Social worker: Catharina Naude
Registration number: SW110195
Fitness to Practise
Final Hearing

Dates of hearing: 16 September 2026 to 18 September 2026 and 23 September 2026 to 24 September 2026

Hearing venue: Remote hearing

Hearing outcome: Fitness to practise impaired, removal order

Interim order:
Interim suspension order (18 months)

Introduction and attendees:

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

2. Ms Catharina Naude attended the hearing on Wednesday 16 September, but was not represented. Ms Naude did not attend the hearing on subsequent days.

3. Social Work England was represented by Mr Matthew Edwards, case presenter from Capsticks LLP.

4. The panel of adjudicators for this hearing (the panel) and others involved were:

Adjudicators	**Role**
Simon Jones	Chair
Tracey Newson	Social worker adjudicator
Lynne Vernon	Lay adjudicator

Hearings team/Legal adviser	**Role**
Andrew Brown	Hearings officer
Ellie Roberts and Anne Briggs	Hearings support officer
Alice Moller	Legal adviser

Preliminary matters:

5. Ms Naude informed the panel that she was unable to attend the hearing after 16 September 2026 due to other commitments.

Allegation:

6. The Allegation against Ms Naude was referred by Case Examiners on 9 June 2022:

> *Whilst employed as a social worker:*
>
> *1. On 6 January 2021, you visited Family A at their home address whilst under medical advice to self-isolate pending the result of a COVID-19 test.*
>
> *2. On 11 December 2020, you made a comment during a supervision meeting which was offensive and/or inappropriate, in that you said 'black people lack emotional warmth' or words to that effect.*
>
> *3. Your conduct at paragraph 2 above was racially motivated.*
> *The matters described at paragraph 1 and/or 2 and/or 3 above amount to misconduct.*
>
> *By reason of your misconduct, your fitness to practise is impaired.*

Admissions:

7. Rule 32c(i)(aa) Fitness to Practise Rules 2019 (as amended) (the Rules) provides:

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

8. There were no detectable ambiguities in the Allegation. Each paragraph was read out by the Hearings Officer. The panel chair asked Ms Naude to indicate whether any allegation was admitted.

9. Ms Naude informed the panel that allegations 1 and 2 were both admitted.

10. The panel found allegations 1 and 2 proved by way of admissions by Ms Naude.

11. Ms Naude did not admit paragraph 3.

12. The panel was required to determine the disputed facts at allegation 3 in accordance with Rule 32c(i)(a) of the Rules. It took account of relevant background and context.

Background:

13. On 11 March 2021, Social Work England received a referral from Surrey County Council in relation to Ms Naude, a registered social worker. Ms Naude was a Senior Social Worker in the Council's Assessment Team. The Social Worker's role involved undertaking assessments for children and families.

14. Ms Naude had weekly meetings with a Team Manager in the Assessment Team at the Council from 11 December 2020 to 5 February 2021. Concerns were raised by the Team Manager after information came to light during supervision.

15. First, it was alleged that Ms Naude had visited Family A on 6 January 2021 after being directed by management to self-isolate due to concerns Ms Naude may have Covid-19. The context is that England entered a third lockdown on 6 January 2021. Public health measures indicated that people should stay at home if unwell, not go into work, and arrange to have a covid test. There were Regulations to this effect, as well as guidance from Government.

16. Second, Ms Naude was said to have made an inappropriate and/or offensive generalisation about '*black people'* on 11 December 2020.

17. Third, it was alleged that this remark was racially motivated.

18. On 25 January 2026 Ms Naude applied for voluntary removal from the register. This application is currently being considered by Social Work England.

Summary of evidence:

19. Social Work England relied on a witness statement from the Team Manager in the Assessment Team who was also Ms Naude's line manager at relevant times. Exhibits included supervision records, training log, emails, investigation report and other relevant documents.

20. Ms Naude provided information in a Response bundle, including a voluntary removal application form and other documents including emails (2021 to 2026). In addition, Ms

Naude gave evidence on oath and answered all questions asked in the hearing by Mr Edwards and the panel.

Agreed facts – allegations 1 and 2:

21. As Ms Naude admitted allegations 1 and 2 at the outset of this hearing, there were no issues in dispute for the panel to determine in relation to allegations 1 and 2.

22. Ms Naude visited Family A at their home address on 6 January 2021, whilst under medical advice to self-isolate pending the result of a Covid-19 test. Ms Naude told the panel on 16 September 2026 that she had '*flu*' on 6 January 2021 and had tested negative for Covid-19 the following day. The panel noted that allegation 1 was admitted.

23. On 11 December 2020 Ms Naude made a comment during a supervision meeting which was offensive and/or inappropriate, in that Ms Naude said '*black people lack emotional warmth*' or words to that effect. On 16 September 2026 Ms Naude admitted allegation 2 and accepted that it was inappropriate to generalise in this way.

Findings of fact with reasons – allegation 3:

24. Allegation 3 relates to allegation 2. The panel was required to determine whether Social Work England had proved that the comment above was racially motivated. In doing so, the panel took account of written and oral evidence in the context of submissions by Mr Edwards and Ms Naude.

25. Legal advice was provided on the approach that the panel should take in relation to determining facts in dispute at allegation 3. The legal adviser said:

    - The burden of proving disputed facts is on Social Work England. The standard of proof is the civil standard, or balance of probabilities.
    - The panel should consider oral evidence from Ms Naude in the context of documents. The panel should analyse the evidence fairly and impartially, taking account of any explanations for comments made at allegation 2.
    - The panel is entitled to draw inferences, that is to reach common sense conclusions based on reliable evidence that the panel accepts, but it must not speculate.
    - Although it does not provide a defence, previous good character is an important factor capable of assisting Ms Naude in two ways: in relation to credibility as well as propensity, or otherwise, to act as alleged.
    - It is alleged that Ms Naude's comment at allegation 2 was racially motivated. Motivation is for the panel to determine, taking account of principles in *HCPC v Lambert-Simpson [2023] EWHC 481*. There are two main elements to consider:
        - whether the comment had a purpose behind it which was, at least in a significant part, referable to 'race',

- whether the comment was made in a way that showed hostility or a discriminatory attitude to a racial group, defined by reference to 'race' colour, nationality, citizenship, ethnic or national origin.

- Ordinary phrases in the Allegation such as '*racially motivated'* should be given their natural meaning, taking account of principles in *Lambert-Simpson*.

26. There was no comment on the legal advice from Mr Edwards or Ms Naude. The panel accepted it and applied the legal advice in their analysis of the evidence.

27. The panel took account of documents provided by Social Work England and Ms Naude, to assess the context in which Ms Naude said '*black people lack emotional warmth*' or words to that effect.

28. In an email sent on 2 February 2022 to an Investigator at Social Work England Ms Naude wrote:

> '*I am a white South African born in the apartheid time… I know the story of this country because I lived it as a child and adult. I returned because I care about this country*'.

29. In an email sent on 28 March 2022 to an Investigator at Social Work England Ms Naude wrote:

> '*What I said about [the] family is true because I know the African culture*.'

30. Ms Naude disputed allegation 3 in a Response Form dated 30 April 2026

> *'I was just stating a fact… saying this comment doesn't automatically amount to racism. It was an expression of frustration about a mother who abused her children… This comment was not seen in context. I just mentioned what I professionally observed.'*

31. Ms Naude gave oral evidence and answered questions on 16 September 2026. In answer to questions from Mr Edwards, Ms Naude accepted that it was inappropriate to generalise about '*black people'*. Ms Naude said that any comments about clients should be specific.

32. The panel had to determine, on a balance of probabilities, whether Ms Naude's comment that '*black people lack emotional warmth*' or words to that effect, during a supervision meeting on 11 December 2020 was racially motivated. It closely scrutinised the words, in the context of principles in *Lambert-Simpson*.

33. The panel took account of Ms Naude's good character in relation to the likelihood of Ms Naude making a racially motivated comment, as well as in its assessment of the credibility of evidence from Ms Naude.

34. The panel identified a shift in the explanation for the comment, by Ms Naude. Whereas Ms Naude appeared to try to justify the remark in the Response Form, Ms Naude admitted allegation 2 and then acknowledged, in the hearing, that it was '*inappropriate*

and/or offensive' to generalise about '*black people'* allegedly '*lacking emotional warmth*'. This shift was not necessarily inconsistent, as Ms Naude's views may have evolved between April and September 2026.

35. However, the panel had to consider whether the comment

    i. had a purpose behind it which was, at least in a significant part, referable to 'race',

    ii. whether the comment was made in a way that showed hostility or discriminatory attitude to a racial group, defined by reference to 'race' colour, nationality, citizenship, ethnic or national origin.

36. The panel concluded that the comment amounted to a negative generalisation about a group of people defined by reference to 'race' colour, nationality or ethnic or origin. As such, the comment was indicative of a negative and discriminatory attitude towards '*black people'*.

37. Therefore, the panel found as fact that Ms Naude's conduct at paragraph 2 above was racially motivated.

38. Allegation 3 was found proved.

Service of notice:

39. As the social worker was not present after the first day of this hearing, the panel was informed by Mr Edwards that notice of this hearing had been sent to Ms Naude by email on 12 August 2026 to an address provided by the social worker (namely Ms Naude's registered address as it appears on the Social Work England register). Mr Edwards said that the notice of hearing had been duly served. This was not in dispute.

40. The panel took account of documents in the final hearing service bundle as follows:

    - A copy of the notice of the final hearing dated 12 August 2026 addressed to Ms Naude at the email address provided to Social Work England,
    - An extract from the Social Work England Register as on 12 August 2026 showing the registered address of Ms Naude,
    - A copy of a signed statement of service, for Social Work England, confirming email service of notice of hearing with attachments on12 August 2026.

41. The panel accepted the advice of the legal adviser in relation to service of notice.

42. Taking account of all information relevant to notice of service, the panel was satisfied that notice of this hearing had been served on Ms Naude in accordance with Rule 43. This was not disputed by Ms Naude who was present on 16 September 2026.

Proceeding in the absence of the social worker:

43. The panel heard submissions from Ms Naude, the social worker, and Mr Edwards on behalf of Social Work England. It was agreed that notice of hearing had been served in accordance with the rules.

44. Ms Naude made no application for an adjournment and indicated that the hearing should proceed. Ms Naude gave evidence on 16 September 2026, but then had other commitments and could not attend the rest of the hearing.

45. There was no indication that an adjournment would result in further attendance by Ms Naude. Mr Edwards invited the panel to proceed with the hearing in the interests of justice and the expeditious disposal of this hearing.

46. The panel accepted the advice of the legal adviser in relation to proceeding in absence. This included reference to Rule 43 of the Rules and GMC *v Adeogba [2016] EWCA Civ 162*. The panel also account of Social Work England guidance 'Service of notices and proceeding in the absence of the social worker'.

47. The panel considered all relevant information provided in the context of submissions from Mr Edwards and the views of Ms Naude, who was aware of this hearing.

48. The panel concluded that Ms Naude had chosen not to attend the remainder of this hearing, having already given evidence. There was no good reason to adjourn. Proceeding in Ms Naude's absence would cause no injustice to the social worker or the public. Indeed, it was in the interests of all involved to avoid further delay.

Second stage of hearing:

49. The panel has found paragraphs 1, 2 and 3 of the Allegation proved. It has found as fact that, whilst employed as a social worker:

    1. On 6 January 2021, Ms Naude visited Family A at their home address whilst under medical advice to self-isolate pending the result of a COVID-19 test.
    2. On 11 December 2020, Ms Naude made a comment during a supervision meeting which was offensive and/or inappropriate, in that Ms Naude said '*black people lack emotional warmth*' or words to that effect.
    3. Ms Naude's conduct at paragraph 2 above was racially motivated.

50. On 9 June 2022, Case Examiners referred the following matters for determination by this panel:

    'The matters described at paragraph 1 and/or 2 and/or 3 above amount to misconduct. By reason of your misconduct, your fitness to practise is impaired.'

51. On behalf of Social Work England Mr Edwards submitted that Ms Naude's fitness to practise is currently impaired by reason of misconduct (one of the statutory grounds of potential impairment). The panel was invited to consider this question in sequence:

- First, to decide whether the facts found proved amounted to misconduct
- Second, to decide whether Ms Naude's current fitness to practise is impaired by reason of that misconduct, if found.

Finding and reasons on (ground of) Misconduct:

52. After reminding the panel of key facts, Mr Edwards submitted that Ms Naude's actions, as found proved by the panel, would be condemned by other social workers and should concern well-informed members of the public.

53. Social Work England maintained its position that Ms Naude's current fitness to practise is impaired by reason of misconduct, as set out in the Allegation.

54. Although Ms Naude has no previous regulatory (or other) findings, the panel is entitled to take account of any evidence of breach of professional standards. Mr Edwards said that the panel must consider the rules applicable at the time of relevant events, 2020-2021.

55. Mr Edwards submitted that breaching regulations issued by the government to limit the transmission of Covid-19 posed a risk to the public. Mr Edwards submitted that discrimination, involving a '*protected characteristic'* under the Equality Act 2010, such as race, is a serious matter. Both matters are likely to undermine public confidence.

56. Ms Naude provided Social Work England with a response to the Allegation dated 30 April 2026. The panel took account of its contents and other documents in the social worker's Response bundle.

57. To assist Ms Naude, who could not attend after the first day, the panel said that it would consider any written submissions in relation to misconduct and/or impairment.

58. On 20 September 2026, Ms Naude emailed Social Work England as follows:

> '1. *My feedback about the 3 allegations:*
> *1.1 I did the home visit and broke the Covid rules. But as I said this was a high risk red flag case. I formed a bond with the mother, over the telephone and with the child, in person. The team around the child from the hospital contacted me many times to meet with the mother. As a social worker you form a bond with children and it is not easy to send other workers to work with the children.*
> ***I just want to mention again that I didnt had Covid just flu and during the visit I followed all Covid rules.***
> *1.2. The remark was made during supervision and not to any client or the community. Emotional lack refers to many factors like lack of mothering skills, lack of parenting skills, low eco strengths of parents, economic instability, leaving children without care, children to care for themselves, stress, substance abuse, neglect, parents raised in unstable homes, mothers struggling to show empathy and connection with their children, low compassions levels and the fact that grandmothers raise children in South Africa. I experienced all the mentioned factors and others during the years I worked as a social worker in South Africa.*

Ms Begum was quick to send a report to SWE but never asked me to explain why I made that comment.
1.3. I dont see the comment as racial motivated.
2. Impairment
According to the legal document Mr Brown sent me I understood that not every case of misconduct results in a finding of impairment. I will accept that allegation 1 amounts to misconduct for which I had been dismissed. I dont accept the other 2 allegations as misconduct. I Accept that each country has rules and regulations to abide with and I respect that. According to me I have no impairment of fitness to practice. I left the UK on 21 April 2021 and never returned to practice in the UK and have no wish to return now or in the future. I do not know what criteria the panel will use to make a decision in my case. I am asking for voluntary removal from the register. I never presented myself as a risk to the profession of Social Work, the clients we work with or to the community. I did the work to the best of my ability and did a lot of good to the clients and their children.
3. Lastly I just want to thank the panel for the guidance, support and respect they showed me. Thanks for the opportunity to work in the UK.
regards
Catharina J Naude'

59. Mr Edwards was provided with a copy of this email and invited to provide a written and/or oral response to its contents, thus to provide any further submissions on behalf of Social Work England. He confirmed that he had nothing further to add.

60. The legal adviser had provided the following advice on the approach to be taken on 18 September 2026. There was no comment on the legal advice and the panel accepted it.

- The decision on impairment is for the panel alone to judge. It should first consider whether those matters found proved amount to misconduct which is serious. If so, then the panel must determine whether Ms Naude's fitness to practise is impaired.
- In *Remedy UK v GMC [2010] EWHC 1245* the High Court said that misconduct is of two principal kinds. First, misconduct going to fitness to practise in the exercise of professional practice. Second, morally culpable or otherwise disgraceful conduct, outside or within professional practice. Conduct falls into the second category if it is dishonourable or attracts some kind of opprobrium – that fact may be sufficient to bring the profession into disrepute and it does not matter whether it was directly related to the exercise of professional skills.
- In *Schodlok v GMC [2015] EWCA Civ 769* the Court of Appeal said: 'If the panel decides that the facts do not amount to serious misconduct that would automatically mean that the registrant's fitness to practise is not impaired. However, if the panel decides that the facts do amount to serious misconduct it has to decide whether that misconduct has the consequence that a registrant's fitness to practise is impaired.

61. The panel first considered whether the facts found proved amounted to misconduct. It has found that Ms Naude breached government and employment guidance by visiting a client on 6 January 2021, while unwell, without first obtaining the results of a test for Covid-19. This could have resulted in the transmission of Covid-19, posing a risk to members of the public.

62. Ms Naude was also found to have made an inappropriate and/or offensive comment which was racially motivated in December 2020. Such remarks are repugnant to most people.

63. The panel identified breaches of the following standards:

1.1 – Value each person as an individual, recognising their strengths and abilities.

1.5 – Recognise differences across diverse communities and challenge the impact of disadvantage and discrimination on people and their families and communities.

1.6 – Promote social justice, helping to confront and resolve issues of inequality and inclusion.

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

3.7 – Recognise where there may be bias in decision making and address issues that arise from ethical dilemmas, conflicting information, or differing professional decisions.

3.9 – Make sure that relevant colleagues and agencies are informed about identified risks and the outcomes and implications of assessments and decisions I make.

As a Social Worker I will not:

5.1 – Abuse, neglect, discriminate, exploit or harm anyone, or condone this by others.

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

64. The panel considered that most social workers and other members of the public, fully informed of relevant facts in this case, would condemn the making of a racially motivated, offensive comment in December 2020 and breach of Covid-19 guidance in early 2021.

65. The panel took account of the fact that Ms Naude accepted that allegation 1 amounted to misconduct, as well as Ms Naude's view that allegation 2 did not, as expressed in her email dated 20 September 2026.

66. However, the panel concluded that the facts found proved in relation to this allegations 1, 2 and 3 amount to (serious) misconduct. It then went on to consider whether Ms Naude's current fitness to practise is impaired by reason of that misconduct.

Finding and reasons on current impairment:

67. At all times, Social Work England maintained its position that Ms Naude's current fitness to practise is impaired by reason of misconduct, as set out in the Allegation.

68. The panel also took account of the fact that Ms Naude did not believe that her current fitness to practise is impaired, although she had sought voluntary removal. This is confirmed in her email dated 20 September 2026.

69. Mr Edwards had referred to the overarching objective and asked the panel to consider public protection, as well as the need to uphold professional standards and maintain confidence in social workers.

70. The legal adviser provided the following advice on the approach to be taken. There was no comment on the legal advice and the panel accepted it.

- In determining impairment, the panel must consider whether the facts found by the panel indicate any risk of harm, breach of a fundamental tenet of the profession or bringing it into disrepute or likely future issues: *Grant [2011] EWHC 927*.
- The need to maintain public confidence in the profession may mean that a registrant's fitness to practise is impaired by certain acts of misconduct in and of themselves. A finding of impairment may be necessary to reaffirm the standard of conduct expected: *Yeong v GMC 2009 EWHC 1923*.
- The panel must determine whether Ms Naude's fitness to practise is impaired today, taking of account any change of attitude or behaviour and any likelihood of repetition. The Panel must decide this case on its merits, taking account of the public interest reflected in the overarching objective.

71. The panel did not accept Ms Naude's explanation in relation to allegation 3 and concluded that Ms Naude's comment at allegation 2 had been racially motivated. It took account of Ms Naude's apparent lack of insight and absence of evidence of sufficient remediation.

72. The panel also took account of contextual factors, including the need for social workers to ensure that their conduct justifies clients' trust in them and the public's trust in their profession.

73. The panel also took account of guidance from Social Work England on insight in the 'Impairment and sanctions guidance' dated 23 April 2026.

There is a greater risk of repetition if the social worker fails to fully understand what they have done wrong (and why it is wrong). The social worker can demonstrate their insight through (any of the following):

- *their engagement with the process*
- *their submissions during the investigation and prior to a hearing*
- *any remediation or reflection they have done regarding the concerns*
- *anything they may set out in written submissions or say at a hearing*

Demonstrating complete insight will help to assure decision makers that there is minimal risk of repetition.

74. The panel was aware that deeply ingrained attitudes may be difficult to change, but making racially motivated, offensive or inappropriate comments is not irremediable. Similarly, it is possible to change behaviour to comply with guidance or regulations.

75. The panel took account of comments by Ms Naude in a Response bundle provided. It took account of early admissions to allegations 1 and 2.

    In relation to allegation 1, Ms Naude wrote '*I understand the seriousness of the regulations but I am not a current danger to the public*.' Ms Naude also wrote '*I don't lack competence'* adding that she had '*engaged with the process, showed remorse, have insight and remediation*.'

76. On 23 July 2026 Ms Naude emailed Social Work England as follows:

    '*I just want to state that the comment was in no way offensive or inappropriate it is simply the truth. I am from South Africa and I know about racial issues'*.

77. The panel considered that this email sought to justify the comment made at allegation 2. In cross-examination on 16 September 2026, Ms Naude accepted that it was inappropriate or offensive to generalise about a group of people. This could be viewed as an indication of partial insight, but the panel did not consider that Ms Naude had shown timely, or sufficient, insight into the reasons for the remark or its consequences.

78. Ms Naude failed to recognise the seriousness of breaching guidance from the government (and employer) in relation to Covid-19 and the potential impact of doing so. In relation to making a racially motivated comment, Ms Naude admitted that it was inappropriate and offensive to generalise as she had.

79. However, Ms Naude had not identified a catalyst, or any good reason, for making the comment, or demonstrated adequate insight into the consequences of such remarks for colleagues and public confidence.

80. As insight and remediation are closely linked to risk of repetition, the panel was concerned that Ms Naude had not taken sufficient action, if any, to minimise the risk of repetition of misconduct. This is because answers in cross-examination seemed to downplay the impact of breaching Covid-19 guidance, as well as the impact of racially motivated comments.

81. Reasonable members of the public have a repugnance for racially offensive language and attitudes, so a firm resolve to address '*attitudinal'* concerns must strongly feature in the public interest. Failure to remediate risky actions or prejudice creates a risk that such misconduct will be repeated in future, undermining fundamental tenets of social work (such as non-discrimination) and undermining confidence in the profession.

82. Although Ms Naude attended a short course on unconscious bias, as required by her former employer, there was no evidence of how this had been applied. Ms Naude did not recall details but claimed to have a '*greater sensitivity'* to racial issues now that at the time of these events.

83. Although the panel was aware that Ms Naude may have developed some insight into the potential harms caused by misconduct in 2020 and 2021, there was no reflective statement or other indication of remorse, apology, sufficient insight or remediation.

84. Ms Naude has not demonstrated any real awareness of the impact of breaching Covid-19 guidance or racially motivated comments on others. The panel found that Ms Naude's actions had breached fundamental principles of social work and failed to ensure public trust.

85. The panel took account of Ms Naude's previous good record. It also took account of the fact that Ms Naude had engaged with proceedings, attended an important part of this hearing and given evidence.

86. However, the need to maintain public confidence in the profession means that a finding of impairment of current fitness to practise is required to protect the public, uphold standards and maintain confidence in social workers.

87. In all the circumstances, the panel determined that Ms Naude's fitness to practise is currently impaired by reason of misconduct.

Submissions on sanction:

88. When considering the question of sanction, the panel took account of relevant provisions of Social Work England's '*Impairment and sanctions guidance'*.

89. The panel took account of submissions on sanction from Mr Edwards. Social Work England invited the panel to impose a sanction no less restrictive than a suspension order of a reasonable length, with a review. This was required, as a minimum, to protect the public, uphold standards and maintain confidence in social workers.

90. A review would ensure that Ms Naude had an opportunity to demonstrate insight into the seriousness of her misconduct and any change in attitude or approach. A review panel would then be able to assess whether Ms Naude was fit to practise at the time of the review hearing, shortly before the expiry of any suspension order.

91. Mr Edwards submitted that a Warning Order or Conditions of Practice Order would be insufficient to protect the public or wider public interest. He invited the panel to

consider whether Ms Naude is able or willing to remediate, taking account of her recent email dated 20 September 2026 and other information.

92. If the panel were to accept that Ms Naude has no intention of returning to practice, it may reasonably conclude that Ms Naude would be unable properly to demonstrate remediation. The panel should consider making a Removal Order if Ms Naude is not thought to be able, satisfactorily, to resolve issues of concern to the panel.

93. Ms Edwards submitted that, if a Suspension Order is imposed, there should be an Immediate Order to cover the time allowed for an appeal. Social Work England considers that this would be required to protect the public, uphold standards and maintain confidence in social workers. Without an immediate order, the public would not be protected should Ms Naude return to practice as a UK social worker.

94. Ms Naude did not provide any further submissions or information at this stage. However the panel took account of points already made by Ms Naude, including recent assertions that she has no intention to return to practice in the UK.

Legal Advice:

95. The legal adviser gave advice on the approach to be taken to sanction. There was no comment on it and the panel took account of relevant principles.

96. At the sanction stage of proceedings there is no burden or standard of proof and the decision on sanction is a matter for the panel's judgment alone. The *'Impairment and Sanctions Guidance'* from Social Work England sets out principles of good practice and the standards expected of social workers.

97. *Raschid v GMC* [2007] 1 WLR 1915 confirms that the panel should focus on the reputation of the profession, rather than punishment of a registrant, although sanctions may have a punitive effect. *Bijl v GMC [2001]* UKPC 42 said that a panel should not be obliged to erase an otherwise competent and useful registrant who presents no danger to the public in order to satisfy public demand for blame or punishment.

98. The aim of the Impairment and Sanctions Guidance is to promote consistency and transparency in decisions. Such guidance is intended to be flexible. If the panel has sound reasons for departing from the Impairment and sanctions guidance it must state those reasons clearly in its decision. Although a panel need not adhere to the Impairment and Sanctions Guidance, it should have proper regard to the Impairment and Sanctions Guidance and apply it: PSA v GMC / *Bramhall [2021]* EWHC 2109. If departing from the Impairment and Sanctions Guidance, a panel has a duty to state clear, substantial and specific reasons for the departure.

99. Mitigation can affect the type of sanction, as well as the length of a relevant order. In *Wisniewska v NMC [2016] EWHC 2672* it was said that, where there are only two options for sanction, such as striking off or suspension, it is critical that the available mitigation is applied when evaluating the proportionality of a suspension as well as when considering a Removal Order.

100. Although mitigation can reduce the length of a suspension order, it could also pull a case back from the brink of strike-off and mean that a suspension is proportionate. Mitigation must be assessed by the panel when looking at both these issues. Just because there is an absence of independent or objective evidence in relation to a potentially mitigating factor, it should not be treated as an aggravating factor instead: *Al Nageim v GMC [2021] EWHC 877*.

101. In *PSA v GMC / Doree [2017] EWCA Civ 319* it was confirmed that a panel may reasonably find that a registrant has shown insight or remorse without hearing oral evidence to demonstrate it, even if it has rejected the registrant's evidence on an allegation. Whether a registrant has shown insight into their misconduct and how much insight they have shown are classically matters of fact and judgment for the professional panel in light of the evidence before it. In assessing insight, the panel must weigh all the relevant evidence, including points made by the registrant in oral evidence or written submissions, as well as any testimonials.

102. The panel should identify any aggravating or mitigating factors, highlighting which are most important. It should also consider submissions from Mr Edwards and points made by Ms Naude, in the context of evidence provided.

103. In reaching its decision, the panel must consider relevant parts of the Impairment and Sanctions Guidance. It will bear in mind that the main reason for imposing sanctions is to protect the public, uphold standards and maintain confidence in social workers. In deciding what sanction, if any, to impose the panel should consider the available sanctions, starting with the least restrictive. It must take account of the principle of proportionality, weighing the interests of the public against those of the registrant.

Decision and reasons on sanction:

104. The panel was aware that the purpose of a sanction is to protect clients, other members of the public and/or the wider public interest. There is no burden or standard of proof and the decision is a matter for the panel's judgment alone, taking account of all evidence and submissions, in the context of relevant principles in the Impairment and Sanctions Guidance.

105. The panel sought to identify mitigating factors, guided by paragraphs 80-82 of the Impairment and Sanctions Guidance. Potential mitigating factors may include evidence of a social worker's insight, remorse and understanding of the problem, and their attempts to address it.

Mitigating factors

106. The following mitigating factors were identified:

- On the first day of this hearing, Ms Naude admitted allegation 1 in relation to visiting client/s at their home address on 6 January 2021, in breach of medical advice to self-isolate pending the result of a Covid-19 test.

- The context includes the unprecedented nature of the Covid-19 pandemic and consequent pressure on social workers. The visit was in the context of new guidance on Covid-19 from the government, effective on 6 January 2021.
- Ms Naude also admitted making the comment set out at allegation 2.
- In evidence she confirmed that it was inappropriate and/or offensive.
- Ms Naude engaged with these proceedings, attended on the first day to give evidence, answered all questions and emailed written submissions.
- Ms Naude attended a course on unconscious bias when asked by a former employer.

107. The panel was also aware of the absence of previous fitness to practise history, in the context of a long career assisting other people. This is to be expected of a regulated professional and is listed by Social Work England guidance as a potential mitigating factor at paragraph 81 of the Impairment and Sanctions Guidance.

Aggravating factors

108. The panel was aware that potential aggravating factors include repetition of concerns or a pattern of behaviour. Although the misconduct found in this case was not a one-off isolated act or omission, the panel did not consider there to be a clear pattern of misconduct. Instead, there were two instances of (unrelated) misconduct roughly two months apart in late 2020 and early 2021.

109. It identified the following aggravating factors.

- Lack of adequate insight or remorse in relation to (linked) allegations 2-3
- Consequent lack of remediation.

110. The panel was not provided with any evidence of actual harm to clients or others. However, the panel was aware that breach of Covid-19 regulations or guidance may have increased the risk of transmission of a potentially fatal virus, directly (if unwell) or indirectly by setting a bad example.

111. The panel considered Ms Naude's lack of remediation to be the most serious aggravating factor.

Sanctions considered

112. The panel considered the least restrictive option first, and then each available sanction in ascending order of restrictiveness. In its deliberations, it sought to apply the principle of proportionality, balancing Ms Naude's interests with those of the public.

113. There were no exceptional circumstances that would justify no further action.

114. The panel did not consider that a Warning Order would be an appropriate or sufficient response to the (serious) misconduct found proved in this case. A more restrictive outcome was required to protect members of the public, uphold professional standards and maintain public confidence in social workers.

115. The Impairment and Sanctions Guidance provides at paragraph108 that a Warning Order is likely to be appropriate where all the following apply:

- *the fitness to practise issue is isolated or limited*
- *there is a low risk of repetition*
- *the social worker has demonstrated insight*.

116. As the panel has found that Ms Naude has not demonstrated sufficient insight, a warning order would be inappropriate in this case. The panel considered that the risk of repetition may be low, in relation to allegation 1, but identified a significant risk of repetition in relation to allegations 2-3.

117. The Impairment and Sanctions Guidance provides at paragraph 114 that a conditions of practice order may be appropriate where all the following apply:

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

118. Ms Naude's lack of insight in relation to allegations 2-3 was of concern. Although attitudinal issues are not irremediable, the panel had no evidence of insight into the reasons for making a racially motivated comment or its impact on others.

119. A statement from the Team Manager in the Assessment Team at the Council, who heard the remark, said:

> '*The children had said Mum did not show emotional warmth and the Social Worker said: "Black people lack emotional warmth". I told the Social Worker that this was not acceptable or tolerated…We [the employer] suggested the unconscious bias training. I was quite taken aback by what the Social Worker had said and there was no further conversation other than what was addressed in the supervision note.'*

120. The panel did not consider that attendance on this course amounted to a change in attitude or remediation, such that the risk of repetition had been reduced or minimised. Ms Naude was unable to explain what she had learned on the course or whether it had resulted in a change of attitude or behaviour.

121. Although the racially motivated generalisation by Ms Naude was not at the most extreme end of a spectrum, the panel was concerned by the implicit discrimination expressed by Ms Naude. The concerns were not alleviated by Ms Naude's most recent email, which reflected a disturbing propensity to prejudge:

'Emotional lack refers to many factors like lack of mothering skills, lack of parenting skills, low eco strengths of parents, economic instability, leaving children without care, children to care for themselves, stress, substance abuse, neglect, parents raised in unstable homes, mothers struggling to show empathy and connection with their children, low compassions levels and the fact that … I dont see the comment as racial motivated'.

122. Due to this lack of insight, there remains a risk of harm to the public if Ms Naude were to practise as a social worker, even with restrictions. In addition, there was no indication that any conditions would be complied with.

123. The Impairment and Sanctions Guidance provides at paragraph 119 that conditions are unlikely to be appropriate in a case involving discrimination in relation to a characteristic protected under the Equality Act 2010. A negative generalisation about black people is an example of this.

124. The panel was invited to consider a suspension order by Mr Edwards.

125. The panel took account of paragraphs 135-138 of the Impairment and Sanctions Guidance. A suspension order prevents a social worker from practising in England. It may be appropriate when a panel cannot formulate workable conditions to protect the public or the wider public interest and the case falls short of requiring removal from the register.

126. At paragraph 137 the criteria include:

- *the concerns represent a serious breach of professional standards*
- *the social worker has demonstrated some insight*
- *there is evidence to suggest the social worker is willing and able to resolve or remediate their failings*.

127. However, a suspension order may not be appropriate where:

- *the social worker has not demonstrated any insight and remediation*
- *there is limited evidence to suggest they are willing (or able) to resolve or remediate their failings*.

128. In this case the panel concluded that Ms Naude has not demonstrated sufficient (if any) insight or remediation in relation to the misconduct found proved at allegations 2-3. Ms Naude's email dated 20 September 2026 sought, again, to explain or justify the remark that 'black people lack emotional warmth' or words to that effect.

129. On 20 September 2026 Ms Naude reiterated that she did not accept that allegations 2-3 amount to misconduct. The panel was unable to conclude that Ms Naude had demonstrated insight or provided evidence suggesting that she was willing and able to remediate or change the attitude that had led to her making a racially motivated comment in 2020.

130. The fact that the remark was made to a supervisor, instead of a client, did not excuse it or limit its impact. The panel was aware that the colleague said she was '*quite taken aback*' and may well have been distressed by this remark. Most members of the public would be concerned by such attitudes and comments, particularly from a regulated professional with a duty of care and responsibility for vulnerable people.

131. The panel next considered a removal order. A removal order must be made where no other outcome would be enough to protect the public, maintain confidence in the profession and maintain proper professional standards for social workers: paragraph 148 of the Impairment and Sanctions Guidance.

132. The Impairment and Sanctions Guidance says at paragraph 149 that a removal order may be appropriate in cases involving a persistent lack of insight into the seriousness of their misconduct or its consequences, or where a social worker is unwilling or unable to remediate, such as where there is clear evidence that they do not wish to practise as a social worker in the UK again.

133. The panel was informed that Ms Naude had made an application for voluntary removal. The panel accepted Ms Naude's assertion that she had '*no wish'* to return to practice in the UK and considered that she is unwilling or unable to remediate her misconduct in relation to allegations 2-3. This is because of her continued attempts to justify an offensive racially-motivated comment made in 2020.

Conclusions

134. The panel had already heard evidence from Ms Naude and took account of various other information including her email dated 20 September 2026. The panel viewed this email as the most up to date reflection of Ms Naude's current views.

135. The panel took account of the public interest in facilitating the safe return to practice of an otherwise competent social worker. However, it recognised that, in some cases the misconduct is so grave that erasure is the only means of protecting clients or maintaining public confidence in the profession.

136. The panel concluded that a removal order is required to protect members of the public, to uphold professional standards and to maintain public confidence in social workers and their regulator.

137. The panel determined to impose a removal order.

Interim order

138. Having determined to make a removal order, the panel next considered an application by Mr Edwards for an interim suspension order to cover the appeal period before the final order becomes effective. It took account of its earlier findings in relation to facts, misconduct and impairment of fitness to practise.

139. The panel concluded that an interim suspension order for 18 months is necessary for the protection of the public. When the appeal period expires this interim order will

come to an end unless an appeal has been filed with the High Court. If there is no appeal, the final Removal Order shall take effect when the appeal period expires.

Right of appeal

140. 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.

141. 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.

142. 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.

143. 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:

144. 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