



Social worker: Lesley Jones

Registration number: SW50632

Fitness to Practise

Final Hearing

Dates of hearing: 25 February 2026 to 03 March 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).
2. Ms Jones did not attend and was not represented.
3. Ms Mustard, Counsel instructed by Capsticks LLP, represented Social Work England.
4. The panel of adjudicators conducting this hearing (hereafter “the panel”) and the other people involved in it were as follows:

Adjudicators	Role
Miriam Karp	Chair
Sabraj Akhtar	Social worker adjudicator
Angela Duxbury	Lay adjudicator

Hearings team/Legal adviser	Role
Poppy Muffett	Hearings officer
Emma Walker	Hearings support officer
Francesca Keen	Legal adviser

Allegation

1. *‘On or around 13 April 2022 you completed a Mental Capacity Act Assessment relating to Service User A, in which you recorded false information, namely that:*
 - A. *You consulted with Service User A about the assessment;*
 - B. *You consulted with a Manager at Service User A’s care home about the assessment.*
2. *On or around 12 May 2022, you submitted the completed Mental Capacity Act Assessment for Service User A to Bedfordshire police.*
3. *Your actions at paragraphs 1 and/ or 2 of the allegations was dishonest in that you knew:*
 - A. *You had not conducted a Mental Capacity Act assessment with Service User A in April 2022;*
 - B. *You had not consulted with Service User A about the assessment in April 2022;*
 - C. *You had not consulted with a Manager at Service User A’s care home about the assessment in April 2022;*
 - D. *The assessment you submitted to police contained false information which could be relied upon as part of an on-going criminal investigation.*

The matters set out at paragraphs 1 -3 of the allegation above amount to the statutory ground of misconduct.

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

Facts proved: Particulars 1, 2, and 3 (in their entirety).

Facts not proved: None

Service of Notice:

5. The panel of adjudicators (hereafter 'the panel') was provided with the following documents:
 - i. Hearing timetable – 4 pages;
 - ii. Statement of case – 13 pages;
 - iii. Witness statements bundle – 41 pages;
 - iv. Exhibits bundle – 367 pages;
 - v. Response bundle – 27 pages;
 - vi. Service bundle – 44 pages; and
 - vii. An ID key – 1 page.
6. During the course of the hearing, Social Work England also placed an 'additional documents' bundle, consisting of 24 pages, before the panel.
7. Ms Mustard, appearing on behalf of Social Work England, made submissions to the panel that based on the evidence presented to the panel, that it could be satisfied that service of the Notice had been effected.
8. The panel noted that, contained within the service and supplementary bundle, the Notice of Hearing (hereafter 'the Notice') was sent to Ms Jones on 09 January 2026. The panel also noted, in the statement of service, that the Notice had been issued by email, to an email address held by Social Work England and provided by Ms Jones.
9. The panel accepted the advice of the legal adviser in relation to service of the Notice.
10. Having had regard to rules 14, 44 and 45 of the Fitness to Practise Rules 2019 (as amended) (hereafter 'the Rules') and all of the information before it in relation to the service of the Notice, the panel was satisfied that Ms Jones had been given proper notice of the hearing.

Proceeding in the absence of the social worker:

11. Ms Mustard made an application to proceed in Ms Jones' absence.
12. The panel received legal advice from the legal adviser as to its power under rule 43 of the Rules to proceed with the hearing in the absence of Ms Jones. The panel also accepted the advice of the legal adviser in relation to the factors it should take into account when considering the application and this included reference to the cases of *R v Jones* [2002] UKHL 5; and *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'.
13. The panel considered all of the information before it, together with the submissions made by Ms Mustard and it was also satisfied that Ms Jones had been informed of the date, time and venue of the hearing in the Notice dated 09 January 2026, and had been given an opportunity to attend the hearing. The panel determined that it was reasonable and in the public interest to proceed with the hearing for the following reasons:
 - i. The panel noted that in email correspondence between Ms Jones and Social Work England (including, but limited to, on: 31 May 2023; 18 March 2024; 05 April 2024; 18 April 2024; 01 May 2024; 24 September 2024; 01 November 2024; 10 March 2025; 23 July 2025; and 13 August 2025), that Ms Jones had stated, on multiple occasions, that she no longer wished to be contacted by Social Work England. Ms Jones had also outlined on multiple occasions that she had left the social work profession and that she did not wish to be contacted further by Social Work England. The panel considered the content and tone of Ms Jones' communications with Social Work England to be highly relevant to its consideration of whether to proceed in her absence. In the panel's view, Ms Jones had consistently communicated that she did not want to engage in the regulatory proceedings and the panel considered that the substantive hearing was an extension of that stated wish. Consequently, in light of the information before it, the panel was satisfied that it was reasonable to conclude that Ms Jones' non-attendance was voluntary and therefore a deliberate waiver of her right to attend and participate in person;
 - ii. Further, noting the aforementioned correspondence, the panel was also cognisant of the fact that there had been no application to adjourn the hearing and no indication from Ms Jones that she would be willing to attend on an alternative date. Therefore, in the panel's view, adjourning and relisting the substantive hearing would serve no useful purpose;
 - iii. The panel recognised that whilst there may be a disadvantage to Ms Jones in not being present to challenge the evidence or to make oral submissions, the panel was also of the view that any potential disadvantage to Ms Jones was outweighed by the public interest in proceeding to hear the case. Ms Jones had been provided with every opportunity to attend and engage in the hearing and/or to provide written

submissions to the panel and Ms Jones had, in the panel's view, chosen not to do so; and

- iv. Social Work England had three witnesses warned and willing to give evidence and in considering whether to proceed in absence, the panel had regard to the inconvenience that might be caused to those witnesses should it adjourn the proceedings to an alternative date.
14. Taking all of these factors into account, the panel concluded that it was appropriate, and in the interests of justice, to proceed with the hearing in the absence of Ms Jones.

Preliminary matters

Privacy application

15. Ms Mustard made an application for the parts of the hearing pertaining to Ms Jones' health to be conducted in private.
16. The panel accepted the legal adviser's advice and had regard to the documents provided to it, and to Ms Mustard's submissions.
17. The panel carefully considered the public interest grounds in the case being heard in public. However, the panel was satisfied, having regard to the evidence before it that there was a need to protect Ms Jones' right to a private life. The panel was also satisfied that if the hearing were not conducted partly in private, Ms Jones could potentially suffer disproportionate damage as a consequence. Additionally, given the discreet matters to be considered in private, the panel was content that it would be feasible to move between public and private session and therefore ordered that the parts of the hearing pertaining to Ms Jones' private life and health be conducted in private.

Incomplete Allegation contained within Social Work England's 'Statement of case'

18. The legal adviser drew to the panel's attention that the Allegation contained within Social Work England's Statement of case, updated on 09 January 2026 (hereafter 'the updated Statement of case') and served upon Ms Jones, did not contain the full Allegation. The legal adviser highlighted that the Allegation contained within the updated Statement of case was missing the statutory ground of misconduct and also any reference to current impairment.
19. After being afforded time to take instructions by the panel, Ms Mustard placed additional documentation before the panel. The additional documentation consisted of 24 pages and included the following:
 - i. email correspondence from Social Work England to Ms Jones, which included disclosure of a 'draft statement of case';
 - ii. the password to open the documentation;

- iii. response form issued to Ms Jones; and
 - iv. the 'draft statement of case', issued to Ms Jones by Social Work England, on 26 June 2025.
20. Ms Mustard submitted that there had been a clear omission and error within the updated statement of case, by Social Work England, in not including the statutory ground of misconduct and reference to impairment. Ms Mustard also outlined to the panel that Ms Jones was sent the 'draft statement of case', in June 2025, and she highlighted that the 'draft' version of the document this contained the full Allegation which included both the statutory ground of misconduct and reference to current impairment.
21. Ms Mustard further submitted that Ms Jones was also sent the 'response form' by Social Work England on 26 June 2025, and this document contained the full Allegation, which included the statutory ground of misconduct and reference to current impairment.
22. Consequently, Ms Mustard submitted that Social Work England's inadvertent omission, in the updated statement of case issued to Ms Jones, caused her no prejudice or disadvantage as she had been made aware, on numerous occasions, of the details of the full Allegation. Ms Mustard also submitted that unlike with the statutory ground of Health, which had been previously discontinued by Social Work England, there was no suggestion in any correspondence issued to Ms Jones, that the statutory ground of misconduct had also been discontinued and therefore it ought to be clear to Ms Jones, that this element of the case was being proceeded with.
23. The panel accepted the legal adviser's advice, which included but was not limited to drawing the panel's attention to the specific wording of Rule 15 of the Rules, and highlighting that Rule 15 did not specifically direct that the Allegation must be contained within a Statement of case provided by Social Work England. Further, the legal adviser also reminded the panel that it needed to balance Ms Jones' interests, in that Ms Jones had a legitimate expectation that the basis for alleging impairment of fitness to practise be clearly outlined to her within the Statement of case provided by Social Work England (per Rule 15).
24. Additionally, the legal adviser also reminded the panel of its duty to ensure fairness in proceedings and to have regard to its overarching duty to protect the public and to uphold confidence in the social work profession and Social Work England as its regulator.
25. The panel carefully considered Ms Mustard's submissions to it along with the documentation provided. Having done so, the panel determined that the omissions within the updated Statement of case, namely the missing reference to the statutory ground of misconduct and reference to current impairment, did not amount to a material omission by Social Work England. In forming this view, the panel noted that Rule 15 did not require that the Allegation be outlined in full in Social Work England's

Statement of case, but rather that the Statement of case only had to include agreed and disputed matters, and the basis for Social Work England alleging impairment of fitness to practise. Having scrutinised the documentation furnished to Ms Jones, the panel was satisfied that the details of the Allegation and Social Work England's submissions on each aspect of the case had been made very clear and set out within the paragraphs contained within the updated Statement of case and in this respect, Ms Jones would have been well aware of the case she faces.

26. Additionally, the panel also noted that Ms Jones had been provided with a 'draft Statement of case in June 2025, over six months before the commencement of this hearing, and this 'draft' document made reference to the full Allegation and included reference to the statutory ground of misconduct and current impairment. Furthermore, the panel also noted that it had never been stated to Ms Jones, by Social Work England, that the statutory ground of misconduct would be discontinued at any time. The panel was therefore of the view again, that it would have been apparent to Ms Jones, that this aspect of the case was being proceeded with by Social Work England.
27. Having regard to the aforementioned, the panel considered that the omission within the updated Statement of case did not render its decision to proceed in Ms Jones' absence unfair and it was satisfied that Ms Jones had been made aware of the full Allegation to be considered by it, during the course of the hearing. Consequently, the panel determined that it was in the interests of justice to proceed with the hearing.

Background

28. On 21 December 2022, Social Work England received a referral from Milton Keynes City Council (MKCC) regarding the Respondent social worker, Lesley Jones. The referral followed the conclusion of a workplace internal disciplinary investigation.
29. Ms Jones had been employed by MKCC since 03 June 2009. At the time of the matters which give rise to the Allegation, she was working in the Older People's Assessment Team.
30. The concerns raised by MKCC, with Social Work England, relate to a Mental Capacity Act ('MCA') assessment of Service User A, which Ms Jones had submitted to Bedfordshire Police, in May 2022 as part of a criminal investigation into allegations of financial abuse of Service User A by his niece.
31. Service User A was a resident at Burlington Hall Care Home ('the Home'). He relied on his bank account assets to pay for his care. It was alleged that Service User A's niece had improperly obtained access to his bank account and had misappropriated approximately £200,000, leaving Service User A with limited resources to pay for his care. A police enquiry was initiated by Bedfordshire Police into Service User A's niece's conduct. Further, MKCC instigated its own protection proceedings for Service User A, under section 42 of the Care Act 2014 (enquiry by local authority into possible abuse of neglect).

32. Ms Jones was tasked with completing a MCA assessment in relation to Service User A, in April 2022. The MCA assessment, dated 13 April 2022, was provided to the Police as part of its criminal investigation, into the niece's conduct, on 12 May 2022.
33. The investigating police officer was dissatisfied with the contents of the MCA assessment and took up enquiries with the Home. This revealed that there was no record that Ms Jones had ever visited Service User A for the purposes of completing the MCA assessment. There was also no record at the Home of a visit to Service User A by Ms Jones in or around April 2022, or at all, which was the relevant period. The Home manager also had no recollection of Ms Jones visiting Service User A at that time for the purposes of conducting a MCA assessment.
34. Bedfordshire Police's investigating officer contacted MKCC, which started its own investigation into Ms Jones' conduct. Ms Jones was spoken to and her account of the circumstances in which the MCA assessment was conducted was then not borne out by the Council's further enquiries. Ms Jones had originally suggested that she had attended the Home, in person, to see Service User A and then provided a further account which suggested that she had completed the MCA assessment via 'phone', but this was not supported by any relevant call logs. As a result, there were significant concerns as to whether the MCA assessment had been falsified.

Summary of Evidence

35. Social Work England relied upon the oral evidence of three witnesses who were called to give evidence:
 - i. ZV – Head of Service for MKCC;
 - ii. BK – Deputy Manager for Older People Assessment Team, at MKCC; and
 - iii. AM – The Home Manager.
36. Further, Social Work England also relied upon the contents of the documents outlined at paragraph 4 above.

Witness Evidence:

37. The accounts below are provided as a summary of each of the witnesses' evidence to the panel and are not a verbatim account of the evidence provided by each witness.

Witness ZV:

38. Witness ZV gave oral evidence to the panel and she also relied upon her written witness statement, which was admitted into proceedings as part of her evidence to the panel.
39. ZV informed the panel that she is the Head of Service for working age adults at MKCC and she has been in this role since 2023. ZV outlined, within her witness statement, that in this role she oversees the working age adults' service and she has responsibility for

strategic planning, budget management, staff management and supervision, and ensuring quality and high performance amongst the team.

40. ZV also outlined within her statement that Ms Jones was employed by MKCC on 03 June 2009 and that Ms Jones had been working in the Older People's Assessment Team since March 2021. ZV explained that as part of her role, Ms Jones would have been required to work independently, managing her own caseload, and that as an experienced social worker Ms Jones would also have been expected to have safeguarding cases, manage the more complex cases within the team, carry out Court of Protection work as well as Mental Capacity Act assessments, and reviews and assessments under the Care Act.
41. ZV also outlined to the panel that Ms Jones was allocated Service User A's case on 28 October 2021, but further explained that Ms Jones was not Service User A's allocated social worker but rather she had been given the discreet task of conducting a MCA assessment upon Service User A, as Service User A's allocated case worker was not qualified to undertake such an assessment (as she was as an assistant social worker).
42. ZV further outlined to the panel that a MCA assessment is used to protect service users who may lack capacity to make decisions and the assessment is designed in such a way as to determine whether the service user has the capacity to make their own decisions. ZV explained that ordinarily, a social worker tasked with undertaking a MCA assessment would arrange a visit to see the service user and once arranged, usually through correspondence with the service user, their family or through care home staff, the social worker would attend and ask questions of the service user to determine their understanding of the situation. ZV also outlined that in some circumstances it may also be necessary for a social worker to consult with others for the purpose of undertaking the MCA assessment and that this could include medical personnel, care home staff, or other professionals involved in the service user's care. ZV explained that a MCA assessment can be completed from start to finish in a day, though the process is usually spread out over several days.
43. ZV also informed the panel that the MCA assessment for Service User A was requested by Bedfordshire Police as part of its ongoing investigation into Service User A's niece. Bedfordshire Police had explained that as part of the evidence required it needed confirmation that Service User A had 'capacity' to make decisions.
44. ZV explained to the panel, that in terms of her expectations of Service User A's MCA assessment, she would have expected Ms Jones to arrange a visit to see Service User A at the Home, and that in order to do so, Ms Jones ought to have consulted with the Home staff and also the allocated caseworker for Service User A, prior to undertaking any visit. Then, once these steps had been undertaken, ZV stated that Ms Jones ought to have visited Service User A at the Home. ZV also told the panel that Ms Jones would have been very aware of this process because of her experience of conducting many MCA assessments and because of the mandatory three-day course and subsequent

annual refresher training which Ms Jones was required to undertake as part of her employment by MKCC.

45. ZV further outlined that she would also have expected during a MCA assessment visit, that Ms Jones would have asked questions of Service User A, gauging his ability to understand the circumstances around him and around his understanding of the Police involvement and what this meant. ZV also explained that with a “resistant” service user, as Service User A was, that it may have been necessary to conduct more than one visit to see that individual to be able to build a relationship and to form trust with them.
46. ZV also told the panel that the MCA assessment completed by Ms Jones, was completed on 13 April 2022 and she exhibited the document for the panel’s consideration. ZV drew the panel’s attention to the fact that within the assessment document, Ms Jones stated that she spoke to AM (the Home manager), Service User A and his allocated case worker.
47. ZV further stated that on 18 May 2022, she was contacted by an officer from Bedfordshire Police in respect of concerns regarding Ms Jones’ completion of the MCA assessment and its contents. ZV told the panel that it was communicated to her, by the police officer concerned, that he had had to make numerous requests for the MCA assessment to be provided to him, which it was on 12 May 2022 however, after he made his own enquiries with the Home, he had concerns about whether Ms Jones had ever visited the Home to meet with Service User A to undertake the MCA assessment. ZV stated that after these concerns were raised, she conducted her own ‘fact finding’ investigation into Ms Jones’ conduct and she exhibited her investigation report for the panel’s consideration.
48. ZV also stated, within her witness statement before the panel, that as part of her investigation, she met with Ms Jones on 20 May 2022 to ask her about the police officer’s concerns and the MCA assessment report filed. ZV stated that when she asked Ms Jones about the MCA assessment, Ms Jones had stated that she had not met with Service User A, but had conducted the assessment ‘over the telephone’ as she was not well. ZV stated that when she asked Ms Jones to produce her call logs to verify the fact that a telephone call had been made to Service User A, Ms Jones responded by informing her that her work telephone was “broken” and that she did not have it with her during the meeting.
49. ZV further outlined that as a result of this conversation, she requested a copy of Ms Jones’ telephone call history from MKCC IT department, ranging in date from 01 April 2022 to 24 April 2022. ZV produced the electronic telephone records as an exhibit for the panel’s consideration. After reviewing the telephone records, ZV informed the panel that she could not find any record of Ms Jones having made any calls to the Home, or to Service User A’s mobile telephone (having been provided with the Service User A’s telephone number by witness AM), and after she made Ms Jones aware of this, Ms Jones claimed that the call must have been made on her personal mobile telephone device. ZV explained that in response to this, she requested that Ms Jones provide a

copy of her personal mobile telephone records. Further, ZV also explained to the panel that there was no evidence to suggest that Ms Jones had ever reported her work telephone as broken, prior to the concerns being raised directly with her.

50. ZV also explained to the panel that if Ms Jones had been unwell on the day that Service User A's MCA assessment was due to be undertaken, then the correct protocol would have been for Ms Jones to contact her manager to report an absence and the MCA assessment would have been allocated to the 'duty' social worker, who would have performed it. ZV stated that she would not have expected Ms Jones to conduct the MCA assessment by telephone.
51. ZV also explained to the panel that as part of her investigation, the 'signing in' records for the Home had been checked and the Home manager (witness AM) confirmed that there was no record of Ms Jones 'signing in' to the Home. ZV also told the panel that AM had informed her that Service User A had stated that he did not recall ever speaking to Ms Jones in respect of the MCA assessment sent to Bedfordshire Police. ZV also stated that there was no record contained within Ms Jones' work calendar of a visit to see Service User A ever having been conducted.
52. ZV also outlined that as part of her investigation she also reviewed Service User A's case records and with such a MCA assessment, she would have expected there to have been a recording of when the visit to the home was undertaken, or when a telephone call took place, and there was no such entry. Further, ZV also stated that in addition to a note on the case record, she would have expected to see within the MCA assessment itself, a record of the fact that the assessment had been conducted over the telephone, and the MCA assessment document presented to Bedfordshire police did not reference this fact either.
53. Additionally, ZV also stated that it was important for everything to be clearly recorded and this includes interactions on the case as it helps to set the scene for the reviewing manager, as the MCA assessments have to be 'signed off' by a manager. ZV stated that in this instance, had Ms Jones' manager (witness BK) been alerted to the fact that the assessment had been undertaken by telephone, then it was likely that BK would have told Ms Jones to go and visit with Service User A instead, as standard practice at MKCC was to conduct MCA assessments on a 'face to face' basis. This was because the individual conducting the assessment needs to be able to gauge a service user's reactions to questions, in order to determine their capacity to understand. ZV informed the panel again, that as an experienced social worker, Ms Jones would have understood this.
54. ZV also explained in her witness statement that the result of Ms Jones' actions were that it brought the reputation of MKCC into question because there was an expectation, as a safeguarding lead, that social workers will act in accordance with policies and standard practices. ZV also outlined that Ms Jones' actions had also potentially wasted police time, and had the potential to result in Service User A not being safeguarded properly. Furthermore, ZV stated that Ms Jones' actions in not completing the MCA

assessment correctly resulted in further distress to Service User A as he was asked additional questions surrounding this situation, in addition to those already posed by the police in respect of his niece's conduct.

55. ZV informed the panel that latterly, she was able to conduct a MCA assessment of Service User A, for the purposes of creating a requested will for him, and the outcome of her assessment was that he did have capacity to make informed decisions about his financial affairs.

Witness BK:

56. Witness BK's witness statement informed the panel that she joined MKCC as the Deputy Manager for the Older People Assessment Team, in January 2019 and she outlined that owing to a restructure of the departments at MKCC, in May 2022, Ms Jones' was moved to work within the Assessment Team. BK outlined that her role as manager of the Assessment team entails the supervision of colleagues, the management of day-to-day correspondence and complaints, managing supervision of staff and monitoring the well-being of colleagues within the social care department.
57. BK stated that Ms Jones had been employed by MKCC for a number of years prior to her joining the service and that owing to her extensive skillset and experience, Ms Jones was classified as a 'senior' social worker. BK further outlined that Ms Jones' role required her to manage her own caseload and to undertake the tasks as set out by witness ZV. Further, BK stated that as Ms Jones' manager, she provided support to her, carried out formal monthly supervisions, informal case discussions as and when required, monitored sickness, supported with other work and authorised and approved assessments completed by Ms Jones.
58. BK also outlined to the panel that Ms Jones was allocated to conduct the MCA assessment of Service User A because as his allocated caseworker did not have the relevant experience to conduct such an assessment.
59. BK also set out the expectations of how and why a MCA assessment should be undertaken and similar to witness ZV, she stated that the main function of such an assessment is to determine an individual's ability to understand and to make informed decisions.
60. BK stated to the panel, in both her oral evidence and in her written witness statement, that Ms Jones, when first allocated the task of conducting the MCA assessment on Service User A, queried why such a MCA assessment was necessary when it was known that Service User A had capacity. BK explained to the panel that she had conveyed to Ms Jones, at the time, that such an assessment was necessary for the purpose of initiating criminal court proceedings.
61. BK also drew the panel's attention to the MCA assessment, dated 13 April 2022, conducted by Ms Jones. She specifically stated that the assessment document outlines that Ms Jones stated in the assessment that she had consulted with Service User A's

allocated caseworker, the Home and Service User A. BK also explained in her witness statement to the panel, that whilst she did recall some conversations taking place between Ms Jones and Service User A's allocated caseworker she did not recall the dates or times of these conversations which she was present for. However, she did outline that she recalled that some of the conversation centred around Service User A's capacity.

62. BK also stated to the panel that she 'signed off' Service User A's MCA assessment on 26 April 2022. In doing so, BK explained that she had expected Ms Jones to have visited Service User A for the purposes of completing the MCA assessment and that there was nothing contained within the assessment which led her to conclude that the assessment had been undertaken over the telephone. If it had, she further explained, that she would have raised this directly with Ms Jones at the time and she would have expected the MCA assessment to outline the reasons why this course of action had been adopted over the usual process of an 'in-person' visit to Service User A. BK further outlined that if she had been informed that the assessment had been undertaken by telephone, in this case, she would have directed Ms Jones to meet with Service User A at the Home, to confirm that the MCA was accurate. BK also highlighted to the panel that when she checked, there was no record of Ms Jones having met with Service User A at the Home contained within Service User A's case records. However, BK explained that Ms Jones had recorded sending the MCA assessment to the Bedfordshire Police officer on 12 May 2022.
63. BK also gave evidence to the panel that further to Bedfordshire Police's concerns regarding the contents of the MCA assessment being raised, when she spoke with Ms Jones, Ms Jones had initially been "adamant" that she had visited Service User A at the Home to undertake and complete the MCA assessment and BK stated that Ms Jones confirmed this position during a number of conversations with her. However, BK also stated that after speaking with the Home manager (witness AM), it was confirmed to her that no such visit had taken place by Ms Jones.
64. BK also told the panel that after the concerns were raised, both she and Service User A's allocated caseworker went to visit with Service User A and this visit took place in May 2022. After speaking with Service User A, BK told the panel that he conveyed to her that he had no recollection of anyone from MKCC visiting him, or speaking to him via the telephone, for the purposes of conducting a MCA assessment.
65. BK also told the panel that after visiting the Home, she had also identified that they had an efficient recording system in place for visitors. She explained that when she had signed into the Home, by the time she left and returned to the office she had received an email, from the recording system, to log her visit. BK stated that she asked Ms Jones if she had received such an email after she had signed into the Home to see Service User A and Ms Jones confirmed that she had. BK stated that after this, and upon asking Ms Jones to provide the email to confirm her visit, Ms Jones claimed that she had checked her emails and she could not find such an email and no such email was ever produced by Ms Jones.

66. BK also stated that during her visit to the Home to see Service User A, she asked the Home manager (witness AM) to check the Home records for confirmation of Ms Jones' visit and no such record or entry could be found by AM.
67. BK also drew further correspondence to the panel's attention. In it, she explained that Ms Jones had contacted witness AM on 26 May 2022, requesting to attend the Home to complete a further MCA assessment, stating that the first MCA assessment undertaken by her had been obtained by telephone. BK drew the panel's attention to the correspondence, which highlighted that AM replied to Ms Jones requesting that she liaise directly with BK as the manager who had taken over conduct of the case. BK exhibited copies of the email exchange to her witness statement for the panel's consideration.
68. BK also outlined to the panel that whilst problems with work mobile telephones were not uncommon within the department, she did not recall that Ms Jones had expressed such a problem to her at the time the MCA assessment was requested in April 2022.
69. Further, BK also highlighted that after raising the fact that Ms Jones' work telephone did not show any contact with Service User A or the Home to Ms Jones, Ms Jones claimed that she may have used her personal device to make the call to Service User A. However, when records of her personal mobile telephone device were finally produced on 10 October 2022, BK stated that she could not find any telephone calls to Service User A from Ms Jones' phone to Service User A. Additionally, after she requested that Ms Jones pinpoint the date and/or time that she telephoned Service User A, Ms Jones did not reply to this request.

Witness AM:

70. Witness AM outlined to the panel that she is the Manager of the Home and that she has been in this role since October 2019. AM explained that at the Home they have two 'units', one is for residential residents and the second is for dementia residents and she explained that Service User A was a resident at the Home in the residential unit.
71. AM also explained to the panel, in her witness statement, that after being contacted by Service User A's niece regarding funding for Service User A's ongoing care, concerns were raised about the disposal of his assets, which were recorded as having been in the region of £385,000, and that owing to this, a safeguarding concern was raised and a police investigation ensued.
72. AM also told the panel, in her witness statement, that as part of Bedfordshire Police's investigation, she had been working very closely with a particular police officer who had informed her that a social worker would be coming to meet with Service User A to conduct a MCA assessment on Service User A. AM gave oral evidence to the panel that this was not a usual occurrence within the Home, and that owing to the police investigation and ongoing case against Service User A's niece, Service User A's case was particular well known to both her and all members of the Home's staff, who were

all full-time employees. AM asserted that the Home maintained a stable and consistent staffing team and that agency or bank staff were engaged during the relevant period.

73. AM stated that on 12 May 2022, she was informed by the Police officer investigating the concerns that Ms Jones had now completed and sent him the MCA assessment and within that document it noted that the assessment had been completed by Ms Jones, in conjunction with Service User A's caseworker and AM, as the Home Manager. AM informed the panel that she immediately checked the Home's records and she responded, by email, to the police officer, to outline that she had not met with Ms Jones, that she had checked with the duty Home manager and confirmed that she had also not met with Ms Jones.
74. AM also outlined to the panel that due to the safeguarding concerns raised in respect of Service User A, she was supposed to be notified of all contact to Service User A and this included a protocol that should anyone attempt to speak to Service User A, then all telephone calls were to be directed to her as there were concerns that Service User A's niece may attempt to make contact with him.
75. Further, AM also informed the panel that she had checked the Home's records, spoke to all members of staff, owing to the high-profile nature of Service User A's case and the police investigation, and she had confirmed to the police officer that no one at the Home recalled speaking with Ms Jones, nor did the Home have any record of her visiting to meet with Service User A. AM produced a copy of her email correspondence to the investigating police officer for the panel's consideration.
76. AM also outlined that the first time she met with Ms Jones was on 13 May 2022 and that during this meeting, at which Service User A's caseworker was also present, she explained that she had not received any telephone calls or messages from Ms Jones and the only correspondence she had received from Ms Jones, in respect of Service User A, was pertaining to the meeting on 13 May 2022.
77. AM told the panel that during the course of this same meeting, Service User A's caseworker informed her that Service User A's MCA assessment had been completed and submitted to Bedfordshire police and that when she asked when this had taken place, because she did not know anything about it, Service User A's caseworker seemed very surprised by this response and stated that they should await Ms Jones' arrival at the meeting, as Ms Jones was running late to attend the meeting. AM also outlined to the panel that when Ms Jones and Service User A both joined the meeting it felt "awkward" because AM had asked Ms Jones when she had undertaken the MCA assessment and Ms Jones replied that she "could not remember" and the meeting concluded quickly thereafter.
78. AM also told the panel that if Ms Jones had visited the Home, to meet with Service User A, then there would have been a record of it. She informed the panel that when someone attends the Home, the door is locked and can only be opened with a code or by being "buzzed in" by the receptionist. AM further stated that someone on reception will open the door for a visitor and request that they sign in using the electronic system

on a laptop. AM also told the panel that after checking the records, for Service User A from 01 April 2022 to 30 April 2022, it did not show that Ms Jones had visited Service User A, and AM exhibited these records to her witness statement for the panel's consideration. AM also told the panel that the Home did not have a record of any incoming calls from Ms Jones, for Service User A.

79. AM informed the panel that MCA assessments at the Home were not frequent. However, when they were undertaken the process would be that the social worker would book a visit, with her or a senior member of the Home's team, to carry out a MCA assessment. AM stated that in her view, there was no way that a social worker could attend to carry out a MCA assessment without contacting her in advance as they would also need another member of staff to be available to provide their input.
80. AM told the panel that Ms Jones contacted her further, on 26 May 2022, asking to return to carry out another MCA assessment for Service User A. AM appended her email correspondence with Ms Jones, to her witness statement as an exhibit. AM stated that this email was the first correspondence that she had received from Ms Jones, in respect of Service User A.
81. AM also informed the panel that as part of these concerns, she was asked to speak directly to Service User A to ascertain if he could recall a telephone conversation with Ms Jones regarding the MCA assessment, and Service User A confirmed that he could not recall ever having spoken to Ms Jones over the telephone.

Finding and reasons on facts

Panel's Approach:

82. The panel was aware that the burden of proving the facts was on Social Work England. Ms Jones did not have to prove anything and the individual particulars of the Allegation could only be found proved if the panel was satisfied on the balance of probabilities.
83. In reaching its decision the panel took into account the oral evidence of all of the witnesses, the documentary evidence contained within the hearing bundles as well as the oral submissions made by Ms Mustard on behalf of Social Work England. The panel also had regard to the responses provided by Ms Jones, as part of her communication with Social Work England.
84. The panel accepted the advice of the legal adviser. This included but was not limited to: the burden and standard of proof; that the burden of proving the case lay with Social Work England, as it was bringing the case against Ms Jones; the panel's considerations in respect of the adduced hearsay evidence; the test for dishonesty, as set out in *Ivey v Genting Casinos (UK) Ltd UKSC 67*; and a good character direction in respect of Ms Jones.

Particular 1: PROVED

1. *'On or around 13 April 2022 you completed a Mental Capacity Act Assessment relating to Service User A, in which you recorded false information, namely that:*

A. You consulted with Service User A about the assessment;

B. You consulted with a Manager at Service User A's care home about the assessment.

85. The panel noted that it had been provided with copy of Service User A's MCA assessment, dated 13 April 2022. The panel also noted, after carefully reviewing the contents of the MCA assessment that Ms Jones was cited as the person who had composed the document and that she had never denied compiling this document either during the course of MKCC's investigation into the concerns or in her correspondence with Social Work England. Further, upon reviewing the document, the panel also noted that under the section titled '*who was consulted about the capacity assessment*', it was recorded that Service User A, Service User A's caseworker and a 'manager' at the Home, had all been consulted about the assessment.

86. For example, the panel also noted that in the 'Capacity Assessment Summary' section Ms Jones had given a detailed description of what Service User A knew, understood and felt about the situation with his niece. The panel noted that the Capacity Assessment summary stated the following:

"[SU]A is totally aware of the actions of his niece and is emotionally devastated by this. He totally trusted her....

... After discussion with [SU]A it was clear that he understands the implications of the police enquiry and consequences...

... He feels let down and hurt. It is clear that he has the capacity to think through the situation weigh up all information given to him and make decisions about what he wants to happen and outcomes he wants to achieve..."

87. The panel accepted Ms Mustard's submission to it that the level of detail implied that Ms Jones had discussed the situation directly with Service User A.

88. The panel next considered whether this amounted 'false information' based on the evidence presented to it, and the panel determined that it did. The panel considered that the documentary and oral evidence provided to it by the witnesses was compelling and clearly supported the proposition that Ms Jones had not consulted with Service User A, or a manager at the Home in respect of the compilation of the MCA assessment, dated 13 April 2022.

89. In forming this view, the panel gave particular weight to AM's evidence that she did not receive any correspondence from Ms Jones in respect of booking a visit to meet with

Service User A, as was usual protocol, nor did she recall speaking to Ms Jones about the same. Additionally, the panel also paid particular regard to BK and AM's evidence that Service User A was adamant that he had not spoken to anyone from MKCC for the purposes of compiling a MCA assessment, prior to their visit to see him in May 2022.

90. Further, the panel also accepted and gave weight to AM's evidence that after consulting with the other managers, senior staff and administrative staff at the Home, they too did not recall speaking to Ms Jones about booking a visit to see Service User A. The panel noted that the staff members were all permanent employees and not agency or bank workers, so in the panel's view this strengthened the reliability of the evidence provided to it as the staff were all known to her. Additionally, the panel also noted that this was supported by documentation provided by AM, in respect of the Home's visitor records regarding visitors who had booked in, during the relevant period, to see Service User A.
91. Additionally, the panel also noted that it had heard and received extensive evidence from all three witnesses, regarding the steps that had been taken to ascertain whether Ms Jones had, as claimed by her, made direct telephone contact with the Home and/or Service User A, in order to undertake the MCA assessment by telephone. In determining that she had not made telephone contact with Service User A, and giving weight to the hearsay evidence from Service User A provided to it, the panel accepted that there was no supporting evidence to support Ms Jones' assertions that she had either visited or telephoned Service User A.
92. Furthermore, the panel also had regard to the inconsistent accounts provided by Ms Jones during the course of MKCC's investigation into her conduct. Namely, that she first stated that she had visited the Home in person to see Service User A and when this account was disproved by a lack of documentary evidence confirming her account, that Ms Jones pivoted her account to state that she must have undertaken the assessment with Service User A, over the telephone, but she did not recall when this had taken place exactly.
93. The panel also noted that there was no record of a visit or of a telephone call ever having been made by Ms Jones, to Service User A, recorded on Service User A's case records.
94. Consequently, based on the evidence presented to it, the panel concluded as matters of fact that Ms Jones did not visit the Home, nor did she speak directly with Service User A by telephone for the purposes of compiling the MCA assessment. Further, the panel also concluded that Ms Jones did not consult with Service User A or a Home manager for the purposes of the completing the same MCA assessment as recorded by her that she did.
95. Having regard to the aforementioned, the panel was satisfied that on 13 April 2022 Ms Jones completed a Mental Capacity Act Assessment relating to Service User A, in which she recorded false information, namely that she had consulted with Service User A about the assessment and that she had consulted with a Manager at the Home about the assessment.

96. Consequently, Particular 1 is proved in its entirety.

Particular 2: PROVED

2. On or around 12 May 2022, you submitted the completed Mental Capacity Act Assessment for Service User A to Bedfordshire police.

97. The panel had regard to Service User A's case records and noted that contained within those records was an entry dated 12 May 2022, in which it was recorded that Ms Jones had 'sent MCA to Bedford Police'.

98. The panel also had regard to the other documentary evidence provided to it by witness AM and noted that contained within that, there was email correspondence from the investigating police officer at Bedfordshire Police indicating that the MCA had been conducted and provided to him.

99. The panel was therefore satisfied that Ms Jones, on 12 May 2022, submitted the completed MCA assessment pertaining to Service User A, to Bedfordshire police.

100. Consequently, Particular 2 is proved.

Particular 3: PROVED

3. Your actions at paragraphs 1 and/ or 2 of the allegations was dishonest in that you knew:

a. You had not conducted a Mental Capacity Act assessment with Service User A in April 2022;

b. You had not consulted with Service User A about the assessment in April 2022;

c. You had not consulted with a Manager at Service User A's care home about the assessment in April 2022;

d. The assessment you submitted to police contained false information which could be relied upon as part of an on-going criminal investigation.

101. Having determined as a matter of fact that Ms Jones had not conducted a MCA assessment with Service User A in April 2022, had not consulted with Service User A or the Manager at the Home about the MCA assessment, the panel went on to consider if Ms Jones' actions were dishonest.

102. The panel gave particular weight to both ZV's and BK's oral and written evidence to it that Ms Jones was a very experienced senior social worker, who was considered as the 'go to person', within the team, for undertaking MCA assessments. In the panel's view, based on this evidence, and the evidence that Ms Jones would also have attended the mandatory and annual refresher training provided by MKCC on safeguarding which included MCA assessments, Ms Jones would have been very well aware of the reason

why the MCA assessment was required in Service User A's case, and further, based on her experience as a social worker, the panel was also satisfied that she would have been well aware of how to properly complete such an assessment.

103. Additionally, the panel was also satisfied that it was made abundantly clear to Ms Jones, by BK, why Bedfordshire police were requesting that the MCA assessment was undertaken in respect of Service User A. Namely, that it was necessary, and intended to be relied upon, for the purposes of criminal proceedings against Service User A's niece. As an experienced social worker, the panel also considered that it would have been a familiar situation to Ms Jones, that MCA assessments may be requested for varying purposes, to confirm an individual's capacity to make informed decisions.
104. Therefore, based on the evidence presented to it, the panel was satisfied that Ms Jones' actions were dishonest. In the panel's view, Ms Jones knew she had not conducted a MCA assessment in respect of Service User A, and when it was discovered that she had not consulted with Service User A or a manager at the Home in person, she fabricated another version of events, in furtherance of her lie, that an assessment with Service User A had taken place by telephone. In the panel's view, Ms Jones' actions were further dishonest in that she submitted false information to the police, by claiming to have properly completed the MCA assessment with Service User A, when she knew she had not done so. The panel was also satisfied that she knew the MCA assessment was intended to be relied upon as part of its ongoing criminal investigation by Bedfordshire Police, for the purposes of conducting the MCA assessment in the first instance. In submitting the MCA assessment, Ms Jones acted dishonestly as she knew she had not completed the MCA as she claimed to have, nor had she consulted with those individuals she claimed to have consulted.
105. The panel also considered that Ms Jones' actions would, on the balance of probabilities, be considered to be dishonest by ordinary and honest people.
106. Consequently, the panel find Particular 3 is proved in its entirety.

Finding and reasons on grounds:

107. The panel next considered whether the facts found proved in Particulars 1, 2 and 3 amounted to the statutory ground of misconduct.
108. In doing so, it accepted the advice of the legal adviser and it took account of Social Work England's statement of case and Ms Mustard's oral submissions which, in summary, had drawn the panel's attention to the following:
 - i. Ms Jones' conduct fell far short of what would be proper in the circumstances;
 - ii. Ms Jones' conduct could be considered to amount to misconduct and could be considered to be 'serious'. Dishonesty amongst professionals is serious but particularly so when it is directly related to professional practice;

- iii. By falsifying a formal record for a service user, Ms Jones was putting Service User A at risk of harm because decisions could have been made, and actions taken, based on what may, in fact, have been incorrect information;
- iv. The seriousness in this case was high because the falsified document (the MCA assessment) was submitted to an external agency (the police) and there was therefore, a higher risk that it would have been taken at face value and the opinions outlined in the document adopted; and
- v. The seriousness is also increased because when concerns were raised with Ms Jones, she changed her account to try and explain information as it came to light.

109. In order to assist with its decision, the panel considered Social Work England's Professional Standards. Having done so, the panel determined that Ms Jones' conduct had breached the following:

Professional Standards:

1.1 – Value each person as an individual, recognising their strengths and abilities.

1.2 – respect and promote the human rights, views, wishes and feelings of the people I work with, balancing rights and risks and enabling access to advice, advocacy, support and services.

1.3 – Work in partnership with people to promote their well-being and achieve best outcomes, recognising them as experts in their own lives.

2.1 – Be open, honest, reliable and fair.

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

3.9 – Make sure that relevant colleagues and agencies are informed about identified risks and the outcomes and implications of assessments and decisions I make.

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

5.3 – I will not – Falsify records or condone this by others.

110. In the panel's view social workers are expected to be honest and to be able to be relied upon to provide accurate information at all times.

111. In its consideration of the statutory ground, the panel noted that Ms Jones' colleagues and her supervisor had described her as an experienced social worker, who had the knowledge and skills to be appointed to a senior social work position within the MKCC team, often leading on MCA assessments. Having regard to this evidence in addition to the information that Ms Jones had undertaken a three-day mandatory training course, in addition to an annual refresher training course which included how to conduct MCA assessments, the panel concluded that there was nothing presented in the evidence which suggested that Ms Jones did not have the requisite knowledge or skills in order to undertake her role to the required standards. The panel therefore considered that Ms Jones' actions of falsifying information about having conducted an assessment with Service User A and lying about consulting with others in the preparation of the same and submitting a falsified MCA assessment to Bedfordshire police, amounted to conduct which fell far below the standards expected of a registered social worker and could only be considered to be conduct which was very serious in nature.
112. The panel also noted that as a senior social worker, who clearly knew how to undertake MCA assessments properly and to the required standards, in failing to do so, and being dishonest when she did so, the panel considered that Ms Jones' conduct posed a significant risk of harm to the public and had caused actual harm to Service User A. In forming this view, the panel noted the evidence of the witnesses to it that Service User A had become distressed at having to repeatedly answer questions regarding whether or not he had seen or been spoken to by Ms Jones, regarding the MCA assessment.
113. Furthermore, the panel also considered that in misrepresenting Service User A's views as Ms Jones had in the MCA assessment, fabricating the outcome of an assessment which did not take place, the information contained within the assessment document may well have been relied upon by others when Ms Jones had not established the accuracy of any assertion (including that Service User A had capacity) made by her, in the MCA assessment document. The panel also accepted Ms Mustard's submission to it that the risk in this particular case was also higher because the MCA assessment was to be relied upon, by the police, in its investigation and prosecution of Service User A's niece.
114. Further, the panel also considered that Ms Jones' actions had a direct impact on her colleagues and on MKCC's reputation. Having considered the evidence before it, the panel determined that Ms Jones' dishonest actions negatively impacted upon MKCC's reputation and also on the reputation of the wider social work profession because owing to the contents of the MCA assessment, the police officer investigating Service User A's niece, had to raise concerns, about the document with senior managers at MKCC. Further, in submitting the MCA assessment to Bedfordshire Police Ms Jones' conduct had the potential to undermine the ongoing police criminal investigation and also called into question the reliability of all social workers to perform their role as required.

115. Additionally, in the panel’s view, members of the public would also be appalled to know that a social worker had lied on documentation which purported to represent Service User A’s views and his capacity to make decisions for himself.
116. In determining that Ms Jones’ conduct could only be considered serious, the panel noted that Ms Jones’ dishonest actions were not isolated but rather, were repeated and her lies became entrenched each time she altered her account after being presented with evidence which refuted her original claims.
117. Having regard to the aforementioned, the panel considered that the matters outlined at Particular 1), Particular 2) and Particular 3) each represented serious breaches of professional standards, falling far below the behaviour expected of a registered social worker, and that each matter amounted to misconduct.

Finding and reasons on current impairment

118. Having found misconduct, the panel went on to consider whether Ms Jones’ fitness to practise is currently impaired. In doing so, the panel took into account all of the evidence before it and it had regard to the oral and written submissions made by Ms Mustard. In addition, the panel also had regard to Ms Jones’ correspondence with Social Work England and Social Work England’s guidance titled ‘Impairment and sanctions guidance’. The panel also accepted the legal adviser’s legal advice.
119. The panel first considered whether Ms Jones’ fitness to practise was impaired on the personal component.
120. In addressing the personal component of impairment, the panel asked itself whether Ms Jones is liable now and/or in the future to repeat conduct of the kind that led to her misconduct. In reaching its decision the panel also had particular regard to the issues of insight, remorse and remediation.
121. The panel noted that in the case of *CHRE v NMC & Grant [2011] EWHC 927 (Admin)* Mrs Justice Cox stated:
- “When considering whether or not fitness to practise is currently impaired, the level of insight shown by the practitioner is central to a proper determination of that issue.”*
122. The panel also had careful regard to Silber J’s guidance in *Cohen v GMC [2008] EWHC 581 (Admin)* that panels should take account of:
- whether the conduct which led to the charge is easily remediable;
 - whether it has been remedied; and
 - whether it is highly unlikely to be repeated.

123. In considering whether Ms Jones is currently impaired on the personal component, the panel also noted that Ms Jones had only provided limited information to Social Work England, during her communication with it, and she had not engaged meaningfully in the regulatory proceedings, nor attended the hearing.
124. The panel considered whether Ms Jones' conduct was remediable and in doing so, it noted that dishonesty is difficult, but not impossible, to remediate.
125. In considering whether Ms Jones' had demonstrated insight into her conduct, the panel had regard to her correspondence with Social Work England. In doing so, the panel noted that Ms Jones continued to deny her conduct and had maintained the position that she had undertaken the MCA assessment notwithstanding evidence to the contrary. Whilst the panel noted that it was her right to maintain this position, the panel also noted that notwithstanding this, she had failed to demonstrate any insight into how serious the alleged conduct was and because she had not attended the hearing, she had been unable to demonstrate any insight on the panel's findings in the case.
126. The panel also determined that Ms Jones' correspondence with Social Work England was extremely limited in nature and was focussed entirely upon the impact of the matter upon herself and did not offer any meaningful insight into the impact of her actions upon Service User A, the police, the wider public, her colleagues, or confidence in the wider profession.
127. Additionally, the panel also considered that Ms Jones' correspondence did not address the underlying causes or reasons for her conduct and the panel also noted that Ms Jones had expressed no remorse for her actions, or the harm caused as a result.
128. The panel therefore considered that Ms Jones' correspondence with Social Work England was very limited in nature and also demonstrated a lack of meaningful insight on her part.
129. Additionally, the panel also noted that Ms Jones had not taken any steps to demonstrate that her conduct would not be repeated moving forward. This concerned the panel because, noting its earlier findings that her conduct was repeated becoming entrenched and sustained in nature when challenged, albeit in respect of one service user (Service User A), the panel concluded that there was nothing before it to be satisfied that she has addressed the underlying causes of her conduct.
130. Furthermore, in support of this view, the panel also noted that Ms Jones had not provided any evidence to demonstrate successful completion of any Continuing Professional Development ('CPD') which addressed her dishonest conduct and the panel also noted that she has not practised as a social worker for over two years. Moreover, the panel also noted that Ms Jones had consistently and repeatedly stated in her correspondence to Social Work England that she no longer wished to work in the social work profession and would not be returning to it.

131. The panel therefore concluded that Ms Jones had not taken any steps to remediate her conduct and it was therefore likely that Ms Jones' conduct would recur. In the panel's view, this placed the public at risk of harm.
132. Accordingly, having regard to all of the aforementioned, the panel considered that Ms Jones' fitness to practise is currently impaired on the personal component.
133. The panel next considered whether Ms Jones' fitness to practise is impaired on public interest grounds.
134. In relation to the public component of fitness to practise, the panel had careful regard to the critically important public policy issues identified by Silber J in the case of Cohen when he said:

“Any approach to the issue of whether fitness to practise should be regarded as ‘impaired’ must take account of ‘the need to protect the individual patient, and the collective need to maintain confidence in the profession as well as declaring and upholding proper standards of conduct and behaviour.’”

135. In the panel's view, Ms Jones' conduct falls below the required standards of her profession and as such, brings her profession into disrepute. Ms Jones' conduct related to acts which the panel considered to be very serious and took particular account of the fact that when it was discovered that Ms Jones had not consulted with Service User A or a manager at the Home in person, she fabricated another version of events, in furtherance of her lie, that an assessment with Service User A had taken place by telephone.
136. The panel was of the view that the public have to be able to trust social work professionals to perform their role to an appropriate standard and in line with national and expected guidelines. The panel was satisfied that the public would determine that it could not have confidence in Ms Jones to perform her role honestly moving forward.
137. In light of the aforementioned, the panel also considered that public trust and confidence in the wider profession and Social Work England as its regulator, alongside the need to maintain confidence in the profession and to declare and uphold proper standards, would be undermined if a finding of impairment were not made in the circumstances of this case.
138. Accordingly, the panel finds that Ms Jones' fitness to practise is currently impaired.

Decision and reasons on sanction:

Panel's approach

139. In reaching its decision on sanction, the panel took into account the submissions made by Ms Mustard, on behalf of the Social Work England, which in summary stated:
 - i. That the panel ought to have regard to Social Work England's Impairment and sanctions guidance (hereafter 'the sanctions guidance');

- ii. Social Work England were inviting the panel to make a removal order;
- iii. The purpose of sanction is not to punish Ms Jones;
- iv. A lower sanction of advice or warning, place no restrictions on Ms Jones' practice and would not adequately address the risks presented by Ms Jones;
- v. Whilst a conditions of practice order would place a restriction on Ms Jones' practice, given the seriousness of the matters found proved, there are no practical or workable conditions which could be imposed;
- vi. A suspension order is not likely to be appropriate given paragraph 138 of the sanctions guidance and the parameters set out therein;
- vii. A removal order is likely to be appropriate in this instance because Ms Jones' dishonest behaviour was persistent and her conduct has not been admitted;
- viii. Any lesser sanction than that of a removal order would not be sufficient in this case;
- ix. Should the panel determine to impose a conditions of practice order, a suspension order or a removal order then Social Work England would invite the panel to impose an interim order for a duration of 18 months, under paragraph 11(1)(b) of the Social Workers Regulations 2018 (as amended), to cover any appeal period.

140. The panel referred to Social Work England's sanctions guidance and it had in mind that the purpose of sanction was not to punish Ms Jones, but to protect the public, maintain public confidence in the profession and maintain proper standards of conduct and performance. The panel was also aware of the need to ensure that any sanction is proportionate.

141. The panel accepted the advice of the legal adviser.

142. The panel considered whether there were any mitigating factors in this case and determined that the following mitigating factors were present:

- i. Ms Jones is of previous good regulatory character; and
- ii. [PRIVATE]

143. The panel considered the aggravating factors in this case to be that Ms Jones:

- i. was an experienced social worker;
- ii. has demonstrated a complete lack of insight, remorse and/or remediation;
- iii. dishonest conduct was repeated over a period of weeks and was maintained when challenged;

- iv. her dishonest conduct was also undertaken in professional practice;
- v. caused actual harm to SUA and to MKCC's reputation; and
- vi. caused actual harm to the wider reputation of the social work profession.

144. The panel considered the mitigating and aggravating factors in this case and noted that Ms Jones had not furnished any detailed information in respect of her health and personal circumstances which were prevailing at the time, despite numerous requests from Social Work England to do so. The panel therefore placed limited weight on the mitigating factor outlined at (ii) above.

145. The panel first considered the option of taking no action. The panel considered this to be an exceptional outcome and the panel was of the view that the circumstances of this case were not exceptional. The panel decided that the option of taking no action was not sufficient to safeguard the public or to uphold the public interest in this case in view of its findings and the risks identified by it.

146. The panel next considered the options of giving an advice or a warning order to Ms Jones. However, the panel was of the view that such sanctions would also not reflect the seriousness of the findings in this case, nor were Ms Jones' actions isolated or minor in nature. Further, the panel has also determined that there is a real risk of repetition of Ms Jones' conduct and Ms Jones has not shown any insight into her conduct. Therefore, the panel determined that an advice or warning was not appropriate. The panel was also of the view that public confidence in the social work profession, and Social Work England as its regulator, would be undermined if Ms Jones' behaviour were dealt with by such sanctions.

147. The panel next considered whether to place conditions of practice on the Ms Jones' registration. The panel noted that the sanctions guidance states:

“114. Conditions of practice may be appropriate in cases where (all of the following):

- *the social worker has demonstrated insight*
- *the failure or deficiency in practice is capable of being remedied*
- *appropriate, proportionate, and workable conditions can be put in place*
- *decision makers are confident the social worker can and will comply with the conditions.*
- *the social worker does not pose a risk of harm to the public by being in restricted practice...”*

148. Having regard to the sanctions guidance, the panel determined that imposing a conditions of practice order was not appropriate in this case. The panel considered Ms Jones' dishonest conduct to be attitudinal in nature and in its view, there were no workable conditions of practice which could be drafted to mitigate against the risks posed by this conduct. The panel noted that this view was also in accordance with the

sanctions guidance, paragraph 119, which outlined that conditions of practice were “*unlikely to be appropriate in cases*” involving “*dishonesty*”.

149. Further, the panel also noted that Ms Jones has failed to demonstrate any insight into her conduct and has failed to engage with the regulatory process in a meaningful manner. Additionally, the panel also noted that Ms Jones and has failed to demonstrate any remorse, nor has she demonstrated a willingness to acknowledge or address her conduct and further, she has outlined a confirmed view, in communication with Social Work England, that she no longer wishes to practise as a social worker. The panel concluded, in view of this expressed intention, that Ms Jones would also be unlikely to comply with any conditions of practice imposed. Consequently, the panel determined that a conditions of practice order was not workable, proportionate or appropriate in this case.

150. The panel next considered a suspension order. The panel noted that the sanctions guidance states:

“When a suspension order may be appropriate

136. Suspension is appropriate where (both of the following apply):

- *the decision makers cannot formulate workable conditions to protect the public or the wider public interest*
- *the case falls short of requiring removal from the register (or where removal is not an option)*

137. Suspension may be appropriate where (all of the following):

- *the concerns represent a serious breach of the professional standards*
- *the social worker has demonstrated some insight*
- *there is evidence to suggest the social worker is willing and able to resolve or remediate their failings*

When a suspension order may not be appropriate:

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

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

151. Having had regard to the sanctions guidance, the panel considered that a suspension order was also not appropriate in this case. In forming this view, the panel again noted that Ms Jones has not demonstrated any insight into her conduct, nor has she provided any evidence which suggests that she is willing or able to remediate her failings and the

panel was not satisfied that Ms Jones' conduct would not be repeated. Given the seriousness of Ms Jones' dishonest conduct, and her lack of meaningful engagement in the proceedings, the panel was also of the view that public confidence in the profession and regulatory process would be undermined if a suspension order was imposed.

152. The panel next considered imposing a removal order. The panel was aware that this is a sanction of last resort. The Panel noted that the sanctions guidance states that a removal order is appropriate where:

'When a removal order may be appropriate

148. A removal order must be made where the decision makers conclude that no other outcome would be enough to (do one or more of the following):

- *protect the public*
- *maintain confidence in the profession*
- *maintain proper professional standards for social workers in England...*

149. A removal order may be appropriate in cases involving (any of the following):

- ...
- ...
- ...
- *dishonesty, especially where persistent and/or concealed (see section 'dishonesty')*
- ...
- ...
- *persistent lack of insight into the seriousness of their actions or consequences*
- *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) ..."*

153. The Panel also noted paragraphs 172 to 176 of the sanctions guidance which state:

"... 172. Honesty is key to good social work practice. Social workers are routinely trusted with access to private spaces (such as people's homes), and highly sensitive and confidential information (such as case notes).

173. Other organisations also rely on the honesty and integrity of social workers when making important decisions about service users, their relatives and carers. This includes (all of the following):

- *the police*

- *the courts*
- *local and health authorities*
- *other agencies*

Because of this, dishonesty is likely to threaten public confidence in the social work profession. This is the case both in professional practice and in the social worker's private life.

174. Concerns that raise questions of character (such as dishonesty) may be harder to remediate. This is because it is more difficult to produce objective evidence of reformed character. Evidence of professional competence cannot mitigate serious or persistent dishonesty. Dishonest conduct is highly damaging to public confidence in social work. Therefore, it is likely to warrant a finding of impairment and a more serious sanction of suspension or removal.

Dishonesty in professional practice

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):

- *defrauding people who use social work services, their relatives or carers*
- ***falsifying records (such as falsely recording that a safeguarding referral has been made or a statutory visit carried out) ...'***

154. The panel is of the view that the circumstances of this case are such that Ms Jones acted in a deliberate and sustained manner, misleading others, including the police, by indicating that she met with SUA to conduct the MCA assessment when this was not the case. The panel considered that her actions, in doing so, amounted to a serious and fundamental breach of a tenet of the profession.

155. Further, Ms Jones has also failed to demonstrate any insight into her conduct. Consequently, the panel was of the view that these factors, when taken together, demonstrate a registrant who lacks any meaningful insight, has demonstrated insufficient remorse for her actions and one who has not shown any willingness or intention to resolve matters. Additionally, the panel was also of the view that Ms Jones has not provided any evidence that her actions would not be repeated and she had expressed a clear desire, in her correspondence with Social Work England, to leave the social work profession and not return to it.

156. Having regard to the aforementioned, the panel was satisfied that a removal order was appropriate to protect the public and to uphold public confidence in the profession and the regulatory process and that it would also send a clear message to other professionals that Ms Jones' conduct is unacceptable. The panel considered that any lesser sanction would be insufficient to protect the public, public confidence in the profession and public confidence in the regulatory process.
157. In making its decision on sanction, the panel had regard to the impact of an order on Ms Jones. However, the panel was of the view that the public interest considerations in this case significantly outweighed any detriment that might be caused, by the imposition of a removal order, to Ms Jones.
158. Accordingly, the panel made an order directing the registrar to remove Ms Jones from the Social Work England Register.

Interim order:

159. In light of its findings on sanction, the panel next considered Ms Mustard's application for an interim suspension order, to cover the appeal period before the final order takes effect.
160. The panel considered whether to impose an interim order. In doing so, it was mindful of its earlier findings and decided that it would be wholly incompatible with those earlier findings if no interim order were imposed.
161. Accordingly, the panel concluded that an 18-month interim suspension order is necessary for the protection of the public. When the appeal period expires, this interim order will come to an end unless an appeal has been filed with the High Court. If there is no appeal, the final order of a removal shall take effect when the appeal period expires.

Right of appeal:

162. 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.
163. 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.

164. 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.
165. 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:

166. 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
167. 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:

168. 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>.