

Case Examiner Decision
Joanna Penn – SW95344
FTPS-19658

Contents

The role of the case examiners.....	3
Decision summary.....	4
The complaint and our regulatory concerns	5
Preliminary issues	7
The realistic prospect test.....	8
The public interest	20
Accepted disposal	22

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

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	Accepted disposal proposed - warning order (3 years, published)
Final outcome	Accepted disposal - warning order (3 years, published)
Date of the final decision	24 November 2022

Executive summary

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

1. Some of the factual concerns could be found proven by the adjudicators;
2. Those concerns could amount to the statutory ground of misconduct;
3. The adjudicators could conclude that the social worker's fitness to practise is currently impaired.

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

As such, the case examiners notified the social worker of their intention to resolve the case with a published warning order of 3 years duration. The social worker agreed to this proposal and the case examiners have concluded the case by way of accepted disposal.

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 current employer.
Date the complaint was received	31 August 2021
Complaint summary	The social worker was allocated the case of Child A, who was at risk of forced marriage. The complainant alleges that the social worker's handling of the case was insufficient to address the risk, for the reasons captured in the first two regulatory concerns. A further matter relates to the social worker's preparation for giving evidence at court, in respect of Child A's case.

Regulatory concerns

1. On or around 4 November 2019, you failed to appropriately safeguard Child A who was at risk of forced marriage in that:

- a) You failed to view video evidence relating to the concerns
- b) You did not complete an unannounced visit to Child A, contacting the parents beforehand
- c) You failed to explore the content of the video with Child A or their parents
- d) You failed to make adequate enquiries to identify the person who would enter into the proposed marriage with Child A

2. You did not adequately safeguard Child A, who was at risk of forced marriage, following a referral from Child A's school on or around 10 December 2019, including:

- a) You failed to obtain the note that Child A had written, expressing that they did not want to be married anymore

b) You failed to investigate the referral.

3. You failed to adequately prepare to give evidence at a fact-finding hearing held in relation to Child A in or around June and July 2021.

The matters outlined in regulatory concern at 1 a) to d), 2 a) and / or b) and 3 amount to the statutory ground of a lack of misconduct.

Your fitness to practise is impaired by reason of misconduct.

Preliminary issues

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

The realistic prospect test

Fitness to practise history

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

Decision summary

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

Yes ☒

No ☐

The case examiners have determined that there is a realistic prospect of regulatory concerns 1a, 1b, 1c and 2b being found proven, that those concerns could amount to the statutory ground of misconduct, and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

1. On or around 4 November 2019, you failed to appropriately safeguard Child A who was at risk of forced marriage in that:

a) You failed to view video evidence relating to the concerns

The case examiners highlight the following:

- The notes from the strategy discussion show that video evidence was available.
- An email from the social worker's manager states '*The social worker gave evidence in court reporting that she had not watched the videos and also repeated the same information during the investigation meeting on the 5th August 2021*'.

- The approved judgement document details that the social worker admitted to not viewing the video evidence.

The social worker does not dispute that they did not view the video footage, and explains that when they checked (on two occasions) there did not appear to be any footage attached to the file. They state:

‘Reflecting on this matter I understand that I should have pursued the possibility that all of the evidence may not have been uploaded to the file and contacted the referrer to clarify the available evidence. It is clear from the judgement that this evidence would have been a crucial factor in understanding the level of risk to Child A at the point of the initial referral.’

The case examiners are of the view that, given the information that appears to have been available to the social worker, it would have been necessary to make further enquiries into the availability of the video evidence, and to take steps to view it. Having seen the video footage, alongside the information in the approved judgement document that provides further context to the online comments underneath the video by way of translation from the native language, it seems clear that this evidence would have been key in assisting the social worker to make a full assessment of risk. It would also have assisted the social worker in their questioning of Child A’s parents and provided evidence on which the social worker could base any challenges to the untruthful information that the parents provided.

Turning their minds to the overarching regulatory concern, the case examiners are of the view that the apparent actions, or inactions, of the social worker are likely to be considered a failure to safeguard. They may have prevented a proper risk assessment being conducted and resulted in decisions being made that were insufficient to protect Child A from harm.

The case examiners are satisfied that there is a realistic prospect of this part of the concern being found proven by adjudicators.

b) You did not complete an unannounced visit to Child A, contacting the parents beforehand

The case examiners highlight the following:

- Case notes show that, following the referral, the social worker made an initial telephone call to the mother of Child A to discuss the concerns.

- Case notes also show that the social worker visited Child A and their parents at their home address following the referral, however this was after the social worker had already spoken to Child A's mother and arranged a time to visit.

The social worker does not dispute that their visit to Child A following the referral was not unannounced. However, they provide mitigation and state this was because they had been instructed to do so by their manager. They state:

'I would never normally contact a parent prior to visiting a child where there are concerns sufficient to warrant section 47 enquiries. However, as part of the actions from the strategy discussion (see Record of Strategy Discussion - 5/11/2019) I was directed by my manager to make contact with the family to plan the visit. I believe that this was due to the Child A's absence from school and the need to first establish her whereabouts.'

This is relevant because the overarching concern cites a failure to safeguard Child A, as such it is necessary to assess if any responsibility may lie with the social worker.

Firstly, the case examiners are of the view that the decision not to carry out an unannounced visit to see Child A is likely to be considered flawed, and a failure to safeguard. This appears to have removed the opportunity to speak with Child A without any coercion from their parents into providing the account that Child A ultimately gave, and was later found not to be the truth. As such, the opportunity was lost to identify the accurate information, namely that Child A was at real risk of significant harm due to an forced marriage being put in place for them with an adult male.

The case examiners have had sight of the case notes that detail the strategy discussion, and the instruction from the social worker's manager. These read:

'A single agency response to Childrens services is agreed in the first instance for the assessing social worker to contact the family and to complete an interview with (Child A) given it is thought that she is still in the country'.

This evidence could reasonably support the account that the social worker has provided in respect of the instruction they received from their manger.

However, the case examiners are of the view that there would have been an expectation on the social worker to challenge any decision making that may put a vulnerable child at risk, irrespective of the decision maker being in a position of seniority. There is no evidence to show this took place and the social worker also accepts this in their submissions, and that they should have acted differently.

The case examiners are satisfied that there is a realistic prospect of this part of the concern being found proven by adjudicators.

c) You failed to explore the content of the video with Child A or their parents

The case examiners' exploration of the evidence at regulatory concern 1a is relevant here and does not need to be repeated. Given that the case examiners found a realistic prospect of adjudicators finding that the social worker failed to view the content of the video, it follows that the social worker could not have explored this with Child A's parents. The case examiners are satisfied that, as the content of the video was highly relevant, there would have been an expectation on the social worker to explore this with Child A's parents in order to make a full assessment of risk. In not doing so, this is likely to be considered a failure to safeguard.

The social worker does not dispute this concern and signposts the case examiners to their submissions for regulatory concern 1a.

The case examiners are satisfied that there is a realistic prospect of this part of the concern being found proven by adjudicators.

d) You failed to make adequate enquiries to identify the person who would enter into the proposed marriage with Child A

The case examiners highlight the following:

- Case notes show that the social worker made enquires with Child A, who stated there was no proposed marriage, and that the male in question was their cousin, who they were with at a family celebration for a different purpose.
- Case notes show the social worker made enquires with Child A's parents, who provided the same account as Child A.

The social worker does not accept this concern, and says they did make enquires, consistent with what is recorded in the case notes, and outlined above.

Whilst the apparent approach taken by the social worker to speak with the mother of Child A may have been flawed, and could have contributed to Child A and their parents providing the same fictitious account when the social worker made enquiries about the persons' identity, this has already been captured by regulatory concern 1b.

The case examiners consider that the questioning that the social worker seemingly conducted at the initial visit in order to identify the person in question, is likely to be viewed as reasonable. The case examiners are of the view that the social worker was limited in what else they could do, given the limited resources they have access to. As such the case examiners do not consider it likely that the social worker's alleged actions would be viewed as a failure.

The case examiners are not satisfied that there is a realistic prospect of this part of the concern being found proven by adjudicators.

2. You did not adequately safeguard Child A, who was at risk of forced marriage, following a referral from Child A's school on or around 10 December 2019, including:

a) You failed to obtain the note that Child A had written, expressing that they did not want to be married anymore.

The case examiners highlight the following:

- The referral document details that Child A's school had found a note expressing that Child A did not want to be married anymore.
- Case notes show that the social worker contacted the school to discuss the referral and that they enquired about the note. The case notes suggest that the note had not been retained and that that member of staff who had found the note was not known.

The social worker states:

'I recall that the school raised a subsequent concern about a note that had been found in a bin. On the 13/1/2020 (see case recording) I contacted the school safeguarding officer having received this information in order to discuss the additional concerns. The safeguarding officer that had made the referral had left the post and the new member of staff did not have possession of the note reported to have been written by Child A and therefore I was unable to obtain this.'

This regulatory concern again cites 'a failure' on the part of the social worker. The steps that the social worker took in respect of the note appear reasonable, the evidence suggests there is little more they could have done to physically obtain the note. As such, the case examiners do not consider it likely that the social worker would be found to have failed in this respect. The steps the social worker took thereafter are addressed by regulatory concern 2b.

The case examiners are not satisfied that there is a realistic prospect of this part of the concern being found proven by adjudicators.

b) You failed to investigate the referral.

The case examiners highlight the following:

- The referral document details that Child A's school had found a note expressing that Child A did not want to be married anymore. This was the second referral in around 2 months of a similar nature.
- Case notes show that the social worker contacted the school to discuss the referral and that they enquired about the note. The case notes suggest that the note had not been retained and that that member of staff who had found the note was not known.
- Case notes show that the social worker telephoned the mother of Child A, who informed the social worker that Child A was not married, but was abroad with their paternal grandmother who was unwell. It is recorded that the mother further stated that Child A did not want to return.
- Case notes shows that no further steps were taken by the social worker, that the rationale given as a result of the first assessment the previous month was relied upon, and that the social worker informed the school that there was insufficient evidence to initiate safeguarding procedures.
- Case notes show that the social worker's manager had oversight of the case and agreed to it being closed.

The social worker states:

'It clear with hindsight that Child A was making a further attempt to seek help when she wrote the note stating that she no longer wanted to be married and that by failing to visit her in school to explore the concerns she was again unable to access this, and this must have been very distressing for her and worrying for her. I understand that by not visiting Child A I did not uphold professional standard 3.12 which states that social workers should 'Use their assessment skills to respond quickly to dangerous situations and take any necessary protective action'.

And:

'I discussed this second referral with the team manager. It was decided that since I had already seen and interviewed Child A regarding the concern about Forced Marriage and, without the note being available, there was insufficient evidence to take any further action. I was directed by my manager to close the case.'

The social worker appears to accept that the steps they took were insufficient to investigate the referral, but signposts to their manager's direction.

Again, this is relevant because the overarching concern cites a failure to safeguard Child A, as such it is necessary to assess if any responsibility may lie with the social worker.

Firstly, the case examiners are of the view that decision to close the case without a thorough investigation is likely to be considered a failure. The response does not seem proportionate given that this was the second referral of a similar nature, raising extremely serious concerns. In closing the case, the opportunity was lost to identify that Child A was at real risk of significant harm due to a forced marriage being put in place for them with an adult male. The case examiners are of the view that the overarching concern, a failure to safeguard Child A, is likely to be engaged.

Though the case examiners acknowledge that the case notes suggest it was the social worker's manager who ultimately made the decision to close the case following the second referral, they are of the view that there would have been an expectation on the social worker to challenge any decision making that may put a vulnerable child at risk, irrespective of the decision maker being in a position of seniority. There is no evidence to show this took place and the social worker also accepts this in their submissions, and that they should have acted differently.

The case examiners are satisfied that there is a realistic prospect of this part of the concern being found proven by adjudicators.

3. You failed to adequately prepare to give evidence at a fact-finding hearing held in relation to Child A in or around June and July 2021.

The case examiners highlight the following:

- The judge states in respect of the social worker in their judgment that *'I found her evidence to often be quite generalised and it appeared to me that she was giving her overall impression rather than being specific about events. That said, in relation to her recollection of (Child A's) account into the 2020 allegations, she appeared to have a better level of recollection.'*
- The employer investigation report states in respect of the social worker *'She was reflective and honest and said she did not prepare enough for the fact-finding hearing and would do this differently in the future.'*
- Emails from June 2021 between the legal team and the social worker show there was a short period of notice, around 2 days, provided to the social worker to attend court.
- The court hearing was around 18 months after the social worker had been involved in the case.

In their submissions, the social worker states:

'I recall requesting further guidance and information. This was not forthcoming although I did receive a briefing document highlighting the areas to be covered by the Judge. Prior to the hearing I studied this and reviewed the case file and all social care records. Whilst I felt prepared to answer the questions posed to me in relation to my own involvement in the case, I felt unprepared for the degree of cross examination which took place. It seemed that the solicitors and other professionals were unclear about my role and involvement in the case as I was questioned about interviews completed by other social workers who had been involved working with the family subsequent to my involvement.'

The case examiners are not satisfied that the evidence from the judge, or the small reference to this matter in the employer investigation report, is likely to be sufficient for adjudicators to find that the social worker did not prepare to give evidence. Given the short amount of notice the social worker appears to have been provided to attend court, in a case of complex nature that the social worker had not been involved in for over 18 months, even if there was sufficient evidence to prove the social worker was not adequately prepared, the context is likely to provide mitigation that any failure was largely out of the social worker's control.

The case examiners are not satisfied that there is a realistic prospect of this part of the concern being found proven by adjudicators.

Grounds

The case examiners have next considered if any or all of regulatory concerns 1a, 1b, 1c and 2b could amount to the statutory ground of misconduct.

It is important to set out what misconduct is.

Misconduct can be broken down into two elements:

- Serious misconduct in exercise of professional practice.
- Conduct of a morally culpable or otherwise disgraceful kind which may occur outside the course of professional practice but could bring disgrace on the professional and reputation of profession.

In this case, as the conduct is alleged to have occurred in exercise of professional practice, it is the first element of misconduct (as set out above) that the case examiners will consider. The case examiners also note that 'misconduct' denotes serious acts or omissions, suggesting a significant departure from what would be proper in the circumstances.

To help them decide if the evidence suggests a significant departure from professional standards, the case examiners have considered the following Social Work England professional standards that were applicable at the time of the concerns:

Social Work England professional standards

As a social worker I will:

3.2 Use information from a range of appropriate sources, including supervision, to inform assessments, to analyse risk, and to make a professional decision.

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.

In this case the social worker's duties related to safeguarding an extremely vulnerable child, who ultimately, it appears, was subjected to physical and emotional abuse.

The evidence suggests the social worker did not respond adequately to two situations following separate referrals. On the first occasion the social worker allegedly did not view or explore the content of video evidence that could have been crucial to inform the assessment and analysis of risk, and to assist in professional decision making. Such conduct would not align with Social Work England professional standard 3.2.

Also on the first occasion, the social worker allegedly failed to complete an unannounced visit and alerted the parents of the child beforehand. This could suggest that the social worker failed to recognise the risk indicator in the case and lost the opportunity to obtain best evidence from the child. Such conduct would not align with Social Work England professional standard 3.4.

On the second occasion, the social worker allegedly did not sufficiently investigate a further referral of a similar nature, relating to the same child.

Relating to both referrals, it is reasonable to suggest that potentially dangerous situations were not appropriately addressed, and necessary protective action was not taken as a result. The alleged conduct would not align with Social Work England professional standard 3.12.

The case examiners have noted that that social worker, though very reflective in their submissions, does put forward mitigation. Specifically, that their manager instructed them to visit the family unannounced following the first referral, and that it was ultimately the manager's decision to close the case in the second instance. The case examiners have carefully considered this and note that there is evidence contained within case notes to

support the social worker's submissions. However, as stated earlier in this determination, the case examiners are of the view that there would have been an expectation on the social worker to challenge any decision making that may put a vulnerable child at risk, irrespective if the decision maker was in a position of seniority. There is no evidence to show this took place and the social worker also accepts this in their submissions, and that they should have acted differently.

The case examiners are satisfied that there is evidence to suggest the social worker was aware of what needed to happen, but omitted to carry out the necessary actions to safeguard Child A. The case examiners conclude that it is likely the alleged conduct would be considered serious, and a significant departure from the professional standards outlined above.

As such, the case examiners are satisfied there is a realistic prospect of adjudicators finding that regulatory concerns 1a, 1b, 1c and 2b amount to misconduct.

Impairment

Having concluded there is a realistic prospect of adjudicators establishing the statutory ground of misconduct, the case examiners must consider whether there is a realistic prospect of adjudicators finding current impairment. The case examiners are aware they must assess both the personal and public elements of current impairment. They will consider each in turn.

Personal impairment

In considering current impairment, the case examiners have considered whether the conduct is remediable, whether the social worker has demonstrated insight and/or undergone remediation, and whether there is a likelihood the matters alleged will be repeated.

Firstly, the case examiners are satisfied that the alleged conduct in this case is capable of remediation. It does not arise from a potential attitudinal flaw (such as dishonesty), and remediation could be achieved, for example, by way of additional training, coaching and mentoring.

The social worker has demonstrated a high level of insight in this case. They appear genuinely remorseful and have demonstrated in their submissions that they understand what led to the events leading to the concerns, and how they might act differently if the same circumstances were to happen again.

For example:

- *'I accept that having been informed by the school that they had included photographs and video footage as part of the referral, I should have pursued the possibility that all the evidence had not been uploaded to the file and contacted the school to clarify the available evidence. '*
- *'I accept that by not undertaking an unannounced visit to the family home this may have enabled child A's parents to prepare the account that they provided to me and also coach Child A into giving the same account.'*
- *'I believe that I made a crucial mistake in not maintaining accountability for my own decision making and challenging issues that I disagreed with such as the lack of police involvement and the decision made to close Child's A's case and escalating my concerns to senior managers.'*

The social worker has demonstrated a meaningful understanding of the impact the alleged conduct could have on the child and on the public's confidence in the profession.

For example:

- *'I understand that my failure to adequately identify and assess the risks to Child A and challenge unsafe practice and decision making led to her not being adequately safeguarded and as a result she suffered harm which will have a devastating and lasting impact on her. I regret that my practice in relation to Child a failed to uphold professional social work standards and meet the expectations of my employer and, that my practice may have damaged public trust and confidence in the profession and social workers ability to protect vulnerable children.'*
- *'I understand that I have a responsibility to uphold the reputation of the profession. I regret that my practice may have had a damaging effect on public trust and confidence in the social work profession and social workers ability to keep children safe.'*

In respect of remediation, the social worker states they have completed a personal improvement plan (PIP) with their employer, have completed training around forced marriages, and have engaged in mentoring to embed their learnings following reflection due to this case.

The case examiners are aware that it is important to have objective, verifiable evidence to support the submissions made by the social worker. The case examiners have had sight of:

- The PIP document that details the social worker's successful completion of relevant tasks (including mentoring) to strengthen their practice due to the issues that gave rise to this case.
- Completion of training certification that is relevant to the matters that gave rise to this case.
- Testimony from the social worker's current manager who states *'Joanna has reflected on her practice in regards to the case that has led to the investigation. She has engaged in a performance improvement plan which has included specialist training in relation to forced marriage'* and *'As her manager I am of the view that Joanna gained considerable insight into the issues raised in the investigation through her full engagement with the performance improvement plan and there was evidence that she implemented changes to her practice following her learning.'*

The case examiners are satisfied that the objective evidence outlined above supports the social worker's assertion that they have remediated their practice in light of the issues raised in this case.

The information reviewed leads the case examiners to conclude that there is low risk of repetition.

Public interest

The case examiners must now consider the public interest in this matter.

A social worker failing to safeguard an extremely vulnerable child on more than one occasion, undoubtedly has the potential to undermine public confidence. Such conduct is certainly a significant departure from professional standards.

Regulatory concerns regarding failures to safeguard children go to the heart of public confidence in the social work profession. They have the potential to undermine the public's trust in social workers. As such, it is likely the public would expect, irrespective of the fact that the risk of repetition is low, that a finding of current impairment is made by adjudicators to maintain public confidence in the regulation of the profession.

As such, due to the public limb, the case examiners have concluded there is a realistic prospect that adjudicators would find the social worker to be 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	☒
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 have noted that the social worker, via their representative, has not expressly accepted that their fitness to practise is currently impaired. Indeed, the nature of the submissions suggest they may not. Where a social worker does not accept impairment, case examiner guidance suggests that a referral to hearing may be necessary in the public interest. The case examiners consider it is appropriate to depart from that guidance in this instance. In reaching this conclusion, they noted the following:

- There is no conflict in evidence in this case and the social worker accepts the facts.
- The social worker is clear that they accept that their practice fell short of the standards expected of them.

- The case examiners consider there to be no realistic prospect of adjudicators determining that a removal order may be warranted.
- The case examiners are of the view that there is a low risk of repetition and the public interest in the case can be managed, as the case examiners have a number of sanctions available to them without the need for this case to be examined within a public hearing.
- The case examiners recognise that not all professionals will have an innate understanding of how and when the public interest may be engaged, or how exactly this might impact upon findings concerning current fitness to practise.
- The accepted disposal process will provide the social worker with an opportunity to review the case examiner's 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 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.

Accepted disposal

Case outcome		
Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☒
	Conditions of practice order	☐
	Suspension order	☐
Proposed duration	3 years	

Reasoning

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

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

The case examiners considered taking no further action but decided that this would not be appropriate in a case of this nature. Taking no further action would not satisfy the wider public interest.

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. The case examiners decided that issuing advice was not sufficient to mark the seriousness of the social worker's alleged conduct and again would not satisfy the wider public interest.

The case examiners then considered whether a warning order would be appropriate in this case. The case examiners are aware that where a social worker's fitness to practise is potentially impaired, they will usually need to ensure the public is protected through some action by the regulator. The case examiners have decided that such protection can be met with a warning order.

The case examiners have considered the length of time for the published warning and consider three years to be proportionate in this case. The case examiners consider that a period of three years is appropriate in the circumstances 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. The case examiners did not feel that the matter was of low seriousness or that it was an isolated incident, so one year was not appropriate. The case examiners do not consider that the matter fell marginally short of the need to restrict practice, and therefore five years would be disproportionate.

The case examiners went on to consider whether the final two sanctions, conditions of practice and suspension were appropriate in this case. They concluded that conditions were more relevant in cases requiring some restriction in practice and were not suitable for this case given that the evidence suggests the risk of repetition is low. The case examiners considered that suspension from the register would be a disproportionate and punitive outcome in this case.

The case examiners have decided to propose to the social worker a warning order (published) of 3 years duration.

The case examiners will now notify the social worker of their intention to 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, 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 formally warn the social worker as follows:

Failing to safeguard a vulnerable child is a very serious matter and can have far reaching consequences. Such conduct could have an adverse effect on the public's confidence in you as a social worker. It may also damage the reputation of the social work profession.

It is essential that you adhere to Social Work England's professional standards. The case examiners bring your attention specifically to the following:

As a social worker I will:

3.2 Use information from a range of appropriate sources, including supervision, to inform assessments, to analyse risk, and to make a professional decision.

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.

The conduct alleged in this case should not be repeated. Any further matters brought to the attention of the regulator are likely to result in a more serious outcome.

Response from the social worker

The social worker provided a response on 23 November 2022 and confirmed *“I have read the case examiners decision and the ‘further information about accepted disposal’ guidance document. 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 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 warning with a duration of 3 years and on 23 November 2022, the social worker accepted this proposal.

In light of the social worker’s acceptance of the warning, 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 a warning remains 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 warning is a fair and proportionate disposal and is the minimum necessary to protect the public and the wider public interest.

