

Case Examiner Conflicts of Interest

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Introduction

This guidance sets out how Social Work England will manage any conflicts of interest that arise when assessing a case examiner's eligibility to work on a fitness to practise case.

Rule 7 of Social Work England's appointment rules outlines the responsibilities of investigators, case examiners and adjudicators. They must all declare any conflict of interest that could relate to the case, whether the conflict exists or could just be thought to exist.

What is a conflict of interest?

1. Case examiners make decisions based on the facts and evidence of a case. They must do this independently of Social Work England and of any other influences or interests.
2. A conflict of interest may occur where a reasonable person would consider a case examiner's ability to apply judgement, or act, to be (or to potentially be) impaired or influenced by another interest they hold. Conflicts can affect a case examiner's ability to make an impartial and unbiased decision.
3. Social Work England's expectations of case examiners are outlined in detail later in this document. But in short, they must be guided by the Nolan principles (as required under rule 5)¹ and must carefully consider whether or not there are any potential conflicts of interest.
4. The test for whether there is potential bias is "whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the [case examiner] was biased".²
5. Examples of possible conflicts of interest include (but are not limited to):
 - having a financial or personal interest in the outcome of a case;
 - having a previous or existing relationship with anyone connected with a case, including the registered social worker, the complainant, or a witness;
 - being active in an organisation that has declared a stance on the matters involved in the case;
 - having a connection to an employer or organisation involved in a case, such as paid employment or unpaid work;
 - having a close family member or friend connected to a case.

¹ [The Social Work England \(Investigators, Case Examiners, Adjudicators and Inspectors\) Rules 2019](#)

² Porter v Magill [2002] 2 AC 357

What happens if a conflict of interest is not recognised?

6. Social Work England is responsible for managing conflicts of interest to make sure all cases are approached fairly.
7. Failure to recognise a conflict of interest can also give the impression that Social Work England or its case examiners are not acting in the public interest. If a case examiner has an unresolved conflict of interest, then their decisions could be challenged in judicial review proceedings.
8. Conflicts of interest can also damage Social Work England's reputation and undermine the public's, and social workers', confidence in the fitness to practise processes.
9. Conflicts of interest that are not resolved efficiently can delay the fitness to practise process. It's therefore in the public interest and in the interest of public protection for Social Work England to manage conflicts of interest correctly.

How do Social Work England manage conflicts of interest?

10. Case examiners must declare any interests that could become a conflict. They are asked to do so when they first start working with Social Work England and at least on a yearly basis thereafter. This information is kept on record for when a case examiner is assigned to a fitness to practise case.
11. Before a fitness to practise case is assigned to a pair of case examiners, the case examiner operations team (employees of Social Work England) will review the case to identify where conflicts of interest might arise. The case examiner operations team will not allocate fitness to practise cases to a case examiner if they consider there is risk of a conflict. For example, if the social worker or any witnesses are employed by a local authority that the professional case examiner has also worked with outside of Social Work England, the case will not be allocated to them.
12. When assigning cases, the case examiner operations team will give case examiners limited information about the case so they can declare if a conflict may arise. This information will normally be limited to:
 - details of the individuals referred to in the case, limited to their full name, their place of employment (if relevant), and their status in relation to the case;
 - details of the social worker's employer; and
 - details of any other organisations relevant to the concern such as schools, local authorities or other care organisations.
13. When both case examiners have responded to the case briefing they have received, and if there is no suggestion of a potential conflict of interest at this stage, the case

examiner operations team will then send full details of the case and a copy of the evidence file. The case examiners must review the full case file and confirm whether a potential conflict of interest exists.

14. If a case examiner informs the case examiner operations team of a potential conflict of interest, the case examiner operations manager and the head of adjudication must make a decision about how to proceed. They will take the following factors into account:

- The nature of the declared conflict;
- The potential effect on the case examiner's ability to reach an impartial decision; and
- The potential effect on the perceived independence of any of their decisions.

15. When the case examiner operations manager and the head of adjudication are making the decision, they must consider the purpose of the fitness to practise process, Social Work England's primary objectives, and the social worker's article 6 rights. If they need more information, the case examiner must provide more detail on the potential conflict before a decision is made.

16. The case examiner operations manager and the head of adjudication can make one of the two following decisions:

- i. That the declared conflict(s) of interest are immaterial and the case examiner may proceed with the case.
- ii. That the declared conflict(s) of interest mean that the case must be assigned to a different case examiner.

17. All decisions made in relation to declared conflicts of interest must be recorded and given to the case examiner in writing. Case examiners cannot appeal a decision made about their suitability based on conflicts of interest. However, they do not have to work on a case if it has been decided that the conflicts they declared were irrelevant; in this situation the case will be reassigned to another case examiner.

18. Social Work England keeps a record of all cases that case examiners have worked on. The case examiner operations team will avoid assigning case examiner to any case that involves a social worker involved in a previous case they have worked on.

Expectations of the case examiners

19. A demonstrable commitment to the seven principles of public life, otherwise known as the Nolan principles, is a core expectation of all case examiners.

1. **Selflessness:** holders of public office should act solely in terms of the public interest.
 2. **Integrity:** holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
 3. **Objectivity:** holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
 4. **Accountability:** holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
 5. **Openness:** holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
 6. **Honesty:** holders of public office should be truthful.
 7. **Leadership:** holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.
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20. Case examiners must make decisions based on appropriate factors and decisions must always be made in the public's interest. Case examiners must not reach decisions based on in their own private interests or the interests of anyone who might try to inappropriately influence them.
 21. Case examiners are required to declare any relevant interests and relationships in a declaration of interests form when they're appointed to the role and at least on a yearly basis thereafter. Completed declaration forms are made available to the public on the Social Work England website. By doing this, they help maintain of public's confidence in the regulator and protect themselves from any accusations that they've acted inappropriately or based on their own interests.
 22. Case examiners must also tell the case examiner operations team about any potential conflicts of interest when they're assigned a new case. They must declare any potential conflicts when they initially review the case as well as when they are given the evidence bundles and full case information.
 23. If a case examiner decides a conflict of interest might arise, they must contact the case examiner operations team immediately. Case examiners must be open and transparent and provide any information asked for by the case examiner operations team, case examiner operations manager or head of adjudication.

24. If a conflict of interest arises during the case examiner's consideration of a case, they must tell the case examiner operations team immediately. They must avoid any further discussion of the case with the second case examiner, stop working on the case, and their access to any information associated with the case will be removed by the case examiner operations team.
25. If a conflict of interest is identified, or if there is a real possibility of an appearance of bias, case examiners must withdraw from the case.

Processing of data

Information given to Social Work England when carrying out this guidance will be processed in agreement with data protection principles as set out in the Data Protection Act 2018.

Social Work England keeps data on conflicts of interest to help with the delivery of its legal responsibilities.

Declaration of interests form

Introduction

A demonstrable commitment to the seven principles of public life, otherwise known as the Nolan principles, is an important way of maintaining the public's confidence in Social Work England's decision making processes.

Decisions must be based wholly on appropriate factors and they must always be made in the public's interest. Case examiners must not make decisions based on private interests or the interests of anyone who might try to inappropriately influence them.

Case examiners must declare and resolve any relevant interests and relationships. Not only does this contribute to the maintenance of public's confidence in Social Work England, it also protects case examiners from any accusations or perception that they've acted inappropriately or based on their own interests.

All case examiners must complete this declaration of interests form. This information will be made available to the public on the Social Work England website.

Nolan principles

Selflessness: holders of public office should act solely in terms of the public interest.

Integrity: holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity: holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability: holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness: holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty: holders of public office should be truthful.

Leadership: holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Part 1 - Declaration

This section must be completed by all case examiners regardless of whether or not they have an interest to declare. All sections in part 1 of this form are mandatory.

Name: Click or tap here to enter text.

Role: Click or tap here to enter text.

Mark one:

I have read Social Work England's case examiners conflicts of interest guidance and I have no interests to declare. I will inform the head of adjudication (or their nominee) as soon as possible of any changes to the information provided.

☐

I have declared interests in part 2 of the form below. All actual or potential interests have been declared. I will inform the head of adjudication (or their nominee) as soon as possible of any changes to the information provided.

☐

Signed: Click or tap here to enter text.

Date: Click or tap to enter a date.

Advisory notes

Data protection: information provided on this form will be processed in agreement with data protection principles as set out in the Data Protection Act 2018. The information you provide is available to the public on the Social Work England website.

Guidance: you can get any further information on Social Work England's approach to conflicts of interest and the completion of this form from the head of adjudication or the case examiner operations manager.

Scope: the minimum test in deciding whether to declare an interest is whether or not a fair minded, informed observer could think the interest in question might influence your decision making. If you're unsure whether a potential interest should be declared, we advise that you err on the side of caution and declare it. You should declare your own personal interests and as well as any interests of close family members if those interests are related to the activities of Social Work England.

Part 2 - interests

This section must be completed by all case examiners who have an interest to declare. All sections in part 2 of this form are mandatory if an interest is declared.

Area of interest	Details (insert N/A if there are no interests to declare)
Paid employment outside of Social Work England	Click or tap here to enter text.
Unpaid work (including pro bono work, public offices, trusteeships, governorships)	Click or tap here to enter text.
Connection with businesses or other organisations that hold a direct contract with Social Work England, or where they are a potential contractor	Click or tap here to enter text.
Membership of societies, clubs, associations or professional bodies	Click or tap here to enter text.
Personal ties with Social Work England employees, directors, board members, advisers, partners or other associates	Click or tap here to enter text.
Any other interests not covered above (including other financial interests, non-financial professional or personal interests, family or other personal relational interests)	Click or tap here to enter text.