

Case Examiner Decision
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FTPS-22418

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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	4 July 2025
	Accepted disposal proposed - warning order (3 years)
Final outcome	29 July 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 concerns 1 and 2 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 grounds of misconduct.
3. For regulatory concerns 1 and 2, 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 duration. The social worker responded on 29 July 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 [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. A schedule of anonymity is provided below for the social worker and complainant and will be redacted if this decision is published.

Family A	[REDACTED]	
Family B		
Person A		
Colleague A		
Colleague B		

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the social worker's former employer, Salford City Council
Date the complaint was received	22 May 2023
Complaint summary	The complainant reported that concerns were raised by two social workers about the social worker discussing families that were not allocated to the social worker. Concerns were further raised about the social worker allegedly accessing records for one of the families concerned.

Regulatory concerns

Whilst registered as a social worker between September 2022 – January 2023 you:

1. Have accessed service user records without a professional reason to do so
2. Have discussed two families' involvements with social services with their allocated social workers, without a professional reason to do so

The matters outlined in regulatory concerns 1 and/ or 2 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	☒
	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 and 2 being found proven, that those concerns could amount to the statutory grounds of misconduct, and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

Whilst registered as a social worker between September 2022 – January 2023 you:

1. Have accessed service user records without a professional reason to do so

The case examiners have had sight of a system access log, which suggests that the social worker accessed the records of Family A on 16 September 2022 and 30 November 2022. The log suggests that in September, the social worker viewed a children and families assessment and a case supervision. There is no indication that any particular documents were viewed in November.

Within correspondence with the regulator, the social worker's former employer has confirmed that the social worker was not allocated to the family's case and would have had no professional reason to access the records.

During local interviews, the social worker submitted that they had accessed the records in September because they had been approached by someone looking for advice in relation to the family, and so they had viewed the records in order to establish whether they needed to make a referral. It appears from the record of interview that the social worker was asked why they had opened an assessment and case supervision, given accessing the record itself would have identified that there was already an open case. The record suggests the social worker stated they did not know why, and they were probably just curious and might have accessed the documents to establish what information was already known about the family.

With regards to the November access, the social worker stated that they could not remember why they had accessed the records, but it could have been an attempt to find a pre-birth assessment to show as an example to a newly qualified social worker. It was queried how the social worker would have known that there would be a good example of such an assessment in this case, and the social worker acknowledged at this point that they didn't know why they had accessed the record.

In light of the above, the case examiners are satisfied that there is evidence to suggest the social worker accessed Family A's records without professional reason.

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

2. Have discussed two families' involvements with social services with their allocated social workers, without a professional reason to do so

Evidence available to the case examiners suggests that concerns were raised by Colleague A with their manager that the social worker had asked questions about a case allocated to Colleague A (Family A).

Colleague A has reported to the regulator that on 25 October 2022, they received a message from the social worker asking if they were completing a pre-birth assessment for the family. The case examiners have had sight of messages exchanged, which include the social worker stating, "I kinda know the family" and "have you spoken to Person A yet". Screenshots of the messages confirm that on 17 November 2022, the social worker messaged Colleague A again, stating, "keep meaning to ask – did you ever speak to Person A".

Colleague A reports that on 12 January 2023, the social worker asked them in person about Family A. Colleague A states that the social worker asked questions about the family and made comments, as summarised below:

[REDACTED]

Colleague A reports that when they raised concerns with a manager about their interaction with the social worker, they advised that the social worker indicated that they knew Family A through Person A.

The available evidence suggests that in further conversation with a manager, Colleague A advised that Colleague B had also had a similar interaction with the social worker about Family B. Colleague B was interviewed by the social worker's former employer and reported that they had two conversations with the social worker about Family B.

Colleague B reported that the first conversation was instigated by the social worker, who mentioned a personal connection to Family B. [REDACTED]

[REDACTED]

Colleague B reported that the second conversation was in passing and referenced the same matter as the first. [REDACTED]

[REDACTED]

In reviewing the social worker's submissions during both local and regulatory proceedings, the case examiners noted the following in particular:

- The social worker accepts that they had conversations with Colleague A and Colleague B about Family A and Family B.
- With regards to Family A, the social worker reported that they were approached outside of work by somebody raising queries about the family [REDACTED]
[REDACTED] The social worker reported that they did not know Family A, or Person A, and they did not know the person that approached them in a personal capacity.
- With regards to Family B, the social worker reported that they instigated a conversation with Colleague B because they were talking with them and

observed that the family had a case open, with the records showing on Colleague B's screen. The social worker disputes that they sought information about the family but accepts that conversations about the family took place.

Within evidence provided to the regulator, the social worker's former employer has confirmed that the social worker was not allocated to either family, nor should they have discussed them with colleagues. The employer states that if the social worker had been approached outside of work, they should have ensured this was recorded on the family's files, either by inputting a case note or by emailing the allocated social worker. There is no evidence to suggest the social worker took either step.

In light of the above, the case examiners are satisfied that there is some evidence to suggest the social worker discussed two families' involvements with social services with their allocated social workers, without a professional reason to do so.

Accordingly, there is a realistic prospect of regulatory concern 2 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.

Social Work England – Professional Standards (2019)

As a social worker, I will:

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.

Social workers are entrusted with access to highly sensitive information about people and it is important that they conduct themselves appropriately, respecting privacy and maintaining confidentiality.

In this case it is alleged that the social worker discussed cases and accessed records without any professional reason to do so. In the case examiners' view, adjudicators could reasonably consider the social worker's conduct to represent a significant departure from the professional standards outlined above.

This is because the regulator's guidance for decision makers is clear that inappropriately accessing confidential information without professional reason is an abuse of trust. The case examiners recognise that for each family, there was a precipitating event that appears to have initiated the social worker's interactions with information (either via records or conversation with allocated workers).

However, the case examiners are satisfied that adjudicators would be unlikely to consider the social worker's accessing of records and informal communication with Colleague A in respect of Family A to represent an appropriate or proportionate way of managing any information a member of the public might have provided. There appears to have been a clear pathway for the social worker to formally report information they had been told, which the social worker did not follow. The case examiners consider that adjudicators might be particularly concerned about the social worker accessing an assessment and case supervision, both of which would be highly likely to contain a significant quantity of highly sensitive information. The case examiners are satisfied that the evidence suggests there was no good reason for the social worker to have opened the files in question.

With regards to Family B, the case examiners consider that adjudicators might be particularly concerned about the social worker discussing the case with the allocated social worker. The case examiners consider the evidence to suggest the social worker may have had a personal motive in doing so.

In light of the above, there is a realistic prospect of adjudicators determining that the statutory grounds of misconduct are engaged.

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 satisfied that the conduct in this case can be easily remedied. Although the case examiners are mindful that cases involving a potential abuse of trust can be more challenging to remediate, they also consider that the available evidence in this case suggests the social worker's conduct was time-bound and the social worker has otherwise been highly thought of. The case examiners therefore consider that the social worker could successfully remediate through a demonstration of insight into what must be done differently in the future and through an evidenced change in conduct.

Insight and remediation

The case examiners have carefully reviewed submissions made by the social worker during both local and regulatory proceedings.

In the case examiners' view, the social worker has demonstrated an appropriate degree of reflection on why the approach they took in respect of Family A and Family B was wrong, and what they could and should have done differently. The case examiners note that the social worker has reflected with colleagues, and they recognise that regardless of their intentions, their conduct was not appropriate.

The social worker submits that they were experiencing some personal stressors at the time of the conduct, and they were unable to fully reflect in the moment when they initially spoke with their employer. The social worker appears to have taken some time away from practice, which has given the time and space to reflect in greater detail. The social worker submits that their conduct was out of character and, in the case examiners' view, this is likely to be the case. The case examiners noted that the social worker has practiced for a significant number of years and there is no evidence to suggest there has been any similar conduct either before or since the period in question.

The case examiners would have hoped to see a little more depth to the social worker's written reflections on the potential impact of accessing information without professional reason, but they were nevertheless satisfied that the social worker recognises that their conduct could impact upon public confidence in the social work profession.

Risk of repetition

In light of the social worker's insight, and an evidenced period with no repetition of the conduct of concern, the case examiners are satisfied that the risk of repetition is likely to be low.

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 consider that a finding of impairment may be required in this case. The case examiners' key reasoning is as follows:

- Although the case examiners acknowledge that the conduct of concern in this case is time-bound, they nevertheless consider that it could not reasonably be viewed as isolated. This is because the available evidence suggests that for Family A, the social worker repeatedly accessed information over a number of months, both by accessing records and by discussing the case with the allocated social worker.
- In addition, the case examiners consider there to be some evidence to suggest the social worker shared their own views in relation to the cases of Family A and Family B, albeit in a relatively limited way. The case examiners consider this to elevate the seriousness of the matters before the regulator.
- The case examiners also consider that a finding of impairment may be necessary in this case, to provide a reminder to both the social worker and the wider social work profession of the importance of respecting privacy and confidentiality, and of communicating information to allocated workers in a way that is recorded and auditable.

In light of the above, the case examiners consider that a failure to find impairment could undermine public confidence in the social work profession, and the maintenance of proper professional standards for social workers.

Accordingly, there is a realistic prospect of adjudicators determining that the social worker's fitness to practise is impaired.

The public interest

Decision summary

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

Referral criteria

Is there a conflict in the evidence that must be resolved at a hearing?	Yes	☐
	No	☒
Does the social worker dispute any or all of the key facts of the case?	Yes	☐
	No	☒
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 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 all of 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 opportunity to reconsider the question of impairment, and an offer of accepted disposal. In reaching this conclusion, they noted the following:

- The case examiners are of the view that there is low risk of repetition, and therefore any finding of 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 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	3 years	

Reasoning

Having found that a realistic prospect 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 published by Social Work England. They are reminded that a sanction is not intended to be punitive but may have a punitive effect and have borne in mind the principle of proportionality and fairness in determining the appropriate sanction.

The case examiners are also mindful that the purpose of any sanction is to protect the public which includes maintaining public confidence in the profession and Social Work England as its regulator and upholding proper standards of conduct and behaviour.

The case examiners have taken into account the principle of proportionality by weighing the social worker's interests with the public interest when considering each available sanction in ascending order of severity.

No further action

The case examiners are mindful that the regulator's sanctions guidance is clear that an outcome of no further action is intended to be rare. The guidance explains that the factors justifying taking no further action need to be exceptional in nature, and the outcome must be sufficient to protect the public and address the public interest.

In the case examiners' view, an outcome of no further action could not be justified in this instance. In reaching this conclusion, the case examiners were mindful of the serious harm that can arise from social workers failing ensure sensitive information about people remains confidential. The case examiners considered that a finding of impairment alone would be insufficient in such circumstances to safeguard public confidence in the social work profession, or to maintain proper professional standards for social workers.

Advice

The regulator's sanctions guidance explains that advice would set out the steps a social worker should take to avoid repeating conduct that contributed to a concern. It is a lesser sanction than a warning order, which might be required in circumstances where there is need to show disapproval and signal that if behaviour is repeated it will result in a more severe outcome.

In this case, the case examiners considered that advice would be insufficient in the circumstances. This is because if there were to be any repetition of the matters of concern in this case, it is highly likely that a restrictive sanction would be required in order to secure public confidence in the social work profession. Accordingly, advice would be insufficient in this case.

Warning

The regulator's sanctions guidance explains that a warning order is likely to be appropriate where:

- 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 are satisfied that all of the above criteria apply. Although the case examiners do not consider the social worker's conduct to be isolated, they are satisfied that it was time-bound and therefore limited.

The case examiners are also satisfied, for the reasons set out earlier in this decision, that the social worker has demonstrated a significant degree of insight and remediation, resulting in the risk of repetition being low.

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 order and suspension order. The case examiners were satisfied, however, that in the

circumstances of this case, both would represent disproportionate outcomes given the low risk repetition and the limited nature of the concerns.

The length of the proposed order

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)

Looking first at a 1 year warning order, the case examiners considered that although the conduct before them was limited, it was not isolated. Furthermore, although the case examiners would consider the social worker's conduct to fall at the lower end of the spectrum in terms of cases relating to an abuse of trust, they would consider it to nevertheless represent a serious concern.

The case examiners are satisfied, however, that a 3 year warning order would appropriately reflect the level of severity in this case, and it would provide reassurance to the public and the profession that concerns about inappropriate access to information are taken seriously by the regulator.

The case examiners are satisfied that a 5 year order would be disproportionate in the circumstances, given the case has not fallen only marginally short of requiring restriction to practice.

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 professional standards in particular:

Social Work England – Professional Standards (2019)

As a social worker, I will:

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 29 July 2025 the social worker returned their completed accepted disposal response form, confirming 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 warning order, with a duration of 3 years.