



Case Examiner Decision

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FTPS-23176

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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	03 December 2024
	Accepted disposal proposed - conditions of practice order (18 months)
Final outcome	14 January 2025
	Accepted disposal proposed - conditions of practice order (18 months)

Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concerns 1 and 2 being found proven by the adjudicators.
2. There is a realistic prospect of regulatory concerns 1 and 2 being found to amount to the statutory grounds of misconduct.
3. 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 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 conditions of practice order of 18 months. The social worker accepted this proposal.

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.

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the social worker's former employer, London Borough of Haringey.
Date the complaint was received	26 January 2024
Complaint summary	The complainant alleged that the social worker used a personal Instagram account which was open to the public and which was felt to compromise the social worker's role. The specific issues raised by the complainant are captured in the regulatory concerns section.

Regulatory concerns

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:

RC1. You failed to maintain appropriate professional boundaries with young people between 2021 and 2023.

RC2. You shared confidential information on social media between 2021 and 2023.

Grounds of impairment:

The matters outlined at regulatory concern 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 that there is a realistic prospect of regulatory concerns 1 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

Regulatory concern 1

It is alleged that between 2021 and 2023, the social worker failed to maintain appropriate professional boundaries with young people.

The case examiners have reviewed the information provided to them and they note that they have been provided with evidence that includes the following:

- Notes from a disciplinary hearing (dated 25 January 2024), which documents concerns about the social worker posting the following on Instagram:
 - Posting on Instagram about being invited to lunch and a young person's concert - "Today was such a nice...treated to lunch @mapetitejamaica ...after watching my girls perform their summer show #CamdenRoundhouse with @phosphorosyoungcompany

...#UASC...MemoriesWithMyYoungPeople#ThisIsWhyMyManagerSaysINeedToWorkOnMyBoundaries
#WorkThatsNotWork#ProudCorporateParentMoment."

- 13/07/2022: "After Hours Sneaky Visit...My YP starts her new job today (night shift) ...feeling anxious...I was in the community when she called...so against my boundaries judgements I agreed to meet briefly...she also spoke about her journey with social services (multiple workers) and often feeling let down...her childhood experience from her parents have knocked her self-esteem and confidence...we have great working relationship ...and she spoke a little about her unhealthy attachments and how when she likes someone she confuses these feelings and likes to spend all her time with them...I will need to be consistent with my boundaries (to her and for myself) because she knows I have a soft spot for her #SocialWork #HumanConnection#OutofHours #BoundariesAreImportant #Sunset.
- Information found on the social worker's phone including:
 - Pictures of different young people that they were working with, as well as messages from the social worker joking / asking a young person to buy them a drink because the young person has been paid and the social worker had entered their overdraft.
 - Messages that indicate the social worker was communicating with young people beyond work time as well.
 - A message from the social worker suggesting they meet with a young person at a mosque beyond work time. The messages are described as "overfamiliar and informal".
 - A contact saved as "my favourite young person".
 - Text messages sent to a young person at 11pm.
 - Text messages to "my favourite young person" at 9.44pm, including "kiss emojis".
 - Text messages to "my favourite young person" between 8.25 and 10pm.
 - Texts with "my favourite young person" up to 10.48pm, including "kiss emojis" and stating "rest up and I will check in tomorrow. Good night."
 - Text messages to a young person about a meeting with Ofsted.

- Text messages to “my favourite young person” stating “morning, I wanted to ask a favour. Message me when you wake up please.”
- Text messages with “my favourite young person”, at 8.17pm about the social worker’s dog and sharing videos of the dog.

As the regulatory concern cites a failure to maintain appropriate professional boundaries with young people, it is necessary for the case examiners to turn their minds to what would have been expected in the circumstances

In doing so, the case examiners have taken into account Social Work England’s professional standards and supporting/associated guidance. The case examiners have assessed the evidence against the following questions that they formulated from information contained within the standards and guidance. An answer of ‘yes’ to any of the questions would indicate that the social worker’s alleged conduct would depart from expectations.

1. Would the social worker’s alleged actions suggest a clear and professional relationship has not been maintained with the service user?
2. Would the social worker’s alleged actions suggest their relationship with the service user was becoming inappropriate, or be an indicator of a personal relationship?
3. Would the social worker’s alleged actions blur the boundaries of the professional relationship?

The case examiners consider that the evidence suggests all three questions could be answered in the affirmative, and therefore the social worker’s alleged conduct is likely to be considered a failure to maintain appropriate professional boundaries.

The social worker denies the concern.

Having reviewed all the evidence provided to them, the case examiners have concluded there is a realistic prospect that the regulatory concern would be found proven by adjudicators.

Regulatory concern 2

It is alleged that between 2021 and 2023, the social worker shared confidential information on social media.

The case examiners have reviewed the information provided to them and they note that they have been provided with evidence that includes the following:

- Notes from a disciplinary hearing (dated 25 January 2024), which documents concerns about the social worker posting the following on Instagram:
 - Pictures of care-experienced children, potentially identifiable due to distinctive clothing, locations, or specific messages/commentary.
 - Posts referencing sensitive information about young people, such as incidents of sexual assault, mental health crises, and criminal matters, potentially compromising their privacy.
 - References to difficult relationships with managers, delays in TOIL approval, and issues with expenses.
 - Images of dialogue with care-experienced young people, screenshots of team supervision on MS Teams, and references to personal and work-related matters.
 - Posts with potential identifiers, such as references to a court attendance with date visible, information about a young person released from prison, and references to specific HMP locations, posing a risk to individuals' identifiability.
 - Negative comments about Central Government, health services, a Judge and discussions around disliking management directions.
 - References to personal life, including potentially taking her mother to visit a young person, and unclear situations like meeting young people with a dog.
 - Posts about working conditions indicating long working hours, difficulties with approvals, and comments about a manager scrutinising expenses claims, raising concerns about the work environment.

The case examiners are satisfied that most, if not all, of the information detailed above is likely to be considered confidential.

The social worker admits the regulatory concern.

Having reviewed all the evidence provided to them, the case examiners have concluded there is a realistic prospect that the regulatory concern would be found proven by adjudicators.

Grounds

The case examiners are aware that there is no legal definition of misconduct, but it generally would consist of serious acts or omissions, which suggest a significant departure

from what would be expected of the social worker in the circumstances. This can include conduct that takes place in the exercise of professional practice, and also conduct which occurs outside the exercise of professional practice but calls into question the suitability of the person to work as a social worker.

To help them decide if the evidence suggests a significant departure from what would be expected in the circumstances, the case examiners have considered the following standards, which were applicable at the time of the concerns.

Social Work England professional standards

As a social worker, I will:

1.7 Recognise and use responsibly, the power and authority I have when working with people, ensuring that my interventions are always necessary, the least intrusive, proportionate, and in people's best interests.

2.2 Respect and maintain people's dignity and privacy.

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

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

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

As a social worker, I will not:

5.2 Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.

In respect of regulatory concern 1, the case examiners understand that social workers can feel a significant amount of responsibility for people who are allocated to them, and that they can sometimes 'go above and beyond' to meet the needs of individuals and families. However, it is essential that social workers always adhere to Social Work England's professional standards in respect of their practice. For example, maintaining appropriate professional boundaries is important because it protects professionals from being misinterpreted / misunderstood, and it also sets out clear expectations for service users in respect of future interactions with other professionals, therefore potentially protecting them from being exploited. The case examiners are satisfied that the social worker's alleged conduct is serious and is likely to be considered a significant departure from professional standards.

Having considered the relevant standards, the case examiners have concluded that the social worker's alleged conduct could in respect of regulatory concern 2 is also serious, and represents a significant departure, because the allegations indicate that the social worker shared confidential information on social media, which could have damaged the reputation of their employer, and which could have allowed vulnerable young people to be identified. The case examiners consider that breaching confidentiality creates a risk of harm for service users, in that their privacy and dignity could be affected, which could cause emotional harm.

Maintaining service user confidentiality is a vitally important part of social work, and not doing so could potentially harm public confidence in the profession.

The case examiners are satisfied that there is a realistic prospect of adjudicators finding that the matters amount to the statutory ground of misconduct.

Impairment

Assessment of impairment consists of two elements:

1. The personal element, established via an assessment of the risk of repetition.
2. The public element, established through consideration of whether a finding of impairment might be required to maintain public confidence in the social work profession, or in the maintenance of proper standards for social workers.

Personal element

With regards to the concerns before the regulator, the case examiners have given thought to their guidance, and they note that they should give consideration to whether the matters before the regulator are easily remediable, and whether the social worker has demonstrated insight and/or conducted remediation to the effect that the risk of repetition is highly unlikely.

Whether the conduct can be easily remedied

The case examiners are satisfied that although the alleged conduct in this case is serious, it could nevertheless be remedied, for example, via a demonstration of significant reflection and insight.

Insight and remediation

In this instance, the social worker admits the key facts in respect of regulatory concern 2, and they state that:

"I had not prior to suspension read the social media at work policy as this was not something that was ever discussed. I thought that by not posting any names, ages

or faces that I was retaining the anonymity of the YP I worked with. I would never intentionally cause harm to the YP or anyone I worked with. There has been a growing platform on social media for social workers and I felt I had built a community. I also had some colleagues on my page and nobody had suggested I had done anything wrong. I honestly did not see this as a concern until it was brought to my attention at suspension, at which point I deleted all the posts and they remain deleted. I have since familiarised myself with BASW social media guidance and I am also booked onto 'Think before you post- digital professionalism' webinar with SWE 18/03/24 as part of social work week".

Consequently, the case examiners are satisfied that the social worker understands what led to the events which are the subject of the concern, what went wrong, and what they should have done differently. In addition, the case examiners are satisfied that the social worker has demonstrated genuine remorse, and that they have provided evidence of remediation.

The case examiners note that in respect of regulatory concern 1, the social worker denies the concern. They state that:

"This is the concern that I struggled more with as I had never had this raised in the 4 years I was with Haringey, as a student NQSW or post ASYE...I do acknowledge that I was going above and beyond this was something I had been given an award for December '22. I care deeply about people and it now appears this to be at the detriment. I did not meet my Yp as a friend on weekends, my phone would be off, but at times I would meet them after 5pm but this would be to complete visits, pathway plans, well-being checks and I would always log these or inform my team as we had a shared WhatsApp for check ins."

The case examiners note the social worker's comments, but as shown above in respect of facts, the social worker referred to a "sneaky visit"; there is evidence that the social worker spoke to a young person about an Ofsted visit; and there is evidence that the social worker communicated with young people late at night and had a "favourite" young person. The case examiners also note that the social worker consistently refers to young people as "my young people", which the case examiners believe indicates a degree of overfamiliarity.

Furthermore, there is evidence that the social worker was aware of issues relating to professional boundaries (#ThisIsWhyMyManagerSaysINeedToWorkOnMyBoundaries), which undermines the social worker's assertion that "I had never had this raised in the 4 years I was with Haringey, as a student NQSW or post ASYE".

Consequently, the case examiners are not satisfied that the social worker understands what led to the events which are the subject of the concern, what went wrong, and what

they should have done differently. In addition, the case examiners have not been provided with any evidence of remediation in respect of regulatory concern 1.

Risk of repetition

Having reviewed the evidence provided to them, including the social worker's submissions, the case examiners have concluded that the insight demonstrated by the social worker is partial, and that remediation is incomplete. As such, the case examiners cannot conclude that the risk of repetition is low.

Public element

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

The case examiners have outlined their view that the alleged conduct in this case is serious, and that the regulatory concerns could amount to the statutory grounds of misconduct. Furthermore, the case examiners consider that adjudicators may find that public confidence would be undermined if a finding of impairment were not made.

Accordingly, there is a realistic prospect of adjudicators finding the social worker's fitness to practise to be currently impaired.

The public interest

Decision summary

Is there a public interest in referring the case to a hearing?

Yes

☐

No

☒

Referral criteria

Is there a conflict in the evidence that must be resolved at a hearing?

Yes

☐

No

☒

Does the social worker dispute any or all of the key facts of the case?

Yes

☐

No

☒

Is a hearing necessary to maintain public confidence in the profession, and/or to uphold the professional standards of social workers?

Yes

☐

No

☒

Additional reasoning

Case examiner guidance states that if the case examiners have found there is no public interest in the case being referred to a hearing, they may then consider whether an accepted disposal may be appropriate (paragraph 181). The guidance goes on to state that for a case to be concluded through accepted disposal, the social worker must accept the key facts and that their fitness to practise is currently impaired.

In this instance:

- There is no conflict in the evidence that requires resolving at a hearing.
- The social worker accepts the key facts.

The case examiners acknowledge that the social worker does not accept that they are currently impaired. However, the case examiners are of the view that having read their proposal (including the reasoning), the social worker may accept that they are currently impaired, in which case, the matter can be concluded via accepted disposal.

Furthermore, the case examiners have concluded that:

- Although the public interest is engaged, and the concerns in this case are serious, the case examiners are satisfied that public confidence in the profession and the professional standards for social workers can be upheld by the proposed outcome, and the decision being published on Social Work England's public register.
- The public would support efforts made by the case examiners to resolve this case in a timely and proportionate manner, without the need to refer to a hearing.

Consequently, the case examiners have determined that accepted disposal is the appropriate outcome in this case.

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	Conditions of practice order (18 months)	

Reasoning
The case examiners are satisfied there is a realistic prospect of the regulatory concerns being found proven by adjudicators. Furthermore, they found a realistic prospect that the concerns, if proven, could amount to the statutory grounds of misconduct. The case examiners have also found a realistic prospect that adjudicators could find the social worker's fitness to practise is currently impaired. In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's Impairment and Sanctions Guidance (2022) and reminded themselves that the purpose of a sanction is not to punish the social worker but to protect the public and the wider public interest. The guidance requires that decision makers select the least severe sanction necessary to protect the public and the wider public interest. In determining the most appropriate and proportionate outcome in this case, the case examiners considered the available sanctions in ascending order of seriousness. <u>No further action</u> The case examiners considered taking no further action. However, the case examiners considered that this would not be appropriate in this instance because they are not satisfied that a finding of impairment alone would protect the wider public interest.

Furthermore, the case examiners have concluded there is a lack of insight and remediation.

Advice or Warning

The case examiners next considered whether offering advice or a warning would be sufficient. An advice order will normally set out the steps a social worker should take to address the behaviour that led to the regulatory proceedings. The case examiners believe that issuing advice is not sufficient to mark the seriousness with which they view the alleged misconduct, and again it would not adequately protect the public.

A warning order implies a clearer expression of disapproval of the social worker's conduct than an advice order. However, the case examiners are not satisfied that a warning order would send a strong enough message to the social worker, and particularly, the wider social work profession. Furthermore, a warning order is not likely to be appropriate where there is a lack of insight and a risk of repetition, and again it would not adequately protect the public.

Conditions of practice

The case examiners then considered a conditions of practice order. The case examiners have consulted their guidance, which states conditions of practice may be appropriate in cases where (all of the following):

- The social worker has demonstrated insight.
- The failure or deficiency in practice is capable of being remedied.
- Appropriate, proportionate, and workable conditions can be put in place.
- Decision makers are confident the social worker can and will comply with the conditions.
- The social worker does not pose a risk of harm to the public by being in restricted practice.

Whilst the social worker has not demonstrated full insight, the case examiners note that they have shown some reflection into the circumstances of the case, and that this could offer an opportunity to develop further insight and remediation. The case examiners are of the view that workable conditions can be formulated that would support the social worker to develop the requisite insight and remediate their practice. Additionally, the order is subject to review, which can be extended or replaced with a different order if necessary.

Having concluded that a conditions of practice order is the appropriate outcome in this case, the case examiners went on to consider the length of time for the order. The case examiners consider that 18 months would allow the social worker sufficient time to demonstrate strengthened practice within a full appraisal cycle. They consider that any longer period, given that some insight and remediation has already been demonstrated, would be unnecessary and punitive.

Suspension or Removal Order

The case examiners went on to test the suitability of the conditions of practice order by considering the next most severe sanctions, a suspension order and a removal order. Having considered their guidance, the case examiners did not consider these orders to be proportionate.

Although, the concerns are serious, the case examiners consider that the public can be protected with an appropriate conditions of practice order.

To conclude, the case examiners have decided to propose to the social worker a conditions of practice order of 18 months duration. They will now notify the social worker of their intention and seek the social worker's agreement to dispose of the matter accordingly. The social worker will be offered 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.

Content of the conditions of practice

Conditions 1 to 13 (inclusive) should be in place for an 18-month period. In accordance with paragraph 15 of Schedule 2 of The Social Workers Regulations 2018, the regulator must review the conditions of practice order before its expiry. The social worker and/or Social Work England can seek early review if new evidence becomes available to suggest the current order needs to be varied, replaced or removed.

1. You must notify Social Work England within 7 days of any professional appointment you accept or are currently undertaking and provide the contact details of your employer, agency or any organisation with which you have a contract or arrangement to provide social work services, whether paid or voluntary.
2. You must allow Social Work England to exchange information with your employer, agency or any organisation with which you have a contract or arrangement to

provide social work or educational services, and any reporter referred to in these conditions.

3. a. At any time you are providing social work services, which require you to be registered with Social Work England, you must agree to the appointment of a reporter nominated by you and approved by Social Work England. The reporter must be on Social Work England's register.

b. You must not start or continue to work until these arrangements have been approved by Social Work England.
4. You must provide reports from your reporter to Social Work England every 3 months and at least 14 days prior to any review.
5. You must inform Social Work England within 7 days of receiving notice of any formal disciplinary proceedings taken against you from the date these conditions take effect.
6. You must inform Social Work England within 7 days of receiving notice of any investigations or complaints made against you from the date these conditions take effect.
7. You must inform Social Work England if you apply for social work employment / self-employment (paid or voluntary) outside England within 7 days of the date of application.
8. You must inform Social Work England if you are registered or subsequently apply for registration with any other UK regulator, overseas regulator or relevant authority within 7 days of the date of application [for future registration] or 7 days from the date these conditions take effect [for existing registration].
9. You must work with your reporter to formulate a personal development plan, specifically designed to address the shortfalls in the following areas of your practice:
 - The understanding and maintenance of professional boundaries.
 - Maintaining confidentiality.
 - Adherence to social media policies / guidance.

10. You must provide a copy of your personal development plan to Social Work England within 4 weeks from the date these conditions take effect and an updated copy 4 weeks prior to any review.
11. You must read Social Work England's Professional Standards (2019) and provide a written reflection 4 months after these conditions take effect, focusing on how your conduct in respect of professional boundaries and maintaining confidentiality was below the accepted standard of a social worker, and what you should have done differently.
12. You must provide a written copy of your conditions, within 7 days from the date these conditions take effect, to the following parties confirming that your registration is subject to the conditions listed at 1 to 11, above:
 - Any organisation or person employing or contracting with you to undertake social work services whether paid or voluntary.
 - Any locum, agency or out-of-hours service you are registered with or apply to be registered with in order to secure employment or contracts to undertake social work services whether paid or voluntary (at the time of application).
 - Any prospective employer who would be employing or contracting with you to undertake social work services whether paid or voluntary (at the time of application).
 - Any organisation, agency or employer where you are using your social work qualification/knowledge/skills in a non-qualified social work role, whether paid or voluntary.
 - You must forward written evidence of your compliance with this condition to Social Work England within 14 days from the date these conditions take effect.
13. You must permit Social Work England to disclose the above conditions, 1 to 12, to any person requesting information about your registration status.

Response from the social worker

The social worker submitted a completed accepted disposal response form on 06 January 2025, which included the following declaration:

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

Case examiners’ response and final decision

The case examiners note that the social worker has accepted the proposed disposal as outlined by them. The case examiners have considered the public interest in this matter. They have not been presented with any new evidence that might change their previous assessment and therefore remain satisfied that the public interest in this instance can be fulfilled through the accepted disposal process.

The case examiners therefore direct that the regulator impose a conditions of practice order (18 months).