

# Social worker: Vanya Thomas

## Registration number: SW83019

### Fitness to Practise

### Final Hearing

Dates of hearing: 26 January 2026 to 12 February 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 Thomas did not attend and was not represented.
3. Social Work England was represented by Mr Benjamin Whittingham instructed by Capsticks LLP.
4. The panel of adjudicators conducting this hearing (hereafter “the panel”) and the other people involved in it were as follows:

<b>Adjudicators</b>	<b>Role</b>
Sara Nathan	Chair
Joanna Bowes	Social worker adjudicator
Angela Brown	Lay adjudicator

<b>Hearings team/Legal adviser</b>	<b>Role</b>
Lauryn Green, Hannah McKendrick, Paul Harris, Tom Stoker, Jo Cooper	Hearings officer
Tom Stoker, Paige Swallow, Elsie Li	Hearings support officer
Dido Ofei-Kwatia	Legal adviser

## Service of notice:

5. Mr Whittingham informed that panel that notice of this hearing was sent to Ms Thomas by email to an address provided by Ms Thomas (namely her registered address as it appears on the Social Work England register). Mr Whittingham submitted that the notice of this hearing had been duly served.
6. The panel 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 18 December 2025 and addressed to Ms Thomas at the email address which she provided to Social Work England;
  - An extract from the Social Work England Register as of 18 December 2025 detailing Ms Thomas’ registered address;
  - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 18 December 2025 the writer sent by email service to Ms Thomas at the address referred to above: notice of hearing and related documents;
7. The panel accepted the advice of the legal adviser in relation to service of notice. Having had regard to Rules 44 and 45, and all of the evidence before it, the panel was satisfied that notice of this hearing had been served on Ms Thomas in accordance with the Rules.

## Proceeding in the absence of the social worker:

### Case management discontinuance application

8. [PRIVATE].
9. [PRIVATE].
10. [PRIVATE].
11. [PRIVATE].
12. [PRIVATE].
13. [PRIVATE].

### Preliminary matters:

14. [PRIVATE].
15. [PRIVATE].
16. [PRIVATE].
17. [PRIVATE].
18. [PRIVATE].
19. [PRIVATE].

## Proceeding in the absence of the social worker:

20. The panel heard the submissions of Mr Whittingham on behalf of Social Work England. Mr Whittingham, in summary, submitted that notice of this hearing had been duly served, no application for an adjournment had been made by Ms Thomas and as such there was no guarantee that adjourning today's proceedings would secure her future attendance. Mr Whittingham explained that Ms Thomas had not at any stage indicated that she would be attending the hearing. He relied on a telephone note of a conversation that took place on 4 August 2025 in which Ms Thomas is said to have relayed to Social Work England that "*she would not be attending a hearing and that she is not playing games anymore...should just convey her message to the adjudicators. They should not have to hear it from her*".
21. Additionally, Mr Whittingham highlighted that Ms Thomas had not returned the hearing participation form and thus had not provided a response. Mr Whittingham also submitted that the Tracing Agent employed by Social Work England had successfully located Ms Thomas' current address and notified Social Work England of it on 21 January 2026. Social Work England on the same day, sent out a special delivery communication to Ms Thomas (inviting her to make contact) to the new address, which Royal Mail track and trace recorded as being signed for by "Vanya" on 22 January 2026. Mr Whittingham explained that no response had been received from Ms Thomas and

therefore he invited the panel to proceed in the interests of justice and the expeditious disposal of this hearing.

22. 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 and the case of *General Medical Council v Adeogba [2016] EWCA Civ 162*. The panel was also reminded of Social Work England's guidance 'Service of notices and proceeding in the absence of the social worker'.
23. The panel considered all of the information before it, together with the submissions made by Mr Whittingham on behalf of Social Work England. The panel decided that it was fair to proceed with the hearing. The panel noted the contents of the telephone note as referred to above, and also considered another note of 30 June 2025 in which Ms Thomas was recorded to have said to a representative of Capsticks LLP that "*she can't continue with everything being delayed and that the games with SWE can't continue. The SW said that the investigation is impacting on her life and she has had enough of it.*" The panel was also satisfied that Social Work England has taken sufficient steps and exhausted all avenues trying to locate and engage with Ms Thomas and that this was further demonstrated by the Tracing Agent information.
24. The panel was satisfied that the service of notice was effective and decided that Ms Thomas was or should have been aware of today's hearing. The panel had no reason to believe that an adjournment would result in Ms Thomas' future attendance, nor had she asked for an adjournment. The panel therefore concluded that Ms Thomas had chosen voluntarily to absent herself. The panel was aware that two witnesses were due to attend the hearing. Having weighed the interests of Ms Thomas, in regard to her attendance, with those of Social Work England and the public interest in an expeditious disposal of this hearing, the panel decided to proceed in Ms Thomas' absence.

### Preliminary matters:

#### Amendments

25. Mr Whittingham made an application to amend three allegations on behalf of Social Work England. He stated that allegation 2.4 should refer to child J and not child I as erroneously pleaded. Mr Whittingham explained that allegation 2.4 should mirror allegation 1.15 (one should be about failing to write up in a timely way and the other should be about failing to follow the instruction to write up in a timely way). He also stated that this ties in with the evidence of Mr Borwick-Fox as being in reference to a visit for child J on the date in question.
26. In relation to allegation 2.7(a) the "and/or" formulation was already in use in the statement of case and ought to have been repeated in the allegation, it was an error that it just refers to "and" and so should read "and/or" as intended.
27. It was also said that allegation 2.10(b) should refer to 28 September 2020 and not 28 October 2020 as per the evidence.

28. Mr Whittingham submitted that the amendments were not substantial alterations. He said that it was obvious from the evidence that these were just mistakes or ‘typos’ and that the amendments would simply ensure the allegations accurately reflect what they should have done from the outset. It was acknowledged that whilst there may be some prejudice to Ms Thomas as a result of making the above amendments, it would be limited in view of her general defence to the allegations. Mr Whittingham stated that the amendments will have little impact on her case and that it is in the interests of justice to make sure the allegations accurately reflect the charges.
29. The panel heard and accepted the advice of the legal adviser and considered the written and oral submissions made by Mr Whittingham on behalf of Social Work England.
30. As noted above the panel was satisfied that Ms Thomas had been given appropriate notice of the hearing (of which this application formed a part) and that she had voluntarily absented herself.
31. The panel concluded that there is no prejudice to Ms Thomas and that it is entirely fair to allow the amendments, as they do not materially alter the nature of the allegations against Ms Thomas.
32. The panel decided that the wording of the amendments more accurately reflects the intention of the allegations and brings clarity.
33. The amended charges now read as follows:  
*Allegation 2.4*  
*2.4— In respect of recording visits to Child J:*  
*Allegation 2.7(a)*  
*2.7(a) Providing prior notice to management; and/or*  
*Allegation 2.10(b)*  
*2.10(b) Did not heed one or more management instructions to engage with an occupational health consultation scheduled on or around 28 September 2020.*

### Background:

34. At the material time, Ms Thomas was employed as a Senior Social Worker within the Corporate Parenting and Permanency Team (“the department”) at the London Borough of Barking and Dagenham Council (“the local authority”). She was one of five social workers, working alongside a social worker apprentice.
35. Ms Thomas had previously worked in other social work departments at the local authority, but her role in this department was new to her. It related to looked after children made subject to care and other orders. As such the work involved conducting and recording statutory visits in line with statutory requirements and ensuring care plans were up to date. Ms Thomas joined the department on 03 August 2020.

36. Ms Thomas' job description for this role makes clear that she would have a caseload of complex cases involving children at risk of significant harm, would act as a lead practice educator, would naturally be required to discharge all the statutory responsibilities of the local authority and formulate, review and progress care plans.
37. Ms Thomas had a caseload of fifteen children, a number of whom were in sibling groups. These cases were relatively low complexity and had previously been held by a trainee social worker. This was because she was new to this particular role.
38. Relatively early on, difficulties are alleged to have arisen in Ms Thomas' practice which included a failure to complete mandatory training, inappropriate behaviour, and not meeting statutory deadlines.

### Allegations:

The allegations arising out of the regulatory concerns referred by the Case Examiners on 25 October 2022 and as amended above are as follows:

Whilst registered as a social worker between July 2020 and October 2020:

1. You failed to assess and/ or manage risk to service users as at Schedule 1 below.

Number	Particular
	<b><u>Children A, B and C</u></b>
1.1	1. You did not complete an introductory visit to some or all of Children A, B or C in a timely way or at all.
1.2	2. You did not complete care plans in respect of one or more of Children A, B or C in a timely way or at all, in that the care plans for some or all of this sibling group remained outstanding as of 29 September 2020.
	<b><u>Children D and E</u></b>
1.3	3. You did not complete an introductory visit to Child D and/ or Child E within two weeks of being allocated these siblings, namely by 21 September 2020.
1.4	4. You did not complete a statutory visit to either or both of these siblings by mid September 2020 as required.
	<b><u>Child F</u></b>

Number	Particular
1.5	5. Having told management on 28 September 2020 that you had visited Child F on 4 September 2020 and 15 September 2020, you did not produce a record of one or both of these visits in a timely way.
1.6	6. You did not progress Child F s statutory health assessment in a timely way or at all, in that the health assessment remained outstanding by 21 October 2020.  <b><u>Family A</u></b>
1.7	7. You did not complete an introductory visit to the Family A children within two weeks of being allocated these siblings, namely by 31 August 2020.
1.8	8. You instituted a new care plan in respect of some or all of the Family A children on or around 5 October 2020 without securing management authority in a timely way or at all.
	<b><u>Children G and H</u></b>
1.9	9. You did not complete an introductory visit to Child G and/or Child H within two weeks of being allocated these siblings, namely by 31 August 2020.
1.10	10. You did not complete a statutory visit to Child G and/or Child H by 15 October 2020 as required or you failed to record that visit in a timely way.
1.11—	11. In respect of the Looked-After Child Review meeting dealing with Children G and H which was scheduled for a date before 29 September 2020:
1.11(a)	12. You did not complete either or both of the following, as you were required to do — 13. 14. (i) Prepare a report into one or both children; and/or, 15. (ii) Update the care plans of one or both children.
1.11(b)	16. You did not attend the rescheduled LAC meeting on or around 29 September 2020 as you were required to do in your capacity as allocated social worker.
	<b><u>Child I</u></b>
1.12	17. You did not progress a Section 87A referral in respect of Child I in a timely way or at all.

Number	Particular
	<b><u>Child J</u></b>
1.13	18. You did not visit Child J within 24 hours, namely by 21 August 2020.
1.14	19. You did not record visits to Child J in a timely way or at all, in that one or both of the visits on 28 August 2020 and 3 September 2020 were not fully recorded as of 28 September 2020.
1.15	20. You did not accurately record the visit to Child J on 15 October 2020 in a timely way or at all, in that the note of this visit remained incomplete by 28 October 2020.
1.16	21. You did not complete a statutory visit to Child J by 14 October 2020 as required.
1.17	22. You caused or contributed to a delay in completing the initial health assessment of Child J in that the referral form was not completed within the five days as required.
1.18	23. You did not complete Child J s pathway plan in a timely way or at all.
	<b><u>Child K</u></b>
1.19—	24. You failed to follow the care plan in that you:
1.19(a)	25. Provided subsistence support to the child before 7 October 2020 when her whereabouts were unknown; and/or,
1.19(b)	26. Sought for a support payment to be processed on 13 October 2020 when her whereabouts were unknown.
1.20—	27. In respect of support payments to Child K:
1.20(a)	28. You provided one or more support payments from your own pocket before 7 October 2020; and
1.20(b)	29. In your conduct at Allegation 20(a), you did not maintain proper professional boundaries.
1.21	30. You did not progress a Section 87A referral in respect of Child K in a timely way or at all.

2. You failed to follow management instructions and/ or seek management approval as at Schedule 2 below.

<b>Numb</b>	<b>Particular</b>
	<b><i>Child F</i></b>
<b>2.1—</b>	31. You failed to follow management direction with respect to the statutory health assessment of Child F in that:
<b>2.1(a)</b>	32. You failed to heed the instruction to progress this task one or more occasions by 21 October 2020; and
<b>2.1(b)</b>	33. When reminded to progress the task on 21 October 2020 by Colleague 1 (CL), you denigrated the importance of this task by comparing it to form filling.
	<b><i>Children G and H</i></b>
<b>2.2-</b>	34. In respect of the Looked-After Child Review meeting dealing with Children G and H which was scheduled for 29 September 2020:
<b>2.2(a)</b>	35. You failed to respond to a request from Colleague 2 (ABF) seeking an explanation for your non attendance at the Looked-After Child Review;
<b>2.2(b)</b>	36. When asked by Colleague 1 (CL) why you did not attend the Looked-After Child Review, you Informed Colleague 1 that the diary entry had been deleted
	<b><i>Child I</i></b>
<b>2.3—</b>	37. In respect of the Section 87A referral for Child I:
<b>2.3(a)</b>	38. You were directed to complete this document on 14 September, 15
<b>2.3(b)</b>	39. You did not comply with one or more of those management instructions in
<b>2.4—</b>	40. In respect of recording visits to Child J:
<b>2.4(a)</b>	41. You were directed to complete full recordings of visits to this child in a meeting with Colleague 2 (ABF) on 28 September 2020; and
<b>2.4(b)</b>	42. You failed to heed that instruction in that the case note for the visit completed on 15 October remained incomplete as of 28 October 2020.
	<b><i>Child K</i></b>
<b>2.5—</b>	43. In respect of providing support payments to Child K:
<b>2.5(a)</b>	44. Payments made by yourself directly before 7 October 2020 were not authorised by management as
<b>2.5(b)</b>	46. You sought to have a support payment processed on 13 October 2020, which had not been authorised by management as required.

<b>Numb</b>	<b>Particular</b>
<b>2.6</b>	47. In respect of a Section 87A referral for Child K, you did not heed a management instruction provided on 7 October 2020 to complete said referral in a timely way or at all.
	<b>Child L</b>
<b>2.7</b>	50. In respect of Child L, you delegated to a colleague to visit on 22 September
<b>2.7(a)</b>	51. Providing prior notice to management; and/or
<b>2.7(b)</b>	52. Seeking the permission of management.
<b>2.8—</b>	53. In respect of non-essential training (Community Care Live Event held on 13 October 2020), you:
<b>2.8(a)</b>	54. Did not seek management authority in a timely way or at all to permit you
<b>2.8(b)</b>	55. Attended the training despite receiving a management instruction to attend the supervision at the same time as the training.
<b>2.9</b>	56. In respect of booking yourself onto training on stress management to be held on 28 October 2020, you did not seek management authority to attend in a
<b>2.10—</b>	57. In connection with engagement with occupational health whilst at the
<b>2.10(a)</b>	58. Did not heed a management instruction to engage with a occupational health consultation scheduled on or around 21 September 2020;
<b>2.10(b)</b>	59. Did not heed one or more management instructions to engage with a occupational health consultation scheduled on or around 28 September 2020.

3. You failed to work collaboratively with colleagues and/or act professionally as at Schedule 3 below.

<b>Numb er</b>	<b>Particular</b>
<b>3.1—</b>	60. In respect of supervision sessions with Colleague 1 (CL):
<b>3.1(a)</b>	61. You knew or ought to have known that you were required to attend sessions booked for: 62. 63. (i) 3 September 2020; 64. (ii) 13 October 2020; 65. 66. (iii) 20 October 2020; 67. 68. (iv) 28 October 2020.

<b>Number</b>	<b>Particular</b>
<b>3.1(b)</b>	69. You did not attend some or all of those supervision sessions;
<b>3.1(c)</b>	70. You did not provide prior notice that you would not attend some or all of those supervision sessions; and/or
<b>3.1(d)</b>	71. On one or more than one occasion you declined to accept diary invites for supervision sessions to be held on dates other than those set out in Particular 3.1(a).
<b>3.2—</b>	72. In a supervision session with Colleague 1 (CL) between August 2020 and 28 October 2020, you:
<b>3.2(a)</b>	73. Banged on the table; and/ or
<b>3.2(b)</b>	74. Behaved aggressively.
<b>3.3—</b>	75. In a meeting with colleagues between July 2020 and 28 October 2020, you responded to news of the rollout of a new app that:
<b>3.3(a)</b>	76. You were “not a guinea pig” (or words to that effect); and
<b>3.3(b)</b>	77. You “did not appreciate the extra demand on your time” (or words to that effect).
<b>3.4—</b>	78. In a meeting with Colleague 1 (CL) and Colleague 2 (ABF) held on 17 September 2020, you:
<b>3.4(a)</b>	79. Shouted at colleagues;
<b>3.4(b)</b>	80. Banged the table; and/or
<b>3.4(c)</b>	81. Alleged a conspiracy against you.
<b>3.5—</b>	In a meeting with Colleague 1 (CL) and Colleague 2 (ABF) held on 18 September 2020, you:
<b>3.5(a)</b>	82. Became irate;
<b>3.5(b)</b>	83. Shouted;
<b>3.5(c)</b>	84. Reported that Colleague 1 (CL) was ill-equipped to be a manager; and/or,

Number	Particular
3.5(d)	85. Deliberately disconnected from the meeting prematurely.
3.6	On or around 30 September 2020, when asked to engage with a support plan, told Colleague 1 (CL) you would not do so because “it was a means of controlling you” (or words to that effect).
3.7—	86. In written correspondence with Colleague 2 (ABF) on 15 October 2020, you:
3.7(a)	87. Indicated your refused to follow his instructions;
3.7(b)	88. Accused him of failing to consult with you;
3.7(c)	89. Suggested there was a conspiracy against you.

4. In respect of training:

- a. You knew or ought to have known that the following training was mandatory upon commencing your role in the Corporate Parenting and Permanency Team:
  - i. Training in age assessments; and/ or,
  - ii. Training in respect of unaccompanied child asylum seekers.
- b. You did not complete training in either or both the topics at Allegation 4(a) before 28 October 2020.

**Admissions:**

39. Rule 32c(i)(aa) Fitness to Practise Rules 2019 (as amended) (the ‘Rules’) states:  
*Where facts have been admitted by the social worker, the adjudicators or regulator shall find those facts proved.*
40. The panel noted that Ms Thomas had not made any admissions and therefore considered all of the allegations to be in dispute.
41. In line with Rule 32c(i)(a) of the Rules, the panel then went on to decide the disputed facts.

## Summary of evidence:

### Social Work England

42. The panel read all the relevant documents including and not limited to the statement of case, final statement bundle, final exhibit bundle and social worker's response bundle.
43. Mr Whittingham opened on behalf of Social Work England by summarising the statement of case. Oral evidence was given by the witnesses Ms Charlotte Laryea, who was the team manager of the Corporate Parenting and Permanency Team for the local authority at the time and Mr Andrew Borwick-Fox who was service manager in the Corporate Parenting and Permanency service at the local authority, at the material time.
44. The witnesses adopted their witness statements as evidence in chief and gave supplementary evidence summarised below.

#### Ms Laryea

45. Statutory visits were to be completed every four to six weeks, unless the independent reviewing officer concluded a twelve-week interval was appropriate. There were issues with Ms Thomas completing statutory visits.
46. As Ms Thomas was new to the department, she was required to complete two mandatory training sessions and she failed to do so.
47. Ms Thomas was required to have supervision every six to eight weeks and a well-being review every six weeks. Ms Thomas was inconsistent in attending these sessions.
48. Ms Thomas failed to complete important case management tasks and to ensure welfare issues were addressed by failing to complete case records appropriately or at all. She did not complete section 87A referrals and health assessments as directed.
49. Ms Laryea explained that all children under corporate parenting were vulnerable and had different needs but Ms Thomas was expected to meet basic standards by completing casework and visits which are standard. She added that Ms Thomas as a senior social worker was expected to be able to manage complex cases as opposed to a newly qualified social worker.
50. Introductory visits were required to take place in person, within two weeks of a social worker being allocated a case. Ms Thomas did not undertake the introductory visits as expected. Ms Laryea added that if a previous social worker leaves without a handover there is an expectation the new social worker should visit within one week of allocation.
51. As Ms Thomas was new to the department and they worked with lots of unaccompanied asylum- seeker children (UASC), mandatory training on this topic was needed as it would have given Ms Thomas the knowledge and understanding so as to not be disadvantaged in her work. However, Ms Thomas failed to undertake the training that all other team members had undertaken. This training included age assessment and working with unaccompanied asylum seeker children.

52. Ms Thomas was required to have supervision every six to eight weeks and a well-being review every six weeks. Ms Thomas was inconsistent in attending these sessions, Ms Laryea was unable to recall how many took place. Ms Laryea was asked about the supervision of 01 September 2020 in which only one child was discussed. Ms Laryea explained that what was discussed would have been recorded on the child's file and if personal issues were discussed, they would have been recorded separately on the specific local authority form.
53. Ms Laryea confirmed in oral evidence that supervision notes are shared with the social worker as supervision was done together and placed on file. The personal supervision notes were sent to the social worker to look through. Ms Laryea could not recall if the supervision of 01 September 2020 had covered personal issues. Ms Laryea could not explain why Ms Thomas' supervision notes had not been exhibited alongside her witness statement.
54. Ms Laryea explained to the panel that she is currently an Independent Reviewing Officer and so is familiar with the process. She said there was no requirement for an independent reviewing officer to phone a social worker to notify her of a review meeting. The date would have been discussed in prior meetings and Ms Thomas would also have been reminded of it by consulting her diary. Ms Thomas therefore failed to attend a looked after child care review without good reason. The review did not go ahead as Ms Thomas had not completed the care plan and report; also Ms Thomas needed to be present so that the Independent Reviewing Officer could be updated concerning any changes.
55. Ms Thomas provided subsistence to child K without management approval and contrary to the care plan. Ms Laryea in her oral evidence later accepted that there was nothing in the care plan to indicate subsistence would only be provided if the whereabouts of child K was known. However, Ms Laryea maintained that Ms Thomas would have known from discussions that she should not have been providing subsistence if she did not know where child K was living.
56. Ms Laryea was asked about the difference between care and pathway plans since the document exhibited for child K is a pathway plan, however throughout the allegations and evidence a care plan has been referred to. Ms Laryea confirmed that these were essentially the same, with the care plan document relating to children under the age of 16 and a pathway plan for young people 16 and over with a greater focus on independence. She confirmed that a child or young person would not have both documents in place at any one time.
57. Ms Thomas failed to engage with occupational health as directed by management. Ms Thomas was also oppositional when dealing with her manager. It was difficult to know what she was doing or how effective she was in her role as she would not attend supervision. Ms Laryea confirmed that Ms Thomas had a caseload of 15, three of which were sibling groups and it was difficult to know what she was doing as she would not

complete her task list. Ms Laryea said that in a sense she had no oversight of Ms Thomas and that made it difficult for her to fulfil her role as team leader.

58. Ms Laryea explained that her 'supervision with social worker' exhibit within the bundle was completed at or shortly after her interactions with Ms Thomas and so was contemporaneous. It was a document that she did just for Ms Thomas as she was becoming increasingly worried about the situation and so she spoke to the service manager who advised her to keep track of their conversations. Ms Laryea told the panel that she had started keeping this record once she was concerned about Ms Thomas' conduct. Ms Laryea could not remember if the document was shared with Ms Thomas.
59. Ms Laryea confirmed that at the time, there were concerns around one or two other social workers out of a team of about five or six not doing visits as expected. She explained that when they were 'pulled up' they improved and completed their allotted tasks. However, this was not the case with Ms Thomas as she did not respond and had to be chased repeatedly.
60. Ms Laryea explained that team morale was 'great' when Ms Thomas arrived and they were all excited to have Ms Thomas on board, but things became difficult over time. Due to Covid they were lone working, because most of them were at home. As a result, Ms Laryea explained she would check on staff more often. Ms Laryea said that whilst it was a struggle, they got through it and that Ms Thomas had joined at the tail end of Covid restrictions.
61. Ms Laryea also said that she was unaware of any race issues around the material period. Whilst she was not sure of specific policy, Ms Laryea said that if matters relating to discrimination were reported they would be discussed in meetings and dealt with by the Principal Social Worker. This was especially so as the material period, fell within the George Floyd/Black Lives Matter era. Ms Laryea said racism was taken seriously within the local authority.

#### Mr Borwick-Fox

62. Mr Borwick-Fox confirmed that Ms Thomas started work no later than second week of August, this was an internal transfer as she already worked for the local authority.
63. It was explained that whilst there was no written policy that introductory visits had to take place within two weeks of allocation, it was an inhouse expectation that the social worker would visit the child within this timeframe to get to know them. Mr Borwick-Fox said that Ms Laryea would have communicated the expectation around the visits to Ms Thomas. He also explained that by the material time, the emphasis had returned to visiting in person and that virtual visits were an exception that had to have management approval. Mr Borwick-Fox said that all visits needed to be recorded within 48 hours or two working days. Ms Thomas would not record visits accurately or at all. Mr Borwick-Fox explained that during the initial lockdown visits were virtual but this was temporary due to the vulnerability of service users. By September there was a need for children to be seen face to face and so there was a real push towards this. Key interactions had to

be face to face, this included introductory and statutory visits. Virtual visits were not recognised as visits and needed to be agreed by a manager.

64. On 7 October 2020, Ms Thomas told him that she had been using her own funds to provide support to the child K. This had not been authorised by her manager, nor had it been brought to her manager's attention. Mr Borwick-Fox stated that if Ms Thomas had told Ms Laryea that she was making spending decisions, then Ms Laryea would have told her not to and that it was contrary to the care plan in place.
65. Mr Borwick-Fox stated that when he asked Ms Thomas for an explanation for her non-attendance at a looked after child review meeting, he received no reply. Ms Thomas also failed to complete two section 87A referrals as directed.
66. Mr Borwick-Fox made an occupational health referral on 21 September 2020 that was to be treated as mandatory. He said it was made clear to Ms Thomas that it was to be treated as a management direction but she outright refused to attend. Ms Thomas did not attend either the initial session, or the session that was rebooked for her despite being reminded twice on the morning of the rearranged appointment.
67. Mr Borwick-Fox explained that a Microsoft Teams meeting was held on 17 September 2020 to address concerns about Ms Thomas' behaviour. He stated that Ms Thomas behaved unprofessionally, by banging on the table, shouting and alleging a conspiracy. Ms Thomas was clearly upset and raised her voice above himself and Ms Laryea, talking at them as opposed to too them. Mr Borwick-Fox explained that it was a highly unusual interaction that he remembers five years on. He stated that he had seen nothing like it since, including when working with vulnerable service users and their families.
68. When asked, Mr Borwick-Fox confirmed that the document exhibited in the bundle entitled 'meeting held on 11/11/2020 regarding investigation of Vanya Thomas (VT)' was a true document. He also explained that he kept running records on his interactions with all staff members. In relation to Ms Thomas, he said that he would have kept it updated as it went along if it was likely to be used for disciplinary matters and that it was a mixture of contemporaneous notes and those collated after the event but that the document 'would have been finalised afterwards'.
69. Mr Borwick-Fox confirmed that he no longer worked at the local authority and that he currently works for another local authority within its corporate parenting section. He stated that during the material period Ms Thomas took a lot of his time and was difficult to manage. He explained that this was during Covid and there was also restructuring taking place.
70. Mr Borwick-Fox said it was likely around September 2020 that he became aware of supervision issues emerging. He said he was not aware of seeing any supervision records and none had been exhibited. He explained that it was very difficult to get Ms Thomas to attend supervision meetings. Ms Laryea was trying and there was a catch up plan, he said he was also doing a lot of work with Ms Laryea trying to address those issues.

71. When asked, Mr Borwick-Fox said that Ms Thomas was made aware of the consequences of not attending occupational health appointments and assessments, he said that he was working closely with 'HR' at the time. Mr Borwick-Fox said that Ms Thomas' attendance was a management direction and he sent her a letter to that effect. He also followed up with a verbal discussion with Ms Thomas, explaining that she had to attend the appointment.
72. On the issue of statutory visits Mr Borwick-Fox said that children in placements for under one year should be visited six weekly at least. Children in placements beyond one year should be visited a minimum of every 12 weeks. If a child in care had a review pending, the child would have to be met and their views sought, so a social worker and manager would be expected to use their judgement as to when visits are required.
73. In relation to children D & E the visit dashboard indicated that their placement began on 07 July 2020 and they had only been living there for a few weeks when Ms Thomas started working with them. He said the 'dashboard' document exhibited should show that a visit was required within six weeks, which would have been mid-September 2020. Mr Borwick-Fox was unclear why the dashboard document instead indicated that the next visit was due in November 2020.
74. Mr Borwick-Fox confirmed that the care plan in relation to children A,B and C was possibly created by the previous social worker as it was dated prior to Ms Thomas' start. He said it would have required updating for the looked after child review and the 'effective to' date of 16 December 2020 did not negate the need for this. Ms Thomas would have known she needed to update it as Ms Laryea would have made this clear. He said that his oversight was on the overall work that needed to be done.
75. The difference between a pathway plan and care plan was explained to the panel. Mr Borwick-Fox said the pathway plan is a statutory document for 16 to 25 year olds and is started when the child is 15 and three quarters. The care plan is the child in care plan, which is set and reviewed within specific timescales and records the work done with the child. He said a child could potentially have both a care plan and a pathway plan in place at the same time, as Liquid Logic (the system used by the local authority for all case recording and documentation) was such that the care plan had to be incorporated in the pathway plan.
76. In relation to child J, Mr Borwick-Fox said that a care plan cannot stand as a pathway plan and that Ms Thomas would have been directed by Ms Laryea to complete a pathway plan which is a needs assessment document. A pathway plan would not automatically be triggered until a young person had been in the care of the local authority for 13 weeks. Mr Borwick-Fox added that therefore from a statutory perspective, the care plan document would have been sufficient for J. However, the expectation and practice within the department for UASC such as J, was that the pathway plan would be triggered immediately. This would have been done by Ms Laryea and would have appeared in Ms Thomas' "tray". Therefore she should have been aware

of this requirement. Ms Thomas' knowledge of this requirement would not have been impacted by the fact that she had failed to undertake the mandatory training on UASC.

77. Mr Borwick-Fox was not able to explain why the visit notes of child J had not been exhibited. He explained that whilst other team members at times had visits outstanding a conversation would usually put them back on track, failing which then a more formal written plan would be implemented with agreed timescales. With Ms Thomas the lack of clarity around her completed work, and her general lack of understanding and her unwillingness to respond and cooperate is why it escalated into formal written correspondence.
78. Mr Borwick-Fox said that during the Covid period, isolation and loneliness were problems for staff and so they were mindful of ensuring well-being, particularly with Ms Thomas. Mr Borwick-Fox said he tried unsuccessfully to see her face to face, they did not know much about her and she was guarded around her private life, although they tried to get to know her. He said morale differed between staff members depending on their circumstances but office space was maintained and vulnerable colleagues would come and use that space daily. Mr Borwick-Fox said Ms Thomas was a stressor on the team and on morale.
79. Although family A,B and C lived in Kent the distance was not a reasonable reason not to visit them in person. Mr Borwick-Fox went on to explain that at the time the expected caseload was around 18 and Ms Thomas had 15 which was manageable, as it included sibling groups and she was a senior social worker.
80. When asked, Mr Borwick-Fox said whilst he did not think Ms Thomas was doing nothing at the material period and there was evidence she was trying to interact with some of the service users, it was just unclear a lot of the time what she was actually doing. He said, for example, Ms Thomas visited children J and K, but there was a lack of structure, organisation and no record keeping.
81. Mr Borwick-Fox said that there was no evidence of racism during his tenure and that Ms Thomas may have had that perception from her previous issue with the local authority.

#### Ms Thomas

82. Ms Thomas' response to the allegations as recorded on 6 August 2024 are summarised as follows;
  - a. There was an earlier incident at the local authority in 2019 which showed the council was racist;
  - b. The local authority is working in cahoots with Social Work England;
  - c. The investigation should be revoked/end;
  - d. The local authority just wanted to get her out of her post; and,
  - e. Fitness to practise investigations disproportionately involve practitioners from minority backgrounds.

83. After hearing the evidence, Mr Whittingham closed the case on behalf of Social Work England, summarising the evidence as put forward. He also invited the panel to draw adverse inferences from Ms Thomas' non-attendance having regard to Social Work England's guidance entitled 'service of notices and proceeding in the absence of the social worker'.

### Finding and reasons on facts:

84. The panel accepted the advice of the legal adviser, who reminded that where facts have been admitted they are to be found proved. Where facts are in dispute the panel is required to go on to decide those facts. The burden to prove each allegation rests with Social Work England and the panel must be satisfied on the balance of probabilities.
85. In reaching its decision the panel considered all of the oral and documentary evidence relied upon by both parties. The panel found that both witnesses did their best to recall events now over five years ago and accepted that there were some gaps in memory. Mr Borwick-Fox seemed to have a clearer recollection of those events in which he was concerned and the panel tended to prefer his account when there was any conflict or nuance in the evidence.
86. The panel noted Ms Thomas' absence and did not draw any adverse inference from this.

**Allegation 1 You failed to assess and/or manage risk to service users as below; 59**

#### Particular 1.1

87. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/ or manage risk to service users; You did not complete an introductory visit to some or all of children A, B or C in a timely way or at all.*
88. Ms Laryea's witness statement said Ms Thomas had been allocated the case on 17 August 2020. Ms Laryea also explained that an introductory visit should be within two weeks of a case allocation and that the visit must be an in person visit unless a virtual meeting had been approved by management. Ms Laryea set out clearly that Ms Thomas only recorded a virtual visit on 02 October 2020 and that any visit ought to have been face to face. Further, by 28 September 2020 it had become clear that the foster carer was not aware that a new social worker had been allocated and this led to the fostering agency demanding urgent action.
89. The panel noted the written evidence and supporting email thread from Ms Laryea to Ms Thomas and in particular the email dated 30 September 2020 in which Ms Thomas was reminded that either daily or every other day her visit dashboard was sent to her.
90. Mr Borwick-Fox informed the panel that the undertaking of the introductory visit within two weeks was an in-house policy and expectation. Mr Borwick-Fox also informed the panel that virtual visits were exceptions and that the policy of the local authority at the material time, was that staff were moving back to in person visits and that by August 2020 in person visits were the expectation.

### Panel's analysis

91. The panel accepted the evidence of Ms Laryea, corroborated by Mr Borwick-Fox that an introductory visit should have taken place within two weeks of case allocation and that the visit should have been in person. The panel agreed that a prompt visit to newly allocated service users was important and, whilst not a statutory duty, regarded this as a basic tenet of good practice that would be relevant across departments, and as such Ms Thomas would or should have been aware of this.
92. The panel noted the email thread referenced above. The panel saw no information to suggest that Ms Thomas objected to in person visits or that she sought management permission to undertake the introductory visit virtually.
93. The panel decided that although Ms Thomas undertook a virtual visit on 02 October 2020, this visit did not fulfil the criteria of an introductory visit. It was not an in person visit, management approval had not been sought for it to be a virtual introductory visit, and in any event the visit did not take place within two weeks of Ms Thomas being allocated the case. The panel concluded that Ms Thomas did not complete an introductory visit at all.
94. The panel found particular 1.1 proved.

### Particular 1.2

95. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/ or manage risk to service users; You did not complete care plans in respect of one or more of children A, B or C in a timely way or at all, in that the care plans for some or all of this sibling group remained outstanding as of 29 September 2020.*
96. Mr Borwick-Fox's evidence exhibited Ms Thomas' task list as of 29 September 2020. It noted that the "CLA Care Plan needs updating, due 19/08/2020".

### Panel's analysis

97. The panel noted that the care plan was 'effective from 23 July 2020' and 'effective to 16 December 2020'. This suggested that the document predated Ms Thomas' start and, in any event, it predated the case being allocated to her.
98. In view of the fact that the care plan was effective to 16 December 2020, despite the oral evidence of Mr Borwick-Fox, the panel found no evidence to suggest that Ms Thomas should have known that the plan had to be updated by 19 August 2020.
99. Further, the panel found no information to suggest that Ms Thomas had been informed prior to 29 September 2020 that she should update the care plan and that this update was due on 19 August 2020.
100. The panel found particular 1.2 not proved.

### Particular 1.3

101. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/ or manage risk to service users; You did not complete an introductory visit to child D and/or child E within two weeks of being allocated these siblings, namely by 21 September 2020.*
102. Ms Laryea in her witness statement said that Ms Thomas had been allocated the case on 07 September 2020. She explained that an introductory visit should be within two weeks of a case allocation and that the visit must be in person.
103. Mr Borwick-Fox informed the panel that the undertaking of the introductory visit within two weeks was an in-house policy and expectation.

#### Panel's analysis

104. The panel accepted the evidence of Ms Laryea that the children were not visited at all whilst they were allocated to Ms Thomas as per the information on the visit dashboard.
105. The panel noted that there was no information on the visit dashboard to indicate that a visit took place after the last one recorded on 04 August 2020.
106. The panel found no information to suggest Ms Thomas had undertaken an introductory visit within two weeks of being allocated.
107. The panel found particular 1.3 proved.

#### Particular 1.4

108. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/ or manage risk to service users; You did not complete a statutory visit to child D and/or child E by mid-September 2020 as required.*
109. Ms Laryea explained that the local authority uses the same visiting dashboards across the service and as an experienced social worker, she expected Ms Thomas to navigate the systems and understand that these visits were overdue.
110. Mr Borwick-Fox's evidence was that Ms Thomas did not visit the siblings at all as per the dashboard. He also stated that that he did not have had any specific discussion with Ms Thomas in relation to these missed visits and that the siblings were due to be visited every six weeks.
111. Mr Borwick-Fox could not explain why the visit dashboard had recorded the 'next visit due date' as 04 November 2020.

#### Panel's analysis

112. The panel considered the information on the visit dashboard which indicated that the 'next visit due date' was 04 November 2020. The panel noted that the entry was not highlighted in red, which is the usual appearance on the dashboard to flag statutory visits that are overdue.

113. The panel also accepted the evidence of Mr Borwick-Fox and found no information to suggest that the issue of a missed visit was raised with Ms Thomas.
114. The panel also noted that on 22 October 2020 Ms Laryea had emailed Ms Thomas regarding her four outstanding visits that were in red, none of whom included children D and E.
115. The panel was satisfied that Ms Thomas was new to the team, and it concluded that there was no evidence that the visit being overdue had ever been communicated to Ms Thomas. The panel decided that the appearance of the entry and the information it contained on the visit dashboard, was such that Ms Thomas would have been more likely than not to believe that the next statutory visit was due on 04 November 2020. The panel noted that Mr Borwick-Fox was not able to provide any alternative reading of, or explanation as to why 04 November 2020 was listed as the due date of the next visit.
116. The panel already having decided at 1.3 above that no visit was recorded by Ms Thomas by 21 September 2020 and that the last visit was recorded as 04 August 2020, was satisfied that she did not undertake a statutory visit. However, the panel concluded that Ms Thomas had no knowledge of the requirement to undertake the visit.
117. In the absence of any direct requests from management and in view of the dashboard information as supplied, the panel was satisfied that Social Work England had failed to demonstrate that Ms Thomas had a responsibility to carry out a statutory visit by mid September 2020 and that she had failed in doing so as required.
118. The panel found this allegation not proved.

#### Particular 1.5

119. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/or manage risk to service users; Having told management on 28 September 2020 that you had visited child F on 4 September 2020 and 15 September 2020, you did not produce a record of one or both of these visits in a timely way.*
120. Ms Laryea's statement said that Ms Thomas had been allocated the case on 01 September 2020.
121. Mr Borwick-Fox explained in his witness statement that Ms Thomas informed both him and Ms Laryea in a meeting on 28 September 2020 that she visited child F on 04 September and 15 September 2020, but she did not record these visits. Mr Borwick-Fox said he asked Ms Thomas during this meeting to ensure that all her visits are recorded and written up fully not just for child F but for all the children on her caseload.
122. In oral evidence Mr Borwick-Fox said that all visits needed to be recorded within 48 hours or two working days (if the visit took place in the runup to the weekend).
123. On the visit dashboard display, child F's 'next visit due date' was marked as 15 September 2020 and flagged in red, indicating either that the visit did not take place or was not recorded.

124. Mr Borwick-Fox said that Ms Thomas eventually recorded visits for child F on 26 October 2020.

#### Panel's analysis

125. The panel was satisfied that Ms Thomas had a duty to produce a record of a visit in a timely manner and that this was a basic social work practice expectation.

126. The panel accepted the evidence of Mr Borwick-Fox that a 'timely manner' is within 48 hours or two working days.

127. The panel concluded Ms Thomas failed to record the visits of 04 September and 15 September 2020 in a timely manner.

128. The panel found particular 1.5 proved.

#### Particular 1.6

129. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/ or manage risk to service users; You did not progress child F's statutory health assessment in a timely way or at all, in that the health assessment remained outstanding by 21 October 2020.*

130. Ms Laryea that stated Ms Thomas had been allocated the case on 01 September 2020. She further explained that a health assessment is a statutory requirement under the Children Act 1989. This assessment looks at the health needs of children and any support they need, and who will provide the support. Ms Thomas was required to complete this assessment within 28 days, and the deadline to return the health forms in this case was 60 days prior to the expiry of the statutory deadline, which in this case was in August 2020. These timescales are set out in the Council's Looked After Children Medical Process policy which was exhibited within the bundle.

131. Ms Laryea also said in her statement that the timescales are required to allow sufficient time for the health services to book and conduct medical appointments and to return their completed paperwork by the statutory deadlines. The impact of not completing the initial health assessment was that it created a lot of delay in the case. A delay to completion of a health assessment would mean that the child's medical needs would not be assessed and any delay could lead to further health issues or a worsening of the same, especially if the child already has underlying health issues.

132. On the visit dashboard display, child F's 'next health assessment due' date was marked as 30 August 2020 (before Ms Thomas was allocated the case) and flagged in red.

133. Exhibited email correspondence entitled 'emails chasing the social worker' dated 19 and 21 October 2020 between Ms Laryea and Ms Thomas indicated that she was chased about the overdue health assessment. It was also drawn to Ms Thomas' attention that it was flagged in red and had been since August.

#### Panel's analysis

134. The panel accepted the evidence of Ms Laryea in relation to the importance of the health assessment and the timescales involved.
135. The panel was satisfied that Ms Thomas was allocated the case on 01 September 2020 and that she would have been aware, both through having seen the information on the dashboard and via being chased by email by Ms Laryea, that the health assessment was overdue. The panel was further satisfied that the health assessment remained outstanding as of 21 October 2020.
136. The panel concluded that Ms Thomas failed to progress child F's health assessment in a timely manner or at all by 21 October 2020.
137. The panel found particular 1.6 proved.

#### Particular 1.7

138. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/ or manage risk to service users; You did not complete an introductory visit to the family A children within two weeks of being allocated these siblings, namely by 31 August 2020.*
139. Ms Laryea's witness statement said that Ms Thomas had been allocated the case on 17 August 2020. She then explained that an introductory visit should be within two weeks of a case allocation and that the visit must be an in person visit unless a virtual meeting had been approved by management. Ms Laryea set out clearly that Ms Thomas had a virtual visit with the family on 03 October 2020 and accurately recorded the visit.
140. Mr Borwick-Fox informed the panel that the undertaking of the introductory visit within two weeks was an in-house policy and expectation. Mr Borwick-Fox also informed that panel that virtual visits were exceptions and that the policy of the local authority at the material time, was that staff were moving back to in person visits and that by August in person visits were the expectation.

#### Panel's analysis

141. The panel accepted the evidence of Ms Laryea, corroborated by Mr Borwick-Fox that an introductory visit should have taken place within two weeks of allocation and that the visit should have been in person.
142. The panel was not presented with any information to suggest that Ms Thomas had sought approval or been given approval for the introductory visit to be held virtually.
143. The panel decided that although Ms Thomas undertook a virtual visit on 03 October 2020, this visit did not fulfil the criteria of an introductory visit. It was not an in person visit, management approval had not been sought for it to be a virtual introductory visit, and in any event the visit did not take place within two weeks of Ms Thomas being allocated the case. The panel concluded that Ms Thomas did not complete an introductory visit within two weeks of being allocated the case by 31 August 2020.
144. The panel found particular 1.7 proved.

### Particular 1.8

145. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/or manage risk to service users; You instituted a new care plan in respect of some or all of the family A children on or around 5 October 2020 without securing management authority in a timely way or at all.*
146. Ms Laryea's witness statement explained that in October 2020 Ms Thomas authorised and signed off a care plan without management authority. Ms Laryea said that management sign off on every care plan is required because the plan sets out what is expected from different agencies working on a particular case, the child's living arrangements and that the care plan needs to be reviewed to see if the stipulations are proportionate. She stated that requiring authority for a care plan is not a team specific process but it applies across every social care team in the Council and this is also covered by the Children Act 1989 as well as the guidance on Looked After Children. Ms Laryea said that Ms Thomas would have known this because she used to work in Assessment Services and would have understood the process.
147. Ms Laryea also exhibited the looked after care plan, which is completed by social workers before every review. It shows on the report that it was completed on 5 October 2020.
148. Email correspondence between Ms Thomas, Ms Laryea and the Liquid Logic team dated 22 October 2020 saw Ms Thomas asking for help locating part of the care plan in order to complete the 'CLA review episode' which she needed to do, "*as the review is today*". Ms Thomas also sought confirmation of how to send the care plan for authorisation.

### Panel's analysis

149. The panel concluded that the care plan became effective on 05 October 2020.
150. The panel accepted Ms Laryea's evidence that the duty to ensure the care plan was authorised by a manager was something Ms Thomas ought to have known about due it being a well-documented policy across the local authority's social work departments, of which she would have had prior experience.
151. The panel was satisfied that by 05 October 2020 Ms Thomas had instituted the care plan without securing management authority. This was additionally supported by the email correspondence which illustrated that Ms Thomas was still in the process of sending the looked after care plan for authorisation on 22 October 2020.
152. The panel found particular 1.8 proved.

### Particular 1.9

153. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/or manage risk to service users; You did not complete an introductory visit*

*to Child G and/or Child H within two weeks of being allocated these siblings, namely by 31 August 2020.*

154. Ms Laryea in her statement said that Ms Thomas had been allocated the case on the 17 August 2020. She explained that an introductory visit should be within two weeks of a case allocation and that the visit must be an in person visit unless a virtual meeting had been approved by management.
155. Mr Borwick-Fox informed the panel that the undertaking of the introductory visit within two weeks was an in-house policy and expectation.
156. The exhibited case note for child H created by Ms Thomas dated 17 September stated *“At the time of writing the opportunity to meet the children remains outstanding...”*

#### Panel’s analysis

157. The panel accepted the evidence of Ms Laryea, corroborated by Mr Borwick-Fox that an introductory visit should have taken place within two weeks of allocation.
158. The panel concluded that Ms Thomas’ own case note provided enough information to satisfy it that she had not conducted an introductory visit within two weeks of being allocated, namely by 31 August 2020.
159. The panel found particular 1.9 proved.

#### Particular 1.10

160. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/ or manage risk to service users; You did not complete a statutory visit to child G and/or child H by 15 October 2020 as required or you failed to record that visit in a timely way.*
161. Ms Laryea in her statement said that Ms Thomas had been allocated the case 17 August 2020. She also explained that Ms Thomas was required to visit the siblings by 15 October 2020 but did not undertake a statutory visit. The children were meant to be visited 6 weekly and this is from the Children Act 1989. Ms Laryea exhibited Ms Thomas’s visit dashboard and explained that where there are red boxes, this shows that the visit was overdue. There are records which show that Ms Thomas had an introductory meeting with the siblings in October 2020. These records are not a record of a statutory visit because the documents label the contact as a meeting and case summary. Ms Laryea said that if Ms Thomas was recording a statutory visit, she would have the option to generate a different template when recording the visit. When Ms Thomas recorded this contact as a meeting, this would not classify as a statutory visit and would not clear the red boxes from the dashboard. Therefore, Ms Thomas did not undertake a statutory visit for these siblings.
162. Ms Laryea gave oral evidence on what a statutory visit should include. She explained in such visits there should be discussions with the child and caregiver. She said on the form you have to note you have seen the child’s room and also do direct work with the

child. Ms Laryea also explained that the child should be seen alone. Ms Laryea said that it was not just the wrong template, but that there was insufficient evidence available to assess the nature of the visit.

163. The exhibited visit dashboard recorded the 'last visit for placement' as 15 July 2020 and the 'next visit due date' as 15 October 2020 which had been flagged in red.
164. In oral evidence Mr Borwick-Fox said that all visits needed to be recorded within 48 hours or two working days (if the visit took place in the runup to the weekend).
165. The exhibited case note created by Ms Thomas dated 23 October 2020 recorded a visit on 12 October 2020.

#### Panel's analysis

166. The panel noted that Ms Thomas, in visiting on 12 October 2020, did so within the timescales. However, the panel was satisfied that she did not record the visit until 23 October 2020. The panel was therefore satisfied that Ms Thomas did not record the visit in a timely way in that it was not within 2 days or 48 hours.
167. The panel also concluded that there was no direct information to suggest Ms Thomas had completed a statutory visit as required.
168. The panel found particular 1.10 proved.

#### Particular 1.11

169. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/or manage risk to service users; In respect of the Looked-After Child Review meeting dealing with children G and H which was scheduled for a date before 29 September 2020:*

*1.11(a) You did not complete either or both of the following, as you were required to do — (i) Prepare a report into one or both children; and/or,*

170. Ms Laryea in her statement said Ms Thomas missed the Looked After Children review. The review was to take place every six months and Ms Thomas was supposed to complete a report on the case before the review. The report allows the Independent Reviewing Officer to see the progress on the case since the previous review.

#### Panel's analysis

171. The panel took note of the exhibited 'organisational plan' email dated 29 September 2020 from Ms Laryea to Ms Thomas. It highlighted in yellow that the report was due on 29 September 2020. In the absence of any other documentation to the contrary, the panel inferred that this was the first time the need for a report was brought to Ms Thomas' attention. Ms Thomas was notified on 29 September 2020 that a report was needed and that said report was due on 29 September 2020.

172. The panel further considered the ‘supervision with social worker’ record exhibited by Ms Laryea and noted that there was no reference to any communication with Ms Thomas in relation to the preparation of a report for the review.
173. The panel noted the evidence of Ms Laryea and was satisfied that no report had been completed by Ms Thomas.
174. The panel concluded that there was no information before it to indicate Ms Thomas had been asked to prepare a report before 29 September 2020. Additionally, the panel found that there was no contemporaneous policy document that indicated there was a responsibility for Ms Thomas to complete a report.
175. The panel found nothing to suggest that Ms Thomas knew or should have known, that she had to write the report before 29 September 2020.
176. The panel found particular 1.11(a)(i) not proved.

*1.11(a) You did not complete either or both of the following, as you were required to do — (ii) Update the care plans of one or both children.*

177. Ms Laryea’s evidence was that Ms Thomas did not update the care plans for the review. Without the updated care plans and Ms Thomas’ report on the case the review could not go ahead. However, another social worker completed the report which allowed the review to proceed in September 2020.

#### Panel’s analysis

178. The panel noted that there was no care plan in respect of children G and H amongst the exhibits and it only had case notes in respect of these children before it. Therefore the panel could not establish whether or not the care plan had been updated.
179. The panel concluded that there was no contemporaneous information that suggested that Ms Thomas had been told to update the care plan and that she had failed to do this. There was no request to do so before the panel.
180. The panel was also satisfied that it had not been provided with any policy that was in force at the material period, that indicated Ms Thomas had a duty to update the care plan.
181. The panel found no information to suggest that Ms Thomas knew or should have known, that she had to update the care plans before 29 September 2020.
182. The panel found particular 1.11(a)(ii) not proved.

*1.11(b) You did not attend the rescheduled Looked-After Child Review meeting on or around 29 September 2020 as you were required to do in your capacity as allocated social worker.*

183. Ms Laryea explained in oral evidence that the date for the review was in Ms Thomas’ diary and that she should have taken note of it. Also, there was nothing to suggest that Ms Thomas did not appreciate the requirement for her to attend the review. Ms Laryea

further explained that Ms Thomas would have known about the date of the review, as it is sent out once the Independent Reviewing Officer sets the date and the date is also placed on the child's file.

184. Mr Borwick-Fox's statement said that Ms Thomas did not prepare for or attend the review in September 2020 and he became aware of this through Ms Laryea shortly after it happened. As the allocated social worker Ms Thomas was in the best position to attend this review because it would not be unreasonable to assume she would have the most knowledge of this case. Mr Borwick-Fox said he sent an exhibited email to Ms Thomas on 29 September 2020 requesting an explanation of why she did not attend this review but no explanation was provided.

#### Panel's analysis

185. The panel noted Ms Laryea's 'supervision with social worker' exhibit dated 30 September 2020 which stated "*...I asked Vanya her reason for not attending a LAC review for one of the young people. Vanya explained that she had planned to and that she had the date in her diary, but this had disappeared, she had also spoken with the colleague who completed the review report for her, and was in communication with her on the morning of day for the review, however she was not able to speak to her at the time of the review. Vanya also stated that the IRO had not called her at the time of the review. I challenged Vanya that if she had the date in her diary and she knew about the meeting, then she should have made arrangement to attend without waiting for anyone to contact her.*"
186. The panel accepted the evidence of Ms Laryea and Mr Borwick-Fox that Ms Thomas did not attend the review. The panel was also satisfied that Ms Thomas as the allocated social worker should have attended the review and was aware of this obligation but failed to do so.
187. The panel found particular 1.11(b) proved.

#### Particular 1.12

188. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/or manage risk to service users; You did not progress a Section 87A referral in respect of child I in a timely way or at all.*
189. Ms Laryea in her witness statement said that Ms Thomas was allocated this case on 17 September 2020. At the point of allocation Ms Thomas was to arrange a Section 87A meeting for 29 September 2020. Ms Laryea however also stated that "*On 17 September 2020 I discussed the s87a referral for this child with the Social Worker. Prior to this meeting, I had chased the Social Worker on 14 September 2020 and 15 September 2020 to complete a s87a form. The social worker was the allocated worker in August 2020 and completed an introductory visit on the 11th August to see the young person*".
190. Ms Laryea completed an undated Section 87A form which was exhibited indicating the incident necessitating the referral occurred on 13 September 2020.

### Panel's analysis

191. The panel noted Ms Laryea's evidence on the date Ms Thomas was allocated the case was contradictory. It then went on to consider Ms Laryea's exhibit 'supervision with social worker' record and the entries dated 14 September, 16 September and 17 September 2020 in which Ms Thomas was asked repeatedly about the Section 87A referral for child I. The panel decided that Ms Thomas was either allocated the case on 14 September or sometime before. The panel also considered Ms Laryea's entry dated 30 September 2020 in which Ms Laryea again asked Ms Thomas to complete the Section 87A by 01 October 2020.
192. The panel had before it a Section 87A form completed by Ms Thomas dated 01 October 2020.
193. The panel noted the evidence of Ms Laryea who stated that she eventually did the referral herself, but the police did not take any further action because of the lapse of time as a result of the delay by Ms Thomas in completing the referral. Ms Laryea stated that the consequence of not completing the Section 87A form is that if the child is at significant risk, the police would be unaware and there would be no measures in place to mitigate any risk. The delay meant the police could not take steps to ensure child I's safety.
194. The panel was satisfied that irrespective of the precise date of case allocation, Ms Thomas did not progress the Section 87A referral in a timely way. Although the panel could not be sure if the referral was sent or not, it concluded that the Section 87A completed by Ms Thomas and dated 01 October 2020 was not timely, given that this was over two weeks after both the incident in question and the initial request by Ms Laryea to complete the referral.
195. The panel accepted the evidence of Ms Laryea in relation to the importance of the referral and concluded that given the nature of the underlying safeguarding concerns that had been raised, it should have been actioned earlier.
196. The panel found particular 1.12 proved.

### Particular 1.13

197. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/or manage risk to service users; You did not visit child J within 24 hours, namely by 21 August 2020.*
198. Ms Laryea explained in her statement that Ms Thomas recorded visits for child J on 28 August, 3 September and 15 October 2020. Ms Laryea stated that child J's referral came in on 20 August 2020 and that Ms Thomas was allocated his case on the same day. She should have visited child J on the next working day. As child J was an unaccompanied asylum seeking child, a social worker is required to visit the emergency placement the next day to ascertain the suitability of the placement, the foster carer's thoughts, the child's wishes and feelings and to build rapport with the child and also to assess if he

had any immediate needs and support that needed to be offered to him by the carer or the Social Worker. There is no specific guidance on this point but this is from practice expectation. Therefore, Ms Thomas' first visit to child J was late by eight days.

#### Panel's analysis

199. The panel considered Ms Laryea's exhibit, which was child J's completed care plan. From this document it could be clearly ascertained that his "CLA" status began on 28 August 2020, the same day that the care plan began. Under the section headed 'Legal' it is again confirmed that he came to the attention of the local authority on 28 August 2020.
200. The panel was also satisfied that Ms Thomas' visit dashboard also confirmed the "CLA start date" as 28 August 2020.
201. The panel had no information to suggest that child J's referral and allocation was on 20 August 2020. The panel was satisfied that Social Work England had not demonstrated that child J came into care on any date prior to 21 August 2020 and as such there was no duty and/or expectation for Ms Thomas to have visited by 21 August 2020.
202. The panel found particular 1.13 not proved.

#### Particular 1.14

203. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/ or manage risk to service users; You did not record visits to child J in a timely way or at all, in that one or both of the visits on 28 August 2020 and 3 September 2020 were not fully recorded as of 28 September 2020.*
204. Ms Laryea in her witness statement said that Ms Thomas did not write up the last visit in full. Ms Laryea said she could not remember what was actually written and what was missing. She said that she chased Ms Thomas on 14 October 2020 to visit child J and exhibited a copy of this correspondence.
205. Mr Borwick-Fox's exhibit which he clarified in oral evidence was likely to have been written by Ms Laryea, was a note dated 28 September 2020 that made no reference to visits or child J.

#### Panel's analysis

206. The panel considered Ms Laryea's evidence that she could not remember what was written or missing and the panel noted that it had no information before it in the form of full case notes for child J.
207. Further, the panel considered Ms Laryea's email of 14 October 2020 in which she said she chased Ms Thomas in relation to child J's visit. The panel noted that there was no meaningful reference to recordings for the earlier visits to child J within the email. This was also the case for Ms Laryea's note dated 28 September 2020.

208. The panel also looked at the exhibited care plan for child J but could find no assistance from the information provided.
209. The panel noted that both Ms Laryea and Mr Borwick-Fox stated that visits had taken place and acknowledged that Ms Thomas had recorded the visits. However, beyond the assertion of Ms Laryea and in the absence of any documentary information, the panel was not satisfied that Social Work England had provided sufficient evidence to show that visits of 28 August 2020 and 3 September 2020 were not fully recorded by Ms Thomas as of 28 September 2020.
210. The panel found particular 1.14 not proved.

#### Particular 1.15

211. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/or manage risk to service users; You did not accurately record the visit to child J on 15 October 2020 in a timely way or at all, in that the note of this visit remained incomplete by 28 October 2020.*
212. Ms Laryea's statement explained that the risks of not recording visits properly is that vital information on a service user's file is not accurate and the details of the visit or a service user's feelings and needs at that particular visit are not captured.
213. Mr Borwick-Fox also said in his statement that in relation to the visit on 15 October 2020, Ms Thomas did not properly complete the recording of this visit as she did not input any information other than the date and time of the visit. He explained that Ms Thomas should have recorded what happened and what was discussed during the visit, but did not do so.

#### Panel's analysis

214. The panel accepted the evidence of Ms Laryea and Mr Borwick-Fox. The panel concluded that Ms Thomas' case note for child J, which recorded the statutory visit of 15 October 2020 was incomplete. It contained fields that had been left blank and the document lacked sufficient detail to enable a reader to have any idea of what happened at the meeting and what was discussed.
215. The panel found particular 1.15 proved.

#### Particular 1.16

216. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/or manage risk to service users; You did not complete a statutory visit to child J by 14 October 2020 as required.*
217. Ms Laryea explained in her statement that the children on Ms Thomas' case load were meant to be visited six-weekly and this is from the Children Act 1989. Ms Laryea exhibited Ms Thomas's visit dashboard and explained that where there are red boxes, this shows that the visit was overdue. She added that she chased Ms Thomas on 14 October 2020 to visit child J.

### Panel's analysis

218. The panel was satisfied that Ms Thomas' visit dashboard clearly showed that child J's 'next visit due date' was recorded as 08 October 2020 and as such it was satisfied that Ms Thomas would have known this and been aware of the need to undertake the statutory visit.
219. The panel considered Ms Laryea's email of 14 October 2020 in which she chased Ms Thomas in relation to child J's visit. It noted that she informed Ms Thomas that child J's visit was still flagged in red and asked for her to progress with it on the same day.
220. The panel was satisfied that it had no information before it to indicate that Ms Thomas completed a statutory visit to child J by either 08 October 2020 (as exhibited) or 14 October 2020 (as charged).
221. The panel found particular 1.16 proved.

### Particular 1.17

222. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/or manage risk to service users; You caused or contributed to a delay in completing the initial health assessment of child J in that the referral form was not completed within the five days as required.*
223. As reasoned above, the panel decided that Ms Thomas was allocated the case on 28 August 2020.
224. Ms Laryea in her witness statement explained that initial health assessment forms are to be completed within five days when a child is first accommodated by the local authority. It assesses the child's health to establish if there are any underlying health conditions that will require immediate medical attention. Ms Laryea said that not completing the initial health assessment means that any health needs of the young person will go unchecked and this could be detrimental to the general wellbeing of the child or young person. She said Ms Thomas did not complete the initial health assessment form in respect of child J.
225. The exhibited local authority 'Looked after children medical process' of 18 December 2015 set out that all new looked after children entering care should have an initial health assessment within five working days. The document explained that the timescales are required to allow sufficient time for the health services to book and conduct medical appointments and to return their completed paperwork by the statutory deadline.

### Panel's analysis

226. The panel was satisfied from the exhibited initial health assessment form, that Ms Thomas completed it on 21 September 2020.
227. The panel took the view that Ms Thomas should have apprised herself of the Looked after children medical process policy.

228. The panel concluded that in view of its finding that child J was allocated to Ms Thomas on 28 August 2020, in completing the assessment on 21 September 2020 Ms Thomas exceeded the five working day deadline. In the absence of any information to indicate the issue was raised specifically with Ms Thomas, the panel was satisfied she contributed to, rather than caused the delay in completing initial health assessment.

229. The panel found particular 1.17 proved.

#### Particular 1.18

230. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/or manage risk to service users; You did not complete child J's pathway plan in a timely way or at all.*

231. Ms Laryea in her witness statement said that Ms Thomas did not complete child J's pathway plan. It was completed by another social worker.

232. Mr Borwick-Fox in oral evidence explained that pathway plans are not automatically triggered on Liquid Logic for completion until 13 weeks after a child comes in to care. He said it was an expectation and practice that with unaccompanied asylum seekers a pathway plan would be started straight away. Mr Borwick-Fox stated that Ms Laryea would have triggered these and as such Ms Thomas would have known it needed to be done, since it and would have appeared in her 'tray'.

233. The pathway plan exhibited for child J was recorded as having been completed by another social worker and dated 16 November 2020.

#### Panel's analysis

234. The panel noted the evidence of Mr Borwick-Fox and observed that there was no information from Ms Laryea to suggest that she had triggered the pathway plan. It noted that Ms Laryea said that she cannot remember why Ms Thomas did not complete the pathway plan.

235. The panel was satisfied that there was no information that demonstrated Ms Thomas knew it was her responsibility to complete the pathway plan. Nor was the panel's attention drawn to any contemporaneous policy that indicated it had to be done by Ms Thomas.

236. The panel decided that if the 13 week timescale was adhered to, the pathway plan would have been due in November 2020 and this coincided with when it was actually completed.

237. The panel concluded that Social Work England had failed to demonstrate that Ms Thomas had a duty to complete a pathway plan for child J in a timely way or at all between July 2020 and October 2020, especially given she was only allocated the case on 28 August 2020.

238. The panel found particular 1.18 not proved.

### Particular 1.19

239. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/or manage risk to service users; You failed to follow the care plan in that you:*

*1.19(a) Provided subsistence support to child K before 7 October 2020 when her whereabouts were unknown; and/or,*

240. Ms Laryea in her witness statement stated that Ms Thomas was allocated this case on 20 August 2020. She explained that child K had a weekly sustenance package from the Council. This was designed to allow the Council and all those involved in child K's care to ascertain her whereabouts. Ms Laryea said this was also a requirement in child K's care plan. Ms Laryea then exhibited a copy of child K's pathway plan.

### Panel's analysis

241. The panel decided that no care plan had been exhibited in respect of child K. Further, the panel concluded that although it had seen a pathway plan in respect of child K, there was oral evidence provided by Mr Borwick-Fox which clearly stated that the two plans are distinct documents and not substitutable.

242. In any event, the panel decided that the pathway plan which was dated 07 October 2020, did not give any instruction that no subsistence was to be provided to child K if her whereabouts were unknown.

243. The panel concluded that Social Work England had not proved that Ms Thomas failed to follow the care plan by providing subsistence to child K before 07 October 2020 when her whereabouts were unknown.

244. The panel found particular 1.19(a) not proved.

*1.19(b) Sought for a support payment to be processed on 13 October 2020 when her whereabouts were unknown.*

245. As stated above, the panel decided that no care plan had been exhibited in respect of child K.

246. Additionally, the panel decided that the pathway plan which was dated 07 October 2020 did not give any instruction that no subsistence was to be provided to child K if her whereabouts were unknown.

### Panel's analysis

247. The panel noted the exhibited email from Ms Laryea to Ms Thomas dated 13 October 2020 in which she stated "*We need to work on getting KP a place to stay where we know she will be safe and not be moving from one sofa to the next so until Andrew gives the go ahead for any payment to be made, I am not in a position to authorise any payment*".

248. In light of the panel's earlier finding, the panel concluded that Social Work England had not proved that Ms Thomas failed to follow the care plan (as referred to in the stem of

this sub particular) when she sought for a payment to be processed on 13 October 2020 when child K's whereabouts were unknown.

249. The panel found particular 1.19(b) not proved.

#### Particular 1.20

250. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/or manage risk to service users; In respect of support payments to child K:*

1.20(a) *You provided one or more support payments from your own pocket before 7 October 2020; and*

251. Ms Laryea in her statement said that in October 2020 Ms Thomas disclosed to Mr Borwick-Fox that she had been providing food shops, Deliveroo Pizza, and money to child K whilst she was waiting for the finance team at the local authority to process the funds for the sustenance package, and when child K was not in her placement. Ms Laryea said that Ms Thomas was using her own funds to do this and that she had not authorised this or been made aware of it.

252. Ms Laryea also stated that Ms Thomas in providing child K with money and food meant the professional lines were blurred between Ms Thomas and child K. Also, it opened Ms Thomas up to allegations being made against her. Ms Laryea explained that there is no policy in place for this, because it is not within the remit of a social worker to use their own money to support a service user.

253. Mr Borwick-Fox in his witness statement, said that he had a discussion with Ms Thomas on 7 October 2020 and during the call she explained she was providing child K with Iceland food shops, money and Deliveroo pizza whilst she was waiting for the finance team at the local authority to process child K's funds. Mr Borwick-Fox explained that this was concerning because Ms Thomas did not have Ms Laryea's prior approval. He said it is never appropriate for a social worker to spend their own money on a service user in this manner.

#### Panel's analysis

254. The panel noted the contents of a letter from Mr Borwick-Fox to Ms Thomas dated 13 October 2020 in relation to her conduct in which it was said that Ms Thomas "*provided finance for grocery shopping and takeaway food for child K. You did not seek any management guidance or approval before providing this despite being aware that K is currently absent from a safe or regulated placement*". The panel however could not discern if this was a reference to money from Ms Thomas' personal finances.

255. The panel also considered the chronology as exhibited by Mr Borwick-Fox. It noted that the entry dated 07 October 2020 said "*Discussion with Vanya regarding P. During the call she explains she has been providing K with food shops and Deliveroo pizza at times in recent weeks whilst she was waiting for finance to process funds, including at the weekend. (significant because Charlotte informs me this was not approved)*". The panel

noted that this record indicated the action was being taken while Ms Thomas was waiting for finance to process the funds and had not been approved by Ms Laryea.

256. The panel noted Ms Laryea's interview transcript from local authority's disciplinary investigation in which she said *"K spoke to me and confirmed Vanya took her to Iceland to buy food but instead of paying Vanya would then give it to her. When Vanya called me I spoke through my concerns with her and told her not to do it again. On another occasion she gave another young person £30. She was really involved with these 2 children"*.
257. The panel also noted the exhibit of the meeting of 11 November 2020 regarding the 'investigation of VT' in which Mr Borwick-Fox was recorded as saying *"she explained that she had been buying K food shops and Deliveroo meals...ABF suspected that VT did not claim it back. VT said on the 7th that she agreed and on 13th tried to put it through without asking CL after paying out of her own pocket"*.
258. The panel accepted the evidence of Ms Laryea and Mr Borwick-Fox. It was satisfied when their evidence was taken in conjunction with the information from the letter of 13 October 2020 and the investigation record, it was more likely than not the reference to Ms Thomas shopping for child K was to Ms Thomas shopping with her own money for child K and without management approval.
259. The panel found particular 1.20(a) proved.
- 1.20(b) *In your conduct at allegation 1.20(a), you did not maintain proper professional boundaries.*
260. Ms Laryea in her witness statement said that Ms Thomas in providing child K with money and food meant the professional lines were blurred between Ms Thomas and child K. Also, it opened Ms Thomas up to allegations being made against her.
261. Mr Borwick-Fox explained in his statement that he had a discussion with Ms Thomas on 7 October 2020 and during the call she explained she was providing child K with Iceland food shops, money and Deliveroo pizza whilst she was waiting for the finance team at the local authority to process her funds. Mr Borwick-Fox explained that this was concerning because Ms Thomas did not have Ms Laryea's prior approval. He said it is never appropriate for a social worker to spend their own money on a service user in this manner.

### Panel's analysis

262. The panel accepted the evidence of both Ms Laryea and Mr Borwick-Fox. The panel concluded that in supplying child K subsistence from her personal finances, Ms Thomas was not behaving appropriately, as she was blurring the professional boundaries and creating an element of dependence and expectation. The panel was also satisfied that the arrangement was likely to breed mistrust and it felt that this was supported by the complaint that ensued from child K.
263. The panel found particular 1.20(b) proved.

### Particular 1.21

264. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/or manage risk to service users; You did not progress a Section 87A referral in respect of child K in a timely way or at all.*
265. Mr Borwick-Fox stated that on 07 October 2020 he sent an email to Ms Thomas asking for a section 87A referral to be made to allow police checks at the last known address for child K, however this was not done.

### Panel's analysis

266. The panel took note of the correspondence with Ms Thomas dated 07 October 2020 which was exhibited by Mr Borwick-Fox in which he asked her to make the section 87A referral. On 08 October 2020 Ms Thomas informed Mr Borwick-Fox that *"Have no internet connection. Same as yesterday 87a on hold for now"*. The panel then noted that Mr Borwick-Fox emailed Ms Thomas later the same day stating *"I have held off on the 87A or reporting her missing via 101 until we can establish the answer to the above issues"*.
267. The panel concluded that Ms Thomas on 08 October 2020 had provided a plausible explanation for not being able to do the section 87A referral and had done so in a timely manner. In any event the panel was satisfied Mr Borwick-Fox had revoked the direction by the end of the 08 October 2020 and there was no further correspondence to indicate that the request had been reinstated. The panel decided that Ms Thomas had been told not to do the referral and as such she had no duty to do so.
268. The panel found particular 1.21 not proved.

### Allegation 2 You failed to follow management instructions and/or seek management approval as below;

#### Particular 2.1

- 2.1— *You failed to follow management direction with respect to the statutory health assessment of child F in that:*
- 2.1(a) *You failed to heed the instruction to progress this task one or more occasions by 21 October 2020; and*
269. Ms Laryea stated in her witness statement that child F's health assessment was due in August 2020 and when she asked Ms Thomas about the health assessment she said *"[I] cannot cope with the amount of forms I have to do already."*
270. Ms Laryea exhibited an email from Ms Thomas dated 14 October 2020, in which Ms Thomas stated *"Hi Charlotte I will focus on J. No more forms to feel. Cannot cope with the amount of forms I have to do already. I will focus on the content in your email"*.
271. Ms Laryea also exhibited emails dated 19 and 21 October 2020 in which she chased Ms Thomas for child F's health assessment.

### Panel's analysis

272. The panel, at particular 1.6, was satisfied that Ms Thomas was allocated the case on 01 September 2020 and that the health assessment remained outstanding as of 21 October 2020, and it adopts its reasoning above.
273. The panel further decided that Ms Thomas' email response of 14 October 2020 was to be read as Ms Thomas indicating that she would not do any of the outstanding tasks for child F, which included the health assessment, opting instead to focus on child J.
274. The panel concluded that Ms Thomas failed to heed the instruction to progress the task on one or more occasions.
275. The panel found particular 2.1(a) proved.

*2.1(b) When reminded to progress the task on 21 October 2020 by colleague 1 (CL), you denigrated the importance of this task by comparing it to form filling.*

276. Ms Laryea exhibited an email from Ms Thomas dated 14 October 2020, in which Ms Thomas stated the following *"Hi Charlotte I will focus on J. No more forms to feel. Cannot cope with the amount of forms I have to do already. I will focus on the content in your email"*.

### Panel's analysis

277. The panel did not interpret Ms Thomas' statement as denigrating the task, but rather as her expressing that she could not cope with the amount of administration she had to do at the time.
278. The panel found no suggestion that Ms Thomas' email above was a direct comparison of child F's health assessment to 'form filling' in the sense that she was denigrating the importance of the task.
279. The panel found particular 2.1(b) not proved.

### Particular 2.2

*2.2- In respect of the Looked-After Child Review meeting dealing with children G and H which was scheduled for 29 September 2020:*

*2.2(a) You failed to respond to a request from colleague 2 (ABF) seeking an explanation for your non-attendance at the Looked-After Child Review;*

280. Mr Borwick-Fox said in his witness statement that Ms Thomas did not prepare for or attend the review on or about 29 September 2020 and he became aware of this through Ms Laryea shortly after it happened. As the allocated social worker Ms Thomas was in the best position to attend this review because it would not be unreasonable to assume she would have the most knowledge of this case. Mr Borwick-Fox said he sent an email (exhibited in the bundle) to Ms Thomas on 29 September 2020 requesting an explanation of why she did not attend this review, but no explanation was provided.

### Panel's analysis

281. The panel considered the chronology exhibited by Mr Borwick-Fox and the entry dated 29 September 2020 that said *"Emailed Vanya to ask for an explanation as to why she had not attended the LAC review for the children. No response provided"*.
282. The panel accepted the evidence of Mr Borwick-Fox and concluded that the emails and chronology entry were enough to satisfy it that Ms Thomas failed to respond to colleague 2.
283. The panel found particular 2.2(a) proved.
- 2.2(b) *When asked by colleague 1 (CL) why you did not attend the Looked-After Child Review, you informed colleague 1 that the diary entry had been deleted and/or that the Independent Reviewing Officer had failed to call you;*
284. Having found particular 1.11(b) proved, the panel noted and considered the same evidence.

### Panel's analysis

285. The panel accepted Ms Laryea's 'supervision with social worker' record dated 30 September 2020 which stated *"...I asked Vanya her reason for not attending a LAC review for one of the young people. Vanya explained that she had planned to and that she had the date in her diary, but this had disappeared, she had also spoken with the colleague who completed the review report for her, and was in communication with her on the morning of day for the review, however she was not able to speak to her at the time of the review. Vanya also stated that the IRO had not called her at the time of the review. I challenged Vanya that if she had the date in her diary and she knew about the meeting, then she should have made arrangement to attend without waiting for anyone to contact her."*
286. The panel was satisfied that when asked why she did not attend the review, Ms Thomas informed Ms Laryea that the diary entry had been deleted and/or that the Independent Reviewing Officer had failed to call her.
287. The panel found particular 2.2(b) proved.

### Particular 2.3

- 2.3— *In respect of the Section 87A referral for child I:*
- 2.3(a) *You were directed to complete this document on 14 September, 15 September and/or 17 September 2020; and,*
288. Ms Laryea said in her statement that Ms Thomas was allocated this case on 17 September 2020. At the point of allocation Ms Thomas was to arrange a Section 87A meeting for 29 September 2020. Ms Laryea however also stated that *"On 17 September 2020 I discussed the s87a referral for this child with the Social Worker. Prior to this*

*meeting, I had chased the Social Worker on 14 September 2020 and 15 September 2020 to complete a s87a form”.*

289. Mr Borwick-Fox explained in his witness statement that when Ms Thomas was allocated to this case, she was asked by Ms Laryea to arrange a section 87A meeting. On 17 September 2020, Ms Laryea requested Mr Borwick-Fox attend a Microsoft Teams meeting with Ms Thomas as there were concerns she was not adequately progressing the section 87A referral. Mr Borwick-Fox stated that when trying to discuss concerns in the meeting Ms Thomas became very defensive and unprofessional. He states he was left feeling very unsatisfied that the section 87A would be completed. Mr Borwick-Fox added that it is paramount to ensure the section 87A is completed to a high standard otherwise the police cannot help and the child will be left at a risk of serious, imminent harm.

#### Panel’s analysis

290. Having found particular 1.12 above proved, the panel adopted its earlier position and additionally considered Ms Laryea’s ‘supervision with social worker’ exhibit and the entries dated 14, 16 and 17 September 2020 in which Ms Laryea repeatedly asked Ms Thomas to complete the Section 87A.

291. The panel also noted Mr Borwick-Fox’s evidence was that Ms Thomas was directed to complete the section 87A on 14 September, 15 September and/or 17 September 2020.

292. The panel found particular 2.3(a) proved.

*2.3(b) You did not comply with one or more of those management instructions in a timely way or at all.*

293. Ms Laryea in her statement said that Ms Thomas was allocated this case on 17 September 2020. At the point of allocation Ms Thomas was to arrange a Section 87A meeting for 29 September 2020. Ms Laryea however also stated that “On 17 September 2020 I discussed the s87a referral for this child with the Social Worker. Prior to this meeting, I had chased the Social Worker on 14 September 2020 and 15 September 2020 to complete a s87a form”.

#### Panel’s analysis

294. Given the passage of time and clear urgency of the situation, the panel was satisfied that Ms Thomas was given a direction to complete the section 87A and did not do so in a timely way.

295. The panel found particular 2.3(b) proved.

#### Particular 2.4

*2.4— In respect of recording visits to child J:*

*2.4(a) You were directed to complete full recordings of visits to this child in a meeting with colleague 2 (ABF) on 28 September 2020; and*

296. Mr Borwick-Fox exhibited ‘further communications with the social worker’ within which minutes of a meeting dated 28 September 2020 read [Ms Thomas] *“Then seemed to get distressed when I asked her to ensure she visits and records for all her young people now she is back”*.

#### Panel’s analysis

297. The panel noted the sole piece of evidence relied upon by Social Work England and carefully examined the exhibit described above. The panel concluded that it could not find anything specific that relates to child J.

298. The panel found no evidence of a direction to Ms Thomas to complete the full recording of visits to child J in a meeting with colleague 2 (ABF) on that date.

299. The panel found particular 2.4(a) not proved.

*2.4(b) You failed to heed that instruction in that the case note for the visit completed on 15 October remained incomplete as of 28 October 2020.*

300. The panel concluded that 2.4(b) stands and falls with 2.4(a). It decided that as 2.4(a) had not been proved, 2.4(b) must follow.

301. The panel found particular 2.4(b) not proved.

#### Particular 2.5

*2.5— In respect of providing support payments to Child K:*

*2.5(a) Payments made by yourself directly before 07 October 2020 were not authorised by management as required;*

302. Ms Laryea in her witness statement said that in October 2020 Ms Thomas disclosed to Mr Borwick-Fox that she has been providing food shops, Deliveroo Pizza, and money to child K whilst she was waiting for the finance team at the local authority to process the funds for the sustenance package, and when child K was not in her placement. She said that Ms Thomas was using her own funds to do this and that she had not authorised this or been made aware of it.

303. Mr Borwick-Fox said in his statement that he had a discussion with Ms Thomas on 7 October 2020 and during the call she explained she was providing child K with Iceland food shops, money and Deliveroo pizza whilst she was waiting for the finance team at the local authority to process her funds. Mr Borwick-Fox explained that this was concerning because Ms Thomas did not have Ms Laryea’s prior approval. He said it is never appropriate for a social worker to spend their own money on a service user in this manner.

#### Panel’s analysis

304. The panel considered the chronology exhibited by Mr Borwick-Fox and the entry dated 07 October 2020 which read *“Discussion with Vanya regarding K. During the call she explains she has been providing K with food shops and Deliveroo pizza at times in*

*recent weeks whilst she was waiting for finance to process funds, including at the weekend. (significant because Charlotte informs me this was not approved)”.*

305. The panel noted Ms Laryea’s exhibited interview transcript from the local authority’s investigation in which she said *“K spoke to me and confirmed Vanya took her to Iceland to buy food but instead of paying Vanya would then give it to her. When Vanya called me I spoke through my concerns with her and told her not to do it again. On another occasion she gave another young person £30. She was really involved with these 2 children.”*
306. The panel accepted the evidence of both Ms Laryea and Mr Borwick-Fox and concluded that Ms Thomas was directly providing support payments to child K that were not authorised by management.
307. The panel found particular 2.5(a) proved.

*2.5(b) You sought to have a support payment processed on 13 October 2020, which had not been authorised by management as required.*

308. Social Work England directed the panel to the evidence of Mr Borwick-Fox who said in his statement that he had a discussion with Ms Thomas on 07 October 2020 and during the call she explained she was providing child K with Iceland food shops, money and Deliveroo pizza whilst she was waiting for the finance team at the local authority to process her funds. Mr Borwick-Fox explained that this was concerning because Ms Thomas did not have Ms Laryea’s prior approval. He said it is never appropriate for a social worker to spend their own money on a service user in this manner.
309. Mr Borwick-Fox also said in his statement that on 13 October 2020 Ms Thomas attempted to push through a form which provided funds to service user K’s mother. This was in contravention to his guidance setting out that further funding was not to be given to service user K. Crucially, Ms Thomas did not speak to her manager about getting this funding approved which she should have.

#### Panel’s analysis

310. The panel took note of the evidence of Ms Laryea in which she said that on 13 October 2020 Ms Thomas emailed the local authority finance team requesting sustenance payments for child K. Ms Laryea said she responded on the same day stating that she was not in a position to authorise payment and that child K was not in placement and as such only Mr Borwick-Fox could authorise payment.
311. The panel noted the email exhibit from Ms Laryea to Ms Thomas dated 13 October 2020 in which she stated *“We need to work on getting KP a place to stay where we know she will be safe and not be moving from one sofa to the next so until Andrew gives the go ahead for any payment to be made, I am not in a position to authorise any payment”.*
312. The panel considered the chronology exhibited by Mr Borwick-Fox and the entry of 13 October 2020 which stated *“10am- Vanya attempts to push through a CC30 for approval providing funds to K’s mother despite my guidance on this matter last week*

*setting out that funding is not to be given at this stage. Charlotte reports she has not been consulted by Vanya about this request. 3pm – Vanya again tries to get the CC30 approved and provides an incoherent explanation about why she is requesting the funds”.*

313. The panel accepted the evidence and exhibits of Ms Laryea and Mr Borwick-Fox and was therefore satisfied that Ms Thomas had tried to have a support payment processed on 13 October 2020, which had not been authorised by management as required.

314. The panel found particular 2.5(b) proved.

#### Particular 2.6

*2.6 In respect of a Section 87A referral for child K, you did not heed a management instruction provided on 7 October 2020 to complete said referral in a timely way or at all.*

315. Mr Borwick-Fox in his witness statement said that on 07 October 2020 he sent an email to Ms Thomas asking for a section 87A referral to be made to allow police checks at the last known address for child K, however this was not done.

#### Panel’s analysis

316. The panel took note of the correspondence with Ms Thomas dated 07 October 2020 which was exhibited by Mr Borwick-Fox in which he asked her to make the section 87A referral. On 08 October 2020 Ms Thomas informed Mr Borwick-Fox that *“Have no internet connection. Same as yesterday 87a on hold for now”*. The panel then noted that Mr Borwick-Fox replied to Ms Thomas *“I have held off on the 87A or reporting her missing via 101 until we can establish the answer to the above issues”*.

317. Having already found particular 1.21 not proved, the panel was satisfied that Ms Thomas had responded to the instruction in a timely manner and that the instruction had, in any case been rescinded on 08 October 2020.

318. The panel concluded Ms Thomas had no duty to heed an instruction that had been revoked.

319. The panel found particular 2.6 not proved.

#### Particular 2.7

*2.7 In respect of Child L, you delegated to a colleague to visit on 22 September 2020 without:*

*2.7(a) Providing prior notice to management; and/or*

320. Ms Laryea in her witness statement stated *“I asked the Social Worker why she could not meet this Child and she said she was busy. I do not recall when this was and this conversation was over the telephone so was not recorded”*.

## Panel's analysis

321. The panel noted the evidence relied upon by Social Work England and additionally considered the further detail as set out in Ms Laryea's statement in which she explained that Ms Thomas did not visit this child, and that instead her colleague visited child L on 22 September 2020. Ms Laryea said that she did not know of this arrangement at the time and could not remember when the visit should have been completed. Ms Laryea said it is only acceptable for another social worker to visit in place if the allocated social worker is unwell or if prior management approval has been received. Usually, the visit is rearranged because the allocated social worker would have a better understanding of the needs of children on their caseload. In this case, Ms Thomas was not unwell and had not received management instruction.
322. The panel acknowledged Ms Laryea's position as expressed in her statement and it accepted the incident could have occurred. However, the panel could not find any contemporaneous and specific evidence about child L to support the allegation. There was no information for it to consider on when child L was visited and by whom.
323. The panel concluded that Social Work England had not provided enough evidence on the balance of probabilities to prove that Ms Thomas delegated a colleague to visit child L on 22 September 2020 without providing prior notice to management.
324. The panel found particular 2.7(a) not proved.
- 2.7(b) *Seeking the permission of management.*
325. The panel concluded that 2.7(b) stands and falls with 2.7(a). It decided that as 2.7(a) has not been proved, 2.7(b) must follow.
326. The panel found particular 2.7(b) not proved.

## Particular 2.8

- 2.8— *In respect of non-essential training (Community Care Live Event held on 13 October 2020), you:*
- 2.8(a) *Did not seek management authority in a timely way or at all to permit you to attend this training;*
327. Ms Laryea's witness statement explained that in October 2020 Ms Thomas independently booked and attended a training course titled 'Community Care Live Event' without prior management approval and in doing so, did not attend her planned supervision on the same date. On 12 October 2020 Ms Thomas sent Ms Laryea an email suggesting she may be attending this training, Ms Laryea responded on the same day confirming Ms Thomas was required to attend the supervision with her because of it being cancelled previously. Ms Laryea said that Ms Thomas did not attend this supervision. This was a non-obligatory training course and by going to this training without prior approval and not making any attempt to rearrange the supervision session, Ms Thomas did not follow management instruction or engage with the

appropriate training and supervision. Ms Laryea added that on 13 October 2020, Ms Thomas attended the Community Care Event live training instead of attending mandatory supervision. The supervision was rescheduled again to 20 October 2020 and Ms Thomas did not attend this supervision and no reason was provided.

#### Panel's analysis

328. The panel considered Mr Borwick-Fox's witness statement in which he said that on 13 October 2020 Ms Thomas attended a training session called Community Care Live Event. He said he was made aware of this by Ms Laryea and on the same day sent Ms Thomas a message stating that she had not got management approval to join the training and was expected be working.
329. The panel also noted Mr Borwick-Fox's exhibit of 'correspondence on 15 October 2020 which reads "*[10/13 10:51 AM] Borwick-Fox Andrew HI Vanya, you have not got management approval to join the community care event. I expect you to be working today*". Additionally, it considered the letter to Ms Thomas dated 13th October 2020 which said "*despite being informed in your team meeting of the need for prior management approval, you booked onto and attended a Community Care Live event and in doing so did not engage with your planned supervision session with Charlotte*".
330. The panel also took note of the exhibited email correspondence about this incident as referenced by Ms Laryea in respect of allegation 2.8(a).
331. In considering all the evidence referred to above the panel was satisfied that there was sufficient information to demonstrate that Ms Thomas did not seek management authority in a timely way or at all to attend non-essential training.
332. The panel found particular 2.8(a) proved.

*2.8(b) Attended the training despite receiving a management instruction to attend the supervision at the same time as the training.*

333. Ms Laryea's witness statement explained that in October 2020 Ms Thomas independently booked and attended a training course titled 'Community Care Live Event' without prior management approval and in doing so, did not attend her planned supervision on the same date. On 12 October 2020 Ms Thomas sent Ms Laryea an email confirming she would be attending this training, Ms Laryea responded on the same day confirming Ms Thomas was required to attend the supervision with her because of it being cancelled previously.

#### Panel's analysis

334. As per 2.8(a) above, the panel was satisfied that it was clear from the communications that Ms Thomas' supervision was a higher priority than any unauthorised training.
335. The panel was satisfied that Ms Thomas attended the training despite receiving a management instruction to attend supervision.
336. The panel found particular 2.8(b) proved.

## Particular 2.9

*2.9 In respect of booking yourself onto training on stress management to be held on 28 October 2020, you did not seek management authority to attend in a timely way or at all.*

337. Ms Laryea exhibited ‘emails to the social worker regarding supervision’ and the emails show that on 27 October Ms Laryea said “*Hi Vanya I have sent you a calendar invite for yesterday for supervision on Wednesday 28/10/2020 at 3:30 so kindly accept. I am on leave from Friday and back to work on Wednesday 4/11/2020 so I would want us to complete the supervision before then*”. To which Ms Thomas replied “*Hi Charlotte I have a stress management course on this day. I booked myself on to. It would be nice if you can consult with me next time so I can plan.*” Ms Laryea’s final response was “*Hi Vanya It will be helpful if you inform me about any trainings that you have booked on or intend to book. Also when we finished the last supervision I asked that we book another date as we were only able to complete one. I did not hear from you so I made the decision to arrange one. Can you please let me know if this course is being organised by LBBD or its something you have are arranging privately. I have just checked in your diary and it says ‘college course’. Please clarify*”. There was no response to this.

## Panel’s analysis

338. The panel carefully considered the contemporaneous email exchange and was satisfied that it indicated that Ms Thomas booked herself onto stress management training without management authority in a timely way or at all. The panel noted that Ms Thomas in fact informed Ms Laryea of her scheduled plan as opposed to seeking permission.

339. The panel found particular 2.9 proved.

## Particular 2.10

*2.10— In connection with engagement with occupational health whilst at the local authority:*

*2.10(a) Did not heed a management instruction to engage with an occupational health consultation scheduled on or around 21 September 2020;*

340. Mr Borwick-Fox in his witness statement said he had concerns about Ms Thomas and as such made a referral for her to have a telephone occupational health consultation on 21 September 2020. He explained that occupational health referrals are used to allow the Council to better understand what support and reasonable adjustments we can make to support an employee. Mr Borwick-Fox’s statement also said that he had another meeting with Ms Thomas on the same day in relation to her occupational health consultation, and she stated she did not want to engage because it was against her value base. Ms Thomas did not attend the occupational health appointment.

### Panel's analysis

341. The panel noted Mr Borwick-Fox's exhibit 'occupational health letter' dated 18 September 2020 in which it was made clear that Ms Thomas was required to attend the appointment.
342. The panel considered Ms Borwick-Fox's witness statement in which he said that on 21 September 2020 Ms Thomas called him to discuss this letter. He explained to her that it was a management direction that she attend this occupational health assessment. He said Ms Thomas then proceeded to talk to him in a very disrespectful and degrading manner stating: "*Not going, Not showing up, not doing it, nothing wrong with me.*" Mr Borwick-Fox said he explained to Ms Thomas that the occupational health assessment would be conducted over Microsoft Teams and Ms Thomas responded with "*hell no*".
343. The panel additionally noted Mr Borwick-Fox's exhibit 'minutes of the meeting 28 September 2020' in which a note of the 21 September Microsoft Teams meeting says he explained to Ms Thomas that it was a management direction that she attend the assessment, to which Ms Thomas responds "*hell no*".
344. The panel accepted the evidence of Mr Borwick-Fox and concluded that it was more likely than not that Ms Thomas did not heed a management instruction to engage with an occupational health consultation scheduled on or around 21 September 2020.
345. The panel found particular 2.10(a) proved.
- 2.10(b) *Did not heed one or more management instructions to engage with an occupational health consultation scheduled on or around 28 September 2020.*
346. Mr Borwick-Fox exhibited 'minutes of meeting of 28 September 2020' which states "*Vanya – told me she is busy but ok. Reports that she has not had a chance to read the letter. Informs me that she does not want to go to OH. Reason - Doesn't think she needs it, feels she needs to talk. Doesn't need a doctor, 'I keep trying to save money for the LA'.*" The panel also considered the exhibit 'conduct and performance letter' dated 01 October 2020 letter and decided that the letter echoed the minutes of 28 September in highlighting Ms Thomas' failure to heed the management instruction to attend occupational health on or around 28 September 2020.

### Panel's analysis

347. The panel accepted the evidence of Mr Borwick-Fox and concluded that it was more likely than not that Ms Thomas did not heed a management instruction to engage with an occupational health consultation scheduled on or around 28 September 2020.
348. The panel found particular 2.10(b) proved.

Allegation 3 You failed to work collaboratively with colleagues and/or act professionally as below;

### Particular 3.1

3.1— *In respect of supervision sessions with colleague 1 (CL):*

3.1(a) *You knew or ought to have known that you were required to attend sessions booked for:*

*(i) 3 September 2020;*

349. Ms Laryea's evidence was that on 01 September 2020 only one case was discussed in supervision as Ms Thomas had arranged to visit a child and had to travel about one hour and 30 minutes to the visit. As a result, the supervision was then rescheduled to 03 September 2020 but Ms Thomas did not attend and provided no explanation. Ms Laryea then went on annual leave, so could not have supervision with Ms Thomas for a period of time.

350. The panel considered Ms Laryea's exhibit 'supervision with social worker' and the entry which read "*01/09/2020 – Supervision only once case could be discussed as Vanya stated that she had arranged a visit to a young person and she had about 1.5 hours to travel. This was rescheduled again to the 03/09/2020*".

#### Panel's analysis

351. The panel was satisfied that the evidence as outlined was enough to indicate that Ms Thomas failed to work collaboratively with Ms Laryea as she knew or should have known she was required to attend supervision booked for 03 September 2020

352. The panel found particular 3.1(a)(i) proved.

*(ii) 13 October 2020;*

353. Ms Laryea's evidence said that on 13 October 2020 Ms Thomas attended the Community Care Event live training instead of attending mandatory supervision. The supervision was rescheduled again to 20 October 2020.

#### Panel's analysis

354. The panel considered Ms Laryea's exhibit 'correspondence with social worker from October 2020' and noted the email sent, dated 12 October 2020 in which Ms Laryea reminded Ms Thomas of "*supervision tomorrow*".

355. The panel was satisfied that the evidence as outlined was enough to indicate that Ms Thomas failed to work collaboratively with Ms Laryea as she knew or should have known she was required to attend supervision booked for 13 October 2020.

356. The panel found particular 3.1(a)(ii) proved.

*(iii) 20 October 2020;*

357. Ms Laryea's evidence said that on 13 October 2020 Ms Thomas attended the Community Care Event live training instead of attending mandatory supervision. The supervision was rescheduled again to 20 October 2020, Ms Thomas did not attend and provided no reason. Ms Thomas continuously avoided case and well-being supervision.

Ms Thomas repeatedly not attending mandatory supervision without good reason was another case of her not following management instruction.

#### Panel's analysis

358. The panel considered Ms Laryea's exhibit 'emails to the Social Worker regarding supervision' and noted the email to Ms Thomas dated 20 October 2020 which said *"Good morning Vanya Can you please call me when you finish your meeting so we can have the supervision. You informed me about the meetings yesterday and we agreed that you we will have supervision after your meetings"*.
359. The panel was satisfied that the evidence as outlined was enough to indicate that Ms Thomas failed to work collaboratively with Ms Laryea as she knew or should have known she was required to attend supervision booked for 20 October 2020.
360. The panel found particular 3.1(a)(iii) proved.

*(iv) 28 October 2020.*

361. The panel considered Ms Laryea's exhibit 'emails to the Social Worker regarding supervision' and noted the email to Ms Thomas dated 27 October 2020 which said *"Hi Vanya I have sent you a calendar invite for yesterday for supervision on Wednesday 28/10/2020 at 3:30 so kindly accept. I am on leave from Friday and back to work on Wednesday 4/11/2020 so I would want us to complete the supervision before then"*.

#### Panel's analysis

362. The panel was satisfied that the evidence as outlined was enough to indicate that Ms Thomas failed to work collaboratively with Ms Laryea as she knew or should have known she was required to attend supervision booked for 28 October 2020.
363. The panel found particular 3.1(a)(iv) proved.

*3.1(b) You did not attend some or all of those supervision sessions;*

364. Ms Laryea's evidence at allegation 3.1(a) is repeated.

#### Panel's analysis

365. The panel considered Mr Borwick-Fox's exhibited chronology. The entry of 13 October 2020 said, *"Vanya does not attend supervision – reports she was attending community care live – no prior approval sought or attempts made to rearrange her supervision which was clearly diarised"*. And that for 20 October read *"Vanya does not attend arranged supervision with Charlotte. No reason provided"*.
366. The panel was satisfied that the evidence as outlined was enough to indicate that Ms Thomas failed to work collaboratively as she failed to attend some of the supervision sessions.
367. The panel found particular 3.1(b) proved.

3.1(c) *You did not provide prior notice that you would not attend some or all of those supervision sessions; and/or*

368. Ms Laryea's evidence was that on 01 September 2020 only one case was discussed in supervision as Ms Thomas had arranged to visit a child and had to travel about one hour and 30 minutes to the visit. As a result, the supervision was then rescheduled to 03 September 2020 but Ms Thomas did not attend and provided no explanation. The supervision from 13 October 2020 was rescheduled again to 20 October 2020, Ms Thomas did not attend and provided no reason.

#### Panel's analysis

369. The panel was satisfied that the evidence as outlined was enough to indicate that Ms Thomas failed to work collaboratively as there was no information to suggest that she gave prior notice that she would not attend some of the supervision sessions.

370. The panel found particular 3.1(c) proved.

3.1(d) *On one or more than one occasion you declined to accept diary invites for supervision sessions to be held on dates other than those set out in Particular 3.1(a).*

371. Ms Laryea's evidence in her witness statement was that in October 2020 she made several attempts to arrange supervision with Ms Thomas. When making these attempts to book supervision in with her, she said Ms Thomas kept cancelling these diary invites so Ms Laryea had to keep rescheduling to an alternative date.

#### Panel's analysis

372. The panel acknowledged Ms Laryea's evidence, however it could not find any contemporaneous evidence to suggest that Ms Thomas declined supervision on any other dates than those set out in Particular 3.1(a).

373. The panel found particular 3.1(d) not proved.

#### Particular 3.2

3.2— *In a supervision session with colleague 1 (CL) between August 2020 and 28 October 2020, you:*

3.2(a) *Banged on the table; and/or*

374. Ms Laryea's exhibit 'Interview transcript from the councils' disciplinary hearing' records "*on the first day of supervision...She [Ms Thomas] was very frustrated foaming at the mouth, banging on the table and I was very worried about her*".

#### Panel's analysis

375. The panel acknowledged Ms Laryea's exhibit above. But this has to be weighed against more contemporaneous evidence. The panel noted that within Ms Laryea's more contemporaneous exhibit 'supervision with social worker', the entry for 24 August 2020 made no mention of Ms Thomas banging the table. There was also no reference to table

banging in the entry of 01 September 2020. Ms Laryea’s witness statement makes no reference to Ms Thomas banging on the table during any supervision session.

376. The panel was therefore not satisfied that Social Work England had provided enough evidence to demonstrate Ms Thomas failed to act professionally by banging on the table in a supervision.

377. The panel found particular 3.2(a) not proved.

3.2(b) *Behaved aggressively.*

378. The panel considered the same evidence described under 3.2(a) above. It found no evidence, contemporaneous or otherwise to demonstrate that Ms Thomas had behaved in a manner that could be described as aggressive during a supervision session with Ms Laryea.

379. The panel found particular 3.2(b) not proved.

### Particular 3.3

3.3— *In a meeting with colleagues between July 2020 and 28 October 2020, you responded to news of the rollout of a new app that:*

3.3(a) *You were “not a guinea pig” (or words to that effect); and*

380. Ms Laryea’s written evidence stated *“The Social Worker said in the Team Meeting that she would not sign up for it [the proposed new app] because she was not a guinea pig and that it was something extra she was being asked to do”.*

### Panel’s analysis

381. Ms Laryea’s evidence was that Ms Thomas in team meetings was very adversarial and oppositional to anything she would say. On one occasion, it was explained to the team that the local authority was rolling out a new app called 8x8 and its use was explained. Ms Thomas then said in the team meeting that she would not sign up for it because she was not a guinea pig and that it was something extra she was being asked to do. This led to a member of staff stating that they wanted to leave the meeting because they felt anxious and uncomfortable.

382. The panel considered Ms Laryea’s exhibit ‘Interview transcript from the Council’s disciplinary hearing’ which said *“The team were made aware of the importance of using the 8x8. Vanya said she wasn’t going to sign in as she didn’t want to be used as a Guinea pig”.*

383. The panel also noted Ms Laryea’s exhibit ‘supervision with the social worker’ dated 26 October 2020 also said *“Again Vanya stated that it was my responsibility to train her for the 8x8 and that she was not going to be a test subject for that so she will not log in... After the meeting D informed me how uncomfortable he felt at the meeting and felt that Vanya was challenging everything I said and took over the meeting. He also read messages G had sent him asking why Vanya was behaving in that way and how difficult*

*it was for both of them being in the meeting. D said he had considered leaving the meeting just before I ended the meeting. The concern is that it seems Vanya wants to sit back for others to report to her, which means that nothing will be progressed”*

384. The panel accepted the evidence of Ms Laryea and appreciated the context as explained by reference to colleagues feeling uncomfortable. It was therefore satisfied that Ms Thomas failed to act professionally in a meeting with colleagues between July 2020 and 28 October 2020 in that she responded to news of the rollout of a new app with words to the effect that she was “*not a guinea pig*”.

385. The panel found particular 3.3(a) proved.

3.3(b) *You “did not appreciate the extra demand on your time” (or words to that effect).*

386. In considering the evidence referred to at 3.3(a) above the panel could find no reference to words to the effect that “*you did not appreciate the extra demand on your time*”. Whilst the panel acknowledged the evidence of Ms Laryea, it could find no supporting contemporaneous evidence for this allegation.

387. The panel found particular 3.3(b) not proved.

#### Particular 3.4

3.4— *In a meeting with colleague 1 (CL) and colleague 2 (ABF) held on 17 September 2020, you:*

3.4(a) *Shouted at colleagues;*

388. Mr Borwick-Fox in his witness statement explained that on 17 September 2020 he attended a Microsoft Teams meeting with Ms Laryea and Ms Thomas. When trying to discuss concerns in this meeting Ms Thomas became very defensive stating she was “*fed up with all the games.*” Ms Thomas also became very unprofessional by banging on the table, shouting at them both and making allegations of a conspiracy against her.

389. In oral evidence, both Mr Borwick-Fox and Ms Laryea recounted the incident and indicated that Ms Thomas shouted at them, banged the table and alleged a conspiracy in the meeting.

#### Panel’s analysis

390. The panel considered Mr Borwick-Fox’s ‘chronology’ exhibit and the entry of 17 September 2020 which said “*Discussion with Vanya and Charlotte. Charlotte requested I step in because of concern about lack of progress on 87A, arrangement of a professionals meeting and general attitude towards her requests and difficulty in engaging productively. Issues -very distressed, unprofessional towards me (shouting, banging etc), allegations made of conspiracy against her, lacked ability to engage productively with me*”.

391. The panel considered Mr Borwick-Fox’s ‘conduct and performance letter’ exhibit dated 01 October 2020 which stated “*On two occasions you have behaved in a concerning*

*manner during our meetings. This includes shouting at me, dismissing me, crying, banging on objects and refusing to let me talk to you. On both occasions the discussions have ended with you refusing to engage with me further, and on one occasion you terminated the call. The difficulty you continue to have in engaging productively with your line managers is impacting on our ability to support you to make plans to progress on the key outstanding tasks on your caseload”.*

392. The panel accepted the evidence of both Mr Borwick-Fox and Ms Laryea and it was therefore satisfied that Ms Thomas failed to act professionally in a meeting with colleagues 1 and 2 held on 17 September 2020 in that she shouted at them.

393. The panel found particular 3.4(a) proved.

*3.4(b) Banged the table; and/or*

394. In considering the evidence referred to at 3.4(a) above the panel was satisfied that Ms Thomas failed to act professionally in a meeting with colleagues 1 and 2 held on 17 September 2020 in that she banged the table.

395. The panel found particular 3.4(b) proved.

*3.4(c) Alleged a conspiracy against you.*

396. In considering the evidence referred to at 3.4(a) above and the context of the meeting as described, the panel was satisfied that Ms Thomas failed to act professionally in a meeting with colleagues 1 and 2 held on 17 September 2020 in that she alleged a conspiracy against herself.

397. The panel found particular 3.4(c) proved.

### Particular 3.5

*3.5— In a meeting with colleague 1 (CL) and colleague 2 (ABF) held on 18 September 2020, you:*

*3.5(a) Became irate;*

398. The witness statement of Mr Borwick-Fox explained that after the meeting on 17 September 2020 another three-way meeting was held via Microsoft Teams on 18 September 2020. He told Ms Thomas it was important to hold this meeting because she was highly distressed at the meeting the day before. Ms Thomas was distressed in the sense she was angry, raised her voice and was struggling to focus or listen. Ms Thomas said she would like to be left alone and she was not talking to anyone. He said that Ms Thomas then raised her previous disciplinary process to which he responded the previous disciplinary process was now closed and the appeal period had lapsed. Mr Borwick-Fox stated that Ms Thomas was very distressed and angry. Ms Thomas started banging on the table, standing up, sitting down frantically, shouting and overall being unprofessional.

### Panel's analysis

399. The panel considered Mr Borwick-Fox's exhibit 'teams meeting summary on 10 September 2020' and the entry of 18 September 2020 which said "*MS Teams – meeting with Vanya and Charlotte. See Charlotte's note. Vanya became angry and distressed and terminated the meeting*".
400. The panel accepted the evidence of Mr Borwick-Fox and it was therefore satisfied that Ms Thomas failed to act professionally in a meeting with colleagues 1 and 2 held on 18 September 2020 in that she became irate.
401. The panel found particular 3.5(a) proved.
- 3.5(b) *Shouted;*
402. In considering the evidence referred to at 3.5(a) above the panel was satisfied that Ms Thomas failed to act professionally in a meeting with colleagues 1 and 2 held on 17 September 2020 in that she shouted.
403. The panel found particular 3.5(b) proved.
- 3.5(c) *Reported that colleague 1 (CL) was ill-equipped to be a manager; and/or,*
404. The evidence of Mr Borwick-Fox at 3.5(a) is repeated. He went on to add that Ms Thomas had "*deflected the conversation onto Ms Laryea, stating she was not equipped to be a team manager and that she did not want Ms Laryea pitted against her.*"

### Panel's analysis

405. The panel also considered Ms Laryea's 'supervision with social worker' exhibit. Ms Laryea recorded "*She responded that someone she had worked in the past was part of the process and she was not listened. She responded that she does not want Charlotte to be put in that position and that it pains her. She explained that she had explained that it would be hard for Charlotte and that she is now in pain and she is trying to recollect. She had asked HR to help her as she did not feel safe and she was told that she was not equipped to be a team manager. She stated that she did not want Charlotte pitted against her as we are both women of colour and that as I woman of colour it is very hard*".
406. Whilst the panel acknowledged the evidence of Mr Borwick-Fox, in light of Ms Laryea's record, the panel decided that this allegation is misconceived because it had misinterpreted what was actually Ms Thomas relaying to Ms Laryea the comments that were previously levelled against Ms Thomas herself. It was not an accusation of unfitness to be a team manager aimed at Ms Laryea.
407. The panel found particular 3.5(c) not proved.
- 3.5(d) *Deliberately disconnected from the meeting prematurely.*
408. The evidence of Mr Borwick-Fox at particular 3.4(a) is repeated.

### Panel's analysis

409. The panel considered Mr Borwick-Fox's exhibit 'teams meeting summary on 10 September 2020' and the entry of 18 September 2020 which said "*MS Teams – meeting with Vanya and Charlotte. See Charlotte's note. Vanya became angry and distressed and terminated the meeting*".
410. The panel considered Mr Borwick-Fox's 'conduct and performance letter' exhibit dated 01 October 2020 which stated "*On two occasions you have behaved in a concerning manner during our meetings. This includes shouting at me, dismissing me, crying, banging on objects and refusing to let me talk to you. On both occasions the discussions have ended with you refusing to engage with me further, and on one occasion you terminated the call. The difficulty you continue to have in engaging productively with your line managers is impacting on our ability to support you to make plans to progress on the key outstanding tasks on your caseload*".
411. The panel accepted the evidence of Mr Borwick-Fox and it was therefore satisfied that Ms Thomas failed to act professionally in a meeting with colleagues 1 and 2 held on 18 September 2020 in that she deliberately disconnected from the meeting prematurely.
412. The panel found particular 3.5(d) proved.

### Particular 3.6

*3.6 On or around 30 September 2020, when asked to engage with a support plan, told colleague 1 (CL) you would not do so because "it was a means of controlling you" (or words to that effect).*

413. Ms Laryea in her witness statement said she tried to assist Ms Thomas by creating a support plan and on this plan, there was a breakdown of all her cases, outstanding actions and the date of the last visit. Ms Laryea said Ms Thomas did not follow this plan because she said it was another way of her being controlled. Ms Laryea said that she knew this because Ms Thomas declined to attend a follow up meeting that had been arranged.

### Panel's analysis

414. Whilst the panel acknowledged the evidence of Ms Laryea, it also scrutinised her exhibit 'supervision with the social worker' in which the conversation between Ms Thomas and Ms Laryea on 30 September 2020 is recorded in detail, and found no mention of Ms Thomas stating that she was being controlled or words to that effect. The panel therefore decided that Social Work England had provided no corroborative evidence to suggest that when asked to engage in a support plan on or around 30 September 2020, Ms Thomas told colleague 1 words to the effect she would not do so because it was a means of controlling her.
415. The panel found particular 3.6 not proved.

### Particular 3.7

3.7— *In written correspondence with colleague 2 (ABF) on 15 October 2020, you:*

3.7(a) *Indicated you refused to follow his instructions;*

416. Mr Borwick-Fox exhibited ‘further communication with the social worker’, the teams message entry for 15 October 2020 reads “*Andrew please review your decision that you have failed to consult me on. There is something to say about fair challenge!!!...I cannot and will not comply to your demands which I tend to receive through other sources after events?...I go back to you coercing me to take annual leave...No doubt you and others had carefully planned this to get the outcome we have now. I keeping thinking this is a joke? or training about how not to work. My journey in the service has been extremely stressful which I believe is all part of why I was placed in the service in the first plc. Doing every to get me out*”.

### Panel’s analysis

417. The panel accepted the evidence of Mr Borwick-Fox and was satisfied that it demonstrated that Ms Thomas failed to act professionally in written correspondence to colleague 2 dated 15 October 2020, in that she indicated that she refused to follow his instructions.

418. The panel found particular 3.7(a) proved.

3.7(b) *Accused him of failing to consult with you;*

419. In considering the evidence referred to at 3.7(a) above the panel was satisfied that Ms Thomas failed to act professionally in written correspondence to colleague 2 dated 15 October 2020, in that she accused him of failing to consult her.

420. The panel found particular 3.7(b) proved.

3.7(c) *Suggested there was a conspiracy against you.*

421. In considering the evidence referred to at 3.7(a) above the panel was satisfied that the words “*No doubt you and others had carefully planned this to get the outcome we have now.*” could be reasonably understood as a suggestion of conspiracy. It therefore decided that Ms Thomas failed to act professionally in written correspondence to colleague 2 dated 15 October 2020, in that she suggested there was a conspiracy against her.

422. The panel found particular 3.7(c) proved.

### Allegation 4

#### Particular 4

4a. *In respect of training; You knew or ought to have known that the following training was mandatory upon commencing your role in the Corporate Parenting and Permanency Team:*

(i) Training in age assessments; and/or,

423. Ms Laryea in her witness statement said she asked Ms Thomas to enrol herself onto a couple of mandatory training courses which would be beneficial for her introduction into the Team namely: training on Unaccompanied Asylum Seekers and Age Assessments. She said both courses are mandatory for a new employee in the team and only available to permanent members of staff so in August 2020, she emailed Ms Thomas asking her to enrol on this course. Ms Laryea said Ms Thomas did not have much knowledge on these areas of social care and thus could have benefitted from it. On 24 August 2020 Ms Laryea stated that she met with Ms Thomas for what she thought was case supervision. Ms Thomas in relation to Ms Laryea referring her to age assessment training, started the supervision by asking “*I want to know the why, the call or training centre, why*”. Ms Laryea responded that she was not sure what Ms Thomas was referring to as the comment did not make sense. Ms Thomas carried on and spoke extensively about her experiences in the Early Help team about how her case recordings and emails went missing and said she was fed up and not listened to. The next day Ms Thomas sent Ms Laryea a message on Microsoft Teams stating; “*in regards to our conversation. I NEED to the “why”. Thanks in advance. The test/training centre. V*”. Ms Laryea replied to Ms Thomas asking her to clarify what she meant by “*Why*” and explained that she thought it would be beneficial for her to attend the training session, just as she had herself, when she joined the team. Ms Thomas responded by stating she had not seen Ms Laryea’s email requesting her to enrol onto this training. Ms Thomas did not attend these training sessions. This is an example of Ms Thomas not following management direction and instructions and failing to attend mandatory training.
424. Ms Laryea’s witness statement was supported by her written summary of the above exhibited as ‘supervision with the social worker’, the entries were dated 24 August and 25 August 2020.

Panel’s analysis

425. The panel acknowledged the evidence of Ms Laryea. It noted that she referred in her evidence to emailing Ms Thomas to enrol on the course but there was no such email evidence before it.
426. The panel had no contemporaneous evidence that it was expressly communicated to Ms Thomas that the training was mandatory.
427. Further, the panel was not presented with any evidence or information about what mandatory training was and how information of mandatory training was shared or accessed.
428. The panel concluded that Social Work England had not provided sufficient evidence to support the assertion that Ms Thomas knew or should have known that training in age assessments was mandatory upon commencing her role.
429. The panel found particular 4(a)(i) not proved.

(ii) *Training in respect of unaccompanied child asylum seekers.*

430. In considering the evidence referred to at 4(a)(i) above the panel concluded that Social Work England had not provided sufficient evidence to support the assertion that Ms Thomas knew or should have known that training in respect of unaccompanied child asylum seekers was mandatory upon commencing her role.

431. The panel found particular 4.(a)(ii) not proved.

*4b. You did not complete training in either or both the topics at Allegation 4(a) before 28 October 2020.*

432. The evidence at 4.(a)(i) is repeated.

**Panel's analysis**

433. The panel acknowledged the evidence of Ms Laryea. However it noted that there was no contemporaneous evidence that clearly showed that Ms Thomas did not complete the training at 4(a). The panel noted that the 'training log' exhibited by Ms Laryea was undated and did not appear to be an accurate list of the training undertaken by Ms Thomas. It did not identify which mandatory training she was expected to have completed. The panel concluded that Social Work England had not demonstrated that Ms Thomas did not complete the training.

434. The panel found particular 4.(b) not proved.

**Finding and reasons on grounds:**

435. Mr Whittingham made submissions as outlined in Social Work England's statement of case and addressed the panel on the standards it believed Ms Thomas had breached. The panel was invited to find Ms Thomas' conduct was serious in nature and as such amounted to the statutory ground of misconduct in allegations 2 and 3. In relation to allegation 1, Mr Whittingham invited the panel to find on the grounds of either lack of competence/capability or misconduct. He stated that the panel should consider each particular and sub-particular under the three allegations found proved on their own merits throughout. He said that Ms Thomas' fitness to practice is currently impaired.

436. The panel heard and accepted the advice of the legal adviser. The panel was reminded that the question of misconduct is a matter for its judgement and 'that the standard of propriety may often be found by reference to the rules and standards ordinarily required to be followed by a practitioner in the particular circumstances' as per *Roylance v General Medical Council (No 2) 2000 1 AC 311*. In line with *Roylance* the panel was advised to decide for itself the professional standards it believed Ms Thomas had breached.

437. The panel accepted that, when considering the statutory ground of lack of competence/capability, a fair sample (usually six months) of Ms Thomas' work would ordinarily be appropriate. This timescale would indicate that the failings lasted long enough to be representative of Ms Thomas's general performance. However, the panel

was satisfied that as Ms Thomas was not in post for six months, the three-month period relied upon was sufficient as it comprised almost all of her active cases during the material period. The panel decided that the widespread and wide ranging issues that arose were indeed indicative of her general performance in handling her allocated cases and her overall attitude and conduct as an employee.

438. The panel decided that Ms Thomas had breached the following paragraphs of Social Work England's Professional Standards (July 2019):

*As a social worker, I will:*

***Establish and maintain the trust and confidence of people***

*2.3 Maintain professional relationships with people and ensure that they understand the role of a social worker in their lives.*

***Maintain clear, accurate, legible and up to date records, documenting how I arrive at my decisions.***

*3.1 Work within legal and ethical frameworks, using my professional authority and judgement appropriately.*

*3.6 I will draw on the knowledge and skills of workers from my own and other professions and work in collaboration, particularly in integrated teams, holding onto and promoting my social work identity*

*3.8 I will clarify where the accountability lies for delegated work and fulfil that responsibility when it lies with me*

*3.11 Maintain clear, accurate, legible and up to date records, documenting how I arrive at my decisions.*

***Maintain my continuing professional development***

*4.2 I will use supervision and feedback to critically reflect on, and identify my learning needs, including how I use research and evidence to inform my practice*

*4.5 Contribute to an open and creative learning culture in the workplace to discuss, reflect on and share best practice.*

***Act safely, respectfully and with professional integrity***

*As a social worker, I will not:*

*5.1 Abuse, neglect discriminate, exploit or harm anyone, or condone this by others.*

*5.2 Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.*

439. The panel then proceeded to consider each particular found proved in turn, as per the position as espoused by Mr Whittingham.

**Allegation 1 You failed to assess and/or manage risk to service users as below;**

### Particular 1.1

440. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/ or manage risk to service users; You did not complete an introductory visit to some or all of children A, B or C in a timely way or at all.*
441. The panel concluded that Ms Thomas' eventual visit was over a month late and virtual so did not fulfil the criteria of an introductory visit. The ramifications of failing to visit as expected were that none of child A, B or C or their foster carer knew that Ms Thomas was the newly allocated social worker. Also, a potential safeguarding issue arose, and it was unclear whom the foster carer was supposed to contact as Ms Thomas had not undertaken the introductory visit. The panel was satisfied that Ms Thomas' actions fell well short of that which was expected from her as a social worker and were sufficiently serious to amount to misconduct.

### Particular 1.3

442. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/ or manage risk to service users; You did not complete an introductory visit to child D and/or child E within two weeks of being allocated these siblings, namely by 21 September 2020.*
443. The panel concluded that there was no evidence an introductory visit took place at all and that this indicated Ms Thomas had failed to introduce herself to children D and E. The panel was satisfied that, in failing to visit, Ms Thomas had failed to carry out a very basic and fundamental tenet of social work practice by not introducing herself and/or making any contact. However it felt that this fell short of the high threshold required to meet a finding of misconduct. It was satisfied that Ms Thomas had here demonstrated a lack of competence.

### Particular 1.5

444. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/or manage risk to service users; Having told management on 28 September 2020 that you had visited child F on 4 September 2020 and 15 September 2020, you did not produce a record of one or both of these visits in a timely way.*
445. The panel concluded that failing to observe the need to record visits in 'timely manner' (i.e. within 48 hours or two working days) and doing so approximately six weeks later was unacceptable. The panel was satisfied that Ms Thomas had not provided a reasonable excuse for her actions; she was reminded repeatedly and the visit was flagged in red. It decided that Ms Thomas' actions were not mere oversight but rather attitudinal as there was a wilful dereliction of duty that was sufficiently serious to amount to misconduct.

### Particular 1.6

446. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/ or manage risk to service users; You did not progress child F's statutory*

*health assessment in a timely way or at all, in that the health assessment remained outstanding by 21 October 2020.*

447. The panel was satisfied that Ms Thomas would have been aware, both through having seen the information on the dashboard and via being chased by email by Ms Laryea, that the health assessment was overdue. The panel noted the importance and statutory nature of health assessments for Looked After Children and felt that the consequences of not progressing these in a timely manner were significant. The panel decided that Ms Thomas' actions in not completing the health assessment was not mere oversight but rather attitudinal as there was a wilful dereliction of duty that was sufficiently serious to amount to misconduct.

#### Particular 1.7

448. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/ or manage risk to service users; You did not complete an introductory visit to the family A children within two weeks of being allocated these siblings, namely by 31 August 2020.*
449. The panel concluded that Ms Thomas' eventual visit was over a month late and virtual so did not fulfil the criteria for an introductory visit. The panel was satisfied that in not carrying out an introductory visit, Ms Thomas had failed to follow good practice, that this had not amounted to misconduct but was an example of a demonstrated lack of competence.

#### Particular 1.8

450. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/or manage risk to service users; You instituted a new care plan in respect of some or all of the family A children on or around 5 October 2020 without securing management authority in a timely way or at all.*
451. The panel was satisfied that Ms Thomas would have been aware of her duty to ensure the care plan was authorised by a manager and that this was normal procedure as management oversight and supervision is essential in approving these statutory documents. The panel concluded that in not seeking approval Ms Thomas' actions were sufficiently serious to amount to misconduct.

#### Particular 1.9

452. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/or manage risk to service users; You did not complete an introductory visit to child G and/or child H within two weeks of being allocated these siblings, namely by 31 August 2020.*
453. The panel was satisfied that although the introductory visit did not take place within two weeks as expected, the exhibited case notes indicated Ms Thomas had completed some work on the case. Nevertheless, the panel concluded that Ms Thomas had failed

to act within the established timeframes and as such she had demonstrated a lack of competence.

#### Particular 1.10

454. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/or manage risk to service users; You did not complete a statutory visit to child G and/or child H by 15 October 2020 as required or you failed to record that visit in a timely way.*
455. The panel was satisfied that Ms Thomas would have been aware of her duty to ensure statutory visits were carried out and recorded within the required timescales. These are fundamental tenets of social work practice, established to ensure that children are properly safeguarded. The panel concluded that in not completing and/or recording the visit as required, Ms Thomas' actions were sufficiently serious to amount to misconduct.

#### Particular 1.11

456. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/or manage risk to service users; In respect of the Looked-After Child Review meeting dealing with children G and H which was scheduled for a date before 29 September 2020:*

*1.11(b) You did not attend the rescheduled Looked-After Child Review meeting on or around 29 September 2020 as you were required to do in your capacity as allocated social worker.*

457. The panel was satisfied that as a senior social worker Ms Thomas would have been aware of her statutory duty to attend the Looked-After Child Review. The panel concluded that Reviews are fundamental in social work practice, as they are integral in monitoring and supporting the children in care. Further, as the allocated social worker, Ms Thomas' presence was crucial due to the up-to-date, working case knowledge she would have been expected to have. In not attending the Review, the panel was satisfied that Ms Thomas' conduct was sufficiently serious to amount to misconduct.

#### Particular 1.12

458. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/or manage risk to service users; You did not progress a Section 87A referral in respect of child I in a timely way or at all.*
459. The panel concluded that in failing to progress the Section 87A as requested Ms Thomas had failed to adequately safeguard child I, who had been involved in a serious incident, such that her manager felt police intervention was necessary. The panel was satisfied that Ms Thomas had been repeatedly reminded to complete the referral, yet failed to heed the instruction. The panel decided that Ms Thomas' actions were not mere oversight but rather attitudinal as there was a wilful dereliction of duty and failure

to follow management instructions that was sufficiently serious to amount to misconduct.

#### Particular 1.15

460. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/or manage risk to service users; You did not accurately record the visit to child J on 15 October 2020 in a timely way or at all, in that the note of this visit remained incomplete by 28 October 2020.*
461. The panel was satisfied that Ms Thomas would have been aware of her duty to ensure statutory visits were recorded within the required timescales. This is a fundamental tenet of social work practice and the panel concluded that in not completing and/or recording the visit as required, Ms Thomas' actions were sufficiently serious to amount to misconduct.

#### Particular 1.16

462. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/or manage risk to service users; You did not complete a statutory visit to child J by 14 October 2020 as required.*
463. The panel concluded that Ms Thomas had completed the statutory visit one day late and as such this may have been an oversight. The panel accepted the evidence of Ms Laryea that other staff members at times had overdue visits. Therefore, the panel was not satisfied that Ms Thomas's actions amounted to either a lack of competence/capability or misconduct.

#### Particular 1.17

464. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/or manage risk to service users; You caused or contributed to a delay in completing the initial health assessment of child J in that the referral form was not completed within the five days as required.*
465. The panel was satisfied that as a senior social worker Ms Thomas would have been aware of the statutory importance of an initial health assessment. The panel decided that generating the initial health assessments is a primary duty, to ascertain and treat any health issues a child may have, especially when dealing with vulnerable children newly arrived in the UK. In not completing the referral form within the five days as required, the panel was satisfied that Ms Thomas' conduct was sufficiently serious and amounted to misconduct.

#### Particular 1.20

466. *Whilst registered as a social worker between July 2020 and October 2020: You failed to assess and/or manage risk to service users; In respect of support payments to child K:*
- 1.20(a) *You provided one or more support payments from your own pocket before 7 October 2020; and*

467. The panel concluded that in using her own monies as support payments for child K, Ms Thomas had failed to observe basic social work practice and blurred professional boundaries. Further, Ms Thomas' behaviour was attitudinal in nature in that she had failed to consult and seek approval from management and instead undertook these unsanctioned actions unilaterally. The panel decided that Ms Thomas' actions were sufficiently serious to amount to misconduct.

*1.20(b) In your conduct at allegation 1.20(a), you did not maintain proper professional boundaries.*

468. The reasoning from particular 1.20(a) above is repeated.

469. The panel decided that Ms Thomas' actions were sufficiently serious to amount to misconduct.

### Summary

470. The panel concluded that Ms Thomas' conduct as assessed was enough for an overall finding of misconduct for Allegation 1. It was satisfied Ms Thomas actions were such that she failed to undertake visits appropriately or at all, failed to observe time frames, failed in record keeping and undertaking statutory duties as required. The panel was satisfied Ms Thomas failed to adequately safeguard and ensure the well-being of the children on her caseload.

**Allegation 2 You failed to follow management instructions and/or seek management approval as below;**

### **Particular 2.1**

*2.1— You failed to follow management direction with respect to the statutory health assessment of child F in that:*

*2.1(a) You failed to heed the instruction to progress this task one or more occasions by 21 October 2020; and*

471. The panel was satisfied that Ms Thomas was aware of the need to progress the health assessment and had seen email evidence of Ms Laryea chasing her. The panel decided that Ms Thomas' had wilfully disregarded management instructions by outrightly refusing to do any of the outstanding tasks in respect of child F. The panel concluded that Ms Thomas' actions were not mere oversight but rather attitudinal as there was a wilful dereliction of duty that was sufficiently serious to amount to misconduct.

### **Particular 2.2**

*2.2- In respect of the Looked-After Child Review meeting dealing with children G and H which was scheduled for 29 September 2020:*

*2.2(a) You failed to respond to a request from colleague 2 (ABF) seeking an explanation for your non-attendance at the Looked-After Child Review;*

472. The panel was satisfied that Ms Thomas in failing to acknowledge and/or respond to the email of Mr Borwick-Fox, had shown a blatant disregard for senior management. Ms Thomas also failed to explain why she had failed to carry out her statutory duty in not attending the Review. The panel concluded that Ms Thomas' actions were sufficiently serious to amount to misconduct.

*2.2(b) When asked by colleague 1 (CL) why you did not attend the Looked-After Child Review, you informed colleague 1 that the diary entry had been deleted and/or that the Independent Reviewing Officer had failed to call you;*

473. The panel was satisfied that when asked why she did not attend the review, Ms Thomas informed Ms Laryea that the diary entry had been deleted and/or that the Independent Reviewing Officer had failed to call her. The panel concluded that Ms Thomas had simply explained her position and whilst it may not have been best practice, it falls short of being sufficiently serious to amount to misconduct.

### Particular 2.3

*2.3— In respect of the Section 87A referral for child I:*

*2.3(a) You were directed to complete this document on 14 September, 15 September and/or 17 September 2020; and,*

474. The panel concluded that in failing to progress the Section 87A as requested, Ms Thomas had failed to adequately safeguard child I, who had been involved in a serious incident such that the management felt police intervention was necessary. The panel was satisfied that Ms Thomas had been repeatedly reminded to complete the referral yet failed to heed the instruction. The panel decided that Ms Thomas' actions were not mere oversight but rather attitudinal as there was a wilful dereliction of duty and failure to follow management instructions that was sufficiently serious to amount to misconduct.

*2.3(b) You did not comply with one or more of those management instructions in a timely way or at all.*

475. The reasoning from particular 2.3(a) above is repeated.

476. The panel decided that Ms Thomas' actions were sufficiently serious to amount to misconduct.

### Particular 2.5

*2.5— In respect of providing support payments to Child K:*

*2.5(a) Payments made by yourself directly before 07 October 2020 were not authorised by management as required;*

477. The panel concluded that in using her own monies as support payments for child K, Ms Thomas had failed to observe basic social work practice and blurred professional boundaries. Further, Ms Thomas' behaviour was attitudinal in nature in that she had

failed to consult and seek approval from management and instead undertook these unsanctioned actions unilaterally. The panel decided that Ms Thomas' actions were sufficiently serious to amount to misconduct.

2.5(b) *You sought to have a support payment processed on 13 October 2020, which had not been authorised by management as required.*

478. The panel concluded that in trying to have a support payment processed on 13 October 2020, which had not been authorised by management Ms Thomas had failed to observe basic social work practice. The panel was satisfied that Ms Thomas' behaviour was attitudinal in nature in that she had failed to consult and seek approval from management and instead undertook these unsanctioned actions unilaterally. The panel decided that Ms Thomas' actions were sufficiently serious to amount to misconduct.

### Particular 2.8

2.8— *In respect of non-essential training (Community Care Live Event held on 13 October 2020), you:*

2.8(a) *Did not seek management authority in a timely way or at all to permit you to attend this training;*

479. The panel was satisfied that Ms Thomas did not seek management authority in a timely way or at all to attend non-essential training. However, it acknowledged that in so doing whilst Ms Thomas had not demonstrated best practice, the infraction was not sufficiently serious to amount to misconduct.

2.8(b) *Attended the training despite receiving a management instruction to attend the supervision at the same time as the training.*

480. The panel was satisfied that Ms Thomas in attending the training despite having been told by her manager that she was required at supervision, showed a blatant disregard for management and the need to attend a mandated supervision session which is an integral feature of social work practice. The panel concluded that Ms Thomas' actions were sufficiently serious to amount to misconduct.

### Particular 2.9

2.9 *In respect of booking yourself onto training on stress management to be held on 28 October 2020, you did not seek management authority to attend in a timely way or at all.*

481. The panel was satisfied that Ms Thomas did not seek management authority in a timely way or at all to attend training on stress management. However, it acknowledged that in so doing, whilst Ms Thomas had not demonstrated best practice, the infraction was not sufficiently serious to amount to misconduct.

### Particular 2.10

2.10— *In connection with engagement with occupational health whilst at the local authority:*

2.10(a) *Did not heed a management instruction to engage with an occupational health consultation scheduled on or around 21 September 2020;*

482. The panel was satisfied that Ms Thomas in not heeding the instruction to attend occupational health, showed a blatant disregard for senior management's instructions. The overall context of the request was clearly conveyed to Ms Thomas, who without good reason, refused to agree, and in very blunt terms. The panel was satisfied that in refusing to respond to a management instruction, Ms Thomas' actions were sufficiently serious to amount to misconduct.

2.10(b) *Did not heed one or more management instructions to engage with an occupational health consultation scheduled on or around 28 September 2020.*

483. The reasoning from particular 2.10(a) above is repeated.

484. The panel decided that Ms Thomas' actions were sufficiently serious to amount to misconduct.

#### Summary

485. The panel concluded that Ms Thomas' conduct as assessed was enough for a finding of misconduct for Allegation 2. It was satisfied Ms Thomas actions were attitudinal in nature and that she demonstrated a wilful disregard of duties, showing resistance to doing things properly or at all. The panel was satisfied, as Ms Thomas failed to seek approval and follow instructions, she essentially became unmanageable. In such circumstances practice may become dangerous and impact vulnerable service users, and is therefore extremely serious.

**Allegation 3 You failed to work collaboratively with colleagues and/or act professionally as below;**

#### **Particular 3.1**

3.1— *In respect of supervision sessions with colleague 1 (CL):*

3.1(a) *You knew or ought to have known that you were required to attend sessions booked for:*

(i) 3 September 2020;

(ii) 13 October 2020;

(iii) 20 October 2020;

(iv) 28 October 2020.

3.1(b) *You did not attend some or all of those supervision sessions;*

486. The panel was satisfied that Ms Thomas failed to work collaboratively with colleagues as she knew or should have known she was required to attend supervision and failed to do so. The panel was satisfied that Ms Thomas in failing to attend, showed a blatant disregard for both her manager and the need to attend a mandated supervision session,

which is an integral feature of social work practice. The panel concluded that Ms Thomas' actions were sufficiently serious to amount to misconduct.

3.1(c) *You did not provide prior notice that you would not attend some or all of those supervision sessions; and/or*

487. The panel was satisfied that Ms Thomas failed to work collaboratively with colleagues as she knew or should have known she was required to attend supervision and, on occasion, failed to provide prior notice she would not be attending. The panel was satisfied that Ms Thomas in providing no notice, was rude to her team leader and wasted her time, and showed a blatant disregard for management authority. The panel concluded that Ms Thomas' actions were sufficiently serious to amount to misconduct.

### Particular 3.3

3.3— *In a meeting with colleagues between July 2020 and 28 October 2020, you responded to news of the rollout of a new app that:*

3.3(a) *You were "not a guinea pig" (or words to that effect); and*

488. The panel was satisfied that Ms Thomas failed to act professionally in a meeting with colleagues in that she responded to news of the rollout of a new app with words to the effect that she was "*not a guinea pig*". The panel acknowledged the poor choice of words and the context in which they were used. However, it concluded that whilst Ms Thomas could have expressed herself more appropriately, her infraction was not sufficiently serious to amount to misconduct.

### Particular 3.4

3.4— *In a meeting with colleague 1 (CL) and colleague 2 (ABF) held on 17 September 2020, you:*

3.4(a) *Shouted at colleagues;*

489. The panel was satisfied that Ms Thomas failed to act professionally in a meeting with colleagues 1 and 2 held on 17 September 2020 in that she shouted at them. The panel decided that, in so doing, Ms Thomas had shown a total disregard for management and failed to observe the basic standards of respect and decency expected within a workplace. The panel was satisfied that Ms Thomas' actions were attitudinal and sufficiently serious to amount to misconduct.

3.4(b) *Banged the table; and/or*

490. The reasoning from particular 3.4(a) above is repeated.

491. The panel decided that Ms Thomas' actions were sufficiently serious to amount to misconduct.

3.4(c) *Alleged a conspiracy against you.*

492. The panel was satisfied that Ms Thomas failed to act professionally in a meeting with colleagues in that she alleged a conspiracy against herself. Whilst the panel acknowledged Ms Thomas could have expressed herself more appropriately, it concluded that her infraction was not sufficiently serious to amount to misconduct.

### Particular 3.5

3.5— *In a meeting with colleague 1 (CL) and colleague 2 (ABF) held on 18 September 2020, you:*

3.5(a) *Became irate;*

493. The panel was satisfied that Ms Thomas failed to act professionally in a meeting with colleagues 1 and 2 held on 18 September 2020 in that she became irate. The panel decided that, in so doing, Ms Thomas had shown a total disregard for management and failed to observe the basic standards of respect and decency expected within a workplace. The panel was satisfied that Ms Thomas' actions were attitudinal and sufficiently serious to amount to misconduct.

3.5(b) *Shouted;*

494. The reasoning from particular 3.5(a) above is repeated.

495. The panel decided that Ms Thomas' actions were sufficiently serious to amount to misconduct.

3.5(d) *Deliberately disconnected from the meeting prematurely.*

496. The panel was satisfied that Ms Thomas failed to act professionally in a meeting with colleagues 1 and 2 held on 18 September 2020 in that she deliberately disconnected from the meeting prematurely. The panel carefully considered the context and decided that, in so doing, Ms Thomas had shown a total disregard for management and essentially undertaken the virtual equivalent of storming out of a meeting, thus exhibiting unacceptable behaviour. The panel was satisfied that Ms Thomas' actions were attitudinal and sufficiently serious to amount to misconduct.

### Particular 3.7

3.7— *In written correspondence with colleague 2 (ABF) on 15 October 2020, you:*

3.7(a) *Indicated you refused to follow his instructions;*

497. The panel was satisfied that Ms Thomas failed to act professionally in written correspondence to colleague 2 dated 15 October 2020, in that she indicated that she refused to follow his instructions. The panel concluded that this amounted to insubordination and unacceptable workplace behaviour. Ms Thomas showed a blatant disregard for senior management and the panel decided that Ms Thomas' action was sufficiently serious to amount to misconduct.

3.7(b) *Accused him of failing to consult with you;*

498. The panel was satisfied that Ms Thomas failed to act professionally in written correspondence to colleague 2 dated 15 October 2020, in that she accused him of failing to consult her. The panel concluded that this was highly unacceptable behaviour in which Ms Thomas displayed a wilful disregard of management structure and the need for accountability. Ms Thomas showed a blatant disregard for senior management and the panel decided that Ms Thomas' action was sufficiently serious to amount to misconduct.

3.7(c) *Suggested there was a conspiracy against you.*

499. The panel was satisfied that Ms Thomas failed to act professionally in written correspondence to colleague 2 dated 15 October 2020 in that she suggested there was a conspiracy against herself. Whilst the panel acknowledged Ms Thomas could have expressed herself more appropriately, it concluded that her infraction was not sufficiently serious to amount to misconduct.

Summary

500. The panel concluded that Ms Thomas' conduct as assessed necessitated a finding of misconduct for Allegation 3. It was satisfied Ms Thomas' actions demonstrated that she had behaved in a manner that made her impossible to manage and made the task of her managers so difficult that, as per the evidence of Mr Borwick-Fox, the three-way virtual meeting was still memorable five years on. The panel was satisfied that Ms Thomas' behaviour was of such gravity she could have placed service users at risk because management was not able to exercise the appropriate oversight of her practice.

**Finding and reasons on current impairment:**

501. On the question of impairment, Mr Whittingham submitted Ms Thomas is currently impaired on both the personal and public grounds. He then outlined the serious conduct in question. Mr Whittingham stated that Ms Thomas had demonstrated limited insight and that she had breached professional boundaries and brought the profession into disrepute. The panel was asked to find that Ms Thomas is currently impaired.

502. The panel heard and accepted the advice of the legal adviser, who referenced *Cohen v GMC [2008] EWHC 581 (Admin)* in that it should consider if the conduct is easily remediable, has already been remediated, and that it is highly unlikely to be repeated. Further, as per the case of *Council for Healthcare and Regulatory Excellence v NMC and Grant [2011] EWHC 927 (Admin)* the panel was reminded to consider the following questions; a) If Ms Thomas has in the past acted and/or is liable in the future to act so as to put a service user at unwarranted risk of harm; and/or b) has Ms Thomas in the past and/or is she liable in the future to bring the profession into disrepute; and/or c) has Ms Thomas in the past breached and/or is she liable in the future to breach one of the fundamental tenets of the profession. Finally, the panel was also reminded of Social Work England's Impairment and Sanctions Guidance.

503. In deciding the question of Ms Thomas' current fitness to practise, the panel first considered the personal element of impairment. The panel had no evidence to suggest that Ms Thomas' behaviour was anything other than attitudinal. It noted that the conduct was also repeated across her caseload and although Ms Thomas' engagement has been somewhat limited during the fitness to practise process, the panel was satisfied that she had failed to demonstrate any kind of insight into the issues raised, either at the time or in the five years since. Further, the panel was also satisfied that it had no evidence of remediation to consider. The panel decided that given the circumstances there is a high likelihood of repetition. This is because Ms Thomas was unmanageable at the material period and there was no evidence to suggest that this would have improved if she had stayed in post any longer. Additionally, the panel had not been supplied with any evidence to suggest that Ms Thomas' position has improved in any way.
504. The panel concluded that Ms Thomas had failed to demonstrate that she had remediated any of the shortfalls in her practice. She had provided no evidence of work or continuing professional development undertaken since these events. The panel therefore concluded that Ms Thomas was currently personally impaired.
505. On the public element of impairment, the panel was clear that Ms Thomas in failing to carry out basic and statutory duties, breaching professional boundaries and showing utter disregard for management and management instruction, had brought the profession into disrepute. The panel noted that whilst Ms Thomas' actions did not appear to have caused actual harm, they put service users at an unwarranted risk of harm.
506. The panel was satisfied an informed and reasonable member of the public would be concerned if there were no finding of impairment. Any such finding would substantially reduce the public's confidence in the social work profession. The panel concluded that the finding of public impairment was necessary to maintain the standards of the social work profession and uphold the public's confidence.

### Decision and reasons on sanction:

507. Mr Whittingham made submissions on sanction and asked the panel to refer to the Impairment and Sanctions Guidance when coming to its decision. He said that Social Work England seeks a Removal order as this is the most appropriate sanction to protect the public and to maintain confidence in the profession and ensure professional standards are maintained.
508. Mr Whittingham submitted the options of no further action, advice and a warning are not proportionate given the serious nature of the conduct. He also explained that the widespread and persistent misconduct coupled with the impairment finding on both elements, made a Conditions of Practice order unworkable and a Suspension order insufficient to protect the public, given the findings of the panel. Mr Whittingham stated that given Ms Thomas' persistent lack of insight into her actions, their possible consequences, how widespread her misconduct was and that she has demonstrated

neither willingness nor ability to remediate, a Removal order is the only appropriate sanction.

509. Mr Whittingham confirmed that despite the reading of paragraph 150 of the guidance, which states that Removal orders are not available in cases involving lack of competence or capability, a Removal order can lawfully be imposed by virtue of Schedule 2, paragraph 13(2)(a) of The Social Workers Regulations 2018 (as amended). This is because there were findings of misconduct in relation to all three of the allegations found proved.
510. The panel accepted the advice of the legal adviser who reminded it that the purpose of a sanction was not to punish Ms Thomas but to protect the public and the wider public interest. The panel was reminded of the sanctions available and of the need to consider any aggravating and mitigating factors it sees fit. The panel was also asked to ensure that when considering sanctions, it begins with the lowest sanction and moves through all the available sanctions in ascending order of seriousness, before identifying the sanction it agrees is sufficient to protect the public and maintain confidence in the profession and uphold professional standards. The panel carefully considered the Impairment and Sanction guidance.
511. The panel noted the following mitigation;
- absence of previous fitness to practise history
512. The panel identified the following aggravating factors;
- repetition of concerns or a pattern of behaviour
  - lack of insight or remorse
  - lack of remediation
  - harm or risk of harm to people who use social work services

#### No action, advice or warning

513. The panel concluded that Ms Thomas' impairment poses a current risk to public safety and the panel was satisfied there was ample evidence of this. In the circumstances it decided to exercise its discretion and move beyond the lower sanctions of no action, advice or a warning on this basis. It was satisfied that none of these outcomes would be sufficient to address the risk to the public, as they would not restrict Ms Thomas' ability to practice. It would also send quite the wrong message about the seriousness of this misconduct and therefore not be in the public interest.

#### Conditions of practice

514. With reference to the paragraph 114 of the guidance the panel noted that a conditions of practice order may be appropriate in cases where all of the following are engaged;
- 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 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.

515. The panel also took note of paragraph 118 of the guidance which reads;

“118. Conditions of practice are less likely to be appropriate in cases of character, attitude or behavioural failings. They may also not be appropriate in cases raising wider public interest issues”.

516. The panel was satisfied that Ms Thomas not only fell short of the requirements of paragraph 114, but that was exacerbated by the very serious misconduct as outlined extensively above. The panel concluded that there were no workable conditions that could be formulated which would be sufficient to protect service users and the wider public interest.

#### Suspension order

517. The panel noted paragraph 138 of the guidance which says;

“Suspension is likely to be unsuitable in circumstances where (both of the following):

- the social worker has not demonstrated any insight and remediation
- there is limited evidence to suggest they are willing (or able) to resolve or remediate their failings”

518. The panel was satisfied that Ms Thomas had not demonstrated any insight or remediated her conduct. Further, it had no evidence to suggest that she had practised in the last five years or undertaken comparable work or any training. So it could not be satisfied she was ‘willing and able to resolve her failings.’ The panel had no evidence to suggest that Ms Thomas is working towards remediation, has any insight or recognises the ramifications of her actions. The panel concluded that the imposition of a Suspension order would not be suitable in these circumstances.

#### Removal order

519. The panel was clear that a removal order was the necessary and proportionate sanction in the circumstances. It was satisfied that as per paragraph 148 of the guidance 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.

520. The panel accepted the submissions of Mr Whittingham as recorded in paragraph 497 above. Additionally, it was satisfied that as per paragraph 150 of the guidance, Ms

Thomas' case did not meet any of the circumstances in which removal orders are not available.

521. The panel took note of the case of *Bolton v Law Society* [1994] 1 WLR 512, and carefully considered Ms Thomas' interests but decided they were outweighed by the need to protect the public and the wider public interest. It was satisfied that the imposition of a Removal order was necessary and proportionate to achieve this legitimate aim.

#### Interim order:

522. The panel next considered an application by Mr Whittingham for an 18-month interim suspension order to cover the appeal period before the final order becomes effective.
523. Having heard from the legal adviser, the panel next considered whether to impose an interim suspension order. It was mindful of its earlier findings and concluded that an interim suspension order is necessary for the protection of the public. The panel concluded that not to impose an interim suspension order, would be wholly incompatible with the widespread misconduct that it had found and with Ms Thomas' current impairment.
524. The panel referred to paragraph 207 of the guidance which highlighted that "an interim order may be necessary where the adjudicators have decided that a final order is required, which restricts or removes the ability for the social worker to practise...without an interim order, the social worker will be able to practise unrestricted until the order takes effect. This goes against our overarching objective of public protection". The panel concluded the interim suspension order was the most prudent way to ensure the protection of the public.
525. Accordingly, the panel concluded that an 18-month 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:

526. 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.

527. 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.
528. 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.
529. This notice is served in accordance with Rules 44 and 45 of the Social Work England Fitness to Practice Rules 2019 (as amended).

### Review of final orders:

530. Under Paragraph 15(1), 15(2) and 15(3) of Schedule 2 of the regulations:
- 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), and a final order does not have effect until after the expiry of that period
531. Under Rule 16(aa) of the rules 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:

532. 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>.