

Case Examiner Decision
Cindy Baxter – SW141344
FTPS-23416

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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	24 March 2025
	Information requested Submissions requested
Preliminary outcome	26 August 2025
	Accepted disposal proposed – suspension order (2 years)
Final outcome	02 September 2025
	Accepted disposal – suspension order (2 years)

Executive summary

The case examiners initially paused consideration of the case and requested further information and submissions.

Upon receipt of an updated evidence bundle, the case examiners reached the following conclusions:

1. There is a realistic prospect of regulatory concerns 1 (a) and (b) being found proven by the adjudicators. [REDACTED]
2. There is a realistic prospect of regulatory concerns 1 (a) and (b) being found to amount to the statutory grounds of adverse physical or mental health.

3. For regulatory concerns 1 (a) and (b), there is a realistic prospect of adjudicators determining that the social worker's fitness to practise is currently impaired.

The case examiners did not consider it to be in the public interest for the matter to be referred to a final hearing and determined that the case could be concluded by way of accepted disposal.

As such, the case examiners requested that the social worker be notified of their intention to resolve the case with a suspension order of 2 years duration.

On 26 August 2025, the social worker signed a declaration confirming that they had read the case examiners' decision and the accepted disposal guide, they confirmed that they understood the terms of the proposed disposal of their fitness to practise case and accepted them 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.

Redaction

Elements of this decision have been marked for redaction in line with our Fitness to Practise Publications Policy. Text in [REDACTED] will be redacted from the published copy of the decision.

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by way of a self-referral by the social worker.
Date the complaint was received	19 April 2024
Complaint summary	The social worker was previously employed by [REDACTED] Council. Following absences due to ill-health, the social worker was referred by their employer to occupational health. The occupational health assessments completed concluded that the social worker was not fit to return to their operational social work role. Efforts to redeploy the social worker were unsuccessful and the social worker's contract was terminated.

Regulatory concerns

Amendments by the case examiners highlighted in bold

Whilst registered as a social worker:

1. You have **an unmanaged** health conditions as set out in schedule 1 which affects your practice:

Schedule 1



The matters outlined at regulatory concern 1 amount to the statutory ground of adverse physical or mental health.

Your fitness to practise is impaired by reason of adverse physical or mental health.

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

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

The case examiner guidance states that case examiners must request information in writing and explain why it is required. As such, they requested the following:

An independent health assessment

Submissions

Following an independent health assessment, the social worker would need to be asked to make further submissions, this would assist the case examiners to determine:

- the social worker's insight into their condition,
- their compliance and engagement with treatment programmes,
- their commitment to limit their practice, or to stop practising completely when unwell.

Update – August 2025

The case examiners have received an updated evidence bundle, which includes an independent medical assessment, submissions and some further evidence from the social worker.

The case examiners made a small number of minor amendments to the regulatory concern, [REDACTED]

The case examiners also removed reference to the social worker's management of their health from regulatory concern 1 as they will consider this matter as part of their assessment at the grounds stage.

The case examiners were satisfied that their amendments did not materially change the concern and, therefore, pausing for further submissions would unnecessarily delay proceedings.

The realistic prospect test

Fitness to practise history

The case examiners have been informed that there is no previous fitness to practise history.

Decision summary

Is there a realistic prospect of the adjudicators finding the social worker's fitness to practise is impaired?

Yes



No



The case examiners have determined that there is a realistic prospect of regulatory concerns 1 (a) and (b) being found proven, that those concerns could amount to the statutory grounds of adverse physical or mental health, and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

Whilst registered as a social worker:

- 1. You have health conditions as set out in schedule 1 which affect your practice:**

Schedule 1



The case examiners have carefully reviewed all available evidence, which includes documentation obtained from the social worker's GP 

long with an independent medical assessment conducted for regulatory proceedings.

The case examiners have approached their consideration of regulatory concern 1 in two stages. First, the case examiners have assessed whether the available evidence suggests the social worker has the health conditions set out in schedule 1. Second, the case examiners have assessed whether any current health conditions affect the social worker's practice.

Does the social worker have the health conditions set out in schedule 1?

The case examiners are satisfied, with reference to the independent medical assessment and wider medical records, that the social worker has the health condition listed in sub-particular (a). In reaching this conclusion, the case examiners noted that the independent medical assessor was unable to make a diagnosis for this condition, However, the case examiners are satisfied that there is wider evidence that supports this diagnosis. The case examiners noted also that the independent medical assessor is clear that the reason they were unable to make this diagnosis was because they were not in a position to properly assess this element of the social worker's health.

With regards to the health condition listed in sub-particular (b), the case examiners noted that the independent medical assessment includes a diagnosis and this is again supported by wider medical records.

Do the social worker's health conditions affect their practice?

Having reviewed all available documentation, the case examiners are satisfied that the evidence suggests health conditions (a) and (b) affect the social worker's practice. The case examiners' key reasoning is as follows:

- Evidence relating to a previous period of employment as a social worker suggests that the social worker's health impacted upon their work. The evidence suggests concerns arose around performance during the social worker's probation period. Local documentation suggests the social worker

engaged with local health and wellbeing procedures, but it was ultimately determined that the social worker was not able to carry out their duties.

■ Within the independent medical assessment, it is reported that the social worker's health appears to have had an impact on their career. ■

■ Within the independent medical assessment, it is reported that returning to work as a social worker would likely lead to a deterioration in the social worker's health and in the social worker's ability to carry out their duties.

In light of the above, there is a realistic prospect of regulatory concern 1 being found proven in respect of health conditions (a) and (b) only. There is no realistic prospect of regulatory concern 1 (c) being found proven.

Grounds

With reference to the regulator's health concerns guidance, the case examiners understand that the statutory grounds of adverse physical or mental health may be engaged if:

- There is evidence that a health condition has impacted, or could impact, upon practice
- There is evidence that calls into question the social worker's ability to manage their condition or adequately limit their practice

As the case examiners have set out at the facts stage, they are satisfied that there is some evidence to suggest the social worker's health condition has impacted upon their practice.

With regards to the social worker's ability to manage their condition or adequately limit their practice, the case examiners noted that documentation obtained from the social worker's former employer suggests that from October 2023 onwards, the social worker broadly limited their practice appropriately, taking time away from work where needed.

However, the case examiners note that prior to October 2023, it appears concerns had arisen in relation to the social worker's performance in two separate social work roles. For each occasion, contemporaneous medical evidence would appear to suggest the social worker was experiencing ill health. This position is supported within the independent medical assessment, where it is reported that the social worker's health has impacted upon their work in the past.

In light of this, the case examiners consider the available evidence to suggest that the social worker has not consistently managed their health or limited practice where necessary.

Accordingly, the case examiners are satisfied that there is a realistic prospect of adjudicators determining that the statutory grounds of adverse physical or mental health are engaged.

Impairment

Assessment of impairment consists of two elements:

1. The personal element, established via an assessment of the social worker's capacity to self-manage their condition and limit their practice as necessary to protect the public.
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 reference to the regulator's health concerns guidance, the case examiners are reminded that where the available evidence suggests a social worker's health may relapse, the core issues for the case examiners to consider is the social worker's capacity to self-manage their condition and limit their practice as necessary to protect the public.

In assessing these issues, the case examiners will consider the social worker's insight, which includes consideration of whether the social worker can recognise the onset of symptoms of illness, act appropriately by limiting or stopping practising as necessary, and fully engage with whatever protective and supportive measures are in place to manage their condition.

The case examiners have carefully reviewed the social worker's submissions, along with wider medical evidence available to them.

The case examiners were reassured to see that the social worker is engaging with medical treatment [REDACTED]

[REDACTED] The social worker's GP has provided a positive report on the social worker's engagement with treatment and it is clear that they are hopeful the social worker's health will improve over time.

In the case examiners' view, it is also apparent that the social worker has reflected on their health and how it can impact upon their ability to practise safely and effectively. It is clear the social worker understands that they are not able to practise at this time.

However, although the case examiners are reassured by the social worker's engagement, both with treatment and regulatory proceedings, they are nevertheless of the view that a level of risk remains. The case examiners are mindful that the social worker's current ability to manage their health within practice is untested as the social worker has not worked as a social worker for a number of years.

In addition, an independent medical assessment before the case examiners is clear that the social worker should not return to work as a social worker until there is evidence of full engagement with treatment and a "marked and sustained improvement" in their long term health over a period of at least 12 months. [REDACTED]

[REDACTED]

In light of the above, the case examiners consider that continued regulatory oversight of the social worker's management of their health is likely to be required.

Public element

The case examiners have next considered whether the social worker's actions have the potential to undermine public confidence in the social work profession, or the maintenance of proper standards for social workers.

As the case examiners have set out in relation to the personal element, they consider the available evidence to suggest that ongoing oversight of the social worker's management of health is likely to be required. In such circumstances, the case examiners consider it likely that public confidence would be undermined if no finding of impairment were to be made.

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

The public interest

Decision summary

Is there a public interest in referring the case to a hearing?	Yes	☐
	No	☒

Referral criteria

Is there a conflict in the evidence that must be resolved at a hearing?	Yes	☐
	No	☒
Does the social worker dispute any or all of the key facts of the case?	Yes	☐
	No	☒
Is a hearing necessary to maintain public confidence in the profession, and/or to uphold the professional standards of social workers?	Yes	☐
	No	☒

Additional reasoning

The case examiners note that the social worker accepts the key facts in this case and there is no conflict in the evidence available. The case examiners consider that the public interest in this case could be satisfied through the accepted disposal process, which would facilitate a prompt conclusion to proceedings.

Accepted disposal

Case outcome

Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☐
	Conditions of practice order	☐
	Suspension order	☒
	Removal order	☐
Proposed duration	2 years	

Reasoning

Having found that a realistic prospect the social worker's fitness to practise is currently impaired, the case examiners then considered what, if any, sanction they should propose in this case. The case examiners have taken into account the sanctions guidance and health concerns guidance published by Social Work England. They are reminded that a sanction is not intended to be punitive but may have a punitive effect and have borne in mind the principle of proportionality and fairness in determining the appropriate sanction.

The case examiners are also mindful that the purpose of any sanction is to protect the public which includes maintaining public confidence in the profession and the maintenance of proper professional standards for social workers.

The case examiners have taken into account the principle of proportionality by weighing the social worker's interests with the public interest when considering each available sanction in ascending order of severity.

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

No further action, advice and warning

The case examiners consider that the outcomes of no further action, advice, and warning order would be insufficient in this case. In reaching this conclusion, they

reminded themselves that the regulator's guidance is clear that all three outcomes, which offer no restriction to a social worker's practice, are not appropriate where a risk in respect of the management of a health condition has been identified.

Conditions of practice order and suspension order

With reference to the regulator's health concerns guidance, the case examiners note the following:

Conditions of practice orders will usually be the preferred course as they allow the social worker to undertake whatever level of practice is safe as and when they are able to do so.

A suspension order may be required if (any of the following apply):

- *the social worker is not engaging*
- *the social worker is not currently capable of complying with conditions*
- *there are no workable conditions that could be put in place to protect the public*

Even if the social worker is engaging, in some circumstances suspension may be a supportive outcome in a health case because it removes the pressure on the social worker to return to work while they recover. The social worker can ask for an early review of the suspension if they recover their health sufficiently enough to contemplate a phased return to work under a conditions of practice order.

In considering whether a conditions of practice order might be sufficient, the case examiners noted the following in particular:

- As set out earlier in this decision, an independent medical assessment before the case examiners is clear that the social worker should not return to work as a social worker until there is evidence of full engagement with treatment and a "marked and sustained improvement" in their long term health over a period of at least 12 months.
- Within their latest submissions to the regulator, the social worker has been clear that they agree with the independent medical assessor, that they should not practise as a social worker until there has been a sustained improvement in their health after treatment.
- The social worker has provided evidence demonstrating that they are actively engaging with treatment [REDACTED]

[REDACTED] In the case examiners' view, the social worker is therefore still in the early stages of the process the independent medical assessor has recommended.

In light of the above, the case examiners are of the view that a conditions of practice order would not be appropriate at this time. The case examiners consider that a suspension order is likely to be more appropriate in the current circumstances and would deliver both an appropriate degree of public protection, and some space for the social worker to focus on their health. The regulator's guidance on health concerns is clear that a suspension might also be preferable and supportive in circumstances such as these, as it would remove some of the pressure that can be generated by a conditions of practice order (which would require a degree of ongoing engagement from the social worker). The guidance explains that social workers can request an early review if their health recovers sufficiently to contemplate a phased return to practice.

The length of the proposed order

Suspension orders can be imposed for up to 3 years. Decision making guidance explains that the case examiners should ensure the length of any proposed suspension is necessary and proportionate.

In this case, the case examiners consider that a proposed order of 2 years would be appropriate. In making this decision, the case examiners are clear that this is not to punish the social worker, but to instead allow time for the social worker to focus on their health and work towards a safe return to practice. The examiners are also clear that, in accordance with the regulator's guidance on health concerns, it would be open to the social worker to seek an early review of the order if their health sufficiently recovers to contemplate a phased return to practice. If successful, adjudicators might consider replacing the suspension order with a conditions of practice order, in order to support the social worker back into practice.

The case examiners have decided to propose to the social worker a suspension order of 2 years duration. They will now notify the social worker of their intention and seek the social worker's agreement to dispose of the matter accordingly. The social worker will be offered 28 days to respond. If the social worker does not agree, or if the case examiners revise their decision regarding the public interest in this case, the matter will proceed to a final hearing.

Recommendations for the social worker

The case examiners recommend that the social worker continues to engage with treatment and recommendations of their treating physicians.

The social worker may wish to seek medical opinion before any review of the suspension order and may wish to provide evidence / a report from a treating physician with commentary on whether the social worker is able to safely return to practice. Any such report might helpfully comment more broadly on the social worker's engagement with treatment and recommendations, and on the social worker's insight into their health conditions.

Whilst recovering their health, the social worker may also wish to engage with continuous professional development when they are able to do so. [REDACTED]

[REDACTED] The social worker would be welcome to provide evidence to adjudicators of any such work undertaken.

Response from the social worker

On 26 August 2025, the social worker signed a declaration confirming that they had read the case examiners' decision and the accepted disposal guide, they confirmed that they understood the proposed disposal of their fitness to practise case and accepted them in full.

Case examiners' response and final decision

The case examiners have reviewed their decision, paying particular regard to the overarching objectives of Social Work England: protection of the public, the maintenance of public confidence in the social work profession and upholding professional standards. The case examiners are satisfied that a suspension order of 2 years is a fair and proportionate way to address the concerns, and is the minimum necessary to protect the public and satisfy the wider public interest.

