

Case Examiner Decision
Michael Anthony Gordon – SW25551
FTPS-21822

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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	08 March 2024
	Information requested
Final outcome	26 June 2025
	Accepted disposal agreed – suspension order 12 months

Executive summary

1. There is a realistic prospect of regulatory concerns 4.2, 4.3, 5 and 6.2 being found proven by the adjudicators. [REDACTED]
2. There is a realistic prospect of regulatory concerns 4.2, 4.3, 5 and 6.2 being found to amount to the statutory ground misconduct.
3. For regulatory concerns 4.2, 4.3, 5 and 6.2 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 12 months duration.

The social worker has now agreed to this proposed accepted disposal and has accepted that their fitness to practise is impaired.

The case examiners have considered all 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.

In accordance with Social Work England's fitness to practise proceedings and registration appeals publications policy, the case examiners have anonymised the names of individuals to maintain privacy. A schedule of anonymity is provided below for the social worker and complainant and will be redacted if this decision is published.

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	14 November 2022
Complaint summary	A number of concerns were raised via a complaint from the social worker's former employee [REDACTED]. The concerns alleged ranged from [REDACTED] failure to disclose to employers that they [REDACTED] were under an active fitness for practice investigation. Following further investigation, further practice concerns were identified relating to [REDACTED] failure to take protective action with children.

Regulatory concerns / Regulatory concerns and concerns recommended for closure

[Modified regulatory concerns following preliminary issues from 08 March 2024]

Regulatory concerns are clearly identified issues that are a concern to the regulator. The regulatory concerns for this case are as follows:

Whilst registered as a social worker between 3rd May 2022 and 6th October 2023, you:

4. Did not take necessary protective action, when you:

[REDACTED]

4.2. Did not attend the hospital in time to present paperwork to allow Child K to have surgery.

4.3. Allowed a parent to have unsupervised contact with Child A during a supervised contact visit.

5. Did not ensure that a placement provider and/or parents were informed about a decision made to transfer Child R to a different placement provider.

6. Did not declare to employers that a regulatory finding was made against you, or something that may affect your fitness to practise, namely:

[REDACTED]

6.2. Fitness to Practise Investigation FTPS-21822

[REDACTED]

Grounds of impairment:

The matters outlined in regulatory concerns [REDACTED] (4), (5), (6) [REDACTED] amount to the statutory ground of misconduct.

Your fitness to practise is impaired by reason of misconduct.

Concerns being recommended for closure:

[REDACTED]

Grounds of impairment:

[REDACTED]

Preliminary issues

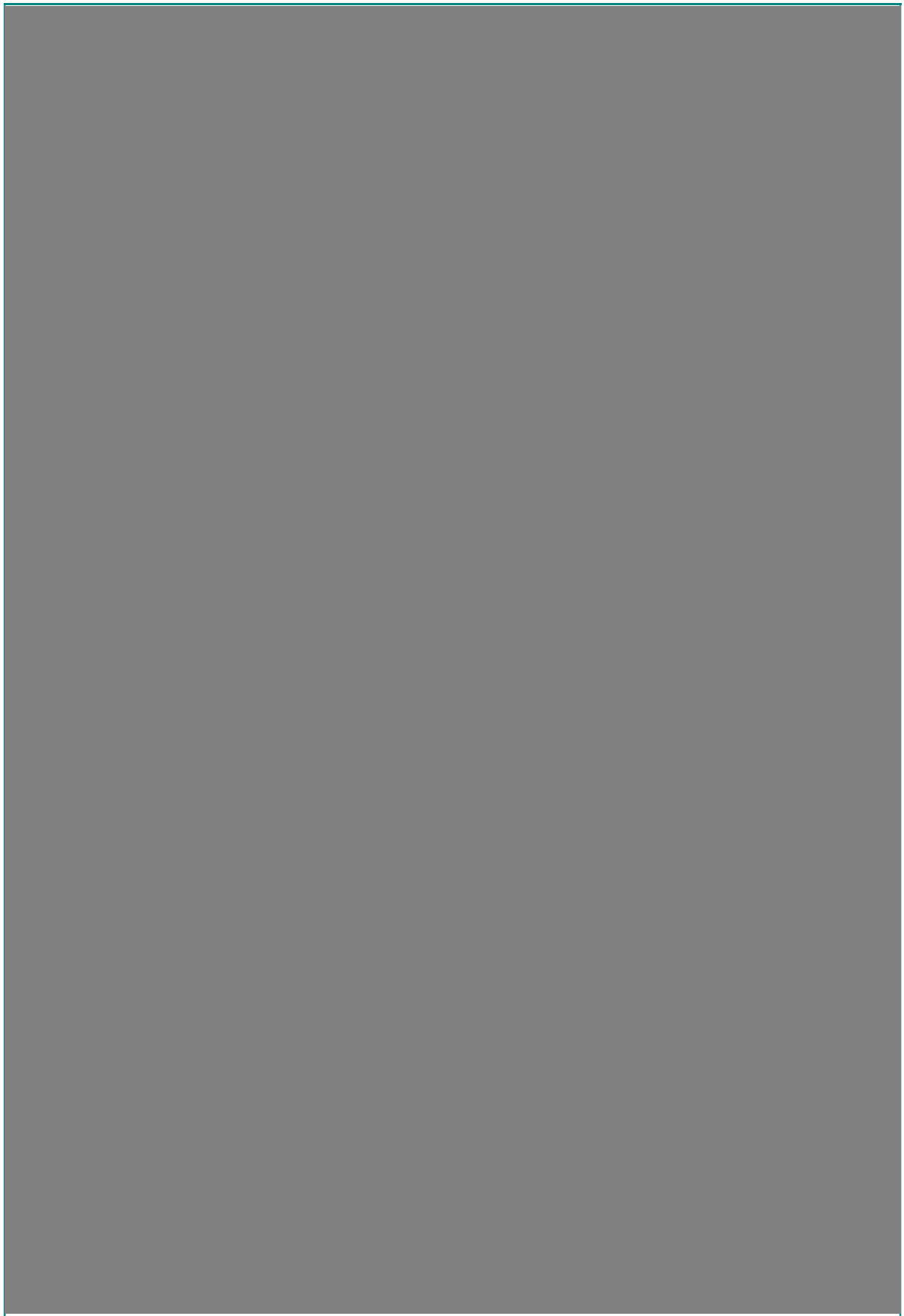
Investigation		
Are the case examiners satisfied that the social worker has been notified of the grounds for investigation?	Yes	☒
	No	☐
Are the case examiners satisfied that the social worker has had reasonable opportunity to make written representations to the investigators?	Yes	☒
	No	☐
Are the case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

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

08 March 2024:

The case examiners are aware of the need to consider cases expeditiously and the need to ensure fairness to all parties. However, the case examiners consider, bearing in mind their investigatory function and statutory duty, that further information is needed to be able to reach a decision on this case.

The case examiners have noted the case examiner guidance, which states they should only request further information if it would not be possible to reach a decision without it. They are satisfied that their chosen course of action is consistent with the guidance.



09 May 2025:

The case examiners are satisfied, following further investigation that all available evidence and lines of enquiry have been engaged. They are now able to progress to the substantive element of their determination.

The realistic prospect test

Fitness to practise history

The case examiners have been informed of case FTP-64692:

The concerns in this case related to the social worker removing confidential documents relating to service users without lawful authority and / or professional reason for doing so, by leaving sensitive personal data in the boot of their car. A Final Order – warning (3 years) was issued to the social worker through accepted disposal on the 30 October 2020, to last until 29 October 2023.

The case examiners are satisfied, with reference to the regulations and fitness to practise rules, that this history may be adverse. They have therefore considered whether it would be fair and reasonable to take it into consideration in relation to this current case.

Having done so, the case examiners have determined it is fair and reasonable to do so, at this stage, for the following reasons:

- There is a connection between the previous order and the current concerns as outlined in regulatory concerns [REDACTED].2. These relate to issues around the potential failure to disclose relevant information to prospective employers with respect to [REDACTED] an additional fitness to practise investigation.

The case examiners will therefore consider this history as part of their assessment of current impairment.

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 4.2, 4.3, 5 and 6.2 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 between 3rd May 2022 and 6th October 2023, you:

4. Did not take necessary protective action, when you:

4.2. Did not attend the hospital in time to present paperwork to allow Child K to have surgery.

Initial concerns from the complainant allege that the social worker failed to attend a hospital in time for an appointment to deliver a signed letter from the Head of Service to agree for the operation of Child K to go ahead. Child A's school then made a complaint as the operation needed to be postponed because of this issue.

A set of case records for Child K endorse this allegation, clearly expressing urgent concerns about lack of completion of the required consent paperwork and the likely consequences of this. An email from the school detailing the complaint is also in evidence. A purported email from the foster carer of Child K also states, *'On the day of the surgery, K was treated with neglect by local authorities and social workers as no necessary individual arrived at the hospital to sign K's consent forms.'*

Initial submissions from the social worker via an email sent to the regulator on 31 July 2023 state that *'as I was on my way to deliver the paperwork to the hospital, unforeseen delays occurred, both in route and while trying to locate the ward'*. The social worker disputes that the operation was delayed, and that the hospital used earlier documentation for the operation to proceed. In later submissions they dispute this allegation stating that it was an exaggeration of the truth and a potential demonisation of their professional standing and character. In their final submissions, they state they recalled seeing the foster carers at hospital, who confirmed that the operation went ahead as they had found previous consent paperwork.

While the social worker disputes that the operation did not go ahead on the planned day of surgery, there is triangulated evidence from other sources suggesting that it did not. Further, admissions from the social worker state that they were late to the

hospital, together with case note evidence and a complaint backed up by the school. These all suggest that the social worker's delayed actions may have negatively impacted on Child K.

The case examiners therefore conclude **a realistic prospect of the adjudicators finding the facts proven for regulatory concern 4.2.**

4.3. Allowed a parent to have unsupervised contact with Child A during a supervised contact visit.

Evidence has been provided in the form of an email forwarded to a team manager from a support worker of the parent of Child A. The email states:

"I spoke to Mum again after child had left the contact this afternoon. She confirmed that on 27th October (the social worker) had met with her at the Centre (usual mtg place). After the initial handover, rather than staying to fully supervise the contact, he informed Mum that he would be back later and promptly left. Mum and child stayed at the venue for the entire contact and during this time Mum needed to visit the bathroom which is in a different part of the establishment. Mum called (the social worker) approx. 3 times that he needed to come back as she didn't think it fair that child accompanied her to the female toilets but (he) didn't answer her calls. The social worker returned at the end of the contact. There is no case recording for this on Mosaic".

Initial submissions from the social worker via an email sent to the regulator on 31 July 2023 state that *'with regards to unsupervised contact, I cannot help you further as I have no recollection described in your e-mail below'*. However, this is contradicted by later submissions which state that the social worker recalls various contact sessions at a bowling alley. They said that they would observe contact from a distance allowing them to have quality family time. The social worker also states that they recall an instance where they took a call during contact, but remained in the building, still visible to the family to continue to observe.

In the absence of historical case notes relating to this matter, the case examiners have no context regarding the risks and history of the case of Child A. However, they are of the opinion that there must have been sufficient risk to warrant fully supervised contact, and that the mother felt compromised and had to contact the social worker by phone on three occasions, as alleged.

The case examiners are of the view that if the social worker had remained in the building observing the mother from a distance, then they would have seen the mother

on their phone, and responded to the mothers' calls or would have gone to check why the mother was using her phone, if their own mobile was on silent.

While the case examiners accept that there is limited evidence in relation to the specifics of this incident, there is sufficient detail in the form of emails from the mother and endorsements from the support worker, to suggest **a realistic prospect of the adjudicators find the facts proven for regulatory concern 4.3.**

5. Did not ensure that a placement provider and/or parents were informed about a decision made to transfer Child R to a different placement provider.

The complainant includes a range of concerns expressed in an email from an operations manager of a provider, which suggest that when planning for a placement transfer, the social worker only worked with Child R and the new placement provider, without consulting with the original placement provider. This is supported by an email from a manager stating that they were '*staggered*' that the co-parents of Child R were not advised that a new home had been found for them. The concern is further supported by an email from a commissioning officer expressing similar concerns, indicating that the home manager did not know what was going on. The 'Responsible Individual' also states that they were concerned as '*it has been very difficult so far to pin (the social worker) down and we do not want to be trying to plan in the dark*'. These concerns are also supported by case note records for Child R, which suggest that both the local authority and parents were not informed that the residential placement was changing.

Initial submissions from the social worker dispute this concern; they state they ensured all parties were aware about Child R's move, including management. Later submissions reject that they 'colluded' with Child R and that any placement move would have had to have been agreed by management. Final submissions from the social worker cite three emails evidencing their attempts to involve all parties.

In reviewing the extent of the available evidence, there does appear to be sufficient information to suggest that there may have been a significant issue regarding how the social worker communicated a placement move for Child R, with other relevant parties. While the case examiners could find no evidence to suggest that the social worker actively colluded with Child R in the arrangement of the placement, there do appear to be clear areas of practice which caused a number of parties to express a range of practice concerns.

The case examiners therefore conclude **a realistic prospect of the adjudicators finding the facts proven for regulatory concern 5.**

6. Did not declare to employers that a regulatory finding was made against you, or something that may affect your fitness to practise, namely:

6.2. Fitness to Practise Investigation FTPS-21822

A different pattern of evidence appears to be in place with respect to the social worker's alleged failure to inform employers of this fitness to practise investigation. There is clear evidence from [REDACTED] Council that the social worker's employment was terminated as they did not inform them of FTPS-21822. Similarly, the [REDACTED] Council state that they terminated the social worker's employment following receipt of information received from Social Work England about this current investigation.

Submissions from the social worker accept that concerns about another employer [REDACTED] were declared at a later date, with 'no intent not to declare at all'.

With regards to their last employer [REDACTED] in their submissions, the social worker appears to have delegated the need to disclose to their agency, who advised them that they should disclose any proceedings at the interview stage.

The case examiners are of the opinion that there is sufficient evidence, provided by at least two employers, that the social worker failed to disclose this current fitness to practise investigation, resulting in formal contract terminations.

The case examiners conclude **a realistic prospect of the adjudicators finding the facts proven for regulatory concern 6.2.**

Concerns being recommended for closure:

Grounds

Facts with a realistic prospect of being found proven: [4.2](#), [4.3](#), [5](#) and [6.2](#)

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

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.

As a social worker I will:

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

3.1 Work within legal and ethical frameworks, using my professional authority and judgement appropriately.

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

6.6 Declare to the appropriate authority and Social Work England anything that might affect my ability to do my job competently or may affect my fitness to practise, or if I am subject to criminal proceedings or a regulatory finding is made against me, anywhere in the world.

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.

The case examiners are of the view that the matters, if proven, would represent a significant and serious departure from the professional standards as listed.

Regulatory concerns 4.2 and 4.3 represent practice actions which if proven, reflect a pattern of practice significantly below the standard expected, which had the potential to delay and compromise service users' wellbeing and / or safety.

Regulatory concern 5 also represents practice actions that resulted in concerns from other placement providers, parents, and an employer, all arising from a lack of consultation and practice rigour.

Regulatory concern 6.2 is also a serious matter. The alleged failure to disclose active investigatory matters to prospective employers has the potential to raise direct questions about the social worker's probity, character and integrity.

The case examiners consider a realistic prospect of the adjudicators making a finding of 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 consider 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 are of the view that the regulatory concerns engaged in this case while serious, are capable of remediation. This could be achieved, through the demonstration of clear insight into why the alleged actions from which the concerns arose occurred. It could be achieved via submissions from the social worker showing that they understand the seriousness of the alleged breaches and the impact on public confidence in the profession. They could also provide evidence that to show that such actions are unlikely to be repeated.

Insight and remediation: The social worker disputes many of the regulatory concerns as raised against them. While they are fully entitled to do this, this can make it more challenging for them to demonstrate insight and remediation. In their final submissions, they dispute that their fitness to practise is impaired, but they offer no information as to why they believe that is the case.

The social worker has offered no attempt at remediation. Their submissions in dispute of the evidence do seem to suggest that any insight is, at best limited.

Risk of repetition: Given the lack of insight and remediation offered, together with a wide range of practice concerns in existence as alleged, the case examiners can only conclude that any future risk of repetition of the concerns, 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 consider that members of the public would be very concerned to learn that a social worker could have acted as alleged. Practice concerns, which include alleged actions that may have exposed a vulnerable child to a potential risk of harm, combined with a tendency for the social worker to fail disclose relevant investigatory proceedings, all point to potentially serious failings which a members of the public would need to be assured about. These all have the direct potential to directly undermine public confidence in the profession, arising from poor practice standards.

The case examiners consider a realistic prospect of the adjudicators making a finding of 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 guidance reminds them that wherever possible and appropriate, case examiners will seek to resolve cases through accepted disposal. This is quicker and more efficient than preparing and presenting a case to a fitness to practise panel.

The case examiners note that the social worker disputes impairment. The accepted disposal process will provide the social worker with the opportunity to review the case examiners reasoning on facts, grounds and 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 in public if they wish to reject the case examiners finding on the facts and grounds or explore the question of impairment in more detail.

The case examiners are aware that a case cannot be concluded through an accepted disposal process where a social worker does not agree that they are currently impaired. At this stage, however, the case examiners' proposal for an accepted

disposal process does not mark the conclusion of the case, as that would require a response from the social worker for the case examiners' consideration.

It is also subject to a final review of the case by the case examiners, who may determine to send the matter to a hearing in public following any response received.

Accepted disposal

Case outcome		
Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☐
	Conditions of practice order	☐
	Suspension order	☒
	Removal order	☐
Proposed duration	Suspension order – twelve months	

Reasoning

In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's Sanctions Guidance (2022) and reminded themselves that the purpose of a 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.

In review of this guidance, the case examiners have considered aggravating and mitigating factors in relation to this case:

Mitigating factors: The social worker has engaged with this case investigation process.

Aggravating factors:

- Relevant prior adverse history which potentially indicates a pattern of misconduct
- A lack of insight or remorse.
- No evidence of remediation.
- A potential risk of harm to people who use social worker services.

- Evidence raising questions over the social worker's openness and transparency.

The case examiners commenced by considering whether it may be appropriate to reach a finding of impairment, with no requirement for any further action. The case examiners were satisfied that in this case, and considering the seriousness of the concerns raised that a finding of no further action would be insufficient to protect public confidence.

The case examiners next considered whether offering advice would be sufficient in this case. Advice will normally set out the steps a social worker should take to address the behaviour that led to the regulatory proceedings. The case examiners consider that whilst they could offer advice to prevent this situation arising again, this would also not be sufficient to mark the seriousness with which they viewed the social worker's conduct and would not be sufficient to protect public confidence.

The case examiners went on to consider a warning order, which would provide a clearer expression of disapproval of the social worker's conduct. The case examiners do not consider a warning order to be appropriate in this case. This is because the alleged practice concerns warrant a restrictive order to ensure public confidence and safety, as the risk of repetition is high.

The case examiners went on to consider a conditions of practice order. Conditions are most commonly applied in cases of lack of competence or ill health. The sanctions guidance states that conditions are less likely to be appropriate in cases of character, attitudinal or behavioural failings, which apply to this case. In addition, given the wide-ranging nature of the practice concerns, the imposition of a such an order would be difficult to formulate. In the absence of any insight or remediation, it would be difficult to formulate tailored conditions that could enable the social worker to develop insight and remediation in a safe and purposeful manner. Restrictive conditions of practice would be unlikely to reduce any potential risk of harm to the public.

The case examiners went on to consider a suspension order. A suspension order would be appropriate where decision makers cannot formulate workable conditions or practice to protect the public. A suspension order would be appropriate where a case falls short of requiring removal from the register.

In consideration of a removal order, the case examiners are of the view that this would be overly punitive, as the alleged concerns are not at a level of seriousness to be incompatible with the social worker remaining in the profession, if fully

remediated. There remains the potential for the social worker to remediate their practice and reflect on their failings as alleged.

In returning to review the suitability of a suspension order, the case examiners consider that this is appropriate where the concerns represent a serious breach of the professional standards. While a suspension order might not be appropriate in cases where a social worker has demonstrated limited insight, the case examiners do not have any evidence to suggest whether the social worker is willing or able to resolve or remediate their failings. By offering a suspension order as an accepted disposal, any acceptance by the social worker would indicate that they accept they have demonstrated behaviour that amounts to misconduct, and that they need to address the issue of continued impairment.

In accepting that a suspension order would be the most appropriate sanction, the case examiners are required to consider the period of suspension. While they consider that the allegations are serious enough to warrant a suspension, the case examiners have balanced this against the amount of time likely to be required for the social worker to develop insight and remediation. The case examiners have concluded that a 12-month suspension order is the minimum necessary to meet the wider public interest, and to remediate and reflect in relation to how they can assure the regulator that they can return to practice in a safe and effective manner.

In addition, any suspension of over twelve months is likely to result in deskilling of a social worker; it is in the public interest to support a trained social worker to return to practice. The case examiners have decided to propose to the social worker a suspension order of twelve months 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

Recommendations are suggested steps that the social worker can voluntarily take to evidence insight and remediation at any suspension review hearing.

The case examiners recommend that the social worker:

- submit to the regulator a reflective account evidencing insight into why and how their actions were in breach of the following professional standards: 1.3, 3.1, 3.8, 5.2 and 6.6; this could include the adverse impact this is likely to have had on public trust and confidence in the profession.
- To submit to the regulator evidence of remediation that will enable them to uphold the following professional standards: 1.3, 3.1, 3.8, 5.2 and 6.6.

Response from the social worker

The case examiners have read the accepted disposal response form which was received from the social worker on 24 June 2025. This states that they have read the case examiners' decision and the accepted disposal guide. They admit to the key facts set out in the case examiner decision, accepting that their fitness to practise is impaired. They state that they understand the terms of the proposed disposal of their fitness to practise case and accept them in full.

Case examiners' response and final decision

After receiving the agreed response from the social worker, the case examiners have reviewed the appropriateness of the accepted disposal as stated. They consider that this remains the most appropriate outcome. The case examiners therefore direct that a 12-month suspension order is imposed.