

Social worker: Alice
Cunningham
Registration number: SW124157
Fitness to Practise
Final Hearing

Dates of hearing: 23 March 2026 to 30 March 2026

Hearing venue: Remote hearing

Hearing outcome:

Fitness to practise impaired, suspension order (9 months)

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 Cunningham did not attend and was not represented.
3. Social Work England was represented by Mr Hugo Lodge case presenter instructed by Capsticks LLP.
4. The panel of adjudicators conducting this hearing (hereafter “the panel”) and the other people involved in it were as follows:

| Adjudicators | Role |
|---------------------|---------------------------|
| Bryan Hume | Chair |
| Michael Branicki | Social worker adjudicator |
| David Crompton | Lay adjudicator |

| Hearings team/Legal adviser | Role |
|------------------------------------|--------------------------|
| Lauryn Green | Hearings officer |
| Nazia Kauser | Hearings support officer |
| Natasha Shotunde | Legal adviser |

Service of notice:

5. The panel was informed by Mr Lodge that notice of this hearing was sent to Ms Cunningham by email to an address provided by the social worker (namely their registered address as it appears on the Social Work England register). Mr Lodge submitted that the notice of this hearing had been duly served.
6. The panel had careful regard to the documents contained in the final hearing service bundle as follows:
 - A copy of the notice of the final hearing dated 16 February 2026 and addressed to Ms Cunningham at their email address which they provided to Social Work England;
 - An extract from the Social Work England Register as of 16 February 2026 detailing Ms Cunningham’s registered address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 16 February 2026 the writer sent by email Ms Cunningham at the address referred to above: notice of hearing and related documents.
7. The panel accepted the advice of the legal adviser in relation to service of notice.
8. Having had regard to Rules 44-45 and all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Ms Cunningham in accordance with the Rules.

Proceeding in the absence of the social worker:

9. The panel heard the submissions of Mr Lodge on behalf of Social Work England. Mr Lodge submitted that notice of this hearing had been duly served, Ms Cunningham expressly confirmed in written evidence that she received the bundle and she completed the hearing participation form stating that she will not attend. Mr Lodge further submitted that Ms Cunningham has provided written submissions which can assist the panel in testing the evidence. He therefore invited the panel to proceed in the interests of justice and the expeditious disposal of this hearing.
10. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. This included reference to Rule 43 of the Rules and the cases of *R v Jones [2002] UKHL 5*; *General Medical Council v Adeogba [2016] EWCA Civ 162*. The panel also took into account Social Work England guidance 'Service of notices and proceeding in the absence of the social worker'.
11. The panel considered all of the information before it, together with the submissions made by Mr Lodge on behalf of Social Work England. The panel noted that Ms Cunningham had been sent notice of today's hearing and the panel was satisfied that she was or should be aware of today's hearing. The panel also noted Ms Cunningham's response to the hearing participation form and the fact that she has maintained from April 2022 that she does not want to continue in the social work profession.
12. The panel therefore concluded that Ms Cunningham had chosen voluntarily to absent herself. The panel had no reason to believe that an adjournment would result in Ms Cunningham's attendance. The panel determined that any prejudice suffered by Ms Cunningham's lack of attendance can be mitigated by using her written responses to test the evidence of the witnesses. Having weighed the interests of Ms Cunningham in regard to her attendance at the hearing with those of Social Work England and the public interest in an expeditious disposal of this hearing, the panel determined to proceed in Ms Cunningham's absence.

Preliminary matters:

13. Mr Lodge made an application for proceedings to be held fully in private, submitting that Ms Cunningham's health issues are interwoven with the allegations which would make it harder to present the case.
14. The panel accepted advice from the legal adviser in relation to holding the hearing in private. The panel were directed to Rule 38 which states that a hearing or part of a hearing shall be held in private where proceedings are considering the physical or mental health of the registered social worker. The panel were advised that they have the power to hear proceedings partially in private or fully in private, and in deciding whether to hold the hearing fully in private, the panel should consider the principles of open justice and the need for justice not only to be done but to be seen to be done.

15. The panel determined that it would hold the hearing partly in private when dealing with Ms Cunningham’s health as it balances the principle of open justice with Ms Cunningham’s right to privacy.

Allegations:

16. The allegation arising out of the regulatory concerns referred by the Case Examiners on 19 August 2022 is:

Whilst employed as a social worker at Worcestershire Council between April and December 2021, you:

1. *Did not complete needs assessments adequately:*
 - a. *for the Service Users set out in Schedule A, in that you did not identify and/or explore the risks raised in their referrals;*
 - b. *within the expected timeframes for the Service Users set out in Schedule B.*
2. *Did not provide adequate detail and/or professional analysis in the support plans for the Service Users set out in Schedule C.*
3. *Did not review Service User 16’s support plan until 1 December 2021 when you were allocated their case on 6 July 2021.*
4. *Did not complete a Mental Capacity Assessment and/or Best Interest Decision for Service User 2 before:*
 - a. *placing them in a care home on 9 November 2021;*
 - b. *completing a Client Charging Notification form on 5 November 2021.*
5. *Following Service User 2’s placement in a care home on 9 November 2021, did not follow up with Service User 2’s family and/or the care home until 19 November 2021.*
6. *Did not complete a Best Interest Decision before placing Service User 10 in a care home on 12 October 2021.*
7. *Did not complete a Care Act assessment:*
 - a. *For Service User 4 from allocation on 25 June 2021 until the case was re-allocated on 28 September 2021;*
 - b. *For Service User 17 between supervisions on 27 September 2021 and 23 November 2021.*
8. *In relation to a visit to Service User 12 (“SU12”) and their family on 17 November 2021, you:*

- a. *did not challenge and/or explore during the meeting a family member's wish for SU12 to stay in a care home;*
 - b. *did not follow up with SU12's care home to gather information in relation to his care.*
9. *Did not contact the following service users and/or their family members within appropriate timescales and/or at all, namely:*
 - a. *Service User 4's case was allocated on 25 June 2021 and first contact was made on 28 July 2021.*
 - b. *Service User 5's referral was received on 8 November 2021 and first contact was made on 16 November 2021.*
 - c. *Service User 7's case was allocated on 29 October 2021 and no contact was made by 23 November 2021.*
 - d. *Service User 18's case was allocated on 19 August 2021 and first contact was made on 1 September 2021.*
10. *Did not record a telephone conversation with Service User 8's daughter on 9 November until 26 November 2021.*
11. *Did not provide evidence to support your decision that Service User 11 required 24 hour support.*

The matters set out in paragraphs 1 to 11 above amount to lack of competency and/or capability.

By reason of the matters set out above your fitness to practise is impaired by virtue of your lack of competency and/or capability.

Schedule A:

- i. Service User 1*
- ii. Service User 3*

Schedule B:

- i. Service User 1*
- ii. Service User 2*
- iii. Service User 3*
- iv. Service User 9*

Schedule C:

i. Service User 13

ii. Service User 11

iii. Service User 14

iv. Service User 15

Admissions:

17. The panel considered whether any admissions had been made by Ms Cunningham. It noted in earlier correspondence that she addressed some of the allegations. However, given that Ms Cunningham has not attended these proceedings, the panel decided the correspondence could not be considered as admissions. In line with Rule 32c(i)(a) of the Rules, the panel then went on to determine the disputed facts.

Summary of evidence:

Background

18. On 22 December 2021, Social Work England received a referral from Worcestershire County Council regarding Ms Cunningham.
19. Ms Cunningham first registered as a Social Worker on 8 November 2018. On 6 April 2021, she commenced employment with Worcestershire County Council on the Assessed and Supported Year in Employment (“ASYE”) programme for newly qualified social workers. Ms Cunningham had previously completed part of the ASYE programme at Warwickshire County Council but was not offered a permanent contract. She reported that her probation was extended for 3 months in Warwickshire and at the end of that period she was not offered a permanent contract as her manager felt she was not meeting the standards expected. Therefore, it was agreed that she would restart the ASYE at Worcestershire County Council from the six-month point.
20. On 8 June 2021, concerns about the Ms Cunningham’s practice were raised during her 3-month ASYE review. Further concerns about her performance were identified and discussed during her fortnightly supervisions.
21. In September 2021, when no improvements were made, Ms Cunningham was invited to attend a formal 5-month probationary review meeting. Following the meeting it was agreed that her probationary period would be extended by 3 months until 3 January 2022 with a Performance Improvement Plan being put in place. The progress made against these targets was to be reviewed at the end of October 2021. [PRIVATE]
22. A rescheduled formal meeting was then held 25 November 2021 to discuss her progress on the Performance Improvement Plan. Worcestershire County Council allege that this identified that the Ms Cunningham was still unable to manage a reduced caseload independently and safely without monitoring and regular interventions, and that that no improvements had been made against the Performance Improvement Plan

to show that by the end of her extended probationary period she would have achieved the necessary standards.

23. On 9 December 2021 Ms Cunningham's manager recommended that she be dismissed due to an inability to successfully complete her Probationary period. On 20 December 2021, following a disciplinary hearing, Ms Cunningham was dismissed from her post at the Council due to the unsuccessful completion of her probationary period.
24. Ms Cunningham successfully appealed her dismissal at an appeal hearing on 25 January 2022. At the appeal hearing Ms Cunningham gave examples of why she did not feel supported by her line manager and how in her view their relationship had broken down. The Chair of the appeal hearing offered to re-instate Ms Cunningham with some conditions, namely that there would be a three month extension to her probation period and that she would be based in a different team.
25. On 27 April 2022, Ms Cunningham contacted Social Work England to inform them that she left Worcestershire County Council after three days, on 3 February 2022. She stated that practising as a social worker is not something she wished to continue with.

Summary of evidence

26. Social Work England called the following witnesses:
 - a. Jilesh Kunnumpurath (Advanced Social Work Practitioner in Adults Social Services at Worcestershire County Council).
 - b. Francesca Darby (Head of Service Area Teams at Worcestershire County Council).

Jilesh Kunnumpurath

27. Mr Kunnumpurath is an Advanced Social Work Practitioner who has been in the role for seven years and was Ms Cunningham's line manager. He conducted Ms Cunningham's ASYE review and probation reviews. A summary of his written evidence in respect of each service user is as follows:

Service User 1

28. Two referrals were received in respect of this service user: one from her daughter on 29 October 2021 and another from a nurse on 2 November 2021. Mr Kunnumpurath stated that Ms Cunningham failed to address and explore the risks in her assessment of Service User 1, who was reported to struggle with daily tasks and that she only has a microwave. Mr Kunnumpurath stated that Ms Cunningham failed to address the impact this could have on Service User 1, she had not gone through the referral properly, and there had been no adequate preparation. Mr Kunnumpurath raised this with Ms Cunningham via email on 16 November 2021 and sent the assessment back to Ms Cunningham asking her to address the concerns raised by the daughter.

29. On 30 November 2021, Ms Cunningham completed her assessment. The final assessment did reference the concerns raised in the referrals, but Mr Kunnumpurath emailed her and asked her to update the referral. Mr Kunnumpurath outlined the risks associated with not addressing concerns in the assessment, namely that appropriate action cannot be taken which poses a risk of harm to Service User 1.

Service User 2

30. Mr Kunnumpurath stated that Ms Cunningham picked up Service User 2's case whilst on duty on 29 October 2021, after the service user's GP had requested an assessment of needs for a package of care and support for the Service User 2's daughter who was struggling to manage the service user's needs and behaviours. However, she did not take any action until 5 November 2021, following a further request from the GP on 4 November 2021 for an urgent assessment to be done, stating that they were "very surprised that [SU2] has not been assessed".
31. Mr Kunnumpurath stated that Ms Cunningham did not complete a Mental Capacity Assessment or a Best Interests Decision before placing Service User 2 into a care home. He stated that the assessments should be completed before an individual is placed in a care home, as the Mental Capacity Act Guidance states that "*you are required to make an assessment of capacity before carrying out any care or treatment*".
32. Mr Kunnumpurath stated that the case notes for a visit conducted by Ms Cunningham on 5 November 2021 included that Service User 2 "accepted that she will go to a 'hotel' for a week" and this was the basis upon which she signed the Client Charging Notification form. The case note also states that Service User 2 lacked capacity to make decisions about her care and support needs but that she had capacity to make decisions on her finances. However, Mr Kunnumpurath stated that a separate capacity assessment for financial decisions should have been completed.
33. Mr Kunnumpurath stated that, as Service User 2's placement in the care home was an emergency placement due to their increased care needs and challenging behaviours, the Social Worker should have contacted the care home the day after Service User 2 was placed there to ensure their wellbeing.
34. Mr Kunnumpurath emailed Ms Cunningham about the case on 19 November 2021. Ms Cunningham said she had been in contact with the family, but the case notes show that only one call was made to the family on 19 November 2021, following Mr Kunnumpurath's email.

Service User 3

35. Mr Kunnumpurath stated Ms Cunningham picked up Service User 3's case whilst on duty on 13 July 2021. However, he stated that Ms Cunningham did not transfer the case to her case file until she started working on the assessment on 20 August 2021. Mr Kunnumpurath stated that the assessment should have been complete as soon as possible as Service User 3 was at risk of wandering off and his doctors had advised that he would benefit from a GPS tracker.

36. Mr Kunnumpurath also stated that the assessment was requested on 13 July 2021, Ms Cunningham attempted contact once on 14 July 2021 but did not make any further contacts until 10 August 2021.
37. Mr Kunnumpurath stated that when the assessment was completed, it did not address the concerns raised correctly as there was no mention of the wandering concerns in the assessment. He states this was discussed with Ms Cunningham in supervision.

Service User 4

38. Mr Kunnumpurath stated that this case was allocated to Ms Cunningham on 25 June 2021 but that her first contact with the service user was on 28 July 2021, over a month after she was first allocated to the case. The care home had given notice that it was closing on 15 September 2021 and if the service user had been assessed in good time, they would have been supported to return home before the home closure. However, due to the delay, no further action could be undertaken to facilitate Service User 4's discharge home with the support of an Occupational Therapy Assessment and suitable package of care at home.
39. Mr Kunnumpurath stated that notification of the care home closure did not give sufficient time to process these tasks to assist him to return home as he wished and, as a result, he became more reliant on the services provided and was assisted to move into another care home.
40. No assessment was completed for this service user. Ms Cunningham had arranged a further assessment following the notice given by the home but she cancelled it on 28 September 2021. The case was then re-allocated due to lack of progress.

Service User 5

41. Mr Kunnumpurath stated that the referral for this service user was received on 8 November 2021 and Ms Cunningham should have taken action within two days. However, Ms Cunningham first contacted the service user on 16 November 2021, eight days after the referral.
42. Mr Kunnumpurath stated that Ms Cunningham failed to make contact within appropriate timescales and failed to assess the urgency of the matter. He stated that by not responding in timescales, this was neglecting the service user as no help had been provided and if the service user had further falls then there would not have been anyone available to help.
43. Mr Kunnumpurath stated that the recording policy only gave the timescales for recording and it did not direct when to respond as it is a professional decision based on the urgency of the situation. However, he stated that we encourage social workers to make contact within a few days of receipt of the contact, after assessing the urgency.

Service User 7

44. Mr Kunnumpurath stated that Ms Cunningham was allocated the case on 29 October 2021. He stated that there was no record of Ms Cunningham having made contact with them. He asked Ms Cunningham in supervision on 10 November 2021 to make urgent contact with Service User 7 and at the next supervision on 23 November 2021, she had still not made contact.

Service User 8

45. Mr Kunnumpurath stated that Ms Cunningham failed to record a conversation with Service User 8's daughter within 24 or 48 hours and describes a case note which shows the conversation as having taken place on 9 November 2021 but that it was not recorded until 26 November 2021.

Service User 9

46. Mr Kunnumpurath stated that Ms Cunningham was allocated the assessment to complete on 27 August 2021 and it was not completed until 1 December 2021. Service User 9's son was requesting support for his elderly father who was being cared for by his mother, having reported that they were struggling and his father had two falls and just returned from hospital.
47. He stated that the Care Act guidance does not provide a specific timescale for assessments, however, the assessment should have been completed in a week of the referral due to the nature of the referral and that this kind of assessment cannot wait for four months.

Service User 10

48. Mr Kunnumpurath states that Service User 10 was placed in a care home on 12 October 2021 but Ms Cunningham did not start the Best Interests Decision until 24 November 2021 and it was not finalised until 29 November 2021. He states that it should have been completed before the individual was placed, and that even if the assessment is done before the placement then typed up a month afterwards, the accuracy of it could be questioned due to the lapse of time.

Service User 11

49. Mr Kunnumpurath stated that he returned Service User 11's assessment to Ms Cunningham because the analysis stated that she agreed with the family's decision but there was no evidence of why 24 hour support was required.

Service User 12

50. Mr Kunnumpurath stated that he observed Ms Cunningham conduct a meeting with Service User 12 and his family on 17 November 2021. He stated that during the visit Service User 2's wife was pushing for him to stay in a care home. He stated that, although Ms Cunningham was able to build a rapport with the family during the meeting, she did not challenge the family's perception of the risks and concerns. He also stated that he later spoke to the care home manager who advised Service User 12

was independent in all aspects of his care needs and did not have any residential care needs.

51. Mr Kunnumpurath stated that Service User 12's wife contacted "duty" on 22 November 2021 at 10:44am wanting to speak to the Social Worker and reported that she had been trying to contact her since Friday 19 November 2021. An email was then sent to the Ms Cunningham asking her to contact the wife. Ms Cunningham did not make contact with the wife until 16:27 on 22 November 2021 but there was no answer so she could not speak to the wife until 23 November 2021. Mr Kunnumpurath stated that Ms Cunningham should have been responding to such calls as soon as possible.
52. Mr Kunnumpurath spoke with the service user's wife on 29 November 2021 and she advised that she felt that she had been left without any information which had made them anxious and worried. She also expressed concerns about the length of time that it has taken. Mr Kunnumpurath re-allocated the case on 29 November 2021 after informing the wife of the same.

Service Users 13-15

53. Mr Kunnumpurath stated that he had to return the support plans of Service User 13, Service User 14 and Service User 15 due to a lack of detail in them. He exhibited emails which he stated that he sent returning various plans stating that they needed more professional analysis.

Service User 16

54. Mr Kunnumpurath stated that Ms Cunningham was allocated this case on 6 July 2021 and the care then started for this service user on 28 July 2021. He stated that Ms Cunningham's review of the service user's support plan was overdue and he had to ask the Social Worker in supervision on 27 September 2021 to complete the review on the same day due to excessive delay. However, the review was not completed by Ms Cunningham until 1 December 2021.

Service User 17

55. Mr Kunnumpurath stated that Ms Cunningham was contacted by this service user on duty requesting support. Ms Cunningham agreed to assess but did not do this. Mr Kunnumpurath stated that he asked the Social Worker in supervision on 27 September 2021 to complete the assessment as a matter of priority by 8 October 2021 and that this was not done. He stated that there was still no progress of any contact on 23 November 2021 when the case was discussed this in supervision.

Service User 18

56. Mr Kunnumpurath stated that this service user was allocated to Ms Cunningham on 19 August 2021. Service User 18's family requested an increase in Service User 18's care as her daughter who was supporting her was returning to work. Mr Kunnumpurath states that the family contacted again on 31 August 2021 as they had not heard from Ms Cunningham. He stated that Ms Cunningham contacted the family on 1 September

2021 and agreed to an increase in care but did not purchase the increase or update the support plan. He stated that the case was reallocated as Ms Cunningham had not purchased the care.

57. [PRIVATE]

58. Mr Kunnumpurath's oral evidence included the following:

- a. Regarding Ms Cunningham's two year gap in social work before joining the team, he stated that Ms Cunningham told him that she was appointed as a social worker on ASYE and when that local authority found an experienced social worker they terminated her. He stated that this did not make sense. He asked for her portfolio and saw there were concerns in her previous reviews. He met her, addressed those concerns and they decided to start her at the 6 month point of the ASYE. He also stated that they gave her a four week induction instead of two weeks to account for the gap. He also stated that they decided at the 5 month review to extend her period to three months to give her an opportunity to fill the gap she had for two years.
- b. Ms Cunningham was working remotely for the first three months during the end of the lockdown period, save that "duty" was always in the office which they would go to on a weekly basis.
- c. [PRIVATE]
- d. [PRIVATE]
- e. [PRIVATE]
- f. [PRIVATE]
- g. [PRIVATE]
- h. Regarding Ms Cunningham's assertion that she would struggle when her manager constantly rang her on Microsoft Teams, he said:
 - i. the allegation was in relation to the team manager and not him;
 - ii. it related to a case where the care home was closing;
 - iii. the manager was calling constantly because as soon as the home announced it was closing staff started leaving;
 - iv. the situation was critical with the service users, their families and the care home being anxious as all the staff leaving would result in no one being able to look after the service users in the home; and
 - v. Ms Cunningham did not process the assessments quickly enough.
- i. Regarding any assertion that Ms Cunningham was allocated a large number of cases:

- i. she picked them up when working on duty and that the only cases allocated to her were reviews for her to evidence in her ASYE; and
 - ii. she was continually taking cases and not progressing them, and he had to reallocate cases on a number of occasions.
- j. He denied criticising Ms Cunningham and stated that he supported her with reflective supervision.
- k. Regarding Ms Cunningham’s assertion that it was unfair for her to complete work such as a Mental Capacity Assessment and Best Interest Decision when not taught beforehand:
 - i. it was essential basic knowledge of the law;
 - ii. that he would go through the Mental Capacity Act with her in supervision;
 - iii. If she was in doubt or not confident enough, it was not brought to his attention.
- l. He denied that Ms Cunningham was set up to fail and stated that they were struggling to recruit at the time and did not want anyone to fail.
- m. He acknowledged Ms Cunningham had some skills and showed positive improvements in certain areas then “later on things changed.”
- n. Regarding Ms Cunningham’s allegations of issues with him and the team manager resulting in a toxic environment where she was shouted at, he denied there was a toxic environment and stated that his personal observation was that Ms Cunningham’s allegations came out after his concerns were raised.

Francesca Darby

- 59. Francesca Darby chaired the original dismissal hearing and provided evidence in relation to the process.

Ms Cunningham

- 60. Ms Cunningham was not in attendance to give evidence. However, on 18 January 2022 Ms Cunningham provided an initial response to Social Work England, in which she disputed the concerns regarding her competency and capability. She stated that she constantly asked for feedback, and any work she produced that was not to a high standard would be sent back to her for amendments. She stated that, as she progressed through her ASYE portfolio, the cases became more complex which slowed down her levels of turnover. She stated that, at her dismissal hearing, her manager stated she had made improvements in that she was completing assessments fast and with a good level of detail, and that her case recording timeliness was improving.

61. Ms Cunningham stated that she never put anyone in danger. She attached a PIP document with her response to her manager, as she states this identified the false allegations that were suddenly produced in her last month of working, despite being praised from April 2021 to September 2021.
62. Ms Cunningham stated that she was not supported during the ASYE, but rather ‘bashed by management’, with situations being wrongfully held against her. She stated that she was able to do her job when she had space from management, but when being constantly disrupted it affected her productivity levels. She stated that she felt anxious and worried going into supervisions, that she was micromanaged, and that her manager was not supportive. Ms Cunningham also refers to working remotely from home as contributing to the concerns.
63. She stated that issues started in September 2021 when she was advised to move three people from a care home to another. She stated that she was shouted at by the area manager and that she was given different advice from her line manager and area manager which caused confusion.
64. [PRIVATE]
65. [PRIVATE]
66. [PRIVATE]
67. [PRIVATE]
68. [PRIVATE]
69. Ms Cunningham’s response to the specific allegations are referred to in the “Finding and reasons on facts” section below.

Submissions

70. Mr Lodge, on behalf of Social Work England, made closing submissions on facts, which included that Mr Kunumpurath’s evidence is supported by contemporaneous documents which are sufficient evidence to prove the allegations. He also assisted the panel with listing some of the arguments that may have been raised by Ms Cunningham if she was in attendance, which included:
 - a. Whether or not her training was adequate
 - b. Whether there was adequate supervision
 - c. Toxic environment
 - d. Appeal was successful and her dismissal was successfully challenged.
 - e. [PRIVATE]

Legal Advice

71. The panel received legal advice, which included that the burden of proving each allegation rests with Social Work England and the panel must be satisfied on the balance of probabilities. The panel was reminded that its task, in respect of each allegation in dispute is to determine whether it is more likely than not that the alleged fact occurred. The legal adviser reminded the panel that all evidence must be considered in the round, including oral testimony, witness statements and documentary records.
72. The legal adviser reminded the panel that demeanour is not a reliable indicator of truthfulness, referring to *R (Dutta) v GMC* and *Khan v GMC*, and that the panel should focus on whether accounts are consistent, coherent, supported by contemporaneous documents, and aligned with known or probable facts.
73. Regarding the local investigation, the legal adviser drew the panel's attention to the case of *Enemuwe v Nursing and Midwifery Council* [2015] EWHC 2081 (Admin), reminding the panel that it is the panel's task to make its own decision and should not be influenced by the outcome of the local investigation. However, the legal adviser noted that any prejudice Ms Cunningham could have suffered from the inclusion of details of the local investigation is mitigated by the fact that she won her appeal and was reinstated.
74. Finally, the legal adviser advised that the fact that Ms Cunningham has made a voluntary removal application is irrelevant as the facts are in dispute and the panel must determine those facts.

Finding and reasons on facts:

75. The panel took into account all of the written and documentary evidence. The panel also took into account Ms Cunningham's responses in the Social Worker Response Bundle.
76. The panel found Mr Kunnumpurath to be a credible witness, whose written evidence was largely supported by documentary evidence. There were some aspects of the documentary evidence that was less clear and for which some allegations were not found proved.

Allegation 1(a)

Did not complete needs assessments adequately:

- a. for the Service Users set out in Schedule A, in that you did not identify and/or explore the risks raised in their referrals;
77. This allegation concerns Service User 1 and Service User 3 (see Schedule A above).
 78. In relation to Service User 1, the panel considered the evidence of Mr Kunnumpurath, including his witness statement. It also considered an email sent from Mr

Kunnumpurath to Ms Cunningham on 16 November 2021 which outlined that the service user struggles with daily tasks and only has a microwave, but that the potential Service User 1's health condition was not explored in the assessment. The panel also noted that this issue was also raised in Ms Cunningham's Performance Improvement Plan.

79. The panel also considered Ms Cunningham's written responses, in which she states the process for completing assessments and feedback but does not deny that the information was missing from the assessment.
80. The panel found there was sufficient evidence to prove allegation 1(a) in relation to Service User 1.
81. In relation to Service User 3, the panel considered Mr Kunnumpurath's evidence which included that Ms Cunningham had not addressed the concerns correctly as there was no mention of wandering off concerns in the needs assessment.
82. The panel found the evidence to be sufficient to prove allegation 1(a) in relation to Service User 3.
83. On the balance of probabilities, the panel found allegation 1(a) **proved**.

Allegation 1(b)

Did not complete needs assessments adequately:

- b. within the expected timeframes for the Service Users set out in Schedule B.

84. This allegation concerns Service User 1, Service User 2, Service User 3 and Service User 9.
85. The panel were cognisant of Mr Kunnumpurath's written evidence that there were no specific statutory timescales for the completion of Care Act assessments and that it was a matter of professional judgment.
86. In relation to Service User 1, the panel were satisfied that Ms Cunningham did not complete the assessment within the expected timeframe of one week as the witness statement and contemporaneous documentary evidence shows that Service User 1 was referred to Ms Cunningham on 4 November 2021 and she did not complete the assessment until 1 December 2021.
87. However, the panel noted that Ms Cunningham's Performance Improvement Plan dated 4 October 2021 gave an objective for her to complete assessments within a week. The panel found that one week was the expected timeframe for Ms Cunningham's assessments.
88. In relation to Service User 2, the panel noted that the case was referred on 29 October 2021 and that she was moved into a care home before the assessments had taken place. The panel therefore determined that the expected timeframe in this case was not

one week but was before Service User 2 was placed into a care home. On this basis, the panel found this allegation in respect of Service User 2 proved.

89. In relation to Service User 9, the panel were satisfied on the documentary evidence that Ms Cunningham was allocated the assessment on 27 August 2021 but did not complete it until 1 December 2021. In regards to the expected timescales, the panel accepted Mr Kunnumpurath's evidence that the expected timescale was one week due to the urgent nature of the referral in that it referred to a vulnerable service user who had sustained recent falls after being discharged from hospital.
90. In summary, the panel were satisfied on the balance of probabilities that Ms Cunningham did not complete needs assessments within the expected timeframes for Service User 1, Service User 2, Service User 3 and Service User 9. The panel find allegation 1(b) **proved**.

Allegation 2

Did not provide adequate detail and/or professional analysis in the support plans for the Service Users set out in Schedule C.

91. This allegation relates to Service User 13, Service User 11, Service User 14 and Service User 15.
92. The panel considered the written evidence carefully. The panel considered each email from Mr Kunnumpurath to Ms Cunningham setting out what was missing from the support plans.
93. However, none of the support plans had been provided by Social Work England in respect of the service users, therefore the Panel could not make its own assessment of whether adequate detail and/or professional analysis was included by Ms Cunningham initially.
94. In addition, Ms Cunningham was on her ASYE. Addressing this allegation, she asserted in her written responses that she believes she did provide adequate detail and/or professional analysis in the support plans and if anything was missed, she would be made by her manager to amend it as he would oversee assessments being signed off.

As the burden of proof rests with Social Work England and the support plans were not provided in order for the panel to make its own assessment, the panel could not find this proved on the balance of probabilities.

Allegation 3

Did not review Service User 16's support plan until 1 December 2021 when you were allocated their case on 6 July 2021.

95. The panel considered the written evidence of Mr Kunnumpurath. The panel also considered contemporaneous records, including the case notes which show that the

review was completed on 1 December 2021 and case progression sheet which included the following comments:

- a. “[c]ase note states review to be completed on 25 August. Review not completed”;
- b. “Alice to arrange review today. To be completed by 27/09/2021”; and
- c. “No progress, review to be completed on 11/11/2021”.

96. The panel also noted Ms Cunningham’s response to this allegation, in which she stated that, upon reflection, she can accept that she could have acted sooner to complete this work.
97. The panel were satisfied on the balance of probabilities that Ms Cunningham did not review the support plan until 1 December 2021 from the above evidence. The panel found allegation 3 **proved**.

Allegation 4(a)

Did not complete a Mental Capacity Assessment and/or Best Interest Decision for Service User 2 before:

- a. placing them in a care home on 9 November 2021;

98. The panel considered the written evidence of Mr Kunnupurath, noting that Service User 2 was placed in a care home on 9 November 2021 and neither the Mental Capacity Assessment or Best Interest decision had been completed before then, as the Mental Capacity Assessment was completed on 7 December 2021 and Ms Cunningham did not complete a Best Interest Decision for this service user.
99. The panel also considered the written responses from Ms Cunningham which did not include a denial of the facts.
100. The panel found allegation 4(a) **proved**.

Allegation 4(b)

Did not complete a Mental Capacity Assessment and/or Best Interest Decision for Service User 2 before:

- b. completing a Client Charging Notification form on 5 November 2021.

101. The panel accepted Mr Kunnumpurath’s evidence, including that the Client Charging Notification form was completed with Service User 2 on 5 November 2021 which was before the Mental Capacity Assessment was completed on 7 December 2021 and before the Best Interests Decision which was never completed by Ms Cunningham.
102. The panel also noted that Ms Cunningham did not deny the facts of this allegation in her written responses.

103. The panel found allegation 4(b) **proved**.

Allegation 5

Following Service User 2's placement in a care home on 9 November 2021, did not follow up with Service User 2's family and/or the care home until 19 November 2021.

104. The panel accepted Mr Kunnumpurath's evidence Ms Cunningham did not follow up with Service User 2's family and/or care home until 19 November 2021. The panel also accepted Mr Kunnumpurath's evidence that Ms Cunningham should have made contact in 24 hours due to it being an emergency two week placement, and Ms Cunningham only contacted the family after 10 days.

105. The panel found allegation 5 **proved**.

Allegation 6

Did not complete a Best Interest Decision before placing Service User 10 in a care home on 12 October 2021.

106. The panel accepted Mr Kunnumpurath's written evidence which was supported by contemporaneous records showing when Service User 10 was placed in a care home (12 October 2021) and when the assessment was completed (29 November 2021). The panel also noted that Ms Cunningham did not deny this allegation in her written responses.

107. The panel found allegation 6 **proved**.

Allegation 7(a)

Did not complete a Care Act assessment:

- a. For Service User 4 from allocation on 25 June 2021 until the case was re-allocated on 28 September 2021;

108. The panel considered Mr Kunnumpurath's written evidence along with the relevant exhibits. Although the panel found Mr Kunnumpurath to be a credible and consistent witness, the contemporaneous records provided do not provide sufficient detail to show when the Care Act assessment was completed. In addition, the case notes include an entry entitled "Other – Case Transfer update" which includes "Case handover has been completed...I will be contacting [redacted] at [redacted] to request care plan be sent and shared with Izabella."

109. Due to the contemporaneous notes being unclear, there was insufficient evidence to prove this allegation.

Allegation 7(b)

Did not complete a Care Act assessment:

- c. For Service User 4 from allocation on 25 June 2021 until the case was re-allocated on 28 September 2021;

- 110. The panel considered both the written evidence of Mr Kunnumpurath and the exhibits in relation to Service User 17. The panel found that the documentary evidence did not support what was said in the witness statement, as no case record had been exhibited and the case progression sheet was unclear.
- 111. Due to the contemporaneous records being unclear, there was insufficient evidence to prove this allegation.

Allegation 8(a)

In relation to a visit to Service User 12 (“SU12”) and their family on 17 November 2021, you:

- a. did not challenge and/or explore during the meeting a family member’s wish for SU12 to stay in a care home;
- 112. The panel determined that there was sufficient evidence to prove allegation 8(a). This was due to Mr Kunnumpurath’s witness statement being supported by an entry on Ms Cunningham’s Performance Improvement Plan, dated 4 October 2021, regarding Service User 12. It includes:

“Direct Observation – inclined to go along with family’s suggestion, not questioning or additional information on the reasoning. Lack of professional curiosity.”

- 113. The panel also noted that Ms Cunningham did not deny the facts of this allegation in her written responses.
- 114. As such, the panel found allegation 8(a) **proved**.

Allegation 8(b)

In relation to a visit to Service User 12 (“SU12”) and their family on 17 November 2021, you:

- b. did not follow up with SU12’s care home to gather information in relation to his care.
- 115. This is evidenced in the contemporaneous supervision records and a progression note in which Ms Cunningham was asked to establish contact with the care home and gather relevant information concerning Service User 12.
 - 116. The panel also noted that Ms Cunningham did deny the facts of this allegation in her written response and stated that her manager had reassigned the case as it was too complex for her.

117. As such, the panel found allegation 8(b) **proved**.

Allegation 9(a)

Did not contact the following service users and/or their family members within appropriate timescales and/or at all, namely:

- a. Service User 4's case was allocated on 25 June 2021 and first contact was made on 28 July 2021.

118. The panel determined that there was sufficient evidence to prove this allegation. This was due to Mr Kunnumpurath's witness statement being supported by documentary evidence showing when the case was allocated to Ms Cunningham and the date of the telephone contact with the service user's son (28 July 2021).

119. The panel also noted that Ms Cunningham did not deny the facts of this allegation in her written responses.

120. The panel found allegation 9(a) **proved**.

Allegation 9(b)

Did not contact the following service users and/or their family members within appropriate timescales and/or at all, namely:

- b. Service User 5's referral was received on 8 November 2021 and first contact was made on 16 November 2021.

121. The panel considered what the appropriate timescale would have been in this case, noting that the recording policy only gives timescales for recording. The panel accepted Mr Kunnumpurath's evidence that the first contact should have taken place in a couple of days as the contact record exhibited to his statement showed that Service User 5 had suicidal thoughts.

122. The panel also found that the referral was received on 8 November 2021 and first contact was made on 16 November 2021 on Mr Kunnumpurath's written evidence and contemporaneous records including the referral document and case notes.

123. The panel found allegation 9(b) **proved**.

Allegation 9(c)

Did not contact the following service users and/or their family members within appropriate timescales and/or at all, namely:

- c. Service User 7's case was allocated on 29 October 2021 and no contact was made by 23 November 2021.

124. The panel determined that there was sufficient evidence to prove allegation 9(c) as Mr Kunnumpurath's witness statement was supported by case progression records which included the following entries:

“No contact made, Alice to make contact urgently.

No progress since last supervision.

Jilesh spoke to [Service User 7], no further action required, Alice to close then case.”

125. As such, the panel found allegation 9(c) **proved**.

Allegation 9(d)

Did not contact the following service users and/or their family members within appropriate timescales and/or at all, namely:

- d. Service User 18's case was allocated on 19 August 2021 and first contact was made on 1 September 2021.

126. The panel found that there was sufficient evidence to prove allegation 9(d) due to both Mr Kunnumpurath's written statement and contemporaneous records, including a document showing that the case was allocated to Ms Cunningham on 19 August 2021 and the case notes showing contact on 1 September 2021.

127. The panel found allegation 9(d) **proved**.

Allegation 10

Did not record a telephone conversation with Service User 8's daughter on 9 November until 26 November 2021.

128. The panel found there was sufficient evidence to prove allegation 10 as Mr Kunnumpurath's witness statement was supported by the case notes. In addition, the panel noted that Ms Cunningham did not deny the allegation in her written response, which states “I may have saved the case note as a draft and forgot to complete or record a telephone call.”

129. The panel found allegation 10 **proved**.

Allegation 11

Did not provide evidence to support your decision that Service User 11 required 24 hour support.

130. The panel considered the written evidence carefully. The panel considered the email from Mr Kunnumpurath to Ms Cunningham setting out what was missing from the support plan.

131. However, the support plan had not been provided by Social Work England in respect of the service user, therefore the panel could not make its own assessment of whether adequate detail and/or professional analysis was included by Ms Cunningham initially.
132. In addition, Ms Cunningham was on her ASYE. Addressing this allegation, she asserted in her written responses that she believes she did provide adequate detail and/or professional analysis in the support plans and if anything was missed, she would be made by her manager to amend it as he would oversee assessments being signed off.

As the burden of proof rests with Social Work England and the support plans were not provided in order for the panel to make its own assessment, the panel could not find this proved on the balance of probabilities.

Submissions on grounds and impairment

133. Mr Lodge made submissions in support of Social Work England's case, namely that Ms Cunningham's conduct amounted to a lack of competence or capability. He submitted that Ms Cunningham breached the following standards:

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

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

3.3 Apply my knowledge and skills to address the social care needs of individuals and their families commonly arising from physical and mental ill health, disability, substance misuse, abuse or neglect, to enhance quality of life and wellbeing.

3.5 Hold different explanations in mind and use evidence to inform my decisions.

3.8 Clarify where the accountability lies for delegated work and fulfil that responsibility when it lies with me.

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

3.12 Use my assessment skills to respond quickly to dangerous situations and take any necessary protective action.

134. Mr Lodge submitted that the concerns related to basic and fundamental aspects of the profession. Mr Lodge listed some examples, including Ms Cunningham's consistent lack of timeliness from allocation to the completion of assessments and her failure to complete Mental Capacity Assessments and Best Interests Decisions.

135. Mr Lodge assisted the panel by referring to the same arguments that Ms Cunningham might have made if she attended, which are listed at paragraph 70 above.
136. On the personal element of impairment, Mr Lodge referred to the case of *Cohen v General Medical Council* [2008] EWHC 581 (Admin). He submitted that Ms Cunningham has not practised as a social worker nor has she sought further training and therefore the conduct was likely to be repeated.
137. On the public element of impairment, Mr Lodge submitted that Ms Cunningham would bring the profession into disrepute and a finding of impairment is necessary to uphold proper professional standards in social work.

Legal advice on grounds and impairment

138. On grounds, the panel was referred to paragraph 151 of Social Work England's Impairment and Sanctions Guidance and the case of *Calhaem v General Medical Council* [2007] EWHC 2601 for the definition of lack of competence or capability. In particular, the panel was advised that lack of competence or capability is distinct from misconduct and denotes an unacceptably low standard of professional performance ordinarily established by a fair sample of work rather than isolated incidents.
139. The panel was advised to firstly consider whether the conduct constitutes a fair sample of work. The panel was advised to consider Social Work England's Professional Standards and whether Ms Cunningham's conduct puts her in breach of any of those standards. The panel was advised to consider the standards put forward by Social Work England and the remaining standards to assess whether Ms Cunningham's conduct falls foul of those standards.
140. On impairment, the panel was advised to consider Social Work England's Impairment and Sanctions Guidance in detail. The legal adviser drew the panel's attention to *Meadow v GMC* [2007] EWCA Civ 1390, *CHRE v Grant and NMC* [2011] EWHC 927 and *Cohen v General Medical Council* [2008] EWHC 581 (Admin).
141. The legal adviser referred the panel to the relevant sections of the Impairment and Sanctions Guidance on the personal elements of impairment, including the need to consider whether the conduct is easily remediable, has been remedied and is highly unlikely to be repeated in future. The panel was advised to consider the harm or risk of harm to service users, previous history, insight, repetition and remediation.
142. On the public element of impairment, the panel was advised to consider whether a finding of impairment is necessary to promote and maintain public confidence or uphold proper professional standards for social workers in England.

Finding and reasons on grounds:

143. The panel considered its findings, the evidence, the submissions of Mr Lodge and the legal advice carefully.
144. The panel determined that Ms Cunningham's conduct breached the following standards:
- 2.5 Actively listen to understand people, using a range of appropriate communication methods to build relationships.*
 - 3.2 Use information from a range of appropriate sources, including supervision, to inform assessments, to analyse risk, and to make a professional decision.*
 - 3.4 Apply my knowledge and skills to address the social care needs of individuals and their families commonly arising from physical and mental ill health, disability, substance misuse, abuse or neglect, to enhance quality of life and wellbeing.*
 - 3.5 Hold different explanations in mind and use evidence to inform my decisions.*
 - 3.11 Maintain clear, accurate, legible and up to date records, documenting how I arrive at my decisions.*
 - 3.12 Use my assessment skills to respond quickly to dangerous situations and take any necessary protective action.*
145. On professional standard 2.5 above, the panel noted that Ms Cunningham had been complimented by her manager and another member of staff about her ability to build relationships with people. However, the panel were mindful of its finding that Ms Cunningham did not challenge a family member's wish for Service User 12 to stay in a care home (allegation 8(a)) nor did she understand the need to obtain the views of the service user.
146. On professional standard 3.2 above, the panel found that Ms Cunningham was unable to internalise or reflect on guidance and advice given about expected timescales as she repeatedly missed them, and therefore breached this standard.
147. On professional standard 3.4 above, the panel found that this was breached because her conduct in poor timelines in assessments, contacts and actions put service users at risk of harm.
148. On professional standard 3.5, the panel found that this was breached by Ms Cunningham not using evidence to inform her decisions.
149. On professional standard 3.11, the panel found that this was breached due to Ms Cunningham not providing up-to-date records, as opposed to the quality of her records.

150. On professional standard 3.12, the panel found that Ms Cunningham failed to respond quickly to dangerous situations, e.g. her failure to respond quickly in allegations concerning Service User 9 where they were at risk of falling and Service User 5 where they were reported to be suffering from suicidal ideation.
151. Regarding Social Work England's submission that professional standard 3.8 is engaged, the panel determined that this standard was not breached as the standard refers more to social workers who are in managerial or supervisory positions delegating tasks, rather than social workers who have had tasks delegated to them.
152. On the question of whether Ms Cunningham's conduct amounted to lack of competence or capability, the panel were mindful that Ms Cunningham had worked for Worcestershire County Council for a short period, from April 2021 until December 2021. However, the panel determined that the conduct constituted a fair sample of Ms Cunningham's work as there were several allegations that were found proved concerning multiple service users.
153. In relation to Ms Cunningham's assertion that she was not provided with sufficient support from Worcestershire County Council, the panel was mindful that training records were not provided by Social Work England to demonstrate that Ms Cunningham had been provided with sufficient training by Worcestershire County Council. It was also mindful of the fact that remote working may have had an impact on the support Ms Cunningham received. However, the panel found that the numerous ways in which Ms Cunningham was provided with support was sufficient, including in supervision, through the "buddy system", through the Social Work Academy and Ms Cunningham's access to other experienced social workers. The panel also accepted the evidence of Mr Kunnumpurath that the period of remote working was approximately three months and, within that period, staff attended the office in person weekly, therefore the true impact of remote working on Ms Cunningham's performance cannot be easily assessed.
154. [PRIVATE]
155. The panel were also mindful that Ms Cunningham had failed to complete her AYSE when she worked at Warwickshire County Council, and her post at Worcestershire County Council was her second chance to complete it. The conduct found proven spans a range of competencies, including the ability to assess service users' capacity and an understanding of why this should be done, the ability to recognise the need to work towards a service user's best interests when developing a care package and meeting expected timeframes to ensure the safety of service users. Ms Cunningham's failings in those areas demonstrates that she was not meeting appropriate professional standards.
156. Regarding Ms Cunningham's assertion that she worked in a toxic environment, including being shouted at by managers, the panel was not presented with enough evidence to make a determination on this. The panel would have benefited from hearing Ms Cunningham give evidence and/or receiving corroborating evidence to assess

whether the toxic environment existed and whether it had an impact on Ms Cunningham's performance.

157. In addition, after winning the appeal, Ms Cunningham only returned to work for three days, making it impossible for the panel to assess whether the change in environment had a positive impact on Ms Cunningham's performance. The panel were also mindful that this was Ms Cunningham's second attempt at completing her ASYE in a different organisation.
158. The panel found that all of Ms Cunningham's conduct demonstrated a lack of competence.

Finding and reasons on current impairment:

159. When considering the question of impairment, the panel took into account Social Work England's 'Impairment and sanctions guidance', the submissions on behalf of Social Work England and the legal advice.
160. On the personal element, the panel found that most of Ms Cunningham's conduct is remediable, however, as she has not worked in social work in five years or produced any training records, she has not demonstrated that her conduct has been remedied. The panel did not have the benefit of testimonials commenting on Ms Cunningham's current standard of work or any courses undertaken to increase her proficiency in social work. The panel was not confident that Ms Cunningham is currently able to practise in social work to the requisite standard. As such, the panel found there is a high risk of repetition.
161. The panel was mindful that it was not presented with concrete evidence of actual harm caused to service users. However, Ms Cunningham's conduct, including failing to contact service users, complete assessments or record telephone conversations within appropriate timescales, and failing to identify and explore risks raised in referrals, left vulnerable service users at risk of harm.
162. The panel considered that Ms Cunningham previously failing to complete her ASYE at Warwickshire County Council was relevant to the question of impairment, as it suggested Ms Cunningham was unable to show she was competent in two different statutory organisations.
163. The panel found that Ms Cunningham showed some insight in her reflective statement, as she did accept some of the elements of the allegations, albeit without providing full admissions. [PRIVATE]
164. However, in her written responses, Ms Cunningham mainly attributed her conduct to lack of support and a toxic environment at Worcestershire County Council. The panel found that Ms Cunningham did not take full accountability for the deficiencies in her practice. As such, the panel found that Ms Cunningham demonstrated limited insight.
165. [PRIVATE]

166. On the public element, the panel determined that a finding of impairment was necessary to maintain standards and uphold public confidence in social work. Allowing Ms Cunningham to practise in social work would undermine public confidence in the profession as she has demonstrated several deficiencies in fundamental aspects of social work. In addition, the panel's finding that there is a high risk of repetition necessitates a finding of public impairment in order to protect the public.

Submissions on Sanction

167. Mr Lodge submitted that a 12 month conditions of practice order would be appropriate in this case. He provided a draft conditions of practice order and stated that such an order would protect the public while allowing Ms Cunningham to remediate her practice. Mr Lodge acknowledged that Ms Cunningham has not engaged with the process for some time and has indicated that she no longer wishes to practice.

168. Mr Lodge also sought an interim order to cover the appeal period.

Legal advice on sanction

169. The panel received legal advice on sanction. The panel was reminded that the purpose of fitness to practise proceedings are not to punish the social worker but to protect the public (*Meadow v GMC*). The panel was reminded that a removal order was not available in competence cases.

170. The panel were taken through Social Work England's 'Impairment and sanctions guidance' in detail. The legal adviser reminded the panel to consider the sanctions in ascending order to determine which sanction is appropriate and proportionate in this case. The legal adviser took the panel through each available sanction in detail and reminded it to consider the aggravating and mitigating circumstances in order to impose the appropriate sanction.

Decision and reasons on sanction:

171. When considering the question of sanction, the panel took into account Social Work England's 'Impairment and sanctions guidance', submissions on behalf of Social Work England and the legal advice.

172. The panel considered the aggravating circumstances in this case. The panel reminded itself of its earlier finding that Ms Cunningham had limited insight. Ms Cunningham had not expressed any remorse concerning the impact of her practice on vulnerable service users or on the way this undermined confidence in the social work profession. She did not accept the failings in her own practice, as demonstrated in her written responses where she held others responsible for failings in her own practice. Ms Cunningham had not made full admissions nor has she fully engaged with the fitness to practise process.

173. The panel found as an aggravating factor that Ms Cunningham's conduct was a repeated pattern of behaviour. The panel reminded itself that the risk had not been remediated as Ms Cunningham did not produce any evidence of the successful

completion of education or training programmes. The panel also reminded itself of its finding that Ms Cunningham put service users at risk of harm and that there was a high risk of repetition.

174. The panel noted that Ms Cunningham had not been brought before a regulator before for fitness to practise proceedings, which was a mitigating factor. Another mitigating factor included that Ms Cunningham was a newly qualified social worker. The panel also found that the period of time between the Performance Improvement Plan being put in place and Ms Cunningham's dismissal was approximately two months which is a short period.
175. [PRIVATE]
176. The panel considered the sanctions in ascending order. The panel found that neither no further action, an advice or a warning were appropriate sanctions in this case. This was because those sanctions would allow Ms Cunningham to practise unrestricted which would not protect the public if she were to return to practice. In addition, allowing Ms Cunningham to practise unrestricted would undermine public confidence in social workers in England as her conduct, which has not been remediated, put service users at risk of harm.
177. The panel carefully considered whether a conditions of practice order would be appropriate, proportionate and sufficient to protect the public. The panel considered the factors when a conditions of practice order may be appropriate listed at paragraph 114 of the 'Impairment and sanctions guidance'. Ms Cunningham did not demonstrate insight into the impact her lack of competence had on service users or the profession itself. The panel was mindful that insight is a necessary component for a conditions of practice order to work.
178. The panel reminded itself of its finding that Ms Cunningham's conduct demonstrated several deficiencies in fundamental aspects of social work. A number of stringent conditions would need to be put in place to ensure that Ms Cunningham can practise in a way where she does not pose a risk of harm to service users and in order to remediate her deficiencies. This calls into question whether the deficiencies in her practise can be remedied. In addition, the number of conditions required would make any conditions of practice order unworkable and onerous on any future employer.
179. The panel was mindful of its need to be satisfied that Ms Cunningham is willing to comply with conditions, in accordance with paragraph 117 of the 'Impairment and sanction guidance'. The panel did not have the benefit of hearing from Ms Cunningham as to whether she would be willing and able to comply with a conditions of practice order. In addition, Ms Cunningham does not want to continue to practise and has applied for voluntary removal. As such, the panel cannot be satisfied that she would comply with a conditions of practice order.
180. The panel reminded itself that Ms Cunningham attempted to complete her ASYE in two different statutory organisations, which would have consisted of structured and

supported learning, and still managed to cause a risk of harm to service users. This factor also points against a conditions of practice order being suitable.

181. [PRIVATE]

182. Due to all the factors listed above, the panel determined that a suspension was an appropriate and proportionate sanction. This sanction would be sufficient to protect the public as Ms Cunningham will be unable to practice.

183. Regarding the length of the sanction, the panel decided that nine months was appropriate, as it would give Ms Cunningham the opportunity to reflect on this decision, undertake courses and provide documentation that demonstrates that she is willing and able to practise safely.

184. At the review hearing, panel would expect Ms Cunningham to attend, provide a reflective piece acknowledging the risk of harm to service users and the pressure she put on her colleagues due to her lack of competence. The panel would also expect Ms Cunningham to provide evidence that she has undertaken Continuing Professional Development and is now up to date with her knowledge for an order allowing her to practice to be considered.

Interim order:

185. In light of its findings on sanction, the panel next considered an application by Mr Lodge for an interim order to cover the appeal period before the final order becomes effective.

186. The panel next considered whether to impose an interim order. It was mindful of its earlier findings and decided that it would be wholly incompatible with those earlier findings to allow Ms Cunningham to practice unrestricted until the end of the appeal period.

187. Accordingly, the panel concluded that an 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 suspension shall take effect when the appeal period expires.

Right of appeal:

188. 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.

- 189. 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.
- 190. 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.
- 191. 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:

- 192. 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
- 193. 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:

- 194. 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>.