



Case Examiner Decision  
Anifat Kikelomo Ejide  
FTPS-23007

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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	3 February 2026
	Accepted disposal proposed - warning order (3 years)
Final outcome	21 April 2026
	Accepted disposal – warning order (3 years)

## Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concerns 1-3 being found proven by the adjudicators.
2. There is a realistic prospect of regulatory concerns 1-3 being found to amount to the statutory ground 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 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 was notified of their intention to resolve the case with a warning order of 3 years.

On 3 March 2026 the social worker confirmed that they had read the case examiner's decision and the accepted disposal guide. The social worker confirmed that they understood the terms of proposed disposal of their case and accepted them in full.

The case examiners made additional comments in their decision after the social worker had accepted the terms of the case examiners proposal. The comments did not make a material difference to the outcome but were nonetheless sent to the social worker for review. On 1 April 2026 the social worker confirmed that they had read the additional comments and to proceed with the accepted disposal.

The case examiners have considered all of the documents made available within the evidence bundle. Key evidence is referred to throughout their decision and the case examiners' full reasoning is set out below.

## Anonymity and redaction

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

## The complaint and our regulatory concerns

### The initial complaint

The complainant	The complaint was raised by the social worker's former employer, Warrington Borough Council.
Date the complaint was received	29 November 2023
Complaint summary	The complainant alleges that the social worker failed to carry out an urgent visit to children subject to a Police Protection Order. The complainant also alleges that the social worker told their manager they had visited the children when they had not.

### Regulatory concerns

#### Regulatory concerns as amended by the case examiners

Please note that amendments are highlighted in bold text and the reason for amendments is given in the 'preliminary issues' section of this decision.

While registered as a social worker:

1. On or around 12 November 2023 you failed to visit children subject to a Police Protection Order as instructed by your manager.
2. You told your manager that you had visited those children when you had not.
3. Your conduct at **regulatory concern 2** was dishonest.

The matters set out at regulatory concerns 1 to 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	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Are the case examiners satisfied that the social worker has had reasonable opportunity to make written representations to the investigators?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
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	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
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	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

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

#### Amendments to the regulatory concerns

The regulatory concern was initially presented to the case examiners as follows:

#### Regulatory concern 3

**Your conduct at 2 was dishonest.**

The case examiners consider that the regulatory concern, as presented to them, is grammatically incorrect, therefore, they have amended the regulatory concern as per the regulatory concerns section (above).

The case examiners are satisfied that the amendments they have made are minor as they do not make any material difference to the case presented to the social worker. The case examiners therefore considered it to be unnecessary and disproportionate

to delay consideration of the case further by seeking additional submissions from the social worker.

## The realistic prospect test

### Fitness to practise history

The case examiners have been informed that there is no previous fitness to practise history.

### Decision summary

Is there a realistic prospect of the adjudicators finding the social worker's fitness to practise is impaired?

Yes

No

The case examiners have determined that there is a realistic prospect of regulatory concerns 1, 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

While registered as a social worker:

1. On or around 12 November 2023 you failed to visit children subject to a Police Protection Order as instructed by your manager.

The case examiners have had sight of the social worker's initial response to the regulatory concerns dated 9 April 2024 where the social worker confirms that '*on the 12/11/2023 I had an EDT (out of hour) extra shift booked*'. The social worker's manager reports in their evidence to the regulator dated 29 May 2025 that they were the out of hours manager on 12 November 2023 and that the social worker's shift started at 5.00pm.

The case examiners have been provided with a record of a strategy discussion that took place on 11 November 2023, which confirms that the children were the subject of a Police Protection Order ("PPO") and required an out of hours visit at their

maternal grandmother's house, where the children were directed to reside, on 12 November 2023.

In order to assess whether the social worker *'failed'* to visit the children the case examiners have first turned their minds to what was expected of the social worker and specifically, what was *'instructed'* by their manager as set out in the regulatory concern.

The case examiners have had sight of a text message sent by the manager to the social worker's work mobile phone at 16:46 on 12 November 2023 stating, *'I need you to do a visit as soon as you come on shift to a family where 6 children were PPO'd.'* The social worker did not respond to this text message as they had left their work mobile phone at home, resulting in the manager telephoning the social worker on their personal mobile phone at 17:01.

The manager reports in their evidence to the regulator that during the telephone call they *'explained to the social worker that they needed to visit 6 children, subject to a PPO and explained the other worker was tied up'*. The manager then followed up with a text message to the social worker's personal mobile phone stating *'ring Nan and advise where you will be getting there and thus need to be priority'*.

The social worker responded via text message to their manager at 17:20 stating *'just to be sure this is just a welfare check on all children? Do you need me to speak to them about anything specific?'* At 17:38 the manager instructed the social worker by text message *'they're under a PPO and need daily visits until decisions are made tomorrow. They're not to have rang contact with Mum, so just ask Nan has mum been in touch.'*

The evidence suggests that the instructions communicated to the social worker were clear and a reasonable request of an out of hours social worker on call. The case examiners note that the evidence referred to above suggests that the social worker was made aware that they needed to visit the children at the maternal grandmother's home, they were informed of the severity of the request (children under a PPO) and the timeframe of when to visit (the manager had instructed the visit was a priority). The social worker was also made aware that the other social worker on shift was *'tied up'*. The case examiners have reviewed the social workers submissions to the regulator and there does not appear to be a suggestion that the social worker was unclear of what was expected of them.

Having established what was expected of the social worker, the case examiners now turn their minds to assess what the social worker actually did and whether this constitutes a *'failure'* to carry out the instructions from their manager.

The case examiners have had sight of the evidence provided by the social worker's manager, firstly in an email dated 14 November 2023 (at the material time) to colleagues within the local authority raising their concerns, and in a statement dated 29 April 2024 following a telephone call with the regulator. Both accounts provide a consistent account of events. The manager reports that the social worker sent a text message at 17:39 stating that they were *'driving down now'*. The manager then reports receiving a telephone call from the social worker around 20:15 reporting that they have visited the maternal grandmother's home where 4 of the children were present, one was with another relative and the other was missing from home.

The case examiners have had sight of a text message sent from the manager to the social worker at 20:20 asking the social worker to obtain the times the 2 children had left the maternal grandmother's home. The text message evidence goes some way to corroborating what the manager reports to have said during the telephone call with the social worker.

The manager reports that the social worker advised them that they arrived at the maternal grandmother's home at 7.00pm. When the manager asked further questions of the social worker as to the reason for the delay in informing them that 2 of the children were not with the maternal grandmother the social worker advised that they had been on another visit. The manager reports asking the social worker *'if you knew at 7pm that two children, under PPO weren't there, why didn't you ring me immediately? And why would you then go and complete another visit without telling me this first...I asked [the social worker], who have you been to visit? [the social worker], stumbles a bit and says, 'I haven't been on another visit' I was dealing with sorting my kids'*.

The manager reports telephoning the maternal grandmother at 21:21 who advised that the social worker had not visited due to delays and would visit at 7.00am the following morning. The case examiners have had sight of a witness account provided by the maternal grandmother dated 22 July 2024 which reports *'the social worker phoned again to say [they were] coming at 6pm then 9pm. At that point, I said no because I go to bed at 9pm and I had the children.'* The maternal grandmother's evidence confirms that the social worker visited the following morning at 7.00am.

The social worker accepts that they did not visit the children on the 12 November 2023 as instructed by their manager, they state:

- *'My intention was to get to the family asp. Due to lateness the maternal grand parent informed that it was late, and I should not again visit as the children were in bed.'*

- *‘Because I was panicking at this point, I made a wrong decision in providing [OOH manager] with false information that I had visited one of the family.’*
- *‘I then arranged to visit the children at 7Am on the 13/11/2023 before the children left for school. (I visited the maternal grandparent and seen/spoke to all 4 children in their care at the time, I also apologised to MGP for not visiting over the night).’*

The case examiners have assessed evidence from multiple sources that suggest that the social worker did not visit the children as instructed by their manager.

**Therefore, the case examiners are satisfied that there is a realistic prospect of regulatory concern 1 being found proven by adjudicators.**

2. You told your manager that you had visited those children when you had not.

The case examiners have set out above in the commentary for regulatory concern 1 the evidence that suggests the social worker had not visited the children as instructed by their manager. They will now assess whether the social worker *told their manager* that they had visited those children when they had not.

The case examiners refer again to the evidence from the social worker’s manager (discussed in detail in the commentary for regulatory concern 1) who states that the social worker told them that they arrived at the maternal grandmother’s home at 7.00pm.

The social worker reports in their submissions to the regulator that they did not visit the children, they state *‘because I was panicking at this point, I made a wrong decision in providing [OOH manager] with false information that I had visited one of the family.’*

The case examiners have had sight of the minutes of a meeting held on 14 November 2023 between the social worker and their former employer. The minutes appear to be signed by the social worker. During the meeting the social worker was asked if they told their manager they had visited the children when they had not. The social worker answered, *‘yes I did, I said I initially saw them because I was panicking, I then said I hadn’t visited.’*

In their evidence to the regulator the manager says they made a call to the social worker at 22:36. The case examiners have had sight of a call log which shows the manager making an outgoing call to the social worker’s personal mobile phone at 22:36. During this call the manager states that the social worker maintained that they had visited the maternal grandmother, the manager then advised that they had spoken to the maternal grandmother who had said that they had not visited. The

social worker is reported to have said that they were outside the house but did not go into the house. The manager then states *'you told me you were driving down, had visited and I asked that you go back into the house and tell the MGM [maternal grandmother] to report [child] MFH [missing from home], which you said you had done.'* The manager expressed concern because they had told the police that a social worker had visited, and this was now not the case.

The evidence appears to show that the social worker told their manager that they had visited the children at the maternal grandmother's home when they had not because they panicked in the moment. The social worker appears to suggest that the delays in arriving at the address (due to their own childcare issues) resulted in it being too late to visit the children because they were in bed, the social worker then panicked and told their manager they had visited when they had not.

Whilst the case examiners note that the social worker appears to have been honest with the manager when challenged, the evidence does suggest that the social worker told the manager they had visited the children when they had not.

**Therefore, the case examiners are satisfied that there is a realistic prospect of regulatory concern 2 being found proven by adjudicators.**

3. Your conduct at regulatory concern 2 was dishonest.

In considering regulatory concern 3, the case examiners have applied the test for dishonesty, which consists of two parts – the subjective test and the objective test.

The subjective test requires the case examiners to assess the evidence to ascertain the social worker's actual knowledge or belief as to the facts. The question is not whether the social worker's beliefs are reasonable, but whether they were genuinely held at that time.

The objective test requires the case examiners to consider whether the social worker's alleged conduct may be considered dishonest by the objective standards of ordinary decent people. There is no requirement for the social worker to appreciate that their conduct is, by the objective standards of ordinary decent people, dishonest.

In relation to the subjective test, the case examiners are of the view that the social worker genuinely knew that they had not visited the children at the maternal grandmother's home, the evidence set out in the commentary around regulatory concerns 1 and 2 above suggests this. The social worker accepts in their own evidence that they panicked because of the delays in getting to the maternal grandmother's home and they made *'a wrong decision in providing [OOH manager] with false information that I had visited one of the family.'* The case examiners are of

the view that the social worker knew that they had told their manager they had visited the children when they knew they had not. The case examiners have acknowledged that when challenged the social worker told their manager that they had not visited. However, they also note the evidence from the minutes of the meeting between the social worker and their former employer held on 14 November 2023, where the social worker was asked ‘if [their manager] hadn’t rang the Gran, would you have told us?’ The social worker answered, ‘I don’t know.’

In relation to the objective test, the case examiners consider that if the social worker was found in regulatory concern 2 to have knowingly told their manager they had visited children that were required to be seen on an urgent basis, when they knew they had not visited, ordinary, decent people would view this to be dishonest.

**Therefore, the case examiners are satisfied that there is a realistic prospect of regulatory concern 3 being found proven by adjudicators.**

### 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 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 (2019)

*As a social worker I will:*

*2.1 Be open, honest, reliable and fair.*

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

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

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

*As a social worker I will not:*

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

#### Regulatory concern 1

The case examiners note the function of the out of hours service to be a critical one, because it requires social workers to visit service users whose circumstances are so serious they cannot wait until normal business hours are resumed. The visit required in this case was to risk assess children who had been categorised as requiring police protection under a PPO. Without these visits, children can be left at risk of harm and of losing confidence in social workers, who are supposed to advocate for and support them. The social worker appears to acknowledge this, stating in their initial submissions to the regulator, *'as social workers we are trusted to work independently/efficiently/timely, I thought of how I have negatively implemented this as it will then be difficult for the team/managers to trust my level of work but also family to trust me as a professional.'*

The case examiners are of the view that failing to visit children subject to a PPO when instructed by your manager, if found proven, would be viewed as significant and serious misconduct. They note the professional standards guidance (April 2020) which states that social worker's will *'maintain a focus on the person at risk, whatever other demands or issues come to light.'* [REDACTED]

The social worker also notes in their evidence that:

*'After and during my shift I reflected and understood that if I had been open and honest to the EDT team from the very beginning, I would have not had to face this dilemma in placing [REDACTED] and service user at an unclear situation... This way service users would not be let in an unknown risk, and I would not be under pressure in making decisions.'*

Whilst the case examiners can empathise with the social worker's panic over the difficult situation they found themselves in, they note that they allowed themselves to be in that situation by not organising themselves appropriately (phone/childcare/transport) and not communicating honestly with their manager. This conduct does not align with professional standards of social workers as outlined above.

The case examiners are of the view that, if proven, regulatory concern 1 may represent a breach of standards 3.1 around using judgment appropriately, 3.8 regarding taking accountability for delegated work and fulfilling that responsibility and 3.12 around responding quickly to dangerous situations. Given the importance of visits to children who are vulnerable (set out above) the case examiners consider that the social workers actions would be considered a significant departure from the professional standards.

**Accordingly, there is a realistic prospect of adjudicators determining that regulatory concern 1 amounts to the statutory ground of misconduct.**

### Regulatory concerns 2 and 3

Honesty is key to good social work practice. When a social worker does not act honestly, this brings into question their suitability to work as a social worker. The evidence suggests that the social worker knew they had not visited the children as instructed by their manager, and they knew that they had told their manager they had visited the children when they had not.

The case examiners are of the view that dishonesty by a social worker, if found proven, should be viewed as significant and serious misconduct. They note the professional standards guidance (April 2020) which states “*Where [social workers] are not open and honest, it can put people at risk and may damage confidence in them as a social worker and the social work profession*”.

The case examiners consider that dishonesty in the form of misleading your manager, and other professionals, that you have visited children when you have not, is particularly serious as it has the potential to cause harm to service users, as it indicates that risk assessments and support have been put in place for vulnerable people when they have not.

In this case the social worker had not adequately risk assessed the children when they knew that assessment was urgent, this is apparent in the evidence that the social worker visited the children at 7.00am the following morning indicating that the social worker recognised that the requirement to visit the children was urgent.

Dishonesty of this nature also has the potential to cause delays in sharing information across agencies for others to carry out risk assessments and take appropriate action when needed. In this case, there was a delay in reporting one of the children missing from home to the police, when that child was the subject of a PPO. Furthermore, the case examiners consider it to be an aggravating factor that dishonesty of this nature meant that the manager had told the police that a social worker had visited the children, when unbeknown to them they had not.

When reviewing dishonesty, according to their guidance the case examiners can consider factors such as the duration of dishonesty and whether the social worker admitted the dishonest behaviour at the earliest opportunity. The evidence suggests that when challenged the social worker admitted to their manager that they had not visited the children and that they had not been truthful because they had panicked. However, the evidence contained within the minutes of the meeting between the social worker and their former employer where the social worker was asked '*if [their manager] hadn't rang the Gran, would you have told us?*' The social worker answered, '*I don't know.*' This suggests that if not challenged, the social worker was unsure whether they would have admitted the dishonest behaviour that same evening.

The case examiners are satisfied in light of the evidence provided that this is a serious matter and, if proven, a significant departure from professional standards 5.2 and 2.1.

**Accordingly, there is a realistic prospect of adjudicators determining that regulatory concerns 2 and 3 amount to the statutory ground of misconduct.**

### Impairment

Assessment of impairment consists of two elements:

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

### Personal element

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

### Whether the conduct can be easily remedied

The case examiners acknowledge that dishonest conduct can be difficult to remediate, as it is characterised in case law as a behavioural or attitudinal issue. However, having considered their guidance, case examiners are of the view that by developing insight into what happened and what they would do differently in the future, alongside learning or training and evidence of positive current practice, the social worker in these circumstances, could demonstrate there is a low risk of

repetition, and that they are capable of safe practice. The social worker has provided evidence of reformed character, has shown remorse and provided insight into what happened and what they are now doing differently in their current practice.

### Insight

The case examiners consider that the social worker has demonstrated insight from the beginning of the regulator's investigation. For example, in their initial submissions to the regulator the social worker admitted the key facts and has demonstrated (in evidence considered earlier in the decision) that they recognise what went wrong.

When assessing insight, it is also important to establish if the social worker demonstrates a genuine understanding of the impact of their actions on others, and the profession. The case examiners note that the social worker's submissions demonstrate that they do have this understanding, the social worker has demonstrated that they appreciate the potential impact on the children as well as the impact their alleged conduct may have upon confidence in the social work profession. The social worker has provided evidence that they have reflected that they should have escalated the situation they were in at the start of their shift to ensure that the children were seen and supported.

The case examiners highlight the following submissions from the social worker:

- *After and during my shift I reflected and understood that if I had been open and honest to the EDT team from the very beginning, I would have not had to face this dilemma in placing [REDACTED] service user at an unclear situation.*
- *I had reflected towards my organising skills and identified the need to thoroughly forward plan in balancing my personal life and work life. Withing this reflection I decided to place a stop to picking EDT shifts and only focus on my 9am-5pm Monday to Friday job.*
- *I have also used my time to reflect on the impact of miss informing other professionals and families with false information, the risk to effective MDT work and risk to service users receiving appropriate and timely support/services/intervention, especially in this case where the child under a PPO was deemed missing.*
- *This has never been something I had experienced before, learning from my actions and reflecting on my actions it is not a place or situation I ever want to place myself again.*

The case examiners consider that the social worker has demonstrated a good level of insight.

### Remediation

Turning their minds to remediation, the case examiners are aware that this is best shown by objective evidence. For example, by the successful completion of training courses or other positive feedback in relation to their professional practice.

The case examiners note their guidance that states where concerns relate to a social workers character, such as, dishonesty, it can be more difficult to evidence remediation. This is because it is more difficult to provide objective evidence of reformed character. The guidance also states that evidence of professional competence cannot mitigate serious or persistent dishonesty. Dishonest conduct is highly damaging to public confidence in social work. Therefore, it is likely to warrant a finding of impairment and a more serious sanction of suspension or removal.

The case examiners have not been provided with evidence as to the outcome of the meeting between the former employer and the social worker. It is not clear whether the social worker left the employment or whether they were dismissed. However, the evidence suggests that the social worker returned to practice with another local authority on 4 December 2023 to 8 March 2023. The social worker began working with what the case examiners understand to be their current employer [REDACTED] on 11 March 2023 as an agency worker but has since been successful in an application to become a permanent member of staff.

The case examiners have had sight of objective evidence provided by the social workers (presumed) current employer which confirms that the social worker has been open and honest with them about the concerns raised and measures of support and supervision took place on a regular basis. The (presumed) current employer [REDACTED] confirmed that there are no restrictions or issues with the social workers' current practice and that they do not undertake any additional shifts. The case examiners are of the view that this is evidence that the social worker has directly addressed what went wrong and has now demonstrated safe and effective practice for a period of 2 years and 2 months since the concerns were raised.

The social worker has provided the following examples of additional remediation:

- *I have also completed a reflective practice around trust and ethics, that our clients place a trust in us to work with them, safeguard them/their children and provide adequate/prompt support where necessary.*

- *I have completed a reflection piece with my manager, on many occasions during supervision around trust/lone working. We looked at the importance of the organisation trusting me as a staff member to independently work/support service users, especially vulnerable children.*
- *As part of this reflective piece, I decided to complete a “Child Exploitation and Serious Youth Violence” training. I completed this training on 28/02/2025. This training further placed my attention closer to the risk the children may face if I, as a social worker, do not promptly attend to incidents or promptly provide family/children with prompt support.*
- *I understand that the incident within this case is highly concerning due to how I handled matters at the time. But I would like to state that since then, 2 years have gone by, and I have learned/developed in many areas.*

The case examiners reiterate that dishonesty is fundamentally serious and they revisited their guidance that states evidence of professional competence cannot mitigate serious or persistent dishonesty. However, there is a recognised spectrum of dishonesty, and the context should be considered. The case examiners will now consider the context around the dishonest conduct and draw on case law to assist them.

#### *GMC v Chaudhary*

This case outlined the concept that dishonesty does not have to be an *all-pervading trait* in the sense that a person can be dishonest on just one occasion. The case also highlighted that remediation and unlikelihood of repetition are important factors in considering current impairment.

#### *PSA v GMC and Uppal*

The court commented in this case that decision makers were entitled to find that the dishonest incident was isolated and make a finding of no impairment. The professional’s insight and remediation were relevant as well as the low risk of recurrence.

In this case the case examiners consider the following to be important context around the dishonest conduct:

- The evidence suggests throughout that the social worker told their manager they had visited the children when they had not through panic, caused by the delay in attending as a result of being ill-prepared for their shift.

- The dishonesty was not persistent or a repetitive pattern of behaviour, the manager was made aware within a few hours that the social worker had not visited the children.
- There has been a significant passage of time since the conduct during which the social worker has demonstrated safe and effective practice.
- There is objective evidence from the current employer that there have been no issues with the social worker's practice.
- The social worker has demonstrated significant insight and remediation, including completion of a course in 2025 demonstrating that remediation and self-development is still a priority for the social worker despite evidence of good practice.

#### Risk of repetition

The social worker has shown significant insight into what went wrong and accepted their role and responsibilities in the relation to the events. It is noted that dishonesty is typically more difficult to remediate but, the passage of time in this case, during which the social worker has demonstrated safe and effective practise and other significant remediation, is important context. It is important because it is objective evidence that the social worker has, and continues to, remediate their misconduct.

The case law assists the case examiners in noting that whilst dishonesty is considered serious remediation and unlikelihood of repetition are important factors when considering current impairment. Having considered the passage of time together with evidence of significant insight and remediation, the case examiners are of the view that the risk of repetition is low.

In summary, the case examiners note their guidance that states:

A finding of personal impairment is **usually** (emphasis added by the case examiners) not needed if (both of the following):

- the social worker has understood the causes of and learnt from any mistakes or misjudgements.
- there is no risk of repetition.

The case examiners are satisfied that based on the context and evidence in this case the risk of repetition is low, but acknowledge that they cannot state definitively that there is no risk of repetition.

The case examiners therefore looked again at their guidance which states that a finding of impairment is 'usually' not needed in the circumstances set out above. The case examiners draw on the flexibility suggested by the use of the word 'usually' in their guidance, which indicates that they are not always directed to find personal impairment where they have not concluded that there is no risk of repetition.

The case examiners feel that whilst both of the above points are not strictly engaged in this case, for the reasons set out above, they do not consider the social worker to be currently personally impaired, despite not being able to definitely state that there is no risk of repetition.

However, a finding of public impairment may be required. See 'public impairment' below. The case examiners are satisfied that the social worker does not represent a risk to the public, but they must always consider the public interest when assessing impairment.

Case law assists here, the case of *Bolton v Law Society* made it very clear that 'the reputation of the profession is more important than the fortunes of any individual member. Membership of a profession brings many benefits, but that is part of the price'.

### **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.

In considering the public element, the case examiners were mindful of the regulator's guidance, which explains that allegations of dishonesty are particularly serious. Honesty is key to good social work practice, therefore conduct amounting to dishonesty will likely undermine public confidence in the social work profession.

In such circumstances, the case examiners can only conclude that a failure to find impairment would be highly likely to damage public confidence in the social work profession and would fundamentally undermine the maintenance of proper professional standards for social workers.

Having considered both the personal and public elements, the case examiners do not consider the social worker to be personally impaired, but they have concluded there is a realistic prospect that adjudicators would find the social worker to be currently impaired when considering the public element.

## The public interest

### Decision summary

Is there a public interest in referring the case to a hearing?	Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>

### Referral criteria

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

### Additional reasoning

The case examiners have carefully considered whether a referral to a hearing may be necessary in the public interest. The case examiner guidance states that for a case to be concluded through accepted disposal, the social worker must accept the key facts and that their fitness to practise is currently impaired.

The case examiners note the social worker has accepted the key facts and there is no conflict in evidence that requires resolving at a hearing. However, the social worker has not provided written comment as to whether or not they accept that their fitness to practise is currently impaired. Similarly, the social worker does not deny that their fitness to practise is impaired, they have not provided comment either way. The case examiners note that the investigator encouraged the social worker to provide their comments at the end of the case on the regulator's 'observations form', this form specifically asks whether the social worker considers their fitness to practise to be impaired. The social worker did not complete the form and provided their final comments in the form of a written statement.

Where a social worker does not accept that their fitness to practise is currently impaired, 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. The case examiners are of the view that this does not prevent them offering accepted disposal prior to this.

Whilst 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 consider 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.

Consequently, the case examiners have determined that accepted disposal is the appropriate outcome in this case.

## Accepted disposal

### Case outcome

Proposed outcome	No further action	<input type="checkbox"/>
	Advice	<input type="checkbox"/>
	Warning order	<input checked="" type="checkbox"/>
	Conditions of practice order	<input type="checkbox"/>
	Suspension order	<input type="checkbox"/>
	Removal order	<input type="checkbox"/>
Proposed duration	3 years	

### Reasoning

The case examiners have identified the following mitigating and aggravating factors in this case;

#### Mitigating

- Evidence of remorse and significant insight, the social worker has taken accountability for their conduct in all of the regulatory concerns.
- Extensive remediation together with 2 years of safe and effective practice since the concerns were raised, working in the same service area as when the concerns were raised.
- The social worker has been in employment since 4 December 2023 with no further concerns regarding their practice.
- The social worker has provided a positive testimonial from their current employer. The social worker has secured a permanent role with the local authority having commenced employment as an agency worker.

#### Aggravating

- The seriousness of concerns raised with the potential to place 6 children at the risk of harm.
- Alleged dishonest conduct.

In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's sanctions guidance (December 2022) and reminded themselves that the purpose of a sanction is not to punish the social worker, but to protect the public.

The case examiners have decided that it is not in the public interest to refer this matter to a final hearing and have chosen the least restrictive sanction necessary to protect the public and the wider public interest. They have started at the lowest possible sanction and worked up, testing the appropriateness of each sanction to confirm their decision is proportionate.

#### No further action

The case examiners have already determined that the risk of repetition is low. Guidance therefore directs them to consider taking no further action. They note paragraph 95 of the sanction's guidance which states, when decision makers find impairment, an outcome of 'no further action' is rare. Further, the case examiners are of the view that the misconduct alleged in this case is serious, and that taking no further action does not reflect their consideration of the public interest in this case.

#### Advice

The case examiners next considered whether offering advice would be sufficient in this case. An advice order will normally set out the steps a social worker should take to address the behaviour that led to the regulatory proceedings. However, the case examiners note that they do not consider the social worker to be personally impaired having demonstrated significant remediation, therefore advice to the social worker on how to avoid repeating their conduct is not appropriate in the circumstances as the social worker has already evidenced this. In addition, the case examiners consider that advice would not be sufficient to mark the seriousness of the social worker's alleged conduct given the aggravating factors set out above.

#### Warning

The case examiners next considered whether a warning order might be suitable, given that it would show clear disapproval of the social worker's conduct.

The case examiners note that paragraph 108 of the sanctions guidance details three instances where a warning order is likely to be appropriate, they are:

- *The fitness to practise issue is isolated or limited*
- *There is a low risk of repetition*

- *The social worker has demonstrated insight*

The case examiners consider that all three of the above criteria apply in this case. The case examiners have decided that the most appropriate outcome in this case is a warning order.

#### Conditions of practice or suspension

The guidance states that decision makers should consider issuing a warning order where they cannot formulate any appropriate or proportionate conditions of practice, and a suspension order would be disproportionate.

The case examiners note the sanctions guidance again which states that conditions of practice orders are less likely to be appropriate in cases of character, attitude or behavioural failings. The case examiners have been provided evidence that the social worker has been practicing safely and effectively for a significant period of time, making a conditions of practice order unsuitable.

In this instance, the case examiners consider that the alleged conduct appears isolated in nature, and the social worker has demonstrated a significant level of insight and remediation. The case examiners therefore consider that suspension would be a disproportionate and punitive sanction, given that the social worker has undertaken reflection, has engaged with the regulator, and provided evidence of safe and effective practice without any further reported incidents. Therefore, the case examiners determined that a warning is the most appropriate and proportionate response in this case and is the minimum necessary to serve the wider public interest. A warning will serve as a signal that any repetition of the behaviour that led to the concerns is highly likely to result in a more severe sanction.

#### Duration

In considering the duration of the warning, the case examiners have had regard to the sanctions' guidance which states, 1 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 sanctions guidance tells us that 3 years may be appropriate for more serious concerns. This helps to maintain public confidence and highlight the professional standards. The period also allows more time for the social worker to show that they have addressed any risk of repetition. 5 years may be appropriate for serious cases that have fallen only marginally short of requiring restriction of practice.

The case examiners consider 3 years to be proportionate in this case 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. While the case examiners recognise that the matter is reported to be isolated, they do not consider it to be of '*relatively low seriousness*' given the seriousness of the misconduct, harm and risk of harm that could have occurred. This was a finely balanced determination, as the case examiners do not consider that the social worker requires additional time to address the risk of repetition and they do not consider the social worker to be personally impaired. However, the case examiners do not consider that the matter is of '*relatively low seriousness*', as noted in Social Work England's sanctions guidance in respect of 1 year warnings.

The case examiners do not consider that the matter fell marginally short of the need to restrict practice, and therefore 5 years would be disproportionate and punitive. To confirm, the case examiners are satisfied that a warning of 3 years duration is the proportionate sanction.

As noted above, the case examiners have tested the suitability of a warning order by considering whether conditions of practice or suspension were more appropriate in this case.

The case examiners have decided to propose to the social worker a warning order of 3 years duration. They will now notify the social worker of their intention and seek the social worker's agreement to dispose of the matter accordingly. The social worker will be offered 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 regulatory concerns in this case are serious and had the potential to damage the public's confidence in you, and in the profession as a whole.

The case examiners placed significant weight on the evidence that suggests there is a low risk of repetition when reaching their overall decision to impose warning order in this case. However, should any similar matters be brought to the attention of the regulator, this would bring that conclusion into question and is likely to result in a more serious outcome.

The safeguarding of vulnerable children when you are accountable for doing so is paramount. Failing to do so has the potential to have an adverse effect on the public's confidence in an individual social worker and may also damage the reputation of the social work profession.

The case examiners remind you that you are required to adhere to Social Work England's professional standards. In particular, they bring your attention to the following standards:

As a social worker I will:

2.1 Be open, honest, reliable and fair.

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

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

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

As a social worker I will not:

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

Your conduct should not be repeated. Any similar matters brought to the attention of the regulator are likely to result in a more serious outcome.

In addition, the case examiners recommend, though cannot mandate, that you reflect on this decision and use this determination as part of your continuing personal development.

## Response from the social worker

On 3 March 2026 the social worker confirmed that they had read the case examiner's decision and the accepted disposal guide. The social worker confirmed that they

understood the terms of proposed disposal of their case and accepted them in full. The social worker responded 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.'*

On 1 April 2026 the social worker confirmed that they had read the additional comments made by the case examiners and to proceed with the accepted disposal.

The case examiners are satisfied that an accepted disposal (warning order of 3 years duration) is a fair and proportionate outcome to address the concerns and is the minimum necessary to protect the public and satisfy the wider public interest.

## Case examiners' response and final decision

The case examiners concluded that the social worker's fitness to practise was likely to be found impaired but that the public interest could be met through a prompt conclusion, published decision and removal, rather than through a public hearing. They proposed a warning order of 3 years duration, and the social worker accepted this proposal.

In light of the social worker's acceptance of the warning order, the case examiners have considered again whether there would be a public interest in referring this matter to a public hearing. They remain of the view that this is unnecessary for the reasons set out earlier in the decision.

Having been advised of the social worker's response, the case examiners have again turned their minds as to whether a warning order (of 3 years duration) 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 order (of 3 years duration) is a fair and proportionate disposal and is the minimum necessary to protect the public and the wider public interest.