

Case Examiner Decision
James McGinley Patterson Reilly
SW142236
FTPS-21224

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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

First preliminary outcome	19 August 2024
	Accepted disposal proposed - conditions of practice order (18 months)
Second preliminary outcome	23 September 2024
	Accepted disposal proposed - conditions of practice order (18 months)
Final outcome	7 October 2024
	Accepted disposal - conditions of practice order (18 months)

Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concerns 1 (a to d) and 2 being found proven by the adjudicators.
2. There is a realistic prospect of regulatory concerns 1 (a to d) and 2 being found to amount to the statutory grounds of misconduct.
3. For regulatory concerns 1 (a to d) and 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 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 conditions of practice order of 18 months duration. Upon receipt of a response from the social worker, the case examiners re-issued their proposal with a final opportunity for the social worker to consider their response.

The social worker responded on 7 October 2024, indicating that they wished to accept the case examiners' proposal. The case has been concluded with an 18 month conditions of practice order.

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

Anonymity and redaction

Elements of this decision have been marked for redaction in line with our Fitness to Practise Publications Policy. Text in **blue** will be redacted only from the published copy of the decision and will therefore be shared with the complainant in their copy. Text in **red** will be redacted from both the complainant's and the published copy of the decision.

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.

Person A	
Person B	
Person C	
Person D	
Person E	

Person F	
Person G	

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the social worker's former employer, South Tyneside Council
Date the complaint was received	19 September 2022
Complaint summary	The complainant reported that the social worker had allegedly used inappropriate language both directly with service users, and in describing them with colleagues. It was also alleged that the social worker had taken a photo of a child without parental consent, and had threatened to share it.

Regulatory concerns

Amendments by the case examiners highlighted in bold

1. You made inappropriate comments and/or used inappropriate language, including:
 - a. Swearing at a **child young person** at a family contact session on 21/07/2022
 - b. Swearing at a vulnerable parent at a visit on the 02/09/22
 - c. Described a child as 'arrogant'
 - d. Saying to a child that if they failed to clean up the mess in your car you would 'rub their face in it'.
2. While supervising family contact on 13/07/22, you took a photo of a **young** child without the parents' consent and/or threatened to share the photo.

The matters outlined in regulatory concerns (1) & (2) 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	☐

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

The case examiners have made the following amendments to the regulatory concerns:

- ‘Young person’ has been replaced with ‘child’ in regulatory concern 1(a) because the individual is primarily referred to as a child throughout the evidence. The change to regulatory concern 1(a) is therefore for consistency.
- ‘Young child’ has been replaced with ‘child’ in regulatory concern 2 as ‘young’ is, in the case examiners’ view, unnecessarily subjective.

The case examiners are satisfied that the amendments they have made are minor, and they therefore considered it to be unnecessary and disproportionate to delay

consideration of the case further by seeking additional submissions from the social worker.

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 to d) and 2 being found proven, that those concerns could amount to the statutory grounds of misconduct, and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

1. You made inappropriate comments and/or used inappropriate language, including:

a. Swearing at a child at a family contact session on 21/07/2022

The case examiners have carefully reviewed the available evidence, and noted the following in particular:

- In a statement provided on 10 August 2022 during local proceedings, Person A reported that on 22 July 2022, the child in question alleged that the day before the social worker had said "get the fuck into the car", and "fuck off, I don't fucking care".
- In a statement provided on 11 August 2022 during local proceedings, Person B (mentor to Person A) reported that on 22 July 2022 Person A had made them

aware of reports made by the child. Person B reported that they had met with the child on 26 July 2022, and asked what had been said by the social worker. Person B reported that the child stated that the social worker had said that the child's grandparents would be "pissed off" if they had to collect the child from contact, because the child would not get into a car. It was reported the child told the social worker that their day couldn't get any worse, and the social worker responded, "it's going to get a lot fucking worse". Person B reported that they asked the child if they were certain of what the social worker had said, and the child confirmed that, they were sure.

- In a statement provided on 11 August 2022 during local proceedings, Person C reported that they had been supervising family contact with the social worker on 21 July 2022. Person C did not observe the social worker swearing at the child, but indicated that there were up to four times when the social worker was with the child, unobserved by Person C.
- In a statement provided on 24 August 2022 during local proceedings, Person D reported that on 23 August 2022, the child stated that they were pleased someone else would be supervising contact because the social worker had sworn at them.

During local proceedings, and in submissions to the regulator, the social worker has denied swearing at the child in question. Initially, the social worker denied that they had been alone with the child, but subsequently accepted (having been presented with Person C's statement), that this was not the case. The social worker has highlighted, however, that there are inconsistencies in the allegations made by the child, noting that the language described changed in accounts provided to Person A and Person B.

Having reviewed the evidence, the case examiners agree that there are discrepancies in the specific language described by the child. However, the case examiners considered that this does not necessarily undermine the concern before them, as it is feasible that the child was describing different elements of an interaction with the social worker to Person A and Person B. The case examiners noted also that the core message provided by the child was consistent across three witnesses, that the social worker had sworn. The case examiners are satisfied that the comments reportedly made by the social worker, in all iterations described, could be considered by adjudicators to be inappropriate.

In light of the above, there is a realistic prospect of regulatory concern 1(a) being found proven.

b. Swearing at a vulnerable parent at a visit on the 02/09/22

The case examiners noted that in a statement provided on 5 September 2022 during local proceedings, Person E reported that on 2 September 2022 they had accompanied the social worker on a visit to a young person. The case examiners noted that supervision records confirm that arrangements had been made for the social worker to be supervised on all visits in response to the allegation that the social worker had sworn at a child (regulatory concern 1a).

Person E reported that when they arrived, the young person's parent explained that the young person was not at home. Person E stated that the social worker replied that the young person "better bloody be in". The case examiners noted that the parent was described as "very, very vulnerable" by a manager at the local authority, who described the parent as an individual that experienced drug misuse and poor mental health.

The case examiners noted that during a local interview, the social worker denied saying the word "bloody". In their initial submissions to the regulator, the social worker explained that they cannot recall doing so, but they would not dispute the integrity of Person E. The social worker subsequently admitted using the word in their final submissions, but questioned whether it might amount to a swear word.

In the case examiners' view, there is cogent evidence to suggest the social worker did use the word "bloody" in their conversation with a young person's parent. The case examiners are also satisfied that it could reasonably be considered to be a swear word. Whilst it is recognised that the word is more commonly used than other swear words, the case examiners nevertheless consider that it would not be an appropriate word for a social worker to use with service users or their families. The case examiners are satisfied that the comment reportedly made by the social worker could be considered by adjudicators to be inappropriate.

In light of the above, there is a realistic prospect of regulatory concern 1(b) being found proven.

c. Described a child as 'arrogant'

The case examiners have had sight of a record of a local interview with the social worker, conducted by Person F on 12 August 2022. Within the document, the social worker is recorded as having described a child as "arrogant the way [they] normally [are]". The social worker has accepted in their submissions that they used the word arrogant, and submitted that they were trying to describe the child's behaviour in a contact session. The case examiners are satisfied that the comment made by the social worker could be considered by adjudicators to be inappropriate, in large part

because the interview record suggests the social worker was characterising a child, in general, as arrogant.

In light of the above, there is a realistic prospect of regulatory concern 1(c) being found proven.

d. Saying to a child that if they failed to clean up the mess in your car you would ‘rub their face in it’.

The case examiners have had sight of a statement provided by Person G on 10 August 2022 during local proceedings. Within the statement, Person G reported that whilst in the office, they overheard the social worker telling Person A that a child had dropped / thrown some seeds in the car, and the social worker had said to the child “if they are not cleaned up by the time we get to contact, I’ll rub your face in it”. Person G reported that they challenged the social worker, who responded that it had been said as a joke to the child.

The case examiners have also received a case note completed by the social worker for the car journey in question. The record includes the following:

“You had a sunflower with you that you had just planted and when we turned a corner it spilt all over the back seat of my car. you laughed and said you are turning the back of the car into a garden. I laughed back at you and said if it wasn't clean by the time we got to dad, I'd be rubbing it on you and we both giggled as you tried to clean up the mess.”

The case examiners noted that, within their submissions, the social worker has explained that they do not dispute Person G’s account of what was said in the office. The social worker has stated, however, that this was an exaggerated version of events, and their case note more accurately captures what was said to the child. The key difference, in the case examiners’ view, is that the social worker’s account (and their case note) suggest the social worker told the child they would rub the mess ‘on’ the child, whereas Person G’s account suggests the social worker told the child they would rub the mess on the child’s face.

In the case examiners’ view, neither version of events is likely to be considered by adjudicators to be appropriate. Whilst the case examiners recognise the value in social workers building a rapport with children, they nevertheless consider that social workers should be careful in how they do so. In the case examiners’ view, the comments reportedly made by the social worker (in either iteration) had the potential to be received in a negative way, and they were therefore inappropriate.

In light of the above, there is a realistic prospect of regulatory concern 1(d) being found proven.

2. While supervising family contact on 13/07/22, you took a photo of a child without the parents' consent and/or threatened to share the photo.

The case examiners have had sight of a statement provided by Person A on 12 August 2022 during local proceedings. Within the statement, Person A reported that on 1 August 2022, a parent shared concerns about the social worker, stating that they were not happy that the social worker had taken photographs of their children. The parent stated that they did not know the exact date, or why photographs had been taken, but their child had said they had seen the photographs on the social worker's phone.

Records of a supervision conducted with the social worker include context to the incident, with the social worker confirming that they had taken a photo of a child "as a joke". It is recorded that the social worker explained that the child in question had been "winding [their] younger [sibling] up for playing with kid's toys, telling [them] that [they] would tell all [their] friends that [they] were playing with baby toys". The social worker stated that they had later seen the child playing with a train set and had 'joked' with the child, saying "I am going to take a photo of you playing with the trains and send it to your friends". The social worker is recorded as having accepted that they took a photo of the child, and that they should have asked for permission from a parent before doing so.

Within their submissions, the social worker has admitted that they took a photo of a child without consent from parents. The social worker disputes, however, that they threatened to share it, and indicated that their conversation with the child went as follows:

Social worker - "how you would feel if someone told your friends that you were playing with a toy train?"

Child - "nobody would believe them."

Social worker, after taking a photograph - "how about now?"

Child - "you wouldn't."

In the case examiners' view, both iterations of what was reportedly said by the social worker could reasonably have been perceived by the child as a threat. For the version stated by the social worker in supervision, the case examiners consider the only reasonable reading to be a direct threat to share the photo. For the version stated by

the social worker in their submissions, the case examiners consider the child's response, "you wouldn't", to suggest the child to have understood that the social worker had taken a photo that could or would be shared with their friends.

The case examiners noted that although the social worker now disputes that they threatened to share the photo, during a local interview the social worker accepted that the child might have had the impression that the social worker would share the photo with the child's friends.

In light of the above, there is a realistic prospect of regulatory concern 2 being found proven.

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)

As a social worker, I will:

2.2. Respect and maintain people's dignity and privacy.

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

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.

In the case examiners' view, the concerns in this case are linked, in that they all relate to the way in which the social worker conducts themselves around children and their parents, and the way in which the social worker views the characteristics and attributes of the people they support.

Communication is at the heart of relationships in social work, and it is important that social workers communicate with children and their parents in an appropriate,

professional manner, reinforcing the values and behaviours that are expected of all social workers. It is important that social workers are careful about the language they use, particularly around children, and they must also consider carefully how the things they say might be received.

In respect of regulatory concerns 1(a) and 1(b), the case examiners consider that swearing may be considered by adjudicators to be unprofessional and a departure from the standards. Equally, describing a child as arrogant (concern 1c), even to other professionals, is a departure from what would be expected of social workers in that it is belittling, and may suggest a lack of understanding of child behaviour. With regards to regulatory concerns 1(d) and 2, the case examiners consider the social worker's alleged conduct to have had the potential to humiliate and belittle the children concerned, and again they consider that this could represent a departure from the standards. Regulatory concern 2 may also represent a breach of the privacy of the child concerned, again a departure from the professional standards.

Each of the regulatory concerns, if viewed alone, might not be considered to represent a significant departure from the standards, and therefore misconduct. However, as the case examiners have outlined, they consider the concerns in this case to be linked. The case examiners consider that, taken together, the concerns might be considered to suggest a character flaw, which adjudicators would be likely to view as a significant departure from the professional standards.

Accordingly, there is a realistic prospect of adjudicators determining that the statutory grounds of misconduct are 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 are mindful of their decision-making guidance, which explains that where concerns may relate to a social worker's character, it can be more difficult to evidence remediation. The case examiners recognise, however, that the conduct in this case arose at the very start of the social worker's career. All social workers require support in the early stages of their career to develop their knowledge, skills and understanding of how social workers should conduct themselves.

The case examiners consider that, in this case, the social worker could remedy the concerns by reflecting on how they interact with children and their families, and how the way in which they communicate might be experienced. Evidence of reflection with peers would be particularly beneficial.

The case examiners would also expect to see evidence, for example by way of a written observation of their practice, of the social worker having been seen to conduct themselves more professionally with children and families, evidencing a change in their behaviour. The case examiners recognise, however, that this could be a challenge for the social worker given they left employment relatively soon after starting, as a result of the concerns now before the regulator.

Insight and remediation

The case examiners have reviewed the social worker's submissions, both during local investigation and submitted for regulatory proceedings. Having done so, the case examiners were encouraged to see that although the social worker hasn't accepted all of the individual elements of the concerns, they nevertheless have started the process of reflecting on how they conduct themselves with children and families.

In particular, the case examiners noted that the social worker has outlined their understanding of how the language they use is subjective, and it is important that they form appropriate boundaries and relationships with the people they support. The social worker has explained that they recognise that there is a time and a place for them to joke around.

With reference to regulatory concern 2 specifically, the social worker has reflected on how the child might have felt, and explained that they understand that their conduct could have affected the child emotionally, and impacted upon the child's relationship with social services and their own sibling.

More broadly, the social worker has accepted that they demonstrated poor judgement, and that their conduct did not reflect the way in which social workers

should behave. However, although the case examiners were greatly encouraged by the work undertaken by the social worker to date, they consider that adjudicators might expect further evidence of a depth of reflection for each of the concerns.

The case examiners are also mindful that the social worker has not practised since the concerns arose. They consider that in order for there to be sufficient evidence of remediation, it would be necessary for the regulator to receive evidence of the social worker having demonstrated their learning.

Risk of repetition

The case examiners have outlined their view that there is some encouraging evidence of reflection within the social worker's submissions, and it is apparent that they have already taken steps to develop their insight. However, they consider that there is still some further work for the social worker to undertake, and they would have benefitted from some evidence of the social worker's conduct in practice. Accordingly, although the risk of repetition has been reduced, there is not yet sufficient evidence to suggest that it is low.

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 outlined at the grounds stage, they consider the conduct in this case to be linked, and that it might raise concern about the social worker's character and judgement. The case examiners are satisfied that the social worker has begun to address the issues of concern, but insight and remediation is not yet complete.

In the case examiners' view, public confidence could therefore be undermined if a finding of impairment were not to be made.

Accordingly, there is a realistic prospect of adjudicators determining that the social worker's fitness to practise is 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

Conflict in evidence

Whilst the case examiners have noted that there are some discrepancies in the evidence in respect of regulatory concern 1(a), they do not consider these to represent a material conflict. This is because although the child concerned may have provided slightly different accounts of exactly what the social worker allegedly said, the core message (that the social worker swore) is consistent.

More broadly, the case examiners are satisfied that there are no other material conflicts in the evidence, which might necessitate a hearing.

Admission of key facts

The case examiners have noted that the social worker has not fully accepted regulatory concerns 1(a) or 2.

For regulatory concern 1(a), the social worker has disputed that they swore. However, the case examiners note that the social worker has admitted that they lost

control at the time, and the social worker has also admitted regulatory concern 1 in the round, accepting that they used inappropriate language and made inappropriate comments. In the case examiners' view, this is sufficient to suggest that an accepted disposal proposal could be made. In addition, the case examiners are mindful that there is limited prospect of a hearing establishing any material further evidence in respect of regulatory concern 1(a). Short of calling the child in question to give evidence, which would be highly inappropriate, there is no real scope for further evidence to be provided by existing witnesses, none of whom witnessed the actual alleged events. Accordingly, a hearing to establish the accuracy of regulatory concern 1(a) would be disproportionate on the basis that the social worker accepts the overarching issue of concern, and a hearing would be unlikely to yield any further evidence.

For regulatory concern 2, the social worker has disputed that they intended to threaten the child concerned. However, in the case examiners' view, it would still be appropriate to offer accepted disposal as the social worker is recorded as having previously accepted (in local interview) that the comments they made could have been perceived by the child as a threat.

If accepted disposal is offered, it would be open to the social worker to reject the case examiners' proposal and proceed to a hearing, if they would prefer for the facts in this case to be re-explored. The case examiners would highlight that adjudicators could draw no adverse inference, if the social worker were to request a hearing.

Acceptance of impairment

The case examiners have noted that the social worker has indicated that although they accept their fitness to practise was impaired at the time of the conduct alleged, they do not believe it remains to be impaired.

The case examiners are mindful, however, that not all social workers will have an innate understanding of regulatory proceedings, and how impairment is assessed. The case examiners therefore consider that it would be reasonable to offer the social worker opportunity to consider their report, and make an informed decision about whether they could now accept a finding of impairment.

Again, it would be open to the social worker to reject the case examiners proposal and proceed to a hearing, if they would prefer for the question of impairment to be re-explored.

Wider public interest

The case examiners are satisfied that although the concerns in this case are serious, they are not so serious that public confidence could not be maintained through the accepted disposal process. An accepted disposal outcome would include the publication of this decision on the regulator's website and, in the case examiners' view, the public would be reassured to see the regulator taking prompt action to conclude a fitness to practise case of this nature.

Accepted disposal

Case outcome

Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☐
	Conditions of practice order	☒
	Suspension order	☐
	Removal order	☐
Proposed duration	18 months	

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. With reference to the regulator's sanctions guidance, the case examiners 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.

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

In light of the case examiners' findings in respect of the risk of repetition, they are satisfied that the outcomes of no further action, advice or warning order would be insufficient in this case. None of these outcomes would offer any degree of oversight for the regulator, in respect of any remedial action the social worker might take to address the conduct of concern in this case.

Conditions of practice order

With reference to the sanctions guidance, the case examiners note that 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

In the case examiners' view, all five of the above criteria apply in this case. The social worker has already demonstrated some insight, and the case examiners have outlined in this decision their view that the conduct can be remedied. The case examiners have also outlined their view that they would have benefitted (in assessing impairment) from evidence of the social worker's practice since the concerns in this case arose. A conditions of practice order would therefore provide fair opportunity to obtain relevant evidence, and to demonstrate a change in the way they conduct themselves around children and families.

In the case examiners' view, a conditions of practice order would be sufficient to protect the public, and they are satisfied also that it would represent the minimum necessary outcome to safeguard public confidence in the social work profession, and the maintenance of proper professional standards for social workers.

In order to test their thinking, the case examiners considered whether a suspension order might be necessary. However, the case examiners were firmly of the view that the suspension order would be punitive, and would represent a significant risk of deskilling a social worker who is in the early stages of their career.

Length of the conditions of practice order

The regulator's sanctions guidance explains that case examiners can impose conditions of practice orders for up to three years at a time. The case examiners are directed to consider all information and decide on an appropriate and proportionate length.

In the case examiners' view, the social worker is likely to be able to demonstrate further reflection within a relatively short timeframe. However, a longer order may be beneficial to the social worker, in order to allow them time to find social work employment, and to evidence a different approach in their work with children and families. The case examiners therefore consider that an 18 month order would afford an appropriate amount of time for the social worker, and avoid the need for unnecessary reviews if it takes a little time for the social worker to find employment.

Summary

The case examiners have decided to propose to the social worker a conditions of practice order of 18 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 21 days to respond. If the social worker does not agree, or if the case examiners revise their decision regarding the public interest in this case, the matter will proceed to a final hearing.

Content of the conditions of practice

Conditions 1-15 (inclusive) should be in place for a 18 month period. In accordance with paragraph 15 of Schedule 2 of The Social Workers Regulations 2018, the regulator must review the conditions of practice order before its expiry. The social worker and/or Social Work England can seek early review if new evidence becomes available to suggest the current order needs to varied, replaced or removed.

1. You must notify Social Work England within 7 days of any professional appointment you accept or are currently undertaking and provide the contact details of your employer, agency or any organisation with which you have a contract or arrangement to provide social work services, whether paid or voluntary.
2. You must allow Social Work England to exchange information with your employer, agency or any organisation with which you have a contract or arrangement to provide social work or educational services, and any reporter or workplace supervisor referred to in these conditions.
3. a. At any time you are providing social work services, which require you to be registered with Social Work England, you must agree to the appointment of a

reporter nominated by you and approved by Social Work England. The reporter must be on Social Work England's register.

b. You must not start or continue to work until these arrangements have been approved by Social Work England.

4. You must provide reports from your reporter to Social Work England every 6 months and at least 14 days prior to any review and Social Work England will make these reports available to any workplace supervisor referred to in these conditions on request.
5. You must inform Social Work England within 7 days of receiving notice of any formal disciplinary proceedings taken against you from the date these conditions take effect.
6. You must inform Social Work England within 7 days of receiving notice of any investigations or complaints made against you from the date these conditions take effect.
7. You must inform Social Work England if you apply for social work employment / self-employment (paid or voluntary) outside England within 7 days of the date of application.
8. You must inform Social Work England if you are registered or subsequently apply for registration with any other UK regulator, overseas regulator or relevant authority within 7 days of the date of application [for future registration] or 7 days from the date these conditions take effect [for existing registration].
9.
 - a. At any time you are employed, or providing social work services, which require you to be registered with Social Work England; you must place yourself and remain under the direct supervision of a workplace supervisor nominated by you, and agreed by Social Work England. The workplace supervisor must be on Social Work England's register.
 - b. You must not start or continue to work until these arrangements have been approved by Social Work England.
10. You must provide reports from your workplace supervisor to Social Work England every 6 months and at least 14 days prior to any review, and Social Work England will make these reports available to any reporter referred to in these conditions on request.

11. You must work with your workplace supervisor, to formulate a personal development plan, specifically designed to address the shortfalls in the following areas of your practice:

- Communication with and about children and their families
- Respecting the privacy of service users

12. You must provide a copy of your personal development plan to Social Work England within 6 weeks from the date these conditions take effect and an updated copy 2 weeks prior to any review.

13. You must read Social Work England's 'Professional Standards' (July 2019), and provide a written reflection 6 months after these conditions take effect, focusing on how your conduct, for matters relating to this case (communication with and about children and families, and respecting the privacy of service users), was allegedly below the accepted standard of a social worker, outlining what you should have done differently.

14. You must provide a written copy of your conditions, within 7 days from the date these conditions take effect, to the following parties confirming that your registration is subject to the conditions listed at 1 to 13, above:

- Any organisation or person employing or contracting with you to undertake social work services whether paid or voluntary.
- Any locum, agency or out-of-hours service you are registered with or apply to be registered with in order to secure employment or contracts to undertake social work services whether paid or voluntary (at the time of application).
- Any prospective employer who would be employing or contracting with you to undertake social work services whether paid or voluntary (at the time of application).
- Any organisation, agency or employer where you are using your social work qualification/knowledge/skills in a non-qualified social work role, whether paid or voluntary.

You must forward written evidence of your compliance with this condition to Social Work England within 14 days from the date these conditions take effect.

15. You must permit Social Work England to disclose the above conditions, 1 to 14, to any person requesting information about your registration status.

First response from the social worker

The social worker returned a completed accepted disposal response form on 9 September 2024. Within the form, the social worker provided the following declaration:

I have read the case examiners' decision and the accepted disposal guide. I understand the terms of the proposed disposal of my fitness to practise case and wish to reject the proposal and proceed to a fitness to practise hearing.

In addition to the completed form, the case examiners were provided with email correspondence sent by the social worker. The case examiners noted that the social worker explained within their email that, with regards to their decision to reject the proposal, the social worker stated “ultimately, I could not bring myself to say I did something I did not”, and “I did not swear at the child in question and I will not put my name to anything that says otherwise, even if that means I do lose my career as a result.”

Case examiners' response

Where a social worker rejects an accepted disposal proposal, it is normally the case that the case examiners will make a referral to a final hearing.

In this case, however, the case examiners consider that it would be reasonable, appropriate and proportionate to provide additional information to the social worker, and to offer opportunity for the social worker to provide a second response. The case examiners are clear that this is not to pressure the social worker to accept their proposal, but to ensure that the social worker has clarity on what they do and do not need to accept in order for accepted disposal to be agreed. This will ensure the social worker has had fair opportunity to provide a fully informed response.

Specifically, the case examiners noted that the social worker has stated in their email correspondence that they are not able to admit that they swore at a child. The case examiners touched upon this point in their consideration of whether a referral to

hearing might be in the public interest. The case examiners explained in that section of this decision that they noted that the social worker has previously admitted that they lost control at the relevant time, and the social worker has also previously admitted regulatory concern 1 in the round, accepting that they used inappropriate language and made inappropriate comments.

The case examiners consider that they could have been more explicit in their first proposal, in stating that they are satisfied that whether or not the social worker swore is not a key fact. The key fact is, instead, whether the social worker used inappropriate language and made inappropriate comments.

In order for a social worker to agree to an accepted disposal, they are only required to admit the key facts, accept that their fitness to practise is impaired, and agree to the terms of the proposal (including the sanction). Accordingly, and for the avoidance of doubt, in this case the case examiners do not require an admission from the social worker in respect of regulatory concern 1(a), only in respect of regulatory concern 1 in the round (i.e. that they made inappropriate comments and/or used inappropriate language).

The case examiners direct that the social worker receive a copy of this updated decision and ask that the social worker is afforded 14 days to respond to the case examiners' accepted disposal proposal.

Second response from the social worker

The social worker submitted a completed accepted disposal response form on 7 October 2024, which included the following declaration:

I have read the case examiners' decision and the accepted disposal guide. I admit the key facts set out in the case examiner decision, and that my fitness to practise is impaired. I understand the terms of the proposed disposal of my fitness to practise case and accept them in full.

Case examiners' response and final decision

The case examiners 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 instance may be fulfilled through the accepted disposal process.

The case examiners therefore direct that the regulator enact a conditions of practice order, with a duration of 18 months.