

Case Examiner Decision

Lynette Hebden – SW99327

FTPS-19904

Contents

The role of the case examiners.....	3
Decision summary.....	4
The complaint and our regulatory concerns	6
Preliminary issues	8
The realistic prospect test.....	11
The public interest	21
Accepted disposal	23

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

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(s)	Accepted disposal proposed - Removal order
Date of the preliminary decision	18 July 2023
Final outcome	Accepted disposal - Removal order
Date of the final decision	8 August 2023

Executive summary

The case examiners are satisfied that there is a realistic prospect that:

1. Regulatory concerns 1, 2 and 3 could be found proven by the adjudicators;
2. Those concerns could amount to the statutory grounds of misconduct;
3. The adjudicators could conclude that the social worker's fitness to practise is currently impaired.

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

As such, the case examiners notified the social worker of their intention to resolve the case with a removal order; this proposal was subject to the social worker's agreement. The case examiners have subsequently been advised that the social worker has accepted the terms of their proposed disposal, i.e., a removal order, in full.

Having reviewed their determination, the case examiners remain satisfied that it is not in the public interest to refer this matter to a substantive hearing. Their final determination is that this case should be concluded by way of accepted disposal.

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

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the social worker's former employer
Date the complaint was received	10 November 2021
Complaint summary	The complainant reports that by way of audit and an Ofsted Focus Visit, concerns had been raised regarding a number of cases held by Lynette Hebden, hereafter referred to as 'the social worker'. The concerns allege a repeated failure by the social worker to undertake duties in line with their role and responsibilities as an Advanced Practitioner/Social Worker. Audits concluded that 11 children (3 families) were deemed to be at immediate risk, resulting in emergency actions being taken. Reported concerns/failures include statutory visits and tasks not carried out in timescale, and absent case recording resulting in concerns of unassessed and unknown risk.

Regulatory concerns

1. Did not adhere to expected timescales in relation to the following:
 - 1.1. Visits for Children
 - 1.2. Core group meetings
 - 1.3. CIN meetings
 - 1.4. Parenting assessments
 - 1.5. Case summaries
2. Did not record information in case recordings including:
 - 2.1. CIN meetings for Children A, H, J, U, V and X have not been completed.
 - 2.2. CIN plans for Children A, J, U, V and X have not been completed.

2.3. CIN visits for Child I were not conducted.

2.4. Documents for Children B, C, D, E and F remain incomplete.

2.5. Case notes for children L, M, N, O, P, Q and R (Sibling group).

3. Did not escalate children's L, M, N, O, P, Q and R case when concerns were raised in relation to them.

The actions outlined at regulatory concerns 1, 2 and 3 amounts to the statutory grounds of misconduct and/or lack of competence or capability.

By reason of your misconduct and/or lack of competence or capability your fitness to practice is impaired.

Preliminary issues

Investigation		
Are the case examiners satisfied that the social worker has been notified of the grounds for investigation?	Yes	☒
	No	☐
Are the case examiners satisfied that the social worker has had reasonable opportunity to make written representations to the investigators?	Yes	☒
	No	☐
Are the case examiners satisfied that they have all relevant evidence available to them, or that adequate attempts have been made to obtain evidence that is not available?	Yes	☒
	No	☐
Are the case examiners satisfied that it was not proportionate or necessary to offer the complainant the opportunity to provide final written representations; or that they were provided a reasonable opportunity to do so where required.	Yes	☒
	No	☐

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

Having reviewed the evidence and the regulatory concerns as presented to them, the case examiners are of the view that amendments are required (amendments are highlighted in **bold**).

The case examiners are of the view that the regulatory concerns as drafted require an introductory line to highlight the purpose of these coming before the regulator, i.e. that the concerns relate to a registered social worker.

Regarding regulatory concern 2, the case examiners consider that the evidence suggests most of the children referred to within this concern are individual children, rather than sibling groups. They do not consider it necessary to find evidence in support of each and every child to reach the threshold of proof required for their realistic prospect test; as such, they consider it appropriate to add the word 'or' into the concerns. Further, the

evidence suggests child I was subject to CIC (child in care) visits and not CIN (child in need) visits. The case examiners have amended this accordingly.

Regarding regulatory concern 3, the case examiners note that they have been presented with two different versions of this within the case investigation report as illustrated below. The case investigator's report indicates the social worker was sent a copy of the report on 25 May 2023. The case examiners have noted their case examiner guidance (2022, paragraph 58) which states case examiners should only request further information if it would not be possible to reach a decision without it. The case examiners consider they are able to make a decision on both versions of the regulatory concern based upon the evidence presented to them and have amended the concern to reflect both versions.

Whilst registered as a social worker you:

1. Did not adhere to expected timescales in relation to the following:
 - 1.1 Visits for Children
 - 1.2 Core group meetings
 - 1.3 CIN meetings
 - 1.4 Parenting assessments
 - 1.5 Case summaries
2. Did not record information in case recordings including:
 - 2.1 CIN meetings for Children A **and/or** H **and/or** J **and/or** U **and/or** V **and/or** X have not been completed
 - 2.2 CIN plans for Children A **and/or** J **and/or** U **and/or** V **and/or** X have not been completed
 - 2.3 **CIC** visits for Child I were not conducted
 - 2.4 Documents for Children B **and/or** C **and/or** D **and/or** E **and/or** F remain incomplete
 - 2.5 Case notes for children L, M, N, O, P, Q and R (Sibling group).
3. Did not escalate children's L, M, N, O, P, Q and R case when concerns were raised in relation to them **and/or**;

Did not escalate children's L, M, N, O, P, Q and R case to ICPC when concerns were raised in relation to them.

The actions outlined at regulatory concerns 1, 2 and 3 amount to the statutory grounds of misconduct and/or lack of competence or capability.

By reason of your misconduct and/or lack of competence or capability your fitness to practice is impaired.

The case examiners consider these amendments to be clerical in nature in that they are clarifying the regulatory concerns and do not significantly amend them. They do not consider that the amendments prejudice the social worker and therefore, do not require further submissions from the social worker.

KEY



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 you:

- 1. Did not adhere to expected timescales in relation to the following:**
 - 1.1 Visits for Children**
 - 1.2 Core group meetings**
 - 1.3 CIN meetings**
 - 1.4 Parenting assessments**
 - 1.5 Case summaries**

Having reviewed the evidence the case examiners note that concerns have been raised regarding 24 children over 13 cases. The case examiners are of the view that there does not need to be a realistic prospect for each sub-part of the regulatory concern to be found proven in order for there to be a realistic prospect of the main limb of the concern (failing to adhere to timescales for cases) to be found proven overall. While the case

examiners have reviewed all the substantial evidence presented to them, they do not need to address each child, or each case presented to them, in order to find a realistic prospect of this concern proven.

The case examiners consider they have sufficient cogent evidence by way of case file audits, supervision records, meeting minutes, email correspondence and case notes for a number of children regarding this regulatory concern.

For example, regarding child H the case examiners note an audit completed on 29 October 2021 indicates there are significant gaps in statutory visits under CIC (child in care) procedures, with only two statutory visits recorded on file dated 25 June 2020 and 1 September 2020. The evidence suggests the child should be visited every 42 days. Further, no further visits had been recorded at the time of audit (although there appears to be a visit in draft dated 1 February 2021).

Further, the evidence suggests the social worker was allocated the case of child W on 24 September 2019. An audit dated 19 June 2020 notes *'CP Chair Challenge/Scrutiny completed 23.03.20 - states parenting assessment to be written up - supervision 02.06.2020 states parenting assessment to be written up, therefore outstanding for a number of months.'* Case notes of supervision dated 5 February 2021 indicate that observations are not up to date and the parenting assessment needs writing up, indicating this is almost a year later.

The case examiners consider that there is sufficient evidence to suggest the social worker did not adhere to expected timescales.

The social worker in their initial submissions acknowledges this regulatory concern although while indicating they do not 'fully' accept it. For example, the social worker suggests that their colleagues visited some of the children on their caseload.

The case examiners are satisfied that there is a realistic prospect of the main limb of regulatory concern 1 (i.e. not adhering to expected timescales) being found proven by adjudicators.

2. Did not record information in case recordings including:

As addressed above, the case examiners are of the view that there does not need to be a realistic prospect for each sub-part of the regulatory concern to be found proven in order for there to be a realistic prospect of the concern to be found proven overall. While the case examiners have reviewed all the substantial evidence presented to them, they do

not need to address in their decision each child individually, in order to find a realistic prospect of this concern proven.

The case examiners consider they have sufficient cogent evidence by way of case file audits, supervision records, meeting minutes, email correspondence and case notes regarding all aspects of this regulatory concern.

2.1 CIN meetings for Children A and/or H and/or J and/or U and/or V and/or X have not been completed

The evidence suggests that the policy of the social worker's former employer is that child in need (CIN) meetings should occur every 3 months, and that this did not occur for every child required. For example, the case examiners note that the evidence for child A, by way of audits and case records, suggests CIN meetings were not held by the social worker as their allocated worker.

For child H, however, the evidence suggests that they entered care in May 2019 and therefore, the case examiners understand they would no longer be subject to child in need procedures. While the evidence suggests CIN meetings were not held, the case examiners are satisfied that the social worker was not required to organise these in this case.

2.2 CIN plans for Children A and/or J and/or U and/or V and/or X have not been completed

The case examiners understand that a CIN plan will contain the support which is being provided to a child and/or family in order to support the child in meeting their needs, and that this is agreed following a CIN meeting. As highlighted above, the evidence for child A, by way of audits and case records, suggest that child in need (CIN) plans have not been completed.

Regarding child H, the case examiners have addressed this in part above. They note they have not been provided with a timescale for this regulatory concern but note the evidence, by way of audit, indicates a CIN plan dated 23 April 2019 is recorded, shortly prior to child H entering care.

2.3 CIC visits for Child I were not conducted

The evidence by way of case notes suggests child I was transferred to the social worker on 4 October 2019 and was in care in September 2020. An audit dated 28 October 2021

suggests statutory visits should be held every 42 days however, there is a gap of visiting between January to September 2021.

The evidence suggests this concern is supported by case notes with an entry dated 1 November 2021 noting *'No CIC visits recorded between March - August 21.'* The case examiners have not had sight of evidence of child in care (CIC) visits completed by the social worker.

The social worker in their initial comments accepts that their recording was *"well below par"*.

2.4 Documents for Children B and/or C and/or D and/or E and/or F remain incomplete

Regarding children B, C, D, E and F (sibling group) the case examiners note an audit of this case was completed on 21 October 2021. The audit indicates the children were subject to child protection procedures however, no assessment had been completed since 31 December 2020 and core groups were incomplete.

A supervision on 25 October 2021, following the audit, documents:

'There are a number of core groups that have been input by admin that [the social worker] needs to proof read and submit. Outstanding core groups need to be update. [The social worker] to utilise admin for support- These are still outstanding. S37 has been requested in respect of [redacted]. Needs to be filed to by 05.11.2021. Outstanding CP visits to be completed by 10.09.2021- Outstanding. No visits recorded for April, May, July, Sept or Oct 21. The children have been subject to a CP plan for over 2 years with no progress being made...'

On 1 November 2021 it is recorded core groups are not completed as agreed due to the social worker dealing with other aspects of the case, as well as another priority case, and on 12 November 2021 the social worker is reported to have been on sick leave. The case examiners note that the evidence suggests the social worker left their role on 1 February 2022, and this work remained incomplete.

2.5 Case notes for children L, M, N, O, P, Q and R (Sibling group).

The case examiners note that the evidence by way of an audit dated July 2021 records the following:

- *'No CIN plans to track progress of the plan since November 2020, evidence of drift and delay in the CIN plan.'*

- *No case summary which would enable reader to understand the current circumstances for the children and latest supervision highlights that the case should have transferred to [redacted] in May 2021.*
- *There is a limited chronology consisting of three records from 2020. Considering the significant issues on this case this will need to be addressed.'*

A further audit on 27 October 2021 documents that there is a 4 month gap in recording statutory visits between May 21 and October 21. The evidence also suggests the social worker's former employer raised concerns in a preliminary meeting with the social worker on 8 November 2021 that the vast majority of the visits recorded by the social worker were recorded in October 2021 for visits that took place in May 2021, June 2021 and August 2021. The evidence suggests these should be recorded within 5 working days.

The case examiners are satisfied that there is a realistic prospect of the limb of regulatory concern 2 (not recording information in cases recordings) being found proven by adjudicators.

3 Did not escalate children's L, M, N, O, P, Q and R case when concerns were raised in relation to them and/or;

Did not escalate children's L, M, N, O, P, Q and R case to ICPC when concerns were raised in relation to them.

The case examiners have had sight of evidence by way of child L's case notes. They note supervision entries dated 22 March 2021 and 19 May 2021 where it is indicated that the principal manager is responsible for escalating the case.

A further entry, dated 18 June 2021 and labelled 'Manager's Case Note', suggests management is aware of concerns which will be followed up by the social worker on their return (21 June 2021). Further concerns appear to have been raised on 18 August 2021, with the duty practice lead documenting '*Multiagency Strategy meeting required and case discussion with PM required, due to escalation of concerns.*' Case notes indicate the social worker discussed this on 24 August 2021 with management.

A further case note dated 21 September 2021 documents '*There was a strategy discussion on 27-08-2021 which agreed to proceed to ICPC. This did not progress which has caused delay as the request has gone out of timescales. Another strategy to be arranged asap to agree progression to ICPC.*'

The case examiners are not satisfied the evidence suggests the social worker did not escalate the children's case when concerns were raised in relation to them. However, the

case examiners are satisfied the evidence indicates the social worker did not escalate the case to ICPC.

The social worker in their initial comments does not accept that they did not escalate cases of concern to managers but does accept they did not record conversations and communications on the system when they discussed cases.

The case examiners are satisfied that there is a realistic prospect of regulatory concern 3 being found proven by adjudicators in relation to not escalating the case to the ICPC.

Grounds

As the case examiners consider all the regulatory concerns to have passed the realistic prospect test of being found proven by adjudicators on the basis of facts, they will now consider the relevant statutory grounds of impaired fitness to practise which are that of misconduct and / or a lack of competence or capability.

For cases that provide grounds in the alternative, the case examiners note their guidance which encourages them (where possible) to identify the most appropriate statutory ground to proceed on, as this provides clarity as to the basis of Social Work England's case against the social worker.

The case examiners will address each of the grounds presented to them for consideration in turn.

Lack of competence or capability

Having regard to the case examiner guidance (2022) the case examiners note that a lack of competence or capability suggests a standard of professional performance which is unacceptably low. It means a social worker has demonstrated that they may lack the knowledge and skills to do their work in a safe and effective manner. The case examiners are mindful that this must usually be demonstrated over a fair sample of a social worker's work.

Having reviewed the evidence the case examiners note that they have been provided with evidence regarding the social worker's caseload of 24 children/13 cases over a period of approximately two years; the evidence does not suggest that it was a particularly heavy or complex caseload. While the case examiners consider this is a fair sample, in that it is sufficient to show the social worker's usual standard of work over a period of time, the case examiners note that the social worker is an experienced worker and was in an advanced practitioner role. Meeting minutes from the social worker's former employer suggest that the social worker was aware of the standards required of

them. The case examiners have not had sight of evidence to suggest that the social worker lacked the knowledge, skills and experience necessary to undertake their role.

Taking the above into account, **the case examiners do not consider there is a realistic prospect of the adjudicators finding the concerns amount to lack of competence or capability.**

Misconduct

The case examiners note there are generally considered to be two types of misconduct. These are (either of the following):

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

In this case, the conduct is alleged to have taken place during the exercise of professional practice, and it is this type that the case examiners will consider.

The case examiners are aware that misconduct must be serious and represent a risk to the public or to the wider public interest. The case examiners have considered what adjudicators may reasonably expect from the social worker, and how they may view the social worker's alleged conduct in relation to the following Social Work England professional standards that were in place at the time of the allegation:

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

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

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

The case examiners consider that the evidence suggests the social worker did not adhere to timescales, did not record information in case recordings and did not escalate a case when concerns had been raised regarding it.

The case examiners consider social workers have a key responsibility to stay alert to and investigate suspected harm, neglect or abuse and, where risk has been identified, agree plans to address it urgently. All of this must be done within the law, and often under pressure. If a social worker does not carry out the duties required of them, they may miss opportunities to be able to recognise and respond to behaviour that may put vulnerable

people at risk of harm. Additionally, the case examiners consider that maintaining accurate, clear, objective, and up-to-date records is an essential part of social work. Documenting decisions and actions provides a clear record of work with people. These records are open to scrutiny and help to provide a continuity of support if people are transferred between social workers. They can help to protect people and social workers (Professional Standards Guidance, 2020).

The case examiners note evidence that the social worker appears to accept that there had been failings in their practice, but also indicates there was little management oversight or support. Further, the social worker indicates that they commenced a Masters degree course in January 2021 and were trying to manage a high complex caseload whilst working 4 days a week. The evidence also suggests it was agreed in November 2020 the social worker's cases would be reallocated for the duration of the course once they were 'up to date'.

Whilst the case examiners are mindful of the impact of the social worker's additional studies, they are of the view that this would not sufficiently account for the social worker not adhering to timescales, not recording information in case recordings and not escalating a case when concerns had been raised regarding it. For example, case notes for child B (part of a sibling group) suggest the social worker was the allocated worker from at least 5 September 2019, and on 16 April 2020 the social worker had a reflective case discussion where it was documented; *'It is evidence (sic) there has been significant drift on this case as the children have been subject to cp planning for 12 months yet there has been little progress in terms of positive outcomes for the children...Core groups are not written up from 07-01-20; 06-02-20; 02-03-20 and there is a core group due.'* This suggests to the case examiners that the alleged concerns may have been ongoing.

The case examiners consider the evidence suggests that opportunities to ensure the ongoing safety and wellbeing of children were missed, which could have put them at risk of harm. The case examiners consider the risk of harm to be as serious as actual harm; the evidence indicates that a number of the children on the social worker's case load were deemed to be at risk of abuse or neglect and were subsequently subject to care proceedings due to the concerns about their welfare.

Where a social worker feels unable to carry out any part of their work, they should seek help from their employer. There is limited evidence to suggest the social worker actively made their line manager aware of issues with recording. For example, evidence indicates a minute taker was suggested but the social worker did not find these helpful.

Accordingly, the case examiners consider it likely that adjudicators would find that any potential failings were as a result of the social worker knowingly failing to carry out the actions required of them. Considering Social Work England's standards, and the

applicable guidance, the case examiners consider these matters are serious and would represent a significant departure from the standards expected of the social worker.

The case examiners are therefore satisfied there is a realistic prospect of adjudicators finding that the regulatory concerns amount to misconduct.

Impairment

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

Personal element

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

The case examiners note that the social worker appears to have reflected on the concerns raised. They state:

"I fully understand up to date case recordings are an important part of being able to provide the right support for the child as well as ensuring if another colleague was to take over the case then they would need competent recording so they could good understanding of case history, risks, plans and professionals involved. In future I would endeavour to make prompt recordings and utilise one note if not in the office which allows you to type notes and these will then show up on the system ready to be cut and past into case notes or minutes (sic)."

However, the case examiners also note the social worker states:

"Whilst I understand there is a statutory duty to hold core group and child in need meetings within timescales, I feel the meetings that were not held in a timely manner did not increase the risk to the child because they were being seen regularly by myself and by other professionals and because their needs were being met by carers/parents at that time."

The case examiners consider there appears to be no evidence regarding remediation by the social worker, such as confirmation of further training or critical reflection. The case examiners note that this may be due to the social worker not currently being employed in a social work role/being subject to an interim suspension order, and having indicated they

no longer wish to practise as a social worker; nonetheless this impacts on the risk of repetition.

The case examiners note from their guidance that testimonials that provide up to date, credible information about the social worker's current practice can be relevant when exploring current impairment. The case examiners are mindful that the social worker is subject to an interim suspension order however, they note that the social worker is in a current role that they themselves recognise could align closely with the skills, knowledge and experience of a social worker; *"This position does not require a social work registration but I acknowledge my role is supporting children in care which has elements of social work."* Furthermore, the social worker advises that their employer are aware of the allegations. The case examiners have not been provided with testimony.

The case examiners have concluded that the social worker has not demonstrated sufficient insight. Taking the above into account, the case examiners consider there to be a high risk of repetition.

Public element

The case examiners must now consider the public interest in this matter namely, does the conduct put the public at risk; is the conduct a significant departure from the standards; and does the conduct have the potential to undermine trust and confidence in the profession?

The case examiners are of the view that a member of the public would be concerned about allegations of a social worker not adhering to timescales, not recording information in case recordings and not escalating a case when concerns had been raised regarding it. The case examiners consider these alleged failings to be fundamental tenets of social work, in that they directly relate to protecting children from risk of harm.

Adjudicators may consider there is potential risk of harm to the wider public in terms of their ability to trust and have confidence in a social worker who is alleged to have acted in this manner. Furthermore, the social worker's actions may undermine public confidence in the social work profession. The case examiners also consider that such conduct, if proven, is a significant departure from the professional standards and that there is a risk of repetition.

As such, the case examiners consider there is a realistic prospect of adjudicators finding the social worker currently impaired.

The public interest

Decision summary

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

Referral criteria

Is there a conflict in the evidence that must be resolved at a hearing?	Yes	☐
	No	☒
Does the social worker dispute any or all of the key facts of the case?	Yes	☐
	No	☒
Could a removal order be required?	Yes	☒
	No	☐
Would not holding a public hearing carry a real risk of damaging public confidence in Social Work England's regulation of the profession?	Yes	☐
	No	☒
Is a hearing necessary to maintain public confidence in the profession, and to uphold the professional standards of social workers?	Yes	☐
	No	☒

Additional reasoning

With reference to their case examiner guidance (2022) the case examiners have given careful consideration to whether there is a public interest in these matters proceeding to a hearing.

As outlined above, the case examiners are satisfied that the matters are not so serious that a public hearing would be necessary to maintain public confidence in social workers, or in Social Work England's maintenance of professional standards for the profession.

The case examiners have noted that the social worker does not appear to have indicated to the regulator whether or not they consider their fitness to practise to be currently impaired, although they have indicated that they no longer wish to practise as a social

worker. Where a social worker does not accept impairment, case examiner guidance suggests that a referral to hearing may be necessary in the public interest; however, the case examiners are of the view that the accepted disposal process will provide the social worker an opportunity to review the case examiners reasoning on impairment and reflect on whether they do 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 note there is no conflict in the evidence in this case and the social worker, while not appearing to accept the concerns in full, does not dispute any of the key facts. 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.

Accepted disposal

Case outcome

Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☐
	Conditions of practice order	☐
	Suspension order	☐
	Removal order	☒

Reasoning

The case examiners are satisfied there is a realistic prospect of the concerns being found proven by adjudicators. Furthermore, they found a realistic prospect that the concerns, if proven, would amount to the statutory grounds of misconduct. The case examiners have also found a realistic prospect that adjudicators would find the social worker's fitness to practise is currently impaired. The case examiners decided however, that it is not in the public interest to refer this matter to a final hearing.

In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's impairment and sanctions guidance (2022) and reminded themselves that the purpose of a sanction is not to punish the social worker but to protect the public and the wider public interest. Furthermore, the guidance requires that decision makers select the least severe sanction necessary to protect the public and the wider public interest. In determining the most appropriate and proportionate outcome in this case, the case examiners considered the available sanctions in ascending order of seriousness.

The case examiners considered that taking no further action would not be appropriate in this instance as the conduct was too serious and it would not satisfy the wider public interest. The case examiners noted earlier that they consider there to be a high risk of repetition. The evidence indicates the alleged concerns are wide ranging, involving a number of children who were potentially put at risk of harm.

The case examiners next considered whether offering advice or a warning would be sufficient. An advice order will normally set out the steps a social worker should take to address the behaviour that led to the regulatory proceedings. The case examiners do not

believe that issuing advice is sufficient to mark the seriousness with which they view the social worker's alleged conduct.

A warning order is likely to be appropriate where (all of the following):

- The fitness to practise issues is isolated or limited
- There is a low risk of repetition
- The social worker has demonstrated insight

The case examiners consider they have illustrated in their decision that the above criteria do not apply, and therefore they are not satisfied that a warning order is sufficient.

The case examiners then considered a conditions of practice order. Paragraph 114 of the sanctions guidance 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 have noted the wide ranging concerns and are of the view the social worker has not demonstrated full insight. They are also not confident that the social worker can and will comply with conditions, as the evidence indicates they no longer wish to practise as a social worker. As such, the case examiners considered a conditions of practise order to be unworkable.

The case examiners then considered a suspension order. Social Work England's sanction guidance (2022, paragraph 136) states that suspension is appropriate where (both of the following apply):

- the decision makers cannot formulate workable conditions to protect the public or the wider public interest
- the case falls short of requiring removal from the register (or where removal is not an option)

In their assessment of this case the case examiners have illustrated that the concerns represent a serious breach of the professional standards, and have found the alleged

concerns in relation to the social worker to be wide-ranging and involved numerous children. They spanned core tasks within social work, such as record keeping.

While the case examiners consider the social worker has demonstrated some insight, they have assessed that there remains a high risk of repetition. Further, as addressed above, the case examiners do not consider there is evidence to suggest the social worker is willing and able to resolve or remediate their alleged failings. The evidence, including correspondence with Social Work England, indicates the social worker no longer wishes to practise as a social worker.

Case examiner guidance indicates that a removal order must be made where the case examiners conclude that no other outcome would be enough to protect the public, maintain confidence in the profession or maintain proper professional standards for social workers in England. Therefore, the case examiners conclude that a removal order is the appropriate and proportionate outcome in this case; and represents the minimum sanction necessary to maintain and uphold the public's confidence.

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

The case was returned to the case examiners on 1 August 2023.

The case examiners have reviewed the social worker's response by way of email dated 31 July 2023. In this the social worker states; *"Please accept this email as my agreement of the disposal decision for a Removal Order...I do not have any amendments and fully understand the restrictions of said order."*

The case examiners note that while the social worker has not responded by way of the accepted disposal response form, they are satisfied that the social worker understands the terms of the proposed disposal of their fitness to practise case and accepts them in full.

Case examiners' response and final decision

The case examiners note that the social worker has accepted the proposed disposal as outlined by them. The case examiners then proceeded to further consider whether accepted disposal (a removal order) remains the most appropriate means of disposal for these matters. They have reviewed their decision, paying particular regard to the overarching objectives of Social Work England, i.e., protection of the public, the maintenance of public confidence in the social work profession, and the maintenance of proper standards. The case examiners have not been presented with any new evidence that might change their previous assessment.

The case examiners remain satisfied that an accepted disposal by way of a removal order, is a fair and proportionate disposal and is the minimum necessary to protect the public and the wider public interest.

The case examiners note that there is an interim order currently in effect, which will be revoked upon enactment of the agreed order.