

Case Examiner Decision
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FTPS-24306

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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	05 November 2025
	Accepted disposal proposed - warning order 3 years
Final outcome	19 November 2025
	Accepted disposal – warning order 3 years

Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concern 1 being found proven by the adjudicators.
2. There is a realistic prospect of regulatory concern 1 being found to amount to the statutory grounds of misconduct.
3. For regulatory concern 1, there is a realistic prospect of adjudicators determining that the social worker's fitness to practise is currently impaired.

The case examiners did not consider it to be in the public interest for the matter to be referred to a final hearing and 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 3 years. The social worker subsequently responded, confirming that they understood and accepted the terms of the proposed disposal in full.

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 redactions

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.

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by way of a self-referral by the social worker
Date the complaint was received	20 November 2024
Complaint summary	The social worker made a self-referral to Social Work England on 20 November 2024 reporting that their employer had raised concerns that the social worker had accessed restricted files.

Regulatory concerns

Whilst registered as a social worker between 09 April 2024 and 17 November 2024:

1. You accessed service users case records without a legitimate or professional reason to do so, and without the necessary authorisation.

The matters outlined in regulatory concern 1 amount to the statutory grounds 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	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Are the case examiners satisfied that the social worker has had reasonable opportunity to make written representations to the investigators?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
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	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
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	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

The realistic prospect test

Fitness to practise history

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

Decision summary

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

Yes



No



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

Reasoning

Facts

Whilst registered as a social worker between 09 April 2024 and 17 November 2024:

1. You accessed service users case records without a legitimate or professional reason to do so, and without the necessary authorisation.

The case examiners have had sight of the employer's liquid logic access log, which suggests that the social worker accessed the records of Person A on 1 occasion and the records of Person B on 30 occasions during the period 9 April 2024 and 17 November 2024. The evidence shows that Person A and Person B are children and half siblings of [REDACTED]

[REDACTED]

Following review by the case examiners of the access records along with the employer investigatory and disciplinary hearing reports, they note that the evidence suggests the following:

- The social worker accessed the confidential information of Person A and Person B on 31 separate occasions over the specified period during their assessed year in employment (ASYE) as a newly qualified social worker.
- The social worker had no legitimate or professional reason to access these records and did not have authorisation to access them.
- The social worker's unauthorised access to files provided them access to records of assessments, statutory visits, social worker analysis, case records and notes of contact visits that they had no legitimate reason to see.
- The social worker admits that they accessed the records on 31 separate occasions maintaining that they did so out of curiosity and that they had no legitimate or professional reason to do so.
- The social worker admits that they should have informed their line manager of their non work related connection to Person A and Person B and requested restrictions on their access to the relevant records.

In light of the above, the case examiners are satisfied that there is evidence to suggest that the social worker accessed the records of Person A and Person B without legitimate or professional reason to do so and without the necessary authorisation.

Accordingly, there is a realistic prospect of regulatory concern 1 being found proven.

Grounds

The case examiners are aware that there is no legal definition of misconduct, but it generally would consist of serious acts or omissions, which suggest a significant departure from what would be expected of the social worker in the circumstances. This can include conduct that takes place in the exercise of professional practice, and also conduct which occurs outside the exercise of professional practice, but calls into question the suitability of the person to work as a social worker.

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

As a social worker I will:

- 2.2: Respect and maintain people's dignity and privacy.
- 2.6: Treat information about people with sensitivity and handle confidential information in line with the law.

As a social worker, I will not:

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

The case examiners are aware that falling short of the standards may not always amount to misconduct. However, adjudicators in this instance may consider the alleged conduct to be a significant departure from the expected standards noted above. Social workers in their roles have access to a large amount of confidential information about people, therefore members of the public need to be confident that when social workers access records, they do so for legitimate reasons only. The case examiners recognise that the social worker may have been curious about [REDACTED] but are minded that social workers are entrusted with access to highly sensitive information about people and any non-legitimate access to this information would be considered a breach of public trust.

In assessing the statutory ground, the case examiners highlight the following:

- In accessing the records of Person A and Person B, the social worker also had sight of confidential information relating to the parents of Person A and Person B. This potentially could have impacted on the parents' dignity and right to privacy, as well as that of Person A and Person B.
- The social worker accessed these records despite having undertaken general data protection regulation (GDPR) training in January 2024 and having an awareness that they would be in breach of GDPR by accessing the case records of people that they were not working with.
- The social worker accessed these records without legitimate or professional reason to do so and without authorisation despite their confirmed understanding of their responsibilities under the Liquid Logic Data Security agreement which states "I will only access information I need to carry out my

work. In particular I will not access information about myself, my relatives, friends or acquaintances”

The case examiners are of the view that accessing records without a legitimate reason to do so would not align with professional standards 2.2, 2.6 and 5.2. If the matter was to be found proven by adjudicators, the case examiners conclude that the alleged conduct is serious and is likely to suggest a significant departure from the professional standards stated above.

The case examiners are satisfied that there is a realistic prospect of adjudicators finding that regulatory concern 1 amounts 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 acknowledge that cases involving a potential abuse of trust may present challenges for remediation, however the evidence indicates that the social worker’s actions were time bound i.e. limited to a specific duration during the early part of their career and that the social worker has since carried out social work practice to a high standard with no further concerns raised.

Insight and remediation

The case examiners have reviewed the social worker’s submissions and documentary evidence and note the following:

- The social worker has expressed remorse and regret for their conduct stating they accessed the files out of curiosity and accept that they should not have done so as it was “wholly wrong, and inappropriate”.
- The social worker fully cooperated with the employer’s investigation and subsequent disciplinary hearing into their conduct.
- The social worker has undertaken reflections with their line manager, confirmed by the line manager, and has resolved, going forward, not to access records without a legitimate reason to do so.
- The social worker’s line manager speaks directly to the social worker’s insight stating *‘Laura engaged well in reflective conversations regarding her learning through this. Laura has been insightful throughout the investigation as well as taking accountability for her actions. Laura continues to engage open and honestly with myself as her manager.’*
- The social worker has also shown awareness of their responsibility to report to their line manager, any non-work-related connections to people who are on the system, so that their access to relevant records can be restricted.
- The social worker maintains that they have undertaken GDPR training as part of their remediation, although the case examiners have not seen any documents to evidence this.
- The social worker has successfully passed their ASYE since the conduct that led to the regulatory concern and there are positive line manager and senior management comments in the evidence that testify to the social worker’s exemplary practice record. For example, the line manager states *‘Laura has continued to work as a practitioner for the Local Authority and following the investigation being completed and successfully completed her ASYE, evidencing her professionalism, leadership and also her practice within great depths.’* Further, that the social worker is *‘restorative within her practice and she hold (sic) a strong work ethic and demonstrates professionalism in all areas of her work.’*

Risk of repetition

The case examiners are mindful that the evidence indicates that the social worker repeatedly accessed files without a professional reason to do so on 31 separate occasions therefore indicating marked repetition of the conduct stipulated in regulatory concern 1, rather than an isolated incident or momentary lapse. The case examiners consider that this repeat of action could speak to a high risk of repetition,

however the case examiners have taken into consideration that the conduct occurred during a specific period of time when the social worker was newly qualified and has not happened again since. The case examiners have also considered and are encouraged by the disciplinary hearing outcome letter to the social worker, compiled by the Head of Corporate Parenting which states: *“based on your seemingly very sincere assurances, I was satisfied that there would not be a repeat of this or any other conduct issues going forward”*.

The case examiners are also assisted by the passage of time, 12 months with no repetition of the conduct that caused concern. Taking everything into account, the case examiners are satisfied that the risk of repetition is low.

Public element

The case examiners next considered whether the social worker’s actions have the potential to undermine public confidence in social workers and whether this is a case where adjudicators may determine that the public interest requires a finding of impairment. Public interest includes the maintenance of professional standards for social workers and the need to maintain the public’s trust and confidence in the profession.

The case examiners have reminded themselves that the public interest includes responding proportionately to regulatory concerns. They consider that the adjudicators may determine that a member of the public would be seriously concerned where a social worker is alleged to have accessed confidential records of people on 31 separate occasions without any legitimate reason to do so. This has the potential to seriously undermine the public trust in social workers. The case examiners consider that a failure to find impairment could undermine public confidence in the social work profession.

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	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>

Referral criteria

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

Additional reasoning

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

Whilst the matter before the regulator 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. In addition, there is no conflict in evidence in this case and the social worker accepts the key facts.

The case examiners have noted however that the social worker has indicated to the regulator that they do not consider their fitness to practise to be currently impaired. The case examiners considered however that they could reasonably and legitimately offer the social worker the opportunity to reconsider the question of impairment, and an offer of accepted disposal. In reaching this conclusion, their reasoning is as follows:

- 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 conduct fell short of the standards expected of them.
- The case examiners are of the view that there is a low risk of repetition and therefore any impairment would be primarily made in the public interest to safeguard public confidence.
- 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 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	<input type="checkbox"/>
	Advice	<input type="checkbox"/>
	Warning order	<input checked="" type="checkbox"/>
	Conditions of practice order	<input type="checkbox"/>
	Suspension order	<input type="checkbox"/>
	Removal order	<input type="checkbox"/>
Proposed duration	3 years	

Reasoning

Having found that there is a realistic prospect that the social worker's fitness to practise is currently impaired, the case examiners then considered what, if any sanction they should propose in this case. The case examiners have taken into account the Sanctions Guidance (2022) published by Social Work England. They are reminded that the purpose of a sanction is not to punish the social worker but to protect the public and wider interest. The case examiners have borne in mind the principle of proportionality and fairness in determining the appropriate sanction.

In considering a sanction the case examiners have also considered mitigating and aggravating factors in this case:

Mitigating Factors:

- The social worker has accepted the facts and self referred to the regulator.
- The social worker has engaged with the investigation and fitness to practise process.
- The conduct causing concern happened when the social worker was in the infancy of their career and had not yet passed their ASYE. The social worker has since passed their ASYE.

- The social worker has shown over the passage of time that they have not repeated the conduct.
- The social worker has an exemplary practice record.

Aggravating Factors

- The numerous times that the social worker accessed records without a legitimate reason, albeit it within a specific timeframe during their career.

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

No further action

The case examiners commenced by considering whether it may be appropriate to reach a finding of impairment, with no requirement for any further action. The case examiners were satisfied that in this case, and considering the seriousness of the concern raised, that a finding of no further action would be insufficient to protect public confidence.

Advice

The regulator's sanctions guidance explains that advice would set out steps a social worker should take to avoid repeating conduct that contributed to a concern. The case examiners consider that advice would not be sufficient to mark the seriousness with which they view the social worker's alleged conduct.

Warning Order

The case examiners next considered whether a warning order might be suitable, given that it would show clear disapproval of the social worker's conduct. The case examiners noted from the guidance that a warning order is likely to be appropriate where all of the following apply:

- The fitness to practise issue is isolated or limited
- There is a low risk of repetition
- The social worker has demonstrated insight

The case examiners conclude that although the conduct that led to the regulatory concern was not isolated, it could be considered limited as it took place within a particular timeframe, was limited to one family, and has not occurred since. The case

examiners are of the view that there is a low risk of repetition in this case and the social worker has demonstrated insight as detailed in previous sections of this report. The case examiners have concluded that a warning order is the most appropriate and proportionate outcome in this case and represents the minimum sanction necessary to adequately address the public's confidence in the profession.

Conditions of Practice or Suspension.

In order to test whether a warning order might therefore be appropriate, the case examiners turned their minds to the higher sanctions of conditions of practice and, suspension. Having considered their guidance, the case examiners do not consider that either of these more severe sanctions would be a proportionate response to the social worker's actions. The case examiners have concluded that the risk of repetition is low, therefore any restrictive sanction would be solely to meet the public interest. As such, this would steer the case examiners away from conditions of practice and towards suspension, which the case examiners consider would be disproportionate given that all of the criteria that makes a warning order the likely outcome apply in this case.

With the above in mind, the case examiners consider it likely that a well informed member of the public would consider a warning order sufficient in the circumstances and, therefore, it is the minimum necessary outcome to safeguard public confidence in the social work profession, and to maintain proper professional standards for social workers.

The length of the proposed order

Warning orders can be imposed for one, three or five years. With reference to the regulator's sanctions guidance, the case examiners are aware that when deciding on the proportionate duration of a warning, decision makers should consider (all of the following)

- 1 year may be appropriate for an isolated incident of relatively low seriousness. In these cases, the primary objective of the warning is to highlight the professional standards expected of social workers
- 3 years may be appropriate for more serious concerns. This helps to maintain public confidence and highlight the professional standards. The period also allows more time for the social worker to show that they have addressed any risk of repetition.

- 5 years may be appropriate for serious cases that have fallen only marginally short of requiring restriction of practice. This helps to maintain public confidence and highlight the professional standards. A social worker should ensure there is no risk of repetition throughout this extended period. If successful, there will be no further fitness to practise findings (in relation to similar concerns).

The guidance states that one year may be appropriate for an isolated incident of relatively low seriousness. The case examiners note that this case relates to an alleged accessing of records on 31 separate occasions without professional reason to do so. The case examiners do not consider this a case of low seriousness. As such a one year warning would be insufficient to protect the public and safeguard public confidence.

The case examiners considered the guidance in relation to a three year order, which may be more appropriate for more serious concerns or a five year order where a case has fallen marginally short of requiring restriction of practice. The case examiners consider that a three year order is proportionate to maintain public confidence and to send a message to the public, the profession and the social worker about the standard expected of social workers.

The case workers do not think that the matter fell marginally short of the need to restrict practice due to the low risk of repetition as highlighted in earlier sections of this determination, and also the social worker's exemplary practice record; therefore a five year order would be disproportionate and not represent the minimum sanction required to protect the public.

The case examiners have decided to propose to the social worker a warning 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 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

Your conduct in this case represented a departure from the expectations of all social workers in relation to respecting privacy and maintaining confidentiality.

You are reminded of the importance of social workers treating sensitive information with significant care, and of the following Social Work England professional standards (2019).

As a social worker I will:

- 2.2: Respect and maintain people's dignity and privacy.
- 2.6: Treat information about people with sensitivity and handle confidential information in line with the law.

As a social worker, I will not:

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

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

Response from the social worker

On 16 November 2025 the social worker advised that they:

- Had read the case examiners' decision and the accepted guidance proposal.
- Admitted the facts set out in the case examiner decision, and that their fitness to practise is 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 have reviewed their decision paying particular regard to the overarching objectives of Social Work England:

- The Protection of the public
- Maintaining confidence in the social work profession
- The maintenance of professional standards

The case examiners remain satisfied that an accepted disposal warning order of 3 years duration is a fair and proportionate way to conclude this matter, and the minimum sanction required to protect the public and the wider public interest.