



Case Examiner Decision
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FTPS-23917

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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	30 January 2026
	Accepted disposal proposed - suspension order (1 year)
Final outcome	13 February 2026
	Accepted disposal - suspension order (1 year)

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

As such, the case examiners requested that the social worker be notified of their intention to resolve the case with a suspension order of 1 year duration. The social worker subsequently responded, confirming that they understood and accepted the terms of the 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.

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.

Child A	[Redacted]
Child B	[Redacted]
Person A	[Redacted]
Person C	[Redacted]
Person D	[Redacted]

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the social worker's former employer.
Date the complaint was received	23 August 2024
Complaint summary	██████████ informed the regulator that the social worker approached their manager and advised that they had accessed two files which pertained to the ██████████ without professional reason to do so, and provided information they had obtained from the files ██████████

Regulatory concerns

Whilst registered as a social worker:

RC1. You accessed case records pertaining to Child A and/or Child B without professional reason or permission to do so.

RC2. You shared confidential information about Child A and/or Child B with Person A without professional reason or permission to do so.

The matters outlined in regulatory concerns 1 and 2 amount to the statutory ground 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 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

RC1. You accessed case records pertaining to Child A and/or Child B without professional reason or permission to do so.

The case examiners have had sight of the employer's audit of the social worker's Mosaic access log, which suggests that the social worker accessed the records of Child A and Child B on approximately 20 occasions between the period 15 February 2023 and 25 April 2024. [REDACTED]

[REDACTED]

[REDACTED] The case examiners also note from the evidence that the social worker informed their manager, in April 2024, that they had accessed the records of Child A and Child B that month. The evidence indicates that the social worker likely disclosed to their

manager at this particular time because they were of the opinion that the children could be allocated to their team and they were hoping they could provide some insight to the case given their relationship with the children.

Following further review of the evidence including system access records, performance hearing reports, the social worker's submission, investigation meeting notes and comments from Person D, the case examiners note that the evidence suggests the following:

- The social worker accessed the confidential information of Child A and Child B on approximately 20 separate occasions over a duration of 14 months.
- 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 detailed case records that included personal data and information on parenting assessments, home visits, referrals, health information, health diagnosis and police reports, that they had no legitimate reason to see.
- The social worker admits that they accessed the records on several separate occasions maintaining that they did so because they were concerned about the wellbeing of [REDACTED] and wanted to ensure that action was being taken to safeguard them.

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

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

RC2. You shared confidential information about Child A and/or Child B with Person A without professional reason or permission to do so.

Having reviewed the notes and correspondence from the social worker's performance hearing held on 2 August 2024 and the social worker's submission, the case examiners note that the evidence indicates the following:

- The social worker admits sharing information from the files that they accessed with [REDACTED] Person A. The social worker states however that they only shared information about a strategy meeting that was implemented.

- Person D expressed that they felt ‘violated’ that the social worker had accessed their confidential records and shared information gleaned with [REDACTED] Person A [REDACTED]
- Person D also expressed concern that any information shared [REDACTED] [REDACTED] could also have been shared with Person C, thus putting Person D and the children at risk [REDACTED] [REDACTED] [REDACTED] The evidence suggests that Person D became concerned for their safety and this gave rise to increased anxiety.
- Person D was also concerned that confidential information, if shared with Person C could impact [REDACTED] [REDACTED]

In summarising the evidence, the case examiners consider that although the social worker admits sharing only limited information about a strategy meeting [REDACTED] [REDACTED] Person D is concerned that the sharing was more widespread.

The case examiners conclude that any sharing of confidential information, limited or otherwise, with no professional reason to do so, provides a realistic prospect of RC2 being found proven.

Grounds

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. 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 are aware that the social worker states they accessed the records and shared the information with Person A because they were concerned about the welfare of Child A and Child B, 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. Maintaining service user confidentiality is such an important part of social work, and not doing so has real potential to harm public confidence in the profession.

In assessing the statutory ground in relation to RC1 and RC2, the case examiners highlight the following points, indicated by the evidence provided:

The social worker's unauthorised access of records for Child A and Child B, also provided the social worker access to confidential information relating to Person C and Person D. The evidence suggests the social worker's actions in accessing these records caused Person D harm in that this had a significant impact on their mental health and emotional wellbeing. The case examiners consider that the social worker's alleged actions could potentially have also impacted on Person C and Person D's dignity and right to privacy, as well as that of Child A and Child B.

The social worker is alleged to have accessed these records despite having undertaken general data protection regulation (GDPR) training on 22 June 2023 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 case examiners are of the view that accessing records without a legitimate or professional 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 concerns 1 and 2 amount to the statutory grounds of misconduct.

Impairment

Assessment of impairment consists of two elements:

- The personal element, established via an assessment of the risk of repetition.
- 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 the alleged conduct, whilst serious, is capable of remediation through training and reflection. They however acknowledge that cases involving a potential breach of trust may present challenges for remediation and in this case, unauthorised access to records could be considered a breach of trust.

Insight and remediation

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

The social worker accepts that they should not have accessed the records of Child A and Child B and have expressed remorse and regret that they did so. The social worker states: *"Firstly, I accept that I have accessed case records without professional reason or permission to do so. This was a grave error and mistake and I fully acknowledge the seriousness of my actions. There is however some context and background/history*

that I feel needs to be considered and this may prove to be useful in terms of any investigation and decisions reached by SWE.”

The case examiners are aware that the social worker provides mitigation of being impacted by their emotions at the time of the conduct pertaining to the regulatory concerns and states that they accessed the records due to concern and worry about the wellbeing of Child A and Child B. The case examiners note however that the evidence indicates persistent access to records over a long duration and not limited to the time the social worker indicates they were driven by emotions in April 2024.

The case examiners also note that the social worker appears to be of the view that their ex employer treated them harshly by dismissing them from their post for gross misconduct directly related to the regulatory concerns. The case examiners consider that it is therefore unlikely that the social worker has full insight into the seriousness of their actions and the potential for harm to others. In particular, the evidence suggests that the social worker is of the view that Child A and Child B were not harmed at all by their actions despite their admission to accessing the confidential files of these children and breaching their right to privacy and confidentiality. The case examiners consider that the social worker’s insight is not yet fully developed.

The case examiners have not been presented with any evidence of remediation at this time.

The case examiners note that the social worker was dismissed from their post and the employer indicates that the social worker may have now retired, which could mean that remedial steps would not be taken. However, the social worker states in their submissions that *“I still have a lot to offer the profession, and I know that despite my previous actions, if I am given the opportunity, I can continue to make a positive difference in the lives of children and young people.”* This indicates that the social worker may still be intending to practise and therefore should still be taking steps towards remediation.

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 over a period of 14 months and on approximately 20 separate occasions. This therefore indicates 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 speaks to a risk of repetition especially when combined with the social worker’s incomplete insight and lack of remediation.

The case examiners conclude that 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 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 several occasions without any legitimate reason to do so, shared the information with a third party, and caused harm to people by doing so. This has the potential to seriously undermine the public's trust in social workers. The case examiners consider that a failure to find impairment would 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 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.

Interim order

An interim order may be necessary for protection of members of the public	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>
An interim order may be necessary in the best interests of the social worker	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>

Accepted disposal

Case outcome		
Proposed outcome	No further action	<input type="checkbox"/>
	Advice	<input type="checkbox"/>
	Warning order	<input type="checkbox"/>
	Conditions of practice order	<input type="checkbox"/>
	Suspension order	<input checked="" type="checkbox"/>
	Removal order	<input type="checkbox"/>
Proposed duration	1 year	

Reasoning	
<p>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.</p> <p>The sanctions guidance states that case examiners should consider mitigating and aggravating factors when considering which sanction may be appropriate or proportionate. In this case, these factors are:</p> <p>Mitigating Factors</p> <ul style="list-style-type: none"> • No previous adverse fitness to practise history. • The social worker’s emotional state at the time of the regulatory concern. <p>Aggravating Factors</p> <ul style="list-style-type: none"> • The social worker accessed confidential records on a regular basis for a period of 14 months and shared the information with a third party. • The social worker’s insight is still at a developing level. 	

- There is a lack of evidence of remediation.
- There was harm / a risk of harm to the public.

In determining the most appropriate and proportionate outcome in this case, the case examiners then went on to consider 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 concerns raised, that a finding of no further action would be insufficient to protect public confidence.

Advice or Warning

The case examiners have considered offering advice or a warning to the social worker, but they note the sanctions guidance which states that these sanctions do not directly restrict practice. Further guidance makes it clear that advice or a warning order is unlikely to be appropriate in cases where there is deemed to be a risk of repetition.

Conditions of Practice

Next the case examiners turned their minds to a conditions of practice order. They note the sanctions guidance which states that these orders are less likely to be appropriate in cases of character, attitude or behavioural failings. It could be argued that this case falls within the above categories given the alleged repetitive nature of the conduct in question. Whilst conditions of practice may still have been technically workable, the case examiners consider that the gravity of the conduct is such that conditions of practice would be insufficient to uphold public confidence.

Suspension Order

As such, the case examiners went on to consider suspension. The sanctions guidance states that suspension is appropriate where no workable conditions can be formulated that can protect the public or the wider public interest, but where the case falls short of requiring removal from the register. In this case, while the case examiners consider the concerns to be serious, they do not consider that they are so serious as to be incompatible with the social worker returning to the profession in the future.

The case examiners have taken into account Social Work England's sanctions guidance which states that suspension may be appropriate where (all of the following apply):

- the concerns represent a serious breach of the professional standards
- the social worker has demonstrated some insight
- there is evidence to suggest the social worker is willing and able to resolve or remediate their failings

The case examiners are of the view that all three of the above are satisfied in this case.

The case examiners consider therefore that suspension is the most appropriate sanction to reflect the seriousness with which they view this case, and is the minimum necessary to protect the public. The case examiners are of the view that the social worker could use a period of suspension to reflect, develop insight, and remediate the concerns that have been raised, and to mitigate the risk of repetition identified by the case examiners.

Whilst suspension risks de-skilling the social worker, the case examiners consider that the current risk to the public and public confidence outweighs any detriment to the social worker by not permitting them to engage in a social worker role at this time.

Removal Order

In order to test whether a suspension order might therefore be appropriate, the case examiners turned their minds to the higher sanction of a removal order. Having considered their guidance, the case examiners do not consider that this more severe sanction would be a proportionate response to the social worker's alleged actions. The case examiners have set out above why they consider the criteria for suspension has been met and therefore it follows that there is another outcome other than removal that meets Social Work England's overarching objective to protect the public.

To confirm, the case examiners consider that suspension is the most appropriate sanction to reflect the seriousness with which they view the social worker's conduct, and are satisfied that a suspension order is the minimum sanction required to protect the public in this case.

The case examiners have carefully considered the appropriate length of the proposed suspension order and note that suspension orders can be imposed for up to 3 years duration. While they consider that the allegations are serious enough to warrant a

suspension, the case examiners have balanced this against the amount of time likely to be required for the social worker to develop fuller insight and remediation. The case examiners have concluded that a 1 year suspension is the minimum necessary to meet the wider public interest, and to provide sufficient time for the social worker to reflect on their alleged conduct and to demonstrate that they are no longer impaired.

In conclusion, the case examiners have decided to propose to the social worker a suspension order of 1 year's 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

The sanctions guidance states: *'where decision makers impose a suspension, they should be clear in their written decision that adjudicators reviewing the order will expect to see improvement at the next review. It is good practice for the decision makers to set out recommendations. These are not the same as conditions because compliance is not mandatory. They are suggested steps that the social worker can voluntarily take to evidence improvement at the review hearing'*

The steps may include:

- Preparing a detailed reflective piece in respect of the concerns in this case, including the impact on individuals when confidentiality is broken and the impact on public confidence in the profession.
- Providing evidence of relevant training and other professional development, along with their reflections on what they have learned, and what they would do differently. Also reflection on why training may have helped to improve performance when it did not before.
- Providing any available testimonies of their performance in a post aligned to social work, or where similar skills are employed.

Response from the social worker

The social worker provided a response on 10 February 2026 and confirmed *'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

Having been advised of the social worker's response, the case examiners have again turned their minds as to whether a suspension order remains the most appropriate means of disposal for this case. They have reviewed their decision, paying particular regard to the overarching objectives of Social Work England, i.e. protection of the public, the maintenance of public confidence in the social work profession, and the maintenance of proper standards. Having done so, the case examiners remain of the view that an accepted disposal by way of a suspension order of 1 year's duration is a fair and proportionate disposal and is the minimum necessary to protect the public and the wider public interest.