Social worker: Rebecca Shearing
Registration number: SW122758
Fitness to Practise Final Hearing

Dates of hearing: 05 October 2026 to 15 October 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 Shearing did not attend and was not represented.

3. Social Work England was represented by Ms Clifton case presenter 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**
Fiona Abbott	Chair
Jill Wells	Social worker adjudicator
Philip Geering	Lay adjudicator

Hearings team/Legal adviser	**Role**
Andrew Brown	Hearings officer
Raegan Kirkland	Hearings support officer
Paul Moulder	Legal adviser

Service of notice:

5. The panel was informed by Ms Clifton that notice of this hearing was sent to Ms Shearing by email service to an address provided by the social worker (namely their registered address as it appears on the Social Work England register). Ms Clifton submitted that the notice of this hearing had been duly served.

6. The panel had careful regard to the documents contained in the final hearing service bundle as follows:

    - A copy of the notice of the final hearing dated 02 September 2026 and addressed to Ms Shearing at her email address which she provided to Social Work England;
    - An extract from the Social Work England Register as of 02 September 2026 detailing Ms Shearing's registered email address;
    - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 02 September 2026 the writer sent by email service to Ms Shearing at the address referred to above the notice of hearing and related documents.

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

8. Having had regard to Rules 14, 15, 44 and 45 of Social Work England's Fitness to Practise Rules 2019 (as amended) ("the Rules") and all of the information before it in

relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Ms Shearing in accordance with Rules14 and 15.

Proceeding in the absence of the social worker:

9. The panel heard the submissions of Ms Clifton on behalf of Social Work England. Ms Clifton submitted that notice of this hearing had been duly served, no application for an adjournment had been made by Ms Shearing and as such there was no guarantee that adjourning today's proceedings would secure her attendance. Ms Clifton further submitted that any delay prejudiced the public interest in expeditious disposal of hearings and may affect the quality of the witnesses' evidence. Ms Clifton submitted that it was fair and in the interests of justice to proceed with the hearing.

10. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. This included reference to Rule 43 of the Rules and the cases of *R v Jones* [2002] UKHL 5; *General Medical Council v Adeogba* [2016] EWCA Civ 162.

11. The panel considered all of the information before it, together with the submissions made by Ms Clifton on behalf of Social Work England. The panel noted that Ms Shearing had been sent notice of today's hearing and the panel was satisfied that she was or should be aware of today's hearing.

12. The panel had been provided with copies of correspondence in the Social Workers Response bundle. From this, the panel noted that, on 15 February 2022, Ms Shearing sent an email to Social Work England and had expressed shock and concern at the allegations made. She stated, "the*re is a lot I need to share with you and need a few more days to get help to do so. I am not currently practising as a social worker [PRIVATE]. I'm currently awaiting a reply from my solicitor as well*". Ms Shearing asked for the following Friday to respond fully. On 16 June 2022, an email was received from Ms Shearing's niece using Ms Shearing's email address [PRIVATE]. The email stated that the niece was aware of the investigation and that Ms Shearing had a *"superb defence"*. The email asked if Social Work England was aware that Ms Shearing whistle blew to Ofsted against her managers and referred to Ms Shearing being used and bullied by managers at Devon County Council. The email further stated that Ms Shearing had no intention of ever practising as a social worker again.

13. An application for Voluntary Removal from the Social Work England Register dated 20 August 2023 was sent to Social Work England. This was stated as being completed by Ms Shearing's niece and indicated that Ms Shearing no longer wished to practise as a social worker [PRIVATE]. It also indicated that Ms Shearing's family were managing her emails [PRIVATE]. The application stated that Ms Shearing no longer has access to emails or post, [PRIVATE]. It also stated that *"Rebecca is in no position to take part in any investigation and has not seen any communication from you..."*. It stated that Ms Shearing does not admit the allegations.

14. [PRIVATE]. Social Work England indicated at that time it would refrain from providing updated information about the case for the time being and suggested the appointment of a representative or nomination of a third party to receive information. No such appointment or nomination was received by Social Work England.

15. Those representing Social Work England sent further information about the case having been referred to a hearing, in October 2025. Telephone answerphone messages were left requesting contact in November 2025, but there was no detail about any response having been received.

16. There was reportedly no response on behalf of Ms Shearing to Case Directions issued in June 2026. [PRIVATE].

17. [PRIVATE].

18. [PRIVATE].

19. The panel noted that, as a result, Ms Shearing had not engaged with Social Work England in relation to the preparation of the case or the Case Management Directions. Within the correspondence in the Social Workers Response bundle there was reference to Ms Shearing having no intention to engage in further practice as a social worker. Social Work England had attempted a number of approaches by email in order to secure engagement with the forthcoming hearing, including by suggesting a representative or intermediary on Ms Shearing's behalf. No representative had been appointed and there was no attendance on Ms Shearing's behalf.

20. The panel was satisfied that all reasonable efforts had been taken by Social Work England and their representatives to bring notice of the hearing to Ms Shearing's attention. Attempts had been made to accommodate engagement on her behalf. No request for adjournment had been put before the panel. The panel had no independent, current or recent medical evidence. [PRIVATE].

21. The panel acknowledged that, if it proceeded with the hearing, it would not hear from Ms Shearing and there would be some prejudice to Ms Shearing inherent in this. However, the panel had no reason to believe that an adjournment would result in Ms Shearing's attendance.

22. Social Work England had arranged for the attendance of several witnesses to give evidence. These included both professional witnesses and lay witnesses. The panel considered that there was a risk of further lapse of time having an impact on witnesses' recollection, if the case was adjourned.

23. The panel took into account that there was a public interest in the expeditious disposal of allegations. The Allegations related to matters now of some age. Having weighed the interests of Ms Shearing in regard to their attendance at the hearing with those of Social Work England and the public interest in an expeditious disposal of this hearing, the panel determined to proceed in Ms Shearing's absence.

Preliminary matters:

Sitting partly in private

24. Ms Clifton applied to the panel to sit partly in private to hear the case. She submitted that there was a need to protect Ms Shearing's privacy in relation to her health matters. It was submitted that the case fell under Rule 38(b)(i) in relation to the vulnerability, interests or welfare of Ms Shearing.

25. The legal adviser advised the panel that Rule 37 provides that hearings are to be conducted in public, but this Rule is subject to Rule 38. The latter provides that the panel must sit in private when considering the physical or mental health of the social worker (Rule 38(a)(ii)). Further, the panel may sit in private when it considers it appropriate having regard to the vulnerability, interests or welfare of any participant (Rule 38(b)(i).

26. The panel considered that the case would clearly involve hearing matters relating to Ms Shearing's health and that these matters should be heard in private, to protect Ms Shearing's private life interests.

27. The panel was also aware that the evidence may consider other sensitive personal information relating to the families discussed in the course of the hearing. The panel maintained a view to moving into private when such matters arose.

Amendments to the Allegation

28. Ms Clifton applied to the panel for amendment of the Allegation. Ms Clifton informed the panel that the date of 26 February 2020 in Schedule A, to which paragraph 1 referred should be 26 March 2020. Further, the second reference to 01 April 2020 in Schedule C should be 15 April 2020. Ms Clifton submitted that these were minor amendments sought in response to errors setting out the Allegation. She submitted that the amendments did not result in any prejudice to Ms Shearing. Rather, the amendments brought the Allegation into line with the evidence which had been obtained and served on Ms Shearing.

29. The legal adviser advised the panel that it had power pursuant to Rule 32(a) to regulate its own procedures, subject to the overriding requirement to ensure a fair hearing. Fairness was required to take account of both parties' interests. He referred the panel to *HCPC v Doree* [2017] EWCA Civ 319, where the court recognised the panel's power to make amendments to the allegation, even at a late stage, in order to avoid undercharging.

30. The panel considered that the amendments cured mistaken date references in the Allegation. Social Work England's case would be clear to Ms Shearing on the evidence which had been served. The panel considered that the amendments allowed the panel to consider the Allegation fully in the public interest and did not prejudice Ms Shearing. The panel decided to allow the requested amendments.

Hearsay Application

31. Ms Clifton informed the panel that Social Work England wished to rely in its evidence on the interview conducted by the Council with Ms Leanne Coleman and her addendum statement, notwithstanding that Ms Coleman would not be attending to give evidence. She referred to the reference to its intention and the application in the Amended Statement of Case.

32. Ms Clifton submitted that the Case Directions had set out that the intention to rely on hearsay evidence had to be sent in advance to Ms Shearing, with any objection to be notified by a certain date. Ms Clifton submitted that, no objection having been served, it followed that Social Work England could rely on the hearsay evidence.

33. The legal adviser referred the panel to Rules 32(a) and 32(b)(vii). He advised that the panel had discretion to admit evidence. The legal adviser advised caution, taking into account that Ms Shearing did not appear to be legally represented. The directions made no express reference to the consequence of Ms Shearing not responding to Social Work England's expression of intention to rely on hearsay evidence. He referred the panel to other directions in the case. The legal adviser advised the panel to consider whether there should be a formal application, dealing with the principles in *Thorneycroft v NMC* [2014] EWHC 1565 (Admin).

34. The panel considered that the directions did not make clear the consequence of Ms Shearing not raising an objection to the notice of intention to rely on hearsay. It bore in mind that Ms Shearing did not appear to have legal representation. Further, Ms Shearing was not engaging with Social Work England or Capsticks.

35. The panel considered that Rule 32 gave to the panel the discretion to admit evidence, but this was a power given to the panel itself, given that a hearing is taking place and the responsibility of the panel to regulate its own proceedings, and the wording of Rules 32(a) and (b). In the circumstances, the panel was of the view that Social Work England must make an application and the panel will decide.

36. Ms Clifton referred to the application set out in Social Work England's Amended Statement of Case. She submitted that the panel should consider the factors set out in *Thorneycroft* and admit Ms Coleman's interview statement and addendum. Ms Clifton submitted that the evidence was not 'sole or decisive', because there was evidence from other witnesses on the issues.

37. Ms Clifton submitted that Ms Shearing had not provided any challenges to Ms Coleman's evidence. She submitted that Ms Coleman had no reason to fabricate the evidence which she had provided. [PRIVATE]. It was submitted that notice that hearsay evidence would be relied on had been provided to Ms Shearing in the Statement of Case served in advance of the hearing. No objection to the notice had been received.

38. The legal adviser had advised the panel of its discretion, pursuant to Rule 32(b)(vii) to admit evidence. He advised the panel to apply the factors, as set out in *Thorneycroft*.

39. The panel considered that Ms Coleman was not the sole witness in relation to the Allegations as a whole; a number of the other witnesses referred to their interactions with her. Ms Coleman's evidence was the sole and decisive evidence, however, in relation to paragraph 6 and the dependent allegation of dishonesty in paragraph 7. Ms Coleman was also a key witness as the person who first raised the Council's concerns with Ms Shearing, and who spoke with Family 1

40. The panel was aware that Ms Shearing denied the Allegations. It had information that she had a defence to the charges. However, in Ms Shearing's absence, it had no detail on what challenges were raised to Social Work England's case. The panel took into account that Ms Coleman's interview statement and addendum had recorded the internal investigation and had been made before the referral to Social Work England. The panel was aware that Ms Shearing alleged that she had been bullied by her managers, but the panel had not been provided with any further details. The panel had no clear evidence that Ms Coleman had reason to fabricate her evidence.

41. The panel acknowledged that the charges are serious and included allegations of dishonesty. It noted that findings of dishonest conduct may have serious implications for a professional's career.

42. The panel was provided with updated information concerning Ms Coleman's non-attendance. [PRIVATE].

43. The panel noted that Social Work England had entered into considerable correspondence concerning Ms Coleman's ability to attend the hearing.

44. The panel was aware of its obligation to pursue due inquiry into the Allegations, in the public interest. It accepted that Ms Coleman's evidence was key and decisive in some areas. However, the panel could test that evidence against the evidence in the case of some of the allegations with the other witnesses. The panel took into account that, having compiled her evidence as part of her duties as a social worker and Council officer, Ms Coleman would have been under a duty to act with integrity. The panel considered that this added to the potential for her evidence to have been fairly compiled. In the absence of Ms Shearing, the panel had no information of any challenge to Ms Coleman's account.

45. The panel decided that, on balance, it was fair to admit Ms Coleman's evidence, although it would apply the weight that was appropriate in all the circumstances in which the evidence was given.

46. Social Work England applied to the panel to admit Mother 3's witness statement dated 26 March 2026. It was submitted that the intention had been to call Mother 3 to give oral evidence before the panel and she had indicated her availability to do so. However, on the day before she was due to give evidence, Mother 3 had become uncontactable. That remained so during the day on which she was due to give evidence. She remained uncontactable the next day at the end of which Social Work England made an application to admit her statement as hearsay.

47. Ms Clifton submitted that Mother 3's evidence was not the sole and decisive evidence concerning the allegations relating to Child 3 but added to the bigger picture. Ms Clifton submitted that there was other evidence, including the case records and the evidence of both Ms Phillips and Ms Beynon.

48. Ms Clifton submitted that Mother 3 had no reason to fabricate her evidence. The allegations are serious but the reasons for Mother 3's absence are unknown. She submitted that Social Work England had taken all reasonable steps to secure the witness' attendance. Ms Shearing, not being in attendance, would not be on notice of the application. However, Ms Clifton submitted, any prejudice could be overcome by attaching appropriate weight to the evidence, once admitted.

49. The legal adviser advised the panel of its discretion to admit evidence, subject to a requirement to act with fairness. He advised the panel to apply the factors set out in *Thorneycroft* (as above). He advised that the matter of admission of the evidence should be considered prior to determining any weight of the evidence, if admitted.

50. The panel was of the view that Mother 3's evidence was not the sole evidence concerning the allegations relating to Child 3, but it was significant. The panel did not know what specific challenge was taken with her evidence, beyond a denial by Ms Shearing of the Allegations as whole. The case was one potentially having serious consequences for Ms Shearing's registration.

51. The panel took into account that Mother 3's witness statement had been served on Ms Shearing in advance, but she had not attended. She would not have the opportunity to cross-examine the witness, but this flowed from her not being present in any event but nor would the panel be able to question Mother 3. What the panel did know was that she had actively engaged with Social Work England over an extended period, had signed a formal statement, and had shown a consistent and recent commitment to attend. The panel considered that there were serious issues to be determined in the public interest. It concluded that it was possible to deal with the matter of prejudice by the consideration of the appropriate weight to attach to the evidence.

52. The panel decided to grant the application and receive the evidence in the form of Mother 3's witness statement.

Allegations:

53. The Allegations (as amended at the hearing) were as follows:

Whilst registered as a social worker between January 2020 and May 2020, you:

1. Did not complete one or more of the visits set out in Schedule A in relation to:

1.1 child 1;

1.2 child 2; and

1.3 child 3;

2. *Did not carry out one or more child assessments set out in Schedule B in relation to:*
   - *2.1 child 1;*
   - *2.2 child 2; and*
   - *2.3 child 3;*

3. *Inappropriately recorded and/or closed the referrals for:*
   - *3.1 child 1;*
   - *3.2 child 2; and*
   - *3.3 child 3;*

4. *Recorded visits listed in Schedule A which did not take place in relation to:*
   - *4.1 child 1;*
   - *4.2 child 2; and*
   - *4.3 child 3;*

5. *Recorded child assessment records which you did not complete listed in Schedule B in relation to:*
   - *5.1 child 1;*
   - *5.2 child 2; and*
   - *5.3 child 3;*

6. *Provided incorrect information to your manager as set out in Schedule C.*

7. *Your conduct at Paragraph 3, and/ or 4 and/ or 5 and/ or 6 was dishonest.*

Schedule A
Visit to Family 1 on 19 February 2020
Visit to Family 1 on 26 March 2020
Visit to Family 2 on 3 February 2020
Visit to Family 2 on 24 March 2020
Visit to Family 3 on 4 March 2020
Visit to Family 3 on 27 March 2020

Schedule B
In relation to Child 1, the Child Assessment Report dated 21 April 2020.
In relation to Child 2, the Child Assessment Report dated 21 April 2020.
In relation to Child 3, the Child Assessment Report dated 22 April 2020.

Schedule C
Supervision on 19 February 2020
Supervision on 1 April 2020
Supervision on 15 April 2020

The matters outlined in paragraphs 1, 2, 3, 4, 5, 6 and 7 amount to the statutory ground of misconduct.

Your fitness to practise is impaired by reason of misconduct.

Admissions:

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

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

55. Following the amendment of the Allegations, Ms Shearing not being in attendance, the panel was not taken to any admissions by her. The panel therefore treated all the Allegations as being in issue and in accordance with Rule 32c(i)(a) of the Rules, the panel then went on to determine the disputed facts.

Evidence:

56. The panel was provided with the following documents:

- Social Work England's Amended Statement of Case
- Redacted Statements Bundle
- Exhibits Bundle
- Redacted Social Worker's Response bundle
- 'LC' bundle – hearsay application bundle
- Service and Supplementary bundle
- Hearsay bundle for application concerning Mother 3
- ID code
- Various correspondence between Capsticks and Devon County Council

57. Social Work England relied on the evidence of:

- Ms Sarah Phillips, an Assessment Social Worker at Devon County Council
- Ms Helen Haines, Human Resources advisor at Devon County Council
- Ms Jean Beynon, Service Manager for the Council's Assessment and Intervention Service
- Mother of Child 1
- Mother of Child 2
- Mother of Child 3

Summary of evidence:

58. Ms Shearing is a registered Social Worker. At the relevant times to the Allegations, Ms Shearing was employed by Devon County Council ("the Council"). Ms Shearing had been engaged in her Assessed Supported Year in Employment ("ASYE") with the

Council. Ms Shearing had remained with the Initial Response Team, after completing her ASYE.

59. On 26 November 2020, Social Work England received a referral from Ms Shearing's former employer, the Council, regarding concerns with her practice. The Council's referral reported concerns arising from a telephone call into the Multi-Agency Safeguarding Hub ("MASH") from a member of the public. These were in relation to an expected visit and assessment and regarding information contained on the Council's Eclipse system concerning the caller's family. Ms Shearing was recorded as the allocated social worker to the case. The referrer went on to allege that a subsequent internal investigation had been conducted into further closed cases which had been allocated to Ms Shearing. These had revealed further concerns that visits and information in the Eclipse records had been fabricated.

Ms S Phillips

60. Ms Phillips is a registered social worker. At the time of concerns, she was Assistant Team Manager in Initial Response Team ("IRT"), from January 2019 to May 2021. Ms Phillips' job was to supervise social workers in the Assessed Supported Year in Employment ("ASYE"). She outlined Ms Shearing's initial responsibilities in the IRT. She set out the required standards in relation to 'Child in Need' and 'section 47' matters. She outlined the consequences of a failure to complete visits and assessments as required. She also outlined the risks arising from any falsification of the records. She explained to the panel the operation of the Eclipse record-keeping system used by the Council and stated that there was mandatory training.

61. Ms Phillips said she had been informed by Ms Coleman of a report that, following a 'single assessment' having been sent to a family, the family had reported that they had not seen the social worker. Ms Phillips stated that she had been asked by Ms Coleman to seek feedback from families who had been allocated to Ms Shearing in which the cases had been closed by Ms Shearing.

62. Ms Phillips exhibited her interview statement and addendum from the internal investigation. Ms Phillips described her interactions with the mothers of three families. She explained that she had open the Eclipse records when speaking to the families.

63. Ms Phillips realised that Family 1 had already been contacted by Ms Coleman and did not therefore pursue a substantive discussion with Mother 1. Ms Phillips stated that she had spoken to the mother of Family 2, who had said that there had been no involvement with the service for a year or more from any social worker. Ms Phillips stated that a virtual visit had been recorded for 16 April 2020, but the mother stated that there had been no social worker involvement at this time. Ms Phillips stated that, from other conversation in the call, she believed the mother was being honest.

64. Ms Phillips also called Family 3. In Family 3, the Council were involved with the eldest daughter. She stated that the mother of Family 3 had said that Ms Shearing had visited the family but had never seen the eldest daughter.

65. She had no knowledge of any complaint to Ofsted nor of any allegation that Ms Shearing had been bullied by her managers.

Ms H Haines

66. Ms Haines was employed as Human Resources ("HR") adviser at the Council. She had been in the role since 2013. At the relevant time she had been assisting Ms Coleman with [PRIVATE] Ms Shearing under the Council's policy. She exhibited a copy of the Policy.

67. She stated that Ms Shearing had been informed of the allegations in a telephone call with Ms Coleman on 27 August 2020 and this led to a formal investigation. She exhibited a copy of the Disciplinary policy. She described the involvement of Occupational Health ("OH") and exhibited copies of OH reports. Ms Haines stated that the Council had been unable to interview Ms Shearing during the investigation [PRIVATE]. She exhibited copies of absence meeting notes.

68. Ms Haines stated that a Formal Absence Hearing had been held on 03 December 2021 in Ms Shearing's absence. The outcome was dismissal of Ms Shearing on grounds of [PRIVATE], with a period of notice commencing on 06 December 2021. Ms Haines exhibited copies of documents from that process.

69. Ms Haines informed the panel that she had been the Council officer for the sickness absence process: another Council HR officer had dealt with the concerns over the Eclipse records. Ms Haines had limited knowledge of the latter investigation.

Mother 1

70. Mother 1 stated that she was the mother of Child 1. Social Services had been involved with Mother 1's family between January 2020 and May 2020, due to an allegation against a previous partner, made by his son. She recalled being allocated to a social worker but could not recall their name and now had no record of the allocation. Mother 1 stated that she had been expecting a social worker to come to the house due to the MASH referral. However, she stated, she was not aware of when the social worker was due to attend the house, due to not hearing from any social worker. Mother 1 had not initially chased Social Services as it was COVID-19 and restrictions were in place.

71. Mother 1 stated that she had later called the Council in 2020 because she had still not heard anything from Social Services and knew that she should have had a visit. Mother 1 stated she had conversation with the social worker's team manager. She was asked about details in the case notes about her family and replied that specific detail of what she was told was recorded was incorrect, such as the layout of her house, her ex-partner's employment at the time and Child 1's toys. Mother 1 stated that she was never called or visited by anyone at social services.

72. Mother 1 stated that she had not received a copy of an assessment report from the Council. Mother 1 had spoken with Child 1's nursery, who had confirmed that someone from the Council had made contact.

Mother 2

73. Mother 2 stated she was the mother of Child 2. Mother 2 did not know why Social Services had been involved with her family between January and May 2020. She told the panel that there had been no social worker involvement after July 2019. The only involvement which Mother 2 could recall was that phone calls were made regarding the father of Child 2 to ensure that Mother 2 could keep Child 2 safe when the child was with her father. As far as Mother 2 was concerned, there had been no social worker involvement with her family since 2019. She stated that Ms Shearing could not have visited Child 2 without her knowledge. She had never met Ms Shearing, nor had her child.

74. Mother 2 told the panel that her own hair had been blonde since early 2020. It had prior to that been pink and blonde, but no other colour as stated in the assessment completed my Ms Shearing. She described having received phone calls about potential contacts with social workers. She had no contact with Ms Shearing, she said. Mother 2 said that there had previously been a 'restraining order' against her ex-partner, but this was not current in 2020.

Mother 3

75. Mother 3 was the mother of Child 3. In her witness statement she stated that she could not recall when Ms Shearing was allocated and could not recall Ms Shearing specifically. Child 3 was on a Child Protection Plan, which changed to a Child in Need plan. She could not recall whether Ms Shearing was present at meetings with Child 3's school. Mother 3 could not recall if Ms Shearing visited, due to the passage of time. She could not find anything indicating that she had been allocated to Ms Shearing.

Ms J Beynon

76. Ms Beynon is a Service Manager in the Assessment and Intervention Service at the Council. She had not directly managed Ms Shearing but was involved from February 2023 in responding to the Social Work England investigation as the line manager of Ms Coleman, who was on sick leave.

77. Ms Beynon outlined for the panel the statutory grounds for intervention in Section 17 and Section 47 of the Children Act 1989 and the timescales for response. She exhibited a number of the Council's policy documents and confirmed the training of social workers and availability of policies on the Council's systems.

78. Ms Beynon described the assessment process, including the practice of initial intervention and the preparation of assessments, including management oversight and sharing with the family.

79. Ms Beynon told the panel of the importance of a visit to the child as part of the assessment process. She was taken through the information concerning each of Family 1, Family 2 and Family 3. Ms Beynon gave evidence of the circumstances behind the

need for a proper child assessment in each case and about the risks arising from a failure in carrying out a proper assessment.

80. When asked, Ms Beynon advised that she was not aware of any complaint by Ms Shearing to Ofsted or of bullying. She was aware of matters relating to Ms Coleman, but unrelated to Ms Shearing.

Submissions

81. Ms Clifton invited the panel to find all the facts of the Allegations proved. She submitted that the facts in relation to Child 1 and Child 2 were similar, although the situation was more nuanced in relation to Child 3. Ms Clifton submitted that Ms Phillips' evidence tied into the notes from 2020 and Ms Beynon's evidence set out the processes and procedures in place. Although Ms Coleman's evidence was hearsay, she submitted, most of it was confirmed in other pieces of evidence.

82. Ms Clifton took the panel through the evidence and explained how she submitted that the Allegations are supported. Ms Clifton submitted, in relation to paragraph 6 that this centred around what Ms Shearing had represented to Ms Coleman including about the visits, conversations and assessments, and appeared variously in Case Supervisions and Personal Supervisions. Ms Clifton set out Social Work England's case on the specific incorrect information relied on.

Legal Advice

83. The legal adviser advised the panel that the burden of proving the facts in the Allegations rests on Social Work England. The standard of proof is the balance of probabilities. He referred the panel to the guidance of the courts in the assessment of evidence, taken from *R (Dutta) v GMC* [2020] EWHC 1974 (Admin) and *Byrne v GMC* [2021] EWHC 2237 (Admin).

84. The legal adviser advised the panel to make a decision in respect of each of the parts of the Allegations. He advised the panel on the matters of the test of 'dishonesty' taken from *Ivey v Genting Casinos* [2017] UKSC 62 and potential 'cross-admissibility of allegations, as the court set out in *PSA v GMC & Garrard* [2025] EWHC 318.

Finding and reasons on facts:

85. The panel bore in mind that the burden of proving the facts in the Allegations lay on Social Work England, and Ms Shearing did not have a burden to prove anything. The panel was mindful that it may take a fact as having been proved, if it was satisfied that it was more likely than not to have occurred.

86. The panel was mindful of the judgment in *GMC v Dutta* [2020] EWHC 1974 (Admin), as referred to in the legal advice. The panel noted that it should work from known or probable facts and use the oral evidence as a means of scrutiny of the documentary evidence.

87. In summary, Social Work England's case was that Ms Shearing had not carried out required visits, had fabricated records of visits she had not made, had not carried out proper assessments of the children, had closed the cases based in part on the fabricated visit records and had provided incorrect information about the families to her manager, Ms Coleman, in supervision about these matters.

88. The panel was aware that parts of the Council's documentary record, as completed by Ms Shearing, were therefore the subject of challenge in Social Work England's case, based on the investigations of the Council and the evidence of mothers of Families 1, 2 and 3.

89. The panel bore in mind that Ms Shearing had not attended the hearing. It had been represented on her behalf by a carer/relative that Ms Shearing had a defence to the allegations, that she had been bullied by and used by her managers at the Council and that she had made a referral to Ofsted. The panel had raised these issues where appropriate with relevant witnesses when they were giving evidence, although they were unaware of any such referral or allegations.

90. The panel had no further detail from Ms Shearing as to her defence to the Allegations, but at all times it bore in mind the need to carefully scrutinise the evidence presented.

91. The panel considered that it was clear that Ms Shearing had been employed in the Initial Response Team for the Council's Social Work Department. She had been the allocated social worker for a number of cases, which had included Family 1, Family 2 and Family 3. In around 2020, referrals to the Council's Social Work Department had required assessments to be carried out.

92. The panel had heard evidence from Ms Beynon, a Service Manager for the Council's Assessment and Intervention service. Ms Beynon exhibited relevant policy documents from the Council which set out the requirements for a proper assessment. These had included:

> Exhibit JB/03 Devon Children's Social Care Practice Standards:
>
> *3.1. Every child has an up to date, evidence based assessment of their needs, wishes and feelings. Assessments are based on a clear analysis of all the information available and there is clear evidence of multi-disciplinary cooperation and assessment.*
>
> *3.2. Assessment is recognised as a continuous process which requires regular review and leads to SMART (specific, measurable, achievable, realistic and timely) and flexible plans that meet the changing needs of children.*
>
> *3.3. All children have an assessment which clearly takes into account the child's experience, wishes and feelings.*

3.4. All assessments take into account the needs, wishes, and feelings of parents and
carers.

Exhibit JB/04 Social Worker visits guidance:

4. Contribution of the Child and Family

The Child

The child should participate and contribute directly to the assessment process based upon their age, understanding and identity. They should be seen alone and if this is not possible or in their best interest, the reason should be recorded. The social worker should work directly with the child in order to understand their views and wishes, including the way in which they behave both with their care givers and in other settings. The agreed local assessment framework should make a range of age appropriate tools available to professionals to assist them in this work.

93. Ms Beynon occupies a senior position with the Council. She gave detailed evidence to the panel, making appropriate concessions and reflecting on her evidence. Ms Beynon's evidence focussed in part on the proper assessment procedures to be carried out. The panel found Ms Beynon to be a credible and reliable witness. The panel accepted Ms Beynon's evidence that assessment required a visit to see the child and assessment of their circumstances.

94. The panel considered that it was clear that the allegations had arisen in around 21 May 2020, when concerns had been raised by mother of Family 1 (Mother 1), who said that she had not received the expected contact from a social worker. Ms Coleman had noted in the Council records that there were documented visits and a single assessment completed for Child 1. This had prompted investigation into Ms Shearing's other closed cases with resultant concerns arising relating to Family 2 and Family 3. By September 2020, the three families had been contacted by Ms Phillips or Ms Coleman and in November 2020, Ms Coleman and Ms Phillips had been interviewed by the Council about the concerns. The panel was mindful that it had not heard directly from Ms Coleman. It had agreed to admit her Council interview and addendum as hearsay evidence. [PRIVATE]. The panel considered all the relevant factors, in considering the weight to attach to the evidence admitted as hearsay.

95. The panel considered the detailed paragraphs of the Allegation and the evidence provided by Social Work England.

1. Did not complete one or more of the visits set out in Schedule A in relation to:

1.1 child 1;

1.2 child 2; and

1.3 child 3;

Child 1

96. The panel noted that Schedule A referred to visits having allegedly not been conducted by Ms Shearing on 19 February 2020 and 26 March 2020. The panel had copies of Ms Shearing's records of visits which contained entries about the child and the family. The panel noted that there was detail to the entries made.

97. The panel had heard evidence from Mother 1 and read her witness statement. The panel took into account that Mother 1 had told the panel that some of the details in the records were incorrect. Mother 1 had been certain that no visit by Ms Shearing to see Child 1 had taken place. The panel took into account that Mother 1 had contacted the Council because she was expecting a visit from a social worker but had not heard from anyone. She explained why she had been keen to have the intervention of a social worker. Mother 1's action in telephoning the MASH team and speaking to Ms Coleman was consistent with her account that she had not been contacted by anyone.

98. The panel noted the evidence in Ms Coleman's interview by the Council on 08 September 2020, as to Ms Shearing's alleged response to the allegations being put to her in a telephone call from Ms Coleman on 27 August 2020. However, the panel did not place any weight on a lack of denial by her in the call and additionally Ms Shearing having asked if there were serious consequences. The panel was of the view that Ms Shearing had been off sick at the time and the panel had no detailed records of the conversation, including the words which had been put to her.

99. Ms Coleman's evidence was that she telephoned and visited Mother 1 as part of the investigation into Ms Shearing's practice. Mother 1's evidence was that she had been telephoned by Ms Coleman, but had she had not been visited by her. The panel concluded that whilst this inconsistency existed, it did not undermine the core evidence.

100. The panel considered that Mother 1 gave evidence clearly and consistently with her witness statement. It found her to be a persuasive witness, who had no apparent reason to fabricate any of her evidence. The records support that Mother 1 called into the MASH team because there had been no visit from a social worker. Her actions were consistent with the concerns she raised.

101. The panel preferred the evidence of Mother 1, notwithstanding the records of apparent visits made by Ms Shearing. The panel found that, on the balance of probabilities, it was more likely than not that both visits had not occurred.

102. The panel found that Ms Shearing had not carried out the visits to Child 1 on 19 February 2020 and 26 March 2020.

Child 2

103. In relation to Child 2, the panel noted that Schedule A referred to visits having allegedly been conducted by Ms Shearing on 03 February 2020 and 24 March 2020. The panel had copies of case records created by Ms Shearing which contained entries about the child and the family. The panel noted that there was significant detail in the entries made.

104. The panel heard evidence from Mother 2, who also provided her witness statement. Mother 2 denied having received any visits from Ms Shearing. Mother 2 said that she had not been expecting any visit from a social worker. This was consistent with the MASH referral for Family 2, which stated that it was made without the knowledge or consent of Mother 2. The panel also heard Ms Phillips' evidence that she had telephoned Mother 2 on 20 July 2020 and Mother 2 had denied having a social worker at the end of 2019 or in 2020 and had not been expecting a visit.

105. The panel found Mother 2 to be a clear witness. Mother 2 told the panel that she understood that social workers had a task to perform. The panel had no reason to believe that Mother 2 would fabricate her evidence.

106. Ms Phillips had provided an addendum statement to the Council investigation dated 23 September 2020 setting out her answers in the internal investigation. Ms Phillips stated in the addendum that Mother 2 could recall previous social workers by name. Ms Phillips' own impression of Mother 2, she had stated, was that she was truthful.

107. Ms Coleman's evidence was that she visited Mother 2 as part of the investigation into Ms Shearing's practice. Mother 2's evidence was that she had been telephoned but had not been visited by Ms Coleman. The panel concluded that whilst this inconsistency existed, it did not undermine the core evidence. The panel took into account that it had not heard directly from Ms Coleman and this affected the weight it could give to her evidence.

108. The panel considered that it may have been possible that Ms Shearing had access to the social work files which had contained information about Family 2, which could have enabled her to complete details on the record for a visit which she had not undertaken.

109. The panel decided that Mother 2 was a reliable witness. It considered that Mother 2 was likely to have recalled when contacted by Ms Phillips, if she had been visited by Ms Shearing in 2020.

110. The panel preferred the evidence of Mother 2 to the case records and found that the visits recorded for 03 February 2020 and 24 March 2020 had not occurred.

Child 3

111. The panel noted that Schedule A referred to visits having been allegedly conducted by Ms Shearing on 04 March 2020 in person and 27 March 2020 virtually. The panel had copies of the visit records which contained entries made by Ms Shearing about the child and the family. The panel noted that there was significant detail to the entries made.

112. The panel had not heard oral evidence from Mother 3. It took into account that her witness statement had been admitted as 'hearsay' evidence, and there was a question of attaching appropriate weight in those circumstances. Social Work England's case was that Ms Shearing had visited on 04 March 2020, but had not seen Child 3, and there had been no visit at all on 27 March 2020.

113. Ms Phillips' addendum statement dated 23 September 2020 set out that Mother 3 had said that she did not have any 'virtual' visits from the social worker. Mother 3 had been clear that Ms Shearing had not seen Child 3 at the visit on 04 March 2020.

114. Mother 3's witness statement was signed and dated 26 March 2026 and was short, consisting of 8 paragraphs. She stated that she could not recall if Ms Shearing had visited. She said that she had a lot of social workers over various different dates. Mother 3 was clear in her witness statement that she had been in hospital between March and May 2020 and did not recall having any visits from social workers, in person or virtual.

115. The panel took into account that it only had the short witness statement from Mother 3 and had not had the chance to hear from her directly. It noted that there was some lack of recall expressed by Mother 3. However, Mother 3 had been clear that there had been no virtual visit in March 2020 to May 2020. The panel also noted that this was consistent with the evidence of Ms Phillips as to her conversation with Mother 3 which had occurred in July 2020.

116. The panel compared Social Work England's evidence with the notes of the visits recorded by Ms Shearing in the Council's records. The panel noted that Mother 3 was spoken to by Ms Phillips in the months after the alleged visits. The panel considered that Mother 3 would have been aware of the purpose of the visits to Child 3 and would have known if during the in-person visit Child 3 had been seen. Mother 3 had stated to Ms Phillips that she had not received any 'virtual' visits. Her written statement, dated 26 March 2026, six years after the events, states that Mother 3 cannot recall the social worker and does not recall having any visits from social workers in person or virtual. Mother 3 had not attended the hearing and could not be questioned about her witness statement. However, the panel acknowledged that it had been made a considerable time after the events. It was understandable that her recollection might be vague after the time which had elapsed. The panel was satisfied that the record of the information relayed by Ms Phillips at her local interview could be relied upon. It had no reason to doubt the veracity of this. It was also made far closer in time than the witness statement. The panel preferred the account of Mother 3 as related to Ms Phillips and found that, on the balance of probabilities, the visits on 04 March 2020 and 27 March 2020, both to Child 3, had not occurred.

117. The panel found proved:

- paragraph 1.1 in respect of 19 February 2020 and 26 March 2020
- paragraph 1.2 in respect of 03 February 2020 and 24 March 2020

- paragraph 1.3 in respect of 04 March 2020 and 27 March 2020

2. Did not carry out one or more child assessments set out in Schedule B in relation to:

2.1 child 1;
2.2 child 2; and
2.3 child 3;

Child 1

118. The panel was provided with a copy of the assessment report for Child 1, dated 21 April 2020. It was satisfied that this had been completed by Ms Shearing. The panel considered, accepting Ms Beynon's evidence and taking into account the Council's policies as set out above, that an assessment could not be properly carried out without a social worker conducting a visit with the child.

119. The panel had found that the recorded visits to Child 1 had not occurred. Therefore, the panel concluded, it followed that a proper assessment could not have been and had not been carried out for the report dated 21 April 2020.

120. The panel found paragraph 2 proved in respect of Child 1.

Child 2

121. The panel was provided with a copy of the assessment report for Child 2, dated 21 April 2020. It was satisfied that this had been completed by Ms Shearing.

122. The panel had accepted Mother 2's evidence that Ms Shearing had not visited Child 2 to carry out an assessment in 2020. For similar reasons as related to the alleged assessment of Child 1, the panel found that a proper child assessment had not been carried out in relation to Child 2.

123. The panel found paragraph 2 proved in respect of Child 2.

Child 3

124. The panel was provided with a copy of the assessment report for Child 3, dated 22 April 2020. It was satisfied that this had been completed by Ms Shearing.

125. The panel had accepted Ms Phillips' evidence of her conversations with Mother 3 that Ms Shearing had not visited Child 3 to carry out an assessment. For similar reasons as related to the alleged assessment of Child 1 and Child 2, the panel found that a proper child assessment had not been carried out in relation to Child 3.

126. The panel found paragraphs 2.1, 2.2 and 2.3 proved.

3. Inappropriately recorded and/or closed the referrals for:
3.1 child 1;
3.2 child 2; and

3.3 child 3;

127. The panel considered from the documentary evidence and the evidence of Ms Beynon that the closure of a case would have been subject to the authorisation by a social worker's manager. Paragraph 3 was therefore interpreted by the panel to mean Ms Shearing tendering the case closure record for such authorisation by her manager, which confirms the closure based on the information provided by Ms Shearing.

Child 1

128. The panel had found that Ms Shearing had not conducted any visits that were required which would have allowed her to undertake a proper assessment of the case. The panel had sight of the closure record, and it noted that the date of completion by Ms Shearing was 21 April 2020. It had been authorised by Ms Coleman on 22 April 2020. As a result of the failure to conduct a required visit and conduct a proper assessment, it could not be appropriate to close the referral and record it as such.

129. The panel found paragraph 3.1 proved in respect of Child 1.

Child 2 and Child 3

130. Similarly, the panel had found that the required visits had not been conducted with Child 2 and Child 3 and that proper assessments had not been carried out in relation to each. Nevertheless, in each case, the panel had evidence that Ms Shearing had sought closure of the case, for Child 2 on 21 April 2020, authorised on 22 April 2020 and for Child 3 on 23 April 2020, authorised on 27 April 2020.

131. For the same reasons as in the case of Child 1, as a result of the failure to conduct the required visits and conduct proper assessments, it could not be appropriate to close the referrals and record them as such.

132. The panel found paragraph 3.2 and 3.3 proved in respect of Child 2 and Child 3 respectively.

4. Recorded visits listed in Schedule A which did not take place in relation to:

4.1 child 1;

4.2 child 2; and

4.3 child 3;

Child 1

133. The panel had been provided with the records made by Ms Shearing for Child 1 which showed records for the two alleged visits. The panel had found that both visits in Schedule A had not taken place. It followed that paragraph 4.1 was found proved.

Child 2 and Child 3

134. Similarly, having found the visits for Child 2 and Child 3 had not occurred, and having been provided with the respective records completed by Ms Shearing, the panel was satisfied that Ms Shearing had recorded visits for both children which had not taken place.

135. The panel found paragraphs 4.1, 4.2 and 4.3 proved.

5. Recorded child assessment records which you did not complete listed in Schedule B in relation to:

5.1 child 1;

5.2 child 2; and

5.3 child 3;

Child 1

136. The panel had been provided with the assessment report for Child 1. The panel had found that the assessment in Schedule B could not have not been properly carried out, because there had been no visit to Child 1. The panel concluded that Ms Shearing has recorded a child assessment for an assessment she had not completed given that she had not visited the child. It followed that paragraph 5.1 was found proved.

Child 2 and Child 3

137. Similarly, having found the visits for Child 2 and Child 3 had not occurred, and having been provided with the respective records, the panel was satisfied that Ms Shearing had recorded assessments for both children when visits had not taken place and the assessment therefore could not have been properly completed.

138. The panel found paragraphs 5.1, 5.2 and 5.3 proved.

6. Provided incorrect information to your manager as set out in Schedule C.

19 February 2020

139. The panel noted that there were two types of Supervision record, Personal Supervision relating to the well-being and development of a social worker and Case Work Supervision notes about the social worker's cases. Social Work England relied on the Supervision notes relating to Case Work only. There was no incorrect information evidenced within the Personal Supervision records provided to the panel.

140. The panel had sight of documentary evidence relating to Case Notes between Ms Shearing and her line manager, Ms Coleman, dated 19 February 2020 and 01 April 2020. There were no Case Work Supervision notes entered for 15 April 2020. In the Case Work notes for 19 February 2020, it is recorded that Ms Shearing had contacted the father of Child 1, but there is nothing to demonstrate that this was not true. It was also recorded in these notes that Ms Shearing had arranged to visit the children tomorrow. These assertions by Ms Shearing appeared to be statements of intent at that stage and the panel was not persuaded that it had been demonstrated that those had been

incorrect, at the time they were made. In relation to Child 1 there was no indication that Ms Shearing had given incorrect information to her manager on 19 February 2020.

141. The panel next considered the Case Work Supervision notes in relation to Child 2, dated 19 February 2020, in which it was clear that the discussion notes included information which the panel had found not to be correct. The panel found that this was incorrect information which had been provided by Ms Shearing to her manager. It was therefore found proved that there was incorrect information provided in Supervision on 19 February 2020 in relation to Child 2, including details of a visit that the panel had found had not taken place.

142. There are no Case Note Supervision records for 19 February 2020, relating to Child 3.

143. The panel did not accept that it should infer incorrect information had been provided, simply on the basis that the case had been closed. The panel was of the view that it could not be satisfied as to incorrect information having been provided, without being provided with the notes of the discussion. The panel could not be sure of the discussion having taken place or the contents of that discussion, particularly since Ms Coleman had not given evidence to the panel.

01 April 2020

144. There was no information about case work in the Personal Supervision notes for 01 April 2020. The panel had been provided with no Case Work Supervision notes in relation to Child 1. The panel therefore cannot conclude that anything said had been incorrect.

145. In relation to Child 2, there were no Case Work Supervision notes for 01 April 2020.

146. In relation to Child 3, the panel was taken by Ms Clifton to the Case Notes for a Supervision on 01 April 2020. It was apparent that there had been a discussion between Ms Shearing and Ms Coleman and information had been recorded which was incorrect, according to the panel's findings that no visits had taken place to Child 3 in the family home or virtually. The Supervision records state that Ms Shearing had a discussion with *"Child 3 and Mum together"* which could not have happened, given the panel's previous findings regarding the lack of visits to Child 3. It was therefore found proved that there was incorrect information provided in Supervision on 1 April 2020 in relation to Child 3.

15 April 2020

147. The panel found that there were no entries in the Case Work Supervision record as provided to the panel in relation to Family 1 for 15 April 2020. The panel noted that Ms Coleman had made reference to information provided on 15 April 2020 in supervision when she had been interviewed by the Council. Ms Coleman had not given evidence before the panel. In the absence of contemporaneous notes of the supervision and without having heard directly from Ms Coleman, the panel was not satisfied about what had been said in supervision, nor that it was incorrect information.

148. There were no Case Work notes in supervision for the other families relating to 15 April 2020. The panel reviewed the Personal Supervision notes for 15 April 2020 but found no evidence of incorrect information.

149. The panel found paragraph 6 proved, but only in respect of:

- Supervision 19 February 2020 and Child 2
- Supervision 01 April 2020 and Child 3

7. Your conduct at Paragraph 3, and/ or 4 and/ or 5 and/ or 6 was dishonest.

150. The panel applied the test for dishonesty, taken from Ivey v Genting Casinos [2017] UKSC 62. It first made findings as to Ms Shearings state of knowledge or belief as to the facts and then decided whether ordinary decent people would regard her conduct as dishonest by their standards.

151. The panel had found that Ms Shearing had not carried out any of the visits in relation to Child 1, Child 2 and Child 3 on the respective dates relied on Schedule A. The panel considered that Ms Shearing would have known that she had not carried out these visits. The panel accepted the evidence from Ms Phillips that social workers in the Council's employ had access to and an awareness of the Council's policies and procedures. It accepted the evidence of Ms Beynon as to the detail of the Council's policies and requirements for assessment that had been in place.

152. The panel found that Ms Shearing would have known that, not having conducted visits and there being no proper assessment, to close the cases in relation to Child 1, Child 2 and Child 3 was not appropriate.

153. The panel found that ordinary people would regard Ms Shearing's conduct, in the light of that knowledge to be dishonest by their standards. The panel found paragraph 7 proved in relation to the whole of paragraph 3.

154. The panel found that Ms Shearing had knowingly recorded the visits in Schedule A for Child 1, Child 2 and Child 3, which she knew had not taken place. The panel found that ordinary people would regard Ms Shearing's conduct, in the light of that knowledge to be dishonest by their standards. The panel found paragraph 7 proved in relation to the whole of paragraph 4.

155. The panel found that Ms Shearing had known, when completing the child assessment records that she had not conducted the visits that she was recording and that the information recorded had not come from the visits, and so any reader would be misled. The panel accepted the evidence that the child assessment records were an important part of the assessment process. The panel found that ordinary people would regard Ms Shearing's conduct, in the light of that knowledge to be dishonest by their standards. The panel found paragraph 7 proved in relation to the whole of paragraph 5.

156. The panel found that Ms Shearing, in providing incorrect information as found by the panel in relation to paragraph 6 to her manager, had been aware that it was incorrect, in the sense that it had not been obtained in the course of a proper assessment or following visits. The panel found that ordinary people would regard Ms Shearing's conduct, in the light of that knowledge to be dishonest by their standards. The panel found paragraph 7 proved in relation to the whole of paragraph 6.

157. The panel found paragraph 7 proved in relation to each of paragraphs 3, 4, 5 and 6.

Finding and reasons on grounds:

158. The panel having found facts proved, next went on to determine whether Ms Shearing's fitness to practise as a social worker is impaired on the basis of the facts found proved, in accordance with Rule 32(c)(i)(b). The panel heard submissions from Ms Clifton, heard legal advice from the legal adviser and referred to the appropriate guidance.

Submissions

159. Ms Clifton confirmed that there was no further evidence that Social Work England wished to rely on at the second stage of the proceedings.

160. Ms Clifton made submissions to the panel on the question of impairment. She referred the panel to Social Work England's *Impairment and sanctions guidance* (updated April 2026). Ms Clifton submitted that the panel must consider whether the facts found proved amounted to misconduct, referring to *Roylance v GMC*.

161. Ms Clifton submitted that the facts found proved involved breaches of certain of the professional Standards for social workers. She referred to the professional Standards published by Social Work England and in particular the following:

    Standards 2.1, 3.1, 3.2, 3.11, 5.2, 5.3

162. Ms Clifton submitted that Ms Shearing's conduct fell below the relevant Standards. She submitted that a finding of misconduct was warranted in the circumstances as the conduct was very serious and involved some findings of dishonesty.

163. Ms Clifton reminded the panel that the panel had found that Ms Shearing had recorded false visits, she had gone on to complete child assessments based on the false visits and had closed the referrals. It was submitted that this had left the relevant children and/or families at risk of harm, the families had not received the expected service and there was potential for other professionals to be misled.

164. Ms Clifton said that the panel may consider the impact of Ms Shearing's health, based on the evidence relating to health issues. She submitted that there was a complete lack of evidence as to how Ms Shearing's health had impacted on her actions. In addition, it was submitted, any health issues did not explain how the false recording of details of conversations in the notes, made by Ms Shearing, had come about.

165. Ms Clifton submitted that the conduct found proved by the panel fell far below the standards expected of social workers.

166. Ms Clifton made submissions on impairment. She submitted that Ms Shearing's fitness to practise is impaired on the 'personal element'. It was acknowledged that Ms Shearing had no adverse previous fitness to practise history. However, it was submitted, the allegations are serious and included dishonesty. Fundamental tenets of the profession had been breached. Ms Beynon and Ms Phillips had explained the potential risk to service users and reputational damage which arose from Ms Shearing's conduct. Ms Clifton submitted that the risk of harm was high. She submitted that the misconduct had been repeated on multiple occasions.

167. Ms Clifton made submissions on the risk of harm resulting from Ms Shearing's conduct. It was submitted that the older sibling in Family 1 may have interpreted the lack of action as a disbelief of his concern, impacting on him and his ability to make future reports. The other children in Family 1 may have been left in an unsafe environment. Child 2 may have been at risk from Mother 2's ex-partner, due to a failure in safeguarding. There was a risk that in Family 3, Child 3 may have been confused about the lack of action and lack of a voice. There had been generally an undermining of child protection processes, it was submitted.

168. In relation to the 'public element' of impairment it was submitted that Ms Shearing's actions had the potential to undermine public confidence in the profession or the maintenance of proper standards. Considering the significant departure from expected standards, members of the public would expect a finding of impairment. In particular, dishonest conduct undermined public confidence and damaged the reputation of the profession, it was submitted.

169. Ms Shearing was not in attendance at the hearing and was not represented. She had not provided any written submissions for the panel on this stage of the hearing.

Legal advice

170. The legal adviser advised the panel that impairment is a matter for the panel's judgement, not involving a burden or standard of proof. He advised that first, the panel must decide whether the facts proved amounted to misconduct. The panel must then decide whether any misconduct proved led the panel to conclude that Ms Shearing's fitness to practise is currently impaired. The legal adviser referred the panel to Social Work England's Impairment and sanctions guidance, last updated 23 April 2026.

171. The legal adviser advised the panel that to amount to misconduct, as a statutory ground, the panel has to be satisfied that the facts amount to serious professional misconduct. He advised that the decision on seriousness is for the panel, though the courts had sometimes described it as conduct which is regarded as 'deplorable' conduct. Misconduct may relate to matters going to serious conduct in professional practice which is far below the expected standards. It can also relate to conduct

outside of direct professional practice which is morally culpable and which may bring disgrace on the profession.

172. The legal adviser advised the panel that, if it found that there had been misconduct, it had to decide whether Ms Shearing's fitness to practise is currently impaired. The legal adviser advised the panel to consider the overarching objective of public protection and its three elements. He advised that impairment may be found in relation to the 'personal' component and a risk of repetition of harm and also in relation to 'public' component and the wider public interests, of maintaining public confidence in the profession and upholding standards.

173. The legal adviser advised the panel to take into account its findings together with any evidence of Ms Shearing's current fitness for practice. The panel should consider whether Ms Shearing's misconduct was remediable, whether it had been remediated and whether it was highly unlikely to be repeated. It should also consider whether the need to protect the public, to maintain public confidence in the profession and to declare and uphold professional standards required a finding of impairment. He referred the panel to Dame Janet Smith's formulation of impairment, as set out in *CHRE v NMC & Grant* [2011] EWHC 927 (Admin).

Panel's Decision

174. The panel considered its findings of fact and took into account the submissions by Ms Clifton. The panel accepted the legal advice from the legal adviser and was guided by Social Work England's guidance document. It had found proved that Ms Shearing had not carried out required visits, had fabricated records of visits she had not made, had not carried out proper assessments of the children, had closed the cases based in part on the fabricated visit records and had provided incorrect information about families to her manager, Ms Coleman, in supervision about these matters.

175. The Allegations in the case concerned three families allocated to Ms Shearing for assessment. The panel had found that Ms Shearing's actions had amounted to fabrication of visits, records including assessment documents and had found some instances of incorrect information about the families having been provided to Ms Shearing's manager. Ms Shearing's actions, in respect of the 3, 4, 5 and 6 had been found to have been dishonest conduct.

176. The panel considered Social Work England's Professional Standards for social workers. It considered the following were relevant to the issues in the case:

> *"As a social worker, I will:*
>
> *2.1 Be open, honest, reliable and fair.*
>
> ...
>
> *3.1 Work within legal and ethical frameworks, using my professional authority and judgement appropriately.*

3.2 Use information from a range of appropriate sources, including supervision, to inform assessments, to analyse risk, and to make a professional decision.

...

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

...

As a social worker, I will not:

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

5.3 Falsify records or condone this by others."

177. The panel considered that Ms Shearing's conduct found proved had breached each of the above standards. In relation to paragraphs 3, 4, 5 and 6, the panel had found that Ms Shearing had acted dishonestly and not met a requirement to be open, honest and fair. Ms Shearing had not acted to carry out the proper assessments required following the case referrals and had not followed the Council's policies, requiring a visit to the child. She had inappropriately closed the referrals. As a result, Ms Shearing had failed to work within the legal and ethical frameworks for the profession and not used information from the appropriate sources. She had misled her manager in supervision. The panel had found that Ms Shearing had fabricated records of visits to the three children and so had falsified and not maintained clear and accurate records.

178. The panel considered that there had been a course of conduct in relation to each of the referrals for Child 1, Child 2 and Child 3, which had included not carrying out the visit and assessment for each. She had then gone on to act dishonestly in recording her visits, assessments records, closing the referrals and providing incorrect information to her manager.

179. In relation to paragraphs 1 and 2 of the Allegations, the panel was of the view that Ms Shearing's conduct, in not carrying out the visits and assessments fell 'far below' the expected standard in respect of each child. In the context of the referrals, there had been exposure of the child to risk through inaction and a failure to follow safeguarding procedures. This extended to the child in each case and also to the potential effect on their families. In the case of Family 1 and Family 2, there had not been an assessment of the potential risks posed by the ex-partners of the mother. The panel considered that these failures would be regarded as deplorable by fellow professionals.

180. The panel acknowledged that there was in the evidence bundle reference to Ms Shearing having health issues at the time of events. However, the panel had no independent medical evidence before it that could explain why Ms Shearing's health could have been the reason for her actions.

181. The panel found that Ms Shearing's conduct in these failures was serious professional misconduct, in relation to its findings that she did not visit on the dates in Schedule A and did not assess the child in each case. In relation to each of Child 1, Child 2 and Child 3, the panel found that this satisfied the statutory ground of misconduct.

182. In relation to paragraphs 3, 4, 5, 6 (and 7) the panel had found that Ms Shearing had gone on to falsify the record, by recording visits which had not occurred, recording assessments based on those purported visits and inappropriately closing each case. In order to obtain authorisation of the closure, Ms Shearing had provided inaccurate information to her manager, in the respects as set out in the panel's factual findings. The panel had found these acts to have been committed knowingly and dishonestly.

183. The panel again considered the relevance of the evidence concerning Ms Shearing's health issues but remained of the view as set out above that this did not explain her conduct, still less her decision to falsify the record and close the cases.

184. The panel considered Ms Shearing's conduct in relation to paragraphs 3 to 7 inclusive, which amounted to the falsification of visits, assessments and records, also fell 'far below' the expected standards, in relation to each of Child 1, Child 2 and Child 3. The panel was satisfied that Ms Shearing's conduct in each case was very serious, fell 'far below' standards and would be regarded as deplorable by fellow professionals. The panel was of the view that dishonesty seriously breached fundamental principles of the profession.

185. The panel was of the view that there was a high risk of harm which resulted from the failure to carry out a visit, an assessment and the subsequent dishonest conduct which had existed in relation to each of Child 1, Child 2 and Child 3, through their unmet social and safeguarding needs and the failure to give them a voice in the assessments. The high risk of harm underscores the seriousness of her actions.

186. The panel decided that, in relation to each child and each of the particulars, Ms Shearing's conduct was serious professional misconduct and satisfied the statutory ground of misconduct.

Finding and reasons on current impairment:

187. Having found that all the facts found proved amounted to misconduct, the panel went on to consider whether Ms Shearing's fitness to practise as a social worker is currently impaired. When considering the question of impairment, the panel took into account Social Work England's guidance. The panel was mindful that not every finding of misconduct will result in a finding of impairment.

188. The panel considered the 'personal' component of impairment and whether there is a risk of Ms Shearing repeating her past misconduct. The panel acknowledged that dishonesty is said to be hard to remediate. It also acknowledged that dishonesty has to be viewed in the context of the facts and that there is a spectrum or range of dishonest acts.

189. The panel considered that the dishonesty in this case was serious, because it had the effect of undermining the children's safeguarding process and led to a risk of harm to the children, due to the lack of proper assessment and the potential misleading of other professionals and agencies.

190. The panel further considered that it was hindered in the ability to decide whether the dishonesty was remediable, due to having no real explanation as to why it had occurred. The panel had not been satisfied that any evidence of health matters was sufficient to provide an explanation.

191. The panel considered that Ms Shearing's failure to carry out visits and assessments and her dishonesty might be remediable, but it was unable to be certain.

192. In any event, the panel had no information or evidence before it that Ms Shearing had remedied her misconduct. The panel had nothing from her in terms of any reflections, development of insight, expressions of remorse or apology and no testimonials, nor evidence of re-training. The panel had been informed that Ms Shearing had no previous adverse fitness to practise history. However, it was aware that Ms Shearing had been relatively new into practice.

193. The panel concluded, bearing in mind in particular that dishonesty is an attitudinal issue, that it was not satisfied that the risk of repetition is low. Rather, taking into account that there had been repeated acts over a period, it considered that the risk of Ms Shearing repeating her misconduct remains high, were she now to return to unrestricted practice.

194. The panel found that Ms Shearing's fitness to practise is impaired, considering the 'personal' component.

195. Taking into account that the panel's assessment is that there remains a risk of repetition, the panel was mindful of the need to protect the health and wellbeing of the public. It considered that this meant that a finding of impairment is also in the public interest.

196. The panel considered that Ms Shearing's conduct had previously placed the public at risk of harm and there is a risk of repetition. The panel had found that she had breached a fundamental tenet of honesty. The panel considered that Ms Shearing's actions, in behaving dishonestly, risked bringing the profession into disrepute.

197. In the panel's view, members of the public would be shocked if informed of the facts and misconduct in this case. The panel noted in particular the evidence of Mother 2, who had stated that she had generally understood the need for social workers to perform their role. However, she said, she now felt really upset, shaken and worried about how she may be judged on falsified social work records. The panel also recalled the distress exhibited by Mother 1, recalling her personal situation at the time and her need for social work intervention, which the panel had found had not been met.

198. The panel concluded that the public interests in maintaining public confidence in the profession and the need to promote and maintain proper professional standards necessitated a finding of impairment.

199. The panel found Ms Shearing's fitness to practise is impaired, on the basis of the 'public' component of impairment.

Decision and reasons on sanction:

200. Having determined that Ms Shearing's fitness to practise is impaired, the panel next considered what, if any, sanction it must impose on her registration. The panel heard submissions from Ms Clifton and received legal advice from the legal adviser. When considering the question of sanction, the panel took into account Social Work England's 'Impairment and sanctions guidance' (updated April 2026).

201. Ms Clifton submitted that Social Work England's position was that the appropriate sanction in this case is a removal order. Ms Clifton asked the panel to bear in mind its findings and the overarching objective of the regulator. She submitted that a sanction must be proportionate, but it was recognised that personal mitigation carried less weight than protecting the public interest (*Bolton v Law Society)*.

202. Ms Clifton submitted that the panel might find certain factors aggravated or mitigated the seriousness of the case. She submitted to the panel that this was a case in which dishonesty had been found, there was more than a single lapse by Ms Shearing and she had breached fundamental principles of the profession. Ms Clifton submitted there had been an abuse of trust and that the panel had found a high risk of harm. She submitted that it was relevant that there was no evidence of insight and that there had been a lack of engagement on Ms Shearing's part, albeit apparently partly due to ill-health.

203. Ms Clifton submitted that, in mitigation, it had appeared that Ms Shearing had significant health issues at the time. Ms Shearing had no previous adverse regulatory findings. It had been represented on Ms Shearing's behalf that she had been a 'whistle-blower', although there had been no further information or evidence about this. Ms Clifton pointed out that the matters concerned events now some six years ago.

204. Ms Clifton took the panel through the available sanctions in the Impairment and sanctions guidance and made submissions on the appropriateness or lack of appropriateness of each sanction.

205. Ms Shearing did not attend the hearing and was not represented. She had not provided any written submissions to the panel relevant to any stage of the hearing.

206. The legal adviser advised the panel that, having found impairment, it should have regard to its powers pursuant to paragraphs 12 and 13 of Schedule 2 of the Regulations. He referred the panel to the Impairment and sanctions guidance. He advised that the panel should take into account its findings of fact, misconduct and impairment and determine the proportionate step. The decision on any sanction must be a response to

the panel's finding of the level of impairment. He advised the panel to have well in mind the overarching objective of public protection.

207. The legal adviser advised the panel that it must be proportionate in its approach to sanctions and impose the least restriction which protected the public. The panel should therefore consider any potential sanction starting with the least restrictive, moving upward as necessary and following the order as set out in the Impairment and sanctions guidance.

208. The legal adviser advised the panel to make a decision as to the seriousness of the case, acknowledging that it is accepted also that there is a spectrum of seriousness also in relation to the matter of dishonesty. He referred the panel to the cases of Simawi v GMC [2020] EWHC 2168, Abbas v GMC [2017] EWHC 51 and Atkinson v GMC [2019] EWHC 3636. He advised that the cases set out that dishonesty is regarded as a serious matter for a professional, particularly dishonesty in practice, and invites consideration of more serious sanctions. However, he advised, the cases also show that the panel must engage with the particular facts of the dishonesty, decide how serious it is, and bear in mind that the highest sanction is not necessary in every case. It is for the panel to decide the appropriate and proportionate sanction.

209. The panel carefully considered its findings on the Allegations. It took into account Social Work England's submissions and accepted the legal advice. The panel referred to the Impairment and sanctions guidance and followed the guidance contained in it.

210. The panel considered that dishonesty is a key factor in its findings and in Ms Shearing's impaired fitness to practise. The panel was mindful of paragraphs 174 and 175 of the Impairment and sanctions guidance, which state:

> *"Dishonesty*
>
> *174. Honesty is key to good social work practice. Social workers are routinely trusted with access to private spaces, such as people's homes, and highly sensitive and confidential information, such as case notes.*
>
> *175. Other organisations also rely on the honesty and integrity of social workers when making important decisions about service users, their relatives and carers. This includes (all of the following):*
>
> - *the police*
> - *the courts*
> - *local and health authorities*
> - *other agencies*
>
> *Because of this, dishonesty is likely to threaten public confidence in the social work profession. This is the case both in professional practice and in the social worker's private life."*

211. The panel also noted paragraphs 177 and 178, which state:

"Dishonesty in professional practice

177. The most serious instances of dishonesty in professional practice are those which (do either of the following):

- *directly harm service users*
- *have the potential to put service users at risk*

178. This could include (any of the following):

- *defrauding people who use social work services, their relatives or carers*
- *falsifying records (such as falsely recording that a safeguarding referral has been made or a statutory visit carried out)"*

212. In this case, the panel had found that Ms Shearing, by her actions, had put service users at risk of harm, by not undertaking the necessary visits and proper assessments. The panel had found that she had falsified records of having undertaken visits on two occasions each to three children.

213. The panel had found that there had been a risk of harm to the children which arose from the lack of visits and assessments, but also from the dishonest conduct which had concealed the fact that those visits and assessments had not taken place, by falsifying the records. Accordingly, the assessment of the panel was that the dishonesty in the case was at the higher end of the spectrum.

214. The panel considered whether there were any factors in the case which aggravated or mitigated seriousness. It acknowledged that dishonesty may aggravate conduct, but considered that dishonesty was already under consideration, as a component of the Allegations and the panel's findings.

215. The panel considered that it aggravated the findings that it was dealing with repeated behaviour. Although the panel was conscious of the need to avoid a risk of 'double-counting' in pursuit of proportionality, it considered that it was relevant that this had not been 'one off' behaviour, and Ms Shearing had not stopped at misconduct in relation to a single case. The panel had noted that it had no demonstration of any development of insight, nor of any attempt at remediation undertaken. Neither had there been any evidence of remorse or explanation for her misconduct.

216. In terms of factors which mitigated the case, the panel took into account that it had been informed that Ms Shearing had no previous adverse regulatory findings against her. The panel noted the regrettable lapse of six years between the date of the Allegations and the date of the hearing. However, it had no information that Ms Shearing had been engaged in any form of professional practice in the intervening period. Therefore, the panel did not give this factor much weight in its assessment.

217. The panel noted that there was some evidence which had gone to the matter of Ms Shearing's health at the time of the events. As set out above, the panel decided that it did not have evidence which explained any link between Ms Shearing's health and her misconduct. Furthermore, any health condition did not explain or excuse the dishonesty. Accordingly, the panel gave very little weight to this factor in assessing any

mitigating factors. Likewise, the panel had no real detail concerning the suggestion of potential whistle-blowing or bullying.

218. The panel decided that, taking into account that the misconduct related to three children in Ms Shearing's case load and that it regarded the dishonesty at the higher end of the spectrum, this is a serious case of misconduct and impairment of fitness to practise. In addition, the evidence before the panel demonstrated that there was potential for adverse impact on wider family members and the work of other professionals.

219. The panel next turned to the available sanctions, to consider what, if any, sanction to impose. It approached the sanctions starting out with the least serious and dealing with them in order of seriousness, as set out in the Impairment and sanctions guidance. In determining the appropriate sanction, the panel bore in mind the overarching objective of public protection and balanced Ms Shearing's interests with the public interest.

220. The panel first considered whether it could end the case by taking no action. The panel concluded that there were no exceptional features of the case which might warrant taking no action. The panel next considered delivering advice or warning. However, the panel considered, taking no action, or giving advice or warning left Ms Shearing free to resume unrestricted practice in a case where the panel had found a risk of repetition which might result in a risk of harm to the public. In addition, the panel considered that any of these outcomes failed to recognise the seriousness of the case. Therefore, none of these steps met the need to maintain public confidence and professional standards.

221. The panel decided that it was not sufficient to take no action, to give advice or to issue a warning.

222. The panel next considered imposing a conditions of practice order. It took into account paragraph 114 of the Impairment and sanctions guidance, which states:

> *"114. Conditions of practice may be appropriate in cases where (all of the following):*
>
> - *the social worker has demonstrated insight*
> - *the failure or deficiency in practice is capable of being remedied*
> - *appropriate, proportionate, and workable conditions can be put in place*
> - *decision makers are confident the social worker can and will comply with the conditions*
> - *the social worker does not pose a risk of harm to the public by being in restricted practice"*

223. In Ms Shearing's case, however, the panel had no demonstration of insight from her. The panel was not certain that the dishonest conduct was remediable. The information provided by Ms Shearing's carer and relative was that Ms Shearing had no intention to return to practice. Therefore, the panel could not be assured that it could devise workable and practicable conditions which would protect the public. In any event, Ms

Shearing had not engaged with this hearing and so the panel could not be satisfied she would engage with any conditions of practice.

224. Further, the panel had found a risk of repetition leading to a risk of harm and dishonesty at the higher end of the spectrum. The panel was mindful that the Impairment and sanctions guidance states, at paragraph 118:

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

225. In the panel's view, allowing a potential return to practice subject to conditions of practice failed to meet the seriousness of the case and failed to deal with the wider public interest concerns. The panel was mindful that its dishonesty findings raised attitudinal concerns in relation to Ms Shearing's misconduct.

226. The panel decided that imposing conditions of practice was not sufficient.

227. The panel next considered a Suspension order. The panel took into account that imposing a Suspension order served to protect the public, for the period of its duration. It also served to send a message to the public as to the regulator's view of the misconduct.

228. The panel took into account paragraphs 137 and 138 of the Impairment and sanctions guidance, which state:

> *"When a suspension order may be appropriate*
>
> ...
>
> *137. Suspension may be appropriate where (all of the following):*
> - *the concerns represent a serious breach of the professional standards*
> - *the social worker has demonstrated some insight*
> - *there is evidence to suggest the social worker is willing and able to resolve or remediate their failings*
>
> *When a suspension order may not be appropriate*
> *138. Suspension is likely to be unsuitable in circumstances where (both of the following):*
> - *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"*

229. In Ms Shearing's case, the panel had found serious breaches of the Professional Standards, as set out in its misconduct findings. These had related to three families on Ms Shearing's case load. The panel had no demonstration of any insight from Ms Shearing and no evidence that she intended to resolve any failings.

230. The panel considered the overarching objective of the regulator and its three limbs:

> *"(a) to protect, promote and maintain the health, safety and well-being of the public;*
> *(b) to promote and maintain public confidence in social workers in England;*
> *(c) to promote and maintain proper professional standards for social workers in England."*

231. The panel was of the view that, taking into account its findings of misconduct and impairment, the lack of demonstrated insight and the dishonesty in the case, it did not sufficiently protect the public to end the case with a suspension. In addition, the need to promote public confidence in the profession and to maintain proper professional standard required the panel to go further.

232. The panel decided against imposing a suspension order.

233. The panel noted paragraphs 148 and 149 of the Impairment and sanctions guidance, which state:

> *"When a removal order may be appropriate*
>
> *148. A removal order must be made where the decision-makers conclude that no other outcome would be enough to (do one or more of the following):*
> - *protect the public*
> - *maintain confidence in the profession*
> - *maintain proper professional standards for social workers in England"*
>
> *149. A removal order may be appropriate in cases involving (any of the following):*
> - *abuses of position or trust (see section 'abuse of trust')*
> - *sexual misconduct (see section 'sexual misconduct')*
> - *sexual abuse of children or offences involving child sexual exploitation material (see section 'convictions for sexual offences')*
> - *dishonesty, especially where persistent and/or concealed (see section 'dishonesty')*
> - *criminal convictions for serious offences (see section 'criminal convictions and cautions')*
> - *violence*
> - *persistent lack of insight into the seriousness of their actions or consequences*
> - *social workers who are unwilling and/or unable to remediate (for example, where there is clear evidence that they do not wish to practise as a social worker in the future)"*

234. The panel was mindful of the need to balance the public interest with Ms Shearing's interests. However, the panel did not have the benefit of Ms Shearing's participation at the hearing. It therefore had little information about her current position, beyond the assertion that she has been unwell and is unlikely to be able to resume any kind of work

for some time. The panel took this into account but considered that the interests of the public had to be met in determining the appropriate sanction.

235. The panel bore in mind that not every case involving dishonesty had to be met with the highest sanction. However, in this case, the panel had found that the dishonesty had occurred in multiple cases, led to a risk of harm and was at the higher end of a spectrum. It concluded, in light of the above, that the only outcome which was sufficient in this case to meet all three limbs of the overarching objective and which was in line with the Impairment and sanctions guidance, was to impose a removal order on Ms Shearing's registration.

236. The panel decided to impose a removal order.

Interim order:

237. The panel having determined to make a removal order, Ms Clifton applied to the panel for it to impose an interim suspension order on Ms Shearing's registration, pursuant to paragraph 11(1)(b) of Schedule 2 of the Regulations.

238. Ms Clifton submitted that the panel had made a removal order but that would not come into effect during the period allowed for an appeal to be made, and if made the period for any appeal to be determined. During such period, Ms Shearing might be free to practise without restriction, unless an interim order was imposed.

239. Ms Clifton submitted that Ms Shearing was currently not subject to an interim order and submitted that given the panel's findings an interim order was necessary to protect the public during the appeal period. She submitted that it was also otherwise in the public interest. In respect of public protection, Ms Shearing referred the panel to its findings on the Allegations, in particular with regard to dishonesty. Ms Shearing submitted that the same reasons applied in any appeal period and if there was no interim restriction in place this would be damaging to public confidence in the profession.

240. Ms Clifton submitted that it appears Ms Shearing is not currently practising, therefore any interim order may have limited impact on her, but in any event the public interest outweighed her interests. She submitted that, notwithstanding Ms Shearing's absence, due to the panel's findings regarding proceeding in absence and its findings on the Allegations, it was appropriate to proceed to consider an interim order. Ms Clifton asked for an interim order for 18 months to cover the time it may take for any appeal to be heard.

241. The legal adviser advised the panel that, pursuant to Rule 11(1)(b), it may make an interim order if it considers that it is necessary for public protection or it is in Ms Shearing's own interests. He advised the panel that it should impose the least restriction necessary. The panel should take into account its findings in the case in determining whether and if so what form of interim order is needed. He advised that, pursuant to Rule 11(1)(b) there is no requirement to serve notice, but Ms Shearing's absence may be taken into account by the panel.

242. The panel took into account that it had found a risk of repetition of a risk of harm and that it had found dishonesty in this case. The panel was satisfied that an interim order was necessary to protect the public, based on its findings, until the substantive order came into effect. It also considered that an interim order should be made in the wider public interest of maintaining public confidence in the profession, bearing in mind the risk of harm.

243. The panel took into account that Ms Shearing had not attended and did not have notice of the application. However, the panel took into account that notice was not strictly required under the Rules and considered that it was appropriate to proceed for the same reasons it had proceeded to hear the case and in order to protect the public.

244. The panel considered that, in light of its findings, the public would not be sufficiently protected by an interim conditions of practice order and no less than an interim suspension order protected the public. It therefore decided to impose an interim suspension order. The panel took into account that it may take time for any appeal to be disposed of. The panel therefore decided to impose the interim suspension order for 18 months, to allow time for any appeal.

245. 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 order of removal shall take effect when the appeal period expires.

Right of appeal:

246. 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:

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

247. 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.

248. 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.

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

Review of final orders:

250. Under Paragraph 15(1), 15(2) and 15(3) of Schedule 2 of the regulations:

- 15(1) The regulator must review a suspension order or a conditions of practice order, before its expiry
- 15(2) The regulator may review a final order where new evidence relevant to the order has become available after the making of the order, or when requested to do so by the social worker
- 15(3) A request by the social worker under sub-paragraph (2) must be made within such period as the regulator determines in rules made under Regulation 25(5), and a final order does not have effect until after the expiry of that period

251. Under Rule 16(aa) of the rules a social worker requesting a review of a final order under Paragraph 15 of Schedule 2 must make the request within 28 days of the day on which they are notified of the order.

The Professional Standards Authority:

252. 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.