



Applicant: Zainab Okigbo

Restoration application hearing:

Hearing Venue:	Remote
Date of hearing/meeting:	15 September 2021
Hearing Outcome:	Restored to the register

Introduction and attendees:

1. Ms Okigo attended and was represented by Mr Harding of counsel.
2. Social Work England was represented by Ms Atkin, presenting officer from Capsticks LLP.

Adjudicators	Role
Hilary Nightingale	Chair
Jill Wells	Social Worker Adjudicator
Karen McArthur	Lay Adjudicator

Tom Stoker	Hearings Officer
Shane Jeetoo	Hearing Support Officer
Megan Ashworth	Legal Adviser

Background to application:

3. Ms Okigbo applies to be restored to Social Work England's register of social workers to enable her to return to social work practice in England.
4. This application is made pursuant to Regulation 15 of the Social Workers Regulations 2018 (the Regulations). In accordance with Regulation 15(6) of the Regulations the panel:
 - may restore the person's registration by recording the information set out in regulation 9(1) of the Regulations in relation to them in the register, and must notify them accordingly, and
 - if it grants restoration to the register, may make a conditions of practice order in relation to the registered social worker, and paragraphs 12(4), 13, 15 and 16 of Schedule 2 of the Regulations apply to such an order as they apply to a conditions of practice order made in fitness to practise proceedings.
5. Ms Okigbo qualified as a qualified social worker in 2002 and worked in that capacity until 2009. She was registered with the General Social Care Council (GSCC), at that time the regulator responsible for social workers. On 11 January 2010, a decision was made by the conduct panel of the GSCC to strike-off Ms Okigbo from the register.

6. The matter before the GSCC concerned Ms Okigbo's convictions at Camberwell Green Magistrates' Court on 15 July 2008 in respect of dishonesty offences dating back to March 1989 and October 2002. The dishonesty related to the making of false representations in connection with local authority accommodation to which she was not entitled.
7. The allegation before the General Social Care Council (GSCC) on 11 January 2010 was as follows:

Part 1

1. *You knowingly supplied false or misleading information to a housing authority, in that:*
 - a) *On 27 March 1989, you did obtain a service by deception from the London Borough of Lambeth, which by virtue of your immigration status you were not entitled, namely the tenancy of premises [redacted], by falsely representing that you were [PRIVATE].*
 - b) *On 21 October 2002, you did attempt dishonestly to obtain from London Borough of Lambeth, title to the property known [redacted] with the intention of permanently depriving the said Borough Authority thereof by deception, namely by falsely representing in the Right to Buy application form, that you [PRIVATE] and that you resided at the said premises as your only or principal home.*

Part 2

On 15 July 2008 at the Camberwell Green Magistrates Court, in relation to your conduct at paragraphs 1(a) and (b), you pleaded guilty to and were convicted of criminal offences under the Theft Act 1978.

Your actions as set out in paragraph 1(a) and (b) were:

i) misleading

ii) dishonest.

and in relation to the above facts, you have committed misconduct.

8. On 5 July 2013, the first application for restoration took place before a panel of the Health and Care Professions Council ("HCPC"). The first restoration panel refused the

application and found that Ms Okigbo had not fully absorbed the implications of her conduct on her professional standing. That panel also found that she had not reflected on how her behaviour would be perceived by members of the public and that there was a lack of recognition by Ms Okigbo of the impact her conduct would have on the reputation of the profession.

9. On 2 February 2016, the second application for restoration took place before a panel of the HCPC. The second restoration panel heard that Ms Okigbo had worked as a care coordinator and an independent living coordinator. That panel considered that she had taken steps to maintain her professional knowledge and that it was to her credit that she had undertaken work in the field of social care. That panel accepted that Ms Okigbo was competent and suitable for restoration to the register. However, it did not find that she was a fit and proper person to practise as a social worker. It concluded that there was an insufficient demonstration of Ms Okigbo's appreciation as to the extent of her dishonesty, she had limited insight, and attempted to minimise the seriousness of the conviction.
10. The second restoration panel considered that whilst the threshold for demonstrating remediation of dishonesty was inevitably high, it was not an impossible threshold to reach. However, it was of the view that at that time Ms Okigbo did not demonstrate a sufficient level of insight and remediation to satisfy it that she should be restored to the register. That panel refused Ms Okigbo's application for restoration. It also made a direction suspending her indefinitely from making any further applications for restoration, subject to Ms Okigbo being able to apply for the direction to be reviewed after three years.
11. On 12 July 2019, Ms Okigbo applied for the direction to be reviewed, and at the same time applied for restoration to the register. That application was not determined by the HCPC before 2 December 2019, at which point Social Work England became the regulator responsible for social workers in England.
12. On 31 March 2020, Ms Okigbo made a fresh application to Social Work England for restoration to the register.
13. On 29 June 2021, a panel of Adjudicators at Social Work England held a case management meeting at which it made a number of directions, including that Ms Okigbo's application for restoration be determined at a full hearing.

Panel's Decision

14. The panel was provided with a bundle of documents, containing material submitted on behalf of both Ms Okigbo and Social Work England. The material included:

- A signed witness statement of Ms Okigbo;
- Course certificates in Advanced Safeguarding and the Mental Capacity Act and Good Practice;
- A statement from Ms Okigbo's current line manager, dated 21 July 2021;
- Character references;
- A copy of the restoration application submitted to Social Work England, dated 31 March 2020;
- A copy of the restoration application and supporting documents submitted to the HCPC, dated 12 July 2019;
- A copy of the final hearing decision of the GSCC, dated 1 November 2010, together with the transcript of the hearing;
- Copies of the previous restoration applications to the HCPC, dated 5 July 2013 and 2 February 2016;
- Relevant material relating to Ms Okigbo's updating of skills and knowledge; and
- Copies of the bundles prepared for the previous restoration hearings on 5 July 2013 and 2 February 2016.

15. Ms Okigbo gave evidence to the panel, and responded to questions from both Ms Atkin and the panel. In summary, her evidence included the following:

- She accepted full responsibility for her actions;
- She understood the gravity of what she had done, including that she had deprived vulnerable people from accessing much needed social housing;

- She admitted that she had known what she was doing was wrong at the time, as she was using the identity of another, and admitted that her motivation was to get cheaper rent;
- She now worked with, and was an advocate for, extremely vulnerable and disadvantaged people and recognised how difficult it was for them to get social housing and was ashamed at herself and how she had taken from the system and not upheld social worker standards;
- She had worked hard to familiarise herself with the Standards, was no longer ignorant of the law, had reflected extensively, and now used social work values and ethics to guide her;
- She understood that there were consequences of her actions on public confidence as she was a professional and the public must be able to have confidence in her and that she was trustworthy as a social worker;
- In relation to whether she had been tested in resisting temptation, she said that in her current role, she had dealt with a service user who did not have capacity and whose bank and bank statements she had access to, and her priority had been to safeguard them from financial abuse and had called in a colleague to assist her.
- In relation to how the public may perceive her if she were restored to the register, she said she thought the public may be sceptical and apprehensive of a social worker with her criminal convictions, but she hoped she could demonstrate that she was honest in the way she had conducted herself since. For six years she had been working (as an assistant social worker) with the public, families and carers and she hoped they would have confidence in her.

16. Mr Harding, on behalf of Ms Okigbo, acknowledged that this was Ms Okigbo's third application for restoration, and there was no complaint about that as the matter had been serious and her offending had been lengthy. But he did point out that the repeated applications demonstrated her commitment to social work. He acknowledged that she had not made full admissions during the London Borough of Lambeth's investigation, but they had been partial admissions at that time, following which she had pleaded guilty at the magistrates' court.

17. Mr Harding acknowledged that demonstrating insight into dishonesty is difficult, and that Ms Okigbo's insight had come later, particularly after the second application for restoration had been refused, when she realised that her actions were more serious

than she had previously understood and that they had deprived more needy and vulnerable people of resources. Mr Harding acknowledged that the panel would want to know whether Ms Okigbo's insight was genuine or just what she thought the panel wanted to hear. He invited the panel to assess whether her insight was genuine by looking at what she said, what others said about her, and how she had acted subsequently. He submitted that there were compelling references from others to demonstrate that she had acted reliably and trustworthily in employment and her evidence had been self-critical.

18. Mr Harding submitted that public confidence in the profession would not be undermined if Ms Okigbo were restored to the Register.
19. Ms Atkin, on behalf of Social Work England, submitted that the misconduct which was found proved by the GSCC Committee in January 2010 was of a particularly serious nature, involving criminal and dishonest behaviour over a significant period for personal/financial gain. Within their decision, the Committee "noted that these criminal acts resulted in benefits to Mrs Okigbo for a period of at least 14 years". They went on to say that "[s]he took no steps to correct her criminality until confronted with the evidence by the London Borough of Lambeth" and "accepted that these were planned, deliberate, sustained and serious offences."
20. Ms Atkin submitted that the key issue for the panel was whether Ms Okigbo was capable of safe and effective practice and the panel should consider if she had demonstrated sufficient insight, remorse and remediation. Ms Atkin accepted that Ms Okigbo's oral evidence had demonstrated some further, developed insight.
21. Ms Atkin explained that Social Work England did not suggest that this was a case requiring refusal on the basis of a wider consideration of the public interest, but it did remain concerned about Ms Okigbo's level of insight.

Panel's decision:

22. The panel heard and accepted the advice of the legal adviser. It had regard to Social Work England's Guidance on Restoration to the Register after Removal Order (Guidance) and considered the submissions made by the parties.
23. The panel adopted the approach as identified in the Guidance as follows:

When considering applications for restoration, the panel should approach their decision in two distinct stages:

- *First, they should consider the matters which led to the removal and the evidence of insight, remorse and remediation. They should then make findings about those matters.*
- *Secondly, if they make positive findings as to insight, remorse and remediation, the panel should step back and balance the findings against each of the 3 limbs of our overarching objective. This will help them to consider the case overall, including the length of time since the removal, and decide whether the restoration would promote and maintain public confidence and proper professional standards. Ultimately, it will allow them to decide, despite the serious nature of the original matters which led to removal, whether our overarching objective of protecting the public be achieved?*

24. The panel noted the written submissions of Social Work England that it was accepted that Ms Okigbo had satisfied the requirement to update her knowledge, skills, and experience. The submissions confirmed that Social Work England considered that she had provided sufficient evidence to demonstrate that she had spent at least 60 days updating her knowledge and skills within the last 12 months, and that Social Work England had reached that conclusion taking into account that Ms Okigbo continued to be employed as a social work assistant under the supervision of a registered social worker. Consequently, the panel concentrated on the issues of insight, remorse and remediation.

25. The panel considered that Ms Okigbo was certainly remorseful and apologetic about her dishonest behaviour, this was evident throughout her written statement as well as her oral evidence. She had expressed her shame and regret at how she had behaved and how it reflected upon her and the profession of social workers.

26. In relation to insight, the panel considered that this had been developing throughout the period since she had been struck off. It noted how the first restoration panel had identified only limited insight and a lack of reflection by her on how her behaviour would be perceived by members of the public as well as a lack of understanding of the impact of her dishonesty on the profession. By the time of the second restoration application in 2016, the panel identified some but not a sufficient level of insight and remediation. In particular, it identified a lack of appreciation as to the extent of her dishonesty and an attempt to minimise the seriousness of the conviction.

27. The panel considered that it is difficult to demonstrate remediation of dishonesty, because it tends to be an attitudinal trait, as opposed to being a failing susceptible to training. Nevertheless, the panel considered that it is potentially possible to

demonstrate remediation through reflection, insight, and a period of time whereby a person conducts themselves honestly and with integrity in both their personal and working lives.

28. The panel considered that since 2016, Ms Okigbo had reflected on her actions and developed significant insight. It was satisfied that she now had in depth knowledge of the standards and responsibilities required by social workers, and through her employment as an assistant social worker, she had gained first-hand experience of the importance of vulnerable service users being able to trust the integrity of those involved in their care.
29. The panel considered carefully whether the evidence given by Ms Okigbo demonstrated genuine insight, or was simply a recitation of what the panel would want to hear. The panel considered that the character references supported the panel's judgement that her insight into the impact of her dishonesty on public confidence in the profession was genuine. The panel was also of the view that the way in which she had conducted herself in the work place, as evidenced by the statement from her current line manager, supported the panel's conclusion that her insight was genuine.
30. Accordingly, the panel considered that Ms Okigbo had demonstrated sufficient insight, remorse and remediation to satisfy it that Ms Okigbo was unlikely to repeat her dishonesty.
31. Notwithstanding its findings in relation to insight, remorse and remediation, the panel next went on to consider whether public confidence would be maintained if Ms Okigbo was restored to the register. It considered that the offending had been extremely serious, noting that the GSCC had found that the criminal, dishonest behaviour had occurred over some 14 years and had been for personal financial gain, and had been planned, deliberate, and sustained.
32. The panel bore in mind that it was now 11 years since Ms Okigbo had been struck off the register. It considered that for the last six years she had demonstrated a commitment to social care, working as an assistant social worker. The panel noted that this role, while not as a social worker, nevertheless placed a great deal of responsibility and trust in her, and the references indicated that at no stage had she brought that trust into question. The statement from her line manager (when she was working in the Community Disability Team from 9 March 2018 to 16 February 2021) confirmed that they were aware of her fitness to practice findings and were of the opinion that Ms Okigbo: had *"been able to use the period working in the team with vulnerable clients to show empathy and to follow due process in line with Social Work Codes of ethics"*.

33. In all the circumstances, the panel considered that this was not a case in which a member of the public, apprised of all the information would be concerned and dismayed if Ms Okigbo were restored to the register. Given that 11 years had elapsed since her removal from the register, and she had subsequently sufficiently remediated her past misconduct, the panel was satisfied that the sanction of strike off had sufficiently marked her misconduct.
34. The panel therefore allowed the application for Ms Okigbo to be restored to the register.