Social worker: Lucy Faulkner
Registration number: SW115872
Fitness to Practise
Final Hearing

Dates of hearing: 23 February 2026 to 6 March 2026

Hearing venue: Remote hearing

Hearing outcome:
Fitness to practise impaired, suspension order (15 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 Faulkner attended and was not represented.

3. Social Work England was represented by Mr Harris 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**
Alexander Coleman	Chair
Stella Elliott	Social worker adjudicator
Sarah McAnulty	Lay adjudicator

Hearings team/Legal adviser	**Role**
Hannah Granger	Hearings officer
James Dunstan/Liam Dixon	Hearings support officer
Dido Ofei-Kwatia	Legal adviser

Service of notice:

5. The panel was satisfied that service had been complied with in accordance with the Fitness to Practice Rules 2019 (as amended), ("the rules").

Preliminary matters:

Reasonable adjustments

6. Ms Faulkner made a request for reasonable adjustments as follows;

   - Ms Faulkner would like to be referred to as Lucy, rather than Ms Faulkner.
   - Ms Faulkner requested that she be asked one question at a time and that a question would be reworded if required.
   - Ms Faulkner requested that family life and health matters to be heard in private.
   - Ms Faulkner to be off camera when decisions are handed down, and to be given time to read and absorb the decision before resuming session.
   - Ms Faulkner requested extra breaks if needed.
   - Flexibility around Ms Faulkner having her camera on and off during the hearing, although she would try to have it on as much as possible.

7. Mr Harris raised no objections to the application as made.

8. The panel received advice from the legal adviser, who reminded it of the Social Work England's Equality and diversity; reasonable adjustments (disabilities) guidance dated 28 September 2022. Upon considering the application the panel stressed that this is fitness to practise hearing and as such it necessitates a degree of formality. However, the panel in response to the application decided;

    - Ms Faulkner would like to be referred to as Lucy, rather than Ms Faulkner

9. Ms Faulkner will be referred to as Lucy, as it was satisfied that this would not detract from the formality of the hearing.

    - One question to be asked at a time and that a question would be reworded if required.

10. The panel was satisfied that this would be ensured in any event.

    - Personal and health matters to be heard in private.

11. The panel was satisfied that this would be ensured pursuant to the case management meeting decision of 14 January 2026.

    - Ms Faulkner to be off camera when decisions are handed down, and to be given time to read and absorb the decision before resuming session.

12. The panel decided that this would be facilitated in any event, as decisions are sent out in writing and appropriate time would be afforded for the decision to be considered.

    - Extra breaks if needed

13. The panel was satisfied that this would be ensured and encouraged Ms Faulkner to indicate if she felt that she needed any extra breaks than those given.

    - Flexibility around Ms Faulkner having her camera on and off

14. The panel indicated that this would be ensured, however it would seek confirmation that Ms Faulkner was not having technical issues.

    <u>McKenzie friend</u>

15. Ms Faulkner made an application to have the support of a McKenzie friend during the hearing, her name is Suzanne Fiorini and she works as an employment adviser. Ms Faulkner explained that Ms Fiorini has been her employment advisor for over three years, and is fully abreast of all matters. Ms Faulkner indicated that she does not think that she would have been able to participate in the fitness to practise process without Ms Fiorini's support.

16. Mr Harris had no objection to the application having confirmed that this was not an application under Rule 40 of 'the rules' for representation. He submitted that it was right and proper for Ms Faulkner to have the support of a McKenzie friend, subject to the discretion of the panel.

17. The panel exercised its discretion and granted the application for Ms Faulkner to have Ms Fiorini as her McKenzie friend. It saw no unfairness in Ms Faulkner receiving the support of Ms Fiorini in this capacity.

Inadvertent sharing of the entire exhibits bundle to Social Work England witnesses

18. The panel was addressed on an administrative error in which the full exhibits bundle had accidently been served upon the two live witnesses for Social Work England. It was explained that once contact was made, one witness confirmed that they were yet to open the documents and the other indicated that they had just opened the documents. Both confirmed they had not read anything and they were asked to delete the documents. The correct bundles were then sent to each of them.

19. Mr Harris submitted that there was nothing unfair or that would prejudice Ms Faulkner as a result of what had happened. He submitted that in view of the large size of the bundle, even if it had been opened it was unlikely any pertinent information would have been considered. Mr Harris said that the mistake was inadvertent and did not put Ms Faulkner at any disadvantage.

20. Ms Faulkner noted that whilst she has concerns that the witness had access to exhibits they should not have, she appreciated that Social Work England had taken steps to rectify the issue.

21. The panel concluded that this had been an unfortunate administrative error. The panel was satisfied that Social Work England had been open and transparent and taken all reasonable steps to rectify the matter expeditiously. The panel decided that there was little if any prejudice to Ms Faulkner, and that this does not outweigh the public interest in proceeding fairly with the hearing.

Documents

22. The panel checked and it was confirmed that all parties had the same bundle of documents, which comprised of the following:

- Hearing timetable – 6 pages
- Statement of case – 126 pages
- ID Key – 2 pages
- Statements bundle – 117 pages
- Exhibits bundle – 2933 pages
- Social worker's response bundle – 297 pages
- Service and supplementary bundle – 79 pages

Background:

23. On 7 September 2022, Social Work England received a referral from Ms Morris on behalf of Bracknell Forest Council ('the Council') regarding Ms Faulkner. Ms Morris had conducted an investigation by the Council into concerns prior to making the referral.

24. Ms Faulkner had been employed by the Council as a senior practitioner within the Children Looked After Team, having moved from the Family Safeguarding Team. Her role included ensuring and gatekeeping care plans for the children with which she was working, carrying out regular statutory visits to allocated children, writing reports and engaging with other agencies. Ms Faulkner's main responsibility was to represent the voices of the children for whom she was working, in order to improve outcomes for children and young people including establishing permanency plans for them.

25. The concerns relate to Ms Faulkner not maintaining professional boundaries with Service User A, allegations of dishonesty in her dealing with service users and management, and failing to complete essential allocated tasks for multiple service users.

Allegations:

26. The allegations arising out of the regulatory concerns referred by the Case Examiners on 11 March 2024 are:

Whilst registered as a social worker:

1. *You were allocated to the case of Service User A as an 'Other Involved Professional' between the approximate dates of 4 January 2022 and 19 April 2022*
2. *Between the approximate dates of 4 January 2022 and 19 April 2022:*
    a. *You had been instructed not to undertake work with Service User A on your own;*
    b. *You undertook/attempted one or more visits on your own to Service User A, as set out in Schedule 1;*
    c. *You failed to accurately record in Service User A's case notes in respect of one or more of the visits that you undertook/attempted to Service User A, as set out in Schedule 1;*
    d. *You visited Service User A on 4 April 2022 to pick* [PRIVATE] *up, when you were on annual leave;*
    e. *You incorrectly recorded in Service User A's case notes that you had 'bumped into' Service User A when visiting* [Service User A's] *accommodation on 4 April 2022, when in fact you had visited Service User A to pick* [PRIVATE] *up;*
    f. *You undertook/attempted four visits to Service User A on weekends or bank holidays;*
    g. *The visits you undertook/attempted to Service User A were of an inappropriate frequency*
3. *On or around 21 April 2022, your professional involvement with Service User A ceased.*

4. *Between the approximate dates of 21 April 2022 and 28 July 2022, you visited, or attempted to visit, Service User A on one or more occasions as set out in Schedule 2, which were carried out in one or more of the following ways:*
    a. *After you were aware of the management instruction not to have contact with Service User A and/or* [Service User A's] *file being restricted to you;*
    b. *Multiple times per day, on one or more dates;*
    c. *After work hours, on one or more occasions;*
    d. *On weekends, on one or more occasions;*
    e. *In the company of Service User B, on one or more occasions;*
    f. *Including you being left alone in Service User A's flat on one or more occasions;*
    g. *Without keeping full and accurate records of your interactions with Service User A;*
5. *You provided Service User A with your personal mobile telephone number;*
6. *By your conduct at allegations 4 and 5 above, you failed to maintain professional boundaries.*
7. *You made assertions that were false and/or misleading to your employer in relation to your contact with Service User A in that you:*
    a. *Visited Service User A on one or more occasions as set out in Schedule 3, when your work calendar indicated other activity;*
    b. *During a supervision meeting on 17 May 2022, asserted words to the effect of 'I am still frustrated that I didn't get to do my ending visit and always will be' in respect of Service User A, which impliedly asserted that you had not seen* [Service User A] *since a management instruction not to do so, given on or around 21 April 2022;*
    c. *Emailed your line manager on 28 July 2022, in which you responded to her question asking whether you were seeing Service User A, and you asserted words to the effect that you had seen Service User A briefly outside Service User A's accommodation but not alone, when in fact you had seen Service User A on multiple occasions after 21 April 2022;*
8. *Your conduct at paragraphs 2.c and / or 2.e and/ or 7 was dishonest;*
9. *You failed to complete:*
    a. *Needs/ single assessment for Service User B, on or around 4 July 2022 to 29 July 2022;*
    b. *Revised Pathway Plan for Service User E, on or around 11 July 2022 to 29 July 2022;*
    c. *Single assessment for Service User O, on or around 16 June 2022 to 29 July 2022;*
10. *Your case recording was inadequate, in that:*
    a. *The records for one or more visits set out in Schedule 4 contained insufficient details, and/or did not use the appropriate visit template*
    b. *The records for one or more visits set out in Schedule 5 were not made in a timely manner*
11. *You did not attend the Annual review and/or PEP meetings for Service User D on 28 June 2022, either at all, or for an adequate length of time.*

Admissions:

27. Rule 32c(i)(aa) Fitness to Practise Rules 2019 (as amended) (the 'Rules') states:

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

28. Following the reading of the allegations the panel chair asked Ms Faulkner whether she admits any of the allegations.

29. Ms Faulkner informed the panel that she admitted allegations 1, 2b, 2c, 2d, 2e, 2f, 2g, 4b, 4c, 4d, 4e, 4f, 4g, 5, 6, 7a, 7c, 9a, 9b, 9c, 10a, 10b and 11.

30. The panel therefore found allegations 1, 2b, 2c, 2d, 2e, 2f, 2g, 4b, 4c, 4d, 4e, 4f, 4g, 5, 6, 7a, 7c, 9a, 9b, 9c, 10a, 10b and 11 proved by way of Ms Faulkner's admissions.

31. The panel noted that Ms Faulkner denied allegations 2a, 3, 4a, 7b, 8.

32. In line with Rule 32c(i)(a) of the rules, the panel then went on to determine the disputed facts.

Summary of evidence:

Social Work England

33. The panel read all the relevant documents including and not limited to the statement of case, final statement bundle, final exhibit bundle and social worker's response bundle. By consent of both parties, the panel admitted into evidence the remaining statements in the statement bundle.

34. Mr Harris opened on behalf of Social Work England by summarising the statement of case. Oral evidence was given by the witnesses;

    a) Ms Hannah Morris - Head of service for First Response at the Council, formerly team manager for the Life Chances Team at the material period, and

    b) Ms Clare Glennerster - Child Protection Conference Chair and Independent Reviewing Officer for the Council, formerly team manager in the life Chances Team at the material period and also Ms Faulkner's line manager from April 2022 to July 2022.

35. Ms Morris confirmed that she had been a social worker since 2007 and prior to her role as Head of service, she had been a team manager, responsible for supervising three assistant team managers. Ms Morris explained that she had conducted an investigation on behalf of the Council into the concerns raised about Ms Faulkner. This investigation took place prior to the referral being made to Social Work England.

36. Ms Morris conducted interviews and reviewed documentary evidence as part of the investigation process and these were exhibited in her witness statement evidence. The exhibits included a table cross-referencing the provided handover details with Ms Faulkner's work diary and CCTV records covering the period 1 April 2022 to 28 July

2022. This showed visits to Service User A made by Ms Faulkner as captured in the CCTV records that included out of hours, weekends and bank holidays.

37. Ms Morris identified Ms Faulkner's practice issues that were unearthed as part of the investigation and explained why in her professional opinion these matters were of concern. She also gave oral evidence to supplement her witness statement.

38. Ms Glennerster confirmed that she had been a social worker since 2009. At the material period she was team manager in the Life Chances team. The role included managing a combined team of 11 that included assistant team managers, social workers, personal advisors and administrators. She explained her responsibilities included supervising team members and providing advice and guidance on all aspects of support for Children who were Looked After and care leavers, to other professionals and staff.

39. Ms Glennerster explained that she had a working relationship with Ms Faulkner as her manager at the material time, and she exhibited supervision records from April 2022 to July 2022. Ms Glennerster gave evidence about the allegations and explained the ways, supported by reasons, in which Ms Faulkner is believed to have departed from professional practice.

Social worker

40. The panel heard oral evidence from Ms Faulkner who confirmed that she had been qualified for five years prior to the material period. She explained that she had worked without issue and had also held safeguarding roles prior to January 2022.

41. Ms Faulkner outlined [PRIVATE].

42. Ms Faulkner discussed the disputed allegations and gave evidence in which she explained her understanding of matters at the time. She also explained the background and context of her actions.

43. Both Mr Harris and Ms Faulkner made closing submissions on the evidence.

Finding and reasons on facts:

44. The panel accepted the advice of the legal adviser, who reminded it where facts have been admitted they are to be found proved. Where facts are in dispute the panel is required to go on to decide those facts. The burden to prove each allegation rests with Social Work England and the panel must be satisfied on the balance of probabilities.

45. In reaching its decision the panel was reminded to consider all of the documentary evidence before it and the evidence from the live witnesses. In relation to dishonesty, the panel was advised to apply the test as set out in *Ivey v Genting Casinos (2017) UKSC 67* and in so doing to first determine the social worker's actual state of knowledge or belief as to the facts at the relevant time, and then to consider whether the conduct would be regarded as dishonest by the standards of ordinary decent people.

46. The panel found that witnesses did their best to recall events that occurred approximately four years ago and accepted the acknowledgements of the witnesses that there were some gaps in memory due to the passage of time.

47. [PRIVATE].

48. The panel noted that Ms Faulkner now denied allegations 2a, 3, 4a, 7b and 8 and it concerned itself with making findings on these allegations.

Particular 1

Whilst registered as a social worker: You were allocated to the case of Service User A as an 'Other Involved Professional' between the approximate dates of 4 January 2022 and 19 April 2022.

49. The panel found this allegation proved under Rule 32 of 'the rules' by virtue of Ms Faulkner's admission.

Particular 2a

Whilst registered as a social worker: Between the approximate dates of 4 January 2022 and 19 April 2022: You had been instructed not to undertake work with Service User A on your own;

50. The panel noted the email of 24 January 2022 sent from Ms Glennerster to Ms Breadman and Ms Faulkner confirming that it had been agreed for Ms Faulkner *"to keep in touch with [Service User A] until 02/04/2022…Kim could you lead, and Lucy can you please ensure that you catch up with Kim prior to any actions being completed and any work is joint work to facilitate the transfer to Kim. Legislation is very different for LCS and there are things that can no longer take place due to* [*Service User A*'s] *age"*.

51. The case note of Ms Faulkner's email reply of the same date was also considered. On 24 January 2022 she said "*Yeah this is all fine. Kim and I have a joint visit arranged for tomorrow"*.

52. The panel also noted the evidence of both Ms Herniman and Ms Glennerster in which the role of 'other allocated professional' was discussed as was the need for Service User A to transfer from a social worker to the leaving care team where [*Service User A*] would work with a personal advisor at [PRIVATE]. Ms Faulkner's role in the transition was made clear to her.

53. Email correspondence of 28 February 2022 sent from Ms Glennerster to Ms Breadman and Ms Faulkner stated, "*I would expect Kim to now be completing all the visits with Lucy providing telephone support only"*.

Panel's analysis

54. The panel accepted the oral evidence of Ms Glennerster that Ms Faulkner was only supposed to support in terms of telephone contact with Service User A, and that there was to be no one to one work from February 2022. The panel was satisfied that this had been communicated to Ms Faulkner on numerous occasions as set out in Ms Glennerster's witness statement and supported by the evidence referred to above.

55. The panel further noted Ms Glennerster's exhibit of an entry dated 19 April 2022 that read as follows;

"Title: Management oversight: Management oversight re Lucy Faulkner no longer being another professional on the case Contact date: 19/04/2022 at 15:05 Lucy has worked with…and has supported [*Service User A*] *to transition to the LCS. Kim and Lucy have met and discussed the transfer. Lucy will work with Kim moving forward if she is not able to get in touch with* [*Service User A*] *outside of this Lucy will direct [Servicer User A] to Kim if [Service User A] requires anything, I will take Lucy off as other worker today. Entered on 19/04/2022 at 15:10 by Clare Glennerster acting for Lucy Faulkner"*.

56. The panel was satisfied that between the approximate dates of 4 January 2022 and 19 April 2022, Ms Faulkner received clear unambiguous oral and written instructions from her line manager, Ms Glennerster, not to undertake one to one work with Service User A.

57. The panel also decided that it was implausible that Ms Faulkner did not understand the instructions that she had been given. This was especially in view of the fact that Service User A was [PRIVATE] and transitioning to the leaving care team where [Service User A] was to be supported by Ms Breadman going forward.

58. The panel also noted that notwithstanding the above instructions, Ms Faulkner made numerous unauthorised visits to Service User A, whilst in contrast there was limited evidence of joint work with Ms Breadman.

59. **The panel therefore found allegation 2a proved.**

Particular 2b

Whilst registered as a social worker: Between the approximate dates of 4 January 2022 and 19 April 2022: You undertook/attempted one or more visits on your own to Service User A, as set out in Schedule 1;

60. The panel found this allegation proved under Rule 32 of 'the rules' by virtue of Ms Faulkner's admission.

Particular 2c

Between the approximate dates of 4 January 2022 and 19 April 2022: You failed to accurately record in Service User A's case notes in respect of one or more of the visits that you undertook/attempted to Service User A, as set out in Schedule 1;

61. The panel found this allegation proved under Rule 32 of 'the rules' by virtue of Ms Faulkner's admission.

Particular 2d

Whilst registered as a social worker: Between the approximate dates of 4 January 2022 and 19 April 2022: You visited Service User A on 4 April 2022 to pick [Service User A] *up, when you were on annual leave;*

62. The panel found this allegation proved under Rule 32 of 'the rules' by virtue of Ms Faulkner's admission.

Particular 2e

Whilst registered as a social worker: Between the approximate dates of 4 January 2022 and 19 April 2022: You incorrectly recorded in Service User A's case notes that you had 'bumped into' Service User A when visiting [PRIVATE] *accommodation on 4 April 2022, when in fact you had visited Service User A to pick* [Service User A] *up;*

63. The panel found this allegation proved under Rule 32 of 'the rules' by virtue of Ms Faulkner's admission.

Particular 2f

Whilst registered as a social worker: Between the approximate dates of 4 January 2022 and 19 April 2022: You undertook/attempted four visits to Service User A on weekends or bank holidays;

64. The panel found this allegation proved under Rule 32 of 'the rules' by virtue of Ms Faulkner's admission.

Particular 2g

Whilst registered as a social worker: Between the approximate dates of 4 January 2022 and 19 April 2022: The visits you undertook/attempted to Service User A were of an inappropriate frequency

65. The panel found this allegation proved under Rule 32 of 'the rules' by virtue of Ms Faulkner's admission.

Particular 3

Whilst registered as a social worker: On or around 21 April 2022, your professional involvement with Service User A ceased.

66. As set out under particular 2a above, the panel noted Ms Glennerster's exhibit of an entry dated 19 April 2022 in which Ms Faulkner was no longer allocated as an 'other involved professional'.

67. Ms Glennerster's evidence explained that despite her instructions to Ms Faulkner to stop working with Service User A, Ms Faulkner appeared to be "drawn to" Service User A and [PRIVATE] family and she could "not help herself" from remaining involved.

68. As exhibited on 21 April 2022 Ms Glennerster wrote to the Local Authority Designated Officer (LADO) and confirmed following the strategy meeting directions that she had restricted Ms Faulkner's access to the Mosaic files (recording system) for the whole of Service User A's family.

69. In the supervision evidence of 17 May 2022, Ms Faulkner in response to having no further contact with Service User A, said "*I am still frustrated that I didn't get to do my ending visit and always will be"*.

Panel's analysis

70. The panel was satisfied from the evidence that it was made clear that professional involvement between Ms Faulkner and Service User A should have ceased on or around 21 April 2022. The panel noted that on 19 April Ms Faulkner was no longer allocated as a 'other involved professional'. In addition, Ms Faulkner's access to [Service User A's] file was restricted on 21 April 2022.

71. The panel accepted the oral evidence of both Ms Morris and Ms Glennerster that Ms Faulkner had been clearly told that her professional involvement with Service User A ceased on 19 April 2022. Additionally, it acknowledged the explanations given by the witnesses as to the restricted file access and it understood from the evidence that Ms Faulkner had been locked out of being able to access Service User A's files. The panel was satisfied that restricted file access is not something that a professional social worker legitimately working with a service user, would be subject to as it would prevent them from making case recordings at all.

72. Ms Faulkner in cross examination confirmed that she had received the email of 19 April 2022 from Ms Glennerster and that she has understood its content. The panel noted Ms Faulkner's oral evidence that some of the tasks that she completed with Service User A from this point onwards were professional in nature.

73. The panel was, however, satisfied that Ms Faulkner could not have been working professionally with Service User A as she was not recording her actions, discussing her actions in supervision or discussing them with Ms Breadman.

74. The panel concluded that by 21 April 2022 Ms Faulkner's professional involvement with Service User A had ceased as she had no standing and/or authority to remain involved as a result of the management instruction that she had received.

75. **The panel therefore found allegation 3 proved.**

Particular 4a

Whilst registered as a social worker: Between the approximate dates of 21 April 2022 and 28 July 2022, you visited, or attempted to visit, Service User A on one or more occasions as set out in Schedule 2, which were carried out in one or more of the following ways: After you were aware of the management instruction not to have contact with Service User A and/or [PRIVATE] *file being restricted to you;*

76. The panel noted the exhibited CCTV records from Service User A's residence [PRIVATE], and the daily handover notes. It also noted Ms Morris's table cross-referencing the provided handover details, Ms Faulkner's work diary and CCTV records covering the period 1 April 2022 to 28 July 2022, including weekends and bank holidays.

Panel's analysis

77. The panel accepted the CCTV records in schedule 2 of the allegations, that had been triangulated with the [Service User A's] handover notes and Ms Faulkner's work diary. It was satisfied that Ms Faulkner had visited or attempted to visit on more than one occasion. The panel noted that she had in fact visited Service User A at least 57 times during the period concerned.

78. The panel was also satisfied that Ms Faulkner had received a management instruction not to have contact with Service User A and that [PRIVATE] had been restricted. The panel further adopted its reasoning as set out at particulars 2a and 3 above.

79. **The panel therefore found allegation 4a proved.**

Particular 4b

Whilst registered as a social worker: Between the approximate dates of 21 April 2022 and 28 July 2022, you visited, or attempted to visit, Service User A on one or more occasions as set out in Schedule 2, which were carried out in one or more of the following ways: Multiple times per day, on one or more dates;

80. The panel found this allegation proved under Rule 32 of 'the rules' by virtue of Ms Faulkner's admission.

Particular 4c

Whilst registered as a social worker: Between the approximate dates of 21 April 2022 and 28 July 2022, you visited, or attempted to visit, Service User A on one or more occasions as set out in Schedule 2, which were carried out in one or more of the following ways: After work hours, on one or more occasions;

81. The panel found this allegation proved under Rule 32 of 'the rules' by virtue of Ms Faulkner's admission.

Particular 4d

Whilst registered as a social worker: Between the approximate dates of 21 April 2022 and 28 July 2022, you visited, or attempted to visit, Service User A on one or more occasions as set out in Schedule 2, which were carried out in one or more of the following ways: On weekends, on one or more occasions;

82. The panel found this allegation proved under Rule 32 of 'the rules' by virtue of Ms Faulkner's admission.

Particular 4e

Whilst registered as a social worker: Between the approximate dates of 21 April 2022 and 28 July 2022, you visited, or attempted to visit, Service User A on one or more occasions as set out in Schedule 2, which were carried out in one or more of the following ways: In the company of Service User B, on one or more occasions;

83. The panel found this allegation proved under Rule 32 of 'the rules' by virtue of Ms Faulkner's admission.

Particular 4f

Whilst registered as a social worker: Between the approximate dates of 21 April 2022 and 28 July 2022, you visited, or attempted to visit, Service User A on one or more occasions as set out in Schedule 2, which were carried out in one or more of the following ways: Including you being left alone in Service User A's flat on one or more occasions;

84. The panel found this allegation proved under Rule 32 of 'the rules' by virtue of Ms Faulkner's admission.

Particular 4g

Whilst registered as a social worker: Between the approximate dates of 21 April 2022 and 28 July 2022, you visited, or attempted to visit, Service User A on one or more occasions as set out in Schedule 2, which were carried out in one or more of the following ways: Without keeping full and accurate records of your interactions with Service User A;

85. The panel found this allegation proved under Rule 32 of 'the rules' by virtue of Ms Faulkner's admission.

Particular 5

Whilst registered as a social worker: You provided Service User A with your personal mobile telephone number;

86. The panel found this allegation proved under Rule 32 of 'the rules' by virtue of Ms Faulkner's admission.

Particular 6

Whilst registered as a social worker: By your conduct at allegations 4 and 5 above, you failed to maintain professional boundaries.

87. The panel found this allegation proved under Rule 32 of 'the rules' by virtue of Ms Faulkner's admission.

Particular 7a

Whilst registered as a social worker: You made assertions that were false and/or misleading to your employer in relation to your contact with Service User A in that you: Visited Service User A on one or more occasions as set out in Schedule 3, when your work calendar indicated other activity;

88. The panel found this allegation proved under Rule 32 of 'the rules' by virtue of Ms Faulkner's admission.

Particular 7b

89. *Whilst registered as a social worker: You made assertions that were false and/or misleading to your employer in relation to your contact with Service User A in that you:*

During a supervision meeting on 17 May 2022, asserted words to the effect of 'I am still frustrated that I didn't get to do my ending visit and always will be' in respect of Service User A, which impliedly asserted that you had not seen him since a management instruction not to do so, given on or around 21 April 2022;

90. The panel noted Ms Glennerster's written evidence about the management instruction she gave Ms Faulkner and that Ms Faulkner did not raise in supervision or informally that she was still visiting Service User A.

Panel's analysis

91. The panel accepted the oral evidence of Ms Glennerster in which she explained an 'ending visit' is a formalised way of ending the working relationship between a social worker and service user' and that it usually takes the form of an activity chosen by the service user and is funded by the local authority.

92. The panel was satisfied that whilst Ms Faulkner may have been factual in relaying her concerns over the lack of an ending visit with Service User A, she deliberately misled by omission during the session. Ms Faulkner, by the 17 May 2022 had visited Service User A nine times, yet she failed to share any of this information in the supervision session. Ms Faulkner concealed the full detail about the contact she had with Service User A, thus creating the impression she had not had contact with [Service User A].

93. The panel was also satisfied that Ms Faulkner had received a management instruction not to have contact with Service User A and that she was aware of this by 17 May 2022. The panel adopted its reasoning as set out at particular 2a above.

94. **The panel therefore found allegation 7b proved.**

Particular 7c

Whilst registered as a social worker: You made assertions that were false and/or misleading to your employer in relation to your contact with Service User A in that you: Emailed your line manager on 28 July 2022, in which you responded to her question asking whether you were seeing Service User A, and you asserted words to the effect that you had seen Service User A briefly outside Service User A's accommodation but not alone, when in fact you had seen Service User A on multiple occasions after 21 April 2022;

95. The panel found this allegation proved under Rule 32 of 'the rules' by virtue of Ms Faulkner's admission.

Particular 8

Whilst registered as a social worker: Your conduct at paragraphs 2.c and / or 2.e and/ or 7 was dishonest;

96. In approaching the allegation of dishonesty, the panel first considered Ms Faulkner's knowledge or belief as to the facts at the time and then decided the question of whether Ms Faulkner's conduct was dishonest by applying the objective standards of ordinary decent people.

Dishonesty in relation to allegation 2c

97. The panel accepted the evidence from all witnesses as to the importance of accurate case recording. It noted that Ms Faulkner confirmed in her evidence that this should be done ideally within 48 hours of a visit. The panel noted that schedule 1 as exhibited, indicated that Ms Faulkner had conducted 17 visits to Service User A in a four month period.

98. The panel noted that all the case recording failures of Ms Faulkner related to Service User A and occurred over the short period of time that she had been told not to work with [Service User A]. The panel also noted that Ms Faulkner was not able to provide a plausible explanation for her failure to record. The panel concluded that oversight and caseload demands were not acceptable explanations given the clear management instructions that Ms Faulkner had received to cease work with Service User A.

99. The panel took note of the fact Ms Faulkner had failed to accurately update her calendar during the material period. The panel concluded that she sought to mislead her managers and create the impression that visits with Service User A had stopped, when in fact they had not.

100. The panel was satisfied that Ms Faulkner's actions were dishonest, as an ordinary person would accept that she had received clear instructions to cease working with Service User A. In not carrying out accurate case recording Ms Faulkner was being deliberately deceptive in a bid to cover up actions she knew she should not have been taking.

101. The panel decided that ordinary decent people would consider that a professional deliberately acting in the manner as set out above, was doing so dishonestly.

102. **The panel therefore concluded that the conduct at 2c was dishonest.**

Dishonesty in relation to allegation 2e

103. The panel considered Ms Faulkner's case note contact date entry which reads *"04/04/2022 at 17:30 Was visiting* [PRIVATE] *and bumped into [Service User A]. [Service User A] was keen to chat and asked when we could catch up properly. I reminded* [Service User A] *that Kim needs to be* [PRIVATE] *main point of contact now but that I will not ignore* [PRIVATE]. *[Service User A] said* [PRIVATE] *would prefer to meet with me but that* [Service User A] *will wait to hear from Kim too. I asked [Service User A] if there was anything in particular* [PRIVATE] *needed support with and* [Service User A] *said no. [Service User A] said* [PRIVATE] *plans on seeing … this week but that* [PRIVATE] *has been sleeping "quite late". Told [Service User A] I would let Kim know I've seen* [Service User A] *briefly. Entered on 06/04/2022 at 11:00 by Lucy Faulkner".*

104. The panel was satisfied that Ms Faulkner's contact entry record implied a chance meeting with Service User A. The panel found that this was deliberately false as Ms Faulkner had made a conscious plan to pick Service User A up from [PRIVATE]. The panel accepted the exhibited CCTV schedule as evidence of this. Ms Faulkner had made the arrangement to pick up Service User A when she had been expressly told not to have one to one contact with [Service User A].

105. The panel noted that 4 April 2022 was Ms Faulkner's last day working with Ms Breadman and concluded that Ms Faulkner had purposely made a full case note. It was satisfied she did this to record Service User A as wanting to continue working with her and her motive was that she did not want to cease working with Service User A.

106. The panel decided that an ordinary member of public would understand the difference between 'bumped into' and 'picked up'. The former being an unscheduled interaction the latter being a pre-planned meeting. It was satisfied that Ms Faulkner had deliberately mis recorded the interaction.

107. The panel decided that ordinary decent people would consider that a professional deliberately acting as set out was doing so dishonestly for the reasons given above.

108. **The panel therefore concluded that the conduct at 2e was dishonest.**

Dishonesty in relation to allegation 7a

109. The panel accepted the evidence of Ms Glennerster who explained the requirements for work diaries to be kept up to date. This was to ensure that the duty team, supervisors and managers knew where a social worker was at all times, especially for lone working purposes.

110. Ms Faulkner in oral evidence also accepted that her work diary should have been kept up to date for various reasons that included safety. She also said that she knew she was not supposed to be working one to one with Service User A. Ms Faulkner explained that some of the activities in her calendar had been placed there before she visited Service User A, but in any event, the panel was satisfied she made no amendments to reflect her visits.

111. The panel concluded that an ordinary person would find the pattern of omitting at least 57 separate appointments and failing to update her work diary 57 times was deceitful, as Ms Faulkner knew she was not supposed to be visiting Service User A at all.

112. The panel decided that ordinary decent people would consider that a professional deliberately acting as set out was doing so dishonestly.

113. **The panel therefore concluded that the conduct at 7a was dishonest.**

Dishonesty in relation to allegation 7b

114. By 17 May 2022 Ms Faulkner had visited Service User A nine times, yet she failed to share any of this information in the supervision session. Ms Faulkner concealed the full detail about the contact she had with Service User A, thus creating the impression she had not had contact with [Service User A]. Instead of being candid and open about her contact with Service User A as exhibited Ms Faulkner said "*Have had a stressful few weeks shortly after last supervision which dropped me to approximately a 3 or 4 but I am now on the up again and am thankful for all the support I have received both professionally and personally. I am trying to move on from this and don't want to keep talking about it as I have found my own way to manage it but it was definitely the most stressful time of my professional life since becoming a social worker. I am still frustrated that I didn't get to do my ending visit and always will be, especially after it being founded that there was no evidence to suggest anything had happened on my*

young person's part and that the concerns centre more around another family member's mental health. I am pleased to hear from [PRIVATE] *and the allocated social worker that the case did not meet CP threshold and that there are plans in place for the family to be appropriately supported, with minimal disruption to the young person I previously supported*".

115. The panel was satisfied that an ordinary person would find that the omission of sharing so many unauthorised visits with Service User A was deceitful.

116. The panel decided that ordinary decent people would consider that a professional deliberately acting as set out was doing so dishonestly.

117. **The panel therefore concluded that the conduct at 7b was dishonest.**

Dishonesty in relation to allegation 7c

118. The panel noted the exhibited correspondence of 28 July 2022 between Ms Herniman and Ms Faulkner, in which Ms Herniman contacted Ms Faulkner to ask whether the individual mentioned as being in a relationship with Service User B was Service User A. Ms Faulkner replied at 14:13 the same day to say *'Yes but I didn't know that at the time of taking over the case! It's all fine though'. Ms Herniman responded at 15:17 'Okay, you mentioned before that you were upset for not doing an ending visit etc and I am aware that you are restricted on [Service User A] casefile so wanted to understand if you are seeing [Service User A]?'. Ms Faulkner replied to this question at 15:20 'I've seen [Service User A] briefly outside [PRIVATE] with [Service User B] but not alone. It's all good. Thanks for the concern though, I appreciate it'*

119. The panel was satisfied that by 28 July 2022 Ms Faulkner was no longer authorised to work with Service User A in a professional capacity and that she was aware of this fact. The panel concluded that an ordinary person would view Ms Faulkner's response as false, given that she had actually seen Service User A on approximately 57 occasions since 21 April 2022.

120. The panel decided that Ms Faulkner's statement that she had "briefly" seen [Service User A] and "not alone" compounded the falsehood in her response and that she was being deliberately deceitful. This was especially so as Ms Faulkner, after making her assertions, visited Service User A that same evening and took [Service User A] out.

121. The panel decided that ordinary decent people would consider that a professional deliberately acting as set out was doing so dishonestly.

122. **The panel therefore concluded that the conduct at 7c was dishonest.**

Particular 9a

Whilst registered as a social worker: You failed to complete: Needs/single assessment for Service User B, on or around 4 July 2022 to 29 July 2022;

123. The panel found this allegation proved under Rule 32 of 'the rules' by virtue of Ms Faulkner's admission.

Particular 9b

Whilst registered as a social worker: You failed to complete: Revised Pathway Plan for Service User E, on or around 11 July 2022 to 29 July 2022;

124. The panel found this allegation proved under Rule 32 of 'the rules' by virtue of Ms Faulkner's admission.

Particular 9c

Whilst registered as a social worker: You failed to complete: Single assessment for Service User O, on or around 16 June 2022 to 29 July 2022;

125. The panel found this allegation proved under Rule 32 of 'the rules' by virtue of Ms Faulkner's admission.

Particular 10a

Whilst registered as a social worker: Your case recording was inadequate, in that: The records for one or more visits set out in Schedule 4 contained insufficient details, and/or did not use the appropriate visit template

126. The panel found this allegation proved under Rule 32 of 'the rules' by virtue of Ms Faulkner's admission.

Particular 10b

Whilst registered as a social worker: Your case recording was inadequate, in that: The records for one or more visits set out in Schedule 5 were not made in a timely manner

127. The panel found this allegation proved under Rule 32 of 'the rules' by virtue of Ms Faulkner's admission.

Particular 11

You did not attend the Annual review and/or PEP meetings for Service User D on 28 June 2022, either at all, or for an adequate length of time

128. The panel found this allegation proved under Rule 32 of 'the rules' by virtue of Ms Faulkner's admission.

Application for the admission of a late document and stage 2 bundle

129. The panel heard an application from Ms Faulkner to admit her most recent supervision report written by Ms Santos, her latest manager, dated 27 February 2026. Ms Faulkner indicated that this report contained current information from her most recent employer.

130. In response to the application Mr Harris noted that Ms Faulkner could not have produced the document earlier as it did not exist and that it is relevant information that the panel ought to consider. Further, he submitted that Ms Santos was scheduled to give evidence on behalf of Ms Faulkner and as such could be questioned about the report, he said that there was no objection to the application.

131. The panel received legal advice in which it was reminded of its power under 32 (b) of the rules, where evidence may be admitted if it is considered fair to do so. The panel

considered the submissions of both parties and decided to admit the supervision report. The panel took the view that it was relevant up to date information that would aid its decision making and noted that Ms Santos would be giving live evidence.

132. Mr Harris on behalf of Social Work England also indicated that there was a 'stage 2 bundle' for the panel to consider. He explained it comprised of extra documents relied upon by Ms Faulkner (and as such expanded upon the social worker's response bundle, with additional documents bringing the page count to 332) that are relevant to the second stage of the proceedings. Ms Faulkner already had a copy of the bundle and arrangements were made for it to be made available to the panel.

Finding and reasons on grounds:

133. Mr Harris made submissions as outlined in Social Work England's statement of case and addressed the panel on the standards it believed Ms Faulkner had breached. The panel was invited to find Ms Faulkner's conduct was serious in nature and as such amounted to the statutory ground of misconduct. Ms Faulkner called as a witness one of her recent managers Ms Camilla Santos, who was cross-examined by Mr Harris. Ms Faulkner did not specifically refer to the issue of misconduct in her oral submissions.

134. The panel heard and accepted the advice of the legal adviser. The panel was reminded that the question of misconduct is a matter for its judgement and 'that the standard of propriety may often be found by reference to the rules and standards ordinarily required to be followed by a practitioner in the particular circumstances' as per *Roylance v General Medical Council (No 2) 2000 1 AC 311*. In line with *Roylance* the panel was advised to decide for itself the professional standards it believed Ms Faulkner had breached.

135. The panel decided that Ms Faulkner had breached the following paragraphs of Social Work England's Professional Standards (July 2019):

As a social worker, I will:

1.7 Recognise and use responsibly, the power and authority I have when working with people, ensuring that my interventions are always necessary, the least intrusive, proportionate, and in people's best interests.

2.1 Be open, honest, reliable and fair

2.3 Maintain professional relationship with people and ensure that they understand the role of a social worker in their lives

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

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.

As a social worker, I will not:

5.1 I will not abuse, neglect, discriminate, exploit or harm anyone, or condone this by others

5.2 Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside or work.

5.3 Falsify records or condone this by others.

136. The panel decided that Ms Faulkner's conduct both individually and collectively was so serious that it called into question her recognition and observance of fundamental tenets of social work. The panel was satisfied that Ms Faulkner's conduct was a serious departure from the usual and accepted standards of social work practice. Ms Faulkner flagrantly refused to follow management instructions and instead chose to blur professional boundaries with Service User A, and she continued to have contact with [PRIVATE] when not authorised to do so.

137. The panel decided that personal motivations and values should not impinge upon professional relationships. However, Ms Faulkner had not managed to observe this, and her decision not to step away from Service User A negatively impacted on a smooth transition for [PRIVATE] from the Looked after Team to the Leaving care team. Service User A had multiple vulnerabilities and the panel decided that Ms Faulkner's conduct would have likely heightened the difficulties [Service User A] would no doubt have experienced during the transitional period [Service User A] was going through at the time.

138. Ms Faulkner's conduct continued over several months, during which time she deliberately and dishonestly concealed her actions. The panel was satisfied that it was likely there was a significant degree of planning and subterfuge by Ms Faulkner, who failed to keep her calendar updated correctly and used this as cover for unauthorised visits to Service User A.

139. Further, Ms Faulkner's actions increased in seriousness, and the intensity of her misconduct became increasingly problematic as it negated and comprised all the checks and balances embedded into social work practice. The panel was satisfied that Ms Faulkner's behaviour degenerated over time into apparent arrogance, and this was exhibited by her attitude in which she appeared to indicate that she knew best, hence she repeatedly disobeyed clear and unequivocal management instructions.

140. Ms Faulkner also failed to properly maintain case records and complete work in respect of multiple service users. She unwarrantedly focused her attention on Service User A, and Ms Faulkner neglected the important recording and assessment needs of others.

141. Ms Faulkner failed to observe the tenets of honesty, integrity, record keeping, observing professional boundaries and following management directions. The panel was satisfied that Ms Faulkner's conduct as assessed amounts to serious professional misconduct.

Finding and reasons on current impairment:

142. On the question of impairment, Mr Harris submitted Ms Faulkner is currently impaired on both the personal and public grounds. He then outlined the serious conduct in question. Mr Harris stated that Ms Faulkner had demonstrated limited insight and that she had breached professional boundaries and brought the profession into disrepute. The panel was asked to find that Ms Faulkner is currently impaired. Ms Faulkner replied that she has successfully worked under an interim conditions of practice order, and that her insight over the time it had taken to reach this final hearing has increased. She asserted that this was clear from her reflective statements. She submitted that she was not currently impaired and further, there was no significant risk of repetition.

143. The panel heard and accepted the advice of the legal adviser, who referenced *Cohen v GMC [2008] EWHC 581 (Admin)* in that it should consider if the conduct is easily remediable, has already been remediated, and that it is highly unlikely to be repeated. Further, as per the case of *Council for Healthcare and Regulatory Excellence v NMC and Grant [2011] EWHC 927 (Admin)* the panel was reminded to consider the following questions; a) If Ms Faulkner has in the past acted and/or is liable in the future to act so as to put a service user at unwarranted risk of harm; and/or b) has Ms Faulkner in the past and/or is she liable in the future to bring the profession into disrepute; and/or c) has Ms Faulkner in the past breached and/or is she liable in the future to breach one of the fundamental tenets of the profession. Finally, the panel was also reminded of Social Work England's Impairment and Sanctions Guidance ('the guidance').

144. The panel took note of paragraph 20 of the guidance and was careful when assessing the actual harm caused by Ms Faulkner's actions and its impact on the seriousness of the case. It noted that whilst her actions (by luck) had not appeared to have caused harm, they still represent an unacceptable risk of serious harm if repeated. The panel did not regard Ms Faulkner's conduct as any less serious because no evidence of actual harm was presented to it.

145. In deciding the question of Ms Faulkner's current fitness to practise, the panel first considered the personal element of impairment. The panel noted that the nature of the allegations are such that they demonstrate a risk of harm to service users if repeated. The panel was mindful that the conduct was sustained and although it primarily concerned Service User A, it had an impact upon Ms Faulkner's ability to carry out social work tasks in relation to other service users who were also part of her caseload. The panel was satisfied that such misconduct required evidence of full insight and remediation so it would be highly unlikely to be repeated.

146. The panel noted that matters of dishonesty are not easily remediable and it considered that Ms Faulkner's dishonesty was sustained and was multilayered in these circumstances. She usurped her managers authority and kept visiting Service User A

whilst concealing her actions, failed to update case records accurately and had misleading information on her work calendar. Ms Faulkner's dishonesty was compounded by her deceptions.

147. The panel took note of Ms Faulkner's evidence of remediation. She had provided evidence of her continuing professional development, reflective supervisions, and the multiple courses she has undertaken since the material period. Some of which were targeted to address the shortfalls in her practice. It also noted the positive feedback she received from a service users' family and a trainee social worker. The panel also recognised Ms Faulkner's evidence that she had worked under a conditions of practice order across two employers since March 2023. Ms Faulkner also said that her insight had developed over the years, and that this was clear from her reflective statements.

148. The panel took note of Ms Faulkner's testimonial evidence and in so doing considered the guidance which states,

"Testimonials

52. Testimonials that provide up to date, credible information about the social worker's current practice can be relevant when exploring current impairment. The social worker will have an opportunity to provide any testimonials when responding to the regulatory concerns. Testimonials can be submitted by anyone. However, they are most helpful when they come from people with knowledge of the social worker's practice or character.

53. Testimonials should include (all of the following):

- *what the author knows of the concerns that have been raised*
- *an explanation of the author's relationship to the social worker*
- *any declarations of conflict of interest*
- *whether the author is willing to give evidence in-person in support of the testimonial*

54. Decision makers should give little weight to testimonials from persons not aware of the fitness to practise proceedings or the actions behind them".

149. The panel had no evidence to suggest that the authors of the testimonials knew the details of the concerns raised against Ms Faulkner and none of them, bar Ms Santos, was called to give evidence.

150. The panel considered the evidence of Ms Santos, team leader in the safeguarding service in Achieving For Children at Richmond. She confirmed that she has been practising social work with children and families for the past 10 years and supervised Ms Faulkner from when she began work at the end of March 2024 until her last day on 13 February 2026.

151. In oral evidence it became clear that Ms Faulkner had not given Ms Santos the full details and scope of the allegations against her, and that this had been open for Ms

Faulkner to do since December 2025. It also became apparent that Ms Santos had recent case working concerns about Ms Faulkner. Ms Santos explained that the issues stemmed from Ms Faulkner claiming that she had tried to visit two separate service users, but information received by Ms Santos suggested this may not have been the case. Ms Santos stated that when Ms Faulkner was challenged and asked for evidence of attempts to carry out the visits, Ms Faulkner admitted that she had not made the telephone calls as she had earlier claimed.

152. The panel was satisfied that throughout her evidence both written and oral, Ms Faulkner appeared to deflect her behaviour and failings. It concluded that her reflections were disappointedly self-centred with the focus largely being on the impact the hearing process has had on herself. The panel found no acceptance of her actions or exploration of her dishonesty. Indeed, when asked by the panel in oral evidence to explain what it was about Service User A that caused her to behave in the manner she did, Ms Faulkner could not provide a cogent answer. The panel concluded that Ms Faulkner demonstrated limited insight into why she acted as she did over a prolonged period of time.

153. The panel found little evidence to satisfy itself that Ms Faulkner's conduct has been remediated. It noted that whilst Ms Faulkner had taken some steps towards remediation, she was incapable of successful remediation as she had not developed adequate insight. The panel took the view that whilst she may have developed limited insight, more work needed to be done. The panel was also concerned that Ms Faulkner had exhibited signs indicative of a risk of repetition in being reportedly untruthful to Ms Santos, stating that she tried to visit two service users, when in fact she had not. The panel also noted that Ms Faulkner was not fully open and transparent with Ms Santos, and in consequence Ms Santos had limited knowledge of the full scale of the allegations against Ms Faulkner.

154. The panel was not satisfied that Ms Faulkner had conducted an in depth reflection on what went wrong, why, and the impact on others, as such there remains a high risk of repetition. The panel therefore concluded that Ms Faulkner was currently personally impaired.

155. On the public element of current impairment, the panel decided that Ms Faulkner in failing to carry out basic and statutory duties, breaching professional boundaries and showing utter disregard for management and management instruction, had brought the profession into disrepute. The panel was satisfied that the public are entitled to expect that social workers possess the requisite knowledge, skills and experience to perform their roles in line with their professional obligations and that they act with honesty and integrity in the course of their professional duties. The panel noted that whilst Ms Faulkner's actions did not appear to have caused actual harm, they put service users at an unwarranted risk of harm.

156. The panel was satisfied an informed and reasonable member of the public would be concerned if there were no finding of impairment. The panel concluded that the finding

of public impairment was necessary to maintain and declare the standards of the social work profession and uphold the public's confidence.

Decision and reasons on sanction:

157. Mr Harris made submissions on sanction and asked the panel to refer to the guidance when coming to its decision. He said that Social Work England seeks a removal order as this is the most appropriate sanction to protect the public and to maintain confidence in the profession and ensure professional standards are upheld.

158. Mr Harris submitted the options of no further action, advice and a warning are not proportionate given the serious nature of the conduct. He also explained that the misconduct coupled with the impairment finding on both elements, made a conditions of practice order unworkable and a suspension order insufficient to protect the public, given the findings of the panel. Mr Harris stated that because of Ms Faulkner's limited insight into her actions, their possible consequences and how widespread her misconduct was, a removal order is the only appropriate sanction. Mr Harris submitted that the dishonesty involved and the limited insight developed by Ms Faulkner is such that a removal order is proportionate, he relied on the cases of Professional Standards Authority v The Health and Care Professional Council & Mohammed Ghaffar [2014] EWHC 2723 (Admin) and Abbas v GMC [2017] EWHC 51 (Admin) in support of this position.

159. Ms Faulkner submitted that she has been practising as social worker for three and a half years under an interim conditions of practice order and as such a removal order would be unfair and disproportionate in the circumstances. She explained that previous panels at interim order review hearings, had decided that the risks she posed could be managed by the interim conditions of practice order. Ms Faulkner said that a further conditions of practice order is the most appropriate and proportionate sanction, as it will enable her to continue to practise whilst developing her insight. Ms Faulkner indicated that she would do whatever was required of her to remain in practice and that her history of engagement was indicative that she would continue to engage with Social Work England moving forward. She also outlined the negative impact a removal would have on her [PRIVATE]. Ms Faulkner said that despite all that she has been through she is dedicated to the social work profession.

160. The panel accepted the advice of the legal adviser who reminded it that the purpose of a sanction was not to punish Ms Faulkner but to protect the public and the wider public interest. The panel was reminded of the sanctions available and of the need to consider any aggravating and mitigating factors it sees fit. The panel was also asked to ensure that when considering sanctions, it begins with the lowest sanction and moves through all the available sanctions in ascending order of seriousness, before identifying the sanction it agrees is sufficient to protect the public and maintain confidence in the profession and uphold professional standards. The panel carefully considered the guidance.

161. The panel noted the following mitigation;

- absence of previous fitness to practise history
- meaningful engagement in the process
- evidence of some remediation and training
- some positive feedback and references

162. The panel identified the following aggravating factors;

- pattern of behaviour
- significant time taken to develop limited insight

No action, advice or warning

163. The panel concluded that Ms Faulkner's impairment poses a current risk to public safety and the panel was satisfied there was ample evidence of this. In the circumstances it decided to exercise its discretion and move beyond the lower sanctions of no action, advice or a warning on this basis. It was satisfied that none of these outcomes would be sufficient to address the risk to the public, as they would not restrict Ms Faulkner's ability to practise. It would also send the wrong message about the seriousness of this misconduct and therefore not be in the public interest nor maintain public confidence in the profession or the hearings process.

Conditions of practice

164. With reference to the paragraph 114 of the guidance the panel noted that a conditions of practice order may be appropriate in cases where all of the following are engaged;

- *The social worker has demonstrated insight*
- *the failure or deficiency in practice is capable of being remedied*
- *appropriate, proportionate, and workable conditions can be put in place*
- *decision makers are confident the social worker can and will comply with the conditions*
- *the social worker does not pose a risk of harm to the public by being in restricted practice.*

165. Further the panel reminded itself of paragraph 116 which states;

"When considering public protection, decision makers must fully assess insight and the social workers past engagement with the regulator and any employer. This should help to determine whether the social worker can comply with conditions of practice.

166. The panel also took note of paragraphs 118 and 119 of the guidance which reads;

"118. Conditions of practice are less likely to be appropriate in cases of character, attitude or behavioural failings. They may also not be appropriate in cases raising wider public interest issues"

119. For example, conditions are unlikely to be appropriate in cases of (any of the following):...
dishonesty..."

167. The panel acknowledged that Ms Faulkner had been subject to an interim conditions of practice order for three and a half years across two employers. However, the panel noted that the previous interim order panels were not 'fact finding' panels and their remit was to consider and assess ongoing risk, whilst the fitness to practise process was pending. Also, those panels make their decisions based on limited information. By contrast, this substantive panel has made detailed final findings of fact and made its decision based on comprehensive documentary and oral evidence, that has mostly been tested through cross examination.

168. The panel was satisfied that over the three and a half years, Ms Faulkner has not developed an appropriate level of insight. The panel noted that the interim conditions of practice order had assisted Ms Faulkner's professional development by offering structured support around supervision and record keeping. The interim order, however, had not had enough of an impact on her ability to develop sufficient insight in relation to her actions, particularly dishonesty. The panel further noted that the conduct in question as outlined extensively above, whilst remediable, is difficult to remediate.

169. The panel decided that at present Ms Faulkner's conduct could not be managed by a conditions of practice order as she had exhibited behaviour in which she visited Service User A after work, on weekends and bank holidays, all whilst defying management instructions and concealing her actions. The panel decided that a conditions of practice order would not address such practice, nor the behavioural issues that led to Ms Faulkner acting in the way that she did. The panel concluded that there were no workable conditions that could be formulated which would be sufficient to protect service users and the wider public interest. Such an order, at present, would need to be so restrictive it would be tantamount to a suspension order.

<u>Suspension order</u>

170. The panel noted paragraphs 136 and 137 of the guidance which says;

"136. Suspension is appropriate where (both of the following apply):
- *the decision makers cannot formulate workable conditions to protect the public or the wider public interest*
- *the case falls short of requiring removal from the register (or where removal is not an option)*

137. Suspension may be appropriate where (all of the following):
- *the concerns represent a serious breach of the professional standards*
- *the social worker has demonstrated some insight*
- *there is evidence to suggest the social worker is willing and able to resolve or remediate their failings"*

171. The panel was satisfied that Ms Faulkner falls within paragraph 137 of the guidance. The panel acknowledged that Ms Faulkner had candidly, through her reflective statements and oral evidence, relayed how difficult she has found the fitness to practise process and the toll it has taken on her. Notwithstanding this, the panel noted Ms Faulkner's obvious passion and dedication towards social work practice and her desire to move forward. The panel concluded that while the dishonesty was over time, it was very narrow in scope and focused on one service user. The panel further concluded that this dishonesty was generated by Ms Faulkner's unreasonable belief that only she knew best how to help the particular service user.

172. Given the strain that the process has caused Ms Faulkner, the panel decided that a suspension order would enable her to step away from social work practice and thus cause her to be able to reflect upon her actions objectively without the proceedings shadowing her. The panel noted that despite the passage of time, Ms Faulkner said that she 'finds the allegations embarrassing and that is it difficult to hear them'.

173. The panel was satisfied that a period away from practice will enable Ms Faulkner to regain perspective. Ms Faulkner can then work to accept the allegations and then she can examine her behaviour to understand why she behaved the way she did, and the effect that it had on those around her. The panel decided that this will be an invaluable period that will enable Ms Faulkner to properly reflect and develop her insight sufficiently.

174. The panel noted that Ms Faulkner had some limited insight and had made attempts at remediation. It was satisfied that Ms Faulkner was willing and able to resolve her failings. The panel was confident that Ms Faulkner will use the period of suspension well and it drew on her engagement with Social Work England and her attendance and participation at this hearing as support for its view. The panel decided that Ms Faulkner whilst misguided, had shown her potential to be a good social worker. The panel noted the public interest in supporting a trained and skilled social worker to return to practice safely, and was satisfied that this could be facilitated by the imposition of a 15 month suspension order. The panel decided that Ms Faulkner would not be deskilled during this period and that conversely it would allow her time to demonstrate meaningful insight and remediation prior to the order being reviewed. The panel was also satisfied that such an order sends a sufficiently strong message to the public of the unacceptable nature of the misconduct in question and will maintain public confidence in the profession.

175. The panel therefore decided that a 15 month suspension order is the most appropriate and proportionate order. Such a length of order is necessary to facilitate Ms Faulkner to:

- develop and embed appropriate insight into the unacceptability of her misconduct
- carry out sufficient remediation

Recommendations

176. Although not a mandatory requirement, the panel took the view, that a future review panel may be assisted by Ms Faulkner showing evidence that she had undertaken work that could include the following:

i. A written reflective piece which explains where Ms Faulkner recognises she went wrong and why her behaviour was unacceptable. The piece should also cover the impact her actions had on others including service users and the wider profession. Such reflections should also highlight the importance of any social worker respecting the value of other social worker's opinions including managers.

ii. To undertake peer challenge sessions and then reflect on why the sessions were helpful and the learning she gained and how she will put it into practice.

iii. Additional training in management structure and the observance of it.

iv. Teamwork and collaboration training

Removal order

177. The panel noted that Social Work England seek a removal order. However, given the reasons set out above, the panel decided that a removal order was not the necessary and proportionate sanction in the circumstances and as such would be unduly harsh.

178. The panel was satisfied that the public protection, confidence and maintenance of proper professional standards, could be met with a lesser sanction. The panel decided that although Ms Faulkner's conduct was serious, it is remediable in these particular circumstances as set out above and fell short of the instances set out at paragraph 149 of the guidance.

Interim order:

179. The panel next considered an application by Mr Harris for an 18-month interim suspension order to cover the appeal period before the final order becomes effective. Mr Harris outlined that as the schedule 2, paragraph 8(2) interim order is still in effect at the conclusion of this final fitness to practise hearing, Social Work England seek to do both of the following:

- apply to the panel for a new interim order (under schedule 2, paragraph 11(1)(b) of the regulations) and
- revoke the existing interim order

180. Mr Harris said that Social Work England seeks an 18 month interim suspension order to cover the appeal period and that such an order would be consistent with the panel's findings given Ms Faulkner's current impairment.

181. Mr Harris also submitted that as Ms Faulkner was present and indicated she would be willing to waive the seven day notice period for revoking the existing order, that the panel ought to accept this waiver and revoke the existing order.

182. Ms Faulkner in response to the application, requested that she be permitted to remain on an interim conditions of practice order during the appeal period. She explained that this will enable her to accrue some funds to assist with the transition to the suspension order. Ms Faulkner also confirmed that she is content to waive the notice period required for the revocation of the schedule 2 interim order.

183. Having heard from the legal adviser, the panel next considered whether to impose an interim suspension order. It was mindful of its earlier findings and concluded that an interim suspension order is necessary for the protection of the public. The panel concluded that a decision not to impose an interim suspension order, would be incompatible with the misconduct that it had found and with Ms Faulkner's current impairment. Further, not imposing an interim suspension order to cover the appeal period would be entirely inconsistent with its substantive decision.

184. The panel noted paragraph 207 of the guidance which highlighted that "an interim order may be necessary where the adjudicators have decided that a final order is required, which restricts or removes the ability for the social worker to practise...without an interim order, the social worker will be able to practise unrestricted until the order takes effect. This goes against our overarching objective of public protection". The panel concluded the interim suspension order was the most prudent way to ensure the protection of the public and maintain public confidence. The panel concluded that an 18-month interim suspension order is necessary for the protection of the public. A period of 18 months is necessary to cover the likely length of any appeal hearing.

185. The panel also accepted Ms Faulkner's waiving of the notice period and granted the application to revoke the existing schedule 2 interim conditions of practice order. The panel was satisfied that it was the most prudent course of action in the circumstances which avoids unnecessary expense to both sides and the use of public resources.

186. Accordingly, if there is no appeal, the final order of suspension shall take effect when the appeal period expires.

Right of appeal:

187. 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.

188. 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.

189. 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.

190. 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:

191. 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

192. 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:

193. 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.