



Social worker: David Brown

Registration number: SW26469

Fitness to Practise

Final Hearing

Dates of hearing: 09 February 2026 to 18 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. Mr Brown did not attend and his BASW representative did not attend.
3. Social Work England was represented by Mr Carey case presenter 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:

Adjudicators	Role
Kerry McKeivitt	Chair
Rosemary Chapman	Social worker adjudicator
Sue Ware	Lay adjudicator

Hearings team/Legal adviser	Role
Andrew Brown	Hearings officer
Emma Walker	Hearings support officer
Helen Gower	Legal adviser

Service of notice:

5. The panel was informed by Mr Carey that notice of this hearing was sent to Mr Brown by email to an address provided by the social worker (namely their registered address as it appears on the Social Work England register). The email was also copied to Mr Brown’s BASW representative. Mr Carey 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 7 January 2026 and addressed to Mr Brown at his address which he provided to Social Work England;
 - An extract from the Social Work England Register as of 7 January 2026 detailing Mr Brown’s registered address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 7 January 2026 the writer sent by email to Mr Brown 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.
8. Having had regard to all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Mr Brown in

accordance with Rules 14, 15 and 44 of Social Work England (Fitness to Practise) Rules 2019 (as amended) (“the Rules”).

Proceeding in the absence of the social worker:

9. The panel heard the submissions of Mr Carey on behalf of Social Work England. Mr Carey referred the panel to an email from Mr Brown’s representative confirming that Mr Brown would not be in attendance and that he would not be represented. Mr Carey submitted that Mr Brown’s absence was voluntary and deliberate, an adjournment was not likely to secure his attendance, and that it would be fair to Mr Brown and in the public interest to proceed in his absence.
10. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. This included reference to Rule 43 of the Rules and the cases of *R v Jones [2002] UKHL 5*; *General Medical Council v Adeogba [2016] EWCA Civ 162*. The panel also took into account Social Work England guidance ‘Service of notices and proceeding in the absence of the social worker’.
11. The panel considered all of the information before it, together with the submissions made by Mr Carey on behalf of Social Work England. The panel noted that Mr Brown’s representative has responded to the notice of hearing on Mr Brown’s behalf, and it was satisfied that Mr Brown was aware of today’s hearing.
12. The panel therefore concluded that Mr Brown had deliberately chosen voluntarily to absent himself. The panel had no reason to believe that an adjournment would result in Mr Brown’s attendance. The panel noted that Mr Brown has expressed understandable concerns and frustrations about the length of time that has elapsed since the regulatory concerns were referred to Social Work England and it was of the view that it would be in Mr Brown’s interests and the public interest for this hearing to be disposed of expeditiously. The panel also took into account fairness to Social Work England and the interests of the five witnesses due to give oral evidence to the panel. The panel considered that Social Work England have made every effort to secure Mr Brown’s attendance and that in all the circumstances it would be fair to proceed with the hearing in his absence.

Preliminary matters:

13. Mr Carey made an application for part of the hearing to be heard in private in the event that there were references to health matters concerning a member of Mr Brown’s family. Mr Carey highlighted documents in the bundle which included details of these matters.
14. The panel accepted advice from the legal adviser regarding its power to hear part of the hearing in private. The panel decided that if the matters highlighted by Mr Carey were referred to, these should be heard in private to protect the private life of Mr Brown’s family member. The remainder of the case should be heard in public in accordance with the principle of open justice.

Allegations:

15. The allegation arising out of the regulatory concerns referred by the Case Examiners on 13 and 20 May 2022 is:

While a Registered Social Worker:

1. *Whilst working with Cardiff Council in the period between 21 January 2019 and 10 July 2019, you:-*

- a. Recorded that you had completed a child protection visit to Service User A on or around 6 June 2019 when that was not the case;*
- b. Did not carry out and/or record statutory child protection visits with respect to one or more of the service users identified in Schedule 1;*
- c. Did not carry out and/or record core group meetings with respect to one or more of the service users identified in Schedule 2;*
- d. Did not complete required actions with respect to one or more of the families and/or service users identified in Schedule 3, in particular you:*
 - i. Failed to prepare and send a Public Law Outline (“PLO”) letter;*
 - ii. Delayed preparing and sending a Public Law Outline (“PLO”) letter;*
 - iii. Failed to progress an adoption referral;*
 - iv. Failed to respond on contact arrangements;*
 - v. Failed to update case recordings;*
 - vi. Failed to arrange and/or record further core group meetings;*
 - vii. Failed to meet court-related deadlines.*
- e. Did not communicate appropriately with service users and/or their relatives in that you:*
 - i. Described a family member of Service User A as a “sumo wrestler”;*
and/or
 - ii. Told the mother of Service User A words to the effect that you had a “list of names” who could “sort things out”*

2. *Whilst working with Merthyr Tydfil County Borough Council in the period between April and August 2020, you:-*

- a. Did not carry out and/or record statutory child protection visits with respect to one or more of the service users identified in Schedule 4;*

- b. Did not complete required actions with respect to one or more of the service users identified in Schedule 5;*
 - c. Failed to respond in a timely manner or at all to the supporting change team with regard to the family identified in Schedule 6*
- 3. Whilst working with Powys County Council in the period between August and October 2020 you:-*
 - a. Did not carry out and/or record statutory child protection visits*
 - b. Failed to complete various assessments allocated to you with respect to one or more of the service users identified in Schedule 7*
- 4. Whilst working with Shropshire County Council in the period between November 2020 and February 2021, you:-*
 - a. Did not carry out and/or record statutory child protection visits with respect to one or more of the service users identified in Schedule 8;*
 - b. Did not communicate appropriately with service users and/or third parties in that:*
 - i. On or around 18 December 2020, you told the grandmother of the service users identified in Schedule 9 words to the effect that she was 'pestering' you;*
 - ii. On one or more occasions in the period between November 2020 and January 2021, you failed to respond to calls from the solicitors representing the family identified in Schedule 10;*
 - iii. On or around 21 December 2020 to 15 February 2021, failed to conduct a risk assessment for one or more of the service users identified in Schedule 9; and*
 - iv. On or around 17 December 2020 to 22 January 2021 failed to ensure direct contact took place for one or more of the service users identified in Schedule 11.*
- 5. During the period between 2019-2021, you failed to inform one or more of your employers in Schedule 12 in a timely manner and/or at all that you were the subject of an open fitness to practise investigation.*
- 6. Your actions as set out at paragraph 1a and/or 5 were dishonest.*

The matters outlined in paragraphs 1-6 above amount to the statutory ground of misconduct.

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

[PRIVATE]

Schedule 12

- Cardiff City Council
- Merthyr Tydfil County Borough Council
- Powys County Council
- Shropshire County Council

Admissions:

16. 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.
17. Mr Carey referred the panel to a response form dated 3 December 2025 prepared by Mr Brown. He submitted that the admissions in this document could be treated as formal admissions, noting that Mr Brown has engaged with Social Work England, that he was represented by BASW, and that it was not a blanket set of admissions. Mr Brown had given reasons for his acceptance or denial of each of the allegations.
18. Mr Carey did not invite the panel to conclude that Mr Brown's fitness to practise is impaired on the basis of his admission because this admission was not made on the basis of Social Work England's allegation.
19. Mr Carey also referred the panel to a statement of agreed facts that had been agreed by Mr Brown with his former regulator, Social Care Wales. Mr Carey did not invite the panel to treat the statement of agreed facts as formal admissions to Social Work England's allegations. He explained that Social Work England relied on this document as part of the evidence in the case.
20. The panel accepted the advice of the legal adviser. She advised that if the panel found the admissions made by Mr Brown to be clear and unequivocal it must find the allegation proved under rule 32c(i)(aa) of the Fitness to Practise Rules 2019 (as amended).
21. The panel carefully considered the content of Mr Brown's response form. It considered that his admissions to allegation 1(d)(iii), 1(d)(iv), 1(d)(v) and 1(d)(vii) were sufficiently clear and unequivocal. It therefore found those particulars proved by way of Mr Brown's admissions.
22. The panel was of the view that Mr Brown's admission of allegation 1(b) was not sufficiently clear or unequivocal. This particular included an alleged failure to carry out

a statutory visit and/or an alleged failure to record such a visit. It was unclear whether Mr Brown was admitting the failure in recording, or the failure to carry out the visit or both. In Mr Brown's absence, it was not possible to clarify the extent of his admission. The panel therefore did not find allegation 1(b) proved by admission.

23. For the same reason the panel did not find allegation 1(c), 1(d)(vi), 2(a), 3(a), and 4(a) proved by admission.
24. In respect of the remainder of the allegations that appeared to be admitted by Mr Brown, he added comments to the effect that he had no recollection and could not provide a coherent response. Some of his comments appeared to be inconsistent with his admission; for example, he stated that he endeavoured to respond to communications. The panel was of the view that the remainder of the apparent admissions were not sufficiently clear or unequivocal for it to be satisfied that Mr Brown had admitted each particular.
25. In line with Rule 32c(i)(a) of the Rules, the panel then went on to determine the disputed facts.

Background:

26. Mr Brown is a registered social worker. He previously held registration with Social Care Wales and, before December 2019, with the Health and Care Professions Council ("HCPC").
27. Mr Brown's relevant previous agency engagements include Cardiff City Council Children's Services ("Cardiff") (21 January 2019 to 10 July 2019), Southampton City Council ("Southampton") (August–November 2019), Devon County Council (Devon") (January–March 2020), Merthyr Tydfil County Borough Council ("Merthyr Tydfil") (April–August 2020), Powys County Council ("Powys") (August–October 2020), and Shropshire Council ("Shropshire") (November 2020 to February 2021). His duties across these roles were typical of a child and family social worker, including statutory safeguarding and child protection work, assessments, case recording, statutory visits, core groups, court work under the Public Law Outline ("PLO"), and the production of court reports.
28. Regulatory concerns about Mr Brown's practice first arose in 2019. Cardiff referred matters to Social Care Wales on or around 31 July 2019. Cardiff alleged, among other things, that a child protection visit had been recorded which had not been completed, failures to carry out and/or record statutory visits and core groups, delays in progressing PLO actions, and inappropriate communications. Mr Brown self-referred to the HCPC on 8 August 2019, referring to the existence of the Social Care Wales investigation.
29. Further concerns were later referred from Merthyr Tydfil, Powys and Shropshire during 2020–2021. Shropshire referred Mr Brown to Social Work England on 19 February 2021, citing failures in compliance with court directions, statutory visiting, and record-keeping, as well as concerns about professional communications. Social Work England opened case FTPS-18881. The earlier Cardiff-related matters (FTP-73067) were

subsequently joined with FTPS-18881 pursuant to Rule 27(1)(e) of the Fitness to Practise Rules on 29 November 2022.

30. Mr Brown engaged with Social Care Wales. On 17 June 2021, he signed a statement of agreed facts. He was removed from the Social Care Wales register by agreement, and Social Care Wales notified Social Work England on 25 June 2021.
31. The social worker has consistently denied dishonesty, stating that any practice issues must be understood in the context of workload, supervision and organisational factors (citing COVID-19 pressures in particular). He has indicated that he has retired, and has no intention to return to practice.

Summary of evidence:

Social Work England

32. Mr Carey drew the panel's attention to relevant documents including the statement of case, the final statement bundle, the final exhibits bundle and the social worker's response bundle.
33. Oral evidence was given by the following witnesses:
 - a) Michelle Jayne, a Social Worker and currently Team Manager for the Child and Family Support Team at Merthyr Tydfil.
 - b) Elizabeth Hale, a Social Worker and currently Team Manager at Cardiff.
 - c) Siobhan Williams, a Social Worker and at the relevant time was Service Manager at Shropshire.
 - d) Mother of Family 24.
34. The panel read the production witness statements of Steven Rochnia, a Lead Investigator at Social Work England and its exhibits and the production statement of Charlotte Bloomer, Assistant Solicitor at Capsticks. These statements were admitted as hearsay evidence by a decision of a panel of adjudicators on 30 January 2026.

Application to admit hearsay evidence:

35. Mr Carey made an application to admit the statement of Service User A, mother in the Family 1. Service User A had engaged with Social Work England and had been due to give evidence to the panel. In a brief telephone conversation with the hearings officer, she had said that she was not available, but had indicated that she may be available at a later time. Attempts to contact her during the day were unsuccessful, but she did respond by text message as follows:

“My apologies. I have quite a lot on my plate at the moment, **[PRIVATE]** You will have to excuse me and my lack of attendance at the final hearing.”
36. Mr Carey referred the panel to the factors relevant to the admissibility of hearsay evidence drawn from the case of *Thorneycroft v Nursing and Midwifery Council* [2014]

EWHC 1565. He submitted that there was a good reason for the non-attendance of Service User A, that her evidence was of probative value, but was not the sole or decisive evidence, and that it would be fair to admit her evidence given that Mr Brown had indicated in his case management form that he did not require Service User A to attend to give evidence and that he had not attended the hearing. Mr Carey submitted that Service User A's evidence was consistent with the wider evidence in the case and that there was no reason for her to fabricate her account.

37. The panel accepted the advice of the legal adviser. She advised that there is an important distinction between the admissibility of hearsay and the assessment of the weight to be given to such evidence if it is admitted. The panel may decide to admit hearsay evidence, but it should consider the case law guidance on admissibility of such evidence which requires the panel to consider whether it is fair to admit the evidence. The relevant factors, drawn from the cases of *Thorneycroft* and *El Karout v Nursing and Midwifery Council* [2019] EWHC 28 include:

- Whether the statement is the sole or decisive evidence in support of the allegation.
- The nature and extent of the challenge to the contents of the statement.
- Whether there was any suggestion that the witnesses had reasons to fabricate the allegations.
- The seriousness of the allegation, taking into account the impact that adverse findings might have on Mr Brown's career.
- Whether there was a good reason for the non-attendance of Service User A.
- Whether Social Work England had taken reasonable steps to secure her attendance.
- The fact that Mr Brown did not have prior notice of this application to admit hearsay evidence.
- The nature of the hearsay evidence; in this case a signed witness statement.

38. The panel considered that Social Work England had taken all reasonable steps to secure Service User A's attendance and that until she was due to give evidence it had been anticipated that she would attend to give oral evidence. The panel considered that there was a cogent reason for Service User A's non-attendance. The reason given was akin to health grounds. **[PRIVATE]** The panel agreed with Mr Carey's submission that Service User A's evidence was not the sole or decisive evidence in relation to the relevant allegations. The panel did not consider that it would be unfair to Mr Brown if the panel were to admit Service User A's evidence. He had voluntarily absented himself from the hearing, and had indicated in his case management form that he did not require Service User A to attend the hearing to give evidence. Within his comments and responses to Social Work England Mr Brown did not suggest that Service User A had

fabricated her evidence. The hearsay evidence was in the form of a formal witness statement signed by Service User A.

39. Having considered the relevant factors, the panel decided that it would be fair and appropriate to admit the hearsay evidence of Service User A.

Finding and reasons on facts:

40. The panel heard and accepted the advice of the legal adviser. The panel was reminded that the burden of proof rested throughout on Social Work England and that the applicable standard of proof was the civil standard, namely the balance of probabilities. The panel was advised that each allegation must be considered separately and that no allegation could be found proved unless, having carefully examined and weighed the evidence, the panel was satisfied that it was more likely than not that the alleged conduct had occurred.
41. The panel was advised to consider all the evidence before it, including oral testimony, documentary material, and written statements as admitted in evidence. The panel was reminded to give appropriate weight to contemporaneous documents, to treat witness demeanour with caution, and to assess hearsay evidence carefully, attaching weight in light of corroboration, reliability and fairness.
42. The panel was referred to Mr Brown's comments and submissions regarding the time that has elapsed since the matters were referred to Social Work England. The panel was advised to take into account the impact the passage of time may have had on the recollection of witnesses and on Mr Brown.
43. In relation to dishonesty, the panel was advised to apply the test set out in *Ivey v Genting Casinos (UK) Ltd*, first determining the social worker's actual state of knowledge or belief as to the facts at the relevant time, and then considering whether the conduct would be regarded as dishonest by the standards of ordinary decent people.
44. The panel was further reminded that its findings must be based on the evidence, and not on speculation, and that it should provide reasons for its conclusions on the facts which are sufficient for the parties to understand the decision it has reached.
45. In reaching its decision, the panel carefully considered all the evidence placed before it, including the responses provided by Mr Brown. The panel gave appropriate weight to hearsay evidence and approached such material with caution, having regard to its nature, the circumstances in which it was obtained, and the extent to which it was corroborated by contemporaneous and other reliable evidence. The panel applied the appropriate standard of proof and assessed each allegation separately on its own merits.
46. The panel found that all of the witnesses called by Social Work England gave their evidence in a clear and helpful manner, consistent with their witness statement and the documents. Each witness answered questions carefully and within the bounds of their

recollection. The panel was satisfied that none of the witnesses sought to deflect or to mislead the panel and that each provided cogent testimony intended to assist the panel in its decision making.

47. The panel gave more weight to the contemporaneous documents than to the witness evidence, given the passage of time since the events in question, and the impact of the passage of time on the recollection of witnesses. The panel also gave weight to the statement of agreed facts. While it recognised that there were differences between the formulation of Social Work England’s allegation and the matters set out within the statement of agreed facts, the panel identified areas of overlap and it was of the view that its content could be relied on given the formal nature of the statement and its preparation in June 2021 which was within a relatively short time of the events in question.

Allegation 1(a)

Whilst working with Cardiff Council in the period between 21 January 2019 and 10 July 2019, you:

- a. Recorded that you had completed a child protection visit to Service User A on or around 6 June 2019 when that was not the case;*

48. In his formal response form Mr Brown disputed this allegation, stating that this was “not deliberate rather error engendered by the volume of work and pressure within office”. Although denying the allegation, Mr Brown’s response appeared to indicate that he had made an error.
49. The panel found allegation 1(a) proved by the documentary evidence, the witness evidence of Ms Hale, and the hearsay evidence of Service User A.
50. The panel gave weight to the contemporaneous documents. The case recording system at Cardiff was the Carefirst system. In this system Mr Brown made an entry dated 6 June stating that a visit to Service User A was made and that the children were seen.
51. Ms Hale made a written record on 16 July 2019 recording a complaint made by Service User A. Within this note Ms Hale recorded as follows:
- “[Service User A] showed me a book where she had written down the dates of all the visits Mr Brown had completed as she was beginning to recognise that he had not been visiting as arranged. I went through the child protection visits recorded on the system. [Service User A] advised me that [Mr Brown] had not visited on 6 June 2019. She said she could remember this because there had been a core group on 5 June 2019 where [Service User A] had asked for support and [Mr Brown] had agreed to visit her the next day, but had never arrived”.
52. In her witness statement Ms Hale confirmed that she had seen the book referred to in this note. The book was not available as part of the evidence, but the panel accepted

the above written record as evidence that Service User A had noted the dates of Mr Brown's visits, and also that she also reported to Ms Hale her clear recollection, at that time, that Mr Brown had not visited her on 6 June 2019.

53. Ms Hale's witness evidence and the hearsay evidence of Service User A was consistent with the documentary evidence. Ms Hale also noted clear differences between Mr Brown's recording on 6 June 2019 with the children not mentioned by name and lacking in detail, compared to his other child protection visits. The panel considered that this stylistic difference would not by itself be probative, but it was consistent with the other evidence, as accepted by the panel, that Mr Brown had not visited Service User A on 6 June 2019.
54. The panel was also satisfied that there was a typographical error in the agreed statement of facts and that the reference to a visit on 6 July 2019 should be a reference to 6 June 2019. The facts formally agreed by Mr Brown include:

"It is confirmed in the notes of visits with Service User 1 on 16 and 18 July 2019 (referred to above) that Mr Brown had not visited on 6 July 2019."

Allegation 1(b)

b. Did not carry out and/or record statutory child protection visits with respect to one or more of the service users identified in Schedule 1;

55. In his response form Mr Brown admitted this allegation, adding "I remain without detailed knowledge of my failings here."
56. The panel found Allegation 1(b) proved by the documentary evidence and the witness evidence of Ms Hale.
57. As explained by Ms Hale in her witness statement Statutory Child Protection visits should have been carried out every ten days. This requirement was also set out within the All Wales Child Protection Procedures. The panel was satisfied that Mr Brown was aware of these requirements as an experienced social worker and because he had previously worked in Wales as an agency social worker and would therefore be familiar with the *All Wales Child Protection Procedures*. Ms Hale received performance reports which identified when visits were overdue. Mr Brown's name was flagged in these reports and Ms Hale raised with him that he needed to complete his case recordings. Concerns persisted regarding his case recordings and were raised with Mr Brown by Ms Hale. Mr Brown was apologetic and referred to his personal circumstances, but did not ask Ms Hale for support.
58. Ms Hale gave evidence that the social worker held an average number of cases and these were not overly complex.
59. The panel reviewed the records for Family 1. Mr Brown recorded Child Protection visits on 12 March 2019, 27 March 2019, 3 April 2019, 14 May 2019 and 6 June 2019. There is a substantial gap of six weeks between recorded visits on 3 April 2019 and 14 May 2019.

60. Mr Brown kept a paper diary, but this was not available to the panel within the documents and there was no reference within the documents to other visits carried out by Mr Brown which had not been recorded. On her return from sick leave Ms Hale required Mr Brown to complete his case notes, which at that time showed that Family 1 had not been visited for 88 days. Despite being given a further reminder to complete his case notes, Mr Brown did not record any visits to Family 1 between 3 April and 14 May 2019. The requirement of recording is so important within the profession that experienced social workers understand that if a visit is not recorded it did not happen. On the balance of probabilities, the panel concluded that Mr Brown had not carried out child protection visits, as well as failing to record some of them.
61. **[PRIVATE]**
62. The panel was satisfied that Mr Brown had not recorded and had not carried out child protection visits for Family 4. The absence of a recorded visit to this family was highlighted by Ms Hale in an email dated 13 June 2019. A visit to this family was overdue. In a further email from Ms Hale dated 19 June 2019, there was still not a recorded visit to this family since 29 May 2019. Although Ms Hale recorded that Mr Brown told her that he had been visiting the family weekly, he had not made any record of any visit despite reminders. Given the absence of any record for a period of almost a month, the panel concluded that Mr Brown had not carried out and had not recorded visits as required.
63. Having reviewed the documentary evidence and considered Ms Hale's evidence, the panel did not find particular 1(b) proved in relation to Family 5.

Allegation 1(c)

c. Did not carry out and/or record core group meetings with respect to one or more of the service users identified in Schedule 2;

64. In his response form Mr Brown admitted this allegation, adding "I remain without detailed knowledge of my failings here."
65. The panel found allegation 1(c) proved by the documentary evidence and the witness evidence of Ms Hale.
66. Under the All Wales Child Protection Procedures core group meetings must be held at least monthly, with the first within ten working days of the initial conference. The panel was satisfied that Mr Brown knew and understood these requirements as an experienced social worker who had previously worked in Wales.
67. For Service User 6, after a review conference on 2 April 2019, the next core group meeting is not recorded as having taken place until 28 June 2019, which is a gap of three months. In an email dated 30 May 2019 Ms Hale reminded Mr Brown that a Core Group meeting needed to be arranged for Service User 6, as "the meeting last week had been cancelled". This remained outstanding on 19 June 2019 when Ms Hale in another email

again referred to the need for Mr Brown to organise a core group meeting for Service User 6. The panel was satisfied that Mr Brown had not carried out the core group meeting for Service User 6 over a three month period.

68. In relation to Family 5 the panel found that Social Work England has not discharged the burden of proof.

Allegation 1(d)(i)

d. Did not complete required actions with respect to one or more of the families and/or service users identified in Schedule 3, in particular you:

i. Failed to prepare and send a Public Law Outline (“PLO”) letter;

69. In his response form Mr Brown denied this particular of the allegation stating that “this was occasioned by the conflicting advice and direction from child protection chair and the various committees steering case management.”
70. The panel found allegation 1(d)(i) proved by the documentary evidence and the witness evidence of Ms Hale.
71. Ms Hale explained in her witness statement that the PLO process is the pre-court process before care proceedings are issued to attempt to resolve the concerns about the child. The first stage of the PLO process is for the PLO letter to be written by a social worker and sent from Children’s Services to the children’s parents setting out the issues and what improvements need to be made by the children’s parents.
72. Social Work England relied on the evidence relating to Family 1 in support of this particular of the allegation. Mr Brown attended the first PLO panel meeting on 12 March 2019. Following such a meeting Ms Hale explained that it was standard practice for the PLO letter to be drafted by the social worker and sent for legal review within seven days. Mr Brown was expected to send the letter for legal review by 19 March 2019, but failed to do so. The delay led to another PLO panel convening on 14 May 2019. Mr Brown was reminded by Ms Hale of the requirement to complete the letter in an email on 30 May 2019. Despite the reminder the letter had not been written by 23 July 2019 and the threshold to start PLO had been lost.
73. The panel was satisfied that Mr Brown had a duty to write the letter because this was standard social work practice following the PLO meeting on 12 March 2019 and because he received a management instruction to do so in the email dated 30 May 2019.
74. The panel found no evidence of conflicting advice from the child protection chair or that Mr Brown sought clarification on conflicting advice from Ms Hale. Ms Hale explained that the role of the child protection chair is independent and that they are not a decision maker.

Allegation 1(d)(ii)

ii. Delayed preparing and sending a Public Law Outline (“PLO”) letter;

75. In his response form Mr Brown denied this particular of the allegation stating that “this was occasioned by the conflicting advice and direction from child protection chair and the various committees steering case management.”
76. Social Work England relied on the evidence relating to Family 5 to support this particular of the Allegation. Mr Brown was in attendance at a PLO panel on 5 February 2019 where it was agreed that the PLO process would begin. On 28 February 2019 Ms Hale sent an e-mail to Mr Brown which included the following “We really need to get the PLO letter for [Family 5] out.I would really like to chair the meeting before I go off on [] leave”. By 7 March 2019 Mr Brown had not acted on this instruction. Ms Hale sent an email to a solicitor, and copied the e-mail to Mr Brown. Ms Hale advised Mr Brown that he needed to ensure that the PLO meeting was booked in as soon as possible and asked him to get the PLO letter to her for checking by “the end of the day tomorrow”. The panel accepted the evidence of Ms Hale that as far as she could recall the PLO letter was not completed by the time she went off work on 15 March 2019.
77. Having reviewed the evidence, the panel was satisfied that Mr Brown had a duty to complete the PLO letter. He had received management instructions to do so. The completion of the PLO letter was well outside the expected timescales and the timescale set by Ms Hale. The panel found no evidence of any conflicting advice received by Mr Brown or any evidence that he sought clarification on the instructions from Ms Hale.

Allegation 1(d)(iii-vi)

- iii. Failed to progress an adoption referral; admitted and found proved*
- iv. Failed to respond on contact arrangements; admitted and found proved*
- v. Failed to update case recordings; admitted and found proved*
- vi. Failed to arrange and/or record further core group meetings;*

78. The panel found particular 1(d)(vi) not proved.
79. In respect of Family 1 that Social Work England has not discharged the burden of proof. The panel considered the documentary evidence relied on by Social Work England, but did not consider it sufficient to prove that Mr Brown had failed to arrange further core group meetings. It noted that Service User A’s complaint was that no action plan was made in core group meetings, rather than that such meetings were not arranged.
80. In relation to Service User 6 the panel was of the view that this allegation incorporated the finding made by the panel in Allegation 1(c). The panel did not make a separate finding under 1(d)(vi) as it would amount to duplication.

vii. *Failed to meet court-related deadlines; admitted and found proved Allegation 1(e)*

e. *Did not communicate appropriately with service users and/or their relatives in that you:*

i. *Described a family member of Service User A as a “sumo wrestler”;
and/or*

81. In his response form Mr Brown denied this particular of the allegation stating “Disputed – family had generational history of animus and ambivalence towards state agencies”.

82. The panel found particular 1(e)(i) proved by the documentary evidence, the witness evidence of Ms Hale, and the hearsay evidence of Service User A.

83. The panel gave weight to the documentary evidence. Ms Hale made a written record of Service User A’s complaint on 16 July 2019 as follows:

“[Service User A] has two brother who are under 18 years old. [Mr Brown] has met them. Following this meeting, when N told [Mr Brown] that she had seen her uncle, [Mr Brown] asked her whether it was the uncle who looks like a sumo wrestler”

84. Ms Hale also made a contemporaneous note of her conversation with Mr Brown about this complaint on 31 July 2019 as follows:

“[Mr Brown] agreed that he did refer to N’s uncle as being a “sumo wrestler” but that he did not mean any malice by this and was trying to be friendly. I explained that it was not appropriate to refer to any young person by this term.”

85. The panel was satisfied that Mr Brown had described a family member, under the age of 18, as a “sumo wrestler”.

86. Notwithstanding his denial of this allegation in the response form, Mr Brown had formally agreed the following within the statement of agreed facts with Social Care Wales:

“Mr Brown admitted that he had referred to the uncle as being a “sumo wrestler”.

87. The panel gave weight to the statement of agreed facts, an important statement agreed by Mr Brown, with the benefit of advice from his representative, as part of the formal fitness to practise proceedings.

88. The panel considered that even if Mr Brown’s intention was not malicious, his description of a family member of a Service User as a “sumo wrestler” was entirely inappropriate. Such language is unprofessional and disrespectful. It has the potential to and did in this case cause offence. Under the HCPC Standards of conduct, performance and ethics (2016) Mr Brown was required to treat service users as

individuals, respecting their care and dignity, and to be polite and considerate. The panel was therefore satisfied that Mr Brown had not communicated appropriately, in accordance with expected professional standards, with regard to Service User A's relative.

ii. Told the mother of Service User A words to the effect that you had a "list of names" who could "sort things out"

89. In his response form Mr Brown denied this particular of the allegation stating "disputed – family had generational history of animus and ambivalence towards state agencies".

90. The panel gave weight to the documentary evidence. Ms Hale made a written record of Service User A's complaint on 16 July 2019 as follows:

"[Service User A] told me that during one visit to her mother [Mr Brown] informed her mother that he used to be a Probation Officer and that he had been given a list of names by a person he used to work with, of people who could fix situations for him. [Service User A] advised that her mother felt that he did this in a threatening manner."

91. Ms Hale also made a contemporaneous note of her conversation with Mr Brown about this complaint on 31 July 2019 as follows:

"[Mr Brown] thought that he had said to [Service User A]'s mother that he had a list of names of people who could 'sort things out' for him but that he had said this because [Service User A]'s mother had made a similar comment and therefore, he thought that it was Okay to say this."

92. Having considered this documentation, together with the witness evidence, the panel was satisfied that Mr Brown had told the mother of Service User A words to the effect that you had a "list of names" who could "sort things out"

93. Notwithstanding his denial of this allegation in the response form, Mr Brown had formally agreed the following within the statement of agreed facts with Social Care Wales:

"Mr Brown admitted that ...he thought he had told Service User A's mother that he had a list of names of people who could "sort things out".

94. The panel gave weight to the statement of agreed facts, an important statement agreed by the social worker, with the benefit of advice from his representative, as part of formal fitness to practise proceedings.

95. The panel considered that even if Mr Brown's intention was not malicious, and he was reflecting language used by Service User A's mother, his response was unprofessional and inappropriate. His words could be and were perceived by the mother of Service User A as threatening and disrespectful. Under the HCPC standards of conduct,

performance and ethics (2016) Mr Brown was required to treat service users as individuals, respecting their care and dignity, and to be polite and considerate. The panel was therefore satisfied that Mr Brown had not communicated appropriately, in accordance with expected professional standards, with Service User A's relative.

Allegation 2(a)

Whilst working with Merthyr Tydfil County Borough Council in the period between April and August 2020, you:-

- a. Did not carry out and/or record statutory child protection visits with respect to one or more of the service users identified in Schedule 4;*

96. In his response form Mr Brown indicated that he admitted this particular of the allegation, but stated "I have no recollection of these events and can offer no coherent response". In other representations Mr Brown referred to the impact of COVID during his time at Merthyr Tydfil.
97. The panel found allegation 2(a) proved by the documentary evidence and the witness evidence of Ms Jayne.
98. The panel reviewed the evidence relating to Family 8. Mr Brown was the allocated social worker for the family between 21 April 2020 and 21 July 2020. The children in the family were subject to Child Protection Plans and therefore a statutory visit was required a minimum of every ten days. Merthyr Tydfil's Case Recording Guidance, which was available to Mr Brown on Merthyr Tydfil's intranet, required child protection records to be completed within two days.
99. The panel was provided with the case records for Family 8 and there were no records made by Mr Brown during the time he was the allocated social worker. Ms Jayne was of the view that Mr Brown did visit the family on some occasions, due to the conversations that took place in the office. However, as pointed out by Ms Jayne it is difficult to say whether Mr Brown saw the family because the general principle is that if a recording is not in the system, it is assumed that a visit did not take place. In the absence of any case recordings the panel was satisfied, on the balance of probabilities, that Mr Brown had not carried out and had not recorded statutory visits for Family 8.
100. The panel was also provided with the case records for Family 9. These included child protection visits on 30 April 2020 and 11 August 2020. At the visit on 11 August 2020, it was noted that a new social worker would be appointed and that no explanation could be provided for why there had not been a visit since 17 July 2020. The panel was satisfied that Mr Brown had not carried out and had not recorded statutory visits for Family 9.
101. The missed statutory visits and failures to record took place during COVID lockdown, but there was still a requirement to carry out statutory visits to ensure the safety of children at this time. Ms Jayne explained that social distancing rules would be complied

with and, in some circumstances, modifications to statutory visits were required. For example, children might be seen through a window. During the COVID lockdown when children were not attending school, it was all the more important that there were checks on their safety and wellbeing. The panel was satisfied that there were protocols and arrangements in place, and that the COVID circumstances did not excuse Mr Brown from carrying out and recording statutory visits.

Allegation 2(b)

b. Did not complete required actions with respect to one or more of the service users identified in Schedule 5;

102. In Mr Brown's response form he admitted this particular of the allegation, but stated "I have no recollection of these events and can offer no coherent response".
103. The panel found allegation 2(b) proved by the documentary evidence and the witness evidence of Ms Jayne.
104. The panel accepted the evidence of Ms Jayne that on 14 May 2020 she asked Mr Brown to make a safeguarding referral for the third child in Family 9 by completing a "C1 form". Her evidence was supported by a contemporaneous document dated 10 June 2020 in which Ms Jayne informed another professional that she had asked Mr Brown to carry out this task on two occasions. Mr Brown did not submit the required C1 form until 9 June 2020.
105. The panel also accepted Ms Jayne's evidence relating to the requirement for Mr Brown to complete a parenting assessment form for Family 10. Mr Brown was allocated to the case between 28 May and 11 August and he was expected to start undertaking the parenting assessment from the date of allocation. Ms Jayne's evidence was consistent with an email from another professional advising on 6 July 2020 that she had cancelled a review meeting for the family because of the absence of any plan. It had been anticipated that the younger children would return to their parents where the risks were to be managed through a child protection plan. Mr Brown had not completed the parenting assessment by the time of his departure from Merthyr Tydfil in August 2020.
106. The panel did not consider that the COVID circumstances explained or excused Mr Brown's lack of action with respect to the required actions.

Allegation 2(c)

c. Failed to respond in a timely manner or at all to the supporting change team with regard to the family identified in Schedule 6

107. In his response form Mr Brown admitted allegation 2(c), but stated "I have no recollection of these events and can offer no coherent response."

108. The panel found allegation 2(c) proved by the documentary evidence and the witness evidence of Ms Jayne.
109. As a professional social worker the panel was satisfied that Mr Brown had a duty to respond to other professionals working within the supporting change team who had requested his comments. This was a necessary element of multi-agency collaborative working as required under Social Work England's professional standards.
110. The supporting change team had been working with the family to address alcohol and substance misuse issues. On 6 May 2020 a professional within the supporting change team sent an email to Mr Brown asking if Mr Brown could identify further work or if they were content for the supporting change team to write up their assessment and close the case. Mr Brown did not reply to this email and a follow up email was sent on 11 May 2020. Again, Mr Brown did not reply and the supporting change team confirmed that the case would be closed.
111. The COVID circumstances do not explain or excuse Mr Brown's failure to respond to email correspondence from the supporting change team.

Allegation 3(a)

- a. *Whilst working with Powys County Council in the period between August and October 2020 you:-
Did not carry out and/or record statutory child protection visits*

112. In his response form Mr Brown admitted allegation 3(a), but added "I have no recollection of these events and can offer no coherent response".
113. The panel found there was insufficient evidence to discharge the burden of proof and found allegation 3(a) not proved. This allegation does not identify families or children and was insufficiently particularised.
114. Social Work England relied upon the statement of agreed facts, which refers to an email dated 22 December 2020 from Ms Unsworth, Mr Brown's line manager at Powys, that Mr Brown's case recording was not up to date. The statement of agreed facts does not identify any children or families, or the type of case record that was not up to date. While there was limited documentary evidence indicating that Mr Brown's case recording was not up to date, there was insufficient evidence for the panel to conclude that this involved statutory child protection visits or that Mr Brown had failed to carry out such visits.

Allegation 3(b)

- a. *Failed to complete various assessments allocated to you with respect to one or more of the service users identified in Schedule 7*

115. In his response form Mr Brown admitted this allegation, but added "I have no recollection of these events and can offer no coherent response".

116. The panel found allegation 3(b) proved by the documentary evidence, including the documents contained in the production statement of Ms Bloomer.
117. The documents exhibited by Ms Bloomer included performance reports which identified that for the service users listed in Schedule 7 the assessment was overdue or “not started”. The exhibits also included emails from Ms Unsworth and the Legal team chasing the completion of assessments.
118. The panel was satisfied that Mr Brown was under a duty to complete the assessments because he had received management instructions in the form of the chasing emails.
119. The panel also gave weight to the Statement of Agreed Facts which recorded as follows:
- “Mr Brown had only completed two assessments out of the 16 that were allocated despite Ms Unsworth asking for them several times and allowing him time to write them up.”

Allegation 4(a)

4) Whilst working with Shropshire County Council in the period between November 2020 and February 2021, you:-

a. Did not carry out and/or record statutory child protection visits with respect to one or more of the service users identified in Schedule 8;

120. In his response form Mr Brown admitted allegation 4(a) but added “I have no recollection of these events and can offer no coherent response”. In other responses to Social Work England Mr Brown alleged that individual practitioners at Shropshire Council were being scapegoated for systemic failures, and that supervision and workload oversight were insufficient. He denied the validity of the Shropshire allegations, claiming that Shropshire sought to place blame on individuals rather than address wider organisational issues.
121. The panel found allegation 4(a) proved by the documentary evidence and the witness evidence of Ms Williams.
122. The panel did not hear evidence from Mr Brown’s line manager, but Ms Williams described in her witness statement that it was difficult to provide effective supervision for Mr Brown because he failed to meet with his line manager as arranged. On 29 January Ms Williams had a discussion with Mr Brown because he had been avoiding conversations with his direct line manager. Ms Williams told the panel that she arranged support for Mr Williams on the Liquid Logic recording system, but that Mr Williams did not engage with the support offered by the support team.
123. The panel did not find evidence supporting Mr Brown’s assertions that he was scapegoated, or that supervision was inadequate. As an experienced social worker, the panel would have expected Mr Brown to raise and document any concerns about these matters.

124. Ms Williams conducted audits on 22 and 29 December 2020 identifying failures by Mr Brown to carry out or record visits to eight families. In these cases, either no visits were recorded, or no visits occurred. For example, for Service User 31 Mr Brown had recorded nothing since the case was allocated to him on 11 November. This was a worrying case where the parents had hidden injuries or evidence of violence, so visits needed to be extremely regular. On 29 December 2020 Ms Williams sent an e-mail to Mr Brown entitled “your recording – urgent action required”. She required him “most urgently” to bring his records up-to-date. Ms Williams also advised Mr Brown that there had been complaints from carers or parents indicating that they had not been able to get hold of Mr Brown or that they felt unsupported.
125. The panel also noted evidence that independent reviewing officers raised concerns about missed social work visits in a number of the cases.
126. The panel was satisfied that in respect of each of the Service Users listed in Schedule 8 Mr Brown had failed to carry out statutory visits and had failed to record visits he had carried out.
127. The panel considered that the COVID circumstances did not explain or excuse Mr Brown’s failures. Visits were still required to keep children safe, following protocols and procedures for either in person or remote visits as explained by Ms Williams in her evidence.

Allegation 4(b)(i)

b. Did not communicate appropriately with service users and/or third parties in that:

i. On or around 18 December 2020, you told the grandmother of the service users identified in Schedule 9 words to the effect that she was ‘pestering’ you;

128. In his response form Mr Brown denied this particular. He stated that this “is not language I would ever use when speaking to anybody. I do not acknowledge ever using the word ‘pestering’. This term doesn’t feature in my vocabulary.”
129. The allegation required Social Work England to prove that Mr Brown used words “to the effect that” the grandmother was pestering him, not that he used the word “pestering”.
130. The panel found that Social Work England has not discharged the burden of proof and allegation 4(b)(i) is therefore not proved. The proof of this particular depended upon the panel giving weight to hearsay evidence. That hearsay evidence took the form of a record made by a professional of a complaint made by the mother of the service users in Schedule 9. She was reporting a comment that had not been made to her, but reporting a comment made to her mother by Mr Brown. The panel was of the view that there was a significant risk of misunderstanding or miscommunication, given the multiple hearsay involved. The panel therefore exercised caution and gave little weight to the hearsay evidence.

Allegation 4(b)(ii)

- ii. On one or more occasions in the period between November 2020 and January 2021, you failed to respond to calls from the solicitors representing the family identified in Schedule 10;*

131. In his response form Mr Brown admitted Allegation 4(b)(ii) but added “I have no recollection by dint of the near five years that have elapsed. I endeavoured to respond to communications”.
132. The panel found that Social Work England has not discharged the burden of proof on allegation 4(b)(ii).
133. On 22 January 2021 the solicitors representing the father of Family 24 sent an email raising concerns that Mr Brown had not responded to calls from their client, but there was no complaint that Mr Brown had not responded to them.

Allegation 4(b)(iii)

- iii. On or around 21 December 2020 to 15 February 2021, failed to conduct a risk assessment for one or more of the service users identified in Schedule 9; and*

134. In his response form Mr Brown admitted allegation 4(b)(iii) but added “I can’t comment given the time which has elapsed.”
135. The panel found allegation 4(b)(iii) proved by the documentary evidence and the witness evidence of Ms Williams.
136. The risk assessment relating to Service Users 37 and 38 involved whether unsupervised contact should take place between a Mr S and the children. In an email dated 21 December 2020 sent to Mr Brown and his line manager, the independent reviewing officer for Service User 37 advised that she was unable to ratify unsupervised contact without an assessment of Mr S. The independent reviewing officer asked Mr Brown to “confirm that the assessment plan has been filed with the court”.
137. Mr Brown was under a duty to carry out the risk assessment following this email. Ms Williams explained in her statement that the risk assessment was recommended within the children’s Child Looked After review. Mr Brown may have believed that the clean DBS certificate was sufficient for contact to be agreed, but this had not been agreed, and it was not for Mr Brown alone to decide to ignore this.
138. Mr Brown did not act upon the email of 21 December 2020. In a record of a supervision dated 15 February 2021 Mr Brown’s line manager instructed him to “risk assess Mr S before agreeing to contact arrangements”. The panel was therefore satisfied that Mr Brown had failed to carried out the risk assessment, as required, between 21 December 2021 and 15 February 2021.

Allegation 4(b)(iv)

iv. On or around 17 December 2020 to 22 January 2021 failed to ensure direct contact took place for one or more of the service users identified in Schedule 11.

139. In his response form Mr Brown admitted allegation 4(b)(iv) but added “I can’t comment given the time which has elapsed”.
140. The panel found allegation 4(b)(iv) proved by the documentary evidence and the evidence of Ms Williams.
141. Ms Williams explained in her evidence that during COVID restrictions there was no blanket ban on direct contact taking place between children and their relatives. Each case was assessed on a case-by-case basis. Although most visits were virtual, the priority for direct access would be babies and young children where contact by video link would be of little value. In 2020 Shropshire prepared policies and guidance documents relating to the risk assessments for face-to-face contact time as outlined in Ms Williams’ statement. These included COVID risk assessment for face-to-face family time, COVID face-to-face safety plan and a family time safety checklist.
142. Service User 30, Service User 25 and Service User 32 were allocated to Mr Brown on 9 October 2020. In email correspondence relating to these service users Mr Brown’s line manager acknowledged on 20 January 2021 that there was a court directed contact plan, but that there had been no face-to-face contact since the previous social worker left in November.
143. The panel was satisfied that Mr Brown had a duty to facilitate face-to-face contact for service users 30, 25 and 32 under the court direction and Shropshire’s COVID protocols.
144. The panel noted an email from Shropshire’s legal adviser relating to contact for these service users. She had received a lengthy email from the father’s solicitor. This email outlined the absence of direct contact and cancellation of arrangements for direct contact. The parents were informed on 11 January 2021 that direct contact had been suspended because of the lockdown, but the legal adviser pointed out that the suspension of all direct contact was not agreed and that this was not a policy applied by Shropshire across the board.
145. There was nothing in the contemporaneous documents which explained or documented Mr Brown’s decisions relating to contact. The panel inferred that Mr Brown, the allocated social worker, had told the parents that their contact was suspended because of lockdown.

Allegation 5

5. During the period between 2019-2021, you failed to inform one or more of your employers in Schedule 12 in a timely manner and/or at all that you were the subject of an open fitness to practise investigation.

146. In his response form and throughout his responses to Social Work England Mr Brown denied allegation 5. Mr Brown stated:

“Disputed, the locum agency placing me in Cardiff, Red Sector were informed of the Social Care Wales fitness to practice issues, and were happy to place me in Southampton Children’s Services, January to March 2020 when COVID 19 necessitated return to Wales. There was no bar on my continuing to practice as a social worker. The compliance teams within the locum agencies are ostensibly robust and all relevant information about would have been passed to Non Stop Recruitment who sourced the placements April 2020 to February 2021. Note - Non Stop continue to get in touch regarding vacancies.”

147. Mr Brown has not provided Social Work England with details of his communication with Non-Stop Recruitment. He has not specified whether he provided the information in writing or by telephone and he has not identified an individual or individuals within Red-Stop who were aware of the fitness to practice issues.

148. The panel found allegation 5 proved by the documentary evidence, together with the witness evidence of Social Work England’s witnesses.

149. The panel was satisfied that Mr Brown was aware of the Social Care Wales Investigation by 8 August 2019. On this date he referred himself to the HCPC reporting that Social Care Wales had received a referral about his practice. The exhibits bundle included a copy of Mr Brown’s email.

150. Mr Brown’s engagement with Cardiff was prior to 8 August 2019, and the panel therefore found allegation 5 not proved in relation to Cardiff City Council.

151. The panel was satisfied that Mr Brown was under an obligation to ensure that his subsequent employers were aware of the fitness to practise investigation. This was required under Standard 9.1 of the HCPC’s Standards of conduct, performance and ethics.

152. Mr Brown was engaged through an agency, but the panel also considered that he had a responsibility to check that his agency had informed the relevant councils that engaged his services. If Mr Brown was under any doubt about his obligation, the position was clarified for him in a telephone discussion on 8 October with Social Care Wales’ fitness to practise officer. In this conversation the officer asked Mr Brown to confirm that his employer was aware of the ongoing case and the concerns. The confirmation of this telephone conversation is contained in the statement of agreed facts at paragraph 29.

153. Mr Brown’s position is that he informed Nonstop Consulting. He does not specify a date, but indicates that it was prior to January 2020. This is contrary to the information agreed by Mr Brown within the statement of agreed facts. This records that:

“In an email from AA of Nonstop Consulting, dated 15 December 2020, it was confirmed that Mr Brown had not informed them that he was subject to ongoing

Fitness to Practise investigations with Social Care Wales until after he had started working with Shropshire Council”.

154. The panel preferred the information contained within the statement of facts to Mr Brown’s assertion, which was not supported by any objective evidence.
155. The panel accepted the evidence of Ms Jayne that Mr Brown had not disclosed the Social Care Wales investigation to herself or to colleagues at Merthyr Tydfil. She did not receive information about the investigation from Nonstop Consulting.
156. In an email dated 3 August 2021 Ms Unsworth informed Social Work England that Mr Brown had not told her that he was under investigation from Social Care Wales. Mr Brown also agreed in the statement of agreed facts that he had not informed Ms Unsworth of any fitness to practice cases during his employment.
157. Ms Williams stated that she became aware of some concerns about Mr Brown’s practice after she had left to go on leave. She did not receive information from Mr Brown’s agency and found out retrospectively that a complaint was underway with Social Care Wales.
158. In respect of Merthyr Tydfil, Powys, and Shropshire Councils the panel found Allegation 5 proved.

Allegation 6

6. *Your actions as set out at paragraph 1a and/or 5 were dishonest.*

159. In considering this allegation the panel applied the two-stage test for dishonesty in the case of *Ivey v Genting Casinos (UK) Ltd* [2017] UKSC 67.
 - a. First the actual knowledge or belief of the social worker at the time must be ascertained.
 - b. Secondly it must be determined whether his conduct was dishonest by the objective standard of ordinary decent people.
160. The panel first considered dishonesty in respect of allegation 1a. The panel was satisfied that as an experienced social worker Mr Brown knew that child protection records must be accurate. This was required under the HCPC Standards of conduct, performance and ethics (2016) 10.1 “you must keep full, clear and accurate records for everyone you care for, treat, or provide other services to”. This was also a requirement under the All Wales Child Protection Procedures which required that case notes be written contemporaneously, fully reflect the enquiry process, be signed and dated, and record what the child says in the child’s own words.
161. The panel noted that Mr Brown attended a Core Group Meeting for Service User A on 5 June 2019 and it had been agreed at that meeting that he would visit Service User A the following day. Mr Brown knew that he had not made that agreed visit, but he nevertheless made the record of a visit soon after 6 June 2019. The panel was satisfied

that Mr Brown did not believe that he had visited Service User A. His explanation, when Ms Hale spoke to him about Service User A's complaint, that he had streamlined his case notes was not credible, given that there are no other examples of similar case notes.

162. Mr Brown's explanation in his formal response to Social Work England that his "error" was due to volume of work did not explain the record on 6 June 2019. The panel heard evidence from Ms Hale that Mr Brown's case load was not exceptional, and did not differ from that of other social workers in the team. Mr Brown had not reported to Ms Hale that he needed support or that he was unable to manage his caseload. The panel was satisfied that Mr Brown's workload was not such that it could explain the creation of a false record.
163. Having found that Mr Brown had deliberately created a false record for a visit to Service User A, knowing that a visit had not taken place, the panel concluded that Mr Brown's conduct was dishonest by the objective standards of ordinary decent people.
164. The panel next considered dishonesty in relation to allegation 5. The panel was satisfied that Mr Brown was aware of his duty to disclose the Social Care Wales fitness to practise investigation to his employers. As an experienced social worker Mr Brown was aware of his responsibilities to be open and transparent. He did not, as he asserts, ensure that his agency was informed at the material time and was providing the relevant information to the councils who were engaging him and relying on his expertise and skills.
165. The failure to disclose was repeated across three different councils, and the panel was satisfied that it was a deliberate choice by Mr Brown, and not an isolated error. The disclosure of the information might have caused questions and difficulties for Mr Brown and the panel inferred that he chose not to disclose the information in his own interests.
166. Given its findings as to Mr Brown's knowledge, understanding, and state of mind, the panel concluded that his conduct was dishonest by the objective standards of ordinary decent people.

Finding and reasons on grounds:

167. The panel heard submissions from Mr Carey on behalf of Social Work England. He submitted that the findings of fact amounted to the statutory ground of misconduct. He referred to Social Work England's Statement of Case and added supplementary oral submissions in which he referred to Mr Brown's repeated misconduct, sustained over a period of time, at different Councils. He also emphasised the finding of dishonesty involving the bad practice of recording a visit which had not taken place and dishonesty involving failure to disclose the ongoing Social Care Wales fitness to practise investigation to three different local authorities.

168. The panel heard and accepted the advice of the legal adviser on the issue of misconduct.
169. The legal adviser reminded the panel that the overarching objective of Social Work England is the protection of the public. That objective involves safeguarding individual members of the public, maintaining confidence in the social work profession and promoting and upholding proper professional standards.
170. The legal adviser directed the panel that whether the facts found proved amount to misconduct is a matter for its independent evaluative judgment.
171. The panel was reminded that there is no statutory definition of misconduct. In *Roylance v General Medical Council (No 2)* [2000] 1 AC 311, misconduct was described as a word of general effect, involving some act or omission which falls short of what would be proper in the circumstances. The standard of propriety is to be judged by reference to the rules and standards ordinarily required of a practitioner in the particular circumstances.
172. The legal adviser advised that not every breach of professional standards will amount to misconduct. The threshold involves a requirement of seriousness, as confirmed in the case of *Nandi v GMC* [2004] EWHC 2317. The panel must assess the seriousness, context, culpability and the overall gravity of the conduct found proved.
173. The panel carefully considered the facts found proved, the submissions made on behalf of Social Work England, the written submissions from Mr Brown, the relevant Professional Standards, and the legal advice it received. The panel noted that Mr Brown had no previous regulatory history other than matters with which this case is concerned, some of which overlap with the matters addressed by Social Care Wales. However, the panel concluded that Mr Brown's conduct in this case fell well below the standards expected of a registered social worker and amounted to a serious departure from proper professional practice. The conduct was not a minor oversight or momentary lapse of judgment. It concerned multiple failures to carry out basic social work tasks, and a failure to demonstrate the integrity and transparency required of a registered practitioner.
174. The panel found that its findings of fact involved breaches of the following standards.

HCPC Standards of conduct, performance and ethics (August 2016)

1.1 You must treat service users and carers as individuals, respecting their privacy and dignity

2.1 You must be polite and considerate.

6.1 You must take all reasonable steps to reduce the risk of harm to service users, carers and colleagues as far as possible.

9.1 You must make sure that your conduct justifies the public's trust and confidence in you and your profession.

10.1 You must keep full, clear and accurate records for everyone you care for, treat, or provide other services to.

HCPC Standards of Proficiency – Social Workers in England (January 2017)

1.2 recognise the need to manage their own workload and resources effectively and be able to practise accordingly.

2.1 understand current legislation applicable to social work with adults, children, young people and families.

2.2 understand the need to promote the best interests of service users and carers at all times.

2.3 understand the need to protect, safeguard, promote and prioritise the wellbeing of children, young people and vulnerable adults

2.8 recognise that relationships with service users and carers should be based on respect and honesty.

3.1 Understand the need to maintain high standards of personal and professional conduct.

8.1 be able to use interpersonal skills and appropriate forms of verbal and non-verbal communication with service users, carers and others.

8.2 be able to demonstrate effective and appropriate skills in communicating advice, instruction, information and professional opinion to colleagues, service users and carers.

8.4 understand how communication skills affect the assessment of and engagement with service users and carers.

9.1 understand the need to build and sustain professional relationships with service users, carers and colleagues as both an autonomous practitioner and collaboratively with others

9.2 be able to work with service users and carers to enable them to assess and make informed decisions about their needs, circumstances, risks, preferred options and resources.

10.1 be able to keep accurate, comprehensive and comprehensible records in accordance with applicable legislation, protocols and guidelines.

10.2 recognise the need to manage records and all other information in accordance with applicable legislation, protocols and guidelines.

Social Work England's Professional Standards (2019), in particular:
As a social worker, I will:

2.1 Be open, honest, reliable and fair.

2.2 Respect and maintain people's dignity and privacy.

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

2.4 Practise in ways that demonstrate empathy, perseverance, authority, professional confidence and capability, working with people to enable full participation in discussions and decision making.

2.5 Actively listen to understand people, using a range of appropriate communication methods to build relationships.

3.8 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

As a social worker, I will not:

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.

5.3 Falsify records or condone this by others.

175. Having applied the facts proved to the relevant standards, the panel considered the conduct to decide whether it was sufficiently serious to amount to misconduct. The panel was satisfied that the conduct in this case was not a minor lapse or isolated error. Mr Brown's conduct in each Council was protracted over months and involved multiple service users.

176. The panel was of the view that the tasks involved which included undertaking and recording statutory visits, carrying out and recording core group meetings, failing to and delaying sending PLO letters, failing to progress an adoption referral, meeting court-related deadlines, completing assessments, arranging contact for children and communicating effectively and politely with families, working collaboratively with other professionals are all core and basic tasks for social workers. Mr Brown's failures in these areas persisted notwithstanding regular reminders and management instructions.

177. The panel considered that there was nothing in the context or circumstances which significantly reduced the degree of Mr Brown's culpability. Mr Brown's case load was

not unusual or excessive at any time over the relevant period of time. The panel was satisfied that he was provided with the level of support that would be expected for an experienced social worker engaged through an agency. There was no evidence that Mr Brown asked his managers for additional support. When additional support was offered, for example additional training on the data entry system, the panel heard evidence that Mr Brown had not responded to e-mail correspondence from the individual offering to provide training.

178. The Panel was not of the view that COVID circumstances explained or significantly mitigated the degree of Mr Brown's culpability. The absence of records could not be explained by COVID and many of Mr Brown's failings involved tasks which required him to communicate in writing. The panel acknowledged that working during the COVID period was challenging for social workers, but the failures in this case could not be attributed to the lockdown restrictions.
179. As noted above the panel did not accept that Mr Brown was scapegoated or treated unfairly when he worked at Shropshire. It noted that the failings identified at Shropshire were of a similar nature to those that had been identified at Cardiff, Merthyr Tydfil and Powys councils.
180. The panel noted the evidence that when he was asked about the gaps in his recording Mr Brown made reference to difficulties he was experiencing in his private life including **[PRIVATE]**. These matters were not mentioned within Mr Brown's written submissions. The panel did not consider that these circumstances significantly reduced the degree of Mr Brown's culpability. As a social worker engaged through an agency Mr Brown made his own judgment on whether he was fit to carry out his responsibilities as a social worker. He made the judgment that he was fit and able to work, notwithstanding his personal circumstances.
181. The panel considered that Mr Brown's failures involved the potential risk of serious harm to service users either directly or indirectly. A number of the failures, for example the failures to carry out child protection visits and core group meetings, failures to complete assessments, and failures to arrange direct contact for children involved the direct risk of harm. If children were not being visited as required there was a clear risk of potential harm. Children on the Child Protection Register are considered to be at risk of harm and the purpose of visits is to check their welfare and wellbeing. As Ms Jayne explained in her witness statement, if the visits were not undertaken Mr Brown would not observe the children and consider the risks and any escalating risks for the children would not be recorded. If assessments and meetings were not taking place as required, there was not an opportunity for professionals to address or discuss any change in circumstances or new risks that had emerged. The failure to arrange direct contact for children involved the risk of emotional harm to children and parents who were not able to develop the parental bond. Other failures impacted on effective working between professionals, which might result in a risk to a child being missed, or to delay and drift in children's cases.

182. The panel heard evidence of the impact of Mr Brown's failures. For example, it heard that for Family 1 the failure of Mr Brown to prepare the PLO letter had the impact that there was drift in the case that the threshold to start the PLO was lost and the process was not initiated. The panel also noted the complaint made about Mr Brown relating to his failure to arrange direct contact for service users 30, 25 and 32. Within the complaint there was evidence of the emotional harm caused by Mr Brown's failure to make the required arrangements.
183. The Panel also heard evidence about the impact of Mr Brown's failures on his managers and social work colleagues. Other social workers had to spend time rebuilding relationships with families that had been impacted by the gaps in Mr Brown's visits and recordings.
184. The Panel concluded that its findings in allegations 1-5 were sufficiently serious to amount to misconduct, considered both individually and cumulatively.
185. The panel considered separately its finding of dishonesty in particular 6. Dishonesty is always a serious matter for social workers, particularly where it relates to professional practice. The false record of a visit deliberately created by Mr Brown is contrary to the fundamental tenet of honesty and transparency. Mr Brown's repeated failure to disclose the Social Care Wales investigation to each of the councils was a breach of the trust placed in Mr Brown. Honesty and integrity are fundamental and Mr Brown was specifically reminded of his responsibilities in this respect by Social Care Wales, but chose not to act on their directions. Mr Brown's dishonesty had the consequence that neither Powys, Merthyr Tydfil nor Shropshire councils were able to make enquiries of Social Care Wales. They were not alerted to the need to monitor the safety of Mr Brown's practice, and this potentially placed service users at risk of harm. Mr Brown's dishonesty was therefore a serious breach of trust with potential implications for public safety.
186. The panel also considered that Mr Brown's dishonest conduct had a significant negative impact on public confidence in the profession. Members of the public expect social workers to be of high integrity and to demonstrate candour. Mr Brown's dishonest conduct damaged the public's trust and confidence in himself and in the profession.
187. The panel concluded that Mr Brown's conduct in particular 6 was sufficiently serious to amount to misconduct.

Finding and reasons on current impairment:

188. The panel heard submissions from Mr Carey on behalf of Social Work England. He submitted that Mr Brown's fitness to practise is impaired. He referred the panel to the Statement of Case and supplemented those submissions with his oral submissions. He invited the panel to conclude that as Mr Brown's conduct included dishonesty it involved attitudinal conduct which is harder to remediate. He submitted that there was no evidence of insight or remediation and that there was a real risk of repetition. He

further submitted that a finding of impairment was required in the public interest to mark the breach of a fundamental tenet of the profession.

189. The panel accepted the advice of the legal adviser. She advised that this is a separate and forward looking assessment, again a matter for the panel's professional judgment. The purpose is not to punish past wrongdoing but to assess current fitness to practise.
190. The panel was referred to *Council for Healthcare Regulatory Excellence v Nursing and Midwifery Council and Grant* [2011] EWHC 927, which endorsed the approach derived from the Fifth Shipman Report. The panel should consider whether the social worker has in the past acted, and/or is liable in the future to act so as to put service users at unwarranted risk of harm; to bring the profession into disrepute; to reach fundamental tenets of the profession; or to act dishonestly.
191. The panel was reminded that the assessment of impairment involves two interrelated components. The personal component concerns the registrant's current insight, remediation, and the risk of repetition. The public component concerns the need to maintain public confidence in the profession and to declare and uphold proper professional standards.
192. The legal adviser further referred to *Cohen v General Medical Council* [2008] EWHC 581, emphasising that in assessing the personal component the panel should consider whether the concerns are capable of remediation, whether they have been remedied, and whether they are highly unlikely to be repeated. Evidence of genuine insight, reflection and remedial steps is central to that assessment. The demonstration of genuine insight does not require the social worker to admit the conduct.
193. The legal adviser reminded the panel that even if the risk of repetition were assessed as low, the panel must still consider whether a finding of impairment is required on public interest grounds in order to maintain confidence in the profession and to uphold and declare proper standards.
194. When considering the question of impairment, the panel carefully considered the facts found proved, the submissions made on behalf of Social Work England, Mr Brown's written submissions, Social Work England's 'Impairment and sanctions guidance', and the legal advice it received.
195. In considering whether Mr Brown's fitness to practise is currently impaired, the panel considered the matter afresh and in a forward-looking manner.
196. In assessing the personal component, the panel considered whether the misconduct is remediable, whether it has been remedied, and whether it is highly unlikely to be repeated. The panel also considered the questions identified in the case of Grant.
197. The panel considered Mr Brown's submissions. Within those submissions Mr Brown made a number of admissions, some of which the panel treated as equivocal due to lack of clarity as to the extent of the admission or Mr Brown's inability to recollect or respond to the matters. The panel acknowledged that Mr Brown has engaged with

Social Work England and has endeavoured to respond to the allegations. The panel were not able to conclude that the admissions made demonstrated a significant level of insight. Mr Brown now has little recollection of events and he has chosen to retire. Consequently, he does not wish to analyse the past or to reflect on his past conduct. The panel found no evidence that Mr Brown has an understanding of the impact or potential impact of his acts and omissions on service users, his colleagues, or on the reputation of the profession.

198. The panel noted that within his submissions Mr Brown is not self-critical and he attributes responsibility to the COVID circumstances, to poor systems, or to his managers.
199. The panel concluded that Mr Brown has not demonstrated insight into the facts found proved.
200. The panel found no evidence that Mr Brown has undertaken remedial action. Mr Brown has stated on a number of occasions that he has retired and has no intention of returning to social work practice. Mr Brown was aware of the nature of the concerns under investigation by Social Care Wales from August 2019 and he was also aware of the reasons his engagement was terminated in Cardiff, Merthyr Tydfil and Powys. Despite Mr Brown's knowledge of the concerns, the same or very similar issues involving failures to carry out and record visits, to carry out various required safeguarding actions, and to progress cases was repeated across all the councils. There was no evidence before the panel that Mr Brown took any remedial steps, while he remained working as a social worker, to remediate or address the concerns that were under investigation between August 2019 and 2021.
201. The panel was also of the view that the dishonest conduct, involving two different forms of dishonesty, and sustained over a period of time, involved an attitudinal issue. Such conduct is inherently serious and difficult to remedy without clear evidence of insight and behavioural change. Mr Brown did not attend the hearing and has provided no reflective statement, training evidence, testimonials, or other material demonstrating learning or change.
202. In assessing the risk of repetition the panel also took into account its findings of fact. Those findings include the repetition of the same or similar failures in basic social work tasks together with the repetition of dishonesty.
203. Given the absence of evidence of insight or remediation and its findings which involve repetition, the panel concluded that there is a real risk that Mr Brown would repeat similar behaviour. The panel therefore concluded that Mr Brown's fitness to practise is impaired on the personal component.
204. Turning to the public component, the panel considered whether a finding of impairment is required to maintain public confidence in the profession and to uphold professional standards. The panel was satisfied that a well-informed member of the public would be seriously concerned if a social worker who had repeatedly failed to carry out wide-

ranging and basic social work tasks over a sustained period of time, and had acted dishonestly, were found not to be impaired. The misconduct represented a breach of fundamental tenets of the profession including safeguarding vulnerable individuals and acting with honesty and integrity. A finding of no impairment would undermine public confidence and fail to uphold proper standards.

205. The panel considered that all four limbs of the test for fitness to practise as endorsed in the case of *Grant* were engaged. Mr Brown has in the past and is liable in the future to act:

- so as to put service users at unwarranted risk of harm;
- to bring the profession into disrepute;
- to breach fundamental tenets of the profession;
- to act dishonestly.

206. The panel concluded that Mr Brown's fitness to practise is currently impaired on both the personal and public components.

207. Accordingly, the panel determined that Mr Brown's fitness to practise is currently impaired.

Decision and reasons on sanction:

208. Mr Carey made submissions to the panel on behalf of Social Work England. He submitted at the outset that Social Work England sought the imposition of a Removal Order. He submitted that removal was the only proportionate and necessary sanction in light of the seriousness of the misconduct and the absence of insight or remediation.

209. The panel received no written submissions from Mr Brown in relation to sanction.

210. The panel heard and accepted the advice of the legal adviser, who reminded it that, in determining sanction its duty was to pursue the overarching objective of protecting the health, safety and well-being of the public, maintaining public confidence in social workers and their regulator, and upholding professional standards. The purpose of sanction is protective and not punitive.

211. The legal adviser directed the panel to have regard to Social Work England's Impairment and Sanctions Guidance, together with its findings on grounds and impairment. The panel was reminded that it must apply the principle of proportionality, balancing the interest of the social worker with the public interest, and imposing the minimum sanction necessary to achieve the legitimate aims of public protection and the wider public interest.

212. The panel was advised to identify and weigh any aggravating and mitigating factors and to consider the available sanctions in ascending order of severity, providing reasons for rejecting lesser sanctions before moving on to a more restrictive one.

213. The panel heard and accepted the advice of the legal adviser. The panel also took into account Social Work England’s ‘Impairment and sanctions guidance’.
214. The panel noted that Mr Brown is a highly experienced social worker and the absence of previous regulatory history, other than the Social Care Wales matter which overlaps with the findings in this case. The panel also noted the admissions made by Mr Brown within his Response Form. The panel considered whether any contextual matters reduced the seriousness of the misconduct and concluded that they did not for the reasons set out within the panel’s decision on misconduct. Although there were brief references in the witness statements to Mr Brown’s personal life, there was insufficient detail for the panel to conclude that there were any personal mitigating features.
215. The panel identified substantial aggravating features. Following his experiences at Cardiff Council Mr Brown had repeated the same or similar behaviour at Merthyr Tydfil, Powys, and Shropshire councils. He had an opportunity to, but had not addressed the deficiencies in his practice which had been drawn to his attention. There was no evidence of steps taken by Mr Brown to remedy the deficiencies in his practice either when he worked at Merthyr Tydfil, Powys, and Shropshire councils, or subsequently. Mr Brown had not demonstrated insight into the impact of his behaviour on service users, carers, colleagues, or the reputation of the profession. His behaviour had caused harm and wide-ranging risk of harm. Within its decision on misconduct the panel provided examples of actual harm and the risk of harm.
216. Social Work England’s sanctions guidance addresses the importance of honesty within social work and its likelihood to threaten public confidence in the profession. The guidance includes the following:
- “175. The most serious instances of dishonesty in professional practice are those which (do either of the following):
- Directly harm service users
 - Have the potential to put service users at risk
176. This could include (any of the following):
- Falsifying records (such as falsely recording that a safeguarding referral has been made or a statutory visit carried out)”
- Other examples of dishonesty in professional practice include (any of the following):
- submitting inaccurate or misleading information in a CV or job application”
217. Mr Brown’s dishonesty was within professional practice, and involved two different forms of dishonesty; falsifying a record of a statutory visit, and dishonesty failing to disclose the Social Care Wales fitness to practise investigation to Merthyr Tydfil, Powys and Shropshire councils. The dishonesty involved a breach of trust placed in Mr Brown by his employer. The falsification of a statutory visit had the potential to harm the children who were not visited. It gave the misleading impression that the safety of the

children was being appropriately monitored when that was not the case, thereby exposing the children to the risk of harm. The failure to disclose the Social Care Wales fitness to practise investigation involved dishonesty over a sustained period of time and was a breach of the trust placed in the social worker. It affected the integrity of the systems adopted by each employer to assess the risks of engaging Mr Brown and take any measures necessary to safeguard service users.

218. The panel considered that the dishonesty in this case fell at the higher end of the spectrum of seriousness for dishonesty.
219. In accordance with the guidance, the panel considered each available sanction in ascending order of severity.
220. The panel first considered taking no further action. It concluded that this would be wholly inappropriate given the seriousness of the misconduct and the identified risk of repetition. The finding of impairment alone was not sufficient to protect the public or the wider public interest.
221. The panel next considered advice or a warning order. Such outcomes do not restrict practice. In circumstances involving dishonesty, abuse of trust, and where there remained a current risk, the panel concluded that advice or a warning would not provide adequate public protection nor maintain public confidence.
222. The panel then considered whether a conditions of practice order could be appropriate. Conditions are generally suitable where concerns relate to remediable practice deficiencies, where insight has been demonstrated and where a social worker's practice can be closely monitored by a workplace supervisor or manager. This case concerned serious and repeated failings in practice together with repeated dishonesty which is an attitudinal and behavioural failing. The panel could not formulate conditions which would meaningfully address dishonesty, which is a fundamental professional obligation.
223. The panel also had insufficient confidence that Mr Brown would comply with a conditions of practice order and considered that conditions of practice would be unworkable. Within his submissions Mr Brown repeatedly stated that he has retired and that he has no intention of returning to practice as a social worker.
224. The panel also considered that conditions of practice would be inappropriate and insufficient to address the wider public interest, given the gravity and nature of dishonesty.
225. The panel next considered suspension. Suspension may be appropriate in cases of serious misconduct where there is evidence of insight and a realistic prospect of remediation. In this case there was no evidence of insight, no apology, and no evidence of any remedial steps. The misconduct was attitudinal in nature and involved grave breaches of trust. The panel carefully considered Mr Brown's written submissions and was of the view that there was no reason to believe that a suspension order could result in a pathway for Mr Brown to return to unrestricted practice. There was no evidence that

he is able or willing to remediate the deficiencies in his practice or that there will be any further development in the level of his insight. The panel considered that suspension would not adequately protect the public nor maintain confidence in the profession or its regulator.

226. The panel then considered whether a removal order was required. The panel found that this case included persistent dishonesty, an absence of insight, and no evidence of remediation. The misconduct represented a fundamental betrayal of trust and was incompatible with continued registration.
227. The panel had regard to paragraph 149 of the sanctions guidance which states that a removal order may be appropriate in cases involving: dishonesty, especially where persistent or concealed; persistent lack of insight into the seriousness of their actions or consequences; and social workers who are unwilling and/or unable to remediate (for example, where there is clear evidence that they do not wish to practise as a social worker in the future).
228. The panel considered that these circumstances applied, and that this was a case where no other order would be sufficient to protect the public, maintain confidence in the profession, and maintain proper professional standards for social workers in England. The panel recognised that removal is the most serious sanction available and did not reach this conclusion lightly. Notwithstanding Mr Brown's clear statements that he has retired and does not intend to practise, the Panel acknowledged that a Removal Order may have a detrimental impact on Mr Brown's reputational interests. The Panel bore in mind the requirement that the sanction must be proportionate, but it decided that Mr Brown's interests were outweighed by the need to protect the public and the public interest.
229. The panel therefore decided that a Removal Order is the appropriate and proportionate order and directed that Mr David Brown be removed from the register.

Interim order:

230. In light of its findings on sanction, the panel next considered an application by Mr Carey for an interim suspension order to cover the appeal period before the final order becomes effective.
231. The panel heard and accepted the advice of the legal adviser on its power to make an interim order under paragraph 11(1)(b) of Schedule 2 to the Social Workers Regulations 2018.
232. The panel was informed that Mr Brown is currently subject to an interim order. However, Mr Brown was not present and had not waived his right to the statutory notice period in respect of any revocation of the existing interim order. In those circumstances, the panel did not revoke the existing interim order. The panel therefore proceeded to decide whether an interim order at the conclusion of this final hearing was necessary pending the appeal period.

233. The panel next considered whether to impose an interim order. It was mindful of its earlier findings and decided that it would be wholly incompatible with those earlier findings not to impose an interim order. The panel had identified a real risk of repetition if Mr Brown were permitted to practise without restriction. The panel therefore concluded that an interim order was necessary to ensure the protection of the public and to maintain public confidence in the profession and in the regulatory process pending the appeal period.
234. In determining the appropriate form of interim order, the panel decided that an interim suspension order was necessary and proportionate to address the identified risks during the appeal period. Given the panel's reasons for imposing a removal order as the substantive sanction, it considered that suspension was the only appropriate interim measure to prevent unrestricted practice.
235. The panel considered that an 18 month order was necessary and proportionate, given that it may take time for any appeal to be scheduled.
236. Accordingly, the panel concluded that an interim suspension order for 18 months 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:

237. 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.
238. 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.
239. 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.
240. 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:

241. 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

242. 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:

243. 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>.