



Case Examiner Decision
Kate Shannon – SW108009
FTPS-21291

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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	1. 20 May 2024 2. 25 November 2024
	1. Information requested Submissions requested 2. Accepted disposal proposed - warning order (1 year)
Final outcome	10 December 2024
	Accepted disposal - warning order (1 year)

Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of the regulatory concern being found proven by the adjudicators.
2. There is a realistic prospect of the regulatory concern being found to amount to the statutory ground of misconduct.
3. There is a realistic prospect of adjudicators determining that the social worker's fitness to practise is currently impaired.

The case examiners do not consider it to be in the public interest for the matter to be referred to a final hearing and that the case can be concluded by way of accepted disposal. The case examiners proposed a warning order of one year's duration to the social worker, who accepted this proposal.

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.

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	30 August 2022
Complaint summary	It is alleged that the social worker entered into an intimate physical relationship with a service user.

Regulatory concerns

Whilst registered as a social worker between 18th January 2022 and 31st August 2022, you:

1. Failed to maintain professional boundaries in that you entered into a personal relationship with Person 1.

The matter outlined in regulatory concern 1 amounts 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	☐

Requests for further information or submissions, or any other preliminary issues that have arisen

May 2024

In most cases, the case examiners reach a decision based solely on the material that the investigators have provided. However, in some circumstances, the case examiners are not able to reach a fair decision without further information.

Case examiners may request specific additional evidence or information, that is not part of the evidence provided, if they consider this is needed for them to make a fair decision. The case examiner guidance states that in such circumstances, they should adjourn their consideration of the case and formally request the information.

The same guidance provides direction that the case examiners must submit any request for information to the operations team in writing. Their request should clearly explain (both of the following):

- What specific information the case examiners need to help them reach their decision.
- Why they need this information.

Accordingly, the case examiners request the following:

- Further steps to be taken to identify the dates of the relationship between the social worker and Person A.

The case examiners require this information because the date of the alleged relationship will make a significant difference to the case examiners' decision making. The case examiners note that the investigator has rightly identified the importance of this information and did take steps to try and obtain it, however, the case examiners feel that there are further lines of enquiry that can be followed.

The regulatory concern cites that the social worker and Person A entered a personal relationship between 18th January 2022 and 23rd May 2022. The evidence obtained from the social worker's employer confirms that it was between these dates that the social worker was assigned to Person A's case. However, Person A implies that the social worker was not working with them at the time of their relationship, and this is consistent with the account of the social worker.

On November 2022, Person A emailed Social Work England with information about their personal relationship with Person A. It is unclear what drove this contact.

The case examiners note that the investigators emailed Person A on 17 Jan 2023 and on one further occasion (date unknown). The first email included a request for confirmation of the dates Person A was in a personal relationship with the social worker, the second email was to chase a response, but a response was not received.

The case examiners request the investigator to consider if there are ways to contact Person A other than by email, such as by telephone (via the local authority), to gain this information.

The case examiners also request that the local authority is contacted to ask what information they relied on when stating in the referral to Social Work England that '*I understand that this relationship is alleged to have started a number of months ago (early 2022- specific dates not known).*

In addition, the case examiners ask that further enquiries be made in respect of the WhatsApp messages (contained at PDF pages 7- 14 of the evidence bundle) to establish what dates these relate to. The local authority should be contacted in the first instance to establish if the messages that they received contained any information to identify the date. As previously stated, Person A may be contactable by other means to assist with the date of the messages, however if that proves

fruitless then the social worker could also provide a copy of the messages with dates. As the social worker has asserted that the alleged personal relationship with Person A did not commence until after the professional involvement ended, the provision of the same messages contained in the evidence bundle alongside dates, will help validate their assertion.

Following the further investigative steps being taken, and dependant on the outcome, the investigator may wish to consider if the wording of the regulatory concern needs to be reworded in respect of citing a specific timeframe.

The social worker should be offered the opportunity to provide further submissions following further investigation being completed.

November 2024

The case examiners are satisfied that the above steps have been taken, and they will now proceed with their consideration of this case.

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 the regulatory concern being found proven, that this concern could amount to the statutory ground of misconduct, and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

Whilst registered as a social worker between 18th January 2022 and 31st August 2022, you:

- Failed to maintain professional boundaries in that you entered into a personal relationship with Person 1.**

The social worker was the allocated social worker for Person 1's child from 18 January 2022 to 23 May 2022.

Person 1 confirms that:

'I had a previous social worker called Kate Shannon, she is such a caring person and a great social worker, and after she was my social worker, we become close, she helped me become a better person and to be positive. I'm going to be honest I fell in love with her, and I believe she did back. This did not affect her work, she was not

working with me at all in any way at this time, she was always professional and took pride in her amazing work.'

The case examiners have had sight of WhatsApp messages between the social worker and Person 1, which clearly indicate a romantic relationship between the two parties.

The social worker admits this regulatory concern. They state:

'After our working relationship had ended, I ran into the service user outside of work and we had some contact and a very brief, although quite intense, intimate relationship. This occurred around July/August 2022.'

Whilst the referral to Social Work England suggests that the social worker entered into a relationship with Person 1 whilst they were still allocated to Person 1's children, both Person 1 and the social worker maintain that this was not the case. There is no objective information to undermine this, with the messages being undated and further enquiries carried out by the investigator at the case examiners' request to identify the date of the messages proving fruitless.

The evidence suggests the social worker's relationship with Person 1 commenced around July/August 2022 and ended a few weeks later, in August 2022.

As the regulatory concern cites a failure to maintain professional boundaries, 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.

- Would the social worker's alleged actions suggest a clear and professional relationship has not been maintained with the service user?
- 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?
- Would the social worker's alleged actions blur the boundaries of the professional relationship?

The case examiners consider that the evidence suggests that all three questions could be answered in the affirmative. Whilst the professional relationship had ended between Person 1 and the social worker at the time the personal relationship commenced, social workers are expected to maintain boundaries with service users past and present. Therefore, the social worker's alleged conduct is likely to be considered a failure to maintain appropriate professional boundaries.

Grounds

The case examiners must next consider whether, if found proven, the concern could amount to the statutory ground of misconduct.

There are generally considered to be two types of misconduct. These are (either of the following):

- misconduct which takes place in the exercise of professional practice
- misconduct which occurs outside the exercise of professional practice, but calls into question the suitability of the person to work as a social worker

The case examiners also note that 'misconduct' denotes serious acts or omissions, suggesting a significant departure from what would be proper in the circumstances. To help them decide if the evidence suggests a significant departure from what would be proper, the case examiners have considered the following Social Work England professional standards, applicable at the time of the concerns:

As a social worker I will

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

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

The case examiners acknowledge that the social worker provides context for their alleged conduct, with reference to personal matters they were dealing with at the time. The case examiners will take this mitigation into account at a later stage of their decision making.

The case examiners conclude that the alleged conduct would not align with either of Social Work England's professional standards detailed above. It is a key tenet of social work to maintain professional boundaries with service users past or present. Where boundaries have not been maintained, the public are likely to question whether a social worker is suitable to fulfil their role.

The case examiners are aware that for the threshold of misconduct to be reached, the conduct has to be serious. Case law provides steer that one way of assessing this is to consider if the conduct would be regarded as 'deplorable' by other social workers. The case examiners have also taken into account that for an isolated matter to amount to misconduct, it would have to be considered to be particularly grave. The case examiners are satisfied that the alleged conduct, if proven, would be considered deplorable by other social workers. Further, though the matter could be considered isolated (despite the relationship lasting over a period of weeks), it is such a departure from what would be expected that it is likely to be considered particularly grave.

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

As such, the case examiners are satisfied there is a realistic prospect of adjudicators finding this matter amounts to misconduct.

Impairment

Having concluded there is a realistic prospect of adjudicators establishing the statutory ground of misconduct, the case examiners must consider whether there is a realistic prospect of adjudicators finding current impairment. The case examiners are aware they must assess both the personal and public elements of current impairment. They will consider each in turn.

Personal element

The case examiner guidance states that there are multiple factors that case examiners should look for when considering the personal element of impairment, in order to assess the risk of repetition. These include, whether the social worker has admitted the allegations, if they have demonstrated insight, if they have evidenced remediation, any relevant previous history, and any testimonials that have been provided.

Relevant previous history

There is no previous history for the case examiners to take into account.

Admissions

The social worker admits the allegations in respect of the concerns that are capable of being found proven. In their submissions the social worker accepts their role and responsibilities in relation to the events that gave rise to the concerns.

Insight

In respect of insight, the case examiners are aware that they must take care to assess the quality of any insight. A social worker may accept they have acted wrongly. However, simply asserting this is unlikely to be enough to demonstrate genuine insight.

In their submissions the social worker appears to demonstrate an understanding of what led to the events which are the subject of the concern. The social worker seems to recognise what went wrong. They state:

- *‘I am embarrassed of my actions in relation to contact with Person A and now do not recognise that part of myself who acted this way. I have not and would not ordinarily have had contact with a service user outside of work. It was an extremely and uniquely difficult period of my life, where I was also isolated.’*
- *‘Following reflection over the duration of this investigation, I can now identify that I made an incredibly poor decision in having contact with Person A outside of work. I can see that I was vulnerable and isolated as I was experiencing a deeply personal and painful set of circumstances which impaired my judgement at this time. I was drawn into having contact and forming a relationship with Person A, which in usual circumstances, I would have immediately recognised was totally inappropriate and crossed professional boundaries.’*

The social worker accepts their roles and responsibilities in relation to the events, they appear genuinely remorseful. They state:

- *‘.... I fully accept that the contact outside of work was totally inappropriate.’*
- *‘.....whilst I wish to provide context for this behaviour, I do not excuse my actions and hugely remorseful and regretful’*

- *'I am embarrassed and remorseful at the events and apologise for any impact upon the family involved, social work colleagues and the public perception of the social work profession, of which I am very proud.'*

The social worker has provided information to demonstrate what they could (and should) have been done differently. They state:

- *'On reflection, when I had even briefly considered having additional contact with a service user, I would have acknowledged these feelings, and I would have known that this is out of character and may be indicative of difficulties in my own personal circumstances.'*
- *'I would not have had any additional contact with Person A, and I would have spoken to close friends who are also Social Workers; people who I was isolated from at the time after the breakdown of my long-term relationship.'*
- *'I would have spoken with my manager, or if I felt unable to, then another manager.'*
- [REDACTED]
- *'I should have used the support of my close friends who are social workers, my manager, or colleagues to gain their views and insight into the situation prior to me taking any further action.'* [REDACTED]

The social worker has addressed how they might act or react differently if the same circumstances were to happen again (to avoid reoccurrence of similar concerns.)

They state:

- *'If I were ever struggling and isolated to such an extent again, I would not only not hesitate in speaking to my personal network but* [REDACTED]

[REDACTED]

- [REDACTED]

When assessing insight, it is also important to establish if the social worker demonstrates a genuine understanding of the impact of their actions on others, and

the profession. The social worker has stated the following that suggests they do understand this:

- *‘I recognise that this incident may have damaged public confidence in the profession and wish to express how saddened I am by this.’*
- *‘I understand that Social Workers are held to Professional Standards to safeguard the public and uphold public confidence in the profession. I failed to uphold these standards by having a relationship with Person A....’*
- *‘I accept that my actions in having involvement with a previous service user may have damaged public confidence in the profession, as per Social Work Standards. My role is to uphold professional boundaries and although contact took place after the working relationship had ended, I recognise that this was still not appropriate as we had met initially in a work capacity.’*
- *‘The negative outcomes of this situation were that I failed to uphold professional boundaries with former service users and have therefore not adhered to the social work standards on this occasion. This may also therefore, have damaged public confidence in the profession, particularly in the view of the children, children's mother or wider family members and I am very regretful of these potential outcomes to the family or members of the public.’*

The case examiners are of the view that the social worker has demonstrated a very high level of insight.

Employment reports and testimonials

Testimonials that provide up to date, credible information about the social worker's current practice can be relevant when exploring current impairment. The case examiners have not been provided with any information since July 2023 (which was very positive and raised no concerns). They do not consider it proportionate to delay this case by requesting an up-to-date employment reference and are satisfied that the information before them is sufficient to reach a fair decision.

Remediation

Turning their minds to remediation, the case examiners are aware that this is best shown by objective evidence.

In respect of remediation, the social worker states:

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- *'In addition, to further educate myself about personal boundaries and emotional resilience I have done the following –*
 - Read Guide to Developing Emotional Resilience, Community Care Inform. The aspects of self-reflection were especially useful* [redacted]
 - Read Professional Boundaries in Social Work: A Qualitative Study, GSCC. This study includes service user views and helps to create advice for professionals, developing 'ethical fitness' and how to identify potential transgressions and act appropriately.*
 - *Identified and self-funded upcoming for Care for Care Professional Boundaries training. This is CPD accredited, and I am happy to provide a certificate of completion....'*



[redacted]. Whilst the case examiners have not been provided with objective information to support the social worker's assertion as to the other steps they have taken towards remediation, the case examiners are of the view that that high level of insight displayed by the social worker is consistent with them having engaged in such remedial activities.

Risk of repetition

The purpose of case examiners assessing multiple factors when considering the personal element of impairment, is to assess the risk of repetition, put simply the likelihood of the conduct happening again.

The information reviewed leads the case examiners to conclude that there is a low risk of repetition in this case. In reaching this conclusion they particularly noted the high level of insight displayed by the social worker.

Public element

The case examiners must now consider the public interest in this matter.

A social worker failing to maintain professional boundaries with a service user undoubtedly has the potential to undermine public confidence. Such conduct is certainly a significant departure from professional standards.

Regulatory concerns regarding professional boundaries go to the heart of public confidence in the social work profession. They have the potential to undermine the public's trust in social workers. As such, it is likely the public would expect that a finding of current impairment is made by adjudicators to maintain public confidence in the regulation of the profession.

Having considered both the personal and public elements, the case examiners have concluded there is a realistic prospect that adjudicators would find the social worker 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

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

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

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

- There is no conflict in evidence in this case and the social worker accepts the facts.
- The social worker is clear that they accept that their practice fell short of the standards expected of them.

- The case examiners recognise that not all professionals will have an innate understanding of how and when the public interest may be engaged, or how exactly this might impact upon findings concerning current fitness to practise.
- The accepted disposal process will provide the social worker an opportunity to review the case examiners reasoning on impairment and reflect on whether they are able to accept a finding of impairment. It is open to the social worker to reject any accepted disposal proposal and request a hearing if they wish to explore the question of impairment in more detail.
- The case examiners are also of the view that the public would be satisfied to see the regulator take prompt, firm action in this case, with the publication of an accepted disposal decision providing a steer to the public and the profession on the importance of adhering to the professional standards expected of social workers in England.

Accepted disposal

Case outcome		
Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☒
	Conditions of practice order	☐
	Suspension order	☐
	Removal order	☐
Proposed duration	1 year	

Reasoning

In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's sanctions guidance and reminded themselves that the purpose of a sanction is not to punish the social worker but to protect the public and the wider public interest. Furthermore, the guidance requires that decision makers select the least severe sanction necessary to protect the public and the wider public interest.

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

No further action

The case examiners considered taking no further action. Paragraph 95 of the sanction's guidance states that, when decision makers find impairment, an outcome of 'no further action' is rare. However, this could be possible in cases where the finding of impairment itself is enough to protect the public or address the public interest.

The case examiners conclude that taking no further action would not satisfy the wider public interest given the allegations of failing to maintain professional boundaries in this case.

Advice

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 decided that issuing advice was not sufficient to mark the seriousness of the social worker's alleged conduct.

Warning order

The case examiners next considered whether a warning order would be appropriate in this case. The case examiners are aware that where a social worker's fitness to practise is potentially impaired, they will usually need to ensure the public is protected through some action by the regulator. The case examiners have decided that such protection can be met with a warning order.

The case examiners have considered the length of time for the published warning and consider one year to be proportionate in this case. The case examiners consider that a period of one year is appropriate in the circumstances to maintain public confidence and to send a message to the public, the profession and the social worker about the standards expected from social workers.

This was a finally balanced determination, as the case examiners do not consider that the matter, be it potentially isolated, is of '*relatively low seriousness*,' as pointed to in Social Work England's sanctions guidance in respect of one-year warnings. However, the social worker does not require additional time to fully address the risk of repetition, as is pointed to in the same guidance in respect of three-year warnings.



The primary purpose of the warning is to highlight the professional standards expected of social workers. The case examiners do not consider that the matter fell marginally short of the need to restrict practice, particularly given that the relationship with Person 1, a consenting adult, did not occur whilst the social worker was professionally involved with them. Further, given that this is an isolated matter

involving an experienced social worker with no suggestion of there being a pattern of behaviour. The case examiners concluded that a warning of five years would be disproportionate.

In all the circumstances of this case, the case examiners are satisfied that a warning of one year's duration is the proportionate sanction.

Conditions of Practice/Suspension

The case examiners went on to test their conclusion by considering whether conditions of practice or suspension were appropriate in this case. They concluded that conditions were more relevant in cases requiring some restriction in practice and were not suitable for this case that related to matters in the social worker's private life after their involvement with the service user ended. The case examiners have concluded that there is a low risk of repetition and consider that both conditions of practice and suspension would be disproportionate in this case.

The case examiners will notify the social worker of their proposal to issue a warning order of 1 years' duration and will 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

Maintaining professional boundaries as a social worker is paramount. Failing to do so has the potential to have an adverse effect on the public's confidence in an individual social worker and may also damage the reputation of the social work profession.

The case examiners remind you that you are required to adhere to Social Work England's professional standards. In particular, they bring your attention to the following standards:

As a social worker I will

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

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

Your conduct should not be repeated. Any similar matters brought to the attention of the regulator are likely to result in a more serious outcome.

In addition, the case examiners recommend, though cannot mandate, that you reflect on this decision as part of your continuing professional development.

Response from the social worker

The social worker provided a response on 9 December 2024 and confirmed '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 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 order with a duration of one year and the social worker accepted this proposal.

In light of the social worker's acceptance of the warning order, 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 order 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.