



# **Social worker: Maria Blake**

## **Registration number: SW73322**

### **Fitness to Practise**

### **Final Hearing**

**Dates of Hearing: 27 October 2025 to 28 October 2025**

**Hearing venue: Remote hearing**

**Hearing outcome:**  
**Fitness to practise impaired, warning order (3 years)**

## Introduction and attendees:

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018 (as amended) (“the regulations”).
2. Ms Blake did not attend and was not represented.
3. Social Work England was represented by Ms Kennedy case presenter instructed by Capsticks LLP.
4. The panel of adjudicators conducting this hearing (“the panel”) and the other people involved in it were as follows:

Adjudicators	Role
Adrian Smith	Chair
Louise Fox	Social worker adjudicator
Colette Neville	Lay adjudicator

Hearings team/Legal adviser	Role
Poppy Muffett	Hearings officer
Heather Hibbins	Hearings support officer
Chris Binns	Legal adviser

## Service of notice:

5. The panel was informed by Ms Kennedy that notice of this hearing was sent to Ms Blake by email and next day delivery service to the addresses provided by Ms Blake (namely her registered address as it appears on the Social Work England register). Ms Kennedy submitted that the notice of this hearing had been duly served.
6. The panel of adjudicators had careful regard to the documents contained in the final hearing service bundle as follows:
  - A copy of the notice of the final hearing dated 24 September 2025 and addressed to Ms Blake at her registered email and postal address which she provided to Social Work England;
  - An extract from the Social Work England Register as of 24 September 2025 detailing Ms Blake’s registered email and postal addresses;
  - A copy of a signed statement of service, on behalf of Social Work England, confirming that on the 24 September 2025 the writer sent by email and next day delivery service to Ms Blake at the addresses referred to above: notice of hearing and related documents;
  - A copy of the Royal Mail Track and Trace Document indicating “signed for” delivery to Ms Blake’s address at 12.04pm on 25 September 2025.
7. The panel accepted the advice of the legal adviser in relation to service of notice.

8. Having had regard to Fitness to Practise Rule 14 and 15, 44 and 45 (as amended) 2019 (“The Rules”) and all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Ms Blake in accordance with the Rules.

#### **Proceeding in the absence of the social worker:**

9. Ms Kennedy submitted on behalf of Social Work England that the panel has the power under the Fitness to Practise Rules to proceed in the absence of a social worker where notice has been properly served, and it is fair and in the interests of justice to do so. She reminded the panel of its discretion to continue in the social worker’s absence where the non-attendance appears voluntary, and where an adjournment would serve no useful purpose.
10. Ms Kennedy referred to a telephone note from Ms Blake dated 25 September 2025 confirming that she had received the notice of hearing by post and explaining that she did not wish to return to practice for health reasons. Ms Kennedy further referred to the note of telephone call from Ms Blake on 7 October 2025 in which she sought confirmation that she could make written submissions by post and stated she no longer wished to return to practice as a social worker. Ms Kennedy directed the panel to the email from Ms Blake dated 14 October 2025 in which [PRIVATE].
11. Ms Kennedy submitted that the communication demonstrated a deliberate and informed decision not to attend. Ms Kennedy submitted that notice of this hearing had been duly served, no application for an adjournment had been made by Ms Blake and as such there was no guarantee that adjourning today’s proceedings would secure her attendance. Ms Kennedy emphasised that fairness to Ms Blake can be safeguarded because the panel will consider all written material provided by her.
12. Ms Kennedy therefore invited the panel to proceed in the interests of justice and the expeditious disposal of this hearing.
13. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. This included reference to Rule 43 of the Rules and the cases of *R v Jones [2002] UKHL 5*; *General Medical Council v Adeogba [2016] EWCA Civ 162*. The panel also took into account Social Work England guidance ‘Service of notices and proceeding in the absence of the social worker’.
14. The panel noted that Ms Blake had been sent notice of today’s hearing and the panel was satisfied that she was aware of today’s hearing.
15. The panel noted that Ms Blake sent an email to Social Work England on the 14 October 2025 that she would not attend the hearing. [PRIVATE] The panel recognised that Ms Blake had engaged with the process by submitting written representations. The panel also noted that she had not requested an adjournment.
16. The panel then conducted a balancing exercise. On one side, it considered the importance of ensuring that Ms Blake had a fair opportunity to attend, hear the

evidence, and give instructions or make representations. On the other side, it weighed the strong public interest in the expeditious disposal of fitness to practise proceedings, as highlighted *in Adeogba*. The panel bore in mind the need to protect the public, maintain confidence in the profession, and avoid unnecessary delay which could impair the quality of the evidence and frustrate the regulator's ability to discharge its statutory duties.

17. The panel concluded that Ms Blake's absence was voluntary. The panel noted that she had cited [PRIVATE] as the reason for her non-attendance. However, Ms Blake had not requested an adjournment, and the panel determined that an adjournment would serve no useful purpose and would be unlikely to secure her attendance. The panel was satisfied that fairness to Ms Blake could be maintained by taking full account of her written submissions and by making no adverse inference about her non-attendance.
18. Balancing all of these considerations, the panel determined that it was fair, proportionate and in the interests of justice to proceed in Ms Blake's absence. The panel was satisfied that this course of action was consistent with the overarching objective of Social Work England: to protect, promote and maintain the health, safety and wellbeing of the public; to maintain public confidence in the social work profession; and to uphold proper standards of conduct and performance.

### **Preliminary matters:**

19. The panel invited Ms Kennedy to make submissions under Rule 38 of the Rules on whether the whole or parts of the hearing should be heard in private:
  - a. namely those parts of the hearing when the health and related matters concerning Ms Blake were considered and;
  - b. whether publication of her name in the final determination should be withheld due to potential risk to Ms Blake from former service users.
20. Ms Kennedy referred the panel to the written submissions by Ms Blake dated 1 October 2025 in which she requests that she is not named in the determination because it could cause her harm. Ms Kennedy submitted that Ms Blake was not present to give oral evidence and the request in the email did not amount to a formal application.
21. Ms Kennedy submitted that the hearing should be held in public as the allegations concerned a conviction and a failure to divulge the conviction to Social Work England. Ms Kennedy informed the panel that she would only discuss matters concerning Ms Blake's health in general terms but if she needed to discuss her health in more detail the panel could exercise its discretion to hear that evidence in private.
22. Ms Kennedy referred the panel to the Social Work England's publication policy that states it is in the interests of open justice and to maintain public confidence in their decision making processes that hearings are held in public. Ms Kennedy submitted that Ms Blake had not put forward specific details in her written submissions other than

a generic threat. Ms Blake in her written submissions states that she feels shame at her conviction but this is not sufficient for the panel to have its determination anonymised or redacted.

23. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. The panel was reminded that the general rule is that hearings shall be held in public, but that Rule 38 provides an exception to that approach where the health of the registered social worker is being considered. The panel was further reminded that, in addition to the narrow health exception, it also retains a wider discretion to hear matters in private where it is appropriate to do so, having regard to the matters identified within the Rules and the need to balance the public interest in open justice with the protection of the welfare and private life of those concerned. The panel was also reminded that the Ms Blake's conviction was already in the public domain.
24. Having considered Ms Kennedy's submissions, the written submissions of Ms Blake and the legal advice the panel accepted that there was material within the evidence already before it concerning Ms Blake's health, which may properly be the subject of discussion and submissions in private.
25. Accordingly, the panel exercised its discretion under Rule 38 and directed that parts of the hearing shall be held in private as appropriate.

### **Allegations:**

26. The allegation arising out of the regulatory concerns referred by the Case Examiners on 8 April 2022 is:

*Whilst registered as a social worker, you:*

1. *On 17 June 2021, were convicted at Northamptonshire Magistrates' Court of the offence of "drove a motor vehicle, namely a Citroen VRM YX06TYC on a road namely Beanfield Avenue, after consuming so much alcohol that the proportion of it in your breath, namely 76 micrograms of alcohol in 100 millilitres of breath, exceeded the prescribed limit".*
2. *Between around 17 June 2021 and 27 November 2021, did not promptly report your conviction to Social Work England.*

*The matter outlined in paragraph 1 amounts to the statutory ground of conviction in the United Kingdom for a criminal offence.*

*The matter outlined in paragraph 2 amounts to the statutory ground of misconduct.*

*Your fitness to practise is impaired by reason of your conviction and/or 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. The panel noted that Ms Blake did not deny allegations 1 or 2, but had not made unequivocal admissions.
29. In line with Rule 32c(i)(a) of the Rules, the panel then went on to determine the disputed facts.

### **Summary of evidence:**

30. On 14 December 2021, Social Work England received an internal referral regarding the Respondent social worker, Ms Blake.
31. Ms Blake was convicted on 17 June 2021 of driving after having consumed so much alcohol that the proportion of it in her breath, namely 76 microgrammes of alcohol in 100 millilitres of breath, exceeded the prescribed limit. The incident occurred on 27 May 2021.
32. The social worker did not advise Social Work England of her conviction until she completed her registration renewal on 27 November 2021. As part of this renewal, the social worker declared that she had received a conviction for driving whilst under the influence of alcohol *“in July 2021”*.
33. Under Social Work England’s guidance, “Safe and Effective Practice Declarations and Fitness to Practise self-referrals” (“the Guidance”), social workers are required to notify the regulator promptly if there is a change which may affect their fitness to practise, *“... as soon as possible. This includes criminal offences and investigations... However, you must not wait until the renewal period to tell us.”*

### **Submissions**

#### **Social Work England**

34. In her submissions Ms Kennedy submitted that she relied not only on her oral submissions but also on the statements and exhibits filed on behalf of Social Work England.
35. Ms Kennedy submitted that Ms Blake was convicted on 17 June 2021 of driving after having consumed so much alcohol that the proportion of it in her breath, namely 76

microgrammes of alcohol in 100 millilitres of breath, exceeded the prescribed limit. The incident occurred on 27 May 2021. Ms Blake did not advise Social Work England of her conviction until she completed her registration renewal on 27 November 2021. As part of this renewal, Ms Blake declared that she had received a conviction for driving whilst under the influence of alcohol “*in July 2021*”.

36. Ms Kennedy informed the panel that Ms Blake had engaged intermittently throughout the process. In her recent submissions on the 10 October 2025 she stated that she has never denied her offending behaviour or tried to avoid the consequences; she did notify Social Work England of the conviction but accepts that she did not do so promptly. Ms Blake also states that whilst she did not report the offence in a timely fashion, she was unwell and was not working as a social worker at that time.
37. Ms Kennedy invited the panel to read the statements of Mr Stockwell on behalf of Social Work England and Cara-Noella Peterson on behalf of Capsticks LLP and submitted that they were not hearsay statements but production statements to the exhibits before them.
38. Ms Kennedy submitted the certified copy of the memorandum of conviction, signed and dated 11 April 2023 as conclusive proof of Ms Blake’s conviction. As noted in the memorandum of conviction, Ms Blake pleaded guilty to the offence set out above on 17 June 2021. Ms Kennedy referred the panel to Paragraph (1)(i) of rule 35A of the Rules that provides “*(1) Where a registered social worker has been convicted of a criminal offence (i) a copy of the certificate or memorandum of conviction, certified by a competent officer of a Court in the United Kingdom [ . . . ] shall be conclusive proof of the conviction*”, whilst paragraph 3 of rule 35A provides that “*Any other evidence pertaining to the conviction may be considered as sufficient proof of the conviction*”.
39. Ms Kennedy referred the panel to the details of the incident which led to Ms Blake’s conviction as set out in the MG5 police report and the arresting officer’s MG11 witness statement. On 27 May 2021, it was reported to the police that Ms Blake had told someone (identity unknown) that she had had a few drinks before driving. The police were notified by a member of the public that Ms Blake appeared to be driving under the influence of alcohol. The police were asked to attend a public house to attend to the incident. On their way to the public house, they identified the social worker’s vehicle driving along the road. The police stopped Ms Blake, asked if she had been drinking that day, to which she said yes, and asked her to complete a breath test, which she agreed to do. Ms Blake’s first test, taken at 20:58, gave a reading of 70 microgrammes per 100 millilitres of breath. The Social Worker took two further tests, which gave a reading of 76 microgrammes per 100 millilitres of breath at 21:41, and 79 microgrammes per 100 millilitres of breath at 21:44. The legal limit is 35 microgrammes per 100 millilitres of breath.
40. Ms Kennedy referred the panel to the evidence that Ms Blake was convicted of the offence set out above, having entered a guilty plea on 17 June 2021. She was disqualified from driving for a period of 20 months, reduced to 20 weeks if she

completed an approved course by 29 July 2022. The Social worker completed the course on 20 July 2021. Ms Kennedy invited the Panel to find allegation 1 proved.

41. Ms Kennedy set out the evidence to the panel that between around 17 June 2021 and 27 November 2021 Ms Blake did not promptly report her conviction to Social Work England. Ms Kennedy submitted that, pursuant to the Guidance, social workers are required to inform Social Work England if there is any change of circumstances in relation to their fitness to practise “*... as soon as possible. This includes criminal offences and investigations... However, you must not wait until the renewal period to tell us*”. They are also required to report to their regulator if they are made subject to any criminal proceedings by virtue of Section 6.6 of the Social Work England Standards that states *I will declare to the appropriate authority and Social Work England anything that might affect my ability to do my job competently or may affect my fitness to practise, or if I am subject to criminal proceedings or a regulatory finding is made against me, anywhere in the world.* Ms Kennedy further submitted that the Guidance states that social workers are required to promptly declare any charges, convictions or cautions and not wait for the renewal of their registration.
42. Ms Kennedy submitted that Ms Blake did not inform Social Work England of her conviction until she completed her registration renewal on 27 November 2021 some five months later, when she declared that she had received a conviction for driving whilst under the influence of alcohol. Ms Blake apologised for not notifying Social Work England of the offence immediately. She explained that she was prompted to make the declaration when she came to renew her registration. She explained that she has continued to maintain her registration despite not working in a social work role since 2010.
43. Ms Kennedy invited the panel to determine that that there is an obligation on social workers to inform Social Work England without delay if they have received a conviction, or indeed are subject to a criminal investigation. The Guidance is clear that social workers should not wait until the next renewal cycle to make such a declaration. By failing to make a declaration from the date of conviction on 17 June 2021 until she renewed her registration on 27 November 2021, Ms Kennedy submitted that the Social Worker did not promptly notify Social Work England. Accordingly, the panel will be invited to find paragraph 2 of the allegation proved.

### **Ms Blake’s written submissions**

44. The panel received and considered written submissions from Ms Blake.

### **Finding and reasons on facts:**

45. The panel heard and accepted the advice of the Legal Adviser on the approach it must take when determining findings of fact. The Legal Adviser reminded the panel that the burden of proof rests throughout on Social Work England and that the applicable

standard is the civil standard, namely the balance of probabilities. In order to find an allegation proved, the panel must be satisfied that it is more likely than not that the conduct occurred as alleged. Suspicion, instinct, or speculation cannot form the basis of any finding. Each allegation must be considered separately and in the light of all the evidence, including oral testimony, written statements, and contemporaneous documents, with appropriate weight given to each strand of evidence.

46. The panel then proceeded to consider each allegation in turn, undertaking a fact-by-fact evaluation in accordance with the civil standard of proof, namely the balance of probabilities.

### **Allegation 1**

47. The panel had regard to the submissions of Ms Kennedy, the written submissions of Ms Blake and the contemporaneous documentation. The panel noted and accepted the certified copy of the memorandum of conviction, signed and dated 11 April 2023 as conclusive proof of the Social Worker's conviction. As noted in the memorandum of conviction, Ms Blake pleaded guilty to the offence on 17 June 2021 of driving a motor vehicle whilst exceeding the prescribed alcohol limit.
48. The panel noted the supporting evidence set out in the MG5 police report and the arresting officer's MG11 witness statement. The panel noted that Ms Blake did not deny the conviction in her written submissions.
49. The panel considered section 35A of the Rules:

*(1) Where a registered social worker has been convicted of a criminal offence:*

- *(i) a copy of the certificate or memorandum of conviction, certified by a competent officer of a Court in the United Kingdom or, in Scotland, an extract of the conviction, shall be conclusive proof of the conviction.*
- *(ii) the findings of fact upon which the conviction is based shall be admissible as proof of those facts.*

*(2) The only evidence which may be adduced by the registered social worker in rebuttal of a certificate or memorandum of conviction is evidence for the purpose of proving that said conviction has been quashed, or they are not the person referred to in the certificate or memorandum.*

*(3) Any other evidence pertaining to the conviction may be considered as sufficient proof of the conviction.*

50. Ms Blake was convicted of driving under the influence of alcohol by a Magistrates Court to the criminal standard of proof of beyond reasonable doubt. The panel is therefore satisfied on the balance of probabilities that Ms Blake was convicted of the offence.
51. Accordingly, the panel finds paragraph 1 of the allegation proved.

### **Allegation 2**

52. The panel noted the evidence that Ms Blake was convicted on the 17 June 2021 having been arrested and charged with the offence on 27 May 2021. The panel further noted that Ms Blake stated in her written submission that she had been prompted to make the declaration when she came to renew her registration on 27 November 2021. Ms Blake explained that she was not working as a social worker at the time of the conviction but continued to maintain her registration despite not working in a social work role since 2010.
53. The panel noted that there was an obligation on social workers to inform Social Work England without delay if they have received a conviction or indeed are subject to a criminal investigation. The panel considered that the Social Work England Guidance is clear that social workers should not wait until the next renewal cycle to make such a declaration. The panel noted the Social Work England Guidance cites the specific example of a charge for drink driving. The panel noted that Ms Blake did not report her conviction of 17 June 2021 until she renewed her registration on 27 November 2021, a period of five months after the conviction. The panel considered that a delay of 5 months could not be described as prompt. Therefore, Ms Blake did not promptly report her conviction to Social Work England.
54. Accordingly, the panel finds paragraph 2 of the allegation proved.

#### **Submissions and legal advice on grounds and impairment:**

#### **Submissions on misconduct;**

55. Ms Kennedy submitted to the panel that the statutory ground of conviction is engaged on the basis that Ms Blake has received a conviction in the United Kingdom pursuant to section 25(2)(c) of the Social Work England Regulations 2018 (as amended). Ms Kennedy further submitted that the conviction put Ms Blake in breach of Social Work England's professional standards. In particular:

#### *Social Work England Professional Standards 2019*

*5.2 Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work*

56. Ms Kennedy invited the panel to find paragraph 2 of the allegation amounted to misconduct.
57. Ms Kennedy submitted that there is a clear requirement both in Social Work England's standards, as well as the Guidance set out above, to notify Social Work England as soon as possible in the event a registered social worker has received a conviction as set out at paragraph 6.6 of the Social Work England professional standards;

*6.6. I will declare to the appropriate authority and Social Work England anything that might affect my ability to do my job competently or may affect my fitness to*

*practise, or if I am subject to criminal proceedings or a regulatory finding is made against me, anywhere in the world.*

58. Ms Kennedy submitted that Ms Blake's failure to report the conviction between 17 June 2021 and 27 November 2021, is a breach of this professional obligation, is serious and falls below the standard expected of a registered social worker. Ms Kennedy invited the panel to find that paragraph 2 of the allegation amounts to misconduct.

### **Submissions on impairment**

59. Ms Kennedy reminded the panel that whether the facts found proved result in impaired fitness to practise is ultimately a matter of judgement for the panel.

60. Ms Kennedy submitted that there is a range of case law dealing with the proper approach to assessing current impairment. In the case of *Cohen v General Medical Council*, Silber J stated that "*Any approach to the issue of whether a doctor's fitness to practise should be regarded as 'impaired' must take account of 'the need to protect the individual patient, and the collective need to maintain confidence [in the] profession as well as declaring and upholding proper standards of conduct and behaviour of the public in their doctors and that public interest includes amongst other things the protection of patients, maintenance of public confidence in the' (sic ).*" He went on to say that "*it must be highly relevant in determining if a [practitioner's] fitness to practice is impaired that first his or her conduct which led to the charge is easily remediable, second that it has been remedied and third that it is highly unlikely to be repeated*". In the case of *Council for Healthcare Regulatory Excellence v Nursing and Midwifery Council, Paula Grant*, Cox J considered that the appropriate test for panels considering impairment of a doctor's fitness to practise, which would be equally applicable to other regulatory schemes, was the test formulated by Dame Janet Smith in her Fifth Shipman Report, namely:-

*"Do our findings of fact in respect of the doctor's misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her fitness to practise is impaired in the sense that s/he:*

- (a) has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or*
- (b) has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or*
- (c) has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession; and/or*
- (d) has in the past acted dishonestly and/or is liable to act dishonestly in the future."*

61. Ms Kennedy submitted that Ms Blake's conduct engages limbs (b) and (c) of the test set out by Dame Janet Smith as set out above.

62. Ms Kennedy submitted to the panel that whilst the conduct took place outside the workplace, driving under the influence of alcohol put other road users at risk of harm and is a breach of standard 6.6. Ms Blake's actions resulted in a member of the public calling the police to report that she was drink driving. She has now received a conviction for the offence. Further, she has failed to comply with her professional obligation to notify her regulator of the conviction as soon as possible. This meant there was a potential risk to service users as Social Work England was unable to assess the risk. Ms Kennedy submitted that a member of the public, who was fully informed of these incidents would be seriously concerned with Ms Blake's conduct to the extent that the public confidence in the profession would be undermined.

63. Ms Kennedy referred the panel to the Social Work England drink and drug driving policy and asked the panel to note that *"in the absence of any aggravating factors, a drink or drug driving conviction is unlikely to require a finding of impairment or a sanction to be imposed"*. Ms Kennedy submitted that in Ms Blake's case there were a number of aggravating factors:

- a. The sentence was a 20 month driving ban;
- b. Ms Blake failed to report the criminal proceedings to Social Work England;
- c. The extent to which Ms Blake was over the limit when breathalysed.

64. Ms Kennedy submitted that in Ms Blake's case there were a number of mitigating factors:

- a. The offence occurred in May 2021 and has not been repeated;
- b. Ms Blake is otherwise of good character;
- c. Ms Blake completed the drink driving course;
- d. [PRIVATE]

65. Ms Kennedy submitted that Ms Blake's conduct was remediable if she could show what went wrong and what she had done to reduce the risk of repetition. She admitted the offence and completed the drink driving course. However, Ms Blake had not displayed any insight into the risk of her conduct to other road users and having completed the drink driving course, she had not provided any detail regarding the course, including what she had learnt and how that would impact her future decision making and minimise the risk of repetition. Ms Kennedy further submitted that whilst Ms Blake had apologised for not informing Social Work England immediately of her conviction, she sought to minimise the concerns as she was not working as a social worker at the time and she did not acknowledge the impact of her actions or give an assurance it would not be repeated.

66. [PRIVATE]

67. Ms Kennedy submitted to the panel that the aggravating factors in respect of the Social Work England drink and drug driving policy, insufficient evidence of remediation, lack of insight and lack of testimonials amounted to impairment on the personal component.
68. Ms Kennedy submitted that the findings in relation to paragraphs 1 and 2 of the allegation undermine confidence in the social work profession therefore irrespective of the risk of repetition the concerns in this case are so serious that a finding of impairment on the public component is required in order to uphold public confidence in the profession and maintain proper standards.

### **Legal advice on misconduct**

69. The panel heard and accepted the advice of the Legal Adviser that it is for the panel, applying its own independent judgment, to determine whether the proven facts amount to misconduct. Misconduct has no statutory definition, but *in Roylance v GMC (No.2) [2001] 1 AC 311* it was described as conduct falling short of what would be proper in the circumstances.
70. The panel was further advised that the threshold is a high one. It must ask whether the registrant's conduct fell below the standards expected of a social worker and whether that shortfall was sufficiently serious to undermine public confidence or the reputation of the profession. Trivial or inconsequential lapses will not normally cross the misconduct threshold.

### **Legal advice on impairment**

71. The panel heard and accepted the advice of the legal adviser that the issue of current impairment is a matter of judgment for the panel, applying the principles *in CHRE v NMC and Grant [2011] EWHC 927 (Admin)*. Impairment has both a personal component, focusing on insight, remediation, and risk of repetition, and a public component, concerned with maintaining confidence in the profession and upholding proper standards. The panel was reminded that it should consider whether the registrant's conduct demonstrates a risk of harm, brings the profession into disrepute, breaches fundamental tenets, or involves dishonesty.
72. The panel was further advised, *following Cohen v GMC [2008] EWHC 581 (Admin)*, to take a forward-looking approach and consider whether the concerns are easily remediable, whether they have been remedied, and whether repetition is highly unlikely. Relevant factors include the seriousness of the misconduct, the registrant's level of insight and responsibility, the extent of remediation, the likelihood of repetition, and the impact on public confidence.

### **Finding and reasons on grounds:**

73. The panel reminded itself that whether the facts found proved amount to misconduct is a matter for its own judgment. The panel adopted the description in *Roylance v GMC (No.2) [2001] 1 AC 311* that "misconduct" denotes conduct which falls short of what would be proper in the circumstances.

74. The panel evaluated each allegation individually and collectively, assessing the nature, gravity, frequency, and impact of the conduct, as well as the duties and expectations of a registered social worker.
75. The panel determined that in respect of Paragraph 1 of the allegation that the statutory ground of conviction is engaged on the basis that Ms Blake has received a conviction in the United Kingdom pursuant to section 25(2)(c) of the Social Work England Regulations 2018 (as amended).
76. The panel considered whether allegation 2 amounted to misconduct. This involved consideration of the Guidance:

*If there has been a change to your fitness to practise, you must tell us about it as soon as possible. You must not wait until the renewal period to tell us.*

and the Social Work England professional standard as set out below:

*6.6. I will declare to the appropriate authority and Social Work England anything that might affect my ability to do my job competently or may affect my fitness to practise, or if I am subject to criminal proceedings or a regulatory finding is made against me, anywhere in the world.*

77. The panel noted that in her written submission Ms Blake stated that as she was not practising as a social worker at the time of her conviction, so it did not cross her mind at the time to report it until she applied for renewal. She said had she been working as a social worker, she would have told her manager, and this would have triggered Social Work England being informed. Ms Blake accepts she did not disclose the conviction in a timely manner. However, the panel considered that there was an expectation that a social worker will report a conviction in line with the Guidance as soon as possible. The panel considered that the Guidance is clear that a self-referral is in these circumstances must be made as soon as possible and not to wait until renewal to ensure social workers are able to practise safely and effectively.
78. The panel determined that Ms Blake's failure to report the conviction between 17 June 2021 and 27 November 2021, is a breach of her professional obligation, is serious and falls below the standard expected of a registered social worker. Therefore, paragraph 2 of the allegation amounts to misconduct.

#### **Finding and reasons on current impairment:**

79. When considering the question of impairment, the panel took into account Social Work England's 'Impairment and Sanctions Guidance'. The panel also considered the Social Work England drink and drug driving policy.
80. The panel went on to consider whether Ms Blake's fitness to practise was currently impaired. In doing so, it reminded itself of the need to assess both the personal component, which addresses the risk of repetition and protection of the public, and the

wider public component, which concerns the maintenance of confidence in the profession and the upholding of proper standards.

81. In relation to the personal component the panel noted that the conviction for drink driving occurred on 17 June 2021. Ms Blake was sentenced to a driving ban of 20 months which was reduced after she attended a drink driving course. The panel noted that at the time Ms Blake was arrested she was more than twice over the limit of 35 micrograms of alcohol at 76 micrograms of alcohol. The panel considered that Ms Blake had been reckless in driving in circumstances where she more than was twice over the legal limit. The panel noted the evidence that Ms Blake had [PRIVATE] at the time of the offence which were [PRIVATE]. Ms Blake has admitted that at the time of the offence her fitness to practise was impaired and she expressed feelings of shame and remorse.
82. The panel noted that Ms Blake had no further convictions for drink driving or [PRIVATE]. Ms Blake had attended a drink driving course but there was no evidence of what she had learnt from the course or how it would affect her future decision-making. The panel also noted there were no evidence before it of testimonials albeit she had not worked in a social work role for fifteen years. While Ms Blake had not commented on the impact of her conviction on the reputation of the profession, the panel considered that Ms Blake had shown sufficient insight into her offence through her guilty plea, completing the drink driving course, no repetition in the subsequent years and her expressions of shame and remorse. Therefore, the panel considered that there was a low risk of repetition of drink driving by Ms Blake. The panel determined that in respect of the personal component of paragraph 1 of the allegation, Ms Blake's fitness to practise is not impaired.
83. In relation to paragraph 2 of the allegation, the panel noted that Ms Blake acknowledged in her written submissions that she should have informed Social Work England of her conviction promptly, and had apologised for this repeatedly. The panel considered that it was the responsibility of Ms Blake as a social worker to inform Social Work England of her conviction in accordance with the Guidance to ensure the regulator is able to carry out its statutory function to protect the public. The panel considered that the failure by Ms Blake to inform Social Work England promptly was a serious oversight but was not deliberate or an attempt to avoid scrutiny and she did report it, albeit late, in her next renewal application. The panel therefore determined that Ms Blake had shown sufficient insight to conclude that the risk of repetition was low. The panel determined that in respect of the personal component of paragraph 2 of the allegation Ms Blake's fitness to practise is not impaired.
84. In respect of the public component of paragraph 1 of the allegation, the panel considered that social workers hold a position of significant trust and responsibility. The panel considered that this conviction, in particular the level of alcohol consumed, was so serious that a finding of impairment is required in order to uphold public confidence in the profession and maintain proper standards. The panel determined that

in respect of the public component of paragraph 1 of the allegation Ms Blake's fitness to practise is impaired.

85. In respect of the public component of paragraph 2 of the allegation, the panel took into account the particular circumstances of this case where Ms Blake had not been practising as a social worker for 15 years. The panel considered the failure to inform Social Work England promptly was an oversight by Ms Blake for approximately 5 months after the conviction. It considered that confidence in the profession would not be undermined, and standards could be maintained without a finding of impairment on public interest grounds. The panel determined that in respect of the public component of paragraph 2 of the allegation Ms Blake's fitness to practise is not impaired.
86. In summary, the panel finds impairment on public interest grounds in respect of paragraph 1 of the allegation only.

#### **Submissions and legal advice on sanction:**

87. Ms Kennedy noted that the panel's finding that Ms Blake's fitness to practise was impaired on public interest grounds and directed the panel to Social Work England's '*Impairment and sanctions guidance*'. She submitted that the panel should consider the least restrictive option to protect the public interest.
88. Ms Kennedy submitted to the panel that the mitigating factors in the case of Ms Blake included evidence of remorse, insight, remediation, [PRIVATE] at the time of the offence and no previous fitness to practise history.
89. Ms Kennedy submitted that in light of the panel's findings on impairment there were no aggravating factors in this case.
90. Ms Kennedy set out the available sanctions in the circumstances of this case to the panel. She submitted that in turning to sanctions the panel must begin with the least restrictive sanction and move upwards.
91. Ms Kennedy submitted that the panel could take no further action, but this is rare where a panel makes a finding of impairment though this could be possible in cases where the finding of impairment itself is enough to protect the public or address the public interest.
92. Ms Kennedy submitted that the panel could consider an outcome of advice or warning order. Ms Kennedy submitted that a warning was appropriate as there were no public protection concerns. Ms Kennedy further submitted a warning order of 3 years was appropriate as Ms Blake had demonstrated insight and given the seriousness of the conviction.
93. Ms Kennedy submitted that a conditions of practice order would not be workable in Ms Blake's case and a suspension order would be disproportionate.

## Legal Advice on sanction

94. The panel heard and accepted the advice of the legal adviser. The legal adviser reminded the panel that its overarching objective when determining sanction is to protect the health, safety and well-being of the public, to maintain public confidence in the profession, and to uphold proper professional standards. The legal adviser advised that sanctions are not intended to be punitive, though they may have that effect, and must be directed to protecting the public and the wider public interest. The panel was further advised that it must apply the principle of proportionality, weighing the interests of the social worker against the public interest, and that any sanction imposed must be the minimum necessary to achieve the regulatory objectives and be consistent with the panel's earlier findings on impairment.
95. In addition, the panel was advised that it should identify aggravating and mitigating factors and consider each available sanction in ascending order of seriousness, having regard to the guidance. The legal adviser explained the range of outcomes available under the Social Workers Regulations 2018, including taking no action, advice, warnings, conditions of practice, suspension, and removal.

## Decision and reasons on sanction:

96. When considering the question of sanction, the panel took into account Social Work England's 'Impairment and sanctions guidance'.
97. Having found that the facts proved amounted to misconduct and that Ms Blake's fitness to practise is currently impaired on public interest grounds, the panel turned to consider sanction. It applied the guidance and approached the decision incrementally, identifying the least restrictive outcome that would uphold confidence in the profession. The panel took account of the overarching objectives of public protection, the maintenance of public confidence, and the declaration and upholding of proper standards. It also had regard to proportionality, weighing the impact of any sanction on Ms Blake against the wider public interest.
98. The panel began by identifying and weighing relevant aggravating and mitigating factors. The panel could not identify any aggravating factors given its findings on impairment.
99. The panel noted a number of mitigating factors in the case of Ms Blake's case:
  - a. There was an absence of any prior adverse regulatory history;
  - b. Ms Blake had made early admissions of the facts;
  - c. Ms Blake had expressed remorse;
  - d. Ms Blake had successfully completed the drink driving course and therefore taken steps to prevent the behaviour reoccurring;
  - e. Ms Blake had shown sufficient insight and remediation.

100. The panel first considered whether in taking no further action would be appropriate. It recognised this only occurs in exceptional circumstances and decided this would not be appropriate in this case as it would not mark the seriousness of the conviction.
101. The panel next considered whether Ms Blake should be offered advice or a warning order. The panel considered that advice was not appropriate as Ms Blake had remediated her misconduct. The panel considered that a warning order is appropriate in this case for the following reasons:
  - a. the fitness to practise issue is isolated or limited
  - b. there is a low risk of repetition
  - c. the social worker has demonstrated insight
  - d. there are no workable, appropriate or proportionate conditions of practice
  - e. a suspension order would be disproportionate
102. In considering the length of the warning order, the panel determined that a period of 1 year was insufficient, as this was not a matter of relatively low seriousness. It considered that a period of 5 years would be disproportionate, in all the circumstances, as this was not a case that had fallen only marginally short of requiring a restriction of practice.
103. The panel determined that a warning order of 3 years was appropriate in this case as this would serve to maintain public confidence and highlight the importance of professional standards.

### Right of appeal

104. 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.
105. 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.
106. 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.

107. 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:**

108. 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

109. 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:**

110. 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>.