



Case Examiner Decision
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FTPS-21786

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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	28 January 2025
	Accepted disposal proposed - removal order
Preliminary outcome	24 February 2025
	Accepted disposal proposed - removal order
Final outcome	13 March 2025
	Accepted disposal – removal order

Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concerns 1, 2 and 3 being found proven by the adjudicators.
2. There is a realistic prospect of regulatory concerns 1, 2 and 3 being found to amount to the statutory grounds of misconduct.
3. For regulatory concerns 1, 2 and 3, 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 removal order. The social worker requested amendments to the proposal, which the case examiners could not agree. The case examiners therefore requested that the social worker be offered one final opportunity to consider their original proposal.

The social worker responded confirming that they wished to accept the case examiners' proposal and this case has therefore been concluded with a removal 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.

Local authority A	
Local authority B	

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the social worker's former employer, Local Authority A
Date the complaint was received	27 October 2022
Complaint summary	The complainant raised a concern that while on shift with them the social worker also undertook paid employment with a bordering Welsh local authority (Local Authority B)

Regulatory concerns

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 June 2021 and August 2022:

1. You undertook work for two separate local authorities simultaneously which had the potential to result in financial gain and/or to affect your ability to effectively complete either role to the required standard.
2. You did not disclose to your employer(s) and/or agency that you were working for more than one local authority simultaneously.
3. Your conduct at regulatory (1) and (2) was dishonest.

The matters outlined in regulatory concern 1, 2 and 3 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, 2 and 3 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

Whilst registered as a social worker between June 2021 and August 2022:

- 1. You undertook work for two separate local authorities simultaneously which had the potential to result in financial gain and/or to affect your ability to effectively complete either role to the required standard.**

The case examiners have reviewed the evidence including timesheets signed and dated by the social worker, a list of shifts worked for local authority B and a copy of the rotas which show when the social worker was scheduled to work for their former employer local authority A for the time period covered.

These suggest there were 41 instances when the social worker worked simultaneously for both local authorities.

The evidence suggests that in interview on 14 November 2022 the social worker accepts they knowingly worked for both authorities at the same time on 5 occasions in 2021 and 11 occasions in 2022. The social worker received payment from both local authorities. The case examiners are satisfied therefore that the social worker's alleged actions had the potential to result in financial gain.

Further, the case examiners consider that in being scheduled to work for two authorities at once, the social worker could not complete either role to the required standard. The case examiners note that descriptions of the roles provided by each local authority suggest there would have been requirement for the social worker to occasionally go out and undertake visits and other work. The case examiners consider it plausible that had each authority required such work to be completed simultaneously, the social worker could not reasonably have been available for both.

There is some evidence to suggest there may have been some impact on practice. For example, there is evidence to suggest that on 27 August 2022 the social worker could not be contacted by one authority, impacting on another employee who had to work beyond their working hours. Wider evidence obtained from local authority A suggests that colleagues had raised concerns more broadly in respect of the social worker's availability.

The social worker has not provided submissions regarding this concern.

The case examiners are satisfied there is sufficient evidence that between June 2021 and August 2022 the social worker undertook work for two separate local authorities simultaneously which had the potential to result in financial gain and/or to affect their ability to effectively complete either role to the required standard. They are satisfied there is a realistic prospect of adjudicators finding this concern proven.

2. You did not disclose to your employer(s) and/or agency that you were working for more than one local authority simultaneously.

The case examiners note that in interview the social worker indicates that on the first occasion when they worked for both authorities simultaneously, it was unintended. The social worker reports that they did mention it in supervision with local authority B once they were aware. However, the evidence indicates there were multiple further examples of simultaneous shifts, and, after the first occasion, the social worker completed those shifts in full awareness of the crossover. They state, *"I didn't raise it with anyone in [local authority A]. It didn't cross my mind."* They also state, *"at the end of the day I knowingly knew I was working at the same time at both authorities."*

This appears to be supported by supervision notes from local authority A. The case examiners are of the view that while these suggest the authority were aware the social worker was working for local authority B, they did not know the social worker was undertaking this work simultaneously. For example (from supervision record dated 19 November 2021):

'We talked about [the social worker's] work as a casual SW/ AMHP with [local authority B] both in relation to health & safety - ■■■ commenting that this additional work alongside additional ESWT shifts for us & full time ESWT does concern [them] slightly in relation to [the social worker] having a rest/ break from work. [The social worker] does undertake shifts for [local authority B] within [their] 2.5 weeks downtime.'

The evidence indicates that once local authority B became aware the social worker was working for both authorities simultaneously, they terminated their contract with them.

The social worker has not provided submissions regarding this concern.

The case examiners are satisfied there is sufficient evidence that between June 2021 and August 2022 the social worker did not disclose to their employer(s) and/or agency that you were working for more than one local authority simultaneously. They are satisfied there is a realistic prospect of adjudicators finding this concern proven.

3. Your conduct at regulatory (1) and (2) was dishonest.

When considering dishonesty, the case examiners have applied two tests. Firstly, they have assessed the evidence to see if there is anything that may demonstrate the social worker's actual state of knowledge or belief at the time of the alleged conduct. This is called a subjective test.

Interview notes of 11 November 2022 indicate the social worker didn't raise they were working for local authority B at the same time as with local authority A, as they knew it was wrong; *"It got frustrating but at the end of the day I knowingly knew I was working at the same time at both authorities."*

As illustrated above, the case examiners are of the view the social worker had opportunity to notify their manager with local authority A on several occasions during supervisions. The evidence suggests the social worker did not do so.

The case examiners next considered whether the conduct is likely to be deemed dishonest by applying the objective standards of ordinary decent people. This is called an objective test.

It is reasonable to state that the social worker may have had something to gain by undertaking work for two separate local authorities simultaneously and not disclosing to their employer(s) and/or agency that they were working for more than one local authority simultaneously. The interview notes indicate the money the social worker received was of financial benefit to them, [REDACTED]

The case examiners believe it is reasonable to conclude that, if a social worker was proven to have undertaken work for two separate local authorities simultaneously and did not disclose this to their employer(s) and/or agency for personal gain, an ordinary decent person is likely to view that as dishonest.

The social worker has not provided submissions regarding this concern.

The case examiners are satisfied there is sufficient evidence that between June 2021 and August 2022 the social worker's conduct at regulatory (1) and (2) was dishonest. They are satisfied there is a realistic prospect of adjudicators finding this concern 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 Social Work England professional standards, which were applicable at the time of the concerns.

As a social worker, I will:

2.1 - Be open, honest, reliable and fair

3.1 – I will work within legal and ethical frameworks, using my professional authority and judgment appropriately

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 this case it is alleged the social worker undertook work for two separate local authorities simultaneously which had the potential to result in financial gain and/or to affect their ability to effectively complete either role to the required standard, and that they did not disclose this to their employer(s) and/or agency. As a result, the worker is alleged to have acted dishonestly. When social workers are not open and honest, it can put people at risk and may damage confidence in them as a social worker and the social work profession.

Financial dishonesty (such as theft or fraud) is particularly serious if it leads to losses of public funds that should be used to deliver services. This is because it may impact the amount of resource available to support people. Given the number of instances the evidence suggests the social worker undertook work for both local authorities, the case examiners are of the view it is reasonable to consider this may have negatively impacted on the money available for other services.

The social worker has not provided submissions regarding the allegations. However, in correspondence with Social Work England in July 2023 the social worker states; *“I do not support the investigation because as of 9th November, 2022 I left [local authority A] and gave up social work...On my own volition I recognised my behaviour fell short of the professional standards to continue in practice.”*

Considering Social Work England’s standards, and the applicable guidance, the case examiners consider these matters are serious and would represent a significant departure from the standards expected of the social worker. The case examiners are therefore satisfied there is a realistic prospect of adjudicators finding that the regulatory concerns 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, 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 not of the view that the conduct is easily remedied as the allegations in this case, including that of dishonesty, could be said to be indicative of a character or attitudinal flaw. This is because it is more difficult to produce objective evidence of reformed character. Further, evidence of professional competence cannot mitigate serious or persistent dishonesty which the case examiners consider the evidence suggests in this case.

Insight and remediation

The case examiners have not been provided with evidence of insight and remediation. The case examiners note that when the allegations were put to the social worker by their former employer local authority A, the social worker indicated they accepted them and apologised for their behaviour.

In correspondence with Social Work England in July 2023 the social worker states;
“Due to my stupidity I have lost a career and professional standing

They indicate they have retrained and now work in another industry. The social worker does not appear to have engaged with Social Work England further.

Risk of repetition

Taking the above into account, the case examiners cannot conclude the risk of repetition to be highly unlikely.

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 concerned about allegations in this case which include serious dishonesty. The evidence suggests this was a pattern of behaviour that continued over a period of time. The case examiners consider these alleged failings to be fundamental tenets of social work, in that it speaks to the honesty and integrity of social workers who have access to private spaces (such as people's homes), and highly sensitive and confidential information (such as case notes).

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. Furthermore, the social worker's actions may undermine public confidence in the social work profession. The case examiners also consider that such conduct, if proven, is a significant departure from the professional standards and that there is a risk of repetition. As such, 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

With reference to their case examiner guidance (2022) the case examiners have carefully considered whether there is a public interest in these matters proceeding to a hearing.

While the case examiners consider the matters in this case to be serious, they believe this case can be concluded by way of accepted disposal. In correspondence with Social Work England in July 2023 the social worker has indicated that they are no longer practising social worker and have retrained in another industry. The case examiners note that the social worker has not addressed whether they consider their fitness to practise to be currently impaired. Indeed, in correspondence with Social Work England in July 2023 the social worker appears to indicate that the investigation did not need to proceed, although the case examiners note that they did not apply for voluntary removal. The case examiners are mindful of the regulator's duty to conclude the investigation process once they have decided to investigate.

Where a social worker does not accept impairment, case examiner guidance suggests that a referral to hearing may be necessary in the public interest. However,

the case examiners are of the view that the accepted disposal process will provide the social worker an opportunity to review the case examiners' reasoning on impairment and reflect on whether they do accept a finding of impairment. It is open to the social worker to reject any accepted disposal proposal and request a hearing if they wish to explore the question of impairment in more detail. The case examiners note that a hearing is open to the public, and that any decision as a result will be available to the public for 5 years.

The case examiners note there is no conflict in the evidence in this case and the social worker, in interview with their former employer and correspondence with the regulator, does not dispute any of the key facts. 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.

Accepted disposal

Case outcome		
Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☐
	Conditions of practice order	☐
	Suspension order	☐
	Removal order	☒
Proposed duration	Where a social worker is removed from the register, there is no defined end to the finding of impairment. A social worker that has been removed from the register may only apply to be restored to the register 5 years after the date the removal order took effect. The adjudicators will decide whether to restore a person to the register.	

Reasoning

The case examiners are satisfied there is a realistic prospect of the concerns being found proven by adjudicators. Furthermore, they found a realistic prospect that the concerns, if proven, would amount to the statutory grounds of misconduct. The case examiners have also found a realistic prospect that adjudicators would find the social worker's fitness to practise is currently impaired. The case examiners decided however, that the case can be concluded by way of accepted disposal.

In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's impairment and 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. Furthermore, the guidance requires that decision makers select the least severe sanction necessary 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 sanctions in ascending order of seriousness.

The case examiners considered that taking no further action would not be appropriate in this instance as the conduct was too serious and it would not satisfy the wider public interest. The case examiners noted earlier that they consider the risk of repetition to be highly likely. The evidence indicates serious and persistent dishonesty, for financial gain.

The case examiners next considered whether offering advice or a warning would be sufficient. An advice order will normally set out the steps a social worker should take to address the behaviour that led to the regulatory proceedings. The case examiners do not believe that issuing advice is sufficient to mark the seriousness with which they view the social worker's alleged conduct.

A warning order is likely to be appropriate where (all of the following):

1. The fitness to practise issues is isolated or limited
2. There is a low risk of repetition
3. The social worker has demonstrated insight

The case examiners consider they have illustrated in their decision that the above criteria do not apply, and therefore they are not satisfied that a warning order is sufficient.

The case examiners then considered a conditions of practice order. They note the sanctions guidance indicates conditions of practice are less likely to be appropriate in cases of character, attitude or behavioural failings and are unlikely to be appropriate in cases of dishonesty. They may also not be appropriate in cases raising wider public interest issues.

Accordingly, given the circumstances of this case, the case examiners considered a conditions of practice order to be inappropriate. The case examiners then considered a suspension order. Social Work England's sanction guidance (2022, paragraph 136) states that suspension is appropriate where (both of the following apply):

1. the decision makers cannot formulate workable conditions to protect the public or the wider public interest
2. the case falls short of requiring removal from the register (or where removal is not an option)

Given the seriousness of the concerns, the case examiners did not consider this to be a case that falls short of requiring removal from the register. Further, as addressed

in impairment, the case examiners do not consider there is evidence to suggest the social worker has demonstrated insight and/or remediation. The evidence indicates the social worker no longer wishes to practise as a social worker.

Case examiner guidance indicates that a removal order must be made where the case examiners conclude that no other outcome would be enough to protect the public, maintain confidence in the profession or maintain proper professional standards for social workers in England. The case examiners are satisfied that these principles apply in this case. There is evidence before the regulator of sustained dishonesty over a period of time, from which the social worker obtained financial gain. The case examiners consider such concerns to be particularly serious and highly likely to have a significant impact on public confidence in the profession.

Taking the severity of the concerns in this case into consideration, along with the social worker's lack of engagement, the case examiners conclude that a removal order is the appropriate and proportionate outcome in this case; and represents the minimum sanction necessary to maintain and uphold the public's confidence.

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

Response from the social worker

The social worker returned a completed accepted disposal response form on 23 February 2025 containing 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 suggest amendments.

In summary, the social worker stated that they accept the case examiners' accepted disposal proposal "in part", but they do not agree to the publication of a case examiner decision.

Case examiners' response

The case examiners carefully considered the social worker's accepted disposal response and considered it to, in essence, suggest the social worker agrees in principle with the case examiners' proposal. It appeared to the case examiners that the social worker's only request is for this decision to not be published.

The case examiners must be clear that the regulator is required to publish the particulars of any orders and decisions made in fitness to practise proceedings, together with the reasons for them. This requirement is set out within the regulator's secondary legislation, The Social Workers' Regulations (2018). The case examiners therefore cannot agree to the social worker's request.

The case examiners were satisfied that the response they received from the social worker did not materially impact upon their view of the public interest in this case. They therefore considered it appropriate and proportionate to offer one final opportunity to the social worker to reconsider the case examiners' original accepted disposal proposal (which remains unchanged).

In order to support the social worker in reaching their decision, the case examiners provide additional information and guidance, as set out below.

Publication of fitness to practise decisions

As set out above, the regulator is required to publish the particulars of any orders and decisions made in fitness to practise proceedings, together with the reasons for them. This requirement applies to relevant decisions made at both the case examiner and adjudication (hearing) stages of the fitness to practise process.

If the social worker does not wish to agree to the case examiners' accepted disposal proposal, this fitness to practise case will proceed to a hearing. All hearings usually take place in public, but there are some circumstances in which adjudicators will decide that the hearing should be held partly in private. The social worker may wish to consult the following guidance published on the regulator's website, in order to support their understanding of the regulatory process and to help them make an informed decision:

- [Hearings guidance for social workers](#) (click to access the page on the website)
- [Fitness to practise publications policy](#) (click to access the page on the website)

Conclusion

To conclude, the case examiners cannot agree the amendments requested by the social worker.

The case examiners will now notify the social worker of their decision and offer the social worker a final opportunity to review the decision and respond. The social worker will be offered 14 days to respond. If the social worker does not agree, or if the case examiners revise their decision regarding the public interest in this case, the matter will proceed to a final hearing.

Response from the social worker

The social worker returned a completed accepted disposal response form on 12 March 2025 containing 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 removal order.

