

Case Examiner Decision

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FTPS-19730

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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	Accepted disposal proposed – warning order (3 years duration)
Date of the first preliminary decision	31 May 2024
Date of second preliminary decision	18 June 2024
Final outcome	Accepted disposal – warning order (3 years duration)
Date of the final decision	20 June 2024

Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concerns 1, 2 and 3 being found proven by the adjudicators.



3. There is a realistic prospect of regulatory concern 1, 2 and 3 being found to amount to the statutory ground of misconduct.
4. For regulatory concerns 1, 2 and 3 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 warning order of 3 years duration.

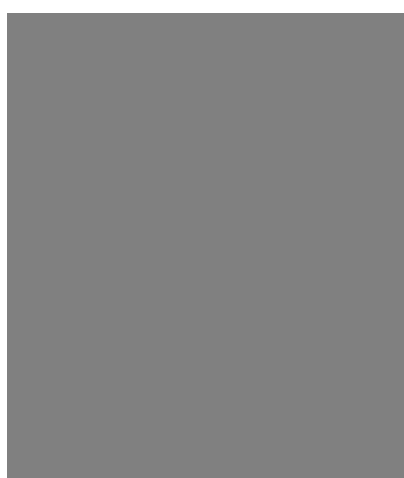
The social worker responded and requested amendments which the case examiners have rejected. The case examiners considered it fair and just and in the public interest, to offer the social worker a further opportunity to consider their proposed disposal of a warning order of 3 years duration.

On 19 June 2024, the social worker accepted the accepted disposal warning order of 3 years duration, in full.

Anonymity and redaction

Elements of this decision have been marked for redaction in line with our Fitness to Practise Publications Policy. Text in [blue](#) will be redacted only from the published copy of the decision and will therefore be shared with the complainant in their copy. Text in [red](#) will be redacted from both the complainant's and the published copy of the decision.

In accordance with Social Work England's Fitness to Practise 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.



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	17 August 2021
Complaint summary	The social worker notified Social Work England of their suspension, as a supervising social worker, with an independent foster care agency (agency A), on 13 July 2021. The suspension relates to allegations of copy and pasting of two parent and child (P&C) reports; of initiating contact between unapproved foster carers and placed children; and that the social worker did not communicate key operational matters with management. On 24 September 2021, the social worker resigned from their position with immediate effect, prior to agency A's internal investigation being completed.

Regulatory concerns

Whilst registered as a social worker between 17 June 2020 and 24 September 2021, you:

1. Copied and pasted from an example Parent and Child Report to form your own reports.
2. Did not take the necessary protective action by introducing unapproved foster carers to children.
3. Did not make sure that relevant colleagues were informed about key operational matters.

4. Did not maintain clear, accurate, legible, and up to date records.

The matters outlined in regulatory concerns 1, 2, 3 and/or 4 amount to the statutory ground of misconduct.

Your fitness to practise is impaired by reason of misconduct.

Preliminary issues

Investigation		
Are the case examiners satisfied that the social worker has been notified of the grounds for investigation?	Yes	☒
	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	☐

Preliminary issues

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, 2 and 3 being found proven, that those concerns could amount to the statutory ground of misconduct, and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

Whilst registered as a social worker between 17 June 2020 and 24 September 2021, you:

- 1. Copied and pasted from an example Parent and Child Report to form your own reports.**
 - Agency A's informal investigation report, dated 20 July 2021, alleges that the social worker copied and pasted information from a exemplar parent and child (P&C) report that was shared by the registered manager to assist the social worker in producing their own reports.
 - The registered manager's witness statement confirms that, on 07 April 2021, the social worker submitted a P&C assessment report in relation to foster carer applicants (2 and 3) that they quality assured and found to be lacking in professional curiosity and analysis. The registered manager clarifies that they asked the social worker to revisit

the assessment and offered an example of good practice written by an external assessor to provide additional guidance. On 1 July 2021, the social worker submitted a second P&C assessment report relating to foster carer applicant (4) which they again quality assured. The registered manager states both reports were very similar to each other, and the contents read the same as the exemplar template.

- The case examiners have been provided with copies of the relevant P&C reports, which they have checked side by side. They note that the social worker has closely followed the adopted exemplar report, only changing personal details and circumstances to match their own assessments.

The social worker accepts that they duplicated content from the exemplar P&C report into their two assessments, which they then submitted to the registered manager. The social worker has stated that they usually work from a template to the same pattern and asserts that they had fully completed the assessments having met the applicants face to face, virtually and spoken to them by telephone. Further, they attended the same P&C training course as applicants 2 and 3 and state that they were able to use some of their observations from the training, when assessing suitability to become approved foster carers.

The case examiners are concerned that the P&C report, submitted on 7 April 2021, was approved by a fostering panel and the second report was flagged and removed from the quality assurance process. The case examiners recognise that in this case the social worker had utilised content that they considered reflected their own assessment of the specific applicants. However, the case examiners consider that over reliance on copied content could nevertheless pose a risk, in terms of perception of the robustness of the assessment.

Accordingly, the case examiners are satisfied that there is a realistic prospect of adjudicators finding this regulatory concern proven.

2. Did not take the necessary protective action by introducing unapproved foster carers to children.

- The investigation report outlines concerns that the social worker made decisions around care planning of two children placed with foster carer A without managerial knowledge or approval. It is alleged that the social worker initiated and introduced the unapproved foster carers (applicants 2 and 3) to the children. Additionally, that applicants provided support to foster care A in supervising sibling contact without management agreement and/or a risk assessment or risk management plan being in place.

- The social worker indicates in their submissions that they do not accept this concern. However, the case examiners considered that there may have been some misunderstanding, as the social worker's submissions focus on conversations with the local authority children's social worker and in supervision with the registered manager regarding a potential match between the applicants and children once approved by the fostering panel. The social worker asserts that the prospective carers were DBS checked and that there was a clear plan of providing respite care to the children. The social worker does not specifically deny that introduced unapproved foster carers to children.
- The case examiners have considered the registered manager's witness statement that confirms that the registered manager was aware of the potential match for the said applicants to provide respite care once approved, and that it was agreed that these proposals could be shared with the local authority social worker. It was caveated that there was a need to also highlight the applicants had yet to be approved. The registered manager states that information documented within foster carer A case recordings indicates that the social worker invited the applicants to meet the children and siblings during arranged family time. The registered manager confirms that this was not an agreed plan of action and placed all involved in a vulnerable position. The registered manager also states that the children believed that the applicants would become their new foster family despite the local authority not yet making a decision.
- The case examiners have seen an email from agency A's regional manager, dated 08 December 2022, that clarifies the agency's procedure that foster carers would not be introduced to children when they had yet to be approved.

When establishing whether there is a realistic prospect of adjudicators finding the concerns proven, the case examiners have taken into consideration the agency's P&C and placement policies in place at the time and note the required risk assessments in the recruitment, assessment and approval of foster carers.

The case examiners understand that the social worker was an experienced supervising social worker, who appears to have been committed, creative and child focused on their approach to matching applicants. Further, they note that the proposed plan of matching applicants 2 and 3 prior to approval by the fostering panel, to be reasonable. However, the case examiners take the view that the social worker pre-empted any managerial or panel approval decisions and, in doing so, their actions could be considered reckless by progressing agreed proposals to the next stage of introductions between all parties concerned, thereby, potentially leaving vulnerable and inexperienced individuals at risk of harm.

The case examiners are, therefore, satisfied that there is a realistic prospect of adjudicators finding this regulatory concern proven.

3. Did not make sure that relevant colleagues were informed about key operational matters.

The referral informs that the social worker was suspended from work following allegations that they failed to communicate case information with their manager. Two potential areas of concern were outlined in the evidence provided.

Communication in respect of an alleged safeguarding incident

- Within the preliminary meeting notes, dated 9 July 2021, it is alleged that the social worker failed to report a separate safeguarding incident immediately; this only came to light when an audit was carried out. The case examiners note that there is no primary evidence in respect of this incident.

Communication in respect of the matters outlined in regulatory concern 2

- In respect of the children placed with foster carer A (as addressed at regulatory concern 2), agency A claims that the social worker failed to follow due process, and in doing so, left the children, carers and agency exposed to harm, or potential harm. The case examiners consider that had the social worker clarified their intentions with their manager and/or sought management guidance prior to initiating the said then the issue is unlikely to have occurred.
 1. The regional manager confirms in an email, dated 08 December 2021 that some case conversations were being held and they have provided supervision notes extracts. On 12 June 2021, the social worker had identified applicants 2 and 3 as a matching option for the two children and it is documented that the local authority was considering this proposal. On 15 June 2021, an instruction is given for the social worker to gain an update from the local authority social worker. The case examiners note, however, that there are no discussions or agreements made regarding any direct introductions or contact with the children concerned.
- Witness statements, both dated 20 July 2021, provided by the deputy registered manager and a previous registered manager, confirm that they were not involved in any management authorisation around any children being placed for respite care, or otherwise, with applicant foster carers nor were they aware that the social worker had organised introductions between the children and the unapproved applicants or had held discussions with the local authority placements team.

The social worker accepts that they could have communicated better, and they cite these changes in managers and differing management styles as being a contributory factor, which the case examiners acknowledge may have had an impact. However, the case examiners take the view that effective communication and risk assessment is an essential tenet of the profession and in particular, in safeguarding vulnerable individuals as addressed at regulatory concern 2.

The case examiners are concerned that the social worker appeared to have pushed forward a proposal that was not yet agreed or approved and appears to have misunderstood or assumed that all parties involved were up to date with the evolving proposals in relation to applicants 2 and 3 and the potential placement options. By doing so, the social worker's actions not only failed to consider a comprehensive risk assessment of the situation but also did not allow appropriate management oversight and direction of the case that may have differed to that proposed by the social worker in their role as supervising social worker.

The case examiners are satisfied that there is a realistic prospect of adjudicators finding regulatory concerns 3 proven.



Grounds

Misconduct

The case examiners are aware that there is no legal definition of misconduct, but it generally would consist of serious acts or omissions, which suggest a significant departure from what would be expected of the social worker in the circumstances. This can include conduct that takes place in the exercise of professional practice, and also conduct which occurs outside the exercise of professional practice but calls into question the suitability of the person to work as a social worker.

In relation to regulatory concerns 1, 2 and 3 the case examiners have found a realistic prospect of the facts being found proven.

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 standards, which were applicable at the time of the concerns.

As a social worker, I will:

- 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.*
- 3.8 Clarify where the accountability lies for delegated work and fulfil that responsibility when it lies with me*
- 3.9 Make sure that relevant colleagues and agencies are informed about identified risks and the outcomes and implications of assessments and decisions I make.*

As a social worker, I will not:

- 5.2 Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.*
- 5.3 Falsify records or condone this by others.*

The case examiners have explained within their consideration of the facts why adjudicators may find the alleged conduct would not align with the professional standards identified above.

In relation to regulatory concern 1, specifically, when producing a fostering assessment report the case examiners would expect the social worker to follow the applicable assessment framework, which involves authentically reflecting and evidencing the assessment in order to make an informed analysis and conclusion of the applicants' suitability to be approved foster carers.

The case examiners acknowledge the social worker's contextual explanations that they were experiencing both personal and professional challenges at the time. However, they note that the social worker has wide experience of this particular type of work and considered to have the pre-requisite skills to produce informative and accurate reports derived from their own work, and not from information duplicated in another professional's report that had been shared with them for additional guidance.

The case examiners note that the first P&C assessment report was quality assured and processed. This had the potential to cause harm to the applicants, the agency and any vulnerable children placed with them in that a flawed assessment may have seen the approval of foster carers when it was not appropriate to do so, or that their suitability may be undermined by a questionable fostering assessment. In respect of the second report, this was rejected, and the case examiners consider it reasonable to assume that a new assessment would be required potentially causing delays and/or inconvenience to the prospective foster carers.

In relation to regulatory concerns 2 and 3, a comprehensive assessment and management of risk was necessary to safeguard vulnerable individuals. In this case, the social worker did not effectively communicate the proposed care planning or ensure appropriate management oversight of the fostering approval and matching process leading to unapproved carers meeting two children placed in the care of foster care A, and also of them being involved in sibling contact arrangements. Worryingly, the case examiners consider the social worker's pre-emptive progression of the matching partnership appears to have misled the children that they would be part of a new fostering family; yet the approval process was incomplete, and the local authority had yet to confirm the placement arrangements. This had the real potential to cause the children emotional harm and distress in the event that this fostering arrangement did not come to fruition.

The social worker accepts that they made mistakes, and there is evidence to suggest that the social worker was committed to the recruitment, assessment and matching process of foster carers with vulnerable children. However, the case examiners consider that their efforts were undermined in that their alleged conduct is considered serious and the errors

in judgement and decision-making demonstrates that the social worker's practice fell short of the standards expected of a qualified and experienced professional.

In view of the above, the case examiners are satisfied that there is realistic prospect of adjudicators determining that the ground of misconduct is engaged.

Impairment

Assessment of impairment consists of two elements:

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

Personal element

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

Whether the conduct can be easily remedied

In considering current impairment, the case examiners have considered whether the conduct is remediable, whether the social worker has demonstrated insight and/or undergone remediation, and whether there is a likelihood the matters alleged will be repeated.

The case examiners are of the view that it is possible to remediate the conduct issues in a variety of ways, such as additional training, shadowing, coaching and reflection.

Insight and remediation

The social worker has fully engaged in the fitness to practise process, and has expressed remorse for their actions, stating these *were 'inappropriate and let themselves down and dropped standards.'* They accept that they made mistakes at the time, which they believe they have now learnt from. They do not accept their fitness to practise is currently impaired and have provided contextual explanations relating to personal stress, carer responsibilities, changes to working practice, unclear guidance and differing managerial styles mitigations as to their errors in judgement.

In respect of regulatory concern 1, the social worker acknowledges the seriousness of copying and pasting information from the exemplar report, although they comment that managerial guidance was unclear and that they had routinely adopted the same approach working to a template during the assessment.

Regarding regulatory concerns 2 and 3, the social worker cites a relationship breakdown with the registered manager due to new practice directions that they did not agree with. They report that no other concerns were raised about their practice, and that prior to the disagreement there were also no issues raised.

The case examiners note that the social worker has provided evidence of training certificates that suggest a commitment to remediation, and that they provide examples of implementing key standard practices in their current role as supervision social worker for another fostering agency. Further, the case examiners have considered the positive employer testimonial provided that speaks to the social worker's practice and no further concerns of a similar nature have occurred to date.

Risk of repetition

The case examiners are carefully considered the quality of the reflections and remediation provided by the social worker. Whilst they acknowledge the social worker's engagement and ongoing reflections, the case examiners are not reassured that the remediation is yet complete. Given the serious nature of the allegations presented, the case examiners are concerned that the impact of their alleged conduct on service users, carers and the wider organisation has not been addressed by the social worker.

Taking into account all the information, the case examiners conclude that there is a risk of repetition, albeit already substantially reduced.

Accordingly, the case examiners are satisfied that there is a realistic prospect of adjudicators would find the social worker to be personally impaired.

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.

Public interest includes the need to uphold proper standards of conduct and behaviour and the need to maintain the public's trust and confidence in the profession.

The case examiners have reminded themselves that the public interest includes responding proportionately to regulatory concerns. Adjudicators may determine that a member of the public who was fully aware of the circumstances of this case would expect a social worker

to be able to perform in their role to an expected level and with integrity. In this instance, there is evidence that process delays were incurred as a result of the flawed parenting assessment which had the potential to cause unnecessary stress to all parties involved. In addition, vulnerable children were exposed to unapproved foster carers, whom they perceived would be part of their new foster family. This had the real potential to cause emotional harm and distress, if this placement did not proceed.

Adjudicators may also consider that there is also the potential harm to the wider public in terms of having confidence in the social worker's integrity and ability to perform their professional role.

Accordingly, the case examiners are satisfied that there is a realistic prospect of adjudicators making a finding of impairment on public interest ground.

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

Fitness to practise procedures require case examiners to refer a case to a hearing if they consider that it is in the public interest to do so, or if the social worker does not agree to the alternative – an accepted disposal of the matter. A case must also be referred to a hearing if the social worker does not accept that their fitness to practise is impaired.

The case examiners note that the social worker in their submissions has indicated that they do not believe that their practise is currently 'impaired'.

The case examiner guidance (paragraph 90) states that *"accepted disposal is likely to be the preferred means of closing the case where there is evidence that the social worker accepts that their fitness to practise is currently impaired. The social worker may also be actively involved in remedial work"*.

Strict adherence to the guidance would require the case examiners to refer this case for a hearing as the social worker has submitted that their fitness to practise is not impaired. The case examiners have determined, however, that it would be appropriate, fair and proportionate, on this occasion, to diverge from the guidance and propose accepted

disposal as an outcome. In doing so, they have taken note of the social worker's submissions as outlined within the impairment section.

The social worker has admitted all the key factual elements of the case and whilst they do not accept that their fitness to practise is currently impaired, they have begun to take steps to address the deficits in their practice. The case examiners observe that within their submissions the social worker has identified learning points such as undertaking training and implementing new processes within their current practice.

Whilst the matter is serious; the case examiners are not of the view that it is so serious that a removal order might be required. The case examiners also do not consider the case to be so serious that a hearing might be necessary to maintain public confidence in the social work profession, or in Social Work England's maintenance of the standards expected of social workers.

Under the circumstances, there is little to be gained by prolonging the fitness to practise process unnecessarily. The case examiners are satisfied that the public would be open to the regulator concluding this matter swiftly and proportionately with a published accepted disposal outcome.

Accepted disposal

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

Reasoning

In considering the appropriate outcome in this case, case examiners have had regard to Social Work England's Sanctions Guidance and reminded themselves that the purpose of sanction is not to punish the social worker but to protect the public and the wider public interest.

Case examiners conclude that there is a realistic prospect that the regulatory concerns if found proven by adjudicators would amount to the statutory grounds of misconduct.

The case examiners take the view that the public interest in this case can be satisfied without referral to a hearing. They consider in this case, that it would be appropriate, fair and proportionate to offer the social worker the opportunity to consider resolving this matter through accepted disposal. The accepted disposal would have measures attached to it aimed at protecting the public and supporting the social worker to practise safely, particularly about reflecting on their actions and potential impact of their conduct.

In reaching this decision, case examiners considered the available sanctions and have determined a warning order to be the most appropriate. As part of this process, they considered each of the sanctions in turn, starting from the lowest until they have reached a sanction that they consider to be the least restrictive sanction necessary to protect the public and the wider public interest.

Case examiners have already determined that there is a realistic prospect that the social worker's fitness to practise would be found impaired. The case examiners have determined that the social worker has not had the opportunity to demonstrate full insight and remediation. Therefore, the sanctions of no further action or advice are considered inappropriate on the basis that these outcomes do not reflect the seriousness of the concerns.

The case examiners suggest that a published warning order is the most appropriate disposal. The case examiners consider that this will give the social worker the opportunity to complete their remediation and develop further insight which is more holistic. The submissions of the social worker would suggest that they have already begun this process and are committed to the further development of their skills. Consequently, the case examiners take the view that they do not require further proof/review of the social worker's remediation, and therefore a conditions of practice order is not required in this case.

Suspension at this time is not considered the least restrictive sanction necessary to protect the public and the wider public interest, given that the social worker has shown some insight and is therefore wholly disproportionate.

Warning orders may be imposed for one, 3 or 5 years. Case Examiner Guidance (2022) stipulates that one year might be suitable for incidents of relatively low seriousness; 3 years for more serious concerns to maintain public confidence and to send a message about the professional standards expected of social workers; and 5 years for cases that fall only marginally short of requiring restriction of registration.

The case examiners have considered the length of time for the published warning and consider 3-years to be proportionate in this case. The case examiners consider that a period of 3-years is appropriate in the circumstances to maintain public confidence and to send a message to the public, the profession and the social worker about the standards expected from social workers. The case examiners acknowledge that the conduct of the social worker was not appropriate and there is no evidence that the social worker's alleged conduct caused harm to children or applicant foster carers. The case examiners take the view that a 1-year order would be insufficient, particularly given the social worker's development of insight and remediation remains ongoing. The case examiners consider that a warning order of 5-years is disproportionate, however, given the social worker has already substantially reduced the risk of repetition, and the case examiners are satisfied that a restrictive order would be disproportionate.

The case examiners have decided to propose to the social worker a warning order of 3-year's duration. They will now notify the social worker of their intention and seek the social

worker's agreement to dispose of the matter accordingly. The social worker will be offered 21 days to respond. If the social worker does not agree, or if the case examiners revise their decision regarding the public interest in this case, the matter will proceed to a final hearing.

Content of the warning

The case examiners formally warn the social worker as follows:

Allegations that a social worker has: -

- Copied and pasted content from an exemplar report undertaken by an external assessor, into two of their own parent and child assessment reports.
- Did not communicate or involve key professionals in care planning decisions relating to applicant foster carers.
- Failed to safeguard vulnerable children and foster carers

The case examiners would particularly encourage the social worker to reflect upon these professional standards. Social Work England's professional standards state that:

Social Work England Professional Standards (2019)

As a social worker, I will:

- 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.*
- 3.8 Clarify where the accountability lies for delegated work and fulfil that responsibility when it lies with me*
- 3.9 Make sure that relevant colleagues and agencies are informed about identified risks and the outcomes and implications of assessments and decisions I make.*

As a social worker, I will not:

- 5.2 Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.*

5.3 Falsify records or condone this by others.

The conduct that led to this complaint should not be repeated. Any similar conduct or matters brought to the attention of the regulator are likely to result in a more serious outcome.

Response from the social worker

The social worker's response was received on 12 June 2024 confirming *'that I have read the case examiners' decision and the accepted disposal guide. I understand the terms of the proposed disposal of my fitness to practise case, and wish to suggest amendments.'*

The social worker requests that the 3-year warning duration be reduced to one year due to their self-referral in August 2021, and that they have completed training and have learnt from their actions; and continue to reflect on learning and personal development.

On 16 June 2024, the social worker provides a further response, confirming that they understand the terms of the proposed disposal of the fitness to practise case and accept them in full.

Case examiners' first response and re-offer

The case examiners concluded on 31 May 2024, 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 warning, rather than through a public hearing. They proposed a warning with a duration of 3 years; the social worker has requested a reduction of the warning order duration, to one year.

The case examiners are mindful of case examiners guidance (2022, paragraph 199) 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 this specific sanction or its duration and will only generally agree to amendments that relate to (either of the following):

- Factual inaccuracies in their report
- The workability of any proposed conditions of practice.

The case examiners note that the requested amendments indicates that the social worker is requesting a change in sanction. The case examiners wish to make it clear that it is not within their powers to change the proposed sanction on offer.

The case examiners are not satisfied at this point that there is a public interest in referring the case to a hearing and that accepted disposal remains the most appropriate means of disposal for these matters.

The case examiners would, therefore, like to provide the social worker with a further opportunity to consider the proposed sanction, together with the case examiner's explanation as to why they are unable to make the requested amendments.

The case examiners are mindful that this case has been progressing for some time and the impact is likely to have had on the social worker. However, the public interest in this matter demands that these issues are resolved so it can be established whether the social worker's fitness to practise is currently impaired.

The case examiners are also aware that a new video guide for social workers has been produced, which was implemented after the case examiners' proposal was delivered to the social worker. The case examiners therefore recommend that the social worker is sent a link to the video with this response, to help inform the social worker's decision.

Accordingly, they will now re-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 public interest in this case, the matter will proceed to a final hearing.

Case examiners' second response and final decision

The case examiners concluded on 31 May 2024 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 warning, rather than through a public hearing. They proposed a warning with a duration of 3 years and, following a second round of offering the proposal to the social worker, on 19 June 2024, the social worker accepted this proposal.

In light of the social worker's acceptance of the warning, 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.

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