

Case Examiner Decision  
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FTPS-18931

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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 July 2025                                             |
|                     | Accepted disposal proposed - suspension order (3 years) |
| Final outcome       | 11 July 2025                                            |
|                     | Accepted disposal - suspension order (3 years)          |

## Executive summary

The case examiners have reached the following conclusions:

### In respect of regulatory concern 3:

2. There is a realistic prospect of regulatory concern 3 (d, e and f only) being found proven by the adjudicators.
3. There is a realistic prospect of regulatory concern 3 (d, e and f only) being found to amount to the statutory grounds of adverse physical or mental health.
4. For regulatory concern 3 (d, e and f only), there is a realistic prospect of adjudicators determining that the social worker's fitness to practise is currently impaired.

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

As such, the case examiners requested that the social worker be notified of their intention to resolve the case with a suspension order of 3 years duration. The social worker responded on 10 July 2025, confirming their acceptance of 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

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

## The complaint and our regulatory concerns

| The initial complaint           |                                                                                                                                                         |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| The complainant                 | The complaint was raised by way of a self-referral by the social worker                                                                                 |
| Date the complaint was received | 25 February 2021                                                                                                                                        |
| Complaint summary               | <div></div> <p>During the regulator's investigations, the social worker disclosed health concerns, which have been taken forward for investigation.</p> |

| Regulatory concerns                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------|
| Whilst registered as social worker:                                                                                                     |
| <div></div>                                                                                                                             |
| <p>3. You have health conditions as set out in Schedule 1 that have the potential to affect your practice.</p> <p><u>Schedule 1</u></p> |

The matters outlined in regulatory concern 3 amount to the statutory ground of adverse physical or mental health.

Your fitness to practise is impaired by reason of [REDACTED]  
[REDACTED] adverse physical  
and/or mental health.

## Preliminary issues

| Investigation                                                                                                                                                                                                                               |     |                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------------------------------------|
| Are the case examiners satisfied that the social worker has been notified of the grounds for investigation?                                                                                                                                 | Yes | <input checked="" type="checkbox"/> |
|                                                                                                                                                                                                                                             | No  | <input type="checkbox"/>            |
| Are the case examiners satisfied that the social worker has had reasonable opportunity to make written representations to the investigators?                                                                                                | Yes | <input checked="" type="checkbox"/> |
|                                                                                                                                                                                                                                             | No  | <input type="checkbox"/>            |
| 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 | <input checked="" type="checkbox"/> |
|                                                                                                                                                                                                                                             | No  | <input type="checkbox"/>            |
| 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 | <input checked="" type="checkbox"/> |
|                                                                                                                                                                                                                                             | No  | <input type="checkbox"/>            |

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



## 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 [REDACTED] 3 (d, e and f only) being found proven.

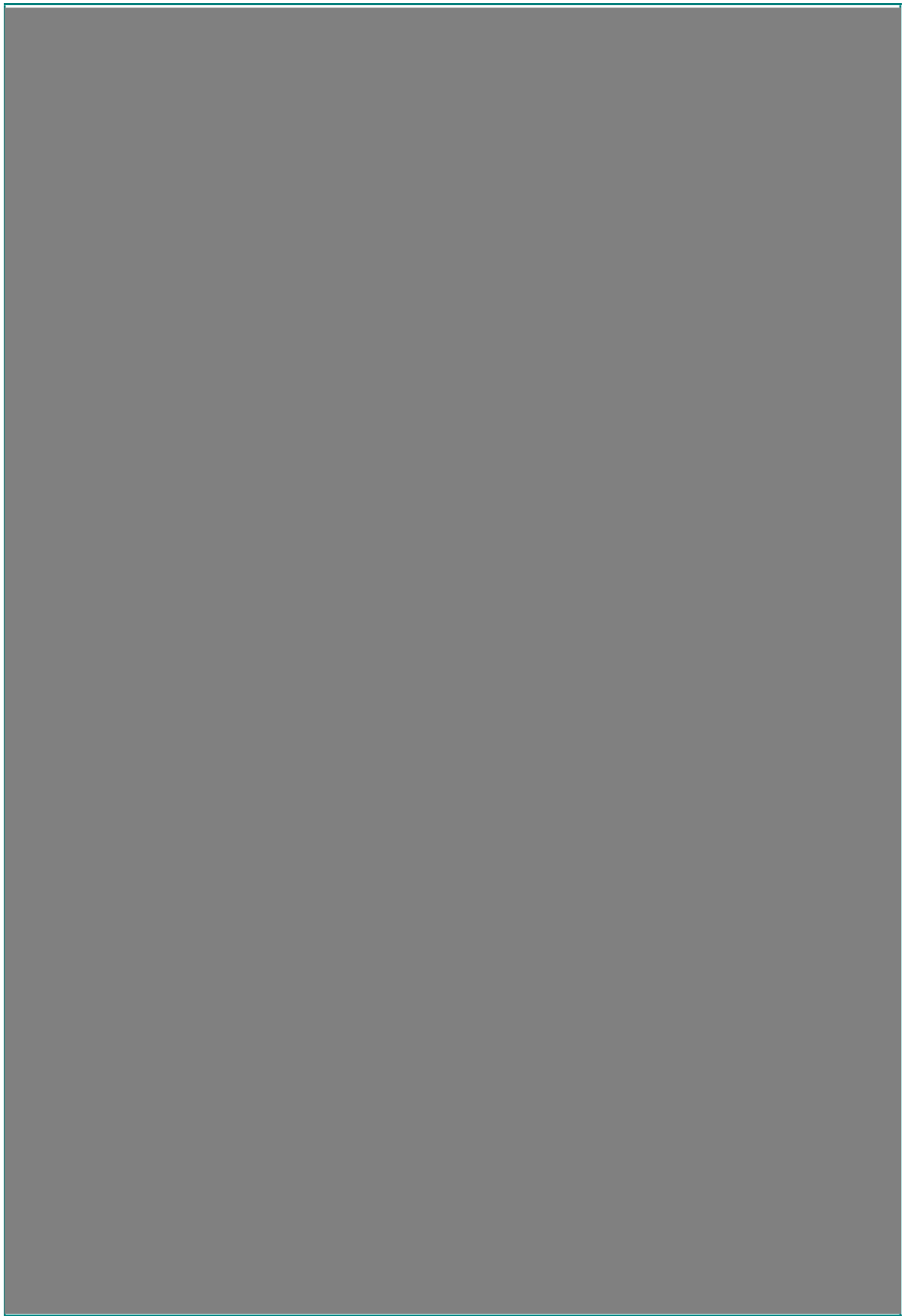
[REDACTED] here is a realistic prospect of regulatory concern 3 (d, e and f only) being found to amount to the statutory grounds of adverse physical or mental health.

There is a realistic prospect of the social worker's fitness to practise being found to be impaired in respect of regulatory concern 3 (d, e and f only).

### Reasoning

#### Facts

**Whilst registered as social worker:**



**3. You have health conditions as set out in Schedule 1 that have the potential to affect your practise.**

**Schedule 1**

The case examiners have received comprehensive medical evidence, including reports and records from the social worker's GP and specialist services. In reviewing the available evidence, the case examiners noted that much of it was historic. The case examiners reminded themselves that the fitness to practise process is expected to focus on the social worker's current health, and they therefore have applied greater weight to more recent evidence in respect of the social worker's health.

Principal in the case examiners' considerations was an independent medical assessment, conducted for the regulator in January 2025. Within the report, the medical assessor made clear that they considered the social worker to meet the criteria for just three of the above health conditions [REDACTED]

The case examiners noted that this medical assessment correlates with the most

recent medical evidence, which confirmed the same three diagnoses in October 2024.

Accordingly, the case examiners proceeded to consider the second element to regulatory concern 3 (the potential to affect practice) in relation to health conditions (d), (e) and (f) only.

In considering the potential to affect practice, the case examiners noted that the social worker accepts that it is likely that health conditions (d), (e) and (f) have affected their practice and could do so again in the future. This is supported by evidence supplied by the social worker's former employer, which suggests there were some concerns about the social worker's practice. It is further supported by the independent medical assessment undertaken for the regulator, which suggests the social worker is not currently fit to practise.

In light of the above, there is a realistic prospect of regulatory concern 3 being found proven, in respect of health conditions (d), (e) and (f) only.

#### Grounds

### **Adverse physical or mental health**

As the case examiners have set out at the facts stage, they have received evidence to suggest the social worker has health conditions that have the potential to impact upon their practice.

The case examiners are further satisfied that the available evidence is sufficient to call into question the social worker's ability to manage their condition / adequately limit practice where necessary. In reaching this conclusion, the case examiners noted that although the social worker has now removed themselves from practice, there is some evidence to suggest that they did not consistently do so when unwell in the past.

In light of the above, there is a realistic prospect of adjudicators determining that the statutory grounds of adverse physical or mental health are engaged.

### **Impairment**

Assessment of impairment consists of two elements:

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

### **Personal element**

With regards to the concerns before the regulator, the case examiners have given thought to their guidance, as set out below.

#### Guidance in respect of adverse physical or mental health (regulatory concern 3)

In making their decision, case examiners will take into consideration (both of the following):

- whether the social worker has a health condition that may pose a risk to the public if not adequately managed
- whether there is evidence calling into question the ability of the social worker to manage their condition or limit their practice adequately

### The social worker's health (regulatory concern 3)

In considering the social worker's health, the case examiners gave careful consideration to the social worker's submissions, along with commentary on the social worker's insight and engagement with treatment within an independent medical report.

The case examiners were reassured to see that the social worker has been engaging well with all treatment and recommendations from their treating physicians. The case examiners noted in particular that an independent medical assessor has described the social worker as having excellent insight, and the assessor has also made clear that the social worker is working hard to improve their health.

The case examiners noted also that the social worker is actively limiting their practice, having stepped away from social work in 2023. The case examiners therefore consider the social worker to have taken robust action to manage their health more recently.

The case examiners are mindful, however, that the social worker's ability to do so when in practice is as yet untested. The independent medical report before the case examiners is also clear that the social worker is not currently fit to practise, and that a period of approximately 12 months of stability would need to be observed before it would be possible to assess whether the social worker might be fit to return to practice as a social worker.

With this in mind, the case examiners consider that continued oversight of the social worker's management of their health is likely to be required.

### **Public element**

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

The social worker's health

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

### **Conclusions**

In light of the above, the case examiners are satisfied that there is a realistic prospect of adjudicators finding the social worker's fitness to practise impaired, on the grounds of adverse physical or mental health.

## The public interest

### Decision summary

|                                                                |     |                                     |
|----------------------------------------------------------------|-----|-------------------------------------|
| Is there a public interest in referring the case to a hearing? | Yes | <input type="checkbox"/>            |
|                                                                | No  | <input checked="" type="checkbox"/> |

### Referral criteria

|                                                                                                                                        |     |                                     |
|----------------------------------------------------------------------------------------------------------------------------------------|-----|-------------------------------------|
| Is there a conflict in the evidence that must be resolved at a hearing?                                                                | Yes | <input type="checkbox"/>            |
|                                                                                                                                        | No  | <input checked="" type="checkbox"/> |
| Does the social worker dispute any or all of the key facts of the case?                                                                | Yes | <input type="checkbox"/>            |
|                                                                                                                                        | No  | <input checked="" type="checkbox"/> |
| Is a hearing necessary to maintain public confidence in the profession, and/or to uphold the professional standards of social workers? | Yes | <input type="checkbox"/>            |
|                                                                                                                                        | No  | <input checked="" type="checkbox"/> |

### Additional reasoning

The case examiners are satisfied that there is no conflict in the primary / independent evidence before them, and that this case could reasonably be resolved without a hearing.

The case examiners note that the social worker appears to accept impairment and that oversight of their health by the regulator may be required.

## Accepted disposal

### Case outcome

|                   |                              |                                     |
|-------------------|------------------------------|-------------------------------------|
| Proposed outcome  | No further action            | <input type="checkbox"/>            |
|                   | Advice                       | <input type="checkbox"/>            |
|                   | Warning order                | <input type="checkbox"/>            |
|                   | Conditions of practice order | <input type="checkbox"/>            |
|                   | Suspension order             | <input checked="" type="checkbox"/> |
|                   | Removal order                | <input type="checkbox"/>            |
| Proposed duration | 3 years                      |                                     |

### Reasoning

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

The case examiners are also mindful that the purpose of any sanction is to protect the public which includes maintaining public confidence in the profession and Social Work England as its regulator and upholding proper standards of conduct and behaviour.

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

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

No further action, advice and warning

The case examiners consider that the outcomes of no further action, advice, and warning order would be insufficient in this case. In reaching this conclusion, they reminded themselves that the regulator's guidance is clear that all three outcomes, which offer no restriction to a social worker's practice, are not appropriate where a risk in respect of the management of a health condition has been identified.

#### Conditions of practice order and suspension order

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

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

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

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

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

In considering conditions of practice and suspension, the case examiners noted that the social worker has expressed a preference for conditions of practice. The social worker has recognised the need for abstaining from practice at this time but would wish to return to practice in the future when their health permits.

The case examiners understand the social worker's position, which they consider to be well-founded. However, the case examiners consider that it may be that a suspension order is likely to be more appropriate in the circumstances and would deliver both an appropriate degree of public protection, and some space for the social worker to focus on their health.

In reaching this view, the case examiners noted that the regulator's independent medical assessor is clear that the social worker is not fit to return to practice at this time. The regulator's guidance on health concerns is clear that a suspension might

be preferable and supportive in such circumstances, as it would remove some of the pressure that can be generated by a conditions of practice order (which would require a degree of ongoing engagement from the social worker). The guidance is also clear that social workers can request an early review if their health recovers sufficiently to contemplate a phased return to practice.

#### The length of the proposed order

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

In this case, the case examiners consider that a proposed order of 3 years would be appropriate. In making this decision, the case examiners are clear that this is not to punish the social worker, but to instead allow as much time as possible for the social worker to focus on their health and work towards a safe return to practice. The examiners are also clear that, in accordance with the regulator's guidance on health concerns, it would be open to the social worker to seek an early review of the order if their health sufficiently recovers to contemplate a phased return to practice. If successful, adjudicators might consider replacing the suspension order with a conditions of practice order, in order to support the social worker back into practice.

The case examiners have decided to propose to the social worker a suspension order of 3 years duration. They will now notify the social worker of their intention and seek the social worker's agreement to dispose of the matter accordingly. The social worker will be offered 28 days to respond. If the social worker does not agree, or if the case examiners revise their decision regarding the public interest in this case, the matter will proceed to a final hearing.

### Recommendations for the social worker

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

The social worker may wish to seek medical opinion before any review of the suspension order and may wish to provide evidence / a report from a treating physician with commentary on whether the social worker is able to safely return to practice. Any such report might helpfully comment more broadly on the social

worker's engagement with treatment and recommendations, and on the social worker's insight into their health conditions.

Whilst recovering their health, the social worker may also wish to continue to engage with continuous professional development. The social worker would be welcome to provide evidence to adjudicators of any such work undertaken.

## Response from the social worker

On 10 July 2025 the social worker returned their completed accepted disposal response form, confirming the following:

*'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 enact a suspension order, with a duration of 3 years.