



Case Examiner Decision
John A Wesley – SW38030
FTPS-24127

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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 April 2026
	Accepted disposal proposed - removal order
Final outcome	15 April 2026
	Accepted disposal – removal order

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 ground of misconduct.
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 they 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 removal order.

The social worker accepted the proposal and the terms in full on 10 April 2026.

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.

In accordance with Social Work England's Fitness to Practise 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 A	[REDACTED]
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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.
Date the complaint was received	12 February 2025
Complaint summary	The social worker's former employer informed the regulator that the social worker accessed confidential case records without professional reason or permission to do so.

Regulatory concerns

Whilst registered as a social worker in September 2024:

1. You accessed Person A's records without professional reason or permission to do so on one or more occasions.

Grounds of impairment

The actions outlined at regulatory concerns amounts to the statutory ground of misconduct.

By reason of your misconduct your fitness to practise is impaired.

Preliminary issues

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

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 ground of misconduct, and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

Whilst registered as a social worker in September 2024:

- 1. You accessed Person A's records without professional reason or permission to do so on one or more occasions.**

The complainant, the social worker's former employer, state that concerns were initially raised when the social worker sent an email to another member of staff on 23 January 2025, which included reference to a unique reference code (ERICA number) specific to the case management system. The reference code quoted was a case

which was not held by the social worker and for whom they had no professional reason or permission to access.

The complainant identified the reference code correlated with Person A, who was related to the social worker, [REDACTED]

An internal investigation was instigated, which has been provided to the regulator, and an audit completed of access to the case record of Person A.

The audit of the case record, provided to the regulator, identified that the social worker had accessed Person A's case record on more than one occasion: 09 September 2024, 11 September 2024, 12 September 2024, 27 September 2024.

The complainant has provided the internal policy on Acceptable Use of ICT Equipment and Internet Protocol which outlines it is a misuse and breach of the policy to access information without a business need.

The complainant has further provided a list of training courses completed by the social worker dating from 2015 to 2024 which include six courses specific to the governance and management of confidential information.

The social worker, within the internal investigation, and within their submissions to the regulator, accepts that they accessed the case record of Person A without professional reason or permission to do so.

The social worker states they felt they had mitigating circumstances as to why they accessed the confidential record as they [REDACTED] were concerned for the wellbeing and safety of Person A. [REDACTED]

[REDACTED]

From the evidence available, the case examiners are satisfied that the social worker accessed the case record of Person A without professional reason or permission to do so. The evidence provided suggests the case records contained confidential and personal information pertaining to Person A which the social worker had no authorisation to access.

The case examiners are satisfied there is a realistic prospect of regulatory concern 1 being found proven by adjudicators.

Grounds

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

To help them decide if the evidence suggests a significant departure from what would be expected in the circumstances, the case examiners have considered the following standards, which were applicable at the time of the concerns.

Social Work England: Professional standards (2019)

Establish and maintain the trust and confidence of people

As a social worker, I will:

2.2 Respect and maintain people's dignity and privacy.

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

2.7 Consider where conflicts of interest may arise, declare conflicts as early as possible and agree a course of action.

Act safely, respectfully and with professional integrity

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.

Social workers are entrusted with access to highly sensitive data, and it is essential that the public can trust that this information will only be accessed when a social worker has legitimate, professional reason to do so. Accordingly, it is a serious departure from the standards for a social worker to access such data without professional reason or authorisation.

This concern, if found proven, is particularly serious as it is alleged that the data they have accessed is personal data held by a local authority. By accessing data without utilising the correct process, prevents the organisation having control over its own confidential data. By not following the correct process the social worker had access to data which was confidential and not intended for the social worker to have sight of, posing a potential safeguarding risk. It is essential that people's dignity and privacy is protected, inappropriate accessing of case records diminishes such protection.

If found proven, the social worker has misused their enhanced IT permissions to access confidential information and therefore bypassed a process which provides equitable and 'safe' access to personal records held by an organisation, in this case social care records.

Having considered the evidence the case examiners are satisfied there is a realistic prospect of adjudicators determining that the ground of misconduct is engaged.

Impairment

Assessment of impairment consists of two elements:

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

Personal element

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

Whether the conduct can be easily remedied

The case examiners do consider that the alleged conduct to be remediable by the social worker, for example through education and/or training in relation to data protection and the acquisition and management of confidential information. The social worker should demonstrate insight and reflection on their conduct, together with a demonstrating a clear plan of how they would respond differently in future.

Insight and remediation

Whilst the social worker has provided an explanation with regards to the regulatory concerns and has provided some mitigation relating to personal circumstances which they state influenced their decision to access the records, the case examiners consider the submissions lack reflection, learning, and strategies engaged by the social worker to manage any future risk. Furthermore, the case examiners do not consider that the social worker's mitigation in relation to personal circumstances is such as to suggest that the social worker did not understand the nature of their

actions, when accessing the records concerned in this case and the potential impact of their alleged conduct.

The case examiners consider the social worker has demonstrated developing insight, rather than a full appreciation of the potential far-reaching impact of their conduct.

Risk of repetition

The case examiners note that the social worker accessed confidential information on four separate occasions. Whilst the access only spanned one month, on each occasion the social worker chose to access their employer's confidential data to try and enhance their own knowledge.

The social worker has provided reflections to the regulator by telephone and submissions which may indicate a developing insight: *'(The social worker) explained that they fully appreciated that they should not have accessed Person A's notes. (The social worker) stated that at the time, they were very stressed about the situation of Person A and (redacted) and how they were behaving. The social worker stated that it is not an excuse and is sincerely sorry for their actions. (The social worker) advised that they never shared anything with anyone and it was about purely finding out what was happening with Person A's case.'*

'After I accessed the records in September 2024 I acknowledged to myself that I had made an immense error of judgement even though I had, at the time, grave concerns for Person A's safety. I have reflected on how I should have approached this matter and that I should have discussed my concerns in person with the appropriate person's. My thought at that time however was that if I had approached someone it would have been an abuse of my position within the authority and may have placed pressure on them.'

The social worker has not provided any evidence of completing remedial training and has not been in practice since 28 April 2025, when they were dismissed by the employer.

With no evidence of remediation and only developing insight, at this point the case examiners consider there continues to be a risk of repetition.

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.

Regulatory concerns regarding breaching confidentiality through accessing data, go to the heart of public confidence in the social work profession. They have the potential to undermine the public's trust in social workers. As such, it is likely the public would expect that a finding of current impairment is made by adjudicators to maintain public confidence in regulation of the profession and the maintenance of proper professional standards for social workers.

Having considered the evidence available, the case examiners consider there is a realistic prospect of adjudicators finding the social worker currently impaired.

The public interest

Decision summary

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

Referral criteria

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

Additional reasoning

The case examiners have considered whether a referral to a hearing may be necessary in the public interest, and have noted the following:

- There is no conflict in the evidence in this case, and the social worker has accepted the key facts.
- While the social worker does not accept that their conduct is impaired, the accepted disposal process will provide the social worker an opportunity to review the case examiners' reasoning on impairment and reflect on whether they do 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 grounds or the question of impairment in more detail.
- The case examiners are of the view that there remains a risk of repetition, however they consider that this can be managed through other sanctions available to them.

- The case examiners are 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	<input type="checkbox"/>
	Advice	<input type="checkbox"/>
	Warning order	<input type="checkbox"/>
	Conditions of practice order	<input type="checkbox"/>
	Suspension order	<input type="checkbox"/>
	Removal order	<input checked="" type="checkbox"/>
Proposed duration	<p>Where a social worker is removed from the register, there is no defined end to the finding of impairment. A social worker that has been removed from the register may only apply to be restored to the register 5 years after the date the removal order took effect. The adjudicators will decide whether to restore a person to the register.</p>	

Reasoning
<p>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 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.</p> <p>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.</p> <p>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.</p>

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 order

The case examiners have already determined there is a realistic prospect that the social worker's fitness to practise would be found impaired. The sanctions guidance advises that if the personal element of impairment is found, "*a sanction restricting or removing a social worker's registration will normally be necessary to protect the public*". The case examiners are therefore led to consider sanctions which restrict the social worker's practice. They note that the guidance suggests it may therefore "*be reasonable to move beyond the lower sanctions (no action, advice or a warning) on this basis alone*". The case examiners have already determined that they do not consider that the social worker has demonstrated sufficient remediation and that a risk of repetition remains. Therefore, the sanctions of no further action, advice or a warning are considered inappropriate on the basis that these outcomes will not restrict practice and therefore not sufficiently protect the public.

Conditions of practice order

The case examiners have then considered a conditions of practice order, however they note the sanctions guidance which states these orders are less likely to be appropriate in cases of character, attitude or behavioural failings. The case examiners have not been provided with any evidence that the social worker feels able to remediate or intends to return to practice currently, having told the regulator on more than one occasion they are retired from social work, making a conditions of practice order unsuitable.

Suspension order

The case examiners next considered a suspension order, in order to mark the seriousness of the alleged conduct and protect the public. They are guided to only consider a suspension order where all of the following apply:

- the concerns represent a serious breach of the professional standards.
- the social worker has demonstrated some insight.
- there is evidence to suggest the social worker is willing and able to resolve or remediate their failings

The case examiners have established that this case represents a serious breach of the professional standards and set out their reasoning for this earlier in the decision.

The social worker has demonstrated some insight. The social worker has not returned to practice since their dismissal and has indicated that they do not wish to do so as they are retired. They informed the regulator of this by telephone on 24 July 2025 and by email on 27 July 2025:

*‘(The social worker) stated that they are not working at all as they are retired and have no intention to work as a social worker. They reiterated that they are now retired.’
‘I want to be removed from the Social Work register as I am retired and have no intentions of working as a Social Worker again. I am now in receipt of my works pension.’*

Given the social worker’s clear view they have retired from social work and do not intend to return to practice, the case examiners do not feel there is evidence to suggest the social worker is willing and able to remediate their failings.

Removal order

The impairment and sanctions guidance states:

A removal order may be appropriate in cases involving (any of the following):

- *social workers who are unwilling and/or unable to remediate (for example, where there is clear evidence that they do not wish to practise as a social worker in the future).*

A removal order must be made where the decision makers conclude that no other outcome would be enough to (do one or more of the following):

- *protect the public*
- *maintain confidence in the profession*
- *maintain proper professional standards for social workers in England*

Having taken into account their guidance, alongside the evidence available, the social worker’s submissions, and their position that they do not intend to return to social work practice, the case examiners have decided to propose a removal order to the social worker.

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.

Response from the social worker

The social worker responded by email on 10 April 2026 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 concluded that the social worker's fitness to practise was likely to be found impaired but that the public interest could be met through a prompt conclusion, published decision and warning, rather than through a public hearing. They proposed a removal order, and the social worker accepted this proposal.

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

Having been advised of the social worker's response, the case examiners have again turned their minds as to whether a removal order remains the most appropriate means of disposal for this case. They have reviewed their decision, paying particular regard to the overarching objectives of Social Work England, i.e. protection of the public, the maintenance of public confidence in the social work profession, and the maintenance of proper standards. Having done so, they remain of the view that an accepted disposal by way of a removal order is a fair and proportionate disposal and is the minimum necessary to protect the public and the wider public interest.