



Social worker: Moreen Hope  
Edson Mpotalingah  
Registration number: SW123711  
Fitness to Practise  
Final Hearing

Dates of hearing: 17 June 2026

Hearing venue: Remote hearing

Hearing outcome:

Discontinuance application granted, fitness to practise not impaired, no further action

## Introduction and attendees:

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018 (as amended) (“the regulations”).
2. Ms Mpotalingah attended the hearing and was represented by Ms Laura Sheridan of BASW.
3. Social Work England was represented by Ms Rebecca Steels, 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:

<b>Adjudicators</b>	<b>Role</b>
Mark Stobbs	Chair
Julie Brown	Social worker adjudicator
Melissa Forbes-Murison	Lay adjudicator

<b>Hearings team/Legal adviser</b>	<b>Role</b>
Ruby Wade	Hearings officer
Lorna Lord	Hearings support officer
Zill-E Huma	Legal adviser

## Service of notice:

5. The panel had careful regard to the documents contained in the discontinuance hearing service bundle as follows:
  - A copy of the notice of the discontinuance hearing dated 12 May 2026 and addressed to Ms Mpotalingah at her email and postal address which she provided to Social Work England. The panel noted that Ms Sheridan had been copied into the email correspondence relating to the notice of hearing;
  - An extract from the Social Work England Register as of 12 May 2026 detailing Ms Mpotalingah registered address;
  - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 12 May 2026 the writer sent by email and next day delivery service to Ms Mpotalingah at the address referred to above: notice of hearing and related documents;
  - The panel had sight of an email dated 29 May 2026 from Royal Mail business customer services confirming that, according to Royal Mail track and trace records, the documents sent to Ms Mpotalingah were delivered and signed for at 12.46pm on 13 May 2026 at the relevant delivery address.

6. Having had regard to Rules 44 and 45 of Social Work England’s Fitness to Practise Rules 2019 (as amended) ("the FTP Rules"), and to all of the information before it relating to service, the panel was satisfied that notice of this hearing had been served on Ms Mpotalingah in accordance with the FTP Rules. In addition, Ms Mpotalingah attended the hearing and was represented. In those circumstances, the panel was satisfied that service had been effective and that it was appropriate to proceed with the hearing.

### Allegations:

7. On 11 December 2024, the case examiners referred the following Regulatory Concerns to a hearing:

*“Whilst registered as a Social Worker, on or around February to September 2019:*

*1. You failed to demonstrate the necessary level of knowledge, skills or judgement of a social worker including in the following ways:*

*b) Providing inaccurate information to Service Users;*

*c) Not gathering relevant information to inform assessments;*

*d) Not recognising and responding to risk.*

*The matters outlined in regulatory concern (1) amount to the statutory ground of misconduct and / or lack of competence or capability.*

*Your fitness to practise is impaired by reason of misconduct and / or lack of competence or capability”*

### Background:

8. The concerns in this case arose from Ms Mpotalingah's employment with Wiltshire council between February and September 2019 whilst undertaking her Assessed and Supported Year in Employment (ASYE). Social Work England received the concerns in 2023. The concerns related to her professional judgement, recognition and management of risk, assessment practice, and involvement and interaction with service users. These concerns were primarily identified by her line manager, LD, through observations of Ms Mpotalingah's practice, assessments and case recording, together with concerns raised by certain service users.
9. Following receipt of the referral, Social Work England undertook enquiries with Wiltshire council and obtained information and documentation relating to the concerns. The case examiners considered the matter on 11 December 2024 and referred the case to a final hearing.
10. Following that referral, Social Work England conducted further investigations, including obtaining a witness statement from LD and documentary records held by the council, such as supervision records, case notes, meeting records and Ms Mpotalingah's ASYE

assessment. Further clarification and information were sought from LD throughout 2025.

11. During the course of the investigation, Social Work England identified significant evidential difficulties arising from the passage of time. The events in question occurred some six to seven years ago and, despite extensive enquiries, it proved difficult to attribute a number of the concerns recorded in the ASYE assessment and other documents to specific cases. In addition, no formal disciplinary or capability investigation had been undertaken by the council at the time, meaning there was no comprehensive investigatory record available beyond the contemporaneous notes, emails and supervision documentation.
12. Social Work England also considered whether additional evidence should be sought from other council employees or from service users involved in the relevant cases. It concluded that such enquiries were unlikely to materially advance the evidence available, given the passage of time, the limitations of witness recollection, and the absence of contemporaneous records beyond those already obtained. Accordingly, the investigation focused on the evidence provided by LD and the documentary records available from Wiltshire council.

### Discontinuance application:

#### Social Work England:

13. On behalf of Social Work England, Ms Steels applied for the proceedings to be discontinued in their entirety pursuant to Rule 52 of the Social Work England Fitness to Practise Rules 2019 (as amended). Ms Steels relied upon the detailed written statement of case and application for discontinuance already before the panel and supplemented those written submissions with oral submissions. She submitted that, following the further investigation undertaken after the case examiners' decision of 11 December 2024, there was no longer a realistic prospect of proving the factual allegations, establishing the statutory ground of lack of competence, or proving current impairment.
14. Ms Steels outlined the background to the concerns, which arose from Ms Mpotalingah's employment with Wiltshire council between February and September 2019 whilst undertaking her Assessed and Supported Year in Employment (ASYE). She submitted that the concerns related to Ms Mpotalingah's professional judgement, recognition and management of risk, assessment practice, and involvement and interaction with service users. The concerns had arisen primarily from observations made by LD, Ms Mpotalingah's manager at the time, together with concerns raised by certain service users.
15. Ms Steels submitted that, following receipt of the referral, Social Work England undertook extensive enquiries with Wiltshire council and sought to obtain the records underpinning the concerns. This included supervision records, case notes, meeting records, ASYE documentation and a witness statement from LD. She submitted that considerable efforts had been made to obtain further clarification and supporting

documentation from LD throughout the investigation. However, despite those enquiries, significant evidential difficulties remained. Due to the passage of time, it had not been possible in many instances to identify the specific cases to which concerns recorded in the ASYE documentation related. As a result, a number of the concerns could not be linked to identifiable cases or supported by contemporaneous records. She further noted that no formal disciplinary or capability investigation had been undertaken by the council at the relevant time and therefore no comprehensive investigatory records existed.

16. Ms Steels submitted that Social Work England had carefully considered whether further evidence should be sought from other council employees or service users. However, it concluded that such enquiries would not be proportionate and were unlikely to remedy the evidential difficulties identified. She submitted that any additional council witnesses would be reliant upon the same documentary material available to LD and would face similar difficulties arising from the passage of time and limitations of memory. In relation to service users, she submitted that they were unlikely to possess contemporaneous records and that their recollections would inevitably have faded over time. She further noted that concerns had been raised regarding the credibility of at least one service user whose evidence would be relied upon. Social Work England therefore concluded that further enquiries would be unlikely to materially advance the available evidence.
17. Ms Steels took the panel through the evidence relating to each of the concerns and submitted that there were significant difficulties in establishing the factual basis of the allegations. She submitted that aspects of the evidence consisted of hearsay or multiple hearsay, lacked contemporaneous support, contained inconsistencies, or were insufficiently specific to permit proper assessment of the concerns. She submitted that, in a number of respects, the available evidence did not establish what information had been provided by Ms Mpotalingah, what actions she had taken, whether the actions complained of had in fact occurred, or what actions she ought to have taken instead.
18. Ms Steels submitted that all three concerns shared a common allegation that Ms Mpotalingah had failed to demonstrate the necessary knowledge, skills or judgement expected of a social worker. However, she submitted that Social Work England had been unable to obtain sufficient evidence regarding the expectations placed upon Ms Mpotalingah as an ASYE social worker, the training and guidance she had received, the content of any ASYE-specific supervision arrangements, or her knowledge of the duties said to have been breached. She submitted that LD was unable to confirm a number of these matters and that the council had been unable to provide documentation capable of addressing those evidential gaps.
19. Ms Steels submitted that, whilst certain records identified areas where Ms Mpotalingah required support and development during her ASYE year, the evidence did not provide sufficiently clear, reliable or specific examples to establish the concerns alleged. She submitted that, in some instances, the evidence demonstrated learning needs and

managerial feedback rather than conduct capable of supporting the allegations. She further submitted that, in relation to some assessments, deficiencies identified by managers had subsequently been addressed following feedback and further work by Ms Mpotalingah.

20. Ms Steels submitted that the evidential deficiencies identified could not realistically be remedied through further investigation or by adjourning the proceedings. She submitted that Social Work England had undertaken extensive enquiries and had exhausted all reasonable lines of investigation. Given the passage of time, the limitations of witness recollection and the absence of further documentary material, there was no realistic prospect of obtaining evidence capable of overcoming the deficiencies identified.
21. Accordingly, Ms Steels submitted that there was no longer a realistic prospect of proving the factual allegations. In those circumstances, there was likewise no realistic prospect of establishing the statutory ground of lack of competence or proving that Ms Mpotalingah's fitness to practise is currently impaired. She therefore invited the panel to grant the application and discontinue the proceedings in their entirety pursuant to Rule 52 of the FTP Rules.

#### Social worker:

22. On behalf of Ms Mpotalingah, Ms Sheridan supported Social Work England's application to discontinue the proceedings in their entirety pursuant to Rule 52 of the FTP Rules. Ms Sheridan submitted that Ms Mpotalingah agreed with Social Work England's position that there was no longer a realistic prospect of proving the factual allegations and that it was entirely appropriate for Social Work England to offer no evidence in the circumstances of the case.
23. Ms Sheridan submitted that the case was characterised by significant evidential deficiencies, including the absence of documentary evidence capable of supporting many of the allegations, inconsistencies within the evidence that was available, and the impact of the substantial passage of time since the events in question, which dated back to 2019. She submitted that these factors had significantly undermined the reliability of the available evidence and the ability of any future panel to make findings of fact.
24. Ms Sheridan adopted the concerns identified by Social Work England regarding the evidence relating to the individual allegations. In relation to Particular 1(b), she submitted that there were no contemporaneous case records capable of establishing what information had been provided to the relevant service users and that the available evidence was inconsistent and contradictory. In relation to Particular 1(c), she submitted that there was no tangible evidence capable of supporting the allegation. She further submitted that the evidence demonstrated that, where concerns were raised regarding an assessment completed by Ms Mpotalingah, she accepted feedback, acted upon managerial guidance and subsequently produced work which was approved by management. Ms Sheridan submitted that this was entirely consistent with Ms Mpotalingah's position as a social worker undertaking her ASYE year. In relation

to Particular 1(d), she submitted that the same evidential difficulties arose, including the lack of documentary evidence and reliance upon recollections which had inevitably been affected by the passage of time.

25. Ms Sheridan submitted that Social Work England had correctly directed the panel to its discontinuance guidance, which makes clear that the regulator should not pursue concerns or allegations where there is no realistic prospect of them being found proved. She submitted that, given the evidential weaknesses identified by Social Work England, there was no realistic prospect of a panel finding the factual allegations proved. In those circumstances, there would be no basis upon which a panel could proceed to consider the statutory ground of lack of competence or any question of current impairment.
26. Ms Sheridan therefore submitted that it was not in the public interest for the proceedings to continue and invited the panel to grant the application for discontinuance in full. She submitted that the appropriate outcome was discontinuance with no further action.
27. Ms Sheridan further invited the panel, if granting the application, to ensure that its determination clearly and accurately reflected the basis upon which the proceedings had been discontinued. She submitted that the case was not being discontinued on a technical basis but because of significant evidential deficiencies, including the absence of contemporaneous records, inconsistencies within the available evidence, the passage of time, and the lack of documentary material capable of supporting the allegations. She submitted that the determination should make clear that there was no realistic prospect of the allegations being proved, that no finding of impairment had been made, and that no sanction or restriction had been imposed upon Ms Mpotalingah's registration.
28. Finally, Ms Sheridan submitted that the proceedings had had a significant impact upon Ms Mpotalingah's career, reputation, employment opportunities and professional standing. She therefore invited the panel to provide clear reasons for its decision so that the outcome of the proceedings could be accurately understood by prospective employers and others who may have cause to consider the determination in the future.

#### Legal advice:

29. The panel heard and accepted the advice of the legal adviser.
30. The legal adviser advised the panel that this was an application by Social Work England for discontinuance pursuant to Rule 52 of the FTP Rules.
31. The legal adviser advised that Rule 52 of the FTP Rules permits the regulator to apply for discontinuance where new information, available since the determination of the case examiners, means that there is no longer a realistic prospect of a determination of current impairment. The panel was reminded that the application must identify the new information relied upon and explain why, in light of that information, there is no longer a realistic prospect of impairment being established.

32. The legal adviser advised that the panel's role at this stage was not to determine the factual allegations, make findings on the statutory ground, or conduct a full impairment assessment. Rather, its task was to determine whether, having regard to the new information relied upon by the regulator, there remained a realistic prospect that a future fitness to practise panel could conclude that the social worker's fitness to practise is currently impaired.
33. The legal adviser reminded the panel that the test was whether there remained a realistic prospect, rather than a fanciful or remote prospect, of a finding of current impairment. The assessment was forward-looking and focused upon present fitness to practise.
34. The legal adviser referred the panel to Social Work England's discontinuance guidance and advised that the panel should carefully evaluate the new information relied upon by the regulator, consider whether any further investigation could realistically address the evidential difficulties identified, and determine whether continuation of the proceedings would serve a meaningful regulatory purpose. The panel was reminded of the overarching objectives of public protection, maintaining public confidence in the profession, and upholding proper professional standards.
35. The legal adviser also referred the panel to *PSA v NMC and X [2018] EWHC 70 (Admin)*, in which the High Court confirmed that it is lawful, in an appropriate case, for a regulator to offer no evidence or discontinue proceedings, provided the adjudicatory body is placed in possession of sufficient information to determine whether discontinuance is appropriate.
36. The legal adviser advised that, in the present case, Social Work England sought discontinuance of all concerns and proposed to offer no evidence. The panel was therefore required to determine whether the material before it demonstrated that there was now insufficient evidence upon which a finding of current impairment could realistically be made.
37. The legal adviser advised that, if the panel was satisfied that there was insufficient evidence to support a realistic prospect of a finding of current impairment, Rule 52(3)(a) required it to determine that Ms Mpotalingah's fitness to practise was not impaired, provide reasons for that decision, and proceed to consider the appropriate outcome under paragraph 12(1) of Schedule 2 to the Social Workers Regulations 2018. If it was not so satisfied, Rule 52(3)(b) permitted the panel to adjourn the proceedings and give directions for the matter to proceed to a substantive hearing.

### Panel's decision and reasons on discontinuance:

38. The panel carefully considered all of the evidence and documentation before it. This included the service and supplementary bundle of approximately 40 pages, Social Work England's 12-page statement of case and application for discontinuance, and the main discontinuance bundle comprising approximately 1,041 pages. The panel also took account of the oral submissions made by Ms Steels on behalf of Social Work England,

the oral submissions made by Ms Sheridan on behalf of Ms Mpotalingah, and the advice of the legal adviser, which it accepted.

39. The panel reminded itself that this was an application by Social Work England for discontinuance pursuant to Rule 52 of the FTP Rules. The panel recognised that its task was not to determine the factual allegations, make findings as to the statutory ground, or conduct a full assessment of impairment. Rather, the panel was required to determine whether, in light of the new information obtained since the case examiners' decision, there remained a realistic prospect that a future fitness to practise panel could find the factual allegations proved and, in turn, find that Ms Mpotalingah's fitness to practise is currently impaired.
40. The panel had regard to Social Work England's discontinuance guidance and the overarching objectives of protecting the public, maintaining public confidence in the profession, and upholding proper professional standards. The panel had regard to the principles set out in *PSA v NMC and X* [2018] EWHC 70 (Admin), namely that an adjudicatory body must be provided with sufficient information to enable it to determine whether a regulator's application to offer no evidence or discontinue proceedings is appropriate.
41. The panel was satisfied that Social Work England had fully opened the basis of its application and had provided sufficient information to enable the panel to scrutinise whether discontinuance was appropriate. The panel noted that the concerns arose from Ms Mpotalingah's employment with Wiltshire council between February and September 2019, during her Assessed and Supported Year in Employment. The concerns related to her professional judgement, recognition and management of risk, assessment practice, and interactions with service users.
42. The panel accepted that substantial further investigation had been undertaken after the case examiners' decision. Social Work England had obtained a witness statement from LD, together with supervision records, case notes, meeting records, ASYE documentation and other records held by Wiltshire council. The panel noted that Social Work England had also made repeated attempts to obtain clarification and further supporting material from the council.
43. Having reviewed the material, the panel accepted that significant evidential difficulties had emerged which were not known to the case examiners at the time of referral. Many of the concerns recorded in the ASYE documentation could not be linked to identifiable cases or supported by contemporaneous records. No formal disciplinary or capability process had been undertaken by the council at the relevant time and, as a result, there was no comprehensive investigatory record. The panel considered that this materially affected the realistic prospect of proving the concerns.
44. In relation to Regulatory Concern 1(b), the panel was satisfied that there was no realistic prospect of proving that Ms Mpotalingah provided inaccurate information to service users. The panel noted the absence of direct contemporaneous evidence establishing what information was provided. In respect of both children, the evidence

consisted largely of retrospective accounts, hearsay or multiple hearsay, and records which appeared inconsistent or contradictory. In respect of Child 1 there was concern that the father's evidence was unreliable. The panel was particularly concerned that the available records did not clearly establish what the council's own position was at the relevant time. In those circumstances, the panel concluded that a future panel could not reliably determine what Ms Mpotalingah said, whether it was inaccurate, or whether it amounted to a failure of professional judgement.

45. In relation to Regulatory Concern 1(c), the panel was satisfied that there was no realistic prospect of proving that Ms Mpotalingah failed to gather relevant information to inform assessments. In respect of Child 1, the evidence did not identify with sufficient clarity what relevant information had not been obtained or why the assessment was inadequate. The panel noted that the assessment had been authorised and did not contain any clear contemporaneous indication that it was deficient. In respect of Child 3, whilst an initial assessment required further work, the evidence showed that Ms Mpotalingah acted upon feedback, gathered further information and completed an assessment which was subsequently authorised. The panel considered this important in the context of Ms Mpotalingah being an ASYE social worker who was still learning and receiving supervision, mentoring and managerial feedback.
46. In relation to Regulatory Concern 1(d), the panel was satisfied that there was no realistic prospect of proving that Ms Mpotalingah failed to recognise and respond appropriately to risk. The panel noted that many of the risk concerns arose from the same cases relied upon in relation to the other particulars and were therefore affected by the same evidential weaknesses. The panel also noted that broader concerns were expressed in the ASYE documentation, but those concerns were not supported by specific case records, concrete examples or contemporaneous evidence capable of proper analysis. The panel concluded that high-level assertions, without supporting evidence, would not provide a sufficient basis for a future panel to make findings of fact.
47. The panel also considered the common stem of the concerns, namely the allegation that Ms Mpotalingah failed to demonstrate the necessary knowledge, skills or judgement expected of a social worker. The panel noted the lack of evidence regarding the expectations placed upon Ms Mpotalingah as an ASYE social worker, the relevant policies and procedures, the training she received, the supervision arrangements in place, and the extent of her knowledge of the duties she was said to have breached. The panel considered that this was a significant evidential deficiency, particularly where the concerns were framed as failures.
48. The panel considered whether the deficiencies could realistically be remedied by further investigation or by adjourning the proceedings. It was satisfied that they could not. Wiltshire council had provided the records it held in relation to the identified cases. There was no realistic prospect of obtaining further documentary evidence. The passage of approximately six to seven years had significantly affected witness

recollection. Further enquiries of council employees were unlikely to produce materially different evidence, and seeking evidence from service users at this stage would not be proportionate or likely to remedy the deficiencies.

49. The panel accepted that the position was not simply one of minor evidential weakness. The cumulative effect of the missing contemporaneous records, contradictory material, lack of specificity, limitations in witness memory, absence of a local disciplinary or capability investigation, and lack of evidence regarding ASYE expectations meant that the evidential foundation of the case was fundamentally undermined.
50. The panel therefore concluded that there was no realistic prospect of a future panel finding the factual allegations proved. It followed that there was no realistic prospect of establishing the statutory ground of lack of competence and no realistic prospect of a finding that Ms Mpotalingah's fitness to practise is currently impaired.
51. Accordingly, pursuant to Rule 52(3)(a), the panel determined that Ms Mpotalingah's fitness to practise is not impaired.
52. The panel then considered the available outcomes under paragraph 12(1) of Schedule 2 to the Social Workers Regulations 2018. Having concluded that there was no realistic prospect of proving the facts, establishing the statutory ground, or finding current impairment, the panel was satisfied that neither a warning nor advice was appropriate or necessary.
53. The panel granted Social Work England's application and directed that the proceedings be discontinued in their entirety, with no further action.

### The Professional Standards Authority:

54. 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>.