

Social worker: Gail Foxon

Registration number: SW53832

Fitness to Practise

Final Hearing

Dates of hearing: 22 July 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 Foxon did not attend and was represented by Mr Christopher Hopkins.
3. Social Work England was represented by Mr Ed Carey case presenter, instructed by Capsticks LLP/Social Work England.
4. The panel of adjudicators conducting this hearing (hereafter “the panel”) and the other people involved in it were as follows:

Adjudicators	Role
Debbie Hill	Chair
Matthew Graham	Social worker adjudicator
Margie Leong	Lay adjudicator

Hearings team/Legal adviser	Role
Evie Mosley	Hearings officer
Raegan Kirkland	Hearings support officer
Paul Moulder	Legal adviser

Service of notice:

5. The hearing was attended by Mr Christopher Hopkins. Social Work England was represented by Mr Ed Carey of counsel.
6. The panel noted from the Service and Supplementary Bundle that Notice of the hearing dated 17 June 2026 was served by email to Ms Foxon at her registered email address and also to Mr Hopkins.
7. Having had regard to the papers and the attendance of both parties, the panel was satisfied that proper service of notice had been effected.

Proceeding in the absence of the social worker

8. The panel was informed that, due to illness, Ms Foxon was unable to attend the hearing today. Mr Hopkins informed the panel that he had notified Social Work England’s representatives the day before the hearing as to her indisposition.
9. The panel heard the submissions of Mr Carey on behalf of Social Work England. He submitted that although Ms Foxon was not present at the hearing, she was represented by Mr Hopkins for the purposes of the application and the panel could proceed with the hearing.
10. The panel considered that, in view of the type of allegation and Mr Hopkins’ presence as her representative, Ms Foxon would suffer no prejudice from the panel proceeding. The

panel accepted Mr Carey's submission. In addition, the panel noted that Ms Foxon's husband, was also present for the virtual hearing.

The panel was satisfied that it was fair and appropriate to proceed with the hearing of Social Work England's application.

Preliminary matters:

11. The panel was provided with the following documents.

- Social Work England's draft Statement of Case (10 pages)
- Discontinuance Bundle (1,292 pages)
- Statements Bundle (37 pages)
- Exhibits Bundle (808 pages)
- Social Worker Response Bundle (360 pages)
- Service and Supplementary Bundle (138 pages)

Allegations:

12. The allegations referred by the Case Examiners are as follows:

While registered as a social worker in, or around July 2018 you:

1. Displayed aggressive, offensive, intimidating, malicious and/or insulting behaviour towards colleagues; and

2. Abused and/or misused your power/role to undermine, humiliate, denigrate and/or injure colleagues.

The actions outlined at allegation paragraphs 1 and 2 amount to the statutory ground of misconduct.

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

Background:

13. Ms Foxon is a social worker registered with Social Work England. At the relevant times Ms Foxon was employed by the Government of Jersey as a Team Manager/Social Worker within the Older Adult Community Mental Health team.

14. On 29 March 2021, Social Work England received a referral from Complainant (Person A), employed by the Government of Jersey's mental health services, regarding Ms Foxon. The referral arose out of concerns about Ms Foxon's alleged conduct towards colleagues in the workplace between 2018 and 2020. The allegations included alleged aggressive, intimidating and inappropriate behaviour towards members of staff. It was alleged that Ms Foxon had misused her position of authority on an occasion. The employer had conducted its own internal investigations and disciplinary proceedings in respect of allegations.

Discontinuance application:

15. Social Work England brought an application for discontinuance in full of the Allegations against Ms Foxon, pursuant to Rule 52(1) of Social Work England's Fitness to Practise Rule 2019 (as amended) ("the Rules"). The application was supported by a written Statement of Case. This set out the new information and the reasons why there was no longer a realistic prospect of a determination of impairment in the view of the regulator.
16. Mr Carey relied on the written Statement of Case and expanded on it in the hearing. It was submitted that Ms Foxon had consistently denied the substantive allegations which had been raised at a local level and had likewise denied the regulatory concerns advanced by Social Work England. In her responses, it was stated, Ms Foxon had maintained that she had not bullied, intimidated, undermined or misused her position in relation to her colleagues. Ms Foxon had contended that a number of the complaints made against her had been vexatious, inaccurate or had arisen out of wider dysfunction, interpersonal conflict and lack of managerial support within the service.
17. Ms Foxon did not accept having acted in a threatening or improper manner with regard to a data-breach issue. In response, Ms Foxon's case was that she had become concerned about the issue, had sought HR advice and had attempted address of a serious governance issue.
18. Mr Carey submitted that the Case Examiner's decision to proceed to refer the allegations had, according to their determination, not been a simple decision. He submitted that the decision that there was more than a 'fanciful' chance of proving the allegations would have proceeded on a reasonable assumption that the main complainants, Person A, Person B and Person C would in due course provide detailed statements with greater particularisation.
19. Mr Carey submitted that, unfortunately, Person B had died and there was now only a statement from a trainee at Capsticks who had taken a telephone attendance note of her evidence, the contents of which had not been confirmed by the witness. In addition, he submitted, there had been significant confirmation that Person C was not willing to assist in the proceedings.

20. Mr Carey submitted that, beyond the difficulties with two of the principal factual witnesses, it was apparent that much of the factual evidence relied on 'hearsay' evidence, some of it multiple hearsay.
21. Mr Carey submitted that, taken at its highest, Social Work England's case on the facts would establish that some colleagues had perceived Ms Foxon had been 'difficult' and 'unapproachable'. He submitted that it would not show a pattern of bullying or abuse of power. Mr Carey submitted that the evidence showed general descriptions of perceived cliques and exclusionary conduct, but this was based on the witnesses' feelings rather than facts which they could account.
22. Mr Carey submitted that, although the allegations were serious, if they could be proved, at present Ms Foxon would face difficulty in being able to properly respond to them. He also submitted that there were potential fairness issues around seeking to rely on evidence, which may be 'sole or decisive' evidence but which was hearsay evidence. Mr Carey submitted that, unless it could be shown to be demonstrably reliable, there was doubt such evidence should be admitted to a hearing.
23. Mr Carey submitted that one of the most serious allegations, that Ms Foxon had misused her position to manipulate the internal disciplinary processes was not currently supported by clear evidence.
24. It was submitted that, even if the facts had a realistic prospect of being proved, there remained a question of a realistic prospect of proving misconduct and then impairment of fitness to practise. He submitted that the allegations are now related to events having occurred some six to eight years ago. Mr Carey submitted that Ms Foxon had provided extensive evidence to demonstrate her reflections on her practice. Mr Carey submitted that, even if misconduct was found, the case no longer had a realistic prospect that a panel would find current impairment.
25. Social Work England's submission was that the case should be discontinued in full on the basis that there was insufficient evidence to make a finding of impairment. In the alternative, it was submitted, the panel should consider whether one or more of the regulatory concerns, or their constituent factual bases should be discontinued.
26. Mr Hopkins, on behalf of Ms Foxon, asked the panel to carefully consider the 'Impact Statement' provided by Ms Foxon. He submitted that, since the events in the allegations, no further complaints had been raised in any form.
27. Mr Hopkins referred the panel to the character references/testimonials provided on behalf of Ms Foxon. He referred the panel to sections of these, where the writers gave factual evidence concerning the internal disciplinary investigation.
28. Mr Hopkins submitted that there were criticisms of the internal investigation carried out on behalf of Ms Foxon's employer. He submitted that interview techniques used with Ms Foxon had been 'excessive'.

29. Mr Hopkins submitted that Ms Foxon had suffered for six years as a result of poor investigatory practice. He submitted that this would not have occurred, if Ms Foxon had been represented in the process.

Mr Hopkins submitted that the appropriate course was to grant the application for discontinuance in full.

Legal Advice

30. The legal adviser set out for the panel its powers under Rule 52, which states:

1. Where the regulator considers that new information available since the determination of the case examiners means that there is no longer a realistic prospect of a determination of impairment in relation to the case, the regulator may make an application for discontinuance of the case to be considered by the adjudicators.

2. An application made under paragraph (1) must include details of the new information and a statement of case setting out why there is no longer a realistic prospect of a determination of impairment.

3. Adjudicators must consider the application and if the adjudicators:

a. decide that there is insufficient evidence to make a finding of impairment, make a decision that the social worker's fitness to practise is not impaired, providing reasons for their decision, and impose an outcome in accordance with Paragraph 12(1) of Schedule 2;

b. do not agree that there is insufficient evidence to make a finding of impairment, they may adjourn and give relevant directions as to the progression of the case to a fitness to practise hearing.

31. The legal adviser advised the panel that, although the Case Examiners had determined there was a 'case to answer', Social Work England had a duty to keep the prospects of a case under review. Although Social Work England now brought the application for discontinuance, the decision was for the panel to make. It may make any of the decisions as set out in Rule 52.

32. The legal adviser advised the panel that the courts had made clear that regulatory panels have a positive duty to ensure cases are properly pursued in the public interest: *CHRE v GMC and Ruscillo* [2005] 1 WLR 717, CA. There had been criticism of a panel for acceding to discontinuance, without due enquiry: *PSA v NMC & X* [2018] EWHC 70 (Admin).

33. The legal adviser advised the panel to decide, having considered the factual evidence and the submissions, whether there remained a realistic prospect of Social Work

England proving the facts and if so, whether there was a realistic prospect of a future finding of misconduct and then current impairment of fitness to practice.

34. The legal adviser advised the panel to make a decision based on Rule 52. If it acceded to the application to discontinue, the panel should then go on to decide which of the options in paragraph 12(1) of Schedule 2 of the Social Worker Regulations 2018 (as amended) was the appropriate step. He referred the panel to Social Work England's *Impairment and Sanctions Guidance* in relation to the matter of potential warning or advice.

Panel decision on discontinuance:

35. When making their decision the panel took into account Social Work England's '*Discontinuance guidance*'.
36. The panel acknowledged its own obligation to ensure that cases are fully pursued in the interests of public protection. Even though Social Work England made the application, it was mindful that it had to consider whether the public interest was met by discontinuance.
37. The panel took into account that the Allegations as currently drafted lacked considerably in particularity of the events which had been said to support the allegation of misconduct and hence impaired fitness to practice.
38. The panel accepted the submissions on behalf of Social Work England. It was clear from the panel's consideration of the witness statements that much greater detail was required in the evidence of the witnesses. In respect of the evidence of Person B, it was clear that, due to her sad demise, there was no prospect of Social Work England gaining the necessary detail. In respect of Person C, it now appeared that there was not a prospect of gaining her assistance in obtaining more detailed evidence.
39. The panel accepted the submission by Social Work England that the current evidence lacked a degree of specificity and also much was hearsay and multiple hearsay. It acknowledged that the panel had a broader discretion to admit evidence than applied in some courts. However, the power to admit such evidence involved serious considerations of fairness. The panel noted that there were acknowledged conflicts in the factual evidence, some of which went to potentially show a completely different characterisation of Ms Foxon's practice.
40. The panel accepted Social Work England's submissions that the present evidence disclosed no realistic prospect of proving paragraph 1 of the Allegation. It considered that within the current evidence many of the allegations were unspecific or relied on what colleagues had been told by others, without direct evidence, or were generalised. The panel accepted that there was now little prospect of the witness evidence being obtained in more detailed form.

41. The panel accepted Social Work England's submissions that the present evidence disclosed no realistic prospect of proving that Ms Foxon abused or misused her role, as alleged in paragraph 2 of the Allegation.
42. The panel considered the current allegations and determined that, based on the evidence currently available did not have a realistic prospect of being proved. The panel did not consider that there were further, reasonable steps which Social Work England ought to take to gain further evidence on the fairly broad-brush allegations.
43. The panel further determined that, even if it was wrong about a realistic prospect of proving the facts, a panel hearing the case would be bound to take into account the information from Ms Foxon concerning her reflections, CPD and testimonials as to her character, as provided to this panel. The panel acknowledged Ms Foxon's impact statement as to the effect of the proceedings upon her, but also the considerable time that had elapsed since the events in question and her development since then.
44. The panel concluded that, in all the circumstances, if there was a realistic prospect of facts being found proved and those facts being found to be misconduct, there was no longer a realistic prospect of a finding of current impairment of fitness to practise in the case.
45. In accordance with Rule 52(3) of the Fitness to Practise Rules 2019 (as amended) if the panel decide that there is insufficient evidence to make a finding of impairment, it should make a decision that the social worker's fitness to practise is not impaired and impose an outcome in accordance with paragraph 12(1) of schedule 2 of the regulations.
46. As such the panel has decided that Ms Foxon's fitness to practise as a social worker is not impaired.
47. Further, having considered the documentation provided by Ms Foxon, including her reflection, details of her further Continuing Professional Development and the character references, the panel decided that it was not necessary to give a warning as to future conduct or advice in connection with the fitness to practise proceedings.

The panel decided to take no further action.

The Professional Standards Authority

48. 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>.