

NOTICE OF DECISION OF THE CONDUCT COMMITTEE

To:

Name: Kathryn Hibberts

Address:

Registration No: 1078177

To:

(1) The Registrant

Copied to:

(2) The General Social Care Council

(3) The Complainant

(4) The Employer (if any)

The meeting was held at:

NOTICE IS HEREBY GIVEN THAT the Conduct Committee of the General Social Care Council met on 26 July 2010 to consider the following Allegation against you "the Registrant" as follows:

Part 1

1. From July 2000 you were employed as a social worker at the Staffordshire County Council.
2. From May 2007 you were employed as a Team Co-ordinator for the Leek Family Assessment and Support Team, part of the Area Based Services section of the Vulnerable Children's Division of the Children and Lifelong Learning Directorate.

Part 2

3. You were the allocated social worker to the A family, and the children of the A family, B, C and D, between 28th June 2007 and 18th June 2008.
4. As the allocated social worker to the A family your responsibilities included
 - a. Completing a Core Assessment regarding the A family.
 - b. Completing a chronology regarding the A family.
 - c. Completing Service Plans and Service Plan Reviews regarding the A family.
 - d. Maintaining the accurate and up to date case records of the A family in contact sheets and on the case file.
 - e. Regularly supervising the work of Julie Ballan, the Family Support Worker allocated to work directly with the A family.

Part 3

5. In May 2008 the child D suffered significant harm by ingesting the controlled drug methadone at the family home ('the incident').
6. By the time of the incident in May 2008, you had not carried out your responsibilities as the allocated social worker to the A family in the following ways.
 - a. You did not complete a Core Assessment regarding the A family.
 - b. You did not complete a chronology regarding the A family.
 - c. You did not ensure there was an up to date Service Plan Review on the A family's case file.
 - d. You did not record properly or at all on the A family case file concerns expressed by other agencies regarding the welfare of B, C, and D in particular the conclusion of a multi agency meeting (MARAC) in January 2008 that they were at risk of emotional harm.
 - e. You did not follow appropriately or at all safeguarding procedures in respect of the need to safeguard B, C and D in particular in light of the July 2007 allegation from an anonymous neighbour regarding E's drug use in front of B, C and D.
 - f. Between August 2007 and the incident in May 2008, you did not ensure there were regular, monthly supervision meetings between you and the Family Support Worker, Julie Ballan regarding her work with the A family.

- g. Between August 2007 and the incident in May 2008, you did not ensure there was a proper record of every supervision meeting between you and the Family Support Worker, Julie Ballan regarding her work with the A family.

Part 4

7. As a result of your conduct at paragraphs 6(a) to 6(c), you did not properly and appropriately assess the potential risks posed to the children B, C and D during the time you were the allocated social worker to the A family.
8. As a result of your conduct at paragraphs 6(a) to 6(g), you did not provide accurate and up to date information regarding the A family to allow others working with the A family to properly assess the potential risks posed to the children B, C and D at risk of significant harm.

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

STAGE 1: PRELIMINARIES – 26 July 2010

Amendments to the Formal Allegation

Legal Advice

In accordance with Paragraph 17 of Schedule 2 of Schedule 2 of the General Social Care Council Conduct Rules 2008, and subject to the requirements of a fair hearing, the Committee may amend the Formal Allegation at any stage prior to the finding of Misconduct.

Before deciding whether the Formal Allegation should be amended the Committee should first hear representations from the Parties.

In deciding whether to allow the amendments requested the Committee should take into account:

- The reason why the amendments are requested
- The representations made by the parties
- The nature and extent of the amendments requested and whether they are likely to cause prejudice to the Registrant

It is open to the Committee to allow all, some or none of the amendments requested.

The Committee decided to allow the requested amendments.

The reasons for the Committee's decision are as follows:

The application to amend removed a number of the allegations faced by the Registrant. Unsurprisingly, the Registrant did not object to the amendments requested. Accordingly, the Committee was of the view that there would be no unfairness to the Registrant in allowing the amendments.

Admission of hearsay evidence

Legal Advice

In accordance with Paragraph 11 of Schedule 2 of the Rules, subject to the requirements of a fair hearing and of relevance, the Committee may:

- (a) admit evidence whether or not it would be admissible in a Court of Law;
- (b) exclude evidence in order to ensure fairness to the Registrant and between the Parties.

Accordingly, the Committee may admit hearsay evidence if they feel that it is relevant to the issues they have to decide and that it would not be unfair to admit it.

In this case, the GSCC wish to rely on the hearsay evidence of Angela Banks, the Registrant's Supervisor, contained within the documents produced by Hilary Baseley, Head of Staffordshire Family Assessment and Support Services. Angela Banks has not provided a statement and is not willing to do so. The Registrant has applied to exclude the hearsay evidence of Miss Banks. In deciding whether to admit such hearsay evidence the Committee should consider the following:

- The reason why there is no statement from Angela Banks
- The reason why Miss Banks is unable to attend this hearing
- The objections raised by the Registrant to the reading of documents containing the hearsay evidence of Miss Banks
- How much probative value the statements have in relation to matters in issue in the proceedings, or how valuable it is for the understanding of other evidence in the case
- What other evidence has been, or can be, given on the evidence referred to
- How important the evidence is in the context of the case as a whole
- The circumstances in which the statements were made

- How reliable the maker of the statements appears to be
- The amount of difficulty involved in challenging the evidence in light of the failure of Miss Banks to provide a statement and to attend these proceedings
- The extent to which that difficulty would be likely to prejudice the Registrant in the presentation of her case

The Committee decided to exclude the evidence of Angela Banks

The reasons for the Committee's decision are as follows:

The Committee listened carefully to the submissions made on behalf of the parties and took into account the advice of the Legal Adviser.

The GSCC seek to rely on the hearsay evidence of Angela Banks who was, and remains, the Registrant's Supervisor at Staffordshire County Council. The GSCC have been aware since 23 February 2010, when a letter was sent by the Registrant's representatives, that the evidence of Miss Banks was in issue. The Presenting Officer informed the Committee that Miss Banks has been reluctant to make a statement. There has been some suggestion that the Committee could consider calling upon Miss Banks to attend and give evidence, but the Committee is not minded to follow this suggestion, not least because it is apparent that Miss Banks is not at work and has taken annual leave this week. Miss Banks has refused to co-operate to date with the proceedings and there is no indication that an adjournment would result in her attendance.

The only live evidence the GSCC rely on is the statement of Hilary Baseley, Head of Staffordshire Family Assessment and Support Services. She had overall responsibility for Miss Banks and the Registrant. She carried out the investigation into the working practices of the Registrant, that resulted in her receiving a written warning following a Disciplinary Hearing. Miss Baseley is not a witness that can speak to the factual issues that are central to this case. Miss Banks, however, could do so. Her evidence is pivotal to this case and is challenged by the Registrant. The Committee is of the view that it would not be safe to allow her evidence to be relied on without the Registrant being afforded the opportunity to cross-examine and challenge her. In those circumstances the Committee would not feel able to give any weight to the hearsay evidence of Miss Banks, and that to allow such evidence to be read would severely prejudice the Registrant in the presentation of her case. For these reasons the Committee has concluded that the hearsay evidence of Miss Banks must be excluded.

STAGE 1: FINDINGS OF FACT – 26 July 2010

The Committee's decision is as follows:

The Committee has found the allegation not proved.

The reason for the Committee's decision is as follows:

The Presenting Officer on behalf of the GSCC offered no evidence and on that basis, the Committee decided to dismiss the allegation.

Signed.....

Chair of the Conduct Committee

Dated.....

Signed.....

Clerk to the Conduct Committee

Dated.....