

Case Examiner Decision
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FTPS-20842

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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	13 February 2025
	Accepted disposal proposed - conditions of practice order (18 months)
Final outcome	11 March 2025
	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 4 (i, ii, iii, iv, vi, vii) being found proven by the adjudicators. [REDACTED]
[REDACTED]
2. There is a realistic prospect of regulatory concerns 1, and 4 (i, ii, iii, iv, vi, vii) being found to amount to the statutory ground of misconduct. [REDACTED]
[REDACTED]
3. For regulatory concerns 1, and 4 (i, ii, iii, iv, vi, vii), there is a realistic prospect of adjudicators determining that the social worker's fitness to practise is currently impaired.

The case examiners did not consider it to be in the public interest for the matter to be referred to a final hearing and that the case could be concluded by way of accepted disposal.

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

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

In accordance with Social Work England's fitness to practise 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 1	
Person 2	
Person 3	
Person 4	
Person 5	
Person 6	
Person 7	

Person 8	
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The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the social worker's former employer, [REDACTED]
Date the complaint was received	8 June 2022
Complaint summary	The concerns were raised in respect of issues relating to poor performance. However, following the social worker's dismissal, allegations were raised in respect of a serious data breach, where it is alleged that substantial amounts of confidential case data had been emailed to the social worker's personal email address. [REDACTED]

Regulatory concerns and concerns recommended for closure

1. Between or around November 2016 and April 2022 you failed to handle confidential information in line with the law in that you emailed confidential information to your personal email without a legitimate or professional reason to do so.
4. You failed to carry out the following work delegated to you in a timely manner:
 - i. Care Act assessment for Person 1
 - ii. Court of Protection documents for Person 2
 - iii. Decision Support Tool for Person 3

iv. Hospital step down assessment for
Person 4

[REDACTED]

vi. Update in relation to a safeguarding concern for Person 6

vii. Adequately carrying out your responsibilities before and after Multi-Agency
Safeguarding Case Conference for Person 7

Grounds of impairment:

The matters outlined in the regulatory concerns above amount to the statutory ground
of misconduct [REDACTED].

Your fitness to practise is impaired by reason of misconduct [REDACTED]
[REDACTED]

[REDACTED]



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 4 (i, ii, iii, iv, vi, vii) 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

1. Between or around November 2016 and April 2022 you failed to handle confidential information in line with the law in that you emailed confidential information to your personal email without a legitimate or professional reason to do so.

The case examiners have had sight of the employer's breach report dated 25 May 2022, in which it states the social worker sent personal sensitive information from their employer's email account to their personal email account. The case examiners have also seen copies of the employer's policies, in place at the time, in respect of information security, data protection and ICT acceptable use.

The case examiners have seen multiple emails which are reported to be sent from the social worker's work email to their personal email account, however the email addresses are redacted. The evidence suggests these were sent from the social

worker's work account to their personal one, as the investigators for both the employer and regulator have stated this and the social worker has admitted this concern. The case examiners note that these emails span from November 2016 until April 2022. Further, the case examiners note that the emails contain in excess of 50 assessments, which include best interest decisions, deprivation of liberty decisions, and care act assessments. All these documents contain sensitive personal information about individuals with whom the social worker had been assigned to work.

As the regulatory concern cites a failure on behalf of the social worker, the case examiners have considered the expectations in the circumstances. They note the information security policy of the employer in relation to personal data on individuals which states, *'such information must only be stored on council approved systems, accessed via the council's secure methods'*. Further, it states, *'information sharing is essential and, in some cases, mandatory for the Council to work effectively. If information is to be shared externally...then an Information Sharing Agreement needs to be in place'* and *'anonymise information where possible by removing any unnecessary personally identifiable, special category or confidential data'*. The case examiners note that the regulatory concern refers to handling information in line with the law. The council's policies states that the General Data Protection Regulation (GDPR) and UK Data Protection Act 2018 underpin their policies.

The social worker in their submissions to the regulator has accepted this concern and stated that they transferred this information to their personal email as *'good examples of cases to use in CPD'*. Whilst the case examiners note that the social worker may argue that this was shared for their own professional development, the case examiners consider that this is not a legitimate or professional reason for confidential information to be shared.

The evidence in this instance, suggests that it was not essential that the information was shared, no agreement was in place for the information to be shared and it was not anonymised. The evidence therefore suggests that the social worker failed to handle confidential information in line with the law when they emailed assessments to their personal email and that they did not have a legitimate reason to do so.

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

4. You failed to carry out the following work delegated to you in a timely manner:

i. Care Act assessment for Person 1

The case examiners note the regulatory concern cites a failure on behalf of the social worker, therefore they have looked at what would be expected in the circumstances. The case examiners have seen an email from a senior manager at Lewisham dated 1

December 2023. In the email, the manager states that, *'we don't have a policy, it is expected that assessments are typed up within 3 days of the assessment taking place'*.

The case examiners have seen emails, supervision notes, and case notes, that state the social worker completed a visit to Person 1 on 15 September 2021, however they did not complete the Case Act Assessment (CAA) until 24 March 2022. The case examiners have seen notes within the social worker's supervisions that this was overdue, as well as emails chasing the social worker for the assessment and highlighting that the person is going to become homeless. The case examiners note a complaint was received from a family member in respect of this assessment due to the delays that had occurred in completing this.

The social worker in their submissions does not accept this concern and states that the delays were due to them awaiting information about funding relating to housing. The case examiners have seen an email from a senior manager dated 10 October 2024, in which they state that the CAA should have been completed within 28 days and this would have identified the need for care and support and how these needs would be met and this would then be used to inform appropriate housing. Further the manager states there is no evidence on file that the social worker was looking for alternative accommodation and this, therefore, was the reason for the delay.

The evidence suggests the social worker failed to complete the assessment within the timescales expected.

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

ii. Court of Protection documents for Person 2

The case examiners note the regulatory concern cites a failure on behalf of the social worker, therefore they have looked at what would be expected in the circumstances. The case examiners have seen an email from a senior manager at Lewisham which is undated but is in response to an email from Social Work England dated 3 November 2023. In the email, the manager states that, *'instructions were either given by legal or the manager one instruction from legal was on 28 April 2022 as [social worker] had failed to obtain critical information for a court case...she had failed to obtain the information from the provider which was needed for the court statement both legal and her manager had chased her several times.'*

The case examiners have seen email chains around 8 April 2022, in which the social worker is being chased to provide information from the court and stating that the information which has been provided previously by the social worker is not adequate. The case examiners have seen a further email from the social worker's manager to the social worker dated 27 April 2022, in which it is clear that this work is outstanding, that

the manager has provided the social worker some space to complete the witness statement following their earlier email to the social worker on 25 April 2022 that this needed completing and remained outstanding. There is a further email chain dated between 25 - 28 April 2022 from a legal professional stating that there are still gaps within the information that had been provided by the social worker, despite a number of emails being sent earlier outlining specifically what was missing and what outstanding work needed to be completed. The evidence suggests that this remained outstanding at the point the social worker left the authority.

The evidence suggests that despite being given direction by their manager and legal professionals, the social worker failed to complete this piece of work in the timescales set out and to the required standard.

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

iii. Decision Support Tool for Person 3

The case examiners note the regulatory concern cites a failure on behalf of the social worker, therefore they have looked at what would be expected in the circumstances. The case examiners have seen an email from a senior manager at Lewisham which is undated but is in response to an email from Social Work England dated 3 November 2023. In the email, the manager states that, *'[social worker] had been given instruction to attend the DST meeting in August 2021 she attended however she did not sign the DST. The CHC team contacted her, and she ignored the emails which meant the DST had to be redone in February 2022'*.

The case examiners have seen a copy of the Decision Support Tool (DST) form, which has been signed off by the health professional completing this on 5 August 2021, however it does not contain a signature of a member of social care staff.

The case examiners have seen an email dated 18 August 2021, in which it states, *'[social worker] I have already emailed you with regards to signing the box on page 55 of the DST. I have attached the DST again in this email for you to sign and return to me. I need these completing as soon as possible so that I can submit, otherwise the panel will not make a decision'*.

A further email on 8 September advised that the health professional had been away from work and there remained outstanding actions. They again address the social worker, *'I need your signature at the bottom of the DST form, but you wanted to talk about the recommendation before signing'*. It appears that a meeting was agreed on 16 September 2021.

The case examiners have seen a further email chain on 27 January 2022, in which the health professional has emailed the social worker's manager to attend a meeting to *'finally discuss the DST that was completed for Person 3 back in August'*. Following this, it appears that the social worker was tasked with a number of actions and was then invited to another meeting. However, the email chain suggests that despite the social worker giving their availability, they had changed this and were stating that they were unable to meet. A manager within the health authority has responded requesting this issue is raised with the social worker's manager, as this was causing delays again and the social worker's manager has emailed the social worker stating that they need to make themselves available for the meeting and find other workers to cover their duty work.

The evidence suggests that the social worker was aware of the need to liaise with their colleague within health, and despite the colleague chasing the social worker for their signature, the social worker failed to resolve the matter for almost six months after the tool had been completed.

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

iv. Hospital step down assessment for Person 4

The case examiners note the regulatory concern cites a failure on behalf of the social worker, therefore they have looked at what would be expected in the circumstances. The case examiners have seen an email from a senior manager at Lewisham which is undated but is in response to an email from Social Work England dated 3 November 2023. The manager has advised that the social worker had been asked to follow up actions from the *'previous Care and Treatment and Education Review (CTER) in relation to a person who would be stepped down from a secure hospital'*. The manager was made aware on 30 March 2022 at a meeting, that the social worker had not followed up actions from the previous CTR and states *'there was a concern that this would potentially delay a move from a secure unit. I had to email on the same day to chase her for update and to ensure she attended the next meeting. I also reminded her that the CAA had been requested 3 weeks ago and it hadn't been completed'*. In another email dated 1 December 2023, the senior manager states that the CTER plan would be used to look at the person's ongoing treatment and decide who will be involved in implementing actions from the plan. The evidence therefore suggests the expectation is that if a social worker is asked to attend meetings and follow up actions by their manager, that they would do so, in order to avoid delay for someone with whom they are working.

The case examiners have seen minutes from a professionals meeting on 21 February 2022, where they note the social worker was not present, however the minutes state

the social worker had agreed to provide a copy of the completed Care Act Assessment at the previous meeting on 7 February 2022, but that this had not happened yet. The social worker was tasked with a number of actions from this meeting in order to progress the case.

The case examiners have seen case supervision notes from 1 March 2022, in which the social worker is advised the care act assessment is to be completed. An email dated 7 March 2022, from another professional lists an action for the social worker to circulate the completed Care Act Assessment. The case examiners have seen a copy of the Care Act Assessment, which is dated as starting on 25 March 2022.

The case examiners have seen an email dated 30 March 2022, from a senior manager to the social worker stating that they are assuming the social worker will be at a meeting for Person 4 that day and that they need to ensure that this is a priority. The manager has highlighted that there are a number of outstanding actions for the social worker and that they had asked the social worker to complete the Care Act Assessment about three weeks ago and state, *'this is still not complete please ensure that this assessment is completed by the end of the week'*.

The case examiners have seen an email from a senior manager to the social worker's manager, which is forwarded to the social worker on 25 April 2022, in which it states that the care act assessment for Person 4 needs completing and the transfer summary.

The evidence suggests in order for Person 4 to move from the hospital, an assessment needed to be completed by the social worker. The evidence suggests that despite prompting, the social worker failed to complete this in the timescales which had been set out for the social worker.

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

v. 



vi. Update in relation to a safeguarding concern for Person 6

The case examiners note the regulatory concern cites a failure on behalf of the social worker, therefore they have looked at what would be expected in the circumstances. The case examiners have seen an email from a senior manager at Lewisham dated 1 February 2024, in which the manager has stated the expectation would be that the social worker would *‘invite the provider to the safeguarding meeting on 6 January 2022 and advise the provider of the outcome of the safeguarding enquiry’*. The social worker in this context was supervising the allocated worker for Person 6.

The case examiners have seen emails from a senior manager to the social worker and their manager dated 2 March 2022, in which the senior manager states that they have received a complaint in respect of this case, as the provider states they were not invited to the safeguarding meeting, nor were they provided with an outcome of the meeting.

The case examiners have seen an email chain that starts on 6 October 2022 raising a safeguarding concern in respect of Person 6. The following are then seen:

- An email from the provider dated 20 January 2022, asking the senior manager if this safeguarding enquiry is still open.
- A response from the manager on 24 January 2022, providing the details of the allocated social worker and this social worker (who was the manager overseeing the case) in order that they could provide progress on the case.
- A further email from the provider on 2 March 2022, to the senior manager and copied to both the social worker and the allocated worker, asking for an update as they have received no information.
- A response from the social worker the same day asking for confirmation as to who Person 6 is, and the provider has given further details. The social worker has then responded that the case was closed on 6 January 2022, however they have provided no further detail.

- On 2 March 2022, the provider has then raised the complaint that on 20 January 2022 when they emailed the senior manager, they were told the case was in progress, however they had then been told by the social worker that this was closed on 6 January 2022.

The evidence suggests the social worker failed to ensure that appropriate actions were taken in respect of this case, in that the provider does not appear to have been invited to the meeting or updated and whilst they were not the allocated worker, their oversight of the case appears to have been minimal.

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

vii. Adequately carrying out your responsibilities before and after Multi-Agency Safeguarding Case Conference for Person 7

The case examiners note the regulatory concern cites a failure on behalf of the social worker, therefore they have looked at what would be expected in the circumstances. The case examiners have seen an email from a senior manager at Lewisham dated 1 February 2024, which relates to another case, but references the expectations in respect of the social worker's responsibilities before and after Multi-Agency Safeguarding Case Conferences. The manager has stated that the expectation would be that the social worker would provide a s42 report, agenda, provider report, risk assessment and a link to the meeting before the meeting and then record the outcome of the meeting on the person's file.

The case examiners have seen an email from a business support officer dated 2 March 2022 to the social worker. It states, *'I am of the impression that I will be taking a meeting for Person 7??? I have no documents for him/her and no link to the meeting. Without the link I won't be able to access the meeting. I tried to call you without success. I am only here until 12.30pm as I work part time and would like to look over the paperwork before I log off. PLEASE, PLEASE SEND ME THE PAPERS AND LINK TO THE MEETING. (their emphasis) This whole process has been very confusing for myself and [worker]'*.

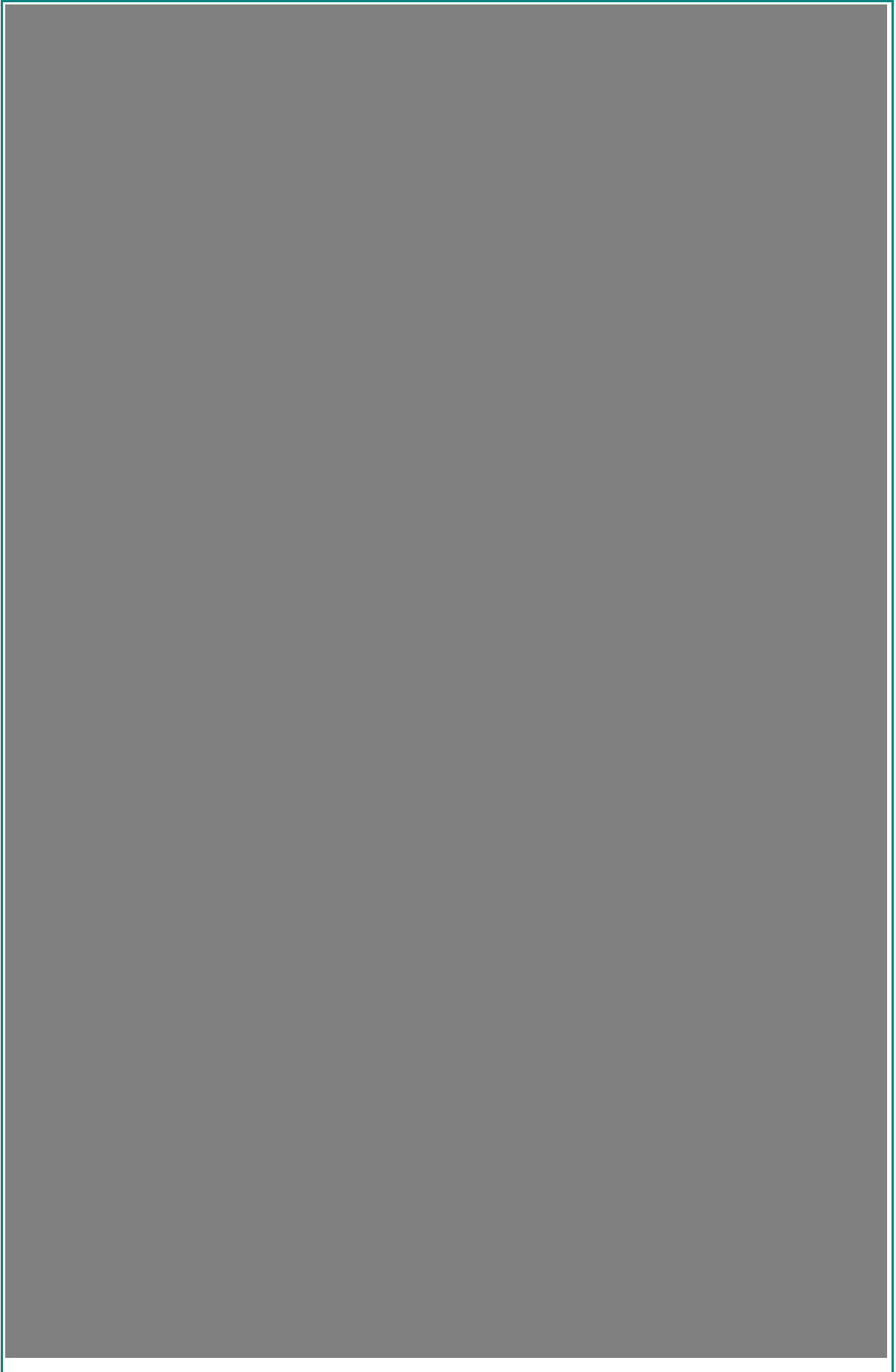
The case examiners have also seen an email dated 21 March 2022 from Person 8 to the social worker, asking for the outcome and formal minutes of the meeting. The case examiners have seen a further email from Person 8, on 1 April 2022 to the social worker chasing a response and again pointing out that the meeting took place 4 weeks ago and they, *'have not received any formal outcome of this meeting, nor any formal minutes'*. The social worker's manager has responded on 1 April 2022 stating that they have asked the social worker to chase the minutes and *'hopefully, this will be circulated next week'*. There is a further email from the social worker's manager to the

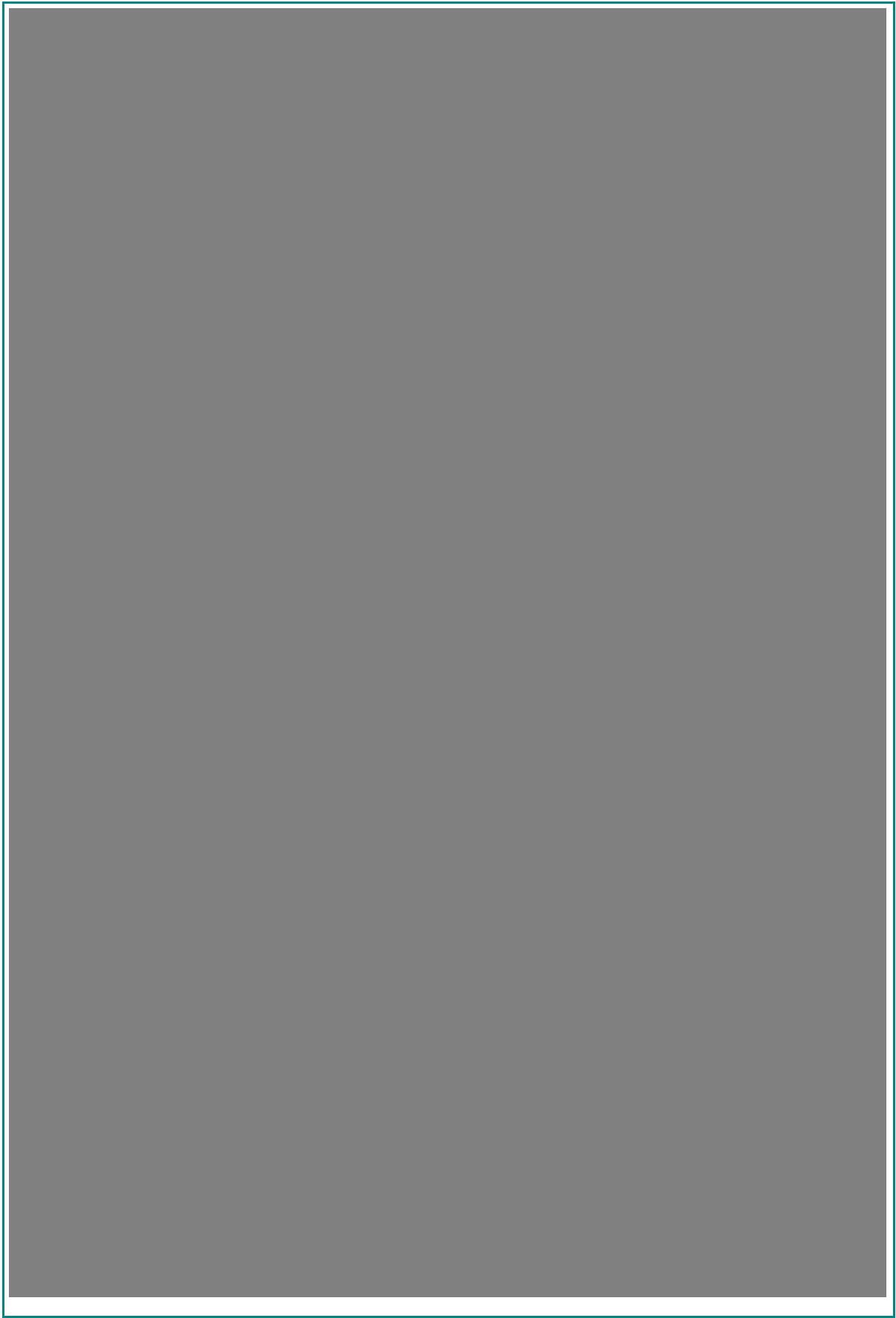
social worker on 21 April 2022 asking the social worker to chase this with the minute taker.

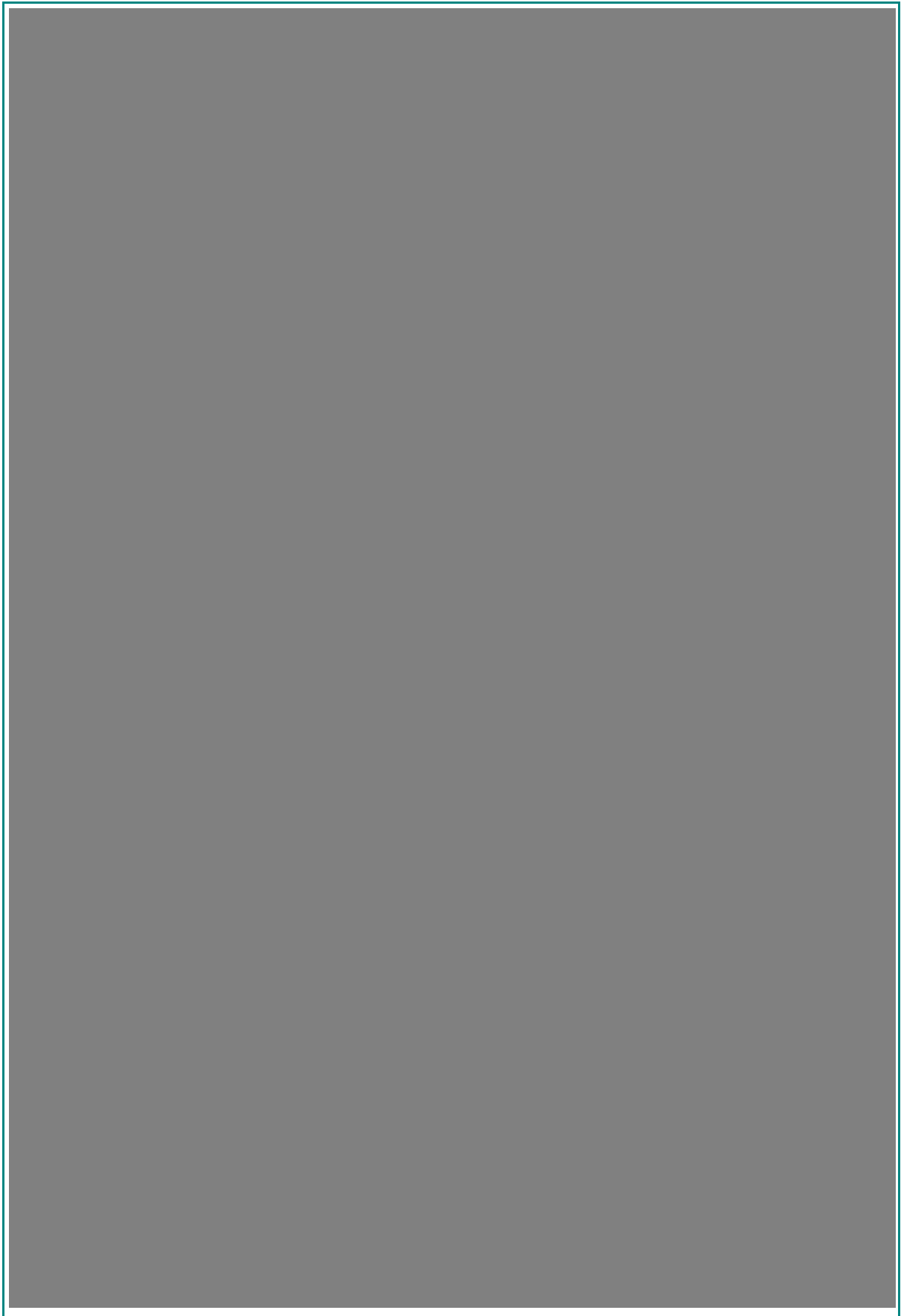
The evidence suggests that the social worker failed to provide the necessary documentation to all the relevant people in advance of the meeting in line with expectations and further that they failed to ensure that all relevant people had access to the outcome following the meeting.

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



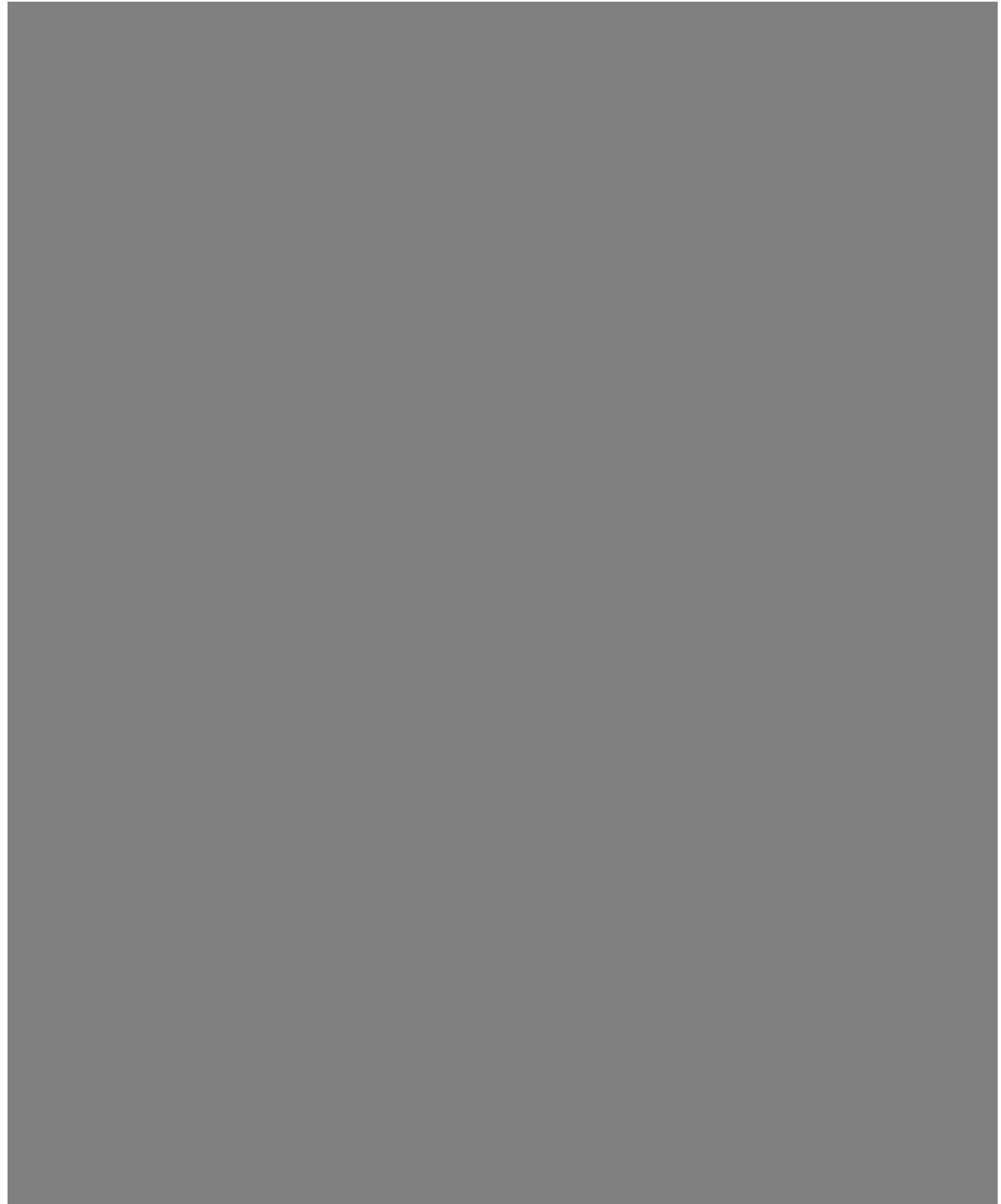








Grounds





Misconduct

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

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, namely Social Work England professional standards (2019). The case examiners consider the social worker may have breached the following standards:

As a social worker, I will:

2.6 Treat information about people with sensitivity and handle confidential information in line with the law.

As a social worker, I will not:

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

In respect of concern 1, the case examiners are aware that falling short of the standards may not always amount to misconduct. However, adjudicators in this instance may determine that the social worker has significantly departed from the standards expected. Social workers in their roles, have access to a large amount of confidential and sensitive information about people. Therefore, members of the public need to be confident that when social workers access records, they do so in an appropriate way and for legitimate purposes. The case examiners have set out that the

social worker in this instance sent large amounts of sensitive data to their personal email account over a period of almost six years.

The case examiners consider that members of the public and adjudicators would view this alleged conduct as very serious.

Accessing records without a legitimate reason to do so would not align with standard 2.6 and 5.2.

If the matters were to be found proven, the case examiners conclude the alleged conduct is serious and is likely to suggest a significant departure from the professional standards detailed above.

The case examiners are satisfied there is a realistic prospect of adjudicators finding concern 1 amounts to the statutory ground of misconduct.

In respect of concern 4, the case examiners note that the alleged conduct relates to the social worker failing to carry out tasks within the expected timescales and that this may have caused delays for instance, in terms of support being implemented. The following standards may have been breached:

As a social worker I will:

3.8 Clarify where 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.

Social workers are involved with people at often critical times of their lives, and it is important that they complete work in a timely manner in order that people are assisted and receive the support they need at the time they need this. There is evidence to suggest that in the case of Person 1, there were significant delays and this caused a significant amount of stress to both Person 1 and their relative, as the evidence suggests that Person 1 was being threatened with homelessness due to the length of time that had passed since the social worker had become involved.

Not progressing cases and completing the necessary work would not align with standard 3.8 and 3.12.

If the matters were to be found proven, the case examiners conclude the alleged conduct is serious and is likely to suggest a significant departure from the professional standards detailed above.

The case examiners are satisfied there is a realistic prospect of adjudicators finding concern 1 amounts to the statutory ground of misconduct.

Impairment

Personal element

In considering the personal element of impairment, the case examiners have considered the test for personal impairment as set out in the case examiner guidance (2022), namely whether the conduct is remediable; whether the social worker has undergone remediation and demonstrated insight; and whether there is a likelihood the matters alleged will be repeated. The case examiners should also look at whether the social worker has admitted the allegations, any relevant previous history and any testimonials that have been provided.

The case examiners note there is no previous history in respect of this social worker.

The social worker has accepted concern 1 and has expressed remorse, stating:

'I had transferred the information to my personal email as good examples of cases to use in CPD. I am extremely remorseful, and I wish I could go back in time. I now understand the severity of such a breach, but can honestly state there was no malicious or deceitful intention...'

However, the case examiners consider that the social worker has shown limited insight.

Further, the social worker states that, *'at no time was GDPR training offered at Lewisham Council'*. The case examiners note an email sent to the social worker from a senior manager on 14 October 2021, advising that they need to complete the GDPR training as they are on the outstanding list for not completing mandatory training.

In terms of remediation, the case examiners note that the social worker states they have completed some training around information governance between 2023-2024. The social worker has provided no independent verification of this.

The case examiners have seen a number of testimonials in respect of the social worker's practice. However, the case examiners note that they make no reference to the fitness to practice concerns and in particular to the alleged concerns. The case examiners therefore consider they cannot attribute much weight to these.

In respect of concern 4, the social worker has only commented on 4i, where they have denied the concerns and spoken of the delay completing this assessment as being as a result of seeking appropriate housing. Whilst social workers are entitled to deny the concerns, this can make reflection and demonstrating insight difficult.

The case examiners note that the social worker has not provided any final comments, therefore they consider that they must proceed with caution as the social worker may lack insight, as they have not provided the case examiners with any reflections, nor have they provide any evidence of remediation in respect of these concerns.

Considering the limited insight, and the lack of remediation in respect of the concerns, the case examiners consider the risk of repetition is high.

Public element of impairment

The case examiners next considered whether the social worker's alleged actions have the potential to undermine public confidence in social workers and whether this is a case where adjudicators may determine that 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.

A social worker who is found to have sent substantial amounts of confidential information without a legitimate reason to do so has the potential to undermine public confidence. Trust is vital in social work and by accessing records inappropriately, there is the potential to undermine this and impact on people's engagement.

In addition, a social worker who is alleged to have not completed work in a timely manner, which has caused delays to people accessing the appropriate support is likely to impact on the public's confidence in them and the profession. The public expect that when they need support, social workers will act to progress their work in order to support people in a timely manner.

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

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 considered whether a referral to a hearing may be necessary in the public interest. It is unclear whether the social worker accepts that their conduct is impaired, however the social worker has not accepted one limb of one of the concerns, namely 4i. It is unclear whether the social worker accepted the other elements of this concern, and they have accepted concern 1.

Where a social worker does not accept impairment and key facts, 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 and key facts 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:

- There is no conflict in evidence in this case and the social worker has accepted some of the key facts.

- The case examiners recognise that not all professionals will have an innate understanding of how and when the public interest may be engaged, or how exactly this might impact upon findings concerning current fitness to practise.
- The accepted disposal process will provide the social worker an opportunity to review the case examiner's reasoning on impairment and facts and reflect on whether they accept this. 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	18 months	

Reasoning

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 sanctions 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 are of the view the social worker's impairment continues to pose some current risk to public safety as there is insufficient evidence at this time of the social worker having developed insight into the data breach and their alleged conduct in respect of not completing work in a timely manner. Further, whilst the case examiners have seen positive testimonials from the social worker's colleagues, it is unclear whether they are aware of the alleged concerns. The social worker has provided no evidence of remediation that addresses the alleged concerns. As a result, the case examiners have concluded that there is a risk of repetition. Given this, the outcomes of no further action, advice, or warnings are considered inappropriate on the basis that these will not sufficiently protect the public. Further, they would not mark the seriousness with which the case examiners view the alleged conduct.

The case examiners next considered a conditions of practice order being imposed on the social worker's registration. They concluded that this was the most appropriate and proportionate outcome. Conditions will provide the social worker a supportive framework within which to demonstrate that they understand the seriousness of the

alleged conduct and that they are safe to practise whilst protecting the public. It will also enable the regulator to maintain oversight and supervision of the social worker's practice. The case examiners note that the social worker is currently working and has done so since the alleged concerns arose. The case examiners have seen a reference from one of the social worker's employers in June 2024, in which they confirm that they had no concerns about their practice, however it is unclear whether they are aware of the specific concerns particularly in respect of data protection.

The case examiners did consider whether the next available sanction, suspension, would be more appropriate in this case. However, it was their view that suspension would be unnecessarily punitive, and it would risk deskilling the social worker. Given the positive reference that the social worker has received in respect of their general practice, the case examiners consider it would be disproportionate to take the social worker out of practice. It would also be disproportionate as public protection could be achieved by a conditions of practice order.

In terms of duration, the sanctions guidance states that conditions can be imposed for up to three years at a time. When considering the timescale for the conditions, the case examiners have determined that a period of 18 months would be appropriate in this case. This period would allow the social worker to demonstrate that they have fully understood their responsibilities in terms of data protection and ensuring that their work is completed in a timely manner. Eighteen months will allow the social worker sufficient opportunity to fully demonstrate that they understand the seriousness of their previous alleged conduct. This period would allow the social worker to demonstrate over a sustained period, including at least one appraisal cycle, that they are able to handle confidential information safely. The case examiners consider this is necessary given the length of time over which the previous alleged conduct took place. The case examiners consider a longer period than 18 months is unnecessary and disproportionate at this stage.

The case examiners will notify the social worker of their proposals in respect of conditions of practice and seek the social worker's agreement to dispose of the matter accordingly. Should the social worker 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.

The case examiners will give the social worker 21 days to respond to the offer of an accepted disposal. 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 advice conditions of practice

Conditions 1-15 (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 4 months and at least 14 days prior to any review and Social Work England will make these reports available to any workplace 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.

9. a. At any time you are employed, or providing social work services, which require you to be registered with Social Work England; you must place yourself and remain under the supervision of a workplace supervisor nominated by you, and agreed by Social Work England. The workplace supervisor 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.

10. a. You must make arrangements for an audit to be carried out by your reporter in relation to accessing and sharing confidential information, including access to and review of your workplace email account. The audit must be signed by your reporter.

b. You must provide a copy of this audit to Social Work England every 4 months and at least 14 days prior to any review.

11. You must work with your reporter or workplace supervisor to formulate a personal development plan, specifically designed to address the shortfalls in the following areas of your practice:

- GDPR and maintaining confidential records
- Completing work within recommended timescales
- Time management

12. You must provide a copy of your personal development plan to Social Work England within 6 weeks from the date these conditions take effect and an updated copy 4 weeks prior to any review.

13. You must read Social Work England's 'Professional Standards' (July 2019), and provide a written reflection 6 months after these conditions take effect, focusing on how your conduct in the matters relating to this case, namely the importance of maintaining confidential records, and completing allocated work all within recommended timescales, was below the accepted standard of a social worker, the potential impact of this, and the steps you will take to avoid repetition. The reflection should be a minimum of 1,000 words.

14. 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 1-13, 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 in order 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.

15. You must permit Social Work England to disclose the above conditions, 1-14, to any person requesting information about your registration status.

Response from the social worker

The social worker responded on 11 March 2025 and confirmed that they had read and understood the terms of the proposed disposal.

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 an eighteen month conditions of practice order. The

case examiners have again 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 to be the case that the public interest in this case can be fulfilled through the accepted disposal process. The case examiners therefore direct that Social Work England implement an eighteen month conditions of practice order.