

Social worker: Carly M Birks

Registration number: SW13504

Fitness to Practise

Final Order Review Hearing

Date of hearing: 09 January 2026

Hearing venue: Remote

Final order being reviewed:
Suspension order (expiring 20 February 2026)

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

Introduction and attendees:

1. This is the second review of the suspension order originally imposed for a period of 12 months by the case examiners of Social Work England on 22 February 2024. This disposal was agreed with Ms Birks. The order was reviewed by a panel of adjudicators on 9 January 2025 where the suspension order was extended for a period of 12 months.
2. Ms Birks did not attend and was not represented.
3. Social Work England was represented by a case presenter, Ms Khan.

Adjudicators	Role
Jacqueline Nicholson	Chair
Charlotte Scott	Social worker adjudicator

Hearings team/Legal adviser	Role
Hannah Granger	Hearings officer
Molly-Rose Brown, Paige Swallow	Hearings support officer
Catherine Moxon	Legal adviser

Service of notice:

4. The panel of adjudicators (hereafter “the panel”) was provided with a letter dated 10 December 2025 containing notice of this review on the 9 January 2026. This notice was sent to Ms Birks by email to an email address provided by Ms Birks and as it appears on the Social Work England Register.
5. Evidence of notice of this review was provided by the case presenter on behalf of Social Work England, Ms Khan, who invited the panel to find that notice of this review had been duly served.
6. The panel 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 10 December 2025 and addressed to Ms Birks at their email address which they provided to Social Work England;
 - An extract from the Social Work England Register as of 10th December 2025 detailing Ms Birks’s registered address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 10 December 2025 the writer sent by email to Ms Birks at the address referred to above: notice of hearing and enclosures;
7. The panel accepted the advice of the legal adviser in relation to service of notice.

8. Having had regard to Rules 16, 44 and 45 of the Fitness to practise rules 2019 (“the Rules”) and all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Ms Birks in accordance with the Rules.

Proceeding in the absence of the social worker:

9. The panel heard the submissions of Ms Khan on behalf of Social Work England. Ms Khan submitted that notice of this hearing had been duly served, no application for an adjournment had been made by Ms Birks and as such there was no guarantee that adjourning today’s proceedings would secure their attendance. Ms Birks has not communicated with Social Work England since February 2024. Ms Khan invited the panel to proceed in the interests of justice and the expeditious disposal of this hearing.
10. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. This included reference to the cases of *R v Jones [2002] UKHL 5*; *General Medical Council v Adeogba [2016] EWCA Civ 162*. The panel also took into account Social Work England guidance ‘Service of notices and proceeding in the absence of the social worker’.
11. The panel considered all of the information before it, together with the submissions made by Ms Khan on behalf of Social Work England. The panel noted that Ms Birks had been sent notice of today’s hearing and the panel was satisfied that they were or should be aware of today’s hearing.
12. The panel concluded that Ms Birks had chosen voluntarily to absent themselves. The panel had no reason to believe that an adjournment would result in Ms Birks attendance.
13. There has been no communication from Ms Birks for a lengthy period of time now. Ms Birks has not provided any evidence for the panel to consider. There is no real basis on which to consider that Ms Birks would be disadvantaged by not being able to make points she wishes to advance before the panel as she has had plenty of opportunity to engage in writing or otherwise. Having weighed the interests of Ms Birks in regard to their attendance at the hearing with those of Social Work England and the public interest in an expeditious disposal of this hearing, the panel determined to proceed in their absence.

Application to hear health matters in private:

14. Ms Khan invited the panel to hear part of the hearing in private when matters of health are raised.
15. The legal adviser advised the panel of their discretionary power to hear matters in private when dealing with the physical or mental health of the registered social worker. The panel were referred to rule 38 of the Rules.

16. The panel decided to hear the case in public except where references were made to Ms Birks' health when those elements of the hearing will be heard and recorded in private.

Review of the current order:

17. The purpose of this review is to review the current order, which is due to expire on 20 February 2026. The order subject to review is a suspension order.

The regulatory concerns which resulted in the imposition of the final order were as follows:

18. A referral from the Ms Birks' employer, Lincolnshire County Council, was received on 17 February 2022 alleging that the social worker had been suspended and following further investigation, dismissed from their employment. It was alleged that the social worker failed to carry out their statutory duties, leaving vulnerable people at risk and without a service.

19. The regulatory concerns that were subject to the final order, were as follows:

"Whilst registered as a social worker between April to November 2021 you:

1. Did not carry out your statutory duties leaving vulnerable people at risk and without a service in that you:

1.1 Did not complete Adult Care Plans and / or Reviews."

The case examiners' decision, on 15 February 2024, to dispose of the case by way of an accepted disposal of a 12 months' suspension order:

20. The case examiners concluded there was a realistic prospect of the regulatory concerns being found to amount to the statutory ground of lack of competence or capability.
21. In respect of impairment, the case examiners concluded that the social worker offered limited insight into the circumstances which culminated in the regulatory concerns. Whilst the social worker accepted the regulatory concerns in full and offered a significant amount of remorse for her alleged actions, her insight into how her health and wider circumstances impacted on her practice at the time was limited.
22. In the absence of further evidence of insight and remediation, the case examiners concluded that the risk of repetition was high.
23. The case examiners were of the opinion that any member of the public, given the seriousness of the regulatory concerns, would expect that the social worker should not be practising without restriction. The evidence suggested that the actions of the social worker had caused potential and significant harm to service users. This had the

potential to undermine public confidence in the social work profession and there was a clear need to maintain proper professional standards.

Case examiners determinations with regard to sanction:

24. The case examiners were of the view that a one year suspension order provided an opportunity for the social worker to reflect on whether they wished to return to practice and undertake professional and personal development to assist them with their return to practice. This sanction would also mark the seriousness of the regulatory concerns.

Suspension recommendations

25. As part of the order, the case examiners made several recommendations. If completed, the following recommendations would assist in demonstrating Ms Birks' remediation in preparation for the review of the order:

- i. *"Provides a reflective piece demonstrating insight into the circumstances of their lack of competence or capability. This could provide evidence of remediation together with an action or wellbeing plan to assure the regulator that any future risk of repetition is low.*
- ii. *Provides evidence of any continuing professional development and training undertaken during the period of suspension, in order to offer assurance to adjudicators that the social worker has maintained an appropriate level of knowledge and skill.*
- iii. *[PRIVATE]*

26. The social worker accepted this disposal on 22 January 2024.

Social Work England submissions:

27. The panel heard and read submissions from Social Work England as to the background and the previous panel's findings in relation to impairment and sanction.

28. The submissions of Social Work England were as follows:

"Subject to any further evidence of remediation from the Social Worker, Social Work England invite the Panel to extend the Suspension Order for a further 3 months on the basis that the Social Worker's fitness to practise remains impaired.

As matters stand Social Work England has significant concerns in respect of the Social Worker's level of insight, reflection and remediation. The Social Worker has had no engagement with Social Work England since February 2024. There has been no evidence provided by her to demonstrate insight, reflection and remediation.

Between the review meeting of 2025 and review hearing of 2026, she has been invited to provide the same but has not yet done so.

Accordingly, Social Work England submit that the risk of repetition remains high.

It is submitted that a short extension of the Suspension Order will afford the Social Worker a final opportunity to engage with the fitness to practise process and to demonstrate insight, reflection and remediation. The Panel will note that at the time of the original concerns there were issues regarding the Social Worker's health and personal circumstances that may have contributed to her performance, but also to her ability to fully engage.

If, in the period of further suspension, the Social Worker does not engage or show evidence of her future intention with regards to her ongoing registration, then Social Work England will invite any subsequent Panel to consider directing removal from the register."

29. [PRIVATE].

30. [PRIVATE].

31. Ms Khan submitted that Ms Birks has failed to engage with Social Work England since February 2024. This includes a failure to provide any evidence to fulfil the invitations by the previous panel to submit evidence of reflection, continuing professional development and/or [PRIVATE].

Social worker submissions:

32. Ms Birks did not provide any submissions for the panel to consider.

Panel decision and reasons on current impairment:

33. The substance of this case is a competency case. [PRIVATE]

34. 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 examiner and the previous panel. However, it has exercised its own judgement in relation to the question of current impairment. The panel also took into account Social Work England's 'Impairment and sanctions guidance'.

35. The panel had regard to all of the documentation before it, including the decision and reasons of the previous review panel.

36. Ms Birks has not supplied any evidence for this panel to take into account.

37. 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.

38. The panel first considered whether Ms Birks' fitness to practise remains impaired.
39. There is no evidence of a change in position since this order was last reviewed. There has been no evidence of attempted remediation or reflection. Furthermore, Ms Birks has not engaged with the regulator since the suspension order was imposed.
40. Due to the lack of evidence of adequate insight and remediation, the panel found that there remained a real risk of repetition of Ms Birks' failings.
41. The conduct concerns were remediable but no evidence has been supplied to reassure the panel that there has been any improvement at all.
42. Therefore, the panel concluded that in respect of the personal component, Ms Birks' fitness to practise was currently impaired.
43. Further, regarding the public component, the panel concluded that members of the public would be very concerned if Ms Birks' fitness to practise was not found to be impaired and that such a finding would undermine public confidence in the profession. Such a finding would similarly fail to uphold professional standards.
44. As of today's date Ms Birks' fitness to practise is currently impaired on both the personal and public components.

Decision and reasons on sanction:

45. Having found Ms Birks' fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel had regard to the submissions made by Ms Khan along with all the information in the bundle from the previous hearing and accepted the advice of the legal adviser.
46. The panel considered the submissions made on behalf of Social Work England, during which they invited the panel to consider extending the current order of suspension for a period of three months. The panel also took into account the 'Impairment and sanctions guidance' published by Social Work England.
47. The panel was mindful that the purpose of any sanction is not to punish Ms Birks, 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 Birks interests with the public interest.
48. The panel considered that taking no action, or issuing advice or a warning, would not be appropriate nor proportionate in light of the seriousness of the professional competency concerns for Ms Birks. None of these disposals would protect the public as Ms Birks would be entitled to practice unrestricted without having addressed the outstanding impairment.

49. The panel next considered whether a conditions of practice could be imposed, rather than extending the current suspension order. The panel noted that there had been no engagement by Ms Birks, and as such the panel had no knowledge of her current circumstances, [PRIVATE] or any other relevant matters. Conditions could not be applied as Ms Birks had not provided any evidence to suggest she was willing to engage with workable conditions that could address the risk and the previously outlined concerns. There is a lack of evidence before the panel to address whether or not Ms Birks currently understands the impact of her actions on service users.

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

50. The panel considered whether the current suspension order should be extended.

51. A suspension order would prevent Ms Birks from practising during the suspension period, which would therefore protect the public and the wider public interest. A suspension order would, by its nature, limit Ms Birks' ability to demonstrate her competency. However, the panel reminded themselves that there are wide ranging opportunities for social workers who are suspended to engage with remediation and training.

52. The panel considered Paragraph 13(2) of Schedule 2 of The Social Workers Regulations 2018 (as amended) which states:

“A removal order may only be made in a case where—

b. the adjudicators found the social worker's fitness to practise to be impaired on one or more of the grounds set out in regulation 25(2)(b), (e) or (h) and the social worker was either suspended from practice, or subject to a conditions of practice order, or a combination of both, for a continuous period of two years immediately preceding the day when the removal order took effect”

53. The option of removal was therefore not available to the panel today.

54. In the circumstances, the panel determined that the suspension order should be extended for a period of six months. The panel was satisfied that this period was appropriate because this would allow Ms Birks with a further opportunity to reengage with the process in a meaningful way. The extension will come into force at the expiry of the current order.

55. The panel considered that three months would be too short a period to allow Ms Birks a real opportunity to supply a body of evidence to support a positive case for Ms Birks.

56. This panel cannot bind a future reviewing panel, however, it considers that due to the wholesale lack of engagement so far, any future panel may consider whether a removal order would be appropriate. Ms Birks is reminded that [PRIVATE].

57. [PRIVATE].

58. Any future panel may be assisted by the following:

- a. A reflective piece demonstrating insight into the circumstances of their lack of competence or capability. This could provide evidence of remediation together with an action or wellbeing plan to assure the regulator that any future risk of repetition is low.
- b. Evidence of any continuing professional development and training undertaken during the period of suspension, in order to offer assurance to adjudicators that the social worker has maintained an appropriate level of knowledge and skill.

Right of appeal:

59. 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.

60. 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.

61. 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.

62. This notice is served in accordance with Rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

Review of final orders:

63. 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).

64. 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

65. 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>.