

Case Examiner Decision
Georgia Holland – SW112456
FTPS-21392

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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	23 February 2024
	Accepted disposal proposed - advice (3 years)
Final outcome	27 February 2024
	Accepted disposal - advice (3 years)

Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concerns 1a-f and 2d being found proven by the adjudicators;



3. There is a realistic prospect of regulatory concerns 1a-f and 2d being found to amount to the statutory grounds of misconduct;
4. For regulatory concerns 1a-f and 2d, 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 they determined that the case could be concluded by way of accepted disposal.

As such, the case examiners notified the social worker of their intention to resolve the case by providing advice which will be published for 3 years. The social worker accepted this 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 red will be redacted from 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	16 November 2022
Complaint summary	The social worker advised they had received notification of disciplinary action from their employer at the time. The social worker was subsequently dismissed after being investigated for allegations of negligence in managing risk to children and their families.

Regulatory concerns

Whilst registered as a social worker, between 18 May 2022 and 19 October 2022, you:

1. Failed to safeguard, including that you did not recognise and/or appropriately assess and/or manage risk in relation to:

a) Child 1;

b) Child 2;

c) Child 3;

d) Child 4;

e) Child 5;

f) Child 6;

2. Failed to accurately record information in case records in relation to:





d) Child 6;

The matters outlined in regulatory concerns 1 and 2 amount to the statutory grounds of misconduct and/or lack of competence or capability.

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

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	☐

Requests for further information or submissions, or any other preliminary issues that have arisen



The realistic prospect test

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 1a-f and 2d being found proven, that they 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 18 May 2022 and 19 October 2022, you:

- 1. Failed to safeguard, including that you did not recognise and/or appropriately assess and/or manage risk in relation to:*

At the time of these concerns, the social worker was working in the children's advice and duty service, which is the first point of contact for new enquiries into social care.

Consultant social workers (which was the role of this social worker) were responsible for receiving referrals/contacts and making decisions on how to progress and how the issues will be responded to.

a) Child 1;

The case examiners have been provided with primary evidence of the referral which was reviewed by the social worker in July 2022. It is reported by school that Child 1 had alleged their father had slapped their mother across the face, in front of them. There was also reference to a historical incident where the father had allegedly held a knife to their mother's throat. It appears that social care were previously aware of this incident.

The evidence suggests that the social worker's manager had opened a long contact form and included their oversight on this form which included some recommended actions. The case examiners have been provided with an email sent to the school from the social worker, which stated they had not made contact with parents and concluded "*there is no further role for children's social care*". No justification or evidence of checks or actions undertaken has been provided.

The case examiners have been provided with information from the electronic system about the history of social care involvement with Child 1 and their family. They note there was significant history for this family, relating to parental mental health concerns and domestic abuse. In the view of the case examiners, it was reasonable for the employer to be concerned about the social worker's response to this referral, as even without a significant history, an allegation of witnessing domestic abuse would be suggestive of the child suffering emotional harm. A history of similar concerns could suggest that this is a pattern of behaviour, which is likely to require social care intervention.

Whilst the case examiners acknowledge that not all risks can be predicted, they also note that subsequently, "*it was reported that [Child 1 and their siblings] had witnessed, as well as one being physically harmed during an incident of domestic violence at the family*". The

case examiners are of the view that given the disclosure by Child A and the history of family functioning, this incident could have reasonably been predicted and may have been possible to avoid.

The social worker accepted during the employer's investigation that there was more they could have done to assess and safeguard Child 1 and their siblings.

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

b) Child 2;

The case examiners have been provided with the contact form which recorded the referral regarding Child 2 and their sibling, received in May 2022. It was recorded that the police had attended the family home to arrest the father and raised concerns about poor home conditions, including no suitable beds and a lack of safety for the young children. The contact form records that the social worker completed a check with health services and recorded that in 2021 the health visitor had noted poor home conditions but they had subsequently improved. It is unclear from the evidence whether the social worker failed to recognise that the health information predated this police referral or whether they relied upon it as evidence of the family's ability to make improvements.

The social worker records that they attempted to contact the mother but were unable to speak to them and they concluded that providing advice in writing was sufficient. They accepted during the employer investigation that they did not speak to the police or probation, to understand more about the attempted arrest and they did not arrange for anyone to visit the home, to assess conditions and any need for support.

The evidence provided records that Child 2 and their sibling were subsequently subject to child protection planning due to further criminal activity and extremely poor home conditions. The case examiners again acknowledge that not all future harm to children can be accurately predicted, however they are of the view that there was sufficient information provided in this referral to warrant further exploration and concern.

The social worker accepted they did not sufficiently assess the risk for this family and they could not say why.

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

c) Child 3;

The case examiners have been provided with the referral from August 2022 which was sent by the police. They reported that Child 3 had allegedly been headbutted by their

father, but did not want to press charges. Child 3 was 16 years old and there were other siblings in the family home. The evidence suggests that the social worker made no checks with other agencies nor did they consider the other children in the household, the social worker accepted this during the employer's investigation.

It appears from the social worker's limited recording that not being able to make contact with the parents of Child 3 is used as justification for closing the referral down with no further action from social care. The case examiners are of the view that a lack of contact and exploration with the parents should have increased the concerns, in view of the alleged assault and potential for repetition.

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

d) Child 4;

The case examiners have been provided with an anonymous referral received in August 2022, alleging that Child 4 and their siblings were being sworn at and threatened, as well as subject to parental alcohol and drug misuse. Due to this referral being anonymous and not having knowledge of the children's names but just an address, the social worker recorded that they could not identify the children and therefore closed down the referral with no further action.

In the employer investigation it is reported that there was a school system, which could identify school age children by their address. The evidence suggests that the social worker had access to this system and was familiar with using it. Following a similar referral received later, a different social worker identified the children using this system and Child 4 and their siblings were open to children's services.

The social worker accepted they could have done more to identify these children and thereby assess the risk more fully.

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

e) Child 5;

The case examiners have been provided with a referral received by the social worker in August 2022 from the ambulance service. This referral detailed that the father of Child 5 had called them from outside the family home, stating they had been drinking alcohol and taking cocaine while looking after Child 5. It is recorded that the father "*is known to drink alcohol and take drugs regularly*".

The social worker records that they have a conversation with the father who states they will not do this again. The social worker accepts they took this at face value and did not speak to the mother of the children to ensure they could keep them safe, as it appears the mother was not aware of the cocaine use. There is no evidence of any further attempts to check the welfare of the children and the referral is closed down.

The social worker accepted they could have responded to the risks more fully for this family.

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

f) Child 6;

The case examiners have been provided with a referral received by the social worker in October 2022 which detailed a police call out to Child 6's parents. It was reported that the mother of Child 6, who was a newborn, had asked the father to leave but he refused, after a verbal altercation. The police had attended and the father had left, the police appeared to be referring this for information only but the management instruction made reference to a history of domestic abuse and the fact that the father was involved with drug and alcohol services.

The social worker records on the contact form that *"the concerns raised do not meet the threshold for further statutory involvement"* and states there had been no previous reported domestic incidents. The case examiners have been provided with evidence that there were records of the couple having a number of arguments prior to the baby's birth and it appears the social worker would have had access to this information.

The social worker is recorded to have accepted they did not carry out checks, nor did they apply professional curiosity in this case, which resulted in a lack of robust risk assessment.

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

2. Failed to accurately record information in case records in relation to:

The case examiners note that the regulator, in the Case Investigation Report has linked this concern to the social worker's use of a short contact form, when the long contact form was more appropriate and allowed for more detailed recording. The evidence suggests that the social worker chose to use a short form once they had made the decision that the referral did not meet the threshold for further intervention. The case examiners are therefore of the view that this was related to the social worker's safeguarding practice and has already been considered in regulatory concern 1. They have

considered regulatory concern 2 solely in relation to whether the social worker's records accurately reflected the work they carried out and the information they gathered.



d) Child 6

The case examiners have been provided with the contact form completed by the social worker, detailed above in regulatory concern 1f. The case examiners note in this case, that the social worker recorded there had been no history of domestic incidents, but this was inaccurate.

The social worker accepted during the employer investigation that their records did not reflect the work required for this referral.

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

Grounds

The case examiners have then considered whether the conduct reflected in regulatory concerns 1a-f and 2d amount to a statutory grounds.

This case has been presented on the grounds of misconduct and/or a lack of competence or capability. The case examiners' guidance encourages them to (where possible) identify the appropriate statutory ground to proceed on, as this provides clarity as to the basis of Social Work England's case against the social worker. The case examiners are reminded, however, that in some cases they may not always be in the best position to identify one ground over another.

Lack of competence or capability

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

The case examiners note that these regulatory concerns relate to 6 families over a period of 5 months. They note that the social worker was practising in a busy duty team and the evidence suggests that during this period, the social worker reviewed and responded to around 1,000 referrals. The case examiners consider therefore that this could not be characterised as a fair sample.

The case examiners' guidance also explains that single episodes or incidents do not normally suggest a social worker lacks the knowledge or skills to be competent. However, in exceptional circumstances, a single episode or incident could happen because of a lack of knowledge or competence in a fundamental principle of social work. This may raise concerns for public safety.

The case examiners note that the nature of the safeguarding concerns for Children 1-6 were not particularly unusual and they expect that the social worker will have dealt with similar concerns on many occasions during their time in the team. They have been provided with evidence of good practice by the social worker, such as the investigation report acknowledging *"examples of the good work produced by Georgia, where she has been commended for her clear analysis, her application of threshold and her sound decision making"*.

The case examiners acknowledge that the social worker was previously supported by an informal performance plan, which began in October 2021. The plan was put in place to support the social worker in consistently applying their skills and experience to referrals. It is acknowledged that when experiencing difficult personal circumstances or in periods

of high work load, the social worker struggled not to rush and make consistently well considered decisions. The following supervision record demonstrates that the social worker had already shown improvement and responded positively to support and guidance. The case examiners are of the view that there is insufficient evidence that the social worker lacked knowledge or competence in safeguarding.

The case examiners are therefore not satisfied that adjudicators would consider these concerns met the threshold for lack of competence or capability.

Misconduct

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

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

As a social worker, I will:

3.2 Use information from a range of appropriate sources, including supervision, to inform assessments, to analyse risk, and to make a professional decision.

3.4 Recognise the risk indicators of different forms of abuse and neglect and their impact on people, their families and their support networks.

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

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

The case examiners have concluded there is evidence to suggest that the social worker had the skill and experience to adequately assess and manage risk to children but in the cases of Children 1-6, they did not do so. Evidence has been provided to suggest that some of the children subsequently suffered harm and whilst the social worker could not necessarily have prevented this, earlier intervention from social care may have identified the potential harm and supported the family to make changes.

Given the serious omissions in safeguarding, which is a crucial element of social work practice, the case examiners **are satisfied that there is a realistic prospect of the statutory grounds being established in relation to regulatory concerns 1a-f and 2b.**

Impairment

Assessment of impairment consists of two elements:

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

Personal element

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

Whether the conduct can be easily remedied

The case examiners are of the view that this conduct is remediable and that through relevant learning and reflection, the social worker could demonstrate they understand what went wrong and how they would deal with a similar situation in the future.

Insight and remediation

The case examiners note that the social worker accepted the concerns at an early stage of the employer's investigation. The former employer appears to have been concerned that the social worker could not say why they had made the specific omissions but the case examiners are of the view that talking about 6 contacts amongst a thousand, some of which were from many months prior, it is not unreasonable for the social worker to be unable to recall specifics.

The social worker did recognise that there was pressure upon them due to the amount of work their team was processing at this time, evidence supports the claim that the workload had increased. The case examiners note that although the social worker's line manager appears to have reminded the social worker that it was better to delay making a decision than make a rushed and poorly considered one, there is also evidence that monthly supervision sessions placed an emphasis on timeliness and how the social worker and their colleagues were being monitored. An example of this is provided during the

August 2022 supervision record where 74% of contacts received by the team have been dealt with under 24 hours and it is highlighted that this figure needs to be higher. It appears fair to suggest, from the evidence provided, that the social worker may have been receiving mixed messages about the importance of making quick decisions, as often as possible.

The social worker's submissions acknowledge this and they assert that in the future *"I would ensure that the appropriate time is taken on each contact and not allow the pressures from management to meet timescales to allow compromise to the quality of the work completed"*.

The social worker also described some difficult personal circumstances during the period of concern, which the case examiners acknowledge could have impacted upon the social worker's ability to concentrate and work as effectively as usual. [REDACTED]

[REDACTED] The evidence suggests that although the social worker was open with their line manager about these circumstances, they also advised their line manager that they were able to manage their wellbeing with the support of friends. There is no suggestion that the social worker asked for a reduction in caseload or additional supportive measures during this time.

The social worker is clear in their submissions that they are not suggesting that their personal circumstances excuses the conduct of concern, stating *"whilst these were difficult to manage along side working full time I do not wish to take away from the seriousness and recognising the fault in my practice"*.

The case examiners conclude that the social worker has demonstrated a good level of insight. During the employer's investigation they not only acknowledged what they should have done differently, but also why, recognising that their omissions led to the voice of the child being missed and this in turn, could prevent effective assessment. The early acceptance of what went wrong has allowed the social worker to identify what they could do differently and increases confidence in them as a professional.

Turning their minds to remediation, the case examiners are aware that this is best shown by objective evidence. For example, by the successful completion of education or training courses (and information from the social worker to explain what they have learned from these), satisfactory performance appraisals, or other positive feedback in relation to their professional practice.

The case examiners note that since the time of the concerns, the social worker has been made subject to an interim conditions of practice by the regulator. The evidence suggests they have adhered to these conditions with their current employer, which allows for an enhanced degree of oversight on their fitness to practise.

The social worker has not submitted any training records or reflections on learning which may suggest remediation. However, the case examiners have been provided with their training record from the current employer which demonstrates they have undertaken relevant training, the courses on referrals and strategy discussions have particular relevance to the conduct of concern.

Testimonials that provide up to date, credible information about the social worker's current practice can be relevant when exploring current impairment. In September 2023, the social worker's current line manager provided a detailed report on the social worker's practice and adherence to the interim conditions of practice order, which is currently in place. This report includes explicit reference to the social worker reflecting on the regulatory concerns during supervision sessions. The social worker's line manager submits the social worker, when discussing families they are working with, *"has been able to provide an understanding of the strengths and vulnerabilities of each family. Georgia has been able to provide rational [sic] of her assessment, intervention and recommendations...I have been impressed with her practice"*.

Risk of repetition

The case examiners are of the view that the social worker has demonstrated insight and remediation and this is evidenced by the independent evidence of their supervisor since the time of the concerns.

The most recent employer testimony describes the social worker working to a high standard with no concerns about their practice, rather that there has been positive feedback.

Taking all of the information into account, the case examiners conclude that there is a low 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 concluded that there is a low risk of repetition and therefore a finding of impairment is not required in order to protect the public.

The sanctions guidance sets out that there will be situations where *"decision makers may decide that the conduct is serious, but that there is no realistic prospect of finding impairment (unless the conduct is repeated)"*. Examples of these situations within the guidance include *"errors or failings in practice which the social worker has addressed (so*

that there is minimal risk of repetition". The case examiners are therefore of the view that it is open to them to conclude that a finding of impairment is not necessary to uphold public confidence and the professional standards.

However, the case examiners bear in mind that previous to the period covered by the regulatory concerns, the social worker had been subject to an informal performance plan, which was related to similar concerns about a lack of consistency in applying the threshold for social care intervention. The case examiners acknowledge that this did not result in either formal action from the employer, nor investigation by the regulator but due to the repetition of similar concerns, they are cautious of concluding that no finding of impairment is required.

The case examiners are of the view that the evidence suggests when faced with difficult personal circumstances and increased demands from their caseload, the social worker made a decision to rush decision making and prioritise timescales over robust risk assessment. This led to some potentially dangerous decisions being made and children being left at risk of harm. Given the importance of the social work role in safeguarding children and vulnerable adults, the case examiners are of the view that public confidence could be affected by the social worker's omissions. Taking into account the context and mitigating circumstances, the case examiners are nonetheless of the view that a well informed member of the public would be troubled if the regulator did not make a finding of impairment, for such a fundamental failure to adequately assess and manage risk.

Therefore, the case examiners are satisfied there is a realistic prospect of adjudicators concluding 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 noted that the social worker has indicated to the regulator that they do not consider their fitness to practise to be currently impaired.

Where a social worker does not accept impairment, Case Examiner Guidance (December 2022) suggests that a referral to hearing may be necessary in the public interest. The case examiners consider it is appropriate to depart from that guidance in this instance. In reaching this conclusion, they noted the following:

There is no conflict in evidence in this case and the social worker accepts all of the key facts.

- 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.

- In this case, the social worker has fully accepted the regulatory concerns and was in agreement with the imposition of an interim conditions of practice order, to support their safe return to practice.
- 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.

The publication of this matter will highlight behaviour that falls short of acceptable standards in social work and will act as an example to other members of the profession. Publication also demonstrates that appropriate action is taken in cases of alleged wrongdoing, thus enhancing the public's confidence in the social work profession.

For the reasons given above, the case examiners believe the public would not consider it proportionate to refer this matter to a hearing, having considered the specific circumstances. Considering all the factors discussed above, the case examiners have decided it is not in the public interest to refer this matter to a hearing. Alternatively, they will seek to resolve this matter, with the social worker's consent, by way of an accepted disposal.

Interim order

An interim conditions of practice order is already in effect.

Accepted disposal

Case outcome		
Proposed outcome	No further action	☐
	Advice	☒
	Warning order	☐
	Conditions of practice order	☐
	Suspension order	☐
	Removal order	☐
Proposed duration	Advice - 3 years	

Reasoning

In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's sanctions guidance (December 2022) and reminded themselves that the purpose of a sanction is not to punish the social worker, but to protect the public.

The case examiners have decided that it is not in the public interest to refer this matter to a final hearing and have chosen the least restrictive sanction necessary to protect the public and the wider public interest. They have started at the lowest possible sanction and worked up, testing the appropriateness of each sanction and the next sanction above it to confirm their decision is proportionate.

The case examiners consider for a case where the public interest was engaged, that no further action would be unlikely to be appropriate. They acknowledge their guidance allows for exceptional cases where there is evidence of complete remediation and no risk of repetition. However, the case examiners are of the view that the conduct in this case is sufficiently serious as to rule out no further action, as neither would appropriately mark the severity of the conduct in question.

The sanctions guidance directs that "*decision makers should consider giving advice before considering a warning*". The case examiners acknowledge that neither of these sanctions restricts the social worker's practice but given their finding that there is a low risk of repetition, a restrictive sanction would be considered disproportionate.

The case examiners consider there is value in providing advice, to "*set out the steps the social worker should take to avoid repeating the conduct that contributed to the concern*".

The social worker has provided evidence that they have reflected upon the concerns and have thought about what they would do differently, demonstrating insight. The case examiners note that the social worker appears to be practising in a supportive environment currently and managing well but this could change in the future. It would appear appropriate to offer advice to the social worker, to reinforce their understanding of how the concerns occurred and how they could be avoided, and to make clear the regulator's firm view of the action required.

The case examiners have considered the sanction above this, a warning order. They are of the view that warning orders are a clear indication of disapproval and mark the severity of the social worker's conduct. The evidence suggests that the social worker accepted and acknowledged the significance of their omissions from an early stage and lost their employment as a result. A more severe sanction, reminding the social worker of the seriousness of the regulatory concerns and the consequences should the conduct be repeated, appears to be unnecessary when this outcome could be achieved via advice.

The case examiners consider advice would be a proportionate outcome given the full circumstances of the case. Advice would remain on the social worker's record for an allocated time and is aimed at preventing any repetition.

The case examiners have then turned their minds to the duration of the advice, which can remain on the register for 1, 3 or 5 years. They have consulted the sanctions guidance (December 2022) and note that *"decision makers must consider imposing the minimum action necessary to protect the public and uphold confidence in the profession. They should start by considering advice for 1 year, and only move on to the longer periods if they feel this is insufficient"*.

The case examiners have noted the evidence which suggests that the social worker's fitness to practise was impacted by their difficult personal circumstances and workload challenges. It is useful to recognise that a similar situation may occur in the future and it is essential that the social worker recognises the potential impact upon their decision making and seeks support to ensure that the quality of their decisions is not compromised. Given the seriousness of the omissions, which fall just short of requiring a warning order, the case examiners consider that three years allows for the social worker to return to unrestricted practice and evidence that they can maintain their fitness to practise alongside fluctuations in workload and events in their personal life.

The case examiners have considered whether 5 years may be more appropriate but have taken into account that the social worker has already been subject to an interim order for almost a year which has allowed the regulator to have greater scrutiny and oversight on their practice. This period has allowed the social worker to evidence how seriously they

take engagement with the regulator and their commitment to avoiding repetition of the regulatory concerns.

The case examiners have decided to propose to the social worker advice with a duration of three years. They will now notify the social worker of their intention and seek the social worker's agreement to dispose of the matter accordingly. The social worker will be offered 14 days to respond. If the social worker does not agree, or if the case examiners revise their decision regarding the public interest in this case, the matter will proceed to a final hearing.

Content of the advice

The case examiners advise that the social worker, when faced with difficult personal circumstances and/or additional workload demands, is clear with their line manager about their capacity and any support required. Regardless of the pressure to progress referrals quickly, the case examiners remind the social worker of their commitment to professional standards. Robust decision making is essential and a short delay is easier to defend than the wrong conclusion and has much less potential for service users to be placed at risk of harm.

Response from the social worker

The social worker responded and indicated that they have read the case examiners' decision and the accepted disposal guide. They have indicated they understand the terms of the proposed disposal of their fitness to practise case and accept them in full.

Case examiners' response and final decision

The case examiners have reviewed their decision and considered again whether accepted disposal remains the most appropriate resolution of this case. In light of the social worker's acceptance of the advice, the case examiners have considered again whether there would be a public interest in referring this matter to a public hearing. They remain of the view that this is unnecessary for the reasons set out earlier in the decision.

Rather, they consider that advice for three years is the most proportionate response, and is the minimum necessary to protect the public and satisfy the wider public interest.

The case examiners note that there is an interim order currently in effect, which will be revoked upon enactment of the agreed order.