

Case Examiner Decision

Dawn Jeffs – SW51453

FTPS-23098

Contents

The role of the case examiners	3
Decision summary	4
The complaint and our regulatory concerns	7
Preliminary issues.....	9
The realistic prospect test	11
The public interest	24
Accepted disposal	26

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	06 December 2024
	Accepted disposal proposed – 1 year warning order
2 nd Preliminary outcome	8 January 2025
	Accepted disposal proposed – 1 year warning order
Final outcome	12 February 2025
	Accepted disposal – 1 year warning order

Executive summary

The case examiners have reached the following conclusions:

- There is a realistic prospect of regulatory concerns 1.1, 1.2, & 2 being found proven by the adjudicators. ■
■
- 2. There is a realistic prospect of regulatory concerns 1.1, 1.2, & 2 being found to amount to the statutory grounds of misconduct.
- 3. For regulatory concerns 1.1, 1.2, & 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 was notified of their intention to resolve the case with a warning order of one year's duration. The social worker responded with a request for amendments (i.e. redactions) to the case examiners' report, which the case examiners considered.

Having done so, the case examiners were of the view that it remained appropriate to resolve the case with a warning order of one year's duration, subject to the social worker's agreement. The case examiners therefore requested that the social worker was again notified of their intention to resolve the case with a warning order of one year's duration.

The case examiners were subsequently informed that the social worker had accepted the terms of the proposed disposal 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.

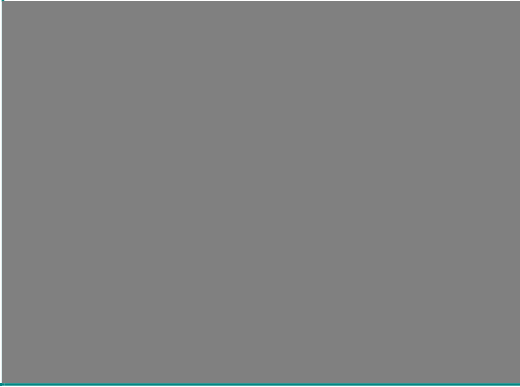
Anonymity and redaction

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.

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.

Foster Carer A

Child A

Child B		
Foster Carer B		
Person A		
Social Worker A		

The complaint and our regulatory concerns

The initial complaint	
The complainant	The complaint was raised by the social worker's former employer.
Date the complaint was received	20 October 2023
Complaint summary	The concerns raised relate to actions allegedly taken by the social worker when applying to be, and acting as, as a respite carer for foster children A & B. These actions potentially amounted to an unmanaged conflict of interest which could have placed the foster children at risk of harm.

Regulatory concerns / Regulatory concerns and concerns recommended for closure

As amended by the case examiners

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 you:

1. Failed to maintain a professional relationship with foster carers in that you:
 - 1.1. Completed a Form F assessment on foster carer A in which you did not declare your personal relationship with the carers.
 - 1.2. Provided respite to the foster carer's foster children, child A and child B.

The matters outlined at regulatory concerns 1 amount to the statutory ground of misconduct.

By reason of your misconduct your fitness to practice is impaired.

Concerns being recommended for closure:

Concerns being recommended for closure are concerns raised by the complainant, for which no evidence has been found during the investigative process or where the evidence obtained negates the concern(s). Decisions regarding concerns being recommended for closure remains the remit of the case examiners.

2. Your actions at concern 1 (1.1 & 1.2) amounted to an unmanaged conflict of interest.

If proven, the matters outlined at regulatory concern 2, [REDACTED] mount to the statutory ground 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 amended the following regulatory concerns, as highlighted in italics:

Whilst registered as a social worker ~~between~~ you:

1. Failed to maintain a professional relationship with foster carers in that you:
 - 1.1. Completed a Form F assessment on foster carer A in which you did not declare your personal relationship with the carers.
 - 1.2. Provided *unofficial* respite to ~~the~~ foster carer A's foster children, child A and child B.
2. ~~Have not declared a conflict of interest to the matters listed above at regulatory concern 1~~ *Your actions at concern 1 (1.1 & 1.2) amounted to an unmanaged conflict of interest.*

The case examiners are satisfied that the amendments they have made, while intended to more accurately capture the alleged acts and/or omissions by the social worker, are minor, and do not present any procedural unfairness to the social worker. The case examiners also note that the social worker has already provided comprehensive submissions in this case and are satisfied that they are already sufficient to address the minor alteration to the concerns raised. The case examiners therefore consider it unnecessary and disproportionate to delay consideration of the case further by seeking additional submissions from the social worker.

The case examiners are aware of the need to consider cases expeditiously and the need to ensure fairness to all parties. They are satisfied that their chosen course of action is consistent with their guidance.

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 1.1, 1.2 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

Whilst registered as a social worker you:

1. Failed to maintain a professional relationship with foster carers in that you:
 - 1.1. Completed a Form F assessment on foster carer A in which you did not declare your personal relationship with the carers.
 - 1.2. Provided respite to the foster carer's foster children, child A and child B.

The case examiners have carefully considered all of the information presented to them in relation to concerns 1.1 and 1.2 and have particularly noted the following key evidence:

The Form F assessment for foster carer A:

This assessment indicates that it is a report for prospective foster carers. It names the social worker as the social worker completing the report, the social worker's

name is in the box entitled “*signature of the social worker completing the report*” and is dated 8 April 2021. This document provides a comprehensive assessment and recommends that foster carer A and the foster carer’s partner “*are approved for 3 children, 0-18, any gender, short and long term fostering*” .

The Form F assessment also references child A and child B who were already being fostered by foster carer A and the foster carer’s partner at the time of the assessment. Child A had been placed with these foster carers since October 2019, and child B since July 2020. Reference is made within the assessment to child A and child B being in Scouts and participating in a ‘virtual camp’ at home.

No reference is made in this form to the social worker also being a scout leader for child A and child B, or of knowing foster carer A and the foster carer’s partner in anything other than a professional capacity as a social worker.

Next Steps Form:

This form is dated as completed on 17 February 2021 and indicates that the social worker has agreed and authorised the next steps actions. This form includes an option for the Form F to be allocated to an independent assessor, or to a [REDACTED] social worker, where the social worker worked. The form indicates that the social worker will be responsible for updating the Form F assessment, and the yes/no box for an independent assessor option is left unchecked.

Mid-point Assessment Supervision and Review for child A and child B:

This names the social worker as the assessor and is dated 16 March 2021. It references that three face to face visits have been completed, and that the social worker has interviewed “the two looked after children”. The assessment concludes that, with reference to foster carer A and the foster carer’s partner, “*these are strong applicants who are experienced foster carers with two long term, stable placements*”.

An Interview Record and Analysis form, for use with Form C, Form F, and Form PAR:

This form appears to have been completed by the social worker, who is named as the ‘assessor’, and is dated 20 March 2021. The form records that child A and child B are happy with foster carer A and the foster carer’s partner and feel well cared for. It also records that child A attends scouts, likes scouts as they do ‘fun things’, and outlines activities undertaken there.

No reference is made in this form to the social worker being the scout leader for the scouts that child A and child B attended, or of the social worker knowing foster carer A and the foster carer's partner in anything other than a professional capacity as a social worker.

An assessment of the social worker and [REDACTED] (person A), as 'back up/support carers' for child A and child B:

This assessment was completed by social worker A on 19 July 2022, who was managed by the social worker. This outlines that the social worker and [REDACTED] person A, were both scout leaders for child A and child B.

This assessment also references that the social worker is a social worker, but does not indicate that the social worker is a registered manager who also completed the form F assessment for foster carer A and the foster carer's partner, who care for child A and child B. The social worker and person A are recorded as having a good relationship with child A and child B through their role as a scout leader; the children are recorded as attending the scout group weekly, and as speaking positively of the social worker.

Communications between the social worker and social worker A, who they supervise:

An email dated 24 June 2022 records the social worker asking social worker A to get in touch with foster carer A and the foster carer's partner, to ask them *"how they feel about myself and (person A) being vetted as backup carers for (foster carer A) and (child A and child B) ... Then I will get a DBS done on (person A) and we can cobble a backup carer assessment and all is above board"* (sic).

Case records of social worker A dated 16 August 2022:

These indicate that the social worker and person A provided respite care for child A and child B, and that they took the children swimming and strawberry picking.

Information from foster carer A:

A copy of communication from foster carer A, dated 21 July 2024, advises that they and their partner have known the social worker for over twenty years, *"firstly during Scouts and then whilst Fostering (some years later)"*. Foster carer A also states that prior to joining the foster carer agency, they had had an online meeting with the owner of the agency (the complainant), during which it was discussed that they *"did*

already know (the social worker) through scouting and considered her as a family friend". They also confirm discussing that child A and child B were scouts at the scout group where the social worker was a leader.

In their submissions dated 29 August 2024, the social worker advises that:

With reference to concern 1.1, as the foster carer A and the foster carer's partner transferred from another agency, the Form F was provided by the previous agency and was used to take the foster carers to the approval panel. They state that they did not complete the assessment but did *"complete the peripheral tasks required as per panel requirements"*.

That their line manager (the complainant) was aware that the social worker was known to the family (i.e. foster carer A and the foster carer's partner) and would inform the panel chair of this. The social worker says that they also *"contacted the panel advisor and the Agency decision maker to advise them that I was known to the family and the children and was presenting to panel. On reflection i understand this and am certainly tuned into this going forward"* (sic).

With reference to concern 1.2, that during the later part of July 2022, foster carer A and their partner had an emergency situation and needed respite for their foster children. The social worker states that *"as a backup supporter for the foster carer I was approached by the foster carer and social workers to care for (child A and child B) as they had requested that they were cared for by myself and (person A) as they knew us well"*.

That their manager (the complainant) had raised some concerns about them caring overnight for child A and child B, as *"if allegations were made (even if false) this would impact on the agency in that I am the (registered manager) and the agency would need to suspend me whilst investigation took place"*. The social worker advises that, after taking time to reflect on the matter and discussing it with the agency Responsible Individual (RI), they *"concluded that I would not undertake any overnight support of this kind whilst employed by the agency in the future"*. They asked their line manager whether they thought it better for them not to provide respite on that occasion, but their manager *"conceded that there was no other option available for respite and agreed that on this occasion to continue as agreed. once again concluded that I would not provide any further overnight support whilst I was working for the agency"*.

Case examiner analysis:

The case examiners are satisfied that the evidence outlined above does indicate that the social worker had a personal relationship with the foster carers concerned, which the social worker did not declare on the Form F assessment. While there is evidence to indicate that the personal relationship through both being friends with foster carer A (as referenced in foster carer A's communications) and through scouts was widely known about by their line manager and other professionals involved in the fostering decision making process, the case examiners are of the view that as the person completing the form F assessment, failing to reference this relationship would amount to a failure to maintain a professional relationship.

Similarly, while other professionals may also have been aware of the personal relationship when, as alleged, the social worker provided respite care to child A and B, as an autonomous professional, the social worker was personally responsible for ensuring that actions they took did not breach their professional relationship with the foster carers. There is evidence in the social workers submissions that, to some extent, the social worker understood that providing respite to foster children that they were also the Registered Manager for, could have the potential to impact on their professional position; however, the evidence suggests that the social worker did provide respite care for child A and child B.

The case examiners are therefore of the view that there is a realistic prospect of adjudicators finding concerns 1 (1.1 and 1.2) proven on facts.

2. Your actions at concern 1 (1.1 and 1.2) amounted to an unmanaged conflict of interest

Concern 2 has been presented to the case examiners as a recommendation for closure. In determining whether the concern can be closed, the case examiners have applied the realistic prospect test, as outlined in the case examiner guidance (December 2022).

The case examiners have noted evidence indicating that the agency concerned did not have a conflict of interest policy, or a clear process for the social worker to follow if they did recognise that a conflict of interest might have arisen.

However, the relevant standards applicable to cases under the consideration of Social Work England, are Social Work England's own professional standards for social workers, rather than local policy and procedures. These standards expressly state that social workers should consider where conflicts of interest may arise, declare conflicts as early as possible and agree a course of action.

Guidance on the Professional Standards (2020) also provides further guidance to social workers, as follows:

Conflicts of interest can occur when a social worker does not take steps to ensure the impartiality of their work. Support should also be free from persuasion based on prior knowledge or association with people, or if there could be benefit to the social worker, their relatives, or friends. Potential or actual conflicts should be quickly identified and considered carefully with employers and a course of action agreed, including referring the person to another social worker. At the heart of any consideration should be people and the quality of support that a social worker is able to provide.

While there is evidence to indicate that the social worker's personal relationship with foster carer A, including their being a scout leader for child A and child B, was widely known about by other professionals, and also potentially by the social workers' manager (the complainant), the social worker nonetheless had a professional duty to ensure that any conflict of interest was appropriately managed, such that it did not place any one at a potential risk of harm. The case examiners note that the social worker requested that their own 'back-up assessment' was completed by someone they managed, and furthermore that the phrase 'cobble' was used by the social worker in their request for the backup assessment to be completed. The case examiners are of the view that this indicates an unprofessional approach to the assessment process, with the word 'cobble' intimating that something should be done without care and due diligence. The case examiners are of the view that such an approach is concerning, when assessing whether someone is suitable to provide respite care to vulnerable children.

The case examiners are of the view that, given the evidence of their long-standing relationship with foster carer A and their partner, their position as scout leader for child A and child B, and their application to provide back-up respite for child A and B, that the social worker's ability to complete independent reports as a Registered Manager for the children was compromised. This is because they failed to put in place the required checks and balances, or protective factors to ensure that the best interests of child A and B were placed at the centre of professional decision making.

In their submissions, the social worker also appears to acknowledge that the situation was not a usual one; "on reflection and consideration, I would conclude that this was quite an unusual situation. I was a scout leader to the two girls with the foster carers, I was also a backup support to the foster carers (as agreed with the local authority social workers, initially through delegated authority and latterly through a backup supporter assessment)."

While the evidence does indicate that the social worker's actions may have been well intended, and the case examiners have not been presented with any direct evidence that child A and child B experienced any harm as a result of the social worker's alleged actions, the case examiners are of the view that the processes and activities that the social worker appears to have engaged in did present an unmanaged conflict of interest. The alleged actions did not take sufficient professional account of, or sufficiently manage the potential adverse consequences that could have arisen from a registered manager completing foster carer assessments, asking someone who they managed to assess them, providing respite, and acting as a scout leader for vulnerable children being cared for by people the social worker had also known personally for many years. As such, the case examiners are of the view that the social worker may have failed to manage the conflicts of interest apparent in this case.

Having assessed all the evidence in the bundle independently, the case examiners are of the view that there is a realistic prospect of adjudicators finding concern 2 proven on facts.

As such, the case examiners do not support the recommendation for closure of concern 2.

Grounds

The case examiners have been asked to consider the statutory grounds of misconduct.

The case examiners are aware that misconduct is generally considered to 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 Social Work England's Professional standards, which were applicable at the time of the concerns, and consider that the following may have been breached.

2.7 Consider where conflicts of interest may arise, declare conflicts as early as possible and agree a course of action;

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

3.7 Recognise where there may be bias in decision making and address issues that arise from ethical dilemmas, conflicting information, or differing professional decisions;

3.9 Make sure that relevant colleagues and agencies are informed about identified risks and the outcomes and implications of assessments and decisions I make;

3.12 Use my assessment skills to respond quickly to dangerous situations and take any necessary protective action;

5.2 (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;

6.2 Reflect on my working environment and where necessary challenge practices, systems and processes to uphold Social Work England's professional standards.

As outlined in their consideration of the facts, the case examiners are of the view that the evidence indicates that the social worker may have failed to act with impartiality and manage a conflict of interest in this case. The evidence for this includes completing assessments for foster carer A who they knew personally and requesting another social worker who they supervised to 'cobble' an assessment in relation to them, and as a consequence, failing to ensure that the processes and actions engaged in ensured adequate safeguards were in place for two vulnerable children.

In the circumstances of this case, the evidence also suggests that the social worker did not give due regard to the ethical dilemma of involving themselves both professionally and personally with foster carers they were responsible for assessing, and children they were required to ensure were protected by checks and balances. The professional guidance for social workers reminds them that ethics in the context of social work is about the professional responsibilities and values social workers have and how they conduct themselves inside and outside the workplace. In addition, social workers need to cooperate closely with relevant colleagues and agencies to consider options for action. They are required to maintain a focus on the person at risk, whatever other demands or issues come to light, and including when under pressure. The social worker has indicated that they did recognise that there may be some conflict in their roles as registered manager and providing respite for child A and B, however they went ahead regardless with requesting an assessment of themselves from someone who they supervised, and therefore may not be

considered objective or unbiased; this also applies to the act of providing respite care.

The case examiners also consider that the social worker's alleged failure to effectively manage a conflict of interest ultimately resulted in a back-up fostering assessment that did not have processes ensuring sufficient checks and balances, including managerial oversight, were in place. As suggested by the complainant, the failure to adhere to these processes could permit an applicant's 'unfettered access' to vulnerable children. The alleged failure to identify a real conflict of interest is a potentially serious matter which the case examiners consider would be significant enough to amount to the threshold of misconduct.

The case examiners have taken into account the mitigation provided by the social worker, including that other professionals were kept informed by them of the actions they were taking, and of their relationship with the foster carers, and their scouting role. While the case examiners acknowledge that other professionals involved in this case may have also failed to identify and respond to risks that the processes and actions that have been alleged to have been engaged in by the social worker presented to child A and child B, the case examiners are, in this determination, required to consider what responsibilities the social worker themselves had in relation to the concerns raised. They are of the view that as an experienced social worker and autonomous professional, the social worker was responsible for their own actions and decisions, and that there is evidence to suggest that there were significant breaches of a number of professional standards by the social worker in this case, such as to engage the grounds of misconduct.

The case examiners consider there is a realistic prospect of adjudicators finding the grounds of misconduct proven.

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

While the case examiners consider the concerns raised to be serious, they do consider that the alleged conduct is capable of being remedied by the social worker showing full insight and positive evidence of remediation, including demonstrating that they understand why and what went wrong, and how to ensure any future repetition of the alleged conduct.

Insight and remediation

The case examiners consider that the social worker has demonstrated some positive evidence of insight and remediation. For example, they have stated that they would, in future *“make sure that any perceived conflict of interest was well documented through supervision so that any possible risk of this was analysed and mitigated”*, and have also outlined steps that they would take: *“After reflection and consideration of the situation I found myself in at the time, I now acknowledge that in the future should I be faced with this again I would seek advice from OFSTED and also discuss further with SWE (Social Work England) if deemed appropriate as this was a very difficult time”*. The social worker also provides some evidence of further learning they have undertaken regarding channels of communication.

The social worker has also shown some insight into why their own personality may have impacted on them acting in the way alleged, advising that they have *“reflected on my personality* [REDACTED]

[REDACTED] *and I believe that my desire to place the children first clouded my judgement to some degree, and am now able to see that these roles would have easily been seen as blurred boundaries and that I could have been open to allegations and recourse”*. They also [REDACTED]

[REDACTED] provide reflections on how they would ensure that such relationships were more professional and transparent in future.

While the case examiners have noted positive evidence of insight and remediation, they consider it to be developing rather than complete, as the social worker’s submissions do not indicate that they fully understand the extent of the unmanaged conflict of interest alleged in this case. For example, they do not address why it may have been inappropriate for them to request that a colleague they managed complete an assessment about their suitability to be a back up carer for child A and

child B; or how the language they used in the request for this , i.e. “cobble” could be perceived as indicating that it should be done quickly and without genuine care.

The case examiners also consider that while the social worker is entitled to request any testimonies that they see fit, providing testimony from the foster carer, in an investigation regarding an alleged conflict of interest in relation to that same person, to be a further indication that the social worker may not yet fully appreciate how to ensure that boundaries are not blurred, and the need to separate the ‘personal’ from the ‘professional’.

Risk of repetition

While the case examiners do not consider the social worker to have shown full insight and remediation, they do consider the risk of repetition to be 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.

The case examiners are of the view that a fully informed member of the public would take into account the evidence that the social worker’s alleged conduct does not appear to have caused any actual harm to child A and child B, that there is no suggestion it was motivated by anything other than good intent, and also would note that other professionals had opportunities to intervene in the social worker’s alleged actions, but do not appear to have done so. The public would also be reassured by evidence suggesting a low risk of repetition.

However, the case examiners also need to consider whether any alleged conduct by a social worker has the potential to damage public confidence in the profession. With that in mind, the case examiners are of the view that a fully informed member of the public, would still be alarmed that a social worker had failed to manage what appear to the case examiners to be clear conflicts of interest relating to two vulnerable children. The social worker’s alleged actions had the potential to place the children concerned at risk of harm, and the case examiners are of the view that the public would expect the regulator to make a finding of impairment, together with an appropriate sanction, in this case.

The case examiners are therefore of the view that a finding of impairment is necessary to promote and maintain public confidence and maintain proper standards for social workers.

The case examiners consider there is a realistic prospect of adjudicators finding the social worker's fitness to practise to be 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 given careful consideration to whether a referral to a hearing may be necessary in the public interest. The case examiners have noted the following:

- The case examiners guidance reminds them that “wherever possible and appropriate, case examiners will seek to resolve cases through accepted disposal. This is quicker and more efficient than preparing and presenting a case to a fitness to practise panel”.
- The accepted disposal process will provide the social worker with the opportunity to review the case examiners reasoning on facts, grounds and impairment, and reflect on whether they do accept a finding of impairment.
- It is open to the social worker to reject any accepted disposal proposal and request a hearing in public if they wish to reject the case examiners finding on the facts and grounds, or explore the question of impairment in more detail.

The case examiners are aware that a case cannot be concluded through an accepted disposal process where a social worker does not accept the facts and agree that they are currently impaired. At this stage, however, the case examiners' proposal for an accepted disposal process does not mark the conclusion of the case, as that would require a response from the social worker for the case examiners' consideration. It is also subject to a final review of the case by the case examiners, who may determine to send the matter to a hearing in public following any response received.

Interim order

An interim order may be necessary for protection of members of the public	Yes	☐
	No	☒
An interim order may be necessary in the best interests of the social worker	Yes	☐
	No	☒

Accepted disposal

Case outcome

Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☒
	Conditions of practice order	☐
	Suspension order	☐
	Removal order	☐
Proposed duration	12 months	

Reasoning

In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's Sanctions Guidance (2022) and reminded themselves that the purpose of a sanction is not to punish the social worker but to protect the public and the wider public interest.

In determining the most appropriate and proportionate outcome in this case, the case examiners considered the available options in ascending order of seriousness.

The case examiners commenced by considering whether it may be appropriate to reach a finding of impairment, with no requirement for any further action (a no further action outcome). The case examiners were satisfied that in this case, in light of the seriousness of the concerns raised and the potential to have placed vulnerable children at risk, a finding of no further action would be insufficient to protect public confidence.

The case examiners next considered whether offering advice would be sufficient in this case. 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 consider that whilst they could offer advice to prevent this situation arising again, this would also not be sufficient to mark the seriousness with which they viewed the social worker's conduct, and would not be sufficient to protect public confidence.

The case examiners went on to consider a warning order, which would provide a clearer expression of disapproval of the social worker's conduct than an advice

order. The case examiners conclude 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 took into account that they had found a low risk of repetition, and that the social worker had shown some positive insight and remediation.

To test their decision on sanction, the case examiners also went on to consider whether a conditions of practice or a suspension order may be more appropriate. However, given the low risk of repetition identified, they did not consider that this was a case requiring restrictions on practice, or falling marginally short of requiring removal. As such, the case examiners considered that both conditions of practice and suspension would be disproportionate in the circumstances of this case.

The case examiners therefore moved on to consider the length of the warning order proposed, with reference to the regulator's sanctions guidance. Warning orders can be imposed for one, three or five years. The case examiners are satisfied that in this case a one year warning order would be sufficient to mark the seriousness of the conduct in question. In reaching this conclusion, the case examiners referred to the sanctions guidance, and noted that the guidance states that one year may be appropriate for an isolated incident of relatively low seriousness. In such cases, the primary objective of the warning is to highlight the professional standards expected of social workers. The case examiners were of the view that, although they do not consider this case to be one of 'low seriousness', in light of positive evidence of insight and remediation, and the low risk of repetition identified, a one year warning order is sufficient to protect the public, and to safeguard public confidence.

The case examiners next considered the guidance in respect of a three-year order, which may be appropriate for more serious concerns, or a five-year order, for where a case has fallen only marginally short of requiring restriction of practice. The case examiners gave consideration to a longer order, but are of the view that, in all of the circumstances of this case, a one year order was sufficient to protect the public, and to safeguard public confidence. Furthermore, in light of the evidence of insight by the social worker, the case examiners considered that a longer order would be unnecessary and disproportionate. The case examiners are also not of the view that this is a case that has fallen only marginally short of requiring restriction to practice.

The case examiners have therefore decided to propose to the social worker a warning order of one 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 represented a significant breach of professional standards and had the potential to place vulnerable children at risk of harm; as such it is likely 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, you are required to conduct yourself in line with your professional standards. The case examiners remind the social worker of the following Social Work England professional standards:

As a social worker, I will:

2.7 Consider where conflicts of interest may arise, declare conflicts as early as possible and agree a course of action;

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

3.7 Recognise where there may be bias in decision making and address issues that arise from ethical dilemmas, conflicting information, or differing professional decisions;

3.9 Make sure that relevant colleagues and agencies are informed about identified risks and the outcomes and implications of assessments and decisions I make;

3.12 Use my assessment skills to respond quickly to dangerous situations and take any necessary protective action;

5.2 (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;

6.2 Reflect on my working environment and where necessary challenge practices, systems and processes to uphold Social Work England's professional standards.

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.

First response from the social worker

The case examiners have been advised that on 28 December 2024, the social worker responded with a request for amendments (i.e. redactions) to the case examiners report.

Case examiners' response

The case examiners have considered the social worker's request for redactions to their report. They have also noted Social Work England's fitness to practise publications policy, which outlines the requirements of the Social Workers Regulations 2018 with regards to the publication of decisions made by case examiners and adjudicators.

These regulations outline how the publication of fitness to practise decisions ensures that valuable information about the standards expected within the social work profession is in the public domain. The guidance also sets out that:

There is a genuine public interest in sharing this information because it (does all of the following):

- *promotes understanding and good practice within the sector*
- *maintains confidence in the social work profession*
- *assists members of the public (including employers) to make informed choices*

As such, publication of these decisions forms an important part of how we meet our overarching objective to protect the public.

The case examiners have made some minor redactions in line with the social worker's request.

The case examiners are satisfied that no further redactions are necessary or appropriate in this case.

The case examiners are of the view that it remains appropriate for them to propose to the social worker a warning order of one year's duration. They request that the social worker is again notified of the case examiners' proposal and that the social worker's agreement is sought to dispose of the matter accordingly. The social worker will be offered a further 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 in public.

Response from the social worker

On 24 January 2025 the social worker confirmed that they had:

- read the case examiners' decision and the accepted disposal guide;
- admitted the key facts set out in the case examiner decision, and that their fitness to practise is impaired;
- understood the terms of the proposed disposal of their fitness to practise case and accepted them in full.

Case examiners' response and final decision

The case examiners concluded that the social worker's fitness to practise was likely to be found impaired, but that the public interest could be met through a prompt conclusion, published decision and warning, rather than through a public hearing. They proposed a warning with a duration of one year and the social worker accepted this proposal.

In light of the social worker's acceptance of the warning, the case examiners have considered again whether there would be a public interest in referring this matter to a public hearing. They remain of the view that this is unnecessary for the reasons set out earlier in the decision.

Having been advised of the social worker's response, the case examiners have again turned their minds as to whether a warning remains the most appropriate means of disposal for this case. They have reviewed their decision, paying particular regard to the overarching objectives of Social Work England, i.e. protection of the public, the maintenance of public confidence in the social work profession, and the maintenance of proper standards. Having done so, they remain of the view that an accepted disposal by way of a warning order of one year's duration is a fair and proportionate disposal and is the minimum necessary to protect the public and the wider public interest.