

# Social worker: Dawn Nicholson

## Registration number: SW84727

### Fitness to Practise

### Final Hearing

Dates of hearing: 21 January 2026 to 22 January 2026

Hearing venue: Remote hearing

Hearing outcome:  
Fitness to practise impaired, Removal Order

Interim order:  
Interim suspension order (18 months)

## Introduction and attendees:

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018 (as amended) (“the regulations”).
2. Ms Nicholson did not attend and was not represented.
3. Social Work England was represented by Mr Harris, case presenter from Capsticks LLP.

Adjudicators	Role
Catherine Boyd	Chair
Glenys Ozanne-Turk	Social worker adjudicator
Bridget Makins	Lay adjudicator

Hearings team/Legal adviser	Role
Hannah McKendrick	Hearings officer
Paige Swallow	Hearings support officer
Stacey Patel	Legal adviser

## Service of notice:

4. The panel of adjudicators (hereafter “the panel”) was informed by Mr Harris that notice of this hearing was sent to Ms Nicholson by email to an address provided by the social worker (namely their registered address as it appears on the Social Work England register). Mr Harris submitted that the notice of this hearing had been duly served.
5. The panel of adjudicators had careful regard to the documents contained in the final hearing service bundle as follows:
  - A copy of the notice of the final hearing dated 10 December 2025 and addressed to Ms Nicholson at their email address which they provided to Social Work England;
  - An extract from the Social Work England Register detailing Ms Nicholson’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 notice to Ms Nicholson at the address referred to above, and this contained the notice of hearing and related documents.
6. The panel accepted the advice of the legal adviser in relation to service of notice. This included reference to Rules 14, 15, 44 and 45 of Social Work England’s Fitness to Practise Rules 2019 (as amended) (the “FTP Rules 2019”).
7. Having had regard to 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 Nicholson in accordance with Rules 44 and 45 of the FTP Rules 2019.

### Proceeding in the absence of the social worker:

8. The panel heard the submissions of Mr Harris on behalf of Social Work England. Mr Harris submitted that notice of this hearing had been duly served, no application for an adjournment had been made by Ms Nicholson and as such there was no guarantee that adjourning today's proceedings would secure her attendance. He therefore invited the panel to proceed in the interests of justice and the expeditious disposal of this hearing.
9. 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 Rule 43 of the Rules and 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'.
10. The panel considered all of the information before it, together with the submissions made by Mr Harris on behalf of Social Work England. The panel noted that Ms Nicholson had been sent notice of today's hearing and the panel was satisfied that she was or should be aware of today's hearing.
11. The panel therefore concluded that Ms Nicholson had chosen voluntarily to absent herself. The panel had no reason to believe that an adjournment would result in Ms Nicholson's attendance, especially in the light of her previous non-attendance at the final hearing and her lack of engagement with Social Work England. Having weighed the interests of Ms Nicholson 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 Ms Nicholson's absence.

### Procedural History:

12. The panel was informed that a previous final hearing had taken place between 17 and 23 September 2024. Ms Nicholson did not attend and was not represented at the hearing. The panel found all of the allegations proved, that those matters amounted to misconduct and that the social worker's fitness to practise was impaired in respect of both the personal and public components.
13. The panel imposed a Suspension Order for a period of 12 months and imposed an Interim Suspension Order pursuant to paragraph 11(1)(b) of Schedule 2 to the Social Worker's Regulations 2018 for a period of 18 months.
14. The Professional Standards Authority for Health and Social Care ("the PSA") appealed the panel's decision, handed down on 23 September 2024, to impose a 12 month Suspension Order on the social worker pursuant to section 29 of the National Health Service Reform and Health Care Professions Act 2002, on the ground that the sanction decision was insufficient to protect the public.

15. The appeal related only to the panel's sanction decision, and the reasons provided for it; no issue was taken with the panel's decision or reasons in respect of facts, grounds or impairment.

16. The appeal was disposed of by way of a Consent Order approved by Mr Justice Cavanagh and sealed on 1 July 2025. The scheduled hearing for the appeal was vacated. The Order quashed the panel's decision in respect of sanction and ordered that "...the matter is remitted to be heard by a freshly constituted panel of [Social Work England's] Adjudicators for determination of the appropriate sanction"

17. The agreed Statement of Reasons, appended to the Order, provides:

*The First Respondent [Social Work England] and Second Respondent [the Social Worker] accept that the appeal should be allowed on the following grounds:*

*(1) The Panel erred by finding that a 12-month suspension was a sufficiently serious sanction. In light of the findings the Panel had made at the facts and impairment stages, the only reasonable sanction was to require the removal of the Registrant's entry from the register.*

*(2) Further or alternatively, the Panel failed to have appropriate regard to Social Work England's Impairment and Sanctions Guidance.*

*(3) The Decision was unjust because of a serious procedural or other irregularity in that the Panel failed to give adequate reasons for its (a) determination that this case did not fall into the category in which a removal order must be made, and/or (b) departure from Social Work England's Impairment and Sanctions Guidance."*

18. Mr Harris reminded the panel that they were not required to make findings in respect of facts, misconduct and impairment, as it should rely on the findings made at the original hearing.

19. The panel was provided with the original hearing bundle (1919 pages), the remittal bundle (which included the previous panel's decision, consisting of 195 pages), the statement of case (13 pages) and the service and supplementary bundle (13 pages).

### **Allegations:**

20. The regulatory concerns were as follows:

*Whilst registered as a social worker:*

*1. In the period between October 2020 to February 2021 you failed with respect to one or more of the children/ families on your caseload (as specified in Schedule 1) to:-*

*a. carry out one or more Child Protection and/ or Child in Need and/ or Cared for Child visits;*

- i. in a timely manner;*
- ii. in person;*

*b. accurately record information relating to one or more visits.*

*2. You used your personal mobile phone to communicate with one or more families who were on your caseload at Torbay Council.*

*3. You recorded that you had visited Family W at home on 8 February 2021, when that was not the case.*

*4. You failed, in a timely manner or at all, to inform Social Work England of your registration with Social Care Wales, despite being informed that you were required to provide the details of any regulatory body you were registered with by 24 May 2021.*

*5. Your actions as set out at paragraphs 3 and/ or 4 above were dishonest.*

*The matters at paragraphs (1), (2), (3), (4) and/or (5) amount to the statutory ground of misconduct.*

*Your fitness to practise is impaired by reason of misconduct.*

#### *Schedule 1*

- 1. Child A;*
- 2. Family X, which included:-*
  - i. Child B;*
  - ii. Child C;*
  - iii. Child D;*
  - iv. Child E;*

## Preliminary Issues

21. As this was a remitted hearing to consider sanction only, the panel reminded itself of the following:

- The original panel's findings of facts (paragraphs 42-65 of the decision).
- The original panel's finding on grounds (paragraphs 66-72, incorporating the breaches of Social Work England's Professional Standards at paragraph 68).
- The original panel's decision on impairment (paragraphs 73-83).

## Social Work England's submissions on sanction:

22. Mr Harris referred to the statement of case and reminded the panel of the background of the case. He made reference to the case of *Law Society v Bolton* [1994] 1 WLR 512.

He submitted that the appropriate sanction in this case is either a Removal Order or, in the alternative, a Suspension Order, the reasons for which should pay due and explicit regard to the application of, and any departure from, Social Work England's Impairment and Sanctions Guidance ("the Sanctions Guidance").

23. Mr Harris reminded the panel that they need to start from the lowest sanction and move through all the sanctions in ascending order of seriousness, before determining the sanction that is sufficient to protect the public and uphold professional standards. He stated that a sanction is about preventing repetition and maintaining confidence in social workers and their profession. Mr Harris submitted that the central purposes in considering whether to impose a sanction are the protection of the public including the wider public interest of maintaining public confidence in the profession and upholding proper standards of conduct. He submitted that preventing repetition is key to these purposes. He told the panel that mitigation is a factor that will generally be of less significance in this jurisdiction, given that the purpose of sanction is not punitive.
24. Mr Harris drew the panel's attention to the previous findings in relation to Ms Nicholson's lack of insight, reflection and remediation. Mr Harris referred the panel to its decision on misconduct and impairment reminding it that the decision found in this case involves serious dishonesty and that there remains a risk of repetition
25. Mr Harris submitted that this is a case involving "*particularly serious*" findings of dishonesty. The previous panel had found that there were two instances of dishonesty, both of which were at the "*upper end*" of the spectrum of seriousness and that there was an ongoing risk of repetition in respect of dishonesty. Mr Harris continued to submit that Ms Nicholson demonstrated the exact types of serious dishonesty as mentioned in the Sanctions Guidance, namely:
- *Falsifying records (such as falsely recording that a safeguarding referral has been made or a statutory visit carried out (para 176)*
  - *Providing inaccurate information to the regulator (para 176)*

However, Mr Harris did also remind the panel that there is no evidence Ms Nicholson sought to take a position outside of Social Work England.

26. Turning to the mitigating factors, Mr Harris stated the panel may conclude that an absence of a previous fitness to practise history is relevant. In relation to aggravating factors, Mr Harris submitted that Ms Nicholson repeated her behaviour, there is a lack of insight or remorse, there is a lack of remediation and finally, there is a risk of harm to service users.
27. Mr Harris submitted that given the seriousness of the conduct, lesser orders of no action, advice or warning would be wholly inappropriate in light of the findings as to repetition and harm, as they do not restrict practice. Mr Harris referenced the Sanctions Guidance and submitted that Conditions of Practice are unlikely to be appropriate in such a case as this, where such serious dishonesty is involved.

28. Mr Harris drew the panel's attention to the relevant parts of the Sanctions Guidance which reference Suspension Orders, Removal Orders and dishonesty. He submitted that suspension is likely to be unsuitable as Ms Nicholson has not demonstrated that she is willing or able to resolve her failings, and there is a long history of non-engagement with her regulator. Ms Nicholson has not provided any evidence of remediation and furthermore, she has demonstrated no insight into her dishonest conduct. In addition, Mr Harris reminded the panel that there is a finding of significant risk of repetition.
29. Mr Harris submitted that based on the Sanctions Guidance and in all of the circumstances of this case, a Removal Order is necessary for the protection of the public, including maintaining public confidence in the profession and upholding proper standards of conduct.
30. Mr Harris asked the panel to make an interim order for eighteen months to cover the appeal period if it decided to impose a Conditions of Practice, Suspension Order or Removal Order. He submitted that an interim order is necessary to protect the public in light of the findings of misconduct and impairment made by the panel.

## Legal Advice

31. The panel heard and accepted the legal advice from the legal adviser. The panel was advised to take account of the High Court decision and the reasons given, however it was reminded that it was a newly constituted panel and it was not bound by that decision.
32. The panel was reminded of the decision in *PSA v NMC & Anor [2025] EWHC 3132 (Admin)* which stated that panels should not only refer to the guidance on sanctions, rather they should also apply that guidance as an 'authoritative steer'. Panels should be cautious of reaching conclusions that are contrary to the guidance, for example, where factors indicative of removal are all acknowledged to be present, but despite this, the panel come to a contrary conclusion, without reasoning for the departure.
33. The panel was advised to consider the Sanctions Guidance dated 19 December 2022. The panel was advised that the purpose of any fitness to practise sanction is to protect the public which includes maintaining confidence in the profession and upholding professional standards. The sanction imposed should be the minimum necessary to protect the public. The panel also heard and accepted the advice of the legal adviser in relation to the test for interim orders at final hearing stage. To impose an interim order in the present circumstances the panel needed to be satisfied that such an order was necessary for the protection of the public which includes the public interest.

## Decision and reasons on sanction

34. When considering the question of sanction, the panel took into account Social Work England's Sanctions Guidance.
35. The panel applied the principle of proportionality by weighing Ms Nicholson's interest with the public interest and by considering each available sanction in ascending order of severity. The panel considered the mitigating and aggravating factors in deciding what sanction, if any, to impose.
36. The panel identified the following mitigating factors

- An absence of previous fitness to practise history
- Some positive feedback in relation to Ms Nicholson's professional practice.

The panel also took into account that Ms Nicholson had a large caseload and was relatively recently appointed to the role. However she had not sought any support. She was an experienced, advanced social work practitioner and her failings related to fundamental elements and tenets of social work practice which would be applicable in any setting. Therefore, the panel placed limited weight on these mitigating factors.

37. The panel identified the following aggravating factors:

- Ms Nicholson's conduct occurred in multiple cases and repeated over a number of months. Her conduct caused a risk of harm to multiple service users.
- Her dishonesty caused a risk of harm to multiple service users.
- Ms Nicholson showed no insight into the dishonesty, either as it affected service users or the regulator.
- Ms Nicholson produced no evidence of remorse, reflection or remediation.

38. The panel therefore concluded that the aggravating factors outweighed any mitigation.

39. Considering the serious nature of the findings of facts, the panel decided that taking no further action, issuing advice or a warning, would not be appropriate as these sanctions would not restrict Ms Nicholson's practice and therefore not protect the public from the risks that have been identified.

40. The panel went on to consider whether a Conditions of Practice order would be appropriate. The panel had regard to the Sanctions Guidance at paragraph 118, noting that "*Conditions of Practice are less likely to be appropriate in cases of character, attitude or behavioural failings...*" The panel concluded that this was highly relevant in this case and decided that a Conditions of Practice order would not address or safeguard members of the public from the risks of the dishonesty aspect of Ms Nicholson's misconduct, especially given that the Sanctions Guidance further states that conditions are unlikely to be appropriate in cases of dishonesty. The panel took into account that the dishonesty related to falsifying records regarding vulnerable children and providing inaccurate information to her regulator. It reminded itself that it had found Ms Nicholson had shown no insight, had not remediated, and there was a



real risk of repetition. With this in mind the panel considered that Conditions of Practice would not be sufficient to prevent the risk of repetition. The panel also considered that given Ms Nicholson's lack of engagement with Social Work England, it could not be confident that she would now be willing to engage or comply with a Conditions of Practice order.

41. The panel then considered whether a Suspension Order should be imposed to protect the public and the wider public interest. The panel took into account that a Suspension Order can be imposed for a period of up to three years. The panel had in mind that the purpose of a Suspension Order is not to punish but to protect the public and public interest.
42. The panel asked itself whether this was a case which fell short of requiring removal, having regard to its findings on misconduct. The panel continued to consider that a period of suspension would provide an opportunity for Ms Nicholson to address the misconduct findings made against her. However, she has not engaged with Social Work England and not attended either these or earlier proceedings, nor has she used the opportunity to demonstrate any insight, and that therefore the panel had no evidence to indicate that Ms Nicholson is willing or able to resolve or remediate her failings.
43. In relation to dishonesty, the panel noted that Ms Nicholson has provided no acknowledgment of fault, no meaningful reflection, and has shown no insight into her conduct. The panel therefore had no confidence that the dishonest conduct would not be repeated.
44. The panel took into account that social workers hold positions of trust, and the role often requires them to engage with vulnerable people. They are also frequently required to be relied on to provide accurate information in court proceedings relating to service users. Dishonesty is therefore likely to threaten public confidence in social workers. The public (which includes the regulator) must be able to trust the accuracy of information provided by social workers.
45. For the above reasons the panel concluded that a Suspension Order was not sufficient to protect the public, maintain public confidence in the profession, nor to mark the public interest in declaring and upholding proper standards of conduct and behaviour.
46. The panel took into account the Sanctions Guidance which states that:

*A removal order must be made where the decision makers conclude that no other outcome would be enough to:*

  - *protect the public*
  - *maintain confidence in the profession*
  - *and maintain proper professional standards for social workers in England*
47. In addition, this is a particular type of serious behaviour mentioned in the Sanctions Guidance, namely dishonesty. The panel determined that the facts proved amounted to serious instances of dishonesty in professional practice as the misconduct had the potential to put service users at risk and Ms Nicholson provided inaccurate information

to her regulator. Furthermore, the panel found that Ms Nicholson had not admitted her dishonest behaviour at an early opportunity and in addition, there was an element of personal gain as her actions were to protect her own position at the expense of service users.

48. The panel considered that a Removal Order is a sanction of last resort and should be reserved for those categories of cases where there is no other means of protecting the public and the wider public interest. The panel decided that Ms Nicholson's case falls into this category because of the nature of her dishonest conduct, the apparent lack of insight into the seriousness of her actions or consequences, and the indication that she is unwilling or unable to remediate. The panel was also satisfied that any lesser sanction would undermine public trust and confidence in the profession, in light of the lack of meaningful engagement, insight, remediation, and reflection.
49. The panel had regard to proportionality and balanced the public interest against Ms Nicholson's interests. The panel considered the potential consequential personal, financial, and professional impact a Removal Order may have upon Ms Nicholson but concluded that these considerations are significantly outweighed by the panel's duty to give priority to public protection and the wider public interest.
50. The panel concluded that the appropriate and proportionate order is a Removal Order.

### Interim order

51. In light of its findings on sanction, the panel next considered an application by Mr Harris for an interim suspension order to cover the appeal period before the final order becomes effective.
52. The panel considered whether to impose an interim order. It was mindful of its earlier findings and decided that it would be wholly incompatible with those earlier findings if an interim suspension order was not imposed.
53. Accordingly, the panel concluded that an interim suspension order is necessary for the protection of the public. When the appeal period expires, this interim order will come to an end unless an appeal has been filed with the High Court. If there is no appeal, the final order of removal shall take effect when the appeal period expires.

### Right of appeal

54. Under Paragraph 16(1)(a) of Schedule 2 of the regulations, the social worker may appeal to the High Court against the decision of adjudicators:
  - a. the decision of adjudicators:
    - i. to make an interim order, other than an interim order made at the same time as a final order under Paragraph 11(1)(b),

- ii. not to revoke or vary such an order,
- iii. to make a final order.

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

55. Under Paragraph 16(2) of Schedule 2 of the regulations an appeal must be filed before the end of the period of 28 days beginning with the day after the day on which the social worker is notified of the decision complained of.
56. Under Regulation 9(4) of the regulations this order may not be recorded until the expiry of the period within which an appeal against the order could be made, or where an appeal against the order has been made, before the appeal is withdrawn or otherwise finally disposed of.
57. This notice is served in accordance with Rules 44 and 45 of the Social Work England Fitness to Practise Rules 2019 (as amended).

### The Professional Standards Authority:

58. 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>.