Social worker: Kirsty Owen
Registration number: SW109344
Fitness to Practise
Final Hearing

Dates of hearing: 20 October 2026

Hearing venue: Remote hearing

Hearing outcome: Discontinuance application granted, fitness to practise not impaired, no further action

Introduction and attendees:

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018 (as amended) ("the regulations").
2. Ms Kirsty Owen did not attend and was not represented at the hearing.
3. Social Work England was represented by Ms Kimberley Clifton, case presenter.
4. The panel of adjudicators conducting this hearing (hereafter "the panel") and the other people involved in it were as follows:

Adjudicators	**Role**
Clive Powell	Chair
Jill Wells	Social worker adjudicator
Louise Hall	Lay adjudicator

Hearings team/Legal adviser	**Role**
Lauryn Green	Hearings officer
Liam Dixon	Hearings support officer
Emma Boothroyd	Legal adviser

Service of notice:

5. The panel was informed by Ms Clifton that notice of this hearing was sent to Ms Owen by email to an address provided by Ms Owen (namely their registered address as it appears on the Social Work England register) on 1 October 2026. Ms Clifton submitted that Ms Owen had consented to a shorter period of notice and it was clear from the documentation that she was aware of the hearing today. Ms Clifton submitted that the notice of this hearing had been duly served in accordance with the Social Work England (Fitness to Practice) Rules 2019 ("the Rules") as amended.
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 hearing dated 1 October 2026 and addressed to Ms Owen at their email address which they provided to Social Work England;
    - An extract from the Social Work England Register as of 1 October 2026 detailing Ms Owen's registered email address;
    - A copy of a signed statement of service, on behalf of Social Work England, confirming that on 1 October 2026 the writer sent by email to Ms Owen at the email address referred to above, the notice of hearing and related documents;
    - Ms Owen's email dated 17 September 2026 in which she confirmed she was willing to accept "short notice" of hearing to discontinue.

- Ms Owen's representative's email of 19 October 2026 enclosing their submissions in support of the application for discontinuance and additional documentation. The email confirmed that neither they nor Ms Owen intend to attend the hearing.

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

8. Having had regard to Rule 14 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 Owen in the manner required by Rule 44 and that the notice contained all the relevant information as set out in Rule 15. The panel was satisfied that Ms Owen had consented to a shorter timeframe to enable the hearing to take place today.

Proceeding in the absence of the social worker

9. The panel heard the submissions of Ms Clifton on behalf of Social Work England. She submitted that notice of this hearing had been duly served, no application for an adjournment had been made by Ms Owen and it could be seen from the correspondence that she was content for the hearing to proceed in her absence and had provided material for the panel to consider. She further submitted that given the nature of the application, there was no prejudice to Ms Owen. Ms Clifton therefore invited the panel to proceed in the interests of justice and the expeditious disposal of this 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*. The panel also took into account Social Work England's guidance 'Service of notices and proceeding in the absence of the social worker'.

11. The panel considered all of the information before it, together with the submissions made by Ms Clifton on behalf of Social Work England and the written submissions from Ms Owen via her representative. The panel considered that it was clear that Ms Owen had waived her right to attend the hearing, had provided submissions for the panel to consider and was content for the hearing to proceed in her absence.

12. Having considered the nature of the application and the circumstances above, the panel considered that it was in the interests of Ms Owen and the public interest to proceed today.

Allegations:

13. The regulatory concerns referred by the case examiners on 22 July 2022 are as follows:

Whilst registered as a social worker at Brighter Futures for Children:

1. You failed to safeguard a child in that you:

a. Failed to communicate appropriately with the complainant.
b. Failed to follow-up and / or investigate concerns raised.
c. Failed to provide support in responding to Child S' emotional and / or physical well-being.

3. You have provided misinformation about the completion of work and / or tasks in that you:
a. Stated that you were not aware that an updated Child Permanence Report was needed for the Child 2 case.
b. Stated that the plan on the Child 3 case had been completed.
c. Stated that the visit had been recorded on Mosaic for the Child 4 case.

The matters outlined in regulatory concerns 1, and 3 amount to the statutory ground of misconduct.

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

Background:

14. Kirsty Owen ("the social worker") was first registered in 2016. At the time of the referral, the social worker was employed in the Family Interventions Team at Brighter Futures for Children, Reading Council.

15. Social Work England received a referral from a service user, the complainant, on 15 January 2020 in relation to the social worker's action whilst dealing with his daughter's case.

16. The complainant raised issues with safeguarding concerns and a failure to provide support to his daughter as well as issues with communicating with himself.

17. A further referral arose from a Local Authority disciplinary investigation report in relation to the social worker's completion of tasks and work that was assigned to her between June 2020 and August 2020.

18. The matter was referred to the case examiners who gave a decision on 22 July 2022 to refer the above regulatory concerns.

19. Following the decision further investigations continued until Social Work England paused the investigation in December 2023 due to the resources it had available to progress investigations and hearings.

20. The matter was then revisited with the investigation re-commencing in March 2026. This included re-engaging with key witnesses and the social worker.

21. The social worker is currently working as a locum social worker for Swindon Council. Prior to this the social worker completed over 2 years with Oxford Council as a Team Manager.

22. However, because of the passage of time during the investigation key witnesses have indicated that they are no longer willing to engage with the investigation and that memories have been adversely impacted by the significant delay since these events occurred. Consequently, in relation to regulatory concerns 1c and 3 Social Work England consider that there is no longer cogent evidence that would support a realistic prospect of a finding of these facts.

23. In relation to regulatory concerns 1 a and b Ms Owen has made partial admissions to the facts although these admissions are said to be qualified by reference to contextual factors. Social Work England consider that even if there was sufficient evidence to support a finding of misconduct on the basis of the social worker's limited admissions in the light of Ms Owen's remediation and insight there is no realistic prospect of a finding of impairment.

Discontinuance application:

24. Social Work England applied to discontinue the case against Ms Owen in full. Ms Clifton provided to the panel a Statement of Case in accordance with the Rules and an extensive bundle of documents including draft, unsigned, witness statements and other correspondence relating to the investigation and the steps taken by Social Work England since the case examiner's decision to secure additional material.

25. Ms Clifton submitted that the following new information has been obtained since the Case Examiners' decision including:

    - Information from the witnesses relating to their lack of willingness to engage and their recollection of events due to the passage of time.
    - Information from the witnesses relating to their recollection of the steps taken by the social worker at the time.
    - Further information from the social worker relating to her reflection and partial admissions.

26. Ms Clifton fully opened the facts and the background to the case. She submitted that in relation to regulatory concern 1c the evidence that had been obtained did not support a factual finding that Ms Owen failed to provide support for Child S. Ms Clifton outlined to the panel that there was evidence within the bundle which demonstrated that Child S was provided with support from the emotional literacy support assistant ("ELSA") and that no additional support needs were identified. The school had reported that Child S was doing well at school. Ms Clifton submitted that there was no evidence that would support this concern and the Case Examiners had not set out in their reasoning why they had reached this conclusion.

27. In relation to regulatory concern 3 Ms Clifton submitted that these were based on the evidence provided by three professional witnesses who were, at the time, social workers. All three witnesses had indicated that they were no longer willing to engage in the investigation. Two of the witnesses, SM and SJ are no longer registered as social

workers and have left the Council. The third witness, SD is on long term sick leave and has indicated that these events are difficult to recall, and they no longer wish to participate in the investigation.

28. It was submitted that it would be disproportionate and inappropriate to take any further steps with regard to compelling these witnesses given the passage of time since the events. In particular, it was submitted that the witnesses would be unlikely to have any independent recall of the circumstances and where there has already been an expressed view that memory had been impacted the quality of any evidence is unlikely to be of the required standard. Further she submitted that as these witnesses provided the sole and decisive evidence, which was disputed by Ms Owen, it would be unlikely to be successfully admitted as hearsay on the grounds of fairness.

29. Ms Clifton outlined that there were difficulties with proving that Ms Owen's actions were "misinformation" as alleged in the light of Ms Owen's submissions that these matters were as a result of administrative oversight rather than a deliberate intention to mislead. Ms Clifton submitted that there was no evidence that this was the case and there was evidence that Ms Owen was dealing with a high workload at a time of significant personal stress.

30. With respect to regulatory concerns 1a and b Ms Clifton explained that factually there was evidence in the form of Ms Owen's qualified admissions which may support a finding of misconduct. However, she submitted that Ms Owen had been working successfully both before and for 6 years following these events with no concerns. Additionally, she submitted that Ms Owen's reflection and insight had developed considerably since the case examiner's decision. She submitted that there was no longer a realistic prospect that these concerns alone would support a finding of impaired fitness to practise.

31. The panel asked if the complainant had been contacted to provide further information. Ms Clifton explained that this evidence would be relevant to regulatory concerns 1a and b which were admitted by Ms Owen and so the evidence of the complainant would not take matters further. Therefore, it was not considered appropriate to contact this individual given the passage of time.

32. The panel also noted the submissions of Ms Owen's representative and the additional documentation provided.

33. The legal adviser advised the panel that it could allow discontinuance of the case, or any part of it, or it could adjourn the hearing and issue directions for the case to proceed. The legal adviser reminded the panel that it should carefully consider the application in the light of the evidence, and it should be mindful of its role, as set out in the cases of PSA v NMC & X [2018] EWHC 70 (Admin) and CHRE v GMC & Ruscillo [2004] EWCA Civ 1356 to ensure that the case is properly presented and the relevant evidence is placed before it. The legal adviser reminded the panel it should have regard to Social Work England's "Discontinuance Guidance" updated in December 2022.

34. The legal adviser advised the panel that if it decided there was insufficient evidence to make a finding of impairment it may impose an outcome in accordance with paragraph 12(1) of Schedule 2 of the Regulations including a warning to the social worker regarding their future conduct and performance, advice to the social worker on any matter related to the fitness to practise proceedings or it may take no further action.

Panel decision on discontinuance:

35. When making its decision the panel took into account Social Work England's 'Discontinuance guidance'.

36. The panel applied its consideration to each of the regulatory concerns.

37. In relation to regulatory concerns 1a and b the panel considered these together as they are partially admitted by the social worker and intrinsically linked.

38. The panel noted the partial admissions of Ms Owen and the explanations given by her about the events. The panel considered that Ms Owen had accepted that there was a failure to communicate with the complainant. She had described some follow up and investigation of the concerns raised. The panel considered that on the basis of the partial admissions, which were supported by the evidence of the other witnesses, there was sufficient evidence to enable a realistic prospect of a finding in relation to the facts.

39. The panel next went on to consider whether there was a realistic prospect that these facts could amount to serious professional misconduct and it determined that there was sufficient evidence that may support such a finding. The panel noted that there was no evidence of harm, but it nevertheless considered that there was the potential to harm and a failure to safeguard a child would amount to a serious falling short of the standards expected.

40. The panel next considered whether in the light of all the information there was a realistic prospect of a finding of impairment. The panel took into account the information provided by Ms Owen about the training she had undertaken since these events and took into account her reflections and the character evidence provided. The panel also noted that these were isolated concerns and there had been no repetition either before or since these events. The panel also considered [PRIVATE]

41. Taking all of these factors into consideration, the panel considered that the evidence did not support a realistic prospect of a finding of current impairment. The evidence suggested that the limited concerns had been addressed and remedied by Ms Owen and there was unlikely to be any repetition. The panel also considered that a fully informed member of the public would not expect a finding of impairment, particularly given the passage of time since these events and the steps taken by the social worker to remedy any issues.

42. The panel next went on to consider particular 1c and agreed with the submissions of Ms Clifton that the evidence did not support any finding that Ms Owen had failed to provide support for Child S. In fact, the evidence confirmed such support was provided. The

panel did not identify any information within the case examiner's reasoning that would support such a finding. In these circumstances, the panel considered that this regulatory concern was not capable of proof and it should be discontinued.

43. The panel next went on to consider regulatory concern 3. It determined that all of the sub-particulars could be considered together as they were all subject to the same evidential difficulties. The panel agreed with the submissions of Ms Clifton that the three professional witnesses would be required to provide first hand evidence of these matters as they were not admitted by the social worker and it would be for Social Work England to prove its case in respect of these regulatory concerns. The panel noted the steps taken by Social Work England to obtain the evidence and the co-operation of the witnesses.

44. The panel noted that these witnesses had initially been willing to engage but now, given the significant passage of time they were no longer willing to assist. The panel did not consider that it was surprising that the individuals had moved on and that their recollection of events was significantly impacted. The panel noted that two of the three were no longer registered social workers and so taking steps to compel them to give evidence would present challenges. Further, the panel was concerned that given the time that had passed since the events their memory would be adversely affected and there was every possibility that they would no longer have any independent recollection of events. The panel considered that in these circumstances the evidential difficulties may not be overcome even if they were compelled to assist.

45. The panel agreed with the submissions of Social Work England that any application to admit the draft, unsigned witness statements as hearsay evidence would be likely to be unsuccessful. The panel considered that this was the sole and decisive evidence in relation to regulatory concern 3 and it would not be fair to admit such evidence in the light of the denial by Ms Owen. The panel had particular regard to the wording of the regulatory concern that Ms Owen had provided "misinformation" by making effectively untrue statements to these witnesses. Such an allegation, which is tantamount to a lack of integrity, ought to be supported by cogent evidence and the social worker would no doubt wish to cross-examine the witnesses about their recollection of what was alleged to have been said by her. There would be no opportunity to cross-examine these witnesses and there was no other way to test the reliability of this evidence within the documentation.

46. The panel considered that it could not identify any further steps for Social Work England to take that would resolve the evidential difficulties in relation to these regulatory concerns.

47. In light of the conclusions regarding the evidential difficulties with the witnesses the panel concluded there was insufficient evidence to support any finding of the facts in relation to regulatory concern 3 and it should be discontinued in full.

48. The panel had no evidence that Ms Owen had wilfully disregarded her obligations, and it appeared from the evidence that this was an isolated event which occurred at an

extremely difficult time. The panel noted that Ms Owen had been working successfully as a social worker and team manager for a period of more than 6 years following these events. In these circumstances, the panel did not consider any further action was warranted or appropriate in the form of advice or a warning.

49. The panel has therefore determined to take no further action.

The Professional Standards Authority

50. 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.