

Social worker: Kristina Smiltina

Registration number: SW126568

Fitness to Practise

Final Order Review Hearing

Date of hearing: 05 January 2026

Hearing venue: Remote hearing

Final order being reviewed:

Conditions of practice order – expiring 09 January 2026

Hearing Outcome:

Extend the current conditions of practice order for a further 12months with effect from the expiry of the current order

Introduction and attendees:

1. This is the first review of a final conditions of practice order. The order was originally accepted and imposed for a period of 18 months by case examiners on 09 July 2024.
2. Ms Smiltina attended and was not represented.
3. Social Work England was represented by Mr Carey instructed by Capsticks LLP.

Adjudicators	Role
Wendy Yeadon	Chair
Warren Dillon	Social worker adjudicator

Hearings team/Legal adviser	Role
Andrew Brown	Hearings officer
Paul Harris	Hearings support officer
Dido Ofei-Kwatia	Legal adviser

Service of notice:

4. The panel of adjudicators had careful regard to the documents contained in the final order review service bundle as follows:
 - A copy of the notice of the final order review hearing dated 27 October 2025 and addressed to Ms Smiltina at her email address which she provided to Social Work England;
 - An extract from the Social Work England Register as of 27 October 2025 detailing Ms Smiltina's registered email address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 27 October 2025 the writer sent by email to Ms Smiltina at the address referred to above: notice of hearing and related documents;
5. The panel accepted the advice of the legal adviser in relation to service of notice.
6. Having had regard to Rules 16, 44 and 45 of the Fitness to Practise Rules 2019 (as amended) and all of the information before it in relation to the service of notice, the panel was satisfied that effective notice of this hearing had been served on Ms Smiltina.

Review of the current order:

7. This final order review hearing is taking place under Paragraph 15(1) of Schedule 2 of The Social Workers Regulations 2018 (as amended) and Social Work England's Fitness to Practise Rules 2019 (as amended).
8. The current order is due to expire at the end of 09 January 2026.

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

9. *Whilst registered as a social worker on, or around 5th December 2022 you:*
 1. *Failed to safeguard child A following disclosure of physical abuse in that you:*
 - 1.1 *Did not escalate the matter to a manager.*
 - 1.2 *Did not conduct a formal risk assessment.*
 - 1.3 *Did not record the incident or the details of your conversations with child A's school on Eclipse.*
 - 2 *Failed to maintain a professional relationship with service user/s in that you:*
 - 2.1 *Painted person A's nails whilst you were the social worker for their children.*

The matters outlined at regulatory concerns 1 and 2 amount to the statutory ground of misconduct and/or lack of competence or capability.

By reason of your misconduct and/or lack of competence or capability your fitness to practice is impaired.

The case examiners on 09 July 2024 determined the following with regard to impairment:

10. The case examiners when considering the personal element of impairment gave consideration to whether the matters are easily remediable, and whether Ms Smiltina has demonstrated insight and/or conducted remediation to the effect that the risk of repetition is highly unlikely.
11. The case examiners considered the conduct in relation to the allegations is remediable, in that Ms Smiltina had demonstrated her understanding of what has gone wrong and what steps she could take to ensure this does not happen again. Ms Smiltina in her submissions and reflective statement had given examples of what she would or could

do differently in future, for example, gaining further information and liaising with her line manager. Ms Smiltina also considered the potential impact of her alleged conduct and stated; “I fully understand that there could have been greater consequences for child A, there is always the risk that child A could have been killed or harmed even more”.

12. The case examiners noted that whilst Ms Smiltina had reflected on the circumstances of the concerns and demonstrated some remorse, she did not appear to demonstrate an understanding of why the public would be concerned by the alleged conduct.
13. The case examiners acknowledged the difficulties Ms Smiltina appeared to face in her role and the evidence suggested Ms Smiltina had sought to improve her practice, for example by taking English writing classes to improve her written English. Although Ms Smiltina also referred to further training undertaken, the case examiners had no evidence of this. The case examiners additionally had no testimonial information to consider but were also mindful that Ms Smiltina was not in a social work role at the time.
14. The case examiners concluded that Ms Smiltina had not demonstrated a sufficient level of insight and remediation and as such there was a risk of repetition.
15. In considering the public element of impairment the case examiners were of the view that Ms Smiltina’s actions have the potential to undermine public confidence in the social work profession, or the maintenance of proper standards for social workers. Further, that a member of the public would be concerned regarding an allegation that a social worker failed to safeguard a child and maintain a professional relationship with a service user.

The case examiners on 09 July 2024 determined the following with regard to sanction:

16. Firstly, the case examiners considered taking no further action but concluded this would not be appropriate in this instance as it would be insufficient to address the seriousness of the concerns, in that they relate to fundamental tenets of social work, including maintaining accurate and up-to-date records and responding to allegations of suspected harm, abuse or neglect.
17. Next, the case examiners considered whether offering advice would be sufficient. An advice order will normally set out the steps a social worker should take to address the behaviour that led to the regulatory proceedings. The case examiners took the view that issuing advice is not sufficient to mark the seriousness with which they viewed Ms Smiltina’s alleged conduct.
18. The case examiners then considered a warning order and although this implies a clearer expression of disapproval of the social worker’s conduct than an advice order, the current risk Ms Smiltina posed was such that a warning was not appropriate.

19. The case examiners next considered a conditions of practice order and concluded that this was the most appropriate sanction. The case examiners determined that Ms Smiltina had demonstrated sufficient insight and that the alleged conduct is capable of being remedied. The case examiners noted that Ms Smiltina had engaged with the investigation and wished to continue to practice as a social worker. The case examiners decided that appropriate, proportionate and workable conditions could be put in place and that Ms Smiltina can and will comply with the conditions which will enable the regulator to maintain oversight and supervision of her practice.
20. The examiners were satisfied Ms Smiltina does not pose a risk of harm to the public by being in restricted practice. The case examiners considered that conditions of practice order should be in place long enough for Ms Smiltina to complete any necessary remediation. Given the factors involved in this case, and the nature of the allegations, the case examiners considered 18 months to be appropriate.
21. Finally, the case examiners considered suspension. While they have considered there to be a lack of competence or capability, they took the view that suspension from the register would be a disproportionate and punitive outcome in this case. In reaching this conclusion the case examiners took into account the circumstances of the case and insight shown by Ms Smiltina. The case examiners decided not to consider suspension there were appropriate and workable conditions available to protect the public or the wider public interest.

Social Work England submissions:

22. The panel heard submissions from Mr Carey as to the background and the case examiners' findings in relation to impairment and sanction. Mr Carey submitted that since the imposition of the final conditions of practice order as an accepted disposal, Ms Smiltina has not been practising in regulated social work activity. As a result of this inactivity Mr Carey stated that Ms Smiltina has not been able to demonstrate remediation to alleviate the concerns of the case examiners.
23. The panel was invited to find that the impairment on the statutory grounds of lack of competence and/or capability remain and as such required the continuation of the current final conditions of practice order for a further 12 months (with one amendment) to give Ms Smiltina a further opportunity to return to safe, restricted practice in the profession and to demonstrate the required remediation. This will also provide Ms Smiltina the opportunity to decide if she does wish to return to social work practice and maintain her registration.
24. Social Work England seeks an amendment to condition 9 and for it to read as follows;
9. *At any time you are employed, or providing social work services, which require you to be registered with Social Work England ;*
- a. *you must place yourself and remain under the supervision of a workplace supervisor nominated by you, and agreed by Social Work*

England. The workplace supervisor must be on Social Work England's register.

- b. You must not start/restart work until these arrangements have been approved by Social Work England.*

Social worker submissions:

25. Ms Smiltina submitted that the whole process had been difficult for her and that she had needed a long period to recover. She previously tried to work in a children's home in Dorset but was only able to maintain this for approximately 1 month despite having had training, and this was because her confidence in working with children had been undermined and because of the long distance travel involved.
26. Ms Smiltina indicated that her desire to return to social work practice had recently been sparked by an interaction she had with a social worker who worked in adult care and had made her see the option was open to her. Ms Smiltina indicated this fitted in with her desire to help people and she recognised that she has the skill set to be able to work in such an environment.
27. Ms Smiltina expressed a desire to work with access to good management support, something that she did not feel she had previously. In response to questions from the panel, Ms Smiltina recognised the need for a conditions of practice order and had no issue with it being extended and stated that she had every intention to look into returning to work but needed guidance on how to do so.

Panel decision and reasons on current impairment:

28. In considering the question of current impairment, the panel undertook a comprehensive review of the final order in light of the current circumstances. It took into account the decision of the case examiners. However, it has exercised its own judgement in relation to the question of current impairment. The panel also took into account Social Work England's 'Impairment and sanctions guidance'.
29. The panel had regard to all of the documentation before it, including the decision and reasons of the case examiners. The panel also took account of the submissions made by Mr Carey on behalf of Social Work England and those made by Ms Smiltina.
30. The panel heard and accepted the advice of the legal adviser. In reaching its decision, the panel was mindful of the need to protect the public and the wider public interest in declaring and upholding proper standards of behaviour and maintain public confidence in the profession.
31. The panel first considered whether Ms Smiltina's fitness to practise remains impaired. The panel decided Ms Smiltina's fitness to practise remains impaired. In reaching this

decision, the panel considered Ms Smiltina's attendance today and engagement as a whole. Whilst that was helpful, the panel took note that Ms Smiltina had not worked in social work practice under the final conditions of practice order and as such she had not demonstrated her ability to safely and competently practice under the structure and supervision offered by the conditions of practice order that was instituted.

32. The panel concluded that remediation remains outstanding and as such there remained a risk of repetition. The panel also noted that Ms Smiltina did not oppose but rather welcomed the conditions of practice order and demonstrated good insight, however she remains currently impaired.

Decision and reasons:

33. Having found Ms Smiltina's fitness to practise remains currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel had regard to all the submissions made along with all the information and accepted the advice of the legal adviser.
34. The panel was mindful that the purpose of any sanction is not to punish Ms Smiltina, but to protect the public and the wider public interest. The public interest includes maintaining public confidence in the profession and Social Work England as its regulator and by upholding proper standards of conduct and behaviour. The panel applied the principle of proportionality by weighing Ms Smiltina's interests with the public interest. The panel carefully considered Social Work England's "Impairment and Sanction Guidance".
35. The panel decided it would not be appropriate to take no further action or issue a warning. Neither of these would manage the risk she presents, and she would be able to practice without restriction. This would not be appropriate given the alleged concerns, nor would it protect the public.
36. The panel agreed with the decision taken by the case examiners and it was satisfied that the deficiencies identified with Ms Smiltina's practice are capable of being remedied under the restrictions of a conditions of practice order.
37. The panel agreed to the amendment as proposed by Social Work England in relation to condition 9, which involved no material change and was simply an updating of the wording. Upon reviewing the conditions, the panel was satisfied that as per the case of *Nursing and Midwifery Council v Persand* (2023) EWHC 3356 (Admin), the conditions were proportionate and there is necessity in respect of each individual condition imposed. The panel was confident the conditions are workable and would manage the risk identified through the proposed supervision and support structure outlined.
38. The panel concluded that a suspension order would be a draconian response that would prevent Ms Smiltina from practising.

Extend the current conditions of practice order for a further 12 months with effect from the expiry of the current order:

39. The panel considered whether the current conditions of practice should be extended for a further period of time.
40. The panel took the view that the deficiencies identified with Ms Smiltina's practice are potentially capable of being remedied and it was satisfied that the current conditions of practice order was still appropriate to address the deficiencies. The panel decided that the order should be extended for 12 months as this would allow Ms Smiltina to look for work and practice under the final conditions of practice order until her next review.
41. Taking account of the agreed amendment, the panel imposed the updated conditions of practice order as follows;
- 1. You must notify Social Work England within 7 days of any professional appointment you accept or are currently undertaking and provide the contact details of your employer, agency or any organisation with which you have a contract or arrangement to provide social work services, whether paid or voluntary.*
 - 2. You must allow Social Work England to exchange information with your employer, agency or any organisation with which you have a contract or arrangement to provide social work or educational services, and any reporter or workplace supervisor referred to in these conditions.*
 - 3.*
 - a. At any time you are providing social work services, which require you to be registered with Social Work England, you must agree to the appointment of a reporter nominated by you and approved by Social Work England. The reporter must be on Social Work England's register.*
 - b. You must not start or continue to work until these arrangements have been approved by Social Work England.*
 - 4. You must provide reports from your reporter to Social Work England every 3 months and at least 14 days prior to any review and Social Work England will make these reports available to any workplace supervisor referred to in these conditions on request.*
 - 5. You must inform Social Work England within 7 days of receiving notice of any formal disciplinary proceedings taken against you from the date these conditions take effect.*
 - 6. You must inform Social Work England within 7 days of receiving notice of any investigations or complaints made against you from the date these conditions take effect.*

7. You must inform Social Work England if you apply for social work employment / selfemployment (paid or voluntary) outside England within 7 days of the date of application.

8. You must inform Social Work England if you are registered or subsequently apply for registration with any other UK regulator, overseas regulator or relevant authority within 7 days of the date of application [for future registration] or 7 days from the date these conditions take effect [for existing registration].

9. At any time you are employed, or providing social work services, which require you to be registered with Social Work England ;

a. you must place yourself and remain under the supervision of a workplace supervisor nominated by you, and agreed by Social Work England . The workplace supervisor must be on Social Work England 's register.

b. You must not start/restart work until these arrangements have been approved by Social Work England.

10. You must provide reports from your supervisor to Social Work England every 3 months months and at least 14 days prior to any review and Social Work England will make these reports available to any reporter referred to in these conditions on request [the supervisor and reporter can be the same person].

11. You must work with your workplace supervisor, to formulate a personal development plan, specifically designed to address the shortfalls in the following areas of your practice:

- Risk assessment*
- Reporting / escalating safeguarding concerns*
- Maintaining professional boundaries*

12. You must provide a copy of your personal development plan to Social Work England within 12 weeks from the date these conditions take effect and an updated copy 14 days prior to any review.

13. You must provide a written copy of your conditions, within 7 days from the date these conditions take effect, to the following parties confirming that your registration is subject to the conditions listed at 1 to 12 above:

- Any organisation or person employing or contracting with you to undertake social work services whether paid or voluntary.*
- Any locum, agency or out-of-hours service you are registered with or apply to be registered with in order to secure employment or contracts to undertake social work services whether paid or voluntary (at the time of application).*

- Any prospective employer who would be employing or contracting with you to undertake social work services whether paid or voluntary (at the time of application).
- Any organisation, agency or employer where you are using your social work qualification/knowledge/skills in a non-qualified social work role, whether paid or voluntary.

You must forward written evidence of your compliance with this condition to Social Work England within 14 days from the date these conditions take effect.

14. You must permit Social Work England to disclose the above conditions, 1 to 13, to any person requesting information about your registration status.

Right of appeal:

42. Under Paragraph 16(1)(b) of Schedule 2 of The Social Workers Regulations 2018 (as amended), the social worker may appeal to the High Court against:
 - a. the decision of adjudicators:
 - i. to make an interim order, other than an interim order made at the same time as a final order under paragraph 11(1)(b),
 - ii. not to revoke or vary such an order,
 - iii. to make a final order,
 - b. the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.
43. Under Paragraph 16(2) of Schedule 2 of The Social Workers Regulations 2018 (as amended) an appeal must be filed before the end of the period of 28 days beginning with the day after the day on which the social worker is notified of the decision complained of.
44. Under Paragraph 15(1A) of Schedule 2 of The Social Workers Regulations 2018 (as amended), where a social worker appeals against a decision made under sub-paragraph (1), the decision being appealed takes effect from the date specified in that sub-paragraph notwithstanding any appeal against that decision.
45. This notice is served in accordance with Rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

Review of final orders:

46. Under regulation 15(1), 15(2) and 15(3) of Schedule 2 of The Social Workers Regulations 2018 (as amended):

- 15(1) The regulator must review a suspension order, or a conditions of practice order, before its expiry.
- 15(2) The regulator may review a final order where new evidence relevant to the order has become available after the making of the order, or when requested to do so by the social worker.
- 15(3) A request by the social worker under sub-paragraph (2) must be made within such period as the regulator determines in rules made under Regulation 25(5).

47. Under Rule 16(aa) of the Fitness to Practise Rules 2019 (as amended), a social worker requesting a review of a final order under paragraph 15 of Schedule 2 must make the request within 28 days of the day on which they are notified of the order.

The Professional Standards Authority

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

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