



Social worker: Victoria Franklin

Registration number: SW113842

Fitness to Practise: FTPS-18090

Final Hearing

Dates of hearing: 4 to 11 December 2025

Hearing venue: Remote hearing

Hearing outcome: No finding of impairment – warning given

Interim order: None

Introduction and attendees:

1. This is a hearing of allegations against Ms Victoria Franklin (registration number SW113842), which is held under Part 5 of the Social Workers Regulations 2018 (as amended).
2. This hearing was held remotely.
3. Ms Franklin attended this hearing but was not represented.
4. Social Work England was represented by Ms Aoife Kennedy, Counsel instructed by Capsticks LLP, solicitors to Social Work England.
5. The panel of adjudicators (the “**panel**”) and the other people involved in the conduct and administration of this hearing were as follows:

Adjudicators	Role
Bryan Hume	Chair (Lay adjudicator)
Warren Dillon	Social worker adjudicator
Angela Duxbury	Lay adjudicator

Poppy Muffett/Paul Harris/Marcus Gorman	Hearings Officer
Kathryn Tinsley/Molly-Rose Brown	Hearings Support Officer
Charles Redfearn	Legal Adviser

Preliminary matter: Application concerning redactions

Social Work England’s submissions on redactions

6. Social Work England informed the panel that:
 - At a case management meeting on 17 November 2025, Social Work England applied for the admission of hearsay statements appearing in a note made by Ms Franklin’s line manager of a fact-finding meeting between her and Ms Franklin on 25 August 2020, which was referenced KS11. The hearsay statements were statements of what Ms Franklin’s line manager said she had been told by members of Family 1 concerning Ms Franklin.
 - The panel at the case management meeting (the “**CMM Panel**”) refused Social Work England’s hearsay application. As result, Social Work England removed references to Family 1 from the specific allegation to which the hearsay statements related.
 - An initial version of the note of the case management meeting stated that the whole of the note of the fact-finding meeting was inadmissible. The CMM panel together with the legal adviser who was present at the case management meeting subsequently reviewed the note of the meeting and issued a corrected version containing a paragraph giving the outcome of the hearsay application. That paragraph read, “*For the avoidance of any doubt, the panel rules that all hearsay*

evidence in Exhibit KS/11 is not admissible nor is any reference to the hearsay evidence in Exhibit 11 in any of the other evidence, such as the witness evidence of Ms Stewart”.

- Social Work England’s solicitors included in the exhibits bundle a copy of the note of the fact-finding meeting with reference to what was said by Family 1 redacted.
- Ms Franklin asked for the whole of the note of the fact-finding meeting to be redacted. She also asked for all references to Family 1 to be removed from the allegations against her, from the statement of case and from the witness statements and their exhibits.
- The panel and Ms Franklin had been provided with a document detailing the redactions proposed by Ms Franklin; the reasons which she had given for the proposed redactions in an email to Social Work England’s solicitors; and Social Work England’s solicitors’ responses to those proposed redactions, as set out in their reply to Ms Franklin’s email.

7. Ms Kennedy submitted that:

- In the light of the corrected note of the case management meeting, only the hearsay statements in the note of the fact-finding meeting should be redacted.
- As the hearsay statements were only relevant to certain particular allegations concerning Family 1 but not to those in Allegation 1 (as set out below), the references to Family 1 in Allegation 1 should remain, as should related references to Family 1 in the statement of case, witness statements and exhibits.
- In the circumstances, the panel, in exercise of its power to admit evidence under rule 32(b)(vii) of Social Work England’s Fitness to Practise Rules (the “**FTP Rules**”), should admit the note of the fact-finding meeting (but subject to the redaction of the hearsay statements) and the disputed references to Family 1 in other documents.

Ms Franklin’s submissions on redactions

8. Ms Franklin considered that the CMM Panel had found the hearsay statements attributed to Family 1 to be untruthful and that, as a result, the whole of the note of the fact-finding meeting should be redacted; any allegations concerning Family 1 should be removed from the list of allegations; and any related references to Family 1 in the statement of case, the witness statements and the exhibits should be redacted. Ms Franklin also pointed out that the note of the fact-finding meeting was unsigned.

Legal advice on redactions

9. The panel heard and accepted the Legal Adviser’s advice on the matter. The Legal Adviser referred the panel to (i) its obligation to conduct this hearing fairly under rule

32(a) of the FTP Rules; (ii) its power to deal with this matter as a preliminary issue under rule 32(b)(ii); and its power to admit evidence, where fair to do so, under rule 32(b)(vii). He added that, in considering the question of fairness, the panel should balance Ms Franklin's right to a fair trial under Art.6 of the European Convention of Human Rights against the public interest in the panel receiving evidence which exposes conduct which adversely affects public health, safety and well-being, proper professional standards and public confidence in social workers (which are the three elements of Social Work England's overarching objective of 'protection of the public'). The Legal Adviser also referred to the practice of panel's hearing hearsay applications at case management meetings not to determine the truth of the relevant hearsay statements but to consider the question of whether it was fair to admit those statements without the individuals who allegedly made them being called as witnesses.

Panel's decision on redactions

10. In the light of the paragraph from the note of the case management meeting on 17 November 2025 cited above, the panel considered it fair for the redacted note of the fact-finding meeting to remain in the exhibits bundle, as it did not contain any statements purportedly made by members of Family 1 (and the panel had not seen any such statements). With regard to the authenticity and accuracy of the note, Ms Franklin's line manager, as the purported author of the note, could attest to, and be challenged on those matters when she gives oral evidence.
11. With regard to the proposed removal of references to Family 1 from other documents and from the allegations against Ms Franklin, it may be that Ms Franklin's line manager made enquiries on the basis of what was said to her by Family 1; however, it appeared from the statement of case that Social Work England intended to prove Allegation 1, in so far as it related to Family 1, by independent evidence from other sources, not by reference to that statements allegedly made by Family 1, which had been redacted from the note of the fact-finding meeting.

Allegations:

12. The allegations against Ms Franklin, as amended as described above (the "**Allegations**") were as follows:

While registered as a Social Worker between June 2019 and August 2020:

1. You:

(a) Failed to carry out one or more of the following statutory visits within timeframes in relation to:

i. Family 1:

a. 8 July 2020; and

b. 10 August 2020.

ii. Family 3:

a. 18 June 2020, in respect of Child 3;

b. 18 June 2020, in respect of Child 4;

c. 16 July 2020, in respect of Child 3; and,

d. 16 July 2020, in respect of Child 4.

(b) Failed to provide adequate support as set out in Schedule A in relation to:

i. Family 1; and

ii. Family 3.

2. Your conduct at any or all of paragraphs 1a – 1b failed to safeguard vulnerable service users.

3. In relation to Family 3, you did not record one or more of the core group meetings set out in Schedule B within timeframe.

4. Recorded that one or more of the following took place, when they did not:

a. Statutory visit to Family 3 on 29 July 2020; and

b. Core Group Meeting for Family 3 on 27 June 2020.

5. Your actions in relation to paragraph 4 were dishonest.

6. You did not seek support from your manager when you faced difficulties with managing your caseload.

The matters outlined in paragraphs 1 - 6 amount to misconduct.

fitness to practise is impaired by reason of misconduct.

Schedule A

i. Family 1 in that you:

(a) Did not support them with the reunification plan;

(b) Did not provide new beds;

(c) Did not provide support in relation to applying for school places.

ii. Family 3 in that you:

(a) Did not see Child 3 alone and/or

(b) Did not seek Child 3's wishes and feelings.

Schedule B

- i. 27/06/2019 – recording completed on 05/08/20*
- ii. 12/09/2019 – recording completed on 04/08/20*
- iii. 10/10/2019 – recording completed on 04/08/20*
- iv. 06/11/2019 – recording completed on 04/08/20*
- v. 10/12/2019 – recording completed on 05/08/20*
- vi. 09/01/2020 – recording completed on 05/08/20*
- vii. 04/03/2020 – recording completed on 05/08/20*
- viii. 01/04/2020 – recording completed on 10/08/20*
- ix. 27/06/2020 – recording completed on 04/08/20*
- x. 02/07/2020 – recording completed on 05/08/20*

13. The Allegations arose from a referral about Mr Franklin made to Social Work England on 2 September 2020 by Newcastle City Council (the “**Council**”), where Ms Franklin had worked in the Children Services team as an agency social worker from January 2019 until her agency contract was terminated on 26 August 2020.

Admissions:

14. Each of the Allegations was put to Ms Franklin.
15. Ms Franklin admitted to Allegation 3 and to not recording within timeframe all of the ten core group meetings set out in Schedule B to the Allegations. Therefore, **as required by rule 32(a)(i)(aa) of the FTP Rules, the panel found Allegation 3 proved in its entirety.**
16. Ms Franklin also admitted Allegation 6 and, **as required by rule 32(c)(i)(aa) of the FTP Rules, the panel found Allegation 6 proved.**
17. Ms Franklin denied Allegations 1, 2, 4 and 5. Therefore, in accordance with rule 32(c)(i)(a) of the FTP Rules, the panel proceeded to hear evidence and submissions in order to determine whether those Allegations were proved.

Summary of evidence

Witnesses and evidence produced by Social Work England

18. Social Work England produced evidence from the following witnesses:
- the manager of Team 1 in Children’s Services at the Council (the “**Team Manager**”), who was Ms Franklin’s line manager at the time of the events to which the Allegations relate;

- the mother of Family 3 (“**Parent 3**”), who produced a witness statement dated 14 July 2023, and gave oral evidence, in relation to Allegations 1(b)(ii), 2 and 4;
 - the person who, between 2013 and 2022, was the safeguarding lead at the school attended by a child of Family 3 (the “**Safeguarding Lead**”) and who, in relation to Allegation 4(b), provided oral evidence and produced a witness statement and the records of core group meetings for Family 3 which were held at the school.
19. In relation to Allegation 1(b)(i), Social Work England also relied on screen shots of emails sent by the parent of Family 1 (“**Parent 1**”) to Ms Franklin, and by Ms Franklin to Parent 1 between 11 February 2020 and 19 August 2020. These screenshots were sent by Parent 1 to Social Work England’s solicitors and one of their associates produced a witness statement exhibiting copies of them.

Ms Franklin’s evidence

20. Ms Franklin chose not to give evidence, stating that she considered that there was nothing which she could add to the information already before the panel.

Finding and reasons on facts

Social Work England’s submissions on the facts

21. As Allegation 2 alleged that the conduct on the part of Ms Franklin alleged in Allegation 1(a) and 1(b) represented a failure to safeguard vulnerable service users, Ms Kennedy made her submissions on the alleged failure to safeguard along with her submissions on Allegations 1(a) and 1(b).

Allegation 1(a) and Allegation 2

22. In relation to Allegation 1(a) and Allegation 2, Ms Kennedy referred the panel to the part of the Team Manager’s witness statement which stated “*Our job as social workers is to support families and children, identify risk and manage these risks, and to keep children safe and at home. One of the fundamental tasks as a social worker is to visit children at home and to hold meetings to ensure that plans are being progressed. If this is not happening then we do not know if the children are safe.*” Ms Kennedy added that the Team Manager had, in her oral evidence, accepted that, where statutory visits were not made on time, this would become a cause for concern if it happened constantly or if a visit was significantly out of time.
23. In relation to Allegation 1(a)(i) specifically, Ms Kennedy referred the panel to the Team Manager’s evidence that statutory visits should be made every 28 days and to the case notes giving the dates when Ms Franklin actually visited Family 1 and the children of Family 3. In particular, Ms Kennedy referred to the gap of 42 days between Ms Franklin’s visit to Family 3 on 27 May 2020 and her next visit on 8 July 2020.

24. Similarly, in relation to Allegation 1(a)(ii), Ms Kennedy referred the panel to the case notes giving the dates on which Mr Franklin visited Child 3 and Child 4 of Family 3. Ms Kennedy also referred to the Team Manager's evidence that Child 3 and Child 4 had not been seen since 21 May 2020 and that she had directed Ms Franklin to make an in-person visit to them on 18 July 2020 but Ms Franklin had conducted that visit virtually. Ms Kennedy added that the Team Manager had stated that she would have expected Ms Franklin to make another attempt at an in-person visit at a later date and advise the Team Manager accordingly.
25. In relation to Allegation 1(b)(i), Ms Kennedy referred the panel to the Team Manager's evidence that:
- The children of Family 1 had been living with their grandmother but were subject to a reunification plan for rehabilitation into the care of their mother, Parent 1.
 - This was to be achieved by supporting the mother to obtain new housing and to get ready for her children to return back into her care.
 - The reunification plan is a "*delicate and sensitive piece of work which requires a high level of support*".
 - The only barrier to this was the mother's housing situation. The Team Manager would have expected Ms Franklin to send a letter to the local authority to support Parent 1's housing application.
 - Implementation of the reunification plan was delayed by a week because of a problem with the availability of a family support worker but the case notes did not show that Ms Franklin had alerted Parent 1 to this issue and to the fact that, as result of it, the dates on the plan were no longer correct.
 - The Team Manager would have expected Ms Franklin to provide Parent one with more support for applying for places for her children at schools local to her new home than just providing Parent 1 with an application form five days before the start of term.
26. Ms Kennedy also referred the panel the screen shots of messages between Parent 1 and Mr Franklin, in which Parent 1 repeatedly asked Ms Franklin for support in purchasing beds for her children, so that they could live with her.
27. In relation to Allegation 1(b)(i), Ms Kennedy referred the panel to Parent 3's evidence that she had had no contact with Ms Franklin for two months, that Ms Franklin had cancelled visits at short notice and that Ms Franklin had not spoken to Child 3 by himself.
28. In relation to Allegation 4(a), Ms Kennedy reminded the panel that the Team Manager had said that she could not confirm whether the visit to Family 3 on 29 July 2020, which had been recorded by Ms Franklin had happened or not but that she had become

concerned that it had not happened because Parent 3 had said that she had not seen Ms Franklin for two months. Ms Kennedy added that the Team Manager had also said that nothing about the note made her think that it had been falsified, other than what had been said by Parent 3. Similarly, in relation to Allegation 4(b), Ms Kennedy referred to the Team Manager's acknowledgement that it was plausible that Ms Franklin could have created the note of a core group meeting for Family 3 on 27 June 2020 inadvertently given that it was duplicate of the note of the core group meeting for Family 3 which took place on 27 June 2019.

Ms Franklin's submissions on the facts

29. Ms Franklin opened her submissions by submitting that:
 - Due to the passage of time she could not be certain as to dates on which specific visits were made but she would never miss a statutory visit and the Team Manager had confirmed that she had seen the notes of the visits which Ms Franklin had undertaken on Ms Franklin's laptop or in her notebook. Moreover, if she had been unable to undertake a visit, she would have raised the matter with the Team Manager.
 - The Team Manager had accepted that Ms Franklin had undertaken visits largely as required and the notes of core group meetings did not record concerns about Ms Franklin not making statutory visits being raised by Family 1 or Family 3.
 - Ms Franklin had given three weeks' notice of her intention to leave her post at the Council so that she had time to bring her notes up to date but she had not been able to do this because the Council had terminated her agency contract very soon after she had handed in her notice.
 - Both Family 1 and Family 3 had had significant issues with the Council before Ms Franklin became their allocated social worker, such as Family 3 being without an allocated social worker for six weeks.
30. In relation to Family 3, Ms Franklin submitted that:
 - Parent 3 had confirmed that she had attended child protection review meeting and believed that she had raised concerns with the independent reviewing officer but the Team Manager, in her oral evidence, had said that this had not happened.
 - Parent 3 did not recall her alleged comments about Ms Franklin which, according to the note of a visit on 27 July 2020, were made to the social worker who took over from Ms Franklin as the allocated social worker for Child 3. Parent 3 said that they were not words which she would use.
 - In the circumstances, Parent 3 was not a credible witness.
31. With regard to the allegation that she had failed to seek Child 3's wishes and feelings, Ms Franklin pointed out that Child 3 had been the subject of court proceedings and, for

the purpose of those proceedings, she would have had to produce a report which, among other things, recorded Child 3's wishes.

32. With regard to Allegation 4(a), Ms Franklin submitted that the Team Manager had stated that her concern that the visit on 29 July 2020 to Family 3 which had been recorded by Ms Franklin may not have occurred arose from Parent 1's assertion that she had not seen Ms Franklin for two months. Ms Franklin suggested that Parent 3 may have said that because she had a grievance with Ms Franklin for recommending that Child 3 should remain with their father.
33. With regard to Allegation 4(b), Ms Franklin submitted that Social Work England's witnesses did not dispute that the case note of a core group meeting on 27 June 2020 was a duplicate of that of a core group meeting on 27 June 2019. She added that the Team manager had stated that it was plausible that this could have been a typographical error given that Ms Franklin was inputting the notes of several meetings at the same time.
34. With regard to the allegations that Ms Franklin had failed to provide support to Family 1 and that she had failed to record core group meetings in a timely manner, Ms Franklin submitted that the Team Manager had accepted that she had no concerns with Ms Franklin's practice and had said that the concerns to which the Allegations relate had arisen during a difficult period in Ms Franklin's life. She also said, in relation to late case recording, that "no one is perfect". Ms Franklin added that any concerns about the timeliness of Ms Franklin's case recording had not been serious enough to lead the Council place her on an action plan.
35. Ms Franklin accepted that, in mid-2020, her case recording had slipped as there had been a lot going on in her life. **[PRIVATE]** Ms Franklin then accepted that she could have done more for the families. She apologised for that and said that she had reflected and undertaken training on the importance of case recording.

Legal advice on fact-finding stage

36. The panel heard and accepted the advice of the Legal Adviser on the fact-finding stage. That advice included reference to Rule 32(c) of Social Work England's Fitness to Practise Rules, regulation 25(4) of Social Workers Regulations 2018 and the case of *Miller v Minister of Pensions* [1947] 2 All ER 372. The panel noted, in particular, that it was for Social Work England to prove each of the disputed particulars on the balance of probabilities.
37. In terms of assessing the credibility of the witnesses and considering the evidence generally, the Legal Adviser referred the panel to the cases of *Suddock v Nursing and Midwifery Council* [2015] EWHC 3612 (Admin) and *Sri Lanka v SSHD* [2018] EWCA Civ 391, *R (on the application of Dutta) v General Medical Council* [2020] EWHC 1974 (Admin) and *Khan v General Medical Council* [2021] EWHC 374 (Admin). The panel understood from the Legal Adviser's advice that:

- In most cases, witness evidence is not the only relevant evidence and its reliability should not be considered in isolation.
- Objective evidence, such as contemporaneous documents, should be considered before other factors.
- The confident delivery and demeanour of a witness is not a reliable guide as to whether they are telling the truth.
- The only objective and reliable approach is to focus on the content of the witness' testimony and to consider (i) whether the witness' account fits with any non-contentious evidence, agreed facts or contemporaneous documents; (ii) whether it is internally consistent and consistent with other evidence (including evidence of what the witness has said on other occasions); and (iii) whether it is inherently probable or improbable and consistent with known or probable facts.
- It is open to panels not to rule out the whole of a witness's evidence on the basis of credibility. (In other words, credibility can be divisible and it is open to a panel to accept some parts of a witness' evidence but not others.)

38. In relation to Allegation 5, the Legal Adviser referred the panel to the two-stage test for dishonesty in *Ivey v Genting Casinos [2017] UKSC 67*, in which the court stated:

- *The fact-finding tribunal must first ascertain (subjectively) the actual state of the registrant's knowledge or belief as to the facts. The reasonableness or otherwise of the registrants' belief is a matter of evidence (often in practice determinative) going to whether the registrant held that belief but it is not an additional requirement that the registrant's belief must be reasonable: the question is whether the registrant's belief was genuinely held.*
- *When, once the registrant's actual state of mind as to their knowledge or belief regarding the facts has been established, the question of whether their conduct was honest or dishonest is to be determined by the panel by applying the (objective) standards of ordinary decent people. There is no requirement that the registrant must appreciate that what they have done was, by those standards, dishonest.*

39. As Ms Franklin had previous good character and expected to provide evidence of her good character in the form of a reference from her current employer, the Legal Adviser gave the character direction *Donkin v Law Society [2007] EWHC 414 (Admin)*, namely, that evidence of previous good character is relevant to the credibility of Ms Franklin's evidence and to her propensity to act dishonestly. He added that character evidence is not determinative but rather the panel should weigh any evidence of good character in the balance along with all other evidence presented to it on the question of dishonesty and to determine what weight should be attached to the character evidence.

40. As Ms Franklin had chosen not to give evidence, the Legal Adviser, in line with the decision in *General Medical Council v Udoe [2021] EWHC 1511 (Admin)*, advised the panel that (i) when considering whether to draw an adverse inference the panel must ensure that all four principles in *R (Kuzmin) v General Medical Council [2019] EWHC 2129 Admin* are satisfied as they are concerned with procedural fairness; where those principles are satisfied, the panel is not obliged to draw an adverse inference but may exercise its judgement on whether to do so and, if so, on how much weight to give to that inference.; and (iii) if the panel decides to draw an adverse inference, that by itself cannot be determinative of the allegation in issue but is just one factor to be taken into account when deciding whether an allegation is proved.

Panel's decision on facts

41. The panel's decisions on the Allegations are set out below. Where an Allegation is divided into particulars, the decision on each particular is set out separately. In relation to each particular of Allegation 1(b), its heading reflects the contents of Schedule A to the Allegations.

Allegation 1(a)(i)(a): You failed to carry out a statutory visit to Family 1 on 8 July 2020 within timeframe - PROVED

42. In relation to the whole of Allegation 1(a), the panel accepted the Team Manager's evidence on the time in which a statutory visit should be undertaken. This evidence was drawn from documents produced by the Team Manager and was not challenged by Ms Franklin. The Team Manager's evidence was that:
- The Council's Statutory Visit Guide required that children who are subject to a child protection plan or a child in need plan must be seen in the family home *at least* (the Guide's emphasis) once every 28 days. A little later, the Guide stated, "*The family home must continue to be seen every four weeks with the child present*".
 - As far as looked after children who were placed with a relative were concerned, the Statutory Visit Guide, referred to such children as "children in our care and stated, "*If the child is placed with a Connected Person with temporary approval, visits must take place at least once a week until the first CIC [Child in Care] Review, thereafter at intervals of no more than every four weeks or until the carer is approved as a foster carer*".
 - The Council's Covid 19 Practice Guide which was circulated to staff on 26 March 2020, stated that, "*Currently the expectation is that visits to families will only be undertaken when this is deemed to be essential... Visits will also, generally, be required to all children who are subject to Child Protection Plans as well as those cases where children are subject to Child in Need Plans or are in our Care and safeguarding concerns are escalating. In relation to these cases, you should*

speak to your team manager to determine what level of visit is required... Where it has been agreed between you and your team manager that a visit is required to a child/family then a decision will also be taken about how this visit will be conducted.”

43. In relation to Allegation 1(a)(i), the panel noted that, according to the Team Manager’s witness statement:

- Ms Franklin became the allocated social worker for Family 1 on 8 November 2019.
- The children of Family 1 were looked after children in the care of their maternal grandmother.
- The above matters were not disputed by Ms Franklin.

44. In relation to Allegation 1(a)(i)(a), the panel noted that:

- A case note made by Ms Franklin stated that a virtual visit was made to Family 1 on 27 May 2020.
- A case note made by Ms Franklin stated that a visit was made to Family 1 on 8 July 2020. It is not clear whether this visit was made virtually but the note refers to Ms Franklin speaking to members of Family 1.
- Despite Ms Franklin’s submission that all of her visits would have been made within the required time frame, she had produced no evidence of any visit being made to Family 1 between 27 May and 8 July 2020.
- The visit to Family 1 on 8 July 2020 was made 42 days after the virtual visit on 27 May 2020 and 14 days in excess of the Council’s requirement for visits to be made to looked after children at least every 28 days.

45. On the basis of the above evidence, the panel found Allegation 1(a)(i)(a) proved.

Allegation 1(a)(i)(b): You failed to carry out a statutory visit to Family 1 on 10 August 2020 within timeframe - PROVED

46. In relation to Allegation 1(a)(i)(b), the panel noted that:

- As stated above, a case note made by Ms Franklin stated that a visit was made to Family 1 on 8 July 2020.
- A case note made by Ms Franklin stated that a visit was made to Family 1 on 10 August 2020.
- Despite Ms Franklin’s submission that all of her visits would have been made within the required time frame, she had produced no evidence of any visit being made to Family 1 between 8 July and 10 August 2020.

- The visit to Family 1 on 10 August 2020 was made 33 days after the virtual visit on 8 July 2020 and 5 days in excess of the Council's requirement for visits to be made to looked after children at least every 28 days.

47. On the basis of the above evidence, the panel found Allegation 1(a)(i)(b) proved.

Allegations 1(a)(ii)(a) and 1(a)(ii)(b): You failed to carry out a statutory visit to Family 3 on 18 June 2020 in respect of Child 3 and Child 4 within timeframe - PROVED

48. In relation to Allegation 1(a)(ii), the panel noted that, according to the Team Manager's witness statement:

- Ms Franklin became the allocated social worker for Family 3 on 28 May 2019.
- The children of Family 3 were subject to a child protection plan.
- Child 3 lived with their father, whilst Child 4 lived with their mother, Parent 3.

49. The above matters were not disputed by Ms Franklin.

50. In relation to Allegations 1(a)(ii)(a) and 1(a)(ii)(b), the panel noted that:

- A case note made by Ms Franklin stated that a visit was made to Family 3 on 21 May 2020 in which she spoke to both Child 3 and Child 4. It appeared from the note that the visit had been conducted over the telephone.
- A case note made by Ms Franklin stated that she attended the home of Family 3 on 18 June 2020 for an unannounced in-person visit but, as that visit was unsuccessful, Ms Franklin made a virtual visit over the telephone to prevent the visit going out of timescale. During that virtual visit, Ms Franklin spoke to both Child 3 and Child 4.
- Despite Ms Franklin's submission that all of her visits would have been made within the required time frame, she had produced no evidence of any visit being made to Family 3 between 21 May and 18 June 2020.

51. The visit to Family 3 on 18 June 2020 was made 28 days after the virtual visit on 21 May 2020 and therefore in line with the Council's requirement for visits to be made to children on a child protection plan or child in need plan at least every 28 days.

52. The Team Manager, in her witness statement and oral evidence, stated that she had instructed Ms Franklin during supervision on 17 June 2020 to conduct a face-to-face visit to Family 3. However, the supervision note for that date does not mention that instruction. Nevertheless, the panel considered that this was evidenced by Ms Franklin's attempt to make an in-person visit the next day.

53. Given that instruction and that the Council's Covid 19 Practice Guide envisaged that the form of visits to children on child protection plans or children in need plans would be agreed between the allocated social worker and their manager, the panel considered that the visit had not been conducted in the manner required and that it

had, in effect, not been made. Accordingly, as the visits on 21 May and 18 June 2020 related to both Child 3 and Child 4 the panel found both Allegation 1(a)(ii)(a) and Allegation 1(a)(ii)(b) proved.

54. In addition, as Child 3 lived with his father but the visit was conducted at the home of Child 3's mother, the visit did not meet the requirement in the Council's Statutory Visit Guide that children on a child protection plan or child in need plan should be visited "in the family home".

Allegations 1(a)(ii)(c) and 1(a)(ii)(d): You failed to carry out a statutory visit to Family 3 on 16 July 2020 in respect of Child 3 and Child 4 within timeframe - PROVED

55. In relation to Allegations 1(a)(ii)(c) and 1(a)(ii)(d), the panel noted that:
- As stated above, a case note made by Ms Franklin stated that a virtual visit was made to Family 3 on 18 June 2020 in which she spoke to both Child 3 and Child 4.
 - A case note made by Ms Franklin stated that she attended the home of Family 3 on 27 July 2020 for an in-person visit, during which she spoke to both Child 3 and Child 4.
 - Despite Ms Franklin's submission that all of her visits would have been made within the required time frame, she had produced no evidence of any visit being made to Family 3 between 18 June and 27 July 2020.
56. The visit to Family 3 on 27 July 2020 was made 39 days after the virtual visit on 18 June 2020 and therefore 11 days in excess of the Council's requirement for visits to be made to children on a child protection plan or child in need plan at least every 28 days.
57. In addition, as Child 3 lived with his father but the visit was conducted at the home of Child 3's mother, the visit did not meet the requirement in Council's Statutory Visits Guide that children on a child protection plan or child in need plan should be visited "in the family home".

Allegation 1(b)(i) and Schedule A, paragraph (i)(a): You failed to provide adequate support to Family 1 in that you did not support them with the reunification plan - PROVED

58. In relation to Allegation 1(b)(i) and paragraph (i)(b) of Schedule A, the panel noted that, in her witness statement, the Team Manager had explained that:
- The children of Family 1 were looked after children and had been placed with their maternal grandmother under a connected person's arrangement.
 - The mother, Parent 1, was vulnerable in her own right and had experienced high levels of domestic abuse more recently in her life.
 - The long-term plan was rehabilitation of the children into their mother's care for which purpose a reunification plan was produced.

- Because the reunification plan is such a delicate and sensitive piece of work which requires a high level of support and the purpose is to reunite the children with the mother following a period of separation, it was, as result of the Covid 19 pandemic, decided to delay implementation the plan until it could be given the best chance of succeeding.
- During the supervision meeting on 29 July 2020 that it was noted the reunification plan was going to commence on 10 August 2020, due to the lockdown restrictions being lifted. The rehabilitation plan on 10 August 2020 required a high level of visits from Ms Franklin and a family support worker, to ensure school places were secured for the children for when they moved in with Parent 1 and to risk assess Parent 1's partner by having a discussion with him.
- The reunification plan, which was dated 20 July 2020, was approved by the Team Manager on 24 July 2020 and appeared to have been sent to Family 1 shortly afterwards.

59. The panel also noted from the Team Manager's witness statement that implementation of the reunification plan had to be delayed because a family support worker was not available. The Team Manager pointed out that, when Ms Franklin recorded that she had visited the family on 10 August 2020, she did not pick up that the reunification plan provided had incorrect dates. The Team Manager then explained that *"the children should have been gradually moving back in with their mother, but by this point the children were practically living with their mother"*. On examining that case note, the panel was satisfied that this appeared to be the case. Although Ms Franklin visited Family 1 on 10, 12 and 13 August 2020, these visits came too late as the children were already living with their mother by then. However, it appeared to the panel that the children had not suffered any harm as a result of this and that the reunification plan was otherwise progressing satisfactorily.
60. In addition to the above issue with the implementation of the reunification plan, the panel also found in relation to Allegation 1(b)(i) that Ms Franklin had failed to adequately support the purchase of beds for the children to use at Parent 1's home and to adequately support Parent 1 in submitting application forms for her children to attend a local school. The panel also noted from the screen shots of messages between Parent 1 and Ms Franklin (which had been sent by Parent 1 to Social Work England's solicitors and produced in evidence by one of their associate solicitors), that Ms Franklin did not appear to have addressed Parent 1's repeated request for financial support from the Council.
61. According to the Team Manager's note of her fact-finding meeting with Ms Franklin on 25 August 2020, when asked about the implementation of the reunification plan, Ms Franklin said that, when she visited Family 1 on 10 August 2020, she did not have a specific conversation with Parent 1 about the plan and how it was progressing. She also

said that said that she had been having discussions with Parent 1 to monitor the plan but that it had mostly been monitored by the family support worker. Ms Franklin is also reported as saying that she had “planned to get out more but that there have been crises on her caseload”. The panel considered that this confirmed the Team Manager’s concerns about lack of monitoring of the reunification plan.

62. In the circumstances the panel found Allegation 1(b)(i) proved in relation to paragraph (i)(a) of Schedule A to the Allegations.

Allegation 1(b)(i) and Schedule A, paragraph (i)(b): You failed to provide adequate support to Family 1 in that you did not provide new beds - PROVED

63. In relation to Allegation 1(b)(i) and paragraph (i)(b) of Schedule A, the panel noted that:
- According to the Team Manager’s evidence, the object of the reunification plan for Family 1 was that the children of Family 1 should move from living with their maternal grandmother to living with their mother.
 - In the reunification plan dated 20 July 2020, under the heading “Preparation for return, the first line reads “*Home environment ready (e.g. bedrooms, safety equipment, white goods, hazards cleared, fixtures and furnishings adequate)*”
 - The mother of Family 1, Parent 1, had moved into a new home and did not have any beds for her children to sleep in.
 - In her oral evidence, the Team Manager explained that, in the first instance, service users who require furnishings should be directed to charities, to see if they are able to find suitable free furniture there and, if they cannot, then arrangements should be made for them to receive vouchers from the Council to purchase the required furnishings. The Team Manager added that this could be done quite quickly.
 - According to the screen shots of messages between Parent 1 and Ms Franklin (which had been sent by Parent 1 to Social Work England’s solicitors and produced in evidence by one of their associate solicitors), on 14 May 2020 Parent 1 advised Ms Franklin that she had found some beds and asked her to look at them on-line (presumably to confirm that they were suitable); on 28 July 2020 Ms Franklin sent a message to Parent 1 but did not mention the beds; on 12 August 2020, Parent 1 asked about arrangements for financial support; and on 19 August 2020 (a Wednesday), Parent 1 again asked about purchasing the beds and added that her children were going to arrive on the following Monday and she would not get paid at work until “next Friday” (presumably, 28 August 2020).
64. On the basis of the above evidence, the panel considered that:
- Assistance with sourcing any furnishings required for successful implementation of the Reunification Plan fell within the scope of that plan.

- On or before 14 May 2020, Parent 1 had alerted Mr Franklin that she needed beds for her children.
- As late as five days before the children of Family 1 were due to move into their mother's new home, Ms Franklin had failed to respond to the need for beds either by taking the steps referred to in the Team Manager's evidence or by arranging financial support for Parent 1 so that she could purchase the required beds.

65. The panel noted that, the Team Manager's notes of her fact-finding meeting with Mr Franklin of 25 August 2020, recorded Ms Franklin as saying that:

- She had initially directed Parent 1 to Newcastle Gateway but that Parent 1 came back to her at a later date having made no progress with this. (As Ms Franklin recalled Parent 1 asking for support with a school application at the same time, this could, as mentioned below, have been on 16 July 2020.)
- She believed that she had emailed Family 1 about charity applications at that time but was unable find her email.
- She also directed Parent 1 to a community Facebook group where second-hand furniture is available and evidenced this by shown the Team Manager the relevant text messages.
- Parent 1 had indicated she would get a council furniture pack at the time but later backtracked from this.
- She had proposed that the beds which the children of Family 1 slept in whilst at their grandmother's house could be moved to Parent 1's house but Family 1 had opposed this as it would leave the children with nowhere to sleep when staying with their grandmother.
- Parent 1 suggested that the children sleep in her bed when they came to her home and that beds were given to her when the plan ended and Ms Franklin had confirmed that this would be a way forward.

66. However, despite the assistance to Parent 1 which Ms Franklin is said to have mentioned in the fact-finding meeting, the panel found Allegation 1(b)(i) proved in relation to paragraph (i)(b) of Schedule A to the Allegations. This was because Ms Franklin's assistance fell short of what was required in the circumstances to provide effective support. In particular, Ms Franklin (i) had signposted Parent 1 to possible sources of beds but had failed to support her in making the most of those sources; (ii) had not responded sufficiently quickly or effectively to Parent 1's requests for assistance in purchasing beds; and (iii) had not kept on top of the situation so as to prevent the eventual outcome of the children having to sleep in their mother's bed.

Allegation 1(b)(i) and Schedule A, paragraph (i)(c): You failed to provide adequate support to Family 1 in that you did not provide support in relation to applying for school places - PROVED

67. In relation to Allegation 1(b)(i) and paragraph (i)(c) of Schedule A, the Team Manager had explained to the panel that, as Parent 1's new home was not near her mother's house, where the children were living, living with Parent 1 would require them to move to a school near Parent 1's new home.
68. According to the notes made by the Team Manager of her fact-finding meeting with Ms Franklin on 25 August 2020, when the Team Manager asked Ms Franklin whether she has supported Parent 1 in obtaining school places for her children, Ms Franklin stated that Parent 1 had provided her with school admission forms on 16 July 2020 and that she rang the school's admissions team on the same day and, as no one picked up her call, she left a message but received no response. Ms Franklin then admitted that she had not progressed the matter since then.
69. The panel also noted that from the documents produced by the Team Manager that, on 14 September 2020, Parent 1 had complained that Ms Franklin had failed to complete the social care section of a new school application until 28 August, just five days before the start of the new school term. Given Ms Franklin's reported admission at the fact-finding meeting on 25 August 2020, the panel considered it likely that Ms Franklin would have taken action on this within a few days of that meeting and, therefore, it was probable that she would not have returned the completed application forms to Parent 1 until around 28 August 2020.
70. Although Ms Franklin denied Allegation 1(b)(ii), she did not produce any evidence to refute it. Indeed, in her submissions, she apologised for not doing more for the families.
71. In the circumstances the panel found Allegation 1(b)(i) proved in relation to paragraph (i)(c) of Schedule A to the Allegations.

Allegation 1(b)(ii) and Schedule A, paragraph (ii)(a) and (ii)(b): You failed to provide adequate support to Family 3 in that you did not see Child 3 alone and did not seek Child 3's wishes and feelings – NOT PROVED

72. The panel noted in relation to Family 3 that:
 - According to the Team Manager's witness statement, "*The children of Family 3 were subject to a child protection plan. The concerns were that the mother, [Parent 3], had mental health difficulties and had experienced quite a lot of trauma in her own life. She had an acrimonious relationship with her older child's father and there were a lot of issues regarding contact and co-parenting at that time.*"
 - Child 3 lived with their father whilst Child 4 lived with their mother, Parent 3.

- A case note of a visit on 10 December 2019 appeared to record that Child 4 reported being sexually assaulted by Child 3 and a case note of a visit made on 21 May 2020 recorded that Child 3 had hit Child 4.

73. In relation to Allegation 1(b)(ii) and paragraphs (ii)(a) and (ii) (b) of Schedule A, the panel noted that, although the Allegations related to the period from June 2019 to August 2020, the panel had only been provided with notes of the statutory visits to Child 3 which were made between 3 March and 29 July 2020. Having considered those notes, the panel noted that, during the six statutory visits made by Ms Franklin to Child 3 (or to Child 3 and Child 4) between 3 March and 29 July 2020, Ms Franklin had spoken to Child 3 on each occasion (albeit that, with the exception of the visits on 3 March and 29 July, Ms Franklin had spoken to Child 3 over the telephone with Parent 3 and Child 4 potentially in the background). On the two occasions when she had physically visited Child 3, Ms Franklin had spoken to Child 3 alone in their bedroom. In each of the conversation which Ms Franklin had with Child 3, whether in person or over the telephone, she had asked about what was happening in his life and how he felt. In the circumstances, and bearing in mind the restrictions resulting from the Covid 19 pandemic, the panel found that Ms Franklin had achieved a sufficient level and depth of contact with Child 3 such that Allegation 1(b)(ii) and paragraphs (ii)(a) and (ii)(b) of Schedule A were not proved.

Allegation 2: Your conduct at any or all of paragraphs 1a – 1b failed to safeguard vulnerable service users - PROVED

Failure to safeguard in relation to Allegation 1(a)

74. The panel considered that Ms Franklin's failure to make statutory visits to Family 1 and Family 3 within the required timescales, as set out in Allegation 1(a) represented a failure to safeguard vulnerable service users for the following reasons:

- The children of Family 1 and Family 3 were all vulnerable service users being either looked after children or children who were subject to a child protection plan.
- According to the Team Manager, "*Statutory visits are a key part of statutory social work practice and a crucial aspect of any assessment of children and their families. There are multiple functions of statutory visits depending upon the concerns factors present for specific children and young people but broadly speaking, statutory visits are very important in terms of promoting the welfare and protection of children by observing and assessing children within their home and observing and assessing their interactions with their families and caregivers.*"
- Given the purpose and importance of statutory visits, as described above, and given the Council's requirement to conduct them at least every 28 days, any failure to adhere to that requirement had the potential to place the children in

question at risk (although the degree of risk would be less in cases where the period between visits was not significantly more than 28 days). The risk was heightened in the case of Family 3 given the reports of assaults by Child 3 on Child 4.

Failure to safeguard in relation to Allegation 1(b) and Family 1

75. As described above, the children of Family 1 were looked after children and it was intended that they should return to living with their mother, having previously been placed with their grandmother. As also described above, this transition was going to be delicate and sensitive and it was therefore important that all necessary arrangements to facilitate a successful transition were implemented in advance of the transition taking place and that the transition period was adequately monitored. However, Ms Franklin's failure to adequately support that transition, as described in the panel's findings in relation to Allegation 1(b) and Part (ii) of Schedule A, put the success of that transition at risk and its failure could have had a detrimental effect on the well-being and welfare of the children of Family 3. In the circumstances, the panel found that Ms Franklin's failure to provide adequate support to Family 1, as set out in Allegation 1(b) and Part (i) of Schedule A represented a failure to safeguard vulnerable service users.

Failure to safeguard in relation to Allegation 1(b) and Family 3

76. As the panel had found Allegation 1(b)(ii) not proved, it followed that there could be no failure to safeguard on the basis of that allegation.

Allegation 3 and Schedule B, paragraph (i): in relation to Family 3, you did not record one or more of the core group meetings set out in Schedule B within timeframe - PROVED

77. Ms Franklin admitted to Allegation 3 and to not recording within timeframe all of the ten core group meetings set out in Schedule B to the Allegations. Therefore, as required by rule 32(a)(i)(aa) of the FTP Rules, the panel found Allegation 3 proved in its entirety.

Allegation 4(a): You recorded that a statutory visit to Family 3 took place on 29 July 2020 when it did not – NOT PROVED

78. The panel found Allegation 4(a) not proved for the following reasons:
- The Team Manager, in cross-examination, had accepted that Ms Franklin's note of a statutory visits to Family 3 on 29 July 2020 did not read as if it were falsified.
 - The Team Manager also accepted that she had only become concerned about whether that visit had occurred when Parent 3 had reported on 2 September 2020 that she has not seen Ms Franklin in two months.
 - Having heard Parent 3 give oral evidence and be cross-examined on her statement, the panel noted that her recollection of events was, as she admitted,

not firm (which, given that these proceedings relate to matter occurring five years ago, is not surprising). Even in her written statement made in July 2023, Parent 3 was not precise as to dates and admitted that, during the time covered by her statement, there was a lot happening in her life and her mind was less clear.

- Although the visit had occurred only two days after a visit to Family 3 by another social worker, this was not unusual as she was visiting Child 4 and Ms Franklin was visiting Child 3.

Allegation 4(b): You recorded that a core group meeting for Family 3 took place on 27 June 2020 when it did not – PROVED

79. In cross-examination both the Safeguarding Lead and the Team Manager had accepted that the note which purported to record a core group meeting for Family 3 which took place on 27 June 2020 was identical (save for the date) to the note of a core group meeting for Family 3 which took place on 27 June 2020. Both the Safeguarding Lead and the Team Manager had accepted that the later note could have been created in error as a result of Ms Franklin copying over her note of the meeting of 27 June 2019 and clicking on the wrong date. The Team Manager accepted that this was a plausible explanation, especially as Ms Franklin had input her notes of several other meetings on the same day. In the circumstances, the panel found that Allegation 4(a) was proved in that Ms Franklin had created a note of a core group meeting which had not taken place on the date attributed to it; but it also found that she had done so inadvertently.

Allegation 5: Your actions in relation to paragraph 4 were dishonest – NOT PROVED

80. As the panel had found Allegation 4(a) not proved, it only had to consider Allegation 4(b) in relation to Allegation 4(b).
81. In terms of the first stage of the test for dishonesty in *Ivey v Genting Casinos*, that, as stated above, found that Ms Franklin had created a note of a core group meeting for Family 3 which purportedly took place on 27 June 2020 inadvertently and without being aware that she had done so. In the circumstances, in terms of the second state of the dishonesty test, the panel considered that ordinary, decent people would not regard her actions as dishonest but as an unintentional error. The panel therefore found Allegation 5 not proved in relation to Allegation 4(b).

Allegation 6: You did not seek support from your manager when you faced difficulties with managing your caseload – PROVED

82. Ms Franklin admitted Allegation 6. Therefore, as required by rule 32(a)(i)(aa) of the FTP Rules, the panel found Allegation 6 proved. However, given its finding above that there had been no core group meeting on 27 June 2020, the panel found that, despite Ms Franklin's admission, the late recording of that core group meeting (as set out in line (ix) of Schedule B to the Allegations) could not be found proved.

Finding and reasons on grounds:

Submissions on grounds on behalf of Social Work England

83. Ms Kennedy referred the panel to the applicable law and to those of Social Work England's Professional Standards which Social Work England submitted were breached by Ms Franklin's conduct, as more particularly specified in the Statement of Case.
84. Ms Kennedy then made the following submissions:
 - The proven Allegations, viewed together, were serious and would represent a significant departure from the applicable standards. Whilst there is no evidence to suggest that any of the service users allocated to Ms Franklin experienced actual harm, there is evidence to suggest that they were at risk of harm as a result of the her conduct. In this regard, paragraph 20 of Social Work England's Impairment and Sanctions Guidance reminded panels, *"Decision makers should be careful when assessing actual harm caused by a social worker's actions and its impact on the seriousness of the case. An action that (by luck) has not caused harm may still represent an unacceptable risk of serious harm if repeated. If this is the case, decision makers should not regard it as any less serious because actual harm did not occur."*
 - With regard to Allegation 1(a), the Team Manager had stressed the importance of statutory visits. Not carrying out statutory visits within the applicable timeframes puts the relevant children at risk of harm, as it would not be possible to assess any risk to them. The Team manager explained that failure to conduct statutory visits within the required timescale becomes a concern if there is a pattern of behaviour or if a visit is significantly out of time. The Team Manager also said that she had instructed Ms Franklin to make a visit to Family 3 in person but Ms Franklin had failed to do so and failed to advise the Team Manager of this, as the Team Manager would have expected her to do. The Team Manager would also have expected Ms Franklin to raise any issues about conducting statutory visits on time in supervision.
 - With regard to Allegation 3, gaps in case recording pose a significant risk to service users, due to key information regarding risks not being available to other staff who may rely on the recordings to make decisions regarding the case. Allegation 4(b) was an example of the errors which could occur when there was a delay in recording details of meetings.

Submissions from Ms Franklin

85. Ms Franklin made the following submissions:

- During the Covid 19 pandemic risk assessments were undertaken in order to determine the risks of not making in person visits to any particular child and the results were signed off by managers.
- As there were court proceedings concerning Family 3, Ms Franklin would have seen Child 3 and Child 4 on other occasions as well as statutory visits.
- With regard to Family 1 and the reunification plan, the family support worker would have performed some of the required tasks but Ms Franklin accepted that it was ultimately down to her.
- Family 1 and Family 3 both had grievances with previous social workers. There were no concerns about Ms Franklin's work with the other families on her caseload.
- The panel's findings did not reveal a pattern of behaviour on Ms Franklin's part. She worked with a lot of other families apart from Family 1 and Family 3 and achieved good outcomes for them.
- The Team Manager, in her oral evidence, had accepted that a lot of social workers at the Council made statutory visits out of time to some extent, saying "no one's perfect".
- Ms Franklin is of good character and, during the period covered by the Allegations, she was going through a bad time in her personal life.

Legal Advice on Grounds

86. The panel heard and accepted the Legal Adviser's advice on misconduct. The panel understood from that advice that:

- Whether facts proved or admitted amount to misconduct is a matter of judgment for the panel rather than a matter of proof. [*Council for the Regulation of Health Care Professionals v GMC and Biswas* [2006] EWHC 464]
- Misconduct is, in essence, a serious departure from the standards of conduct expected of social workers as professionals and what would be proper in the circumstances of the case. [*Roylance v General Medical Council (No.2)* [2000] 1AC]
- Whether a breach of professional rules should be treated as professional misconduct depended on whether it would be regarded as serious and reprehensible by competent and responsible [registrants] and on the degree of culpability. [*Solicitors Regulatory Authority v Day & ors* [2018] EWHC 2726 (Admin)]

- There is a high threshold of gravity for misconduct. Behaviour which is trivial, inconsequential, a mere temporary lapse or something otherwise excusable or forgivable does not constitute misconduct. [*Khan v Bar Standards Board [2018] EWHC 2184(Admin)*]

Panel's decision on Grounds

87. The panel considered the question of misconduct in relation to each of the Allegations which it had found proved, namely Allegations 1(a), 1(b)(i), 2, 3, 4(b) and 6. The panel took account of its findings in respect of Allegation 2 when considering misconduct in relation to Allegations 1(a) and 1(b)(i).

Allegations 1(a) and 2

88. The panel noted that Allegation 1(a) related to:
- two visits to Family 1: one of which should have been made by 24 June 2020 but was made 14 days later on 8 July 2020; and another, which was due by 5 August 2020 but was made 5 days later on 10 August 2020; and
 - two pairs of visits to Child 3 and Child 4 of Family 3. The first pair of visits, although made on the last day of the 28-day maximum interval (18 June 2020), were made over the telephone rather than in person, as directed by the Team Manager. The second pair of visits were not made by expiry of the 28-day maximum interval on 16 July 2020, with Child 3 being visited by Ms Franklin 13 days later on 29 July 2020 and Child 4 being visited by a colleague of Ms Franklin's on 27 July 2020.
89. In terms of Social Work England's Professional Standards, the panel considered that standard 3.8 ("*Clarify where the accountability lies for delegated work and fulfil that responsibility when it lies with me*") was engaged as Ms Franklin had failed to fulfil her responsibility to make the relevant statutory visits within timescale or, in the case of the visits to Child 3 and Child 4 on 18 June 2020, as directed by her Team Manager.
90. The panel then considered the seriousness of Ms Franklin's conduct in relation to those visits.
91. With regard to the visit to Child 3 and 4 on 18 June 2020, the Team Manager, in her oral evidence, had said that late visits were common due to families cancelling arranged visits or not being present in the family home when visited by the social worker. This appeared to be such a case as the case note for the visit states that the visit was unannounced. Parent 3 is then recorded as explaining over the telephone that she had been in the back garden with the children and must not have heard Ms Franklin at the door. Having been unable to see the children in person, Ms Franklin made a visit over the telephone, which was not unusual as the visit took place during the first lockdown of the Covid 19 pandemic. The Team Manager had said that, given her instruction to

make an in person visit, she would have expected Ms Franklin to tell her if this had not been possible. However, in cross-examination, the Team Manager said that she could not recall whether Ms Franklin had informed her that in person visit to Child 3 and Child 4 had been unsuccessful and had taken place over the telephone.

92. The panel noted that, in her oral evidence, the Team Manager had said that she would be more worried where failure by a social worker to make statutory visits within the required timescale was an on-going issue. She also said that, where there was a small number of visits which were made up to 13 days late, she would take informal action and have a discussion with the social worker concerned in order to ascertain the reasons for the late visits. The Team Manager also recognised that it was not uncommon for statutory visits to be made out of timescale, saying that no social worker is perfect and explaining that, as mentioned above, on some occasions the family would cancel an arranged visit or not be in when the social worker came to see them.
93. In the light of the above evidence, the panel considered whether Ms Franklin's failure to make statutory visits within timeframe was an on-going issue. The visit to Child 3 and Child 4 on 18 June 2020 was made in time, although, despite Ms Franklin attending Parent 3's home, not in person. The first out of time visit was that to Family 1, which should have taken place by 24 June 2020 but took place 14 days later. Then, in mid-July, the next visits to Child 3 and Child 4, which should have been made by 16 July 2020, were made 11 and 13 days late (although it is not clear when Ms Franklin's colleague became responsible for visiting Child 4). Finally, Ms Franklin made the visit due to Family 1 by 5 August 2020 five days late on 10 August. This made a total of four late visits over a period of around six weeks. The panel also bore in mind that, as stated by the Team Manager, Ms Franklin was holding 13 to 14 cases and had had no problems with late visits until that period or in relation to any families other than Family 1 and Family 3. In the circumstances, the panel did not consider that this was an ongoing issue or a pattern of behaviour. In terms of the degree of lateness, three of the visits were more than just a few days late. However, in her evidence, the Team Manager had said that this would merit informal action, in the form of a discussion about the issue. The panel therefore did not consider that the late visits were serious in the context of the workplace.
94. The panel also considered the seriousness of the late visits in terms of the risk which Ms Franklin's failure to fulfil her visiting responsibilities posed to the children concerned. In that regard, the panel had found, *"Given the purpose and importance of statutory visits ... and given the Council's requirement to conduct them at least every 28 days, any failure to adhere to that requirement had the potential to place the children in question at risk (although the degree of risk would be less in cases where the period between visits was not significantly more than 28 days). The risk was heightened in the case of Family 3 given the reports of assaults by Child 3 on Child 4..."* In that context, (i) a timely visit to Family 1 may have revealed that the family was proceeding with

reunification ahead to the new start date. More significant, the reports on 27 May 2020 of violence by Child 3 towards Child 4 would indicate that in-person visits to both children should have been attempted soon after the unsuccessful in-person visit on 18 June 2020 rather than 41 days later. In her submissions, Ms Franklin had stated that she saw Child 3 and Child 4 on other occasions in addition to statutory visits, but the panel had no evidence before it of her having been in contact with either child between her telephone visit on 18 June 2020 and her in-person visit to Child 3 on 29 July 2020. Nevertheless, the panel did not consider that the delays in Ms Franklin's statutory visits to Family 1 and to Child 3 and Child 4 crossed the threshold of seriousness for misconduct because (i) the risk to Family 1 was not as high as grandmother was still there for support and the reasons for the children being removed from their mother was no longer an issue; and (ii) although an in-person visit was not to Family 3 on 18 June 2020, the family were engaged with regularly over this period and regular core group meetings had been held, which provided input from other professionals.

95. In the circumstances, the panel did not find that Ms Franklin's conduct in terms of Allegation 1(a) and Allegation 2 (in so far as it related to Allegation 1(a)) amounted to misconduct.

Allegations 1(b)(i) and 2

96. Allegation 1(b)(i) concerned Ms Franklin's failure to provide adequate support to Family 1 in relation to the reunification plan for the children to return to live with their mother. That lack of support essentially comprised not advising the mother of the new (and later) start date for the transition, resulting in the transition occurring without being monitored; a lack of subsequent monitoring by Ms Franklin; a failure to ensure that there were beds for the children at their mother's house; and a failure to return a school application form to the mother for about six weeks until five days before the start of the school year, having had it for about six weeks.
97. In terms of Social Work England's Professional Standards, the panel considered that standard 3.8 ("*Clarify where the accountability lies for delegated work and fulfil that responsibility when it lies with me*") and standard 3.13 ("*Provide, or support people to access advice and services tailored to meet their needs, based on evidence, negotiating and challenging other professionals and organisations, as required*") were engaged.
98. In relation to Allegation 2, the panel had found, "*Ms Franklin's failure to adequately support that transition, as described in the panel's findings in relation to Allegation 1(b) and Part (ii) of Schedule A, put the success of that transition at risk and its failure could have had a detrimental effect on the well-being and welfare of the children of Family 3. In the circumstances, the panel found that Ms Franklin's failure to provide adequate support to Family 1... represented a failure to safeguard vulnerable service users.*"

99. The panel considered that Ms Franklin's lack of support for the reunification plan, and the resulting failure to safeguard the children of Family 1, was at the lower end of the scale of seriousness (and therefore did not amount to misconduct) for the following reasons:
- The issues concerning the provision of beds for the children of Family 1 and the late return of the school application would have caused, not only inconvenience, but also anxiety and added to the pressures of reunification. However, the panel did not consider that either issue was such as to pose a fatal threat to the plan's success and this proved to be the case. Similarly, any resulting anxiety or detriment to the children's well-being would have been temporary and not of a high level.
 - The issue of Family 1 starting reunification before the new, later, start date and the resulting lack of monitoring was more serious than the other issues and, as previously found, had a potential safeguarding impact but not to such a degree as to amount to misconduct (and ultimately the reunification appeared to have been successful).

Allegation 3

100. Allegation 3 relates to Ms Franklin's failure to record nine core group meetings within time frame.
101. The required timeframe, and the reasons for that timeframe, were set out in the Council's Recording Practice Expectations produced by the Team Manager. The relevant paragraphs state:

"Within Newcastle Children's Social Care, it is the expectation that the recording of visits, meetings, telephone calls and wider case recordings appear on the child's file within 5 working days.

This is to ensure that recordings are completed within a reasonable timeframe and that they are made when practitioners have information fresh in their mind about conversations held, interactions observed and agreements or decisions that have been made.

Ensuring this information is recorded and available to view on the child's file by practitioners working with the family, including colleagues in EDT is essential to safe information sharing and decision-making practices."

102. Of the nine notes of core group meetings listed in Schedule B which were put on the Council's case recording system over five days after the relevant meeting had occurred, eight were input on 4 and 5 August 2020 and one was input on 10 August 2020. One note was input 13 months late; five were input between 6 and 12 months late; and the remaining three were input five months, four months and one month late respectively.

103. The panel considered that this situation engaged standard 3.11 of Social Work England's Professional Standards, which requires social workers to "*Maintain clear, accurate, legible and up to date records, documenting how I arrive at my decisions*", in that Ms Franklin had not kept the relevant records on the Council's system up to date.
104. However, as accepted by the Team Manager, the notes of those meetings had been made by Ms Franklin on her laptop. Therefore, the issue was not that Ms Franklin was trying to compose notes of meetings several weeks or months after they had occurred but rather that she had not organised her schedule so as to make them available on the Council's case recording system. As mentioned in relation to Allegation 6 below, this issue appeared to have been addressed at a supervision meeting on 27 July 2020, which led to the nine notes in question being put onto the system within the following two weeks. In addition, the issue was limited in scope as the nine notes related to only one family, comprising two children, out of the 13 or 14 cases which, according to the Team Manager, Ms Franklin had on her caseload. Moreover, unlike the conduct referred to in Allegation 1, Social Work England was not alleging that the issue in Allegation 3 represented a safeguarding failure. In the circumstances, the panel considered that the issue as one of capability and performance management rather than misconduct – and, indeed, that is the way in which the Team Manager appeared to have treated it.

Allegation 4(b)

105. Allegation 4(b) related to Ms Franklin's inadvertent creation of a duplicate of the note of the core group meeting which took place on 27 June 2019 but with a date of 27 June 2020. The panel considered this to be an isolated inputting error. Bearing in mind that paragraph 8 of Social Work England's Impairment and Sanction Guidance states that the purpose of the fitness to practise process is not to punish social workers for mistakes, the panel found that Allegation 4(b) did not amount to misconduct.

Allegation 6

106. Allegation 6 was that Ms Franklin did not seek support from her manager when she faced difficulties in managing her caseload. Ms Franklin admitted this Allegation. In her submissions, she mentioned problems around **[PRIVATE]** and commented that she probably should have taken sick leave. However, as Ms Franklin did not give evidence, it is unclear when those issues arose.
107. From the Statement of Case, it appeared to the panel that Social Work England saw Allegation 6 as referring to the concerns raised by the Team Manager in her supervision sessions with Ms Franklin about inputting records of core group meetings on the system and updating case files with details of statutory visits. In this regard, the panel noted that recording issues were mentioned in the supervision notes for 17 February, 24 March, 17 June and 29 July 2020. In the supervision notes for 24 March and 17 June 2020, Ms Franklin is recorded as having issues with motivation. In the note of the supervision meeting on 29 July 2020, the Team Manager says that her recent dip

sampling of Ms Franklin's cases found large gaps in recording. The note goes on to say that it was agreed that Ms Franklin would have periods when she would work on bringing her case recording up to date and diarise those periods so that the Team Manager could monitor her progress. In her witness statement, the Team Manager says of that supervision meeting, "[Ms Franklin] *had experienced a difficult few weeks personally but that she felt was getting back on top of things. I was aware that [Ms Franklin] undertook a caring role for a family member and within supervision had encouraged her to take more leave and ensure she was having a rest from work.*" The Team Manager also states that she was aware of Ms Franklin's dyslexia and that Ms Franklin did not mention any other health issues. Later in her witness statement, the Team Manager says, "*If I had known she was struggling then I would have looked at her caseload and considered whether any of her cases needed to be reallocated, which may or may not have been possible. I would have also considered referring the Social Worker to Occupational Health to see if there was any other support we could have put in place.*"

108. The panel considered that of Social Work England's Professional Standards, the requirement in standard 2.1 to be open and honest was probably most relevant. However, on the basis of the information available to it, the panel was not able to conclude that Ms Franklin's failure to seek support when she faced difficulties managing her caseload had the degree of seriousness and culpability to amount to misconduct. This was because:
- Ms Franklin had made her dyslexia known to the Team Manager. There is no evidence that Ms Franklin had any other medical conditions which would have merited, or benefitted from, a referral to the occupational health team, except perhaps, stress.
 - It had been known since at least March 2020 that Ms Franklin had issues with case recording and motivation. The Team Manager was also aware of Ms Franklin's caring responsibilities.
 - It is unclear when the problem with **[PRIVATE]** arose. The panel was therefore not in a position to take a view on when any effect which this might have had on her work should have been disclosed or whether such disclosure would have resulted in the solution reached at the supervision meeting on 29 July 2020 being implemented earlier. In any event, the panel found it understandable that Ms Franklin would be reluctant to disclose that problem or the effect which it was having on her work, especially as she was an agency social worker.

Outcome:

109. As the ground of misconduct had not been established **the panel made no finding of impairment.**

110. However, the panel noted that, paragraph 12(1) of Schedule 2 to the Social Workers Regulations 2018 empowered panels, where they make no finding of impairment, to take no further action, give advice or give a warning.
111. With regard to the second and third of those options, the panel noted that paragraph 92 of Social Work England's Impairment and Sanctions Guidance states, *"If the adjudicators make a finding of no impairment and impose advice or a warning, we publish the written decision for 1 month after the conclusion of the hearing. The outcomes are not recorded on the public extract of the register as a sanction however, we can consider previous advice and warnings if further fitness to practise concerns are received. This is particularly relevant if those concerns are similar in nature."*
112. Ms Kennedy had no submissions on behalf of Social Work England but referred the panel to their options under paragraph 12(1) of Schedule 2 to the Social Workers Regulations 2018 and to the guidance as to the exercise of those options in the Impairment and Sanctions Guidance.
113. Ms Franklin informed the panel that this matter had been on-going since 2020 and that, in the intervening period, she had been subject to a suspension order and an interim condition of practice order. She also stated that she had fully engaged with the fitness to practise process and had attended all hearings in this matter, including those before the High Court.
114. The panel heard and accepted the advice of the Legal Adviser on this matter. That advice included reference to paragraph 12(1) of Schedule 2 to the Social Workers Regulations 2018 and paragraphs 85 to 92 of the Impairment and Sanctions Guidance.
115. Having considered the matter, **the panel decided that it was appropriate to give Ms Franklin a warning that a repetition of the conduct which the panel had found proved could lead to a finding of impaired fitness to practise in the future.** The panel considered that such an outcome was in line with paragraph 86 of the Impairment and Sanctions Guidance, which states that such a warning may be appropriate where, as in the present case, there have been breaches of professional standards which are not sufficiently serious to amount to misconduct but could lead to a finding of impairment if repeated in the future.

The Professional Standards Authority:

116. 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>.