

36. Mrs Mason also set out the local authorisation pathway. At the material time, once a Best Interests Assessor completed a Form 3, it was sent to a senior authoriser (usually in a different team such as a Head of Service or a manager) for scrutiny and a decision whether to authorise. Where authorisation was granted, the assessment would then be distributed to relevant parties, typically the care home or hospital and the Relevant Person's Representative (RPR). The BIA would not necessarily be notified of authorisation, but concerns or requested amendments were ordinarily fed back either directly by the signatory or via a senior within the DoLS team or the worker's supervisor.
37. In cross-examination, Mrs Mason accepted that a number of the assessments completed by Ms Kinyanjui in September–October 2022 were still not authorised by January 2023. She agreed that, pending authoriser scrutiny, a BIA might not receive feedback unless and until the assessment had been looked at, and confirmed the general process by which Form 3s were submitted and then either authorised or returned with queries. She could not assist as to an internal requirement that a new BIA's first three assessments be quality-assured before onward submission, stating that was outside her knowledge for these proceedings. She explained that, once authorised, assessments were shared with relevant parties (care providers and the RPR), and that BIAs would be aware their work was disseminated in that way.
38. Answering questions from the Panel, Mrs Mason elaborated on the end-to-end authorisation process and feedback routes, reiterating that signatory queries could go directly to the BIA or through a senior/supervisor. She confirmed that "plagiarism" is widely understood in an academic context and, in her expectation, the same principle applies to practitioner-led work: if a practitioner copies and pastes material from another's work, the source should be credited and the content checked for current accuracy and person-specific relevance. She was not aware of a Council policy expressly labelling such conduct as "plagiarism", but referred more generally to the need for accurate, up-to-date case recording and to the DoLS Code of Practice, which allows use of equivalent assessments only if that use is made explicit. She confirmed it was her expectation that a BIA would have been familiar with the DoLS/MCA Codes and local quality assurance expectations; her supplementary statement also produced the Council's Quality Assurance Framework (July 2021–2023), which set out how assessments were to be quality-assured.
39. On allocation and workload monitoring, Mrs Mason's evidence was that she allocated cases to Ms Kinyanjui and, so far as she could recall, would have considered existing workload and copied the supervisor into allocation emails. She acknowledged the passage of time meant she could not now recall all details of any contemporaneous "tracking" against authorisation status; her supplementary evidence confirmed that several assessments listed were never authorised and had to be reallocated for re-work after Ms Kinyanjui's departure.
40. Finally, Mrs Mason confirmed the exhibits appended to her statement included examples where she had annotated Form 3s to show text copied from other documents (for example, material in a Service User [PRIVATE] assessment copied from an earlier

Form 4; and identical “views of the relevant person” text appearing across different service users’ assessments). Her evidence was that such practices undermined the reliability of assessments and necessitated re-work and, in some cases, re-allocation.

41. After Mrs Mason’s oral evidence Mr Carey went on to call his second witness. Ms Sadia Umer on [PRIVATE] adopted her main witness statement dated 4 July 2024 and her supplementary statement dated 13 December 2024 confirming both were true to the best of her knowledge and belief. She noted a single update to paragraph 2 of her main statement to reflect that her agency role ended and she is currently on maternity leave. With that amendment, she asked that both statements and the exhibits stand as her evidence-in-chief. At the material time she was the DoLS/MCA Lead Team Manager at Swindon Borough Council, line-managing the team from August 2022 to September 2023; she met Ms Kinyanjui monthly in supervision and oversaw allocations and day-to-day case discussions.
42. In examination-in-chief, Ms Umer was taken to paragraph 10 of her statement and asked about her reference to “plagiarism.” She explained that the label had arisen during the investigation when she was asked about policies referencing plagiarism; however, in light of what was identified across multiple assessments and documents, she accepted the term to describe a repeated, conscious pattern of copying rather than a one-off careless error. In her view, the concern was not that background information can never be reused, but that substantive passages (including person-specific content) had been copied without attribution and without appropriate checking/updating, creating reliability and accuracy risks. She confirmed that two formal audits one by [PRIVATE] on 19 December 2022 and a second shortly after by Natalie Pearson had crystallised these concerns; when both scored red, a wider review of outstanding assessments followed.
43. Ms Umer explained that a BIA completed a Form 3 which was then sent to a signatory/authoriser (often outside the immediate team) for scrutiny and authorisation; once authorised, the assessment would be shared with relevant parties (e.g., care provider and the Relevant Person’s Representative (RPR)). She accepted that a number of assessments completed by September–October 2022 had not been authorised by January 2023, and that a high throughput (including an external project) meant a backlog of cases awaiting authorisation at that time. While she did not believe further new cases were allocated after the December 2022 audit, she acknowledged that Ms Kinyanjui continued to complete pre-existing allocations and submit assessments during December–January.
44. Ms Umer described the Quality Audit (QA) process as including (i) signatory scrutiny on submission, (ii) periodic spot-check audits by the Council’s QA function, and (iii) supervision and ad-hoc case discussions. Prior to the audits she had returned work to Ms Kinyanjui for proof-reading where she identified typos/grammatical issues and said Ms Kinyanjui was generally responsive to feedback. She confirmed that early, isolated errors (e.g., names, tenses) can occur in practice and, standing alone, might not expose the extent of copying this became apparent only when several assessments were

reviewed together through the audits. She said the audit tool/criteria was discussed with the team and circulated, and BIAs understood their work could be spot-audited at any time.

45. Ms Umer maintained that BIAs are expected to reference material taken from other sources, and that the correct approach (e.g., indicating origin in inverted commas and naming the author/source) is reinforced in BIA refresher training and consistent with professional norms learned in academic study. Her supplementary statement exhibits (i) the BIA refresher course details and (ii) the Council's Case Management Recording Guidance (06.06.22, Version 5) setting out recording quality standards, management oversight, and the legal/ethical framework for accurate records. She accepted there was no single local policy that used the academic term "plagiarism," but emphasised that the duty to record accurately, attribute sources where used, and maintain person-specific reliability is explicit in the Council's guidance and in professional training. She also confirmed that, at the material time, DoLS assessments were paper-based templates (blank forms to be used afresh, rather than an IT system that auto-pulls text), so any repetition reflected practitioner input rather than auto population.
46. In cross-examination and Panel questions, Ms Umer clarified that when she wrote Ms Kinyanjui "did not raise issues" in supervision she was referring to casework issues, not personal matters. She agreed that supervision notes recorded personal stressors disclosed by Ms Kinyanjui during the period [PRIVATE]. She reiterated, however, that her primary concerns related to the quality and accuracy of assessments identified through audit and post-submission review.
47. Answering the Panel, Ms Umer described the central role of the RPR (advocacy, monitoring conditions, ensuring the person's voice/objections are identified). She explained why inaccurate or unreferenced copied content about consultation or the RPR risks undermining lawful, person-centred DoLS authorisation and may necessitate re-work or re-allocation. Her supplementary exhibits and the wider exhibits bundle include emails and case materials illustrating submissions to the DoLS inbox and queries raised during the period, consistent with her account of the workflow and QA interactions.
48. In re-examination, Ms Umer confirmed it was not unusual for background sections to reflect earlier assessments if clearly referenced and checked, but that direct conversations/findings should not be copied across service users. She agreed her two signed-off cases for Ms Kinyanjui did not themselves reveal the broader copying concerns which only became evident when multiple cases were reviewed in proximity through the audits. She concluded that, after the two red audits, the team examined further outstanding assessments and a number required re-work/re-allocation.
49. After Ms Umer had concluded giving oral evidence, Mr Carey went on to call his third witness. Ms Natalie Pearson on [PRIVATE] adopted her main witness statement dated 16 October 2024 and her supplementary witness statement dated 21 August 2025, confirming both were true to the best of her knowledge and belief and asking that those

statements and the accompanying exhibits stand as her evidence-in-chief. At the material time Ms Pearson was an Advanced Social Worker and BIA in the DoLS team at Swindon Borough Council. She had known Ms Kinyanjui since approximately 1 August 2022, interacted with her at weekly team catch-ups and monthly face-to-face meetings, and undertook quality assurance of DoLS assessments as part of her role.

50. Ms Pearson's evidence was that concerns about the quality and accuracy of some of Ms Kinyanjui's DoLS Form 3 assessments were first drawn to her attention around 17 January 2023. At that point, the DoLS Team Manager (Ms Umer) asked her to case-file audit one of the assessments that had already been signed off by a signatory, to inform a management decision about the potential extension of Ms Kinyanjui's locum contract. She completed that audit (Exhibit NP/1). She added that, ordinarily, a new BIA's first three assessments would be scrutinised by a senior (such as herself, Ms Umer or Ms Mason), but she did not recall completing that scrutiny for Ms Kinyanjui's first three assessments.
51. Ms Pearson explained the team's understanding that BIAs may legitimately draw on existing material (e.g., prior assessments or clinical reports) where appropriate, provided the source is clearly cited and any information reused is accurate and up to date. She identified two complementary bases for those expectations: (i) the template DoLS Form 3 guidance itself, which reminds BIAs to fact-check with family/others, particularly when reusing past assessment information; and (ii) the ADASS 2016 guidance on completing DoLS Form 3, which states: "Where information is being taken from previous assessments the source should be referenced (particularly relevant for reviews/renewals)." In that context, she said unreferenced copying of substantive passages in several assessments raised concerns amounting to plagiarism.
52. Ms Pearson accepted it is not unusual for background or historical information to be carried forward from earlier assessments where clearly referenced and verified, and noted that direct quotations from professional sources (e.g., a prescribing clinician) may be appropriate with citation. Conversely, person-specific content such as consultations, the person's current presentation, and the RPR discussion should reflect the BIA's own findings and up-to-date checks, not wholesale copying. She emphasised the BIA's accountability for clear, accurate records explaining how decisions are reached.
53. In oral evidence, Ms Pearson outlined the work-flow: a BIA completes Form 3; the Mental Health Assessor provides Form 4; material is then submitted to a signatory to complete Form 5 (the standard authorisation), who may query or require amendments before authorising. She explained that support officers often copy across relevant restrictions from the BIA's Form 3 into Form 5 for the signatory to consider, ideally with an indication of the source. She accepted that during the relevant period there was a high throughput and signatory availability could affect authorisation timescales, leading to some assessments submitted in September–October 2022 still being un-authorised months later. Her supplementary statement gave examples where assessments were submitted but not forwarded to a signatory because feedback had not yet been

addressed (e.g., Service Users A and C), with contemporaneous emails in late January/early February 2023 documenting her feedback being sent to Ms Kinyanjui shortly before the latter's contract ended.

54. By way of illustration, Ms Pearson described findings on several files she reviewed:
55. Service User A: Assessment completed 10 October 2022, submitted 28 October 2022. Ms Pearson quality-checked it and emailed feedback on 1 February 2023. It was not sent to a signatory, and the case later required re-allocation. She highlighted unreferenced copying from earlier assessments and inaccurate references to the person's deceased mother as if alive and acting as RPR, creating risks that the assessment would not be lawful and that the person would be left without an effective representative to challenge arrangements.
56. Service User C: Assessment completed 14 October 2022. Ms Pearson annotated instances of copied material from a 2020 DoLS and identified inaccuracies/out-of-date information; the assessment was not sent to a signatory, and the case was reallocated (Exhibits NP/10–NP/11 referenced in her statement.)
57. Service User Y: In one assessment she identified copied content from Form 4 and further inaccuracies about the person's family circumstances and chronology of care, evidenced against case records and referral dates; she considered that providing incorrect information could bring the Council and the profession into disrepute.
58. Ms Pearson stated she had no concern that Ms Kinyanjui failed to carry out required DoLS visits/contacts; her concerns related to the quality of the written assessments (accuracy, referencing, and originality), not whether visits occurred.
59. In response to panel questions, Ms Pearson emphasised the central statutory role of the Relevant Person's Representative in monitoring conditions, requesting reviews, and where appropriate bringing challenges (including to the Court of Protection) on the person's behalf. In her view, inaccurate or copied-forward information (e.g., about who the RPR is, the person's current presentation, or consultation outcomes) risks undermining safeguards under the Mental Capacity Act and could result in decisions being made on incorrect facts.
60. Ms Pearson said expectations about attribution and ownership of work are reinforced through BIA refresher training and professional standards, but she could not point to a single local policy setting out "how to cite" professional reports beyond the ADASS guidance and the general accuracy/record-keeping standards

Social Worker's Case

61. In response to Social Work England's case, Ms Sheridan called Ms Kinyanjui to give oral evidence in support of her case. Ms Kinyanjui gave her evidence on oath. At the outset of her evidence she adopted her witness statement contained in the Social Worker's Response Bundle as her evidence-in-chief and confirmed (subject to one correction) that its contents were true. The single correction related to Service User A: she clarified

that, although her draft had referred to the mother as Relevant Person's Representative (RPR), in fact during the assessment period she spoke with the service user's brother, explained the RPR role, and intended that he would take on that function; she accepted that the paperwork was not amended to reflect this before submission.

62. [PRIVATE].

63. She explained the local authority recruitment and quality-assurance process. Before appointment she supplied an anonymised Form 3 which was accepted; on starting she completed three initial cases which were quality-checked with no material issues raised. She found Swindon's forms unusually long and, after discussing this in supervision, was told she could use her own established assessment style provided all required content was present. She recalled that quality checks were often undertaken by experienced authorisers and said early positive feedback led her to believe her work met the expected standard. In general practice, she reviewed previous DoLS assessments to orient herself, contacted families and homes to plan a visit, met the person and consultees, and wrote up the Form 3. She accepted that she sometimes began drafting by carrying forward factual background (e.g. provider details, long-standing restrictions, or an existing RPR) from the previous assessment and then failed to replace or reference that text appropriately. She accepted this was poor practice and that for Service User A, in particular, she had pre-populated the form with the late mother's details, learned on the visit that the mother had died and the brother would step in, but sent the report without making the corrections. In her words, these assessments "were not fit to be sent", and she expressed regret for the distress this could have caused service users and their families.

64. Turning to events at the end of her placement, she described a supervision meeting on 19 January 2023 in which she was told an audit in December had rated her work "red" and her contract would not be renewed. She had five outstanding assessments for people she had already visited; despite expressing unease about completing further reports in light of the audit, she was asked to finish them to avoid repeat visits. Thereafter, in late January/early February she began receiving assessment documents from Natalie Pearson containing detailed comments. She said her manager (Sadiah Umer) telephoned to ask why she had not yet acted on those emails; she replied that she had consciously chosen to focus first on completing the five outstanding reports because she felt overwhelmed and feared she could not cope with both at once. Shortly after, she was told that more serious concerns had been found and her engagement would end immediately.

65. On her current insight and remediation, she set out the steps taken since leaving the council. She was initially suspended and then practised under conditions; in the interim she worked in care coordination, and once conditions were imposed she obtained a social work assistant post with close supervision and frequent quality-assurance of her assessments. She says her practice has changed markedly: she no longer uses any "carry-forward" or wholesale copying, rigorously references any material that must be drawn from earlier documents, reviews drafts multiple times, [PRIVATE]. She detailed

CPD and reflective work (including BIA refresher training; report-writing/accuracy; probity, ethics and professionalism; stress-management and reflective practice; reviewing Social Work England and BASW codes; and using supervision more proactively). She emphasised that she has learned from the incident and that there has been no recurrence in her current role. (Her written statement admits Allegations 1(a), 1(b) and 3, and denies dishonesty at Allegation 2; it also records that she completed 85 assessments at Swindon, with 55 authorised and 30 outstanding at the time concerns crystallised).

66. Under cross-examination she addressed copying and pasting. She accepted that where information is copied the assessor must reference its source and take responsibility for accuracy. She distinguished Service User A (where she had pre-populated Form 3 before visiting and then failed to amend) from many other cases (where copying occurred after a visit, typically to bring forward background judged to be unchanged). She accepted that across a substantial number of cases she failed either to reference or to edit appropriately, including instances where identical text appeared in different people's assessments and one case where material from one person's assessment had been pasted into another's by mistake. She denied any intention to deceive or to "cut corners", attributing her failings to impaired concentration and judgement during a [PRIVATE]. She agreed that signing a Form 3 certifies the content is accurate and her own professional judgement, and accepted that by signing and submitting in the state they were, she had not undertaken sufficient checking.
67. In cross examination Mr Carey put Service User A and B examples to her in detail. For A, multiple references to the deceased mother remained in the text (including consultation, "benefits" of visiting, and views attributed to the mother) and the mother was named as recommended RPR. She accepted these were present but denied dishonesty, saying she was not aware when she pressed "submit" that the old material had been left in. For B, passages from a 2021 assessment appeared as if recorded during 2022 phone calls (with apparently current dates set against older text). She accepted that to a reader it would look like fresh consultations, acknowledged the failure to reference or edit, and accepted this was poor. [PRIVATE], (but she was unaware of this at the time) and that her intention was to update the assessments, deleting irrelevant information before submission. Ms Kinyanjui appeared visibly upset by her actions, but struggled to provide clear, coherent answers to cross-examination questions without deflecting to ensure her narrative was put despite whether this answered the question or not.
68. Mr Carey suggested she had been under pressure and consciously cut corners to save time. Ms Kinyanjui rejected that suggestion, reiterating that time pressure was not the motive and deflected by stating that had problems been flagged earlier she would have stopped to seek help. She maintained that she did not realise at the time that she was submitting problematic work; her understanding of the scale and seriousness only developed once the issues were put to her and [PRIVATE]. Ms Kinyanjui maintained the

position that she accepts the copying/accuracy failings in multiple cases listed, but maintains she did not act dishonestly.

69. In questions from the Panel, after repeated attempts to secure clear answers she accepted ultimate accountability for the accuracy of her assessments and acknowledged that her checking processes despite her belief at the time were inadequate. She agreed that her “reason for selection” box in SU A’s form appeared to be in her own words (rather than copied) and, read at face value, wrongly implied consultation with the mother had taken place by her; she accepted that was a serious mistake. She also accepted that an audit entry had in fact flagged “evidence of copying and pasting”, notwithstanding her initial recollection that this had not been highlighted to her contemporaneously. She reiterated her belief that earlier, timely QA feedback would likely have curtailed the pattern sooner, but ultimately she accepted that it was her responsibility for ensuring the information in the assessments was correct. Ms Kinyanjui acknowledged the listed assessments were of poor quality; expressing remorse; and stating that she no longer works in that manner.
70. Finally, in re-examination and clarifications, she confirmed the employment chronology and re-stated her admissions: (i) inaccurate Form 3 for Service User A that continued to refer to the deceased mother and recommended her as RPR; (ii) copying/pasting from earlier DoLS assessments including, in some instances, text from a different service user and failures to reference/update; and (iii) that a cohort of her assessments in the period were of poor quality. She relies on the breadth of her subsequent CPD, supervision, and changed working habits to show insight and remediation, and continues to deny that she acted dishonestly.

Social Work England’s Closing submissions

71. On behalf of Social Work England, in closing Mr Carey provided the panel with a written document titled “Stage 1 Submissions on Dishonesty” which formed his closing submissions. Orally he made three minor drafting corrections: (i) at paragraph 4 “mutual” should read “mutually”; (ii) at paragraph 10 the internal cross-reference should be to paragraph 8(b)–(c), not 2(b)–(c); and (iii) at paragraph 16, in the last sentence, the words “conduct that” should appear between “such that” and “would otherwise”, so the sentence reads “such that conduct that would otherwise appear to be dishonest behaviour would not actually be dishonest in her case.”
72. Mr Carey submitted that each of the three witnesses called by Social Work England while offering only limited direct evidence on dishonesty was careful, coherent and credible. Collectively, their evidence mutually corroborated the proposition that best interest assessors are expected to cite or reference material taken from others and to ensure accuracy an expectation akin to academic standards. By contrast, while Ms Kinyanjui expressed regret, her evidence was not a coherent explanation of how she came to sign and submit numerous assessments that contained inaccuracies and unattributed text.

73. As to the applicable test, Mr Carey directed the panel to *Ivey v Genting*, emphasising its two stages: (i) first ascertain the registrant’s actual state of mind (knowledge or belief) and then (ii) judge the conduct against the objective standards of ordinary decent people.
74. On stage one (actual belief), Mr Carey submitted that the Social Worker’s account of her report-writing “process” was internally inconsistent and lacked credibility. She described three mutually exclusive methods: (a) copying/pasting before a visit and intending to remove or update later (Service User A); (b) copying/pasting after a visit from earlier assessments for the same service user (e.g., Service User B); and (c) copying/pasting across different service users’ files (e.g., BB–DD). There is no cogent reason for a professional to work in such an incoherent manner; properly completed reports require accuracy and citations where others’ words are used, yet this was routinely absent across the Schedule A cases. Moreover, her own account that much of the copying occurred after the assessment, when facts were fresh undercuts any innocent explanation for selecting outdated or irrelevant material.
75. He illustrated the point with examples already set out in the written submissions. For Service User A, the Social Worker said she knew the brother had replaced the deceased mother as representative, yet she went on to write in her own words as if she had recently engaged with the mother an explanation for which there is no plausible honest basis (EB p. 230). For Service User B, entries against 2022 telephone calls were augmented with material copied from 2021, giving the false impression of contemporaneous work (EB pp. 1631–1632). For BB–DD, there were multiple instances of copying details between different service users’ files without any credible justification.
76. Mr Carey noted that the Social Worker accepted the core professional duties to cite others’ work, apply independent judgement, and check accuracy before signing and asserted that such failures were “not her normal practice”. That assertion, he submitted, makes it harder (not easier) to accept that she was unaware, at the point of checking and signing, that these forms were inaccurate or unattributed. Her statement that “in my mind I checked them” is inherently implausible; [PRIVATE].
77. Mr Carey further submitted that the simpler, more probable explanation is that, under pressure, the Social Worker repeatedly cut corners. Notably, she continued to do so in January 2023 even after copying/pasting concerns were flagged in December 2022 (EB p. 20), as evidenced by the additional January examples identified in the exhibits (EB pp. 1693–1710; 1855–1878; 1961–1981; 1982–2004). On the balance of probabilities, she did not genuinely believe the material was accurate or properly attributed when she signed.
78. On stage two (objective standards), Mr Carey submitted that, judged by the standards of ordinary decent people, the conduct was plainly dishonest. The Social Worker (a) knowingly submitted Service User A’s Form 3 with multiple references to a deceased RPR; (b) knowingly copied and pasted from previous Form 3s for the same service

users; (c) knowingly copied and pasted between different service users' assessments; (d) failed to cite sources where doing so would have exposed the extent of copying; and (e) nevertheless signed each Form 3, thereby expressly assuring accuracy and appropriateness. The pattern was systematic and continued even after concerns were raised.

79. Mr Carey accepted the Social Worker was experiencing [PRIVATE], but submitted that this does not provide a defence to dishonesty under Ivey. He invited the panel to find that all of paragraph 1 of the Allegation amounts to dishonesty, thereby proving paragraph 2.

Social Worker's Closing submissions

80. On behalf of Ms Kinyanjui, Ms Sheridan invited the Panel to find allegation 2 (dishonesty) not proved. Ms Sheridan submitted that all other factual particulars are admitted; the sole live issue is dishonesty. The Panel is reminded that the assessment must focus on Ms Kinyanjui's actual state of mind at the relevant time, before any objective evaluation is undertaken.
81. At the outset, concern is raised about the framing of this case as "plagiarism". That label "the practice of taking someone else's work and passing it off as your own" was, on the evidence, introduced into the investigation by Social Work England rather than flowing from local policy or established professional guidance. Ms Umer accepted the term was put to her by Social Work England and that she then interpreted the issues through that lens. The evidence overall did not demonstrate a clear, shared understanding among witnesses of how referencing in professional assessments is to be handled, or any explicit local policy setting out standards for citation in practice documents. The only written material identified ADASS best-practice guidance states that where information is taken from previous assessments the source should be referenced, particularly for reviews and renewals; it is guidance, not law, and no witness identified binding requirements equating failures of reference with "plagiarism". That context matters when assessing both what Ms Kinyanjui believed she was doing and whether she was attempting to pass others' work off as her own.
82. The correct legal test is that in *Ivey v Genting Casinos*: first, ascertain subjectively what the registrant knew or believed as to the facts; second, applying the standards of ordinary decent people, determine whether the conduct was dishonest—there is no further requirement that the registrant appreciated it was dishonest. The first limb is determinative here. In *Uddin v GMC*, Singh J recognised that even where a false representation is made, the real issue can be whether it was done knowingly, or whether it was an innocent or negligent mistake. This Panel should therefore focus on what Ms Kinyanjui actually believed she was doing when these assessments were submitted.
83. [PRIVATE].

84. Service User A stands as a grave error and nobody minimises its seriousness, but it does not demonstrate dishonesty. By the time of writing, Ms Kinyanjui knew the mother was deceased and had spoken to the brother about acting as RPR; her assessment elsewhere even references the mother's death. Submitting an assessment that simultaneously names the mother as RPR and refers to her death is not a document "made to look complete"; it is plainly inconsistent on its face. There is no rational motive to deceive: the assessment would be sent to the care home, funder and family, and any attempt at concealment would have been bound to fail. An alternative, innocent explanation is available on the papers: elements of the "reason for selection" text appear to be a stock phrase Ms Kinyanjui used and adapted, rather than an attempt to appropriate someone else's work consistent with her evidence that she wrote in her own style and, at times, intended to amend later but failed to do so. The question for the Panel is not whether this was poor practice (it was), but whether she knew she was misrepresenting facts or authorship. The evidence does not support that conclusion.
85. Across the remaining assessments the copying-and-pasting issue must be viewed against the accepted reality of BIA practice. Witnesses accepted that it is commonplace to carry forward historical/background material, provided it is checked, updated and ideally referenced; the core complaint here is not the use of prior material per se, but failures properly to reference and update it. There is no evidence that Ms Kinyanjui was told, before 19 January 2023, that copying-and-pasting was an active concern; even then, she was informed only that the quality was "red" and asked to complete five outstanding BIAs—an instruction that would reasonably signal she remained fit to complete assessments. Specific feedback emails began to arrive only from 31 January, by which point she was trying to finish outstanding cases. The timeline supports her evidence that she believed her assessments were of a quality that would be authorised (as most previously had been), and that she did not appreciate she was submitting documents with uncorrected material.
86. The suggestion that she set out to "cut corners" is unpersuasive on the evidence. There was no pay-per-assessment incentive; no urgent direction to accelerate output; and, indeed, multiple obvious, self-defeating errors (e.g., duplicated passages and stray names) that are inconsistent with a person trying to conceal copying. In several places she expressly signposted that information had been taken from earlier Form 3s albeit imperfectly again inconsistent with an intention to pass others' work off as her own. In total, she completed around 85 BIAs; about 55 were authorised without issue. That wider picture sits uneasily with a thesis of sustained, knowing deceit, but is consistent with negligent mistakes during a period of reduced concentration and [PRIVATE].
87. Applying *Ivey* and *Uddin*, the first (subjective) limb is not satisfied: while false representations were undeniably made in places, the credible explanation is negligent error in checking, updating and referencing born of [PRIVATE] rather than a conscious decision to mislead. If the Panel does go on to the second limb, Ms Kinyanjui accepts how, viewed objectively, aspects could appear dishonest; but without proof, on the balance of probabilities, that she knew what she was doing and intended to mislead, a

finding of dishonesty cannot safely be made. Consistent with *Moseka v NMC*, the Panel is urged to exercise “particular care” given the gravity of a dishonesty finding and its likely sanction consequences.

88. For those reasons, Ms Sheridan submits that allegation 2 is not proven. The admitted failings are serious and have been confronted; but the evidential threshold for dishonesty focused on what Ms Kinyanjui actually believed and intended has not been met on the balance of probabilities.

Legal Advice

89. After hearing all the evidence, the panel was reminded that its task at this stage is to make findings of fact on the sole outstanding matter allegation 2 (dishonesty). Allegations 1 (and its sub-particulars) and 3 were admitted; under Rule 32(c)(i)(aa) of the Social Work England Fitness to Practise Rules 2019, admitted facts must be found proved. The panel must determine the remaining factual issues by assessing the evidence and deciding whether the alleged facts are proved.
90. The legal adviser confirmed that the burden of proof rests on Social Work England throughout. The social worker has no obligation to disprove the allegation. The standard of proof is the civil standard: each fact must be proved on the balance of probabilities (i.e., more likely than not). If the panel is not so satisfied on any particular, that particular is not proved.
91. The panel must base its decision solely on the evidence properly before it—oral testimony, the admitted documents/exhibits, and any agreed facts—and must not speculate or rely on material outside the record. It is for the panel to decide what weight to give each item of evidence, accepting or rejecting parts of any witness’s account by reference to internal and external consistency, plausibility, corroboration, recollection, and any apparent bias or motive. The social worker’s evidence should be assessed by the same standards as other witnesses. The panel may draw reasonable inferences from facts found proved (*R (Bevan) v GMC*), but must avoid speculation.
92. Hearsay is admissible, but its weight requires careful evaluation. In doing so, the panel should consider whether the statement was contemporaneous, whether it is corroborated, the absence of cross-examination, and any inconsistencies or potential bias, in line with *El Karout v NMC*. Objective evidence and contemporaneous records (e.g., emails, case notes, audit tools) should be preferred where available to support findings.
93. On dishonesty (allegation 2), the panel must apply the two-stage test in *Ivey v Genting Casinos*. First, ascertain the social worker’s actual state of knowledge or belief as to the relevant facts at the time (a subjective inquiry; reasonableness is relevant only to whether the belief was genuinely held). Second, determine whether, in light of that state of mind, the conduct was dishonest by the standards of ordinary decent people (an objective test; the registrant’s own view is not determinative). In considering dishonesty, the panel may evaluate whether there is an innocent explanation or

misunderstanding, whether the behaviour was an isolated lapse or part of a pattern, and the overall context. Given the seriousness of a dishonesty finding, the panel's reasons must be careful and detailed.

94. The panel may reach its decision by majority; unanimity is desirable but not required. Whatever the outcome, the written determination must give clear reasons for each finding, identifying the evidence accepted or rejected and explaining why, particularly where evidence was contested.
95. Finally, the legal adviser's role during deliberations is limited to providing independent, impartial advice on law and procedure; the adviser takes no part in decision-making and expresses no view on the facts. If any additional advice is given in private, it will be repeated in the presence of the parties, with an opportunity to comment, in accordance with *Nwabueze v GMC*. The panel confirmed it accepted and would apply this advice in reaching its fact-finding decision on allegation 2.

Finding and reasons on facts:

Whilst registered as a Social Worker

Allegation 2. Your actions in paragraph 1 (in whole or in part) were dishonest in that you recorded information that you knew was not correct. - Proved

96. The panel reminded itself of the correct approach to dishonesty in *Ivey v Genting Casinos*: first to determine, on the balance of probabilities, the social worker's actual knowledge or belief as to the relevant facts at the time; and secondly, in light of that state of mind, to decide whether her conduct was dishonest by the standards of ordinary decent people. The burden of proving dishonesty rested throughout on Social Work England. The panel also had regard to the admitted particulars under Allegation 1 and the documentary exhibits (including audits, supervision notes and the assessments themselves), the oral evidence of Ms Umer, Ms Pearson and Ms Mason, and the social worker's own evidence.
97. Having weighed all the evidence, the panel was satisfied that, at the material time, the social worker knew she was inserting into multiple Form 3 Best Interests Assessments information that was not correct. In her oral evidence she accepted that her practice included copying significant passages from previous assessments and that, in a number of cases, she intended to "go back and correct" the text but did not do so; crucially, she confirmed she completed and submitted assessments "in one sitting". The panel found that account incompatible with Ms Kinyanjui's explanation that the information copied and pasted was a "placeholder". At the point of submission, the documents still contained uncorrected, inaccurate passages. That conclusion was reinforced by the pattern and scale: not a single isolated mistake, as evidenced in the 21 assessments contained within the exhibits bundle in which copying and pasting occurred without correction or reference, including instances of transposing material between different service users (e.g. cross-contamination between the [PRIVATE] and

[PRIVATE] cases). The December 2022 quality assurance audit explicitly flagged “evidence of copying and pasting” and earlier workflow signals (support officers identifying errors in September and November) gave the social worker further reason to check accuracy before signing; yet she continued to submit assessments as final.

98. The panel placed particular weight on the assessment for Service User A. Multiple references in that assessment described the deceased mother as if alive and engaged, including statements written in the social worker’s own words (for example, that the mother was “very involved” and able to monitor objections), rather than merely pasted text. The social worker’s explanation that this was the product of an earlier draft, or that she “forgot” to make changes after learning of the death and after speaking to the brother, was not credible. The panel found that she knew, when she signed and dated the Form 3, that those statements were wrong. This example demonstrated a mindful contribution to inaccurate content, not a passive failure to attribute. It also illustrated the wider risk and impact of her conduct: an incorrect Relevant Person’s Representative (RPR) and inaccurate consultation records undermine the statutory safeguards attaching to a deprivation of liberty.
99. On credibility, the panel found the social worker’s evidence lacked coherence and was at times internally inconsistent, and not plausible. She advanced shifting accounts of her “process” (pre-populating before assessment in some cases; copying after assessment in others; and, in yet others, drawing across text from entirely different service users). She agreed she signed each Form 3, thereby asserting that the contents were complete and accurate, yet simultaneously claimed she believed they were accurate while also acknowledging she knew some material was wrong and would need correction. The panel considered these contradictions, together with repeated attempts to deflect responsibility onto authorisers or quality-assurance processes, to undermine her reliability. By contrast, the panel found the evidence of Ms Umer, Ms Pearson and Ms Mason measured, consistent and coherent on the core issues: copying from prior material can occur legitimately only where it is checked for currency and accuracy and properly referenced; and the assessor retains personal responsibility for the independence and correctness of the assessment at the point of signature.
100. [PRIVATE]. The events largely pre-dated her engagement with the Local Authority; she was able to obtain the post, complete the anonymised example assessment and function in the role; and, when told of a red-rated audit in January, she elected to proceed with five further cases without first seeking or applying learning from the red rating. Against that backdrop, the panel did not accept that her personal circumstances negated the first (subjective) limb. At its highest, they might explain why she chose to work in a way that she knew was unsafe; they did not find this to be an honest way of working.
101. Applying the second (objective) limb, the panel had no hesitation in concluding that ordinary decent people would regard the social worker’s conduct as dishonest. Knowingly submitting professional assessments that contain inaccuracies some created by copying and pasting large amounts of information others drafted, without

verification, or rewriting such text in one's own words and then signing to certify their truthfulness, is plainly deceptive. That conclusion is all the more compelling given the gravity of best interests assessments under the Deprivation of Liberty Safeguards. These documents inform whether a person is lawfully deprived of liberty and activate safeguards, including the appointment and functioning of an RPR. Misstating who has been consulted, misidentifying an RPR, or recycling outdated factual material without checking or attribution risks unlawful deprivation or the loss of statutory protections. Ordinary decent people would expect a best interests assessor to treat accuracy as paramount and would consider it dishonest to attest to the correctness of a report while knowing it contains uncorrected falsehoods.

102. For these reasons, and having considered and rejected the alternative explanations advanced, the panel found that Social Work England had proved Allegation 2. The social worker knew she was recording information that was not correct and, in some instances, taken from other sources without verification and, by signing and submitting those assessments as accurate, acted dishonestly by the standards of ordinary decent people.

Finding and reasons on grounds:

Social Work England's Submissions

103. Mr Carey submitted that the facts found proved together with Ms Kinyanjui's admissions on Allegations 1 and 3 plainly amount to the statutory ground of misconduct. He reminded the Panel that whether conduct amounts to misconduct is a matter of judgement for adjudicators, and adopted the definition in *Roylance v GMC* (No 2), namely conduct which falls seriously short of what would be proper in the circumstances and is to be judged by reference to the rules and standards ordinarily required of a practitioner in those circumstances. On that footing, the pattern of inaccurate and unreliable assessments, combined with the dishonest recording of information known to be incorrect, represents a significant departure from expected standards.
104. Referring to the analysis in Social Work England's Professional Standards (2019), Mr Carey submitted that the proved conduct breached, in particular: 2.1 (be open, honest, reliable and fair), 3.1 (work within legal and ethical frameworks using professional authority and judgement appropriately), 3.2 (use appropriate sources and supervision to inform assessments and decisions), 3.11 (maintain clear, accurate, legible and up-to-date records showing how decisions are reached), 5.2 (not behave in a way that calls suitability into question), and 5.3 (not falsify records or condone this). The cumulative nature of the copying-and-pasting, the inclusion of outdated or irrelevant material, and the submission of assessments as accurate when they were not, squarely engages these standards and elevates the conduct to misconduct.
105. Mr Carey emphasised that dishonesty is a particularly serious departure from professional standards because honesty is a fundamental tenet of social work and essential to safeguarding and public confidence. In the DoLS context, BIAs are

entrusted to gather decision-specific, up-to-date information and to exercise independent judgement about whether a person should be deprived of their liberty and how they will be safeguarded. Where a social worker knowingly records and submits inaccurate information, presents others' work or views as their own, or otherwise misleads about the evidence base for a best-interests decision, there is a real risk of harm and a risk of unlawful deprivation of liberty and such conduct is capable of bringing the profession into disrepute and plainly amounts to misconduct.

106. Mr Carey referred to the consistent evidence of Ms Umer, Ms Mason and Ms Pearson describing the extensive copying and pasting, the inclusion of material from unrelated cases, and the resulting inaccuracies and contradictions that undermined the reliability of the assessments. He noted that Ms Umer operated an "open-door" supervision policy and kept supervision records, yet Ms Kinyanjui did not seek necessary support or flag the difficulties she now relies upon, further underscoring the departure from expected professional conduct. Taken together with the Panel's factual findings (including on dishonesty), these matters meet the Roylance threshold and establish misconduct for the purposes of the statutory grounds.

Social Worker's Submissions

107. On statutory grounds, Ms Sheridan made submissions. She did not seek to contest that the proved facts could amount to misconduct. Instead, she stated that Ms Kinyanjui accepts her practice "fell far below the standards that are expected from a social worker" and made no positive submissions to the contrary. In those circumstances, she invited the Panel to exercise its own judgement to determine whether the proved facts amount to misconduct. Ms Sheridan did not advance any argument aimed at reducing the characterisation below misconduct; her focus was reserved for the subsequent stage on impairment.

Legal Advice

108. The Legal Adviser reminded the Panel that once facts are proved it must decide, as a distinct first step, whether those facts amount to a statutory ground under regulation 25(2) of the Social Workers Regulations 2018. In this case the only ground advanced was misconduct. The Panel was directed to the two-stage approach in *Cheatle v GMC* stage 1: determine misconduct; stage 2: if misconduct is found, determine current impairment emphasising that the two questions must not be conflated.
109. On misconduct, the Panel was advised there is no statutory definition, but the leading authority is *Roylance v GMC (No.2)*: misconduct is a "word of general effect" denoting conduct falling short of what would be proper in the circumstances, measured against applicable professional standards (here, the Social Work England Professional Standards). Misconduct must be "serious" to cross the regulatory threshold more than mere poor practice drawing on *Cheatle*, *Nandi* (often expressed as conduct fellow professionals would regard as deplorable) and the caution in *Mallon* that labels should not replace the Panel's own evaluative judgement. Seriousness is fact-sensitive; the question is whether the conduct is sufficiently grave to go to fitness to practise, having

regard to risk of harm, public confidence and standards (*Remedy UK, Calhaem, Aga*). Misconduct can arise from conduct outside direct practice if it undermines confidence in the profession (*Remedy UK; Wray*). The Adviser also explained the approach to repeated or aggregated conduct: minor findings should not be artificially combined to manufacture seriousness (*Schodlok*), but a pattern of repeated similar failings may cumulatively amount to serious misconduct where it evidences an ongoing disregard for standards (*Ahmedsowida*).

110. In applying that test, the Panel was reminded to consider non-exhaustive factors: breach of professional standards; gravity; whether conduct was deliberate, reckless or dishonest; actual or potential harm; the impact on public confidence; any insight and remediation; and contextual/mitigating circumstances (e.g., workload, supervision, health). The Adviser cautioned that the Panel should distinguish serious misconduct from sub-optimal performance or an isolated inadvertent error; while a single grave incident can suffice, misconduct ordinarily involves a serious departure from expected standards rather than mere lapse. The Panel was reminded to give clear, evidence-based reasons if it concludes the threshold is crossed.
111. If misconduct is found, the Panel were reminded that it should then consider impairment as a separate question. The legal test has two equally weighted limbs: (i) the “personal” component (current risk arising from the individual), asking whether the concern is readily remediable, has been remedied, and is highly unlikely to be repeated (per *Cohen*); and (ii) the “public” component (wider public interest), asking whether a finding is required to maintain public confidence and proper standards (per *Bolton*). The Legal Adviser stated that not every finding of misconduct necessitates impairment; the assessment is forward-looking and fact-specific, but dishonesty and abuse of trust are generally regarded as particularly serious for public confidence and may warrant impairment even where personal risk is said to be low (*Uppal; GMC v Armstrong; Yeong*).
112. For personal impairment, the Panel was guided to evaluate with reasons: harm or risk of harm; the risk of repetition in light of what has changed since the events; relevant history; the quality of insight (ownership, understanding of impact, and how recurrence will be avoided); the extent and quality of remediation (with objective evidence preferred, e.g., training, supervision feedback); the stance taken on the facts (admissions/denials do not determine outcome but may inform insight); and the weight to be given to testimonials (currency, author knowledge, and consistency with other evidence). For public impairment, the Panel should consider whether, even if the practitioner poses little current risk, a finding is nonetheless necessary to declare and uphold standards and to maintain confidence, particularly where dishonesty is involved.
113. Finally, the Legal Adviser suggested a structural practical framework for reasons: identify the statutory ground(s) found proved; make separate findings on personal and public impairment applying the factors above; and, if impairment is found, ensure the reasoning aligns with any later sanction analysis and the principle of the least

restrictive outcome consistent with public protection. The Panel was reminded throughout that its task is protective, not punitive; its reasoning should be clear, structured, and rooted in the evidence and the Social Work England guidance.

Panel's Decision

114. The Panel considered whether the facts found amount to the statutory ground of misconduct under regulation 25(2)(a) of the Social Workers Regulations 2018. The Panel accepted and applied the legal advice that “misconduct” denotes a serious departure from the standards expected of a registered social worker, judged against the Social Work England Professional Standards and the wider legal and ethical framework. The question is whether the proved conduct crosses the threshold from poor practice into serious misconduct that engages the fitness to practise regime.
115. In reaching its decision the Panel considered all the evidence, the parties’ submissions, and the context in which the conduct occurred. It took into account Ms Kinyanjui’s experience as a BIA, the independent nature and statutory significance of BIA assessments under the Mental Capacity Act 2005 and Deprivation of Liberty Safeguards (DoLS), and the potential for both actual and systemic harm where those assessments are inaccurate, misleading, or not properly evidenced. The Panel also had regard to the repeated nature of the conduct proved, the presence of dishonesty, and the fact that each Form 3 assessment was signed by Ms Kinyanjui as an attestation that it was accurate and up to date.
116. Measured against the Social Work England Professional Standards (2019), the Panel found that the conduct represented multiple and serious breaches. The panel considered the following standards to be engaged:
 - 1.7** Recognise and use responsibly the power and authority I have when working with people, ensuring that my interventions are always necessary, the least intrusive, proportionate and in people’s best interests.
 - 2.1** Be open, honest, reliable and fair.
 - 3.1** Work within legal and ethical frameworks, using my professional authority and judgement appropriately.
 - 3.2** Use information from a range of appropriate sources, including supervision, to inform assessments, analyse risk and make a professional decision.
 - 3.11** Maintain clear, accurate, legible and up-to-date records, documenting how I arrive at my decisions.
 - 5.2** I will not behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.
 - 5.3** I will not falsify records or condone this by others.

117. The deliberate copying and pasting of inaccurate material and including it in assessments as if current, the failure to verify and reference sources, and the attestation of accuracy by signature collectively undermine each of these standards. Standard 1.7 is particularly relevant: as a BIA, Ms Kinyanjui exercised a distinct statutory power that engages the best interests and legal rights of the person; presenting misleading or inaccurate assessments subverts those protections and risks either unlawful detention or the absence of necessary safeguards.
118. The proved facts demonstrate a pattern of copying and pasting material from earlier assessments without proper referencing or verification, and critically recording information known to be inaccurate at the time of submission (including in the assessment for Service User A, where the “views of others” and the identity/role of the RPR were recorded in terms that were plainly wrong). The Panel found that, beyond failures of diligence, Ms Kinyanjui signed multiple assessments which included information she knew was not current or correct, yet presented it as her own contemporaneous professional judgement. The Panel considered this to be deceptive and to amount to dishonesty. In the Panel’s view, dishonesty in the compilation of statutory assessments that determine the lawfulness of a person’s deprivation of liberty is intrinsically serious and fundamentally incompatible with the standards of probity and reliability the public is entitled to expect from a social worker.
119. The Panel acknowledged the contextual matters advanced on Ms Kinyanjui’s behalf, including personal difficulties at the time and her acceptance that her practice “fell far below” the expected standard. It gave those matters appropriate, but limited, weight in assessing the gravity of the conduct. [PRIVATE] what she was doing or that it negated her personal accountability for the accuracy of the assessments she signed. Even taking those circumstances at their highest, they do not explain or excuse a sustained course of inaccurate and misleading recording, nor do they mitigate the seriousness of dishonesty in statutory documentation affecting the fundamental rights of highly vulnerable people. The Panel also noted that concerns about the quality of her work had been raised during the period in question; nonetheless, the pattern of conduct continued.
120. The Panel considered whether the conduct could properly be characterised as a series of isolated lapses or as mere sub-optimal practice. It concluded that it could not. The conduct was repeated across numerous assessments, affected core elements of the assessments (capacity, restrictions, views of others, RPR arrangements), and was aggravated by the presence of dishonesty. This was not a technical or administrative failing; it went to the heart of professional integrity, accuracy, and the lawfulness of deprivations of liberty. The conduct misled or had the real potential to mislead signatories, care providers, representatives and families, and it exposed service users to a risk of serious harm through either unlawful deprivation or the absence of appropriate safeguards and routes of challenge.
121. The conduct clearly constituted a grave departure from the standards expected of a registered social worker, particularly in an independent BIA role, and is sufficiently

serious to engage the fitness to practise jurisdiction. For these reasons, the Panel found that the proved facts amounted to misconduct within the meaning of regulation 25(2)(a).

Finding and reasons on current impairment:

Social Work England's Submissions

122. Mr Carey submitted that, having regard to the Panel's factual findings particularly the finding of dishonesty under Allegation 2 the Social Worker's fitness to practise is currently impaired on both the personal and public components. He reminded the Panel that impairment is a matter of judgement for adjudicators, guided by the approach in *Cohen v GMC* (protection of the public, maintenance of public confidence, and declaration of proper standards) and by the "Shipman" questions endorsed in *CHRE v NMC (Paula Grant)*, including whether the practitioner has in the past acted and/or is liable to act so as to put service users at unwarranted risk of harm, has brought the profession into disrepute, breached a fundamental tenet, or acted dishonestly. On the Panel's findings, each of those questions is engaged. In particular, the Panel has found dishonesty one of the most serious forms of professional wrongdoing which by its nature undermines public trust and strikes at fundamental tenets of the profession.
123. On the personal component, Mr Carey submitted that the conduct was repeated over a sustained period, undertaken by an experienced and highly trained practitioner, and created a serious risk of harm to vulnerable service users by generating inaccurate and misleading best interests assessments in the DoLS context. He accepted there were mitigating features related to personal hardship at the time, expressions of remorse, and post-event training (including a DoLS refresher and a probity/ethics course) but argued these materials carry limited weight given the Social Worker's seniority and the nature and scale of the findings. In his submission, the insight demonstrated to date is only partial: while Ms Kinyanjui has reflected on poor practice and the risks of relying on previous material, she has not accepted the core finding of dishonesty, has tended to minimise the breadth of the problem, and has, at points, deflected responsibility to the employer's checks. In the absence of full insight and convincing remediation directed to probity, there remains a material risk of repetition. He noted Social Work England's guidance that concerns rooted in character such as dishonesty, breaches of trust or abuse of position are inherently harder to remediate.
124. Turning to the public component, Mr Carey submitted that a finding of current impairment is required to uphold proper standards and maintain public confidence. The dishonesty found in the production and certification of statutory assessments is viewed as particularly serious in Social Work England's guidance, especially where it directly harms or exposes service users to risk, which is precisely the scenario here given the life-altering consequences of DoLS decisions. The overarching objective of protecting the public by maintaining health, safety and wellbeing, and sustaining

confidence in the profession would not be met by a no-impairment outcome. Ordinary decent members of the public, knowing that an experienced BIA submitted assessments that presented incorrect or recycled information as accurate and as her own professional judgement, would rightly expect a clear regulatory response. Accordingly, both the personal factors (risk of repetition in the absence of full insight) and the wider public interest (upholding standards and confidence) compel a finding that the Social Worker's fitness to practise is currently impaired.

125. For completeness, Mr Carey submitted that while some allegations and misconduct were accepted, dishonesty and current impairment were not. In his submission, the Panel's factual findings read with the detailed examples set out in the Statement of Case and the identified aggravating features (experience, fundamental tenets breached, risk of harm, dishonesty) firmly establish current impairment on both limbs.

Social Worker's Submissions

126. On behalf of Ms Kinyanjui, Ms Sheridan submitted that the Panel should find no current impairment on the "personal" limb. She emphasised that, while the Panel has found dishonesty proved, the conduct arose in a defined period and has been squarely confronted. Applying Social Work England's impairment guidance, the question is whether the conduct is (i) easily remediable, (ii) has been remedied, and (iii) is highly unlikely to be repeated; the defence position is "yes" to each.
127. As to remediation and responsibility, Ms Kinyanjui has consistently accepted that her practice fell far below the standards expected of a social worker, has engaged with the regulatory process from the outset, and acknowledged in evidence that she bears full personal responsibility for her assessments. Although she denied dishonesty (which she is entitled to do without attracting any punitive inference), she has repeatedly recognised how her conduct could be perceived as dishonest and expressed shame and remorse for the impact on service users, families and the profession.
128. As remediation steps it was highlighted, that after the concerns arose, Ms Kinyanjui took time out, then worked outside registered practice as a care coordinator. Following replacement of her suspension with conditions, she returned to practice in a Department of Health Fracture Pathway, completing assessments under The Care Act and The Mental Capacity Act competently and safely under conditions, with positive supervisory oversight and references from her current manager, who raises no fitness concerns. She has been open with her employer about these proceedings and has reflected on them in supervision. In parallel, she has undertaken targeted development: therapy to address the underlying stressors and develop coping strategies; BASW Professional Support Service (peer-mentoring) engagement; extensive CPD (safeguarding, legal updates, best-interest refresher training); and a specific probity and ethics course focused on professional standards, reflection, and the impact of dishonest conduct learning she has documented and applied in practice. These measures, she submits, demonstrate remediation in depth and breadth, and a low risk of repetition.

129. On the public component, Ms Sheridan accepted the obvious seriousness of the Panel's factual findings but submitted that the public interest can be met without a current impairment finding. She invited the Panel to weigh the sustained remediation, the consistency of current safe practice under scrutiny, the positive contemporary testimonials, and Ms Kinyanjui's previously unblemished history. In those circumstances, proper professional standards and public confidence in Social Work England's two public interest aims at this stage are sufficiently promoted and maintained without a current impairment finding.
130. In summary, Ms Sheridan submitted that Ms Kinyanjui has demonstrated meaningful insight (albeit while maintaining her denial of dishonesty), has undertaken substantial and relevant remediation, is practising safely and transparently under conditions, and now presents a very low risk of repetition. Accordingly, the Panel is asked to find no current impairment on the personal limb and to conclude that a public interest finding of impairment is not required in the particular circumstances of this case.

Legal Advice

131. The Legal Adviser reminded the Panel that impairment is a distinct, forward-looking assessment, separate from the earlier findings on facts and statutory ground (Cheatle). The purpose is public protection rather than punishment. The Panel must decide whether Ms Kinyanjui's fitness to practise is currently impaired, applying a two-limb test of equal weight: (i) the personal component (current risk arising from the individual) and (ii) the public component (the wider public interest in maintaining confidence in the profession and declaring/upholding proper standards).
132. On the personal limb, the Panel was advised to consider whether the concerns are readily remediable, whether remediation has in fact been achieved, and whether repetition is highly unlikely (Cohen). In doing so the Panel should evaluate, with reasons, inter-dependent factors including: the actual or foreseeable risk of harm; repetition and what has changed since the events; any relevant history; the quality of insight (ownership of wrongdoing, understanding of impact, and concrete plans to avoid recurrence); the extent and quality of remediation (with preference for objective evidence such as training, supervision records and appraisals); the stance taken in admissions/denials; and the weight and reliability of any testimonials. The Legal Adviser highlighted that concerns grounded in dishonesty or other character-based issues may be more difficult to remediate and require particularly cogent evidence to demonstrate genuine change.
133. On the public limb, the Panel was advised that even where personal risk is assessed as low, a finding of current impairment may still be necessary to maintain public confidence and uphold standards (Bolton; Yeong). Categories often regarded as inherently serious dishonesty, abuse of trust, discrimination, violence and sexual misconduct very commonly require a public-interest finding of impairment. While there is no automatic rule that dishonesty equates to impairment, cases in which dishonesty is found and yet no impairment is appropriate are exceptionally rare and would require

very strong mitigating factors (Uppal; GMC v Armstrong). The Panel should also consider the case of Grant and the Shipman questions (past and future risk of harm; bringing the profession into disrepute; breach of fundamental tenets; and dishonesty) to structure its analysis.

134. The Legal Adviser reminded the Panel that not every finding of misconduct necessitates impairment; the decision turns on current risk and the public interest. Whatever the outcome, the Panel must give clear, reasoned findings on each limb, explaining how the evidence (including any insight and remediation) affects the assessment of risk of repetition and how the public interest is best served.

Panel's Decision

135. Having found the facts proved and that they amount to misconduct, the Panel next considered whether Ms Kinyanjui's fitness to practise is currently impaired. In doing so, the Panel applied Social Work England's Impairment and Sanctions Guidance, which requires separate consideration of the personal and public components of impairment, including the nature and seriousness of the concern, insight, remediation, risk of repetition, and the need to uphold confidence in the profession and proper standards. The guidance also identifies dishonesty and falsification of records as inherently serious, often harder to remediate, and matters that commonly engage the public component.
136. In considering the personal component the Panel accepted that aspects of the misconduct are, in principle, remediable and noted steps Ms Kinyanjui has taken since the events: completion of relevant courses, production of reflective pieces, and the provision of employer and colleague references. Those are forms of remediation and testimonials that decision-makers may take into account when assessing current risk. However, the guidance emphasises that insight and remediation must be sufficiently developed and demonstrated in practice to reduce the risk of repetition; decision-makers should assess their quality, not just their existence.
137. The Panel found Ms Kinyanjui's insight remains limited. Her reflections did not adequately engage with the core failings identified at fact-finding: that she knowingly copied and pasted and submitted inaccurate assessments across a significant number of cases, and that this created obvious risks to people's liberty and to the accuracy of statutory records. The Panel was particularly concerned that her reflective materials did not sufficiently address the absence of the service-user's voice, the gravity of the BIA role, or the practical and ethical consequences for service users and their families of inaccurate records in DoLS decision-making. The guidance cautions that decision-makers should look for objective evidence of genuine understanding of what went wrong, why it was wrong, and how similar failings will be prevented; simple assertions or remorse that is focused on the social worker rather than on those affected carry limited weight.
138. The Panel also considered remediation and application in practice. Although courses had been undertaken, there was no objective, anonymised case-based evidence

showing how learning has been embedded into contemporaneous assessments to ensure accuracy, service-user voice, and lawful DoLS analysis. Testimonials referenced continued oversight and “second checks” by supervisors, which suggested ongoing reliance on external monitoring rather than robust personal assurance, and therefore did not persuasively demonstrate that the risk has been internalised and controlled by Ms Kinyanjui herself. The guidance recognises testimonials as potentially relevant but stresses that their weight depends on their currency, the author’s knowledge of the concerns, and critically evidence that the social worker’s practice now meets standards without undue support.

139. On risk of repetition, the Panel placed significant weight on: (i) the pattern and volume of inaccurate recording established at the facts stage; (ii) Ms Kinyanjui’s late acceptance of the dishonesty finding and the absence of targeted reflection on dishonesty itself; and (iii) continuing dependence on supervisory cross-checks rather than demonstrable personal compliance with the standards. The guidance indicates that risk of repetition is higher where insight is incomplete and remediation has not been convincingly embedded in practice.
140. The Panel did consider the personal circumstances, [PRIVATE] around the time of the misconduct. [PRIVATE] linking those issues to the specific dishonest conduct and explaining how the risk has been addressed, these factors did not materially reduce current risk. The guidance recognises that context can be relevant, but it remains necessary to be satisfied that the causes have been understood and that the risk has been controlled by the social worker.
141. Taking these matters together, the Panel could not be confident that Ms Kinyanjui would practise safely without restriction at this time. The personal component of current impairment is therefore established.
142. The Panel considered whether a finding of impairment is required to maintain public confidence in the profession and to declare and uphold proper standards. The guidance explains that even where personal risk may be low, public impairment may still be required in cases that seriously undermine trust or standards, and it identifies dishonesty and falsification of records as examples. Here, the misconduct involved systematic false recording across numerous statutory assessments, each personally signed and dated, within a legal process that can authorise a person’s deprivation of liberty. Such conduct strikes at the heart of professional integrity, record-keeping, and lawful safeguarding of rights, and would be regarded by a reasonable, well-informed member of the public as profoundly concerning.
143. The Panel also considered the wider impact beyond individual service users to their families and representatives, and to partner agencies that rely on the accuracy and honesty of BIA assessments. In the Panel’s judgement, failing to mark this behaviour as currently impairing would undermine public confidence and send the wrong signal about the standards expected of social workers particularly those entrusted with the BIA function. The guidance underscores that maintaining confidence and proper

standards may necessitate a finding of public impairment, especially where dishonesty is involved.

144. For the reasons above, the Panel finds that Ms Kinyanjui's fitness to practise is currently impaired on both the personal and the public components: personally, because insight and remediation are insufficiently developed and there remains a material risk of repetition; and publicly, because the established dishonesty and sustained inaccuracy in DoLS assessments require a clear regulatory response to uphold confidence and standards in the profession.

Decision and reasons on sanction:

Social Work England's Submission's

145. Mr Carey submitted that the panel must be guided by Social Work England's "Impairment and Sanctions Guidance," applying the overarching objective to protect the public, maintain confidence in the profession, and uphold proper professional standards while selecting the least restrictive sanction necessary to achieve those aims. He invited the panel to work through the available outcomes in ascending order of seriousness, assessing proportionality at each stage.
146. He identified significant aggravating features: the dishonesty was not an isolated lapse but a sustained pattern across a large number of DoLS/BIA's, in a context carrying inherent gravity because inaccurate or misleading assessments risk serious consequences for highly vulnerable service users and their families, and undermine public trust. He also argued that there remains limited insight particularly into the dishonesty given Ms Kinyanjui's position that she believed she was completing and checking the forms correctly at the time, which Mr Carey submitted it is difficult to reconcile with the panel's factual findings. In mitigation, he accepted that Ms Kinyanjui has shown genuine remorse and distress, [PRIVATE], undertaken targeted training and submitted reflective pieces; however, he submitted these steps are insufficient to offset the seriousness of the misconduct or to allay the risk indicated by the limited insight and continuing dependence on external oversight.
147. Applying the guidance, Mr Carey submitted that "no further action," "advice," or a "warning" would be inappropriate: they would neither restrict practice nor sufficiently address the risks to public protection and the wider public interest posed by repeated dishonest record-keeping in statutory assessments.
148. He further argued that a Conditions of Practice Order is generally unsuitable in dishonesty cases because it does not adequately address concerns of character and integrity; the guidance notes conditions are "less likely to be appropriate" for dishonesty and similar attitudinal failings, and such an outcome would fail to reassure the public in the face of proven, persistent dishonesty.

149. Turning to suspension, Mr Carey accepted that suspension is not uncommon where impairment arises from dishonesty and would mark seriousness. However, he submitted it would not be sufficient here. The guidance indicates suspension is appropriate only where there is some insight and evidence of willingness and ability to remediate; in his submission, the panel's findings demonstrate that insight into the dishonesty remains under-developed, such that suspension would not properly reflect the gravity of the misconduct or the breadth of the dishonest conduct across multiple assessments.
150. Mr Carey submitted that removal is the only proportionate sanction. He directed the panel to the guidance indicating that removal may be appropriate where dishonesty is persistent and/or concealed and where there is a persistent lack of insight into the seriousness and consequences of the conduct. He submitted those indicators are met on the panel's findings; a removal order is necessary to protect the public, to maintain confidence in the profession particularly given the centrality of honesty to public protection in social work and to uphold proper professional standards. Anything less, he argued, would send the wrong message about the unacceptability of repeated dishonest recording in statutory liberty-restricting assessments.

Social Worker's Submissions

151. Ms Sheridan submitted that removal is not inevitable in every dishonesty case and urged the Panel to avoid any presumption in favour of erasure, instead assessing all the facts and the available outcomes against the sanctions guidance. She acknowledged, consistent with the Panel's earlier findings, that Ms Kinyanjui's failings were serious but remediable; that she has shown genuine remorse; and that there is evidence of remediation to date. She reminded the Panel that the purpose of sanction is not to punish past wrongdoing but to protect the public and uphold the wider public interest, and therefore the Panel must impose the least restrictive order sufficient to achieve those aims. Against that framework, she accepted that "no further action" or a warning would be inappropriate where current risk has been identified.
152. Turning to restrictive outcomes, Ms Sheridan invited the Panel first to consider a Conditions of Practice Order (CPO). While the guidance says conditions are generally unlikely in dishonesty cases, it does not rule them out; here, she argued, workable and proportionate conditions could both protect the public and allow remediation to continue. She relied on the evidence that Ms Kinyanjui has fully complied with an interim conditions order for a year, has engaged with relevant training and CPD, and has demonstrated some insight factors that support confidence in compliance. She proposed conditions mirroring and extending the interim regime, including close supervision with regular reporting on the quality of assessments, a requirement to provide anonymised recent assessments from current practice, and a directed reflective statement addressing the identified gaps (in particular the voice of the service-user, the gravity of the BIA role, and the practical and ethical consequences for

service users and families of inaccurate DoLS records). She suggested a duration of six to twelve months to allow meaningful completion of remediation while risks are managed.

153. In the alternative, if the Panel concluded that conditions could not be formulated to manage risk, Ms Sheridan submitted that a Suspension Order would be the next least restrictive and proportionate outcome. She noted the guidance that suspension may be appropriate where there has been a serious breach of the professional standards but there is some insight and a demonstrable willingness and ability to remediate features present here on the Panel's findings. She proposed a suspension of six to twelve months as sufficient to protect the public and maintain confidence in the profession, while also recognising the public-interest consideration of avoiding undue "deskilling" of a trained social worker who may safely return to practice following remediation.
154. As to removal, Ms Sheridan accepted it is available but submitted it is not necessary or proportionate on these facts. In her submission, both a CPO (preferably) and a Suspension Order (in the alternative) would adequately protect the public, uphold proper professional standards, and maintain public confidence without resorting to the most severe outcome. She therefore asked the Panel to impose a Conditions of Practice Order, or, if not satisfied conditions are workable, a time-limited Suspension Order, reiterating that either outcome would send a clear regulatory message while enabling continued, verifiable remediation in the public interest.

Legal Advice

155. The Legal Adviser reminded the Panel that, having found current impairment, it must decide what if any sanction is necessary to protect the public and the wider public interest (maintenance of confidence in the profession and the declaration/upholding of proper standards). Sanctions are protective, not punitive, and the order imposed must be the minimum necessary to achieve those aims (the "least restrictive" principle). The panel was also reminded of the approach in *Bolton v Law Society*: the reputation of the profession and public confidence may require a sanction even where the consequence is severe for the individual registrant.
156. The Panel were reminded to follow a structured approach from the lowest outcome upwards, identifying the first outcome that is sufficient and giving clear reasons for rejecting each lesser outcome. The sanction chosen must be consistent with the panel's impairment findings; for example, where the panel has found an ongoing personal risk, a non-restrictive outcome will rarely be compatible. Personal hardship should be weighed but cannot outweigh public protection or public confidence.
157. The available outcomes, in ascending order, were set out as follows:
- No further action
 - Advice (1, 3 or 5 years)

- Warning (1, 3 or 5 years)
- Conditions of Practice Order (up to 3 years)
- Suspension Order (up to 3 years)
- Removal Order

158. Each outcome has typical indications and limits: advice/warning may be suitable only where risk is low and restriction unnecessary; conditions require remediable failings, insight, and clear, workable and monitorable conditions; suspension is appropriate for serious cases where remediation is possible but conditions would not suffice; removal is reserved for the most serious cases or where no lesser outcome would protect the public or uphold standards (e.g., persistent dishonesty, abuse of trust, sustained lack of insight).
159. When considering conditions, the Panel were reminded to ensure they are precise, proportionate, verifiable and enforceable (e.g., through supervisor reports) and not tantamount to suspension. Conditions are more commonly used for competence/capability or health concerns and are generally less suitable for attitudinal misconduct such as dishonesty. Suspension should include clear expectations to be assessed on review (e.g., evidence of insight, reflection, training and testimonials) and its duration must be proportionate, bearing in mind both protection of the public and the risk of deskilling.
160. The Panel were reminded to weigh aggravating and mitigating factors. Relevant mitigation can include timely, genuine insight and remorse, objective remediation (training, reflective work, appraisals), and any causally relevant, evidenced personal context. Aggravation can include a pattern of misconduct, harm or risk of harm, breach of trust, lack of insight, and dishonesty. In attitudinal cases (e.g., dishonesty) remediation is harder to evidence and, to maintain public confidence, sanctions will often need to be more restrictive.
161. The Legal Adviser highlighted additional themes. First, there is a public interest in the safe return to practice where it can be achieved with appropriate safeguards; this may support conditions or time-limited suspension with review in suitable cases. Second, delay does not bar a proportionate sanction where public confidence requires it; the panel should explain any effect of delay on fairness and public interest. Third, where there has been time under interim orders, the panel should identify the aim(s) of the final order (protective vs. marking gravity) and explain whether, and how, any interim period affects proportionality without undermining protection or confidence.
162. Finally, the Legal Adviser stated the need for clear reasons. The decision should explain the events, proved facts, seriousness factors, impairment reasons, why the chosen sanction is the minimum necessary, the length selected, and why each lesser (and any greater) outcome was rejected.

Panel's Decision

163. In determining the appropriate sanction, the Panel had careful regard to Social Work England's Impairment and Sanctions Guidance, adopted the overarching objective of public protection (protecting the public, maintaining confidence in the profession, and upholding standards), and applied the principles of proportionality and least restriction. The Panel considered each outcome in ascending order of seriousness, selecting the minimum necessary to protect the public and satisfy the wider public interest. The Panel also ensured consistency with its earlier findings that Allegation 2 was proved, that the statutory ground of misconduct was established, and that Ms Kinyanjui's fitness to practise is currently impaired on both the personal and public components.
164. In reaching its decision the Panel took into account the following aggravating and mitigating factors, which align with those identified in the guidance and its earlier findings:
165. Mitigating factors
- Evidence of engagement with the regulatory process; expressions of remorse and shame; and some developing insight into the deficiencies in practice.
 - Evidence of remediation steps including targeted training/CPD, reflective pieces, a personal/professional development plan, and positive employer feedback.
 - Personal mitigation [PRIVATE].
 - No known previous adverse fitness to practise history.
 - Testimonials and character references attesting to positive aspects of current practice and conduct.

Aggravating factors

- Repetition/pattern: numerous assessments affected over a sustained period.
 - Insight not yet fully developed, particularly in relation to dishonesty and the integrity of records/assessments.
 - Actual and potential risk of harm to service users and their families given the centrality of DoLS/BIA's to lawful deprivation of liberty and safeguarding.
166. The panel first considered whether to take no further action, impose advice or a warning. The Panel rejected these outcomes and it concluded that this would be wholly inappropriate given the seriousness of the misconduct, the risk of repetition, and the panel's finding that Ms Kinyanjui's fitness to practise is currently impaired on both the personal and public components. Taking no further action would fail to provide the

necessary public protection and would undermine public confidence in the profession. The panel noted that this outcome is rarely appropriate where serious findings of misconduct have been made.

167. It also concluded that issuing advice or warning would also be inappropriate in this case. A warning or advice is intended to serve as a reminder to a social worker about their obligations and the potential consequences of further misconduct. However, such outcomes do not restrict practice, are not reviewable, and would allow Ms Kinyanjui to return to unrestricted practice immediately. In the panel's view, this would not adequately reflect the seriousness of the misconduct or address the identified ongoing risk to the public.
168. The panel noted that Ms Kinyanjui has not fully demonstrated insight which remains limited and requires further development. Therefore, given the seriousness of the misconduct which includes dishonest recording across multiple assessments and the Panel's finding of current impairment with a risk of repetition, absent structured safeguards, outcomes that do not restrict practice would not protect the public or maintain public confidence. These measures are inappropriate where there is current risk and would be inconsistent with the Panel's impairment findings.
169. The Panel next considered whether a Conditions of Practice Order would be a sufficient and proportionate response. Conditions may be appropriate where the concerns identified are capable of being remedied, and where the social worker is willing and able to comply. The Panel concluded this is the least restrictive sanction sufficient to protect the public and meet the wider public interest. The Panel recognised that conditions are generally most apt where (i) the deficiencies are remediable, (ii) there is some insight, (iii) appropriate, proportionate and workable conditions can be crafted and monitored, and (iv) public protection can be achieved in restricted practice. Those criteria are satisfied in this case. The misconduct was serious and repeated, and included dishonest recording; however, it occurred within a specific context, is capable of remediation, and there is objective evidence of meaningful albeit incomplete remediation and developing insight. The Panel also noted recent compliance with interim restrictions and positive supervisory engagement, which supports the conclusion that conditions will be effective and enforceable.
170. In selecting conditions rather than suspension, the Panel placed weight on robust, targeted conditions (for example, enhanced supervision and audit of assessments/records; restrictions around undertaking or signing off Best Interests/DoLS work until competence is demonstrated; completion of further training on legal/ethical frameworks and record-keeping; submission of reflective work specifically addressing dishonesty, integrity in assessments, and the impact on service users and families) that can manage the identified risks while allowing remediation to continue in a controlled environment. Conditions facilitate real-time learning and demonstrable change in safe practice; suspension would risk a period without evidence of improvement and could contribute to deskilling. A stringent, well-structured conditions regime appropriately marks the seriousness of the misconduct,

addresses the risk of repetition, and upholds standards without resorting to more restrictive sanctions than are necessary.

171. The Panel determined that a period of 2 years is necessary and proportionate. This is the least restrictive sanction that adequately protects the public, maintains public confidence in the profession, and upholds proper standards while enabling remediation to be demonstrated in practice. This duration allows sufficient time to complete any further training, to embed learning, to produce high-quality reflective work focusing on honesty/integrity and on the voice and rights of service users, and to evidence sustained safe practice through supervision reports and audit outcomes. It also enables the regulator to monitor progress and review the order before expiry. The guidance permits conditions for up to three years and emphasises that length should be long enough to complete remediation; the Panel judged two years to strike the right balance in light of the work already commenced and the further development still required.
172. For completeness the Panel considered whether a Suspension Order or Removal is required in this case. The Panel determined that while suspension can be appropriate for serious breaches where some insight is shown, this is more relevant for cases where workable conditions cannot adequately protect the public or satisfy the public interest. Here, the Panel concluded that stringent conditions could protect the public and better promote remediation. Suspension would not easily permit supervised practice, reflective application, or ongoing audit all of which the Panel considers essential to consolidating insight (particularly around dishonest recording and the integrity of assessments) and reducing the risk of repetition. Moreover, the guidance cautions that decision makers should balance public protection with the risk of de-skilling; in this case, conditions more effectively protect the public while supporting safe, structured rehabilitation in practice.
173. Finally, the Panel considered removal from the register, recognising that removal may be appropriate in cases of persistent or concealed dishonesty and/or persistent lack of insight. However, the Panel determined that removal would be disproportionate and not the minimum necessary outcome in this case. Although the misconduct was serious, repeated and included dishonest recording, the Panel found that: (i) the conduct is remediable; (ii) there is some insight and substantial, but incomplete remediation; (iii) there is a realistic prospect of safe practice under robust restrictions; and (iv) public confidence and professional standards can be maintained through a stringent conditions regime. The threshold for removal is that no lesser outcome being sufficient to protect the public or uphold confidence was not met.
174. The Panel expects future reviews to be informed by: (i) supervisor/line-manager reports evidencing compliance and audited improvements in assessment quality and record-keeping; (ii) anonymised work samples demonstrating accurate, service-user-centred, legally compliant assessments; (iii) targeted CPD completion (including legal/ethical frameworks and record-keeping); and (iv) reflective statements specifically addressing dishonest recording, integrity in assessment practice, and the impact of previous

failings on service users and families. Absent satisfactory progress, more restrictive outcomes may be considered at review.

Conditions of practice order

1. You must notify Social Work England within 7 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 you 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 6 months and at least 14 days prior to any review and Social Work England will make these reports available to any workplace supervisor referred to in these conditions on request.
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. You must work with your workplace supervisor to formulate a Personal Development Plan (PDP), specifically designed to address the shortfalls in the following areas of your practice:

- b) Honesty and integrity in recording and sign-off, including avoiding copying/pasting and ensuring independent, informed decision-making.
- c) Accuracy, clarity and timeliness of assessment records, with a clear audit trail showing how decisions are reached.
- d) Application of the Mental Capacity Act 2005 and DoLS legal/ethical frameworks (including the BIA role boundaries and safeguards).
- e) Ensuring the service user's voice, wishes, feelings and rights are accurately obtained, considered and represented.
- f) Risk assessment, analysis and professional judgement, including appropriate use of supervision and escalation.
- g) Workload management, prioritisation and quality-assurance checks prior to submission/sign-off.

The PDP must be formulated within 6 weeks of these conditions taking effect, and thereafter updated as required. An updated PDP must be prepared and shared with your supervisor no later than 2 weeks prior to any review.

10. You must provide a copy of your PDP to Social Work England within 6 weeks from the date these conditions take effect, and an updated copy at least 2 weeks prior to any review. The PDP must be:

- Accurate and reflective of your current circumstances, role and caseload;
- Demonstrate how you will make independent and informed decisions, including the steps you will take to ensure the accuracy and integrity of your assessments and records.

11. a. At any time you are employed, or providing social work services that require registration with Social Work England, you must place yourself and remain under close supervision of a workplace supervisor nominated by you and agreed by Social Work England. The workplace supervisor must be on Social Work England's register.

b. You must not start or continue to work in a role requiring registration until these supervision arrangements have been approved in writing by Social Work England.

12. You must provide supervisor reports to Social Work England every 6 months and at least 14 days prior to any review. Reports must comment on your caseload, adherence to these conditions, progress against the PDP, the quality/accuracy of your assessments and records, your use of supervision, and any identified concerns or incidents.

13. You must not supervise the work of any other social worker or student social worker.

14. You must not be responsible for the work of any other social worker or student social worker (including line-management or sign-off responsibility).

15. You must not carry out Best Interests Assessor (BIA) assessments under DoLS and you must not present yourself as a BIA or sign off any BIA/DoLS assessment.

16. a. You must carry out an audit of your assessments and related case records completed under, or engaging, the Mental Capacity Act 2005. Each audit must review a minimum of five complete cases (or all cases if fewer than five in the period) and must evaluate: (i) accuracy and integrity of recording; (ii) the presence and quality of analysis and decision-making; (iii) how the service user's voice, wishes and rights have been obtained and represented; and (iv) legal/ethical compliance. The audit must be signed by your work place supervisor.

b. You must provide a copy of this audit to Social Work England every 6 months and at least 14 days prior to any review or, alternatively, confirm that there have been no such cases.

17. You must read Social Work England's Professional Standards (July 2019) and provide a written reflective account within 6 months of these conditions taking effect. Your reflection must focus on how your conduct in this case fell below the accepted standards of a social worker and what you should have done differently, addressing in particular:

- Dishonest recording and signing-off assessments that contained information you knew (or ought to have known) was inaccurate.
- Copying/pasting without verification and failure to undertake independent checks.
- Failure to ensure the service user's voice and rights were properly represented.
- Deficits in applying MCA/DoLS legal and ethical frameworks and in evidencing decision-making.
- Over-reliance on others to identify/correct errors rather than exercising personal accountability.

Your reflection must explicitly reference relevant Professional Standards, including **1.7, 2.1, 3.1, 3.2, 3.11, 5.2 and 5.3**, and set out concrete changes you have made to prevent repetition.

18. You must provide a written copy of your conditions, within 7 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 17, 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 7 days from the date these conditions take effect.

19. You must permit Social Work England to disclose the above conditions, 1 to 17, to any person requesting information about your registration status.

Interim order:

176. In light of its findings on sanction, the panel next considered an application by Mr Carey for an interim order in the same terms as the final order to cover the appeal period before the final order becomes effective.
177. The panel was mindful of its earlier findings and decided that it would be wholly incompatible with those earlier findings to make no order.
178. Accordingly, the panel concluded that an interim conditions of practice order is necessary for the protection of the public. When the appeal period expires this interim order will come to an end unless an appeal has been filed with the High Court. If there is no appeal, the final order of conditions of practice shall take effect when the appeal period expires.

Right of appeal:

179. 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.
- 180. 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.
- 181. 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.
- 182. 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:

- 183. 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
- 184. 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:

- 185. 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>.