

Case Examiner Decision

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FTPS-19520

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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	1 May 2024
	Information requested Submissions requested
2 nd Preliminary outcome	14 January 2025
	Accepted disposal – removal order
Final outcome	25 February 2025
	Accepted disposal – removal order

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.
2. There is a realistic prospect of regulatory concerns 1-3 being found to amount to the statutory grounds of misconduct.
3. For regulatory concerns 1-3, there is a realistic prospect of adjudicators determining that the social worker's fitness to practise is currently impaired.



The case examiners do not consider it to be in the public interest for the matter to be referred to a final hearing and have determined that the case could be concluded by way of accepted disposal, subject to the social worker's agreement. As such, the case examiners requested that the social worker was notified of their intention to resolve the case with a removal order.

On 8 February 2025, the social worker responded and accepted the proposed accepted disposal (removal order). Having revisited the public interest in the case, the case examiners determined that an accepted disposal removal order was the most appropriate outcome in this case.

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  will be redacted only from the published copy of the decision and will therefore be shared with the complainant in their copy. Text in  will be redacted from both the complainant's and the published copy of the decision.

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the social worker's former employer [REDACTED]
Date the complaint was received	14 July 2021
Complaint summary	This complaint was made by the social worker's former employer where concerns emerged that the social worker did not complete visits to service users despite informing colleagues that they had, falsified records to indicate they had completed visits they had not and as such had behaved dishonestly.

Regulatory concerns and concerns recommended for closure

Regulatory Concerns

Regulatory concerns are clearly identified issues that are a concern to the regulator. The

regulatory concerns for this case are as follows:

Whilst registered as a social worker between 26th May 2021 and 13th July 2021, you:

1. Did not complete visits to service users despite informing colleagues that you did.
2. Falsified records to show that you visited service users when you did not.
3. Your actions at regulatory concerns 1 and/or 2 were dishonest.

The matters outlined in regulatory concerns 1, 2 and/or 3 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	☐

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

On 1 May 2024, the case examiners paused this matter requesting further information and further submissions from the social worker.

The case examiners have been provided with information the information requested and will resume their consideration of this matter.

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 grounds of misconduct, and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

Whilst registered as a social worker between 26th May 2021 and 13th July 2021, you:

- 1. Did not complete visits to service users despite informing colleagues that you did.**
- 2. Falsified records to show that you visited service users when you did not.**
- 3. Your actions at regulatory concerns 1 and/or 2 were dishonest.**

The case examiners will address regulatory concerns 1 and 2 together as they will rely on the same evidence. The employer led investigation report indicates that concerns

about the social worker first became known in July 2021 when complaints were received by two families suggesting that the social worker had not been visiting them as expected. The first complaint received suggested that the social worker had not been in contact since mid-May, despite case records suggesting a visit had taken place on 23 June 2021 at 4pm. Furthermore, the health visitor for the same family sent an email with management copied in suggesting a joint visit was overdue. The social worker's case records indicated that the joint visit with the health visitor had taken place on 22 June 2021. The social worker is said to have admitted on 13 July 2021 that the recorded visits on 22/23 June 2021 had not taken place.

On 14 July 2021, another family contacted the local authority to say that they had not heard from the social worker since their last visit in April 2021. A review of the case records suggested that the social worker had telephoned this family on 23 April 2021, 26 May 2021, 14 June 2021 and 1 July 2021 and a child in need meeting had been held on 15 June 2021. The health visitor for this family was contacted and said that they had not attended any child in need meetings in respect of this child.

Following the above two complaints raised by service users, a management review was completed in respect of families allocated to the social worker. This review identified further concerns in respect of one other family allocated to the social worker. In respect of these children, the social worker's case records indicated that they had been visited by the social worker at school, but this could not be corroborated by the school.

In submissions the social worker accepts that they did not complete visits, and falsified records to suggest that visits had taken place. The social worker has provided mitigating circumstances which they suggest explain their actions at the relevant time. [REDACTED]

The case examiners consider there is a realistic prospect of adjudicators finding regulatory concerns 1 and 2 proven.

3. Your actions at regulatory concerns 1 and/or 2 were dishonest.

The case examiners are aware of the test outlined by the courts in the case of Ivey, which provides a framework for assessing whether a matter amounts to dishonesty. The test requires adjudicators to assess the state of knowledge of the social worker at the time, 'the subjective test,' and then to consider whether the conduct may be considered dishonest, applying the objective standards of ordinary decent members of the public, 'the 'objective test.'

In their interview for the employer led investigations the social worker said that they had recorded visits that had not taken place as they knew their work was slipping and they did not want to go on an action plan; they also say they not want to lose their job and panicked. The social worker said that they knew they were struggling both at work and in their personal life [REDACTED] they say that this was a really hard time for them, and this is why they did what they did.

In submissions the social worker accepts that their actions at regulatory concerns 1 and 2 were dishonest.

The case examiners consider that ordinary members of the public would be concerned to learn that a social worker had claimed to have visited vulnerable children when they had not done so.

The case examiners consider there is a realistic prospect of adjudicators finding regulatory concern 3 proven.

Grounds

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 conduct which occurs outside the exercise of professional practice but calls into question the suitability of the person to work as a social worker.

The case examiners have found a realistic prospect that the social worker may have acted dishonestly when they recorded visiting families, they later acknowledged they had not visited. Honesty and integrity are an important component of social work practise and should regulatory concern 3 be found proven by adjudicators, this is likely to be viewed as a serious departure from what would be expected 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 Social Work England Professional Standards, which were applicable at the time of the concerns. The case examiners consider there may have been a departure from

2.1: I will be open, honest reliable and fair

3.8: I will clarify where the accountability lies for delegated work and fulfil that responsibility when it lies with me.

5.2: I will not 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: I will not falsify records or condone this by others

6.4: I will take appropriate action when a professional's practice may be impaired.

The social worker suggests that at the time in question there were significant mitigating circumstances which explain their actions

Whilst the case examiners accept that the social worker was experiencing exceptionally difficult personal circumstances at the time in question, they note that professional standard 6.4 advises social workers of their responsibility to take appropriate action when their practice may be impaired. The social worker's

submissions and other evidence suggests that the social worker knew that their practice at that time was most likely falling below expected standards.

The case examiners consider there is a realistic prospect of adjudicators finding the regulatory concerns capable of proof amounting to 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 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.

The social worker has engaged with the process and does express remorse about their conduct at the time in question. The case examiners have carefully considered the mitigating circumstances put forward by the social worker and the impact that these had on their ability to practice. The social worker's mitigating circumstances have been addressed in consideration of the grounds for misconduct.

The case examiner guidance at paragraph 135 suggests that social workers can demonstrate insight by making full and early disclosure about what has happened to (all the following):

- Those impacted
- Current employer
- Future employers.

In respect of the above, the case examiners consider the social worker's insight to be limited, particularly in respect of those impacted. The social worker has yet to begin

the process of acknowledging how their alleged lack of visiting, and falsified records could have placed children and families at increased risk of harm.

The case examiners are mindful that their guidance suggests that conduct related to character, such as dishonesty may be more difficult to remediate. The social worker has not provided any evidence of remediation in the form of attending relevant training, satisfactory performance appraisals, or reading or reflection. The social worker is not employed in a social work role and said in an email dated 29 July 2022 that they would not be seeking employment as a social worker in the near future. In a more recent email 16 May 2024, the social worker said that they have not had any social work involvement since their suspension and dismissal and have nothing to add in terms of keeping up to date with social work practice. The social worker says they have not maintained any links with the social work profession. They go on to say they *‘one day like to return to social work if this is possible, however would not be looking to do so anytime soon.’* The social worker says that they feel it would be two years at the very least until they might plan to return to the profession.

Given the limited insight and absence of remediation the case examiners have concluded that the risk of repetition remains.

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 mindful that if proven the regulatory concerns outlined at 1 and 2 related to a number of children and families who were not visited for extended periods and as such the alleged omissions cannot be seen as isolated incidents of poor performance. Furthermore, in consideration of the social worker’s alleged dishonesty, the social worker’s comments in investigatory interview could be perceived to represent an attempt to cover up their lack of visiting due to their reluctance to go on an action plan. The case examiners are aware that dishonesty for personal gain could be considered to be particularly serious.

The case examiners accept that the social worker was experiencing exceptionally difficult personal circumstances at the time these concerns emerged. However, the case examiners have determined that the social worker could and (should) have foreseen the potential risk of harm to service users that may have been caused by their actions at the relevant time. The case examiners are reminded that an action that by luck has not caused harm, may still represent an unacceptable risk of harm if repeated.

The case examiners consider that the public would be concerned about a social worker who has failed to visit vulnerable children and families and falsified visits to indicate that such visits have taken place. The case examiners sanction guidance (174) is clear that dishonest conduct is highly damaging to public confidence in social work and is likely to warrant a finding of impairment.

The public interest

Decision summary

Is there a public interest in referring the case to a hearing?	Yes	☐
	No	☒

Referral criteria

Is there a conflict in the evidence that must be resolved at a hearing?	Yes	☐
	No	☒
Does the social worker dispute any or all of the key facts of the case?	Yes	☐
	No	☒
Is a hearing necessary to maintain public confidence in the profession, and/or to uphold the professional standards of social workers?	Yes	☐
	No	☒

Additional reasoning

The case examiners have noted that the social worker has indicated to the regulator that they do not consider their fitness to practise to be currently impaired. Where a social worker does not accept impairment, case examiner guidance suggests that a referral to a hearing may be necessary in the public interest.

However, the case examiners note that the guidance states the social worker must accept the matter of impairment at the point of *concluding* the case and are of the view that this does not prevent them offering accepted disposal prior to this.

The case examiners conclude that offering accepted disposal is proportionate for the following reasons:

- There is no conflict in evidence in this case and the social worker accepts the facts.
- The social worker is clear that they accept that their conduct fell short of the standards expected of them.

- The case examiners recognise that not all professionals will have an innate understanding of how and when the public interest may be engaged, or how exactly this might impact upon findings concerning current fitness to practise.

Interim order

An interim order may be necessary for protection of members of the public	Yes	☐
	No	☒
An interim order may be necessary in the best interests of the social worker	Yes	☐
	No	☒

Accepted disposal

Case outcome		
Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☐
	Conditions of practice order	☐
	Suspension order	☐
	Removal order	☒
Proposed duration	Where a social worker is removed from the register, there is no defined end to the finding of impairment. A social worker that has been removed from the register may only apply to be restored to the register five years after the date the removal order took effect. The adjudicators will decide whether to restore a person to the register.	

Reasoning

In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's sanctions guidance 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. The case examiners considered taking no further action but considered that this would not be appropriate in this instance as it would not satisfy the wider public interest.

The case examiners next 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 believe that issuing advice is not sufficient to mark the seriousness with which they view the social worker's 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. The case examiner sanction guidance states that a warning order is likely to be appropriate when all the following are present:

- The fitness to practice is isolated or limited
- There is a low risk of repetition
- The social worker has demonstrated insight.

Given the above the case examiners have concluded that a warning order would not be appropriate as the social worker has not demonstrated sufficient insight for them to determine there is a low risk of repetition. Similarly, there is evidence to suggest fitness to practice issues in respect of falsifying visits and case recordings were not isolated.

The case examiners have gone on to consider Conditions of Practice. The case examiner guidance states that conditions of practice may be appropriate when (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 yet to demonstrate sufficient insight. The case examiners have also noted that their guidance suggests that remediation is more difficult when insight is not fully developed and when the alleged concerns relate to dishonest behaviours or actions. The social worker is not currently employed in a social work role, which would make conditions of practice potentially unworkable. The case examiner sanction guidance (para 119) states that conditions are unlikely to be appropriate in cases which include dishonesty. The case examiners therefore determined that conditions of practice was not an appropriate sanction.

Working through the sanctions, the case examiners next considered a suspension order. The sanctions guidance (para 138) states that suspension is likely to be unsuitable where (both of the following):

- The social worker has not demonstrated any insight and remediation
- There is limited evidence to suggest they are willing (or able) to resolve or remediate their failings.

As already detailed above, the case examiners have concluded that the social worker has not demonstrated appropriate insight or remediation and has not provided sufficient evidence to suggest that they are able to remediate such serious concerns. As such, they do not consider that a suspension order is an appropriate sanction.

The case examiners have therefore concluded that a removal order is the most appropriate outcome available to them to:

- Protect the public
- Maintain confidence in the profession
- Maintain proper professional standards for social workers in England

The sanction guidance (para 149) outlines when a removal may be appropriate. In this instance the case examiners have concluded that the following apply:

- Dishonesty, especially where persistent and /or concealed
- Persistent lack of insight into the seriousness of their actions or consequences
- Social workers who are unwilling and/or unable to remediate.

The case examiners have therefore decided to propose to the social worker an accepted disposal removal order. 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.

Response from the social worker

On 8 February 2025 the social worker returned their completed accepted disposal response form, confirming as follows: “I have read the case examiners’ decision and the accepted disposal guide. I admit the key facts set out in the case examiner decision, and that my fitness to practise is impaired. I understand the terms of the proposed disposal of my fitness to practise case and accept them in full”.

Case examiners’ response and final decision

The case examiners have reviewed their decision, paying particular regard to the overarching objectives of Social Work England:

- The protection of the public
- Maintaining confidence in the social work profession
- The maintenance of professional standards.

The case examiners remain satisfied that an accepted disposal removal order is a fair and proportionate way to conclude this matter, and is the minimum sanction required to protect the public and the wider public interest.