



# Social worker: Ian John Orchard

## Registration number: SW32319

### Fitness to Practise

### Final Hearing

Dates of hearing: 12 to 20 May 2026

Hearing venue: Remote hearing

Hearing Outcome: Fitness to practise not impaired, warning

## Introduction and attendees:

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018 (as amended) (“the regulations”).
2. Mr Orchard attended and was represented by Ms Liu.
3. Social Work England was represented by Miss Steels case presenter instructed by Capsticks LLP.

<b>Adjudicators</b>	<b>Role</b>
Angela Brown	Chair
Tracey Newson	Social worker adjudicator
Douglas Thorpe	Lay adjudicator

  

Paul Harris	Hearings officer
Cat Conway	Hearings support officer
Gemma Gillet	Legal adviser

## Service of notice:

4. The parties confirmed that there were no issues with service and that the relevant bundles had been received. The panel was therefore satisfied that notice of this hearing had been served on Mr Orchard in accordance with the Rules.

## Preliminary matters:

5. The parties confirmed that there were no preliminary issues but would remain alive to whether issues which should be dealt with in private arise during the hearing.

## Allegation:

The allegation arising from the Regulatory Concerns referred by the Case Examiners on 8 September 2021 is:

- 1) In or around June and July 2018, whilst employed as a Social Worker for South Gloucestershire County Council’s Children’s Services, you demonstrated poor practice when completing a Child Protection Investigation and subsequent Single Assessment report in that you:
  - a) Failed to demonstrate impartiality within your work.
  - b) Failed to make reasoned, professional judgements.
  - c) Did not communicate effectively with Service User 1 during the course of your enquiries.
- 2) In or around September and October 2018, whilst employed as a Social

Worker for South Gloucestershire County Council’s Children’s Services, you demonstrated poor practice when completing a Child and Family Assessment relating to Service User A in that you:

- a) Used blaming language and/or showed a lack of objectivity – including, but not limited to, the language detailed in Schedule A – throughout the report regarding Service User A.
- b) Inappropriately shared details regarding criminal records/previous offences within the report relating to Service User A’s partners.
- c) Failed to complete the report in a timely manner, as directed.

Your conduct in relation to allegations 1 and 2 amounts to misconduct.

Your fitness to practise is impaired by reason of misconduct.

#### Schedule A

- i. “continually becomes involved with men with whom she has serious incidences of domestic violence”;
- ii. “continues to deny that she is at fault in any way”;
- iii. “maintains she is a victim in her relationships, she does not accept that she has moved from one relationship to the other recklessly”;
- iv. “[the] reckless way [Service User A] jumps from one relationship to another”;
- v. “[Service User A] seems not to be able to stop repeating the pattern of finding abusive partners”.

#### Admissions:

6. Rule 32c(i)(aa) Fitness to Practise Rules 2019 (as amended) (the ‘Rules’) states:

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

7. Following the reading of the Allegation the panel Chair asked Mr Orchard whether they admit any of the paragraphs and whether they admit that their fitness to practise is currently impaired.
8. Ms Liu, on behalf of Mr Orchard informed the panel that he admitted allegations 2a, 2b and 2c in their entirety

9. The panel therefore found allegations 2a, 2b and 2c proved by way of Mr Orchard's admissions.
10. The panel noted that Mr Orchard denied allegation 1 in its entirety.
11. In line with Rule 32c(i)(a) of the Rules, the panel then went on to determine the disputed facts.

## Background

12. On 6 November 2019, Health Care Professions Council ("HCPC"), the then regulator, received a referral regarding the Respondent social worker, Ian Orchard ("the Social Worker"). The referral was made by Service User 1 "SU1".
13. The Social Worker worked for an agency and was employed at South Gloucestershire Council ("the Council") Children's Services at the time the complaints which led to the concerns arose.
14. Service User 1 made the referral to HCPC, claiming that, in the period between June and August 2018, the Social Worker had failed to act appropriately in conducting a single assessment and s47 assessment in respect of his children, Children M, N, T and H. The complaint noted that this had resulted in Service User 1 losing contact with his children.
15. As a result of this complaint, and contact made between HCPC and the Council, it was established that there was a further incident of concern relating to the Social Worker. This second concern resulted from the Social Worker's conduct in a separate case in around October 2018 in completing a Child and Family Assessment in respect of Service User A and their children, in which, amongst other things, he was said to have used blaming and judgmental language.

## Summary of evidence:

16. Social Work England relied on the witness statements and exhibits from;
  - Service User 1, initial complainant in relation to allegation 1.
  - Kay Hunt, Child Protection Chair at an Initial Child Protection Conference on 8 October 2018 relating to Service User A (allegation 2).
  - Jennie Lowe, Team Manager for Access and multi-agency safeguarding hub team lead at the Council.
  - Tim Bartley, principal Social Worker at South Gloucestershire Council.
17. The contents of the witness statement from Kay Hunt were agreed by both parties and she did not attend to give evidence at the hearing. Social Work England informed Mr Orchard in advance of the hearing that it did not intend to call Mr Bartley to give oral evidence given witness availability issues. Mr Orchard did not raise any objection.

18. **Service User 1** attended and gave evidence under oath. He confirmed that the contents of his statement dated 9 May 2022 were true to the best of his knowledge and understanding. Service User 1 answered clarification questions and provided further detail about the impact he believed Mr Orchard's actions have had on his life and ongoing relationship with his children
19. He told the panel that he had found Mr Orchard's manner to be curt and unprofessional on the phone and had a sixth sense that Mr Orchard had already formed a view and that whatever he told him would not be believed.
20. SU1 told the panel that Mr Orchard did not respond to his telephone calls and when he asked for clarification about what social work terms meant he was told to "google it". SU1 said that Mr Orchard had told him he could go to his daughter's school concert and then misrepresented that conversation at a later date.
21. He told the panel that he expected a social worker to draft a factual unbiased report, but that Mr Orchard had not done this. SU1 said that he had treated his children differently by interviewing them at home, but had interviewed his partner's children I and S at school. Service User 1 told the panel he felt the system, including the family courts, had been fighting against him as the father and that Mr Orchard formed an integral part of that system
22. In cross examination Ms Liu, on behalf of Mr Orchard, asked questions about the reason for social services involvement at the time of Mr Orchard's involvement. She also asked questions relating to previous social services involvement with his children and allegations of domestic abuse made by Individual B. SU1 accepted that a child's safety and welfare should be paramount in such situations and denied that he had assaulted Child M or that two of his other children had been fearful of his temper as a result.
23. Ms Liu suggested that Mr Orchard's involvement had not been the primary cause of the breakdown in the relationship with his children. Ms Liu suggested that as a school governor who had had previous involvement with social services he had been fully aware of the social work terms which had been explained in full by Mr Orchard in any event. Service User 1 did not agree
24. **Jennie Lowe** attended and gave evidence under oath. She confirmed that the contents of her witness statement dated 19 October 2022 were true to the best of her knowledge and belief. Mrs Lowe explained that her only involvement had been to consider Service User 1's complaint. She said that her first involvement had been at a meeting with Service User 1 on 4 January 2019 to discuss his concerns about the way Mr Orchard and South Gloucester Social Services had handled his children's case. She told the panel that she had been struck by how Service User 1 had held himself together and presented his concerns clearly.
25. She told the panel that she formed a view from what the Service User told her and documents he provided that his frustration was justified. In particular she was

concerned in the assessment that Mr Orchard had recorded that it was not “deemed safe” for one of the children to leave the country with his father, which is not a statement the social worker was legally entitled to make.

26. Mrs Lowe told the panel that, in addition, the statement should have contained more detail and that the issues should have been picked up by a team manager. Mrs Lowe told the panel that she looked at the case notes at the time and did not think they were adequate and was concerned that the paediatric report remained missing. She formed the opinion that the assessment simply mirrored Person B’s views and had set these out as fact without a proper understanding of the more complicated family dynamics.
27. Mrs Lowe told the panel that she could imagine Mr Orchard might have told Person B that she had the right to exercise parental responsibility and prevent contact with Service User 1 if she felt the children were unsafe. She said that it was not unusual in those circumstances for parents to seek to blame a social worker. Mrs Lowe’s concern was that this had been written in the report that Mr Orchard deemed it unsafe. Mrs Lowe told the panel that if she had been the allocated social worker she would have ensured that the communication about exercising parental responsibility had been explained to both parents. Mrs Lowe was concerned that she had found a lack of detail in the assessment, including on the previous referrals to a different local authority.
28. Mrs Lowe said that she did not think Mr Orchard’s assessment had been impartial and that it appeared to her that he had made up his mind early in the process. She accepted that Mr Orchard’s priority would have been to protect the children and that social workers tend to believe what children say, but that he should have tested his hypothesis. Mrs Lowe said that Mr Orchard would have been given mandatory training when he started at the Council and that Katie Ajala had been a very particular manager with very clear standards of what she expected from her social workers. She did not speak to Mr Orchard about the complaint as he had already left the service. She thought it was disappointing that he had not been made aware of the complaint when he had still been at the Council, to give his side of the story if necessary.
29. In cross examination, Mrs Lowe said that she was not naïve to the fact that Service User 1 may have had an agenda but that over all she found that he wanted an assessment that was balanced and recorded both parent’s views and for statements of opinion not to be written as fact. Service User 1 had wanted the assessment to be re-written but was told that this would not be possible. Mrs Lowe confirmed that she did not engage with Person B or the children as part of her consideration as her remit was to look at the behaviour of Mr Orchard and the Council in this case.
30. Mrs Lowe accepted that it was likely Mr Orchard had thought he had been doing the right thing by the children but that he had failed to undertake a holistic assessment and consider the longer-term issues of contact with their father. Mrs Lowe expressed frustration at being asked wider questions about the Council and the investigation as her involvement had been limited to the complaint and being interviewed at the stage 2 complaint. She had left the Council in 2021.

31. In response to questions from the panel, Mrs Lowe confirmed that she was not in a management position at the time, had not been in Mr Orchard's team and had not seen any other contemporaneous assessments from that team.
32. **Mr Orchard** gave evidence under affirmation. He told the panel that at the relevant time he had been a social worker for nearly 20 years and has had an otherwise unblemished professional career. He had joined the Council as a locum social worker shortly before the incident in July 2018 and found the team in disarray. He said that he had not had any induction or training but had been told to keep unnecessary information out of his report and concentrate on getting the large volume of work done within the required timescales. He described the team managers as very clear about what they wanted and expected from their team. He attended regular supervision and accepted direction from his managers.
33. Mr Orchard told the panel that he was very frustrated that he had not been allowed access to the full case file. He said that he had not been aware of the complaint until Social Work England contacted him many years later. He was disappointed that none of the people involved in his team at the time had given evidence.
34. He had been allocated the case involving an allegation of assault made by Child M about his father, SU1 in July 2018 and asked to conduct a Single Assessment Report. He attended a paediatric assessment at Bristol Hospital when Child M's injuries had been assessed and photographed and had been informed verbally that the child's injuries were consistent with the account Child M had given of an assault by SU1. He had also spoken to Child M's sisters (Child N and Child T) who had described hearing the altercation and being frightened of SU1 when he was in a temper. He had spoken to Child H, who did not feel frightened and wanted to see SU1.
35. Mr Orchard said that he had waited until the police confirmed they were not intending to investigate the incident before contacting SU1, he had also been concerned about further aggravating SU1 and thereby increasing the risk of harm to the children and Individual B. Mr Orchard said that when he first spoke to SU1 on the phone he had found him to be very hostile and verbally aggressive. Mr Orchard told the panel that when he spoke to SU1 face-to-face in the company of his partner he had been much more reasonable, but that the façade had dropped when they were on their own.
36. Mr Orchard said that he had explained the social work terms to SU1 at least three times and then suggested that he might find it helpful to look for the information on the internet. Mr Orchard formed the opinion that SU1 was not being sincere but later printed out some explanatory documents and took them to a pre-arranged appointment, but SU1 was not there as arranged. Mr Orchard said he left the documents with SU1's partner.
37. Mr Orchard said that he had explained to Individual B that she had the right to exercise her parental rights and not allow SU1 to see the children if she believed they were at risk. Mr Orchard accepted that he could and should have worded this aspect of the report differently to reflect the situation and apologised for not being specific about

who had deemed it inappropriate. Mr Orchard denied telling Individual B how to exercise those rights and that it had been her decision. Mr Orchard told the panel that he spoke to Child N and T at their home because they had expressed this as a preference and he did not want to cause them any more distress.

38. Mr Orchard told the panel that he had discussed the case with his manager during his investigation but that she had not been available when the report had to be “signed off”. He had been surprised when Ms Snow told him that she had changed the conclusion of his report from a child protection conference to a community plan. He had not pushed back as he understood the approach, but in hindsight he wished he had. Mr Orchard told the panel that the conclusion of the report was definitely not his and that he could not be sure other parts of the report had not been deleted or amended to support the new conclusion.
39. At the end of the meeting with Ms Snow, Mr Orchard said that he was told she would refer the case to the community team and that his work was complete. Mr Orchard said that he has been informed that the referral went missing which he believes is at the root of SU1’s frustrations as he was unfortunately left in limbo.
40. The panel heard submissions from Miss Steels on behalf of Social Work England, including that;
  - the panel should accept the evidence of the witnesses called on behalf of Social Work England, in particular SU1’s calm demeanour in giving evidence which was at odds with Mr Orchard’s description of his behaviour;
  - the panel should accept the main contents of the Single Assessment Report as Mr Orchard’s and that it was his responsibility to carry out the assessment to the required standard regardless of the need for management sign off;
  - it was not plausible to suggest Mr Orchard did not receive any training from the Council.
41. The panel heard submissions from Ms Liu on behalf of Mr Orchard, including that;
  - the panel should take into account the reality of the working environment which Mr Orchard found himself in rather than applying a gold standard;
  - that the core principle in safeguarding and family law is that the welfare of the child is paramount but that an investigation should involve the parents/inform the parents unless there is a risk of jeopardising a police investigation;
  - Social workers should not shy away from causing upset or discomfort to parents;
  - The panel should pay close attention to the fact that the original report drafted by Mr Orchard and the full case file had not been made available during these proceedings despite having been requested on numerous

occasions. In addition, attempts to bring the relevant members of staff from the Council to these proceedings to answer questions about their involvement and management of this case and of Mr Orchard had been rebuffed.

42. The panel heard and accepted advice from their legal adviser which included;
- The burden and standard of proof – that the factual allegations are for Social Work England to prove on the balance of probabilities. The social worker does not need to prove or disprove anything.
  - Credibility - that when assessing credibility panels should not rely on demeanour but consider whether the evidence is plausible and consistent with objectively verifiable evidence (R v Dutta v GMC [2020] EWHC 1974 (Admin)).
  - Good character – that Mr Orchard’s good character can be taken into account for issues of credibility and propensity.
  - Hearsay – caution should be taken when considering evidence in hearsay form (when not accepted), particularly true when considering second or third hand hearsay not supported by contemporaneous documents.
  - Although the panel should decide on individual allegations separately, it should consider the evidence as a whole. For example, the panel should give reasons if a witness’ evidence is found to be demonstrably unreliable in relation to one issue, why that witness’ account is then accepted in relation to a different issue (Hindle v NMC [2025] EWHC 373, James v GMC [2025] EWHC 2049).
  - Opinion evidence – that the panel should approach with caution evidence of non-expert witnesses who, in describing facts express an opinion. The panel should also ignore any conclusions reached during previous investigations touching on issues which this panel is being asked to determine.
  - The panel should approach with caution its ability to make an assessment of Mr Orchard’s work, in the absence of the full case file and his supervision records.
  - The panel should decide if Social Work England have been able to prove that the version of the assessment available to the panel was sufficiently authored by Mr Orchard, before considering the specific sub-particulars.

### Finding and reasons on facts:

43. The panel carefully considered the submissions made by both parties and the legal advice provided. The panel was mindful that the facts are for Social Work England to prove on the balance of probabilities.

44. The panel considered the contemporaneous evidence provided by the parties and in particular by Social Work England in order to discharge the burden of proof. The panel noted that it had not been provided with the full case records which formed part of Mr Orchard's Child Protection Investigation and had only been provided with a number of versions of the Single Assessment Report. In particular, the panel noted that it had not had sight of any contemporaneous case notes, diary entries, communication to and from other agencies, notes from the safeguarding meeting, the s47 report, previous drafts/versions of reports, training records or Mr Orchard's supervision records.
45. The panel accepted that reference was made to some of these documents within the reports and investigations conducted by or on behalf of The Council County Council. However, the panel noted that with the exception of Mrs Lowe, the authors and contributors to those reports had not provided statements or evidence for these proceedings. In the absence of these witnesses and the primary evidence on which their conclusions were reached, the panel found that it could attach very little weight to the contents of the reports or investigations.
46. The panel noted that Mr Orchard had made numerous requests, since he had been made aware of the concerns, for the contemporaneous evidence. The Panel also noted that Mr Orchard had asserted early on in the proceedings that the conclusion of his report had been amended by a manager.
47. The panel acknowledged that it is widely accepted that a social worker is responsible for the contents and conclusion of a document or report which purports to be theirs. The panel carefully considered the explanation from Mr Orchard that the conclusion of the single assessment report had been amended by the acting manager, Ms Snow, at their supervision meeting and that it appeared to him that earlier sections had been deleted or amended. The panel noted that within the bundle it had been provided with a number of versions of the Child and Family Assessment Plan, which appears to have continued to have been altered after Mr Orchard had left South Gloucester. The panel therefore concluded that there is precedent to suggest managers were willing and able to amend documents and reports which continue to give the appearance of having been authored by another individual.
48. The panel carefully considered Mr Orchard's evidence on this issue and found that he had been detailed and consistent in his account. The panel accepted the inevitable fallibility of one's memory of events which took place eight years ago. The panel noted that within the investigation report, it is recorded that when questioned Ms Snow had been unable to recall signing the single report off. In the absence of any statement or evidence from Ms Snow or any of Mr Orchard's line managers at the time and the clear evidence that reports were amended in other situations, the panel found that it could not be confident that all of the Single Assessment Report provided for the purpose of these proceedings had been written by Mr Orchard.
49. On balance, the panel accepted the evidence of Mr Orchard, that the conclusion of the report had been amended by Ms Snow and that other aspects of the report may have

been deleted or amended to better support the new conclusion. The panel found that it could only be confident about aspects of the report clearly attributable to Mr Orchard (for example the parts of the report that he recalls having written).

50. The panel went on to consider the evidence from the witnesses who had attended the hearing and/or provided witness statements. The panel considered that the passage of time since the events occurred was such that any evidence given that was not supported by contemporaneous documents or accounts had to be treated with caution.
51. The panel considered that Mrs Lowe had been a credible professional witness but that she had been unable to provide much assistance in relation to the actual situation at the time Mr Orchard had conducted the assessment (in relation to supervision, management direction, management oversight and training), as she had not been part of the relevant team at the time. The panel accepted Mrs Lowe's evidence in relation to what would have been "best practice" at the time, but found that she was unable to provide evidence about what had been the practice in Mr Orchard's team at the time.
52. The panel found that Mrs Lowe's involvement had been limited to considering SU1's complaint at the first stage and that she had not spoken to Mr Orchard about the concerns. As a result, Mrs Lowe did not take into account Mr Orchard's explanations or rationale for the decisions taken during his investigation or the fact that, on his account, the final report had been amended by a manager. The panel accepted that Mrs Lowe had been asked to conduct a very narrow assessment by her employer at the time.
53. The panel considered that the events underlying the allegations would undoubtedly have had a profound impact on SU1 at the time and subsequently. The panel was mindful of the legal advice in relation to the fallibility of memory in the absence of contemporaneous documents. The panel considered that SU1 was likely to have revisited his memory events on many occasions during the intervening years and that it is likely he is very certain in his own mind that his recollection is accurate. However, the panel considered that in emotionally charged situations it is easy for people to misremember, misconstrue or attribute unintended meaning to interactions. The panel was struck that SU1 attributed the breakdown of his relationship with his children to the actions of Mr Orchard who had been involved in the complicated situation for a relatively short period of time.
54. The panel accepted the contents of Tim Bartley's statement as agreed.
55. The panel considered the evidence of Mr Orchard. The panel noted that it did not have any contemporaneous response from Mr Orchard to the complaint, because he had not been aware of the issues until he had been informed by Social Work England a number of years later. The panel noted that the Council indicated that they had tried to make contact with him after he had left but had not followed up on the attempt due to GDPR issues. Given Mr Orchard's engagement throughout these proceedings, the panel accepted Mr Orchard's evidence that he had not been aware of the complaint.

56. The panel considered that Mr Orchard's memory of the events would undoubtedly be affected by the passage of time. The panel found that Mr Orchard had been open and honest in his evidence and had been willing to reflect and accept when he should have acted differently.
57. The panel accepted that there were contradictions between the accounts of SU1 and Mr Orchard and their recollections of the events and their interactions. The panel noted that it was not within its remit to comment or reach any conclusions as to the veracity of the allegations made about SU1 by his son, but to consider the narrow fitness to practice allegations. The panel went on to consider each of the allegations separately.

**Paragraph 1A:** In or around June and July 2018, whilst employed as a Social Worker for South Gloucestershire County Council's Children's Services, you demonstrated poor practice when completing a Child Protection Investigation and subsequent Single Assessment report in that you failed to demonstrate impartiality within your work.

58. The panel accepted the evidence of Mrs Lowe, that Individual B had the right to exercise her parental responsibility and prevent the children from having contact with SU1 or going on holiday with him if she did not believe it was safe for them to do so. The panel also accepted, and Mr Orchard agreed, that it was not for Mr Orchard to dictate to Individual B on either issue. The panel noted that the primary evidence is the communication from Individual B to SU1 in which she implies it was not her decision, but that Individual B has not been called to give evidence.
59. The panel took into account that Mr Orchard accepted and apologised for stating in the report that it was "not deemed safe" for the child to go on holiday with SU1 when it should have recorded that Individual B did not deem it safe. The panel accepted that this was a poor choice of words and that a fuller explanation should have been provided within the report but that this was not indicative of a failure to demonstrate impartiality throughout the assessment and report.
60. The panel considered the extent of Mr Orchard's investigation and whether it demonstrated impartiality towards both parents or whether it suggested he had reached a pre-conceived conclusion in particular in relation to SU1 and the risk he posed to his children. The panel found that it was restricted in its ability to assess the extent of Mr Orchard's investigations by the limited documents which had been produced for the hearing. The panel considered it was likely that the detail in relation to individuals and agencies Mr Orchard had communicated with would have been contained in the file notes and the s47 report. The panel found that in the absence of evidence from Mr Orchard's managers at the time, it accepted Mr Orchard's account that he had been told to keep reports brief in order to focus on getting through the necessary work as quickly as possible.
61. The panel understood that Mr Orchard had spoken to Individual C and her children but considered that he should have provided more information about their views in the

report. The panel considered that, although not all social workers would have done the same, it was reasonable for Mr Orchard to have formed the view that it was appropriate for him to speak to Child T and Child N at home given their expressed opinions, but to speak to child S & I at school given their age. The panel did not find that this was evidence of a failure to demonstrate impartiality.

62. The panel accepted that there were aspects of the Single Assessment Report which could have been improved, but was unable to reach any conclusions about whether this demonstrated impartiality by Mr Orchard given the concerns outlined above.
63. The panel considered that in light of the breakdown in communication between Mr Orchard and SU1 during their telephone and face to face communications it was not inappropriate for further questions to have been asked by email. The panel considered that including a person's full written response in a report, without addition or redaction, ensures accuracy and is not evidence of a failure to demonstrate impartiality.
64. The panel went on to consider whether the concerns admitted at Paragraph 2 are relevant to its consideration of whether Mr Orchard behaved in the way alleged at Paragraph 1. The panel considered that the two concerns occurred some months apart and were not sufficiently similar to form a pattern or a type of behaviour so as to assist the panel with its deliberations in relation to the particulars at Paragraph 1.
65. The panel therefore found Paragraph 1A not proved.

#### **Paragraph 1B: Failed to make reasoned, professional judgements**

66. For the reasons set out in detail above, the panel found that Social Work England had not proved that the conclusion or any other minor professional judgments within the Single Assessment Report provided were attributable to Mr Orchard.
67. As detailed above, the panel accepted that aspects of the report could have been written in more detail or with clearer rationale. In particular, the report should have been clearer when including Individual B's views.
68. The panel carefully considered the detailed evidence Mr Orchard had given in his written responses for these proceedings and his oral testimony at the hearing and found that he was able to provide coherent, thoughtful and considered reasons for steps he had taken and the conclusions he reached.
69. The panel therefore found allegation 1B not proved.

#### **Paragraph 1C: Did not communicate effectively with Service User 1 during the course of your enquiries**

70. The panel found that Mr Orchard had communicated with SU1 in a number of different ways on a number of occasions. It was not disputed that they had spoken to each other on the telephone on at least two occasions, that they had had a face-to-face meeting and had corresponded by email. Mr Orchard said that he had also attended SU1's

home for a second pre-arranged visit, but SU1 had not been at home and he had instead passed paperwork to Individual C. The panel found Mr Orchard's explanation of this second attempted visit to be entirely plausible and did not have access to the full case file to cross refer to contemporaneous records and had not been provided with any evidence from Individual C.

71. The panel noted that Mr Orchard accepted as a matter of fact that he had not communicated with SU1 until 4 July 2018, which had been eight days since he started working with the family. The panel accepted that SU1 had been frustrated and upset to receive this telephone call and that this had potentially been exacerbated by the delay. The panel went on to consider whether Mr Orchard had a good reason for the delay, in that he had been concerned not to compromise a possible police investigation and the risk of further antagonising SU1 and therefore increase the risk of harm to the children. The panel found that the limited contemporaneous information available supported Mr Orchard's account, that the police had been considering an investigation until two days before he contacted SU1. The panel accepted many social workers would not have come to the conclusion that it was right to delay contact with SU1 in these circumstances. However, the panel concluded that this was a professional judgement Mr Orchard was entitled to make based on the information available to him at the time.
72. The panel heard considerable evidence about whether Mr Orchard had responded appropriately to SU1's requests for clarification about the terms "S47" and "LADO". The panel found that there was a clear conflict between SU1 and Mr Orchard in relation to what exactly had been said and when. The panel found that this was not surprising after eight years. The panel considered that Mr Orchard's account of how he had explained the terms had been credible and consistent in that he had tried to explain it three times, had suggested using the internet to find further information and had printed documents explaining the terms. The panel found that appropriate communication necessitates adjusting your language and style depending on the audience. The panel found that SU1 was an intelligent, articulate individual. The panel considered that suggesting someone use the internet could be perceived as inappropriate in a heightened emotional situation even if that had not been the intention of the speaker. The panel did not consider it an unreasonable suggestion when efforts had already been made to explain the concepts.
73. The panel accepted that SU1 was frustrated that he had not had sight of the paediatric assessment despite requesting it on a number of occasions. The panel noted that Mr Orchard accepted that despite chasing the report, it had not been available when he had been told his work on the case had finished, but that it should have been and he would now chase more vigorously. The panel accepted that although it would have been good practice for the paediatric report to be on the file, it was not clear whose fault this was and did not find that this demonstrated poor communication by Mr Orchard toward SU1.

74. The panel next considered whether Mr Orchard had demonstrated poor communication/practice by emailing questions to SU1 and copying his reply into the report. The panel found that as verbal communication between SU1 and Mr Orchard had become difficult, this was a pragmatic way of seeking SU1's views and including them within the report in a clear and fair manner. The panel noted that this was in the context of also having undertaken telephone calls and face-to-face visits.
75. The panel considered SU1's evidence that he had found Mr Orchard's manner to be curt and dismissive. The panel accepts that the conversations with Mr Orchard would have been difficult for SU1 but notes that the SU1's account is directly in conflict with Mr Orchard's description of SU1 as aggressive and intimidating unless he was with his partner. The panel was mindful that the factual allegations are for Social Work England to prove on the balance of probabilities. Considering the evidence as a whole, including the manner in which Mr Orchard had given evidence at the hearing over the course of two days, the panel did not find that Social Work England had proved that he had been curt and/or dismissive in his communication with SU1.
76. For all the reasons set out above, the panel did not find paragraph 1C proved.

#### Finding and reasons on grounds:

77. The panel went on to consider whether the admitted facts as outlined in Paragraph 2 of the Allegation amounted to misconduct. The panel heard submissions from the parties and heard and accepted advice from the legal adviser. The panel noted that the decision on misconduct was a matter of judgement for the panel and there was no burden or standard of proof.
78. Miss Steels took the panel to the relevant sections of the Statement of Case and submitted that the relevant professional standards at the time were the HCPC Standards of Conduct, Performance and Ethics 2016 (1.2, 2.2, 2.3, 5.2, 6.1, 9.1) and the HCPC Standards of Proficiency for Social Workers in England 2017 (2.5, 4.5, 7.3, 8.1, 8.4).
79. The panel first considered whether the facts admitted at Paragraph 2a amounted to misconduct. The panel carefully considered the contents and wording of the Family Assessment report and in particular the language used regarding SUA. The panel recognised that the experience of attending a Child Protection Conference is likely to be a difficult and emotionally charged experience for most parents. The panel accepted that a social worker needs to strike a careful balance between clearly expressing the facts and perceived risk to vulnerable children and communicating in a way that does not alienate the parents or carers involved. The panel also recognised that in the circumstances described SUA was also vulnerable.
80. The panel found that it was apparent from the language used in the report and the evidence it had considered that Mr Orchard's priority had been the welfare and safety of the children and had been keen to impress on all those involved the seriousness of the situation.

81. The panel found that the comments in Schedule A that SUA “*continually becomes involved with men with whom she has serious incidences of domestic violence*”, “*continues to deny that she is at fault in any way*” and “*seems not to be able to stop repeating the pattern of finding abusive partners*” were statements of fact. The available information supported the fact that SUA had had a series of partners who had perpetrated physical harm and abuse, did not believe she was at fault and seemed unable to stop repeating the pattern. The panel found that this information was highly relevant to the parties at the Child Protection Conference as SUA’s vulnerability towards abusive men increased the risk to the children. The panel accepted that on balance, Mr Orchard could have used language which would have made SUA’s engagement with the process easier.
82. The panel did find that Mr Orchard’s use of the term “*reckless*” as set out in the three sentences at Schedule A, iii, iv and v, was not best practice and was not in line with the strength-based assessment which is encouraged. The panel noted Mr Orchard’s evidence that he had not been provided with any training by the Council and accepted that “*signs of safety*” was a relatively new concept in social work at the time.
83. The panel went on to consider whether the language used fell short of the relevant standards expected of a social worker at the time. The panel considered that Standard of Conduct Performance and Ethics 1.1 and Standards of Proficiency for Social Workers in England 8.4 were engaged in this situation. The repeated use of the word “*reckless*” was unhelpful and not respectful of SUA and failed to acknowledge that she was also a victim in the abuse cycle perpetrated by the men. Mr Orchard should have understood that his choice of language would affect the engagement of SUA which would ultimately impact the welfare of the children.
84. The panel found that Mr Orchard fell just short of the standards identified. The panel found that fellow practitioners would consider that Mr Orchard should have used more neutral language but would understand the wider context of the report and his desire to protect the children. The panel did not find that Mr Orchard’s use of the language set out in Schedule A was sufficiently serious to reach the high threshold of misconduct.
85. The panel went on to consider whether the facts admitted at Paragraph 2b amounted to misconduct, in that the report contained reference to the third parties’ criminal records and offences. The panel accepted that social workers often work with highly sensitive and confidential information and are under a duty to handle that information in a manner consistent with regulations and standards. The panel noted that Mr Orchard accepted that it was inappropriate to share information about SUA’s partners’ criminal records and previous offences within the report. The panel found that it was understandable that Mr Orchard would have wanted the other professionals involved in the conference to have access to all the relevant information, however the information should have been shared by the police in a private part of the meeting.
86. The panel found that there was a real risk that the confidential information could have been shared more widely given that the report was given to SUA. The panel found that

by including the information in the report, Mr Orchard fell short of Standards of Conduct, Performance and Ethics 5.2, in that he disclosed confidential information. Although it might have been in the public interest for those involved in the conference to have been made aware to prevent harm to the children, the information should have been shared in a different way.

87. The panel determined that the safe and appropriate handling of confidential information is a core tenet of the social work profession, that Mr Orchard should have been aware of his duties and responsibilities and that he fell far short of the expected standards in this regard. The panel noted that this had been a single incident in the context of a busy caseload, however on balance the panel found that this had been a sufficiently serious breach. The panel therefore found that Paragraph 2b amounted to misconduct.
88. The panel went on to consider whether the facts admitted at Paragraph 2c amounted to misconduct. The panel took into account Mr Orchard's evidence in relation to the high workload and professional pressures he had been under in September and October 2018. The panel noted that the Council's Practice Standards & Guidance for Child Protection Conferences states that the social worker should provide the report 2 days in advance of the conference, but does not specify "working days" as it does elsewhere in the document.
89. In any event, the panel found that although it is best practice for a social worker to provide an assessment to all the relevant parties in ample time and to try to accommodate requests for documents to be provided earlier when possible, the reality of a busy social work practice is that this is not always possible and would not be considered sufficiently serious or deplorable by fellow practitioners. The panel therefore found that the facts admitted at Paragraph 2c do not amount to misconduct.

### Finding and reasons on current impairment:

90. Having found that the facts admitted at Paragraph 2b amounted to misconduct, the panel went on to consider whether in light of that misconduct, Mr Orchard's fitness to practise is currently impaired. The panel took into account Social Work England's "Impairment and Sanctions Guidance". The panel was mindful of the advice in *Cohen v GMC* [2008] EWHC 581 (Admin), quoted with approval in *Grant*, which states

*"The panel must be highly relevant in determining if a doctor's fitness to practise is impaired that first his or her conduct which led to the charge is easily remediable, second that it has been remedied and third that it is highly unlikely to be repeated."*

and the relevant tests it identified:

*"Do our findings of fact in respect of the [doctor's] misconduct ... conviction, caution ... show that his/her fitness to practise is impaired in the sense that he/she:*

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

*b) Has the Registrant in the past brought and/or is liable in the future to bring the profession into disrepute;*

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

*d) Has in the past acted dishonestly and/or is liable to act dishonestly in the future...”*

91. In considering whether Mr Orchard’s fitness to practise is currently impaired the panel considered the following two elements separately, namely:
- The personal element, established via an assessment of the risk of repetition.
  - The public element, established through consideration of whether a finding of impairment might be required to maintain public confidence in the social work profession, or in the maintenance of proper standards for social workers
92. In relation to the personal element, the panel considered that there had been a potentially serious risk of harm to the third parties if confidential police information about their criminal offences had been circulated outside the Child Protection Conference. The panel noted that there was no evidence Mr Orchard had repeated such behaviour, either before or in the nearly eight years since the incident took place. The panel noted that the detailed testimony from Mr Orchard’s current employer did not specifically address the issue of data protection as she had focussed on the other aspects of the factual concerns. However, the panel was satisfied that her clear statement that no concerns had arisen would include issues of data protection.
93. The panel noted that Mr Orchard had admitted this allegation, had accepted responsibility and had fully engaged in the regulatory process, despite finding that engagement difficult. The panel found that most of Mr Orchard’s reflections and insights had focussed on other aspect of the concerns. The panel found that this was likely a consequence of the nature of those concerns and the focus which had been placed on them by Social Work England in the evidence bundle and in the presentation of the case. The panel was disappointed not to have had the opportunity to ask Mr Orchard questions at the misconduct/impairment stage.
94. The panel noted that Mr Orchard has undertaken relevant training, in particular the 15-hour training in June 2025 in which client’s rights to privacy and confidentiality as well as basic safeguarding of information had been explored. The panel also considered that the salutary effect of these regulatory proceedings would have had a profound and lasting effect on Mr Orchard.
95. Looking at the relevant factors in the round, the panel was confident that there is a very low risk that Mr Orchard will repeat this behaviour and therefore found that his fitness to practise is not impaired.

96. The panel did not consider that a finding of impairment, for a single act in which criminal convictions and offences had been shared in an assessment, was necessary on the public interest grounds. The panel decided that a fully informed member of the public would not have their confidence in the profession undermined by a finding of no impairment, nor would such a finding fail to maintain the professional standards expected.
97. The panel went on to consider whether an advice or warning is appropriate in the absence of a finding of impairment.
98. The panel had reference to Social Work England's Impairment and Sanctions Guidance. The panel did not consider that advice was appropriate as the panel found that Mr Orchard should have been aware of his duties and responsibilities around data protection. The panel carefully considered paragraph 88 of the Guidance, which states that:

*Decision-makers may give a warning where there has been a breach of the professional standards, guidance or procedures. A warning may be appropriate where the breach (meets both of the following criteria):*

- *is not serious enough to amount to impairment*
- *could amount to impairment if the social worker repeats it in the future*

*The warning will note that repetition of the behaviour could amount to impaired fitness to practise.*

99. The panel noted that the breach had not been serious enough to amount to impairment but that it could amount to impairment if Mr Orchard repeated the behaviour by inappropriately disclosing confidential information in the future.
100. The panel noted that Social Work England will publish the written decision for 1 month after the conclusion of the hearing but that the outcome will not be recorded on the public extract of the register as a sanction. However, Social Work England can consider previous warnings if further fitness to practise concerns are received, particularly if there are of a similar nature.

### Right of appeal:

101. Under Paragraph 16(1)(a) of Schedule 2 of the regulations, the social worker may appeal to the High Court against the decision of adjudicators:
- the decision of adjudicators:
    - i. to make an interim order, other than an interim order made at the same time as a final order under Paragraph 11(1)(b),
    - ii. not to revoke or vary such an order,

- iii. to make a final order.
  - the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.
102. Under Paragraph 16(2) of Schedule 2 of the regulations an appeal must be filed before the end of the period of 28 days beginning with the day after the day on which the social worker is notified of the decision complained of.
103. Under Regulation 9(4) of the regulations this order may not be recorded until the expiry of the period within which an appeal against the order could be made, or where an appeal against the order has been made, before the appeal is withdrawn or otherwise finally disposed of.
104. This notice is served in accordance with Rules 44 and 45 of the Social Work England Fitness to Practice Rules 2019 (as amended).

### The Professional Standards Authority:

105. Please note that in accordance with section 29 of the National Health Service Reform and Health Care Professions Act 2002, a final decision made by Social Work England's panel of adjudicators can be referred by the Professional Standards Authority ("the PSA") to the High Court. The PSA can refer this decision to the High Court if it considers that the decision is not sufficient for the protection of the public. Further information about PSA appeals can be found on their website at:  
<https://www.professionalstandards.org.uk/what-we-do/our-work-with-regulators/decisions-about-practitioners>.