

Case Examiner Decision
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FTPS-22701

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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	13 September 2024
	Accepted disposal proposed - warning order (5 years)
Final outcome	24 September 2024
	Accepted disposal proposed - warning order (5 years)

Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concerns 1(a1), (a3), (b1), (c1), (d1), (e1), (h1), (h5), (h6) and (i) being found proven by the adjudicators.



2. There is a realistic prospect of regulatory concerns 1(a1), (a3), (b1), (c1), (d1), (e1), (h1), (h5), (h6) and (i) being found to amount to the statutory grounds of misconduct.
3. For regulatory concerns 1(a1), (a3), (b1), (c1), (d1), (e1), (h1), (h5), (h6) and (i), 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 warning order of 5 years.

The case examiners were subsequently informed that the social worker had agreed to this proposal, accepting its terms in full. Having again reviewed their decision, the case examiners have concluded that an accepted disposal by way of a warning order of 5 years' duration is a fair and proportionate disposal, and the minimum necessary to protect the public and the wider public interest. 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. The case examiners have altered the names provided in the CIR and evidence bundle as they are of the view that these are not sufficiently anonymised to prevent identification. A schedule of anonymity is provided below for the social worker and complainant, and will be redacted if this decision is published.

Family 5	[REDACTED]	
Family 6		
Family 7		
Family 8		

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the social worker's former employer, Enfield Council
Date the complaint was received	21 September 2023
Complaint summary	The complainant raised concerns about the social worker's practice with several families on their caseload. These concerns are captured within the regulatory concerns.

Regulatory concerns

While registered as a social worker:

RC1: Around and/or between 2022-2023, while employed at Enfield Council, you failed to safeguard children:

- a. By not notifying, escalating and/or sharing information with management on issues of concern, in relation to:

(a1) Family 5,



(a3) Family 2.

- b. By not recognising the importance and/or minimising the risk to children when presenting information to senior officers, in relation to:

(b1) Family 5,



- c. By not showing professional curiosity to risk assess situations adequately, in relation to:

(c1) Family 5.

- d. By not applying robust critical reflection and analysis to inform your professional judgement and reasoning, in relation to:

(d1) Family 5,



- e. By not completing and/or undertaking meaningful direct work with children, in relation to:

(e1) Family 5.



- h. Not maintaining clear case records, in relation to:

(h1) Family 5,



(h5) Family 1,

(h6) Family 4.

- i. By not supervising contact sessions with Family 5.

Grounds of impairment:

The matters outlined in regulatory concern (RC1) amounts to the 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 concerns 1(a1), (a3), (b1), (c1), (d1), (e1), (h1), (h5), (h6) and (i) 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

The threshold applied by case examiners is the 'realistic prospect' test. When they say 'realistic prospect', case examiners mean that there is a genuine possibility of a finding being made. Where case examiners consider there to be a realistic prospect of a fact being found proven, they have found some evidence to support the concerns raised about a social worker's practice. The test the case examiners apply is a lower threshold than the test applied by adjudicators at a hearing.

RC1: Around and/or between 2022-2023, while employed at Enfield Council, you failed to safeguard children:

The case examiners acknowledge that they have been presented with a wide range of concerns, all within one overarching concern of a failure to safeguard children. For ease of discussing and presenting the evidence, the case examiners will consider each family

separately and comment on the available evidence to support or negate the various elements of the concerns.

Family 5 – regulatory concerns 1(a1), (b1), (c1), (d1), (e1) [REDACTED] h1), (i)

The case examiners have been provided with evidence of the social worker's interventions with Family 5, whose children were initially taken into foster care under a voluntary arrangement with the parents. It appears from the evidence that this was primarily due to concerns about neglect and that the house was infested with vermin. There is also evidence indicating that the police had arrested the parents for the offence of neglect and there were historical issues including domestic abuse and sexual abuse of the mother of the children.

The case examiners note that the social worker admits all of the elements of this regulatory concern, except e) By not completing and/or undertaking meaningful direct work with children, and f) By prioritising the parents' voice over the safety of children. Nonetheless, the case examiners have considered whether the regulator has sufficient evidence to support the regulatory concerns, admitted or not.

Regulatory concerns 1(a1), (b1), (c1) and (d1) – The case examiners have considered these concerns together as they are of the view that they are interrelated and rely upon the same evidence. They address the social worker's alleged failure to recognise and respond to risk in order to safeguard the children in Family 5.

The social worker appears to have taken an early view that the family were victims of a pest infestation in their home, and of their landlord's inaction in response to this, despite the police evidencing very poor home conditions, in addition to the infestation. The LAC (Looked After Child) review, held 15 February 2023, reports *"It can be seen that the children are struggling in care and the social worker is of the view that there has been no parental neglect and that the children should be returned home at the earliest opportunity"*. This is contrary to the fact that the parents were arrested for child neglect and were subject to bail conditions at the time, in relation to the alleged offence. Whilst it is apparent from the evidence that the family had tried to resolve the vermin problem, there appears to be no analysis by the social worker of the police information, other than to record the parents' account which was that the police had exaggerated the poor conditions. The social worker also recorded that their observations did not match the police record. Again, there is no recorded analysis or apparent consideration that the parents may have been motivated to improve home conditions following their arrest and the removal of their children.

The case examiners have been provided with an email sent by the supervising social worker (SSW) for the foster carer, to the social worker on 7 February 2023. This email contains information of concern about Family 5, including that the eldest child had a mobile telephone and so was able to have unsupervised telephone contact with their parents, and also that the eldest child had placed their sibling's hand on an intimate area of their (the eldest child's) body. The case examiners are of the view that the supervising social worker demonstrated a good assessment of this information, making reference to historical issues within the family and acknowledging that the children may start to disclose further concerns about home life.

The SSW stated in interview with the local authority (LA) that they believe the issue with the telephone was discussed in the placement planning meeting on 9 February, it appears there is no clear record of this meeting, however. The social worker also submits they discussed the issue of the telephone and agreed action to mitigate the risks. There is no evidence that the social worker's line manager was made aware of this issue and the social worker accepts they did not escalate it. This appears to support regulatory concern 1(a1) *you failed to safeguard children by not notifying, escalating and/or sharing information with management on issues of concern.*

The case examiners acknowledge that, initially, the report from the foster carer of inappropriate touching between the siblings, may have appeared to be an isolated incident. However, they are of the view that, regardless of the frequency, the actions of the eldest child suggested a lack of boundaries between children and was a possible indicator of prior sexual abuse. The case examiners acknowledge the social worker's assessment that young siblings wanting to share a bed, particularly after an incident of bed wetting is not concerning, but it appears insufficient attention was paid to the observation of intimate touching. The evidence suggests the social worker visited the children and recorded a case note of the visit, stating they asked the older sibling about the incident and the child denied putting their sibling's hand on their body. There is no recorded analysis of the information, no acknowledgement that regardless of the denial, the foster carer had reported seeing it happen. The social worker appears to have concluded that this was an isolated incident, related to bed wetting, and required no further consideration. This is supported by the evidence of the SSW who stated in interview that the social worker appeared to believe the bed wetting was the issue, not the reported sexualised behaviour.

The day after the SSW had shared concerns, the social worker emailed senior leaders and their manager stating *"I do not view the children to be at risk of harm in their parents' care at home... I have seen the home three times and I have supervised a contact session between parents... They have worked with me and followed my advice and guidance"*. Whilst the case examiners acknowledge the social worker had some evidence which could

support reunification, it appears that they disregarded anything which did not support that conclusion. This report to senior managers appears to support regulatory concern 1(b1) *you failed to safeguard children by not recognising the importance and/or minimising the risk to children when presenting information to senior officers.*

Over time, further information appears to have come to light which suggested the children may have been subject to prior sexual abuse. Whilst the social worker was on annual leave, the elder sibling told a family support worker that they were sore as a mouse had scratched them on the vagina and 'gone inside'. The family support worker emailed the social worker who was due to return to work, stating that the child *"needs to have a CP medical as soon as possible"*. The evidence suggests that this medical did not take place and instead, the social worker accepts they *"decided that it could be addressed at the LAC medical"*. The case examiners are aware that a child protection medical and a LAC medical are distinct, with a child protection medical focusing on an allegation or suspicion of harm and considering the evidence to support this, whereas a LAC medical is used to provide a general overview of a child's health. The case examiners have been provided with a report from the LAC medical which suggests that vaginal itching was discussed, and bacterial vaginosis suspected. The report states *"BV is a common condition in this age group, and it is not by itself an indication of CSA,"* but there is no record of the child's comment about the mouse being mentioned, so that such a statement could be considered and addressed by the doctor. The case examiners consider this may be viewed as further evidence that the social worker was not prepared to consider information which might challenge their established view of the family and the plan for reunification. The evidence appears to support regulatory concerns 1(c1) *You failed to safeguard children by not showing professional curiosity to risk assess situations adequately* and 1(d1) *by not applying robust critical reflection and analysis to inform your professional judgement and reasoning.*

The social worker's line manager states in their interview with the local authority that they were never informed of any concerns about sexual abuse, nor were they made aware that the children's school had refused to be used for contact sessions as the school did not feel such sessions were being safely managed and supervised. The social worker accepts they did not escalate these issues in their submissions.

There is also some evidence presented to the case examiners to indicate that the children's school had shared long-standing concerns with the social worker about the children's school attendance, and that improvements had only been evident when interventions have been put into place. However, the LAC review minutes record that the social worker shared that feedback from the school has been positive and (the elder child in Family 5) *"is doing well in school. Her attendance is good at 92%"*.

The case examiners have been provided with a case note written by the social worker's colleague who visited the school in their absence, dated 21 February 2023. The case note reports that school *"raised many concerns with me regarding the family and the children's wellbeing"* going on to describe the reports they have received from foster carers about sexualised behaviour and swearing. A further case note was written on 23 February 2023 by a colleague who visited the school stating *"the school shared their concerns about the children (which) do not appear to have been shared at the LAC review. The school are adamant that concerns were shared with [the social worker] prior to the LAC review"*.

The case examiners are therefore satisfied there is a realistic prospect of regulatory concerns 1(a1), (b1), (c1) and (d1) being found proven, should the matter go forward to adjudicators.

Regulatory concern 1(e1) – The case examiners have been provided with case notes from when the social worker saw and spoke to the children of family 5 during contact and on visits, however there is no record of specific direct work using tools or activities. The social worker submits they did complete direct work but accepts this is not recorded.

The case examiners are of the view that simply asking the child concerned whether the alleged intimate touching occurred was an insufficient response to the incident observed by the foster carer, and that specific direct work around the potential experiences of sexual harm was required. Such work does not appear to have taken place, however, until another social worker and family support worker completed work on 'good touch, bad touch', which led to further allegations of harm by the children in Family 5.

The case examiners are satisfied there is a realistic prospect of regulatory concern 1(e1) being found proven, should the matter go forward to adjudicators.

Regulatory concerns [REDACTED] 1(h1) – The case examiners have been provided with a case note of the social worker meeting with the children’s school and recording low level concerns about the children’s appearance. Another colleague visited the school on 21 February and reported that the school had shared concerns with the social worker on 7 February about the children displaying sexualised behaviours and that they had possibly experienced sexual abuse. There is no case note from the social worker to reflect these concerns being reported to them.

The case examiners have been provided with a case note written by the line manager stating that the placement plan for Family 5 could not be authorised as *“there are too many uncompleted gaps in this form”*.

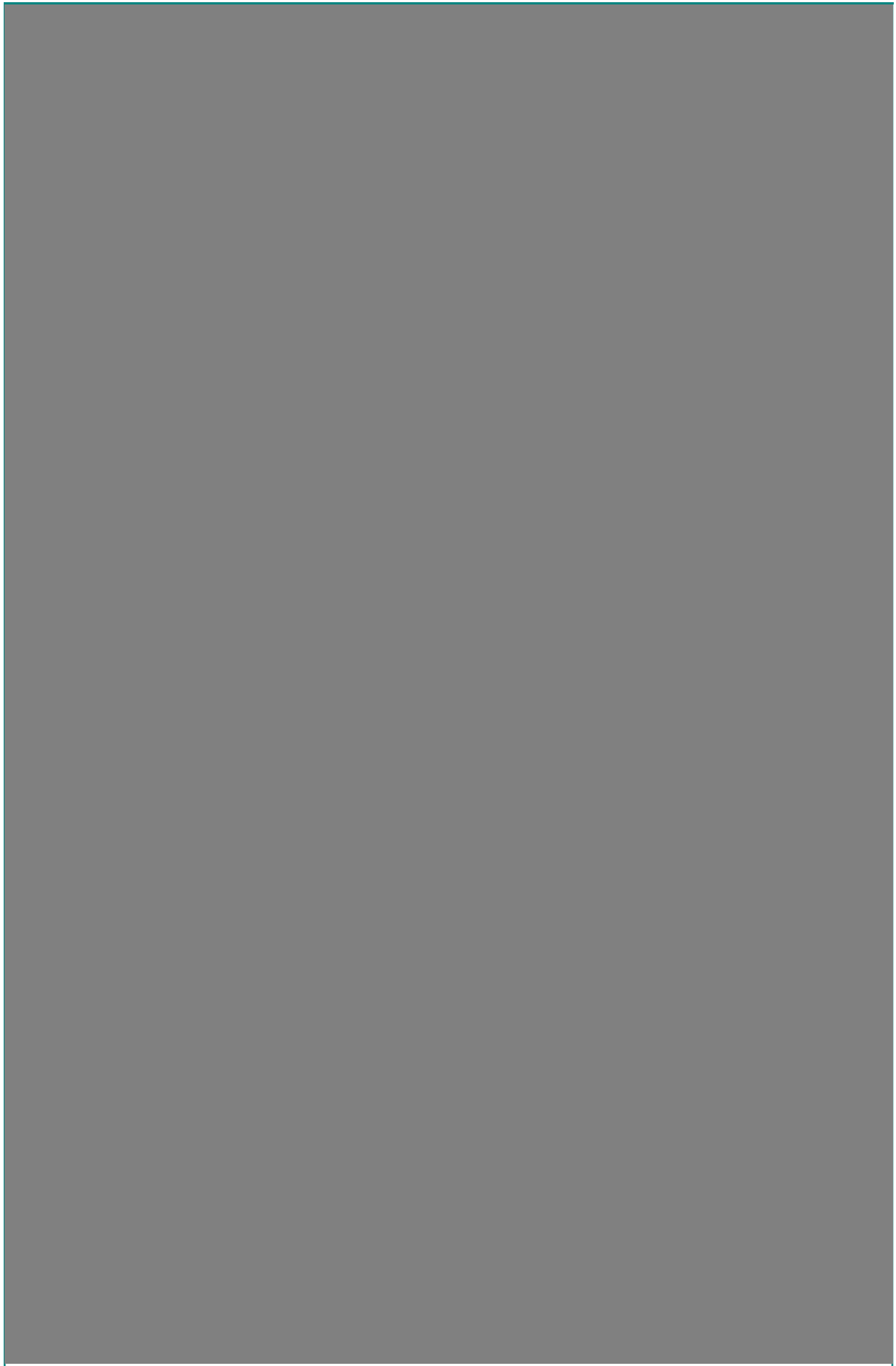
The case examiners have previously noted the lack of analysis and reasoning in the social worker’s recordings for this family. They are of the view that the evidence provided to them is indicative of the social worker not maintaining clear case records [REDACTED]

Accordingly, the case examiners are satisfied that there is a realistic prospect of regulatory concern 1(h1) [REDACTED] being found proven, should the matter go forward to adjudicators.

Regulatory concern 1(i) - The case examiners have been provided with an email sent by the social worker to a family support worker, which advises of arrangements for family contact and states *“If the children need the toilet, their mother can take them, and reception will let her back through”*. This would allow for periods of unsupervised contact which was against the bail conditions set by the police.

The case examiners have also been provided with evidence that the social worker supervised a contact session with the family and left the room to take a call, and later allowed the mother to take a child to another room to apply cream. The social worker accepts they did not adequately supervise the contact between the parents and children of Family 5.

The case examiners are satisfied there is a realistic prospect of regulatory concern 1(i) being found proven, should the matter go forward to adjudicators.



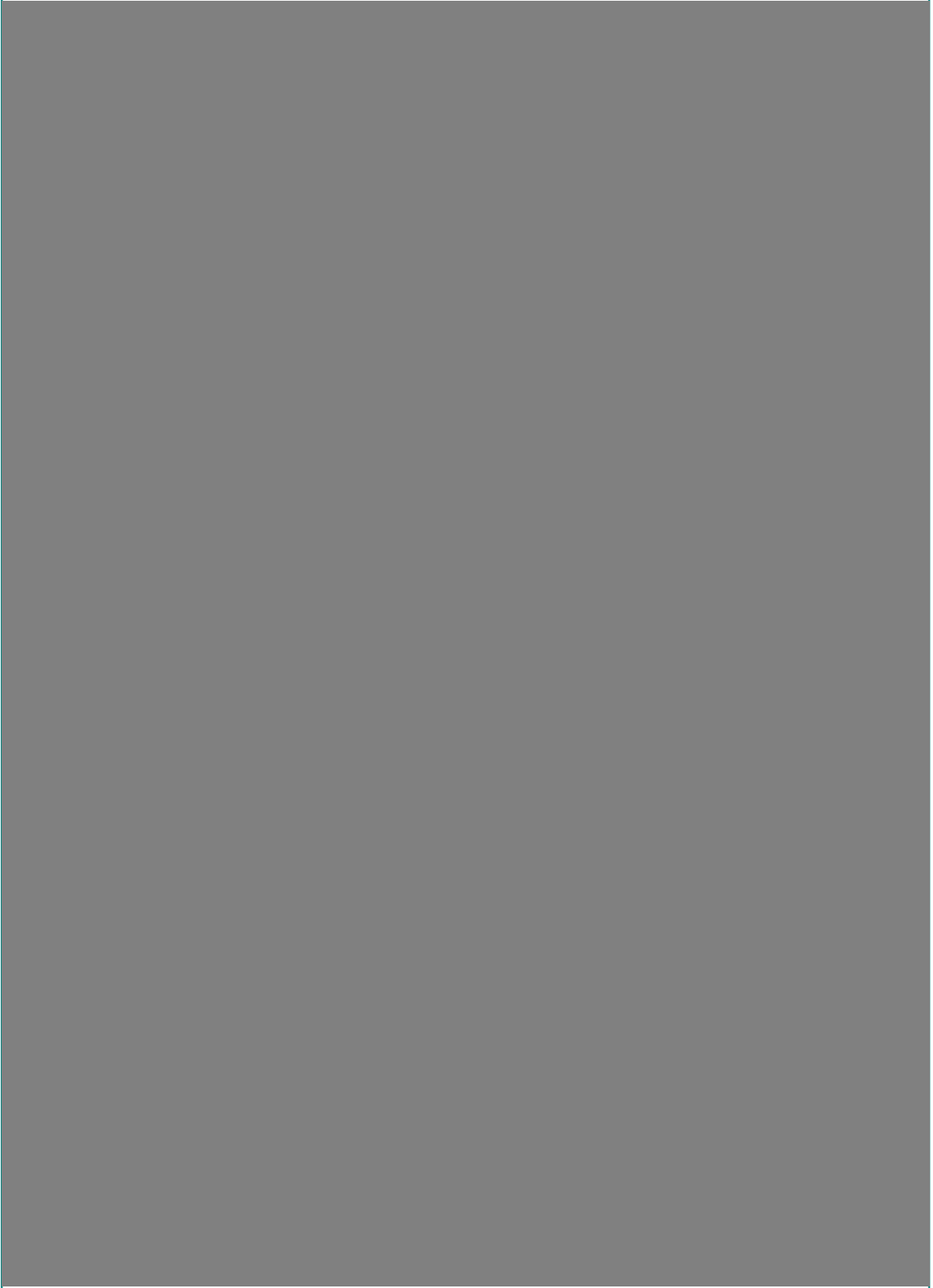
Family 2 – regulatory concerns 1(a3) [REDACTED]

The case examiners have been provided with the case audit for Family 2, which reports that it related to a young person alleging historical sexual abuse by their father. The young person was not having contact with their father, but a half-sibling was in his care, and the audit found the social worker did not escalate concerns about this issue. It is reported that the investigating police officer had been absent, which was causing the section 47 enquiry to drift. The alleged perpetrator was not arrested for some weeks, and the mother of the half-sibling was not spoken to and made aware of the allegations.

The social worker admits these regulatory concerns and in the local authority interview stated “I don’t think I told the manager that this officer was not available. I didn’t share that the officer was not available”. The case examiners note that [REDACTED] this supports the concern that the social worker did not notify, escalate or share information with management on issues of concern, as set out in 1(a3), [REDACTED]

The case examiners have then considered whether the social worker’s alleged failure to share this information with their manager constitutes a failure to safeguard and are of the view that this delayed action being planned, which could inform the child’s mother of any potential risk, would affect their ability to be a protective factor in the situation.

Accordingly, the case examiners are satisfied that there is a realistic prospect of regulatory concern 1(a3) [REDACTED] being found proven, should the matter go forward to adjudicators.



Family 1 – regulatory concern 1(h5)

The case examiners have been provided with an audit of the social worker's intervention with Family 1, who were referred to Social Care by their school, reporting concerns about potential sexual abuse. The auditor deemed the case recordings "minimal" and there were assessed gaps in the social worker's recordings, such as questions asked of the GP, triangulating information provided by health, education and the children themselves.

The case examiners have been provided with the case notes for Family 1 and note there are case summary records which are created by the social worker but not fully completed, so it is unclear what actions were taken in relation to this family, beyond a home visit. On 23 March 2023, a management oversight record is created, stating that a visit is overdue and questioning *"It is unclear why Strategy discussion was not arranged in order to gather information from different agencies given significance of historical and current safeguarding concerns"*.

The social worker accepts this regulatory concern.

The case examiners are satisfied there is a realistic prospect of regulatory concern 1(h5) being found proven, should the matter go forward to adjudicators.

Family 4 – regulatory concern 1(h6)

The case examiners have been provided with the case audit for Family 4, which reports that the mother of the family was reporting domestic violence from her partner whilst holding their baby. It is noted that the social worker did not speak to the partner, either whilst separated from the mother nor when they resumed their relationship. There is no evidence of a safety plan which responds to the changing circumstances of the family, and the audit identifies various missing pieces of information, considering the history of the family and the pressure the mother is considered to be under.

The case examiners have been provided with the case notes for Family 4 which are limited in detail; there is no recorded advice given to the mother when their partner returned, case summaries contain very little information and there is no analysis recorded in any of the case notes to demonstrate the decision making.

The social worker admits the regulatory concern relating to this family.

The case examiners are satisfied there is a realistic prospect of regulatory concern 1(h6) being found proven, should the matter go forward to adjudicators.

Grounds

The regulatory concerns which have a realistic prospect of being found proven are presented as amounting to the statutory ground of misconduct.

The case examiners are aware that there is no legal definition of misconduct, but it generally would consist of serious acts or omissions, which suggest a significant departure from what would be expected of the social worker in the circumstances.

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

As a social worker, I will:

3.1 Work within legal and ethical frameworks, using my professional authority and judgement appropriately.

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.

3.5 Hold different explanations in mind and use evidence to inform my decisions.

3.7 Recognise where there may be bias in decision making and address issues that arise from ethical dilemmas, conflicting information, or differing professional decisions.

3.9 Make sure that relevant colleagues and agencies are informed about identified risks and the outcomes and implications of assessments and decisions I make.

3.11 Maintain clear, accurate, legible and up to date records, documenting how I arrive at my decisions.

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

3.15 Recognise and respond to behaviour that may indicate resistance to change, ambivalent or selective cooperation with services, and recognise when there is a need for immediate action.

Family 5 – regulatory concerns 1(a1), (b1), (c1), (d1), (e1), (h1), (i)

As previously discussed, the case examiners are of the view that the evidence suggests the social worker was fixed upon a plan of reunification for this family and did not appear to re-assess their view in the face of new evidence and information. It appears to the case examiners that the social worker was given various opportunities to reconsider their view, from the emails sent by the SSW and family support worker, both of whom were raising concerns. Additionally, the social worker received emails from senior leaders clearly setting out that reunification should not be automatic and presumed; a clear care plan was needed to allow for the children to return home, with support in place to demonstrate that the neglect would not be repeated following reunification.

The social worker submits that no child suffered harm as a consequence of their actions, however, the case examiners are mindful of their guidance which sets out that *“risk of harm and the impact of a social worker’s actions can be as important as actual harm caused”*. Whilst the children were in a place of safety with foster carers, if the social worker had pursued a plan of swift reunification, then the children could have been placed back into a potentially abusive home. The case examiners acknowledge that the social worker may have changed their assessment in the face of new information but consider that it is important to recognise that it was the interventions of the social worker’s colleagues, during the social worker’s absence, which appears to have led to new information being uncovered and care proceedings being initiated.

Additionally, the case examiners note that the lack of appropriate supervision in contact sessions, and the eldest child having access to a telephone, as well as being contrary to the requirements of police bail conditions, appears to have led to parents being able to coach their child to make allegations about the carer, which in turn led to a breakdown of the foster placement. Several changes in carers in a short space of time may reasonably be viewed as causing the children emotional harm, in the view of the case examiners.

Family 2 – regulatory concern 1(a3)

The case examiners have not been provided with evidence which suggests that the youngest child in Family 2 was abused by their father in the absence of any action by the social worker to make their mother aware of the potential risks. However, this was a potential risk, and whilst the social worker is not responsible for the delay in police action, they had a responsibility to ensure that a safety plan was in place in the police officer’s absence. It appears from the evidence that the social worker may have presumed that the allegations against the father were not true and had not considered the possibility that they may be accurate.

Families 1 and 4 – regulatory concerns 1(h5) and (h6)

The case examiners note that these concerns relate to clear record keeping and the evidence suggests that the record keeping may have been unclear as the social worker had not properly considered the information and risk indicators for each of these families. In not clearly evidencing their interventions and analysis of the information gained, the social worker may have left the child in Family 1 at risk of sexual abuse and the children in Family 4 at risk of being caught up in domestic violence.

The social worker's representative submits that no fellow practitioner would view the social worker's conduct as deplorable, which they see as the threshold of misconduct. The case examiners consider there is evidence that, particularly in the case of Family 5, colleagues and related professionals were concerned by the social worker's apparent minimisation of the risks and harm experienced.

The case examiners note that the social worker is a very experienced practitioner, having 15 years of experience at the time these concerns were raised. The case examiners are of the view that the social worker had opportunities to reconsider their approach to their cases, having concerns raised and emails sent by their line manager regarding recordings on several occasions. The case examiners acknowledge that even experienced practitioners require good quality supervision, and it appears this was not consistent around the time of the concerns. However, the case examiners have not been provided with any information to suggest why the social worker could not see the risks themselves, when the evidence appeared clear to other professionals involved, including the Children's Guardian, allocated during care proceedings.

Safeguarding is a fundamental tenet of social work, and the case examiners consider that the social worker's alleged actions indicate a significant breach of the professional standards outlined above.

The case examiners are satisfied there is a realistic prospect of adjudicators finding that regulatory concerns 1(a1), (b1), (c1), (d1), (e1), (h1), (i), (a3), (h5) and (h6) amount to the statutory grounds of 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 are of the view that this conduct, whilst serious, is capable of remediation. The social worker could demonstrate through reflection and further learning that they have understood what went wrong and evidence the steps they have taken to prevent a recurrence.

Insight and remediation

The case examiners note their guidance which states, *“case examiners should carefully consider insight that has only emerged after investigations and enquiries have been completed”* and directs that personal reflection *“should ideally take place as soon as possible after the incident or events”*.

The evidence suggests that the social worker’s insight has developed more recently, and was less evident during employer proceedings, where it was recorded that the social worker provided *“vague responses”* and *“demonstrated a lack of understanding of the seriousness of the allegations concerning their practice”*. Concerns were also recorded with regards to the social worker failing *“to demonstrate sufficient recognition of any shortfalls and the associated implications”*.

However, the case examiners also note the quality of the social worker’s submissions to the regulator, including a detailed reflective account where they have considered what they could and should have done differently. The social worker has recognised the impact of their actions, both on service users and other professionals and has discussed these at length, below is a small excerpt of the reflections provided.

“Failing to escalate safeguarding concerns to my manager meant that possible risks to the child were not discussed. In turn, actions that could have been taken were not which could have led to adverse consequences for the child. If the manager is not aware they cannot share views and recommend safeguarding actions...This reflects poorly on the social work role and the quality of the work undertaken”.

The social worker submits they have struggled to secure employment whilst subject to an investigation by the regulator and so there is no evidence of current practice for the case

examiners to consider. However, the case examiners have been provided with evidence of training undertaken by the social worker and their reflections upon this training, indicating they are committed to continued professional development. The social worker's reflections upon evidence based social work training, with a focus on analysis and defensible decisions, is particularly relevant to the regulatory concerns considered here.

Risk of repetition

The social worker submits, in their reflective account, that the period subject to the concerns is not reflective of their practice in general. They have given concrete examples of how they have identified and raised concerns with managers and senior colleagues previously and they are clear they would do so in the future. Additionally, the case examiners consider that the social worker's submissions appear balanced and insightful in recognising the factors which can contribute to poor practice, while being open about how to mitigate these challenges;

"I was working at quite a fast pace with this family, however, that is not unknown in a busy assessment team. I went wrong in not asking for help and advice. I can see very clearly where I made errors. In future, I would bring concerns to my manager or other senior colleague".

The case examiners have been provided with information by the employer that the social worker was subject to a first written warning by them in 2017. While this does not amount to 'adverse history' given it is not a finding made by a regulatory body, the case examiners have considered this information carefully as to whether it may suggest there is a pattern of behaviour and therefore a greater risk of repetition. They note that the concerns considered by the employer in 2017 were recorded as being the social worker's *"inability to work towards agreed timescales, record on the system, assess and manage risk which lead to poor prioritisation of cases and the following of procedures"*. The case examiners are mindful that these previous matters occurred some 6 years prior to the current concerns raised by the employer, and as such may not indicate a pattern of behaviour. However, there are similarities with regards to both the nature of the regulatory concerns considered in this decision, and that they occurred at a time when the social worker was experiencing a *"transitional period in line management"*. This is also similar to the period of concerns in 2023, where the social worker had just experienced a change of line manager. It is expected that social workers can maintain levels of practice regardless of who they are supervised by, and it is positive that the social worker has committed to improved communication with their line manager in future, which may well mitigate any issues with transitions which the social worker may experience.

The case examiners acknowledge that the concerns before them are limited to a short period, December 2022 – March 2023, in a long career in social work assessment. There is no evidence available to suggest that the social worker's normal practice was deficient outside of this period, other than in 2017 (which resulted in the first written warning form the employer). While there was a recommendation that the social worker should be subject to formal performance management following the concerns raised in 2017, this appears not to have been carried out. A testimonial has been provided by a senior ex-colleague of the social worker, who knew them at this time and who states that the social worker's "*performance subsequently improved*". This colleague provides evidence to suggest that during the 8 years they worked together, they observed many positives in the social worker's practice, which supports the submission that these concerns are not representative of the social worker's practice in general.

The case examiners are impressed with the detailed insight and remediation demonstrated, despite the social worker not currently practising social work. However, it remains unclear to the case examiners, given the social worker's experience, why these risks were not evident to the social worker at the time. The social worker submits that they were feeling overwhelmed at the relevant time and did not take sufficient time off to rest and recharge; however, the case examiners are not of the view that this sufficiently explains the alleged concerns and degree of risk that the social worker's actions exposed vulnerable children to. It is positive that the social worker acknowledges in their submissions that their conduct with Family 5 in particular "*was an avoidable error. I understand that there is an expectation of more assured action from a social worker with my level of experience*".

The case examiners are satisfied that the social worker has demonstrated high quality insight and appears to have remediated as far as they are able to whilst not currently practising. The case examiners consider this reflection and learning has reduced the risk of repetition, but they cannot be assured that the risk of repetition is low, given the absence of evidence of current practice, and also that the social worker was an experienced social worker who should already have been aware of the standards required of them in relation to their safeguarding responsibilities.

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 mindful that the regulatory concerns capable of being found proven represent fundamental tenets of child protection social work, assessment and analysis of risk and recording interventions and decision-making processes. They are of

the view that, regardless of the social worker's positive insight and remediation, a well-informed member of the public would expect a finding of impairment when a social worker has failed to safeguard vulnerable children.

Accordingly, the case examiners are satisfied there is a realistic prospect of adjudicators finding the social worker's fitness to practice is impaired.

The public interest

Decision summary

Is there a public interest in referring the case to a hearing?	Yes	☐
	No	☒

Referral criteria

Is there a conflict in the evidence that must be resolved at a hearing?	Yes	☐
	No	☒
Does the social worker dispute any or all of the key facts of the case?	Yes	☐
	No	☒
Is a hearing necessary to maintain public confidence in the profession, and/or to uphold the professional standards of social workers?	Yes	☐
	No	☒

Additional reasoning

The case examiners have concluded that the public interest in this case is engaged. However, they are satisfied that this interest may be appropriately fulfilled by virtue of the accepted disposal process.

Whilst the matter is serious, the case examiners are not of the view that it is so serious that a hearing might be necessary to maintain public confidence in the social work profession, or in Social Work England's maintenance of the standards expected of social workers.

The case examiners have noted that the social worker has indicated to the regulator that they do not consider their fitness to practise to be currently impaired. Where a social worker does not accept impairment, case examiner guidance suggests that a referral to a hearing may be necessary in the public interest.

However, the case examiners note that the guidance states the social worker must accept the matter of impairment at the point of *concluding* the case and are of the view that this does not prevent them offering accepted disposal prior to this. The case examiners consider that it is reasonable to offer accepted disposal in this case because:

- There is no conflict in evidence in this case and the social worker accepts all of the key facts.
- 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 to 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 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	☐
	Removal order	☐
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 (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"*.

However, the case examiners also acknowledge the mitigation of the thorough insight and remediation evidenced by the social worker. They note that the social worker appears to have a sound appreciation of what they would do in similar circumstances, and whilst the case examiners could formulate workable conditions to monitor the social worker's

practice, they are not satisfied that this would be proportionate, given the insight evidenced and the social worker's many years of good practice previously.

The case examiners have therefore considered a warning order, which the guidance describes as showing *"clear disapproval of the social worker's conduct or performance. A warning order is a signal that the social worker is highly likely to receive a more severe sanction if they repeat the behaviour"*. Given that the fitness to practice issue was limited in terms of a short space of months in a career spanning many years and the social worker's high-quality reflection and insight, the case examiners are satisfied that a warning order is the minimum necessary to protect the public and uphold the public interest.

The case examiners have given thought to the appropriate duration of the warning order. They acknowledge that the guidance suggests a one-year order *"may be appropriate for an isolated incident of relatively low seriousness"* and therefore have concluded that this is not sufficient to mark the serious implications of the social worker's misconduct. They note that a 3-year order is appropriate for more serious concerns and *"5 years may be appropriate for serious cases that have fallen only marginally short of requiring restriction of practice"*. Given that the sanctions guidance led them to consider a conditions of practice order, due to the finding of the personal element of impairment and risk of repetition, the case examiners are of the view that 5 years is the most appropriate outcome.

The case examiners have decided to propose to the social worker a warning order of 5 years duration. They will now notify the social worker of their intention and seek the social worker's agreement to dispose of the matter accordingly. The social worker will be offered 14 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

It is essential that any information which may suggest a risk of harm to service users is properly considered, assessed and analysed. Escalation and seeking advice are essential parts of this process as is clearly recording any intervention and decision making. Your alleged actions and/or inactions placed vulnerable children at risk of harm and have potentially adversely impacted on the public's confidence in the social work profession.

The case examiners remind the social worker of the Social Work England professional standards, and particularly:

As a social worker, I will:

3.1 Work within legal and ethical frameworks, using my professional authority and judgement appropriately.

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.

3.5 Hold different explanations in mind and use evidence to inform my decisions.

3.7 Recognise where there may be bias in decision making and address issues that arise from ethical dilemmas, conflicting information, or differing professional decisions.

3.9 Make sure that relevant colleagues and agencies are informed about identified risks and the outcomes and implications of assessments and decisions I make.

3.11 Maintain clear, accurate, legible and up to date records, documenting how I arrive at my decisions.

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

3.15 Recognise and respond to behaviour that may indicate resistance to change, ambivalent or selective cooperation with services, and recognise when there is a need for immediate action.

Any repetition of the conduct described in these regulatory concerns, should they come to the attention of the regulator, will be viewed dimly and will be likely to result in a more serious outcome.

Response from the social worker

The social worker responded by email on 23 September 2024. They returned the accepted disposal response declaration, confirming that they had:

- read the case examiners' decision and the accepted disposal guidance;

- admitted the key facts set out in the case examiners decision, and that their fitness to practise was impaired;
- understood the terms of the proposed disposal of their fitness to practise case and accepted 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 a warning order, rather than through a public hearing. They proposed a warning order of 5 years' duration, and the social worker accepted this proposal.

In light of the social worker's acceptance of the warning order, 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.

The case examiners also again turned their minds as to whether the proposed disposal remained 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, the case examiners remain of the view that an accepted disposal by way of a warning order of 5 years' duration is a fair and proportionate disposal and is the minimum necessary to protect the public and the wider public interest.