

Case Examiner Decision
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FTPS-23437

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The role of the case examiners

The case examiners perform a filtering function in the fitness to practise process, and their primary role is to determine whether the case ought to be considered by adjudicators at a formal hearing. The wider purpose of the fitness to practise process is not to discipline the social worker for past conduct, but rather to consider whether the social worker's current fitness to practise might be impaired because of the issues highlighted. In reaching their decisions, case examiners are mindful that Social Work England's primary objective is to protect the public.

Case examiners apply the 'realistic prospect' test. As part of their role, the case examiners will consider whether there is a realistic prospect:

- the facts alleged could be found proven by adjudicators
- adjudicators could find that one of the statutory grounds for impairment is engaged
- adjudicators could find the social worker's fitness to practise is currently impaired

If the case examiners find a realistic prospect of impairment, they consider whether there is a public interest in referring the case to a hearing. If there is no public interest in a hearing, the case examiners can propose an outcome to the social worker. We call this accepted disposal and a case can only be resolved in this way if the social worker agrees with the case examiners' proposal.

Case examiners review cases on the papers only. The case examiners are limited, in that, they are unable to hear and test live evidence, and therefore they are unable to make findings of fact.

Decision summary

Decision summary

Preliminary outcome	21 May 2025
	Accepted disposal proposed - warning order (5 years)
Final outcome	3 June 2025
	Accepted disposal - warning order (5 years)

Executive summary



The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concerns 1 (1.1 and 1.3) and 2 being found proven by the adjudicators. 

2. There is a realistic prospect of regulatory concerns 1.1, 1.3 and 2 being found to amount to the statutory grounds of misconduct.
3. For regulatory concerns 1.1, 1.3 and 2, there is a realistic prospect of adjudicators determining that the social worker's fitness to practise is currently impaired.

The case examiners did not consider it to be in the public interest for the matter to be referred to a final hearing and determined that the case could be concluded by way of accepted disposal.

As such, the case examiners requested that the social worker be notified of their intention to resolve the case with a warning order of 5 years. The social worker subsequently accepted the proposed disposal. Having revised the public interest in the case, the case examiners determined that an accepted disposal warning order of 5 years remained the most appropriate outcome in this case.

The case examiners have considered all of the documents made available within the evidence bundle. Key evidence is referred to throughout their decision and the case examiners' full reasoning is set out below.

Anonymity and redaction

Elements of this decision have been marked for redaction in line with our Fitness to Practise Publications Policy. Text in [blue](#) will be redacted only from the published copy of the decision, and will therefore be shared with the complainant in their copy. Text in [red](#) will be redacted from both the complainant's and the published copy of the decision.

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the social worker's former employer, [REDACTED]
Date the complaint was received	21 December 2023
Complaint summary	The social worker's former employer reported to the regulator that they had received a complaint from the family and barrister of a service user which alleged that the social worker had acted outside of their professional remit in communications with the court. The concerns below accurately reflect the complaint.

Regulatory concerns

Whilst registered as a social worker:

1. You acted outside the scope of your professional remit in that you:

1.1 On or around 28 November 2022 and 29 November 2022 submitted a screening report and/or sent an email to a judge at York Crown Court which included inappropriate and/or irrelevant information about Adult A.

1.3 On 22 March 2023 sent an email to a judge at York Crown Court expressing opinion and judgement regarding Adult A's case.

2. Between, on or around November 2022 and March 2023 you failed to accurately record conversations you had with the Judge and/or Adult A.

The matters outlined in regulatory concerns 1-2 amount to the statutory ground of misconduct.

Your fitness to practise is impaired by reason of your misconduct.

Preliminary issues

Investigation		
Are the case examiners satisfied that the social worker has been notified of the grounds for investigation?	Yes	☒
	No	☐
Are the case examiners satisfied that the social worker has had reasonable opportunity to make written representations to the investigators?	Yes	☒
	No	☐
Are the case examiners satisfied that they have all relevant evidence available to them, or that adequate attempts have been made to obtain evidence that is not available?	Yes	☒
	No	☐
Are the case examiners satisfied that it was not proportionate or necessary to offer the complainant the opportunity to provide final written representations; or that they were provided a reasonable opportunity to do so where required.	Yes	☒
	No	☐

The realistic prospect test

Fitness to practise history

The case examiners have been informed that there is no previous fitness to practise history.

Decision summary

Is there a realistic prospect of the adjudicators finding the social worker's fitness to practise is impaired?

Yes



No



The case examiners have determined that there is a realistic prospect of regulatory concerns 1.1, 1.3 and 2 being found proven, that those concerns could amount to the statutory ground of misconduct, and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

1. You acted outside the scope of your professional remit in that you:

1.1 On or around 28 November 2022 and 29 November 2022 submitted a screening report and/or sent an email to a judge at York Crown Court which included inappropriate and/or irrelevant information about Adult A.

The case examiners have been provided with evidence that the relevant screening report was sent by the social worker to the judge. The social worker also accepts having sent the report, stating this was at the request of the judge.

The case examiners have next focussed on whether there is evidence that the report included inappropriate and/or irrelevant information and if so, whether sending the report was outside of the social worker's professional remit.

The case examiners have been provided with a copy of the screening report which they note includes a large amount of historical information about Adult A. This includes details of previous criminal allegations against Adult A which did not result in any convictions. Adult A's barrister complained to the former employer that *"material adverse to a defendant should not be disclosed to a judge unless it serves some proper purpose, lest the judge's mind be poisoned against the defendant"*.

The former employer interviewed colleagues within the service, to understand the expectations and limitations of the service that the social worker worked for. The service manager was reported to have looked at the report sent by the social worker and *"stated that it didn't seem relevant – it doesn't evidence the patient's vulnerability – its not evidence based"*

The case examiners have also been provided with a case note, written by the social worker, which states that the judge *"requested information in respect of mental health involvement as concerns have been raised by the defense [sic] team"*. This suggests there was a reasonable expectation that the social worker provided some information, as part of their professional remit. However, the service specification is clear that information sharing occurs to *"ensure that reasonable adjustments are made that enable individuals to understand and engage in youth and criminal justice proceedings"*.

It appears from the evidence provided that the social worker was asked to provide information about Adult A's involvement with mental health services, so the judge could ensure that Adult A was adequately supported through the court process. The social worker has recommended that Adult A may benefit from mental health support. The case examiners consider that this could have been reported to the court without historic information, which appears to be irrelevant, potentially inappropriate, and outside of the court's request and the social worker's professional remit, being shared.

The case examiners are satisfied there is a realistic prospect of this regulatory concern being found proven, should the matter go forward to adjudicators.





1.3 On 22 March 2023 sent an email to a judge at York Crown Court expressing opinion and judgement regarding Adult A's case.

The case examiners have been provided with the email sent from the social worker to the judge on 22 March 2023. The email includes links to information from sources such as The Criminal Justice Board and The Office for Victims of Crime. The case examiners are of the view that this email also appears to include the social worker's opinion and judgement, such as a statement about the victim's experience of facial scarring, stating that *"Each time she tries to cover the scars with hair/make up, this will take her on an emotional and psychological negative experience"*. The case examiners consider this is likely to be viewed by adjudicators as expressing opinion and judgement.

The social worker accepts they sent this email, following discussion with the judge about a number of issues including the impact of trauma upon victims. The social worker states the judge requested their professional opinion on the issues recorded and the evidence supports this, including the recording of the social worker within

the email, which states “as requested”. The social worker is recorded as stating to their employer that they had “*a duty to assist the court*”. The case examiners consider this duty would need to be in line with the parameters of their service provision, not an open ended duty to provide any information, even if requested by a judge. The case examiners consider that if a judge required more information in order to reach a decision, they could have accessed this via the parties in court or a victim support service.

The case examiners view is supported by evidence, including the employers’ investigation interview with the service manager. They stated they “*didn’t understand if (or why) the judge had asked the service to provide this, as if they did ask for this, the answer should have been “no”*”. The service manager also explained “*there are services designed specifically for victims and the [Liaison and Diversion] service would be advising whoever has enquired on where to go – which services they should be accessing*”.

The case examiners are of the view that the social worker’s email may therefore, be considered to fall outside of their professional remit.

The case examiners are satisfied there is a realistic prospect of this regulatory concern being found proven, should the matter go forward to adjudicators.

2. Between, on or around November 2022 and March 2023 you failed to accurately record conversations you had with the Judge and/or Adult A.

The case examiners have been provided with the local policy for record keeping which states that practitioners should “*Write entries at the time an event or activity takes place or at least within 24 hours, i.e. contemporaneous record keeping*”.

The case examiners have been provided with the records made by the social worker related to Adult A. There are no records of discussions about consent to share information, nor about Adult A’s capacity or views on engaging with the social worker. There is no record of conversations with a judge regarding Adult A. The social worker accepts this concern and states “*I acknowledged that case note recording could have been better*”.

The case examiners are satisfied there is a realistic prospect of this regulatory concern being found proven, should the matter go forward to adjudicators.

Grounds

The case examiners are aware that there is no legal definition of misconduct, but it generally would consist of serious acts or omissions, which suggest a significant departure from what would be expected of the social worker in the circumstances.

To help them decide if the evidence suggests a significant departure, the case examiners have considered the following standards, which were applicable at the time of the concerns.

As a social worker, I will;

1.7 Recognise and use responsibly, the power and authority I have when working with people, ensuring that my interventions are always necessary, the least intrusive, proportionate, and in people's best interests.

2.6 Treat information about people with sensitivity and handle confidential information in line with the law.

2.7 Consider where conflicts of interest may arise, declare conflicts as early as possible and agree a course of action.

3.11 Maintain clear, accurate, legible and up to date records, documenting how I arrive at my decisions.

The case examiners acknowledge that the evidence does not suggest the social worker did anything maliciously nor with intent to harm Adult A. It appears they believed they were assisting the judge in the case and were keen to provide relevant information to aid the decision being reached by the judge. The evidence demonstrates that the remit of the liaison and diversion team is to work solely with defendants in the criminal justice system. The case examiners recognise it may feel complicated for social work practitioners, who have an interest in matters of social justice, if they view that additional information is required to assist a fair decision and outcome. However, whilst the case examiners acknowledge that the social worker may have found themselves in a situation where they wanted to provide information they considered may have been of use to the judge in this case, this does not minimise the importance of social workers acting within their professional remit and allowing other parties to undertake representation of the victims or provide expert advice to the court.

The case examiners have previously noted the potentially serious implications on the criminal hearing, i.e. of a judge being provided with information about previous allegations and/or the social worker's opinion on the victim's emotional state. The service users of the liaison and diversion service are all recognised as vulnerable and

have the right to independent support and assessment. The job description sets out practitioners should provide “*effective liaison with police, probation, courts, prisons, primary care, secondary mental health services, social care and other statutory and non-statutory organisations to deliver the best outcomes for offenders with mental health problems*”. The evidence suggests that the social worker’s intervention did not meet this aim and the complaint of Adult A’s barrister sets out the implications of their actions, both for Adult A and for the reputation of the service.

In relation to regulatory concern 2, the case examiners note there is evidence that the social worker was struggling with record keeping and this was recorded in supervision records prior to the time of concern. The records suggest that the social worker was given instructions regarding the expectations of their role and also offered a session to support with the expectations of documentation. The case examiners are of the view that not all failures to accurately record conversations will be sufficiently serious to represent misconduct. However, the actions and/or omissions in this case led to the allegations against the social worker and the service within which they worked, and may have led to perceptions and/or allegations of unfairness towards Adult A.

The case examiners are satisfied that the conduct in regulatory concerns 1.1, 1.3 and 2 are sufficiently serious to amount to misconduct, should the matter go forward to adjudicators.

Impairment

Assessment of impairment consists of two elements:

1. The personal element, established via an assessment of the risk of repetition.
2. 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.

Personal element

With regards to the concerns before the regulator, the case examiners have given thought to their guidance, and they note that they should give consideration to whether the matters before the regulator are easily remediable, and whether the social worker has demonstrated insight and/or conducted remediation to the effect that the risk of repetition is highly unlikely.

Whether the conduct can be easily remedied

The case examiners consider the concerns can be remedied, with the social worker demonstrating an understanding of what went wrong and why and evidencing that they have taken steps to develop their skills in record keeping.

Insight and remediation

The case examiners have been provided with submissions from the social worker, where they set out the difficult working environment they believe they were practising in. The social worker does not, however, appear to recognise the potential adverse impact of them working outside of their remit and continues to present the view that they were obliged to assist the judge, regardless of the service specification.

The case examiners acknowledge there is evidence that the social worker has some insight into the importance of recording interventions. They state, *“it is a lesson learnt that I should have documented every single thing that the father and son and their barristers were saying as this would have most certainly evidenced the difficult situation I was place [sic] in”*.

The social worker has not practiced as a social worker since leaving their former employer and indicates that they will not be returning to the profession. This makes remediation more challenging to demonstrate; for example the case examiners have no current employer information to evidence that the social worker has learnt from the alleged conduct and has changed their practice.

Risk of repetition

The case examiners acknowledge, as above, that the social worker has indicated that they do not wish to return to the profession. The evidence suggests they were an experienced social worker of many years and there is no adverse history from the regulator; this suggests they are capable of safe and effective practice. However, without the social worker demonstrating an understanding of the need to act within the scope of their professional remit, and in the absence of evidence of current practice, the case examiners consider there could be a risk of repetition, if the social worker did return to practice.

Public element

The case examiners have next considered whether the social worker’s actions have the potential to undermine public confidence in the social work profession, or the maintenance of proper standards for social workers.

The case examiners are of the view that whilst the public may understand this appears to be an isolated mistake in a career of many years, the potential

consequences of acting outside their role were serious and significant. The public require assurance that social workers will act within the boundaries of their professional remit and in the best interests of identified service users, even when this is challenging. Professionals must remain accountable when working with such vulnerable groups in society.

The case examiners consider that the public would be troubled to learn that a social worker who had acted outside their remit and not acknowledged this nor attempted to remediate, had not received a finding of impairment from the regulator.

Accordingly, the case examiners are satisfied that there is a realistic prospect of adjudicators finding the social worker's fitness to practise is impaired.

The public interest

Decision summary

Is there a public interest in referring the case to a hearing?	Yes	☐
	No	☒

Referral criteria

Is there a conflict in the evidence that must be resolved at a hearing?	Yes	☐
	No	☒
Does the social worker dispute any or all of the key facts of the case?	Yes	☒
	No	☐
Is a hearing necessary to maintain public confidence in the profession, and/or to uphold the professional standards of social workers?	Yes	☐
	No	☒

Additional reasoning

The case examiners have concluded that the public interest in this case is engaged. However, they are satisfied that this interest may be appropriately fulfilled by virtue of the accepted disposal process. Whilst the matter is serious, the case examiners are not of the view that it is so serious that a hearing might be necessary to maintain public confidence in the social work profession, or in Social Work England's maintenance of the standards expected of social workers.

The social worker has not indicated to the regulator whether they accept their fitness to practise is currently impaired and they dispute some of the regulatory concerns. Where a social worker does not accept the key facts, case examiner guidance suggests that a referral to a hearing may be necessary in the public interest. However, the case examiners note that the guidance states the social worker must accept the matter of impairment at the point of *concluding* the case. The case examiners are of the view that this does not prevent them offering accepted disposal prior to this.

The case examiners consider that it is reasonable to offer accepted disposal in this case because:

- The case examiners are of the view that there is a risk of repetition and that the risk of repetition can be managed. There are a range of sanctions available to the case examiners to satisfy the public that this risk is being managed and would serve to safeguard public confidence. Therefore, there is no need for this matter to be examined within a public hearing.
- The accepted disposal process will provide to the social worker an opportunity to review the case examiners' reasoning on facts, grounds and impairment and reflect on whether they are able to accept the social worker's decision. It is open to the social worker to reject any accepted disposal proposal and request a hearing if they wish to explore the allegations in more detail.
- The social worker has indicated throughout the investigation that they have no intention of returning to practice; an accepted disposal will conclude the regulator's case, giving the social worker the opportunity to remove themselves from the register in future, if they still wish to do so.

The case examiners are also of the view that the public would be satisfied to see the regulator take prompt, firm action in this case, with the publication of an accepted disposal decision providing a steer to the public and the profession on the importance of adhering to the professional standards expected of social workers in England.

Furthermore, the case examiners have concluded that the public would support efforts made by the case examiners to resolve this case in a timely and proportionate manner, without the need to refer to a hearing.

Accepted disposal

Case outcome

Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☒
	Conditions of practice order	☐
	Suspension order	☐
	Removal order	☐
Proposed duration	5 years	

Reasoning

In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's sanctions guidance and reminded themselves that the purpose of a sanction is not to punish the social worker but to protect the public and the wider public interest. Furthermore, the guidance requires that decision makers select the least severe sanction necessary to protect the public and the wider public interest.

In determining the most appropriate and proportionate outcome in this case, the case examiners considered the available sanctions in ascending order of seriousness.

The case examiners decided that taking no further action or offering advice would be insufficient in this case, as neither would be sufficient to mark the seriousness of the social worker's alleged conduct.

The case examiners next considered whether a warning order would be appropriate in this case. The case examiners note their guidance which suggests that a restrictive sanction of conditions of practice or suspension would normally be appropriate in cases where a risk of repetition remained. The case examiners have balanced their view that they required further evidence of insight and remediation, which has contributed to their assessment of some risk of repetition, with the mitigation of the very specific context which the social worker was practising in, in context of a court environment.

The case examiners also note that the social worker has indicated that they have no plans to return to practice, which would make a conditions of practice order unworkable. The case examiners have considered that a suspension order may appear most appropriate to manage the risk of repetition, but they are mindful of the requirement for them to propose the minimum sanction necessary to protect the public.

The case examiners note that paragraph 96 of the sanctions guidance details that a warning order is likely to be appropriate if *‘the fitness to practise issue is isolated or limited’*. The social worker is an experienced practitioner, and the regulatory concerns relate to one service user in a career of 10 years, so the case examiners consider the concerns can be characterised as isolated.

The case examiners consider a warning would be a proportionate outcome given the full circumstances of the case. A warning would remain on the social worker’s record for an allocated time and sends a clear message about the expectation that social workers will ensure they respect and maintain the privacy of service users.

The case examiners have considered the length of time for the published warning and note the sanctions guidance which sets out that *“decision makers should consider (all of the following):*

- *1 year may be appropriate for an isolated incident of relatively low seriousness. In these cases, the primary objective of the warning is to highlight the professional standards expected of social workers.*
- *3 years may be appropriate for more serious concerns. This helps to maintain public confidence and highlight the professional standards. The period also allows more time for the social worker to show that they have addressed any risk of repetition.*
- *5 years may be appropriate for serious cases that have fallen only marginally short of requiring restriction of practice. This helps to maintain public confidence and highlight the professional standards. A social worker should ensure there is no risk of repetition throughout this extended period. If successful, there will be no further fitness to practise findings (in relation to similar concerns)”.*

Given the case examiners’ conclusion that a risk of repetition remains, which could lead to a restrictive sanction, the case examiners have concluded that five years is the appropriate duration.

The case examiners have decided to propose to the social worker a warning order of 5 years duration. They will now notify the social worker of their intention and seek the social worker's agreement to dispose of the matter accordingly. The social worker will be offered 21 days to respond, [REDACTED]

[REDACTED] If the social worker does not agree, or if the case examiners revise their decision regarding the public interest in this case, the matter will proceed to a final hearing.

Content of the warning

It is important that social workers demonstrate transparency and accountability by acting within their professional remit and recording interventions clearly. Whilst information sharing is a key element of safeguarding and working together, this must be within the boundaries of local policy and legislation.

The conduct that led to this complaint should not be repeated. Any similar conduct or matters brought to the attention of the regulator are likely to result in a more serious outcome.

The case examiners particularly remind the social worker of the following Social Work England professional standards:

As a social worker, I will;

1.7 Recognise and use responsibly, the power and authority I have when working with people, ensuring that my interventions are always necessary, the least intrusive, proportionate, and in people's best interests.

2.6 Treat information about people with sensitivity and handle confidential information in line with the law.

2.7 Consider where conflicts of interest may arise, declare conflicts as early as possible and agree a course of action.

3.11 Maintain clear, accurate, legible and up to date records, documenting how I arrive at my decisions.

This warning order will be for a duration of 5 years.

Response from the social worker

On 22 May 2025 the social worker returned their completed accepted disposal response form, confirming as following:

“I have read the case examiners’ decision and the accepted disposal guide. I admit the key facts set out in the case examiner decision, and that my fitness to practise is impaired. I understand the terms of the proposed disposal of my fitness to practise case and accept them in full.”

Case examiners’ response and final decision

The case examiners have reviewed their decision, paying particular regard to the overarching objectives of Social Work England:

- The protection of the public
- Maintaining confidence in the social work profession
- The maintenance of professional standards.

The case examiners remain satisfied that an accepted disposal warning order of 5 years’ duration is a fair and proportionate way to conclude this matter, and is the minimum sanction required to protect the public and the wider public interest.