

Social worker: Joanne Pestell

Registration number: SW103676

Fitness to Practise

Final Order Review meeting

Date of meeting: 05 November 2025

Meeting venue: Remote

Final order being reviewed:

Suspension order (expiring 17 December 2025)

Meeting outcome:

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

Introduction and attendees:

1. This is the first review of a final suspension order originally imposed for a period of six months by a panel of adjudicators on 20 May 2025.
2. Ms Pestell did not attend and was not represented.
3. Social Work England was represented by Capsticks LLP and their written submissions are set out within the notice of hearing letter.

| Adjudicators | Role |
|---------------------|---------------------------|
| Adrian Smith | Chair |
| Helen Dunkley | Social worker adjudicator |

| Hearings team/Legal adviser | Role |
|------------------------------------|--------------------------|
| Paige Swallow | Hearings officer |
| Heather Hibbins | Hearings support officer |
| Scott McDonnell | Legal adviser |

Service of notice:

4. The panel of adjudicators (hereafter “the panel”) was provided with the final order review hearing bundle (74 pages) and a service and supplementary bundle (11 pages).
5. The panel of adjudicators had careful regard to the documents contained in the final order review service bundle as follows:
 - A copy of the notice of the final order review hearing dated 2 October 2025 and addressed to Ms Pestell at her email address which they provided to Social Work England;
 - An extract from the Social Work England Register as of 2 October 2025 detailing Ms Pestell’s registered email address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 2 October 2025 the writer sent by email to Ms Pestell at the email address referred to above: notice of hearing and related documents.
6. The panel accepted the advice of the legal adviser in relation to service of notice.
7. Having had regard to the Social Work England Fitness to practise rules 2019 (as amended) (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 Pestell in accordance with Rules 14, 15, 44 and 45.

Proceeding with the final order review as a meeting:

8. The notice of final order review informed Ms Pestell that the review would take place remotely. The notice stated:

“If you would like to attend before the adjudicators in order to make oral submissions, please confirm your intention by no later than 4pm on 17 October. Unless we hear from you to the contrary, we shall assume that you do not want to attend a hearing and Social Work England may decide to deal with the review as a meeting. If Social Work England do hold a meeting, the adjudicators will be provided with a copy of this letter setting out Social Work England’s submissions and a copy of any written submissions you provide.”
9. The panel received no information to suggest that Ms Pestell had responded to the notice of final order review.
10. The panel heard and accepted the advice of the legal adviser with regard to Rule 16(c) of the Fitness to Practise Rules 2019 (as amended) which provides:

“Where the registered social worker does not state within the period specified by the regulator whether they intend to attend before the regulator, the regulator may determine whether to make an order by means of a meeting.”
11. The panel was satisfied that it would be fair and appropriate to conduct the review in the form of a meeting in accordance with Rule 16(c).

Review of the current order:

12. This final order review hearing is taking place under Paragraph 15(1) of Schedule 2 of The Social Workers Regulations 2018 (as amended) and Social Work England’s Fitness to Practise Rules 2019 (as amended).
13. The purpose of this review is to review the current order, which is due to expire at the end of 17 December 2025. The order subject to review is a suspension order.

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

Whilst registered as a Social Worker at Luton Borough Council:

- 1. In April 2017, you failed to arrange strategy meetings in relation to two service users within the expected timeframe.**
- 2. Between February and March 2018, you failed to adequately safeguard Child A in that:**

a. You failed to properly explore and/or take appropriate steps to act upon concerns relating to child sexual exploitation; and

b. You did not adequately record those concerns.

Your actions at paragraph 1 and 2 constitute misconduct.

By reason of your misconduct your fitness to practise is impaired.

The final hearing panel on 20 May 2025 determined the following with regard to impairment:

14. *“Having found that particulars 1 and 2 amounted to misconduct, the panel considered whether Ms Pestell’s fitness to practise is currently impaired.*
15. *The panel considered that the conduct involved in those particulars was capable of being remedied. However, Ms Pestell had provided very limited evidence of remediation. The panel concluded that while she had demonstrated some evidence of insight into her past actions and there was some indication of reflection and remorse, this was not sufficient. While during the hearing Ms Pestell had acknowledged a number of factual issues, she had failed to demonstrate an understanding of the impact of her actions which she maintained arose from lack of adequate support. The panel concluded that Ms Pestell did not demonstrate sufficient understanding of the broader impact of her poor practice on service users and colleagues, or upon the reputation of the profession.*
16. *On the issue of adequate support, the panel concluded having heard the evidence of Ms Rushby and Ms Gee that in fact Ms Pestell received considerable support during the relevant time, although they accepted that there had been difficulties with some technical aspects.*
17. *The panel considered that Ms Pestell had not presented sufficient evidence to satisfy it that she had been able to address her past failings. The panel recognised that Ms Pestell had not been in employment as a social worker, believing that she would be unable to obtain a role whilst the Social Work England proceedings were ongoing. However, it appeared this was an untested belief. The panel considered that Ms Pestell might have been able to obtain employment in a related role which would have enabled her to bring forward up to date testimonials and evidence of keeping her relevant skills up to date. The panel took into account the testimonials which Ms Pestell had submitted but these were not current and mainly dated back to December 2017.*
18. *Ms Pestell had told the panel of the limited efforts she had been able to make to undergo training by reading Community Care and undertaking some free online training. However, the panel was not satisfied this was sufficient and noted that other free or inexpensive resources are available, for example via the NSPCC.*

19. *The panel took into account the statements Ms Pestell had submitted, in particular her statement of 8 June 2023 and her oral evidence to the panel, but it concluded that she had not demonstrated meaningful or sufficient reflection.*
20. *Given the panel's concerns about the adequacy of Ms Pestell's insight or remediation, the panel concluded that there remained a risk of repetition of the past misconduct. The panel concluded that Ms Pestell's fitness to practise is impaired in relation to the personal element of current impairment.*
21. *In relation to the public element, the panel concluded that the public would expect a qualified social worker to act promptly to ensure that concerns relating to vulnerable children at risk were acted upon appropriately and that adequate safeguards were in place for children at risk. The public would expect social workers to understand and follow appropriate safeguarding procedures and seek advice from colleagues and managers to protect service users. The panel concluded that Ms Pestell's fitness to practise is also currently impaired in relation to the public element of current impairment."*

The final hearing panel on 20 May 2025 determined the following with regard to sanction:

22. *"The starting point for the panel was that the misconduct it had found proved was serious."*
23. *"Ms Pestell's actions resulted in young people being put at risk because safeguarding concerns were not appropriately addressed. The incidents took place a year apart and the second occurred after Ms Pestell had undergone a period of suspension in relation to the first incident and had recently returned to her role. Whilst the panel acknowledged Ms Pestell's evidence that there were difficulties with the technical equipment which she felt impacted upon her performance, the panel had also heard that during this time that she had the benefit of closer supervision, support and a reduced caseload.*
24. *The panel had found that there remained a risk of repetition as Ms Pestell had not provided evidence of sufficient remediation or training. The panel heard that although she was not subject to any interim restrictions on her practice, Ms Pestell did not take the opportunity whilst the Social Work England proceedings were ongoing to maintain her relevant skills by seeking employment in a role either in, or related to, some form of social care. Consequently, she has now been out of practice as a social worker for over six years*
25. *The panel proceeded to consider the aggravating and mitigating factors present.*
26. *The panel identified as aggravating factors:*

- *the repetition of similar misconduct on two occasions despite the seriousness of the 2017 incident and the subsequent suspension and disciplinary proceedings;*
- *the lack of sufficient remediation, insight or reflection;*
- *the risk of recurrence of serious harm to service users.*

27. *As mitigating factors the panel noted:*

- *some evidence of positive performance from peers and managers, although this dated back some time and was not current;*
- *some expressions of insight and understanding of the gravity of the misconduct;*
- *lack of any previous fitness to practise history;*
- *[PRIVATE]*
- *Ms Pestell's level of experience as a social worker at the time, given that she was undertaking the ASYE.*

28. *In order to take a proportionate approach, the panel considered the sanction options in ascending order of gravity, considering the least restrictive options first.*

29. *The panel determined that it was necessary to make a final order, as to take no further action or to give advice or a warning would be inadequate in view of the seriousness of the findings in this case and the continuing risk the panel had identified. These directions would also not adequately reflect the public interest aspect of the case.*

30. *The panel next considered a conditions of practice order. The panel took account of the parties' submissions. Ms Pestell stated she is willing to comply with the conditions of practice order and recognises that she will need to undergo retraining. Social Work England submits that it would not be possible to formulate workable conditions of practice given the fact that the misconduct occurred on more than one occasion despite Ms Pestell receiving additional support at this time.*

31. *The panel gave very careful consideration to the possibility of formulating workable conditions of practice. It acknowledged the difficulty given that Ms Pestell is not currently in employment in a social work role and in the light of the points raised by Social Work England. Given the seriousness of the concerns, where vulnerable young people were placed at risk of harm, the panel could not be satisfied that conditions of practice would be appropriate or would maintain public confidence in the social work profession.*

32. *The panel went on to consider whether the next level of sanction, a suspension order, was required. The panel was satisfied that suspension would be a proportionate response in this case and would mark the serious findings and address the public interest. The panel was satisfied that a period of suspension would maintain public confidence in the social work profession and in Social Work England as its regulator.*

33. *The panel considered that a suspension for a period of 6 months would be appropriate and proportionate, as this period would address the public interest and also would provide a period of time for Ms Pestell to demonstrate that she has taken positive steps towards remedying her past misconduct.*
34. *The panel concluded that this was not a case where the conduct in question was fundamentally incompatible with continued registration. The panel considered that the misconduct was potentially remediable and taking account of all the factors it has identified in this case, a removal order would be disproportionate and unduly punitive.*
35. *There will be a review of this suspension order before its expiry. This panel is not able to bind any future reviewing panel, but suggests that a future panel may be assisted at the review hearing by Ms Pestell providing:*
- a. evidence of work in a role not requiring social work registration, but related to social care which enables Ms Pestell to update relevant skills and provide testimonials/character references from a current employer;*
 - b. evidence that Ms Pestell has taken proactive steps to investigate how she can return to social work practice when her suspension is concluded;*
 - c. evidence of undertaking training and education relevant to her return to social work practice. Such evidence may relate to the area of social work practice she would wish to return to, but in any event should include evidence of training in relation to safeguarding;*
 - d. a reflective piece addressing what happened in this case, why it happened, what went wrong and what she would do differently in the future;*
36. *The panel therefore directed that an order of suspension for a period of 6 months be imposed in respect of Ms Pestell's registration. This order will be reviewed before its expiry."*

Social Work England submissions:

37. *Today's panel noted the written submissions from Social Work England as outlined in the notice of hearing dated 2 October 2025;*

"Subject to receipt of any further evidence from the Social Worker prior to the review, that satisfies the recommendations of the previous panel, Social Work England invite the Panel to find that the Social Worker's fitness to practise remains impaired and to extend the existing Suspension Order for a further 6 months.

The panel of Social Work England adjudicators imposed the Suspension Order with the expectation that the Social Worker would engage with their recommendations.

At the time of sending the notice of hearing the Social Worker has not provided any evidence in terms of the Panel's recommendations at the substantive hearing. The Social Worker has not engaged in their recommendations and there is no evidence of insight or remediation.

The reviewing panel are invited to find that the Social Worker's fitness to practise remains impaired by reason of misconduct.

An extension of the current Suspension Order is sought for a further 6 months to enable to Social Worker to demonstrate the insight and remediation necessary for her to be able to return to practice.

If the Social Worker provides evidence of remediation prior to the review then Social Work England will review their position."

Social worker submissions:

38. Ms Pestell provided no submissions to the panel.

Legal Advice

39. The panel heard and accepted the advice of the legal adviser. The panel was reminded that a social worker's fitness to practise is impaired if they pose a risk to public safety, or if their conduct or performance undermines the confidence the public is entitled to place in all social workers in England. A social worker's fitness to practise may also be impaired if their actions make it necessary to send a public message about the standards expected of social workers. Insight and remediation are important factors.
40. If the panel decided that Ms Pestell's practice is currently impaired then it should then consider what sanctions are available and refer to Social Work England's "Sanctions Guidance". The panel must start from the least restrictive sanction.

Panel decision and reasons on current impairment:

41. In considering the question of current impairment, the panel undertook a comprehensive review of the final order in light of the current circumstances. It took into account the decision of the previous panel. However, it has exercised its own judgement in relation to the question of current impairment. The panel also took into account Social Work England's 'Impairment and sanctions guidance'.
42. The panel had regard to all of the documentation before it, including the decision and reasons of the original panel.
43. The panel also took account of the written submissions provided by Capsticks LLP on behalf of Social Work England.

44. The panel first considered whether Ms Pestell's fitness to practise remains impaired.
45. The panel noted the serious nature of the misconduct, which related to failing to arrange strategy meetings in relation to two service users within the expected timeframe and failing to adequately safeguard Child A.
46. The panel also noted that Ms Pestell had not complied with the recommendations of the final hearing panel and had failed to provide to this panel:
- evidence of work in a role not requiring social work registration, but related to social care which enables Ms Pestell to update relevant skills and provide testimonials/character references from a current employer;
 - evidence that Ms Pestell has taken proactive steps to investigate how she can return to social work practice when her suspension is concluded;
 - evidence of undertaking training and education relevant to her return to social work practice. Such evidence may relate to the area of social work practice she would wish to return to, but in any event should include evidence of training in relation to safeguarding;
 - a reflective piece addressing what happened in this case, why it happened, what went wrong and what she would do differently in the future.
47. The panel decided that Ms Pestell had failed to demonstrate insight or remediation. She had not engaged with these proceedings and her circumstances had not changed since the final hearing. The risk of repetition remained. The panel therefore found that Ms Pestell's fitness to practice is currently impaired.

Decision and reasons:

48. Having found Ms Pestell's fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel had regard to the submissions made along with all the information and accepted the advice of the legal adviser.
49. The panel considered the submissions made by Capsticks LLP on behalf of Social Work England, during which they invited the panel to consider imposing a suspension order. The panel also took into account the 'Impairment and sanctions guidance' published by Social Work England.
50. The panel was mindful that the purpose of any sanction is not to punish Ms Pestell, but to protect the public and the wider public interest. The public interest includes maintaining public confidence in the profession and Social Work England as its regulator and by upholding proper standards of conduct and behaviour. The panel applied the principle of proportionality by weighing Ms Pestell's interests with the public interest.

No further action, advice or warning

51. The panel decided that taking no action, issuing advice or issuing a warning would not address the serious nature of Ms Pestell's misconduct. Nor would they adequately protect the public as they would not restrict Ms Pestell's practice.
52. As such they were not appropriate or sufficient to address the concerns raised due to the nature and seriousness of Ms Pestell's impairment which has not yet been remedied. Furthermore, none would be insufficient to protect the public, maintain public confidence and uphold the reputation of the profession.

Conditions of Practice Order

53. The panel next considered whether a conditions of practice could be imposed rather than extending the current suspension order.
54. The panel noted that there had been no recent engagement by Ms Pestell. As such the panel had no knowledge of her current circumstances and whether the imposition of conditions would be a practical solution.
55. The panel had no material before it that would allow it to conclude that Ms Pestell would comply, in particular noting that she had failed to adopt any of the recommendations by the previous panel and make use of the advice or chances offered by it. Therefore the panel was not satisfied that workable conditions could be formulated to adequately protect the public or address the wider public interest concerns.
56. The panel concluded that a conditions of practice order could not be made in light of all of these circumstances.

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

57. Having determined that a conditions of practice order would not be appropriate, the panel then went on to consider if a suspension order would be the most appropriate sanction.
58. The panel noted that Ms Pestell had been suspended from practising for six months. This had provided her with an opportunity to address the concerns identified by the findings of the final order panel. The panel noted that so far, Ms Pestell had failed to take advantage of any of these opportunities.
59. The panel determined that the suspension order should be extended for a period of six months. The panel was satisfied that this period was appropriate because this would

protect the public and also provide Ms Pestell with the opportunity to provide any future panel with information to demonstrate insight and remediation.

60. This panel cannot bind a future panel. However, a future reviewing panel would expect Ms Pestell to engage with the proceedings and to attend the review hearing.

61. A future panel may be assisted at the review hearing by Ms Pestell providing:

- evidence of work in a role not requiring social work registration, but related to social care which enables Ms Pestell to update relevant skills and provide testimonials/character references from a current employer;
- evidence that Ms Pestell has taken proactive steps to investigate how she can return to social work practice when her suspension is concluded;
- evidence of undertaking training and education relevant to her return to social work practice. Such evidence may relate to the area of social work practice she would wish to return to, but in any event should include evidence of training in relation to safeguarding;
- a reflective piece addressing what happened in this case, why it happened, what went wrong and what she would do differently in the future.

62. In conclusion the panel directed that an order of suspension for a period of 6 months be imposed in respect of Ms Pestell's registration with effect from the expiry of the current order.

Right of appeal:

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

a. the decision of adjudicators:

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

b. the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.

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

65. Under Paragraph 15(1A) of Schedule 2 of The Social Workers Regulations 2018 (as amended), where a social worker appeals against a decision made under sub-paragraph (1), the decision being appealed takes effect from the date specified in that sub-paragraph notwithstanding any appeal against that decision.
66. This notice is served in accordance with Rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

Review of final orders:

67. Under regulation 15(1), 15(2) and 15(3) of Schedule 2 of The Social Workers Regulations 2018 (as amended):
- 15(1) The regulator must review a suspension order, or a conditions of practice order, before its expiry.
 - 15(2) The regulator may review a final order where new evidence relevant to the order has become available after the making of the order, or when requested to do so by the social worker.
 - 15(3) A request by the social worker under sub-paragraph (2) must be made within such period as the regulator determines in rules made under Regulation 25(5).
68. Under Rule 16(aa) of the Fitness to Practise Rules 2019 (as amended), a social worker requesting a review of a final order under paragraph 15 of Schedule 2 must make the request within 28 days of the day on which they are notified of the order.

The Professional Standards Authority

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

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