

Case Examiner Decision

Selina Hare – SW7769

FTPS-22776

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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	12 February 2025
	Accepted disposal proposed - conditions of practice order (12 months)
Final outcome	20 February 2025
	Accepted disposal - conditions of practice order (12 months)

Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concern 1 being found proven by the adjudicators.
2. There is a realistic prospect of regulatory concern 1 being found to amount to the statutory ground of misconduct.
3. For regulatory concern 1, 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 conditions of practice order of 12 months.

The social worker accepted this proposal and the terms in full on 18 February 2025.

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]
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The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by way of a self-referral by the social worker.
Date the complaint was received	14 August 2023
Complaint summary	The social worker informed the regulator that they were suspended by their employer on 18 May 2023 in respect of allegations which included a failure to safeguard a young person by not maintaining professional boundaries.

Regulatory concern

Regulatory concern 1

Whilst registered as a social worker you did not maintain professional boundaries with a young person known to you in a professional capacity.

Grounds of impairment:

The concern outlined in regulatory concern 1 amounts to 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 concern 1 being found proven, that the concern could amount to the statutory ground of misconduct, and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

Regulatory concern 1

Whilst registered as a social worker you did not maintain professional boundaries with a young person known to you in a professional capacity.

When considering regulatory concern 1, the case examiners must turn their minds to whether this would amount to a breach of professional boundaries. In doing so, the case examiners have taken into account Social Work England professional standards and supporting/associated guidance. The case examiners have assessed the evidence against the following questions that they formulated from information contained within the standards and guidance.

- Would the social worker's alleged actions suggest a clear and professional relationship has not been maintained with the service user?

- Would the social worker's alleged actions suggest their relationship with the service user was becoming inappropriate, or be an indicator of a personal relationship?
- Would the social worker's alleged actions blur the boundaries of the professional relationship?

The social worker held management responsibility for Child A when the case was allocated within their team in October 2022 until the case was transferred to a new team on 15 February 2023.

Child A is described in documentation, provided by the social worker's former employer, as vulnerable and at risk of exploitation; furthermore, it is said that Child A found it difficult to engage with professionals. Child A entered local authority care in December 2022 due to a breakdown in relationships with their family.

The social worker's former employer has stated that the social worker, after completing a handover to the new team, would have had no professional reason to have maintained any contact with Child A.

The case examiners have had sight of a range of documentation including, the former employer's internal investigation, documents pertaining to Child A, work calendar data, phone records, correspondence and supervision records relating to the social worker.

The case examiners note, from considering the evidence, that the social worker:

- Remained in contact with Child A after 15 February 2023 without management knowledge or formal approval.
- Contacted Child A using their personal mobile phone both during, and outside of, work hours after 15 February 2023.
- Attended meetings relating to Child A without having professional reason to do so and without management knowledge.
- Provided finance, reclaimed from local authority petty cash to Child A for items including taxis and phone credit, without management approval or oversight.
- Did not record their interactions with Child A on the employer's computer data base.

The case examiners note that the allocated social worker for Child A, post 15 February 2023, states in the internal investigation that they believed the social worker

had managerial agreement to remain involved with Child A: *'I did a visit with (the social worker) and my understanding was she would remain involved with (Child A) and gradually reduce, but she didn't. She said that her manager had agreed that she could be a mentor for (Child A) and when she attended meetings, she introduced me to other professionals, and she said she would remain involved on a mentoring basis.'*

The social worker's line manager, within the internal investigation, said that they checked Child A's file and there was no reference to the social worker undertaking any role beyond transfer of the case.

The case examiners have had sight of an email the social worker sent to their line manager dated 25 April 2023. This is the first record of the social worker informing their manager of their ongoing involvement with Child A.

The case examiners note that this email was followed up in the social worker's supervision held on 15 May 2023.

There is documentary evidence to show the social worker was not part of the formal mentor programme on 15 May 2023.

The social worker accepts that they maintained contact with Child A when their professional involvement ended.

The social worker further accepts that they used their personal mobile to contact Child A. They state that this occurred as their work mobile was out of charge and they shared their number with other professionals when the child was first placed in local authority care. The social worker states Child A was not aware they were contacting the social worker on their personal mobile. There is no explanation as to why the social worker did not change the number to their work mobile at the first opportunity.

The case examiners note that the social worker is documented in meetings regarding Child A after 15 February 2023 when their professional involvement ceased. Furthermore, there is evidence of the social worker maintaining communication with professionals working with Child A post 15 February 2023.

Contact with Child A is not documented on the data base by the social worker. The case examiners have had sight of emails sent by the social worker updating the allocated social worker on their contact with Child A, but this was not a formalised arrangement, and it is unclear if the updates were consistent.

The case examiners note that evidence has been provided which document the social worker getting petty cash authorised to cover costs for Child A, this includes mobile phone credit and taxi fares. The former employer is clear that any costs

incurred for Child A should have been agreed and managed by the allocated social worker and not the social worker. The case examiners consider that the issue is two-fold with this aspect of the concern, as the money given to Child A by the social worker could have undermined the decision-making of the allocated social worker with regards to whether it was appropriate to provide Child A with financial access to the items/services that the money was provided for. In addition, the money was unauthorised and taken from a wrong budget due to processes not being followed correctly by the social worker.

Having considered the evidence available, the case examiners are satisfied that the evidence affirms each of the questions they formulated above, and the concerns raised would amount to not maintaining professional boundaries with Child A.

The case examiners are satisfied there is a realistic prospect that regulatory concern 1 would be found proven by 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. 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.

To help them decide if the evidence suggests a significant departure from what would be expected in the circumstances, the case examiners have considered the following standards, which were applicable at the time of the concerns.

Social Work England Professional Standards (2019)

Promote the rights, strengths and wellbeing of people, families, and communities.

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.

Establish and maintain the trust and confidence of people.

As a social worker, I will:

2.3 Maintain professional relationships with people and ensure that they understand the role of a social worker in their lives.

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

Act safely, respectfully and with professional integrity.

As a social worker, I will not:

5.2 Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.

Whilst the concern before the regulator, from the evidence available, would appear to be limited to one case, due to the nature of the concern the case examiners consider it to be particularly serious.

Guidance on the professional standards reminds social workers that:

“Social workers should maintain clear and professional relationships with people. As social work is fundamentally about people and relationships, it is important that social workers are alert to relationships becoming inappropriate.

With the authority, knowledge and influence a social worker has in the professional relationship, there is almost always an imbalance of power. This is important to acknowledge alongside personal values, views and motivations to ensure that they do not influence the relationship”.

The evidence would suggest that the social worker did not maintain professional boundaries over a period of several months, and in doing so, impacted Child A’s relationship with their allocated social worker and therefore left Child A potentially at an increased vulnerability.

Furthermore, the case examiners note that the social worker spent time with Child A within work time which would impact on their capacity to concentrate their time effectively on their own allocated work, potentially impacting vulnerable client groups.

If the matters were to be found proven, the case examiners conclude the alleged conduct is serious and is likely to suggest a significant departure from the professional standards detailed above.

As such, the case examiners are satisfied there is a realistic prospect of adjudicators finding the matters amount to misconduct.

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 conduct in relation the allegation is remediable, in that the social worker could demonstrate their understanding of what has gone wrong and what steps they could take to ensure this does not happen again, for example, by evidencing any support they have accessed, completing relevant associated training, and/or a critical reflection addressing the concerns raised.

Insight and remediation

The social worker has provided submissions to the regulator and engaged with the internal investigation, completed by the former employer. Whilst the case examiners note that the social worker accepts the concern in full and has acknowledged *'I was over invested if I'm honest'* they are not satisfied that the social worker has provided any significant level of insight or remediation.

The social worker, within their submissions, accepts the concern but goes on to lay some responsibility with their employer, which in the view of the case examiners tends to detract from the social worker, who was an experienced social worker, accepting full responsibility for their own actions.

'I believed I needed support and monitoring to ensure the child was safeguarded. I was overly involved and sort advice at the time to seek support for my worry about being overly involved. I did not mean any harm to come to the child [REDACTED] [REDACTED] was rescuing and intern this could have caused more harm. (sic)'

The social worker has identified the impact their conduct has had on Child A's relationship with the allocated social worker but has not addressed the far-reaching impact of their conduct: *'I was wrong to continue to work with the child and I was*

wrong for not speaking to my manager sooner. I am a good social worker and at the time I accept accountability for over working the case and I promise I have learnt my lesson.'

The social worker has not demonstrated their understanding of the importance of protecting the public and maintaining public confidence in social work as a profession.

Risk of repetition

Taking the above into account, the case examiners are of the view that the social worker has not sufficiently demonstrated an understanding of the risk their alleged conduct posed. Further, whilst stating the conduct would not be repeated, the social worker has not demonstrated tangible remediation, such as would reassure the case examiners that the social worker's alleged conduct would not be repeated if the social worker found themselves in a similar situation in future.

Having considered the evidence available to them, the case examiners consider the risk of repetition to remain high.

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 a member of the public would be concerned about an allegation that a social worker did not maintain professional boundaries. The case examiners consider the allegation relates to fundamental tenets of social work including making and maintaining effective professional relationships and safeguarding.

Adjudicators may consider there is potential risk of harm to the wider public in terms of their ability to trust and have confidence in a social worker who is alleged to have acted in this manner. An allegation of not maintaining professional boundaries and impacting negatively on a child's vulnerability is serious and the case examiners are of the view that given the alleged conduct in this case, a failure to find impairment may undermine public confidence in the profession and fail to maintain the professional standards expected of social workers.

The case examiners consider there is a realistic prospect of adjudicators finding the social worker currently 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 conclude that offering accepted disposal is proportionate for the following reasons:

- The social worker is clear that they accept that their conduct fell short of the standards expected of them.
- The accepted disposal process will provide the social worker an opportunity to review the case examiners reasoning on impairment and reflect on whether they are able to accept a finding of impairment. It is open to the social worker to reject any accepted disposal proposal and request a public hearing if they wish to explore the question of impairment in more detail.
- 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.

- There is no conflict in evidence in this case and the social worker accepts the facts.

Interim order

An interim order may be necessary for protection of members of the public	Yes	☐
	No	☒
An interim order may be necessary in the best interests of the social worker	Yes	☐
	No	☒

Accepted disposal

Case outcome

Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☐
	Conditions of practice order	☒
	Suspension order	☐
	Removal order	☐
Proposed duration	12 months	

Reasoning

In considering the appropriate outcome in this case, the case examiners had regard to the regulator's sanctions guidance (December 2022) and reminded themselves that the purpose of a sanction is not to punish the social worker, but to protect the public.

The case examiners have decided that it is not in the public interest to refer this matter to a final hearing and have chosen the least restrictive sanction necessary to protect the public and the wider public interest. They have started at the lowest possible sanction and worked up, testing the appropriateness of each sanction and the next sanction above it to confirm their decision is proportionate.

The case examiners have already determined there is a realistic prospect that the social worker's fitness to practise would be found impaired. The sanctions guidance advises that if the personal element of impairment is found, "a sanction restricting or removing a social worker's registration will normally be necessary to protect the public." The case examiners are therefore led to consider sanctions which restrict the social worker's practice. They note that the guidance suggests it may therefore "be reasonable to move beyond the lower sanctions (no action, advice or a warning) on this basis alone." The case examiners have already determined that they do not consider the social worker has demonstrated sufficient insight or remediation therefore, the sanctions of no further action, advice or a warning are considered inappropriate on the basis that these outcomes will not restrict practice nor sufficiently protect the public.

The case examiners next considered a conditions of practice order. The case examiners have consulted paragraph 114 of the guidance which states, 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

Whilst the social worker has not demonstrated full insight, the case examiners note that they have shown some reflection into the circumstances of the case, and that this could offer an opportunity to develop further insight and remediation. The case examiners are of the view that workable conditions can be formulated that would support the social worker to develop the requisite insight and remediate their practice.

Having concluded that a conditions of practice order is the appropriate outcome in this case, the case examiners went on to consider the length of time for the order. The case examiners consider that 12 months would allow the social worker sufficient time to demonstrate strengthened practice within a full appraisal cycle. They consider that any longer period, given that some insight and reflection has already been demonstrated, would be unnecessary and punitive.

The case examiners went on to test the suitability of the conditions of practice order by considering the next most severe sanctions, a suspension order and a removal order. Having considered their guidance, the case examiners did not consider these orders to be proportionate.

Although, the concerns are serious, the case examiners consider that the public can be protected with an appropriate conditions of practice order.

To conclude, the case examiners have decided to propose to the social worker a conditions of practice order of 12 months 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 to 13 (inclusive) should be in place for a 12-month 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 3 months and at least 14 days prior to any review.
5. 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.
6. 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.
7. 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.

8. 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].
9. You must work with your reporter to formulate a personal development plan, specifically designed to address the shortfalls in the following areas of your practice:
 - An understanding of professional boundaries in social work and the importance of maintaining professional boundaries.
 - The impact on service users of not maintaining professional boundaries, focussing on children and young people and how this can increase risk.
 - An understanding of why policy and procedures are in place and the importance of being familiar with and adhering to policy and procedures.
10. You must provide a copy of your personal development plan to Social Work England within 4 weeks from the date these conditions take effect and an updated copy 4 weeks prior to any review.
11. You must read Social Work England's Professional Standards (2019) and provide a written reflection 4 months after these conditions take effect, focusing on how your conduct in respect of professional boundaries was below the accepted standard of a social worker, outlining what you should have done differently, and how you will ensure that there is no future repetition.
12. 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 11, 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.
13. You must permit Social Work England to disclose the above conditions, 1 to 12, to any person requesting information about your registration status.

Response from the social worker

The social worker responded by email on 18 February 2025 and returned the accepted disposal response confirming: *'I have read the case examiners' decision and the accepted disposal guidance. I admit the key facts set out in the case examiners 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.'*

The social worker provided the regulator with further reflections, having read the case examiners' decision:

'I would like to take this opportunity to add I fully accept my social work position was impaired.

I fully acknowledge that I was in the wrong and that my actions put the child at risk of harm. I deeply regret blaming my behaviour on the local authority, as this was not my intention. In retrospect, I realize that I did not communicate my experience well, and my frustration led to poor judgment, rather than thoughtful reflection.

I have since taken time away from the social work profession

I have come to understand that I must consider how my position of power may have disempowered others. I fully accept that my practice was compromised when I was acting from a self-serving position. At that time, I should

have sought advice from my manager, but instead, I continued to put the child and the local authority at risk.

I should have ceased all communication with the child. I am deeply remorseful for not doing so, and I am committed to ensuring that this never happens again

I recognize that I failed to follow procedures and keep up with essential recordings. This is inexcusable. Procedures are in place to ensure I work within the ethical framework of social work, and recordings are crucial to documenting the child's journey and ensuring their safety. I failed both the local authority and the child by not upholding these responsibilities.'

Case examiners' response and final decision

The case examiners concluded that the social worker's fitness to practise was likely to be found impaired but that the public interest could be met through a prompt conclusion, published decision and warning, rather than through a public hearing. They proposed a conditions of practice order with a duration of 12 months and the social worker accepted this proposal.

In light of the social worker's acceptance of the conditions of practice, the case examiners have considered again whether there would be a public interest in referring this matter to a public hearing. They remain of the view that this is unnecessary for the reasons set out earlier in the decision.

Having been advised of the social worker's response, the case examiners have again turned their minds as to whether conditions of practice remain the most appropriate means of disposal for this case. They have reviewed their decision, paying particular regard to the overarching objectives of Social Work England, i.e. protection of the public, the maintenance of public confidence in the social work profession, and the maintenance of proper standards. Having done so, they remain of the view that an accepted disposal by way of a conditions of practice order of 12 months is a fair and proportionate disposal and is the minimum necessary to protect the public and the wider public interest.

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