

Case Examiner Decision
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SW20097
FTPS-22581

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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	29 July 2025
	Accepted disposal proposed - removal order
Final outcome	29 August 2025
	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 and 3 being found proven by the adjudicators.
2. There is a realistic prospect of regulatory concerns 1, 2 and 3 being found to amount to the statutory ground of misconduct.
3. For regulatory concerns 1, 2 and 3, there is a realistic prospect of adjudicators determining that the social worker's fitness to practise is currently impaired.

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

As such, the case examiners requested that the social worker was notified of their intention to resolve the case with a removal order. The social worker responded and accepted the case examiners' 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.

Anonymity and redaction

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.

Person A

Person B

Person C

Person D

Person E

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the social worker's former employer, Rotherham Metropolitan Borough Council.
Date the complaint was received	30 August 2023
Complaint summary	The social worker was based on a first contact team and their responsibility was to screen calls, including safeguarding issues. Concerns were raised about the social worker's dealing with a safeguarding concern and following review of the case, concerns were raised about the lack of case notes, lack of action and initial phone calls on a number of contacts that the social worker had been allocated.

Regulatory concerns

Whilst registered as a social worker:

1. Between May 2023 and August 2023 you failed to safeguard services users in that.
 - I. You failed to maintain clear, accurate and up to date case recordings.
 - II. You failed to adequately risk assess and undertake appropriate safeguarding action when required of you.
 - III. You did not take timely action regarding an organisational safeguarding concern when required of you.

Grounds of impairment:

The matters outlined in regulatory concern (1) amount to the statutory ground of misconduct.

Your fitness to practise is impaired by reason of your 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, 2 and 3 being found proven, that those concerns 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:

1. Between May 2023 and August 2023 you failed to safeguard services users in that.

I. You failed to maintain clear, accurate and up to date case recordings.

The case examiners have seen the employer's internal investigation report along with case records. The case examiners have also seen the employer's case recording policy along with comments from managers in respect of the expectations on recording. The social worker was working in a first contact team, where it was the team's responsibility to screen requests for Care Act assessments, safeguarding concerns, police and ambulance referrals as well as provide information, advice and signpost to other services.

As the regulatory concern cites a failure, the case examiners have first looked at what is expected in these circumstances. The case recording policy states, *‘all case note recording should be up to date and completed within the same day as the event, or at a maximum within 5 working days’* and *‘crisis/duty intervention should be recorded the same day to support continuity of case and safe practice’*.

The case examiners have also seen responses from senior managers within the disciplinary process on their expectations of social worker’s recordings. One manager stated, *‘Following their case recording procedures....it should be clear on what actions they have considered, what risks are, what actions are outstanding, what still needs to be done and if they are passing a case on, it should be clear what they have done, who they have spoken to, dates and times they spoke to people; so clear, concise and accurate’*.

The case examiners have seen within the employer’s investigation report examples provided where the evidence suggests that the social worker did not keep records in accordance with these expectations. The following are not exhaustive, but examples to highlight the concerns:

- In respect of Person A, the investigation report states the referral was made on 18 May 2023, as concerns had been raised that Person A had been served with a warning in respect of their tenancy and the bathroom walls and floors were covered in faeces. The case examiners have seen the referral which also states that there has previously been safeguarding concerns, and things are deteriorating. The social worker contacted the referrer on 23 May 2023, and they were with Person A. The social worker has recorded that, *‘Since Person A is agreeing to a Care Act assessment, this is not a safeguarding but can be assessed through assessment and care management’*. The case records show that the case was closed on the same day. The case examiners have seen emails from the referrer chasing the Care Act assessment, with the latest being dated 25 July 2023. The case examiners note that most of this correspondence has not been recorded on the case management system by the social worker.
- In respect of Person D, a concern was received on 22 May 2023, and the social worker has recorded making a first contact on 8 June 2023. There are case notes of a discussion on 18 July 2023 with their manager, advising the social worker to liaise with the care home manager, where Person D was residing and there are case notes referring to actions undertaken on 26 and 27 July 2023. However, it is noted that all the records appear to have been completed on 25 August 2023.

- Copies of emails dated 11 May 2023 and 23 August 2023, reminding the social worker of the case recording requirements along with a copy of the policy.
- A record of a call with the social worker and the Social Work England investigator on 24 September 2024, in which it is recorded the social worker said they, *'were not a good typist so wrote things down as they went along and every now and again they would type up those things they wrote down...they had all the information it just wasn't on the system'*. The social worker accepted, *'this was not ideal practice'*. They further informed the investigator that they no longer have the notebook where they wrote their notes.

The evidence suggests that there was an expectation that the social worker would record clear, accurate records within the timescales as set out in the local policy. The evidence above suggests that the records were not written in a timely manner and furthermore, it was not always clear to see from the case records the rationale for cases being closed, or what actions had been taken on cases.

The case examiners are satisfied there is a realistic prospect of adjudicators finding this concern proven.

II. You failed to adequately risk assess and undertake appropriate safeguarding action when required of you.

The case examiners have seen the employer's internal investigation report along with case records. The case examiners have considered all the evidence, and they note the following, which are not exhaustive, but examples to highlight the concerns:

- As set out above, Person A was referred due to concerns in respect of self-neglect. The evidence suggests that this was not a new concern and previous concerns of a similar nature had been received. The case records show the social worker closed the safeguarding four days after this being received stating that this could be dealt with via a Care Act assessment. The investigation report states the manager considered that there was a lack of exploration around the details in the safeguarding referral. When asked about the referral in the disciplinary process, the social worker stated that the referrer had not made clear the concerns and immediacy of the need. However, the case examiners have also seen a chronology from the referrer and email correspondence of them chasing the social worker as no assessment had been completed. They sent 13 emails requesting additional information and updates.
- In respect of Person B, a call was received from the police on 13 June 2023 which related to Person B being homeless, having depression, thoughts of suicide and previous attempts to end their life. There were no records of any

action having been taken in respect of this case until the point that managers reviewed the social worker's cases in August 2023. The social worker's manager within the investigation stated that this case was a concern for them and following the concerns being raised in respect of Person A, they met with the social worker on 24 August 2023 and asked the social worker to make follow up calls immediately. The case records show that the social worker has recorded two calls on that date; one to Person B, which was in fact a family member's contact details, but arrangements were made to see Person B and one to a housing provider to gather information.

- In respect of Person C, the evidence suggests that concerns were raised on 19 July 2023 in respect of this person's partner restricting family contact, family tensions, which were impacting on Person C having access to medication and attending medical appointments. The evidence suggests that the social worker only started the screening process on 23 August 2023 as this is the first case note recorded by the social worker.
- In respect of Person D, the evidence suggests the referral was received on 22 May 2023 that raised concerns of self-neglect, not engaging in medical care, and Person D has capacity. The evidence suggests that the social worker took no action until 18 July 2023, when the social worker recorded that this was discussed with the team manager and subsequent to this they spoke with a locality team with regard to the care home on 26 July 2023, and a social worker in the local authority where Person D was based on 27 July 2023.

The case examiners have looked at what would be expected in the circumstances. They have seen the employer's safeguarding adult's guidance, and they note within the employer's investigation, managers stated that there should be clear evidence of professionals consulted, questions asked, and historical concerns considered. Specifically in respect of Person A, the manager stated given the information presented, this was a safeguarding concern and should have been risk assessed as such. Further, they noted that the social worker stated a Care Act assessment was needed but recorded no rationale, and the assessment was also not actioned.

The evidence suggests that concerns of a safeguarding nature need to be actioned immediately to safeguard people, professionals spoken to, historical concerns considered in order to complete a robust assessment of what, if any, support is required. The evidence suggests on a number of occasions, the social worker did not take any action or has not recorded any risk assessments. The evidence therefore suggests that the social worker failed to risk assess and take the necessary safeguarding actions.

The case examiners are satisfied there is a realistic prospect of adjudicators finding this concern proven.

III. You did not take timely action regarding an organisational safeguarding concern when required of you.

The case examiners have seen the concerns raised by the Care Quality Commission in respect of a care home, where there were issues in respect of standards of care in the home, the environment in the home and stimulation for people living there.

The case records suggest that the social worker recorded that a concern had been raised, and that they contacted the commissioning team on 16 June 2023 asking them to contact the social worker. The case examiners have also seen the email sent by the social worker to the commissioning team. However, the local authority has stated that there are no further records to suggest the social worker took any further action to address this. The concern appears to have been passed to the locality team on 3 October 2023. Within the disciplinary, the social worker is recorded as stating that they contacted the commissioning officer but could not recall if they had received a response. They advised that there had been delays dealing with this due to their annual leave. The evidence from the employer suggests that the social worker only had one day of annual leave booked, 6 days after this information was recorded.

The case examiners have considered what would be expected in these circumstances and they note information provided from one of the managers within the employer's disciplinary process. The manager stated that they would expect the social worker to check with the Care Quality Commission, commissioning and check with the locality teams for any concerns and that this should be completed with a '*2 days turnaround*'.

The evidence suggests that the social worker recorded the concern, however there are no records to suggest that other than contacting commissioning, they took any additional action to address this risk.

The case examiners are satisfied there is a realistic prospect of adjudicators finding this concern proven.

Grounds

Misconduct

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, namely Social Work England Professional Standards (2019). The case examiners consider the following standards may be relevant:

As a social worker I will:

3.4 Recognise the risk indicators of different forms of abuse and neglect and their impact on people, their families, and their support networks.

3.8 Clarify where the accountability lies for delegated work and fulfil that responsibility when it lies with me.

3.11 Maintain clear, accurate, legible, and up to date records, documenting how I arrive at my decisions.

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

The case examiners are aware that falling short of the standards may not always amount to misconduct. However, adjudicators in this instance may consider the alleged conduct to be a significant departure from the expected standards. The case examiners note the adjudicators may be concerned that the social worker is alleged to have failed to keep accurate records and not taken action in respect of individual and organisational safeguarding concerns.

The evidence suggests that the social worker's actions led to a real risk of harm to vulnerable adults, in the case of Person A, whilst there is no direct link, the person subsequently passed away in hospital shortly after the period when the referral had been submitted. In respect of other people, the social worker's alleged lack of action or accurate recording, means that risk assessments and therefore any necessary support have not been put in place. Further, other workers have no current information in respect of any risks identified. As such, the alleged conduct taken together, is considered serious.

Where it is alleged that a social worker has not taken actions to safeguarding vulnerable adults, this would not align with Social Work England standards 3.4, 3.8 and 3.12.

Where a social worker has not recorded accurate, clear case notes and actions taken, this would not align with 3.11.

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

The case examiners are satisfied there is a realistic prospect of adjudicators finding the conduct outlined in regulatory concerns 1, 2, and 3 would engage the statutory ground of misconduct.

Impairment

Personal element of impairment

In considering the personal element of impairment, the case examiners have considered the test set out in the case examiner guidance (2022), namely whether the conduct is easily remediable; whether the social worker has undergone remediation and demonstrated insight; and whether there is a high likelihood the matters alleged will be repeated.

The case examiners consider that it is possible to remediate the alleged concerns, in this case, through training and reflection and insight into how they may act differently in the future.

In this instance, the social worker is alleged to have not taken action on a number of safeguarding cases and not maintained accurate records. The case examiners consider that the social worker has demonstrated limited insight.

The social worker does, however, accept that they were struggling at times and that they had been unable to admit this and they continued to work after another bereavement in 2022. The social worker states that they continued to take on cases and had a higher case load than other workers on the team. The social worker states that they only alerted their manager to any issues during their last supervision at the authority and they were suspended prior to being able to catch up with their case

notes. The social worker does not address the impact on others or what they may do differently in the future and appears to defend their position rather than see any deep and genuine insight into the alleged concerns.

The case examiners note the manager's comments that, at the time, social workers took things out of the tray and as an experienced member of staff, the social worker would have been expected to take work and prioritise and action any necessary work. The case examiners have had access to the handwritten notes of supervisions between the social worker and their manager and whilst there may have been some gaps, the evidence suggests that the social worker never raised any concerns about their wellbeing or sought any support.

The case examiners have been presented with no evidence of any remediation from the social worker and the social worker has indicated that they have no wish to practise social work in the future. They state, they *'wouldn't want to go back to working as a social worker because this process has been too damning'*.

In light of the above, the case examiners consider the social worker's insight is limited and there is no evidence of remediation. As the case examiners conclude that the risk of repetition is high.

Public element of impairment

The case examiners next considered whether the social worker's actions have the potential to undermine public confidence in social workers and whether this is a case where adjudicators may determine that the public interest requires a finding of impairment. Public interest includes the need to uphold proper standards of conduct and behaviour and the need to maintain the public's trust and confidence in the profession.

The case examiners have reminded themselves that the public interest includes responding proportionately to regulatory concerns. However, they consider that the adjudicators may determine that a member of the public would be concerned where a social worker is alleged to have not taken safeguarding action where risks and concerns have been raised about individuals and organisations, and furthermore they are alleged to have not kept clear and accurate records. Furthermore, there is evidence that the lack of action may have left people at risk of harm.

These issues have the potential to undermine public trust in social workers and to damage the reputation of the profession. The case examiners are of the view that in these circumstances, members of the public would expect a finding of impairment.

Accordingly, the case examiners are satisfied that there is a realistic prospect of adjudicators making a finding of current impairment.

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 carefully considered whether a referral to a hearing may be necessary in the public interest. The case examiners have noted that the social worker has not indicated to the regulator if they accept the key facts, or whether their fitness to practise is currently impaired. The social worker appears to broadly accept that their judgment and decision making at the time may have been affected. 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. The case examiners have noted the following:

- The case examiners guidance reminds them that ‘wherever possible and appropriate, case examiners will seek to resolve cases through accepted disposal. This is quicker and more efficient than preparing and presenting a case to a fitness to practise panel’.
- The social worker appears to accept that their practice was not of the standard expected at the time. Therefore, the case examiners are of the view that the social worker is afforded the opportunity of an accepted disposal proposal to consider the

case examiners' assessment of the evidence presented to them, and reflect on whether they accept their findings in relation to the facts and grounds of the concern.

- 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 of the view that the risk of repetition can be managed, and they have a number of sanctions available to them in order to satisfy the public that this risk is being managed without the need for this to be examined within a public hearing.
- 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.

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

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 (2022) and reminded themselves that the purpose of sanction is not to punish the social worker, but to protect the public and the wider public interest. In determining the most appropriate and proportionate outcome in this case, the case examiners considered the available options in ascending order of seriousness. <u>No further action, advice or warning:</u> With reference to the regulator's sanctions guidance (December 2022), the case examiners noted that in cases where a risk of repetition remains, the outcomes of no further action, advice or warning are not appropriate as they will not restrict the social worker's practice. The case examiners assessed that a risk of repetition remains, and due to the seriousness of the alleged conduct in this case, the case examiners are satisfied that such outcomes are inappropriate. <u>Conditions of practice order:</u>

The case examiners next considered a condition of practice order. The case examiners considered paragraph 114 of the 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.

The case examiners were of the view that the social worker's insight was limited in this instance, but that it may still be possible to formulate conditions to address the alleged conduct. However, given the social worker's comments that they are not intending to return to social work, and they have not worked since the concerns were raised, the case examiners are not confident that the social worker can and will comply with any conditions.

Suspension order:

The case examiners went on to consider whether a suspension order might be an appropriate sanction.

The case examiners have considered the guidance, which states:

Suspension may be appropriate where (all of the following):

- the concerns represent a serious breach of the professional standards.
- the social worker has demonstrated some insight.
- there is evidence to suggest the social worker is willing and able to resolve or remediate their failings.

In this instance, whilst the social worker has shown some limited insight to the regulator, their submissions suggest that the social worker is not willing to remediate their failings. The case examiners therefore consider that a suspension order would not be appropriate in this instance.

Removal order:

The case examiners therefore went on to consider whether a removal order may be the only outcome sufficient to protect the public, maintain confidence in the profession, and maintain proper professional standards for social workers in England. The case examiners consider that in light of the social worker's alleged conduct, and reluctance to address and remediate the concerns, there is no other outcome available to them that would provide the level of assurance needed in respect of these three criteria. In the case examiners' view, a removal order is the only sanction available that will safeguard public confidence.

To conclude, the case examiners have decided to propose to the social worker a removal order. 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.

Response from the social worker

On 26 August 2025 the social worker responded to the proposed accepted disposal stating: *"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 have considered the public interest in this matter and, as they have not been presented with any new evidence that might change their previous assessment, they are satisfied that it remains to be the case that the public interest in this case may be fulfilled through the accepted disposal process.

The case examiners therefore direct that the regulator impose a removal order.