



Social worker: Joanne Pestell

Registration number: SW103676

Fitness to Practise

Final Order Review hearing

Date of hearing: 5 May 2026

Hearing venue: Remote

Final order being reviewed: Suspension order (expiring 16 June 2026)

Hearing outcome: Impose a new order namely a removal order with effect
from the expiry of the current order

Introduction and attendees:

1. This is the second review of a final suspension order originally imposed for a period of six months by a panel of adjudicators on 20 May 2025. The first final order review took place on 5 November 2025 and the final suspension order was continued and extended for a further six months.
2. Ms Pestell did not attend and was not represented.
3. Social Work England was represented by Capsticks LLP and their written submissions are set out within the notice of hearing letter.
4. The panel of adjudicators conducting this review (hereafter “the panel”) and the other people involved in it were as follows:

| Adjudicators | Role |
|---------------------|---------------------------|
| Paul Grant | Chair |
| Sue Williams | Social worker adjudicator |

| Hearings team/Legal adviser | Role |
|------------------------------------|--------------------------|
| Molly-Rose Brown | Hearings officer |
| Cat Conway | Hearings support officer |
| Kerry Smith | Legal adviser |

Service of notice:

5. The panel noted that notice of this hearing was sent to Ms Pestell by email to an address provided by Ms Pestell (namely their registered address as it appears on the Social Work England Register).
6. The panel of adjudicators had careful regard to the documents contained in the final order review service bundle as follows:
 - A copy of the notice of the final order review hearing dated 1 April 2026 and addressed to Ms Pestell at her email address which she provided to Social Work England;
 - An extract from the Social Work England Register as of 1 April 2026 detailing Ms Pestell’s registered address;
 - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 1 April 2026 the writer sent by email to Ms Pestell at the address referred to above: notice of hearing and related documents;
 - A copy of an email to Ms Pestell’s address at 3.07pm on 1 April 2026.
7. The panel accepted the advice of the legal adviser in relation to service of notice.

8. Having had regard to the Social Work England Fitness to practise rules 2019 (as amended) ('the Rules') 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 Pestell in accordance with rules 14, 16, 44 and 45.

Proceeding with the final order review as a meeting in the absence of the social worker:

9. The notice of final order review informed Ms Pestell that the review would take place as a meeting. The notice stated:

"If you would like to attend before the adjudicators in order to make oral submissions, please confirm your intention by no later than 4pm 16 April 2026. Unless we hear from you to the contrary, we shall assume that you do not want to attend a hearing and Social Work England may decide to deal with the review as a meeting. If Social Work England do hold a meeting, the adjudicators will be provided with a copy of this letter setting out Social Work England's submissions and a copy of any written submissions you provide."

10. The panel received no information to suggest that Ms Pestell had responded to the notice of the final order review until an email dated 4 May 2026 in which she set out her position and matters she wanted the panel to take into account in making its decision. Ms Pestell had been informed that, in her absence, the review could proceed as a meeting.
11. The panel heard and accepted the advice of the legal adviser with regard to Rule 16(c) of the Fitness to Practise Rules 2019 (as amended) which provides:

"Where the registered social worker does not state within the period specified by the regulator whether they intend to attend before the regulator, the regulator may determine whether to make an order by means of a meeting."

12. The panel was satisfied that it would be fair and appropriate to conduct the review in the form of a meeting in accordance with Rule 16(c).
13. The panel heard and accepted the advice of the legal adviser in respect of proceeding in the absence of Ms Pestell. The panel determined that Ms Pestell had voluntarily absented herself and had therefore waived the right to attend a hearing. The email from Ms Pestell dated 4 May 2026 demonstrates that she was aware that a review was being held. This is a mandatory review of a suspension order that is due to expire on 16 June 2026 and, as such, there is a public interest in proceedings being dealt with expeditiously and without delay. The key consideration for the panel is one of fairness. The panel was satisfied that there could be a fair review of the final order in the absence of Ms Pestell. Whilst there may be some disadvantage to her not attending, she had the opportunity to make written submissions and provided an email dated 4 May 2026 setting out information she wanted the panel to take into account when making its decision.

Review of the current order:

14. This final order review hearing is taking place under Paragraph 15(1) of Schedule 2 of The Social Workers Regulations 2018 (as amended) and Social Work England's Fitness to Practise Rules 2019 (as amended). The purpose of this review is to review the current order, which is due to expire at the end of 16 June 2026. The order subject to review is a suspension order.

The allegations found proved which resulted in the imposition of the final order were as follows:

15. The allegations that were found proved at the final hearing which resulted in the imposition of a suspension order were:

“Whilst registered as a Social Worker at Luton Borough Council:

1. In April 2017, you failed to arrange strategy meetings in relation to two service users within the expected timeframe.

2. Between February and March 2018, you failed to adequately safeguard Child A in that:

- a. You failed to properly explore and/or take appropriate steps to act upon concerns relating to child sexual exploitation; and*
- b. You did not adequately record those concerns.*

Your actions at paragraph 1 and 2 constitute misconduct.

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

The previous final order review panel on 5 November 2025 determined the following with regard to impairment:

16. *“The panel first considered whether Ms Pestell's fitness to practise remains impaired.*

The panel noted the serious nature of the misconduct, which related to failing to arrange strategy meetings in relation to two service users within the expected timeframe and failing to adequately safeguard Child A.

The panel also noted that Ms Pestell had not complied with the recommendations of the final hearing panel and had failed to provide to this panel:

- evidence of work in a role not requiring social work registration, but related to social care which enables Ms Pestell to update relevant skills and provide testimonials/character references from a current employer;*
- evidence that Ms Pestell has taken proactive steps to investigate how she can return to social work practice when her suspension is concluded;*

- *evidence of undertaking training and education relevant to her return to social work practice. Such evidence may relate to the area of social work practice she would wish to return to, but in any event should include evidence of training in relation to safeguarding;*
- *a reflective piece addressing what happened in this case, why it happened, what went wrong and what she would do differently in the future.*

The panel decided that Ms Pestell had failed to demonstrate insight or remediation. She had not engaged with these proceedings and her circumstances had not changed since the final hearing. The risk of repetition remained. The panel therefore found that Ms Pestell's fitness to practice is currently impaired."

The previous final order review panel on 5 November 2025 determined the following with regard to sanction:

17. *"The panel decided that taking no action, issuing advice or issuing a warning would not address the serious nature of Ms Pestell's misconduct. Nor would they adequately protect the public as they would not restrict Ms Pestell's practice.*

As such they were not appropriate or sufficient to address the concerns raised due to the nature and seriousness of Ms Pestell's impairment which has not yet been remedied. Furthermore, none would be insufficient to protect the public, maintain public confidence and uphold the reputation of the profession.

The panel next considered whether a conditions of practice could be imposed rather than extending the current suspension order.

The panel noted that there had been no recent engagement by Ms Pestell. As such the panel had no knowledge of her current circumstances and whether the imposition of conditions would be a practical solution.

The panel had no material before it that would allow it to conclude that Ms Pestell would comply, in particular noting that she had failed to adopt any of the recommendations by the previous panel and make use of the advice or chances offered by it. Therefore the panel was not satisfied that workable conditions could be formulated to adequately protect the public or address the wider public interest concerns.

The panel concluded that a conditions of practice order could not be made in light of all of these circumstances.

Having determined that a conditions of practice order would not be appropriate, the panel then went on to consider if a suspension order would be the most appropriate sanction.

The panel noted that Ms Pestell had been suspended from practising for six months. This had provided her with an opportunity to address the concerns identified by the

findings of the final order panel. The panel noted that so far, Ms Pestell had failed to take advantage of any of these opportunities.

The panel determined that the suspension order should be extended for a period of six months. The panel was satisfied that this period was appropriate because this would protect the public and also provide Ms Pestell with the opportunity to provide any future panel with information to demonstrate insight and remediation.”

Social Work England submissions:

18. The panel had written submissions on behalf of Social Work England as to the background and inviting the panel to make a removal order.

Social worker submissions:

19. Ms Pestell provided an email dated 4 May 2026 in which she referenced her own personal circumstances [PRIVATE], which means that she is not currently able to undertake any form of work and will not be able to return to work for another three years. Ms Pestell set out that, in these circumstances, she did not see the point of undertaking training. She invited consideration of the recommendations being held on her record so that, when she is ready to return to work, she can complete the tasks before reregistering as a social worker.

Panel decision and reasons on current impairment:

20. In considering the question of current impairment, the panel undertook a comprehensive review of the final order in light of the current circumstances. It took into account the decision of the previous panels. However, it has exercised its own judgement in relation to the question of current impairment. The panel also took into account Social Work England’s ‘Impairment and sanctions guidance’.
21. The panel had regard to all of the documentation before it, including the decision and reasons of the original panel and the previous final order review panel, the written submissions on behalf of Social Work England, and the email provided by Ms Pestell dated 4 May 2026.
22. The panel heard and accepted the advice of the legal adviser. In reaching its decision, the panel was mindful of the need to protect the public and the wider public interest in declaring and upholding proper standards of behaviour and maintain public confidence in the profession.
23. The panel first considered whether Ms Pestell’s fitness to practise remains impaired.
24. The panel noted that the original panel had imposed a six months suspension order on the basis that the concerns raised in respect of Ms Pestell’s fitness to practise were capable of being remedied and made recommendations. The first review of the final order took place on 5 November 2025. Ms Pestell did not attend and did not provide any

evidence she had acted on the recommendations made by the original panel. The email of Ms Pestell dated 4 May 2026 is her first engagement since the final hearing.

25. The panel reminded itself that there is a persuasive burden on Ms Pestell to demonstrate that her fitness to practise is no longer impaired. Ms Pestell has not provided any evidence that she has addressed the concerns or acted on the recommendations. She has not provided any evidence of remorse, remediation or that she has maintained her skills and knowledge.
26. The panel considers that there has been no material change in circumstances since the first review of the final order confirming the suspension order imposed by the original panel. Accordingly, the panel determined that Ms Pestell's fitness to practise remains impaired in relation to the personal and public component of the overarching objective. The panel is of the view that the public would be concerned if it were to learn that a social worker who has not addressed concerns about their fitness to practise would be allowed to return to practice without restrictions.

Decision and reasons on sanction:

27. Having found Ms Pestell's fitness to practise is currently impaired, the panel then considered what, if any, sanction it should impose. The panel had regard to all the information and written material and accepted the advice of the legal adviser.
28. The panel considered the submissions made on behalf of Social Work England, which invited the panel to consider imposing a removal order, and the email of Ms Pestell dated 4 May 2026. The panel also took into account the 'Impairment and sanctions guidance' published by Social Work England.
29. The panel was mindful that the purpose of any sanction is not to punish Ms Pestell, but to protect the public and the wider public interest. The public interest includes maintaining public confidence in the profession and Social Work England as its regulator and upholding proper standards of conduct and behaviour. The panel applied the principle of proportionality by weighing Ms Pestell's interests with the public interest.

No action/advice/warning

30. The panel decided that taking no action, issuing advice or a warning would not address the serious nature of Ms Pestell's misconduct nor would they adequately protect the public as they would not restrict Ms Pestell's practice. As such, they were not appropriate or sufficient to address the concerns raised, which have not been remedied.

Conditions of practice order

31. The panel next considered whether a conditions of practice order could be imposed. Given Ms Pestell is not currently in a position to work and does not intend to return to work for another three years, she would be unable to comply with conditions of practice. Furthermore, the panel could not formulate conditions which it considered

would be sufficient to protect the public given the seriousness of the concerns in relation to Ms Pestell. The panel took into account that Ms Pestell had struggled to practice safely and effectively at work despite considerable support being in place at that time.

Suspension order

32. The panel next considered confirming and extending the existing suspension order. The panel took into account that a suspension order has now been in place for almost 12 months and, during that period, Ms Pestell had not engaged with the recommendations of the original and review panel for the reasons she sets out in her email of 4 May 2026. Ms Pestell further explains in her email that she is not currently able to work and does not intend to return to work for another three years. Whilst suspension would protect the public, in view of the fact that there is no prospect of Ms Pestell returning to practice within a reasonable timeframe, the panel determined a suspension order would not serve the public interest or be in Ms Pestell's best interests and therefore was not appropriate or proportionate.

Removal order

33. The panel was satisfied it could consider that a removal order was available to the panel as Ms Pestell's fitness to practise was originally found impaired on the basis of the statutory ground of misconduct as set out in regulation 25(2)(a).
34. The panel noted that a removal order is a sanction of last resort where there is no other means of protecting the public or the wider public interest.
35. The panel took the view that a removal order would be appropriate in this case. Ms Pestell has set out that she will not be in a position to return to work for another three years and may, when considering returning to work and at an appropriate juncture, apply to reregister. The panel took into account that a removal order is a significant step and can have a punitive effect however, in the circumstances of this case, the panel was satisfied that it was necessary and proportionate, in the public interest and in the best interests of Ms Pestell.

Right of appeal:

36. Under Paragraph 16(1)(b) of Schedule 2 of The Social Workers Regulations 2018 (as amended), the social worker may appeal to the High Court against:
 - 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.

37. Under Paragraph 16(2) of Schedule 2 of The Social Workers Regulations 2018 (as amended) 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.
38. Under Paragraph 15(1A) of Schedule 2 of The Social Workers Regulations 2018 (as amended), where a social worker appeals against a decision made under sub-paragraph (1), the decision being appealed takes effect from the date specified in that sub-paragraph notwithstanding any appeal against that decision.
39. This notice is served in accordance with Rules 44 and 45 of the Fitness to Practise Rules 2019 (as amended).

The Professional Standards Authority

40. Please note that in accordance with section 29 of the National Health Service Reform and Health Care Professions Act 2002, a review 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>