

Case Examiner Decision
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FTPS-21633

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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	15 January 2024 Information requested. Submissions requested.
	13 May 2024 Conditions of practice order (18 months)
Final outcome	Conditions of practice order (18 months)
	9 July 2024

Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concerns 1 (all parts) and 2 being found proven by the adjudicators.
2. There is a realistic prospect of regulatory concern 1 (all parts) and 2 being found to amount to the statutory ground of lack of competence or capability.
3. For regulatory concern 1 (all parts) and 2, there is a realistic prospect of adjudicators determining that the social worker's fitness to practise is currently impaired.

The case examiners did not consider it to be in the public interest for the matter to be referred to a final hearing and that the case could be concluded by way of accepted disposal. As such, the case examiners requested that the social worker be notified of their intention to resolve the case with conditions of practice order of 18 months. The social worker has since accepted 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 [REDACTED] will be redacted only from the published copy of the decision and will therefore be shared with the complainant in their copy.

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	21 December 2022
Complaint summary	The concerns relate to the social worker allegedly failing to take the appropriate action to safeguard a child.

Regulatory concerns

As originally presented to the case examiners

Whilst registered as a social worker on, or around 5th December 2022 you:

- 1. Failed to safeguard Child A following disclosure of physical abuse in that you:*
 - 1.1. Did not escalate the matter to a manager.*
 - 1.2. Did not conduct a formal risk assessment.*
 - 1.3. Did not record the incident or the details of your conversations with Child A's school*

The actions outlined at regulatory concern 1 amounts to the statutory ground of misconduct.

By reason of your misconduct your fitness to practice is impaired.

Following adjournment and amendment

Whilst registered as a social worker on, or around 5th December 2022 you:

1. Failed to safeguard child A following disclosure of physical abuse in that you:
 - 1.1 Did not escalate the matter to a manager.
 - 1.2 Did not conduct a formal risk assessment.

1.3 Did not record the incident or the details of your conversations with child A's school on Eclipse.

2. Failed to maintain a professional relationship with service user/s in that you:

2.1 Painted person A's nails whilst you were the social worker for their children.

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

By reason of your misconduct and/or lack of competence or capability your fitness to practice is impaired.

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

Case examiners first response

The case examiners are aware of the need to consider cases expeditiously and ensure fairness to all parties. However, the case examiners consider, bearing in mind their investigatory function and statutory duty, that further action is needed to be able to reach a decision on this case.

The case examiners are of the view that the grounds as presented require an amendment:

- The statutory ground is currently stated as being that of misconduct. However, on review of the evidence and submissions the case examiners consider that the applicable ground for the current concerns could be that of lack of competence or capability. They note that that guidance suggests that single episodes or incidents do not suggest a social worker lacks the knowledge of skills to be competent but 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. In this case it was acknowledged the social worker had not received support in line with the employer's Transition Programme, and this was therefore extended. The social worker was reported to be working in their fifth language. It was also identified there were concerns around the social worker's identification of risk. It was said that the social worker struggled with the judicial system and law in England compared with her previous experience. Given these issues, the case examiners consider that the applicable ground may be that of lack of competence or capability.

The case examiners consider this to be a material amendment, which may require further submissions from the social worker.

In addition to this;

- The case examiners note that in the internal investigation an allegation was raised that the social worker visited Person A to do their nails while they were the social worker for their children, which could suggest a breach of professional boundaries. The investigators may wish to give consideration to this being raised as another concern. This could be raised as either misconduct and/or lack of competence or capability.

The case examiners are mindful, that following any further investigation, investigators may wish to amend the regulatory concerns, associated statutory ground and obtain further submissions from the social worker. Once the case is returned to the case examiners, they will continue with their determination.

Case examiners second response

The case examiners note that regulatory concern 2 has been presented as suggesting that the social worker failed to maintain a professional relationship with more than one service user whilst only referring to one service user, person A. The case examiners have, therefore, determined to amend the concern as follows (amendment highlight in bold):

2. Failed to maintain a professional relationship with service user/s in that you:
 - 2.1 Painted person A's nails whilst you were the social worker for their children.

The case examiners consider this to be a minor, clerical amendment, which does not alter the nature of the concern and, therefore, does not require any further 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 (all parts) and 2 being found proven, that regulatory concern 1 could amount to the statutory ground of lack of competence or capability, and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

Whilst registered as a social worker on, or around 5th December 2022 you:

1. Failed to safeguard child A following disclosure of physical abuse in that you:

1.1 Did not escalate the matter to a manager.

1.2 Did not conduct a formal risk assessment.

1.3 Did not record the incident or the details of your conversations with child A's school on Eclipse.

The case examiners have determined to address the concern as a whole as the evidence for each part of the concern appears to be the same.

The evidence suggests the social worker was the allocated worker for child A. On 5 December 2022 the social worker was contacted by the school of child A who reported concerns that child A had disclosed physical abuse. Child A was allowed to go home without any further investigation.

The evidence suggests the social worker made one call to their line manager at approximately 3pm. Their call was not answered, and the social worker did not take any further action. The social worker, therefore, does not appear to have escalated the matter to a manager.

The social worker in their comments accepts that they called their line manager, but having not received a call back acknowledges they did not call any other professional to raise the issue that a child may have been harmed.

In taking no further action regarding the information, and not escalating the matter, the case examiners consider it reasonable to conclude that the social worker did not conduct a formal risk assessment. The social worker indicates that they relied on the teacher's assessment and a strategy meeting due to be held the next day.

The case examiners have had sight of a case note which indicates the school later contacted the emergency duty team (EDT) to raise concerns over child A returning home. The EDT case note indicates there were no previous case notes.

The social worker in their submissions accepts this concern.

The case examiners are satisfied there is sufficient evidence therefore that the social worker failed to safeguard child A following a disclosure of physical abuse. They are satisfied there is a realistic prospect of adjudicators finding this concern proven.

2. Failed to maintain a professional relationship with service user/s in that you:

2.1 Painted person A's nails whilst you were the social worker for their children.

The evidence indicates that on 16 December 2022 person A notified the social worker's former employer that the social worker painted their nails during a visit. The evidence suggests this was discussed with the social worker in supervision who advised they undertook a visit to paint person A's nails with child A, this was a visit to see child A and as an activity to do together they painted person A's nails.

The case examiners have considered whether this was a failure to maintain a professional relationship. They understand that the social worker was the allocated social worker for

child A. The case examiners are of the view it is reasonable to conclude that the social worker's alleged conduct went beyond their professional role.

The social worker in their submissions does not indicate whether they accept this concern or not, although they do advise it was an activity with the family to get to know them better. The evidence suggests the social worker accepts they crossed professional boundaries.

The case examiners are satisfied there is sufficient evidence therefore that the social worker failed to maintain a professional relationship with service user/s. They are satisfied there is a realistic prospect of adjudicators finding all parts of this concern proven.

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. Having reviewed the evidence, the case examiners will consider lack of competence or capability first.

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 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.

In this case the evidence suggests the social worker qualified outside the UK and had not practised in the UK before. The social worker [REDACTED] started work in November 2021, and was subject to a six-month assessed programme. The social worker's [REDACTED] review form dated August 2022 indicates direct observations of the social worker's practice were to take place and included an objective that the social worker be 'working confidently with families under CIN working up to 13

children eventually as a maximum.’ No direct observations appear to have taken place and, in interview, the social worker’s line manager indicates the social worker had 14 cases (and it could be said expected the social worker to have had up to 20). Child A also appears to have been a child protection case, with the evidence suggesting this was a complex case resulting in care proceedings. The evidence indicates that child A was one of the social worker’s first allocations.

The evidence suggests the social worker raised concerns regarding the support they had received to date, including that no one had been checking their work. The social worker’s assessed programme was consequently extended to twelve months. The case examiners are therefore of the view that with a higher caseload than should have reasonably been expected, a lack of observation of the social worker’s practice and cases that appear to be of a higher threshold than agreed, it is reasonable to consider the social worker was expected to practice beyond their knowledge or competence.

On 23 November 2022, [REDACTED] the social worker was placed on a performance improvement plan. This indicates the social worker found understanding the ‘British social work framework’ challenging, and struggled with risk assessment, for example; ‘[The social worker] does not have a clear understanding of when thresholds are reached and when it is appropriate to intervene at a different level or apply a different process such as Child in Need planning to Child Protection.’ The case examiners note that the safeguarding concern subsequently arose on 5 December 2022.

Further, the evidence suggests that the social worker was used to practising in a different country where, arguably, the social work culture is different. The social worker did not appear to realise at the time that painting person A’s nails would be breaching professional boundaries, indicating they thought it was an activity they could use to get to know the family better. While regulatory concern 2 in itself may not indicate that the social worker lacked the necessary knowledge and skills, together with regulatory concern 1 the case examiners are satisfied there is sufficient evidence that the concerns regarding child A, happened because of a lack of knowledge or competence in the social worker’s assessment of risk. As such, the case examiners consider there is a realistic prospect of the adjudicators finding regulatory concern 1 and 2 amounts to 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. 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 Social Work England professional standards, which were applicable at the time of the concern:

3.1 Work within legal and ethical frameworks, using my professional authority and judgement appropriately.

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 form of abuse and neglect and they impact on people, their families and their support networks.

3.8 Clarify where the accountability lies for delegated work and fulfil that responsibility when it lies with me.

3.9 Make sure the relevant colleagues and agencies are informed about identified risk and the outcomes and implications of assessments and decisions I make.

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

3.12 Used my assessment skills to respond quickly to dangerous situations and take any necessary protective action.

The case examiners are aware of Social Work England's professional standards guidance (2020) which states social workers have a responsibility to stay alert to and investigate suspected harm, neglect or abuse and, where risk has been identified, agree plans to address it urgently. Social workers will need to cooperate closely with relevant colleagues and agencies to consider options for action. They will maintain a focus on the person at risk, whatever other demands or issues come to light. All of this must be done within the law, and often under pressure. While the initial priority is safety, responding to risk should also include objectives around the longer-term.

In this case the social worker is alleged to have failed to safeguard a child following disclosure of physical abuse in that they did not escalate the matter to a manager, did not conduct a formal risk assessment and did not record the incident or the details of their conversations with child A's school [REDACTED]. The social worker accepts that they made one call to their manager but did not follow this up, by calls to other professionals or by

email for example. The case examiners understand a strategy meeting due to be held the previous week had been rearranged by the social worker's line manager. The evidence indicates it was when the social worker made the call to child A's school to confirm their attendance at the strategy meeting the following morning that they were informed of the disclosure.

The social worker states; *"I was relying on the teacher's assessment and next day's Strategy meeting where all the professionals will be present to discuss the issue. What I did was assess risks and made verbal agreements with school to let child A go home...I take full responsibility for my mistake."*

Upon one construction of the evidence, it could be said that the social worker was using their professional authority and judgement and, after discussing it with the school, made a professional decision. The case examiners have illustrated above the concerns raised regarding the social worker's ability to recognise risk. However, they note the evidence suggests the school contacted the emergency duty team (EDT) and spoke with a social worker. It appears that EDT also took no further action:

'Concerns raised by head teacher of the decision for Child A to return home after her disclosure today. Discussion with TM regarding next steps, agreed best option is to alert the day TM and allocated SW to follow up. No case notes [REDACTED] regarding the allegation today or the how the decision for Child A to return home was made, are parents aware, is there a safety plan in place, has father been asked to leave the family home? Therefore, any input from EDS at this point could potentially place all [REDACTED] children at further risk of harm. The allocated social worker has been involved with the family for some time and therefore has made a professional judgment on this. '

The case examiners have turned their mind to what would have been reasonably expected of the social worker in this case. The evidence suggests the social worker's line management would have expected a strategy discussion to be held that day, and that while they can be 'big' meetings they can just be the team manager and the police.

The case examiners note from the employer's procedures that 'Whenever there is reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm, there should be a strategy discussion/meeting. The strategy discussion/meeting should be co-ordinated and chaired by a Children's social care manager'.

The evidence indicates the social worker's line manager had visited child A with the social worker on 24 November 2022 and, having concerns including neglect, advised the social worker a strategy discussion was needed. They state; "[The social worker] has done this before so I knew she could do it.'

The social worker, with their line manager's support, requested the police attend a strategy meeting on 28 November. The police could not attend until 2 December. In interview the line manager indicates when they went to chair the meeting on 2 December only the police attended as invites had not been sent to school and health. They therefore determined to postpone the meeting until the 6 December:

'I would have expected [the social worker] to send the link to partners as she had done before, but then she was off on 2nd December so I didn't have time to resend the meeting link to partners and I doubt they would have been able to attend, so the decision was made to move the meeting as it was accumulative harm.'

Upon one construction of the evidence, this may have influenced the social worker's assessment of risk, in that their line manager appears to have advised of the need for a strategy discussion, due to risk of harm, and then postponed this. It appears the social worker was also expected to co-ordinate this, despite this being a manager's role.

In accordance with the professional standards guidance maintaining accurate, clear, objective, and up-to-date records is an essential part of social work. Documenting decisions and actions provides a clear record of work with people. These records are open to scrutiny and help to provide a continuity of support if people are transferred between social workers. They can help to protect people and social workers. The case examiners note that the social worker accepts they did not record their discussion. The case examiners have been provided with a copy of the employer's procedures which states 'in emergency or child protection situations recording should be completed on the same day as the event or early next morning.'

The social worker in their submissions advises that it was their first day back after leave.

[REDACTED]

[REDACTED] they returned to a core group, a child protection visit and a court report as well as experiencing IT issues and the rearranged strategy meeting. The social worker indicates they worked until 10pm that night on urgent court work. They state; *"As it was getting late, I was too tired to enter the details [REDACTED] concerning CHILD A and had intended to do it the next day following the strategy meeting."* The case examiners note they have not been provided with case notes of an entry, however, recognise that the following morning the strategy meeting occurred where the concerns were raised. The social worker was no longer in post from 7 December 2022 and would no longer have had access to make a record.

The case examiners consider potential risk of harm to be as serious as actual harm. Given the evidence they consider it reasonable to assume that child A experienced harm. The case examiners are aware that an isolated matter, unless it is particularly grave, is unlikely to meet the threshold for misconduct. They are of the view that failing to safeguard child A was an isolated matter, and that this was not solely as a result of the social worker's alleged conduct. Further, whilst the social worker failed to maintain a professional relationship, the case examiners are of the view this is unlikely to be considered particularly grave, as the evidence suggests the social worker saw this as an opportunity to use this to build a working relationship. This was with one of their first cases, in their first post in social work practice in the UK.

Whilst the case examiners note there may be evidence to suggest the social worker's actions may have fallen below an acceptable standard, in the view of the case examiners, the departure from standards is not likely to be considered sufficiently serious to amount to misconduct.

The case examiners are not satisfied there is a realistic prospect of adjudicators finding these matters amount to the statutory ground of misconduct.

Impairment

Assessment of impairment consists of two elements:

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

Personal element

With regards to the concern 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 the conduct in relation the allegation is remediable, in that the social worker could demonstrate their understanding of what has gone wrong and what steps they could take to ensure this does not happen again, for example, by

completing relevant associated training and/or a critical reflection addressing the concern raised.

Insight and remediation

The social worker in their submissions and reflective statement has given examples of what they would or could do differently in future, for example, gaining further information and liaising with their line manager. The social worker also considers the potential impact of their alleged conduct; *“I fully understand that there could have been greater consequences for child A, there is always the risk that child A could have been killed or harmed even more.”*

The social worker has reflected on the circumstances of the concerns and demonstrates some remorse. However, they do not appear to demonstrate their understanding of why the public would be concerned by the alleged conduct.

The case examiners have endeavoured to illustrate the context of the alleged concerns, and the difficulties the social worker appeared to face in their role. The evidence suggested the social worker sought to improve their practice, for example, taking English writing classes to improve their written English. While the social worker has referred to further training they have undertaken, the case examiners have not had sight of evidence of this.

Finally, the case examiners are mindful that testimonials which provide up to date, credible information about the social worker’s current practice can be relevant when exploring current impairment. The case examiners have not been provided with testimonials, although they are mindful that the social worker is not currently in a social work role.

Risk of repetition

Taking the above into account, the case examiners are of the view that the social worker has not demonstrated a sufficient level of insight and remediation. As such, the case examiners cannot confidently state a risk of repetition would be highly unlikely.

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 member of the public would be concerned regarding an allegation that a social worker failed to safeguard a child and maintain a professional relationship with a service user. The case examiners consider the allegations

relate to fundamental tenets of social work including protecting vulnerable people from harm or abuse.

Adjudicators may consider there is potential risk of harm to the wider public in terms of their ability to trust and have confidence in a social worker who lacks the necessary knowledge or competence undertake their role. Allegations of failing to safeguard a child and maintain a professional relationship with a service user are serious and the case examiners are of the view that given the alleged conduct in this case, a failure to find impairment may undermine public confidence in the profession and fail to maintain the professional standards expected of social workers. The case examiners have also concluded that there is a risk of repetition.

The case examiners consider there is a realistic prospect of adjudicators finding the social worker currently 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

With reference to their case examiner guidance (2022) the case examiners have carefully considered whether there is a public interest in these matters proceeding to a hearing.

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 publication of this decision will provide the social worker with an opportunity to reflect on and gain further insight into the circumstances of this case.

The case examiners note there is no conflict in the evidence in this case and the social worker does not dispute any of the key facts, appearing to accept the concerns in full.

Further, 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 does not indicate whether they accept their fitness to practise is impaired. The

accepted disposal process will provide the social worker with 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.

Lastly, public interest also entails the need for proportionate decision-making. The case examiners consider it is in the public interest to bring this matter to a prompt conclusion, whilst also ensuring the public remains adequately protected.

For the reasons stated, the case examiners have decided it is not in the public interest to refer this matter to adjudicators; rather they will write to the social worker and ask them to agree to dispose of this case without the need for a hearing.

Accepted disposal

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

Reasoning

The case examiners are satisfied there is a realistic prospect of regulatory concerns 1 and 2 being found proven by adjudicators. Furthermore, they have found a realistic prospect that the concerns, if proven, would amount to the statutory ground of lack of competence or capability. The case examiners have also found a realistic prospect that adjudicators would find the social worker's fitness to practise is currently impaired. The case examiners have decided however, that it is not in the public interest to refer this matter to a final hearing.

In considering the appropriate outcome in this case, the case examiners have had regard to Social Work England's sanctions guidance (2022) and reminded themselves that the purpose of a sanction is not to punish the social worker but to protect the public and the wider public interest. Furthermore, the guidance requires that decision makers select the least severe sanction necessary to protect the public and the wider public interest. In determining the most appropriate and proportionate outcome in this case, the case examiners considered the available sanctions in ascending order of seriousness.

Firstly, the case examiners considered taking no further action but concluded this would not be appropriate in this instance as it would be insufficient to address the seriousness of the concerns, in that they relate to fundamental tenets of social work, including maintaining accurate and up-to-date records and responding to allegations of suspected harm, abuse or neglect.

Next, the case examiners considered whether offering advice would be sufficient. An advice order will normally set out the steps a social worker should take to address the

behaviour that led to the regulatory proceedings. The case examiners are of the view that issuing advice is not sufficient to mark the seriousness with which they view the social worker's alleged conduct.

The case examiners then considered a warning order. A warning order implies a clearer expression of disapproval of the social worker's conduct than an advice order. As the case examiners consider the social worker poses a current risk to the public, they do not consider offering a warning to be appropriate.

The case examiners next considered a conditions of practice order. The case examiners concluded that the appropriate and proportionate outcome was for a conditions of practice order to be imposed on the social worker's registration; they note that conditions of practice may be appropriate in cases where (all of the following):

- the social worker has demonstrated insight
- the failure or deficiency in practice is capable of being remedied
- appropriate, proportionate, and workable conditions can be put in place
- decision makers are confident the social worker can and will comply with the conditions
- the social worker does not pose a risk of harm to the public by being in restricted practice

The case examiners have determined that the social worker has demonstrated sufficient insight. As identified within the impairment section of this determination, the case examiners consider the alleged conduct is capable of being remedied. The case examiners note that the social worker has engaged with Social Work England's investigation and wishes to continue to practice as a social worker. The case examiners are of the view appropriate, proportionate and workable conditions can be put in place and that the social worker can and will comply with the conditions which will enable the regulator to maintain oversight and supervision of the social worker's practice. Finally, the case examiners are satisfied the social worker does not pose a risk of harm to the public by being in restricted practice.

The case examiners are mindful that the length of time conditions of practice orders are in place should be long enough for the social worker to complete any necessary remediation. Given the factors involved in this case, and the nature of the allegations, the case examiners consider 18 months to be appropriate.

Finally, the case examiners considered suspension. This would prohibit the social worker from practising for a period of time. While they have considered there to be a lack of competence or capability, they are of the view suspension from the register would be a disproportionate and punitive outcome in this case. In reaching this conclusion the case

examiners have taken into account the circumstances of the case and insight shown by the social worker. The case examiners do not consider suspension is appropriate as they consider there are workable conditions to protect the public or the wider public interest.

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 21 days to respond. If the social worker does not agree, or if the case examiners revise their decision regarding the public interest in this case, the matter will proceed to a final hearing.

Content of the conditions of practice

Conditions 1-14 (inclusive) should be in place for an 18-month period. In accordance with paragraph 15 of Schedule 2 of The Social Workers Regulations 2018 (as amended), 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 agree to the appointment 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 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].
9.
 - a. At any time you are employed, or 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 workplace supervisor nominated by you, and agreed by Social Work England. The workplace supervisor must be on Social Work England 's register.
 - b. Your workplace supervisor must review your practice at least once every month in one-to-one meetings and/or case-management supervision. These meetings must be focused on all areas of the concerns identified in the conditions.
 - c. You must not start or continue to work until these arrangements have been approved by Social Work England.

10. You must work with your workplace supervisor, to formulate a personal development plan, specifically designed to address the shortfalls in the following areas of your practice:

- risk assessment

11. You must provide a copy of your personal development plan to Social Work England within 12 weeks from the date these conditions take effect and an updated copy 2 weeks prior to any review.

12. At any time you are employed, or providing social work services, which require you to be registered with Social Work England ;

a. you must place yourself and remain under the close supervision of a workplace supervisor nominated by you, and agreed by Social Work England . The workplace supervisor must be on Social Work England 's register.

b. You must not start/restart work until these arrangements have been approved by Social Work England.

13. 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 12 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.

14. You must permit Social Work England to disclose the above conditions, 1 to 13, to any person requesting information about your registration status.

Response from the social worker

The case examiners have had sight of the social worker's completed accepted disposal response form dated 4 July 2024.

The social worker has declared they have read the case examiners' decision and the accepted disposal guide. They admit the key facts set out in the case examiner decision, and that their fitness to practise is impaired. They have confirmed 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 note that the social worker has accepted the proposed disposal as outlined by them. The case examiners have proceeded to further consider whether accepted disposal (an 18-month Conditions of Practice order) remains the most appropriate means of disposal for these matters.

The case examiners 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. The case examiners are of the view they have not been presented with any new evidence that might change their previous assessment. The case examiners remain satisfied that an accepted disposal by way of a conditions of practice order, is a fair and proportionate disposal and is the minimum necessary to protect the public and the wider public interest.