

Case Examiner Decision
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FTPS-24108

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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	27 August 2025
	Accepted disposal proposed - suspension order (3 years)
Final outcome	25 September 2025
	Accepted disposal - suspension order (3 years)

Executive summary



The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concerns 1, 2 and 3 being found proven by the adjudicators.

2. There is a realistic prospect of regulatory concerns 1 and 2 being found to amount to the statutory ground of a lack of competence or capability, and of regulatory concern 3 being found to amount to the statutory ground of adverse physical or mental health.
3. For regulatory concerns 1, 2 and 3, there is a realistic prospect of adjudicators determining that the social worker's fitness to practise is currently impaired.

The case examiners did not consider it to be in the public interest for the matter to be referred to a final hearing and 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 suspension order of 3 years. The social worker responded on 25 September 2025, confirming their acceptance of the case examiners' proposal.

The case examiners have considered all of the documents made available within the evidence bundle. Key evidence is referred to throughout their decision and the case examiners' full reasoning is set out below.

Anonymity and redaction

Elements of this decision have been marked for redaction in line with our Fitness to Practise Publications Policy. Text in **blue** will be redacted only from the published copy of the decision and will therefore be shared with the complainant in their copy. Text in **red** will be redacted from both the complainant's and the published copy of the decision.

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the social worker's former employer, North Yorkshire Council
Date the complaint was received	2 October 2024
Complaint summary	The complaint alleges that the social worker, who had been completing their Assessed and Supported Year in Employment (ASYE), remained unable to fulfil their role in a number of areas, despite being supported under performance and capability procedures. The regulatory concerns adequately capture the concerns.

Regulatory concerns

Whilst registered as a social worker between April 2022 and December 2024, you:

1. Failed to fulfil core case management responsibilities, including timely progression of work, completion of statutory documentation, and maintenance of accurate case records, including:
 - a) Assessments
 - b) Support plans
 - c) Risk assessments
 - d) BACS referrals
2. Failed to maintain the expected standard of communication with service users and/or professionals.
3. Have health conditions as set out in Schedule 1 which affect your practice.



The matters outlined in regulatory concern 1 and 2 amount to the statutory ground of  lack of competence or capability.

The matters outlined at regulatory concern 3 amount to the statutory ground of adverse physical and/or mental health.

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

Preliminary issues

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

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, 2 and 3 being found proven, that those concerns could amount to the statutory grounds of lack of competence or capability and adverse physical or mental health, and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

Whilst registered as a social worker between April 2022 and December 2024, you:

1. Failed to fulfil core case management responsibilities, including timely progression of work, completion of statutory documentation, and maintenance of accurate case records, including:

- a) Assessments*
- b) Support plans*
- c) Risk assessments*
- d) BACS referrals*

The case examiners have been provided with a variety of evidence from the social worker's previous employer, including supervision records, emails, audits of the case and statements from senior colleagues who were supporting the social worker. The evidence demonstrates that for many of the service users to whom the social worker was allocated, there were extensive delays in the completion of assessments, support plans, risk assessments and 'BACS' referrals. BACS referrals are for financial assessments and delays had significant implications on funding agreements and suitable care being identified and provided for service users.

The case examiners have been provided with specific examples of delays or omissions in practice which had a substantial impact upon the service users who were waiting for support from the social worker and adult services. These include service users being moved from care providers without an appropriate plan, large amounts of public money being paid to care providers where service users no longer resided, and vulnerable adults being left without suitable care or support.

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

2. Failed to maintain the expected standard of communication with service users and/or professionals.

The case examiners have been provided with evidence from the previous employer of both service users and professionals reporting difficulty in contacting the social worker, allegedly leaving many messages with no response. The case examiners have additionally been provided with emails from professionals chasing the social worker for responses, and asking whether action has been taken. Some of the emails suggest periods of months without the social worker responding to requests for contact.

The case examiners consider that whilst social workers cannot always respond immediately to calls and emails, lengthy delays and repeated attempts from service users and professionals to gain a response is unlikely to be seen as meeting the expected standard of communication.

Accordingly, the case examiners are satisfied there is a realistic prospect of regulatory concern 1 in its entirety being found proven, should the matter go forward to adjudicators.

3. Have health conditions as set out in Schedule 1 which affect your practice.





The case examiners have been provided with evidence from the social worker's GP which appears to confirm that the social worker has the specified health conditions. It is also apparent from the evidence of the social worker that they consider these health conditions to have affected their social work practice.

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

Grounds

Regulatory concerns 1 and 2 have been presented to the case examiners on the grounds of [REDACTED] a lack of competence or capability. [REDACTED]



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

The case examiners note that there appears to have been issues raised throughout the social worker's extended Assessed and Supported Year in Employment (ASYE), a period of over 2 years. Whilst the evidence from the previous employer does identify strengths of the social worker and that some of their work was of a high standard, there appears to have been extensive omissions and delays with work relating to the majority of the service users allocated to the social worker, which suggests that the test for a 'fair sample' is met.

The evidence from the previous employer suggests that a great deal of support was provided to the social worker, and that reasonable adjustments were made to assist the social worker improving their performance. Despite this, it appears that the social worker was unable to make and/or maintain sufficient improvement to evidence that they were capable of practising as a qualified social worker.



Accordingly, the case examiners are satisfied there is a realistic prospect of adjudicators finding that regulatory concerns 1 and 2 amount to the statutory grounds of a lack of competence or capability.

In relation to regulatory concern 3, the case examiners note that the social worker's GP has stated they are optimistic about the social worker's ongoing recovery and how the health conditions should not preclude them from a future career in social work. However, the case examiners are of the view from the evidence presented to them, including the social worker's submissions, that the social worker's health was impacting negatively upon their ability to practise effectively. The case examiners are therefore satisfied there is a realistic prospect of adjudicators finding regulatory concern 3 to amount to the statutory ground of adverse physical or mental health.

Impairment

Assessment of impairment consists of two elements:

1. The personal element, established via an assessment of the risk of repetition.
2. The public element, established through consideration of whether a finding of impairment might be required to maintain public confidence in the social work profession, or in the maintenance of proper standards for social workers.

Personal element

With regards to the concerns before the regulator, the case examiners have given thought to their guidance, and they note that they should give consideration to whether the matters before the regulator are easily remediable, and whether the social worker has demonstrated insight and/or conducted remediation to the effect that the risk of repetition is highly unlikely.

Whether the conduct can be easily remedied

The case examiners consider that all of the regulatory concerns are capable of remediation. For example, the social worker could address their health concerns effectively to the extent that they no longer impact upon their practice. Working with a supportive employer, they could also potentially proceed to develop the necessary

skills and experience in social work to a degree where there was no risk of repetition of the concerns presented here.

Insight and remediation

The social worker states they have struggled to engage with the investigation due to their health, and has provided some submissions, which focus on the impact of their previous role upon their health. The social worker has demonstrated insight into their health and outlines steps they have taken to look after their wellbeing. However, the social worker considers at this time that they would not be able to maintain their health and wellbeing whilst working as a social worker. The case examiners note that the social worker does not currently practise as a social worker, and they have not been presented with any clear evidence that the social worker's health issues are currently resolved; they are of the view that the ability of the social worker to practise safely and effectively at this time is untested.

The social worker has not provided any submissions around regulatory concern 1 and 2, nor have they commented on their competence and capability; as such the case examiners have been presented with no evidence of insight or remediation in relation to these concerns. Whilst the case examiners acknowledge that the social worker's health may have impacted upon their capability, they are not satisfied that the health conditions alone led to the social worker's lack of competence or capability, given the extent of the evidence provided. The social worker was newly qualified and therefore has no previous experience to prove that they were normally capable of fulfilling the role.

Risk of repetition

The case examiners have not concluded that the social worker will never be capable of practising as a social worker, but because the social worker has left the profession at this time, there is no way of testing either their adverse health nor their competence or capability. In light of the lack of insight and remediation demonstrated, the case examiners are satisfied there is a risk of repetition.

Public element

The case examiners have next considered whether the social worker's actions have the potential to undermine public confidence in the social work profession, or the maintenance of proper standards for social workers.

The case examiners are of the view that the public would appreciate that some newly qualified social workers take longer than others to develop the required skills, and that a newly qualified social worker with adverse health conditions may struggle to

meet the required standards, regardless of their intention. If the social worker had subsequently improved their wellbeing and evidenced a current ability to carry out the social work role, through training and development and working in a social work or similar role, then there may have been no requirement for a finding of impairment.

However, a key element of the regulator's role is to assure the public that social workers are suitably skilled and capable to meet the needs of service users, and to ensure those in need of care and protection receive it. Given the case examiners' conclusions on facts and grounds and their finding of a current risk of repetition, they are satisfied that a fully informed member of the public would be concerned by the allegations in this case, if subsequently found proven, and would expect a finding of current impairment.

Accordingly, the case examiners are satisfied that there is a realistic prospect of adjudicators making a finding of current impairment.

The public interest

Decision summary

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

Referral criteria

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

Additional reasoning

The case examiners are mindful of their guidance, which states they must refer matters to a hearing if there is disagreement about the underlying facts of the case which give rise to the allegations of impairment.

In this case, although the social worker has not explicitly accepted any of the regulatory concerns, they appear to accept that their fitness to practise was impaired and that currently they should not practise as a social worker. There is no conflict of evidence to be addressed.

The case examiners have concluded that the risk of repetition of the concerns raised may remain and as such, restrictions on their practice are likely to be required. The case examiners have the ability to offer conditions of practice and suspension through the accepted disposal process.

Whilst the case examiners have determined there is a realistic prospect that adjudicators would find the public interest is engaged in this case, they are of the view that the public interest can be satisfied by their decision, and the reasons for

that decision, being published on Social Work England's public register which can be found on its website. The case examiners are mindful of their guidance which sets out that they "*should propose the minimum necessary sanction to protect the public*".

Publication demonstrates that appropriate action is taken in cases of alleged breaches of standards, thus enhancing the public's confidence in the social work profession. Considering all the factors discussed above, the case examiners have decided it is not in the public interest to refer this matter to a hearing. Alternatively, they will seek to resolve this matter, with the social worker's consent, by way of an accepted disposal.

Accepted disposal

Case outcome

Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☐
	Conditions of practice order	☐
	Suspension order	☒
	Removal 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 (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 outcome necessary to protect the public and the wider public interest. They have started at the lowest possible outcome and worked up, testing the appropriateness of each and the next outcome above it to confirm their decision is proportionate.

The case examiners have already determined that there is a realistic prospect that the social worker's fitness to practise could be found impaired. The sanctions guidance advises that if the personal element of impairment is found, "*a sanction restricting or removing a social worker's registration will normally be necessary to protect the public*". The case examiners are therefore led to consider sanctions which restrict the social worker's practice. They note that the guidance suggests it may therefore "*be reasonable to move beyond the lower sanctions (no action, advice or a warning) on this basis alone*". The case examiners have already determined that the social worker has not felt able to discuss the concerns and has left the profession and have not demonstrated sufficient insight nor remediation. They have also found that there remains a risk of repetition. Therefore, the outcomes of no further action,

advice or a warning are considered inappropriate, on the basis that these outcomes will not restrict practice and therefore not sufficiently protect the public.

In order to provide the required oversight and protection, the case examiners have considered suggesting a conditions of practice order to the social worker. The case examiners note the social worker has recognised the need to ensure their health is sufficiently recovered to return to practise, and the evidence suggests that the social worker does not currently intend to practise, choosing to concentrate on their recovery instead. Given the fact the social worker has no current plans to return to practice, the case examiners are of the view that conditions of practice are not appropriate at this time.

The case examiners have then gone on to consider a suspension order, and have noted the sanctions guidance which indicates that such an order may be appropriate in cases where there has been a serious departure from the professional standards, the social worker has demonstrated some insight, and there is evidence to suggest the social worker is willing and able to resolve or remediate. The case examiners acknowledge that it is not clear whether the social worker is willing and able to remediate in the future but are of the view that there is the possibility of this, in relation to both the health and lack of competence concerns. The case examiners consider that a suspension order would give the social worker time to return to practice if and when they feel able to do so safely.

In addition, the case examiners are aware that removal orders are not an available outcome in cases where the primary concern relates to adverse physical or mental health, or lack of competence or capability.

Having determined that a suspension order was the most appropriate outcome, the case examiners went on to consider the duration of the suspension order. In doing so, the case examiners once again returned to the sanctions guidance, which indicates that while an order can be made up to 3 years in duration, case examiners need to be mindful of the risk of deskilling a social worker, if proposing a prolonged suspension order.

However, they note the guidance recognises that a social worker may “*not intend to remediate or practise in the short term but wishes to do so later*”. This would appear to be the situation for the social worker in this case. The guidance sets out how “*it may then be in the interests of the social worker to impose a longer period of suspension...to avoid the stress of a review hearing before they have recovered to full health*”. The evidence provided which suggests the social worker has no plans to return to the profession [REDACTED] suggests that a longer period of suspension is required. The case examiners are of

the view that a 3-year suspension order provides an opportunity for the social worker to continue their recovery and undertake professional development to assist with their return to practice.

The social worker can apply for removal during this period, if they wish to do so. If they feel unable to engage with the regulator at the end of the suspension order, then it will be open to adjudicators to impose a removal order. If the social worker's health recovers and they feel able to return to practice and develop their competence in the role, the social worker is able to request an early review hearing where it may be considered more appropriate to support the social worker's return to practice through a conditions of practice order.

To conclude, the case examiners have decided to propose to the social worker a suspension order of 3 years' duration. They will now notify the social worker of their intention and seek the social worker's agreement to dispose of the matter accordingly. The social worker will be offered 28 days to respond. If the social worker does not agree, or if the case examiners revise their decision regarding the public interest in this case, the matter will proceed to a final hearing.

Recommendations for the social worker

Prior to any future attendance at a review panel, the case examiners suggests that it would be of assistance to any such panel if the social worker was able to provide evidence that they had undertaken steps that would facilitate a safe and effective return to the register without restriction.

These steps may include:

- i. Obtaining up-to date evidence of health and treatment;
- ii. Evidencing learning, self-directed or otherwise;
- iii. Providing a reflective piece in respect of insight and remediation.

Response from the social worker

On 25 September 2025 the social worker returned their completed accepted disposal response form, advising the following: *"I have read the case examiners'*

decision and the accepted disposal guide. I admit the key facts set out in the case examiner decision, and that my fitness to practise is impaired. I understand the terms of the proposed disposal of my fitness to practise case and accept them in full”.

Case examiners’ response and final decision

The case examiners have considered the public interest in this matter and, as they have not been presented with any new evidence that might change their previous assessment, they are satisfied that it remains to be the case that the public interest in this case may be fulfilled through the accepted disposal process.

The case examiners therefore direct that the regulator enact a suspension order of 3 years’ duration.