

Case Examiner Decision

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FTPS-21265

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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	02 February 2025
	Information requested Submissions requested
Preliminary outcome	03 September 2025 Accepted disposal proposed - suspension order (3 years)
Final outcome	18 September 2025 Accepted disposal proposed - suspension order (3 years)

Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concern 1 being found proven by the adjudicators.
2. There is a realistic prospect of regulatory concern 1 being found to amount to the statutory grounds of adverse physical or mental health.
3. For regulatory concern 1, 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 determined that the case could be concluded by way of accepted disposal.

As such, the case examiners requested that the social worker be notified of their intention to resolve the case with a suspension order of 3 years.

The social worker accepted the proposal and the terms, in full on 14 September 2025.

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

Anonymity and redaction

Elements of this decision have been marked for redaction in line with our Fitness to Practise Publications Policy. Text in [REDACTED] will be redacted only from the published copy of the decision, and will therefore be shared with the complainant in their copy. Text in [REDACTED] 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.
Date the complaint was received	29 April 2022
Complaint summary	Concerns were raised by the social worker's former employer with regards to their health.

Regulatory concerns

Regulatory concern 1:

You suffer from a health condition as set out in schedule 1 which impacts on your ability to practise.

Schedule 1:



Grounds of impairment:

The matters outlined at regulatory concern 1 amount to the statutory ground of adverse physical or mental health.

Your fitness to practise is impaired by reason of adverse physical or mental health.

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	☐

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

12 February 2025

The case was originally presented to the case examiners with a written recommendation for case closure, as permitted by Paragraph 4 (1) (d) of the Social Work England appointment rules 2020.

In determining whether the case can be closed, the case examiners applied the realistic prospect test, as outlined in the case examiner guidance. They found there may be a realistic prospect of the facts being found proven for the concern, and that the concern may amount to the statutory ground of adverse physical or mental health.

As such the case examiners did not agree with the recommendation for closure and returned the case to the investigators to allow the social worker the opportunity to provide further submissions.

It was requested that the case to be returned to the case examiners as a substantive concern.

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 concern 1 being found proven, that the concern could amount to the statutory grounds of adverse physical or mental health, and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

Regulatory concern 1:

You suffer from a health condition as set out in schedule 1 which impacts on your ability to practise.

Schedule 1:



The case examiners have carefully considered all of the information presented to them, and have particularly noted the following:

The case examiners have had sight of an independent medical report, prepared by UKIM, as part of the fitness to practice investigation. The report prepared in July 2025 states the social worker has a diagnosis, set out in schedule [REDACTED]

[REDACTED]

The case examiners note that the social worker's GP is documented as a main feature in care plans, provided by the social worker's consultant [REDACTED]

Furthermore, when considering the information provided by the social worker's former employer, the GP would feature as a first contact for the social worker when noting any decline in their health.

The case examiners note that information provided by the investigator states: *'The investigator obtained the social worker's consent to contact both his GP [REDACTED]*

[REDACTED] the GP informed us that the social worker is no longer registered with the practice and, therefore, they were unable to provide any information.' Should the social worker not be registered with a GP then there is a concern [REDACTED]

[REDACTED] The social worker has self-reported to have re-registered with a GP, but evidence has not been provided to the case examiners.

Whilst the case examiners note that the social worker has not been practising whilst they have been acutely unwell, it is not clear if they made an independent decision to limit their own practice. When the former employer was asked, as part of the investigation who initiated sick leave, the response via email was that it was:

Having considered the evidence available to them, and in line with the health concerns guidance, the case examiners are satisfied that the social worker may have an unmanaged health condition. The case examiners are satisfied that there is evidence which would suggest that the social worker has not demonstrated:

- full insight into their health condition
- consistent ability to engage and comply with recommended treatment programmes
- that they either limit their practice appropriately or stop practising completely when unwell

The case examiners note that the independent medical report, prepared in July 2025, concludes that the social worker *'is not fit to practice as a social worker [REDACTED]*

In view of the evidence presented to them, the case examiners are satisfied that there is a realistic prospect of adjudicators finding regulatory concern 1 proven.

Grounds

The case examiners have next considered the health concerns guidance which reminds them that being unwell does not necessarily mean that a social worker's fitness to practise is impaired. The key question is the potential risk to public safety.

The risk to public safety depends on the nature of the health condition and on the social worker's level of insight, in particular their willingness or ability to self-limit their practice appropriately in light of their health condition.

In this case the case examiners have been presented with medical evidence that the social worker has a diagnosis in line with Schedule 1 [REDACTED] and an independent medical report has concluded the social worker is not currently fit to practice as a social worker.

The evidence suggests that the social worker's health condition may not have been managed effectively [REDACTED]

Whilst the case examiners note that the social worker has limited their practice for an extended period of time, they are not satisfied that they have been presented with evidence to suggest the social worker could maintain this when managing their health independently [REDACTED]

The case examiners therefore consider there is a realistic prospect of adjudicators finding the statutory ground of adverse physical or mental health proven.

Impairment

Assessment of impairment consists of two elements:

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

Personal element

With regards to the concerns before the regulator, the case examiners have given thought to their guidance, as set out below.

Guidance in respect of adverse physical or mental health

In making their decision, case examiners will take into consideration (both of the following):

- whether the social worker has a health condition that may pose a risk to the public if not adequately managed
- whether there is evidence calling into question the ability of the social worker to manage their condition or limit their practice adequately

In considering the social worker's health, the case examiners gave careful consideration to the social worker's submissions, along with their reported engagement with treatment and the independent medical report.

The case examiners were reassured that the social worker has been engaging well with treatment for their health [REDACTED]. The independent medical report concludes, and information regarding past engagement in treatment shows, the social worker has not consistently engaged in treatment [REDACTED] which has led to the social worker becoming acutely unwell.

The case examiners note that there remains a significant health issue [REDACTED] which remains an ongoing issue, detailed in the independent medical report, and without a treatment plan in place. Whilst the case examiners note that the social worker has stated in their submissions that they intend to address the unaddressed health issue, the case examiners have not been presented with any evidence that this has been actioned.

The case examiners note that the social worker is currently limiting their practice, having not been in a social work role since 2021. However, they are mindful that the social worker's ability to do so when in practice is yet untested. The independent medical report is clear that the social worker is not currently fit to practice.

After taking account of all information available to them, the case examiners consider that continued oversight of the social worker's management of their health is likely to be required.

Public element

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

As the case examiners have set out in relation to the personal element, they consider the available evidence to suggest that ongoing oversight of the social worker's management of health is likely to be required. In such circumstances, the case examiners consider it likely that public confidence would be undermined if no finding of impairment were to be made.

In light of the above, the case examiners are satisfied that there is a realistic prospect of adjudicators finding the social worker's fitness to practise impaired, on the grounds of adverse physical or mental health.

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 note that the social worker has indicated on their submissions form that they do not admit the regulatory concern or that their fitness to practice is currently impaired.

The case examiners note that whilst the social worker has indicated via a tick box, they do not admit the regulatory concern, the overall evidence suggests that the social worker does not dispute the key facts of the case. For example, they appear to accept at the time of the recent independent medical report that [REDACTED] stated, 'it's best I'm not a social worker' (at that time).

The case examiners considered that they could reasonably and legitimately offer the social worker the opportunity to reconsider the question of accepting the concern and impairment, and an offer of accepted disposal. In reaching this conclusion, they noted the following:

- The social worker does not dispute the core facts of the case.

- The case examiners recognise that not all professionals will have an innate understanding of how and when the personal and public interest may be engaged, or how exactly this might impact upon findings concerning current fitness to practice.
- The accepted disposal process will provide the social worker with an opportunity to review the case examiners' reasoning on impairment and reflect on whether they are able to accept a finding of impairment. It is open to the social worker to reject any accepted disposal proposal and request a hearing if they wish to explore the question of impairment in more detail.

The case examiners are also of the view that the public would be satisfied to see the regulator take prompt action in this case, with the publication of an accepted disposal decision.

Accepted disposal

Case outcome

Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☐
	Conditions of practice order	☐
	Suspension order	☒
	Removal order	☐
Proposed duration	3 years	

Reasoning

Having found that a realistic prospect the social worker's fitness to practise is currently impaired, the case examiners then considered what, if any, sanction they should propose in this case. The case examiners have taken into account the sanctions guidance and health concerns guidance published by Social Work England. They are reminded that a sanction is not intended to be punitive but may have a punitive effect and have borne in mind the principle of proportionality and fairness in determining the appropriate sanction.

The case examiners are also mindful that the purpose of any sanction is to protect the public which includes maintaining public confidence in the profession and Social Work England as its regulator and upholding proper standards of conduct and behaviour.

The case examiners have taken into account the principle of proportionality by weighing the social worker's interests with the public interest when considering each available sanction in ascending order of severity.

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

No further action, advice and warning

The case examiners consider that the outcomes of no further action, advice, and warning order would be insufficient in this case. In reaching this conclusion, they reminded themselves that the regulator's guidance is clear that all three outcomes, which offer no restriction to a social worker's practice, are not appropriate where a risk in respect of the management of a health condition has been identified.

Conditions of practice order and suspension order

With reference to the regulator's health concerns guidance, the case examiners note the following:

Conditions of practice orders will usually be the preferred course as they allow the social worker to undertake whatever level of practice is safe as and when they are able to do so.

A suspension order may be required if (any of the following apply):

- *the social worker is not engaging*
- *the social worker is not currently capable of complying with conditions*
- *there are no workable conditions that could be put in place to protect the public*

Even if the social worker is engaging, in some circumstances suspension may be a supportive outcome in a health case because it removes the pressure on the social worker to return to work while they recover. The social worker can ask for an early review of the suspension if they recover their health sufficiently enough to contemplate a phased return to work under a conditions of practice order.

The case examiners note, in this case, the social worker has recognised the need for abstaining from practice at this time but would wish to return to practice in the future when their health permits.

Considering this case, the case examiners consider that a suspension order is likely to be more appropriate in the circumstances as it would deliver both an appropriate degree of public protection, and some space for the social worker to focus on their health.

In reaching this view, the case examiners noted that the regulator's independent medical assessor is clear that the social worker is not fit to return to practice at this time. The regulator's guidance on health concerns outlines that a suspension might be preferable and supportive in such circumstances, as it would remove some of the pressure that can be generated by a conditions of practice order (which would require a degree of ongoing engagement from the social worker). The guidance is also

clear that social workers can request an early review if their health recovers sufficiently to contemplate a phased return to practice.

The length of the proposed order

Suspension orders can be imposed for up to 3 years. Decision making guidance explains that the case examiners should ensure the length of any proposed suspension is necessary and proportionate.

In this case, the case examiners consider that a proposed order of 3 years would be appropriate; this is not to punish the social worker but is intended allow as much time as possible for the social worker to focus on their health and work towards a safe return to practice.

The case examiners are of the view that, given the extended period over which the social worker appears to have experienced health issues [REDACTED] that any shorter suspension period would be insufficient to protect the public or to allow the social worker sufficient time for recovery.

The examiners note that, in accordance with the regulator's guidance on health concerns, it would be open to the social worker to seek an early review of the order if their health sufficiently recovers to contemplate a phased return to practice.

The case examiners have decided to propose to the social worker a suspension order of 3 years duration. They will now notify the social worker of their intention and seek the social worker's agreement to dispose of the matter accordingly. The social worker will be offered 28 days to respond. If the social worker does not agree, or if the case examiners revise their decision regarding the public interest in this case, the matter will proceed to a final hearing.

Recommendations for the social worker

The case examiners recommend that the social worker continues to engage with treatment and recommendations of their treating physicians.

The social worker may wish to seek medical opinion before any review of the suspension order and may wish to provide evidence / a report from a treating physician with commentary on whether the social worker is able to safely return to practice. Any such report might helpfully comment more broadly on the social

worker's engagement with treatment and recommendations, and on the social worker's insight into their health conditions.

Whilst recovering their health, the social worker may also wish to continue to engage with continuous professional development. The social worker would be welcome to provide evidence to adjudicators of any such work undertaken.

Response from the social worker

The social worker responded by email on 14 September 2025 and returned the accepted disposal response confirming: *'I have read the case examiners' decision and the accepted disposal guidance. I admit the key facts set out in the case examiners decision, and that my fitness to practise is impaired. I understand the terms of the proposed disposal of my fitness to practise case and accept them in full.'*

Case examiners' response and final decision

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

The case examiners therefore direct that the regulator enact a suspension order, with a duration of 3 years.