This is a decision of a Health and Care Professions Tribunal Service.

Social Work England became the regulator of social workers in England on 2 December 2019.

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health & care professions tribunal service

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Ms Linda Elaine Fraser

Profession: Social worker

Registration Number: SW72651

Hearing Type: Final Hearing

Date and Time of hearing: 10:00 05/03/2018 **End:** 17:00 08/03/2018

Location: Health and Care Professions Tribunal Service (HCPTS), 405 Kennington Road, London, SE11 4PT

Panel: Conduct and Competence Committee

Outcome: Caution

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Allegation

While registered as a social worker and employed by Bristol City Council, you:

1.Following an order from Bristol Family Court made on 2 July 2015 to disclose the case records contained in the Liquid Logic Children's System

(LCS) in relation to Children A and B:

(a) On 2 July 2015, amended a case record created by the allocated Social Worker, A, on 17 December 2014 by adding and/or deleting text;

(b) On 2 July 2015, amended a case record created by Social Worker A relating to her visit to see the Child A and Child B on 18 September 2014 by adding and/or deleting text;

(c) On 8 July 2015, created a case record of a telephone call purported to have taken place on 29 October 2014, and:

(i) Supplied this document in a format which concealed the fact that the case record had been created following the order for disclosure from 2 July

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2.On 6 July 2015, contacted an expert witness in the case, Dr B, and:

(a) Did not provide prior notification of this to other parties in the case;

(b) Told Dr B that the other parties had been notified when you knew this was not the case and/or were reckless as to whether this was accurate.

3.On 13 and 14 July 2015, while giving sworn evidence to Bristol Family Court:

(a)Denied having edited the case records referred to in particulars 1(a) and 1(b) when you knew this was not the case;

(b)Suggested that Social Worker A had edited the case records when you knew this was not the case;

(c)Told the Court that you had held a 'QA' meeting with Social Worker A on 2 July 2015 when this was not the case;

(d)Told the Court that you had carried out a sibling assessment when you knew you had not done so.

4.The matters set out in paragraphs 1(a), 1(b), 1(c), 2(b), 3(a), 3(b), 3(c) and 3(d) were dishonest.

5.The matters described in paragraphs 1 - 4 amount to misconduct.

6.By reason of your misconduct your fitness to practise is impaired.

Finding

Preliminary matters:

Amendment

1.At the commencement of the hearing Mr Paterson applied to amend the Particulars of the Allegation in respect of which notice had been sent to the Registrant by letter dated 18 May 2017.

2.He stated that the reason for the application was to better reflect the evidence, there being no significant change to the case as a result of the proposed amendments. He submitted that there was no prejudice to the Registrant by the application as she had been given notice of this some five months earlier.

3.The Registrant indicated that she had no objection to the proposed amendments. The Panel followed the advice of the Legal Assessor and asked itself whether, if the amendment was allowed, it would result in prejudice to the Registrant and whether she had been given a proper opportunity of preparing her defence to the Allegation as amended. The Panel decided to allow these amendments as it could not see any discernible prejudice to the Registrant given that significant notice of the intention to amend had been given; she had made no objections to them; none of the proposed amendments materially affected the nature of the Allegation and that several of the proposed amendments sought to clarify the particular Allegation and were essentially grammatical.

Proceeding in Private

4.Ms Fraser then made an application for the whole of the hearing to proceed in private, based upon the matters raised in her e-mail to the HCPC of 14 September 2017. Mr Paterson drew the Panel's attention to the principle of hearings usually being in public and the possibility of having just those parts which touched upon health matters being in private. The Panel also gave permission to a member of the press, Louise Tickle, to address it on this issue. She maintained that the hearing should remain in public and advised the Panel that, if the Registrant's concerns were about references to her health, she had already read two judgements which were in the public domain (that of Judge Exton, which was in the HCPC's bundle before the Panel, and that of Mr Justice Baker in relation to a potential appeal from the decision of District Judge Exton (DJ) both of which had referred to the Registrant's health issues at the relevant times. The Panel then heard the advice of the Legal Assessor, who referred to the HCPC's Practice Note entitled "Conducting Hearings in Private". The Panel then retired to consider its decision. It reconvened as it considered that it needed further, more detailed, information about the Registrant's reasons for wanting the hearing to proceed in private, which necessitated asking her specific questions about her health, and for that reason decided to hear the remainder of the application in private.

5.The Registrant indicated that she wished the hearing to proceed in private for three main reasons, namely she did not want specific details about her health condition being disseminated (there being other factors not in the public domain); that she did not want her

family to be upset again by press reporting of her case, as it had been when the aforementioned judgements were reported; and that the presence of any member of the public, who was not fully aware of her health condition, caused her anxiety and stress and potentially meant that her ability to fully express herself would be adversely affected.

6.As the Panel raised it as a potential issue, both Mr Paterson and the Legal Assessor made reference to the vulnerable witness provisions in paragraph 10A of the HCPC's Procedure Rules, which state:

(1)In proceedings before the Committee, the following may, if the quality of their evidence is likely to be adversely affected as a result, be treated as a vulnerable witness —

(a)any witness under the age of 17 at the time of the hearing;

(b)any witness with a mental disorder within the meaning of the Mental Health Act 1983;

(c)any witness who is significantly impaired in relation to intelligence and social functioning;

(d)any witness with physical disabilities who requires assistance to give evidence;

(e)any witness, where the allegation against the practitioner is of a sexual nature and the witness was the alleged victim; and

(f)any witness who complains of intimidation.

(2)Subject to any representations from the parties and the advice of the Legal Assessor, the Committee may adopt such measures as it considers desirable to enable it to receive evidence from a vulnerable witness.

(3)Measures adopted by the Committee may include, but shall not be limited

to— (a)use of video links;

(b)use of pre-recorded evidence as the evidence-in-chief of a witness, provided that the witness is available at the hearing for cross-examination and questioning by the Committee;

(c)use of interpreters (including signers and translators) or intermediaries;

(d)use of screens or such other measures as the Committee consider necessary in the circumstances, in order to prevent—

(i)the identity of the witness being revealed to the press or the general public; or

(ii)access to the witness by the registrant;139 and

(e)the hearing of evidence by the Committee in private."

7.Both Mr Paterson and the Legal Assessor also referred to the HCPC's Practice Note entitled "Special Measures". The Panel retired to make its decision in the course of which it took account of the submissions of the parties and Ms Tickle, together with the advice of the Legal Assessor. 8.The Panel reminded itself that proceedings should normally be held in public and noted Rule
10(1)(a) of the Health and Care Professions Council (Conduct and Competence Committee) (Procedure) Rules 2003 (the Rules), which states:
"

At any hearing—

(a)the proceedings shall be held in public unless the Committee is satisfied that, in the interests of justice or for the protection of the private life of the Registrant, the complainant, any person giving evidence or of any patient or client, the public should be excluded from all or part of the hearing;"

9.The Panel was mindful that, under Rule 10 (1) (a), it must be satisfied that it is in the interests of justice or for the protection of the private life of a Registrant or a witness before a decision can be made to exclude the public from any proceedings. Moreover, its decision must be consistent with Article 6(1) of the European Convention on Human Rights (ECHR), which provides limited exceptions to the need for hearings to be held in public, namely that it is "in the interests of justice or for the protection of the private life of the health professional, the complainant, any person giving evidence or of any patient or client".

10.The Panel decided to treat the Registrant as a vulnerable witness

11.Accordingly, the Panel decided to grant the Registrant's application on a limited basis so as to protect her private life by holding the hearing in private when she gave her evidence. It considered that, as she had been assessed as a vulnerable witness, it was appropriate to ensure that the quality of her evidence be maintained by having her give the whole of her evidence in private. However, the Panel decided that it would not be appropriate to hear the remainder of the hearing in private and therefore it proceeded in public.

Live tweeting

12.After the commencement of the hearing, during the evidence of the HCPC's first witness, SWA, it came to the notice of the HCPC Press Office that the journalist, Ms Tickle, was live tweeting the proceedings onto her Twitter feed, reporting virtually verbatim the questions to, and answers of, the witness SWA. The HCPC therefore alerted the hearings officer who in turn advised Mr Paterson and the Legal Assessor. Mr Paterson then drew the matter to the attention of the Panel. Mr Paterson indicated that he was concerned about this development since, as the Twitter feed was public, it was potentially possible for the next HCPC witness, AF, to have access to it, or be advised through a third party who did have

access to such a feed what it was saying. Mr Paterson argued that this therefore had the potential to damage the integrity of AF's evidence.

13.Ms Tickle was asked by the Panel for her views and responded that she was entitled to "live tweet" proceedings in accordance with the Lord Chief Justice's Guidelines. The Legal Assessor advised the Panel of the gist of those guidelines from a news article in the Guardian Newspaper.
The Panel noted that the relevant parts of the Guidelines, set out by the Lord Chief Justice, Lord Judge, on 14 December 2011 states:

9)Where a member of the public, who is in court, wishes to use live text-based communications during court proceedings an application for permission to activate and use, in silent mode, a mobile phone, small laptop or similar piece of equipment, solely in order to make live, text-based communications of the proceedings will need to be made. The application may be made formally or informally (for instance by communicating a request to the judge through court staff).

10)It is presumed that a representative of the media or a legal commentator using live, text-based communications from court does not pose a danger of interference to the proper administration of justice in the individual case. This is because the most obvious purpose of permitting the use of live, text-based communications would be to enable the media to produce fair and accurate reports of the proceedings. As such, a representative of the media or a legal commentator who wishes to use live, text-based communications from court may do so without making an application to the court.

11)When considering, either generally on its own motion, or following a formal application or informal request by a member of the public, whether to permit live, text-based communications, and if so by whom, the paramount question for the judge will be whether the application may interfere with the proper administration of justice…

13)Without being exhaustive, the danger to the administration of justice is likely to be at its most acute in the context of criminal trials e.g., where witnesses who are out of court may be informed of what has already happened in court and so coached or briefed before they then give evidence, or where information posted on, for instance, Twitter about inadmissible evidence may influence members of a jury. However, the danger is not confined to criminal proceedings; in civil and sometimes family proceedings, simultaneous reporting from the courtroom may create pressure on witnesses, distracting or worrying them….

15)Subject to these considerations, the use of an unobtrusive, hand held, silent piece of modern equipment for the purposes of simultaneous reporting of proceedings to the outside world as they unfold in court is generally unlikely to interfere with the proper administration of justice…

16)Permission to use live, text-based communications from court may be withdrawn by the court at any time."

14.Having retired to consider the matter the Panel decided to ask Ms Tickle to cease live tweeting as it was concerned that the evidence of those HCPC witnesses who had yet to be called might inadvertently be contaminated by being made aware of the specific questions put to, and the answers of, future HCPC witnesses.

15.Upon being so advised, Ms Tickle then requested that she be given the opportunity to take legal advice. The Legal Assessor advised the Panel that it was a matter for its own discretion and to ask itself whether it was in the interests of justice to cease hearing evidence to allow Ms Tickle to seek such advice. The Panel retired once again to make its decision. Upon resuming, it announced that it would stand the case down to allow Ms Tickle to seek such advice as it considered that it was in the interests of justice to do so. However, Ms Tickle indicated that she had, in the interim whilst the Panel was making its decision, received legal advice to the effect that it was a matter for her own discretion. Ms Tickle advised the Panel that she agreed to cease live tweeting but reserved the right to write a full report of the day's proceedings which would summarise the evidence heard by the Panel. Both the Legal Assessor and the Case Presenter confirmed that this was entirely in order, with the Case Presenter indicating that he would advise the HCPC's future witnesses not to read any Twitter feeds or blogs by Ms Tickle or reports about the hearing until after they had given evidence. The evidence of the witness SWA then proceeded to conclusion.

16.The following morning, as the HCPC was about to call its final witness, and as Ms Fraser had indicated that she was not calling any witnesses in addition to herself (whose evidence was to be given in private), the Legal Assessor indicated to the Panel that it might want to revise its prohibition on live tweeting since there were no witnesses whose evidence could be compromised. The Panel agreed and Ms Tickle was then given permission to resume her live tweeting.

Half-time submission and further application to amend allegation 1(c)(i)

17.At the conclusion of the HCPC's case, the Registrant made a submission that the HCPC had not adduced sufficient evidence to find some or all of the facts in relation to the allegations 1(c)(i), 3(c) and 3(d).

18.The Panel took account of the advice of the Legal Assessor, who referred the Panel to the HCPC Practice Note entitled "'Half-Time Submissions."

19.In reaching its decision the Panel has had regard to the test which applies in criminal proceedings laid down in R v Galbraith [1981] 1 WLR 1039, the relevant extract from which reads:

If there is no evidence that the crime alleged has been committed by the defendant, there is no difficulty - the judge will stop the case. The difficulty arises where there is some evidence but it is of a tenuous character, for example, because of inherent weakness or vagueness or because it is inconsistent with other evidence.

(a)Where the judge concludes that the prosecution evidence, taken at its highest, is such that a jury properly directed could not properly convict on it, it is his duty, on a submission being made, to stop the case.

(b)Where however the prosecution evidence is such that its strength or weakness depends on the view to be taken of a witnesses reliability, or other matters which are generally speaking within the province of the jury and where on one possible view of the facts there is evidence on which the jury could properly come to the conclusion that the defendant is guilty, then the judge should allow the matter to be tried by the jury."

20.In relation to each of the allegations which were the subject of this application, the Panel therefore asked itself the following questions:

1.Has the HCPC presented any evidence upon which the Panel could find that allegation or element proved?

21.The Panel noted that if the answer to this question was "No", then the burden of proof could not be discharged and there would be no case to answer in respect of that allegation or element.

22.The Panel also noted that if it considered that the HCPC had presented some relevant evidence, then the Panel should move on to address the following questions:

2.Is the evidence so unsatisfactory in nature that the Panel could not find the allegation or element proved?

3.If the strength of the evidence rests upon the Panel's assessment of the reliability of a witness, is that witness so unreliable or discredited that the allegation or element is not capable of being proved?

23.In addressing these questions the Panel was aware that it had to take care in applying the burden and standard of proof, remembering that it is for the HCPC to prove the facts alleged and that the requisite standard of proof is the balance of probabilities. If either question was answered in the affirmative, then again there was no case to answer in respect of that allegation or element.

24.Furthermore, the Panel noted that if it found that there was sufficient evidence adduced in respect of the relevant allegations, it was to be aware that if the case proceeded to its conclusion, the decision of whether it was 'well founded' would require the Panel to determine whether, in its judgement, the facts alleged:

•amounted to the statutory ground of the allegation (e.g. misconduct) and,

•in turn, established that the Registrant's fitness to practise was impaired.

25.Consequently, in that eventuality, the Panel needed to address those issues by answering the following question:

1.Is the evidence which the HCPC has presented such that, when taken at its highest, no reasonable Panel could properly conclude what is alleged amounts to:

(a)the statutory ground of the allegation; or

(b)impaired fitness to practise?

26.The Panel therefore noted that if either limb of that question was answered in the affirmative then it would be entitled to conclude that there is no case to answer in respect of that allegation or element.

27.The Panel first considered the application in relation to allegation 1(c)(i):
While registered as a social worker and employed by Bristol City Council, you:

1.Following an order from Bristol Family Court made on 2 July 2015 to disclose the case records contained in the Liquid Logic Children's System (LCS) in relation to Children A and B:…

(c)On 8 July 2015, created a case record of a telephone call purported to have taken place on 29 October 2014, and:

(i)Supplied this document in a format which concealed the fact that the case record had been created following the order for disclosure from 2 July 2015.

28.The Panel noted that the Registrant had admitted the stem of allegation 1 (c). It had been clarified that the application related only to sub-paragraph (i) and not to the admitted stem of the allegation as the Registrant had confirmed that she had created the case record on 8 July 2015. Further, the Panel noted Mr Paterson's confirmation that the HCPC put its case on the basis that the words "which concealed the fact" indicated that it was alleged that the Registrant had intentionally concealed that fact.

29.The Panel noted the Registrant's arguments that no evidence had been supplied to demonstrate that she had intentionally concealed the fact that, on 8 July 2015, she had created the case record of a telephone call which took place on 29 October 2014, such creation being after the order for disclosure dated 2 July 2015.

30.The Panel further took account of the undisputed evidence before it that, when printing a case record, it could be done in two ways, one of which showed the date the document was created, and the other (by pressing "Control P") which did not. The Registrant argued

that, just because a document could be, or had been, produced which did not show the date of creation of that document, it did not mean that it had been printed in that way intentionally to conceal the date of creation.

Application to amend the allegation interposed

31.During Mr Paterson's submissions he was asked to identify where the evidence was in the HCPC's case that showed that the Registrant intended to conceal the date of creation. This resulted in Mr Paterson asking for a break to take instructions and in him then applying to further amend the allegation, so as to read

(i)Supplied this document in a format which [concealed the fact that] did not show the date on which the case record had been created following the order for disclosure from 2 July 2015."

32.The Panel decided to interpose his application and stay consideration of the half-time submission. It noted Mr Paterson's arguments that the amendment did not materially change the allegation against the Registrant since it removed the implication that it was done intentionally, with the dishonesty element still being picked up by allegation 4, and that the amendment better reflected the evidence now before the Panel.

33.The application was opposed by the Registrant on the basis that it was very late in the proceedings and had only been made because the HCPC had been unable to point to evidence to sustain the allegation as originally worded and made after the Registrant had highlighted this in her half-time submissions.

34.The Panel heard advice from the Legal Assessor who confirmed that an application to amend the allegations could be made at any time before the Panel announced its decision on facts and that when deciding whether to allow an amendment it should consider whether there was any prejudice to the Registrant or injustice to either party.

35.The Panel decided to refuse the application. Notwithstanding that it was possible to make such an amendment at this late stage, the Panel considered that it would be unfair to the Registrant, who was unrepresented. Moreover, the HCPC had had a long time to prepare its case and such an apparent deficiency in its case should have been dealt with far earlier.

36.The Panel then returned to considering the half-time submission in relation to the allegation as originally worded. It first asked itself whether any evidence had been adduced by the HCPC that the Registrant had intentionally supplied the copy of the case record in a format, which omitted the date of the creation of that record. The Panel asked for evidence of the case record telephone call provided to the Court and was told it was not available. Mr Paterson referred the Panel to the evidence of the transcript of the judgement of DJ Exton dated 1 April 2016 ("the Judgement") at page 257 of the HCPC's Exhibits Bundle (Bundle 2),

where the same allegation had been discussed by DJ Exton. Mr Patterson also reminded the Panel that the Registrant had admitted to the stem of allegation 1(c). The Panel considers that the fact that a DJ had cause for concern about the Registrant's intent does indicate that there is some evidence before the Panel sufficient to cause it to conclude that the Panel could find the allegation proved and that there is a case to answer.

37.The Panel therefore went on to ask whether the evidence presented was so unsatisfactory in nature that it could not find the allegation proved. The Panel considered that, as the transcript produced was an official transcript of DJ Exton's judgement, it could not be said that it was so unsatisfactory in nature that the allegation was not capable of being found proved. The Panel therefore concluded that sufficient evidence had been adduced to render allegation 1(c)(i) capable of being proved.

38.The Panel therefore concluded that there is a case to answer in respect of allegation 1(c)(i).

39.The Panel next considered the application in relation to allegation 3 (c):

3.On 13 and 14 July 2015, while giving sworn evidence to Bristol Family Court:..

(c)Told the Court that you had held a 'QA' meeting with Social Worker A on 2 July 2015 when this was not the case;

40.The Registrant submitted that no evidence had been adduced that a QA meeting had not taken place. She pointed out that the witness AF had confirmed that, "in our world" (namely that of Social Workers) a meeting was a formal occasion and did not encompass an ad hoc discussion, which the Registrant indicated had taken place.

41.Mr Paterson drew the Panel's attention to the transcript of the Family Court hearing which took place on 13 and 14 July 2015 at the Bristol County Court ('the transcript'), specifically p 98 of the HCPC Exhibits Bundle (Bundle 2), where the Registrant said "I went through the case notes with the social worker to check that all the details were correct. There's a QA role." Mr Paterson argued that this was evidence that the Registrant had confirmed that a meeting of some sort took place on the day in question. Moreover, he referred to the evidence of SWA given by her on the first day of the hearing that she had not spoken to the Registrant about the case notes on 2 July 2015.

42.The Panel agreed with the submissions of Mr Paterson. There is some evidence before it that shows that the Registrant stated to the DJ that she did have some sort of meeting with SWA on 2 July 2015 and that SWA denied that such a meeting took place. The Panel therefore went on to ask whether the evidence presented was so unsatisfactory in nature that it could not find the allegation proved. The Panel considered that, as the transcript produced was an official transcript of the hearing, it could not be said that it was so unsatisfactory in nature that the allegation was not capable of being found proved. Further,

as regards the evidence of SWA that no such meeting took place, the Panel noted that, on this point, there was no contradiction or inconsistency in her evidence, and therefore concluded that her evidence was not so unsatisfactory in nature that the allegation was not capable of being proved.

43.The Panel therefore concluded that there is a case to answer in respect of allegation 3 (c).

44.The Panel finally considered the application in relation to allegation 3 (d):

(d)Told the Court that you had carried out a sibling assessment when you knew you had not done so.

45.The Registrant agreed that the transcript indicated that she had told DJ Exton that she had carried out a sibling assessment but submitted that no evidence had been adduced to demonstrate that the Registrant had not carried out a sibling assessment and also pointed out that the mother's barrister had referred to "a sibling assessment" when questioning the Registrant. She also referred to documents in her appeal bundle (Bundle 4) which she maintained had been prepared by her and thereafter submitted to the Family Court on 9 January 2015 as part of Bristol Council's application that a Care Order be made, in particular two documents which she had referred to as "EV1" and "EV2". She submitted that EV1 was what the HCPC's witness AF had confirmed was a form of sibling assessment albeit not a formal "stand alone" sibling assessment and did not include the views of the children. EV2 was a copy of the Court report that the Registrant had signed on 9 January 2015. Mr Paterson confirmed that the signature that had been redacted on the copy presented to the Panel was that of the Registrant. The Registrant therefore argued that as the evidence before the Panel indicated that she had carried out a sibling assessment (and as the wording of the allegation did not specify what sort of sibling assessment should have been carried out) then there was no case to answer.

46.Mr Paterson responded that the documents EV1 and EV2 appeared to be separate documents (since their numbering at the bottom of each page was in different fonts and indicated a different total number of pages, EV1 being part of a document totalling 27 pages and EV2 being part of a document totalling 32 pages) so that it was not possible to say that the signature at the end of EV2, which the HCPC accepted was the Registrant's, also covered EV1. Consequently, there was no evidence to show that, if indeed the EV1 constituted a sibling assessment, it had been carried out by her. Furthermore, there was the technical difficulty that, strictly speaking, the evidence provided by the Registrant in her appeal bundle (Bundle 4) had not formally been admitted into evidence and, as it was not evidence that had been agreed by the HCPC, was otherwise not part of the evidence produced by the HCPC.

47.Once again, the Panel agreed with the submissions of Mr Paterson on this point. Leaving aside the technical point he relied upon (that strictly speaking EV1 and EV2 are not formally before the Panel as they form part of the Registrant's case and the HCPC has not conceded that they are what the Registrant contends them to be) it still follows that some evidence is required from the Registrant to formally identify them since it is apparent that, on the face of it, they are different documents. In addition, the Panel notes that at page 262 of the Judgement (in the HCPC's Exhibits Bundle 2), the DJ indicated that no sibling assessment had been found in the "case directions" (which were part of Bristol County Council's records). This was confirmed by AF in her witness statement at paragraphs 52 and 53. Accordingly, the Panel therefore concluded that there is some evidence before it that could prove the allegation and that, as such evidence is not so unsatisfactory in nature, the allegation was capable of being proved.

48.Accordingly, the Panel found that there was a case to answer in respect of allegation 3 (d).

49.For the benefit of the Registrant, the Panel wishes to emphasise that not allowing her half-time submission does not mean that it finds, or will find, the allegations proved – it merely means that it has objectively assessed that there is sufficient evidence before it at this stage to allow the allegations to proceed.

50.On the fifth day of the hearing, the Panel retired to consider its decisions on facts and grounds. However, it was unable to conclude its decision-making in the time available so adjourned the hearing to a date in March 2018 and interposed two Panel writing days in February 2018 for it to conclude its decisions and for the Legal Assessor to assist with the production of their determination. In the interim, however, the Panel received further written legal advice from the Legal Assessor in relation to the possibility of recalling SWA to give further evidence to enable her specifically to comment upon her statement of 14 July 2015, which appeared to contradict some of her other evidence before the Panel and (for a number of reasons) had not been put to her when she gave her oral evidence on the first day of the hearing. A copy of that written advice was circulated to the parties. Having briefly discussed the matter between themselves remotely, the Panel members decided to accede to that advice and suggested that SWA be recalled on the first of the two writing days in February 2018. However, the Registrant advised that she would be unable to attend any hearing at that time. The Panel therefore suggested that SWA be called on the first of the resumed hearing days in March 2018.

51.However, when the Panel reassembled on its two writing days in February 2018, having had an opportunity of discussing the matter further in greater depth, it decided that, in the light of the decisions that it had taken in relation to all the facts, it was no longer necessary to recall SWA, particularly since the factual issues that might have been affected by the apparent contradiction in her evidence had already been resolved in the Registrant's favour.

Background

52.The Registrant has been employed as a Social Worker at Bristol City Council ("BCC") from 1998 until the present. From 2006 to January 2015 she was a team manager. She managed a team of Social Workers, which included from 2000 SWA up to January 2015. In January 2015 there was a restructure and the Registrant became a Consultant Social Worker (CSW) managing staff and a small caseload.

53.In July 2015, whilst giving sworn evidence in Care Proceedings in Bristol Family Court regarding the case of Child A and Child B, whose mother was Mother A, it transpired that she had amended case records that BCC had been ordered to disclose to the Court. During the course of explaining how the records came to be amended and whilst discussing the case generally, the Registrant made a number of representations, which she later conceded were inaccurate. The matter was investigated by Alan Boyle, an independent Investigating Officer and subsequently referred to the HCPC on 1 December 2015 by Anne Farmer (AF), Service Manager at the Council and the Registrant's own line manager.

Decision on Facts

54.In considering this case the Panel bore in mind that the burden of proving the facts rests upon the HCPC and that the standard of proof is the civil standard of the balance of probabilities. It has taken account of all the evidence presented to it, namely the written and oral evidence of the witnesses listed below, together with the documentary evidence provided by the HCPC and the Registrant. It has also considered the detailed submissions of Mr Paterson and the Registrant, and has accepted the advice of the Legal Assessor.

55.The Panel particularly noted the Legal Assessor's advice that, notwithstanding that the HCPC's Procedure Rules do not have a specific provision which indicates that a panel can find the allegations proved by simply relying upon the Registrant's admissions of those allegations, there was likewise nothing in the Rules to prevent it from doing so if it was satisfied that the admissions were well-informed, not made for reasons of expediency or duress and that they accorded with the evidence before the Panel in relation to that particular. Consequently, the Panel noted that it would be entitled to treat those admissions as determinative of the factual allegations, particularly if the admissions tallied with the evidence presented by the HCPC.

56.The Panel heard evidence from two witnesses on behalf of the HCPTS: Social Worker A ("SWA"), who had responsibility for Child A and Child B up to January 2015, ("AF") Service Manager at the Council and the Registrant's line manager. The Panel also considered the written statement of AB ("AB") the Investigating Officer, as hearsay evidence. The Panel also heard evidence from the Registrant.

Assessment of witness credibility

57.The Panel found the Registrant was sure of her evidence, but at times found her evidence to be implausible.

58.The Panel found witness SWA to be direct and equally sure of her evidence, she being particularly assertive about whether she did or did not have specific contact with the Registrant after she had left the team. SWA was candid when she could not remember anything.

59.The Panel considered that witness AF was trying to be helpful but was somewhat careful in her responses.

60.The Panel found no reason not to doubt the hearsay evidence of AB.

Particulars 1(a) and 1(b) - Proved

While registered as a social worker and employed by Bristol City Council, you:

1.Following an order from Bristol Family Court made on 2 July 2015 to disclose the case records contained in the Liquid Logic Children's System (LCS) in relation to Children A and B:

(a)On 2 July 2015, amended a case record created by the allocated Social Worker, A, on 17 December 2014 by adding and/or deleting text;

(b)On 2 July 2015, amended a case record created by Social Worker A relating to her visit to see the Child A and Child B on 18 September 2014 by adding and/or deleting text;

61.In her evidence, AF stated that the Liquid Logic Children's System ("LCS") is a case recording system which is used by the Council to record contact with families and professionals involved in their cases. LCS was a linear process so when a case record was added, it was then marked as "finalised." This meant that once a case note was finalised it could not be amended without authorisation from a person designated as a "Super User". A Super User has different permissions settings on LCS, which meant that they were able to un-finalise, case records in order for them to be amended. The Registrant managed the Super User for the unit. The process is to request either by email or verbally.

62.AF went on to say that the practice for amending records varied amongst members of staff and also depended on how the case records needed to be amended. For instance, the reasons for amending might vary from inaccuracy to additional information. A Social Worker might look at a case record after it was finalised and realise that they had not included details, which they had made in their notebook. They could add the additional details to their original case record by making a request to a Super User to un-finalise the record. AF stated that a report on the number of requests between 2016/2017 noted approximately 500 such requests. There is also a facility within LCS whereby the information entered in a case record can be copied through to the file of any other connected children, such as

siblings, and so case records could be identical for two children, if they had been linked on the system.

63.Child A and Child B were the children of Mother A and their allocated Social Worker was SWA from 7 July 2014 to 6 January 2015. The Registrant was both the Team Manager and thus had oversight of the case and then as the CSW had both oversight and joint working responsibility. The case was discussed and recorded in the form of case directions which were part of the supervision arrangements which would have occurred on a monthly basis between SWA and her manager. Due to the concerns surrounding Mother A's care for her children, the Council made an application to Bristol Family Court (the Court) for a care order.

64.The Registrant was involved in this case because the two Social Workers in her Unit had been involved in very little court work and so the Registrant played a significant role in overseeing the statements and any relevant parenting assessments for preparation for the Court. This was a common practice for the Registrant as part of the expectation as her role as CSW was to ensure that everything presented in court was fit for purpose.

65.The specific case records relating to both Child A and Child B were directed by the Court for disclosure on 2 July 2015. The usual process would be to collate the documents for disclosure and then send them to the Council's Legal Department whose responsibility it was to review them and ensure that what the Court had requested was actually filed.

66.One of the case records that the Registrant printed for disclosure to the Court was from 17
December 2014. This had originally been created by SWA (who at that time was the Social Worker for Child A and Child B in respect of a visit between Mother A and the children on 16 December 2014. Two case records had been created, one in respect of Child A, and the other in respect of Child B. The section at the bottom of the page relating to Child B showed that SWA created this case record on 17 December 2014 at 8:20am and finalised it on the same day and that the Registrant made amendments to the case record at 2.11pm on 2 July 2015, marking it as finalised on the same day. She printed both versions of the case records (relating to Child A and to Child B and sent them to the Legal Department to be filed at Court.

67.In her evidence, AF confirmed that when the Court had requested disclosure of certain documents the clock stopped. It was not the usual practice to make amendments to any documents. The expectation was that no further changes should be made to the records.

68.AF stated that the Registrant made 5 requests to the Super User on 2 July 2015 to un-finalise case records (on the basis that they needed updating) although not all those requests related to Child A or Child B.

69.AF indicated in her evidence that in her professional opinion, having reviewed the amendments in the light of the evidence collected by the Council about Child A and Child B overall, these amendments were not controversial and were not made to bolster the Council's application for a Care Order.

70.In her written statement of 16 June 2017 SWA said that having reviewed the case directions for the children in question, the amendments made by the Registrant were not a correct reflection of SWA's original case report. However, she was unable to comment upon the impact of the changes as she was not a party to the Care Proceedings.

71.In her evidence the Registrant stated, that whilst she had no recollection of amending the note, she accepted that as her name was on the record as being the owner of the changes and she had made those amendments. She indicated that at the time she had her own planned pieces of work in relation to two highly complex cases to attend to; she was covering for two Social Workers in her unit who were on annual leave; and she was also covering Court cases for another Social Worker who was having personal difficulties. In relation to the suggestion that she had done this in order to manipulate the evidence, she said that she was "ashamed to say I did not think at all". She explained that this was not a "conscious, thought out act which had purpose and intent" – her aim was to get the task completed quickly.

72.In relation to the amendment of the case record from 18 September 2014 (which recorded a visit to the home of Mother A the Registrant stated that all she had amended was the time of the visit (to 07.50). The original note had stated that the visit was in the mid-morning but the
Registrant said that she recalled the actual day of the visit since she and SWA had come into the office at around 07.00 that day and SWA had told her that she was intending to visit Mother A for an early morning before school visit. The Registrant recalled that SWA left the office on or about 07.30. The Registrant also stated that she had checked this with SWA who had confirmed that it was an early morning visit and that the record of the visit had been entered at 08.53 am that day, which, she argued, showed that the visit must have occurred before that time.

73.In her written evidence, SWA could not identify any amendments to her original and thus could not comment. However, in her oral evidence, SWA indicated that whilst at the café she did not take any contemporaneous notes (for reasons of confidentiality) but she wrote up the record at 08.20 the following day. She also confirmed that she did make a visit at around 08.00 and that she had been asked in Court about it.

74.The Panel finds these particulars proved, mainly on the basis of the Registrant's admissions. The Panel was satisfied that the admissions were well informed, not made for reasons of expediency or duress and that they accorded with the evidence before the Panel in relation to that particular. Consequently, the Panel treated those admissions as

determinative of these factual allegations, particularly as the admissions tallied with the evidence presented by the HCPC.

Particular 1 (c) – Not Proved

(c)On 8 July 2015, created a case record of a telephone call purported to have taken place on 29 October 2014, and:

(i)Supplied this document in a format which concealed the fact that the case record had been created following the order for disclosure from 2 July 2015.

75.The Panel reminded itself that the Registrant had admitted the stem of allegation 1(c), but not sub-paragraph (i), which was linked by the word 'and.' The HCPC put its case on the basis that the words "which concealed the fact" indicated that it was alleged that the Registrant had intentionally concealed that fact.

76.The HCPC's case was that, when printing from the LCS system, one could either press "Control P" or press "Print". If the former method was adopted, then the printed copy would not have any date of creation of the document; if the latter way was selected, the date of creation would be shown on the printed version. The Registrant had told the Court that she had selected the former method as it was quicker and instantaneous whereas pressing "Print" required, in the DJ Exton's words, "a couple of clicks and is slightly longer".

77.The Panel noted that during the half-time submissions it had been confirmed by the HCPC that the case record of the telephone call which had been provided to the Court was not available but that Mr Paterson had referred the Panel to the evidence of the transcript of the judgement of DJ Exton of 1 April 2016, which had referred to the case record. The Panel had concluded that the fact that DJ Exton had cause for concern about the Registrant's intent did indicate that there was some evidence before the Panel sufficient to cause it to conclude that there was a case to answer.

78.The Panel noted the evidence of the Registrant. When reviewing the chronology of the case she had come across a handwritten note of her telephone conversation with Mother A on 29 October 2014 in an old notebook. She said that it was a brief note and was not in itself significant, although it emphasised the difficulties which she and Mother A had in meeting one another. Furthermore, the factual accuracy of the note had not been disputed by Mother A. She agreed that the record was a late entry onto the system but she had informed the Court about this.

79.As for printing the note in the way that she did, the Registrant stated that she automatically pressed the "Ctrl P" buttons, which was how she regularly printed documents. At the time, she had no idea that she was able to produce a print, which confirmed the date of creation or that pressing "Ctrl P" ensured that the date of creation would not be revealed.

80.The Panel saw no reason not to accept the Registrant's evidence on this point. In crossexamination she remained consistent in her account and emphasised that she had been asked to provide a typed note as a matter of urgency so, having typed it, she printed it as quickly as she could.

81.The Panel also took account of the fact that, just because a document could be, or had been, produced which did not show the date of creation of that document, did not mean that it had been printed in that way intentionally to conceal the date of creation. The Panel therefore concluded that, apart from making that suggestion, the HCPC has produced no evidence that the Registrant had intentionally concealed the date of creation of the document. Accordingly, notwithstanding that the Registrant admitted the stem of this Particular, the Panel found the Particular as a whole not proved.

Particular 2(a) - Proved

2.On 6 July 2015, contacted an expert witness in the case, Dr B, and:

(a)Did not provide prior notification of this to other parties in the case;

82.Dr B was a psychologist who had been jointly instructed by the parties to provide an expert report to the Court. The Registrant accepted that she consulted Dr B without informing the other parties but maintained that it was simply to ascertain Dr B's views about a potential bridging placement for the children as a matter of urgency, due to issues of lack of resources, cost, complexity of need, competition for placements and the imposition of a tight timetable by the Court. The Registrant wanted to seek Dr B's advice whether to proceed with the bridging placement or whether it would cause too much harm and additional stress for the children. The Registrant maintained that Dr B agreed to speaking with her on the basis that their conversation was recorded. Dr B had also confirmed that she did not feel compromised since she was being asked to advise on matters that were separate to her original instructions. The Registrant had made a handwritten note of the conversation and forwarded it to the Council's Legal Services department with instructions to forward it to the other parties. Moreover, Dr B had subsequently confirmed the accuracy of that note.

83.The Panel finds this particular proved on the basis of the Registrant's admission. The Panel was satisfied that the admission was well informed, not made for reasons of expediency or duress and that it accorded with the evidence before the Panel in relation to that particular. Consequently, the Panel treated this admission as determinative of this factual allegation, particularly as the admission tallied with the evidence presented by the HCPC.

Particular 2 (b) – Not Proved that the Registrant knew that the other parties had not been notified but Proved on the alternative basis that the Registrant was reckless as to whether

this was true. (b)Told Dr B that the other parties had been notified when you knew this was not the case and/or were reckless as to whether this was accurate.

84.After her meeting with Dr B on 6 July 2015, the Registrant e-mailed the Barrister representing the Council in the Care proceedings; the children's Social Worker; the Council's Solicitor and a Legal Assistant at the BCC advising them that she had spoken to Dr B that morning. She alleged that she had sent an e-mail the previous week advising that she wanted to talk to Dr B about a placement but that she 'did not get a reply and so I did it anyway!!' (Appendix 17) She indicated the purpose of the conversation (as indicated in the paragraphs dealing with Particular 2(a) above), stated that she would record it in an updating statement and apologised "if I have caused problems by doing this but it seemed like the best way to either progress a link or not". Despite searches being undertaken, no-one at BCC could trace the e-mail allegedly sent the week before.

85.In her witness statement, the Registrant accepted that the other parties had not been notified at the time of her discussion with Dr B, but denied that she knew this at the time. She maintained that she had genuinely believed that she had notified Legal Services about the placement issues and the need to seek advice from Dr B. Moreover, she believed that she had requested that the other parties be informed since this was in accordance with the standard protocol and her usual practice. However, she accepted that she had not in fact done this and that, on reflection, she had convinced herself "with a misplaced confidence on the efficiency of my actions". She denied any intention or motivation to lie to or misinform Dr B, pointing to her e-mail sent very soon after her conversation to Dr B which disclosed the contact with her.

86.The Panel notes that the Registrant did accept that she had told Dr B that the other parties had been informed. The Panel further notes the evidence of AF who confirmed that there had been extensive e-mail correspondence between a number of the parties and their respective representatives about Dr B's report and that the Registrant had wrongly assumed that the BCC's Legal Department had informed those other parties about her intention to speak to Dr B concerning the placements.

87.The Panel sees no reason not to accept the Registrant's evidence on this point. It notes that there appeared to have been a genuine reason for contacting Dr B, which was unrelated to the question of whether a Care Order should be made. Moreover, the Registrant immediately told a number of people what she had done, which the Panel doubts she would have done if she was trying to cover up her actions. In addition, the Panel has not been taken to any evidence, which suggests that the subsequent note of her conversation with Dr B was inaccurate. The Panel is therefore satisfied that the Registrant did not know that the other parties had not been notified about her intention to speak to Dr B when she spoke to Dr B.

88.However, the Panel has little hesitation in concluding that the Registrant's actions were reckless – it notes AF's evidence that if the Registrant had sent an e-mail the week before and had received no response, she could, and should, have chased up her enquiry. Accordingly, as the Panel considers that the Registrant's actions fall within the definition of "reckless" referred to by the Legal Assessor ("a state of mind accompanying an act that either pays no regard to its probably or possibly injurious consequences, or which, though foreseeing such consequences, persists in spite of such knowledge"), the Panel concludes that the HCPC has proved Particular 2(b) to the extent that the Registrant was reckless.

Particular 3 (a) – Proved

3.On 13 and 14 July 2015, while giving sworn evidence to Bristol Family Court:

(a)Denied having edited the case records referred to in particulars 1(a) and 1(b) when you knew this was not the case;

89.The allegations contained in Particular 3 as a whole relate to the Registrant giving evidence on 13 and 14 July 2015 before DJ Exton at Bristol Family Court during the Care proceedings relating to Child A and Child B. During the course of her evidence issues arose in connection with the alteration of the case records referred to in Particular 1 above. This resulted in Mother A making a series of allegations against the Registrant which DJ Exton felt compelled to deal with in proceedings which ran in parallel with the Care proceedings. Having heard further evidence from the Registrant in January 2016 DJ Exton handed down a judgment dated 1 April 2016.

90.The Panel notes that the specific findings of DJ Exton have been redacted from the copy of the judgment produced to it and that the HCPC has not relied upon those findings to prove its case. The Panel is aware that, even if it had been advised of those specific findings, it would not be bound by them. The Panel further confirms that, although some of DJ Exton's comments about the Registrant's actions have not been redacted, the Panel has reached its own independent judgment on the matters before it, based on the evidence that has been produced to it.

91.The Panel considers that it would be of use to briefly set out a short chronology in relation to the events that occurred before and after the hearing in July 2015. It noted that the Care proceedings were issued on 10 February 2015 and that DJ Exton first became involved on 8 June
2015, when the matter was listed before her for final hearing, for half a day on 8 July 2015 to hear Dr B's evidence and for a further three days on 13 to 15 July 2015. There was a Case Management hearing before DJ Exton on 2 July 2015 when she directed that BCC file a number of documents, including the children's case records. It was noted that the documents were filed late.

92.DJ Exton recorded that, even though the Registrant had accepted when giving evidence on 13 and 14 July that the case records had been altered, she denied that she was the person responsible, but suggested that she had gone through the notes with SWA to check that everything was correct in a "quality assurance" role. She also stated that SWA would be able to say if the notes had been edited.

93.SWA prepared a short statement on 14 July 2015 which stated that she may have added more to the case record of December 2014, that she could not account for there being two versions, but that the version apparently altered by the Registrant was accurate. SWA then gave oral evidence on 15 July 2015 during which she said that she had not been involved with the case since

January 2015. She could not recall if she met the Registrant on 2 July 2015 but she did say that she did not edit the note then, stating "I would remember doing it if I'd edited the note on 2 July".
She also said that there would have been no cause to go back and edit the records.

94.It is not in issue that, whilst giving sworn evidence, the Registrant denied having edited the case records for Child A and Child B referred to in Particulars 1(a) and 1(b) above. The issue before the Panel is whether, at the time, the Registrant knew that this was not the case.

95.In her evidence to the Panel the Registrant accepted that she had amended the records on the basis that her name appeared as the person responsible for so doing, but repeated that she had no recollection of doing so. She indicated that when the matter first arose during crossexamination during the July 2015 hearing, she was unable to provide an explanation because the situation made no sense to her. She stated she was being questioned in a hostile manner, which she had never come across before. There was nothing familiar about the notes, and the tone of questioning confused her and caused her to become more anxious.

96.The Registrant reiterated that she did not concentrate on the task of collating the records and this had led to a lack of recall. She accepted that her evidence to the Court was unclear and that she was wrong and had made a mistake, for which she had apologised. She believed that stress and fatigue may have impacted upon her memory and that she had neglected her health at the time, although the Panel has no evidence of this. She appreciated that her actions could be viewed as suspect, particularly when "no positive evidence was…provided by myself" but maintained that she had no dishonest intention or agenda.

97.In her oral evidence, despite significant probing by Mr Paterson, the Registrant maintained her stance albeit acknowledging that she could see the logic in the arguments against her.

98.The Panel found, on balance, the Registrant's explanations to be implausible and inconsistent. For instance, the transcript of the hearing in July 2015 indicates that she denied that she edited the case records – in the hearing in January 2016 and before the Panel, she accepts that she did edit them, albeit that she cannot recall so doing. The Panel has great difficulty accepting such an explanation for the simple reason that they were edited some 11 days before the hearing and immediately after the case management hearing at which she was apparently present. The Registrant asked the Super User to finalise records, which would have also further assisted her with her recall of the changes she had made. The Panel therefore finds it extremely implausible that she had in that time forgotten about making such amendments, especially when her oral evidence to the Panel suggests that she did have an independent recall of discussing the visit with SWA just after it in December 2014. The Panel notes the evidence of SWA to the Court that she would have remembered amending the case record if she had done so such a short time before and sees no reason why this should not have been the case with the Registrant.

99.The Panel appreciates that the Registrant stated that she was under particular stress at the time as she had her own planned pieces of work and was covering for two Social Workers in her unit. Further, the Panel takes account of the evidence of AF who described that the Registrant was showing signs of particular stress at the time, but no medical evidence of such has been produced to the Panel. The Panel notes that the earliest medical evidence produced to DJ Exton was from August 2015 and that, in her estimation, the Registrant was not "poorly" at the time of giving her evidence. The Registrant could give no explanation to the Panel as to why, given the work pressures she described at the time, she would go through and amend the case records.

100.Accordingly, the Panel is led to the conclusion that the HCPC has sufficiently proved its case that the Registrant knew when giving evidence to DJ Exton that she had amended the case records and that the Registrant's explanation that she had forgotten about making those amendments is implausible and not supported by any medical evidence. The Panel therefore finds Particular 3(a) proved.

Particular 3(b) – Proved

(b) Suggested that Social Worker A had edited the case records when you knew this was not the case;

101.The Panel notes, from the transcript of the hearing on 13 July 2015 (p86) that the Registrant stated, when asked about the amendment to the case record that "I can't comment. The only thing I'm going to…it is a guess on my part…is that when these case notes were then used for the child protection conference and SWA's gone back in to review them and used them for her child protection reports she's added something that was missing". Further, on p 87, the Registrant denied that she was the only social worker who could have had access to the case records of the children since December 2014 and that

SWA “would have had access to it”. The Panel note at pp 98 and 99 of the transcript of DJ Exton that the Registrant said that she had looked at the case records with SWA on 2 July 2015 “to make sure that everything was there and correct to be sent off” since “they are her case logs”. The Panel considers that these comments are a clear suggestion by the Registrant that SWA had edited the case records.

102.In her witness statement, the Registrant said that these comments were an attempt to understand what had happened and that she was not attempting to apportion blame, but to work out who between her and SWA could have edited the records, she also referred to the possibility of an anomaly in the IT system. She maintained that she was trying to say that she did not know who had amended the records but that SWA might have been able to assist. She was essentially thinking out loud. She further stated that she had the utmost respect for SWA and would not have sought to blame her for the Registrant’s own errors. The Registrant further stated that she accepted that she “got this wrong”, that she apologised for her lack of clarity and for misleading the Courts.

103.As with Particular 3 (a), the issue before the Panel is whether the Registrant knew when giving evidence that SWA had not edited the records. The Panel repeats its analysis of that issue in 3(a) and sees no reason not to reach the same conclusion namely that the HCPC has sufficiently proved its case that the Registrant knew when giving evidence to DJ Exton that SWA had not amended the case records and that the Registrant’s explanations are implausible and not supported by any medical evidence. The Panel therefore finds Particular 3 (b) proved.

Particular 3(c) – Proved

(c)Told the Court that you had held a ‘QA’ meeting with Social Worker A on 2 July 2015 when this was not the case;

104.The HCPC relies upon the evidence of SWA who stated in her original evidence to the Court that she could not recall having a meeting or even a discussion with the Registrant on 2 July 2015 in relation to Child A or Child B. In her witness statement of 16 June 2017, SWA repeated her lack of recall of such an incident and added that since January 2015 she had not worked with the Registrant as she was not part of her unit and therefore made no decisions about the children, although she may occasionally have asked about their general wellbeing as she had been their social worker and wanted to know about their progress.

105.In her oral evidence to the Panel, SWA repeated that she had no recollection of such a meeting. In her witness statement the Registrant analysed the various references in the transcript of the hearing before DJ Exton and maintained that at no time did she refer to a “meeting” taking place between her and SWA on 2 July 2015. Moreover, she pointed out that she frequently had to correct Mother A’s Barrister who was referring to a “meeting”. However, she did say that she had a “brief conversation” with SWA particularly about the

timing of the visit to Mother A's house in September 2014. The Registrant went on to say that she would not classify such a brief discussion as a meeting which she maintained that "in the social work world" a meeting was a term used for formal discussions. The Registrant did confirm, however, that she used the term QA (referring to Quality Assurance).

106.The Panel prefers the evidence of SWA to that of the Registrant on this point. She has been consistent in her account that she could not recall any such meeting or discussion taking place on 2 July 2015. Furthermore, the Panel finds this plausible for the same reasons that it found her explanation during her evidence to the Court for not recalling that she made any amendment to the case records on 2 July 2015 plausible – as it was only less than two weeks beforehand, it is unlikely that she would have forgotten about it. By way of contrast, the Registrant has not specified where or when such contact took place between them on 2 July. Moreover, it was the Registrant's initial explanation to the Court that the contact between them was with a view to looking at the records in detail and therefore would have been more than a brief discussion about a single issue of the timing of the visit in September 2014. Finally, the Panel does not share the Registrant's concerns about the semantics of the word "meeting" and considers that it covers both a formal meeting between seated parties and a brief discussion whilst both parties are standing up.

107.As with Particulars 3(a) and 3(b), the remaining issue before the Panel is whether the Registrant knew when giving evidence that she had not had a QA meeting with SWA about the records. The Panel repeats its analysis of that issue in 3(a) and sees no reason not to reach the same conclusion namely that the HCPC has sufficiently proved its case that the Registrant knew when giving evidence to DJ Exton that she had not had a QA meeting with SWA and that the Registrant's explanations are implausible and not supported by any medical evidence. The Panel therefore finds Particular 3(c) proved.

Particular 3(d) – Not Proved

(d)Told the Court that you had carried out a sibling assessment when you knew you had not done so.

108.The Panel noted the wording of this particular, especially the phrase "Told the Court that you (the Panel's emphasis) had carried out a sibling assessment", which the Panel interprets as alleging that the Registrant herself said that she carried out the sibling assessment. The Panel therefore first considered whether the Registrant had told the Court that she had carried out a sibling assessment. It has carefully considered the extracts of the transcript of the hearing which took place on 13 and 14 July 2015 but cannot find any unequivocal statement by the Registrant that she herself carried out a sibling assessment. At p 88 she was asked "And you say…that there is…evidence of warmth or support from being in a sibling relationship. Again, that is not something you have assessed directly. You go on to say…'The local authority had undertaken sibling assessments'. Just help me where that [is]? to which she had replied that it was "within this court document" and referred to a

“Together or Apart” BAFF Assessment tool. The Panel further notes that in the transcript for 14 July 2015 (pp 123 to 124) the Registrant indicated that the BAFF Assessment Tool was used (not by her personally) but with SWA during the parenting assessment of Mother A in that SWA worked with the school and with the children and “we were referring to that in supervision or that kind of discussions” but that this was not a “separate or a discrete assessment” and could not be described as a “together or apart” assessment. She then reiterated that it was “not a discrete assessment”; that it was within the Court report; and that they had considered what BAFF was saying.

109.In her oral evidence before the Panel, the Registrant further elaborated that the extracts from the Court Report (EV1) and the extracts from the Parenting Assessment (EV2) were produced by her in that extracted form because the actual Court Report and Parenting Assessment were large and unwieldy. She further clarified that the extract EV1 was not a sibling assessment but was the information, which she believed would be present in such an assessment (day 4 p 43).

110.Just to confuse matters further, the Panel notes that in Exhibit 1 Appendix 11 (the Court Case Review compilation dated 29 November 2015) there is reference to a “Siblings together/apart assessment” having been made/placed in the bundle on 28 August 2014, but there is no indication who the author of that assessment was.

111.The Panel also notes that in her statement the Registrant makes no admissions that she herself prepared a sibling assessment. She indicated that the term “sibling assessment” was first used by Mother A’s barrister. She stated that she accepted that she informed the Court that a sibling assessment had been undertaken; that she believed that a sibling assessment had been included in the initial statement prepared in January 2015; that she accepted that a separate document for the sibling assessment was not produced; that it was up to the social worker (“SW”) concerned as to how such an assessment was formatted; and that “The fact that the SW made her own assessment following further work with the children has not been considered by the courts”, all of which suggests to the Panel that, although a sibling assessment might have been prepared, it was not carried out by the Registrant personally.

112.The Panel considers that the evidence before it is unclear as to whether a sibling assessment was carried out personally by the Registrant or by another social worker. Bearing in mind that the burden of proof is on the HCPC, the Panel is therefore led to the conclusion that it has failed to demonstrate that this Particular, as worded, is proved, and therefore finds Particular 3 (d) not proved

Particular 4:

4.The matters set out in paragraphs 1(a), 1(b), 1(c), 2(b), 3(a), 3(b), 3(c) and 3(d) were dishonest.

113.The Panel bore in mind the advice of the Legal Assessor who referred the Panel to the recent
Supreme Court judgment in the case of Ivey v Genting Casinos (UK) Limited t/a Crockfords [2017] UKSC 67 and to the summary produced by the Supreme Court, part of which stated:

"The fact-finding tribunal must ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts and then determine whether his conduct was honest or dishonest by the (objective) standards of ordinary decent people".

114.In his advice to the Panel during the hearing the Legal Assessor had suggested that the Panel had "first to decide what was in the Registrant's mind at the time that she is alleged to have carried out these dishonest actions. Once you have decided what was in her mind at the time then you are to assess whether her conduct/actions was honest or dishonest. So, for instance, if you accept that there is an innocent or negligent explanation then you would be entitled to find no dishonesty."

115.In his subsequent written advice to the Panel, the Legal Assessor suggested that a simpler approach "…to ascertaining whether a registrant had been dishonest" might be to ask themselves three questions, namely (1) "What did the Registrant do?"; (2) "Why did she do it?" and (3) "Was what she did honest or dishonest by the objective standards of ordinary decent people?" When considering the question at (2) the Panel would be entitled to consider "whether there is an innocent or negligent explanation for her actions and whether there was the necessary dishonest intent."

116.Furthermore, the Panel noted that although DJ Exton, in her judgment dated 1 April 2016, had apparently made findings concerning the Registrant's honesty before her, those actual findings were redacted from the copy of her judgment before the Panel and, in any event, the Panel considered that DJ Exton's conclusions did not bind it since she heard different evidence to that before the Panel.
Particular 4 as it relates to Particulars 1(a) and 1(b) – Both Not Proved

While registered as a social worker and employed by Bristol City Council, you:

1. Following an order from Bristol Family Court made on 2 July 2015 to disclose the case records contained in the Liquid Logic Children's System (LCS) in relation to Children A and B:

(a)On 2 July 2015, amended a case record created by the allocated Social Worker, A, on 17 December 2014 by adding and/or deleting text;

(b)On 2 July 2015, amended a case record created by Social Worker A relating to her visit to see the Child A and Child B on 18 September 2014 by adding and/or deleting text;

117.The Panel reminded itself that it was assessing the Registrant's state of mind as at 2 July 2015 during the time that she was actually amending the records.

118.The Panel first asked itself what the Registrant did. It has found that she amended two case records by adding and/or deleting text from those records.

119.The Panel next asked itself why the Registrant did this. Part of the difficulty in assessing this is the fact that, although she accepts that she made the amendments because the case records show that she un-finalised them, the Registrant maintains that she cannot specifically recall making the amendments. However, the Registrant at all times has said that she would have made the amendments in a QA ("Quality Assurance") role, namely to ensure that they were accurate and that they met the required standards. The Panel therefore resolved to consider the content of the alterations to see if it could ascertain what, if any, motive was behind those alterations.

120.Dealing first with the amendments to the 17 December 2014 record, the Panel notes that a number of the amendments were grammatical and stylistic (for instance changing "phone" in the original to "telephone" in the amended version); some were deletions, which to the Panel were neutral; and that some were consistent with what had already been entered (particularly in relation to Child A being difficult to control). In addition, it notes from the judgment of DJ Exton dated 1 April 2016 that SWA had lodged a statement dated 14 July 2015 in which SWA had said that "the recording at F64 [the amended version of the case note relating to Child B] was accurate". The Panel is aware that in her statement dated 16 June 2017 SWA confirmed that Mother A struggled to cope with Child A but that "the amendments made by [the Registrant] are not an accurate reflection of the original case note of my visit". In her oral evidence to the Panel, SWA was asked if any of the Registrant's amendments were inaccurate and replied: "I can't say what is right or wrong from what [the Registrant] added or -- that's what she's done." She also stated that she did not think it was accurate that that Mother A was oblivious to her children. Finally, she indicated, when asked if Child A had shouted "No" (as the Registrant's amendment suggested) she replied "The lad, from my recollection, had some difficulties in terms of his behaviour and emotional wellbeing, yes…I'm not saying he was shouting no because I don't recall him shouting no, so I'm not saying but from my recollection of working with the family, he had some issues."

121.The Panel finds SWA's evidence on this point to be somewhat contradictory in that, when first asked about the accuracy of the amendments in July 2015, which was significantly nearer the time that the visit occurred, December 2014, in her statement dated 14 July 2015 she clearly agreed that the amendments were accurate, but then, some three years later, she had suggested that they might not be. The Panel therefore treats her later evidence with some caution and relies more on her earlier evidence, appreciating that before the Panel she was clearly attempting to recall what had happened.

122.The Panel also notes that SWA accepted that she would frequently discuss her cases with the Registrant and that the Case Directions also dated 17 December 2014 following this visit indicated that SWA had found "CB's behaviour off the wall. Mum could not cope with

him" (which the Registrant stated might have been something that she had unconsciously recalled). Moreover, the Registrant also recalled that SWA had told her about the visit the morning after because "it had caused her quite a bit of stress due to the level of chaos that had taken place and we had shared a humorous exchange in terms of how I was lucky that she wasn't returning with a receipt for some damaged televisions, and [SWA] was quite animated in her speech, and there were lots of gestures and acting and that's what I remember."

123.Furthermore, the Panel notes that the Registrant stated that she printed off the two versions of the case records, one for each child, and sent them off to the legal team for production to the Court, thereby providing the evidence that the case record had been amended. The Panel agrees with the Registrant's evidence that, if she was intending to be dishonest at that juncture, her actions "undermined whatever it was I was trying to do".

124.In addition, the Panel notes the evidence of AF who was asked by the HCPC to evaluate the alterations to this case record. She indicated that, in her view, the alterations did not materially change the substance of the original case record; that even though the Registrant was not present at the meeting her additional observations would have been based on her experience of the case; that the alterations were in line with the Case Directions; that they did not bolster the Council's case as the changes were not "controversial" and thus could not have had a significant impact upon the case; and that the Registrant would have had many other opportunities to amend other case records if she had wanted to strengthen the Council's case, but that there was no suggestion that she had done so.

125.Accordingly, whilst on the face of it the alteration of a case record could be regarded as dishonest, there is evidence that indicates otherwise in this case; the Panel therefore considers that the matter is finely balanced so, as the burden of proof is on the HCPC, it follows that it has failed to prove that the Registrant was acting dishonestly when amending the case record dated 17 December 2014.

126.The Panel next dealt with the amendment to the 18 September 2014 case record and found that the issue here was more straightforward. The Registrant made only one alteration and that was to amend the time of the visit from "mid-morning" to 07.50 am. The Registrant said that she recalled the actual day of the visit since she and SWA had come into the office at around 07.00 am that day and SWA had told her that she was intending to visit Mother A for an early morning "before school" visit. The Registrant had recalled that SWA left the office on or about 07.30 am.

The Registrant also stated that she had checked this with SWA who had confirmed that it was an early morning visit and the Panel notes that, in her oral evidence, SWA confirmed that she had made the visit at around 08.00 am the previous day.

127.Consequently, the Panel considers that the evidence before it is unequivocal – the Registrant was altering the time of the visit to accurately reflect when it actually took place and that she did so from her own recollections. Moreover, SWA fully corroborated that the visit took place at around the time suggested by the Registrant. Accordingly, the Panel concluded that there cannot have been any dishonest motive in altering a case record so that it more accurately reflected the time of the visit.

128.Having reached these conclusions, the Panel wishes to make it clear that, although all witnesses confirmed that case records could be amended, what the Registrant did by amending existing case records after the Court had made an order for their disclosure was inappropriate, poor practice and should not have been done. However, it finds that, in this instance, those alterations were not dishonest.

Particular 4 as it relates to Particular 1(c) (i) - Not Proved

(c)On 8 July 2015, created a case record of a telephone call purported to have taken place on 29 October 2014, and:

(i)Supplied this document in a format which concealed the fact that the case record had been created following the order for disclosure from 2 July 2015.

129.The Panel found Particular 1(c) i) not proved so Particular 4 as it relates to Particular 1(c) i) automatically falls.

Particular 4 as it relates to Particular 2(b) - Not Proved

(b)Told Dr B that the other parties had been notified when you knew this was not the case and/or were reckless as to whether this was accurate.

130.The Panel found Particular 2(b) proved only on the basis that the Registrant had been reckless so, as dishonesty requires intent, Particular 4 as it relates to Particular 2(b) automatically falls.

Particular 4 as it relates to Particular 3(a) - Proved

3.On 13 and 14 July 2015, while giving sworn evidence to Bristol Family Court:

(a)Denied having edited the case records referred to in particulars 1(a) and 1(b) when you knew this was not the case;

Particular 4 as it relates to Particular 3(b) – Proved

3.On 13 and 14 July 2015, while giving sworn evidence to Bristol Family Court:

(b)Suggested that Social Worker A had edited the case records when you knew this was not the case;

Particular 4 as it relates to Particular 3(c) - Proved

3.On 13 and 14 July 2015, while giving sworn evidence to Bristol Family Court:

(c) Told the Court that you had held a 'QA' meeting with Social Worker A on 2 July 2015 when this was not the case;

131.The Panel has grouped these three matters together since it finds them all to be proved and because the reasons for such findings are the same.

132.The Panel notes that it analysed the allegations contained in Particulars 3(a), 3(b) and 3(c) in great detail above and reached the conclusions that the HCPC had sufficiently proved its case that the Registrant knew when giving evidence to DJ Exton that she had made the alterations to case records, that she knew that SWA had not made those alterations and that she had not had a QA meeting with SWA, all on the basis that the Registrant's explanations were implausible and not supported by any medical evidence.

133.The Panel then went on to consider whether there was any other possible innocent motivation for the Registrant's actions. It noted that no alternative explanation, innocent or otherwise, had been proffered by the Registrant. The Panel therefore concluded that the only logical explanation remaining was that the Registrant had a dishonest motive to do what she did.

134.The Panel did take account of its earlier finding that there was evidence that the alterations to the case records were not motivated by any desire to bolster the Council's case, so it does not suggest that the Registrant was motivated by any similar desire when saying what she said to the Court. However, the Panel does take account of the evidence of AF who confirmed that when the Court requested disclosure of certain documents "the clock stopped"; that it was not the usual practice to make amendments to any documents; and that the expectation was that no further changes should be made to the records. The Panel also notes the Registrant's evidence that she did not then regard case notes as "evidence" but only the final assessments as "evidence". The Panel does not accept that such an experienced Social Worker as the Registrant would have had that view and indeed, notes her oral evidence during Panel questions, when she said "And I know saying that out loud, it sounds ridiculous". The Panel is therefore led to the conclusion that, if it was required to state the nature of the Registrant's dishonest motive, the most likely motive for the Registrant's actions on the evidence before it was that she realised the seriousness of amending a case record after a Court had requested its disclosure and, perhaps in a panic when questioned in Court sought to deflect criticism away from herself towards others.

135.Taking all these factors into account, the Panel is led to the conclusion that, in the absence of any innocent explanation, ordinary decent people would regard what the Registrant had done in respect of these three Particulars as dishonest and therefore it

follows that the HCPC has proved, on balance, that the Registrant was acting dishonestly when giving her evidence to the Court on 13 and 14 July 2015.

Particular 4 as it relates to Particular 3(d) – Not Proved

3.On 13 and 14 July 2015, while giving sworn evidence to Bristol Family Court:

(d)Told the Court that you had carried out a sibling assessment when you knew you had not done so.

136.The Panel found Particular 3(d) not proved so Particular 4 as it relates to Particular 3(d) automatically falls.

Decision on Grounds

137.Having found the facts proved in this matter, the Panel went on to consider whether the facts found proved, individually or collectively, amounted to misconduct.

138.In relation to misconduct, the Panel noted the advice of the Legal Assessor who referred to the cases of Roylance v General Medical Council [2000] 1 A.C. 311, Cheatle v General Medical Council [2009] EWHC 645 (Admin), Nandi v. General Medical Council [2004] EWHC 2317,
Spencer v General Osteopathic Council [2012] EWHC 3147 (Admin), R v. Nursing and Midwifery
Council (ex parte Johnson and Maggs) (No 2) [2013] EWHC 2140 (Admin) and Schodlok v GMC [2015] EWCA Civ 769. The Panel noted that misconduct must be serious and amount to a registrant's conduct falling far below the standards expected of a registered social worker.

139.The Panel noted Mr Patterson's submissions that a number of standards in both the HCPC's
Standards of conduct, performance and ethics, and in the Standards of Proficiency for Social Workers had potentially been breached, although he left it to the Panel to decide which of those Standards had been breached. The Panel agrees that the following paragraphs of the HCPC's Standards of conduct, performance and ethics have been breached by the Registrant's actions or failings:

3.You must keep high standards of personal conduct;

7.You must communicate properly and effectively with service users and other practitioners;

10.You must keep accurate records;

12.You must limit your work or stop practising if your performance or judgement is affected by your health;

13.You must behave with honesty and integrity and make sure that your behaviour does not damage the public's confidence in you or your profession.

140.In relation to misconduct, the Panel considered each particular, which had been proved in turn individually. Particulars 1 (a) and (b)

141.The Panel repeats what it stated above in relation to its finding on Particular 4 as it related to Particular 1 (a) and (b), namely that amending existing case records after a Court had made an order for their disclosure, was inappropriate, poor practice and should not have been done. The Panel disagrees with the Registrant that the case records were not evidence – they were evidence and should not have been altered after a Court had ordered them to be produced. The Panel has little hesitation in concluding that any alteration of evidence in these particular circumstances constitutes a falling far below the standards expected of a registered social worker. The Panel therefore concluded that the Registrant's actions were so serious as to amount to misconduct.

Particular 2(a) - (b):

142.These particulars related to fundamental court protocols in relation to care proceedings. In the light of the Registrant's experience, the Panel determined that the Registrant would have been very familiar with these protocols. The Panel accepted that the Registrant appeared to have a genuine reason for contacting Dr B, which was unrelated to the question of whether a Care Order should be made. However, the said protocols are put in place to ensure the transparency of proceedings and to avoid the impression of bias, or undue influence, on the part of any party to the proceedings.

143.The Panel are satisfied that the Registrant did not have any intention of influencing Dr B in relation to the Care Proceedings, nor to adversely affect those proceedings in any way. However, her actions were reckless in that they could have adversely affected those proceedings, and she displayed a cavalier approach to compliance with those protocols, on this occasion.

144.In the circumstances of this case, the Panel determined that the Registrant's actions as set out in Particulars 2(a) and 2(b) were so serious so as to amount to misconduct.

Particulars 3(a), 3(b), 3(c) and Particular 4 insofar as it relates to those particulars:

145.The Panel has, once again, considered these particulars together since they are irrevocably bound up with each other. It has little hesitation in concluding that they represent a falling far short of the standards expected of a registered social worker. In respect of Particulars 3(a), 3(b) and 3(c) the gravamen of those particulars is that the Registrant misled the Court, and that alone is serious enough so as to amount to misconduct. However, it also involves a social worker, who is in a position of trust and authority and therefore expected to conduct herself with honesty and integrity, falling far

below the standards expected. As for Particular 4, dishonesty is always a serious matter and therefore, in respect of all these particulars, the Panel concluded that the Registrant's actions were so serious as to amount to misconduct.

Decision on Impairment

146.The Panel then went on to consider, whether the Registrant's fitness to practise is currently impaired by reason of her misconduct. The Panel heard evidence from the Registrant under Oath, and had the opportunity to test her level of insight and remediation. It also heard the submissions of Ms Eales and the Registrant. It accepted the advice of the Legal Assessor.

147.The Legal Assessor drew the Panel's attention to the approach set out in the case of CHRE v NMC and Grant (2011) EWHC 927 (Admin), and reminded the Panel that there was a personal and public component when considering whether the Registrant's fitness to practise was currently impaired.

148.For this purpose, the Panel adopted the approach formulated by Dame Janet Smith in her fifth report of the Shipman inquiry by asking itself the following questions:
"Do our findings of fact in respect of the Registrant's misconduct show that his fitness to practise is impaired in the sense that he:

a)has in the past acted and/or is liable in the future to act so as to put service users at unwarranted risk of harm; and/or

b)has in the past brought and/or is liable in the future to bring the Social Work profession into disrepute; and/or

c)has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the profession; and or

d)has in the past acted dishonestly and/or is liable in the future to act dishonestly?"

149.The Panel determined that the answers to all the above questions was yes, in relation to past conduct. However, the Panel determined, in the light of all the evidence in this case, that the Registrant was not liable in the future to act so as to put service users at unwarranted risk of harm; nor liable in the future to bring the Social Work profession in to disrepute; nor is liable in the future to breach a fundamental tenet of the profession; nor is liable in the future to act dishonestly.
In coming to its decision the Panel took into account the following factors:

(a)This is a matter of misconduct, and there can only be very limited remediation without insight. The Panel determined that the Registrant has insight into her misconduct. In her oral testimony, and written pieces of reflection, she demonstrated that she recognised and understood the impact her actions were likely to have had upon the family. The Registrant

also had insight into the impact her actions had on SWA and described the emotional harm this has caused her. Additionally the Registrant has acknowledged that her actions will have tarnished her own reputation and that of the profession. The Registrant has also shown some developing insight into the consequences of her actions on her employer and wider social worker colleagues.

(b)The Panel determined that the Registrant has also demonstrated remediation. The Registrant recognised that, were she to return to Social Work that involved giving evidence in court, the credibility of her evidence could be called into question. She gave evidence of the systems she has put in place to ensure that there is a robust audit trail for her work, such that if her records were to be relied upon in court, the Court could have confidence in her evidence, despite this finding of dishonesty. The Panel was satisfied that the systems of third party verification of her records, self-imposed by the Registrant, were robust and would increase the credibility and veracity of her records.

(c)This was an isolated period in a long and unblemished career, including at a senior level.

(d)The Registrant is of previous good character and was highly respected for her work prior to this incident. The witness AF and various testimonials attest that she is a good practitioner and highly thought of by colleagues. The Panel was satisfied that these matters were out of character.

(e)There is no evidence to suggest the Registrant was motivated by personal gain.

(f)There is no evidence that any similar issue arose from the Registrant's other cases and this is supported by BCC's audit of the Registrant's other court work.

(g)The Registrant has made some admissions to these matters.

(h)The Registrant has demonstrated remorse.

(i)The Registrant has fully engaged with the HCPC process.

(j)The Registrant continues to work as a Social Worker at BCC, albeit not in 'front line' work.

150.In the light of the above, the Panel determined that the Registrant's fitness to practise was not impaired on the personal component.

151.However, the Panel was aware that it is essential, when deciding whether fitness to practise is impaired, not to lose sight of the fundamental considerations, namely the need to protect the public and the need to declare and uphold proper standards of conduct and behaviour so as to maintain public confidence in the profession.

152.The Panel determined that the Registrant's misconduct was such that the need to declare and uphold professional standards and maintain public confidence in the profession would be undermined if a finding of impairment were not made in these circumstances. A

right-minded member of the public, with full knowledge all of the circumstances which included a finding of dishonesty arising out of the Registrant giving evidence in court proceedings, would be concerned if a finding of current impairment were not made.

153.The Panel determined that the Registrant's fitness to practise is currently impaired on public interest grounds alone.

Decision on Sanction

154.Having determined that the Registrant's fitness to practise is currently impaired, the Panel then considered what sanction, if any, should be imposed. It took into account the submissions of Ms Eales and the Registrant.

155.The Panel accepted the advice of the Legal Assessor. Given the Panel's decision on impairment, that the Registrant was not a risk to the public, he advised it should bear in mind the wider public interest alone. This includes maintaining and declaring proper standards of conduct and behaviour, maintaining the reputation of the profession, and maintaining public confidence in the profession and the regulatory process.

156.The Panel had regard to all the evidence presented, and to the Council's Indicative Sanctions Policy. The Panel reminded itself that a sanction is not intended to be punitive, although it may have a punitive effect. The Panel bore in mind the principles of fairness and proportionality, weighing the Registrant's interests against the public interest. Any sanction imposed must be the least restrictive and sufficient to protect the public interest.

Panel's consideration and decision

157.The Panel concluded that this was not a case where the Registrant's social work skills are in question. The evidence in this case attests to the Registrant being a competent Social Worker.
There are no identifiable areas of her practice that might benefit from re-training.

158.The Panel took into account the following aggravating and mitigating factors:

Mitigating Factors

a)the Registrant has fully engaged with this regulatory process;

b)the Registrant has apologised and is clearly remorseful;

c)there is no evidence of a deep-seated attitudinal problem on the part of the Registrant, and the
Panel is satisfied, on the evidence, that these matters were out of character;

d)the Registrant's previous unblemished record of almost twenty years as a Social Worker;

e)there is no evidence to suggest that the Registrant poses a risk to the public;

f)the Panel considers that the risk of repetition is low;

g)the actions taken by the Registrant were not for personal gain;

h)the Registrant has undertaken significant reflection on her actions and their implications; and

i)the Registrant has put checks and systems in place on her own work to verify and ensure accuracy and transparency.

Aggravating Factors

a)dishonesty is always a serious matter and misleading a court is to be viewed in that context;

b)the Registrant's actions included her implicating a colleague in the misconduct; and

c)the Registrant's actions may have had a negative impact on the confidence of service users in the social work profession, the profession as a whole and on her employer.

159.The Panel first considered taking no action but concluded, given the nature of the misconduct in this case, the public interest would not be satisfied.

160.The Panel then considered whether to make a Caution Order. It bore in mind that a caution order would not restrict the Registrant's right to practise. It also bore in mind, paragraph 28 of the Indicative Sanctions Policy:"A caution order should also be considered in cases where the nature of the allegation means that meaningful practice restrictions cannot be imposed but where the registrant has shown insight, the conduct concerned is out of character, the risk of repetition is low and thus suspension from practice would be disproportionate."

161.The Panel also bore in mind its finding that the Registrant has demonstrated insight, has taken positive steps to avoid a repetition of her misconduct and has demonstrated that she is not liable to repeat her misconduct.

162.The Panel determined that the public interest could be met with the imposition of a Caution
Order. It concluded that a member of the public who was fully informed of the evidence before the Panel, notwithstanding the seriousness of dishonesty, would be satisfied that a Caution Order for the maximum period was proportionate and would not be concerned if the Registrant was permitted to return to practice unrestricted. A lengthy Caution Order would further act as a deterrent for other social work professionals and also maintain the public's confidence in the regulatory process.

163.In order to satisfy itself that the Caution Order is the appropriate and proportionate response, the Panel went on to consider the more restrictive sanctions. Having noted the

remediation of the Registrant, the Panel determined that conditions of practice would serve no useful purpose as there were no identifiable issues with the Registrant's practice that needed to be addressed.

164.The Panel considered imposing a Suspension Order, given the seriousness of the allegations found proved, and its finding of dishonesty. The Panel gave anxious scrutiny to the public interest considerations and the public confidence in the regulatory process if there were to be no restrictions on the Registrant's practice. Having considered the circumstances in this case, in the round, the mitigating and aggravating features, the principle of imposing the least restrictive sanction and of proportionality, the Panel considered a Suspension Order would be disproportionate.

165.The Panel determined that the appropriate sanction is a Caution Order recorded against the Registrant's registration for the maximum period of 5 years.

Order

ORDER: That the Registrar is directed to annotate the register entry of Ms Linda Elaine Fraser with a caution which is to remain on the register for a period of 5 years from the date this order comes into effect.

Notes

This is a reconvened hearing of a case which went part heard on the 27 October 2017.

Hearing History

History of Hearings for Ms Linda Elaine Fraser

Date	Panel	Hearing type	Outcomes / Status
05/03/2018	Conduct and Competence Committee	Final Hearing	Caution
23/10/2017	Conduct and Competence Committee	Final Hearing	Adjourned part heard

The Health and Care Professions Tribunal is the fitness to practise adjudication service of the Health and Care Professions Council.

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