

Case Examiner Decision
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FTPS-22506

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The role of the case examiners

The case examiners perform a filtering function in the fitness to practise process, and their primary role is to determine whether the case ought to be considered by adjudicators at a formal hearing. The wider purpose of the fitness to practise process is not to discipline the social worker for past conduct, but rather to consider whether the social worker's current fitness to practise might be impaired because of the issues highlighted. In reaching their decisions, case examiners are mindful that Social Work England's primary objective is to protect the public.

Case examiners apply the 'realistic prospect' test. As part of their role, the case examiners will consider whether there is a realistic prospect:

- the facts alleged could be found proven by adjudicators
- adjudicators could find that one of the statutory grounds for impairment is engaged
- adjudicators could find the social worker's fitness to practise is currently impaired

If the case examiners find a realistic prospect of impairment, they consider whether there is a public interest in referring the case to a hearing. If there is no public interest in a hearing, the case examiners can propose an outcome to the social worker. We call this accepted disposal and a case can only be resolved in this way if the social worker agrees with the case examiners' proposal.

Case examiners review cases on the papers only. The case examiners are limited, in that, they are unable to hear and test live evidence, and therefore they are unable to make findings of fact.

Decision summary

Decision summary	
Preliminary outcome	13 November 2024
	Accepted disposal proposed - suspension order (1 year)
Final outcome	12 December 2024
	Accepted disposal - suspension order (1 year)

Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concerns 1 a-f (inclusive) being found proven by the adjudicators.
2. There is a realistic prospect of regulatory concerns 1a-f (inclusive) being found to amount to the statutory ground of misconduct.
3. For regulatory concerns 1a-f (inclusive), there is a realistic prospect of adjudicators determining that the social worker's fitness to practise is currently impaired.

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

As such, the case examiners requested that the social worker be notified of their intention to resolve the case with a suspension order of 1 year duration. The social worker accepted this proposal and the terms in full on 11 December 2024.

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. This content will be redacted in the complainant's copy of this decision, and the social worker will be advised that text highlighted in a different colour has been redacted.

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	10 July 2023
Complaint summary	The concern raised relates to the social worker's professional conduct in relation to Person A, for whom they were the allocated social worker for Person A's children. The concerns are set out in full within the regulatory concerns.

Regulatory concerns

Whilst registered as a social worker:

1. You failed to maintain professional boundaries with Person A, a parent whose children were subject to care proceedings, in that:
 - a) You requested to follow Person A, sent messages to, and/or 'liked' their posts on social media.
 - b) You shared your personal mobile number with them and used it for communication.
 - c) You made a telephone call to them on 24 May 2023 in which you disclosed details of your personal life.
 - d) In the telephone call described at (1c), you became emotional when discussing your relationship with Person A.
 - e) In the telephone call described at (1c), you requested that Person A not share details of your conversation with anyone else.

- f) In the telephone call described at (1c), you discussed matters regarding the forthcoming family court hearing involving person A's family without appropriate professional reason including:
- i. The content of the assessment you had completed as part of the proceedings
 - ii. How you would respond as a witness if specific questions were asked

The matters outlined in regulatory concern 1 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 a-f (inclusive) 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

Whilst registered as a social worker:

1. **You failed to maintain professional boundaries with Person A, a parent whose children were subject to care proceedings, in that:**
 - a) **You requested to follow Person A, sent messages to, and/or 'liked' their posts on social media.**

It is agreed that the social worker was the allocated social worker for the children of Person A, whilst employed via an agency contract with Derbyshire County Council, and therefore the relationship they shared was a professional relationship.

Derbyshire County Council confirm that Person A's children were subject to care proceedings and were in the care of the local authority.

The concerns regarding the social worker's conduct were first raised by Person A during court proceedings in July 2023.

With regards to regulatory concern 1a, the case examiners have been presented with a screenshot, provided by Person A, from 24 May 2023, whereby the social worker asks Person A if they have 'snapchat'.

Person A has provided further screenshot evidence of interactions the social worker has made with them via social media, one of which would appear to be a response to a 'story' posted by Person A.

The social worker accepts the regulatory concern within their submissions to the regulator.

The case examiners are satisfied there is a realistic prospect that regulatory concern 1a would be found proven by adjudicators.

b) You shared your personal mobile number with them and used it for communication.

Person A provided Social Work England with a screenshot of a message received on 28 May 2023. They have also provided a screenshot of the phone number stored in their phone for the social worker. The case examiners note that Social Work England have confirmed, and provided evidence, that the phone number provided by Person A correlates with the phone number registered on the social worker's Social Work England account.

The case examiners are satisfied there is a realistic prospect that regulatory concern 1b would be found proven by adjudicators.

c) You made a telephone call to them on 24 May 2023 in which you disclosed details of your personal life.

The case examiners have been provided with an audio recording and the associated transcript, of a call purported to have been made by the social worker to Person A on 24 May 2023.

The case examiners note that the social worker accepts, within their submissions, to the regulator that they made a call to Person A, out of working hours, having consumed alcohol.

The case examiners have had the opportunity to listen to the audio recording of the phone call. They are satisfied that within the call the social worker shares information relating to their personal life, without professional reason to do so, for example,

information relating to the social worker's own childhood, a health diagnosis relating to a family member and associated prescribed medication.

The case examiners are satisfied there is a realistic prospect that regulatory concern 1c would be found proven by adjudicators.

d) In the telephone call described at (1c), you became emotional when discussing your relationship with Person A.

e) In the telephone call described at (1c), you requested that Person A not share details of your conversation with anyone else.

The case examiners have had the opportunity to listen to the audio recording of the phone call and read the associated transcript.

The social worker can be heard to get emotional during the call on more than one occasion.

The social worker states:

'I think we connected on a deeper level than just a parent and social worker.'

'I know that we know each other (Person A), I know that and that's why I was getting upset earlier because I was just a bit like I know you deeply.'

'(Person A) when I see ya, whether it means that could raise with you or not, I'm gonna give you a big fat squeeze and a kiss on the cheek. Whether you like it or not.'

The case examiners note that Person A is documented within the court judgement as stating that they had not revealed the phone recording sooner as they had been advised by the social worker not to tell anyone about the conversation or they would get into trouble.

Person A states the social worker made a further call following the one recorded stating they 'could get in trouble for this, but I trust you.'

The case examiners note that the social worker does not dispute the concern before the regulator.

The case examiners are satisfied there is a realistic prospect that regulatory concern 1d and 1e would be found proven by adjudicators.

f) In the telephone call described at (1c), you discussed matters regarding the forthcoming family court hearing involving person A's family without appropriate professional reason including:

- i. The content of the assessment you had completed as part of the proceedings**
- ii. How you would respond as a witness if specific questions were asked**

The case examiners note that the phone call being considered within the regulatory concerns was made out of working hours, and, by the social worker's own admission after consuming alcohol. They would consider, given the circumstances, it would be reasonable to conclude this was not a call made for an appropriate professional reason.

The social worker accepts the regulatory concerns before the regulator. Within their submissions to the regulator, they state: *'I accept that the discussion breached professional boundaries and I feel highly embarrassed and ashamed of my actions.'*

The case examiners have had the opportunity to listen to the audio recording and have had sight of the corresponding transcript. They note the following:

'(Person A) whatever decision is made, as long as you know. Jodie went to the court with what she thought was best. I went to the court with what I thought was best. (redacted) And you don't hold that against me, I'll be happy. And the reason I'll be happy is because you might not agree with it and I will accept that. Of course I accept that you don't agree that your child is not with you for long term. Of course I accept that. But as long as you know I did. I said what I said not because I'm some dickhead that wants the worse for you. No, I guess because I've never genuinely think that that is.'

'I'm gonna move on to another authority and I will give evidence on what the situation was at that time and the situation might be very different when a new social worker comes across. Don't say that in court because you will lose.'

'And I feel like I'm speaking out of turn here because this is for your solicitors to advise you, but you can't say in court because, you know when the judge today said ohh, why do you think it's different if you were to say well yes I had that discussion with them as evidenced by the local authority at that time.'

'Truth be known I want you to win in court. I do, I genuinely do.'

'I've been a guardian for five years. If you say that in court, they're gonna roll your eyes at you and you're not gonna win.'

The case examiners are satisfied, from the evidence available, that the social worker discussed matters regarding the family court hearing involving person A's family, with Person A, without appropriate professional reason to do so.

After hearing part of the audio recording the local authority made the decision, within court proceedings, that they could not rely on the social worker's evidence and all parties agreed a further assessment would need to be undertaken.

The court judgement, in respect of the delay states: *'It is most regrettable, and due entirely to the alleged conduct of (the social worker).'*

The case examiners are satisfied there is a realistic prospect that regulatory concern 1f (i and ii) would be found proven by adjudicators.

When considering regulatory concern 1 in totality, the case examiners must turn their minds to whether this would amount to a breach of professional boundaries. In doing so, the case examiners have taken into account Social Work England professional standards and supporting/associated guidance. The case examiners have assessed the evidence against the following questions that they formulated from information contained within the standards and guidance.

- Would the social worker's alleged actions suggest a clear and professional relationship has not been maintained with the service user?
- Would the social worker's alleged actions suggest their relationship with the service user was becoming inappropriate, or be an indicator of a personal relationship?
- Would the social worker's alleged actions blur the boundaries of the professional relationship?

The case examiners are satisfied, from the evidence presented and detailed above, that the answers would be affirmative for each of the questions posed and the concerns raised would amount to a breach of professional boundaries.

The case examiners are satisfied there is a realistic prospect that regulatory concern 1 would be 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)

Promote the rights, strengths and wellbeing of people, families, and communities.

As a social worker, I will:

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.

Establish and maintain the trust and confidence of people.

As a social worker, I will:

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

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.

Whilst the concern before the regulator, from the evidence available, would appear to be an isolated incident, due to the nature of the concern the case examiners consider it to be particularly serious. The evidence would suggest that the social worker failed to maintain professional boundaries, and in doing so, significantly delayed family court outcomes for two children.

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

As such, the case examiners are satisfied there is a realistic prospect of adjudicators finding the matters amount to misconduct.

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. Also the case examiners are required to consider whether the social worker has demonstrated insight and/or conducted remediation to the effect that the risk of repetition is highly unlikely.

Whether the conduct can be easily remedied

The case examiners consider the conduct in relation the allegation is remediable, in that the social worker could demonstrate their understanding of what has gone wrong and what steps they could take to ensure this does not happen again, for example, by evidencing any support they have accessed, completing relevant associated training, and/or a critical reflection addressing the concerns raised.

Insight and remediation

The social worker has provided submissions to the regulator. Whilst the case examiners consider the social worker has detailed a narrative of their involvement with Person A and the phone call in question, they are not satisfied that the social worker has provided any significant level of insight or remediation.

The social worker, within their submissions, accepts the regulatory concerns: *‘Having reflected on this discussion, how and why it came to occur and how this should have been avoided and will be avoided in the future, I accept that the discussion breached professional boundaries and I feel highly embarrassed and ashamed of my actions.’*

‘When reflecting upon the concerns raised and having reflected on my time at Derbyshire; although I do not wish to minimise or dismiss the concerns raised. I was under a high level of stress, and I had drunk a glass of wine prior to the call which I

have no doubt impacted upon my judgement and decision making and do not doubt that this call/discussion would not have occurred if I had not done this.'

The social worker has identified the impact their conduct has had on the immediate family involved but has not addressed the far-reaching impact of their conduct: *'As an experienced social worker and having always prioritised the families I work with. It has caused me to feel distressed and saddened that my actions have caused further uncertainty and delay in the court proceedings for the X children, as well as the ramifications my actions have had upon my career.'*

The social worker has not demonstrated their understanding of the importance of protecting the public and maintaining the public perception of social work as a profession.

Risk of repetition

Taking the above into account, the case examiners are of the view that the social worker has not sufficiently demonstrated their understanding of the risk their alleged conduct posed and whilst stating the conduct would not be repeated has not offered tangible means by which this could be evidenced.

I accept that my actions breached professional boundaries however, feel that upon reflection, I am aware of where and how the boundaries came to be crossed and am confident that I am able to be diligent in ensuring this does not reoccur in the future.

Having considered the evidence available to them, the case examiners consider the risk of repetition to remain high.

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.

The case examiners are of the view that a member of the public would be extremely concerned about an allegation that a social worker failed to maintain professional boundaries. The case examiners consider the allegation relates to fundamental tenets of social work including making and maintaining effective professional relationships.

Adjudicators may consider there is potential risk of harm to the wider public in terms of their ability to trust and have confidence in a social worker who is alleged to have acted in this manner. An allegation of failing to maintain professional boundaries and impacting on family court proceedings is serious and the case examiners are of the

view that given the alleged conduct in this case, a failure to find impairment may undermine public confidence in the profession and fail to maintain the professional standards expected of social workers.

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	☐
	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 conclude that offering accepted disposal is proportionate for the following reasons:

- The social worker is clear that they accept that their conduct fell short of the standards expected of them.
- The accepted disposal process will provide the social worker 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 public 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.

- There is no conflict in evidence in this case and the social worker accepts the facts.

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 the regulator's sanctions guidance (December 2022) and reminded themselves that the purpose of a sanction is not to punish the social worker, but to protect the public.

The case examiners have decided that it is not in the public interest to refer this matter to a final hearing and have chosen the least restrictive sanction necessary to protect the public and the wider public interest. They have started at the lowest possible sanction and worked up, testing the appropriateness of each sanction and the next sanction above it to confirm their decision is proportionate.

The case examiners have already determined there is a realistic prospect that the social worker's fitness to practise would be found impaired. The sanctions guidance advises that if the personal element of impairment is found, "a sanction restricting or removing a social worker's registration will normally be necessary to protect the public." The case examiners are therefore led to consider sanctions which restrict the social worker's practice. They note that the guidance suggests it may therefore "be reasonable to move beyond the lower sanctions (no action, advice or a warning) on this basis alone." The case examiners have already determined that they do not consider the social worker has demonstrated sufficient insight or remediation therefore, the sanctions of no further action, advice or a warning are considered inappropriate on the basis that these outcomes will not restrict practice nor sufficiently protect the public.

The case examiners next considered a conditions of practice order. The case examiners have consulted paragraph 114 of the guidance which states, conditions of practice may be appropriate in cases where (all of the following):

- the social worker has demonstrated insight
- the failure or deficiency in practice is capable of being remedied
- appropriate, proportionate, and workable conditions can be put in place
- decision makers are confident the social worker can and will comply with the conditions
- the social worker does not pose a risk of harm to the public by being in restricted practice

Whilst the case examiners consider the conduct capable of being remedied, they do not consider that the social worker has demonstrated a good level of insight. Furthermore, the social worker is not currently employed in a social work position and therefore the case examiners determined appropriate conditions cannot be formulated.

The case examiners went on to consider whether a suspension order might be an appropriate sanction. The case examiners have considered the guidance, which states:

Suspension may be appropriate where (all of the following):

- 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 guidance also states a suspension order may be appropriate where workable conditions cannot be formulated. In this instance, the case examiners consider the concerns represent a serious breach of the professional standards. They note that the social worker's remediation remains incomplete, and the social worker is not currently in social work practice.

Paragraph 144 of the Sanctions Guidance states that there may be instances where a social worker does not intend to remediate or practise in the short term but may wish to do so later. The social worker in this case has suggested they may wish to return to social work in the future.

The case examiners consider that a suspension order may be an appropriate disposal of the fitness to practise case. Whilst there is a risk that the suspension order may risk deskilling the social worker, the current evidence suggests that the

social worker may potentially pose a risk to the public. A suspension order would provide an opportunity for the social worker time to demonstrate insight into their conduct, work towards remediation, including demonstrating how they would prevent the conduct being repeated in the future, should they return to social work practice.

The case examiners consider that a suspension order of one year would be proportionate to offer the social worker the time to demonstrate insight and remediation. A prolonged suspension is considered unnecessary and disproportionate at this stage.

The case examiners have next considered whether the next available sanction, a removal order would be appropriate and proportionate. Whilst the case examiners consider that a removal order may be considered appropriate due to the lack of demonstrated insight and remediation, they consider that this would be a disproportionate outcome in this case, at this time.

To conclude, the case examiners have decided to propose to the social worker a suspension order of 1 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 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 make the following recommendations to the social worker, which they consider would assist any future panel when they are reviewing this order.

- For the social worker to provide evidence of any support and/or intervention they have engaged with which they consider demonstrates remediation.
- For the social worker to provide a reflective piece outlining the far-reaching impact of the conduct and the steps they will take in the future to ensure the conduct is not repeated.
- For the social worker to provide evidence of relevant continuing professional development, in order to demonstrate that they are able to return to practice.

Response from the social worker

The social worker responded on 11 December 2024 and returned the accepted disposal response form 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 suspension order of 1 year and the social worker accepted this proposal.

In light of the social worker's acceptance of the suspension, 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 suspension 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 suspension order of 1 year duration is a fair and proportionate disposal and is the minimum necessary to protect the public and the wider public interest.