

Case Examiner Decision
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SW28364
FTPS-21219

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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	18 March 2024
	Accepted disposal proposed - conditions of practice order (18 months)
2 nd preliminary outcome	2 October 2024
	Accepted disposal proposed – suspension order (2 years)
Final outcome	Accepted disposal-suspension order (2 years)
	25 October 2024

Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concerns 1, 3 and 4 being found proven by the adjudicators. [REDACTED]
2. There is a realistic prospect of regulatory concern 1 being found to amount to the statutory ground of conviction or caution in the UK. There is a realistic prospect of regulatory concern 3 being found to amount to the statutory ground of misconduct. There is a realistic prospect of regulatory concern 4 being found to amount to the statutory ground of adverse physical or mental health.
3. For regulatory concerns 1, 3 and 4, 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; they consider 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 conditions of practice order of 18 months. Following this request, the case examiners were provided with up to date information about the social worker's circumstances and considered whether the sanction proposed was still workable and appropriate in light of this new information. They concluded that in order to protect the public and recognise the social worker's current circumstances, a change of sanction was required. Accordingly, they requested that the social worker be notified of their intention to resolve the case with a suspension order for 2 years.

The case examiners were subsequently informed that the social worker had agreed to this proposal, accepting its terms in full. Having again reviewed their decision, the case examiners have concluded that an accepted disposal by way of suspension for 2 years duration is a fair and proportionate disposal, and the minimum necessary to protect the public and the wider public interest.

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.

Child A	[REDACTED]
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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	24 August 2022
Complaint summary	The referral was submitted following a report that the social worker had been detained by police after concerns were raised locally about them being intoxicated in their car.

Regulatory concerns

Whilst registered as a social worker:

1. On 11 November 2022, you were convicted of driving or being in charge of a motor vehicle with proportion of controlled alcohol above the prescribed limit in your blood, contrary to section 5A(1)(b) 1988 and Schedule 2 to the Road Traffic Offenders Act 1988



3. You were under the influence of alcohol whilst at work

4. You have health conditions as set out in Schedule 1 which have the potential to affect your practice.



Grounds of impairment:

The matter outlined in regulatory concern 1, amounts to the statutory ground of conviction or caution in the United Kingdom for a criminal offence.

The matters outlined in regulatory concern [REDACTED] 3 amount to the statutory grounds of misconduct.

The matter outlined in regulatory concern 4 amounts to the statutory grounds of adverse physical or mental health.

Your fitness to practise is impaired by reason of your conviction and/or misconduct and/or adverse physical or mental health.

Preliminary issues

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

Requests for further information or submissions, or any other preliminary issues that have arisen
The case examiners have made the following amendment to the regulatory concerns: 4. Original - You have health conditions as set out in Schedule 1 which have the potential to affect your practice. 4. Amended - You have health conditions as set out in Schedule 1 which have the potential to affect your practice.

The case examiners are satisfied that the amendment they have made is minor, and they therefore consider it to be unnecessary and disproportionate to delay consideration of the case further by seeking additional submissions from the social worker.

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, 3 and 4 being found proven, and that they could amount to the statutory grounds of conviction or caution in the UK, misconduct and adverse physical or mental health. They have further determined that the social worker's fitness to practise could be found impaired.

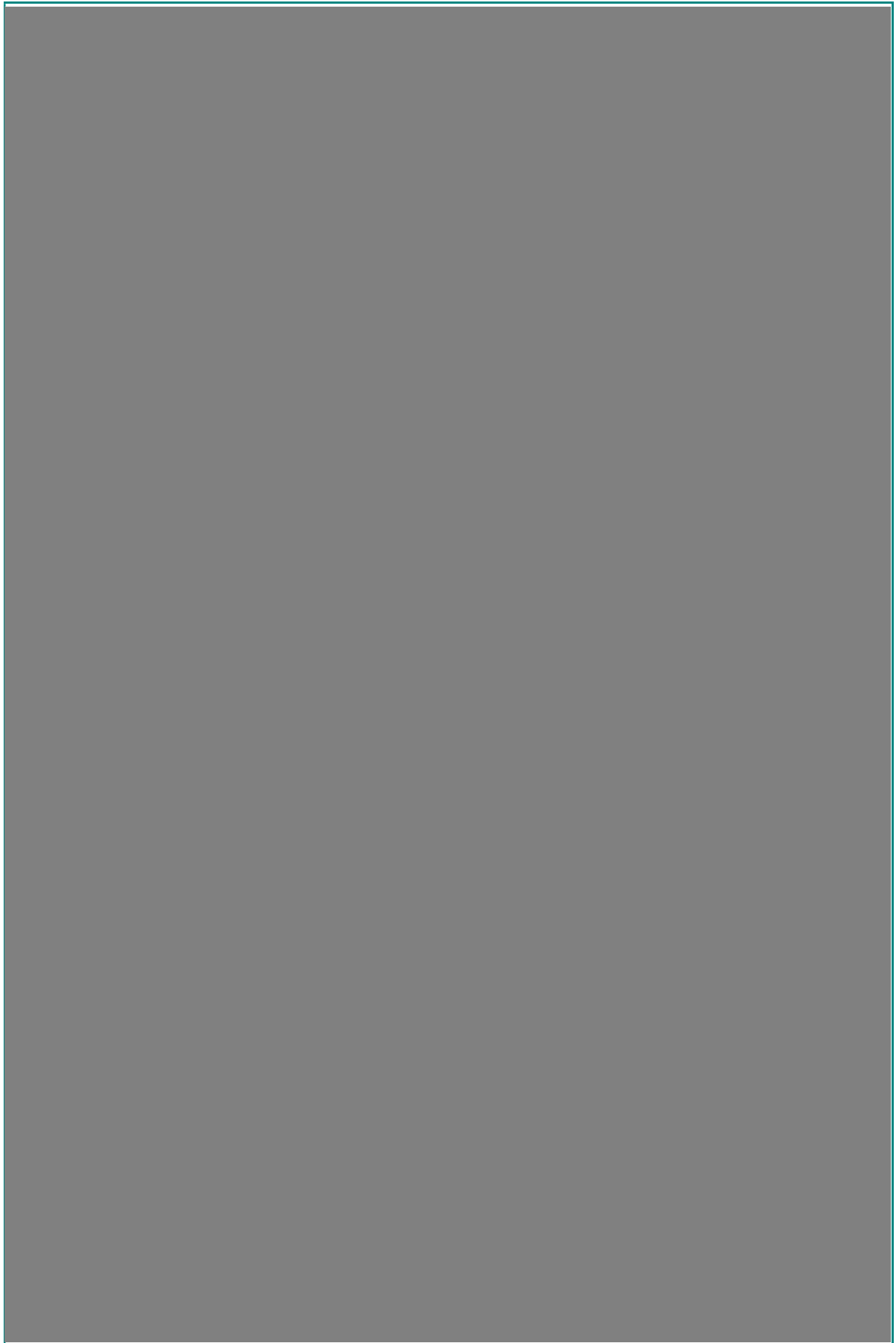
Reasoning

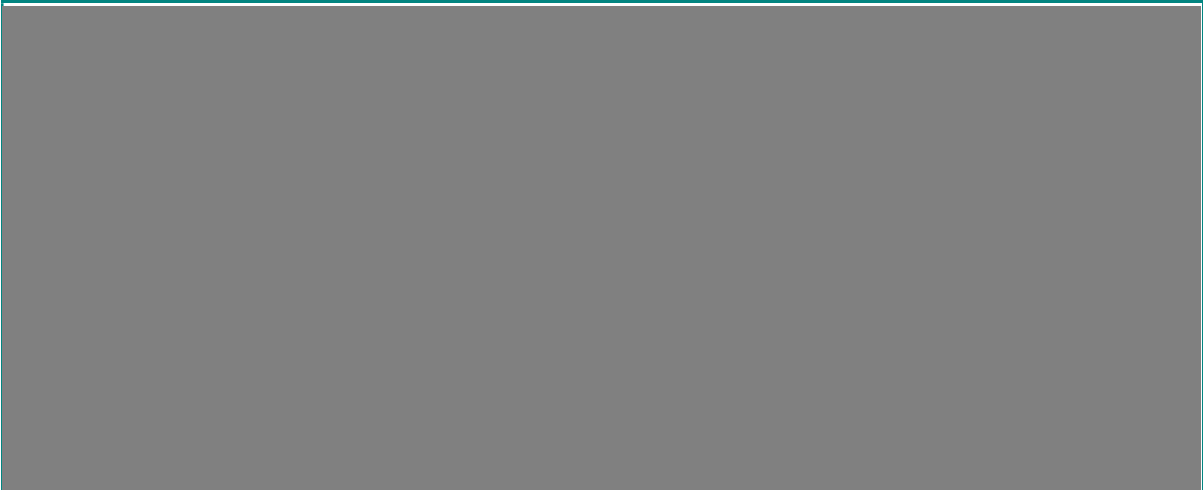
Facts

1. On 11 November 2022, you were convicted of driving or being in charge of a motor vehicle with proportion of controlled alcohol above the prescribed limit in your blood, contrary to section 5A(1)(b) 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

The case examiners have had sight of a court extract which confirms that the social worker was convicted for the offence listed at regulatory concern 1 at South East Northumberland Magistrates Court on 11 November 2022.

The case examiners are satisfied there is a realistic prospect that regulatory concern 1 would be found proven by adjudicators.





3. You were under the influence of alcohol whilst at work.

The case examiners note that the social worker was employed by Northumberland County Council from 20 July 2022 to 23 August 2022.

A referral was made by the police following an incident on 17 August 2022. Police had attended a hospital car park following a call from a member of the public, stating that someone sitting inside their car may be intoxicated. The police officer in attendance recorded that the speech of the person in the car (the social worker) was slurred and they could smell liquor. A roadside breath test result of 104mg/100ml (three times over the legal limit) was produced by the social worker. They were arrested and taken to the police custody suite where an evidential breath specimen was taken, producing a result of 103mg/100ml of breath. They were subsequently charged and convicted for the offence listed at regulatory concern 1.

The social worker and their employer at the time, have both confirmed that the social worker was on duty on 17 August 2022.

Whilst it is not clear if the social worker had contact with service users, the employer has confirmed that the social worker was in the office in the morning of the 17 August and was due to pick up a food parcel for a service user later in the day.

The case examiners are satisfied there is a realistic prospect of regulatory concern 3 being found proven by adjudicators.

4. You have health conditions as set out in Schedule 1 which have the potential to affect your practice.





The case examiners note the following information from the social worker's GP to Social Work England, in a letter dated 11 April 2023:



The case examiners are satisfied, on the information presented to them, that there is sufficient evidence to indicate the social worker has the health conditions identified in Schedule 1 and these have the potential to affect their practice.

Accordingly, the case examiners are satisfied there is a realistic prospect of regulatory concern 4 being found proven by adjudicators.

Grounds

The case examiners have determined that regulatory concerns 1, 3 and 4 only have a realistic prospect of being found proven. They will now go on to consider the statutory grounds.

Regulatory concern 1 – A conviction or caution in the United Kingdom for a criminal offence

The case examiners have had sight of the court documents relating to the social worker's conviction.

The case examiners are therefore satisfied that adjudicators would determine that the statutory ground of a conviction or caution in the United Kingdom for a criminal offence would be engaged.

Regulatory concern 3 - 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 professional standards (2019), which were applicable at the time of the concerns:

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 of the view that attending work whilst under the influence of alcohol had the potential to put members of the public at significant risk of harm. The case examiners consider that adjudicators are likely to consider this behaviour a significant departure from what would be expected from a registered social worker and are likely to determine that it reaches the threshold of misconduct.

Regulatory concern 4 – Adverse physical or mental health

The case examiners have previously concluded that the social worker has health conditions, as listed in Schedule 1, which may affect their practice. The case examiners acknowledge that no evidence has been provided to suggest that the social worker's health concerns, [REDACTED] have impacted upon their practice and no concerns about their practice have been noted.

[REDACTED]

[REDACTED] This would suggest to the case examiners that the social worker's health conditions are not always well managed. The case examiners also note that within the evidence, the social worker's partner shares the view that a trigger for the social worker's health conditions may be the workload being difficult to manage once they have settled into a new social work role. Therefore, whilst it appears that the social worker's health condition, [REDACTED] is currently well managed, the case examiners are of the view this needs to be considered within the context of them not currently practising as a social worker since August 2022. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] There is no evidence that the social worker has ever [REDACTED] engaged with [REDACTED] treatment services.

The case examiners are of the view that there is a realistic prospect that adjudicators would find the statutory grounds of adverse physical or mental health to be 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 consider that the concerns highlighted in this case can be remedied in a number of ways, including:

- Meaningful reflection and development of insight into the health concerns listed at Schedule 1 and the impact on behaviour both in and out of work
- Honest and candid engagement with health and associated support services to address underlying issues.

Insight and remediation

Based on all the evidence presented to them, the case examiners are not satisfied that the social worker has demonstrated full insight into their actions. There is a history of not engaging with services, giving conflicting information to health and care services and to the regulator [REDACTED]

[REDACTED] None of these matters are addressed in the submissions made to Social Work England.

In their initial submissions to the regulator, on 29 March 2023, the social worker maintained that on the day of their arrest (17 August 2022) they had not been drinking alcohol but had drunk mouthwash which was in the car while they were parked at the hospital. This was despite the fact they had been convicted on 11 November 2022 of a drink driving offence.

In their later submissions (15 February 2024) the social worker states that *“it may be more helpful to respond to the concerns as a whole rather than individually...I accept all the concerns raised and that these will have raised concerns over my fitness to practice”*.

They further state that they accept the offence of *“being under the influence at the time of the driving offence”* [REDACTED]

There is an acceptance that accessing support would have been helpful and reference to a [REDACTED] course that was “quite a turning point”. No details are provided of how exactly the course helped and what the social worker now does differently to manage their health condition. [REDACTED]

[REDACTED] The social worker submits that they [REDACTED] *continue to manage [their health]* [REDACTED] There is no supporting evidence, however, to validate these assertions and no detail as to how the long-standing issue [REDACTED] [REDACTED] was resolved.

The case examiners have concluded, therefore, that the social worker has not demonstrated sufficient insight and remediation.

Risk of repetition

The case examiners note the guidance on health concerns (December 2022) which suggests that if social workers are limiting their employment to ensure that their fitness to practise is not compromised as a result of their health issues, then it may be appropriate for adjudicators to make a finding of no impairment. However, they also note that the social worker’s health condition is susceptible to relapse [REDACTED]
[REDACTED]

Given the absence of full insight and remediation, the case examiners are of the view 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 are of the view that a well informed member of the public would be concerned that the regulator had not made a finding of impairment for a social worker who was found three times over the legal limit of alcohol whilst at work. Additionally, the case examiners acknowledge that the public would want to be assured that a social worker with adverse health conditions was not left to practise unrestricted, where a risk to the public remained.

In conclusion, the case examiners are satisfied that there is a realistic prospect that adjudicators will determine 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 are mindful of their guidance, which states they must refer matters to a hearing if there is disagreement about the underlying facts of the case which give rise to the allegations of impairment. In this case, the social worker has indicated that they accept the key facts and that their fitness to practise is impaired.

The case examiners have concluded that the risk of repetition may remain and as such, restrictions on the social worker's practice are likely to be required. The case examiners have the ability to offer relevant sanctions through the accepted disposal process. As some of the conduct relates to the social worker's health, they are of the view that accepted disposal offers the opportunity for the social worker to return to practice in a safe and supported way, with appropriate safeguards for the public in place.

Whilst the case examiners have determined there is a realistic prospect that adjudicators would find the public interest is engaged in this case, they are of the view that the public interest can be satisfied by their decision, and the reasons for that decision, being published on Social Work England's public register which can be found on its website. The case

examiners are mindful of their guidance which sets out that they *“should propose the minimum necessary sanction to protect the public”*.

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.

Accepted disposal

Case outcome		
Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☐
	Conditions of practice order	☒
	Suspension order	☐
	Removal order	☐
Proposed duration	18 months	

Reasoning

In considering the appropriate outcome in this case, the case examiners had regard to the regulator'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 have already determined there is a realistic prospect that the social worker's fitness to practise would be found impaired. The sanctions guidance advises that if the personal element of impairment is found, *"a sanction restricting or removing a social worker's registration will normally be necessary to protect the public"*. The case examiners are therefore led to consider sanctions which restrict the social worker's practice. They note that the guidance suggests it may therefore *"be reasonable to move beyond the lower sanctions (no action, advice or a warning) on this basis alone"*. The case examiners have already determined that they do not consider the social worker has demonstrated sufficient remediation nor that their health conditions are adequately managed. Therefore, the sanctions of no further action, advice or a warning are considered inappropriate on the basis that these outcomes will not restrict practice nor sufficiently protect the public.

In order to provide this oversight and protection, the case examiners have decided to suggest a conditions of practice order to the social worker that they must comply with. This

will afford the social worker the opportunity to return to practice in a supported and safe way, so the regulator can be assured that the risk of repetition is reduced.

The case examiners have considered whether the concerns before them require a sanction of suspension and are of the view that this would be disproportionate. They acknowledge that the social worker's conduct referred to in regulatory concern 1 and 3 are serious and require a strong expression of disapproval from the regulator. However, they also recognise that it appears from the evidence that the social worker's health was an underlying cause of all the concerns and a conditions of practice order allows the public to be protected while they evidence that they are capable of returning to social work practice.

The case examiners consider the appropriate duration of the conditions of practice order to be a period of 18 months. They note that the social worker is currently employed outside of social work and they do not yet appear to have engaged with support to reduce the risk of relapse. Therefore, the case examiners acknowledge that it will take some time for the social worker to make the relevant preparations to return to practice and one year is unlikely to provide sufficient time for the social worker to make arrangements and their practice to be monitored.

The case examiners have decided to propose to the social worker a conditions of practice order of 18 months 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.

Content of the conditions of practice

Conditions 1-18 (inclusive) should be in place for an 18-month period. In accordance with paragraph 15 of Schedule 2 of The Social Workers Regulations 2018, the regulator must review the conditions of practice order before its expiry. The social worker and/or Social Work England can seek early review if new evidence becomes available to suggest the current order needs to be varied, replaced, or removed.

1. You must notify Social Work England within 7 days of any professional appointment you accept or are currently undertaking and provide the contact details of your

employer, agency or any organisation with which you have a contract or arrangement to provide social work services, whether paid or voluntary.

2. You must allow Social Work England to exchange information with your employer, agency or any organisation with which you have a contract or arrangement to provide social work or educational services, and any reporter or workplace supervisor referred to in these conditions.
3.
 - a) At any time you are providing social work services, which require you to be registered with Social Work England, you must place yourself and remain under the supervision of a reporter nominated by you and approved by Social Work England. The reporter must be on Social Work England's register.
 - b) You must not start or continue to work until these arrangements have been approved by Social Work England.
4. You must provide reports from your reporter to Social Work England every 3 months and at least 14 days prior to any review and Social Work England will make these reports available to any workplace and medical supervisor referred to in these conditions on request.
5. You must inform Social Work England within 7 days of receiving notice of any formal disciplinary proceedings taken against you from the date these conditions take effect.
6. You must inform Social Work England within 7 days of receiving notice of any investigations or complaints made against you from the date these conditions take effect.
7. You must inform Social Work England if you apply for social work employment / self-employment (paid or voluntary) outside England within 7 days of the date of application.
8. You must inform Social Work England if you are registered or subsequently apply for registration with any other UK regulator, overseas regulator or relevant authority within 7 days of the date of application [for future registration] or 7 days from the date these conditions take effect [for existing registration].

15. You must not work as an independent social worker and must only work as a social worker at premises where other social workers are employed.

16. You must not undertake any agency or locum posts of less than 3 months duration.

17. You must provide a written copy of your conditions, within 7 days from the date these conditions take effect, to the following parties confirming that your registration is subject to the conditions listed at 1 to 16, above:

- Any organisation or person employing or contracting with you to undertake social work services whether paid or voluntary.
- Any locum, agency or out-of-hours service you are registered with or apply to be registered with in order to secure employment or contracts to undertake social work services whether paid or voluntary (at the time of application).

- Any prospective employer who would be employing or contracting with you to undertake social work services whether paid or voluntary (at the time of application).
- Any organisation, agency or employer where you are using your social work qualification/knowledge/skills in a non-qualified social work role, whether paid or voluntary.

You must forward written evidence of your compliance with this condition to Social Work England within 14 days from the date these conditions take effect.

18. You must permit Social Work England to disclose the above conditions, 1 to 17, to any person requesting information about your registration status.

Response from the social worker

The case examiners note that the social worker has neither accepted nor declined the proposal but provided up to date information regarding their circumstances. In April 2024, they had just commenced maternity leave and confirmed;

"I also do not intend on returning to social work role upon my return to work following maternity leave . Whilst I would not to say I would never want to return to such a role, I do not envisage this to be in the next couple of years".



Case examiners' response

The case examiners note their guidance, which states *"Case examiners are not able to change a proposed sanction once the proposal has been made. As such, the case examiners are not able to agree to amendments on the specific sanction or its duration"*.

The social worker has not requested amendments to the proposal nor have they attempted to negotiate a less restrictive sanction. The case examiners consider that the guidance above is most relevant in cases where a social worker is seeking a reduction in the seriousness of the sanction or duration. The case examiners of their own accord,

consider that in light of the new information, a conditions of practice order is not workable for a social worker who has no plan of returning to practice within that time frame. The case examiners requested general legal advice to ascertain whether they had capacity for going outside of their guidance.

They were advised *“As a general rule, where guidance exists covering a topic then decision makers should depart from it only if it had good reasons for doing so [R. (on the application of Munjaz) v Mersey Care NHS Trust [2005] UKHL 58]”*.

The case examiners consider there are good reasons on this occasion for departing from guidance and have set out their reasoning below.

As previously stated, the case examiners take the view that a conditions of practice order is unworkable, given the social worker’s circumstances. Normally, if a social worker does not accept the accepted disposal proposal, the case must be referred for a hearing. It is acknowledged that this creates a delay in the case being concluded which is arguably not in the public interest. The case examiners have previously set out why they did not consider that a public hearing was required and they remain of this view. They note the social worker is not disputing their conclusions in relation to facts and grounds, so there is no perceived benefit of the case being heard by a panel, where live evidence can be sought. Instead, the social worker has provided information which suggests that the case examiners initial decision on sanction is no longer workable. It would appear disproportionate to refer this to a hearing when the case examiners can consider other sanctions under their process.

The case examiners note that the social worker requested information relating to voluntary removal from the register. Their comments are ambivalent however, about their long term intentions. The case examiners have previously concluded that the social worker could remediate in order to return to safe practice.

The case examiners have decided that a suspension order is more appropriate given the social worker’s current circumstances. This sanction will ensure protection of the public as it is more restrictive than their original proposal but it will also provide the social worker time to decide on their future plans and to evidence that they have addressed the concerns detailed in this decision. The case examiners note the sanctions guidance which states

“Suspension is appropriate where (both of the following apply):

- *the decision makers cannot formulate workable conditions to protect the public or the wider public interest*

- *the case falls short of requiring removal from the register (or where removal is not an option)”.*

The case examiners acknowledge that it may appear they are being more punitive in light of the social worker’s current circumstances however, they are of the view that suspension is unlikely to have an increased impact upon the social worker, given they have no plan to practise in the short to medium term. In the social worker’s circumstances, it is likely that a conditions of practice order is the more onerous sanction, as they would be required to adhere to conditions around their health, whilst not having any current plans to practise.

The sanctions guidance recognises that there are circumstances where suspension is the more appropriate and workable outcome;

“There may be instances where the social worker does not intend to remediate or practise in the short term but wishes to do so later. This could include cases of chronic ill health. If so, it may be in the interests of the social worker to impose a longer period of suspension. This avoids the stress for the social worker of a review hearing before they have recovered to full health. If the social worker makes an earlier recovery, Social Work England can schedule an early review hearing”.

The case examiners therefore conclude that a suspension order is the most appropriate outcome, allowing the social worker time to decide on their future plans, to remediate should they wish to return to the profession and to protect the public in the interim.

The case examiners have considered whether the suspension order should be for 18 months, consistent with their previous decision on sanction. However, they are mindful that the social worker is clear they will not be returning to practice in the next two years. The case examiners consider that at the end of this period, it is reasonable that the social worker will have reflected fully on their previous practice and it provides an opportunity for the social worker to continue their recovery and undertake professional development to assist with their return to practice.

The case examiners have decided to propose to the social worker a suspension order of 2 years duration. They will now notify the social worker of their intention and seek the social worker’s agreement to dispose of the matter accordingly. The social worker will be offered 28 days to respond. If the social worker does not agree, or if the case examiners revise their decision regarding the public interest in this case, the matter will proceed to a final hearing.

Recommendations for the social worker

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

These steps may include:

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

Response from the social worker

The social worker responded by email on 25 October 2024. They returned the accepted disposal response declaration, confirming that they had:

- read the case examiners' decision and the accepted disposal guidance;
- admitted the key facts set out in the case examiners decision, and that their fitness to practise was impaired;
- understood the terms of the proposed disposal of their fitness to practise case and accepted them in full.

Case examiners' response and final decision

The case examiners concluded that the social worker's fitness to practise was likely to be found impaired, but that the public interest could be met through a prompt conclusion, published decision and a suspension order, rather than through a public hearing. They proposed a suspension order of 2 years duration, and the social worker accepted this proposal.

In light of the social worker's acceptance of the suspension order, 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.

The case examiners also again turned their minds as to whether the proposed disposal remained 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 2 years duration is a fair and proportionate disposal and is the minimum necessary to protect the public and the wider public interest.