

Case Examiner Decision
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FTPS-21904

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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	22 October 2024
	Accepted disposal proposed - warning order (1 year)
Final outcome	11 November 2024
	Accepted disposal - warning order (1 year)

Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concerns 1, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, 3.5 and 3.6 being found proven by the adjudicators. 

2. There is a realistic prospect of regulatory concerns 1, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, 3.5 and 3.6 being found to amount to the statutory ground of misconduct.
3. For regulatory concerns 1, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, 3.5 and 3.6, 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 1 year. The social worker accepted the proposal and the matter was resolved by 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 **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.

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the social worker's former employer, Northumberland County Council.
Date the complaint was received	7 March 2023
Complaint summary	The former employer referred the social worker after they had been alerted to concerns that Service User A was being financially exploited by the social worker. Following health issues, Service User A was discharged from hospital to a care home on 31 March 2021 and the social worker's intervention was planned to be short, however, Service User A remained at the care home until 2 August 2022. The concerns mainly relate to the social worker's involvement in supporting Service User A to return home.

Regulatory concerns and concerns recommended for closure

1. Between April 2021 and August 2022, you failed to go through appropriate channels when sourcing and utilising companies to support in the cleaning and decluttering of service user A's home address.
2. Between April 2021 and August 2022, you failed to maintain professional boundaries, in that you;
 - 2.1 Used service user A's bank details without service user A being present.
 - 2.2 Entered service user A's property without service user A being present.
 - 2.3 Retained service user A's house key at your own home address.

3. Between April 2021 and January 2023, you failed to act in the best interest of service user A, in that you;

3.1 Failed to visit and/or contact service user A at an appropriate frequency.

3.2 Failed to visit service user A before their case was closed to adult social care.

3.3 Failed to arrange for service user A to oversee the clearance of their home.

3.5 Failed to complete a care and support assessment for service user A.

3.6 Failed to maintain up to date case notes for service user A.

Grounds of impairment:

The matters outlined in regulatory concerns (1), (2.1), (2.2), (2.3), (3.1), (3.2), (3.3), (3.5) & (3.6) amount to the statutory ground of misconduct.

Your fitness to practise is impaired by reason of misconduct.



Preliminary issues

Investigation		
Are the case examiners satisfied that the social worker has been notified of the grounds for investigation?	Yes	☒
	No	☐
Are the case examiners satisfied that the social worker has had reasonable opportunity to make written representations to the investigators?	Yes	☒
	No	☐
Are the case examiners satisfied that they have all relevant evidence available to them, or that adequate attempts have been made to obtain evidence that is not available?	Yes	☒
	No	☐
Are the case examiners satisfied that it was not proportionate or necessary to offer the complainant the opportunity to provide final written representations; or that they were provided a reasonable opportunity to do so where required.	Yes	☒
	No	☐

The realistic prospect test

Fitness to practise history

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

Decision summary

Is there a realistic prospect of the adjudicators finding the social worker's fitness to practise is impaired?	Yes	☒
	No	☐

The case examiners have determined that there is a realistic prospect of regulatory concerns 1, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, 3.5 and 3.6 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

To provide some context, the initial concerns were raised to the employer via another professional based in a health organisation. It was alleged that the social worker was paid £4,600 in total to facilitate a deep clean of service user A's home, skip hire, new bedding and additional cleaning via the service user's bank cards and that the social worker held service user A's banking details. It was alleged that the work was not completed, and personal items were taken from service user A's home without their consent and that the social worker had stolen from the service user.

1. Between April 2021 and August 2022, you failed to go through appropriate channels when sourcing and utilising companies to support in the cleaning and decluttering of service user A's home address.

The case examiners have seen an interview with the social worker as part of the employer's disciplinary hearing in which the social worker stated that they could not

remember how many quotes they had got for work to be completed on Service User A's home, but that they thought, *'it may have been two or three'* and was unable to remember if they were written quotes *'but thought they may have been given verbally'*. The social worker stated that *'the quotes were discussed with Service User A as they were in control of the decision making'*. When asked if the conversations were recorded on the case management system, the social worker responded that they, *'hoped so but couldn't remember'*.

As part of the employer's disciplinary process, Service User A stated that the social worker had not discussed any quotes with them.

The case examiners note that the employer has provided case notes for the social worker's involvement with Service User A and there was a record on 17 September 2021 of contact with a skip hire company and a price for a large skip. It was recorded that the social worker tried to contact both Service User A and their friend to inform of the price but were unable to contact and left a message on the friend's phone. No further records were made until 7 October 2021, when it was recorded under heading 'note' that *'permission has been given by Service User A and their partner to exchange skips in order to remove newspapers from the property.... social worker to pop in unannounced to check progress. Company quote for £2,500 to clear whole property which is 7 rooms, and a hallway then do a clean. Service User A was happy with this quote and didn't want me to get any more quotes as they are keen to get home as quickly as possible'*.

The case examiners note that the regulatory concern cites a failure on the part of the social worker, therefore they have looked at what would be expected in the circumstances. The case examiners note that a senior manager within the authority states that they would expect the social worker to, *'have a discussion with the support planners, CNTW support workers and a discussion with team manager'*. In a response to Social Work England, the employer states the expectation would be that the social worker would *'make a referral to our support planning team who could have provided Service User A with support around companies they could use to make it safe for them to return home to their property'*. The case examiners have seen within the disciplinary hearing that the social worker was asked if they had used this process, as described above for other cases, and the social worker stated that they had done so on a previous occasion. The evidence suggests that the social worker was aware of the appropriate process, however they did not use this on this occasion.

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

2. Between April 2021 and August 2022, you failed to maintain professional boundaries, in that you.

2.1 Used service user A's bank details without service user A being present.

The case examiners have seen the employer's investigation report dated 11 April 2023, which records that the investigating officer spoke with Service User A on 17 March 2023. The investigating officer recorded that Service User A stated that the social worker had paid for the services to their property using their debit card. Service User A told the investigating officer that they had given their friend permission to give the social worker the details of their card to arrange payment for services. Service User A said that quotes were not discussed with them beforehand and that they did not receive any receipts for the work carried out.

The case examiners have seen case notes relating to Service User A, which indicate that the only time that the social worker met Service User A was on 24 August 2022, however this was after this work had been completed.

The case examiners have seen within the notes from the employer's disciplinary hearing, the social worker stated they had the bank card details, as Service User A had provided these over the phone. The disciplinary outcome letter dated 4 September 2023, states that the social worker *'admitted to using a client's bank details without them being present'*.

The case examiners have looked at what would be expected in the circumstances and they note a manager's comment within the employer's disciplinary hearing that, *'if a client was asking you to assist them in making a payment, you would be with them and would do this over the phone with them present.'* Furthermore, when asked about whether this would be documented, the manager responded, *'you absolutely would do so'*. The case examiners note that the evidence suggests that the social worker did neither of these two actions.

The social worker, within their submissions, has accepted this concern.

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

2.2 Entered service user A's property without service user A being present.

As noted above, the case examiners have seen case notes which indicate that the only time that the social worker met Service User A was on 24 August 2022, however this was after this work had been completed.

Within the employer's investigation report, Service User A is recorded as being *'very upset at the amount of stuff that has gone missing without their consent'*. The social worker was asked if they had ever entered the property alone, to which the social worker responded that they *'did not think so but may have to check the mouse traps'*. However, they also stated that after the initial declutter, *'there were mouse droppings all over and because of the level of hoarding in the kitchen, tins had disintegrated in the drawers'*. The case examiners have seen a case note on 7 October 2021 by the social worker that they were intending to complete an unannounced visit to the property to check on progress of the clean.

It is therefore reasonable to conclude that the only way that the social worker could have been aware of the condition of the property was if they entered the property. Since at the time Service User A was not living there, it is reasonable to conclude that the social worker entered the property alone.

The social worker in their submissions has accepted this concern.

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

2.3 Retained service user A's house key at your own home address.

The case examiners have seen the employer's investigation report, in which the social worker is recorded as admitting that they held the keys at their home and provided the context as to why this was the case. Within the employer's disciplinary hearing, when questioned, the social worker again stated they held Service User A's keys at their home.

Service User A is recorded as reporting to the investigating officer for the employer, that they gave permission for their keys to be given to the social worker and their friend provided these to the social worker.

The social worker in their submissions has accepted this concern and they state that this was *"normal practice" to enter homes alone and key holding, so at the time I thought it was fine as everyone else did the same'*. The case examiners note that the investigating officer at the local authority stated that to their knowledge, this would not be normal practice, they stated that *'adult social care can hold keys but would be kept in an office safe and there would be a sign in form'*.

The evidence suggests the social worker held Service User A's keys at their home.

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

The case examiners note the overarching concern in this instance relates to professional boundaries. Social workers are trusted with confidential information and supporting vulnerable people often at times of stress or crisis. However, it is important that policies and procedures are followed and documented in order that professional boundaries are maintained and there is no scope for any actions to be misinterpreted. The evidence suggests that in this instance, the social worker did not act in accordance with expectations and as such, the case examiners consider that they did not properly maintain professional boundaries.

3. Between April 2021 and January 2023, you failed to act in the best interest of service user A, in that you;

3.1 Failed to visit and/or contact service user A at an appropriate frequency.

The case examiners have seen documentation within the employer's disciplinary process, which suggests that the social worker was allocated to Service User A between 29 April 2021 and 19 January 2023 and the social worker conducted one visit to Service User A on 24 August 2022. The case examiners note that the social worker did have some periods of sickness absence, of around 70 days in this period.

The case examiners have seen copies of case notes, which show that the social worker first contacted Service User A on 6 May 2021 and discussed Service User A's needs and within this, the social worker has recorded, *'I ended the call by giving them my mobile number and said that we can keep in touch weekly'*.

The case examiners note that no contacts are recorded at this level of frequency, further they note that there are periods of months when there has been no contact from the social worker to Service User A.

Since the regulatory concern cites a failure on behalf of the social worker, the case examiners have considered what would be expected in the circumstances. The local authority has stated in their disciplinary hearing outcome letter dated 4 September 2023 that the periods with little intervention from the social worker were too long, but do not state any specific timescales. In notes from the disciplinary hearing from 8 June 2023, a senior manager said they would have expected given that Service User A was keen to get home, that the visits would initially have been weekly, then monthly and then at the frequency agreed with Service User A.

The case examiners consider, if the social worker has stated they will contact weekly at the initial contact, it would be a reasonable expectation from Service User A that they would do so. Furthermore, in a case where a service user had changing needs and

a social worker is assisting them, it would be reasonable to expect more than one visit to the person in a period of almost two years.

On this basis, the case examiners are satisfied there is a realistic prospect of adjudicators finding this concern proven.

3.2 Failed to visit service user A before their case was closed to adult social care.

The case examiners have seen copies supervision carried out between the social worker and their manager between April 2022 and January 2023. In the 24 April supervision, it states that *'hoarding at home, really severe case. Supported to empty property. In care home...has funds over threshold. 4 weeks review and close'*. In the next supervision recorded on 23 August 2022, it states, *'was in 24 hr care, however returned home last week with private care plan, full fee payer. Social worker to review ensure managing of before closure'*. The supervision on 12 September reiterates this stating, *'social worker to review and if managing ok can be closed'*. On 7 November supervision, it states, *'private care provider started last week. Social worker to review and if managing ok can be closed. Kept on caseload as stopped care plan, then restarted. Hoarding is an issue to review.'* The final supervision recorded on 10 January, states the same and for social worker to *'check with West TMS if ok to close'*.

The case examiners note the timeline and copy of case notes provided by the employer. These show a visit completed by the social worker in August 2022. However, there was a further referral which was completed by the district nurse due to concerns around clutter and the service user's presentation. There is also a note dated 8 September 2022 stating that the private care has started and then in January 2023, a case note from the team manager on West Care and Support stating that the case is closing.

The case examiners note the regulatory concern cites a failure on the part of the social worker and have looked at what would have been expected. They note the supervision notes between April and January, which consistently state that the case needs to be reviewed prior to closure. Further, they note that other professionals have reported additional concerns in relation to Service User A and yet there are no records of any visits being completed prior to the closure.

The evidence therefore suggests that there was an expectation that the social worker reviewed the case prior to the closure, which may reasonably include a visit, given the concerns raised and the evidence suggests that the social worker failed to do so.

The social worker in their submissions and evidence to the employer stated that they completed a visit, however, there is no record of them having done so.

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

3.3 Failed to arrange for service user A to oversee the clearance of their home.

The case examiners note the initial case note written by the social worker on 6 May 2021, when they first had contact with Service User A. The case examiners note the social worker has recorded, *‘Service User A said that they want to be present when anyone comes. I agreed that this would be fine’*.

The evidence suggests that there was an expectation that the service user would be present to oversee any clearance as set out by them at the beginning of their involvement with the social worker. The evidence suggests that the social worker arranged for the property to be cleared and whilst they did contact Service User A about the payments, there are no records of any conversations that have considered Service User A’s original wishes. The case examiners note that Service User A was in a care home at the time, however the evidence suggests that they were free to leave and did so on a regular basis to complete other activities. The case examiners have seen an email from a team manager dated 27 February 2023, where a subsequent conversation with Service User A was recorded. Service User A is recorded as being *‘devastated’* at some of the belongings that have been removed. Service User A spoke with a manager at the authority as part of the disciplinary and they stated, *‘their life had been ruined by their involvement with social services...every day they are reminded of something that has been lost during their involvement with the social worker which include may valuable items, collections and precious memories of their mother. Everything they have worked and saved hard for all their life is now gone’*. Service User A said that they were assured by the social worker that they would be *‘involved in the decluttering of their home and only agreed to papers being removed’*.

The case examiners note that this was also documented in a supervision between the social worker and their manager in May 2021, June 2021, November 2021, January 2022 and March 2022, where it states, *‘wants to oversee property clean’*.

The evidence suggests that Service User A clearly expressed their wishes in respect of their belongings and the social worker was aware of this as they recorded in case notes and discussed this with their manager. However, the evidence suggests that the social worker did not then act in Service User A’s best interests as their wishes were not respected.

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

3.5 Failed to complete a care and support assessment for service user A.

The case examiners have seen the employer's investigation report and notes from the disciplinary hearing, where it states that no care and support assessment took place.

The social worker within the disciplinary hearing and their submissions has stated that they did not complete a care and support assessment and have provided further rationale as to why they did not do so.

The case examiners note the regulatory concern cites a failure on the part of the social worker and have looked at what would have been expected. The case examiners have seen within the disciplinary hearing, a senior manager stated that they, *'would have expected the social worker to carry out care needs assessment and if the property was in that state, I would have linked in with my manager to see if Service User A could have been placed on a local authority contract'*.

The evidence suggests that the social worker was expected to complete an assessment and that they did not do so.

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

3.6 Failed to maintain up to date case notes for service user A.

The case examiners have seen that the social worker was involved with Service User A for over a 16-month period, however they are not extensive case notes during this period.

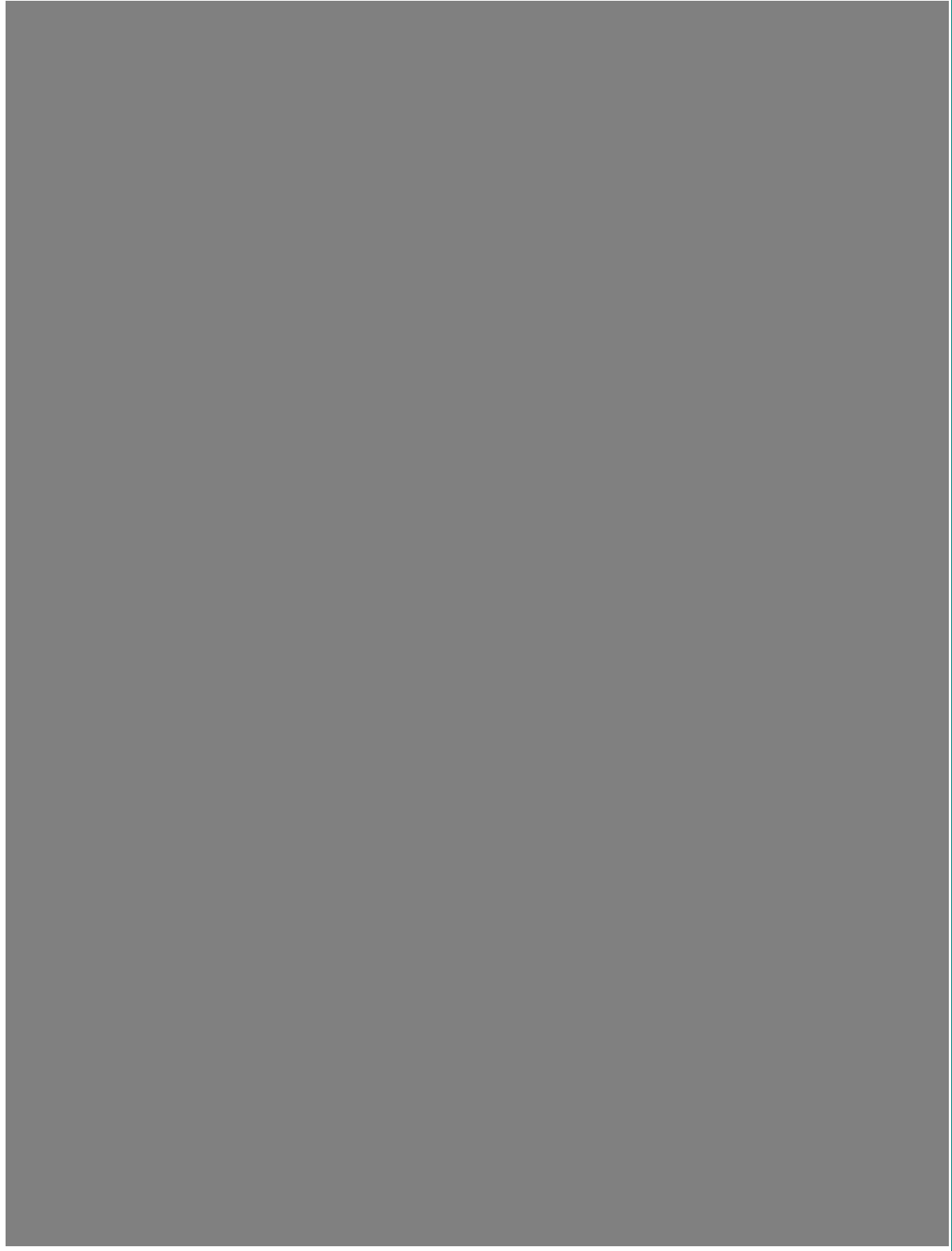
The case examiners have seen the employer's disciplinary hearing notes and within this the social worker has reported that they had numerous conversations and contact with Service User A and their friend, but that this was not documented. Furthermore, they state that they contacted a number of companies in order to gain quotes, however the case examiners note that this was not documented in the case notes provided.

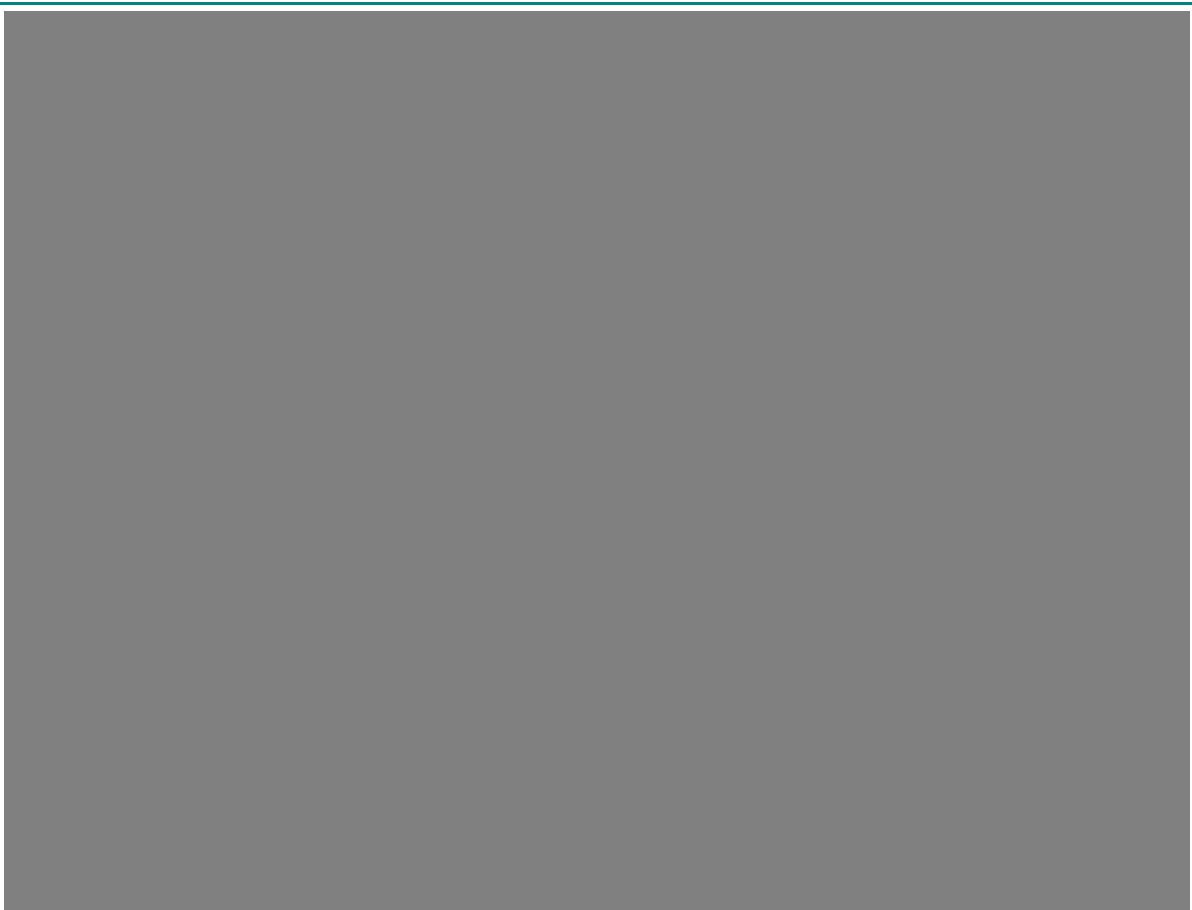
The social worker both within the employer's disciplinary hearing and in their submissions to the regulator has stated that they did not record all their interactions with Service User A.

The regulatory concern cites a failure on the part of the social worker; therefore, the case examiners have considered what would be expected in the circumstances. As social workers, there is an expectation from employers as well as the regulator, in terms of professional standards that social workers will maintain accurate, detailed

and up to date case recordings. The evidence suggests in this instance that the social worker did not do so.

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

1.3 Work in partnership with people to promote their wellbeing and achieve best outcomes, recognising them as experts in their own lives.

1.7 Recognise and use responsibly, the power and authority I have when working with people, ensuring that my interventions are always necessary, the least intrusive, proportionate, and in people's best interests.

2.3 Maintain professional relationships with people and ensure that they understand the role of a social worker in their lives.

2.4 Practise in ways that demonstrate empathy, perseverance, authority, professional confidence and capability, working with people to enable full participation in discussions and decision making.

3.2 Use information from a range of appropriate sources, including supervision, to inform assessments, to analyse risk and to make a professional decision.

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

3.11 Maintain clear, accurate, legible and up to date records, documenting how I arrive at my decisions.

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 threshold for misconduct has been reached. The case examiners note the adjudicators may be concerned that the social worker, when providing support to Service User A, went outside of expected processes and procedures and in so doing, it is alleged that they acted outside of professional boundaries. Social workers are expected to follow policies, procedures and legislation to ensure that both themselves and service users are protected. By acting outside of guidance and recognised procedures in the authority, adjudicators may consider the social worker's alleged conduct crossed professional boundaries and as such is serious. Further, the social worker when carrying out their interventions, appears not to have fully recorded all their actions and whilst they report verbally that they had more contact and undertook more work with Service User A, the absence of case records mean that there is no accurate report of what actions were taken, which meant when the social worker's colleagues were assisting Service User A whilst the social worker was absent, that the colleagues did not have an up to date and meaningful picture of Service User A's needs.

The case examiners have seen some mitigation put forward by the social worker [REDACTED], that they had kept Service User A's keys at home and that they had been limited in the visits they could undertake to Service User A. However, the evidence suggests that visits and contact were minimal, and the social worker only undertook two visits to the property and therefore this would not

have been unreasonable to keep the keys in a secure office location for the minimal visits that were conducted.

The case examiners note whilst the evidence suggests that the social worker was attempting to assist Service User A and used the money to clear their home, that their actions appear to have caused emotional harm to Service User A. As Service User A spoke with the employer's investigating officer on 15 May 2023 and stated that, *'their life had been ruined by their involvement with social services...every day they are reminded of something that has been lost during their involvement with [social worker] which include many valuable items, collections and precious memories of their mother. Everything they have worked and saved hard for all their life is now gone'*.

Social workers are tasked with acting in service users' best interests and involving them in decisions and interventions into their lives. The managers made clear that the social worker would have been expected to follow certain procedures, involve Service User A in the clearance of their property and undertake a comprehensive assessment of their needs and maintain regular contact with any progress. The public may be concerned that the evidence suggests that social worker did not do this. Accordingly, adjudicators may view the alleged conduct as very serious.

The social worker has put forward some mitigation in that they were absent from work for some of the period and due to their health, they kept the key at their home for pragmatic reasons and to reduce the amount of travel involved. Nevertheless, the case examiners consider that involving services users and acting in their best interests, whilst maintaining professional boundaries is at the core of social work and adjudicators would consider despite the mitigation, the failure to act appropriate in these circumstances is serious.

Where it is alleged that a social worker has not acted in a service user's best interests and involved them in decision making, this would not align with Social Work England standards 1.3, 1.7 and 2.4.

Where it is alleged that a social worker has not maintained professional boundaries with service users, this would not align with Social Work England standard 2.3.

Where it is alleged that a social worker has not completed an assessment of someone's needs when expected to do so, this would not align with Social Work England standards 3.2 and 3.8.

Where it is alleged that a social worker has not kept comprehensive records that are accurate and up to date, this would not align with Social Work England standard 3.11.

If the matters were to be found proven, the case examiners conclude the conduct described 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 these matters amount to the statutory ground of misconduct.

Impairment

Personal element of impairment

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 case examiners are of the view that the conduct did not arise from a character flaw such as dishonesty, and as such it is possible to remediate in a variety of ways such as additional training and reflection. The social worker has shown some insight into the alleged conduct and acknowledged within the employer's investigation that they had not accurately recorded all their interventions, but they had, at all times, been acting with good intentions and had consent to have Service User A's keys and bank details. However, they accept that they acted outside of their remit in their desire to assist Service User A and in going out of their way to help, meant that they had overstepped their professional role and professional boundaries.

The social worker has considered what they should have done differently. The case examiners would have liked to see deeper insight into how this may impact on public confidence and also the potential impact on Service User A. The case examiners would encourage the social worker to consider further reflection on this as part of their continuing professional practice.

In terms of remediation, the case examiners note that the social worker states they have reflected and reviewed the professional standards expected of them, however, the case examiners have no independent verification of this.

The case examiners have seen an email from the social worker's current employer, who raises no concerns about the social worker's fitness to practise.

The case examiners have concluded that whilst the alleged conduct was serious, the social worker has demonstrated some reflection and considered what they would do differently if faced with a similar situation in the future. Furthermore, the social worker has practised for the last three years with no concerns being raised and their current employer notes that they have excellent relationships with service users. Therefore, the case examiners are of the view that the risk of repetition is low.

Public element of impairment

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. Public interest includes the need to uphold proper standards of conduct and behaviour and the need to maintain the public's trust and confidence in the profession.

The case examiners have reminded themselves that the public interest includes responding proportionately to regulatory concerns. However, they consider that the adjudicators may determine that a member of the public would be concerned where a social worker is alleged to have not maintained professional boundaries, not undertaken an assessment and acted in the best interests of a service user, as well as not keeping accurate records of their interventions. Adjudicators may consider that the public would be concerned about a social worker acting in this manner and they may not have confidence in their abilities to practise safely in the future.

The case examiners consider that the evidence suggests that emotional harm was caused to Service User A as a result of the social worker's interventions.

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

Accordingly, given the element of public interest, the case examiners are satisfied that there is a realistic prospect of the 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 noted that the social worker has broadly accepted the facts and their alleged conduct in this case, however there are some sub limbs which they do not accept. The social worker does not accept their fitness to practise is currently impaired. Where a social worker does not accept the key facts and impairment, case examiner guidance suggests that a referral to a hearing may be necessary in the public interest.

However, the case examiners note that the guidance states the social worker must accept the matter of impairment at the point of *concluding* the case and are of the view that this does not prevent them offering accepted disposal prior to this. The case examiners consider that it is reasonable to offer accepted disposal in this case because:

- There is no conflict in evidence in this case.
- The case examiners are of the view that the risk of repetition can be managed, and they have a number of sanctions available to them in order to satisfy the public that

this risk is being managed without the need for this to be examined within a public hearing.

- The accepted disposal process will provide the social worker an opportunity to review the case examiners reasoning on facts and impairment and reflect on whether they are able to accept a finding of impairment. It is open to the social worker to reject any accepted disposal proposal and request a hearing if they wish to explore the question of impairment in more detail.
- The case examiners are also of the view that the public would be satisfied to see the regulator take prompt, firm action in this case, with the publication of an accepted disposal decision providing a steer to the public and the profession on the importance of adhering to the professional standards expected of social workers in England.

Interim order

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

Accepted disposal

Case outcome

Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☒
	Conditions of practice order	☐
	Suspension order	☐
	Removal order	☐
Proposed duration	1 year	

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 sanction is not to punish the social worker but to protect the public and the wider public interest.

In determining the most appropriate and proportionate outcome in this case, the case examiners considered the available options in ascending order of seriousness.

The case examiners determined that taking no further action was not appropriate in a case where a social worker has been found to have not maintained professional boundaries and acted in a service user's best interests as well as not keeping accurate records. Taking no further action is not sufficient to mark the seriousness with which the case examiners view the social worker's alleged conduct and fails to safeguard the wider public interest.

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. The case examiners note that advice is not required as the social worker has reflected and considered what they would do differently in the circumstances, and it appears that they have been able to practise over the last three years with no further concerns being raised. However, the

case examiners consider that advice would not be sufficient to mark the seriousness with which they view the social worker's alleged conduct.

The case examiners next gave careful consideration to whether a warning order might be suitable, given that it would show clear disapproval of the social worker's conduct. The case examiners concluded there is a low risk of repetition in this case, and their guidance suggests that warnings may be appropriate in such circumstances. The case examiners note that the social worker was acting with good intentions when professional boundaries were breached, however their interventions were not always accurately recorded, did not follow the recognised procedures and were not always in the best interests of Service User A. However, this appears to be an isolated incident, in that the alleged conduct relates to one service user and the money spent was on Service User A's property and there was some consultation, as Service User A provided their key and bank details to the social worker. In these circumstances, the case examiners determined that a warning was the most appropriate and proportionate response in this case and was the minimum necessary to protect the public and 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.

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. 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.'

The case examiners note that the social worker has demonstrated some insight, and they have considered what they would do differently in the future. Whilst the case examiners, as set out in the impairment section of their decision, consider the social worker may benefit from further reflection, they consider the social worker's insight and remediation is sufficient. The case examiners do not consider that this is an instance where the social worker needs more time to develop further insight as the case examiners have concluded that the risk of repetition is low. The case examiners therefore consider that a period of one year is appropriate in these circumstances and is the minimum necessary 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. The case examiners considered that a three or five-year duration would be disproportionate and hence would be punitive.

The case examiners did go on to consider whether the next sanctions, conditions of practice and suspension, were more appropriate in this case. As the case examiners

consider the risk of repetition is low, a conditions of practice order would not be necessary in this case and are more commonly suited to cases relating to health, competence or capability. The case examiners considered that suspension from the register would also be a disproportionate and punitive outcome.

To conclude, the case examiners have decided to propose to the social worker a warning order of one-year duration. They will now notify the social worker of their intention and seek the social worker's agreement to dispose of the matter accordingly. The social worker will be offered 14 days to respond. If the social worker does not agree, or if the case examiners revise their decision regarding the public interest in this case, the matter will proceed to a final hearing.

Content of the warning

The case examiners formally warn the social worker as follows:

Social workers are trusted to maintain professional boundaries at all times whilst ensuring that service users are involved in any interventions or decisions taken in respect of themselves. Furthermore, any intervention with a service user should be done so in their best interests. It is vital that social workers follow the recognised procedures in place as well as documenting their decisions and interactions with service users. This means that there is the avoidance of doubt as to whether they have maintained professional boundaries, acted in people's best interests and involved them in the decision-making process. Failure to do all of the above could have an adverse effect on the public's confidence in you as a social worker. It may also damage the reputation of the social work profession.

The case examiners remind you of the following Social Work England professional standards (2019):

As a social worker, I will:

1.3 Work in partnership with people to promote their wellbeing and achieve best outcomes, recognising them as experts in their own lives.

1.7 Recognise and use responsibly, the power and authority I have when working with people, ensuring that my interventions are always necessary, the least intrusive, proportionate, and in people's best interests.

2.3 Maintain professional relationships with people and ensure that they understand the role of a social worker in their lives.

2.4 Practise in ways that demonstrate empathy, perseverance, authority, professional confidence and capability, working with people to enable full participation in discussions and decision making.

3.2 Use information from a range of appropriate sources, including supervision, to inform assessments, to analyse risk and to make a professional decision.

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

3.11 Maintain clear, accurate, legible and up to date records, documenting how I arrive at my decisions.

You should demonstrate and practice these standards at all times. Any further matters brought to the attention of the regulator may lead to a more serious outcome.

Response from the social worker

The social worker responded on 6 November 2024 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 a one year warning order.

The case examiners have again considered the public interest in this matter and, as they have not been presented with any new evidence 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 a warning order of one year.