

Social Worker: Gemma Azarcon

Registration Number: SW109941

Fitness to Practise

Final Order Review Hearing

Hearing venue:	Remote hearing
Date of hearing:	29 January 2026
Order being reviewed:	Final suspension order – 12 months (expiring 14 March 2026)
Outcome:	Final suspension order extended by 13 months

Introduction and attendees:

1. This review took place pursuant to paragraph 15(1) of Schedule 2 to the Social Workers Regulations 2018. It was the first review of a 12 month final suspension order in respect of Ms Gemma Tabula Azarcon (registration number SW109941) which had been made at a final hearing on 14 February 2025 by adjudicators appointed by Social Work England.
2. This review was held remotely.
3. Ms Azarcon did not attend this review and was not represented.
4. Social Work England was represented by its case presenter, Jonathon McCarthy.
5. The panel of adjudicators conducting this review (the “**panel**”) and the other people involved in it were as follows:

Adjudicators	Role
Paula McDonald	Chair
Ian Vinall	Social work adjudicator

Hearings Team/Legal Adviser	Role
Molly-Rose Brown	Hearings officer
Liam Dixon	Hearings support officer
Charles Redfearn	Legal adviser

Service of notice:

6. The panel had careful regard to the documents contained in the service bundle, which included the following:
 - An extract from Social Work England’s register showing the email address for Ms Azarcon held on Social Work England’s register (the “**register**”).
 - A copy of the notice of this final order review (the “**Notice**”), which was dated 23 December 2025 and addressed to Ms Azarcon at her email address as it appears on the register. As required by paragraph 15(5) of Schedule 2 to the Social Worker’s Regulations 2018 and rules 16(a) and (b) of the FTP Rules, the Notice specified the date of this review; informed Ms Azarcon of the step which Social Work England proposed to take in relation to this review and that she could attend, and be represented at, this review or make written submissions; and specified the date by which she should confirm her attendance or make written submissions, such date being 12 January 2026.
 - A copy of a covering email dated 23 December 2025, which was addressed to Ms Azarcon at her email address as it appears on the register, referred to a final order review due to take place on 29 January 2026 and had attachments comprising a Notice of Hearing and related documents.

- A copy of a signed statement of service which was made on 23 December 2025 by the employee of Capsticks LLP who was named as the sender in the covering email and which confirmed that, on 23 December 2025, that employee had sent the Notice and related documents by email to Ms Azarcon at her email address as it appears on the register.
7. Mr McCarthy, referring to the above documents and Social Work England’s Fitness to Practise Rules (the “**FTP Rules**”), submitted that:
 - The Notice had been sent by one of the mandatory means of service specified in rule 44(a) of the FTP Rules, namely by being sent to Ms Azarcon by email to an email address which she had provided to Social Work England. This was evidenced by the Notice, the covering email and the extract of Ms Azarcon’s entry in the register.
 - Service had been proved by a statement of service, which, as required by rule 44(b)(iii) of the FTP Rules, had been made by the person who had sent the covering email and its attachments to Ms Azarcon by email.
 - As the Notice had been served by email, rule 45 of the FTP Rules required the panel to treat it as being served on the day on which it was sent and, on that basis, Ms Azarcon had therefore been given notice in excess of the 28 days mentioned in rule 16(ac).
 8. The panel heard and accepted the advice of the legal adviser on service of notice. The legal adviser confirmed the points made by Mr McCarthy. He also referred the panel to the information which was required to be included in the Notice pursuant to rule 16 of the FTP Rules and paragraph 15(5) of Schedule 2 to the Social Worker’s Regulations 2018, as mentioned above.
 9. On the basis of the documents before it, Mr McCarthy’s submissions and the legal adviser’s advice, the panel concluded that notice of this review had been served on Ms Azarcon in accordance with the FTP Rules and the Social Worker’s Regulations 2018. Pursuant to rule 44(b) of the FTP Rules, the panel could rely on the statement of service as proof of service. As required by rule 44(b), the statement of service had been made by the person who had sent the covering email and its attachments to Ms Azarcon by email.

Proceeding in the absence of Ms Azarcon:

Submissions on behalf of Social Work England

10. Mr McCarthy opened his submissions on proceeding in absence by referring the panel to Social Work England’s guidance entitled ‘Service of Notices and Proceeding in the Absence of the Social Worker’ and the cases of *R v Hayward, Jones & Purvis [2001] QB 862* and *General Medical Council v Adeogba [2016] EWCA Civ 162*.
11. Mr McCarthy submitted that:

- Ms Azarcon had not engaged with these proceedings since June 2022 and had failed to attend the final hearing. Likewise, she had not responded to the notice of this review by confirming her intention to attend or making written submissions nor had she requested that this review be postponed. The panel could therefore reasonably conclude that Ms Azarcon had voluntarily absented herself from this review and that an adjournment would be unlikely to secure her attendance.
- This was a mandatory review of a final suspension order which was due to expire on 14 March 2026 and its purpose was to determine whether Ms Azarcon's fitness to practise remained impaired in furtherance of Social Work England's over-arching objective of 'protection of the public'. There was therefore a strong public interest in this review proceeding.
- In the circumstances, there was no good reason for this review not to proceed immediately.

Legal advice on proceeding in absence

12. The panel heard and accepted the advice of the legal adviser on proceeding in Ms Azarcon's absence. That advice included reference to rule 43 of the FTP Rules, Social Work England's guidance entitled 'Service of Notices and Proceeding in the Absence of the Social Worker' and the cases of *R v Jones [2003] UKPC 1* and *General Medical Council v Adeogba [2016] EWCA Civ 162*.
13. The panel noted from that advice that:
 - Under rule 43 of the FTP Rules, where a social worker does not attend a hearing and is not represented, the panel has a discretion to proceed with that hearing in the absence of the social worker provided that it is satisfied the social worker has been served with notice of that hearing in accordance with the FTP Rules.
 - In exercising that discretion, the panel has to balance the interests of the social worker against the interests of Social Work England and the public in an expeditious disposal of the proceedings against the social worker in pursuance of Social Work England's overarching objective of "protection of the public", as described in s.37 of the Children and Social Work Act 2017.
 - The question of whether an adjournment would secure Ms Azarcon's attendance was also relevant.
 - The court in *General Medical Council v Adeogba* had concluded that, "where there is good reason not to proceed, the case should be adjourned; where there is not, however, it is only right that it should proceed".

Panel's decision on proceeding in absence

14. The panel considered that its discretion to proceed in Ms Azarcon's absence under rule 43 of the FTP Rules had been engaged as (a) Ms Azarcon was not present or represented at this review and (b) the panel had concluded that notice of this review had been served on her in accordance with FTP Rules.
15. Having considered the matter and the information before it, the panel decided that it was fair and appropriate for this review to proceed in Ms Azarcon's absence for the following reasons:
 - Given that Ms Azarcon had been served with the Notice, she would have been aware of this review and of her right to attend and/or make written submissions. However, Ms Azarcon had neither attended this review nor sought a postponement nor provided written submissions. In the circumstances, the panel considered that she had voluntarily absented herself from this review.
 - For the same reasons, and because of her failure to attend the final hearing and subsequent lack of engagement, the panel did not consider that an adjournment would secure her attendance.
 - As the current final suspension order was due to expire in around six weeks' time and as there were serious concerns about Ms Azarcon's ability to practise safely and effectively if she were to return to unrestricted practice, proceeding with this review without delay would be in the interests of Social Work England's overarching objective of 'protection of the public'. The panel also considered that avoiding unnecessary delay would be in Ms Azarcon's interests, given that the present proceedings had been on-going since 2021.
 - In the circumstances, the panel concluded that the balance of fairness clearly lay in favour of this review proceeding in Ms Azarcon's absence and that there was no good reason for it not to proceed.

Regulatory concerns and adjudicators' decision on facts and grounds:

Regulatory concerns

16. At a final hearing held between 10 and 14 February 2025, adjudicators appointed by Social Work England found the following factual allegations against Ms Azarcon proved:

Whilst registered as a Social Worker:

1. Between on or around 9 April 2021 and June 2021, you failed to adequately assess the support needs of those service users set out below:

(i) Person 2

(ii) Person 5

2. You failed to complete a Mental Capacity Assessment (MCA) or failed to complete a MCA adequately and/or in a timely manner for those service users set out below:

(i) Person 5, between on or around 9 April 2021 and June 2021

(ii) Person 6, between on or around 21 January 2021 to March 2021

3. Between May 2021 and June 2021, you failed to adequately assess and manage the risks of those service users set out below:

(i) Person 1

(ii) Person 5

4. You failed to maintain clear, accurate, legible and up to date records in relation to those service users set out in Schedule A

5. You created an inaccurate MCA in relation to Person 1, in that you created a MCA from copying and pasting a previous assessment completed on or around 11 March 2021.

Schedule A

1. Person 1

(a) ... [NOT PROVED]

(b) Recorded the name of the person alleged to have caused harm ("PATCH") within Person 1's case record and/or details of the PATCH's medication .

2. Person 2

(a) Failed to record whether that was a visit or phone call

(b) Failed to record whether person 2 had declined a carers assessment or why this had been cancelled;

3. Person 5

a) Failed to record evidence in assessment criteria boxes for Person 5;

(b) Recorded "Yes" in relation to a chargeable service being considered when not applicable to Person 5

(c) Recorded Person 2 as having Lasting Power of Attorney for Person 5 when she did not.

(d) Failed to update health conditions for Person 5.

17. At the final hearing, the adjudicators also found that the facts proved amounted to the statutory ground of lack of competence.

18. According to the written decision of the final hearing panel, the background to the allegations against Ms Azarcon was as follows:

- Ms Azarcon had originally worked as a social care coordinator from June 2019 until her HCPC registration was confirmed. She then commenced work as a

social worker in the older adults team at North Yorkshire County Council (the “Council”).

- Due to ongoing concerns about Ms Azarcon’s practice, the Council initiated a developing performance plan in August 2020. This plan was reviewed a number of times.
- [PRIVATE]
- In June 2021 Ms Azarcon decided to resign from the Council.
- On 23 June 2021, the Council referred Ms Azarcon to Social Work England and subsequently provided a summary of their concerns about a number of Ms Azarcon’s cases and, at Social Work England’s request, records for a sample of those cases.

19. Ms Azarcon did not attend the final hearing and was not represented at it; nor did she provide any written submissions or detailed responses to the allegations against her. However, the final hearing panel noted that the social worker response bundle revealed that Ms Azarcon had indicated at an early stage that she did not intend to return to social work and that, in an email dated 7 June 2022, she had stated, *“Reading the emails I feel really upset but feel that any responses do not have any weight on it as I no longer have access [sic] to the work emails to back up my responses. The circumstances revolving LLA clients is not as quite as it said in the report although I recognise all my shortcomings and the lacking of my skills which could have been improve in the ASYE program like my other colleague did when we started. I was the only one who they told to be on that program but was not included after a new manager came along. Anyhow for this reason, please accept my apology in this instance and I’ll accept the consequences and would like this chapter to be closed off.”*

Adjudicators’ decision on impairment at the final hearing:

20. At the final hearing, the adjudicators made the following decision on impairment:

88. The panel considered whether Ms Azarcon’s lack of competence is remediable. The competence concerns in this case are wide-ranging and persistent, but the panel was of the view that potentially remedial steps might be taken to address the lack of competence through reflection, targeted training, and skills development. Although the lack of competence is potentially remediable, Ms Azarcon has not presented the panel with any evidence of remediation, reflection, or insight. She has expressed remorse, but this did not reassure the panel that there would be no repetition of similar concerns. The limited information available to the panel is that Ms Azarcon has previously expressed her intention not to return to social work, and that she wishes this matter to be closed.

89. *In the absence of evidence of remediation or insight, the panel decided that the risk of repetition is high, and consequently there is an ongoing risk of harm to service users. A finding of current impairment is therefore required to protect the public.*

90. *The panel also considered the need to uphold public confidence in the profession and to uphold and maintain standards for members of the profession. The findings in particulars 1-5 involve basic skills for social workers in assessing support needs of vulnerable service users, assessing and managing risks, maintaining clear and accurate records, and completing mental capacity assessments. The service users involved in particulars 1-5 were vulnerable. Persons 1, 5 and 6 had care needs due to dementia, and Person 2 was experiencing strain due to her caring role. If similar conduct were to be repeated there is a risk of harm to vulnerable service users. Given these findings and the ongoing risk of harm to service users, an informed member of the public would expect Ms Azarcon failings to be marked by way of a finding of impairment in the public interest. A finding of current impairment is therefore required to uphold and maintain public confidence in the profession.*

91. *The panel therefore concluded that Ms Azarcon's fitness to practise is impaired, having regard to the need to protect the public and the wider public interest.*

Adjudicators' decision on sanction at the final hearing:

21. At the final hearing, the adjudicators made the following decision on sanction:

95. *The panel identified the following mitigating features:*

- *Ms Azarcon's health and personal circumstances.*

96. *The panel identified the following aggravating features:*

- *Challenging working conditions due to the COVID pandemic.*
- *No evidence of insight or remediation;*
- *Potential risk of harm to vulnerable service users.*

No action, advice or warning

97. *The panel considered that there were no exceptional reasons to merit taking no action. The option of giving advice to Ms Azarcon or imposing a warning would not be sufficient to protect the public because these options do not restrict practice and are not appropriate where there is a risk of repetition and an ongoing risk to the public.*

Conditions of practice

98. *The panel considered the Guidance at paragraph 114: "Conditions of practice may be appropriate in cases where (all of the following):*

- *the social worker has demonstrated insight*
- *the failure or deficiency in practice is capable of being remedied*

- appropriate, proportionate, and workable conditions can be put in place
- decision makers are confident that the social worker can and will comply with the conditions
- the social worker does not pose a risk of harm to the public by being in restricted practice”

99. These criteria did not apply because Ms Azarcon has not demonstrated insight. Ms Azarcon has disengaged from Social Work England and the panel had insufficient confidence that she can and will comply with conditions of practice. In these circumstances the panel was unable to formulate realistic and workable conditions that would be sufficient to protect the public.

Suspension

100. The panel considered the option of a suspension order as proposed by Social Work England. The guidance states that a suspension order is appropriate where the decision makers cannot formulate workable conditions to protect the public or the wider public interest and removal is not an option. In this case the panel was unable to formulate workable conditions to protect the public, and the option of a removal order was not available. A suspension order was the least restrictive sanction that was sufficient to protect the public. The Committee considered that a suspension order was proportionate, given that Ms Azarcon has disengaged from Social Work England and has not presented any evidence for the panel’s consideration.

101. The panel considered that a suspension order was sufficient to maintain public confidence in the profession and uphold standards for members of the profession. It is a serious sanction and the most restrictive option available to the panel.

102. The panel considered the potential consequences and impact if it were to impose a suspension order on Ms Azarcon. The panel has no information about Ms Azarcon’s current circumstances, but it acknowledged that the imposition of a suspension order may have a negative impact on Ms Azarcon. The Committee decided that Ms Azarcon’s interests were outweighed by the need to protect the public and the wider public interest.

103. The panel next considered the length of the suspension order. It reminded itself that the purpose of the proceedings is not to punish Ms Azarcon. It took into account Ms Azarcon’s position as set out in the Social Worker’s bundle. As explained in paragraph 120 of the guidance the order should be long enough for Ms Azarcon to complete any necessary remediation. The panel also had in mind that the risk of deskilling is a public interest consideration as explained in the Guidance. The limited information available to the panel indicated that Ms Azarcon may not have worked as a social worker for several years, and therefore she may have become deskilled to some extent. Having considered all the circumstances, the panel decided that a one-year order was appropriate and proportionate. This would allow sufficient time for Ms Azarcon to reflect on the panel’s decision and prepare evidence for a reviewing panel.

Recommendations of the adjudicators at the final hearing:

22. At the final hearing, the adjudicators suggested that “... a future reviewing panel would expect Ms Azarcon to attend the review hearing and it would be of assistance to that panel if she was able to provide evidence that she had undertaken significant steps that would facilitate a safe and effective return to the register without restriction. This may include:
- A reflective piece focussed on the seriousness of the panel’s findings and including:
 - the potential impact on service users;
 - public confidence in the profession;
 - Social Work England’s professional standards;
 - reflection and/or learning from any training relevant to the panel’s findings.
 - Evidence of completion of training relevant to the panel’s findings.
 - Evidence of work-related skills (from paid or unpaid work).
 - References/testimonials from current employment/voluntary work.”

Submissions on behalf of Social Work England for this final order review:

Written submissions from Social Work England

23. In the notice of this review, Capsticks LLP, on behalf of Social Work England, made the following written submissions:

Social Work England invite the Panel to find that the Social Worker’s fitness to practise remains impaired. The Social Worker has not engaged with the regulator since the Final Suspension Order was imposed and has provided no evidence of insight, remediation, or compliance with the recommendations set out by the adjudicators at the final hearing.

In the absence of any evidence of remediation, the risks identified by the original panel remain unchanged. The concerns found proved were wide-ranging, persistent and related to fundamental social work competencies.

Social Work England invite the Panel to impose a further period of suspension, given the sustained disengagement and lack of any realistic prospect of remediation. As the grounds of impairment are lack of competence / capability the option of removal is not yet open to the Panel at this review.

Social Work England submits that continuation of the current Suspension Order remains necessary and proportionate to protect the public and uphold the wider public interest. A Suspension Order of 13 months is sought so that the option of removal is open to the Panel at any subsequent review, should the Social Worker continue to disengage.

Oral submissions on behalf of Social Work England

24. At this review, Mr McCarthy, on behalf of Social Work England, invited the panel to find that Ms Azarcon's fitness to practice remained impaired given that Ms Azarcon had not acted on the recommendations of the final hearing panel by providing evidence of her having developed insight into, and remedied, her lack of competence.
25. In terms of sanction, Mr McCarthy submitted that, as there had been no change in circumstances since the final hearing, extending the present suspension order was the appropriate sanction. He added that, to give the next review panel the option of making a removal order, that extension should be for a period of 13 months as this would create a continuous period of suspension of two years, as required by paragraph 13(2)(b) of Schedule 2 to the Social Workers Regulations 2018.

Submissions from Ms Azarcon:

26. Ms Azarcon did not attend, and was not represented at, this review in order to make oral submissions, nor did she provide any written submissions.

Legal advice on the review process

27. The panel heard and accepted the advice of the legal adviser on the procedure which it should follow, and the matters which it should consider, when conducting a review of a final order under paragraph 15(1) of Schedule 2 to the Social Workers Regulations 2018, as amended (the "**Regulations**").
28. In giving his advice, the legal adviser referred the panel to paragraph 15 of Schedule 2 to the Regulations, to the section on final order reviews found at paragraphs 213 to 218 of Social Work England's Impairment and Sanction Guidance (the "**Guidance**") and to the description of the purpose of final order reviews given by the court in the case of *Khan v General Pharmaceutical Council* [2017] 1 WLR 169 SC (Sc),
29. The panel noted from the legal adviser's advice that:
 - A final order review looks at what has happened since the final order was made and its purpose is to consider whether the social worker's fitness to practise remains impaired (and, if so, whether the existing order needs to be extended or another order made).
 - A review panel must not allow a social worker to resume unrestricted practice unless it is satisfied that their fitness to practise is no longer impaired.
 - The review process should not undermine the decision made by the adjudicators at the final hearing.
30. In terms of process, the panel understood from the legal adviser's advice that:
 - the panel must first decide whether Ms Azarcon's fitness to practise remains impaired; and

- if the panel decides that Ms Azarcon's fitness to practise is no longer impaired, it may revoke the existing final suspension order with immediate effect or it may make no order and thus allow the existing suspension order to expire at the end of its term; or
- if the panel decides that Ms Azarcon's fitness to practise remains impaired, it must then decide which of the measures available to it would be appropriate and proportionate in the circumstances.

Panel's decision and reasons on current impairment:

Legal Advice on Impairment

31. The panel heard and accepted the advice of the legal adviser on impairment. That advice included the following points:
 - The existence of impairment is a matter for the panel's own independent judgment or assessment and, in considering whether Ms Azarcon's fitness to practise remains impaired, the panel should take account of the Guidance.
 - Given the three elements of Social Work England's overarching objective of 'protection of the public', the panel should consider, not only whether Ms Azarcon's lack of competence still poses a risk to the health, safety and wellbeing of the public, but also whether her fitness to practise remains impaired in terms of the need to maintain public confidence or proper professional standards.
 - The risk of Ms Azarcon's lack of competence being repeated can be assessed by reference to several factors, in particular (i) Ms Azarcon's conduct since the final hearing; (ii) the extent to which Ms Azarcon has developed insight into her lack of competence; and (iii) the extent to which Ms Azarcon has taken steps to remedy that lack of competence.
 - The panel cannot assume the existence of insight and remediation but must be able to refer to evidence of those matters in its reasoning.
 - A social worker can demonstrate insight by, among other things, (i) their engagement with the fitness to practise process, (ii) their written and oral submissions, (iii) any reflection which they have undertaken regarding the concerns about their practice and (iv) admissions and expressions of remorse which demonstrate a genuine understanding of the impact of their actions on others and on the profession.
 - In essence, as stated by the court in *Kimmance v GMC [2016] EWHC 1808 (Admin)*, "a professional who has done wrong has to look at his or her conduct with a self-critical eye, acknowledge fault, and convince a panel that there is real reason to believe that he or she has learned a lesson from the experience".

Panel's decision on impairment

Personal impairment

32. The panel first considered whether Ms Azarcon's fitness to practise remained impaired in terms of the need to protect the health, safety and wellbeing of the public. In so doing, the panel had regard to:
- Ms Azarcon's conduct since the final hearing;
 - the extent to which Ms Azarcon had developed insight into her lack of competence; and
 - the extent to which Ms Azarcon had remedied her lack of competence.
33. With regard to Ms Azarcon's conduct since the final hearing, the panel noted that, since the final hearing, there was no evidence before the panel of any further incidents arising from Ms Azarcon's lack of competence or of any other regulatory findings having been made against her. However, the panel considered that this was most likely due to her being suspended and having ceased to work as a social worker.
34. On the question of insight, the panel noted from the final hearing panel's decision that, although Ms Azarcon had expressed remorse, she had not provided any evidence of having reflected on, or developed insight into, her lack of competence. Likewise, Ms Azarcon had not provided any evidence of such matters to the present panel. The panel considered that this was consistent with the statement in Ms Azarcon's email of 5 June 2022 that she wished for "*this chapter to be closed off*".
35. With regard to remediation, the panel, whilst recognising that Ms Azarcon's lack of competence was potentially remediable, considered that such remediation would require significant effort and commitment on her part, given that she appeared to have been away from social work practice for over four years. In any event, the panel noted that Ms Azarcon had not provided the final hearing panel with any evidence of having undertaken any training or other activities with a view to developing her skills so as to remedy her lack of competence; nor had she provided any such evidence for the purposes of this review.
36. In the absence of any evidence that Ms Azarcon had developed any insight into her lack of competence or taken any steps to remedy it, the panel concluded that the risk of further incidents arising as result of her lack of competence remained high. As noted by the final hearing panel, the failings in Ms Azarcon's practice "*involve basic skills for social workers in assessing support needs of vulnerable service users, assessing and managing risks, maintaining clear and accurate records, and completing mental capacity assessments*". Accordingly, the present panel considered that Ms Azarcon's lack of competence represented an on-going risk to service users. The panel therefore found that Ms Azarcon's fitness to practise remained impaired in terms of the need to protect the health, safety and wellbeing of the public.

Public impairment

37. The panel next considered whether Ms Azarcon's fitness to practise remained impaired in terms of the need to maintain public confidence and proper professional standards. In that regard, given the risk which her unremedied lack of competence posed to service users, the panel considered that public confidence would be seriously undermined and professional standards would be severely compromised if a finding of continuing impairment were not made in the present case. Accordingly, the panel found that Ms Azarcon's fitness to practise remained impaired in terms of the need to maintain public confidence and proper professional standards.

Panel's decision and reasons on sanction:

Legal Advice on Sanction

38. The panel heard and accepted the advice of the legal adviser on sanction.
39. The panel understood from the advice that, as it had found that Ms Azarcon's fitness to practise remained impaired:
- The panel could, under paragraph 15(1) of Schedule 2 to the Social Workers Regulations 2018, as amended (the "**Regulations**"), (a) extend the existing suspension order by a period of up to three years from the date on which the existing suspension order would have otherwise expired; or (b) with effect from the expiry of the existing suspension order, make any order which the adjudicators at the final hearing could have made when it made the existing suspension order, again for a period of up to three years; or (c) replace the existing suspension order with effect from the date of its expiry by a conditions of practice order.
 - For the purposes of (b) above, the final hearing panel could have made a "final order", which is defined in paragraph 13(1) of Schedule 2 to the Regulations as being a warning order, a conditions of practice order, a suspension order or a removal order.
 - However, where, as in the present case, the social worker's fitness to practise is impaired by reason of lack of competence or capability, a removal order may only be made after the social worker has been subject to a final suspension order or a final conditions of practice order for a continuous period of two years. Therefore, as the current final suspension order only took effect on 15 March 2025, a removal order was not available to the present panel.
40. The panel also understood from the legal adviser's advice that, when determining the action which it should take, it should act in accordance with the section on sanction in the Guidance (and the legal adviser took the panel through the relevant provisions of that section).

Panel's decision on sanction

41. Having decided that Ms Azarcon's fitness to practice remained impaired in terms of the need to protect the health, safety and wellbeing of the public and in terms of the need to maintain public confidence and proper professional standards, the panel considered the measures available to it for those purposes, as described above, in ascending order of severity.

Warning order

42. If the panel made a warning order in respect of Ms Azarcon, it would leave her free to practise without restriction notwithstanding the risk which her unremedied lack of competence posed to services users. The panel therefore did not consider that making a warning order was appropriate in the present instance.

Conditions of practice order

43. The panel next considered whether a conditions of practice order would be appropriate in the present circumstances, having regard to paragraphs 114 to 119 of the Guidance.
44. The panel noted that paragraph 115 of the Guidance states that decision makers commonly apply conditions of practice in cases of lack of competence or ill health. However, notwithstanding that the concern in the present case was Ms Azarcon's lack of competence and that her lack of competence was capable of remedy, the panel did not consider that a conditions of practice order would be appropriate. This was because paragraph 114 of the Guidance required the panel to be confident that Ms Azarcon would comply with any conditions which it might impose. In that regard, paragraph 116 of the Guidance states that a social worker's past engagement with the regulator should help to determine whether the social worker can comply with conditions of practice. In the present instance, given Ms Azarcon's complete lack of engagement with the fitness to practise process since before the final hearing, her failure to undertake any remedial activities and her reported intention not to return to social work, the panel had no confidence that she would willing or able to comply with any conditions of practice which it might impose. In the circumstances, the panel did not consider that a conditions of practice order would be appropriate in the present case.

Suspension

45. Turning to the option of continued suspension, the panel had regard to paragraph 136 of the Guidance, which reads, "*Suspension is appropriate where... (i) the decision makers cannot formulate workable conditions to protect the public or the wider public interest and (ii) the case falls short of requiring removal from the register (or where removal is not an option)*". The panel considered that paragraph 136 reflected the situation in the present instance in that (i) the panel had concluded that a conditions of practice order would not be appropriate and (ii) as Ms Azarcon's fitness to practise was impaired on the ground of lack of competence and she had been suspended from practice for less than two years, it was not open to the panel to make a removal order.

The panel therefore decided that, in the circumstances of the present case, extending the current final suspension order would be the appropriate and proportionate order.

Duration

46. In terms of duration, the panel considered that extending the current final suspension order by a period of 13 months would be appropriate as this would allow further time for Ms Azarcon to remedy her lack of competence should she wish to return to social work, whilst allowing any future reviewing panel the option of removing her from the register, should it think that course of action appropriate.

Conclusion

47. For the reasons given above, the panel concluded that extending the current final suspension order by a period of 13 months would, in the circumstances of the present case, be the appropriate and proportionate order for protecting the health, safety and wellbeing of the public and for maintaining public confidence and proper professional standards.
48. In arriving at that conclusion, the panel recognised the possibility that extending the present suspension order could have an adverse effect on Ms Azarcon, both financially and professionally, notwithstanding her reported intention not to return to social work. However, in the circumstances of the present case, the panel considered that any detriment which might be caused to Ms Azarcon by an extension of the current order was outweighed by the need to protect the health, safety and wellbeing of service users and to maintain public confidence and proper professional standards.
49. **ORDER: that the current suspension order in respect of Ms Azarcon be extended by 13 months with effect from the date on which it would have otherwise expired.**

Panel's recommendations

50. The panel considered that, should Ms Azarcon wish to continue practising as a social worker, the following might assist her in satisfying any future reviewing panel that she is fit to return to practice:
- undertaking training in the areas of her practice in which she was found to lack competence and in order to bring all of her social work knowledge skills up to date;
 - evidencing that training by providing Social Work England with details the courses which she has undertaken and training certificates for those courses;
 - applying her social work skills in paid or voluntary employment in a role which does not require her to be a registered social worker;
 - evidencing the successful application of her social worker skills in an employment context by a reference from her manager (who should also confirm

his/her awareness of the present fitness to practice proceedings and their outcome); and

- providing Social Work England with a reflective statement in which Ms Azarcon reflects on (i) how her competence came to fall below required standards, (ii) potential effects of her lack of competence on service users, her colleagues, her employer and the public's perception of social workers and (iii) how she would avoid any competence issues in the future.

51. Alternatively, should Ms Azarcon have a firm intention not to return to social work, she could consider applying to Social Work England for voluntary removal from the register. If she is interested in pursuing this course of action, she should, in the first instance, visit Social Work England's website (www.socialworkengland.org.uk) and read its guidance on voluntary removal during fitness to practise proceedings and contact Social Work England about making an application for voluntary removal.

Right of Appeal:

52. Under paragraph 16(1)(a) of Schedule 2 to 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, or
 - iii. to make a final order; and
 - (b) the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.
53. Under paragraph 16(2) of Schedule 2 to 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.
54. Under paragraph 15(1A) of Schedule 2 to the Social Workers Regulations 2018 (as amended), where a social worker appeals against a decision made under sub-paragraph 15(1), the decision being appealed takes effect from the date specified in that sub-paragraph notwithstanding any appeal against that decision.
55. This notice is served in accordance with rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

Review of final orders:

56. Under regulation 15(1), 15(2) and 15(3) of Schedule 2 to 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).
57. 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:

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>.