

Case Examiner Decision

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FTPS-20813

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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	17 June 2025
	Accepted disposal proposed- warning order 3 years
Final outcome	15 July 2025
	Accepted disposal proposed- warning order 3 years

Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concerns 1 and 2 being found proven by the adjudicators.
2. There is a realistic prospect of regulatory concerns 1 and 2 being found to amount to the statutory ground of misconduct.
3. For regulatory concerns 1 and 2 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; the case could be concluded by way of accepted disposal.

As such, the case examiners requested that the social worker be notified of their intention to resolve the case with a warning order of 3 years. The social worker accepted the case examiners' proposal in full.

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.

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	28 June 2022
Complaint summary	The complainant alleged that the social worker failed to safeguard [REDACTED] children by not taking the necessary steps to prevent Person A having contact with them (Person A has been convicted of sexual offences against a child). In addition, the complainant alleged that the social worker accessed the records of Person A without professional reason to do so. The specific issues raised by the complainant are captured in the regulatory concerns section.

Regulatory concerns

Whilst registered as a social worker:

1. On more than one occasion between September 2021 and June 2022, you failed to safeguard the following children from Person A:
 - a. Child A
 - b. Child B
 - c. Child C
 - d. Child D
2. On one or more occasion between 11 September 2018 and 15 September 2021, you accessed records for Person A without professional reason to do.

Grounds of impairment:

The matters outlined in regulatory concerns 1-2 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	☐

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

Anonymity and redaction

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

In accordance with Social Work England's fitness to practise proceedings and registration appeals publications policy, the case examiners have anonymised the names of individuals to maintain privacy. A schedule of anonymity is provided below for the social worker and complainant and will be redacted if this decision is published.

Person B [REDACTED]

Reasoning

Facts

Regulatory concern 1

On more than one occasion between September 2021 and June 2022, you failed to safeguard the following children from Person A.

- a. Child A
- b. Child B
- c. Child C
- d. Child D

██████████ A referral was made to children's social care following a disclosure from the social worker to a counsellor that Person B had resumed their friendship with Person A. Person A had been convicted of two counts of sexual assault on a vulnerable male child (in 2017) in his professional capacity as a taxi driver and received a four-year custodial sentence.

The social worker states that Person B ██████████ prior to the conviction and was aware that Person B did not believe Person A had committed the offences. In an internal interview, the social worker is reported to have said that Person B had met Person A ██████████ and told them that they would be coming round ██████████ The social worker said they had "*gone ballistic and said "no".*" The social worker refers to not having recognised what was happening and that they had been making excuses for what was going on. ██████████

The social worker is reported to have agreed with Person B ██████████ ██████████ that Person A went into the garage to work out ██████████

The case examiners have been provided with a record of the outcome of S47 enquiries. It is noted that on 11 July 2022, Child D disclosed that they had been left alone in the car with Person A every day for two weeks while Person B took the younger children to school. It was also noted that Person A had been present ██████████

In the submissions on behalf of the social worker, it is said that they were not aware the children had any contact with Person A until another social worker informed them as part of an assessment. In their earlier submissions, they say they had thought they had put a plan of safety in place and do not accept this regulatory concern.

Although it would appear the social worker may not have been aware of Person A being with the children and thought they had put adequate safeguards in place, the evidence indicates that they failed to safeguard four children, because they relied on the agreement of Person B, whom they knew did not believe that Person A was guilty of offences against a child. The case examiners note that they would expect an experienced social worker to be mindful of the difficulties of implementing safety plans when people who are vital to the implementation of such do not believe that there are legitimate concerns that a safety plan is necessary.

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

Regulatory concern 2

On one or more occasion between 11 September 2018 and 15 September 2021, you accessed records for Person A without professional reason to do.

During an internal investigation it was found that the social worker had accessed Person A's Liquid Logic record on the dates specified in the regulatory concern. Person A has a MASH Contact Record. It notes that they were assessed as posing a medium risk of serious harm to children with the nature of risk being that of sexual harm. There was to be no unsupervised contact with a child under the age of 16 and licence conditions to not have contact with children.

In their initial submissions, the social worker says they did not know why they accessed the records, other than to reassure themselves that they were right in protecting the children. On reflection they say they were in a very high emotional state (in 2021) and were caught up in a [REDACTED] situation that was difficult to see past.

It is also said that in an attempt to understand what the case was against Person A, following an argument with Person B they had accessed Person A's record on Liquid Logic.

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

Grounds

The case examiners are aware that there is no statutory 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 standards, which were applicable at the time of the concerns.

Social Work England Professional Standards

2.6 As a social worker, I will treat information about people with sensitivity and handle confidential information in line with the law.

3.1 As a social worker I will work within legal and ethical frameworks, using my professional authority and judgement appropriately.

3.4 As a social worker, I will recognise the risk indicators of different forms of abuse and neglect and their impact on people, their families and their support networks.

5.2 As social worker, 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.

The case examiners are aware that falling short of the standards may not always amount to misconduct. However, adjudicators in this instance may consider the alleged conduct to be a significant departure from the expected standards noted above. Safeguarding and trust are fundamental tenets of social work. Adjudicators may be particularly concerned that Person A was a known risk to children, and the social worker appears to have failed to safeguard four children and accessed records without a professional reason to do so.

The case examiners have been made aware of the particularly challenging personal circumstances that the social worker was facing at the time and also their belief that they had put safeguarding plans in place. However, they consider that members of the public may be alarmed that a social worker has failed to safeguard children [REDACTED] and accessed the records of a person on two occasions without professional reason to do so.

The case examiners are satisfied that there is a realistic prospect if adjudicators find the matters proven that they would also find that the statutory ground of misconduct is engaged.

Impairment

Assessment of impairment consists of 2 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 regard 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 case examiners consider the concerns can be remedied, with the social worker demonstrating an understanding of what went wrong and why and evidencing that they have taken steps to develop their skills.

The case examiners have been provided with submissions from the social worker. The social worker has provided reflections on professional accountability and safeguarding [REDACTED] They have stated, *"I have come to realise that my [REDACTED] professional boundaries were clouded and why professional boundaries are so important."* [REDACTED]

[REDACTED] Further, *"safeguarding and recognition of risk is the foundation of safeguarding and Social Work."* They say that to ensure this sort of occurrence does not happen again, they have sought resources, attended training and talked to other professionals.

Reflections have also been provided on accessing the records without professional reason to do so. The social worker says the breach happened when they were upset and for a brief moment they lacked better judgment. They say on reflection the breach was caused by a lack of concentration and a lack of understanding of GDPR protocol and have since attended a course. They say, *"In me breeching the regulations damages trust, exposed the authority to legal and reputational risk, and compromises the data subject. This incident has highlighted the importance of ensuring personal data is protected."*

Certificates have been provided for courses which include Understanding Children and Young People's Mental Health and Understanding GDPR. Testimonials have been

provided which speak to the social worker's professionalism, skills and passion for their chosen profession.

It is submitted that the social worker has expressed genuine remorse for their actions and reference is made to the internal interview and statements. [REDACTED]

The case examiners note the level of insight, remediation and what may be considered to be mitigating circumstances and consider the risk of repetition to be low.

Public element

The case examiners next considered whether the social worker's actions have the potential to undermine public confidence in social workers and whether this is a case where adjudicators may determine that the public interest requires a finding of impairment. 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. However, they consider that the adjudicators may determine that a member of the public would be concerned where a social worker is alleged to have failed to safeguard [REDACTED] and accessed records. These issues have the potential to seriously undermine public trust in social workers and to damage the reputation of the profession.

The case examiners are of the view that in these circumstances, members of the public would expect a finding of impairment.

Accordingly, the case examiners are satisfied that there is a realistic prospect of adjudicators making a finding of current 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 concluded that the public interest in this case is engaged. However, they are satisfied that this interest may be appropriately fulfilled by virtue of the accepted disposal process.

While the matter is serious, the case examiners are not of the view that it is 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.

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 consider that it is reasonable to offer accepted disposal in this case because:

- The social worker does not accept regulatory concern 1 because they had thought that safety plans were in place. As such there is not a conflict in the evidence as the social worker does appear to accept that there was a failure to safeguard.
- The case examiners are of the view that there is a low risk of repetition, and therefore any finding of impairment would be primarily made in the public interest, to safeguard public confidence.

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.

The case examiners are also of the view that the public would be satisfied to see the regulator take prompt, firm action in this case, with the publication of an accepted disposal decision providing a steer to the public and the profession on the importance of adhering to the professional standards expected of social workers in England.

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

In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's Sanctions Guidance (2022) and remind themselves that the purpose of a sanction is not to punish the social worker but 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 options in ascending order of seriousness.

The case examiners commenced by considering whether it may be appropriate to reach a finding of impairment, with the outcome being no further action. The guidance suggests this is only applicable in exceptional circumstances. The case examiners are satisfied that in this case that a finding of no further action would be insufficient to protect public confidence given this relates to fundamental tenets of social work, that is safeguarding, trust and confidentiality.

The case examiners next considered whether offering advice would be sufficient in this case. Advice will normally set out the steps a social worker should take to address the behaviour that led to the regulatory proceedings. The case examiners consider that while they could offer advice with a view to preventing this situation arising again, this would not be sufficient to mark the seriousness with which they view the social worker's alleged conduct.

The case examiners went on to consider a warning order, which would provide a clearer expression of disapproval of the social worker's conduct than an advice order. The case examiners conclude that a warning order is the most appropriate and proportionate outcome in this case and represents the minimum sanction necessary to adequately address the public's confidence in the profession.

In reaching this conclusion, the case examiners reminded themselves that they have found that there is a low risk of repetition, which suggests that a restrictive sanction would be inappropriate. A conditions of practice order would therefore be disproportionate as it would not be required.

The case examiners consider that a warning order would sufficiently mark the seriousness with which they view the social worker's alleged conduct and would also appropriately safeguard public confidence in the social work profession, and in the regulator's maintenance of professional standards for social workers. The case examiners therefore moved on to consider the length of the warning order, with reference to the regulator's sanctions guidance.

Warning orders can be imposed for one, three or five years. The case examiners refer to the sanctions guidance and note the following:

The guidance states that one year may be appropriate for an isolated incident of relatively low seriousness. In these cases, the primary objective of the warning is to highlight the professional standards expected of social workers. The case examiners note that this case relates to an alleged failure to safeguard four children and accessing records on two occasions without professional reason to do so. As such, a one-year warning would be insufficient to protect the public, and to safeguard public confidence.

The case examiners have considered the guidance in respect of a three-year order, which may be appropriate for more serious concerns or a five-year order, for where a case has fallen only marginally short of requiring restriction of practice. A three-year warning is proportionate to maintain public confidence and to send a message to the public, the profession and the social worker about the standard expected from social workers. They do not consider the matters in this case were isolated or of relatively low seriousness.

The case examiners do not consider that the matter fell marginally short of the need to restrict practice, due to the mitigating circumstances outlined in earlier sections of this determination and therefore five years would be disproportionate and punitive. To confirm, the case examiners are satisfied that a warning of three years duration is the proportionate sanction.

The case examiners have therefore decided to propose to the social worker a warning order of three-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 14 days to respond. If the social worker does not agree, or if the case examiners revise their decision regarding the public interest in this case, the matter will proceed to a final hearing.

Content of the warning

The case examiners formally warn the social worker as follows:

Your conduct in this case represented a significant breach of professional standards and had the potential to place members of the public at risk of serious harm and have an adverse impact on public confidence in you as a social worker and the social work profession.

The case examiners warn that as a social worker, it is of paramount importance that you conduct yourself appropriately and in line with the law and your professional standards, in both your personal and professional life. The case examiners remind the social worker of the following Social Work England professional standards (2019):

2.6 As a social worker, I will treat information about people with sensitivity and handle confidential information in line with the law.

3.1 As a social worker I will work within legal and ethical frameworks, using my professional authority and judgement appropriately.

3.4 As a social worker, I will recognise the risk indicators of different forms of abuse and neglect and their impact on people, their families and their support networks.

5.2 As social worker, 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.

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 responded on 8 July 2025. They confirmed that, *“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 are satisfied that the social worker has read and accepted the proposed accepted disposal of a three-year warning order. The case examiners have again considered the public interest in this matter and, as they have not been presented with any new evidence which might change their previous assessment, they are satisfied it remains the case that the public interest can be fulfilled through the accepted disposal process.

The case examiners therefore direct that Social Work England implement a warning order of three years duration.