Social worker: Shannon Barlow
Registration number: SW125146
Fitness to Practise
Final Hearing

Dates of hearing: 21 September 2026 to 23 September 2026

Hearing venue: Remote hearing

Hearing outcome:
Fitness to practise impaired, warning order (3 years)

Introduction and attendees:

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018 (as amended) ("the regulations").

2. Ms Barlow attended the hearing and was represented by Mr Martyn Burrell of the British Association of Social Workers (BASW).

3. Social Work England was represented by Ms Louisa Atkin 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
Rosemary Chapman	Social worker adjudicator
Baljeet Basra	Lay adjudicator

Hearings team/Legal adviser	**Role**
Poppy Muffett	Hearings officer
Asma Ansar	Hearings support officer
Zill-e Huma	Legal adviser

Service of notice:

5. The panel considered all of the documents contained within the hearing bundle, together with Ms Barlow's attendance at the hearing and the fact that she was represented by Mr Burrell. The panel noted that no issues were raised by either party in relation to service. Having considered the Social Work England Fitness to Practise Rules 2019 (as amended), and all of the information before it in relation to service of notice, the panel was satisfied that notice of the hearing had been served on Ms Barlow in accordance with the Rules and that service had been properly effected.

Background:

6. On 12 November 2021, Social Work England received a self-referral from Ms Barlow. A further referral was subsequently received from Blackburn with Darwen Borough Council (the Council), where Ms Barlow had been employed as a social worker within Children's Services since April 2019.

7. In May 2021, the Council introduced a requirement for staff attending Council buildings or working with partner organisations to undertake lateral flow testing twice weekly and to record their test results. Following notification of this requirement, Ms Barlow raised concerns with the Council about COVID-19 testing and vaccinations and indicated that she did not wish to receive either intervention. She subsequently raised a number of questions concerning the Council's testing requirements.

8. Ms Barlow was absent from work on sick leave between 12 May and 26 June 2021. During that period, she was provided with the Council's policy on lateral flow testing and the Council's HR team on 23 June 2021 provided responses to the questions she had raised.

9. Following her return to work, the Council discussed the testing requirements with Ms Barlow during a Return to Work interview on 2 July 2021. Further communications subsequently took place between Ms Barlow, her line manager and the Council's HR team concerning compliance with the testing requirements and the recording of test results.

10. In August 2021, further enquiries were made by the Council regarding Ms Barlow's compliance with the testing requirements. Discussions concerning her position continued during August and September 2021. During this period, Ms Barlow also undertook a PCR test for the purposes of travelling abroad on pre-booked annual leave, between 11-24 August 2021.

11. In September 2021, the Council commenced an investigation concerning Ms Barlow's adherence to its COVID-19 testing requirements. Ms Barlow was offered on 22 September 2021 a temporary alternative role while the matter was investigated, which she accepted on 23 September 2021. On 24 September 2021, Ms Barlow gave notice of her resignation.

12. Ms Barlow attended an investigation meeting on 14 October 2021 and was subsequently informed that the matter would proceed to a disciplinary hearing. The disciplinary hearing took place on 12 November 2021. Ms Barlow left the Council on or around 19 November 2021.

13. These circumstances subsequently formed the background to the fitness to practise concerns considered by Social Work England.

Allegations:

"Whilst registered as a social worker:-

1. During your employment with Blackburn with Darwen Council ("the Council"), you did not undertake Lateral Flow testing:

a. in accordance with the Council's expectation and/or policy from around May 2021;

b. after you had informed your Manager that you would do so on or before 7 July 2021.

2. Your conduct with respect to paragraph 1b above was dishonest.

The matters outlined at paragraphs 1 and 2 above amount to the statutory ground of misconduct.

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

Admissions:

14. Rule 32(c)(i)(aa) of the Social Work England 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."

15. Following the reading of the allegations, the panel chair clarified Ms Barlow's position in respect of the allegations, misconduct and current impairment.

16. Ms Barlow admitted allegations 1(a), 1(b) and 2. In accordance with Rule 32(c)(i)(aa) of the Rules, the panel therefore found allegations 1(a), 1(b) and 2 proved by way of Ms Barlow's admissions.

17. Ms Barlow also accepted that the facts admitted and found proved amounted to misconduct.

18. In relation to current impairment, Ms Barlow did not accept that her fitness to practise was currently impaired on the personal element. However, she accepted that her fitness to practise was currently impaired on the public element.

19. Notwithstanding Ms Barlow's acceptance of misconduct and her position in relation to current impairment, the panel recognised that the questions of misconduct and current impairment were matters for its own independent professional judgment. The panel therefore went on to consider and determine those matters on the basis of all of the evidence and information before it.

Finding and reasons on grounds:

Social Work England:

20. Ms Atkin, on behalf of Social Work England, submitted that Ms Barlow had admitted the facts of allegations 1(a) and 1(b) in advance of the hearing. She further confirmed that Mr Burrell, on behalf of Ms Barlow, had confirmed that allegation 2 was also admitted. Ms Atkin submitted that, in light of those admissions, the panel was required to find those facts proved pursuant to Rule 32(c)(i)(aa) of the Social Work England Fitness to Practise Rules 2019 (as amended), which provides that where facts have been admitted by the social worker, the adjudicators or regulator shall find those facts proved.

21. In relation to dishonesty, Ms Atkin submitted that the parties had discussed Social Work England's case concerning dishonesty and that Mr Burrell had confirmed, on behalf of Ms Barlow, that there was no dispute with Social Work England's case as advanced, save for a difference between the parties concerning Ms Barlow's likely motivation.

22. Ms Atkin submitted that the parties agreed that Ms Barlow's likely motivation could be considered by the panel when assessing the seriousness of the misconduct. However, motivation was not something which Social Work England was required to prove in

order to establish dishonesty. Accordingly, the difference between the parties concerning Ms Barlow's motivation did not undermine her admission of dishonesty or the findings arising from that admission.

23. Ms Atkin submitted that the panel was next required to determine whether the facts found proved amounted to the statutory ground of misconduct. She reminded the panel that whether the facts found proved amounted to misconduct was a matter for its own professional judgment rather than a matter of proof.

24. Ms Atkin submitted that misconduct is not defined within the relevant Social Work England legislation but referred the panel to the principles in *Roylance v General Medical Council (No. 2)*. She submitted that misconduct involves an act or omission which falls short of what would be proper in the circumstances and that the appropriate standard of propriety may be identified by reference to the rules and standards ordinarily required of a practitioner in the particular circumstances. The falling short must be sufficiently serious to amount to misconduct.

25. Ms Atkin referred the panel to the relevant professional standards relied upon by Social Work England and submitted that Ms Barlow's conduct represented a serious departure from the standards expected of a registered social worker.

26. Ms Atkin submitted that Ms Barlow's failure to undertake testing in accordance with the Council's policy was not an isolated incident. Her non-compliance persisted following her return to work until she commenced a period of annual leave in August 2021.

27. Ms Atkin submitted that Ms Barlow was required to adhere to health and safety arrangements which the Council had introduced in the interests of the public, service users and her colleagues. The testing requirement had been introduced as a measure intended to limit the spread of COVID-19. At the material time, COVID-19 had resulted in a global pandemic and was known to be capable of causing serious illness and death.

28. Ms Atkin submitted that the Council was situated in an area in which infections involving a new variant of COVID-19 were spreading at the material time. Ms Barlow's decision not to comply with the testing regime following her return to work undermined the Council's efforts to limit the spread of infection and had the potential to place colleagues, service users and members of the public at risk.

29. Ms Atkin submitted that Ms Barlow's stated concerns about testing were undermined by the fact that she subsequently undertook a PCR test in order to travel abroad on holiday. In any event, it remained open to Ms Barlow to maintain her objection to testing, provided that she did so openly and accepted that the Council might consequently need to make adjustments to her role or working arrangements.

30. Ms Atkin submitted that Social Work England considered Ms Barlow's decision not to undertake the required lateral flow tests, in all the circumstances, to be sufficiently serious to meet the threshold for misconduct.

31. Ms Atkin further submitted that Ms Barlow had indicated that she would comply with the testing requirements going forward. The Council was therefore unaware that there remained an ongoing need to consider alternative arrangements or adjustments to her role in order to manage the relevant risks. Such measures could have included preventing her from attending the office or making adjustments to the duties she undertook.

32. Ms Atkin submitted that, in those circumstances, Ms Barlow had placed her own interests above those of the Council, her colleagues and service users.

33. Ms Atkin submitted that Ms Barlow's dishonesty arose from her failure to undertake the tests after indicating that she would do so. That position continued even after she had been reminded of the requirement to log her test results and persisted until she was subsequently questioned about whether she had in fact undertaken the tests.

34. Ms Atkin emphasised that honesty and integrity are fundamental requirements of social work practice. She submitted that Ms Barlow had not been open and honest with her line manager or with the Council about the fact that she was not undertaking the tests, notwithstanding her earlier indication that she would comply with the testing requirement.

35. Ms Atkin submitted that the dishonesty significantly increased the seriousness of the conduct. By allowing the Council to proceed on the understanding that she was complying with the testing regime, Ms Barlow deprived her employer of the opportunity to consider whether alternative measures or adjustments were necessary to manage the potential risks.

36. Ms Atkin submitted that, when considered cumulatively, Ms Barlow's sustained failure to comply with the Council's testing arrangements, the potential risk to colleagues, service users and members of the public, her indication that she would comply with those arrangements, her subsequent failure to do so and the associated dishonesty amounted to a serious departure from the standards expected of a registered social worker.

37. Accordingly, Ms Atkin invited the panel to find that the facts found proved amounted to misconduct.

Social Worker:

38. Mr Burrell, on behalf of Ms Barlow, submitted that there was very little to add in relation to misconduct. He confirmed that Ms Barlow accepted that her actions were dishonest and accepted that her conduct amounted to misconduct.

39. Mr Burrell submitted that Ms Barlow had not, on the day in question, intentionally set out to deceive her employer. However, she fully accepted that her actions were dishonest and that her comments would have led her employer to understand that she would undertake the required testing. Thereafter, she had failed to clarify or correct that understanding and accepted that this amounted to dishonesty.

40. Mr Burrell submitted that Ms Barlow regretted that she had not been clearer about her position. She accepted that this had been her error and was not the fault of her employer. He submitted that, to her credit, when she was directly challenged about the matter, she was honest about her position. Nevertheless, Ms Barlow recognised that she should not have waited until she was directly challenged before making her position clear.

41. In response to a question from the panel concerning the difference between the parties as to Ms Barlow's motivation, Mr Burrell referred to paragraph 73 of the Statement of Case. He submitted that there appeared to be an inference within Social Work England's case that the reason for Ms Barlow's dishonesty was a fear that she might otherwise be dismissed from her employment, which she had worked hard to establish.

42. Mr Burrell submitted that this was not Ms Barlow's position. Her conduct had not arisen from a desire to avoid being out of work or solely from a fear of losing her employment. Rather, the conduct occurred at the end of a period during which she had been desperate to return to work and wished to continue carrying out her work.

43. The panel sought clarification from Mr Burrell as to Ms Barlow's position on misconduct, namely whether misconduct was denied, whether she adopted a neutral position, or whether it was accepted. Mr Burrell confirmed on behalf of Ms Barlow that misconduct was accepted.

Legal advice:

44. The panel accepted the advice of the legal adviser. The panel was advised that whether the facts found proved amounted to misconduct was a matter for its own independent professional judgment and legal characterisation, rather than a matter requiring further evidential proof. The panel was referred in this regard to *Council for the Regulation of Health Care Professionals v GMC and Biswas* [2006] EWHC 464.

45. The panel was advised that there is no statutory definition of misconduct and was referred to the principles set out in *Roylance v General Medical Council (No. 2)* [2001] 1 AC 311, namely that misconduct involves an act or omission which falls short of what would be proper in the circumstances, with the appropriate standard of propriety often being identified by reference to the rules and professional standards ordinarily expected of a practitioner in the particular circumstances.

46. The legal adviser reminded the panel that not every breach of a professional standard will amount to misconduct. The panel was referred to *Solicitors Regulation Authority v Day & Others* [2018] EWHC 2726 (Admin) and *Khan v Bar Standards Board* [2018] EWHC 2184 (Admin) and was advised that the conduct must be sufficiently serious to cross the threshold into misconduct. Conduct which is trivial, inconsequential, temporary or otherwise readily excusable would not ordinarily meet that threshold.

47. The panel was advised to consider the nature and circumstances of Ms Barlow's conduct, the extent to which it departed from the standards expected of a registered social worker, the seriousness of that departure and her level of culpability. The panel

should also consider whether competent and responsible social work practitioners would regard the conduct as serious.

48. The panel was reminded that the threshold for misconduct is a high one and that, having regard to all of the circumstances and the applicable professional standards, it was for the panel to exercise its own professional judgment in determining whether Ms Barlow's conduct represented a sufficiently serious departure from those standards to amount to misconduct.

Panel's decision and reasons on misconduct:

49. The panel considered all of the information and evidence before it, including the facts admitted by Ms Barlow and found proved, the documentary evidence, the submissions made by Ms Atkin on behalf of Social Work England and those made by Mr Burrell on behalf of Ms Barlow. The panel also took account of the legal advice it had received and the relevant Social Work England guidance.

50. The panel reminded itself that whether the facts found proved amounted to misconduct was a matter for its own independent professional judgment. It recognised that not every falling short of professional standards will amount to misconduct and that, to do so, the conduct must represent a serious departure from the standards properly expected of a registered social worker.

51. The panel had regard to the relevant professional standards identified by Social Work England, in particular the requirement at Standard 2.1 to be open, honest, reliable and fair. The panel considered honesty and integrity to be fundamental to the relationship of trust between a social worker, their employer, colleagues, service users and the wider public.

52. The panel considered Ms Barlow's failure to comply with the Council's testing arrangements in the particular context in which it occurred. At the material time, COVID-19 presented a significant public health concern. The Council had introduced its testing arrangements as part of its measures to manage the risk of transmission and to protect its workforce, service users and members of the public.

53. The panel considered particularly significant that Ms Barlow's work involved contact with service users, including children, and involved entering service users' homes and attending the workplace. Her failure to undertake the required testing therefore had the potential to expose colleagues, service users and members of the public to an increased risk of infection.

54. The panel noted that the Council's policy recognised that some employees might have concerns about or object to testing. There was an established opportunity for an employee in that position to raise their concerns with their manager so that alternative working arrangements or other measures could be considered. The panel therefore considered that Ms Barlow was not faced with a simple choice between undergoing testing against her wishes or being unable to work. She could have been open with her

employer about her position and enabled the Council to consider how the situation should appropriately be managed.

55. The panel considered that Ms Barlow had opportunities to make her true position clear. Of particular significance was the communication concerning the logging of test results. The panel considered that this provided a clear opportunity for Ms Barlow to explain that she was not logging test results because she was not undertaking the tests. She did not do so. Instead, the Council was permitted to continue under the understanding that she was complying with the testing arrangements.

56. The panel accepted that Ms Barlow may have been flustered when the issue first arose and took account of the fact that she was a relatively newly qualified social worker undertaking her ASYE at the material time. However, the panel considered that these matters did not adequately explain the subsequent and prolonged failure to correct the position. Ms Barlow was professionally qualified and remained subject to the professional obligations applicable to registered social workers.

57. The panel considered the duration of the conduct to be an important feature of its seriousness. This was not a single, momentary lapse of judgment which was immediately corrected. The conduct continued over a period of several weeks, during which Ms Barlow had repeated opportunities to inform her employer that she was not undertaking the required tests and to discuss alternative arrangements.

58. The panel also considered the dishonesty to be a significant feature. Ms Barlow accepted that her communications had led her employer to believe that she would undertake the required testing and that she subsequently failed to clarify or correct that understanding. In the panel's view, her continued silence allowed a materially inaccurate understanding of her compliance to persist.

59. The panel took account of Mr Burrell's submissions concerning Ms Barlow's motivation. It accepted that her position was not that she had acted dishonestly because she wished to avoid work. Rather, she had wanted to return to and continue with her employment. The panel did not consider it necessary to determine a particular underlying motivation in order to determine whether the admitted conduct amounted to misconduct. It nevertheless took the explanation advanced on Ms Barlow's behalf into account when assessing the overall seriousness of her conduct.

60. The panel also took account of the matters advanced in Ms Barlow's favour. In particular, it noted that when she was ultimately directly challenged about whether she was undertaking the tests, she was honest about her position. The panel further noted her acceptance that she should have made her position clear at an earlier stage, that the failure to do so was her responsibility rather than that of her employer, and her acceptance before the panel that her conduct was dishonest and amounted to misconduct.

61. However, the panel considered that those matters did not diminish the seriousness of the conduct to the extent that it fell below the threshold for misconduct. Ms Barlow's

lack of openness prevented the Council from making an informed assessment of the risks arising from her attendance at work and from considering whether alternative arrangements were required. Her conduct therefore had implications beyond her relationship with her employer and had the potential to affect colleagues, service users and members of the public.

62. The panel considered the circumstances cumulatively. It had particular regard to the prolonged nature of the conduct; the repeated opportunities Ms Barlow had to correct her employer's understanding; her failure to avail herself of the opportunity to discuss alternative arrangements; the dishonesty involved; the importance of openness and honesty within social work practice; and the potential consequences for colleagues, service users and the wider public in the context of the COVID-19 pandemic.

63. The panel was satisfied that Ms Barlow's conduct represented a serious departure from the standards expected of a registered social worker and fell far below the standards of conduct and behaviour properly expected of members of the profession.

64. Accordingly, exercising its own independent professional judgment, the panel determined that the facts found proved amounted to misconduct.

Finding and reasons on current impairment:

Social Work England:

65. Ms Atkin, on behalf of Social Work England, submitted that whether Ms Barlow's fitness to practise is currently impaired by reason of her misconduct is a matter for the panel's professional judgment rather than a matter of proof. Although the focus was on current impairment, in determining Ms Barlow's fitness to practise at the present time, the panel was required to take account of the manner in which she had acted, or failed to act, in the past.

66. Ms Atkin referred the panel to Social Work England's Impairment and Sanctions Guidance and submitted that there are two elements to the assessment of current impairment: the personal element and the public element. The panel was required to consider both. This was particularly important in a case involving dishonesty because of the wider public interest considerations arising from dishonest conduct. The personal element was principally concerned with whether there remained an ongoing risk of harm to service users or members of the public, whereas the public element concerned the seriousness of the misconduct and whether a finding of impairment was required to uphold proper professional standards and maintain public confidence in the profession.

67. Ms Atkin reminded the panel that the factors identified within the guidance were not to be approached as a numerical exercise by simply counting those which weighed for or against Ms Barlow. Some factors might carry greater weight than others. Any determination reached by the panel also had to be consistent with the facts found proved and its determination on misconduct.

68. Addressing the question of harm or risk of harm, Ms Atkin acknowledged that there was no evidence that Ms Barlow's failure to comply with the testing requirements had caused actual harm. However, the Council had introduced the testing regime because it considered it necessary to limit the spread of new variants of COVID-19. Ms Barlow's failure to comply therefore had the potential to place colleagues and service users at risk, notwithstanding that there was no evidence that such harm had materialised.

69. In relation to repetition, Ms Atkin acknowledged that there was no evidence that Ms Barlow had repeated the conduct of concern, either by failing to comply with policies relevant to her employment as a social worker or by acting dishonestly since the events in question. However, she submitted that the original conduct was not an inadvertent failure to comply. Even if it had not been planned or premeditated at the outset, it involved a deliberate and continuing decision not to comply with a policy with which Ms Barlow disagreed, together with a continuing failure to be honest about her compliance over a period of approximately one month.

70. Ms Atkin submitted that dishonesty was conduct capable of reflecting an attitudinal concern and could therefore be more difficult to remediate. In the absence of full and genuine insight, it was difficult safely to conclude that there was no risk of repetition. Social Work England did not suggest that precisely the same conduct was likely to recur, particularly as the events occurred in the specific circumstances of the COVID-19 pandemic. Rather, the concern was whether there remained a risk of deliberate misconduct in different circumstances if Ms Barlow had not developed full insight and sufficiently remediated her conduct.

71. Ms Atkin acknowledged that Ms Barlow had no previous regulatory history and that there was no evidence of any further fitness to practise concerns since the events in question. However, she referred to the guidance and submitted that evidence of professional competence could not, of itself, mitigate serious or persistent dishonesty. The fact that Ms Barlow otherwise appeared to be a capable social worker therefore had to be balanced against the fact that her misconduct involved a deliberate breach of the fundamental professional requirements of honesty and integrity.

72. Ms Atkin submitted that insight was a particularly important consideration. She acknowledged, to Ms Barlow's credit, that she had now admitted the allegations and had, to an extent, accepted responsibility for her conduct. Her position had developed from that which she had adopted during the Council's investigation. At that stage, her responses had demonstrated a greater focus upon the impact of the policy upon her personally, and she had attributed some responsibility to her manager for not checking her compliance earlier and to what she considered to be the Council's failure adequately to answer her questions concerning the policy.

73. Ms Atkin acknowledged that Ms Barlow no longer appeared to maintain that position. Nevertheless, she submitted that Ms Barlow's most recent reflective material continued to demonstrate limitations in her insight. In particular, Ms Barlow referred to aspects of her communication having created ambiguity and having allowed others to

conclude that she had agreed to undertake testing. Ms Atkin submitted that such language tended to distance Ms Barlow from her own conduct rather than amounting to a straightforward acknowledgement that it was her own choices as to how she communicated which had created and maintained that impression.

74. Ms Atkin submitted that Ms Barlow's reflective material did not yet demonstrate full accountability or a sufficiently developed understanding of the importance of an employer being able to trust a registered social worker to comply with relevant policies and procedures and to act consistently with assurances which they had given.

75. Turning to remediation, Ms Atkin submitted that this was closely connected to insight and the risk of repetition. She referred to the guidance which recognises that remediation can be more difficult to demonstrate where the concerns relate to matters of character, including dishonesty. She acknowledged Mr Burrell's earlier submission that Ms Barlow had ultimately been honest about her position when directly challenged. However, the panel was entitled to consider the circumstances in which that occurred, including that the Council had reached a stage at which it expected Ms Barlow to provide evidence of her compliance which she was unable to provide.

76. Ms Atkin also acknowledged that Ms Barlow had now admitted the allegations in full. However, she submitted that an admission did not of itself make the underlying concern less serious. The panel was entitled to consider the timing and circumstances of those admissions when assessing the extent to which they demonstrated the development of insight and remediation. Ms Barlow's initial response during the Council's investigation did not demonstrate early insight or remediation and, when considered alongside the limitations identified by Social Work England in her subsequent reflective material, there remained insufficient evidence to demonstrate that the underlying concerns had been fully remediated.

77. Ms Atkin acknowledged that the panel had been provided with up-to-date and credible testimonial evidence relevant to its assessment of Ms Barlow's current fitness to practise. That evidence should be taken into account and weighed in her favour. However, Ms Atkin reminded the panel that evidence of professional competence did not necessarily mitigate concerns arising from dishonesty. The positive testimonial evidence therefore had to be balanced against the nature and seriousness of the misconduct and the extent to which Ms Barlow had demonstrated insight and remediation.

78. Taking those matters together, Ms Atkin submitted that there was insufficient evidence upon which the panel could properly conclude that Ms Barlow had fully addressed her misconduct such that her fitness to practise was no longer impaired in respect of the personal element.

79. Ms Atkin further submitted that, irrespective of the panel's conclusion concerning the personal element, it was required to consider the public element independently and determine whether a finding of impairment was necessary to maintain public

confidence in the social work profession and to declare and uphold proper professional standards.

80. Ms Atkin referred to paragraphs 172–174 of Social Work England's Impairment and Sanctions Guidance. She submitted that the guidance recognises that honesty is fundamental to good social work practice, that dishonesty is likely to threaten public confidence in the profession, and that dishonest conduct is highly damaging to public confidence in social work.

81. Ms Atkin also referred to the principles in *Grant*, as identified within Social Work England's Statement of Case, including the consideration of whether a practitioner has in the past acted dishonestly and/or is liable to act dishonestly in the future. She submitted that, while every case necessarily depended upon its own facts, the authorities and guidance recognised the particular public interest considerations which arose where misconduct involved dishonesty.

82. Ms Atkin submitted that Ms Barlow's misconduct involved dishonesty in circumstances in which her employer was entitled to rely upon her openness and honesty concerning compliance with measures intended to protect colleagues, service users and the public. In those circumstances, a finding of impairment was necessary to mark the seriousness of the conduct, uphold proper professional standards and maintain public confidence in the social work profession.

83. Accordingly, Ms Atkin invited the panel to find that Ms Barlow's fitness to practise is currently impaired on both the personal and public elements by reason of her misconduct.

Social worker:

84. Mr Burrell, on behalf of Ms Barlow, addressed the panel first in relation to the personal element of current impairment and thereafter the public element.

85. Mr Burrell reiterated that Ms Barlow had not set out on the day in question with the intention of being dishonest. However, she fully accepted that her comments would have led her employer to believe that she was undertaking the required testing and that, thereafter, she failed to clarify or correct that understanding. She fully accepted that this amounted to dishonesty.

86. Mr Burrell submitted that Ms Barlow accepted that she had not been sufficiently clear and that this was solely her error and not that of her employer. He submitted that it was to her credit that, when directly challenged, she was honest about her position. Ms Barlow nevertheless recognised that she should not have waited until she was challenged before making her position clear.

87. Mr Burrell addressed Social Work England's reliance upon Ms Barlow's position during the Council's investigation in 2021. He submitted that the investigation had taken place approximately five years ago and that Ms Barlow should be afforded the opportunity to demonstrate the reflection and development which had occurred since that time. He

submitted that it would not be appropriate to assess her current insight solely by reference to the position she had adopted during the Council's investigation without taking account of her subsequent development.

88. Mr Burrell submitted that the events had occurred during a unique and unprecedented period. Ms Barlow openly accepted that she had struggled with issues arising from the COVID-19 pandemic. She had experienced unprecedented pressures, including remote working for the first time, heightened anxiety and increasing workloads. At the material time, she was also a newly qualified social worker and did not have the experience or established professional support networks which she subsequently developed. Mr Burrell submitted that these circumstances had contributed to the poor choices she made at the time.

89. Mr Burrell submitted that Ms Barlow was now in a very different position, both professionally and personally. The events of 2021 were some five years in the past and, during the intervening period, she had developed and matured both as an individual and as a social worker.

90. Since leaving her former employer, Ms Barlow had remained in consistent employment with her current Council employer. Mr Burrell submitted that, when recruited, she had been open and honest about the circumstances in which she had changed roles and about the background to the present proceedings. Her current employer was therefore fully aware of the relevant history.

91. Mr Burrell submitted that Ms Barlow's practice had, as a consequence of that background, been subject to a significant degree of observation and scrutiny by her current employer. Notwithstanding that scrutiny, her employer had confidence in her practice and she had recently been promoted.

92. Mr Burrell acknowledged that dishonesty can be difficult to remediate and accepted that demonstrating remediation in a case involving dishonesty may present particular difficulties. He submitted, however, that Ms Barlow had demonstrated such remediation through her conduct over the intervening years. In particular, she had demonstrated honesty and integrity in her relationship with her current employer.

93. Mr Burrell referred the panel to the two supporting testimonials provided by senior members of Ms Barlow's current organisation, who were fully aware of the present fitness to practise proceedings. He submitted that those testimonials provided particularly important evidence when assessing the personal element of impairment because they demonstrated Ms Barlow's current professional conduct and relationships within the workplace.

94. Mr Burrell submitted that the testimonials disclosed no concerns regarding Ms Barlow's practice and, importantly in the context of the present case, provided positive evidence concerning her honesty and integrity. A number of professional strengths were identified within them. He described the references as exceptional and submitted that

they demonstrated a materially different practitioner from the newly qualified social worker involved in the events of 2021.

95. Mr Burrell invited the panel to consider those testimonials carefully as evidence of Ms Barlow's current position, her professional relationships, her development since 2021 and, importantly, whether there remained any personal impairment at the present time.

96. Mr Burrell further submitted that Ms Barlow had reflected extensively upon the events, including what she should have done differently. She had demonstrated remorse in respect of those who had been, or could potentially have been, affected by her conduct. She had also used the adverse experience as an opportunity to support others.

97. Mr Burrell submitted that, when assessing personal impairment, the panel should consider whether the concerns were capable of remediation, whether they had in fact been remediated, and whether repetition was highly unlikely. He invited the panel to consider Ms Barlow's extensive reflection and learning, the development in her insight from the position she had initially adopted during the Council's investigation, her professional history since 2021, the strong testimonial evidence, the absence of any further concerns or repetition, and her continued professional development.

98. Mr Burrell submitted that there was no realistic prospect of Ms Barlow repeating dishonest conduct of this nature. Her reflection, learning and development since 2021 demonstrated that she was now a different and more experienced practitioner. Accordingly, Ms Barlow did not accept that her fitness to practise remained impaired on the personal element.

99. Turning to the public element, Mr Burrell submitted that Ms Barlow recognised the wider public interest arising from her past dishonesty. To her credit, she accepted that a reasonable member of the public would have concerns about the dishonest conduct which had occurred.

100. Mr Burrell confirmed that Ms Barlow therefore accepted that her fitness to practise is currently impaired on the public element, recognising that such a finding was necessary to uphold proper professional standards and promote and maintain public confidence in the social work profession.

101. Accordingly, Mr Burrell invited the panel to find that Ms Barlow was not currently impaired on the personal element, but confirmed that she accepted current impairment on the public element.

Legal advice:

102. The panel accepted the advice of the legal adviser. The panel was advised that current impairment was a matter for its own independent professional judgment and should be considered in the wider context of public protection, including the protection of service users, maintaining public confidence in the profession and upholding proper professional standards.

103. The panel was advised to consider both the personal and public components of impairment. In relation to the personal component, the panel should consider Ms Barlow's insight, remediation and the risk of repetition. In relation to the public component, it should consider whether a finding of impairment was required to maintain public confidence in the profession and to declare and uphold proper professional standards.

104. The panel was referred to *CHRE v NMC and Grant* [2011] and advised to consider whether Ms Barlow had in the past, and/or was liable in the future, to place service users at unwarranted risk of harm, bring the profession into disrepute, breach a fundamental tenet of the profession or act dishonestly.

105. The panel was also referred to *Cohen v General Medical Council* [2008] and reminded that its assessment should be forward-looking. It should consider whether the concerns were capable of remediation, whether they had been remedied in fact and whether they were highly unlikely to be repeated. In doing so, the panel should have regard to the seriousness and circumstances of the misconduct, whether it was isolated or part of a wider pattern, Ms Barlow's insight and acceptance of responsibility, evidence of remediation, and her current attitude and circumstances.

106. The panel was reminded that, even if the risk of repetition was low, it must separately consider whether a finding of current impairment was nevertheless required in the public interest to maintain public confidence in the social work profession and uphold proper professional standards.

Panel's decision and reasons on current impairment:

107. The panel considered all of the information before it, including the facts found proved, the documentary evidence, Ms Barlow's written reflections, the testimonial evidence, the submissions made by Ms Atkin on behalf of Social Work England and those made by Mr Burrell on behalf of Ms Barlow. The panel also accepted the advice of the legal adviser and had regard to Social Work England's Impairment and Sanctions Guidance and the relevant legal principles.

108. The panel reminded itself that current impairment was a matter for its own independent professional judgment and that its assessment was forward-looking. It considered both the personal and public elements of impairment. In doing so, it had regard to the principles in *Grant* and, when assessing the risk of repetition, applied the approach in *Cohen* by considering whether the concerns were capable of remediation, whether they had in fact been remediated and whether they were likely to be repeated.

109. In considering the personal element, the panel first considered Ms Barlow's position at the time of the misconduct. It was satisfied that her fitness to practise was impaired at that time. Although there was no evidence of actual harm, her failure to undertake the required lateral flow testing created a potential risk of harm. The Council had introduced the testing requirements during the COVID-19 pandemic as a means of reducing the risk of transmission to colleagues, service users and members of the

public. In that context, the panel considered the potential risk arising from Ms Barlow's conduct to be significant.

110. The panel also considered that the conduct was not an isolated lapse. It persisted over a period of time during which Ms Barlow failed to undertake the required testing and allowed her employer to remain under the misapprehension that she was complying with the testing regime. Her conduct involved dishonesty, had the potential to bring the profession into disrepute and represented a breach of fundamental professional standards. At that time, Ms Barlow demonstrated limited insight into the impact of her actions upon others and there was little evidence of remediation. The panel was therefore satisfied that the relevant *Grant* considerations were engaged in respect of her past conduct.

111. The panel then considered Ms Barlow's current position. It recognised that dishonesty is inherently serious and can be difficult to remediate. However, having considered the particular nature and circumstances of the dishonesty in this case, the panel was satisfied that it was capable of remediation. It therefore considered whether Ms Barlow had in fact remediated the concerns and whether there remained a material risk of repetition.

112. The panel took account of the context in which the misconduct occurred. Ms Barlow was a newly qualified social worker in 2021 and the events occurred during the exceptional circumstances of the COVID-19 pandemic. The panel did not regard either matter as excusing or diminishing her responsibility. However, it considered them relevant context when assessing the nature of the misconduct, her subsequent professional development and the likelihood of repetition. When viewed alongside her subsequent professional history, the panel did not consider the conduct to demonstrate an enduring attitudinal problem. Rather, her misconduct was generated by the exceptional COVID-19 pandemic situation.

113. The panel considered that Ms Barlow's insight had developed materially since 2021. It recognised that during the Council's investigation she had adopted a relatively entrenched position and had not demonstrated the degree of insight she now displayed. However, the panel was required to assess her current position. It considered her full admissions, her acceptance of dishonesty and misconduct, her acknowledgement that she should have been open with her employer, and her written reflections to demonstrate a substantially greater understanding of her conduct and its consequences.

114. The panel also regarded Ms Barlow's acceptance that her fitness to practise remained impaired on the public element as significant. Although that concession did not determine the issue, the panel considered it demonstrated that Ms Barlow now understood that, notwithstanding her personal remediation, her past dishonesty had wider implications for public confidence and professional standards.

115. The panel carefully considered Ms Atkin's submission that an absence of previous regulatory concerns and positive testimonials should not, without more, provide a basis

for concluding that a social worker is no longer impaired, particularly where the misconduct involves dishonesty. The panel accepted that good professional competence does not of itself remediate dishonesty and that an otherwise unblemished history cannot neutralise serious misconduct. It therefore did not treat either the absence of previous concerns or the testimonials as determinative.

116. However, the panel considered that the evidence in this case went materially beyond evidence of Ms Barlow's competence or general good character. Ms Barlow had practised continuously for approximately five years without any repetition of dishonest behaviour or further regulatory concerns. Of particular significance was that this had been sustained employment with the same local authority, providing a substantial period during which her honesty, integrity, conduct and professional development could be observed by colleagues and senior managers, who were aware of the concerns.

117. The panel also attached significant weight to the testimonial evidence because it addressed the specific concerns before it. The authors were aware of the circumstances giving rise to these proceedings and were able to comment upon Ms Barlow's honesty and integrity over a substantial period. In particular, it was confirmed that there had been no concerns regarding Ms Barlow's honesty, integrity or professional conduct and that she had witnessed no behaviour which caused her to question Ms Barlow's honesty or trustworthiness. The service manager said, *"I can confirm that throughout her employment with Salford City Council there have been no concerns raised with me regarding dishonesty, integrity or professional conduct. I have not witnessed any behaviour that would cause me to question her honesty or trustworthiness."* The panel considered this evidence particularly persuasive because it spoke directly to the character concern arising from the misconduct, rather than merely to Ms Barlow's professional competence.

118. The panel further took account of Ms Barlow's professional progression. She had developed from a newly qualified social worker to holding a more senior position and was now someone to whom others turned for advice. The panel did not regard promotion or professional competence, standing alone, as evidence that dishonesty had been remediated. Rather, it considered her progression as part of the wider evidential picture, alongside her developed insight, continuous practice, absence of repetition and the specific evidence concerning her current honesty and trustworthiness from her longstanding current employer.

119. The panel considered the absence of repetition over approximately five years to be particularly significant. If Ms Barlow had retained an underlying tendency deliberately to disregard professional requirements or conceal non-compliance from her employer, the panel considered it likely that concerns of a similar nature would have manifested themselves during such an extended period of continuous practice. No such concerns had arisen, notwithstanding that her current employer was aware of the historical matters.

120. Applying *Cohen*, the panel was therefore satisfied that the concerns, although involving dishonesty and consequently more difficult to remediate, had in fact been remediated. It considered that Ms Barlow had developed sufficient insight, demonstrated sustained remediation through her subsequent conduct and matured considerably as a practitioner since 2021.

121. The panel considered the risk of repetition to be very low. This conclusion was not based simply upon the passage of time, the absence of previous history or positive testimonials. It was based upon the cumulative evidence of Ms Barlow's developed insight and reflection, her admissions and acceptance of responsibility, approximately five years of continuous practice with the same employer without repetition, the specific evidence concerning her honesty and integrity, and her professional development. The panel was satisfied that, were Ms Barlow now to disagree with an employer's policy or procedure, she would be likely to raise her concerns openly and seek appropriate clarification or alternative arrangements rather than conceal her non-compliance or allow her employer to proceed upon an inaccurate understanding.

122. Taking all of those matters together, the panel determined that the concerns which had previously engaged the personal element had been remediated and that there was no material ongoing risk requiring a finding of current impairment on that basis. The panel therefore determined that Ms Barlow's fitness to practise is not currently impaired on the personal element.

123. The panel then considered the public element separately. It reminded itself that the public element serves a distinct purpose and is not determined solely by the likelihood of repetition. The panel was required to consider whether a finding of impairment remained necessary to maintain public confidence in the social work profession and to declare and uphold proper professional standards.

124. The panel considered Ms Barlow's misconduct to be serious. It involved dishonesty over a period of time in the context of health and safety measures introduced during the COVID-19 pandemic. By allowing the Council to proceed on the understanding that she was complying with its testing requirements when she was not, Ms Barlow deprived her employer of the opportunity to assess and manage the risks appropriately.

125. The panel considered that the potential consequences extended beyond Ms Barlow herself. The testing regime was intended to reduce the risk of transmission to colleagues, service users and members of the public, including vulnerable children and families with whom social workers may come into contact. Although no actual harm had been established, the potential risk was significant.

126. The panel considered honesty and integrity to be fundamental requirements of social work practice. Ms Barlow's failure to be candid with her employer about her non-compliance, while allowing the Council to believe that she was complying with the testing requirements, represented a serious departure from those expectations.

127. The panel carefully balanced the seriousness of the misconduct against the substantial evidence of Ms Barlow's subsequent remediation. It recognised that she was now in a materially different position from that which existed in 2021 and that the likelihood of repetition was very low. Those matters were sufficient to resolve the personal element but did not remove the separate need to mark the seriousness of the historical dishonesty in the wider public interest.

128. The panel considered that a reasonable and properly informed member of the public, aware of all the circumstances, including Ms Barlow's subsequent remediation, would nevertheless expect the regulator formally to mark dishonest conduct of this nature. A finding of no impairment on the public element would, in the panel's judgment, fail adequately to declare and uphold the standards expected of registered social workers and risk undermining public confidence in both the profession and its regulation.

129. The panel also took account of Ms Barlow's acceptance of impairment on the public element. Although the determination remained one for the panel, it considered her acceptance to be further evidence of developed insight and of her recognition of the wider implications of her past conduct.

130. Accordingly, the panel drew a clear distinction between the two elements of impairment. On the personal element, the evidence demonstrated developed insight, sustained remediation and a very low risk of repetition. On the public element, however, the seriousness of the dishonesty, the potential risk arising from the conduct and the fundamental importance of honesty within social work meant that a finding of impairment remained necessary to uphold proper professional standards and maintain public confidence in the profession.

131. The panel therefore determined that Ms Barlow's fitness to practise is not currently impaired on the personal element but is currently impaired on the public element by reason of her misconduct.

Decision and reasons on sanction:

Social Work England:

132. Ms Atkin, on behalf of Social Work England, submitted that the purpose of sanction in fitness to practise proceedings is not to punish the social worker, but to protect the public and the wider public interest. This includes maintaining public confidence in the profession and declaring and upholding proper professional standards. She reminded the panel that the Impairment and Sanctions Guidance requires it to consider the available sanctions in ascending order and to determine whether each would be sufficient to meet those objectives. She further submitted that the panel's decision on sanction must be consistent with its findings of fact and its determination that Ms Barlow's fitness to practise is currently impaired.

133. Ms Atkin referred the panel to its findings concerning the nature and seriousness of Ms Barlow's conduct. In particular, she referred to paragraph 57 of the panel's decision,

where it had found that this was not a single, momentary lapse of judgement which was immediately corrected, but conduct which continued over a period of several weeks. She also referred to paragraph 110, where the panel had found that the conduct was not an isolated lapse.

134. Ms Atkin further referred to the panel's finding at paragraph 109 that, through her continued silence, Ms Barlow had allowed a materially inaccurate understanding of her compliance to persist. She referred to the panel's findings at paragraphs 124 and 125 that the misconduct was serious and that there had been a significant potential risk arising from Ms Barlow's conduct, having regard to the purpose for which the mandatory testing had been introduced. She submitted that Ms Barlow's conduct had deprived her employer of the opportunity appropriately to assess and manage those risks.

135. Ms Atkin reminded the panel that this was a case in which dishonesty had been found proved. She referred to a number of authorities concerning dishonesty and the factors relevant to sanction, including *Bolton v Law Society*. She submitted that the principles articulated in *Bolton* emphasise the importance, in professional regulation, of maintaining public confidence in the integrity and reputation of the profession. She referred to the principle that regulatory sanctions are not primarily punitive and that, although the impact of a sanction upon the professional and their family is relevant and must be considered, such considerations do not displace the fundamental requirement to maintain well-founded public confidence in the profession.

136. Ms Atkin also referred to *Khan v General Medical Council* and the approach taken in regulatory cases involving dishonesty. She submitted that the authorities recognise the particular seriousness of dishonesty where it occurs in the course of professional practice or involves a breach of the trust placed in a professional. In cases of proven dishonesty, maintaining public confidence and proper professional standards may therefore require a more serious sanction.

137. Ms Atkin nevertheless acknowledged the subsequent authority to the effect that removal is not inevitable or necessary in every case involving dishonesty. She submitted that there may be cases where, having regard to the particular circumstances, a lesser sanction may be sufficient and appropriate. Relevant considerations may include the nature of the dishonesty, whether it was out of character or isolated in duration, and whether there is compelling evidence of insight and remorse sufficient to demonstrate that the professional could return to practice without damaging public confidence in the profession.

138. Ms Atkin submitted that the authorities therefore demonstrate both the seriousness with which dishonesty is regarded in professional regulation and the need to assess the particular circumstances of the individual case.

139. Ms Atkin referred the panel to Social Work England's Impairment and Sanctions Guidance. In particular, she referred to paragraph 176, which provides that evidence of professional competence cannot mitigate serious or persistent dishonesty and that

dishonest conduct is highly damaging to public confidence in social work, such that it is likely to result in a finding of impairment and a more serious sanction of suspension or removal.

140. Ms Atkin also referred to paragraph 177 of the guidance, which identifies the most serious instances of dishonesty in professional practice as including those which directly harm service users or have the potential to place service users at risk. Ms Atkin submitted that this case involved dishonest behaviour in professional practice which the panel had found carried the potential to place service users at risk.

141. Ms Atkin acknowledged, however, that dishonest behaviour is nuanced, can take different forms and should be considered on a scale of seriousness. She referred the panel to paragraph 183 of the guidance and the factors identified there as relevant to that assessment. She invited the panel to consider the particular nature and circumstances of Ms Barlow's dishonesty when determining where the conduct fell on that spectrum.

142. Turning to the available sanctions in ascending order, Ms Atkin first addressed no further action. She referred to paragraph 95 of the guidance and submitted that such an outcome would be inappropriate given the seriousness of the misconduct found proved and the panel's finding of current impairment. She further referred to paragraph 96, which indicates that no further action where impairment has been found is rare and that exceptional circumstances would ordinarily be required to justify such an outcome. In her submission, no such circumstances existed in this case.

143. Ms Atkin submitted that advice would similarly be insufficient. Although the wrongdoing had not been found to have been premeditated, Ms Barlow had nevertheless been aware that what she was doing was wrong. In those circumstances, advice would not adequately address or reflect the particular misconduct which had been found proved.

144. In relation to a warning order, Ms Atkin referred to paragraph 108 of the guidance, which indicates that a warning is likely to be appropriate where the fitness to practise issue is isolated or limited, there is a low risk of repetition and the social worker has demonstrated insight. She submitted that the guidance envisages all of those factors being present in order to justify a warning.

145. Ms Atkin acknowledged that the panel had found the risk of repetition to be very low and that Ms Barlow had demonstrated insight. However, she submitted that the panel had also expressly found that the conduct was not an isolated lapse. In light of that finding, and taking into account that the dishonest conduct occurred in the context of professional practice and persisted over a period of several weeks, Ms Atkin submitted that a warning order would not adequately reflect the gravity of the misconduct found proved.

146. Ms Atkin next addressed a conditions of practice order. She referred to paragraph 118 of the guidance, which identifies that conditions are unlikely to be appropriate in cases involving character, attitude or behavioural failings or where wider public interest

considerations arise. She further referred to paragraph 119, which states more specifically that conditions are unlikely to be appropriate in cases involving dishonesty.

147. Ms Atkin submitted that conditions would therefore be inappropriate in the circumstances of this case. The concerns arose from deliberate dishonest wrongdoing rather than an identifiable deficiency in professional competence capable of being addressed through workable conditions.

148. Turning to suspension, Ms Atkin submitted that the guidance concerning dishonesty recognises that dishonest conduct is likely to warrant consideration of a more serious sanction of suspension or removal. She referred to paragraph 137 of the guidance, which provides that a suspension order may be appropriate where workable conditions cannot be formulated to protect the public or the wider public interest, but the case falls short of requiring removal from the register.

149. Ms Atkin also referred to paragraph 138, which indicates that suspension may be appropriate where the concerns represent a serious breach of professional standards, but the social worker has demonstrated some insight and there is evidence to suggest that they are able to resolve or remediate their failings.

150. Having regard to the panel's findings and the guidance, Ms Atkin submitted that a suspension order was the appropriate and proportionate sanction in all the circumstances of the case.

151. Finally, Ms Atkin addressed the duration of any suspension. She referred to paragraph 142 of the guidance, which provides that a suspension of up to one year may be appropriate where the primary purpose of suspension is to maintain confidence in the profession or to ensure that proper professional standards are observed.

152. Ms Atkin submitted that a period of six months' suspension was appropriate and proportionate in this case. She submitted that such a period would adequately reflect the seriousness of the dishonesty and the fact that the conduct carried a significant potential risk of harm to service users and others, whilst remaining proportionate in all the circumstances.

Social worker:

153. Mr Burrell, on behalf of Ms Barlow, submitted that, when determining sanction, the panel should consider whether an order was necessary either for the protection of the public or in the wider public interest. He reminded the panel that it had identified no ongoing public protection concern in this case.

154. Mr Burrell submitted that Ms Barlow had remained in practice with the same employer since 2021 without any further concerns or potential risks to the public. He relied in particular upon the excellent testimonials provided by Ms Barlow's current employer, being those with the most direct and current knowledge of her practice and professional integrity. He also referred to the fact that her previous employer had been willing to maintain her employment notwithstanding the concerns which had arisen.

155. Mr Burrell acknowledged that the panel might nevertheless consider that some form of sanction was necessary in order to maintain public confidence in the profession. He reminded the panel, however, that the purpose of fitness to practise proceedings is not to blame or punish a social worker for past mistakes or poor behaviour. He submitted that the panel was required to select the least restrictive sanction necessary to meet the wider public interest.

156. Against the background of there being no ongoing risk to the public, Mr Burrell submitted that it would be perverse and contrary to the public interest to impose a more restrictive sanction than was necessary. Such a sanction would have the effect of denying or restricting the public's access to Ms Barlow as a practising social worker, including the children and families whom the regulator itself sought to protect and reassure. He submitted that this was a relevant consideration when assessing proportionality and that an unnecessarily restrictive sanction could itself adversely affect the public confidence which the regulatory process sought to maintain.

157. Mr Burrell invited the panel to consider the aggravating and mitigating factors. He submitted that it was difficult to identify any significant aggravating factors beyond the matters inherent in the misconduct already found proved. By contrast, he submitted that there were multiple mitigating factors.

158. Those mitigating factors included the substantive evidence of Ms Barlow's remorse and insight and the evidence of remediation. Mr Burrell also relied upon the particular circumstances prevailing at the time of the incident, which he submitted were unlikely to recur. He referred to the considerable personal stress which Ms Barlow had been experiencing at the time and the limited support network then available to her. He submitted that this was no longer the position and that Ms Barlow now had strong professional associations and family support.

159. Mr Burrell further relied upon Ms Barlow's learning and professional development since 2021, the absence of any previous or subsequent fitness to practise concerns and the excellent testimonials concerning her practice. He submitted that Ms Barlow was clearly committed to the profession and wished to move forward while having regard to, and learning from, what had occurred in the past.

160. Turning to the individual sanctions, Mr Burrell submitted that, in the absence of any identified need to protect the public, the more restrictive sanctions of suspension or removal would be wholly inappropriate. Ms Barlow remained engaged in providing services to vulnerable children, young people and families. He submitted that preventing her from continuing that work would go beyond what was necessary to satisfy the wider public interest and could itself damage the public confidence which the regulator was seeking to protect.

161. Mr Burrell submitted that a conditions of practice order was also unnecessary. He relied upon the panel's assessment that there was a minimal risk of repetition and submitted that conditions would in any event be difficult to formulate in the circumstances of this case.

162. He further referred to the fact that Ms Barlow was already subject to, and actively participated in, regular quality supervision and reflective learning. He submitted that the necessary remediation had already taken place and that Ms Barlow independently continued to pursue ongoing professional development and reflection beyond anything which might be required by a regulatory order.

163. Mr Burrell submitted that the panel should therefore determine the minimum sanction necessary to uphold public confidence in the profession.

164. In addressing Ms Atkin's submission concerning whether the conduct could properly be regarded as isolated for the purposes of a warning order, Mr Burrell accepted that the conduct had continued for a period and that Ms Barlow herself had recognised it as an ongoing situation at the time. He submitted, however, that it nevertheless represented one isolated period in Ms Barlow's professional career and had not been repeated.

165. Mr Burrell therefore invited the panel to consider whether a warning order would be sufficient to meet the wider public interest in the particular circumstances of the case, rather than imposing a more restrictive sanction.

166. Mr Burrell also invited the panel to consider carefully the necessary duration of any sanction imposed. He emphasised that approximately five years had elapsed since the incident. He submitted that this had already provided Ms Barlow with a substantial period during which her practice had been subject to additional oversight and during which she had had the opportunity for reflection and learning.

167. He submitted that Ms Barlow had readily accepted and utilised that oversight and those opportunities for reflection as part of her continuing registration and commitment to social work. In those circumstances, he invited the panel to take the significant passage of time, her subsequent safe practice, her remediation and her continuing professional development into account when determining both the nature and duration of the minimum sanction necessary.

Legal advice:

168. The panel accepted the advice of the legal adviser. It was advised that the purpose of sanction is not primarily punitive and that, in determining the appropriate sanction, the panel must pursue Social Work England's overarching objective of protecting the public, which includes protecting the health, safety and well-being of the public, maintaining public confidence in the social work profession and promoting and maintaining proper professional standards.

169. The panel was advised to have regard to Social Work England's Impairment and Sanctions Guidance and to ensure that its decision on sanction was consistent with its findings on misconduct and current impairment. It should identify the relevant aggravating and mitigating factors and apply the principle of proportionality, balancing Ms Barlow's interests against the public interest. The consequences of any sanction for Ms Barlow were relevant to that assessment, although they should not ordinarily outweigh the need to achieve the regulatory objectives.

170. The panel was advised to consider each available outcome in ascending order of seriousness and to impose the minimum sanction necessary to protect the public and the wider public interest. It should move to a more restrictive sanction only where satisfied that a lesser outcome would be insufficient and should give clear reasons for rejecting lesser outcomes.

171. The panel was advised to have regard to the principles in *Bolton v Law Society [1994] 1 WLR 512* concerning the importance of maintaining well-founded public confidence in the profession and its collective reputation. Those principles should be applied within Social Work England's statutory and regulatory framework, having regard to the particular facts of the case, the panel's findings, the Impairment and Sanctions Guidance and the principle of proportionality.

172. The panel was advised that no further action following a finding of current impairment is likely to be exceptional. Advice and a warning do not restrict practice, whereas conditions of practice, suspension and removal are progressively more restrictive outcomes. A warning represents clear disapproval of the social worker's conduct and may be appropriate where the concern is isolated or limited, the risk of repetition is low and the social worker has demonstrated insight. If considering a warning, the panel should determine whether one, three or five years is necessary and proportionate, beginning with the shortest period and giving reasons for the duration selected.

173. The panel was advised that conditions of practice should only be imposed where appropriate, proportionate, workable and measurable conditions can be formulated to address the identified concerns. Conditions are generally more suited to remediable concerns involving competence or health and may be less appropriate where the concerns principally involve character, attitude, behavioural failings or the wider public interest.

174. The panel was advised that suspension may be appropriate where workable conditions cannot adequately address the concerns and a lesser sanction would be insufficient, but where removal is not required. Removal is the most serious sanction and should be imposed only where no lesser outcome would sufficiently protect the public or satisfy the wider public interest.

175. In relation to dishonesty, the panel was advised to consider its nature, extent, duration and circumstances, including whether it was isolated or limited or indicative of a wider pattern of behaviour, together with the degree of insight and remediation and the risk of repetition. Dishonesty is an important consideration, but the appropriate sanction remains an individualised and proportionate assessment of all the circumstances of the case.

176. Finally, the panel was reminded not to revisit matters already determined or make findings inconsistent with its findings on misconduct and impairment. The appropriate sanction was a matter for the panel's own independent professional judgment, and it should identify the least restrictive outcome sufficient to protect the public, maintain

public confidence in the social work profession and uphold proper professional standards.

Panel's decision and reasons on sanction:

177. The panel took into consideration all of the information before it, including its findings of fact, its determination on misconduct and current impairment, the documentary evidence, the submissions made by Ms Atkin on behalf of Social Work England, the submissions made by Mr Burrell on behalf of Ms Barlow, and the legal advice which it received and accepted. The panel had regard to Social Work England's Impairment and Sanctions Guidance and to the overarching objective of protecting, promoting and maintaining the health, safety and well-being of the public, maintaining public confidence in social workers in England, and promoting and maintaining proper professional standards for social workers in England. The panel reminded itself that the purpose of sanction is not to punish Ms Barlow for past misconduct. It applied the principle of proportionality, balancing Ms Barlow's interests against the public interest, and considered the available sanctions in ascending order of seriousness in order to identify the minimum sanction sufficient to protect the public and the wider public interest. The panel was mindful throughout that its decision on sanction must be consistent with its earlier findings on misconduct and current impairment.

178. The panel first considered the aggravating and mitigating features of the case. In aggravation, the panel considered that Ms Barlow's conduct involved dishonesty in the course of her professional practice. The conduct was not a single momentary lapse which was immediately corrected but continued over a period of approximately six weeks. Through her silence and omissions, Ms Barlow allowed a materially inaccurate understanding of her compliance with the mandatory testing requirements to persist. The panel had previously found that the conduct created a significant potential risk. Colleagues attending the workplace were entitled to proceed on the understanding that the relevant requirements were being complied with, and service users permitting professionals into their homes were similarly entitled to expect compliance with the measures then in place. Although there was no evidence before the panel of actual harm having occurred, the panel did not minimise the potential for harm or the seriousness of dishonesty occurring in the course of professional practice.

179. In mitigation, the panel took into account the evidence and submissions concerning Ms Barlow's circumstances at the material time, including that she was a relatively inexperienced social worker, was experiencing personal stress and isolation, and had limited support available to her. The panel considered those matters to provide relevant context for the misconduct, whilst recognising that they did not excuse the dishonesty or diminish Ms Barlow's professional responsibility.

180. The panel also took into account the particular circumstances in which the misconduct occurred. The events arose during the COVID-19 pandemic, in circumstances which were highly unusual and specific, both for Ms Barlow and for the country more generally. The panel did not regard the pandemic itself as mitigation for dishonest

conduct. However, it considered the particular environment in which the conduct arose to be relevant when assessing the nature and context of the dishonesty and whether it demonstrated an enduring attitudinal or character concern which would undermine public confidence in the wider profession.

181. The panel considered it significant that approximately five years had elapsed since the events without any repetition of the conduct or any further fitness to practise concerns. During that period Ms Barlow had remained in professional practice and had worked consistently for the same employer without restriction. The panel had before it highly positive testimonials from individuals with direct and current knowledge of her practice and integrity. It attached significant weight to those testimonials because they concerned Ms Barlow's actual professional practice over a substantial period following the events which gave rise to these proceedings.

182. The panel further took into account Ms Barlow's insight, remorse and remediation. She had undertaken reflection and learning and had continued to engage in professional development, regular supervision and reflective practice. Her circumstances were now materially different from those which existed at the time of the misconduct, including the professional and personal support available to her. The panel had already determined at the impairment stage that the risk of repetition was very low and nothing presented at the sanction stage caused it to depart from that assessment.

183. The panel also considered it relevant that Ms Barlow had subsequently demonstrated transparency concerning the regulatory concerns, including disclosing the matter to her current employer at the application stage. The panel considered this relevant to its assessment of her current insight and remediation and as evidence of conduct materially different from that which had resulted in these proceedings. The panel did not, however, treat Ms Barlow's cooperation with Social Work England as substantive mitigation in itself, recognising that a registered professional is expected to cooperate with her regulator.

184. The panel gave particularly careful consideration to the nature and context of the dishonesty. It had regard to paragraphs 174 to 183 of Social Work England's Impairment and Sanctions Guidance. It recognised that honesty and integrity are fundamental to social work practice and that social workers are routinely trusted with access to private spaces and confidential information and work closely with other professionals and public bodies. It therefore recognised the particular importance of the public, employers and fellow professionals being able to trust social workers.

185. The panel had particular regard to paragraph 176 of the guidance, which states that concerns raising questions of character, such as dishonesty, may be harder to remediate and that evidence of professional competence cannot mitigate serious or persistent dishonesty. It also recognised the guidance that dishonest conduct is highly damaging to public confidence and is likely to warrant a finding of impairment and a more serious sanction of suspension or removal. The panel did not therefore treat Ms

Barlow's subsequent competent practice as cancelling out or mitigating the seriousness of the dishonesty itself.

186. The panel also had regard to paragraph 177 of the guidance, which identifies the most serious instances of dishonesty in professional practice as including those which directly harm service users or have the potential to put service users at risk. The panel recognised that its findings engaged the latter consideration because Ms Barlow's conduct had created a potential risk. It gave appropriate weight to that factor when determining sanction.

187. However, the panel also had regard to paragraph 182 of the guidance, which recognises that, although dishonesty is generally one of the most serious forms of misconduct, dishonest behaviour is "nuanced and can take different forms" and should be considered "on a scale of seriousness". The panel considered that it was therefore required to assess the particular nature and context of the dishonesty found in this case rather than proceed on the basis that the finding of dishonesty itself automatically determined the sanction.

188. In undertaking that assessment, the panel expressly considered the factors identified at paragraph 183 of the guidance, namely the duration of the dishonesty; whether it was an isolated instance or indicated a larger problem or pattern of behaviour; whether the social worker admitted the dishonest behaviour at an early opportunity or attempted purposefully to conceal it; whether the dishonesty was for the social worker's own personal gain; and any other relevant aggravating or mitigating factors.

189. As to duration, the panel remained mindful of its earlier finding that the conduct continued for approximately six weeks and therefore could not properly be characterised as a single isolated or momentary lapse. The panel did not seek to revisit or dilute that finding at the sanction stage. It considered, however, that duration had to be assessed together with the context and subject matter of the dishonesty. The conduct concerned one defined issue, within one defined period, during the very specific and unusual circumstances prevailing during the COVID-19 pandemic.

190. Although there were repeated acts or omissions within that approximately six-week period, they arose from the same underlying circumstances and related to the same issue concerning compliance with the testing requirements. The dishonesty did not extend into different areas of Ms Barlow's professional practice. There was no evidence before the panel of dishonest behaviour before these events, of dishonesty in unrelated aspects of her professional practice at the time, or of any recurrence during approximately five years of subsequent practice. The panel therefore concluded that, although the misconduct was not an isolated act, it was limited in duration, subject matter and context and did not demonstrate a larger pattern of dishonest behaviour or an ingrained attitudinal concern.

191. The panel also considered whether Ms Barlow had admitted the underlying conduct or attempted purposefully to conceal it. It remained mindful of its findings concerning the manner in which Ms Barlow had allowed others to remain under a materially inaccurate

understanding of her compliance. It did not minimise the fact that her silence and omissions perpetuated that inaccurate understanding. However, it considered this feature alongside, and not in isolation from, the remaining factors identified in paragraph 183 and the evidence concerning her subsequent insight and remediation.

192. The panel specifically considered whether the dishonesty was for Ms Barlow's own personal gain. It was not satisfied that her conduct had been motivated by financial advantage or other personal gain. The panel recognised that the absence of personal gain did not make the conduct acceptable and did not remove its seriousness. However, personal gain is expressly identified within Social Work England's guidance as a factor relevant to assessing the seriousness of dishonesty. Its absence was therefore properly taken into account as part of the panel's overall assessment of where Ms Barlow's conduct lay on the spectrum of dishonest behaviour.

193. The panel considered that the context of the dishonesty was particularly important. This was serious misconduct which created a potential risk and persisted over approximately six weeks. Against that, it was confined to one particular issue and one limited period; it arose during a very specific and unusual period in the country's history; it was not motivated by financial or other personal gain; there was no evidence that actual harm occurred; there was no evidence of dishonesty extending into other areas of Ms Barlow's professional practice; and there had been no recurrence during approximately five years of subsequent professional practice. The panel considered that those features were directly relevant to the assessment required by paragraphs 182 and 183 of the guidance and distinguished this case from more serious or persistent forms of professional dishonesty evidencing a wider pattern or enduring attitudinal concern.

194. The panel first considered taking no further action. It recognised the substantial factors in Ms Barlow's favour, including the approximately five years of safe and unrestricted practice, her insight and remediation, the positive testimonials and the very low risk of repetition. However, the panel concluded that no further action would not adequately address the wider public interest. It had found serious misconduct involving dishonesty in professional practice which persisted over approximately six weeks and created a significant potential risk. Having also determined that Ms Barlow's fitness to practise was currently impaired on public interest grounds, the panel considered that taking no further action would be inconsistent with those findings and would fail adequately to mark the seriousness of the misconduct, maintain public confidence in the profession and declare and uphold proper professional standards.

195. The panel next considered advice. It concluded that advice would similarly be insufficient. This was not a case in which the concern arose principally from a lack of knowledge or understanding which could appropriately be addressed by giving Ms Barlow advice as to her future conduct. The panel had found serious misconduct involving dishonesty and current impairment on public interest grounds. Further, Ms Barlow had already demonstrated substantial insight and remediation and there was no identifiable outstanding deficit which advice could meaningfully address. Advice would

therefore neither adequately mark the seriousness of the misconduct nor sufficiently satisfy the wider public interest.

196. The panel next considered a warning order. It had regard to the guidance that a warning represents a clear expression of disapproval of a social worker's conduct and signals that any repetition is highly likely to result in a more severe sanction. The panel also had particular regard to the guidance that a warning is likely to be appropriate where the fitness to practise issue is isolated or limited, there is a low risk of repetition and the social worker has demonstrated insight.

197. The panel carefully considered Ms Atkin's submission that the conduct could not properly be described as isolated because it continued over a period of several weeks. The panel accepted that submission insofar as the conduct was not a single isolated lapse. It remained consistent with its earlier findings in that respect. However, the guidance refers to a concern which is "isolated or limited". The panel considered the latter description particularly relevant.

198. For the reasons already identified, the panel considered that the concern was limited. It related to one defined issue over an approximately six-week period, within a very specific and unusual context. There was no evidence of dishonesty extending into other areas of Ms Barlow's professional practice or of any wider pattern of dishonest behaviour. Approximately five years had elapsed without recurrence. The panel had already found that the risk of repetition was very low and that Ms Barlow had demonstrated substantial insight and remediation. The panel was therefore satisfied that the principal factors identified in the guidance as indicating that a warning may be appropriate were present.

199. The panel did not, however, regard that conclusion as determinative. It remained acutely conscious that the misconduct involved dishonesty in professional practice and potential risk to service users. It therefore went on to consider expressly whether a restrictive sanction was required.

200. The panel next considered a conditions of practice order. It concluded that there were no workable, relevant or proportionate conditions which could appropriately be formulated. The concerns did not arise from a deficiency in Ms Barlow's professional competence, knowledge or skills which could be addressed through retraining, supervision or restriction. She had continued to practise safely for approximately five years, was already engaged in professional supervision and reflective learning and had demonstrated substantial remediation. The panel also had regard to the guidance that conditions are unlikely to be appropriate where concerns arise from character, attitude or behavioural failings and particularly where the concern involves dishonesty. Conditions would therefore serve no identifiable protective or remedial purpose and would not adequately address the wider public interest concerns arising from the dishonesty.

201. The panel then considered carefully whether a suspension order was necessary. It gave particular attention to this option because Social Work England submitted that a six-

month suspension order was appropriate and because the guidance recognises that dishonest conduct is highly damaging to public confidence and is likely to warrant a more serious sanction of suspension or removal.

202. The panel did not consider that the seriousness of dishonesty could be answered simply by pointing to Ms Barlow's subsequent professional competence. It recognised expressly that the guidance provides that evidence of professional competence cannot mitigate serious or persistent dishonesty. The panel therefore asked itself separately whether, notwithstanding the absence of a current public protection concern, suspension was necessary to maintain public confidence in the profession and declare and uphold proper professional standards.

203. The panel concluded that it was not.

204. In reaching that conclusion, the panel placed significant weight upon the particular context and character of the dishonesty rather than merely upon Ms Barlow's subsequent competence. The dishonesty was serious and created a potential risk, but it was limited to one defined issue and one approximately six-week period during a highly unusual and specific time. It was not motivated by financial or other personal gain. It did not extend into other aspects of Ms Barlow's professional practice. It had not developed into or revealed a wider pattern of dishonest behaviour. Approximately five years of subsequent practice had provided a substantial period in which any continuing attitudinal or character concern might reasonably have manifested itself, yet there had been no repetition or other fitness to practise concern.

205. The panel also considered that there was no outstanding remedial purpose which required Ms Barlow to be removed from practice. She had demonstrated substantial insight and remediation and the panel had found the risk of repetition to be very low. There was no identified deficiency in her current practice requiring a period of suspension in order for her to develop insight, undertake remediation or demonstrate safe practice. She had already demonstrated safe practice over a substantial period.

206. The panel then considered whether suspension was nevertheless necessary solely to satisfy the wider public interest. It considered the perspective of a reasonable and fully informed member of the public. Such a person would be aware not merely that dishonesty had been found, but of the complete circumstances: that the conduct was serious; that it persisted for approximately six weeks; that it created a significant potential risk; that it concerned one defined issue during the exceptional circumstances of the COVID-19 pandemic; that it was not motivated by financial or other personal gain; that there was no evidence of actual harm; that there was no evidence of a wider pattern of dishonesty; that approximately five years had elapsed without repetition; that Ms Barlow had demonstrated substantial insight and remediation; and that there was strong evidence concerning her subsequent professional practice and integrity.

207. The panel considered that a fully informed member of the public would expect the regulator to mark Ms Barlow's dishonesty clearly and meaningfully and to make clear

that such conduct is unacceptable. However, the panel did not consider that such a person, knowing all of the circumstances, would regard temporary removal from otherwise safe professional practice as necessary in order to maintain confidence in the profession. The panel considered that the retention of a fully remediated social worker in practice is in the public interest. The panel decided that a fully informed member of the public would understand this. In consequence therefore, public confidence in the profession as a whole would not be undermined by the retention of a fully remediated social worker in practice.

208. The panel was mindful that suspension could not properly be imposed merely because dishonesty had been found, simply to demonstrate that the panel regarded the misconduct as serious, or as a means of avoiding potential criticism of a warning order. Such an approach would risk giving suspension a punitive purpose. The panel was required instead to identify whether restriction of Ms Barlow's practice was necessary to achieve the regulatory objectives in the particular and unusual circumstances of this case.

209. The panel could identify no additional protective or remedial purpose which suspension would achieve. Further, having carefully assessed the dishonesty by reference to the factors expressly identified in Social Work England's guidance, it was satisfied that the wider public interest could be adequately protected by a substantial warning order which would publicly mark the misconduct and remain on Ms Barlow's register entry for a significant period.

210. The panel therefore concluded that suspension, including a short period of suspension, would go beyond the minimum sanction necessary and would be disproportionate. This conclusion did not minimise the dishonesty or depart from the panel's earlier findings. Rather, it reflected the individualised assessment of dishonest conduct expressly required by Social Work England's guidance, together with the principle that the panel should impose the least restrictive sanction sufficient to meet the regulatory objectives.

211. Having determined that a warning order was sufficient, the panel considered carefully its duration. It recognised that a warning order is a formal regulatory sanction and a public expression of disapproval. It remains on the social worker's register entry for the specified period and serves as a clear signal that repetition of the behaviour is highly likely to result in a more severe sanction.

212. The panel first considered a warning order for one year. It had regard to the guidance that one year may be appropriate for an isolated incident of relatively low seriousness where the principal objective is to send a message about the professional standards expected of social workers. The panel had expressly found Ms Barlow's misconduct to be serious. It involved dishonesty in professional practice, persisted for approximately six weeks and created a potential risk. The panel therefore concluded that a one-year warning would not adequately reflect the seriousness of its findings, maintain public confidence or sufficiently declare and uphold proper professional standards.

213. The panel next considered a warning order for three years. It had regard to the guidance that three years may be appropriate for more serious concerns in order to maintain public confidence and highlight the professional standards expected of social workers. The panel considered that description appropriately reflected this case.

214. A three-year warning would remain as a substantial and enduring public marker of the panel's disapproval of Ms Barlow's conduct. It would make clear to Ms Barlow, employers, the profession and the wider public that dishonesty of this nature constitutes serious professional misconduct and is unacceptable. It would also signal that any repetition of similar conduct would be highly likely to result in a substantially more severe regulatory response.

215. The panel also considered whether a five-year warning was necessary. It had regard to the guidance that five years may be appropriate for serious cases which have fallen only marginally short of requiring restriction of registration. The panel did not consider that description to reflect its individual assessment of this case. It had concluded, for the reasons already given, that restriction of Ms Barlow's practice was not required. There was no current public protection concern requiring restriction, the risk of repetition was very low, there was substantial insight and remediation, the dishonest conduct was limited in its context and subject matter rather than indicative of a wider pattern, and approximately five years had already elapsed without recurrence. The panel therefore concluded that a five-year warning would go beyond what was necessary to meet the regulatory objectives and would be disproportionate.

216. The panel considered that a three-year warning appropriately reflected the balance required. It was sufficiently substantial to mark the seriousness of the misconduct and the finding of dishonesty, to maintain public confidence in social workers and the regulatory process, and to declare and uphold proper professional standards. At the same time, it properly reflected the particular context of the dishonesty, its limited duration and subject matter, the absence of financial or other personal gain, the very specific and unusual circumstances in which it arose, the absence of any wider pattern of dishonest behaviour, the approximately five years which had elapsed without recurrence, Ms Barlow's substantial insight and remediation, the very low risk of repetition and the evidence concerning her subsequent professional practice.

217. Standing back and considering all of the circumstances in the round, the panel determined that the minimum sanction sufficient to meet the regulatory objectives was a warning order for a period of three years. The panel was satisfied that no further action or advice would insufficiently mark the seriousness of the misconduct; conditions of practice would serve no relevant protective or remedial purpose; and suspension would impose an unnecessary and disproportionate restriction upon Ms Barlow's practice. A warning order for three years appropriately and proportionately marks the seriousness of the misconduct, maintains public confidence in the profession and the regulatory process, and declares and upholds the professional standards expected of registered social workers.

218. The panel therefore warns Ms Barlow that honesty and integrity are fundamental requirements of registered social workers. Her failure to be open and honest concerning her compliance with the mandatory testing requirements was unacceptable and fell below the professional standards expected of her. Any repetition of similar dishonest conduct is highly likely to result in a more severe sanction.

219. Accordingly, the panel imposed a warning order for a period of three years.

Right of appeal:

220. 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.

221. 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.

222. 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.

223. This notice is served in accordance with Rules 44 and 45 of the Social Work England Fitness to Practice Rules 2019 (as amended).

The Professional Standards Authority:

224. 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.