

Case Examiner Decision
Sophie Barnett - SW126150
FTPS-21496

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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	2 August 2024
	Accepted disposal - Removal order
Final outcome	11 September 2024
	Accepted disposal – Removal Order

Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concerns 1, 2, 5, 6, 7 and 8 being found proven and to amount to the statutory grounds of misconduct.
2. There is a realistic prospect of regulatory concern 3 being found proven and to amount to the statutory grounds of caution or conviction.



4. For regulatory concerns 1, 2, 3, 5, 6, 7 and 8 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 removal order. The social worker notified the regulator that they accepted their removal from the register. The case examiners

revisited the public interest in the case. The case examiners determined that a removal order was the most appropriate outcome in this case.

The case examiners have considered all the documents made available within the evidence bundle. Key evidence is referred to throughout their decision and the case examiners' full reasoning is set out below.

Anonymity and redaction

Elements of this decision have been marked for redaction in line with our Fitness to Practise Publications Policy. Text i [REDACTED] will be redacted only from the published copy of the decision and will therefore be shared with the complainant in their copy. Text i [REDACTED] will be redacted from both the complainant's and the published copy of the decision.

In accordance with Social Work England's fitness to practise proceedings and registration appeals publications policy, the case examiners have anonymised the names of individuals to maintain privacy. A schedule of anonymity is provided below for the social worker and complainant and will be redacted if this decision is published.

Manager 1	[REDACTED]
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The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the social worker's former employer, Bristol City Council (the employer)
Date the complaint was received	16 December 2022
Complaint summary	The regulatory concerns as drafted accurately reflect the social worker alleged behaviour.

Regulatory concerns and concerns recommended for closure

Whilst registered as a social worker:

1. You did not inform your employer and/or Social Work England that you were subject of two police arrests and/or investigations on or around 8 May 2022 and 24 June 2022.
2. On or around 8 May 2022 when arrested you informed the custody officer that you were unemployed when this was not correct.
3. On 2 May 2023 at Bristol Magistrates' Court, you were convicted of assault by beating, contrary to section 39 of the Criminal Justice Act 1988.
5. On or around 10 August 2023, by contacting Service User 1 after your professional involvement with him had ended, you failed to maintain a professional relationship with him by:
 - a) Telling Service User 1 that you could not stop thinking about him or used words to that effect.
 - b) Asking Service User 1 personal questions about their life.
6. Your actions at regulatory concern 5 were sexually motivated.
7. You told Service User 1 not to disclose details of your conversation.

8. Your actions at regulatory concerns 1, 2 and 7 were dishonest.

The matters outlined in regulatory concerns 1, 2, 5, 6, 7 and 8 amount to the statutory grounds of misconduct.

Your fitness to practice is impaired by reason of misconduct.

The matters set out at regulatory concern 3 above amount to the statutory ground of conviction or caution in the United Kingdom for a criminal offence.

Your fitness to practice is impaired by reason of conviction or caution in the United Kingdom for a criminal offence.

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, 2, 5, 6, 7 and 8 being found proven and that those concerns could amount to the statutory ground of misconduct.

The case examiners have determined that there is a realistic prospect of regulatory concern 3 being found proven and that this concern could amount to the statutory ground of conviction or caution. The case examiners determine that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

Whilst registered as a social worker:

1. You did not inform your employer and/or Social Work England that you were subject of two police arrests and/or investigations on or around 8 May 2022 and 24 June 2022.

The evidence suggests that the social worker was arrested on 7 May 2022 and again approximately six weeks later, on the 23 June 2022. The case examiners have been provided with evidence from the social worker's former employer and Social Work England's registration department. The evidence from both parties confirms that the

social worker failed to notify them that they had been arrested and/or subject to criminal investigation.

The social worker accepts this and states they were advised not to inform anybody by the police, however no supporting evidence of this has been provided. The police have stated that there is no officer matching the name given by the social worker, who allegedly told them not to disclose their arrest.

The case examiners are satisfied there is a realistic prospect of this regulatory concern being found proven, should the matter go forward to adjudicators.

2. On or around 8 May 2022 when arrested you informed the custody officer that you were unemployed when this was not correct.

On 21 December 2022, there is evidence that the social worker's previous employer convened an Allegation Management Strategy meeting. The allegations regarding the social worker's conduct and subsequent involvement with the criminal justice system was discussed. The meeting was multi-agency and was attended by a representative from the Police. This representative confirmed that during the social worker's interview with the police on 8 May 2022, they stated that they were "unemployed". This statement was inaccurate, there is evidence that the social worker was employed as a social worker at the time of their arrest.

The social worker states they cannot remember being asked.

The case examiners are satisfied there is a realistic prospect of this regulatory concern being found proven, should the matter go forward to adjudicators.

3. On 2 May 2023 at Bristol Magistrates' Court, you were convicted of assault by beating, contrary to section 39 of the Criminal Justice Act 1988.

The case examiners have had sight of relevant evidence pertaining to this regulatory concern. This includes the court extract, which provides evidence that the social worker appeared at Bristol Magistrates Court on 2 May 2023. The social worker pleaded not guilty to "Assault by Beating" x 2 but was found guilty. The evidence provided by the courts/police indicate that the social worker appeared to be under the influence of alcohol at the time of the offence. The evidence from the police suggests that the social worker was alleged to have hit the victim in the face with their phone and called them a "fucking faggot." The second conviction relates to the social worker pushing a police officer in the back, following their arrest.

The social worker was sentenced to a community-based penalty (to be supervised by the Probation Service) and was ordered to pay both victims compensation.

The case examiners are satisfied there is a realistic prospect of this regulatory concern being found proven, should the matter go forward to adjudicators.

5. On or around 10 August 2023, by contacting Service User 1 after your professional involvement with him had ended, you failed to maintain a professional relationship with him by:

a) Telling Service User 1 that you could not stop thinking about him or used words to that effect.

b) Asking Service User 1 personal questions about their life.

7. You told Service User 1 not to disclose details of your conversation.

The case examiners have considered regulatory concerns 5 and 7 together, as they are interlinked.

The evidence of SU1 focuses on the events that took place on or around the 10 August 2023. As part of the regulator's investigation, SU1 provided written responses with regards to the events of 10 August 2023. SU1's account of events has remained consistent throughout. They reported this matter to their personal advisor via text message at 22.24 on 10 August 2023. SU1's personal advisor contacted SU1 on 11 August 2023. As result of SU1's disclosure the personal advisor raised a safeguarding alert with the social worker's former employer.

Evidence from the social worker's former employer confirms that the social worker was previously allocated to work with SU1. The case examiners have noted that at the time of this event, the social worker had no professional involvement with SU1. Therefore, the social worker had no reason to contact SU1 either during office hours or outside office hours. On the 10 August 2023 at 21.54, SU1 received a call on their mobile phone from a withheld number. The case examiners have seen a screenshot of SU1's mobile phone which verifies that they received a call on that date and at that time. SU1's mobile phone was on loudspeaker and witnessed by SU1's girlfriend. SU1 submits that the caller asked them several personal questions. The questions included asking where SU1 was living, and whether they had a "girlfriend". SU1 states that as the number was withheld, they asked who was calling and the caller responded, "*its Sophie your old social worker*". SU1 states that the social worker asked them to keep the conversation private. SU1 states that they felt "*very uncomfortable*" and "*found it wired [sic] how she acted in that way*". SU1 states that the caller sounded drunk and was "*sperring [sic] her words*". SU1 further submits that the social worker told them that they had left the profession. The case examiners review of the evidence confirms that at the time of these events that was correct; the social worker had been dismissed by their employer, which is information SU1 may not have known unless told by the social worker.

Social workers have a privileged position and the actions they take to intervene/support individuals' lives are underpinned by legislation and guidance. There are expectations on social workers regarding professional boundaries and recording information. This means that social workers should not retain service users' information once they are no longer working with them. The allegation is that the social worker contacted SU1 with no professional reason to do so. This would suggest that the social worker retained SU1's contact details even though professional involvement with SU1 had ended.

Throughout this investigation, SU1, with the support of their personal advisor has liaised with social worker's former employer and Social Work England. They have stated that they are willing to give live evidence should this matter proceed to a hearing.

The social worker refutes regulatory concerns 5 and 7. They state that SU1 has a history of making unsubstantiated allegations against professionals. The review of SU1's case records was provided by Manager 1, dated 8 September 2023. They confirm that there is no evidence on the case records to support the social worker's allegation of this. The case examiners take the view that given the alleged risk associated with SU1 making unsubstantiated allegations against professionals, the social worker would have been expected to make note of this on case records so that other professionals working with SU1 would be aware. Additionally, the case examiner would expect a competent social worker to bring this risk issue to the attention of their manager.

Given that the social worker was no longer employed by the local authority, the case examiners are unclear what would have motivated SU1 to make an unsubstantiated allegation.

SU1's allegation that the social worker asked them to keep the conversation "private" could suggest that they were using the power imbalance that exists between service users and social workers to encourage SU1 to collude with inappropriate behaviour.

The case examiners cannot resolve conflicts in evidence, as they are not able to hear and interrogate live evidence. However, they are of the view that there is sufficient cogent evidence available to meet their threshold.

Accordingly, the case examiners are satisfied there is a realistic prospect of these regulatory concerns being found proven, should the matter go forward to adjudicators.

6. Your actions at regulatory concern 5 were sexually motivated.

The case examiners have considered whether the social worker's actions could be perceived as sexually motivated. SU1 during telephone interview with their personal advisor on 11 August 2023 at 13.00 stated that they were concerned regarding the social

worker contacting them. They queried *“who else has got my details on their personal phones.”* SU1 also stated *“She knew me when I was a kid and in fact I find that noncey”*.

Case examiners take the view that sexual motivation does not just include touching, it could also include unwanted verbal advances. The evidence provided alleges that the social worker asked personal questions regarding SU1’s relationship status, where they were residing and the social worker stated that they could not stop thinking about SU1. The case examiners take the view that these questions and statements are not those normally attributed to a professional conversation.

In considering the social worker’s motivation, the case examiners consider that the best evidence of a social worker’s motivation is their behaviour. The evidence provided by SU1 is consistent and cogent and it is unclear what other motivation could explain the social worker’s questions about SU1’s relationship status and stating they could not stop thinking about SU1.

The case examiners are satisfied there is a realistic prospect of this regulatory concern being found proven, should the matter go forward to adjudicators.

8. Your actions at regulatory concerns 1, 2 and 7 were dishonest.

When considering dishonesty, the case examiners have applied two tests, in line with relevant case law. Firstly, they have assessed the evidence to establish what adjudicators may determine the social worker’s actual state of knowledge or belief was at the relevant time (the subjective test). Secondly, they have considered whether the social worker’s conduct could be deemed as dishonest by the standards of ordinary, decent people (the objective test).

In relation to regulatory concern 1, the case examiners have previously noted that the social worker submits they were told there was no requirement to disclose their arrests to their employer or regulator. If this was found to be the case, it may be argued that the social worker’s actual belief was that no disclosure was necessary. This is undermined by the lack of supporting evidence that a police officer gave the social worker this advice. Furthermore, the case examiners take the view that it is reasonable to conclude that the social worker would have been aware of Professional Standard 6.6, which requires the social worker to declare *“anything that might affect my ability to do my job competently or may affect my fitness to practise.”*

In relation to regulatory concern 2, the case examiners note the evidence that the social worker was employed at the time of the arrest. It is reasonable to conclude that the social worker knew they were employed as a social worker and were not unemployed, as they allegedly indicated to police officers.

In relation to regulatory concern 7, if it was proven that the social worker had told SU1 not to discuss their telephone conversation, it would be reasonable to conclude that they knew that this had happened and wanted to protect themselves from negative consequences.

The case examiners are of the view that an ordinary member of the public would view the social worker not disclosing their arrests when they knew there was a duty upon them to do so, to be dishonest. Similarly, an ordinary, decent person is likely to view a social worker stating they are unemployed, when they know they are not, to be dishonest. Finally, objectively it is likely that the public would view a social worker encouraging a service user to keep conversations between them private to be dishonest.

The case examiners are satisfied there is a realistic prospect of this regulatory concern being found proven, should the matter go forward to adjudicators.

Accordingly, the case examiners are satisfied that there is a realistic prospect of concerns 1, 2, 3, 5, 6 and 7 being found proven by adjudicators.

Grounds

This case has been presented to the case examiners to consider the facts capable of proof amounting to impairment by reason of conviction and impairment by misconduct. The case examiners will consider each in turn.

Conviction

Regulatory concern 3

A memorandum of conviction has been provided, which is not disputed by the social worker.

Case examiners are satisfied there is a realistic prospect of the statutory ground of conviction or caution in the United Kingdom for a criminal offence, being established by adjudicators.

Misconduct

Regulatory concerns 1, 2, 5, 6, 7 and 8

The case examiners take the view that the statutory grounds of misconduct may have been engaged by regulatory concerns 1, 2, 5, 6, 7 and 8.

The case examiners are aware that there is no legal definition of misconduct. However, misconduct would generally consist of serious acts or omissions, which suggest a significant departure from what would be expected of the social worker in the circumstances. This can include conduct that takes place in the exercise of professional practice and conduct which occurs outside the exercise of professional practice but calls into question the suitability of the person to work as a social worker. To help them decide if the evidence suggests a significant departure from what would be expected in the circumstances, the case examiners have considered the following: -

With regards to the alleged actions outlined in regulatory concerns 1 and 2, the case examiners consider that social workers are expected to act in accordance with relevant legislation and the professional standards. When a social worker's actions bring them to the attention of the criminal justice system they should co-operate with the investigatory process and provide accurate information in a timely manner.

The social worker has also highlighted that they were not given correct information by other professionals e.g. the police, duty solicitor regarding disclosure of the police investigation. Whilst there is no evidence to support this, the case examiners cannot discount the social worker's submissions. The social worker has described not informing their employer and the regulator at the earliest opportunity of criminal investigation as "naive." If accurate, the submissions of social worker would suggest an over-reliance on the advice of other professionals as opposed to asking relevant questions and seeking clarification regarding the responsibilities associated with the social work profession. The social worker has provided evidence that they can be proactive in seeking advice when necessary. This is exemplified by them asking their manager whether they could bring their dog into the office.

The case examiners acknowledge that there is a sound basis for the police to ask for someone's occupation, when being arrested, and this is to ensure that a risk assessment can be carried out, should the detainee's conduct cause concern for them professionally.

Because of their belief that the social worker was unemployed, the police were unable to notify the employer, which then prevented suitable risk assessments being carried out.

In relation to regulatory concerns 5, 6 and 7, the case examiners have considered whether the social worker would have had either a professional or personal reason to contact SU1. Historical data indicates that the social worker had a previous working relationship with SU1 by virtue of their statutory responsibility. At the time of these events, the social worker had no professional reason to contact SU1. SU1 statements and subsequent actions in reporting the conversation between themselves and the social worker indicate that they were uncomfortable by what had taken place.

The case examiners note the professional standards guidance (April 2020) which states; *“Social workers should maintain clear and professional relationships with people. As social work is fundamentally about people and relationships, it is important that social workers are alert to relationships becoming inappropriate.*

With the authority, knowledge and influence a social worker has in the professional relationship, there is almost always an imbalance of power. This is important to acknowledge alongside personal values, views and motivations to ensure that they do not influence the relationship.”

A social worker acting outside of professional boundaries, making a service user feel uncomfortable and acting in a way which is sexually motivated is extremely serious, due to the imbalance of power and the access which social workers have to the lives of vulnerable people.

Regulatory concern 8 refers to matters of dishonesty. The case examiners are of the view that any dishonesty from a social worker should be viewed as significant and serious. They note the sanctions guidance (December 2022) which states “social workers hold privileged positions of trust.....It is essential to the effective delivery of social work that the public can trust social workers implicitly.”

The evidence discussed above would suggest that the social worker did not uphold a number of Social Work England professional standards, including:

As a social worker I will: -

2.1 Be open, honest, reliable and fair

2.4 Practise in ways that demonstrate empathy, perseverance, authority, professional confidence and capability, working with people to enable full participation in discussions and decision making

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

5.2 I will not behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.

The case examiners are satisfied that there is a realistic prospect of adjudicators establishing the statutory grounds of misconduct in respect of regulatory concerns 1,2, 5, 6, 7 and 8.

Impairment

In assessing matters of impairment, the case examiners have considered the test set out in the Case Examiner's Guidance (December 2022). The case examiners have reminded themselves that the purpose of regulation is not to punish a social worker for past mistakes. Rather, the regulatory process seeks to establish whether a social worker is safe and fit to practise today and in the future. Case examiners are of the view that isolated mistakes are unlikely to be repeated if a social worker recognises what went wrong and takes action to make sure it does not happen again.

Assessment of impairment consists of two elements:

- The personal element, established via an assessment of the risk of repetition.
- 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

It may be considered that the social worker's conduct in respect of regulatory concerns 1, 2, 3, 5, 6, 7 and 8 can in principle be remediated. Remediation can take many forms and can include a social worker undertaking training, reflecting and understanding what went wrong.

However, case examiners note that the regulatory concerns also include matters pertaining to dishonesty and sexually motivated behaviour towards a social worker. The case examiner guidance is clear that it is more difficult to evidence remediation relating to character or attitude.

The case examiners also note that the social worker's alleged conduct in respect of SU1 suggests an inability to maintain appropriate boundaries and a lack of understanding about the power imbalance that exists between professionals and vulnerable individuals.

Insight and remediation

The case examiners have noted the contents of the employer's investigation report dated 24 March 2023. The social worker's responses to the questions asked in the investigation meeting and the social worker's submissions focus on the challenges they experienced throughout their life. The case examiners also note that throughout the social worker's submissions they detail their perceptions of the failings of other professionals/individual(s). For example, in describing the assaults the social worker maintains that they acted in self-defence. The social worker minimises their actions and the impact on the victim. When asked why they called the male victim a "fucking faggot" they insist they were not aware that this could be considered a homophobic slur. The social worker submits that they thought a "faggot" meant "wimp." Witnesses to the assault maintain that the social worker called the victim a "faggot" on a number of occasions and followed the victim shouting at them as they made efforts to get away from the social worker.

The social worker reflects on their interaction with the police and states *"I feel really lied and cheated to by the police because they literally told me giggling under their breath this is not going anywhere, as far as we're concerned, we've got real crime out that there to deal with, you're not a criminal, it won't go to court over something like this"*.

The social worker denies all the concerns relating to SU1 and this makes it difficult for them to demonstrate insight into their alleged conduct. Similarly, the social worker denies dishonesty and therefore has provided no evidence of insight in this matter.

The social worker's submissions provide context about their life experience and they provide details why those chose to come into the social work profession. The case examiners note the contents and the challenges the social worker faced and the steps they took to manage the challenges. The social worker demonstrates an ability to reflect on how other people's behaviour has impacted upon them. However, there is little insight or reflection on the impact their behaviour had on the victims of the assault or SU1.

The case examiners note that the social worker has not practised since being dismissed by their previous employer. Whilst they could undertake reading and training related to the

areas of concern, whilst out of practice, it is acknowledged that this makes evidencing remediation more difficult. The social worker has provided no evidence of remediation.

Risk of repetition

Concerns 1,2 and 3 were the initial concerns reported by the social worker's former employer. However, concerns 5, 6, 7 and 8 came to light during the investigation and took place some months after the events outlined in regulatory concerns 1 and 2. Case examiners are concerned that despite the social worker's employment being terminated they continued to behave in a manner than might be perceived as less than desirable.

The case examiners consider that the social worker has not thought about the impact of their actions on public confidence in the profession or service users.

The case examiners have therefore determined that insight is limited, despite the social worker's assertion that they have learned from their mistakes. The case examiners are of the view that the risk of repetition remains high.

Public Impairment

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 consider it relevant to note that the social worker's actions had a negative impact on the two victims who they assaulted and also on SU1. The case examiners consider it likely that the social worker's actions made SU1 feel vulnerable. The social worker's lack of meaningful insight would suggest that they fail to appreciate the potential harm caused by their conduct. This type of alleged conduct can also mean that that vulnerable children/carers could lose confidence in social workers, which may impact on their willingness to engage in the future which can lead to unmanaged risk/harm. The case examiners take the view that the social worker's conduct represents a serious departure from the standards expected of social workers. The case examiners consider that the evidence of criminal behaviour, failure to maintain professional boundaries combined with the social worker's dishonesty is so serious that a finding of impairment is required. This finding would serve to uphold public confidence in the regulator and make it clear that social workers are being held to account for breaching the professional standards and undermining public confidence in the profession.

Accordingly, the case examiners are satisfied that there is a realistic prospect of the adjudicators finding the social worker's fitness to practise to be impaired.

The public interest

Decision summary

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

Referral criteria

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

Additional reasoning

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

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

The social worker has indicated to the regulator that they do not consider their fitness to practise to be currently impaired and they dispute a number of the regulatory concerns. 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. The case examiners 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:

- The case examiners are of the view that there is a risk of repetition and that the risk of repetition can be managed. There are a range of sanctions available to the case examiners to satisfy the public that this risk is being managed and would serve to safeguard public confidence. Therefore, there is no need for this matter to be examined within a public hearing.
- 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 to the social worker an opportunity to review the case examiners' reasoning on facts, grounds and impairment and reflect on whether they are able to accept the social worker's decision. 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.

Furthermore, the case examiners have concluded that 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.

Accepted disposal

Case outcome		
Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☐
	Conditions of practice order	☐
	Suspension order	☐
	Removal order	☒
Proposed duration	Where a social worker is removed from the register, there is no defined end to the finding of impairment. A social worker that has been removed from the register may only apply to be restored to the register 5 years after the date the removal order took effect. The adjudicators will decide whether to restore a person to the register.	

Reasoning
In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's sanctions guidance (December 2022) and reminded themselves that the purpose of a sanction is not to punish the social worker, but to protect the public. The case examiners have decided that it is not in the public interest to refer this matter to a final hearing and have chosen the least restrictive sanction necessary to protect the public and the wider public interest. They would ordinarily start at the lowest possible sanction and work up, testing the appropriateness of each sanction to confirm their decision is proportionate. However, the case examiners note the sanctions guidance, which is clear about how seriously dishonesty, abuses of trust and sexually motivated misconduct is likely to be viewed by the public. The regulatory concerns in this case relate to the most serious types of misconduct and the sanctions guidance (2022) states. <i>"Dishonest conduct is highly damaging to public confidence in social work. Therefore, it is likely to warrant a finding of impairment and a more serious sanction of suspension or removal."</i>

For this reason, the case examiners have focussed their consideration upon the sanctions of suspension and removal.

The sanctions guidance indicates that a suspension order may be appropriate in cases where there has been a serious breach of the professional standards, the social worker has demonstrated some insight and there is evidence to suggest the social worker is willing and able to resolve or remediate. The case examiners have previously acknowledged that the social worker's submissions demonstrate limited insight about the significance of their alleged misconduct. They note that the social worker accepted that their conduct fell below the professional standards in relation to not informing their employer of their arrests and being convicted, although they continue to deny the assaults and minimise their convictions.

The social worker has provided context of their personal life and some of the challenges they were experiencing and the impact it had upon their work. However, the case examiners have outlined previously that they remain concerned about the risk of repetition. There appears to be an emerging pattern of repeated dishonesty and departures from the professional standards demonstrated in these concerns. This together with a lack of recognition of the wider impact of their actions on the profession, remains concerning.

The case examiners have then considered removal, noting the sanctions guidance which indicates that *"a removal order must be made where the decision makers conclude that no other outcome would be enough to (do one or more of the following):*

- *protect the public*
- *maintain confidence in the profession*
- *maintain proper professional standards for social workers in England."*

The guidance lists the types of cases where removal may be appropriate, which includes cases involving dishonesty, abuses of position or trust, sexual misconduct, violence and persistent lack of insight into the seriousness of their actions or consequences. The evidence suggests that this case relates to all of the listed concerns. The case examiners are not bound by the guidance but have carefully considered the evidence to determine whether removal is the only outcome which protects the public and maintains confidence in the profession.

The case examiners remind themselves that they are required to choose the least restrictive sanction necessary to protect the public and the wider public interest. They note that the social worker has engaged with the regulatory process. The context provided by the social worker, of a challenging personal life, cannot excuse the decisions they made.

The case examiners have considered whether it could appropriately have some bearing on the appropriate sanction in this case.

The case examiners are of the view that there is insufficient evidence to suggest that removal is not necessary, due to the case representing such serious departures from the professional standards. There appears to be an absence of insight and remediation, the case examiners cannot attribute sufficient weight to the context, to justify a departure from the guidance.

The case examiners acknowledge that they must apply the principle of proportionality, balancing the social worker's interests with the public interest. The purpose of a sanction is not intended to be punitive, although a sanction imposed may have a punitive effect. The case examiners recognise the impact a removal order would have on the social worker, who has stated they may wish to return to practice. However, they consider that their guidance and case law is clear on this point, that the public interest outweighs the interests of any individual social worker.

Therefore, the case examiners propose that the social worker is removed from the register.

The case examiners 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.

Response from the social worker

On 10 September 2024, the social worker confirmed by way of email and return of their completed accepted disposal response form, that they had read the case examiners' decision and the accepted disposal guide. The social worker agreed with the case examiner's proposal that a removal order would be imposed.

Case examiners' response and final decision

The case examiners have reviewed their decision, paying regard to the overarching objectives of Social Work England:

- The protection of the public
- Maintaining confidence in the social work profession
- The maintenance of professional standards.

The case examiners remain satisfied that an accepted disposal removal order is a fair and proportionate way to conclude this matter and is the minimum sanction required to protect the public and the wider public interest.