

Social worker: Varsa Halai

Registration number: SW6663

Fitness to Practise

Final Hearing

Dates of hearing: 17 November 2025 to 21 November 2025

Hearing venue: Remote hearing

Hearing outcome:

Fitness to practise impaired, suspension order (6 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 Halai attended and was represented by Ms Catherine Stock, Counsel.
3. Social Work England was represented by Ms Harriet Tighe 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
Catherine Boyd	Chair
Julie Brown	Social worker adjudicator
Margie Leong	Lay adjudicator

Hearings team/Legal adviser	Role
Hannah Granger	Hearings officer
Ruby Wade	Hearings support officer
Helen Potts	Legal adviser

Allegations:

5. *Whilst registered as a social worker on or around December 2020 to March 2021 you:*

1.1 Removed your colleagues’ books without their permission

1.2 Did not return the books to your colleagues when requested to do so on 4 December 2020 and/or 18 December 2020 and/or 8 March 2021

Your actions at 1.1 and 1.2 were dishonest

The matters at paragraphs 1 and 2 above amount to the statutory ground of misconduct.

Your fitness to practise is impaired by reason of misconduct.

Admissions:

6. 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.

7. Following the reading of the Allegation, the panel Chair asked Ms Halai whether she admitted any of the particulars of the Allegation and whether she admitted that her fitness to practise is currently impaired.

8. Ms Stock, on behalf of Ms Halai, informed the panel that Ms Halai made partial admissions to the Allegation.
9. In respect of Particular 1.1 of the Allegation, Ms Stock said that Ms Halai admitted that she had removed her colleagues' books between February and March 2021 without their express permission. She denied that she had done so in December 2020 and January 2021.
10. In respect of Particular 1.2, Ms Halai admitted that she had not returned her colleagues' books when requested to do so on 8 March 2021. She denied the same conduct in respect of 4 December 2020 and/or 18 December 2020, on the basis that she had not taken any colleagues' books in December 2020.
11. The panel therefore found those parts of Particulars 1.1 and 1.2, which Ms Halai has admitted, proved by way of her admissions.
12. The panel noted that Ms Halai denied that her actions had been dishonest. Further, she did not accept that her fitness to practise is impaired by reason of misconduct.
13. In line with Rule 32c(i)(a) of the Rules, the panel then went on to determine the disputed facts.

Background:

14. Ms Halai was employed by London Borough of Hackney ("the Council") from 18 November 2013 to 13 August 2021 as a Mental Health Social Worker at North Hackney Recovery Community Mental Health Team (CMHT).
15. On 10 September 2021, Social Work England received a referral from Ms Halai's employer detailing concerns about her.
16. It is alleged that, from December 2020 to March 2021, Ms Halai took her colleagues' books from their offices, without their permission, and that she did not return the books subsequent to teamwide email requests to do so. It is alleged that her behaviour was dishonest.

Witnesses on behalf of Social Work England:

17. Social Work England relied on the evidence of the following witnesses, whose roles at the relevant time are set out below:
 - Aaron Frazer, Mental Health Social Worker and Care Coordinator for the Tower Hamlets Early Intervention Service within the East London NHS Foundation Trust
 - Derek Miller, Operational Lead at East London NHS Foundation Trust
 - Katannu Rowsell, Senior Psychosocial Interventions Practitioner for the City & Hackney Neighbourhood Recovery Service within the East London NHS Foundation Trust

- Elena Alexandrou, Consultant Clinical Psychologist at East London NHS Foundation Trust
- Beverley Grayley, Service Manager at Hackney Council from April 2020 to November 2022 and Disciplinary Hearing Officer for the internal investigation into Ms Halai's conduct
- ML: Paralegal at Capsticks LLP.

18. The statements of each of these witnesses, together with the documents exhibited to those statements, were agreed by Ms Halai. The panel was told that Social Work England did not intend to call any of these witnesses to give live oral evidence, but that the witnesses were available if the panel had questions for any of them. The panel indicated that it had a limited number of questions for Mr Frazer and Ms Alexandrou, both of whom attended and gave evidence under affirmation.

19. The panel reminded itself of its duty to ensure that the case is properly presented and the relevant evidence put before it and was satisfied on the basis of their written statements that there was no requirement for the other witnesses to be called to give oral evidence.

20. In addition to the documentary and oral evidence presented by Social Work England, it also provided CCTV footage from Ms Halai's place of work. Ms Halai accepts that this CCTV footage shows her removing books from a room within the building, which was not her office in February and early March 2021.

21. Ms Tighe, in opening, provided a summary of the evidence of Aaron Frazer, Katannu Rowsell, Elena Alexandrou and Derek Miller. This is set out below, together with summaries of the oral evidence given by Mr Frazer and Ms Alexandrou in response to panel questions.

Aaron Frazer

22. On or around 4 December 2020, Aaron Frazer noticed that a number of books were missing from a shelf above his computer desk in the office he shared with Ms Halai and two other care coordinators. A total of six books were missing, and some of the missing books had been replaced by other books that did not belong to him.

23. Mr Frazer sent two teamwide emails, on 4 and 18 December 2020, to notify colleagues that the books had gone missing and to ask for their return. In his initial email of 4 December 2020, with the title '*my books, all disappeared,*' he asked his colleagues to return the books to him, if anyone had them. In his follow up email of 18 December 2020, with the same subject title, he provided a list of the titles of the books he was missing, and asked colleagues if they could keep an eye out and see if they have been bundled into a drawer. He indicated that he needed the books for his studies. On 12 January 2021, when the books still had not been returned or located, Mr Frazer provided a list of six missing books to Derek Miller, Operational Lead at East London NHS Foundation Trust, as well as links to Amazon for their repurchase.

24. As part of the Council's investigation, Mr Frazer was interviewed and expressed surprise and bewilderment at the disappearance of his books. He said that he had always offered his books to his colleagues to borrow, if they wanted to. He stated that he would expect people to ask before borrowing the books. He said that most of his books had his name written on them, and were above his desk, showing that they did not belong to the team.
25. In his witness statement for these proceedings, Mr Frazer set out that the books that he stored at work were mostly clinical books, with a specific work purpose. He wrote that it was not common for colleagues to borrow his books, but he did remember them asking to do so occasionally. He confirmed, however, that Ms Halai had never spoken to him about his books; nor had she asked to borrow them.
26. In his oral evidence to the panel, Mr Frazer confirmed and adopted his written statement as his evidence in chief. Mr Frazer assisted the panel by describing the layout of the corridor on which he and Ms Halai had worked at the relevant time. He was taken to the CCTV footage provided by Social Work England and indicated the location of the office which he had shared with Ms Halai for a considerable period of time. Mr Frazer also indicated what he described as 'the psychology room', where he said there would usually be three psychologists and often a trainee, although it would be unusual for them all to have been present at the same time.
27. In response to panel questions, Mr Frazer said that there was no standard system for staff to order books for the team; it was something that hardly ever happened. He could remember getting books for the team on statutory guidance with the authorisation of a manager on a couple of occasions, but people generally had their own books which they had accumulated through the years. Not everyone kept their books at work so it would be clear where books were owned by individuals. He was in the minority in having his books about his desk. He had written his name in some of his books. He said it was not common for people to borrow books.

Katannu Rowsell

28. Katannu Rowsell worked in an office in the same building as Ms Halai and Mr Frazer. In his witness statement for these proceedings, he stated that he stored his books on an open bookshelf in a bookcase in his office because he had a number of books relating to the kinds of therapy he undertook with his clients. He would refer to these books himself and left them at work as a resource for the rest of the psychology team, which consisted of approximately four people. Mr Rowsell stated that, although there was no written policy, if someone had wanted to borrow one of his books, he would have expected them to ask beforehand. He stated that Ms Halai never spoke to him about his books, nor did she ask to borrow them.
29. In February 2021, Mr Rowsell noticed his books were gradually going missing. His initial response to this was to send an email to the psychology team. His email, dated 25 February 2021, informed the team that around half of his books had gone missing. In his

email, Mr Rowsell asked whether anyone within the team knew what had happened to his books, *'before asking around more widely'*. He wrote that the books used to fill the top shelf of the small bookcase facing the door in Room 89 and were mostly about CBT and third wave approaches. He stated that at least half of the books had gone missing over the past few weeks.

30. By 1 March 2021, having received responses from everyone in the psychology team to confirm they had not taken the books, Mr Rowsell reported the matter to his Operational Lead, Derek Miller. He took a photo of the whole bookshelf to show that half of his books were missing and described how this bookshelf had *'previously been overfilled with books from left to right and books stacked on top of each other'*.
31. On 4 March 2021, Mr Rowsell realised that, between 1 March and 4 March 2021, further books had been removed from his bookshelf leading him to send another email to Derek Miller with a complete list of the missing books, again, with links for repurchasing the missing books. A total of 31 books were listed as missing. Mr Rowsell noted that some of the books which had been taken from him were duplicate books in that the same books had also been taken from his colleague Elena Alexandrou.

Elena Alexandrou

32. Elena Alexandrou shared an office with Katannu Rowsell as well as several other psychologists and trainee psychologists. In her witness statement prepared for these proceedings, she stated that she left her books at work as they were a library of different trauma resources, which she used in her practice. She went on to say that being in a specialist post, she had colleagues who would occasionally borrow books, after asking for permission beforehand, to learn more about the subject. She stated that borrowing books did not happen often; although there was no set amount of time that someone would borrow one of her books, most people would be aware that she might need to use them so would return them no longer than a few days after borrowing them. Ms Alexandrou stated that Ms Halai had never spoken to her about her books, nor had she asked to borrow them.
33. Ms Alexandrou first became aware that some of her books had gone missing towards the end of February 2021, when notified by a colleague with whom she and Mr Rowsell shared a room. By the time Ms Alexandrou attended the office in person in early March another 20 books had been taken. She stated that 75 of her books had been taken with an estimated value of £1,500. Ms Alexandrou reported this matter to the police.
34. Ms Alexandrou noted, within her statement, that Ms Halai had taken copies of the same book from both her and Mr Rowsell. She said, *'If the books were borrowed, you would not take multiple copies of the same book, as only one would be necessary to gain an understanding if you were researching an area.'* Ms Alexandrou stated that her books were specialist books that are at a higher level than psychology degree level and would not be useful for a non-specialist.

35. In her oral evidence to the panel, Ms Alexandrou confirmed and adopted her written statement as her evidence in chief.
36. She confirmed that, at the relevant time, she did not work within the same team as Ms Halai. She said she had been working for the specialist psychotherapy team and employed within the NHS; Ms Halai was in the Community Mental Health Team and employed by the Council. Ms Alexandrou said that her team was based in another bit of the building but she had retained the office space where she had worked before.
37. Ms Alexandrou identified her office on a still of the CCTV evidence. The panel noted that this was the office which Ms Halai was seen to enter and then exit carrying books on the CCTV footage. Ms Alexandrou said that, in early March 2021, she would have expected three or four members of staff to be present; in non-COVID times, this would have been around fifteen people. The panel noted that the room which Ms Alexandrou identified as her office was the room which Mr Frazer identified as the psychology room.
38. Ms Alexandrou said that there was a process for ordering books for the team. In general, a member of staff could speak to their line manager if they thought a book would be useful and they could then buy it for the team or the service and be reimbursed for it. Ms Alexandrou said that her books could be distinguished from any books bought through that system in that some of them had her name on them; others had a stamp in them indicating that they were from the trauma service. It would, therefore, have been clear that they were hers. She said that other therapists and psychologists would have known, because of Ms Alexandrou's role in the trust, that this was her library of resources as she would offer to lend them books from her library. She said that there were journals and other resources on top of the bookshelf which belonged to the team but these were not bound and did not look like books. They had been left by various people and the psychology team all used them.
39. Ms Alexandrou said that she had concluded her books had been stolen because she had not been asked [for permission to borrow them]; some of the books taken were duplicate copies of books taken from Mr Rowsell; time had passed and there had been no attempt to return anything. She said she could not have known entirely [that the books had been stolen] but the books had disappeared at a rate which she had not seen before or since. She confirmed her written evidence that the books were specialist books which in general were books for psychological therapists practising clinically in mental health. They were about PTSD and trauma. Some were more generalist in nature and could be relevant to someone studying for a master's degree but it was unlikely that they would be used by undergraduate psychologists. She said that if someone needed the books for research, it would have had to be extremely broad research to need as many books and on such a range of topics as had been taken from her shelf.

Derek Miller

40. Derek Miller was the Operational Lead for East London and NHS Foundation Trust. He first became aware that books were going missing when notified on 1 March 2021 by Katannu Rowsell. Mr Rowsell then notified him on 4 March 2021 that he and Elena

Alexandrou had discovered that further books had gone missing since 1 March 2021. He and Ms Alexandrou had both lost a large quantity of books. As a result, Mr Miller reviewed CCTV footage from 1 to 4 March 2021 to identify who had taken the books. He observed Ms Halai removing several books from the office shared by Mr Rowsell and Ms Alexandrou (the psychology room). He viewed CCTV from January to March 2021 and identified Ms Halai taking books from the psychology room on three separate occasions, on 26 February 2021, 1 March 2021 and 3 March 2021. On each occasion, she appeared to be taking around four books.

41. On the advice of the service's HR Manager, Mr Miller sent a teamwide email setting out the books that were missing and requiring their return by 10 March 2021. The intention was to provide Ms Halai with an opportunity to explain the situation and to establish whether she was borrowing books or whether they had been taken without the consent of their owners. Ms Halai did not respond to the email and none of the missing books were returned. Ms Halai was contacted and placed on special leave on 16 March 2021.
42. Ms Tighe confirmed that Social Work England's case is that Ms Halai's actions in removing the books without the permission of their owners and then failing to return them when asked to do so were dishonest.

Ms Halai's evidence:

43. Ms Halai produced a written witness statement for these proceedings. In oral evidence she confirmed and adopted that statement as her evidence in chief.
44. Ms Halai denies that her actions were dishonest.
45. Ms Halai's position, as set out in her witness statement, is that she was contacted by an ex-partner in December 2020, asking if he could borrow books for a research paper. She told him she would try to borrow some books but they would have to be returned. In January he contacted her again and made the same request but she was busy and did not get round to dealing with it. In late January or early February 2021, Ms Halai's ex-partner contacted her again.
46. Ms Halai's evidence was that there were books in several offices across the building. She believed that those books could be borrowed for general use as she had seen others borrowing books. She took around 35 books between February and March 2021.
47. In respect of the two emails sent by Aaron Frazer in December 2020, Ms Halai's position is that she recalled seeing the earlier of those emails but did not recall seeing the second email as she was on leave. She did not reply to the first email because she had not taken Mr Frazer's books.
48. As regards Derek Miller's email of 8 March 2021, Ms Halai's position is that, following receipt of that email, she made attempts to contact her ex-partner to get the books back, but could not get hold of him. She panicked and did not respond to Mr Miller's email immediately because she hoped that she would be able to make contact with her ex-partner and get the books back. She was also embarrassed by the situation she

found herself to be in. Ms Halai later purchased copies of the missing books and offered to provide them back to her employer, or to reimburse those whose books she had taken.

49. In her oral evidence, Ms Halai said that the books were on open bookshelves in shared spaces across several rooms in the building. She had taken all the books from a room which was used as a common room. She accepted that this was the room which other witnesses had referred to as the 'psychology room.' She said that this was a shared common room for staff members but accepted, when it was put to her, that it was also the office space for Katannu Rowsell and Elena Rowsell. She described looking for the titles she needed and "grabbing" them.
50. Ms Halai said she was not aware that the books belonged to any particular individual and believed that the books belonged to the Council for the use of all staff. She said that sharing books was common practice across the teams and she had seen other staff members borrow books. There were books in the main reception area, for staff and patients to read.
51. Ms Halai said that she had first started borrowing the books at the beginning of February 2021. She would take books as and when her ex-partner said he needed them. She thought that this had been a couple of times in February and in March. She thought that she took them '*every couple of weeks*' and said that she would take five or six books at a time. She would take books when her ex-partner made a specific request for them. After she had provided the first few books, he had asked if she could provide more. She said that she had given him around 35 books in total. She accepted the evidence of Mr Rowsell and Ms Alexandrou that this had included duplicates of the same book.
52. Ms Halai said that she had not given her ex-partner a time frame within which to return the borrowed books to her. When he had first contacted her in December 2020, and again in January 2021, she had told him that the books belonged to the building, or to the Council, and that he needed to return them as soon as he had finished with them.
53. She described her ex-partner as quite desperate to obtain the books as there was a deadline looming. Her understanding was that he needed to submit his research paper sometime in the summer of 2021 and she wanted to support him. He had not given her specific titles of books he wanted to borrow but had made her aware of roughly the topics of books that he would need. She thought that his research paper was about eating disorders and the trauma associated with them but she had not asked him in detail. When they had been together, he had been doing counselling and considering a career in psychology; she thought he was pursuing a master's in psychology.
54. Ms Halai could not explain why her ex-partner had needed such a large number and broad range of books as she had obtained for him. She said that he would give her an idea of the topic he was interested in and she would take the books accordingly. She described 'grabbing' the books she needed from the bookshelves.

55. It was put to Ms Halai that the CCTV footage appeared to show her deliberately avoiding other people in the corridor when going to the psychology room to take books. She denied waiting for the room to be empty before returning to take books. She thought that she may have returned to her office because she had a meeting to join and that it was 'purely coincidental' that the CCTV appeared to show her avoiding others.
56. Ms Halai said she had not considered asking one of her psychology colleagues what sort of books might help him although she said it had crossed her mind. She said she had '*genuinely assumed that the books were just there for me to borrow*' and that the books did not belong to anyone in particular. It was not that she had been embarrassed to ask whether she could borrow the books, she had just wanted to help her ex-partner who was clearly in distress. She accepted, when it was put to her, that in taking 35 books off site for a number of weeks, her colleagues would have been unable to use them during that period. She had not considered how long it would be appropriate for the books to be off site, She repeated her understanding that the books were a shared resource and that she had wanted to support her ex-partner who had appeared to be in distress. She accepted that her partner did not work for the Council.
57. When asked by the panel why she considered it was acceptable to borrow books for someone who did not work for the Council, Ms Halai said her thinking was clouded by their past relationship and his distress. She had not doubted his integrity and was trying to support him.
58. Ms Halai described how her ex-partner would come to her home to pick up the books. When he came to pick up more books, she had asked him to bring back the books that he had already used, but his response was that he still needed the books that she had already given to him.
59. Ms Halai said, in oral evidence, that her ex-partner had called her whenever he needed further books. He had contacted her on a withheld number. She had had an old number for him and could not call him. She had asked him for his number but he had been quite vague about it. She had said it would be helpful to have a number for him but he had not shared it with her. She had told him that she could not answer calls at work so he had called her at home.
60. Ms Halai said that she had kept a list of all the books she had taken so she knew what she had given to her ex-partner. She had kept the list with her at all times and had added to it as she went along. She said that she had completed it chronologically and had been focussed on "keeping a tab". She had not considered a need to record the dates on which she had given him the books; her concern had been to keep a list of the books she had given to him.
61. Ms Halai could not explain why, if the list was a chronological record of all the books she had given to her ex-partner, there were no duplicate book titles on the list, when she had accepted in her evidence that she had taken duplicate copies of some books. When it was put to Ms Halai that she must have taken more than the 35 books on her

list if it was accepted that she had taken duplicate copies of some books, she repeated that she had taken 35 books.

62. Nor could Ms Halai explain why one of the books ('Overcoming Depression') which was identifiable as having been taken between 1 and 4 March 2021 (in that it appeared in the photo of Ms Alexandrou's bookshelf on 1 March 2021 but was absent in the photo taken on 4 March 2021), appeared near the top of a list which Ms Halai said was chronological.
63. Ms Halai confirmed that the last books she had taken were the books she could be seen taking on the CCTV footage of 3 March 2021. She further confirmed that she had given those books to her partner on either the same day or the following day. In answer to panel questions, she said that when she had given him the books, she had said that she would not be taking any more books for him and that she needed them back; he had accepted that and had said he would drop them back.
64. Ms Halai said that her partner had not contacted her again after she had given him the books she had taken on 3 March 2021. She described panicking when she saw Derek Miller's email of 8 March 2021 noting that a number of books had gone missing. She realised that the books he was referring to in his email were the books that she had borrowed (although the panel noted that not all of the books recorded in Mr Miller's email were set out on Ms Halai's list of the 35 books she had taken). Ms Halai said that this was the first time that she realised that the books she had taken were the personal books of colleagues and not books owned by the Council.
65. It was put to Ms Halai in cross examination that she must have known before this that colleagues kept personal books at the office because she had confirmed that she had seen Aaron Frazer's email of 4 December 2020 with the subject heading '*my books, all disappeared.*' Ms Halai accepted that she was aware that Mr Frazer had books in his personal space but was not aware that anyone else had personal books in their offices.
66. It was also put to Ms Halai in panel questions that she had said in the Council's disciplinary hearing held on 13 August 2021 that she too had had books go missing from the building; it followed that she must have had personal books at the office. She struggled to explain her assumption that nobody else in the building had personal books in their offices when she had personal books on her desk. She thought that she had two fictional books on her desk and one textbook on social work practice.
67. On realising that the books described in Mr Miller's email were the books she had taken, Ms Halai said that she had frantically tried to contact her ex-partner but could not get hold of him as she only had an old number for him. She had tried to reach out to him on Facebook and Facebook Messenger but thought he may have blocked her. She had also emailed him. She told the panel that after they had split up she had removed his friends and family from her Facebook list so they had no friends in common.

Closing submissions on behalf of Social Work England

68. Ms Tighe, in closing, reminded the panel that the burden of proof remained with Social Work England and that the standard of proof to be applied is the balance of probabilities.
69. Taking each of the particulars of the Allegation in turn, Ms Tighe acknowledged that, with regard to the allegation that Ms Halai removed her colleagues books in December 2020, there was no CCTV footage captured during that time for the panel to review. She further acknowledged that Ms Halai did not accept that she removed books during that time.
70. Ms Tighe submitted, however, that the panel could take into account Ms Halai's evidence that she was first contacted in December of 2020 by her ex-partner, who asked her to take books at that stage. The panel also had the evidence from Aaron Frazer that his books were removed in December 2020, including his email to the team about the missing books. Ms Tighe invited the panel to draw inferences from the evidence of Katannu Rowsell and Elena Alexandrou, as well as the CCTV evidence from 2021, in reaching a conclusion about the removal of the books in December 2020.
71. Ms Tighe reminded the panel of the evidence of Aaron Frazer and Elena Alexandrou that it was clear that the books were their personal books. Aaron Frazer's name was in some of his books. Further, the emails sent by him in December of 2020 clearly identified that the books that were missing were his personal books. It followed that in December 2020, Ms Halai was aware that at least one of her colleagues had personal books in the office space. Further, Elena Alexandrou, in oral evidence, had set out that some of the books within the psychology room had her name in them; others would have had a stamp in them indicating that they belonged to the trauma service, which were books she had inherited. It would be clear that those books belonged to an individual.
72. Ms Tighe reminded the panel of the question it had posed to Ms Halai as to why she had considered it appropriate firstly to remove such a volume of books and secondly to lend them to someone outside of the Council. Ms Tighe noted that the extent of Ms Halai's answer was that she was trying to help out her ex-partner, who was in need at the time.
73. Ms Tighe submitted that Miss Halai's behaviour on the CCTV footage supported the view that she knew what she was doing when she was removing the books was wrong. Ms Halai had not chosen to take the books when other people were in the psychology team office or when others were, or had just been, in the corridor. She reminded the panel of the evidence about the breadth of books which were removed, the duplicate copies, and the evidential difficulties identified in the panel's questions about the chronology of the list prepared by Ms Halai of the books she had given to her partner.
74. Ms Tighe reminded the panel of Ms Halai's response to Derek Miller's email of 8 March 2021. She had panicked but was unable to explain why she had panicked if she had just borrowed the books and if she had done nothing wrong. She did not respond to that email at all and did not admit that she had taken the books. She only admitted that she

was responsible when confronted by the fact there was CCTV footage, which showed her removing the books in February at March, at which stage there was no other choice but to do so.

75. Ms Tighe referred the panel to the case of *Ivey v Genting Casinos (UK) LTD t/a Crockfords* [2017] UKSC 67 ('Ivey') on the question of dishonesty. She said that Ms Halai had removed the books from the office knowing she did not have permission to do so and had then failed to return the books when she asked to do so; that was her subjective knowledge. Ms Tighe submitted that to remove such a large volume of books, then fail to return them, and then fail to admit that she was responsible for taking them was undoubtedly dishonest by objective standards.

Closing submissions on behalf of Ms Halai

76. Ms Stock reminded the panel of Ms Halai's partial admissions and her position on each of the disputed particulars of the Allegation. She invited the panel to conclude that the denied particulars had not been proved by Social Work England to the required standard.
77. Ms Stock reminded the panel of Ms Halai's global case that she borrowed the books to assist an ex-partner. She believed she could borrow the books as she had seen others do so, and it was her intention to return them. Ms Stock submitted that Ms Halai did not act dishonestly.
78. In relation to Particular 1.i., Ms Stock said that Ms Halai accepted that she did not have the express permission of colleagues to remove books but did not appreciate that the books were the personal property of individuals. She did not accept taking any books before February 2021 and Ms Stock submitted that the allegation that she took Aaron Frazer's books in December 2021 is based on speculation.
79. Ms Stock submitted that it was clear from the evidence that books were stored on bookshelves across various offices and in some instances had been left behind by previous staff. She reminded the panel of the evidence of Social Work England's witnesses that books were available for staff to use but there was an expectation that they would ask first. She said that Ms Halai accepts that she did not have the express permission of certain individuals to borrow the books however that does not amount to dishonesty.
80. In relation to Particular 1.ii., Ms Stock said that Ms Halai accepted that she had borrowed around 35 books across February and March 2021 but not in December 2020. It followed that she had not responded to a request to return the books in December 2020 as she had not taken the books. Ms Stock submitted that, as with Particular 1.i., there was no evidence to support this allegation prior to March 2021.
81. Ms Stock said that Ms Halai accepted that she did not respond to Derek Miller's email of 8 March 2021 and had provided reasons as to why she did not do so. Ms Stock submitted that the fact that Ms Halai did not respond to a request to return books is not in and of itself evidence of dishonesty.

82. Ms Stock reminded the panel of the test for dishonesty is laid down in the case of *Ivey*. She said that Ms Halai had provided her response to the allegation of dishonesty and the panel must decide whether she genuinely believed that the books could be borrowed and her reasons for failing to respond to the email of March 2021. She submitted that the evidence of Social Work England's witnesses in relation to the borrowing of the books was weak and somewhat contradictory, whereas Ms Halai's evidence had been consistent throughout.
83. Ms Stock invited the panel to apply common sense principles and to consider what made the most sense in this case. Did Ms Halai, in early 2021, make a decision deliberately to take her colleagues' books for some undefined purpose or is it more likely that she tried to help a friend in need and was subsequently let down by that person?
84. In relation to the objective element of the dishonesty test in *Ivey*, Ms Stock invited the panel to consider the context and background to Ms Halai's actions. Ms Stock submitted that an ordinary member of the public, conversant with all the facts would be of the view that her actions were not dishonest by the standards of a decent, ordinary person.
85. Ms Stock reminded the panel that Ms Halai had chosen to give oral evidence when she was under no obligation to do so; that Ms Halai is of good character; and that she has continued to practise since 2021 without complaint about her conduct. Ms Stock highlighted the character references provided by Ms Halai which she said attest to Mr Halai's character and integrity, detailing that she has been open and honest with them about the Social Work England Investigation and current proceedings.

Legal advice on facts:

86. The panel heard and accepted the advice of the legal adviser. She advised that the burden of proof was on Social Work England and the standard of proof required was the civil standard, namely whether it was more likely than not that the alleged facts occurred.
87. In relation to dishonesty, the legal adviser advised in accordance with the case of *Ivey v Genting Casinos (UK) t/a Crockfords* [2017] UKSC 67, setting out the two elements of the test in detail.

"When dishonesty is in question, the fact-finding panel must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether [she] held the belief, but it is not an additional requirement that [her] belief must be reasonable; the question is whether it is genuinely held.

When once [her] actual state of mind as to knowledge or belief as to facts is established, the question whether [her] conduct was honest or dishonest is to be determined by the factfinder by applying the (objective) standards of ordinary

decent people. There is no requirement that the defendant must appreciate that what [she] has done is, by those standards, dishonest.”

88. The legal adviser advised the panel on credibility and reliability. She reminded the panel that it must form its own judgement about the credibility of witnesses, and which evidence is reliable, and which is not. She advised that the panel was entitled to draw inferences from the evidence but it must not speculate. Where there are conflicts in the evidence of witnesses, the panel will need to resolve those conflicts. It must form a view of what happened in this case based on all the evidence it has heard and read including any inconsistencies which it may identify and what effect those inconsistencies may have on a witness's truthfulness and credibility.
89. The legal adviser gave a good character direction in relation to Ms Halai.

Finding and reasons on facts:

90. The panel had regard to all the evidence before it and to the submissions of both parties. It considered each of the disputed particulars of the Allegation in turn.

Particular 1.1

Whilst registered as a social worker on or around December 2020 to March 2021 you:

1.1 Removed your colleagues' books without their permission

91. The panel reminded itself that Ms Halai had admitted that she removed her colleagues' books without their express permission in February and March 2021. She did not accept doing so before that period; specifically she did not accept removing Aaron Frazer's books in December 2020.
92. It was not disputed that there was no direct evidence that Ms Halai had removed Aaron Frazer's books in December 2020. There was no evidence that she had removed any of her colleagues' books prior to February 2021. Ms Tighe invited the panel to draw an inference from Ms Halai's admitted conduct in February and March 2021, and to conclude that it was more likely than not that she had also taken Aaron Frazer's books in December 2020.
93. The panel carefully considered whether it could reasonably draw the inference which Ms Tighe had invited it to draw. It accepted that the facts of both allegations were similar in that they both involved the taking of books without permission. The panel noted that Mr Frazer's books had gone missing from an office which was located on the same corridor as the room from which Ms Halai admitted later removing Ms Alexandrou and Mr Rowsell's books. That corridor was only accessible by staff using a swipe card.
94. The panel also acknowledged the inherent unlikelihood that books would go missing from two offices on a restricted-access corridor, within a three-month period, and that there would be different explanations for each incident.

95. However, in the absence of any positive evidence linking Ms Halai to the books which had gone missing in December, the panel could not be satisfied to the required standard that Ms Halai had removed colleagues' books prior to February 2021. The panel concluded that Social Work England had not discharged the burden of proof in respect of that part of Particular 1.1. The panel, therefore, found the allegation that Ms Halai removed colleagues' book prior to February 2021 not proved. As a consequence, the panel has found only those parts of Particular 1.1 as have been admitted by Ms Halai proved to its satisfaction.

Particular 1.2

Whilst registered as a social worker on or around December 2020 to March 2021 you:

1.2 Did not return the books to your colleagues when requested to do so on 4 December 2020 and/or 18 December 2020 and/or 8 March 2021

96. The panel reminded itself that Ms Halai had admitted that she did not return the books to her colleagues when requested to do so in a teamwide email from Derek Miller on 8 March 2021. She denied not returning books when requested to do so on 4 December 2020 on the basis that she had not taken Aaron Frazer's books. She thought that she was on annual leave at the time of his later email on 18 December 2020 and did not recall seeing it.
97. The panel has found the allegation that Ms Halai removed colleagues' books prior to February 2021 not proved. It follows that Social Work England has failed to discharge the burden of proof in relation to Particular 1.2 in so far as it relates to Ms Halai not returning books to her colleagues in December 2020. As a consequence, the panel has found only those parts of Particular 1.2 as have been admitted by Ms Halai proved to its satisfaction.

Particular 2

Your actions at 1.1 and 1.2 were dishonest

98. The panel reminded itself that it had found Particulars 1.1 and 1.2 proved only in relation to those matters which Ms Halai has admitted. Ms Halai has admitted that she removed her colleagues' books without their express permission in February and March 2021 and that she did not return the books when requested to do so in an email dated 8 March 2021. Social Work England alleges that Ms Halai's actions were dishonest.
99. Ms Halai denies that her actions in removing the books were dishonest. Ms Halai's position is that she borrowed around 35 books at the request of an ex-partner who needed them for a research paper he was writing. She had understood that the books were the property of the Council and that they could be borrowed by members of staff. On receipt of Derek Miller's email of 8 March 2021, she made attempts to contact her ex-partner to get the books back but could not get hold of him. She panicked and did

not respond to Mr Miller's email immediately because she hoped that she would be able to make contact with her ex-partner and get the books back.

100. The panel reminded itself of the test for dishonesty as set out in the case of Ivey. The panel considered that the Particular 2 of the Allegation required it to assess Ms Halai's conduct and state of mind at two separate points in time: first when she removed her colleagues' books without their permission and secondly when she did not return them when requested to do so.
101. The panel acknowledged that, in order to assess Ms Halai's state of mind at the time of the alleged dishonesty, it must resolve identified conflicts and inconsistencies in the evidence and form a view of what happened based on all the evidence. It reminded itself that, in so doing, it must have regard to Ms Halai's previous good character when considering both the truthfulness of her evidence and the likelihood that she had been dishonest, as alleged.

Particular 2 in respect of Particular 1.1

Whether Ms Halai's conduct in borrowing her colleagues' books without permission was dishonest?

102. Social Work England's case is that the books which were taken in February and March 2021 were clearly identifiable as books belonging to individual members of staff and that, therefore, there was an expectation that permission would be sought before removing those books. The books were kept on shelves in the office which Elena Alexandrou and Katannu Rowsell shared with other psychology service and occupational therapy staff.
103. Ms Halai's position is that she had understood the books to be a shared Council resource and that she had therefore not sought express permission to borrow them. Her evidence is that the office which Elena Alexandrou and Katannu Rowsell shared with others was a shared office space where Council-owned books were kept for the benefit of staff. She now accepts, as a matter of fact, that the books she took in February and March 2021 belonged to Ms Alexandrou and Mr Rowsell.
104. The panel carefully considered the evidence about the office. Both Ms Alexandrou and Mr Rowsell identified the office as their office, which they shared with others. Ms Alexandrou, in her written statement, described retaining the office space she had been in previously, while her team was now based in another part of the building. Both described keeping their own books on open shelves in their office.
105. Mr Frazer, in his oral evidence, described the room as 'the psychology room' and said that at the relevant time, which was during the COVID pandemic, there would usually be three psychologists and often a trainee in the room. He and Ms Halai shared their own office on the other side of the corridor.
106. None of Social Work England's witnesses described the office as a shared space for staff more generally. There was some evidence before the panel that staff had 'hot

desked' during the COVID pandemic. However, the panel concluded on the evidence before it that the room described as 'the psychology room' was the designated office of Ms Alexandrou, Mr Rowsell and others, and that it was not a common room for staff more generally.

107. The panel next considered the evidence as to the ownership of the books. Mr Rowsell and Ms Alexandrou both stated that they kept books belonging to them on open bookshelves in their shared office. Ms Alexandrou, in her oral evidence said that at least some of her books had her name in them or carried the stamp of the trauma service indicating that these were books she had inherited from that service. Ms Alexandrou described her books as specialist books for psychological therapists practising clinically in mental health and as her 'library of resources'. Both Mr Rowsell and Ms Alexandrou said that they had lent their books to trainee psychologists and on occasion other members of the team with an interest in psychotherapeutic techniques but they would have expected colleagues to ask if they wished to borrow the books. Both confirmed that Ms Halai had had no discussion with them about borrowing the books.
108. Mr Frazer and Ms Alexandrou, in response to panel questions, described mechanisms at the Council for ordering books for the team but distinguished books owned by the Council from the books on their bookshelves which they said were identifiable as belonging to them individually.
109. The panel noted that Ms Halai, in her oral evidence had accepted that, at one time, she had had three of her own books in her office; two of these had been works of fiction, the other had been a social work textbook. Further, she had accepted that she had seen Mr Frazer's teamwide email of 4 December 2020 with the title '*my books, all disappeared*'. It followed that she must have been aware in early December 2020 that some members of staff kept their own books in the office. When this was put to her in panel questions, Ms Halai was unable to explain her stated position that nobody in the building had personal books in their offices when, in her evidence in the Council's disciplinary hearing on 13 August 2021, she had stated that she had personal books in the building, and she had seen an email from Mr Frazer in early December highlighting that his personal books had disappeared.
110. The panel concluded it was more likely than not that Ms Halai had understood that the books were the property of individual members of staff and not Council-owned books for use by all staff at the time she removed them.
111. In reaching that decision, the panel took into account the CCTV footage of 26 February 2021, 1 March 2021 and 3 March 2021 which it is accepted shows Ms Halai removing books from the office shared by Mr Rowsell, Ms Alexandrou and others (the 'psychology room'). In two of the CCTV clips, Ms Halai can be seen coming out of her office and into the corridor and then going back into her office when others are in the corridor area. She then enters the psychology room before exiting it a short time later with books under her arm.

112. Ms Halai denied waiting for the psychology room to be empty before returning to remove books. She could not recall why she was shown in the clips to return to her office but thought that on one of the occasions shown in the CCTV clips, she had a meeting to join and that it was ‘purely coincidental’ that the CCTV appeared to show her avoiding others. On another occasion, where it appears she is avoiding a cleaner with a trolley, she denied either seeing or hearing this person.
113. In the context of the panel’s finding that Ms Halai had understood that the books she was removing were the property of individual colleagues and had not sought their permission to borrow them, the panel concluded that it could properly draw an inference that Ms Halai had waited until the corridor and psychology room were clear before entering the psychology room to remove her colleagues’ books.
114. The panel accepted that the removal of her colleagues’ books did not in itself establish a dishonest intent. It had regard to Ms Halai’s written statement where she wrote, “*I did not at any time ever intend to keep the books.*” However, the panel’s conclusion that she had known that the books were her colleagues’ property, had described “grabbing” them in a rush, had taken them without her colleagues’ permission, and had taken steps to avoid others when removing the books, was evidence which the panel considered was relevant to its overall assessment of her state of mind at the time she removed the books and whether that conduct was dishonest.
115. The panel went on to consider Ms Halai’s account as to why she had removed such a large volume of books covering such a broad range of subjects. It reminded itself that it was for Social Work England to prove that Ms Halai’s actions were dishonest and not for her to show why they were not.
116. Ms Halai’s position is that she borrowed the books at the request of an ex-partner who needed them for a research paper he was writing. Her ex-partner had been ‘quite desperate’ to obtain the books as there was a deadline looming.
117. Ms Halai said that she had first started removing the books at the beginning of February 2021. She said she had been approached by her ex-partner asking for books to support his research; she had told him that the books belonged to the Council and that he would need to return them as soon as he finished with them. Thereafter, she would take books when her ex-partner made a specific request for them. After she had provided the first few books, he had asked if she could provide more. He had indicated the topics he was interested in and she had ‘grabbed’ books from the psychology room. She thought she had given him around 35 books in total.
118. The panel noted that, although not specifically alleged, there was a conflict in the evidence about exactly how many books Ms Halai had removed. Ms Alexandrou, in her witness statement, estimated that she was missing around 75 books; she provided Mr Miller with a list of 45 titles. Mr Rowsell provided a list of 31 titles which he says were missing from his bookshelf. That evidence was not contested. While not invited by the parties to resolve the inconsistency as to how many books were taken, the panel

considered that the view it took of this conflict in the evidence would be relevant to its assessment of the truthfulness and credibility of the witnesses.

119. The panel accepted the evidence of Mr Rowsell and Ms Alexandrou as to the number of books that they had lost. They had each produced a list of books they were missing and the panel had no reason to disbelieve that those lists were accurate. The panel had the benefit of photographs of Mr Rowsell and Ms Alexandrou's bookshelves on 1 and 4 March 2025 which showed that identifiable books had been removed between those two dates. Further, Mr Rowsell had been able to identify one of his books in CCTV footage of Ms Halai removing books from his office.
120. The panel accepted that, of the approximately 75 books which Ms Alexandrou had said were missing, she had been able to provide a list of only 45. However, the panel took into account her evidence that she had built up her library over many years and inherited books from the trauma service and concluded that the fact she could not produce a list of all the books she had kept in the office did not diminish her credibility or the reliability of her account.
121. The panel next considered Ms Halai's evidence that she had removed a total of around 35 books. The panel took into account her written statement where she said she had first started borrowing the books at the beginning of February 2021 and that she had taken books on five or six occasions. In her oral evidence, she thought that it had been '*every couple of weeks*' and said that she would take five or six books at a time. She confirmed that 3 March 2021 was the last date on which she removed books.
122. The panel observed that, had Ms Halai taken books on five or six occasions in the period from 1 February to 3 March 2021, which was her evidence, she would have been taking books every five or six days rather than '*every couple of weeks*'. The panel further noted that the CCTV footage showed her removing books on three separate dates within the space of a week in late February and early March. The panel found her evidence inconsistent in respect of how many times she had removed her colleagues' books.
123. Ms Halai's evidence was that she kept a list of all the books she had given to her ex-partner. She said that she had completed it chronologically and had been focussed on 'keeping a tab'.
124. The panel considered Ms Halai's handwritten list which was within the dossier. It counted 34 books on the list. The panel noted that, although Ms Halai had accepted in her oral evidence that she had taken duplicate copies of some of the books from Ms Alexandrou and Mr Rowsell, there were no duplicate book titles on the list. It was put to Ms Halai that, if the purpose of the list was to keep a record of all the books she had given to her ex-partner, the duplicate books should also have been listed. Ms Halai was unable to provide an explanation for the absence of any duplicated titles from the list.
125. The panel further noted that one of the books which could be positively identified as having been removed between 1 and 4 March 2021, '*Overcoming Depression*', is the fifth of 35 books on Ms Halai's list. When put to her that this book would have appeared

towards the end of the list if the list had been chronological, Ms Halai was again unable to provide an explanation for this inconsistency. In addition, Ms Halai had accepted that all the books referenced in the email by Derek Miller on 8 March 2021 were books she had taken, however four of those included in the email were not included in Ms Halai's list.

126. The panel therefore did not accept Ms Halai's evidence that her list was a complete and chronological record of the books she had taken. The panel found that Ms Halai's evidence in respect of the list was not credible. The panel was not satisfied that the list had been compiled in the manner described by Ms Halai or that it represented an accurate list of the books she had removed from her colleagues' office.
127. The panel went on to consider why Ms Halai had removed books covering such a wide range of subject matter, including both generalist books and books specifically aimed at psychological therapists practising clinically in mental health. The panel reminded itself that Ms Alexandrou, in her oral evidence, had said that if someone needed the books for research, it would have had to be extremely broad research to need as many books as had been taken from her shelf.
128. Ms Halai, when asked as to why she had considered it appropriate first to remove such a volume of books and secondly to lend them to someone outside of the Council had responded that she was trying to help out her ex-partner, who was in need at the time. The panel found that she did not appear to have considered the inappropriateness of removing such a large number of books from the office and giving them to an individual outside the Council. Not did she appear to have considered the potential impact on her colleagues who may have needed to refer to the books which were no longer in the building. Further, Ms Halai had no explanation for why she had removed books covering such a wide range of topics, beyond that her ex-partner had continued to ask for further books and she had taken them.
129. The panel carefully considered all the evidence before it that went to Ms Halai's state of mind at the time she removed her colleagues' books. The panel has found that it was more likely than not that Ms Halai knew that the books she removed belonged to her colleagues. The panel rejected her account that she honestly believed the books were the property of the Council. The books were held on bookshelves in an office which was identified as 'the psychology room' and which was the designated office of Ms Alexandrou and Mr Rowsell. At least some of the books had names or stamps in them. The panel found it implausible that Ms Halai had not looked inside any of those books when on her account she had kept a tab of all the books she had given to her ex-partner.
130. The panel reminded itself that it had not accepted Ms Halai's account of how that written list had been created. It had found that her account lacked credibility and that the list could not be regarded as an accurate record of the books she had given to her ex-partner. The panel noted in this regard the large discrepancy between the number of books on the list and the number of books which Ms Alexandrou and Mr Rowsell listed as missing but made no specific finding on the matter.

131. The panel has found that Ms Halai did not seek permission before taking large numbers of books from her colleagues' office. Those books were removed not for her own use but for the use of an ex-partner who was unconnected with her workplace. In the view of the panel, the CCTV footage showed her taking steps to avoid others when removing the books. The panel was satisfied, having assessed Ms Halai's knowledge and belief about the facts that her actions were subjectively dishonest and objectively dishonest by the standards of ordinary decent people. In coming to that conclusion, the panel took into account both Ms Halai's previous good character and the positive character references it had received. However, in the view of the panel, it could give these only limited weight when balanced against the weight of the objective evidence of her dishonest conduct.

Particular 2 in respect of Particular 1.2

Whether Ms Halai's conduct in not returning the books to her colleagues when requested to do so on 8 March 2021 was dishonest?

132. The panel next considered whether Ms Halai's conduct in not returning the books to her colleagues when requested to do so on 8 March 2021 was dishonest.
133. Ms Halai's evidence was that, on receiving Derek Miller's email of 8 March 2021, she had panicked when she realised that the missing books referred to in his email were the books that she had borrowed. Ms Halai said that this was the first time that she realised that the books she had taken were the personal books of colleagues and not books owned by the Council.
134. The panel has found that Ms Halai knew, when she removed the books, that they belonged to her colleagues and not the Council. The panel considered that the fact that she had removed as many as 35 books from the office and they were no longer in her ownership and control was sufficient reason in itself for her to panic on receipt of Mr Miller's email.
135. Ms Halai described frantically tried to contact her ex-partner but could not get hold of him as she only had an old number for him. He had always called her on a withheld number. He had come to her home when he needed to collect the books. She had had an old number for him and could not call him. She had asked him for his number in the past but he had been quite vague about it and not given it to her.
136. Ms Halai, in her oral evidence, said that she had tried to reach out to him on Facebook and Facebook Messenger but thought he may have blocked her. She had also emailed him. She told the panel that after they had split up she had removed his friends and family from her Facebook list so they had no friends in common. The panel put to Ms Halai that her account was inconsistent with the evidence she had given in the disciplinary hearing convened by the Council, where she said that she had not tried to contact him on social media. Ms Halai said that she had been very stressed at the time of the disciplinary hearing.

137. Ms Halai told the panel that she has had no contact with her ex-partner since giving him the books on or around 3 March 2021.
138. The panel carefully considered Ms Halai's account of her attempts to contact her ex-partner. It found her account that she had no means to contact her ex-partner to be implausible. She had had frequent contact with him over a period of some weeks and had last had contact with him on 3 March 2021 when he had come to collect the books. She had told him at that time that she would not get any more books for him and on her account he had accepted that. He had then ceased all contact with her within a matter of days in circumstances where he could not have known that a request had been made by the Operational Lead at the Council to return the books, because Ms Halai had been unable to make contact with him.
139. The panel accepted that Social Work England had not advanced an alternative theory to explain Ms Halai's inability to return the books and that the burden of proof remained with Social Work England. However, the panel considered that the implausibility of Ms Halai's account was a matter which it could properly take into account when assessing her credibility more generally. It noted that this account was not the only part of her evidence which the panel had found difficult to believe.
140. The panel noted that, while Ms Halai had continued to try to contact her ex-partner, she had not responded to Mr Miller's email or sought to explain that it was she who had taken the books. Instead, she described continuing to come into work as normal and it was only when contacted by Derek Miller on 16 March 2021 and being made aware that CCTV footage had been obtained which identified her removing the books, that she had taken responsibility for her actions. The panel noted that by this time eight days had elapsed since Mr Miller's email and six days since the deadline he had set for the return of the books. The panel was not satisfied that Ms Halai would have admitted her actions were it not for the fact that she had effectively been caught red-handed.
141. The panel noted the actions taken by Ms Halai after these events to try to replace the missing books and to reimburse her colleagues or the Council for their loss. However, the panel concluded that this did not mitigate her dishonest conduct in not responding to Mr Miller's email and taking responsibility for removing her colleagues' books without their permission. The panel was satisfied that whether or not Ms Halai had panicked and felt embarrassed about removing her colleagues' books, her conduct in continuing to conceal that it was she who had taken the books was both subjectively dishonest and objectively dishonest by the standards of ordinary decent people.

Finding and reasons on grounds:

142. Having announced its findings on the facts, the panel went on to consider whether the facts it had found proved were sufficiently serious so as to amount to the statutory ground of misconduct.

143. The panel took into account all the evidence it had received at the fact-finding stage; it received no new evidence at this stage of proceedings.
144. Ms Tighe submitted that the finding of dishonesty against Ms Halai was serious. She said that the dishonesty was repeated and that Ms Halai's conduct fell short of what would be considered proper in the circumstances such that it could be properly characterised as misconduct.
145. Ms Stock conceded that Ms Halai's dishonest actions met the threshold for a finding of misconduct but said that her actions may not be so egregious as to suggest that she is not fit to practise with restrictions or at all.
146. The legal adviser reminded the panel that at this stage of proceedings, there is no burden or standard of proof and a decision on misconduct is a matter for the panel's judgement alone. She said that there was no statutory definition of misconduct and referred the panel to the cases of *Roylance v GMC (No. 2)* [2000] 1 AC 311 and *Remedy UK Ltd v GMC* [2010] EWHC 1245 (Admin) in which the courts had considered what may or may not amount to misconduct.
147. The panel was advised that the standards for social workers could be found in the relevant provisions of Social Work England's Professional Standards of July 2019 and its Professional Standards Guidance of April 2020 and that it should consider whether Ms Halai had breached any of those provisions, the extent of any such breach and the circumstances or context in which the breach occurred. The panel was reminded that not every breach of a social worker's duty will amount to misconduct; the misconduct must be serious. The legal adviser referred the panel to the case of *Nandi v General Medical Council* [2004] EWHC 2317 (Admin) in which it was said that misconduct was "*conduct which would be regarded as deplorable by fellow practitioners.*"
148. The panel was reminded that the starting point is that dishonesty by a professional person is almost always extremely serious. However, there is a spectrum of seriousness and dishonesty may be less serious where it was a one off, isolated incident or where there was no or little financial or other material benefit derived by the social worker from the dishonesty. The panel was advised that it should consider carefully where on that spectrum Ms Halai's dishonesty lay.
149. The panel started by considering which of Social Work England's professional standards, if any, Ms Halai had breached. The panel reminded itself that it had found that Ms Halai had acted dishonestly. It concluded that she had breached the following standards:
- "2.1 Be open, honest, reliable and fair.*
- 5.2 [I will not] Behave in a way that would bring into question my suitability to work as a social worker whilst at work, or outside of work."*
150. The panel reminded itself that not all breaches of the professional standards will lead to a finding of misconduct. However, the panel considered that a breach of the standard

to be open, honest, reliable and fair, was a breach of a core tenet of the social work profession and was a serious falling short of the standards expected of a social worker.

151. The panel reminded itself of the advice that it had received that, whilst dishonesty is always serious, there is a spectrum of dishonesty. It carefully considered the nature and character of Ms Halai's dishonesty to determine where on that spectrum it lay. While the panel could contemplate more serious cases of dishonesty than this one, it did not consider that Ms Halai's dishonest actions were at the lowest end of the spectrum of gravity.
152. The panel accepted that Ms Halai's dishonesty in taking her colleagues' books without their permission had taken place in a specific context and over a period of under two months. She had taken her colleagues' books without their permission on five or six separate occasions within a five-week period. She had then not returned the books when asked to do so and had not admitted that she had taken them until faced with the incontrovertible evidence of the CCTV footage.
153. The panel noted that there was no evidence that Ms Halai had behaved dishonestly before these events or that she had done so in the 4½ years since. Nonetheless, the panel did not consider that her conduct could be characterised as an isolated lapse of judgement in that it was repeated several times, albeit over a relatively short period of time. The panel considered that Ms Halai's taking of the books without permission was then aggravated by her failure to take responsibility when presented with the opportunity to do so.
154. The panel accepted that this was not a case in which Ms Halai's dishonesty had resulted in direct harm to vulnerable service users. However, the panel found that her actions had caused harm to her colleagues and her employer. Her colleagues and employer had suffered financial loss in replacing the books. Further, her colleagues had lost valuable resources, which they had built up over many years and which they used in their psychological practice and in the training of others. Not all of the books which Ms Halai removed were replaceable. The panel acknowledged the steps that Ms Halai had taken after these events to try to replace the missing books and to reimburse her colleagues or the Council for their loss. However, the panel has found that this did not mitigate the seriousness of her dishonest actions.
155. The panel found that Ms Halai's dishonest actions had also caused psychological harm to her colleagues in that their sense of their workspace as a safe space and their trust in their colleagues and others working in the building had been undermined. The panel noted that these events took place during the COVID pandemic where colleagues may have been under additional pressures and where the importance of having a safe workplace was heightened.
156. The panel was also troubled to note that Ms Halai had been made aware in December 2020 that Aaron Frazer, with whom she shared an office, had lost books which he needed for his AMHP training. Notwithstanding that knowledge, she had gone on to deprive others of resources they may have needed in their practice by removing their

books from their offices, without asking for permission. The panel considered that this showed a disregard for her colleagues' interests which aggravated the gravity of her actions.

157. The panel had little difficulty in finding that fellow members of the social work profession would consider Ms Halai's conduct to be 'deplorable.' It considered that the public at large would also consider her conduct to be wholly reprehensible. The panel was in no doubt that her dishonest actions met the threshold for a finding of misconduct.

Finding and reasons on current impairment:

158. Having determined that Ms Halai's actions were sufficiently serious as to amount to a finding of misconduct, the panel went on to consider whether her fitness to practise is currently impaired by reason of that misconduct. When considering the question of impairment, the panel took into account Social Work England's 'Impairment and sanctions guidance'.
159. Ms Tighe, on behalf of Social Work England, submitted that dishonesty is difficult to remediate, and there was no evidence of Ms Halai having taken any remedial action. Ms Tighe highlighted the harm done to Ms Halai's colleagues by her dishonest actions; Ms Halai's denial of dishonesty in these proceedings; the absence of proper reflection or insight; and the absence of remedial action. She submitted that, as a result of these factors, Ms Halai's fitness to practise is currently impaired on the personal component.
160. Ms Tighe submitted that a finding of impairment was also required on the public component of current impairment, to maintain public confidence in the profession and to promote and maintain proper professional standards for social workers in England. She invited the panel to find that Ms Halai's fitness to practise is currently impaired by reason of her misconduct.
161. Ms Stock, on behalf of Ms Halai, submitted that Ms Halai's conduct should be viewed in the context of an otherwise unblemished career that, looking forward, the panel could conclude that her fitness to practise is not impaired despite a finding of misconduct.
162. Ms Stock invited the panel to have regard to Ms Halai's personal and professional circumstances at the relevant time. She reminded the panel that Ms Halai's misconduct had been isolated, short in duration and was out of character for her. Ms Stock said that Ms Halai had reflected on her mistakes, and that they had not been repeated. She highlighted the character references which she said attested to Ms Halai's skills, knowledge and personal qualities in her current role, noting that Ms Halai had been open with those about these proceedings.
163. Ms Stock submitted that Ms Halai presents no risk to the public and that a finding of impairment on the personal element of impairment is not required. She further submitted that, in circumstances where Ms Halai had practised without issue since 2021, the public interest did not require a finding of impairment on public interest grounds.

164. The legal adviser reminded the panel that fitness to practise proceedings are forward looking and that a finding of past impairment does not necessarily lead to a conclusion of current impairment. The panel should take into account Ms Halai's conduct at the time of the events and any relevant factors since then such as any evidence it has as to her insight, expressions of remorse or apology, the timeliness of any admissions, and any steps that she has taken towards remediation. She invited the panel to have regard to paragraph 16 of Social Work England's 'Impairment and sanctions guidance' which sets out factors which are relevant to a decision on personal impairment.
165. The legal adviser reminded the panel of the case of *Cohen v General Medical Council* [2008] EWHC 581 (Admin) and advised that the panel should ask itself whether the misconduct found is capable of remedy; whether it has been remedied; and whether it is highly unlikely to be repeated.
166. The legal adviser further reminded the panel of the observations of *Dame Janet Smith in the 5th Shipman report*, in which she identified a series of questions that should be considered in determining whether a doctor's fitness to practise is impaired. The legal adviser said that those questions were equally relevant to regulatory proceedings against a social worker.
167. The panel was advised that the maintenance of innocence should not be equated with a lack of insight. Ms Halai was properly and fairly entitled to defend herself. Her denial of dishonesty was not an absolute bar to a finding of insight and did not prevent her from demonstrating that she put in place the necessary strategies to recognise and prevent further wrongdoing.
168. The legal adviser reminded the panel not to lose sight of all three elements of Social Work England's overarching objective and that it should ask itself not only whether Ms Halai continues to present a risk to members of the public in her current role but also whether the need to uphold proper professional standards and public confidence in the social work profession would be undermined if a finding of impairment were not made in the particular circumstances. This is referred to in Social Work England's Impairment and sanctions guidance as 'the public impairment element', and that guidance sets out that a finding of public impairment may be made even if there is no personal impairment and even if the panel does not consider that the social worker presents a risk to the public.
169. In respect of dishonesty, the legal adviser cited the case of *GMC v Armstrong* [2021] EWHC 1658 (Admin) that: *The consequences of a finding of dishonesty in the professional regulatory context are likely to be so profound, in terms of the overarching regulatory objective, that the factors on the other side, viewed as a whole, will need to be extremely strong, in order for a finding of no impairment to be justified. Competing factors of the required overall strength are unlikely to be frequently encountered.*"
170. Finally, the legal adviser reminded the panel that it must give full reasons for any decisions it makes.

171. The panel accepted the advice of the legal adviser. In approaching the question of impairment, it started by asking itself whether Ms Halai's misconduct was remediable, whether it had been remedied and whether it was highly unlikely to be repeated.
172. The panel bore in mind that dishonesty is often said to be difficult to remediate. Nonetheless, the panel considered that Ms Halai's misconduct is capable of remediation. In reaching this view, the panel took into account that prior to these events Ms Halai was a person of good character and that she has practised without issue since her dishonest actions in 2021.
173. The panel had regard to the four recent character references which Ms Halai had provided from colleagues and senior members of staff at her current employer, where she has worked since August 2021. It noted that each of the referees made clear that Ms Halai had been open and honest with them about the fact and nature of these proceedings. Further, each of the referees specifically addressed the question of Ms Halai's integrity and honesty and confirmed that they have had no concerns about this. In addition, Ms Halai had provided a number of character references at an earlier stage of these proceedings (with some overlap of authorship); again these attested to her openness about these proceedings and her professionalism as a social worker. The panel accepted that there have been no complaints about her day-to-day practice as a social worker.
174. The panel next considered whether Ms Halai had remedied her misconduct such that it could conclude that it was highly unlikely to be repeated. The panel had regard to the
175. factors set out in paragraph 16 of Social Work England's 'Impairment and sanctions guidance' which decision makers should consider when making a decision on impairment. It had regard to its earlier findings on misconduct where it had found that she had caused financial and psychological harm to her former colleagues and employer.
176. Whilst the panel accepted that, as a matter of fact, there had been no repetition of Ms Halai's misconduct or harm of the nature she had caused, it considered that this was not determinative of the question as to whether risk had reduced to such an extent that it could now be said she was highly unlikely to repeat the misconduct found. It reminded itself that this was not a case involving a one-off lapse of judgement; she had removed books on five or six occasions and had not 'come clean' and been honest when given the opportunity to do so.
177. The panel carefully considered the extent to which Ms Halai now acknowledges and appreciates the seriousness of her misconduct, its impact on others, and its impact on public confidence in the profession. The panel could not ignore that Ms Halai had denied dishonesty in these proceedings. In the absence of an acceptance that she had acted dishonestly, the panel looked carefully at any other evidence before it which might demonstrate that she understands what she did was wrong and has now put in place the necessary strategies to recognise and prevent it from happening again.

178. The panel had regard to Ms Halai's written reflection dated April 2022 and prepared at an earlier stage in these proceedings. In that statement she provides an analysis of her actions in early 2021 and writes about what she could have done to avoid the situation she now finds herself in. She acknowledges the significant stress her actions caused her colleagues. She expresses shame and remorse, and she writes that she would like to apologise to her colleagues having been prevented from doing so at the time because of the investigation process.
179. The panel accepted that Ms Halai's written statement provides some evidence of insight into her misconduct. In the panel's view, she now understands what she could have done differently in the particular circumstances she found herself in in early 2021. However, in the panel's view she has not articulated what strategies she now has that would give the panel confidence that she would not act in a similar manner in future. She describes being 'too trusting of others' and being 'overly fearful of being embarrassed' but she does not explain precisely how this led to her acting dishonestly or what tools and strategies she would now use if she felt under pressure or was faced with someone asking for help that pushed the boundaries of what was appropriate.
180. The panel further identified some shortcomings in Ms Halai's thinking skills from her oral evidence at the fact-finding stage. Whilst she had accepted that it was wrong to remove her colleagues' books from the office, she appeared to consider that, had the books been Council-owned, there would have been nothing inappropriate about removing 35 books and lending them to an individual who was unconnected with the Council. The panel considered that this was less about her being 'too trusting of others' and more about putting her personal interests before those of her colleagues and the service for which she worked.
181. The panel further found that while Ms Halai had spoken of the stress she had caused her colleagues, she has not fully engaged with the extent of the harm caused and the breach of trust which she committed. The panel has also seen no reflection from Ms Halai on the damage caused to public confidence in the profession by a social worker acting dishonestly.
182. The panel concluded that Ms Halai had demonstrated some insight into her misconduct but that this was not yet sufficiently developed to reassure the panel that she was highly unlikely to repeat her behaviour. The panel found that the risk of repetition remains and, as a result, determined that Ms Halai's fitness to practise is currently impaired on the personal element.
183. The panel next considered the public element. Social workers are trusted with the health, safety and well-being of some of the most vulnerable members of society. The public must be able to trust social workers to act with honesty and integrity at all times. A breach of the standard to '*Be open, honest, reliable and fair*' is a breach of a fundamental tenet of the social work profession. The panel considered that members of the public would be appalled to learn that a social worker had taken the property of her colleagues from their office, without their knowledge or permission, and had lent it

to an ex-partner from whom she had no means of recovering it because she had no means of contacting him. The panel concluded that the need to uphold proper professional standards and public confidence in the social work profession would be undermined if a finding of impairment were not made in these circumstances.

184. Accordingly, the panel determined that Ms Halai's fitness to practise is currently impaired on both the personal and public elements.

Decision and reasons on sanction

185. Having determined that Ms Halai's fitness to practise is currently impaired by reason of her misconduct, the panel went on to consider whether it was impaired to a degree that required action to be taken on her registration.
186. Ms Tighe, on behalf of Social Work England, outlined the key principles set out in Social Work England's 'Impairment and sanctions guidance' and referred the panel to the sanctions available to it. She acknowledged that there were mitigating factors in the case, including Ms Tighe's previous good character and her engagement with the regulatory process. As regards aggravating factors, she highlighted that Ms Halai's dishonesty had been repeated.
187. Ms Tighe took the panel through the sanctions available to it and the factors to be taken into account in respect of each available sanction. She submitted that the appropriate and proportionate sanction is one of suspension. She referred the panel to the relevant paragraphs in the 'Impairment and sanctions guidance' on suspension and submitted that the factors identified as indicating that suspension may be appropriate were present in the case. She reminded the panel that it had found that Ms Halai's conduct had caused harm to her colleagues, including psychological harm, and could not be characterised as an isolated incident. The panel had found that she had demonstrated insight and there had been no repetition of the conduct. Testimonials had been provided, and Ms Halai had produced a reflective piece, which demonstrated a willingness to remediate.
188. Ms Tighe reminded the panel that it must consider the appropriate and proportionate length of the suspension. This was a balancing exercise between the need to protect the public and the wider public interest, against the risk that a long suspension may result in a social worker's skills declining or deskilling. She submitted that the emphasis should be that any period of suspension needed to allow the social worker time to demonstrate their improvement, and in this case efforts to remediate, and to show insight prior to any review. Ms Tighe did not offer a view as to the appropriate length of sanction to meet those requirements in the current case.
189. Ms Stock, on behalf of Ms Halai, accepted that suspension was the appropriate and proportionate sanction on the facts and submitted that there was a proper and justifiable basis for the panel to consider a very short suspension in this case. She reminded the panel of the following principles on proportionality: that the panel must balance the public interest with the interests of Ms Halai; that the purpose of sanctions

is not to punish but to ensure that the public is protected; and that the panel must start with the least restrictive sanction and when reaches it a sanction which it considers meeting the overarching objective, go no further.

190. Ms Stock conceded on Ms Halai's behalf that her denial of dishonesty was an aggravating factor. As regards matters of mitigation, Ms Stock highlighted the personal and work stress that Ms Halai was under at the time; that her actions were wholly out of character as evidenced by her work over many years before and after these events; that there were no concerns about her ability or competency as a social worker; that there had been no harm to service users albeit, some harm to colleagues; that she had offered to reimburse colleagues and the Council in respect of any financial harm at a very early stage but the Council had not pursued this; that her dishonesty had not been persistent and amounted to a very short period of time in the course of an 18-year career history; and that there had now been a lapse of almost 5 years since these events, without repetition which, while not determinative, is a persuasive indicator.
191. Ms Stock accepted on Ms Halai's behalf that dishonesty is always serious but said that this case was at the lower end of a sliding scale. Ms Halai had accepted the panel's findings and would continue to reflect. Ms Stock submitted that dishonesty is remediable and that this is a case where dishonesty could be remedied given an opportunity. She said that Ms Halai appreciated the stress to colleagues, had expressed shame and remorse and had offered an apology. She reminded the panel that it had found that Ms Halai had some insight, albeit not fully developed.
192. Ms Stock submitted that it would be entirely justifiable to impose a very short suspension of 'a matter of months' and that any longer would be unduly punitive. A short suspension would allow her to reflect and remediate and also mark the public interest. A long suspension would have a devastating impact on Ms Halai's career and would deprive the public of a competent social worker for the period of the suspension.
193. The panel accepted the advice of the legal adviser and exercised its own independent judgement having regard to Social Work England's overarching objective and Social Work England's 'Impairment and sanctions guidance'. She advised that the purpose of a sanction is not to be punitive but to protect members of the public and to safeguard the public interest. Any sanction imposed must be proportionate weighing both the interests of the public with those of Ms Halai, and the panel should have regard to the impact of any sanction upon her both in financial and reputational terms.
194. The legal adviser reminded the panel that the sanctions available under paragraph 12(3) of Schedule 2 to the Social Workers Regulations 2018 are:
 - no further action
 - advice
 - warning order
 - conditions of practice order of up to three years

- suspension order of up to three years or
- removal order

195. The legal adviser advised that the panel should take into account any mitigating and aggravating factors it has identified. It should start with consideration of the least restrictive sanction and move through all the available sanctions in ascending order of seriousness until it identifies the sanction that is sufficient to protect the public and maintain confidence in the profession and uphold professional standards. She referred the panel to the detailed guidance within the 'Impairment and sanctions guidance' in relation to the factors which the panel should take into account in relation to each sanction and the section of that guidance that specifically deals with dishonesty.
196. The panel accepted the advice it had received. Before considering the sanctions available to it, it considered the mitigating and aggravating factors it had identified on the evidence.
197. In considering the mitigating factors, the panel accepted that Ms Halai has engaged fully with Social Work England's regulatory processes, including giving evidence at the hearing. She has expressed her apology to her colleagues during this hearing, indicating that she was prevented from doing so closer to the time of events because of the Council's ongoing investigation process. She has reflected on her conduct and demonstrated some insight into it, albeit that the panel found she has yet to develop full insight.
198. The panel also noted the positive feedback Ms Halai continues to receive in her current role. The panel was reassured that the feedback has come from her line managers and senior staff at her current place of work who highlight that she has been open and transparent about these proceedings, that she has a good relationship with service users, is a good team player and has good communication skills. The panel noted Ms Stock's submission that this was a period of stress in Ms Halai's life but has not received sufficient detail about this to allow it to conclude that it mitigates her action. However, the panel acknowledged the absence of any previous fitness to practise history in an 18-year career and that her dishonesty had continued for less than two months of that period.
199. The panel accepted Ms Stock's submission that Ms Halai's denial was an aggravating factor. It reminded itself of the harm caused to her colleagues, the fact that the dishonesty was repeated and her limited insight. However, the panel concluded that these were matters which it had taken into account when considering misconduct and impairment and they were not matters which should properly be considered to aggravate that misconduct further.
200. Having identified the mitigating and aggravating factors, the panel considered paragraphs 172 to 181 of the Impairment and sanctions guidance which specifically deal with dishonesty. In view of the context and nature of Ms Halai's dishonesty, it considered that the factors relating both to dishonesty in professional practice and

dishonesty in a social worker's private life were relevant. Whilst this was dishonesty in the workplace, it did not directly relate to her professional practice and service users were not directly harmed or put at risk.

201. In characterising Ms Halai's dishonesty, the panel reminded itself that it had taken place over a limited period of time and that there was no evidence that it was part of a larger attitudinal issue. The dishonesty had not been for personal gain, although it had caused financial loss to others which she had attempted to make good. The panel has found that harm was caused to colleagues and their sense of safety. Further she had not admitted her dishonesty at the earliest opportunity. The panel found that her dishonesty lay in the middle of the spectrum of dishonest conduct.
202. The panel went on to consider each of the available sanctions in turn.
203. The panel first considered whether a sanction was necessary. In light of its findings on impairment, the panel was of the view that a sanction was required. The panel has found that, in acting dishonestly, Ms Halai breached a core tenet of the profession and that her colleagues and employer suffered harm as a result. The panel has further found that the public would have been appalled by her dishonest actions. The panel concluded that taking no action would not protect the public and would send the wrong message to the public and significantly undermine public confidence in the profession and the regulator's response to such conduct.
204. The panel next considered whether to issue advice or to impose a warning. The panel bore in mind its findings at the impairment stage where it concluded that Ms Halai had demonstrated some insight into her misconduct but that this was not yet sufficiently developed to reassure the panel that she was highly unlikely to repeat her behaviour. The panel bore in mind that neither advice nor a warning would restrict Ms Halai's practice and so would not protect the public against the risk of repetition. Whilst the panel did not consider that there is a high risk of repetition by Ms Halai, it nonetheless considered that there is further work for her to do in reducing that risk through developing her internal strategies to manage that risk more effectively.
205. The panel was also mindful that Ms Halai's misconduct had breached the fundamental tenets of the profession to act openly and honestly. The panel was of the view that neither advice nor a warning would be sufficient to protect and promote public confidence in the profession or to affirm the importance of upholding professional standards.
206. The panel next considered whether a conditions of practice order would be the appropriate and proportionate response. The panel had regard to paragraph 114 of the Impairment and sanctions guidance which sets out the circumstances in which conditions may be appropriate as follows:
 - *The social worker has demonstrated insight*
 - *The failure or deficiency in practice is capable of being remedied*

- *Appropriate, proportionate, and workable conditions can be put in place*
- *Decision makers are confident the social worker can and will comply with the conditions*
- *The social worker does not pose a risk of harm to the public by being in restricted practice.*

207. Given its earlier findings at the impairment stage, the panel did not consider that any of the factors which may suggest conditions as being appropriate were evident in this case. The panel considered that Ms Halai's misconduct was attitudinal and behavioural in nature and did not lend itself to being managed by way of conditions. Furthermore, the panel acknowledged that dishonesty is identified in the Impairment and sanctions guidance as a specific example of when conditions would be unlikely to be appropriate. In all the circumstances, the panel did not consider that conditions would be sufficient to protect the public or satisfy the significant public interest considerations in the case.

208. The panel next considered whether a suspension order would be the appropriate and proportionate sanction. The panel had regard to paragraph 136 of the 'Impairment and sanctions guidance' which sets out the circumstances in which suspension may be appropriate, as follows (both must apply):

- *the decision makers cannot formulate workable conditions to protect the public or the wider public interest*
- *the case falls short of requiring removal from the register (or where removal is not an option)*

209. The panel was satisfied that both of these factors apply to the current case. It has found that this is a case where Ms Halai's dishonesty lies in the middle of the spectrum of dishonest conduct. It did not consider that this was a case that warranted Ms Halai's removal from the register.

210. The panel went on to consider paragraph 137 of the 'Impairment and sanctions guidance' which states that suspension may be appropriate where all of the following are present:

- *the concerns represent a serious breach of the professional standards*
- *the social worker has demonstrated some insight*
- *there is evidence to suggest the social worker is willing and able to resolve or remediate their failings*

211. Again, the panel considered that all three factors were present. The panel considered the indicators for removal as set out in paragraph 148 of the guidance but concluded that these were not present. The panel found that Ms Halai is willing and able develop her insight and remediate her failings.

212. The panel went on to consider the necessary length of the suspension order. It recognised that there is a public interest in keeping an otherwise competent social worker within the profession. The panel noted that the ‘Impairment and sanctions guidance’ states that suspension up to one year may be appropriate if the suspension’s aim is (one or both of the following):
- *maintaining confidence in the profession*
 - *ensuring the professional standards are observed*
213. The panel therefore concluded that a suspension order for a period of six months is sufficient to protect the public and maintain confidence in the profession and uphold professional standards. The panel considered that a period of six months would also be sufficient to allow Ms Halai to develop her insight further and to strengthen her strategies for ensuring that it is not repeated in future.
214. The panel considered that a panel reviewing this order may be assisted by evidence of developments in Ms Halai’s insight and remediation in the form of a detailed written statement which sets out:
- her understanding of the importance of upholding professional standards
 - the impact of her misconduct on her colleagues and public confidence in the profession
 - information about the skills, tools and strategies she now has to prevent her from behaving in a similar way in the future.

Interim order

215. Social Work England made no application for an interim order to cover the appeal period before the final order becomes effective. Ms Tighe submitted that an interim order was not necessary either for the protection of the public or in the best interests of the social worker. Ms Tighe noted that, since her dishonest conduct in early 2021, Ms Halai had practised for almost five years without issue. Further, she noted that the panel had not found that Ms Halai presents a risk to the public.
216. Ms Stock likewise submitted that an interim order was not necessary on either of the two grounds. She said that Ms Halai does not present a risk to the public and immediate action is not needed to maintain public confidence in the profession. She highlighted that Ms Halai had practised for almost five years without issue and said that balancing risk to the public with Ms Halai’s right to work and keep her career on track, the panel should find that the balance weighs in favour of Ms Halai.
217. The panel considered whether, in the absence of an application from Social Work England, it should nonetheless impose an interim order of its volition. The legal adviser advised the panel that it may make any interim order it considered necessary for the protection of the public, or in the best interests of the social worker. The panel was

advised that it should balance the interests of the Ms Halai, which may be to return to work pending any appeal, with the need to protect the public, which may require that her registration be suspended immediately. The panel should consider the nature and seriousness of the matter that led to the substantive order being made and whether it is appropriate for the social worker to continue in unrestricted practice before the substantive order takes effect.

218. The panel had regard to the submissions of both parties that an interim order is not necessary. The panel weighed against that the seriousness of its findings against Ms Halai, as reflected in the six-month substantive order of suspension it had imposed. The panel asked itself whether the public would be troubled or appalled to learn that a social worker who had been made the subject of a final order of suspension had been allowed to practise unrestricted during the period until the substantive decision of suspension takes effect including any appeal period.
219. The panel concluded that, in the particular circumstances of this case, an interim order is not necessary. In reaching this decision, the panel reminded itself that there has been no harm to service users and the panel has not found that she presents a risk to service users. Further, Ms Halai's employer is aware of the fact and nature of these proceedings, and Ms Halai has been open and honest with them. In all the circumstances, the panel did not consider that there was an immediate requirement to take action against Ms Halai's registration in order to protect the public. The panel concluded that the public would not be unduly concerned to learn that a social worker who had practised safely for almost five years without any repetition of her dishonesty had been permitted to return to practice during any appeal period.

Right of appeal

220. 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.
221. 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.
222. 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.

223. 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

224. 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

225. 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

226. 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>.