

Social worker: Mr William Yalden

Registration number: SW140799

Fitness to Practise

Final Hearing

Dates of hearing: 3rd August 2026 to 7th August 2026

Hearing venue: Remote hearing

Outcome: Fitness to practise impaired, conditions of practice order (18 months)

Interim Order: Interim conditions of practice 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. Mr Yalden attended and was not represented.
3. Social Work England was represented by Mr Edwards, case presenter from 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
Lesley White	Chair
Louise Fox	Social worker adjudicator
Lorna Taylor	Lay adjudicator

Hearings team/Legal adviser	Role
Jenna Keats	Hearings officer
Asma Ansar	Hearings support officer
Stacey Patel	Legal adviser

Preliminary matters:

5. Mr Edwards applied for part of the hearing to take place in private as there was information contained within the documents regarding Mr Yalden’s health which Mr Yalden supported.
6. The panel accepted the advice of the legal adviser who referred to rules 37 and 38 of Social Work England’s Fitness to practise Rules 2019 (as amended).
7. The panel noted that in accordance with rule 37, Social Work England hearings usually take place in public, subject to the discretion to depart from that principle provided for in rules 38(a) and (b) of the Social Work England Fitness to Practise Rule (“FTP Rules 2019”), namely;

“(a) A hearing, or part of a hearing, shall be held in private where the proceedings are considering:

- (i) whether to make or review an interim order; or*
- (ii) the physical or mental health of the registered social worker.*

(b) The regulator, or adjudicators as the case may be, may determine to hold part or all of the proceedings in private where they consider that to do so would be appropriate having regard to:

*(i) the vulnerability, interests or welfare of any participant in the proceedings; or
(ii) the public interest including in the effective pursuit of the regulator's overarching objective."*

8. The panel was therefore satisfied that it was appropriate that part of this hearing should be held in private where there is mention of health [Private] in relation to Mr Yaldens's health or private life in accordance with Rule 38.
9. The chair confirmed that all parties were in receipt of the following documents hearing timetable (4 pages) identification key (1 page) statement of case (19 pages) statement of agreed facts (8 pages) statements bundle (57 pages), exhibits bundle (736 pages, a social worker response bundle (19 pages) and the service and supplementary bundle (104 pages).

Allegations:

10. The allegations against Mr Yalden are as follows:

Whilst registered as a social worker:

1. Between 13 April 2022 and 21 April 2022, inappropriately accessed Service User A's file.
2. Between January 2022 and May 2022, in respect of Family W you failed:
 - a. To undertake direct work or keep an accurate record of such direct work; and/or
 - b. To progress and/or complete Child In Need plans; and/or
 - c. To commence and/or complete a pre-birth assessment and/or document why an assessment had not taken place.
3. Between January 2022 and May 2022, in respect of Family C you failed:
 - a. To undertake direct work or keep an accurate record of such direct work; and/or
 - b. To progress and/or complete Child In Need plans.

4. On or around 27 April 2022, you did not communicate appropriately and/or professionally with colleagues, namely that you said to colleague(s) words to the effect of:
 - a. Stop fucking interrupting me; and/or
 - b. If I wanted to fucking talk to you, I'd fucking talk to you; and/or
 - c. Shut the fuck up; and/or
 - d. It's you that is doing my fucking head in; and/or
 - e. If I wanted a fucking biscuit, I'd have one.
5. Between 6 June 2022 and 14 December 2023, you failed to cooperate with your regulator, Social Work England, in relation to an investigation into your fitness to practise.

The matters outlined in paragraphs 1, 3 4, and 5 amount to the statutory ground of misconduct.

The matters outlined in paragraph 2 amounts to the statutory ground of misconduct and/or lack of competence.

Admissions:

11. 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.
12. Following the reading of the allegations the Chair asked Mr Yalden whether he admitted any of the allegations.
13. Mr Yalden informed the panel that he admitted allegations 1, 4(b), 4(e) and 5. Mr Yalden admitted the following charges on the following basis:

Between January 2022 and May 2022, in respect of Family W you failed to:

 - 2(a) keep an accurate record of such direct work; and/or
 - 2(b)To complete Child In Need plans; and/or
 - 2(c)To complete a pre-birth assessment and/or document why an assessment had not taken place.

2. Between January 2022 and May 2022, in respect of Family C you failed:

 - (a)To keep an accurate record of such direct work; and/or
 - (b)To complete Child In Need plans.

This was accepted by Social Work England

14. The panel therefore found allegations 1, 2(a), 2(b), 2(c), 3(a), 3(b), 4(b), 4(e) and 5 proved on the basis that Mr Yalden was only admitting to failure to record in respect of 2(a) and 3(a) and denied failure to undertake direct work in respect of 2(a) and 3(a). Mr Edwards confirmed that Social Work England was no longer pursuing the allegations relating to direct work.
15. The panel noted that Mr Yalden denied allegations 4(a), 4(c) and 4(d).
16. In line with Rule 32c(i)(a) of the Rules, the panel then went on to determine the disputed facts.

Summary of evidence:

Kay Webster

17. Ms Webster adopted her witness statement. She stated that for the past 3 years, she has been working as a team manager in the southwest Looked after Children team in Surrey County Council. In April 2022, she was a team manager in the family safeguarding team. She also explained that there were several team managers at that time, and Mr Yalden had moved to her pod to do his ASYE (assessed and supported year in employment).
18. Under cross examination, Ms Webster stated she had known Mr Yalden in a professional capacity for 7 years prior to the allegations, and she had no concerns about his interactions with people during that time. Other than the incident involving Samantha Paterson, the only issue she had with Mr Yalden, was that later he was not engaging or being part of the team. Regarding his work, her only concern prior to the ASYE was that Mr Yalden was behind in his work with a previous manager.
19. [Private]
20. On the 27th April 2022, Ms Webster stated she walked into the team room after hearing raised voices but could not recall the exact words used, only comments about a biscuit. She recalled a colleague called Emily was present, and she asked Samantha Paterson to send her email afterwards describing the incident with Mr Yalden.
21. Regarding the new Workbooks, which were part of the council's system for recording keeping, Ms Webster stated they were not new, just a very different way of recording information and many people did not like it. Ms Webster also said that Mr Yalden never informed her that he struggled with the Workbooks.

Samantha Paterson

22. Ms Paterson adopted her statement as evidence in chief; however, paragraph 2 was amended to reflect her current role is that of a children in care social worker for Essex County Council.
23. Ms Paterson stated she worked with Mr Yalden from 2020 to 2022. He was a nice, clever and funny guy and later when his demeanour changed (around January -April 2022), it was not professional.
24. On 27th April 2022, they were on a team day. She was present with Emily and another. Mr Yalden started swearing and Ms Webster came in at the end.
25. Ms Paterson stated that he used the phrases *“stop fucking interrupting me, if I wanted to fucking talk to you, I’d fucking talk to you, shut the fuck up”* and she later documented this in an email. Mr Yalden also said to Emily something along the lines of *‘it’s you that’s doing my fucking head in’*. Ms Paterson stated she still recalled these words as it was quite surprising. Although the comments to Emily were not in the email to Ms Webster, it was mentioned that Mr Yalden pointed at her angrily. However, she was certain the comments were said as Emily started crying and that’s why she remembered. She said she spoke to Emily afterwards about it that day and probably a few days later and described it as a *“firm memory”*.
26. Mr Yalden apologised to Ms Paterson.
27. In cross examination, Ms Paterson stated that prior to the incident, her relationship with Mr Yalden was fine, they had worked together on a case when he was a family support worker, and he had done a good assessment. Mr Yalden had never been disrespectful prior to the 27th April 2022, but he had started to be withdrawn from January 2022. He would sit with his headphones in and his hood up which she considered was not proper conduct.
28. During the incident on the 27th April 2022, Ms Paterson disagreed that Mr Yalden had separated himself sitting the other side of the room. She said it was a very small room and he was sitting at a desk behind her. She did not recall him being near the door.
29. Mr Yalden had his headphones on and Ms Paterson said she offered him a KitKat. She accepted that he had tried to avoid contact but that was not the point of a team day. He was choosing not to speak to colleagues that day and that was inappropriate.
30. Ms Paterson said she recalled Mr Yalden saying the words as she wrote an email that day about the incident and it was part of her job to recall and record information.
31. In panel questioning, Ms Paterson stated that the Workbook programme was not new and everyone used it. It was very disliked by all staff and put a lot of extra pressure on staff.

William Yalden

[Private]

Finding and reasons on facts:

32. The panel considered the allegations together as they arose out of the same incident and avoids lengthy repetition.
33. The panel considered the evidence of Samantha Paterson and Kaye Webster and first noted that their oral evidence was consistent with their statements. They both gave a similar account of events and there has been no suggestion of collusion or malicious fabrication. In fact, both spoke highly of Mr Yalden and stated that the incident was out of character.
34. The panel placed considerable weight on the email from Samantha Paterson to Kaye Webster dated 27th April. This is the same day as the incident and therefore a contemporaneous note. It says:

At about 3:30 I offered Will a biscuit. He pulled out his earphones and said “stop fucking interrupting me, if I wanted to fucking talk to you I’d fucking talk to you, shut the fuck up”. He then pointed at Emily angrily and at that point Kaye asked him to leave the office.

35. This clearly details the language mentioned in allegations 4(a) and 4(c). While the panel accept that this does not specifically note the language from allegation 4(d), nonetheless it is still a reference to a negative interaction with Emily.
36. Turning to the evidence of Samantha Paterson, the panel found that she gave a clear and credible account of the day, detailing the layout of the room and the positions of the parties present. She gave reasons why she remembered the specific words, namely the impact that interaction had on her colleague Emily. This was supported by Kaye Webster who also confirmed that Emily was present and that she had walked into the room after hearing raised voices about a biscuit.
37. In considering the evidence of Mr Yalden, the panel noted that he did not give an account to either the internal investigation or Social Work England at the time. In addition, he did not mention this incident in any of his personal statements, only providing an explanation in March 2026. His evidence did change in oral evidence, first saying that he “could not recall” saying these words, to later emphatically denying that he said them.
38. Mr Yalden said that although Emily and Samantha Paterson were in the same office with him later in the day, Mr Yalden’s evidence was that Emily was not present at the relevant time and his conversation with Emily about his [Private] took place earlier that day in the kitchenette. However, the panel preferred the evidence of Kaye Webster and Samantha Paterson that the words alleged to have been used were said in the office where the team day was taking place. The panel also noted that Mr Yalden had admitted allegations 4(b)

and 4(e) and therefore it was clear that Mr Yalden had already used similar language to his colleagues in the same incident, and therefore it was not out of character on that particular day.

39. Taking all the above into account, the panel preferred the accounts given by Samantha Paterson and Kaye Webster and determined, on the balance of probabilities, that Mr Yalden did say:

“stop fucking interrupting me, if I wanted to fucking talk to you, I’d fucking talk to you, shut the fuck up” and ‘it’s you that’s doing my fucking head in’

40. Therefore allegations 4(a), 4(c) and 4(d) are found proved.

Finding and reasons on grounds

Submissions

41. The panel heard submissions from Mr Edwards on the statutory ground and the issue of impairment, but it decided on each stage separately and each stage is dealt with under separate headings below. Mr Edwards referred the panel to the ‘Statement of Case’ and submitted that whether the facts found proved amount to misconduct or lack of competence is a matter of judgement for the panel, rather than a matter of proof.
42. Mr Edwards referred the panel to the case of *Roylance v General Medical Council (No 2) [2000] 1 AC 311* and informed the panel that they needed to refer to Social Work England – Professional Standards (2019). Mr Edwards submitted that Mr Yalden was in breach of the following standards:

Social Work England – Professional Standards (2019)

Establish and maintain the trust and confidence of people.

As a social worker, I will:

2.2 – Respect and maintain people’s dignity and privacy.

2.6 – Treat information about people with sensitivity and handle confidential information in line with the law.

Be accountable for the quality of my practice and the decisions I make.

As a social worker I will:

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

Act safely, respectfully and with professional integrity

As a social worker, I will not:

5.1– 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 of work.

Promote ethical practice and report concerns

As a social worker, I will:

6.7 – Cooperate with any investigations by my employer, Social Work England, or another agency, into my fitness to practise or the fitness to practise of others.

43. Mr Edwards submitted that Mr Yalden’s conduct in this case marks a significant departure from the professional standards which would have been expected. He failed to carry out a number of the basic and fundamental requirements of his role as a social worker, namely by failing to complete assessments, failing to keep accurate records, failing to progress his cases, and failing to handle confidential information sensitively and in accordance with data protection laws. Mr Edwards stated that Mr Yalden’s failings in relation to these requirements meet the threshold for a finding of misconduct.
44. Mr Edwards also submitted that that Mr Yalden’s failings with respect to paragraph 2 of the allegations could also meet the threshold for a finding of lack of competence or capability. Mr Edwards submitted it would be reasonable to conclude, based on the evidence in this case, that Mr Yalden demonstrated a standard of performance which was unacceptably low across a substantial period with respect to a significant proportion of the service users he was allocated to work with.
45. [Private]
46. Mr Yalden relied on his submissions on the Service and Supplementary Bundle. He accepted that his conduct amounted to the ground of misconduct. However, he denied he lacked competence or capability as this allegation only related to one case between January to April 2022 and this was not representative of his work during his time at the Surrey County Council.

Legal Advice

47. The panel heard and accepted legal advice from the legal adviser on the issue of misconduct. The legal adviser referred to the ‘Impairment and Sanctions Guidance’ dated 19 December 2022 which provide guidance in relation to misconduct. The legal advisor also referred to *Meadow v GMC [2007]*, *Nandi v GMC [2004]*, *Ogundele v NMC [2013]* as well as *Roylance v GMC*.

Decision

48. The panel at all times had in mind the overriding objective of Social Work England which includes its duty to protect the public, promote and maintain public confidence in social workers in England and to promote and maintain proper professional standards for social workers in England. The panel had regard to Social Work England – Professional Standards 2019 and bore in mind that a departure from the Standards does not necessarily constitute misconduct.
49. Applying *Social Work England – Professional Standards 2019* the panel found Standards 2.2, 2.6, 3.1, 3.11, 5.2, and 6.7 breached. The panel carefully considered the statutory ground of misconduct. It decided that the behaviours of Mr Yalden in allegations 1, 2, 3 and 5 do amount to serious professional misconduct. The panel concluded that Mr Yalden's conduct and behaviour fell far below the standards expected of a registered social worker. His conduct amounts to failings of basic and fundamental tenets of the social work profession. The panel determined that Mr Yalden's conduct was in breach of the Standards set out below.

Social Work England – Professional Standards (2019)

Establish and maintain the trust and confidence of people.

As a social worker, I will:

2.2 – Respect and maintain people's dignity and privacy.

2.6 – Treat information about people with sensitivity and handle confidential information in line with the law.

Be accountable for the quality of my practice and the decisions I make.

As a social worker I will:

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

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

Act safely, respectfully and with professional integrity

As a social worker, I will not:

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

Promote ethical practice and report concerns

As a social worker, I will:

6.7 – Cooperate with any investigations by my employer, Social Work England, or another agency, into my fitness to practise or the fitness to practise of others.

50. The panel decided that Mr Yalden demonstrated a clear breach of confidentiality when he accessed Service User A's record. The standards are clear regarding expectations on maintaining confidentiality and any breach of data protection always has the potential to create serious risks for Service Users. In addition, Mr Yalden also failed to complete assessments, failed to keep accurate records, and failed to progress his cases, all of which had the potential to put Service Users at risk of harm. The panel also concluded that Mr Yalden's failure to engage with Social Work England for over a year was serious and amounted to misconduct. The panel considered that the facts found proved would be seen as conduct which fell far below what is expected by fellow practitioners and concluded that individually and cumulatively, they amount to misconduct.
51. However, allegation 4, the panel determined, did not amount to serious professional misconduct. [Private]
52. In considering the ground of lack of competence or capability. The panel accepted that this occurred at the start of Mr Yalden's ASYE and appears to be only one instance in his career. The panel noted that he had a very low caseload at the time and did not consider that his failures in allegation 2 to be a fair cross section of Mr Yalden's work over a reasonable period of time and were not a persistent pattern. The panel therefore concluded that Mr Yalden's conduct did not amount to a lack of competence or capability.

Finding and reasons on current impairment

Submissions

53. [Private]
54. [Private]
55. [Private]
56. [Private]
57. [Private]
58. Regarding the impact of his accessing records without justification, Mr Yalden accepted that it could have an impact on service users. He accepted it was an invasion of privacy, and he was aware of its significance. Mr Yalden recognised the importance of trust in social workers but maintained that his diminished practice was only over a short amount of time.

59. Mr Yalden explained that he did not engage with Social Work England for a long period as it not been a focus of his time. He appreciated it would have helped if he had started process earlier, but he did not allocate time to think about it until it got to a final hearing. He re-engaged with Social Work England as he wanted there to be a conclusion and to move on. He has realised he missed his previous type of work and is now in a position to re-engage.
60. When asked if he like would return to social work, Mr Yalden stated he has not kept his registration current and thus would need to re-register. He would like to work as a family support officer first and not go straight back into social work. He accepted he would need to get his CPD up to date. Mr Yalden said he was not currently impaired, he was capable of going back to social work but accepted it is a process and would like to spend time in an unqualified role in children's services first as he had been out of practice for nearly 5 years.
61. Mr Edwards submitted that a finding of impairment was a matter of judgement for the panel. He referred to the Statement of Case and highlighted paragraph 46 of the Sanctions Guidance. He stated that while Mr Yalden has demonstrated some insight, but it has come very late. He submitted that successful remediation should take place as soon as possible after the events. Mr Edwards said that the public component is only engaged in respect of allegation one.
62. The panel heard and accepted the advice of the legal adviser who referenced *CHRE v (1) NMC & (2) Grant [2011] EWHC 927 (Admin)* and *Cohen v GMC [2008] EWHC 581 [Admin]*.

Decision

63. When considering the question of impairment, the panel took into account Social Work England's 'Impairment and Sanctions Guidance'. The panel considered if Mr Yalden's current fitness to practise is impaired firstly from the personal perspective and then from the wider public perspective. The panel also had regard to whether the conduct in this case is easily remediable, whether it has been remedied and whether it was likely to be repeated.
64. In deciding impairment, the panel considered whether:
- i. Mr Yalden has in the past and/or is liable in the future to place service users at unwarranted risk of harm.
 - ii. Mr Yalden has in the past brought and/or is liable in the future to bring the profession into disrepute.
 - iii. Mr Yalden has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the profession.

65. In relation to the first question the panel determined that based on the evidence before it, Mr Yalden has in the past placed service users at unwarranted risk of harm. Mr Yalden's role was to carry out professional social work visits and to complete assessments and Child in Need plans. He accessed unauthorised case files and his failings to record accurate information and complete assessments and plans, ultimately meant that service users were not always safeguarded, and consequently were placed at risk of harm.
66. In relation to the question of whether Mr Yalden has in the past brought the profession into disrepute, the panel determined he had. A significant aspect of public interest is upholding proper standards of behaviour so as not to bring the profession into disrepute. The panel took the view that members of the public would be extremely concerned to learn that a registered social worker had behaved in the manner found in Mr Yalden's case.
67. In finding that Mr Yalden did not conduct himself in such a way as to adhere to the Social Work England Professional Standards, the panel determined that he had breached fundamental tenets of the social work profession. The panel considered that protecting confidentiality and accurate record keeping, are fundamental tenets of social work and lie at the heart of social work practice.
68. The panel considered the extent to which the misconduct in this case can be, and has been remediated by Mr Yalden, and whether it is likely to be repeated. The panel kept in mind that the facts found against Mr Yalden relate to both his professional social work practice, and to his lack of engagement with his regulator. The panel considered that the misconduct found was capable of being remedied providing that sufficient insight, remediation and reflection could be evidenced.
69. The panel took into account Mr Yalden's admissions at the fact stage and his apology in evidence to Samantha Paterson which it considered to be genuine.
70. [PRIVATE]
71. The panel also accepted that Mr Yalden has engaged with Social Work England recently and the fact that he has attended and participated in these proceedings. However, the panel also felt that this engagement could have happened sooner, and it has only occurred when it has suited Mr Yalden's own interests. [PRIVATE].
72. With regards to his [Private] health, the panel acknowledged Mr Yalden's efforts to [Private] and noted that he has shown some insight into what caused his issues and how he would act differently in the future. However, the panel determined that this insight was still developing as Mr Yalden did not demonstrate that he understood the effect of

his actions on others. The panel was particularly concerned that Mr Yalden did not recognise that lying to his employers about seeking treatment, attending appointments and taking medication not only demonstrated a lack of integrity, but showed a lack of awareness of the risk his [Private] health [Private] could pose to his ability to carry out his role in an effective professional manner. This increased the potential risk of harm to service users. Mr Yalden blamed his employer for a lack of support, but he did not recognize that it was difficult for them to give him support when he was lying to them [Private].

73. [Private]
74. Finally in terms of remediation, the panel recognized that Mr Yalden is working in an environment which is relevant to social work. However, on his own evidence, Mr Yalden states he is not ready to return to a qualified social work role at present. He outlined an action plan on how he could re-enter the profession but currently there has been no self-directed learning and limited evidence of keeping his skills and knowledge up to date. The panel noted that there are no references from his current employer. While the panel accepted Mr Yalden's "fear" of telling his employer about the proceedings, it determined that he could have provided character references or appraisals. He said that he had applied for a family support worker role without success.
75. The panel considered whether the misconduct was likely to be repeated by Mr Yalden, taking into account all it had read and heard about the misconduct. Due to the fact that Mr Yalden's insight and remediation is still developing and partial, the panel concluded that a risk of repetition remains.
76. The panel therefore concluded that Mr Yalden's fitness to practise is currently personally impaired on the grounds of his misconduct.
77. The panel next considered whether a finding of current impairment was necessary in the public interest. The panel was mindful that the public interest encompassed not only public protection but also the declaring and upholding of proper standards of conduct and behaviour as well as the maintenance of public confidence in the profession. It took into account the guidance in the *NMC v Grant* case at paragraph 74:-

'In determining whether a practitioner's fitness to practise is impaired by reason of misconduct, the relevant panel should generally consider not only whether the practitioner continues to present a risk to members of the public in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.'

78. The panel considered its findings in relation to misconduct. The panel took into account that social workers hold privileged positions of trust. It is essential to the effective delivery of social work that the public can trust social workers to practise in a safe manner, act with integrity and to cooperate and engage with their employer and their regulator. The

panel considered that members of the public, would be concerned if the regulator were not to mark the seriousness of Mr Yalden's misconduct with a finding of current impairment on public interest grounds. The panel considered that not to make a finding of current impairment of fitness to practise in relation to those matters, given the number of breaches of the Standards, would undermine public trust and confidence in the profession and would fail to uphold and declare proper standards.

79. The panel therefore decided on the public interest element of impairment that Mr Yalden's fitness to practise is currently impaired.

Decision and reasons on sanction

Submissions

80. Mr Edwards submitted that the appropriate sanction is a suspension order. He made reference to the case of *Law Society v Bolton* [1994] 1 WLR 512.
81. Mr Edwards submitted that the central purposes in considering whether to impose a sanction are the protection of the public including the wider public interest of maintaining public confidence in the profession and upholding proper standards of conduct. He submitted that preventing repetition is key to these purposes. He told the panel that mitigation is a factor that will generally be of less significance in this jurisdiction, given that the purpose of sanction is not punitive.
82. Mr Edwards drew the panel's attention to paragraph 71 of the Sanction Guidance which states:
- If personal impairment is found, a sanction restricting or removing a social worker's registration will normally be necessary to protect the public. This may include requiring a social worker to comply with specific conditions or suspend them from practising whilst they address the issues that led to the concern or until their fitness to practise is no longer impaired. However, after considering the social worker's mitigation, decision-makers may resolve some cases with a warning or advice.*
83. Mr Edwards submitted that given the seriousness of the conduct, lesser orders of no action, advice or warning would be wholly inappropriate in light of the panel's findings as to repetition and harm, as they do not restrict practice.
84. Mr Edwards referenced the Sanctions guidance and submitted that Conditions of Practice are unlikely to be appropriate in this case as no conditions could be formulated. Mr Edwards stated that while some of the factors in paragraph 71 apply, he referenced the panel's findings at paragraph 91 above and therefore a conditions of practice order was not appropriate.
85. Mr Edwards submitted that based on the Sanctions guidance and in all of the circumstances of this case, a suspension order of 12 months is necessary for the

protection of the public, including maintaining public confidence in the profession and upholding proper standards of conduct.

86. Mr Yalden read a written submission which was included in the bundle. Mr Yalden submitted that a warning would be the most appropriate sanction as it would mark the seriousness of the findings and uphold standards. He said that as he had not renewed his registration, once a warning was imposed, he would be removed from the register which would protect the public. If he re-applied for registration he would have to demonstrate remediation and that he was fit to practise. He asked if a conditions order were to be imposed, that any conditions allowed him to work as a family support officer.
87. The panel heard and accepted the advice of the legal adviser. The legal adviser reminded the panel that its overarching objective when determining sanction is to protect the health, safety and well-being of the public, to maintain public confidence in the profession, and to uphold proper professional standards. The legal adviser advised that sanctions are not intended to be punitive, though they may have that effect, and must be directed to protecting the public and the wider public interest. The panel was further advised that it must apply the principle of proportionality, weighing the interests of the social worker against the public interest, and that any sanction imposed must be the minimum necessary to achieve the regulatory objectives and be consistent with the panel's earlier findings on impairment.
88. In addition, the panel was advised that it should identify aggravating and mitigating factors and consider each available sanction in ascending order of seriousness, having regard to the guidance. The legal adviser explained the range of outcomes available under the Social Workers Regulations 2018, including taking no action, advice, warnings, conditions of practice, suspension, and removal.

Decision

89. When considering the question of sanction, the panel took into account Social Work England's 'Impairment and sanctions guidance'.
90. The panel applied the principle of proportionality by weighing Mr Yalden's interests with the public interest and by considering each available sanction in ascending order of severity. The panel considered the mitigating and aggravating factors in determining what sanction, if any, to impose.
91. The panel identified the following mitigating factors:

- [PRIVATE]
 - The events occurred during the COVID-19 pandemic, when Mr Yalden was working in challenging circumstances.
 - Mr Yalden admitted a number of allegations, and those admissions reduced the areas requiring determination by the panel.
 - Mr Yalden demonstrated remorse for his failings.
 - The incidents occurred at an early stage in his career
 - There was no previous regulatory or disciplinary history before the panel.
92. The panel identified the following aggravating factors:
- The concerns extended across a number of fundamental areas of social work practice, resulting in a risk to service users.
 - Mr Yalden has limited remediation and insight.
93. Considering the serious nature of the findings of fact it had made, the panel decided that taking no further action, issuing advice or a warning, would not be appropriate as these sanctions would not restrict Mr Yalden's practice and would therefore not protect the public from the risks that have been identified, nor would they mark the seriousness of the panel's findings.
94. The panel went on to consider whether a conditions of practice order would be appropriate. It recognised that any conditions imposed would need to be sufficiently comprehensive to address those concerns, while remaining workable and not becoming so restrictive as to amount in practice to suspension.
95. The panel concluded that the deficiencies identified were capable of remediation. There is a realistic prospect that, with appropriate training, supervision, reflection and supported practice, Mr Yalden could demonstrate his ability to return safely to unrestricted social work practice.
96. The panel also considered that Mr Yalden had demonstrated sufficient developing insight to make conditions workable. Although his insight was not yet complete, it had developed since the incidents occurred. He had also expressly confirmed that he would comply with a condition of practice order, therefore the panel was satisfied that Mr Yalden was willing and capable of complying with conditions.
97. The panel was also satisfied that workable, measurable and verifiable conditions could be formulated. The conditions could require Mr Yalden to practise only under supervision, and to be monitored by health professionals regarding his health [Private]. Compliance and progress could be monitored through reports from an

approved workplace supervisor and nominated reporter and through the provision of documentary evidence to Social Work England.

98. The panel considered the likely effect of a conditions of practice order upon Mr Yalden. It recognised that the order would require disclosure to prospective employers which may make it more difficult for him to secure social work employment. The conditions would also impose significant obligations in relation to supervision, training, reflection, reporting and professional development. However, the panel balanced those consequences against the seriousness of the findings and the need to protect vulnerable service users. It also took account of the need to maintain public confidence in the profession and uphold the standards expected of registered social workers. The panel concluded that the impact of the order upon Mr Yalden was justified and proportionate to the risks and concerns identified.
99. For completeness, the panel went on to consider whether a suspension order was required. It considered this to be a finely balanced issue in view of the number and nature of the concerns, the range of fundamental practice areas affected, and its finding that Mr Yalden remained impaired on both the personal and public components.
100. The panel recognised that suspension would provide immediate and complete protection by preventing Mr Yalden from practising as a social worker. It also acknowledged that suspension may be appropriate where the concerns represent serious breaches of professional standards and where workable conditions cannot be formulated.
101. However, the panel had been able to formulate conditions which it considered workable, measurable and sufficient to protect the public. The identified deficiencies were remediable, Mr Yalden had demonstrated some insight and a willingness to improve, and there was a realistic prospect of him returning to safe and effective practice. The panel noted that the 'Impairment and sanctions guidance' states it is in the public interest to support a trained and skilled social worker to return to practice, if this can be achieved safely.
102. The panel determined that the appropriate and proportionate sanction was a condition of practice order for a period of 18 months. The panel determined that this was sufficient time for Mr Yalden to be able to return to practise and demonstrate sufficient remediation and insight. The order will be reviewed before it expires. For a period of 18 months from the date on which this order takes effect, Mr Yalden's registration will be subject to the following conditions:

Conditions of Practice:

1. You must notify Social Work England at any time you are employed in a role, or providing social work services, which require you to be registered with Social Work England and provide the contact details of your employer, agency or any organisation with which you have a contract or arrangement to provide social work services, whether paid or voluntary.
2. You must allow Social Work England to exchange information with your employer, agency or any organisation with which you have a contract or arrangement to provide social work or social work educational services, and any reporter or workplace supervisor referred to in these conditions
3.
 - a. At any time you are employed in a role, or providing social work services, which require you to be registered with Social Work England, you must agree to the appointment of a reporter nominated by you and approved by Social Work England. The reporter must be on Social Work England's register (and can be the same person as the workplace supervisor).
 - b. You must not start or continue to work until these arrangements have been approved by Social Work England
4. You must provide reports from your reporter to Social Work England every 6 months and at least 14 days prior to any review and Social Work England will make these reports available to any workplace supervisor referred to in these conditions on request
5. You must inform Social Work England within 7 days of receiving notice of any formal disciplinary proceedings taken against you from the date these conditions take effect
6. You must inform Social Work England within 7 days of receiving notice of any investigations or complaints made against you from the date these conditions take effect.
7. You must inform Social Work England if you apply for social work employment / self-employment (paid or voluntary) outside England within 7 days of the date of application
8. You must inform Social Work England if you are registered or subsequently apply for registration with any other UK regulator, overseas regulator or relevant authority within 7 days of the date of application [for future registration] or 7 days from the date these conditions take effect [for existing registration]

9.
 - a. At any time you are employed, or providing social work services, which require you to be registered with Social Work England; you must place yourself and remain under the supervision of a workplace supervisor nominated by You, and approved by Social Work England. The workplace supervisor must be on Social Work England 's register (and can be the same person as the reporter).
 - b. You must not start or continue to work until these arrangements have been approved by Social Work England
10. You must work with your workplace supervisor/reporter, to formulate a personal development plan, specifically designed to address the shortfalls in the following areas of your practice:
 - Case and workload management
 - Record Keeping
 - Data protection
11. You must provide a copy of your personal development plan to Social Work England within 4 weeks from the date these conditions take effect and an updated copy 2 weeks prior to any review.
12. You must provide reports from your workplace supervisor to Social Work England every 6 months and at least 14 days prior to any review, and Social Work England will make these reports available to any reporter referred to in these conditions on request.
13.
 - a. [Private]
 - b. [Private]
 - c. [Private]
 - d. [Private]
14. You must provide a written copy of your conditions, within 7 days from the date these conditions take effect, to the following parties confirming that your registration is subject to the conditions listed at 1 to 13 above:
 - Any organisation or person employing or contracting with you to undertake social work services whether paid or voluntary.

- Any locum, agency or out-of-hours service you are registered with or apply to be registered with in order to secure employment or contracts to undertake social work services whether paid or voluntary (at the time of application).
- Any prospective employer who would be employing or contracting with you to undertake social work services whether paid or voluntary (at the time of application).
- Any organisation, agency or employer where you are using your social work qualification/knowledge/skills in a non-qualified social work role, whether paid or voluntary (at time of application).
- You must forward written evidence of your compliance with this condition to Social Work England within 7 days from the date these conditions take effect

Recommendations to assist the review panel

103. There will be a mandatory review before the expiry of the 18-month period of the conditions of practice order, at which the review panel will wish to see an improvement. In order to demonstrate that improvement, the panel recommends that Mr Yalden providing the following:

- A reflective statement, showing that Mr Yalden has accepted the findings of the panel and understands the impact that the misconduct would have had on service users, his social work colleagues, the wider social work profession, and the public confidence in the social work profession;
- Up to date references from employment or voluntary work undertaken and/or character testimonials.

Interim order:

104. In light of its findings on sanction, the panel next considered an application by Mr Edwards for an 18 month interim conditions of practice order to cover the appeal period before the final order becomes effective. He submitted that an interim order is necessary to protect the public in light of the findings of misconduct and impairment made by the panel. Mr Edwards also invited the panel to revoke the interim order that had been put in place in preparation for this hearing.

105. The panel considered whether to impose an interim order. It was mindful of its earlier findings and the risk to the public if no order is in place and decided that it

would be wholly incompatible with those earlier findings to permit Mr Yalden to practice unrestricted during the appeal period.

106. Accordingly, the panel concluded that an interim conditions of practice order in the same terms as the substantive order for a period of 18 months is necessary for the protection of the public and in public interest. When the appeal period expires, this interim order will come to an end unless an appeal has been filed with the High Court. If there is no appeal, the final conditions of practice order shall take effect when the appeal period expires.

107. Accordingly, the panel has decided to revoke the interim order under Schedule 2, paragraph 8 of the Social Workers Regulations 2018 (as amended).

Right of appeal

108. 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:

1. 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.

2. the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.

109. 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.

110. 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.

111. 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:

112. 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

113. 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:

114. 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>.