

Case Examiner Decision
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FTP-63716

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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 statutory grounds for impairment is engaged
- adjudicators could find the social worker's fitness to practise is currently impaired

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(s)	Accepted disposal proposed - warning order (5 years) & voluntary removal
Date of the preliminary decision	29 October 2021
Final outcome	Accepted disposal - warning order (5 years) & voluntary removal
Date of the final decision	25 January 2022

Executive summary

The case examiners are satisfied that there is a realistic prospect that:

1. The factual concerns could be found proven by the adjudicators;
2. Those concerns could amount to the statutory grounds of misconduct and/ or lack of competence and/ or adverse physical and/or mental health;
3. The adjudicators could conclude that the social worker's fitness to practise is currently impaired.

The case examiners noted that the social worker had submitted a request for voluntary removal. Having considered Social Work England's voluntary removal guidance for social workers involved in an open fitness to practise investigation, the case examiners considered that this may be a case suitable for voluntary removal, and that the case could be concluded by way of accepted disposal, subject to the social worker's agreement and final review by the case examiners.

As such, the case examiners notified the social worker of their intention to resolve the case with a warning order (published) of 5 years, together with the voluntary removal of the social worker; this was subject to the social worker's agreement and final review by the case examiners.

Having been subsequently informed (24 January 2022) that the social worker had accepted the proposed disposal in full, the case examiners reviewed their decision and determined that it remained appropriate to resolve this case by way of a warning order (published) of 5 years, together with the voluntary removal of the social worker.

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.

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the social worker's former employer.
Date the complaint was received	Not clearly specified in evidence.
Complaint summary	Hertfordshire County Council ("the Council") provided information to the HCPC between December 2018 and June 2019 in relation to a number of concerns. These included that the social worker had been subject to at least seven complaints and safeguarding concerns between October and December 2018, and several other concerns about their fitness to practise between February and December 2018, including failures to follow management instructions, progress and monitor cases, meet deadlines, address safeguarding concerns and keep adequate records. The Council also informed the HCPC of health concerns. GP reports dated March and June 2019 concluded that the social worker may not be fit to practise in light of an ongoing health condition.

Regulatory concerns

1. Between around 10 July and 18 July 2018 failed to follow management instructions in that you:
 - a. did not make daily calls to Service User A; and/or
 - b. did not attempt to check where Service User A was.

2. On around 18 December 2018 did not respond to telephone calls relating to Service User B within a timely manner.
3. Between around 20 December and 27 December 2018, after being informed by a school nurse that Service User B had disclosed that she had been raped, failed to:
 - a. inform your manager of Service User B's disclosure;
 - b. report the disclosure to the Police;
 - c. check and/or attempt to check on the welfare of Service User B.
4. Between around 5 August and December 2018 failed to complete and/or update a care plan for Service User B.
5. Between around 6 February 2018 and 13 December 2018 failed to make a referral to the National Youth Advocacy Service for an Independent Visitor for Service User B.
6. Failed to complete a Pre-Meeting report at least five days before the Child Looked After ("CLA") review meeting for Service User B on 13 December 2018.
7. Did not arrange support for Service User B over the 2018 Christmas period before 14 December 2018 or within a reasonable timescale before Christmas.
8. Between around October and December 2018 did not obtain funding agreement or authorisation for Service User B to attend a school trip to Uganda.
9. Between around May and December 2018 failed to arrange any and/or an adequate contact between Service User C and Service User D in that you:
 - a. did not arrange contact in accordance with Service User C's care plan;
 - b. did not create a list of dates for contacts in advance as requested by Service User C;
 - c. did not inform Service User C and Person 1 of a contact you had arranged resulting in Service User C missing the contact;
 - d. did not provide your agreement to a contact arranged by Service User C and Person 1 for almost two weeks.

10. Between around 16 July and 5 December 2018, failed to carry out and/or record carrying out statutory visits for Service User C in accordance with statutory requirements.
11. Between around 11 June 2018 and 21 August 2018 did not complete the de-accommodation documentation for Service User D in a timely manner.
12. Failed to keep any or any adequate records for Service User D in that you:
 - a. between around 22 August 2018 and 26 September 2018 failed to record on the Liquid logic Children's System ("LCS") that Service User D had been de-accommodated; and/or
 - b. failed to complete a Pre-Meeting report at least five days before the CLA review meeting for Service User D on 26 September 2018; and/or
 - c. failed to complete and/or record completing a pathway plan within one month of the distribution of the CLA review meeting minutes on 19 June 2018.
13. Between around 22 August and 26 September 2018 failed to keep Independent Reviewing Officer ("IRO") 2 updated on Service User D's case in that you did not:
 - a. inform her that Service User D had been de-accommodated; and/or
 - b. provide her with the de-accommodation paperwork; and/or
 - c. inform her that you would not be attending the CLA review on 26 September 2018.
14. Failed to inform social worker 3 and/or IRO 4 that you would not be able to attend the CLA review meeting for Service User E on 12 November and that it would need to be rescheduled for a later date, until after the meeting was due to take place.
15. Between around June 2018 and October 2018 failed to keep appointment with Service User F and communicate effectively with other professionals involved in Service User F's case in that you:
 - a. On around 18 June 2018, did not attend a hand over appointment with social worker 5 and Service User F and/or did not inform anyone that you would not be attending;

- b. On around 6 July 2018, informed social worker 5 that you would not be attending the rescheduled hand over appointment with social worker 5 and Service User F less than two hours before the appointment;
 - c. On around 9 July 2018, arrived an hour late to an appointment with Person 6 and Service User F;
 - d. On around 2 August 2018, did not invite social worker 7 to the CLA review meeting organised for 3 August 2018;
 - e. On around 22 August 2018, cancelled a visit to Service User F half an hour before it was due to start;
 - f. On around 18 September 2018, did not attend a scheduled visit to Service User F and/or failed to inform Person 6 that you would not be attending;
 - g. On around 24 September 2018 cancelled a scheduled visit to Service User F with less than 3 hours' notice;
 - h. On around 9 October 2018 failed to invite the relevant parties to the CLA review meeting and/or book a meeting room;
 - i. On around 22 October 2018 did not attend a Personal Education Plan meeting and did not inform Service User F's school that you would not be attending.
16. Between around 31 May and December 2018 failed to complete and/or record completing any Pre Meeting Reports for Service User F.
17. Failed to request an Annual Medical Assessment by 1 October 2018 or within a reasonable time thereafter for Service User F.
18. Between around July 2018 and September 2018 did not meet prospective carers for Service User F.
19. Between around 21 August 2018 and December 2018 failed to progress the revocation of Service User F's placement order in that you did not complete:
- a. a Court statement for discharge of the placement order; and
 - b. a Court care plan.
20. Between around March 2018 and July 2018 failed to update the Child Permanence Report for Service User G.

21. You suffer from the health condition(s) as set out in Schedule 1.

The matters set out in paragraphs 1 – 20 constitute misconduct and/ or lack of competence.

Your fitness to practise is impaired by reason of your misconduct and/or lack of competence and/or adverse physical and/or mental health.

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	☐

Requests for further information or submissions, or any other preliminary issues that have arisen
The case examiners have noted that Regulatory Concern 21 does not specify the health conditions under consideration in this case, stating only as follows: 21. You suffer from the health condition(s) as set out in Schedule 1. From the information presented to them, the case examiners note that GP reports (21 March 2019 and 2 June 2019) advise that the social worker has suffered from [REDACTED] and that these conditions may potentially impact on the social worker's fitness to practise in the future. They therefore consider it appropriate to amend regulatory concern 21 to: 21. You suffer from the health condition(s) as set out in Schedule 1. [REDACTED]

Furthermore, the case examiners have not been specifically requested to consider the grounds of 'adverse physical or mental health' in relation to regulatory concern 21, although this is referred to at 23 above, which states that "Your fitness to practise is impaired by reason of your misconduct and/ or lack of competence and/ or adverse physical and/or mental health.

The case examiners have therefore amended 22 as follows (changes in red):

22. [REDACTED] The matters set out in paragraphs 1 – 20 constitute misconduct and/ or lack of competence.

[REDACTED]

The case examiners are satisfied that these changes do not prejudice the social worker or require further submissions from them; they are already referred to in GP records included in the evidence bundle, or are clearly inferred.

The case examiners are aware of the need to consider cases expeditiously and the need to ensure fairness to all parties, together with their guidance that they should only request further information if it would not be possible to reach a decision without it. They are satisfied that their chosen course of action is consistent with the guidance.

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 all of the regulatory concerns being found proven, that those concerns could amount to the statutory ground(s) of misconduct and/ or lack of competence and/ or adverse physical and/or mental health, and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

The case examiners have carefully considered all of the available evidence in relation to the regulatory concerns 1-20; they have specifically noted key evidence, including (but not limited to):

- An employer's letter of 23 January 2018 written by a team manager (KL) which summarises a number of the safeguarding concerns and complaints raised about the social worker, including responses from the social worker to the matters raised.
- A series of emails to and from the team manager KL between 1 October and 14 December 2018, which provide further supporting evidence in relation to concerns raised.

- A schedule of concerns prepared by the team manager KL (accompanying letter of 9 April 2019), setting out evidence established by the employer in relation to the concerns raised, including references to case notes and supervision records.
- Supervision records outlining concerns about wellbeing, specific case issues and reflection;
- Copy of 'Child Permanence Report' re SU G
- Evidence that the social worker was placed on an informal performance plan in relation to those concerns raised prior to the allegations regarding Service User B; also that a formal performance plan was considered in September 2018, but postponed due to the social worker's illness and operation, and for further occupational health advice.
- The findings of the employer's disciplinary hearing on 19 June 2019 where an allegation of gross misconduct was upheld by the social worker's employer in relation to concerns 2-5 (service user B).
- The employer's investigation report and all supporting documentation relating to concerns 2-5 (service user B).
- The social worker's responses to their employer during their investigations, and submissions to the HCPC and Social Work England indicating that they admit the concerns raised.

Having considered all of the information provided to them, and in particular the areas highlighted above, **the case examiners are satisfied that there is a realistic prospect of all the concerns 1-20 being found proven by adjudicators.**

The case examiners have next considered regulatory concern 21 (as amended by them), which relates to the social worker's health. They specifically note evidence which indicates that:

- The social worker [REDACTED] undertook a phased return to work on 10 December 2018 due to their health;
- The social worker had not been at work since 21 December 2019 due to being signed off sick by their GP;
- The employer made referrals to Occupational Health (OH);

- That health professionals considered that the social worker's absence from work had been due to health reasons [REDACTED]
- That the social worker has advised that their [REDACTED] health impacted significantly on their life and ability to manage day-to-day activities [REDACTED]
- GP reports (21 March 2019 and 2 June 2019) advise that the social worker has suffered from health issues [REDACTED] and they raise concerns that their condition might deteriorate if they went back to working as a social worker [REDACTED]
[REDACTED] In such circumstances, the GP advises that the social worker may not be fit to practise.

Having considered all of the information provided to them, and in particular the areas highlighted above, the case examiners consider there to be evidence of the social worker suffering from the alleged health concerns. **As such, the case examiners are therefore satisfied that there is a realistic prospect of concern 21 being found proven by adjudicators.**

Grounds

In relation to regulatory concerns 1 – 20, the case examiners have been asked to consider the grounds of misconduct and/ or lack of competence.

In considering the ground of misconduct, the case examiners are aware that misconduct includes serious misconduct in the exercise of professional practice, and that evidence of a significant departure from what would have been proper in the circumstances is required to support the ground.

To assist them in understanding what would be proper in relation to the allegations made in this case, the case examiners have considered the professional standards (HCPC Standards of conduct, performance and ethics, 2016) which were applicable at the time.

The case examiners have taken into account that the evidence provided to them is with regards to seven separate service users over a protracted period of time (February 2018- December 2018), and particularly note the evidence relating to service user B (concerns 2 - 5), where the social worker is alleged to have failed to take the required actions to respond to and protect a vulnerable child disclosing an allegation of rape. The case examiners are of the view that a number of standards have potentially been breached by the social worker, for example (but not limited to):

2.2 You must listen to service users and carers and take account of their needs and wishes;

2.6 You must share relevant information, where appropriate, with colleagues involved in the care, treatment or other services provided to a service user;

3.2 You must refer a service user to another practitioner if the care, treatment or other services they need are beyond your scope of practice;

3.4 You must keep up to date with and follow the law, our guidance and other requirements relevant to your practice;

6.1 You must take all reasonable steps to reduce the risk of harm to service users, carers and colleagues as far as possible;

6.2 You must not do anything, or allow someone else to do anything, which could put the health or safety of a service user, carer or colleague at unacceptable risk;

7.1 You must report any concerns about the safety or well-being of service users promptly and appropriately;

7.3 You must take appropriate action if you have concerns about the safety or well-being of children or vulnerable adults;

9.9 You must make sure that your conduct justifies the public's trust and confidence in you and your profession;

10.1 You must keep full, clear, and accurate records for everyone you care for, treat, or provide other services too;

10.2 You must complete all records promptly and as soon as possible after providing care, treatment or other services.

Given the extent of the concerns raised, and the potential for significant harm to have been caused to service users and the wider public by the social worker's alleged actions/inactions over a protracted period of time, **the case examiners are satisfied that there is a realistic prospect of adjudicators finding misconduct proven in relation to regulatory concerns 1-20.**

In considering a lack of competence or capability, the case examiners note their case examiner guidance which states that usually, a lack of competence or capability must be demonstrated over a fair sample of a social worker's work.

The case examiners note that a number of areas for improvement were raised with the social worker by their team leader, including performance issues relating to service users, meeting timescales, record keeping, communication and safeguarding. The evidence indicates that the social worker was provided with support and also a reduced case load to assist them in improving their performance. However, the social worker does not appear to have made, or have been able to make, the required improvements. Given the number of concerns raised, together with the supporting evidence, the case examiners do consider that a fair sample of work has been provided to them, such as to indicate a pattern of on-going performance issues.

The case examiners are therefore satisfied that there is a realistic prospect of adjudicators finding a lack of competence or capability proven in relation to regulatory concerns 1-20.

In relation to regulatory concerns 21, the relevant ground for consideration is adverse physical or mental health.

The case examiners are aware that having a health condition does not necessarily mean a social worker's fitness to practise is impaired. The key question is the potential risk to public safety. This depends on the nature of the health condition and on the social worker's level of insight, in particular their willingness or ability to self-limit their practice appropriately in light of their health condition.

While the case examiners do consider, from the information provided to them, that this is a case where a social worker has not taken steps to manage their health; there is evidence of the social worker engaging with both occupational health and their own GP. However, there is evidence to indicate that, despite seeking appropriate treatments and support, that the social worker's health has not been managed effectively and has impacted on their ability to work as a social worker, and that symptoms have put the public at risk.



The GP reports (21 March 2019 and 2 June 2019) further advise that the social worker has suffered from health issues [REDACTED] and they raise concerns that their condition might deteriorate if they went back to working as a social worker [REDACTED]. In such circumstances, the GP advises that the social worker may not be fit to practise.

The case examiners are therefore satisfied that there is a realistic prospect of adjudicators finding the grounds of adverse physical or mental health proven.

Impairment

The case examiners have next considered whether there is a realistic prospect of adjudicators finding the social worker's fitness to practise to be impaired.

In assessing whether there is a realistic prospect that adjudicators may find the social worker's fitness to practise to be impaired, the case examiners have considered both the personal and public interest elements.

In considering the personal element of impairment, the case examiners have considered the test as set out in the Case Examiner guidance (2020), namely whether the conduct is remediable; whether the social worker has undergone remediation and demonstrated insight; and whether there is a likelihood the matters alleged will be repeated.

The case examiners consider that while the alleged actions are remediable, for example through a commitment to further training, demonstrating improved performance over a sustained period and experiencing an improvement in health, there is insufficient evidence to indicate that the social worker has successfully remediated at this time; this is despite them having attempted to do so previously through working on an informal improvement plan, attending training while in work, and seeking support for their health condition. They have stated that they have not worked as a social worker since resigning from their previous employment in July 2019, and also that they have no intention of doing so in future. The social worker has also put forward a request for voluntary removal from the register, confirming their intention to not practise as a social worker in the future.

The social worker, has however, provided evidence of insight into the concerns raised. They have not, at any time, disputed the concerns raised, they have taken responsibility for their actions, and expressed both remorse and an understanding of the negative impact on those they did not provide an effective service for. The social worker also accepts that their fitness to practise is currently impaired. The case examiners would consider insight to be strengthened if the social worker had provided fuller responses and reflection into the concerns raised; for example, considering the impact of their alleged actions on public confidence in the profession of social work; however, they note that the

social worker has been unwell and has indicated that they no longer wish to work as a social worker, and as such, they may not consider further reflection to be required.

Overall, given the extent and repeated nature of the concerns raised, the limited remediation identified, and absence of full insight, the case examiners conclude the risk of repetition is likely to be high, if the social worker were to return to unrestricted practise .

The case examiners next considered whether the social worker's alleged actions have the potential to undermine public confidence in the profession and whether this is a case where adjudicators may determine that public interest requires a finding of impairment. Public interest includes the need to uphold proper standards of conduct and behaviour and the need to maintain the public's trust and confidence in the profession.

Again, given the extent and repeated nature of the concerns raised, together with evidence of an adverse health condition, the case examiners consider that adjudicators may determine that the public would expect a finding of impairment recorded against a social worker in these circumstances. Furthermore, public confidence in the social work profession and the regulator may be undermined if a finding of impairment was not made.

Accordingly, the case examiners are satisfied that there is a realistic prospect of adjudicators finding 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	☒
Could a removal order be required?	Yes	☐
	No	☒
Would not holding a public hearing carry a real risk of damaging public confidence in Social Work England's regulation of the profession?	Yes	☐
	No	☒
Is a hearing necessary to maintain public confidence in the profession, and to uphold the professional standards of social workers?	Yes	☐
	No	☒

Additional reasoning

The case examiners are mindful of their guidance, which states they must refer matters to a hearing where there is disagreement about the underlying facts of the case which give rise to the allegations of impairment. In this case, the social worker has accepted all of the concerns raised, together with impairment.

With regards to the risk to public safety, the case examiners consider that the risk can be addressed without the need for a hearing, as any risks can be managed through the social worker being voluntarily removed from the register; this can be achieved via the 'accepted disposal' and 'voluntary removal' process, without the necessity for a hearing. The case examiners note that the social worker has submitted a signed voluntary removal agreement, which remains subject to the case examiner's approval.

The case examiners have considered whether the matter is of such seriousness that there is a realistic prospect that adjudicators would consider removal and whether the matters arising require public scrutiny. Given that there is evidence of strong mitigation in that the social worker's conduct and performance concerns appear linked to an adverse health condition, the case examiners do not consider this to be the type of case which requires public scrutiny at a hearing. The case examiners are of the view that public confidence in the profession, or the regulator, would not be damaged if there was not a public hearing, but was instead addressed through the social worker being voluntarily removed from the register, together with a sanction published on its website.

Accepted disposal

Case outcome

Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☒
	Conditions of practice order	☐
	Suspension order	☐
	Voluntary removal	☒
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 (2019) and reminded themselves that the purpose of sanction is not to punish the social worker but 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 options in ascending order of seriousness.

The case examiners determined that taking no further action was not appropriate in a case where there is evidence that the social worker had repeatedly failed to perform to the required standard over a protracted period of time, had significantly departed from the required standards putting vulnerable people at risk of harm, and been unable to manage a health condition that adversely impacted on their ability to work safely and effectively. The case examiners consider public confidence in the profession would be significantly undermined were no sanction to be imposed, as it would not address the gravity of the concern.

The case examiners next considered whether offering advice would be sufficient in this case. An advice order will normally set out the steps a social worker should take to address the behaviour that led to the regulatory proceedings. It is noted by the case examiners that the social worker has already been subject to an informal improvement plan and to health assessments by the local authority. The case examiners do not

consider that any further advice would be sufficient to prevent the alleged conduct from recurring or address the seriousness of the concerns raised.

The case examiners next considered issuing a warning and determined that, together with voluntary removal, this was the most appropriate and proportionate response in this case and was the minimum necessary to protect the public and the wider public interest. While a warning will not restrict the social worker's practice, the voluntary removal of the social worker from the register will prevent them from practising. Furthermore, a warning will also serve as a clear expression of disapproval of the social worker's conduct.

In considering the duration of the warning, the case examiners have had regard to the Sanctions Guidance (2019) which states that one year may be appropriate for an isolated incident of relatively low seriousness where the primary objective is to send a message about the professional standards expected of social workers. Having considered the repeated nature and seriousness of the concerns raised, the case examiners do not consider a one year warning order to be appropriate.

A warning order of three years might be appropriate for more serious concerns to maintain public confidence and to send a message about the professional standards expected of social workers; . However, having carefully considered the seriousness of the concerns raised, the length of time that the social worker appears to have suffered from poor health, together with no recent evidence of their health improving, the case examiners do not consider a warning order of three years to be sufficient.

The case examiners guidance advises that a warning order of five years might be appropriate for serious cases that have fallen only marginally short of requiring restriction of registration, to maintain confidence in the profession and where it is necessary to send a clear signal about the standards expected. . The case examiners are of the view that the social worker would need to be able to address their health issues, access support and engage in a significant programme of re-training, should they wish to consider re-entry to the social work register.

The case examiners therefore consider that a warning order for a period of five years is appropriate in these circumstances and is the minimum necessary to maintain public confidence and to send a message to the public, the profession and the social worker about the standards expected from social workers.

To test the appropriateness of their decision, the case examiners also considered whether conditions of practice or a suspension order might also be appropriate in the circumstances. They determined that neither conditions of practice nor suspension would serve a useful purpose or protect the public where a social worker has indicated

that they have no intention of returning to social work and wish to remove themselves from the register.

The case examiners have thus decided to propose to the social worker a warning of five years duration, together with the voluntary removal of the social worker from the register. In signing the voluntary removal agreement, the social worker declarations include that:

- They understand the regulatory concerns made against them and admit to the factual particulars of those regulatory concerns. They also admit that their fitness to practise is impaired by reason of those regulatory concerns.
- Under schedule 2, paragraph 9 of the Social Workers Regulations 2018, they ask for the case examiners to consider disposal of the case without a hearing on the basis that they seek voluntary removal from the register.
- They do not intend to revoke their application prior to being removed from the register.
- They do not intend to practise as a social worker in future or apply for admission to the register again.
- They understand that if the case examiners agree to proceed by way of the voluntary removal process and they do apply for admission to the register in the future, they will be required to disclose their fitness to practise process to the regulator.
- They understand the following will be taken into account when considering any application to be admitted: admissions they have made to the regulatory concerns and my fitness to practise being impaired, and their stated intention not to practise as a social worker in future or apply for admission to the register.
- They understand that if the case examiners do agree to proceed by way of the voluntary removal process that the decision will be published including admissions they have made to the regulatory concerns and their fitness to practise being impaired, and their stated intention not to practise as a social worker in future or apply for admission to the register.

- They understand that they may be required to disclose to a third party such as an employer, agency, public authority and/or another regulator that they have been the subject of a fitness to practise proceeding.
- They understand that if requested by a third party, such as an employer, agency, public authority and/or another regulator, Social Work England can disclose the outcome of the voluntary removal process including admissions they have made to the regulatory concerns and their fitness to practise being impaired, and their stated intention not to practise as a social worker in future or apply for admission to the register.

The case examiners will now notify the social worker of their intention for accepted disposal and seek the social worker's agreement to dispose of the matter accordingly. The social worker will be offered 21 days to respond. If the social worker does not agree to both the five year warning order and voluntary removal from the register, 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

The case examiners have considered a warning in this case is necessary to declare and uphold proper standards of behaviour and conduct, as well as to mark the serious impact which unprofessional behaviour and an unmanaged adverse health condition can have on the reputation of the profession.

Further, the case examiners consider the warning should stay on the social worker's entry in the register for a period five years.

The case examiners therefore formally warn the social worker that their conduct fell significantly short of the required standards, did not take into account the best interests of service users and placed vulnerable service users at risk of harm.

Behaviour bringing into question your suitability to work as a social worker will have an adverse effect on the public's confidence in the social work profession, and therefore this conduct should not be repeated. Any further concerns of this nature brought to the attention of the case examiners will be viewed dimly and will likely result in a more serious outcome.

Response from the social worker

On 18 January 2022, the social worker confirmed that they had read the case examiners' decision and the 'further information about accepted disposal' guidance document. They confirmed that they understood the terms of the proposed disposal of their fitness to practise case warning of 5 years together with their voluntary removal from the register, and accepted them in full.

Case examiners' response and final decision

In light of the social worker's acceptance of the 5 year warning order and their voluntary removal, the case examiners have again considered whether there would be a public interest in referring this matter to a public hearing. They remain of the view that a hearing remains unnecessary for the reasons set out earlier (above).

Having been advised of the social worker's response, the case examiners have again turned their minds as to whether a 5 year warning order and the social worker's voluntary removal from the register remains the most appropriate means of disposal for this case.

The case examiners 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 upholding professional standards. Having done so, they remain of the view that their proposal is a fair and proportionate disposal and is the minimum necessary to protect the public and the wider public interest.