

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

2025-01523.ISO-W

Neutral Citation Number: [2025] UKFTT 01040 (HESC)

Hearing held via CVP on 28 August 2025

BEFORE

**Tribunal Judge I Robertson
Specialist Member M Harris
Specialist Member D Styles**

BETWEEN:

SOCIAL CARE WALES

Applicant

-v-

RAMLA RAHIM

Respondent

DECISION

REPRESENTATION

Mr Delme Griffiths represented the Applicant his witness was Suzanne Simcock.

The Respondent represented herself

This has been a remote hearing which was not objected to by the parties. The form of remote hearing was remote via Video. A face to face hearing was not held as it was not practical and nobody requested it. All issues could be determined in a remote hearing. Due to the nature of the hearing (see below) we considered that this was fair and reasonable in the circumstances. There were no disconnections through the hearing.

THE HEARING.

This is an application brought by Social Care Wales under S148 Regulation and Inspection of Social Care (Wales) Act 2016 to extend an interim suspension order imposed upon the Respondent under S144 of the Act on 15 March 2024 for a period of 18 months. This suspension was considered and approved on two occasions by an Interim Order Panel on 12 September 2024 and 11 March 2025. The suspension was made on the grounds that a) it was necessary for the Protection of the Public and b) that it was otherwise in the interests of the public.

THE BACKGROUND

The background to this case was set out in the decision of the interim orders panel decision dated 15 March 2025;

You registered with Social Care Wales as an Adult Care Home Worker on 27 March 2023. On 5 June 2023, Mandy Jones (the Registered Manager at Brynfield Manor, which is operated by Langfield Care Limited) submitted a referral to Social Care Wales. This was in respect of an alleged incident on the evening of 21 May 2023. It was said that CCTV footage from that evening showed you and another employee (referred to as "Individual A") rough handling a user of care and support (referred to in this decision as "UCAS"). We are told that UCAS passed away on the same day as this alleged incident. The referral received by Social Care Wales stated that both the police and safeguarding authorities were investigating the concerns raised.

On 21 May 2023, in the context of an investigation being carried out by Langfield Care Limited, you produced a written statement, which is before us. A disciplinary meeting was held on 24 May 2023, which culminated in your dismissal that day for gross misconduct. Ms Jones also informed Social Care Wales that she had referred the matter to the Swansea Adult at Risk (AAR) Team on 22 May 2023 and the incident was then shared with South Wales Police. An initial Safeguarding Strategy Meeting was held on 7 June 2023

Subsequently issues of dishonesty arose. It is alleged that following her dismissal but prior to her suspension the Respondent obtained employment as a care worker without referring to her dismissal for gross misconduct and without providing a reference from her previous employer. It is further alleged that she forged a letter from SCW to show to her employee portraying her situation in a more favourable light and lied to a Fitness to Practice panel hearing in February 2025 about her employment.

It is against this background that the matter comes to us for consideration.

THE LAW

We have jurisdiction to deal with this matter by virtue of S148 of the Act;

S148 Extension of interim order by the tribunal

(1) SCW may apply to the tribunal for an interim order to be extended or further extended.

(2) On an application, the tribunal may—

(a) revoke the interim order,

(b) in the case of a conditional registration order, revoke or vary any condition,

(c) extend, or further extend, the order for up to 12 months, or

(d) make no change to the order or to the period for which the order is to have effect.

(3) In this section, a reference to an interim order includes a reference to—

(a) an interim order as extended or further extended under this section,

(b) an interim order varied on a review (see section 147(1)(b)), and

(c) a replacement interim conditional registration order or interim suspension order made on a review (see section 147(1)(c) or (d)).

The basis for making an interim order are set out in S144(5) of the Act

(5) A panel may make an interim order only if it is satisfied that the order—

(a) is necessary for the protection of the public,

(b) is otherwise in the public interest, or

(c) is in the interests of the registered person.

It is not our role to make findings of fact but to effectively determine whether there is sufficient evidence before us to show that there is a prima facie case against the Respondent, whether that case justifies further suspension on one or more of the grounds under S144(5) and whether the period of further

suspension sought is reasonable in the circumstances of the case. In determining the latter we are mindful of the Respondents Rights under the Human Rights Act to a fair trial (Article 6) and to a Family Life (Article 8) any such decision must therefore be proportionate to the factors set out in S144(5).

We have been referred to the well known case of GMC v Hiew [2007] EWCA Civ 369 as summarised in GMC v George [2008] EWHC 1337. This was helpfully summarised for us by Mr Griffiths in his skeleton argument as follows;

(1) The court has the power and the duty to consider whether any extension of time beyond the initial period set by the GMC is appropriate. Under the scheme, this exercise in decision making is to be performed by the court as primary decision maker.

(2) The court has the power to determine that there should be no extension or that there should be the extension sought by the GMC or some lesser extension. In an appropriate case, the judge also has the power...to terminate the suspension...

(3) The criteria to be applied are the same as for the original interim order...namely the protection of the public, the public interest and the practitioner's own interests. The court can take into account such matters as the gravity of the allegation, the nature of the evidence, the seriousness of the risk of harm to patients the reasons why the case has not been concluded and the prejudice to the practitioner is an interim order is continued.

(4) The onus of satisfying the court that the criteria are met falls on the GMC. The relevant standard is the civil standard.

(5) The judge must reach his decision as to whether to grant an extension on the basis of the evidence on the application which will have to be examined with care.

(6) The power to grant an extension and the power to make the orders... represent the limit of the court's express powers in relation to interim measures. Parliament has not given the court power to determine in the first instance whether an interim suspension order or conditional order should be made. It has clearly taken the view that the GMC is better placed than the courts to decide such matters.

(7) It is not the function of the judge ...to make findings of primary fact, nor is there any threshold test to be satisfied before the court can exercise its power of extension.

(8) The evidence on the application will include evidence as to the opinion of the GMC and the Interim Orders Panel...as to the need for an interim order. Appropriate weight will be given to that. All that is

required is that the court should give that opinion such weight as, in all the circumstances of the case, it thinks fit.

(9) Finally, the function of the court is to ascertain whether the allegations against the medical practitioner, rather than their truth or falsity, justify the prolongation of the extension.

THE HEARING

We read a bundle provided to us which runs to 331 pages. We heard evidence from Ms Simcock who is a Fitness to Practice officer with SCW and who has conducted the investigation into this matter and heard submissions from Mr Griffiths and Ms Rahim.

Ms Simcock confirmed the progress of her investigations. She was hampered by the fact that police were conducting a criminal investigation that was not formally concluded until she was notified on 4 September 2024. She rightly indicated that her hands were effectively tied from investigation whilst the police enquiries were ongoing. She applied for disclosure of police material but we are told that despite requesting this some 10 months ago it is still not forthcoming. This is entirely unsatisfactory. We are told that there is a protocol in place between SCW and South Wales Police, if so this perhaps needs revisiting. It is in nobody's interests for this material to remain undisclosed. Ms Simcock told us of further difficulties in arranging meetings and drawing up witness statements but confirmed that all witnesses had now been interviewed and statements would be prepared by the end of September. She gave us a rough timetable as follows; i) Evidence to the Respondent by end of September ii) Respondent 28 days to respond iii) two to three weeks to determine whether case should be referred to the Fitness to Practice panel iv) 42 days to final hearing to include a preliminary directions hearing.

Ms Rahmi told us that the delay was causing her distress and was potentially impacting upon her immigration status. She felt that the delay was unnecessary and that she had been told the case would be ready for hearing by September. This was denied by Ms Simcock who indicated that she had simply said that this was the length of the suspension. She denied that there had been any rough handling but accepted that she had not acted in good faith when obtaining employment following her dismissal.

THE DECISION

Regulatory authorities have a duty to the Public to investigate cases which may raise safeguarding issues and impact upon the safety of the public. Where the initial evidence suggests that any of the criteria in S144 are met they have a duty to protect the public by suspension. They have a parallel duty to act fairly and to have in mind the impact of suspension upon the person being investigated. They have duty to act with all due dispatch compatible with a thorough investigation. We are satisfied that SCW have acted appropriately to date in their investigations. They now seek a 6 month

extension.

As stated we are not in a position to make any findings of fact. In this case however there is clear prima facie evidence that the Respondent has not acted in good faith in her dealings with employers and others subsequent to the original incident. This brings into question her suitability, honesty and integrity such that there is a need for the public to be protected from her working in the care sector whilst this investigative process is undertaken.

Having said this we are very conscious of the timetable that Ms Simcock highlighted to us. In balancing all factors we do consider that matters should be concluded as quickly as possible, given the impact upon the Respondents ability to work and the effect upon her of the allegations hanging over her. We consider therefore that the suspension should be extended to 30 January 2026. This seems to us to fall comfortably into Ms Simcock's timetable, incentivises SCW to proceed with all diligence and gives the Respondent an end date to process.

DECISION

To extend the interim suspension of Ms Ramla Rahim to 30 January 2026

Judge Ian Robertson

First-tier Tribunal (Health, Education and Social Care)

Date Issued: 29 August 2025