

Case Examiner Decision

Beatrice Kamau – SW9075

FTPS-22950

Contents

The role of the case examiners	3
Decision summary	4
The complaint and our regulatory concerns.....	6
Preliminary issues	7
The realistic prospect test	8
The public interest.....	15
Accepted disposal	17

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	18 February 2025
	Accepted disposal proposed - warning order (12 months)
Final outcome	3 March 2025
	Accepted disposal - warning order (12 months)

Executive summary

The case examiners have reached the following conclusions:

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

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

As such, the case examiners requested that the social worker was notified of their intention to resolve the case with a warning order of 12 months duration. The social worker subsequently responded, confirming that they understood and accepted the terms of the proposed disposal in full.

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 only from the published copy of the decision, and will therefore be shared with the complainant in their copy. Text in [REDACTED] will be redacted from both the complainant's and the published copy of the decision.

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

Professional A	[REDACTED]
----------------	------------

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the social worker's current employer [REDACTED]
Date the complaint was received	6 December 2023
Complaint summary	The concerns raised are that the social worker failed to undertake regular and robust case supervision with staff on their team.

Regulatory concerns

Regulatory concerns are clearly identified issues that are a concern to the regulator. The regulatory concerns for this case are as follows:

Whilst registered as a social worker;

1. As an aspect of your role as team manager, you failed to undertake regular and robust case supervisions with staff on your team.

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

Your fitness to practise is impaired by reason of misconduct.

Preliminary issues

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

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 concern 1 being found proven, that the concern could amount to the statutory grounds of misconduct, and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

Whilst registered as a social worker;

1. As an aspect of your role as team manager, you failed to undertake regular and robust case supervisions with staff on your team.

The case examiners have carefully considered all of the evidence presented to them in relation to concern 1, and have noted the following key points:

The social worker was a team manager within a family support and protection service at the time relating to the concerns. Their team included a social worker who was an advanced practitioner, and is referred to in this report as professional A.

At the time of the concerns, the local authority required formal supervision to be held between managers and their staff at least once every 8 weeks,

While professional A was the allocated case worker for baby A for approximately 24 weeks between May and November 2023, records indicate that only one formal supervision was held by the social worker with professional A during this period. This supervision was held on 30 June 2023, and records that person A was struggling with their mental health, attended hospital regularly due to panic attacks, had taken cocaine, including a “*binge*” (on cocaine) in May 2023, and was not demonstrating stability in their placements. Actions were recorded for professional A to complete, with some timescales indicated.

Two formal supervisions appear to have been recorded with the previous social worker for baby A, dated 20 January 2023 and 4 April 2023, indicating a gap between case supervisions of almost 11 weeks.

There is evidence to indicate that baby A was considered to be at significant risk of harm from their birth mother, person A, and was subject to an interim care order. Baby A had been placed in foster care in March 2023, a few days after birth, and contact with person A (baby A’s birth mother) was restricted from March 2023 to supervised contact within a family contact centre. The local authority’s long-term plan for Baby A was adoption, which person A opposed.

There is also evidence that Professional A changed the contact arrangements between person A and baby A in August 2023, permitting supervised contact between person A and baby A in the community, rather than just at the family centre.

Following an incident in November 2023, where person A abducted baby A during supervised contact in the community, professional A advised their employer that they had informed their manager, the social worker, of this change in contact at the time they made it, and that the social worker supported it.

In an interview with their employer, dated 13 December 2023, the social worker is recorded as stating that they were aware of the expectations for the frequency of supervision, and that they completed supervision as required every 6-8 weeks alongside annual appraisals. The social worker denies having been informed by professional A of the change to contact arrangements made by professional A in August 2023, and did not become aware of the change until after the abduction incident.

In their employer-led investigation interview, the social worker subsequently agreed that supervision of cases was “*not up to standard*”, and was not always “*done within time scales*”.

There is information that indicates that prior to the concerns being raised, the social worker had previously, and on a number of occasions, had issues raised with them

about not holding/recording formal supervision sessions with their staff. These include in April 2022, October 2022, May 2023 and July 2023. A copy of an email from a manager to the social worker dated 18 July 2023, for example, raises concerns over the social worker's outstanding supervisions, and also asks them if they require any assistance. The issues of outstanding supervisions was not, however, progressed to any formal capability or improvement action plans.

In their initial response to Social Work England, the social worker states that they *“understood the circumstances and risks of the case involving baby A and communicated about the case, but ... accept that the failure to discuss and review the case in detail ... with (professional A) at the correct frequency could contribute to an incident of this seriousness. I deeply regret any impact this may have had on the management of the case”*.

In their final submissions to Social Work England, dated 27 November 2024, the social worker admits the concern.

The case examiners are satisfied from the information presented to them and summarised above, that there is evidence to indicate that the social worker did not conduct regular and robust supervision meetings with their staff.

The case examiners are therefore satisfied that there is realistic prospect of concern 1 being found proven by adjudicators.

Grounds:

The case examiners are aware that misconduct is generally considered to 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 Social Work England's professional standards which were applicable at the time of the concerns, and consider that there may have been a significant breach of the following:

As a social worker, I will:

3.2: Use information from a range of appropriate sources, including supervision, to inform assessments, to analyse risk, and to make a professional decision.

3.9: Make sure that relevant colleagues and agencies are informed about identified risks and the outcomes and implications of assessments and decisions I make.

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

Guidance on the professional standards reminds social workers that they have a responsibility *“to stay alert to and investigate suspected harm, neglect or abuse and, where risk has been identified, agree plans to address it urgently. Social workers will need to cooperate closely with relevant colleagues and agencies to consider options for action. They will maintain a focus on the person at risk, whatever other demands or issues come to light. All of this must be done within the law, and often under pressure ... Social workers need to be able to recognise and respond to behaviour that may indicate resistance to change, and a lack of cooperation, and take action where necessary, particularly where this is linked to safeguarding concerns”*.

The case examiners consider that the alleged concern, if subsequently found proven, suggests that by not holding regular and robust supervisions the social worker’s ability to monitor the work undertaken by their team, and the decision-making and assessment of risk of members of their team was potentially adversely impacted on. The facts of the concern would also have the potential to undermine the social worker’s effectiveness as a manager to ensure that service users on their team’s case load were adequately safeguarded. For example, in relation to professional A, a lack of formal supervision may have impacted on the information shared between professional A and the social worker, including any communication from professional A regarding the change they had made to community contact between person A and baby A. The social worker is clear that had professional A informed them of the change to contact arrangements, they would have challenged it. Regular supervision may have prompted professional A to share this information formally with the social worker, and for action to have been taken that could have prevented the risk of harm that occurred for baby A, when person A abducted them.

The case examiners have noted mitigation put forward by the social worker regarding their failure to conduct robust and regular supervision with their team members. This includes information from the social worker regarding what they consider to be excessive workloads, a lack of management support, and personal challenges.

The case examiners are not of the view, however, that in all the circumstances of this case, the mitigation put forward by the social worker justifies them having held formal supervision as infrequently as the evidence suggests. For example, in the case of professional A, who themselves appears to have held a high case load which included the complex and high risk case of baby A, case supervision is only recorded

as being held just once in 24 weeks. There is also evidence that closer supervision of person A may have helped prevent a significant risk of harm to baby A occurring.

The case examiners are therefore satisfied that there is realistic prospect of misconduct being found proven by adjudicators in relation to concern 1.

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, and they note that they should give consideration to whether the matters before the regulator are easily remediable, and whether the social worker has demonstrated insight and/or conducted remediation to the effect that the risk of repetition is highly unlikely.

Whether the conduct can be easily remedied

The case examiners consider that the conduct before the regulator, while serious, can be remedied; in their view, the alleged conduct is not fundamentally incompatible with continued registration. The case examiners consider that the social worker could remediate by demonstrating full insight and reflection into the circumstances and seriousness of their alleged actions/omissions, and providing evidence of remediation such as would reassure the case examiners that it is highly unlikely that the conduct would be repeated.

Insight and remediation

The case examiners are of the view that the social worker has demonstrated positive evidence of insight and reflection. For example, the social worker provides comprehensive submissions and outlines an understanding of why supervision is important; they accept that they “*failed to provide robust supervision to several social workers in (their) team and falls below the Social Work England professional standards*”. They also acknowledge the potential impact of their actions on the public and the profession. The social worker outlines professional and personal

challenges that impacted on their performance at the time the concerns arose, and commits to ensuring that in future “*supervision must and will be made a priority*”.

In terms of remediation, the social worker has also engaged in some relevant training, including on-line training in supervision and appraisal, and has considered what approaches and actions they will take to ensure that regular supervision is achieved in future. However, for personal reasons, the social worker has only been able to return briefly to the workplace since the concerns were raised, and as such, has not yet been able to evidence their ability to ensure that case supervisions are being conducted regularly. While colleagues have provided positive testimonials about the social worker as a team leader, the case examiners have only been able to give these limited weight as they do not directly address the issue of current impairment.

Risk of repetition

The case examiners have noted evidence that the social worker had issues raised with them over a considerable period of time about not conducting or recording supervisions prior to the concerns being raised, suggesting a pattern of failing to hold or record formal case supervision. In light of this, and as the social worker has not yet been able to provide evidence that they are able to hold and record regular case supervision in line with policy, the case examiners are unable to consider the risk of future repetition to be ‘highly unlikely’.

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 case examiners are of the view that, in the circumstances of this case, a fully informed member of the public would be concerned if it was found that the social work manager had not conducted regular formal case supervisions with team members as required. The case examiners consider that this would particularly be the case where there is evidence to suggest that there may have been a pattern of the manager not conducting regular supervisions, and where acting in accordance with case supervision policy may have assisted in avoiding a vulnerable baby being placed at risk of serious harm.

If the concerns were to be found proven by adjudicators, the case examiners are of the view that a member of the public would consider the alleged conduct of the social worker to be serious, and would expect a finding of impairment to be made, together with an appropriate sanction.

The case examiners are therefore satisfied that there is realistic prospect of adjudicators finding the social worker to be currently impaired.

The public interest

Decision summary

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

Referral criteria

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

Additional reasoning

The case examiners have considered whether a referral to a hearing may be necessary in the public interest, and have noted the following:

- There is no conflict in the evidence in this case and the social worker accepts the key facts.
- While the social worker has not indicated that they consider themselves to be currently impaired, the case examiners' decision and proposal will allow the social worker to review the case examiners' reasoning on impairment and consider whether they accept the case examiners' findings. It is open to the social worker to reject any accepted disposal proposal and request a hearing if they wish to explore the matter of impairment in more detail.
- While the case examiners consider there to be some future risk of repetition, they are satisfied that any such risk can be managed through other sanctions available to them.
- The case examiners are 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.

Interim order

An interim order may be necessary for protection of members of the public	Yes	☐
	No	☒
An interim order may be necessary in the best interests of the social worker	Yes	☐
	No	☒

Accepted disposal

Case outcome

Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☒
	Conditions of practice order	☐
	Suspension order	☐
	Removal order	☐
Proposed duration	12 months	

Reasoning

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

In determining the most appropriate and proportionate outcome in this case, the case examiners considered the available sanctions in ascending order of seriousness. The case examiners first considered taking no further action, but are of the view that this is not appropriate in a case where a social worker has acted in a way that may have contributed to service users being placed at risk of serious harm, and where there is still a potential future risk of repetition. Taking no further action would not provide the necessary level of public protection and would not satisfy the wider public interest.

The case examiners next considered whether offering advice would be sufficient in this case. An advice order will normally set out the steps a social worker should take to address the behaviour that led to the regulatory proceedings. Case examiners decided that issuing advice is also not sufficient to mark the seriousness with which the regulator views the social worker's alleged conduct or to satisfy the public interest in this case, and where the social worker is not considered to have fully remediated.

The case examiners went on to consider a warning order, which would provide a clearer expression of disapproval of the social worker's conduct than an advice order. Having done so, the case examiners have concluded that a warning order is the most appropriate and proportionate outcome in this case, and represents the minimum sanction necessary to adequately address the public's confidence in the profession. The case examiners are of the view that a warning order would sufficiently mark the seriousness with which the case examiners view the social worker's conduct, and would appropriately safeguard public confidence in the social work profession, and in the regulator's maintenance of professional standards for social workers.

In reaching this conclusion, the case examiners took into account that although they had found some risk of repetition, which their guidance would suggest may require a more restrictive sanction, the degree of positive insight and remediation rendered higher sanctions, i.e., a conditions of practice order or a suspension order, as unnecessary and disproportionate in the circumstances of this case.

The case examiners therefore moved on to consider the length of the warning order, with reference to the regulator's sanctions guidance. Warning orders can be imposed for 12 months, three or five years. The case examiners are satisfied that in this case a 12 month warning order would be sufficient to mark the seriousness of the conduct in question.

In reaching this conclusion, the case examiners referred to the sanctions guidance, and noted that the guidance states that 12 months may be appropriate for an isolated incident of relatively low seriousness. In these cases, the primary objective of the warning is to highlight the professional standards expected of social workers. The case examiners were of the view that, although they do not consider this case to be one of 'low seriousness', in light of positive evidence of developing insight and remediation, a 12 month warning is sufficient to protect the public, and to safeguard public confidence.

To test this position, the case examiners considered the guidance in respect of a three-year order, which may be appropriate for more serious concerns, or a five-year order, for where a case has fallen only marginally short of requiring restriction of practice. The case examiners gave consideration to a longer order, but are of the view that a 12-month order was sufficient to protect the public, and to safeguard public confidence; as such a longer order would be disproportionate. The case examiners are also not of the view that this is a case that has fallen only marginally short of requiring restriction to practice.

The case examiners have therefore decided to propose to the social worker a warning order of 12 month's 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 14 days to respond. If the social worker does not agree, or if the case examiners revise their decision regarding the public interest in this case, the matter will proceed to a final hearing.

Content of the warning

The case examiners formally warn the social worker as follows:

Formal case supervision is an essential part of risk management and key to supporting team members to make effective professional decisions. Failing to provide case supervision when required in a team leader role, has the potential to place service users at risk, to have an adverse effect on the public's confidence in you as a social worker, and may damage the reputation of the social work profession.

The conduct that led to these concerns should not be repeated. Any similar conduct or matters brought to the attention of the regulator are likely to result in a more serious outcome.

The case examiners remind the social worker of the Social Work England professional standards, and particularly:

As a social worker, I will:

3.2: Use information from a range of appropriate sources, including supervision, to inform assessments, to analyse risk, and to make a professional decision.

3.9: Make sure that relevant colleagues and agencies are informed about identified risks and the outcomes and implications of assessments and decisions I make.

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

This warning will be published for a period of 12 months.

Response from the social worker

On 27 February 2025 the social worker advised that they:

- Had read the case examiners' decision and the accepted disposal guide.
- Admitted the key facts set out in the case examiner decision, and that their fitness to practise is impaired.
- Understood the terms of the proposed disposal of their fitness to practise case and accepted them in full.

Case examiners' response and final decision

The case examiners concluded that the social worker's fitness to practise was likely to be found impaired, but that the public interest could be met through a prompt conclusion, published decision and warning, rather than through a public hearing. They proposed a warning with a duration of 12 months and the social worker accepted this proposal.

In light of the social worker's acceptance of the warning, the case examiners have considered again whether there would be a public interest in referring this matter to a public hearing. They remain of the view that this is unnecessary for the reasons set out earlier in the decision.

Having been advised of the social worker's response, the case examiners have again turned their minds as to whether a warning remains the most appropriate means of disposal for this case. They have reviewed their decision, paying particular regard to the overarching objectives of Social Work England, i.e. protection of the public, the maintenance of public confidence in the social work profession, and the maintenance of proper standards. Having done so, they remain of the view that an accepted disposal warning order of 12 months is a fair and proportionate disposal, and is the minimum necessary to protect the public and the wider public interest.