

Case Examiner Decision
Jacqueline Edmonds
SW109773
FTPS-21274

Contents

The role of the case examiners.....	3
Decision summary.....	4
The complaint and our regulatory concerns	6
Preliminary issues	7
The realistic prospect test.....	8
The public interest	17
Accepted disposal	19

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	29 July 2024
	Accepted disposal proposed – conditions of practice order (18 months)
Final outcome	22 August 2024
	Accepted disposal - Conditions of practice order (18 months)

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 concern 1 being found to amount to the statutory ground of conviction or caution in the UK for a criminal offence. There is a realistic prospect of regulatory concern 2 being found to amount to the statutory ground of adverse physical or mental health.
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 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 case examiners did not consider it to be in the public interest for the matter to be referred to a final hearing and determined that the case could be concluded by way of accepted disposal.

As such, the case examiners requested that the social worker be notified of their intention to resolve the case with a conditions of practice order of 18 months duration.

Anonymity and redaction



The complaint and our regulatory concerns

The initial complaint

The complainant	The social worker made a self-referral to the regulator.
Date the complaint was received	17 October 2022
Complaint summary	The social worker referred themselves to Social Work England after accepting a conditional police caution on 30 August 2022 for the offences of entering an aircraft drunk and two offences of common assault. During the investigation of the above concern, a further concern was raised in respect of adverse health.

Regulatory concerns

Whilst registered as a social worker:

1. On the 30 August 2022 you accepted a conditional police caution for:
 - a. An offence of entering an aircraft drunk
 - b. Two offences of common assault.
2. You may have an unmanaged health condition as set out in Schedule 1.

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 those concerns could amount to the statutory grounds of misconduct and adverse physical or mental health and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

1. On the 30 August 2022 you accepted a conditional police caution for:

a. An offence of entering an aircraft drunk

b. Two offences of common assault.

The case examiners have seen evidence which would support the regulatory concern in its entirety. This includes:

- The MG14 Conditional Caution document issued by Greater Manchester Police (GMP) at Manchester Airport on 30 August 2022 and signed by the social worker, identifying the following offences:
 - Common assault and battery
 - Enter aircraft when drunk / be drunk in aircraft

- Assault or assault by beating on an emergency worker (except a constable)
- The MG5 document, issued by GMP, setting out the facts of the incident that led to the issuing of the conditional caution
- Details of the conditions which the social worker was required to comply with, [REDACTED]

The case examiners note that in their submissions to the regulator, dated 3 April 2024, the social worker does not admit regulatory concern 1. They state they had “more to drink than I should have when boarding the aircraft...I would dispute undertaking any common assault and have no recollection of this”.

On the basis of the evidence provided by GMP, the case examiners are satisfied there is a realistic prospect of adjudicators finding regulatory concern 1 proven.

2. You may have an unmanaged health condition as set out in Schedule 1.

The case examiners have reviewed two documents in respect of this regulatory concern:

[REDACTED]

[REDACTED]

In their submissions to the regulator, the social worker does not admit regulatory concern 2, stating: [REDACTED]

[REDACTED]

The case examiners are satisfied, on the basis of the evidence [REDACTED] that there is a realistic prospect of adjudicators determining that regulatory concern 2 is capable of being found proven.

Grounds

In respect of regulatory concern 1, the social worker has been advised that, were the regulatory concern to be found proven, adjudicators may determine that the matter amounts to the statutory ground of conviction or caution in the UK for a criminal offence.

As outlined above, the case examiners have seen a copy of the documentation confirming a conditional police caution issued to the social worker on 30 August 2022 by GMP at Manchester airport.

The case examiners are satisfied there is realistic prospect of adjudicators finding the statutory ground of a conviction or caution in the United Kingdom for a criminal offence is engaged.

In respect of regulatory concern 2, the social worker has been advised that, were the regulatory concern to be found proven, adjudicators may determine that the matter amounts to the statutory ground of adverse physical or mental health.

Based on the reports [REDACTED] the case examiners are of the view that there may be sufficient evidence for adjudicators to determine that the matter amounts to the statutory ground of adverse physical or mental health.

Impairment

Having concluded there is a realistic prospect of adjudicators establishing both statutory grounds cited in this case, the case examiners must now consider whether there is a realistic prospect of adjudicators determining whether the social worker's fitness to practise is currently impaired.

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 note that their guidance requires them to consider whether the matters before the regulator are easily remediable, and whether the social worker has demonstrated insight and/or conducted remediation to the effect that the risk of repetition is highly unlikely.

Whether the conduct can be easily remedied

The case examiners consider that the conduct alleged in regulatory concerns 1 and 2 could be remedied. In their view, the social worker could remediate by:

- demonstrating reflection and insight into the circumstances that led to allegations of impaired fitness to practise, and
- evidencing the steps they have taken to address the underlying issues behind their alleged conduct.

Insight and remediation

In assessing whether the social worker has demonstrated insight, the case examiners have considered the submissions made by the social worker to the regulator.

The case examiners note that in their initial submissions, dated 7 December 2022, the social worker provides lengthy commentary on the events at Manchester airport which led to their arrest and the subsequent caution.

The case examiners note the submissions focus largely on mitigating circumstances around the time of the incident.

In summary, the social worker:

- refers to “suffering from a heightened emotional state” at the time and their stress levels being high due to personal events, including bereavement and other challenges in their personal life, and the stress being further exacerbated on the day due to flight delays. They do not comment on whether they were drunk when they entered the aircraft and do not say how much alcohol they had consumed but state they had “purchased two small bottles of prosecco each” for themselves and their partner, followed by a “bottle of Gin from duty free” while they waited to board;
- states that prior to boarding they went to the toilet and slipped and banged their head on the way back, which made them feel “dizzy and lightheaded”;
- refers to security being called soon after they were seated on the aircraft and being “abruptly dragged” from their seat and escorted off the plane by the police, expressing the view that the “force and hostility used was completely disproportionate to the event”;
- denies the allegation they had kicked a member of the cabin crew, stating this “physically could not have happened as I remained in my window seat throughout the event. Whilst the stewardess remained stood in the aisle. Given my size I could not have possibly reached her”;
 - states that they were taken to a police station where they were informed they were being arrested, which left them “completely upset and dumbfounded”. They allege that they were taken to a cell and were “inappropriately searched by a support worker...for this reason, I put my hand out and asked if I could have a witness”. They state that the member of staff “became verbally hostile and hit my head against the wall. I would not consider my actions to be an assault and if it was then it was not done with intention...”;
- comments they “genuinely feel remorse for the situation, and I have taken responsibility for my actions”;
- submits that when a conditional caution was mentioned they “did dispute the assaults” and were advised that, in that case, they would have to go through court proceedings. The social worker submits that “given other factors I was going through at the time...I was not strong enough to deal with court proceedings at that time. I also felt guilt and remorse for the events and just wanted to put the situation behind me”.

The case examiners have compared the initial submissions by the social worker with the evidence from GMP. The summary of the key evidence recorded includes the testimony of the two arresting police officers and refers to the social worker being “slumped” on their

seat and looking “very intoxicated” and having to be restrained because they were “shouting, screaming, kicking out and waving [their] arms about...” when being escorted off the aircraft. The police had attended after being notified the social worker had refused an instruction by the captain to leave the aircraft and had assaulted a member of the crew.

The GMP evidence also references the social worker confirming at the time of their police interview on 3 June 2022, the day after the incident, that they:

- were “under the influence of alcohol” but did not feel drunk and had consumed 2 glasses of prosecco and “about 3 or 4 gins within a half hour period” but did not “use measures”;

had no recollection of assaulting the cabin crew and feeling “devastated as it's not the person” they were and were sorry for their actions;

- did not remember being taken off the flight by police and feeling “devastated with [themselves]” when shown footage from the Body Worn Video (BWV) from the time of their detention;
- did not recall being put in a cell and could not remember pushing and kicking the custody officer and feeling “very sorry for [their] actions”.

The case examiners consider it relevant to point out the significant inconsistencies between what is recorded in the notes of the police interview and the initial submissions:

- in their submissions, the social worker denies kicking the cabin crew member and explains how that would not have been possible because of where they were sitting; in the police interview they do not challenge the allegation of assault and express remorse for their actions;
- in their submissions they state that when escorted off the aircraft, the “force and hostility used was completely disproportionate to the event”; during the police interview they expressed feeling “devastated with themselves” when shown the footage from the BWV at the time of their detention;
- during the police interview, the social worker states they do not recall being put in a cell or assaulting the custody officer; in their submissions they describe being “inappropriately” touched by the custody officer and having their head being hit against the wall while in the police cell.

The case examiners note that the police interview was recorded on 3 June 2022, the day after the alleged incident that led to the arrest; the initial submissions were sent to the regulator on 7 December 2022, six months after the arrest. They recognise that information provided immediately after an event is more likely to be an accurate reflection of what

happened, whereas the passage of time may impact on memories and lead to information being lost or misremembered.

In this case, the case examiners note a pattern of the social worker accepting and expressing remorse for the alleged conduct when interviewed by the police and in their later submissions denying the alleged actions and making accusations about police personnel. It is the view of the case examiners that the inconsistencies noted above, rather than reflecting the impact of passage of time, may point to an attempt by the social worker to deflect from the issues of concern and minimise the impact of alcohol consumption on their conduct on 2 June 2022.

With reference to the final submissions made by the social worker on 3 April 2024, the case examiners note the social worker:

- does not accept regulatory concern 1 whilst stating at the same time they “agree that [they] had more to drink than [they] should when boarding the aircraft”. They “dispute undertaking any common assault and have no recollection of this”;

- submits they have “taken accountability for [their] actions” as they accepted a police conditional caution, attended the woman’s centre as requested and accepted a lifetime ban from [the airline company]”;

- recognises that consuming alcohol while working can reduce concentration and “make you more irritable...which can in turn lead to mistakes and risks being imposed on to others I work with”;

- refers to having reflected on their “conduct outside the profession” and “being aware that my conduct is considered, both within and outside the profession”.

The case examiners have made the following observations in respect of these submissions:

- although the social worker states they have taken responsibility for their actions by accepting the conditional caution, their initial submissions suggest they accepted the caution to avoid court proceedings and to “put the matter behind them”;
- not accepting the facts of regulatory concerns 1 and 2, despite evidence from a police interview [REDACTED] appears to contradict the social worker’s assertion that they have taken responsibility for their actions, as they seem to be denying those actions took place;

[REDACTED]

Whilst the social worker refers to accessing a women’s centre, they have not provided any evidence to support this assertion, nor have they detailed any learning from their engagement with the service. It is not clear from the submissions if the social worker attended the women’s service they were referred to by the police as they submitted initially that there was a backlog, and they had to wait until a slot was available. In their final submissions they refer to attending “the women’s centre as requested” but this is not independently verified;

- the reference to their “conduct...in and outside the profession” lacks detail and it is not possible for the case examiners to ascertain exactly what the social worker means by this statement;
- there is brief reference to the impact of consuming alcohol while at work but no detail which would reassure the case examiners the social worker fully recognises the potential impact of their alleged conduct on members of the public, the wider public interest and their employer. There is little consideration in their submissions as to how an adverse health condition may impact on their judgement and ability to make safe decisions whilst at work. Neither is there any reflection on how their alleged actions may impact on the reputation of the profession.

Having considered all the information referred to above, the case examiners have formed the view that there is little evidence of insight and proper, meaningful reflection. The social worker’s submissions appear superficial, lack consistency and are not supported by [REDACTED]



The case examiners have concluded, therefore, that the social worker has not demonstrated sufficient insight and remediation.

Risk of repetition

Given the absence of full insight and remediation, the case examiners are of the view that the risk of repetition is high.

Public element

The case examiners next considered whether the social worker's actions have the potential to undermine public confidence in the social work profession, or the maintenance of proper standards for social workers.

The case examiners are of the view that a well-informed member of the public would be concerned if the regulator did not make a finding of impairment for a social worker who had accepted a conditional caution for entering an aircraft while drunk and for two offences of common assault they later denied. Additionally, the case examiners consider that the public would want to be assured that a social worker with an adverse health condition was not able to practise unrestricted, where there was a risk to the public.

In conclusion, the case examiners are satisfied there is a realistic prospect of adjudicators determining the social worker's fitness to practise is impaired.

The public interest

Decision summary

Is there a public interest in referring the case to a hearing?

Yes

☐

No

☒

Referral criteria

Is there a conflict in the evidence that must be resolved at a hearing?

Yes

☐

No

☒

Does the social worker dispute any or all of the key facts of the case?

Yes

☒

No

☐

Is a hearing necessary to maintain public confidence in the profession, and/or to uphold the professional standards of social workers?

Yes

☐

No

☒

Additional reasoning

The case examiners are mindful of their guidance, which states they must refer matters to a hearing if there is disagreement about the underlying facts of the case which give rise to the allegations of impairment.

In this case, the social worker has indicated that they do not accept the key facts and that their fitness to practise is impaired. However, the social worker has also indicated that they want to continue practising and would like to be supported to do this. The case examiners are of the view that this can be achieved through the accepted disposal process, without the need for a referral to a hearing. The case examiners consider that their analysis of the facts of the regulatory concerns and their reasoning on impairment in this decision provide the social worker an opportunity to reflect on this matter and decide whether they are able to accept the findings on facts and impairment. It is open to the social worker to reject any accepted disposal proposed by the case examiners and request a hearing if they wish to explore facts and impairment in more detail.

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.

Whilst the case examiners have determined the public interest is engaged in this case, they are of the view that the public interest can be satisfied by their decision, and the reasons for that decision, being published on Social Work England's public register which can be found on its website. The 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 published 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. By demonstrating that appropriate action is taken in cases of alleged wrongdoing, publication will enhance public confidence in the social work profession and in the regulator.

Considering all the above factors, the case examiners have decided it is not in the public interest to refer this matter to a hearing. They will therefore seek to resolve this matter, with the social worker's consent, by way of an accepted disposal.

Accepted disposal

Case outcome

Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☐
	Conditions of practice order	☒
	Suspension order	☐
	Removal order	☐
Proposed duration	18 months	

Reasoning

In considering the appropriate outcome in this case, the case examiners had regard to the regulator'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 hearing. In line with their guidance, which sets out that they "should propose the minimum necessary sanction to protect the public" they have chosen the least restrictive sanction necessary to protect the public and the wider public interest. The case examiners started at the lowest possible sanction and worked up, testing the appropriateness of each sanction and the next sanction above it to confirm their decision is proportionate.

The case examiners have already determined there is a realistic prospect that the social worker's fitness to practise would be found impaired. The sanctions guidance advises that if the personal element of impairment is found, "a sanction restricting or removing a social worker's registration will normally be necessary to protect the public". The case examiners are therefore led to consider sanctions which restrict the social worker's practice. They note that the guidance suggests it may therefore "be reasonable to move beyond the lower sanctions (no action, advice or a warning) on this basis alone".

The case examiners have determined that they do not consider the social worker has demonstrated sufficient remediation and there is a risk of repetition. Therefore, the sanctions of no further action, advice or a warning are considered inappropriate on the basis that these outcomes will not restrict practice nor sufficiently protect the public.

The case examiners next considered a conditions of practice order and decided this would provide a supportive framework within which the social worker could continue to practice. A conditions of practice order would provide oversight and monitoring, thus reducing the risk to the public. As the social worker is currently employed and appears to have a supportive employer, a conditions of practice order would seem to be workable and proportionate and would enable the social worker to work towards evidencing remediation.

The case examiners consider the appropriate duration of the conditions of practice order to be a period of 18 months. This will allow the social worker sufficient opportunity to develop full insight and demonstrate remediation, as well as address any underlying health issues. A period less than 18 months may not be sufficient to demonstrate remediation.

The case examiners did consider whether the concerns before them required a sanction of suspension from the register and decided this would be disproportionate and punitive. They recognise that the social worker's alleged conduct in regulatory concern 1 is serious and requires a strong expression of disapproval from the regulator. However, they also recognise that it appears from the evidence that the social worker's health condition was an underlying cause of the alleged conduct and may also have influenced the submissions to the regulator. Evidence from the current employer has reassured the case examiners there are no concerns about the social worker's practice, and this has reinforced for them that a suspension order is not required and is likely to de-skill an experienced practitioner.

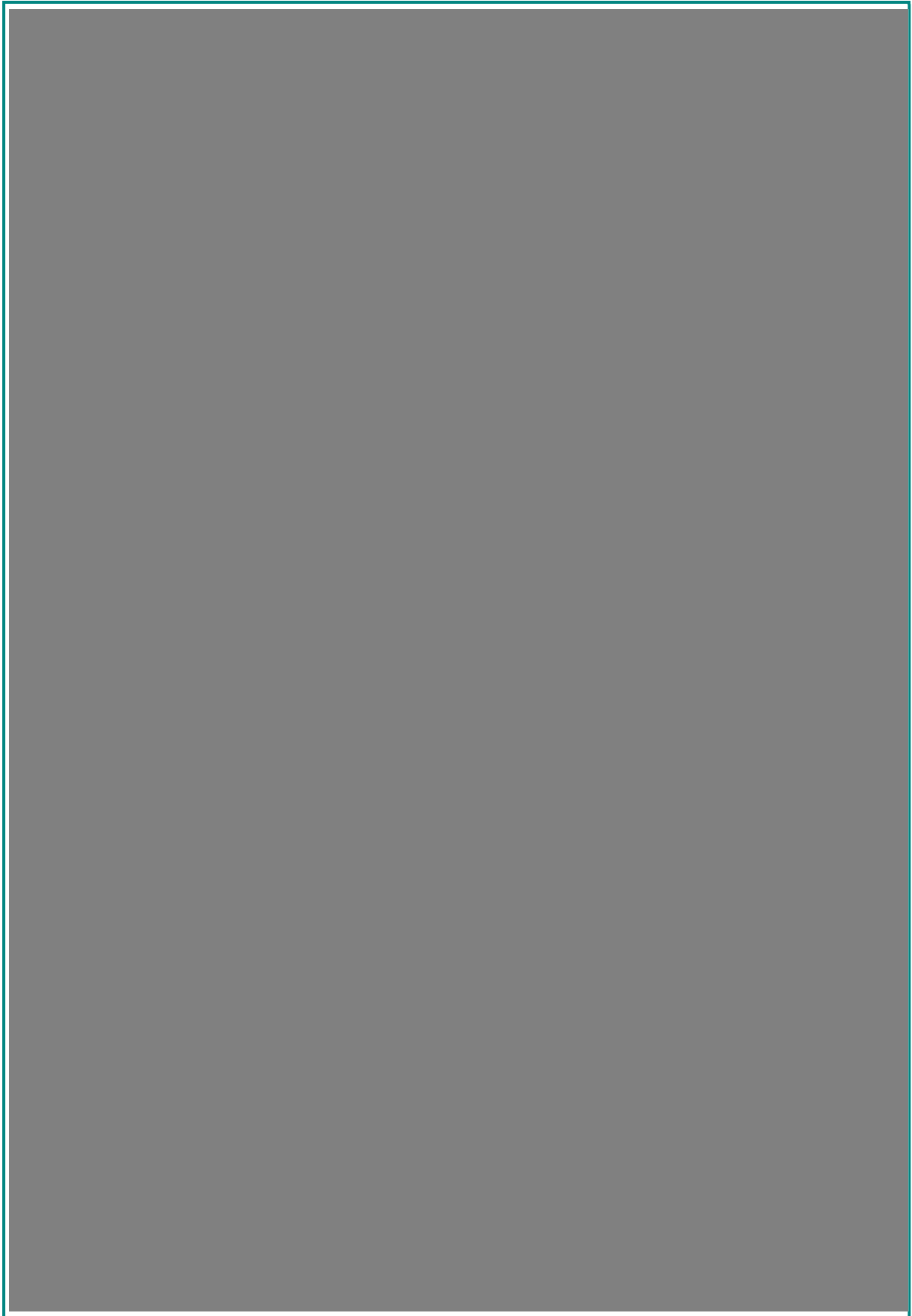
To conclude, the case examiners have decided to propose to the social worker a conditions of practice order of 18 months duration. They will now notify the social worker of their intention and seek the social worker's agreement to dispose of the matter accordingly. The social worker will be offered 28 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.

Content of the conditions of practice order

Conditions 1-19 (inclusive) should be in place for an 18-month period. In accordance with paragraph 15 of Schedule 2 of The Social Workers Regulations 2018, the regulator must review the conditions of practice order before its expiry. The social worker and/or Social

Work England can seek early review if new evidence becomes available to suggest the current order needs to be varied, replaced, or removed.

1. You must notify Social Work England within 7 days of any professional appointment you accept or are currently undertaking and provide the contact details of your employer, agency or any organisation with which you have a contract or arrangement to provide social work services, whether paid or voluntary.
2. You must allow Social Work England to exchange information with your employer, agency or any organisation with which you have a contract or arrangement to provide social work or educational services, and any reporter or workplace supervisor referred to in these conditions.
3.
 - a) At any time you are providing social work services, which require you to be registered with Social Work England, you must agree to the appointment of a reporter nominated by you and approved by Social Work England. The reporter must be on Social Work England's register.
 - b) You must not start or continue to work until these arrangements have been approved by Social Work England.
4. You must provide reports from your reporter to Social Work England every 3 months and at least 14 days prior to any review and Social Work England will make these reports available to any workplace and medical supervisor referred to in these conditions on request.
5. You must inform Social Work England within 7 days of receiving notice of any formal disciplinary proceedings taken against you from the date these conditions take effect.
6. You must inform Social Work England within 7 days of receiving notice of any investigations or complaints made against you from the date these conditions take effect.
7. You must inform Social Work England if you apply for social work employment / self-employment (paid or voluntary) outside England within 7 days of the date of application.
8. You must inform Social Work England if you are registered or subsequently apply for registration with any other UK regulator, overseas regulator or relevant authority within 7 days of the date of application [for future registration] or 7 days from the date these conditions take effect [for existing registration].



15. You must not work as an independent social worker and must only work as a social worker at premises where other social workers are employed.

16. You must not undertake any agency or locum posts of less than 3 months duration.

18. You must provide a written copy of your conditions, within 7 days from the date these conditions take effect, to the following parties confirming that your registration is subject to the conditions listed at 1 to 17, above:

- Any organisation or person employing or contracting with you to undertake social work services whether paid or voluntary.
- Any locum, agency or out-of-hours service you are registered with or apply to be registered with to secure employment or contracts to undertake social work services whether paid or voluntary (at the time of application).
- Any prospective employer who would be employing or contracting with you to undertake social work services whether paid or voluntary (at the time of application).
- Any organisation, agency or employer where you are using your social work qualification/knowledge/skills in a non-qualified social work role, whether paid or voluntary.

You must forward written evidence of your compliance with this condition to Social Work England within 14 days from the date these conditions take effect.

19. You must permit Social Work England to disclose the following conditions to any person requesting information about your registration status: 1 to 8, 15, 16 and 18.

Response from the social worker

A formal response to the proposed accepted disposal was submitted by the social worker on 20 August 2024.

The social worker has stated the following:

“I have read the case examiner 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 considered the public interest in this matter and, as they have not been presented with any new evidence that might change their previous assessment, they are satisfied that it remains the case that the public interest in this case can be fulfilled through the accepted disposal process.

The case examiners, therefore, direct that the regulator enact a conditions of practice order for a duration of 18 months.