

Social worker: Betty Khumalo
Registration number: SW9180
Fitness to Practise
Final Hearing

Dates of hearing: 26 January 2026 to 09 February 2026

Hearing venue: Remote hearing

Hearing outcome: Fitness to practise impaired, removal order

Interim order: Interim suspension order (18 months)

Introduction and attendees:

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018 (as amended) (“the regulations”).
2. Ms Khumalo attended and was represented by Ms Wafa Shah.
3. Social Work England was represented by Ms Hanne Stevens, Case Presenter from Capsticks LLP.
4. The panel of adjudicators conducting this hearing (the “panel”) and the other people involved in it were as follows:

Adjudicators	Role
Gill Mullen	Chair
Tracey Newson	Social worker adjudicator
Angela Duxbury	Lay adjudicator

Hearings team/Legal adviser	Role
Jenna Keats	Hearings officer
Chiugo Eze	Hearings support officer
Neville Sorab	Legal adviser

Preliminary matters – Application to admit further evidence:

5. On behalf of Ms Khumalo, Ms Shah made an application for the panel to admit a further statement from Ms Khumalo and a certificate exhibited to the further statement from Ms Khumalo. Ms Shah submitted that the additional evidence is relevant and fair to admit as it updates the position of Ms Khumalo and would help the panel better understand Ms Khumalo’s current position.
6. On behalf of Social Work England, Ms Stevens did not oppose the application.
7. The panel accepted the legal adviser’s advice that Rule 29 Fitness to Practise Rules 2019 (as amended) (the “Rules”) states:

“Case management directions are binding on the parties and on any fitness to practise panel subsequently considering the case unless the panel considers that:

(a) there has been a material change of circumstances; or

(b) it is not in the interests of justice for that to be the case.”

8. The panel considered that the admission of the further statement from Ms Khumalo and the exhibited certificate was in the interests of justice as it was fair and relevant to admit. It updates the position of Ms Khumalo and helps the panel and the parties better understand Ms Khumalo's current position.

Allegations:

9. Ms Khumalo faces the following allegations:

Whilst registered as a social worker:

1. *From September 2021 to November 2021:*
 - a. *You copied and pasted sections of Deprivation of Liberty Safeguards assessments for the Service Users set out in Schedule 1.*
 - b. *Your conduct in relation to allegation 1(a) was dishonest in that you deliberately sought to represent those sections as your own work.*
 - c. *You did not speak with and/or conduct Mental Capacity Assessments with one or more of the service users set out in Schedule 2 when completing Deprivation of Liberty Safeguards assessments*
 - d. *Your conduct in relation to allegation 1(c) was dishonest in that you deliberately sought to mislead that you had spoken with and/or conducted Mental Capacity Assessments with Service Users when you had not.*
2. *Between around 27 February 2023 and 16 April 2023 you practised as a social worker without an approved workplace supervisor in place, contrary to your Interim Conditions of Practice Order.*
3. *On the following dates, you informed Social Work England and/or instructed that Social Work England be informed on your behalf, that you had not practised as a social worker from around 27 February 2023 to 16 April 2023 when this was not true:*
 - a. *1 June 2023*
 - b. *20 June 2023*
4. *Your conduct in relation to allegation 3 was dishonest in that you sought to mislead Social Work England that you had not practised as a social worker when you had.*

The matters set out in allegations 1 to 4 above constitute misconduct.

By reason of your misconduct your fitness to practise is impaired.

Schedule 1:

Service User A

Service User B

Service User C

Service User D

Service User E

Service User F

Service User G

Service User H

Service User I

Service User J

Schedule 2:

Service User A

Service User B

Service User C

Service User E

Service User G

Service User H

Admissions:

10. Rule 32c(i)(aa) states:

“Where facts have been admitted by the social worker, the adjudicators or regulator shall find those facts proved.”

11. Following the reading of the allegations the panel Chair asked Ms Khumalo whether she admits any of the allegations.

12. On behalf of Ms Khumalo, Ms Shah informed the panel that Ms Khumalo admitted allegations 1(a), 1(c), 2 and 3.
13. The panel therefore found allegations 1(a), 1(c), 2 and 3 proved by way of Ms Khumalo's admissions.
14. The panel noted that Ms Khumalo denied allegations 1(b), 1(d) and 4.
15. In line with Rule 32c(i)(a) of the Rules, the panel then went on to determine the disputed facts.

Background:

16. Ms Khumalo was contracted by Action First Assessments Ltd ("the Agency") as a Best Interests Assessor ("BIA") from September to December 2021. In this role she undertook Deprivation of Liberty Safeguard ("DoLS") assessments, to establish whether someone should be deprived of their liberty in a care home or hospital environment, for a number of the Agency's clients.
17. On 22 February 2022, Social Work England received a referral from Nottinghamshire County Council ("the Council"), one of the Agency's clients, where Ms Khumalo carried out a number of DoLS assessments from September to December 2021. A further referral was received on 01 March 2022 from the Agency. Both referrals raised the same concerns, namely that following a Quality Assurance check by the Agency in January 2022 concerns were raised with the Council that Ms Khumalo had directly copied and pasted parts of a service user's previous DoLS Assessment into her assessment form. This included the narrative of the consultation with the family and care home staff.
18. The Agency informed Ms Khumalo of the concerns regarding the assessment for Service User A (including that the same issue had been found on other assessments) and asked her to provide a statement setting out her response. On 14 February 2022, Ms Khumalo provided a written statement in which she confirmed that she had copied information that was relevant to Service User A's current circumstances. She apologised and stated that it would not happen again.
19. The Council reported that, following review of Ms Khumalo's work, 10 cases had been identified in which she copied and pasted sections from the previous DoLS assessment. The assessments were completed between September 2021 and November 2021. Six of these assessments were recommissioned. The remaining four could not be recommissioned either because the service users had moved to a new care home or had died.
20. While Social Work England was investigating the concerns set out in Allegation 1, an Interim Conditions of Practice Order ("ICOPO") was imposed on Ms Khumalo's registration. It is alleged that she breached these conditions in that she practised as a social worker for approximately 6 weeks before Social Work England had approved her

Workplace Supervisor, as was required by her ICOPO. It is further alleged that she dishonestly informed Social Work England, through instructions provided to her representative, at an interim order review hearing on 1 June 2023 and in an email to her Case Review Officer on 20 June 2023, that she had not worked as a social worker until Social Work England had approved her Workplace Supervisor on 17 April 2023.

21. Ms Khumalo admitted the allegations apart from those which go to dishonesty. These allegations are in dispute.

Evidence:

22. The panel received evidence from the following witnesses:

- a. Carol Evans (Team Manager of the DoLS team at the Council);
- b. Robert Nealon (Director and Chief Executive Officer at the Agency);
- c. Mollie Prince (Deputy Manager at [PRIVATE] Care Home);
- d. Jayne Peters (Care Home Manager at [PRIVATE] Care Home);
- e. Sophie Augustine (Formerly employed as a Registered General Nurse at [PRIVATE] Care Home);
- f. Rosa Arthur (Clinical Lead, [PRIVATE] Care Home);
- g. Tina Wilson (Care Coordinator at [PRIVATE] Care Home);
- h. Jessica Willis (Registered Manager, [PRIVATE] Care Home);
- i. Esther Tolbert (Registered Manager, [PRIVATE] Nursing Home);
- j. Pauline Clews (Care Home Manager, [PRIVATE] Care Home);
- k. Adam Mohammed (Trainee Solicitor, Capsticks Solicitors);
- l. Marcus Gorman (Case Review Officer at Social Work England); and
- m. Sonya Terry (Social Worker's former workplace supervisor at Buckinghamshire Council)

23. Most of these witnesses exhibited evidence relevant to the case. From these witnesses, the following evidence was pertinent to the contested allegations.

24. Ms Prince provided the following pertinent evidence:

- a. At the time of the allegations, she was the Deputy Manager at [PRIVATE] Care Home.
- b. She exhibited the care records for Service User A.

- c. She had not heard of Ms Khumalo's name before, and it is not a name that she remembers. However, there is a regular large influx of people that she comes into contact with on a daily basis at [PRIVATE] Care Home. Although she cannot remember Ms Khumalo and there is no log of any interaction with Ms Khumalo, she could have spoken with Ms Khumalo.
- d. During and after the COVID-19 pandemic, the DoLS assessors would telephone [PRIVATE] Care Home to contact the home, arrange assessment and conduct the DoLS assessment over the telephone. [PRIVATE] Care Home would usually record this telephone conversation and any conversation with a third party such as a DoLS assessor. If the DoLS assessor obtains information from care staff at [PRIVATE] Care Home as part of the assessment, this contact would be recorded in the same way by the staff member providing this information; although it is possible that staff members may forget to make a record. At times, service user families would also join the DoLS assessment.

25. Ms Peters provided the following pertinent evidence:

- a. At the time of the allegations, she was the Care Manager at [PRIVATE] Care Home.
- b. She checked [PRIVATE] Care Home's records consisting of Service User B's:
 - i. care log;
 - ii. previous authorised DoLS assessments; and
 - iii. records on [PRIVATE] Care Home's system,

where there was no record of Ms Khumalo having any contact with Nicola Watson (Senior Carer at the time) on 30 September 2021. Ms Watson is no longer employed at [PRIVATE] Care Home. Ms Peters did not have a conversation with Ms Watson at any time to see if Ms Watson had a conversation with Ms Khumalo. Ms Peters did not ask anyone else at [PRIVATE] Care Home if they had spoken to Ms Khumalo. Ms Peters did not contact Ms Watson in 2023 when she was asked about the current allegations facing Ms Khumalo. Ms Watson had left [PRIVATE] Care Home by 2023.

26. Ms Terry provided the following pertinent evidence:

- a. At the time of the allegations, she was the Transition Team Manager at Buckinghamshire Council.
- b. Ms Khumalo informed Buckinghamshire Council that she was subject to conditions at the time of her interview, although the conversation was vague during interview.
- c. Ms Terry does not recall all of Ms Khumalo's conditions being provided by the agency, but she does recall the agency being asked for all the conditions.

- d. During her employment, Ms Khumalo said that, in accordance with her conditions, she needed supervision.
- e. On 28 February 2023, she received an email from Marcus Gorman, a Case Review Officer at Social Work England, who informed her that the Social Worker had nominated her to fulfil the role as Ms Khumalo's workplace supervisor and Ms Terry was asked to provide information including her contact details, a full CV, a brief description of how she knows Ms Khumalo, and whether there are any conflicts of interest. As Ms Terry was on leave from 6 March 2023 to 23 March 2023, she responded to this email on 24 March 2023. Any delay was not as a result of Ms Khumalo disclosing the condition that she needed to be supervised. Ms Khumalo provided any information that needed to be submitted to Mr Gorman. On 17 April 2023, Mr Gorman confirmed that all the information that has been supplied was sufficient.
- f. Ms Khumalo was supervised by Ms Terry throughout her time at Buckinghamshire Council. There was not a time where Ms Khumalo was not supervised.

27. Ms Khumalo provided the following pertinent evidence:

- a. At the time of the allegations, she was a Best Interests Assessor ("BIA"), which she has been since 2017. She assesses people in their care homes in order to undertake DoLS assessments. At the time of the allegations, she had been a BIA for 4 years. She is a very experienced social worker.
- b. DoLS assessments are important as they determine whether a Service User remains in a care home and is responsible for their own decisions. She will determine whether it is in the best interest of the Service User to deprive them of their liberty.
- c. During COVID, her work changed drastically, as the DoLS assessments were made over the telephone as people were not allowed inside care homes and hospitals. However, the allegations concern the period September 2021 to November 2021, when there was no issue with access to care homes.
- d. She admits copying and pasting information on a number of DoLS assessments. She did not put the copied and pasted information into speech marks as she was not concentrating on who is the author of the information, and the information which was copied and pasted was still relevant. She was more concerned with putting in relevant information; she did not copy and paste blindly. She would speak with those in the care home to determine whether the information was still relevant. She was not dishonest when copying and pasting from previous DoLS assessments and she did not put any service users at risk of harm by doing so.
- e. She accepts that errors can occur when copying and pasting information, which can be serious if forms are not filled out truthfully. She accepts that the

situation with elderly people can fluctuate as elderly service users can deteriorate. Therefore, each situation must be unique.

- f. She accepts that her conduct fell short of what was required by simply copying and pasting from previous DoLS assessments. She was aware that it was her name and her work on the copied and pasted DoLS assessments.
- g. There is nothing she wanted to hide from anyone when filling out the DoLS assessments. There was no benefit to anyone by hiding anything and it was her professional judgement whether to extend any deprivation of liberty or not.
- h. A BIA requires person-centred solutions with the service user being at the centre of their decisions. She considered it okay to complete a DoLS assessment without speaking to the service user, as long as there was lots of information gathered from other people, including those working the care homes, doctors, and next of kin. She did not speak to service users due to the service users' state of mind and that she could make an informed decision based on others that she had spoken to. It was never her intention to give the impression that she had spoken to the service user when she had not.
- i. Regarding Service User A, although she did not meet them when the DoLS assessment says that she did, the DoLS assessment was in the best interests of Service User A and she used her professional judgement when completing the DoLS assessment as Service User A lacked capacity at the time. Although it was not dishonest to copy and paste from the previous DoLS assessment, it was poor practice.
- j. Regarding Service User B, although she did not meet them when the DoLS assessment says that she did, the information in the DoLS assessment was provided by the people that Ms Khumalo spoke to. Although it was not dishonest to copy and paste from the previous DoLS assessment, it was poor practice.
- k. Regarding Service User C, she did not meet them when the DoLS assessment says that she did. Although it was not dishonest to copy and paste from the previous DoLS assessment, it was poor practice. When she copied and pasted from a previous DoLS assessment, she put an error when she added the date that she met Service User C. After she completed the DoLS assessment, Ms Khumalo did not re-read it.
- l. Regarding Service User E, she did not meet them when the DoLS assessment says that she did. Although it was not dishonest to copy and paste from the previous DoLS assessment, it was poor practice. The decision made in this DoLS assessment was from her own professional judgement.
- m. Regarding Service User G, she did not meet them when the DoLS assessment says that she did. Although it was not dishonest to copy and paste from the

previous DoLS assessment, it was poor practice. There was no intention to deceive anyone.

- n. Regarding Service User H, although she did not meet them when the DoLS assessment says that she did, the DoLS assessment was in the best interests of Service User A and she used her professional judgement when completing the DoLS assessment as Service User H lacked capacity at the time. Although it was not dishonest to copy and paste from the previous DoLS assessment, it was poor practice. There was no intention to mislead anyone.
- o. Regarding Service User I, although it was not dishonest to copy and paste from the previous DoLS assessment, it was poor practice. The decision made in this DoLS assessment was from her own professional judgement after speaking with other individuals. There was no intention to deceive anyone.
- p. When she apologised on 14 February 2022 for copying and pasting from Service User A's previous DoLS assessment, she did not mention that she copied and pasted from other DoLS assessments for other service users as she was only responding to Service User A's concerns. She recognised the impact of copying and pasting from previous DoLS assessments on her own practice, but did not set out the impact upon service users. However, she understands the impact upon service users, but did not set it out in this apology on 14 February 2022.
- q. She knew that she was subject to conditions on her practice, including having a supervisor and making her employer aware that she was subject to conditions.
- r. Prior to starting with Buckinghamshire Council, she sent her conditions to the support officer before she had an interview with Buckinghamshire Council. She applied through an agency for this role. The agency was aware that Ms Khumalo was subject to conditions on her practice. The agency had the full set of conditions.
- s. It was never her intention to work without informing her employer that she was subject to conditions.
- t. She allowed Mr Gorman, from Social Work England, to liaise with her supervisor, Ms Terry. She was not aware of any delay in her approval for her supervisor to be approved. She contacted Mr Gorman to ensure everything was okay. At that point, Mr Gorman told Ms Khumalo that some information was missing; namely Ms Terry's CV. Ms Khumalo then informed Ms Terry that some information was missing and she also gave Mr Gorman Ms Terry's telephone number.
- u. Before an interim order committee, Ms Khumalo provided evidence that she was only reading policies and that she was not undertaking any social work as she was working with other social workers on any cases allocated to her.

These social workers were working with teenagers. As she was not working on her own, she did not consider that she was working as a social worker. She was not trying to mislead Social Work England that she was not working as a social worker.

- v. Although there is an email from Ms Terry saying that Ms Khumalo was working on nine cases, where 6 home visits had been undertaken and 3 professional meetings, Ms Khumalo states that these cases can go into her in-tray, but she cannot do any work on these cases until her induction had been completed. Ms Khumalo stated that she completed minimal work before 17 April 2023 (when her supervisor was approved), which she should not have been doing, which was in breach of her conditions.
- w. She did not deliberately not comply with her conditions. It was her intention to comply with her conditions. She was not dishonest in disclosing that she was subject to conditions.
- x. On 17 April 2023, she began work as a social worker going into communities. She was not dishonest and did not mislead anyone regarding being subject to conditions and what those conditions were.

Finding and reasons on facts:

28. The panel accepted the advice of the Legal Adviser. The case of *Ivey v Genting Casinos (UK) Limited t/a Crockfords [2017] UKSC 67* sets out:

“When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual’s knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held.

When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.”

29. The panel gave consideration the following factors which go towards dishonesty for the contested allegations 1(b) and 1(d):

- a. The panel has been given DoLS assessments for the service users set out in the allegations which are alleged to have text that is copied any pasted by Ms Khumalo from previous DoLS assessments. The copied and pasted text is highlighted in yellow. The panel had before it previous DoLS assessments for

the service users in Schedule 1 and Schedule 2, which were all undertaken by a different assessor.

- b. Ms Khumalo is an experienced social worker, with experience since 2017 of completing DoLS assessments.
- c. DoLS assessments are a formal document which provide information capable to be used by courts to deprive the liberty of an individual.
- d. There is general pattern of:
 - i. Copying and pasting from previous DoLS assessments. Some DoLS assessments have more text copied and pasted than others.
 - ii. There is no note in the DoLS assessments setting out which text has been copied and pasted at the time it happened (the yellow highlights were inserted into the DoLS assessments at a later date), and an explanation why the text was still relevant.
 - iii. All the DoLS assessments set out that Ms Khumalo met the service user, when this was not always the case. This would give the impression to any reader that the service user had been seen by Ms Khumalo. Ms Khumalo would have known that she had not seen the service user when completing the DoLS assessment. An ordinary decent person would have known that putting into a formal document that one saw a service user, when they knowingly did not, is dishonest behaviour.
 - iv. Given the volume of DoLS assessments where it was put that the service user was seen, when they were not, the panel has ruled out that these can be individual errors on each DoLS assessment. It is more likely than not that it demonstrates to the panel a propensity to be dishonest.
 - v. Ms Khumalo signed off all the DoLS assessments for the service users in Schedule 1 and Schedule 2. By doing so, she has claimed that work as her own.
- e. Ms Khumalo provided evidence that she had all the relevant information, even without speaking to the service user. The panel considered, if this was the case, that Ms Khumalo would have put this into the DoLS assessment, rather than omit it and simply copy and paste from previous DoLS assessments. Consequently, the panel does not find it credible that Ms Khumalo had all the relevant information when she completed the DoLS assessments for the service users in Schedule 1 and Schedule 2.
- f. Ms Khumalo provided evidence that she used her professional judgement at the time she completed the DoLS assessments. However, given the volume of copied and pasted information, which included opinions and conclusions,

the panel considered that it would be difficult for Ms Khumalo's professional opinion to be properly utilised when her reference point was outdated material. For example, Service User G was in hospital at the time of the DoLS assessment. Ms Khumalo did not mention this and said that she met Service User G in the care home, when she did not.

30. The panel considered the allegations for each service user individually.

Service User A

31. The panel had sight of the DoLS assessments and considered:

- a. There were elements of the DoLS assessment which were copied and pasted from previous assessments, including the views of others.
- b. The copied and pasted material was written in the first person. This would give a reader the impression that Ms Khumalo completed the work that was copied and pasted, when this was not the case.
- c. In the DoLS assessment, Ms Khumalo has ticked a box which sets out that "*I have considered and taken into account the views of the relevant person*". Further, Ms Khumalo said that she met Service User A when filling out the section which sets out: "*in carrying out this assessment I have met or consulted with the following people*". Ms Khumalo has admitted to not seeing Service User A when completing this DoLS assessment. Ms Khumalo would have known that she did not see Service User A when completing the DoLS assessment yet set out that she did. This would deceive any reader and, in the panel's consideration, is dishonest conduct by the standards of ordinary decent people.
- d. Service User A was in [PRIVATE] Care Home. Although Ms Prince provided evidence that [PRIVATE] Care Home may have inaccurate records, there is no evidence before the panel that Ms Khumalo had visited [PRIVATE] Care Home, and Ms Prince does not remember speaking to Ms Khumalo.
- e. The copied and pasted material was from two year previously. The panel considered this to be very outdated information from which Ms Khumalo could not have undertaken an adequate DoLS assessment, even if using her professional judgement.
- f. Ms Khumalo admitted to copying and pasting from a previous assessment on 14 February 2022.

Service User B

32. The panel had sight of the DoLS assessments and considered:

- a. There were elements of the DoLS assessment which were copied and pasted from previous assessments, including the views of others and conclusions.
- b. The copied and pasted material was written in the first person. This would give a reader the impression that Ms Khumalo completed the work that was copied and pasted, when this was not the case.
- c. The DoLS assessment provides conversations with a senior carer at the nursing home and also with Service User B's daughter. However, most of the text setting out these conversations was copied and pasted, giving the impression that Ms Khumalo spoke with them and they provided this information. Furthermore, the dates of these conversations within the copied and pasted section were changed. The panel considered this to be an active copy and paste, which was edited. The panel considered this to give the impression to the reader that this was Ms Khumalo's own work. Ms Khumalo would have known that she edited the dates and copied and pasted these conversations from previous DoLS assessments. This would deceive any reader and, in the panel's consideration, is dishonest conduct by the standards of ordinary decent people.
- d. In the DoLS assessment, Ms Khumalo has ticked a box which sets out that "*I have considered and taken into account the views of the relevant person*". Further, Ms Khumalo said that she met Service User B when filling out the section which sets out: "*in carrying out this assessment I have met or consulted with the following people*". Ms Khumalo has admitted to not seeing Service User B when completing this DoLS assessment. Ms Khumalo would have known that she did not see Service User B when completing the DoLS assessment yet set out that she did. This would deceive any reader and, in the panel's consideration, is dishonest conduct by the standards of ordinary decent people.
- e. The copied and pasted material was from one year previously. The panel considered this to be outdated information from which Ms Khumalo could not have undertaken an adequate DoLS assessment, even if using her professional judgement.

Service User C

33. The panel had sight of the DoLS assessments and considered:

- a. There were elements of the DoLS assessment which were copied and pasted from previous assessments, including the views of others and conclusions.
- b. The copied and pasted material was written in the first person. This would give a reader the impression that Ms Khumalo completed the work that was copied and pasted, when this was not the case.

- c. The DoLS assessment provides conversations with a registered nurse at the nursing home and also with Service User C's daughter. However, most of the text setting out these conversations was copied and pasted, giving the impression that Ms Khumalo spoke with them and they provided this information. Furthermore, the dates of these conversations within the copied and pasted section were changed. The panel considered this to be an active copy and paste, which was edited. The panel considered this to give the impression to the reader that this was Ms Khumalo's own work. Ms Khumalo would have known that she edited the dates and copied and pasted these conversations from previous DoLS assessments. This would deceive any reader and, in the panel's consideration, is dishonest conduct by the standards of ordinary decent people.
- d. In the DoLS assessment, Ms Khumalo has ticked a box which sets out that "*I have considered and taken into account the views of the relevant person*". Further, Ms Khumalo said that she met Service User C when filling out the section which sets out: "*in carrying out this assessment I have met or consulted with the following people*". Ms Khumalo has admitted to not seeing Service User C when completing this DoLS assessment. Furthermore, Ms Khumalo has put a date when she met Service User C, along with a description of the room where the conversation took place: "*We met in his room on 22/9/2021, where it was quiet*". Ms Khumalo would have known that she did not see Service User C when completing the DoLS assessment yet set out that she did, providing a date and context. This would deceive any reader and, in the panel's consideration, is dishonest conduct by the standards of ordinary decent people.
- e. The copied and pasted material was from seven months previously. The panel considered this to be outdated information from which Ms Khumalo could not have undertaken an adequate DoLS assessment, even if using her professional judgement.

Service User D

34. The panel had sight of the DoLS assessments and considered:

- a. There were elements of the DoLS assessment which were copied and pasted from previous assessments, including the views of others and conclusions.
- b. The copied and pasted material was written in the first person. This would give a reader the impression that Ms Khumalo completed the work that was copied and pasted, when this was not the case.
- c. The DoLS assessment provides conversations with a care plan coordinator and also with Service User D's daughter. However, most of the text setting out these conversations was copied and pasted, giving the impression that Ms

Khumalo spoke with them and they provided this information. The panel considered this to give the impression to the reader that this was Ms Khumalo's own work. Ms Khumalo would have known that she copied and pasted these conversations from previous DoLS assessments. This would deceive any reader and, in the panel's consideration, is dishonest conduct by the standards of ordinary decent people.

- d. In the DoLS assessment, Ms Khumalo has ticked a box which sets out that "*I have considered and taken into account the views of the relevant person*". Even if Ms Khumalo had seen Service User D, it is not clear why she did not reflect that conversation with them, rather than copying and pasting from a previous DoLS assessment, which included quotes from Service User D such as "*I don't know where to start*" and "*I am capable of that*". It is unlikely that Service User D would use exactly the same words and the information which Ms Khumalo has used in her DoLS assessment is likely to be outdated.

Service User E

35. The panel had sight of the DoLS assessments and considered:

- a. There were elements of the DoLS assessment which were copied and pasted from previous assessments, including the views of others and conclusions.
- b. The copied and pasted material was written in the first person. This would give a reader the impression that Ms Khumalo completed the work that was copied and pasted, when this was not the case.
- c. The DoLS assessment provides conversations with Service User E's mother. However, most of the text setting out these conversations was copied and pasted, giving the impression that Ms Khumalo spoke with them and they provided this information. Furthermore, the dates of this conversation within the copied and pasted section were changed. The panel considered this to be an active copy and paste, which was edited. The panel considered this to give the impression to the reader that this was Ms Khumalo's own work. Ms Khumalo would have known that she edited the dates and copied and pasted these conversations from previous DoLS assessments. This would deceive any reader and, in the panel's consideration, is dishonest conduct by the standards of ordinary decent people.
- d. In the DoLS assessment, Ms Khumalo has ticked a box which sets out that "*I have considered and taken into account the views of the relevant person*". Ms Khumalo has admitted to not seeing Service User E when completing this DoLS assessment. Ms Khumalo would have known that she did not see Service User E when completing the DoLS assessment yet set out that she did. This would deceive any reader and, in the panel's consideration, is dishonest conduct by the standards of ordinary decent people.

- e. The copied and pasted material was from seven months previously. The panel considered this to be outdated information from which Ms Khumalo could not have undertaken an adequate DoLS assessment, even if using her professional judgement.

Service User F

36. The panel had sight of the DoLS assessments and considered:

- a. There were elements of the DoLS assessment which were copied and pasted from previous assessments, including the views of others and conclusions.
- b. The Mental Capacity Assessment was copied and pasted from a previous DoLS assessment, however the date of the Mental Capacity Assessment was changed. The panel considered this to be an active copy and paste, which was edited. The panel considered this to give the impression to the reader that this was Ms Khumalo's own work. Ms Khumalo would have known that she edited the dates and copied and pasted the Mental Capacity Assessment from a previous DoLS assessments. This would deceive any reader and, in the panel's consideration, is dishonest conduct by the standards of ordinary decent people.
- c. The copied and pasted material was written in the first person. This would give a reader the impression that Ms Khumalo completed the work that was copied and pasted, when this was not the case.
- d. The DoLS assessment provides conversations with a senior carer and also with Service User F's daughter-in-law. However, most of the text setting out these conversations was copied and pasted, giving the impression that Ms Khumalo spoke with them and they provided this information. Furthermore, the dates of this conversation within the copied and pasted section were changed. The panel considered this to be an active copy and paste, which was edited. The panel considered this to give the impression to the reader that this was Ms Khumalo's own work. Ms Khumalo would have known that she edited the dates and copied and pasted these conversations from previous DoLS assessments. This would deceive any reader and, in the panel's consideration, is dishonest conduct by the standards of ordinary decent people.
- e. In the DoLS assessment, Ms Khumalo has ticked a box which sets out that "*I have considered and taken into account the views of the relevant person*". Even if Ms Khumalo had seen Service User F, it is not clear why she did not reflect that conversation with them, rather than copying and pasting from a previous DoLS assessment. The information which Ms Khumalo has used in her DoLS assessment is likely to be outdated.

- f. The copied and pasted material was from two years previously. The panel considered this to be outdated information from which Ms Khumalo could not have undertaken an adequate DoLS assessment, even if using her professional judgement.

Service User G

37. The panel had sight of the DoLS assessments and considered:

- a. There were elements of the DoLS assessment which were copied and pasted from previous assessments, including the views of others and conclusions.
- b. The Mental Capacity Assessment was copied and pasted from a previous DoLS assessment, however the time of the Mental Capacity Assessment was changed. The panel considered this to be an active copy and paste, which was edited. The panel considered this to give the impression to the reader that this was Ms Khumalo's own work. Ms Khumalo would have known that she edited the time and copied and pasted the Mental Capacity Assessment from a previous DoLS assessments. This would deceive any reader and, in the panel's consideration, is dishonest conduct by the standards of ordinary decent people.
- c. The copied and pasted material was written in the first person. This would give a reader the impression that Ms Khumalo completed the work that was copied and pasted, when this was not the case.
- d. The DoLS assessment provides conversations with Service User G's team leader, daughter and Mental Health Assessor. However, most of the text setting out these conversations was copied and pasted, giving the impression that Ms Khumalo spoke with them and they provided this information. Furthermore, the dates of these conversations within the copied and pasted section were changed. The panel considered this to be an active copy and paste, which was edited. The panel considered this to give the impression to the reader that this was Ms Khumalo's own work. Ms Khumalo would have known that she edited the dates and copied and pasted these conversations from previous DoLS assessments. This would deceive any reader and, in the panel's consideration, is dishonest conduct by the standards of ordinary decent people.
- e. In the DoLS assessment, Ms Khumalo has ticked a box which sets out that "*I have considered and taken into account the views of the relevant person*". Further, Ms Khumalo said that she met Service User G when filling out the section which sets out: "*in carrying out this assessment I have met or consulted with the following people*". Ms Khumalo has admitted to not seeing Service User G when completing this DoLS assessment. Ms Khumalo would have known that she did not see Service User G when completing the DoLS

assessment yet set out that she did. This would deceive any reader and, in the panel's consideration, is dishonest conduct by the standards of ordinary decent people.

- f. The copied and pasted material was out of date. Ms Khumalo states that she saw Service User G in his room on 16 October 2021. However, Service User G was admitted to hospital on 15 October 2021 and remained in hospital on 16 October 2021. Given the outdated information, Ms Khumalo could not have undertaken an adequate DoLS assessment, even if using her professional judgement.

Service User H

38. The panel had sight of the DoLS assessments and considered:

- a. There were elements of the DoLS assessment which were copied and pasted from previous assessments, including the views of others and conclusions.
- b. The copied and pasted material was written in the first person. This would give a reader the impression that Ms Khumalo completed the work that was copied and pasted, when this was not the case.
- c. The DoLS assessment provides conversations with Service User H's senior carer and wife. However, most of the text setting out these conversations was copied and pasted, giving the impression that Ms Khumalo spoke with them and they provided this information. Furthermore, the dates of this conversation within the copied and pasted section were changed. The panel considered this to be an active copy and paste, which was edited. The panel considered this to give the impression to the reader that this was Ms Khumalo's own work. Ms Khumalo would have known that she edited the dates and copied and pasted these conversations from previous DoLS assessments. This would deceive any reader and, in the panel's consideration, is dishonest conduct by the standards of ordinary decent people.
- d. In the DoLS assessment, Ms Khumalo has ticked a box which sets out that "*I have considered and taken into account the views of the relevant person*". Further, Ms Khumalo said that she met Service User H when filling out the section which sets out: "*in carrying out this assessment I have met or consulted with the following people*". Ms Khumalo has admitted to not seeing Service User H when completing this DoLS assessment. Ms Khumalo would have known that she did not see Service User H when completing the DoLS assessment yet set out that she did, even stating that the assessment with them "*lasted approximately 40 minutes*". This would deceive any reader and, in the panel's consideration, is dishonest conduct by the standards of ordinary decent people.

- e. The copied and pasted material was from one year previously. The panel considered this to be outdated information from which Ms Khumalo could not have undertaken an adequate DoLS assessment, even if using her professional judgement.

Service User I

39. The panel had sight of the DoLS assessments and considered:

- a. There were elements of the DoLS assessment which were copied and pasted from previous assessments, including the views of others and conclusions.
- b. The copied and pasted material was written in the first person. This would give a reader the impression that Ms Khumalo completed the work that was copied and pasted, when this was not the case.
- c. The DoLS assessment provides conversations with a senior carer and also with Service User I's sister, niece, care home manager and Mental Health Assessor. However, most of the text setting out these conversations was copied and pasted, giving the impression that Ms Khumalo spoke with them and they provided this information. Furthermore, the dates of the conversation within the copied and pasted section with Service User I's sister were changed. The panel considered this to be an active copy and paste, which was edited. The panel considered this to give the impression to the reader that this was Ms Khumalo's own work. Ms Khumalo would have known that she edited the dates and copied and pasted these conversations from previous DoLS assessments. This would deceive any reader and, in the panel's consideration, is dishonest conduct by the standards of ordinary decent people.
- d. In the DoLS assessment, Ms Khumalo has ticked a box which sets out that "*I have considered and taken into account the views of the relevant person*". Even if Ms Khumalo had seen Service User I, it is not clear why she did not reflect that conversation with them, rather than copying and pasting from a previous DoLS assessment. The information which Ms Khumalo has used in her DoLS assessment is likely to be outdated.
- e. The copied and pasted material was from one year previously. The panel considered this to be outdated information from which Ms Khumalo could not have undertaken an adequate DoLS assessment, even if using her professional judgement.

Service User J

40. The panel had sight of the DoLS assessments and considered:

- a. There were elements of the DoLS assessment which were copied and pasted from previous assessments, including the views of others and conclusions.
- b. The copied and pasted material was written in the first person. This would give a reader the impression that Ms Khumalo completed the work that was copied and pasted, when this was not the case.
- c. The DoLS assessment provides conversations with a deputy manager at the care home, Service User J's sister and Mental Health Assessor. However, most of the text setting out these conversations was copied and pasted, giving the impression that Ms Khumalo spoke with them and they provided this information. Furthermore, the dates of the conversations within the copied and pasted section with Service User I's sister and Mental Health Assessor were changed. The panel considered this to be an active copy and paste, which was edited. The panel considered this to give the impression to the reader that this was Ms Khumalo's own work. Ms Khumalo would have known that she edited the dates and copied and pasted these conversations from previous DoLS assessments. This would deceive any reader and, in the panel's consideration, is dishonest conduct by the standards of ordinary decent people.
- d. In the DoLS assessment, Ms Khumalo has ticked a box which sets out that "*I have considered and taken into account the views of the relevant person*". Even if Ms Khumalo had seen Service User J, it is not clear why she did not reflect that conversation with them, rather than copying and pasting from a previous DoLS assessment. The information which Ms Khumalo has used in her DoLS assessment is likely to be outdated.
- e. The copied and pasted material was from five months previously. The panel considered this to be outdated information from which Ms Khumalo could not have undertaken an adequate DoLS assessment, even if using her professional judgement.

Allegation 1: From September 2021 to November 2021:

- a. You copied and pasted sections of Deprivation of Liberty Safeguards assessments for the Service Users set out in Schedule 1. **ADMITTED**
- b. Your conduct in relation to allegation 1(a) was dishonest in that you deliberately sought to represent those sections as your own work.
- c. You did not speak with and/or conduct Mental Capacity Assessments with one or more of the service users set out in Schedule 2 when completing Deprivation of Liberty Safeguards assessments **ADMITTED**
- d. Your conduct in relation to allegation 1(c) was dishonest in that you deliberately sought to mislead that you had spoken with and/or

conducted Mental Capacity Assessments with Service Users when you had not.

41. In light of the findings set out in paragraphs 29-40 above, the panel considered that from September 2021 to November 2021, on a balance of probabilities, Ms Khumalo:

- a. Dishonestly copied and pasted sections of DoLS assessments for the Service Users set out in Schedule 1 in that she deliberately sought to represent the copied and pasted sections as her own work; and
- b. Was dishonest in that she deliberately sought to mislead that she had spoken with and/or conducted Mental Capacity Assessments with Service Users set out in Schedule 2 when she had not.

Consequently, the panel finds allegations 1(b) and 1(d) proved.

Allegation 4: Your conduct in relation to allegation 3 was dishonest in that you sought to mislead Social Work England that you had not practised as a social worker when you had

42. The panel has considered that Ms Khumalo worked as a social worker from 27 February 2023 to 16 April 2023 on the basis that:

- a. Prior to 17 April 2023, Ms Khumalo had been allocated nine cases and had conducted 6 home visits to begin assessments and 3 professional meetings. Ms Terry considered this to be social work given her email dated 3 July 2023 sets out: *“I was unaware that this work should not have been undertaken”*.
- b. Ms Khumalo provided evidence that she completed *“minimal work”* before 17 April 2023, which she should not have been doing, which was in breach of her conditions.

43. Ms Khumalo knew of her obligations and her conditions, including that she needed a Social Work England approved workplace supervisor. She expressly acknowledged Condition 7 in an email to Mr Gorman on 7 February 2023:

“Dear Marcus

I have been offered a role with Buckinghamshire council and one of the conditions imposed on my practice is as below, Condition 7.

c) At any time you are employed, or providing social work services, which require you to be registered with Social Work England; you must place yourself and remain under the supervision of a workplace supervisor nominated by you, and agreed by Social Work England. The workplace supervisor must be on Social Work England’s register.

d) You must not start or continue to work until these arrangements have been approved by Social Work England.

My line manager is going to be Sonya Terry, the manager of the team.

I need to start this role asap as I have not been working since June 2022 and if checks by SWE are delayed I might lose this locum position, which I desperately need.”

44. At an interim order review hearing on 1 June 2023, Ms Khumalo’s representative, having taken further instruction from Ms Khumalo, set out:

“Ms Khumalo had started her employment with Buckinghamshire Council on 27 February 2023. She had spent the first six weeks familiarising herself with the employer’s policies and undergoing an induction. She had not practised as a social worker until 17 April 2023, when Social Work England had approved her supervisor and she began to work as a social worker, going into the community.”

45. In an email dated 20 June 2023, when questioned whether Ms Khumalo had been working between 27 February 2023 and 16 April 2023, Ms Khumalo’s representative set out: *“Ms Khumalo’s position in this respect is set out at paragraph 21 of the decision [as set out at paragraph 44 above].”*

46. The panel considered that Ms Khumalo is an experienced social worker and that she knew that she was working as a social worker between 27 February 2023 and 16 April 2023. In her evidence, she set out that she did *“minimal work”* during this period, but this would still count as social work. She was aware of her conditions and had an incentive to work, so as not to lose her role, as set out in her email to Ms Gorman on 7 February 2023: *“I need to start this role asap as I have not been working since June 2022 and if checks by SWE are delayed I might lose this locum position, which I desperately need.”* Ms Khumalo also knew that she could not work as a social worker during this period. On 1 June 2023 and 20 June 2023, with this knowledge that she was in breach of her conditions, on a balance of probabilities, the panel considered that Ms Khumalo would have known that she was misleading Social Work England that she had not practised as a social worker between 27 February 2023 and 16 April 2023, when she had. The panel considered this to be dishonest conduct by the standards of ordinary decent people. Consequently, the panel finds allegation 4 proved.

Evidence on grounds and impairment:

47. Ms Khumalo provided the following evidence on grounds and impairment:

- a. She provided a reflective piece which she wrote in the early hours of 4 February 2026.

- b. Following the findings of dishonesty, she acknowledges that her actions were dishonest, including not meeting service users, and telling Social Work England that she was not working as a social worker.
- c. She acted in a dishonest way as she was thinking of the right decision to make whether to deprive the liberty of the service users. She did not want to breach the rights of the service user.
- d. She was overconfident in the information she had that she did not think she needed to meet with the service users.
- e. DoLS assessments are time limited and she wanted to complete them in a timely manner.
- f. Acting dishonestly impacted upon the service user by damaging their trust in the social work profession, it would damage the trust in the wider social work profession and damage the trust that the families of service users would have in the profession of social work.
- g. She understood that her actions ran the risk that the DoLS assessment was incorrect which would affect how other social workers could use the information provided in them.
- h. She understood that her actions could risk an improper deprivation of liberty.
- i. At the time she did it, she did not consider there to be much impact in telling Social Work England that she was not acting as a social worker as she was already being supervised in any case. Now she understands that as the conditions were stipulated by Social Work England, they should be followed fully. Her failure to follow the conditions brings mistrust and undermines Social Work England's status and the profession itself. It may make Social Work England tougher on other social workers as trust diminishes. She regrets her actions.
- j. She would not behave as in the proven allegations again as she has had four years to reflect and she has learned from her mistakes. She keeps on learning. She is very dedicated. Her practice would be person-centred, and she would follow guidelines for DoLS assessments and Mental Capacity Assessments. If any information was copied from previous assessments, she would make this clear and known.
- k. If permitted to practice, she wants to continue doing DoLS assessments. She wants to improve and she knows that she can do better. She would like to work to the highest of standards.
- l. [PRIVATE]

Submissions on grounds:

48. Concerning misconduct, on behalf of Social Work England, Ms Stevens set out that the failures can be properly characterised as misconduct on the basis that:

- a. The proven facts amount to a significant departure from the Social Work England Professional Standards (July 2019) (“Standards”). Ms Khumalo was a senior social worker who had many years of experience and would have been familiar with the Professional Standards required of her.
- b. Ms Khumalo plagiarised content from previous assessments and presented this as her own work, in many cases when she had not carried out the required Mental Capacity Assessments, which undoubtedly impacted on the overall assessment of the service users as it did not reflect the current position for each service user. Depriving Service Users of their liberty is an extreme measure which requires social workers to act with diligence and care, which Ms Khumalo did not do.
- c. Ms Khumalo sought to mislead her regulator in order to conceal that she had practised for some six weeks as a social worker without an approved Workplace Supervisor as required by her Interim Order. This demonstrates a blatant disregard for her regulator and the regulatory process.
- d. The following Standards are engaged:

As a social worker, I will:

2.1. Be open, honest, reliable and fair.

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

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

3.2. Use information from a range of appropriate sources, including supervision, to inform assessments, to analyse risk, and to make a professional decision.

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

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.

49. Concerning misconduct, on behalf of Ms Khumalo, Ms Shah submitted that it is accepted that the failings are likely to constitute misconduct.

Finding and reasons on grounds:

50. The panel accepted the legal advice and applied the following definition of “misconduct”:

“...some act or omission which falls short of what would be proper in the circumstances. The standard of propriety may often be found by reference to the rules and standards ordinarily required to be followed by a practitioner in the particular circumstances. The misconduct is qualified in two respects. First, it is qualified by the word ‘professional’ which links the misconduct to the profession. Secondly, the misconduct is qualified by the word ‘serious’. It is not any professional misconduct which will qualify. The professional misconduct must be serious.”

51. The panel also took into account the observation of Collins J in *Nandi v GMC [2004] EWHC 2317 (Admin)* that: *“The adjective ‘serious’ must be given its proper weight and in other contexts there has been reference to conduct which would be regarded as deplorable by fellow practitioners.”*

52. The panel considered that by committing the proven conduct, Ms Khumalo fell short of what would be proper in the circumstances. Ms Khumalo’s proven conduct amounts to serious professional misconduct. In particular:

- a. She copied and pasted sections of another social workers’ assessors DoLS forms to her own DoLS assessments for ten service users. She was dishonest by deliberately seeking to represent those sections as her work. This was a pattern of behaviour which covered ten service users.
- b. She did not speak with and/or conduct Mental Capacity Assessments with six service users when completing DoLS assessments. She was dishonest by deliberately seeking to mislead that she had spoken to the service users when she had not. This was a pattern of behaviour which covered six service users.
- c. The result of (a) and (b) was that:
 - i. the use of outdated material put these service users at risk of harm and ran the risk of depriving their liberty when it was not needed.
 - ii. DoLS assessments and Mental Capacity Assessments – official documents – ran the risk of containing incorrect information, placing the Service User, other social workers, service users’ families, and the care home at risk of harm.

- d. She practised as a social worker without an approved workplace supervisor in place, contrary to her Interim Conditions of Practice Order.
- e. She was dishonest on 1 June 2023 and 20 June 2023 in misleading Social Work England that she had not practised as a social worker when she had between 27 February 2023 and 16 April 2023. This was done whilst Ms Khumalo was being investigated by Social Work England for other misconduct.
- f. The result of (d) and (e) was that:
 - i. Ms Khumalo undermined the authority of Social Work England.
 - ii. Ms Khumalo placed service users at risk of harm by practising contrary to conditions which were placed to mitigate the risk that she posed.
- g. Ms Khumalo was an experienced social worker who should have known that her actions amounted to misconduct and the effect they would have on service users, service users' families, other social workers, the social work profession and Social Work England.
- h. Ms Khumalo failed to adhere to the Standards as set out in paragraph 48(d) above, as well as the following standards:
 - i. *1.1. As a social worker, I will value each person as an individual, recognising their strengths and abilities.*
 - ii. *1.2. As a social worker, I will 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.*
 - iii. *1.7. As a social worker, I will recognise and use responsibly, the power and authority I have when working with people, ensuring that my interventions are always necessary, the least intrusive, proportionate, and in people's best interests.*

53. Further, such actions damage public confidence in the profession, as it would convey a degree of opprobrium to the ordinary intelligent citizen (*Shaw v General Osteopathic Council [2015] EWHC 2721 (Admin)*).

Submissions on impairment:

54. On behalf of Social Work England, Ms Stevens submitted that Ms Khumalo is currently impaired:
- a. Dishonesty is not easily remediable, and it is attitudinal in nature.

- b. Ms Khumalo has not demonstrated real insight into the risk of harm that her actions caused to service users and others. She has apologised, but the focus has not been around the service users.
- c. She has demonstrated some insight into accepting that she copied and pasted from previous DoLS assessments.
- d. The DoLS assessments were not undertaken properly and could have unnecessarily deprived a service user their liberty. It was only by luck, and not design, that no actual harm came to any service user.
- e. As an experienced social worker, Ms Khumalo should have been aware of the risk of harm of her proven misconduct.
- f. Ms Khumalo misled her regulator, Social Work England, and breached an interim conditions of practise order.
- g. Ms Khumalo has completed some relevant training for Mental Capacity Assessments.
- h. Ms Khumalo has expressed her desire to return to social work and complete DoLS assessments. Given her lack of full insight and her dishonest misconduct, Ms Khumalo still poses a risk of repetition of her proven misconduct.
- i. A finding of no impairment is likely to undermine confidence in the social work profession. A finding of impairment should be made on the grounds of public protection and in the public interest.

55. On behalf of Ms Khumalo, Ms Shah submitted:

- a. It is very hard for any professional to demonstrate insight to remedy dishonesty.
- b. In practical terms, it is unlikely that Ms Khumalo would find herself before Social Work England again. Ms Khumalo can be trusted. Ms Khumalo has been open and frank with Social Work England. She has expressed remorse and regret.
- c. Ms Khumalo is an experienced and well-respected social worker. Despite positive testimonials, she found herself acting in a dishonest manner.
- d. The context of Ms Khumalo's dishonesty is that she completed a form in a way which she was not permitted to.
- e. The panel can give some weight to what happened in Ms Khumalo's personal life as to why her standards fell uncharacteristically.
- f. When she was dishonest to Social Work England, Ms Khumalo was being supervised and did tell Social Work England that she was working. She sought

to comply with the conditions and provided all the necessary information to Mr Gorman.

- g. Ms Khumalo has completed relevant training and reflected over the past four years.
- h. Ms Khumalo knows that when she feels overwhelmed in the future, she should not be working as a social worker.
- i. Ms Khumalo is aware that her misconduct affected her colleagues and the reputation of social workers in England. Ms Khumalo is also aware of the impact her misconduct had on service users; at the very least, service users would have lost trust in social workers, and at most, service users would have been unnecessarily deprived of their liberty.
- j. Ms Khumalo would not be dishonest again and is not impaired on the personal element.
- k. It is up to the panel whether Ms Khumalo is impaired in the public interest. However, she has undertaken relevant training, remediated her practice, chosen to reflect and proven that she is trustworthy. She understands that remediation must take place and continued in the future.

Finding and reasons on current impairment:

56. The panel accepted the advice of the legal adviser that when considering impairment, the panel should consider whether Ms Khumalo is currently impaired in relation to the misconduct. The panel was asked by the legal adviser to consider:

- a. whether Ms Khumalo has acted in the past and/or is liable in the future to act so as to put a service user at unwarranted risk of harm;
- b. whether Ms Khumalo has in the past and/or is liable in the future to bring the social work profession into disrepute;
- c. whether Ms Khumalo has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the social work profession; and
- d. whether Ms Khumalo has in the past acted dishonestly and/or is liable to act dishonestly in the future.

57. When considering the question of impairment, the panel took into account Social Work England's "*Impairment and Sanctions Guidance*".

58. At the outset, the panel considered Ms Khumalo's insight and remediation.

59. The panel considered that Ms Khumalo has shown some insight, given:

- a. She has expressed remorse and regret.

- b. She admitted to some of the allegations at an early stage.
- c. She now recognises that she should have asked for help from senior management concerning her personal matters.
- d. She has engaged with Social Work England and given evidence.

60. However, the panel considered that Ms Khumalo has not demonstrated full insight given:

- a. There is still limited insight even after she read the panel's findings. In her reflections dated 4 February 2026, she stated "*I respectfully ask the panel to consider that my actions did not involve fabrication of service user information, personal gain, or deliberate intent to deceive...*" The panel found that her actions were a deliberate intent to deceive. This does not appear to have been accepted by Ms Khumalo and demonstrates that she still does not understand the gravity of her misconduct.

61. The panel considered that Ms Khumalo has partially remediated her practice, given:

- a. She has completed training relevant to the misconduct.
- b. The reference that she has received concerning her practice.

62. However, the panel considers that the following concerns remain in Ms Khumalo's practice:

- a. Although she has said that her risk of repetition is low, she was dishonest two years after her first set of dishonest misconduct and has not clearly explained why this would not happen again. She has not explained how any risk of dishonesty in the future has been mitigated.

Whether Ms Khumalo has acted in the past and/or is liable in the future to act so as to put a service user at unwarranted risk of harm

63. Ms Khumalo's misconduct in the proven allegations, and as set out in paragraph 52 above, demonstrates that she has acted in the past so as to put service users at unwarranted risk of harm.

64. Given the partial insight and partial remediation from Ms Khumalo as set out in paragraphs 59-62 above, the panel considered that Ms Khumalo is liable in the future to act so as to put a service user at unwarranted risk of harm.

Whether Ms Khumalo has in the past and/or is liable in the future to bring the social work profession into disrepute

65. Given Ms Khumalo's misconduct in the proven allegations, and as set out in paragraph 52 above, the panel considered that Ms Khumalo has in the past brought the social work profession into disrepute.

66. Given the partial insight and partial remediation from Ms Khumalo as set out in paragraphs 59-62 above, the panel considered that Ms Khumalo is liable in the future to bring the social work profession into disrepute.

Whether Ms Khumalo has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the social work profession

67. Given Ms Khumalo's misconduct in the proven allegations, and as set out in paragraph 52 above, the panel considered that Ms Khumalo has breached a fundamental tenet of the social work profession, namely the requirement to act honestly.

68. Given the partial insight and partial remediation from Ms Khumalo as set out in paragraphs 59-62 above, the panel considered that Ms Khumalo is liable in the future to breach a fundamental tenet of the social work profession.

Whether Ms Khumalo has in the past acted dishonestly and/or is liable to act dishonestly in the future

69. Given Ms Khumalo's dishonest misconduct in the proven allegations, and as set out in paragraph 52 above, the panel considered that Ms Khumalo has in the past acted dishonestly.

70. Given the partial insight and partial remediation from Ms Khumalo as set out in paragraphs 59-62 above, the panel considered that Ms Khumalo is liable to act dishonestly in the future.

Panel's conclusion on impairment

71. In light of the above, the panel considered Ms Khumalo's fitness to practise to be currently impaired on the personal element.

72. Further, members of the public would be concerned to learn that a social worker had undertaken the misconduct set out in the proven allegations. Although Ms Khumalo has shown some insight and partial remediation, the lack of remaining insight and remediation, as set out in paragraphs 60 and 62 above, run the risk that Ms Khumalo may repeat the actions which resulted in the finding of misconduct. Consequently, the panel considered Ms Khumalo's fitness to practise to be impaired on the wider public interest element, namely maintaining public confidence in social workers in England, maintaining proper professional standards for social workers in England, and maintaining confidence in the regulator.

Decision and reasons on sanction:

73. On behalf of Social Work England, Ms Stevens submitted:

- a. The proven misconduct, especially dishonesty, demonstrates character and attitudinal failings.
- b. Ms Khumalo has previously breached her conditions whilst under interim conditions of practise.
- c. Suspension would not be appropriate for Ms Khumalo given the panel's findings on partial insight, and especially the limited insight on her dishonesty.
- d. A removal order would be appropriate given Ms Khumalo's misconduct spans a number of years, her partial insight, her current impairment and that a removal order would be in the public interest. No other outcome would protect the public or be in the wider public interest.
- e. Social Work England's sanctions guidance suggests that a removal order may be appropriate where dishonesty is persistent and concealed, which was the case for Ms Khumalo. Ms Khumalo was dishonest when compiling the DoLS assessments, dishonest when setting out that she met service users and when interacting with Social Work England. Her dishonesty was concealed as it was not admitted during the facts stage of this final hearing or admitted at the outset.
- f. Honesty is key to social work practice.
- g. Dishonesty is harder to remediate.
- h. Dishonesty has the potential to put service users at risk of harm. Falsifying records is deemed to be a serious incident of dishonesty.

74. On behalf of Ms Khumalo, Ms Shah submitted:

- a. A removal order is not the least restrictive sanction because there is a public interest in having a good social worker return to practise. Ms Khumalo is capable of being a good social worker and has been one for many years.
- b. A suspension order can be in place until Ms Khumalo no longer presents a risk to the public.
- c. Ms Khumalo has compelling mitigation including distressing personal circumstances.
- d. Ms Khumalo had excellent references, including from Ms Terry. She ought to be given one last chance to demonstrate sufficient insight.
- e. Ms Khumalo has engaged throughout the investigation and with this hearing.

- f. Ms Khumalo has some insight. She admitted some of the allegations and accepted the panel's findings on dishonesty.

75. The panel accepted the advice of the legal adviser that it must again pursue the overarching objective when exercising its functions. The purpose of a sanction is not to be punitive although a sanction imposed may have a punitive effect. The panel considered the least restrictive sanction first and then moved up the sanctions ladder as appropriate. The panel had regard to the Sanctions Guidance.

76. The panel considered the following factors to be mitigating:

- a. Ms Khumalo has demonstrated some insight, having admitted some of the allegations.
- b. Ms Khumalo has undertaken some remediation, having undertaken some relevant training courses.
- c. Ms Khumalo has engaged fully with the investigation and with this final hearing.
- d. Ms Khumalo has excellent references, including from Ms Terry, and positive feedback.
- e. Ms Khumalo went through distressing personal circumstances.
- f. Ms Khumalo has no previous fitness to practise concerns.

77. The panel considered the following factors to be aggravating:

- a. Ms Khumalo's dishonesty spans three separate concerns and over a prolonged period of time:
 - i. Ms Khumalo was dishonest when compiling the DoLS assessments for ten service users;
 - ii. Ms Khumalo was dishonest when setting out that she met service users for six different service users; and
 - iii. Ms Khumalo was dishonest when interacting with Social Work England.
- b. Ms Khumalo's misconduct risked harm to service users. She did not see service users, meaning she did not undertake a proper DoLS assessment. These DoLS assessments would be used in the future for the service user.
- c. Ms Khumalo has limited insight into her dishonesty, having only commenced any insight following the findings of the panel.

78. Concerning the seriousness of the dishonesty, the panel considered that Ms Khumalo's dishonesty fell at the serious end of the spectrum due to:

- a. As set out in paragraph 77(a) above, Ms Khumalo's dishonesty spanned a significant period of time. She was dishonest for three months when she was

compiling DoLS assessments and not seeing service users when doing so; when she was questioned about the DoLS assessment for Service User A, on 14 February 2022, she did not mention that she copied and pasted from previous DoLS assessments into her DoLS assessments for other service users; she was then dishonest in June 2023, on two occasions, as to whether she was complying with her interim conditions of practise. Furthermore, she instructed her representative to be dishonest on her behalf to Social Work England.

- b. The dishonesty demonstrates a pattern of behaviour and is not a single, isolated, incident.
- c. Ms Khumalo did not admit to her dishonest behaviour at an early stage. Even following the findings of the panel, she set out in her reflections dated 4 February 2026, *“I respectfully ask the panel to consider that my actions did not involve fabrication of service user information, personal gain, or deliberate intent to deceive...”* The panel found that her actions were a deliberate intent to deceive. Ms Khumalo does not appear to have fully accepted the panel’s findings on her dishonesty.

79. The panel finds that taking no action or issuing advice or a warning would not be sufficient to protect the public, maintain public confidence in the profession and uphold proper standards of conduct and behaviour, given:

- a. Ms Khumalo’s misconduct put service users at unwarranted risk of harm;
- b. Ms Khumalo’s partial insight and partial remediation;
- c. Ms Khumalo brought the social work profession into disrepute;
- d. Ms Khumalo’s dishonest conduct; and
- e. Ms Khumalo’s misconduct breached a fundamental tenet of social work.

80. The panel next considered whether a conditions of practise order would be proportionate and appropriate in the circumstances. The panel considered that a conditions of practise order would not be proportionate and appropriate to protect the public or be in the wider public interest given:

- a. The serious and wide-ranging concerns set out in the proven misconduct, which included persistent and widespread dishonesty;
- b. Ms Khumalo’s partial insight, in particular to understand the effect of her actions on service users;
- c. Ms Khumalo continued to practise as a social worker in breach of her interim conditions, which would call into question her willingness to comply with conditions of practice; and

- d. The panel cannot formulate conditions which would address the seriousness of the misconduct and mitigate any risk posed.

81. The panel next considered whether it was appropriate to impose a suspension order. The panel had regard to the paragraphs 137 and 138 of the Sanctions Guidance:

“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”*

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”*

82. The panel did not consider a suspension order to be appropriate given:

- a. The seriousness of the concerns, which were widespread and took place over a prolonged period. Ms Khumalo’s proven misconduct demonstrates a serious breach of professional standards. In particular, the dishonesty was at the serious end of the spectrum as set out in paragraph 78 above.
- b. There is limited evidence to suggest that Ms Khumalo is willing or able to remediate her practice or resolve her failings. The concerns in allegation 1 took place over four years ago. Ms Khumalo has had four years to reflect on her failings and has still failed to demonstrate full insight of her misconduct on service users and on others. She has not reflected on the seriousness of her dishonesty and has limited insight into her dishonest conduct. Ms Khumalo has already had a period where she was not working as a social worker and failed to fully reflect or remediate during this period. The panel has little confidence that Ms Khumalo will gain any further insight during any suspension period.
- c. Ms Khumalo undermined public confidence in the integrity of the Social Work England register by working in breach of her interim conditions of practise.

83. The panel considered the Guidance in respect of a removal order. In particular, the panel took into account paragraph 149 of the Guidance which sets out:

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

- *abuses of position or trust*
- *dishonesty, especially where persistent and/or concealed*

- *persistent lack of insight into the seriousness of their actions or consequences”*

84. The panel considered that:

- a. Ms Khumalo abused her position of trust by:
 - i. completing DoLS assessments without speaking to the service users; and
 - ii. copying and pasting from previous DoLS assessments into her own.
- b. For the reasons set out in paragraph 78 above, Ms Khumalo’s dishonesty was serious, persistent and concealed.
- c. Ms Khumalo still has limited (albeit not a lack of) insight into her dishonest conduct.

85. In the particular circumstances of this case, the panel considered that a removal order is the appropriate and proportionate sanction to impose. Further, the panel considered a removal order to be appropriate given that a removal order would protect the public, maintain confidence in the social work profession and maintain proper professional standards for social workers in England.

Interim order:

86. The panel was informed that Ms Khumalo had been subject to an interim order pursuant to paragraph 8 of Schedule 2 of the Social Workers Regulations 2018. In the presence of Ms Khumalo, she invited the panel to revoke this interim order. Ms Khumalo was content for the interim order pursuant to paragraph 8 of Schedule 2 of the Social Workers Regulations 2018 to be revoked. The panel revoked Khumalo’s interim order pursuant to paragraph 8 of Schedule 2 of the Social Workers Regulations 2018.

87. On behalf of Social Work England, Ms Stevens made an application for an interim suspension order for 18 months to cover the appeal period before the final order becomes effective. She did so on the basis of public protection. Ms Stevens submitted that an interim suspension order would be consistent with the panel’s previous findings and, in particular, the finding that Ms Khumalo still poses a risk to service users.

88. On behalf of Ms Khumalo, Ms Shah submitted:

- a. That an interim order is not necessary as Ms Khumalo has not been subject to such conditions before; and
- b. The panel can leave Ms Khumalo without an interim order until the substantive order comes into force.

89. The panel received legal advice that both the Social Workers Regulations 2018 (section 11(1)(b), Schedule 2), and paragraph 204 of the Sanctions Guidance permit interim

orders, following a final order, for the protection of the public or in the best interests of the social worker.

90. The panel was mindful of its earlier findings and decided that it would be wholly incompatible with those earlier findings and the imposition of a removal order to conclude that an interim suspension order was not necessary for the protection of the public during the appeal period.
91. Accordingly, the panel concluded that an interim suspension order is necessary for the protection of the public. It determined that it is appropriate that the Interim Suspension Order be imposed for a period of 18 months to cover the appeal period. When the appeal period expires, this interim order will come to an end unless an appeal has been filed with the High Court.

Right of appeal:

92. 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.
93. 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.
94. 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.
95. 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:

96. 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

97. 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:

98. 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>.