

Case Examiner Decision
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FTPS-22781

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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	23 May 2025
	Accepted disposal proposed – warning order (3 years)
Final outcome	17 June 2025
	Accepted disposal – warning order (3 years)

Executive summary

The case examiners have reached the following conclusions:

- There is a realistic prospect of regulatory concerns 1 and 2 being found proven by the adjudicators.
- There is a realistic prospect of regulatory concerns 1 and 2 being found to amount to the statutory ground of misconduct.
- For regulatory concerns 1 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 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 warning order of 3 years. The social worker accepted the case examiners' proposal in full.

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.

Person A	
Child C	

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by way of a self-referral.
Date the complaint was received	30 October 2023
Complaint summary	The social worker is alleged to have not maintained confidentiality in that they sent two child protection review reports and an image of a service user to a third party. In addition, it is alleged they accessed records relating to a child without professional reason to do so.

Regulatory concerns

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

Regulatory concern 1

Whilst registered as a social worker between September 2022 – October 2022:

1. You have not maintained confidentiality in that you:
 - 1.1 Sent two child protection review reports to a third parties email address.
 - 1.2 Sent an image of a service user to a third party via WhatsApp.

Regulatory concern 2

Whilst registered as a social worker in November 2020 and October 2022 you:

2. Accessed records relating to Child C without a professional reason to do so.

Grounds of impairment:

The matters outlined in regulatory concerns 1 and 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	☐

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 there is a realistic prospect of regulatory concerns 1 and 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

Regulatory concern 1

Whilst registered as a social worker between September 2022 – October 2022:

You have not maintained confidentiality in that you:

1.1 Sent two child protection review reports to a third parties email address.

The case examiners note that concerns had initially been raised with the employer by person A [REDACTED] Person A stated they were in possession of two child protection reports.

The case examiners have been provided with a copy of the two child protection conference reports and covering emails which were sent to what appears to be the

work email address of person A. The emails were sent on 11 October 2022 and 17 October 2022.

During the internal investigation meeting, the social worker stated that at the time they were working from home and did not have a car. They confirmed they had sent the two reports to person A on the said dates for them to be printed at their workplace, as the social worker needed to take them on visits to share with families.

In their initial comments, the social worker says they had no access to parking, the office building or the printer at work but accepts they could have asked a colleague to assist. As a fellow professional, they expected person A to respect the confidential nature of the reports and ensure that service users' information would be kept private.

The case examiners are satisfied there is a realistic prospect of adjudicators finding this concern proven.

1.2 Sent an image of a service user to a third party via WhatsApp.

Person A informed the regulator that the social worker had sent them an image, via WhatsApp, of a service user who was visiting their family under the supervision of the social worker.

The image of a child was sent on 29 September 2022, and a copy has been provided. The local authority confirmed this was the image of a service user who was being supervised by the social worker. The case examiners have been informed that the telephone number on the screenshot matches that provided by the social worker on the Social Work England register.

In their observations, the social worker says person A had requested the picture, but states person A had since omitted some of the messages from the conversation which would have provided context. The social worker says that person A had asked earlier in the message conversation for a picture, and again during a phone call prior to the supervised contact [REDACTED]

In their comments, the social worker noted that taking a photo without someone's consent and sending it is not an action that they would normally do or even think about. The social worker has confirmed to the case investigator that they no longer have a record of the full conversation.

The case examiners are satisfied there is a realistic prospect of adjudicators finding this concern proven.

Regulatory concern 2

Whilst registered as a social worker in November 2020 and October 2022 you:

Accessed records relating to Child C without a professional reason to do so.

The case examiners have been provided with the results of a Liquid Logic audit which details that on 5 November 2020 and 20 October 2022, the record of Child C was accessed under the social worker's name. [REDACTED]
[REDACTED]

The council's internal investigator concluded they did not think the social worker accessed the Liquid Logic record of Child C. Within their report, they noted the following, [REDACTED]
[REDACTED]

The internal investigation upheld the concern that, by the social worker's admission, they had failed to keep information secure. [REDACTED]
[REDACTED]

The social worker does not admit this regulatory concern. In their initial comments to the regulator, the social worker says that in relation to the first date the record was accessed (November 2020), [REDACTED] In October 2022, when the record was accessed for a second time, [REDACTED]
[REDACTED] They had had conversations about the social worker's jobs and the social worker recalled Child C saying they would be really embarrassed if they had a social worker. Person A had never mentioned any involvement with social care, therefore, to their knowledge there never had been until 2023 [REDACTED]. The social worker highlights that the records were not viewed at this time despite them being aware there was potentially something to view. The social worker adds that on

reflection they now know there must have been some involvement for there to be records to view.

The social worker adds that person A, *“has knowledge of work systems similar to Liquid Logic* [REDACTED]

[REDACTED]

[REDACTED] *I am aware of the risks regardless of where I am and that includes the workplace whereby, we are informed not to leave our laptops unlocked if leaving them unattended on our desks.”*

[REDACTED]

In an email of 10 April 2024 to the regulator, person A said that they never had access to the social worker’s computer at any time.

The case examiners consider there is IT audit evidence to indicate that the records of Child C were accessed from the computer assigned to the social worker. There is no primary evidence to clearly indicate who accessed the records and it is one word against another. The social worker has provided cogent reasoning, however, given that Child C’s case records were accessed using the social worker’s log in details from their work computer, the case examiners consider that on a technical basis it may be found that the records of Child C were accessed by the social worker.

The case examiners note that the social worker had no professional involvement with Child C and the evidence suggests that they had no professional reason to access any information in respect of this person.

The case examiners are satisfied there is a realistic prospect of adjudicators finding this concern proven.

Grounds

The case examiners are aware that there is no statutory 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.

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

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 evidence suggests that the social worker has failed to comply with the local authority's email and electronic communications policy. This sets out that non-council accounts, including email service, must not be used to conduct or support official council business. Further, the social worker alleged actions have breached the local authority's Data Protection Policy. The alleged conduct would also be in breach of the requirements of General Data Protection Regulations (GDPR), 2018.

Social workers in their roles, have access to a large amount of confidential and sensitive information about people. Therefore, members of the public need to be confident that when accessing records, social workers do so in an appropriate way and for legitimate purposes. Further, the public would rightly expect that confidentiality is maintained.

The evidence suggests that in this instance, the social worker has sent a photograph of a service user and shared two confidential reports with a third party. Further, they may have technically accessed a child's records on two occasions. The social worker admits the conduct in relation to the reports and photograph being sent to a third party. The case examiners consider that members of the public and adjudicators would view the alleged conduct as very serious.

Accessing records without a legitimate reason to do so and providing confidential information in relation to service users to a third party would not align with Standards 2.6 and 5.2.

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

Given all of the above, the case examiners consider the alleged conduct could be considered serious and or grave enough to be characterised as misconduct.

Accordingly, the case examiners are satisfied there is a realistic prospect of adjudicators finding the statutory ground of misconduct is engaged in relation to both regulatory concerns.

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.

The case examiners consider the alleged conduct can be remediated, for example through training and reflection.

In terms of mitigation, the case examiners refer to evidence within the bundle such as the internal investigating officer's report, the notes of a meeting 3 November 2023 and the letter confirming the outcome of the hearing. [REDACTED]



The social worker has accepted regulatory concerns 1.1 and 1.2. In relation to regulatory concern 1.2, they say they understand the breach of GDPR in respect of their actions and would never have done so under typical circumstances. They accept that the mitigating factors do not alter their actions, and they should never have done it.

The social worker has demonstrated insight and admits their judgement was impaired at the time due to difficult circumstances. [REDACTED]

[REDACTED] They add, *“However as stated, I do admit and acknowledge that my actions have placed service users’ confidential and sensitive information at risk and also led to other personal information [REDACTED] being viewed.”*

As part of their CPD the social worker has, [REDACTED]

The case examiners have been provided with the document which shows the depth and sincerity of their insight and reflection. The social worker also says that while they are still managing personal issues, they do not believe it will impact on their role as they now have a supportive manager who is aware of their personal circumstances and regularly oversees their work along with their emotional wellbeing. The social worker adds that they did not have this support before as their manager was unknown to them and they did not take the time to get to know them.

In terms of remediation, the social worker has carried out the recommendations from their employer, which was to complete the Data Protection and GDPR training prior to having any further access to their data system. A certificate has been provided which confirms completion of, *“Data Protection inc. GDPR e-learning”* dated 26 December 2023. The social worker says, *“Throughout the internal investigation, I have reflected on and expressed my awareness of the significance of my actions.”*

The case examiners note there is no previous fitness to practise history in respect of this social worker.

The case examiners have taken all of the above into account and consider that given the insight, reflection and remediation, the risk of future repetition is low.

Public element

The case examiners have next considered whether the social worker's alleged actions have the potential to undermine public confidence in the social work profession and whether this is a case where adjudicators may determine that public interest requires a finding of impairment.

A social worker who is found to have accessed confidential information without a professional reason and shared confidential information on three occasions, has the potential to undermine public confidence. Trust and confidentiality is vital in social work and a breach of such has the high potential to undermine public confidence and impact on people's engagement.

The case examiners are of the view that in these circumstances, members of the public would expect a finding of impairment if the concerns were found proven.

Accordingly, the case examiners are satisfied there is a realistic prospect of adjudicators finding 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

The case examiners have concluded that the public interest in this case is engaged. However, they are satisfied that this interest may be appropriately fulfilled by virtue of the accepted disposal process.

While the matter is serious, the case examiners are not of the view that it is so serious that a hearing might be necessary to maintain public confidence in the social work profession, or in Social Work England's maintenance of the standards expected of social workers.

The case examiners have noted that the social worker has indicated to the regulator that they do not consider their fitness to practise to be currently impaired. Where a social worker does not accept impairment, case examiner guidance suggests that a referral to a hearing may be necessary in the public interest.

However, the case examiners note that the guidance states the social worker must accept the matter of impairment at the point of *concluding* the case and are of the view that this does not prevent them offering accepted disposal prior to that stage.

The case examiners consider that it is reasonable to offer accepted disposal in this case because:

- There is limited conflict in evidence in this case and the social worker accepts most of the key facts. Where they do not accept the facts (regulatory concern 2) the case examiners found a realistic prospect of this being proved on a technical basis and the social worker has provided their reasoning to support their stance.
- The case examiners are of the view that there is a low risk of repetition, and therefore any finding of impairment would be primarily made in the public interest, to safeguard public confidence.
- The accepted disposal process will provide the social worker with an opportunity to review the case examiners' reasoning on impairment and reflect on whether they are able to accept a finding of impairment. It is open to the social worker to reject any accepted disposal proposal and request a hearing if they wish to explore the question of impairment in more detail.

The case examiners are also of the view that the public would be satisfied to see the regulator take prompt, firm action in this case, with the publication of an accepted disposal decision providing a steer to the public and the profession on the importance of adhering to the professional standards expected of social workers in England.

Accepted disposal

Case outcome

Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☒
	Conditions of practice order	☐
	Suspension order	☐
	Removal order	☐
Proposed duration	3 years	

Reasoning

In considering the appropriate outcome in this case, the case examiners have 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.

The case examiners commenced by considering whether it may be appropriate to reach a finding of impairment, with the outcome being no further action. The guidance suggests this is only applicable in exceptional circumstances. The case examiners were satisfied that in this case, a finding of no further action would be insufficient to protect public confidence.

The case examiners have next considered whether offering advice would be sufficient in this case. 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 considered that whilst they could offer advice with a view to preventing this situation arising again, this would 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 than an advice order. The case examiners concluded that a warning order is the most appropriate and proportionate outcome in this case and represents the minimum sanction necessary to adequately address the public's confidence in the profession and to maintain professional standards.

In reaching this conclusion, the case examiners reminded themselves that they have found there is a low risk of repetition, and the social worker has shown positive insight and remediation which suggests that a restrictive sanction would be inappropriate. A conditions of practice order would therefore be disproportionate.

The case examiners also considered that a warning order would sufficiently mark the seriousness with which the case examiners view the social worker's conduct and would also appropriately safeguard public confidence in the social work profession, and in the regulator's maintenance of professional standards for social workers. The case examiners therefore moved on to consider the length of the warning order, with reference to the regulator's sanctions guidance.

Warning orders can be imposed for one, three or five years.

A one-year warning order is appropriate for an isolated incident of relatively low seriousness. Given that the incidents were not isolated or low in seriousness, a one year in duration is not appropriate.

A three-year warning order is more appropriate for more serious concerns and in this case would be likely to satisfy public confidence that adequate standards of practice be maintained.

A five-year warning order is appropriate for serious cases that have fallen only marginally short of requiring restriction of practice. The case examiners consider the alleged conduct, taking into account the circumstances of the case, does not fall marginally short of requiring restriction on practice.

The case examiners have therefore decided to propose to the social worker a warning order of three-year's 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 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.

Content of the warning

The case examiners formally warn the social worker as follows:

Your conduct in this case represents a significant breach of professional standards and had the potential to have an adverse impact on public confidence in you as a social worker and the social work profession.

The case examiners warn that as a social worker, it is of paramount importance that you conduct yourself appropriately and in line with the law and with your professional standards, in both your personal and professional life. The case examiners remind the social worker of the following Social Work England professional standards (2019):

As a social worker:

2.6 I will treat information about people with sensitivity and handle confidential information in line with the law.

5.2 I will not 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 conduct that led to this complaint should not be repeated. Any similar conduct or matters brought to the attention of the regulator are likely to result in a more serious outcome.

Response from the social worker

The social worker responded on 6 June 2025. They confirmed that, *'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 are satisfied that the social worker has read and accepted the proposed accepted disposal of a three-year warning order. The case examiners have again considered the public interest in this matter and, as they have not been presented with any new evidence which might change their previous assessment, they are satisfied it remains the case that the public interest can be fulfilled through the accepted disposal process.

The case examiners therefore direct that Social Work England implement a warning order of three years duration.