

First Tier Tribunal Care Standards

The Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care) Rules 2008

2025-01480.ISO-W

Neutral Citation Number: [2025] UKFTT 00990 (HESC)

BETWEEN:

Social Care Wales

Applicant

-v-

Kayleigh Williams

Respondent

DECISION

Before: Ms S Brownlee (Tribunal Judge)
Mr M Green (Specialist Member)
Mr A Jinabhai (Specialist Member)

Hearing: **14 August 2025**

Venue: Remote hearing via CVP

Representation: Social Care Wales was represented by Mrs Gem Casey, senior associate and solicitor from Blake Morgan LLP, instructed by the Applicant.

Ms Williams did not attend and was not represented in her absence.

The Tribunal heard oral evidence from the following witness for Social Care Wales:

- Mr Ieuan Parry, fitness to practise senior officer, employed by Social Care Wales.

The application

1. This is an application to extend an interim order, made by Social Care Wales (SCW, the Applicant), pursuant to section 148 of the Regulation and Inspection of Social Care (Wales) Act 2016 (the Act).

2. Ms Williams (the Respondent) is registered with SCW as a domiciliary care worker (registration number W/5108899) since 19 September 2023. The Respondent was made the subject of an interim order, an interim suspension order, on 29 February 2024. The maximum period of length of the interim order is 18 months. Any extension to the 18-month period can only be made by way of an application to the First-tier Tribunal (the Tribunal).
3. The interim order was reviewed and continued by the Applicant's Interim Orders Panel, on 20 August 2024 and 14 February 2025. The interim order is due to expire on 28 August 2025.
4. On 23 May 2025, the Applicant made its application to extend the interim order to the Tribunal.
5. By way of an order from Judge Habib Khan, dated 4 July 2025, the application was listed for a video hearing on 14 August 2025.

The Hearing

6. This was a remote hearing held on video, as per the order of 4 July 2025. There were no significant connectivity issues. There was a slight delay to the start of the hearing due to the need for a clerk to set up the recording of the video hearing.

Relevant Background

7. The Respondent is registered with the Applicant as a domiciliary care worker. From 10 May 2022 onwards, she was employed by Rhondda Cynon Taff County Borough Council (the Council) as a casual intermediate care support worker.
8. On 29 November 2023, the Applicant received a referral from Ms Alison Hill, Human Resources Officer at the Council. The referral set out that the Respondent had been suspended from work for an allegation of gross misconduct relating to an incident which is currently subject to a police investigation.
9. On the same date, the Applicant received a common law notification from South Wales Police (the Police). The notification indicated that the Respondent had been arrested on 28 November 2023 on suspicion of committing burglary (dwelling) and theft. The suspected criminal offences concerned an allegation that the Respondent had entered a property in the Rhondda Cynon Taff area and removed property, which included £900 of cash in a bag and bank cards, while the owner of the property was asleep. The property owner was in receipt of a social care package provided by the Council at the time of the incident.

10. On 26 January 2024, the Applicant received an update from the Police to confirm that the Respondent had been placed on conditional bail pending the outcome of the Police investigation.
11. On 5 February 2024, a report was prepared for an interim order application to the Interim Orders Panel of the Applicant. The hearing before the Interim Orders Panel took place on 29 February 2024 and resulted in the Interim Orders Panel imposing an 18-month interim suspension order on the grounds that such an order was necessary for protection of the public and it was otherwise in the public interest. At each review hearing, the interim order was continued on the same grounds.
12. The Applicant has sought regular updates from the Police. On 25 October 2024, the Police confirmed that the Respondent was no longer subject to conditional bail. The most recent update from the Police, in the hearing bundle, was received on 20 June 2025. It was confirmed that Ms Williams remains under investigation and the Police plan to send the evidence to the Crown Prosecution Service for charging advice 'very shortly'.

The Legal Framework

13. The statutory framework for the registration of domiciliary care workers is set out in the Act. The Applicant's statutory function is set out at section 68(1) of the Act – to protect, promote and maintain the safety and well-being of the public in Wales. Under section 68(2) of the Act, the Applicant is required to promote and maintain high standards in the provision of care and support services, high standards of conduct and practice among social care workers, high standards in the training of social care workers, and public confidence in social care workers.
14. Under section 144(5) of the Act, an Interim Orders Panel may make an interim order only if it is satisfied that the order is necessary for the protection of the public, is otherwise in the public interest, or is in the interest of the registered person.
15. Under section 144(4) of the Act, there are two types of interim order – an interim suspension order or an interim conditional registration order.
16. Under section 148(2) of the Act, on an application to extend the interim order, this Tribunal can revoke the interim order, revoke or vary any condition in respect of an interim conditional registration order, extend, or further extend, the order for up to 12 months or make no change to the order or to the period for which the order is to have effect.
17. The Applicant has produced 'Guidance on Indicative Disposals for the Fitness to Practise Panel and Interim Order imposed by the Interim Orders Panel'. Under section 112(1) of the Act, the Applicant is required to publish a code of practice which sets standards of conduct and practice expected of social care workers. The document is entitled 'Code of Professional

Practice for Social Care (the Code).

18. The leading authority on the approach to take to an application to extend an interim order remains *General Medical Council v Hiew* [2007] EWCA Civ 369, in which the Court of Appeal set out a number of principles which are routinely applied by the Administrative Court, in dealing with the same applications from a number of statutory regulators with the same or very similar statutory functions to the Applicant.
19. In summary, the Tribunal must independently determine whether the extension is necessary for the protection of the public, otherwise in the public interest or in the registered person's own interest, applying the same criteria as for the original interim order. The burden rests on the Applicant to satisfy the Tribunal on the balance of probabilities that the extension criteria are satisfied. The Tribunal does not conduct a full merits hearing or make primary findings of fact but assesses whether the allegations justify continuing the interim order. The Tribunal should take into account the gravity of the allegations, the nature of the evidence, the seriousness of the risk of harm to service users, the reasons why the case has not concluded and the prejudice to the registered person if an interim order is continued. The Tribunal must reach its decision on the basis of the evidence in the application, which includes evidence as to the opinion of the Applicant and its Interim Orders Panel as to the need for an interim order. Finally, the Tribunal is not bound to follow or defer to these opinions, but it should give such weight as it considers appropriate in the circumstances.

Preliminary Issues

20. The Respondent, Ms Williams, did not attend the hearing. Pursuant to Rule 27 of the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008 (the Rules), the Tribunal has the power to proceed in a party's absence if it is satisfied that the party has been notified of the hearing or that reasonable steps have been taken to notify the party of the hearing and the Tribunal considers it in the interests of justice to proceed with the hearing.
21. The Tribunal administration confirmed with the Tribunal that Ms Williams was sent the notification of the hearing on 31 July 2025 to the email address supplied by the Applicant. The hearing date had been set by way of an order dated 4 July 2025, which had also been sent to Ms Williams. Ms Williams has not responded to the notification of hearing and has not engaged with the application process. It is also worth noting that Ms Williams had previously indicated to the Respondent that she would not be engaging with its interim order proceedings on the advice of her legal representative. Furthermore, Mr Parry confirmed with the Tribunal that the communication of 29 February 2024 was the last time Ms Williams communicated with the Applicant. The Tribunal was satisfied that Ms Williams has been notified of the 14 August 2025 hearing. In the absence of any response to the notification of hearing, the Tribunal concluded that

Ms Williams has voluntarily absented herself from the hearing. The Tribunal then went on to conclude that it is in the interests of justice to proceed with the hearing. Furthermore, the interim order is due to expire on 28 August 2025 and if the hearing did not proceed on 14 August 2025, it would have been unlikely that it could be rearranged for a date before the expiry of the interim order. The Tribunal had regard to the statutory function of the Applicant and balanced it against the right of Ms Williams to attend and engage in the proceedings. Given her previous indications to the Applicant and the lack of engagement with the application to this Tribunal, the Tribunal concluded that not proceeding with the hearing today would not result in Ms Williams' attendance and would run counter to Rule 2 of the Rules (the overriding objective) as it would run the real risk of expiry of the interim order without due consideration by this Tribunal.

22. As a result, the Tribunal decided it was proportionate, fair and just to proceed with the hearing in the Respondent's absence.

Evidence

23. In addition to Mr Parry's oral evidence, the Tribunal considered a hearing bundle consisting of 183 digital pages. The Tribunal also had the benefit of a skeleton argument from the Respondent dated 24 July 2025.
24. In oral evidence, Mr Parry confirmed that he had received a further update from the Police on 24 July 2025, which was materially the same as the update on 24 June 2025. Mr Parry explained that he understands, from his experience of seeking updates from police forces across Wales, delay is being caused to criminal investigations by staff shortages/resourcing. Mr Parry explained that the reason why the Applicant seeks the maximum statutory extension period of 12 months is because if Ms Williams is convicted of a criminal offence, the fitness to practise investigation will move forward quickly, as the Applicant will pursue an allegation of impaired fitness to practise because of a criminal conviction. However, if the Police/Crown Prosecution Service decide to take no further action against Ms Williams, the Applicant is likely to commence its own investigation with a view to an allegation of impaired fitness to practise because of misconduct. Therefore, the Applicant will require additional time to make appropriate decisions with its investigation as it has not yet commenced due to the need to give primacy to the criminal investigation.
25. Finally, Mr Parry made clear that if the Tribunal decided to extend the interim order, the case would be sent to the Interim Orders Panel for a review hearing within three months of the date of extension and six months thereafter.

The Tribunal's Conclusions with Reasons

26. We carefully considered all of the evidence in the appeal, which included the views of the Applicant and the Interim Orders Panel.
27. We concluded that the threshold for an interim order to be extended is met. Some form of interim restriction remains necessary for protection of the public as the Tribunal could not be satisfied that the risk of repetition had been lessened due to a lack of engagement from Ms Williams. Furthermore, the allegation is a very serious one, which if found proved, will be likely to attract a serious sentence. This is because the allegation involves a service user, who is necessarily vulnerable due to the need to have a social care package in place from the Council. The allegation concern abuse of trust and dishonesty. There remains a need to protect service users from the risk of repetition if Ms Williams were permitted to return to unrestricted practice. That is something different from Ms Williams being suspended by her employer, as the interim order means that Ms Williams is not able to practise as a social care worker in general. In the Tribunal's view, the interim response remains proportionate, particularly in the absence of any information about the impact of the order on Ms Williams.
28. Next, the Tribunal found that an interim order remains necessary in order to meet the public interest. The public interest concerns not only the interest of a reasonably informed member of the public, but the interests of other social care workers, in ensuring that individuals under investigation for serious allegations of dishonesty are not able to practise unrestricted unless there are very clear reasons why an interim order is not necessary. Again, due to the lack of any meaningful engagement from Ms Williams, the Tribunal does not consider this case to be one which may have met any exceptional circumstances for not imposing interim restrictions.
29. Further, the Tribunal took into account the views of the Applicant and the Interim Orders Panel. The Tribunal paid careful regard to the fact that the interim order is subject to a relatively frequent review by a specialist panel and, of course, the fact that at any point, Ms Williams can request an earlier review of the interim order and one will be held.
30. Finally, the proportionality assessment also required the Tribunal to consider the justification for a 12-month extension. The Tribunal was satisfied that the reasons for the delay are not attributable to the Applicant. Mr Parry provided a full explanation as to potential next steps with the investigation, which led the Tribunal to conclude that 12 months is a realistic timescale. The Applicant is bound to await the outcome of the criminal investigation. However, in the Tribunal's view, the Police should now be in a position to provide a clear timetable for when the case will proceed to charging advice from the Crown Prosecution Service. That information is necessary for Ms Williams, who remains under investigation for approximately 21 months, and for the Applicant, who maintains the interim suspension of Ms Williams, which is intrinsically linked to the criminal

investigation. The Applicant should share the Tribunal's concern and observations with the Police when it seeks its next update, as any further application to extend the interim order will require further and detailed justification in the witness statement from the appropriately placed member of staff on behalf of the Applicant.

31. We balance these factors, taking into account that we are not making findings of fact at this stage, but engaging in an assessment of risk, based on the evidence from the Applicant only. At the present time, the Police investigation has not yet completed and there remain serious outstanding concerns about the Respondent. We have concluded that the interim order remains necessary and proportionate. Therefore, it should be extended for the maximum period of 12 months.

Decision

It is ordered that:

1. Pursuant to section 148(2)(c) of the Regulation and Inspection of Social Care (Wales) Act 2016, the interim order is extended for 12 months until 28 August 2026.

Judge S Brownlee
Care Standards Tribunal
First-tier Tribunal (Health, Education and Social Care)

Date issued: 15 August 2025