

Case Examiner Decision
Shingirai Makombe – SW127567
FTPS-22656

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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	8 July 2025
	Accepted disposal proposed - conditions of practice order (2 years)
Final outcome	29 July 2025
	Accepted disposal - conditions of practice order (2 years)

Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concerns 1 (1.3) and 2 (2.1) being found proven by the adjudicators. [REDACTED]
2. There is a realistic prospect of regulatory concern 1 (1.3) being found to amount to the statutory grounds of lack of competence or capability. [REDACTED]
3. For regulatory concern 1 (1.3), 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 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 conditions of practice order of 2 years duration. The social worker responded on 28 July 2025, confirming their acceptance of the case examiners' proposal.

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 [REDACTED] will be redacted only from the published copy of the decision and will therefore be shared with the complainant in their copy. Text in [REDACTED] will be redacted from both the complainant's and the published copy of the decision.

In accordance with Social Work England's fitness to practise proceedings and registration appeals publications policy, the case examiners have anonymised the names of individuals to maintain privacy. A schedule of anonymity is provided below for the social worker and complainant and will be redacted if this decision is published.

Child A	[REDACTED]	
Child B		
Child C		
Child D		

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the social worker's former employer, Buckinghamshire Council
Date the complaint was received	14 June 2023
Complaint summary	The complainant raised concerns about a number of areas of the social worker's practice, including recognising and responding to risk, [REDACTED] [REDACTED]

Regulatory concerns

Whilst registered as a social worker between November 2021 and June 2023 you:

1. Failed to recognise and respond to risk appropriately in relation to:



1.3. Child C and/or D



The matters outlined in regulatory concern 1 [REDACTED] amount to the statutory grounds of misconduct and/or lack of competency & capability.

Your fitness to practise is impaired by reason of your misconduct and/or lack of competency & capability.

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 (1.3) [REDACTED] being found proven, that concern 1 (1.3) only could amount to the statutory grounds of lack of competence or capability, and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

Whilst registered as a social worker between November 2021 and June 2023 you:

1. Failed to recognise and respond to risk appropriately in relation to:

1.3. Child C and/or D

In relation to Child C and D (siblings), the case examiners gave particular weight to records of two visits. The first, undertaken by the social worker, was a visit to the two children in school, and included discussion with their mother. The second, undertaken by a manager, was undertaken later the same day at the children's home.

The case examiners were particularly concerned by the social worker's visit record, which states that it was undertaken under section 47 of Children Act 1989. The case examiners noted the following in particular:

- The record suggests that the children had made a report at school that they were hit by their mother.
- The record indicates one of the children had bruising, which was explored by the social worker with the mother. The record suggests the mother indicated they had likely been caused by a dog, or by the child falling.

- In a record of discussion with the children, it was noted that one child said their mum hit them because they were naughty, they were making a mess at home, and they had got into trouble at school. The child reported that the mother used an implement (a belt) to hit them. The record suggests that the other child stated that if they made noise at home whilst their father was sleeping, he would hit them with a belt. The child said they did not feel safe at home.
- Within a section titled 'analysis of visit outcome', the social worker recorded that the purpose of their visit had been achieved as they had been able to tell the mother there would be a section 47 enquiry, and because the views of the children had been obtained. The social worker recorded that home visits would be 'followed up'.

In the case examiners' view, the social worker's visit record offers no evidence to suggest the social worker recognised the immediacy of the risks in this case. The social worker recorded reports from the children of physical chastisement with an implement and evidence of bruising. The case examiners agree with the local authority that such reports would require immediate protective action, such as safety planning, after gaining management advice and guidance. There is no evidence to suggest the social worker personally took any action in response to the reports they received. The case examiners noted that a visit had to be undertaken by a manager, in the absence of information from the social worker, and a safety plan was implemented by the manager later that evening.

In light of the above, there is a realistic prospect of regulatory concern 1 (1.3) being found proven.

Grounds

This case has been presented on the grounds of misconduct and/or a lack of competence or capability. The case examiners' guidance encourages them to (where possible) identify the appropriate statutory ground to proceed on, as this provides clarity as to the basis of Social Work England's case against the social worker. The case examiners are reminded, however, that in some cases they may not always be in the best position to identify one ground over another.

Guidance in respect of lack of competence or capability

The case examiners' guidance explains that lack of competence or capability suggests a standard of professional performance which is unacceptably low. It means a social worker has demonstrated that they may lack the knowledge and skills to do their work in a safe and effective manner. This must usually be demonstrated over a fair sample of a social worker's work. There is no set definition of 'fair sample', but it suggests a sample sufficient to show the social worker's usual standard of work over a period of time.

The guidance also explains that single episodes or incidents do not normally suggest a social worker lacks the knowledge or skills to be competent. However, in exceptional circumstances, a single episode or incident could happen because of a lack of knowledge or competence in a fundamental principle of social work. This may raise concerns for public safety.

Guidance in respect of misconduct

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. This can include conduct that takes place in the exercise of professional practice and also conduct which occurs outside the exercise of professional practice, but calls into question the suitability of the person to work as a social worker.

Relevant professional standards

The case examiners consider the following Social Work England professional standards (as published in 2019) to be relevant to the remaining regulatory concerns:

As a social worker, I will:

3.4 Recognise the risk indicators of different forms of abuse and neglect and their impact on people, their families and their support networks.

3.12 Use my assessment skills to respond quickly to dangerous situations and take any necessary protective action.

Regulatory concern 1 (1.3)

The case examiners are satisfied that adjudicators would likely consider regulatory concern 1 (1.3) to represent a departure from professional standards 3.4 and 3.12.

The evidence in this case suggests the social worker failed to recognise the risk attached to reports made by Child C and Child D, that they had been physically chastised with an implement (belt). The evidence also suggests the social worker failed to recognise the risk attached to evident bruising on one of the children and explored it in a limited manner with the child's mother. The case examiners consider it likely that adjudicators would consider both elements to represent a fundamental failure to properly recognise risk indicators, and a failure to respond appropriately where a child may have suffered significant harm.

As to whether regulatory concern 1 (1.3) might engage the statutory grounds of misconduct or lack of competence or capability, the case examiners consider it unlikely that adjudicators would consider the evidence to suggest misconduct. This is because although the social worker recorded the reports made by the children, it does not appear that they wilfully failed to act upon them. Instead, the absence of any analysis of risk in the social worker's record and the failure to contact management for advice and guidance might suggest the risk had simply not been properly identified.

In the case examiners' view, given the stark nature of the reports made by the children, and the fact that there was evident bruising, adjudicators could reasonably conclude that although there isn't a fair sample of work before the regulator, this single incident might have arisen out of a lack of knowledge or competence in a fundamental principle of social work (recognising and responding to risk).

Accordingly, there is a realistic prospect of adjudicators determining that regulatory concern 1 (1.3) amounts to the statutory grounds of lack of competence or capability.

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 are satisfied that the remaining concern in this case could be remedied through further reflection, training and implementation of learning in practice.

Insight and remediation

The case examiners have carefully reviewed the social worker's submissions and noted that there is some evidence of a development in insight over time.

Notably, although the social worker initially disputed that they had failed to recognise and respond to risk, upon receipt of the final evidence bundle they offered a different perspective. It is evident that the social worker now recognises that they did not properly identify or respond to the risks posed to Child C and Child D, and they regret not taking steps to implement a safety plan.

The case examiners were reassured by this development in the social worker's insight, but they would nevertheless have hoped to see greater evidence of the social worker's reflections on this case. The case examiners would have welcomed in particular evidence of the social worker's understanding of why the presenting risks in this case were particularly concerning, why immediate action was required, and

what the possible impact was of the social worker failing to recognise and respond to the presenting risks on the day.

The case examiners noted that the social worker has provided a training certificate for 'the art of assessing risk', but the case examiners consider this insufficient to evidence to suggest the social worker has remediated the concern. The case examiners would have hoped to see some evidence of the social worker having reflected on what they had learned, and how it applied to the case before the regulator.

Risk of repetition

In light of the case examiners findings in respect of insight and remediation, they can only conclude that a risk of repetition remains.

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.

As the case examiners have set out at the grounds stage of this decision, they consider it likely that adjudicators would be particularly concerned about the social worker's recognition and response to risk in this case. The case examiners consider that well informed members of the public would share this concern and would expect a finding of impairment to be made, so that the regulator might have oversight of the social worker's practice and further remediation.

As such, a failure to find impairment would be highly likely to undermine public confidence in the social work profession, and the maintenance of proper professional standards for social workers.

Accordingly, there is a realistic prospect of adjudicators determining that 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 are satisfied that there is no conflict in the evidence in this case and, within their submissions, the social worker has indicated that they accept the key facts and that their fitness to practise is impaired.

The case examiners consider that the public would be assured to see the regulator take prompt action in this case, with the publication of an accepted disposal outcome on the regulator's website, and the implementation of an appropriate outcome ensuring oversight of the social worker's continued development.

Accordingly, a failure to refer this case to a hearing is unlikely to undermine public confidence in the profession, or the maintenance of proper professional standards for social workers.

Accepted disposal

Case outcome

Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☐
	Conditions of practice order	☒
	Suspension order	☐
	Removal order	☐
Proposed duration	2 years	

Reasoning

Having found that a realistic prospect the social worker's fitness to practise is currently impaired, the case examiners then considered what, if any, sanction they should propose in this case. The case examiners have taken into account the sanctions guidance and health concerns guidance published by Social Work England. They are reminded that a sanction is not intended to be punitive but may have a punitive effect and have borne in mind the principle of proportionality and fairness in determining the appropriate sanction.

The case examiners are also mindful that the purpose of any sanction is to protect the public which includes maintaining public confidence in the profession and Social Work England as its regulator and upholding proper standards of conduct and behaviour.

The case examiners have taken into account the principle of proportionality by weighing the social worker's interests with the public interest when considering each available sanction in ascending order of severity.

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

No further action, advice and warning order

The case examiners consider that the outcomes of no further action, advice, and warning order would be insufficient in this case. In reaching this conclusion, they reminded themselves that the regulator's guidance is clear that all three outcomes, which offer no restriction to a social worker's practice, are not appropriate where a risk of repetition remains.

Conditions of practice order

With reference to the regulator's sanctions guidance, the case examiners note the following:

Conditions of practice may be appropriate in cases where (all of the following):

- *the social worker has demonstrated insight*
- *the failure or deficiency in practice is capable of being remedied*
- *appropriate, proportionate, and workable conditions can be put in place*
- *decision makers are confident the social worker can and will comply with the conditions*
- *the social worker does not pose a risk of harm to the public by being in restricted practice*

The case examiners are satisfied that all five criteria apply in this case. The social worker has demonstrated insight, and the case examiners consider the matters before the regulator to be capable of remedy through appropriate training, development and oversight. There are appropriate conditions of practice that the case examiners could propose in order to satisfy this goal, and the case examiners are confident that the social worker could and would comply with any such conditions.

In order to test their thinking, the case examiners considered whether a suspension order might be necessary, in order to protect the public from harm (i.e. the final criterion). The case examiners are satisfied, however, that a conditions of practice order would provide sufficient oversight of the social worker's practice, in order to ensure that the public is protected from harm. The case examiners would ensure that any conditions of practice proposed would include an appropriate degree of oversight of the social worker's practice, along with opportunity for the social worker to further develop and evidence their knowledge and understanding of risk.

Length of the conditions of practice order

Having determined that a conditions of practice order is the minimum necessary outcome to protect the public, the case examiners have gone on to consider the length of the order.

The regulator's sanctions guidance is clear that case examiners can impose conditions of practice on a social worker's registration for up to 3 years at a time. The guidance asks that case examiners consider all information available and decide on an appropriate and proportionate length of the order. The length of time conditions of practice orders are in place should be long enough for the social worker to complete any necessary remediation.

The case examiners considered that in this case, a 2 year order is likely to be sufficient for the social worker to further develop their knowledge through training and apply learning in practice. A 2 year order would also provide an appropriate timescale for the regulator to oversee the social worker's practice, with time afforded for a full appraisal cycle in employment.

The case examiners have decided to propose to the social worker a conditions of practice order of 2 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 28 days to respond. 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 conditions of practice

Conditions 1-21 (inclusive) should be in place for a 2 year period. In accordance with paragraph 15 of Schedule 2 of The Social Workers Regulations 2018, the regulator must review the conditions of practice order before its expiry. The social worker and/or Social Work England can seek early review if new evidence becomes available to suggest the current order needs to be varied, replaced or removed.

1. You must notify Social Work England within 7 days of any professional appointment you accept or are currently undertaking and provide the contact details of your employer, agency or any organisation with which you have a contract or arrangement to provide social work services, whether paid or voluntary.

2. You must allow Social Work England to exchange information with your employer, agency or any organisation with which you have a contract or arrangement to provide social work or educational services, and any reporter or workplace supervisor referred to in these conditions.
3.
 - a. At any time you are providing social work services, which require you to be registered with Social Work England, you must agree to the appointment of a reporter nominated by you and approved by Social Work England. The reporter must be on Social Work England's register.
 - b. You must not start or continue to work until these arrangements have been approved by Social Work England.
4. You must provide reports from your reporter to Social Work England every 6 months and at least 14 days prior to any review and Social Work England will make these reports available to any workplace supervisor referred to in these conditions on request.
5.
 - a. At any time you are employed, or providing social work services, which require you to be registered with Social Work England; you must place yourself and remain under the close supervision of a workplace supervisor nominated by you, and agreed by Social Work England. The workplace supervisor must be on Social Work England's register.
 - b. You must not start or continue to work until these arrangements have been approved by Social Work England.
6. You must provide reports from your workplace supervisor to Social Work England every 6 months and at least 14 days prior to any review, and Social Work England will make these reports available to any reporter referred to in these conditions on request.
7. You must keep your professional commitments under review and limit your social work practice in accordance with your workplace supervisor's advice.
8. You must inform Social Work England within 7 days of receiving notice of any formal disciplinary proceedings taken against you from the date these conditions take effect.
9. You must inform Social Work England within 7 days of receiving notice of any investigations or complaints made against you from the date these conditions take effect.

10. You must inform Social Work England if you apply for social work employment / self-employment (paid or voluntary) outside England within 7 days of the date of application.
11. You must inform Social Work England if you are registered or subsequently apply for registration with any other UK regulator, overseas regulator or relevant authority within 7 days of the date of application [for future registration] or 7 days from the date these conditions take effect [for existing registration].
12. You must work with your workplace supervisor, to formulate a personal development plan, specifically designed to address the shortfalls in the following areas of your practice:
 - Identifying and assessing risk
 - Managing and responding to risk
13. You must provide a copy of your personal development plan to Social Work England within 8 weeks from the date these conditions take effect and an updated copy 2 weeks prior to any review.
14. a. You must undertake a minimum of 8 hours of CPD in relation to identifying, assessing, managing and responding to risk.

b. You must provide evidence of CPD undertaken to Social Work England within 6 months of these conditions taking effect.
15. You must read Social Work England's 'Professional Standards' (July 2019) and provide a written reflection 6 months after these conditions take effect, focusing on how your conduct, for matters relating to this case (identifying assessing, managing and responding to risk), was allegedly below the accepted standard of a social worker, outlining what you should have done differently.
16. You must only work as a social worker in premises where at least 2 other social workers are employed at any one time and are on the premises daily.
17. You must not supervise the work of any other social worker or student social worker.
18. You must not be responsible for the work of any other social worker or student social worker.
19. You must not work as an independent social worker and must only work as a social worker at premises where other social workers are employed.

20. You must provide a written copy of your conditions, within 7 days from the date these conditions take effect, to the following parties confirming that your registration is subject to the conditions listed at 1 to 19, above:

- Any organisation or person employing or contracting with you to undertake social work services whether paid or voluntary.
- Any locum, agency or out-of-hours service you are registered with or apply to be registered with in order to secure employment or contracts to undertake social work services whether paid or voluntary (at the time of application).
- Any prospective employer who would be employing or contracting with you to undertake social work services whether paid or voluntary (at the time of application).
- Any organisation, agency or employer where you are using your social work qualification/knowledge/skills in a non-qualified social work role, whether paid or voluntary.

You must forward written evidence of your compliance with this condition to Social Work England within 14 days from the date these conditions take effect

21. You must permit Social Work England to disclose the above conditions, 1 to 20, to any person requesting information about your registration status.

Response from the social worker

On 28 July 2025 the social worker returned their completed accepted disposal response form, confirming the 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 considered the public interest in this matter and, as they have not been presented with any new evidence that might change their previous

assessment, they are satisfied that it remains to be the case that the public interest in this case may be fulfilled through the accepted disposal process.

The case examiners therefore direct that the regulator enact a conditions of practice order, with a duration of 2 years.