

Case Examiner Decision
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SW139263
FTPS-19810

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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. 12 June 2024 2. 25 October 2024
	1 -Additional regulatory concern requested -Information requested -Submissions requested 2 -Accepted disposal proposed - warning order (3 years)
Final outcome	11 November 2024
	Accepted disposal - warning order (3 years)

Executive summary

The case examiners initially paused their consideration of this case and requested that the investigator sought further information and add an additional regulatory concern. When the case was returned to the case examiners, they concluded that:

1. There is a realistic prospect of all of the regulatory concerns being found proven by the adjudicators.
2. There is a realistic prospect of regulatory concern 1 being found to amount to the statutory ground of a conviction or caution in the United Kingdom for a criminal offence. There is a realistic prospect of regulatory concerns 2 and 3 being found to amount to the statutory ground of misconduct.
3. For all of the regulatory concerns, 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. Rather, they are satisfied that the case can 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 warning order of 3 years' duration. The social worker accepted this proposal.

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.

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the police.
Date the complaint was received	22 October 2021
Complaint summary	The social worker has been named as being involved in a large-scale fraud where large amounts of money have been sent to various accounts across the UK. The social worker received a caution from the police on 21 February 2022, this related to the social worker's involvement in a transaction where £5000 was deposited into their account and then sent to another party. In the course of Social Work England's investigation, it came to light that the social worker failed to notify the regulator that they had received a caution from the police. Further, that the social worker may have acted dishonestly by way of the alleged omission.

Regulatory concerns

Whilst registered as a social worker, you:

RC1. Received a police caution on 21 February 2022 for the offence of: Acquire / use / possess criminal property.

RC2. Failed to notify Social Work England that you had received the police caution referred to at regulatory concern 1

RC3. Your actions at regulatory concern 2 were dishonest.

The matters outlined at regulatory concern 1 amount to the statutory ground of a conviction or caution in the United Kingdom for a criminal offence.

The matters outlined at regulatory concern 2 and 3 amount to the statutory ground of misconduct.

Your fitness to practise is impaired by reason of a conviction or caution in the United Kingdom for a criminal offence and/or 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	☐

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

12 June 2024

Paragraph 67 of the case examiner guidance details that, in some cases, the case examiners may decide that a material amendment to the regulatory concerns is required. If so, they must do all of the following before they can consider the case again:

- adjourn the case
- ask the investigators to make the amendment
- direct the investigators to seek further submissions from the social worker and/or complainant (if appropriate)

Paragraph 68 of the same guidance explains that a material amendment to the regulatory concerns may include adding a new regulatory concern and provides an example of adding dishonesty.

The case examiners have determined that an additional regulatory concern is needed in this case. This is because there is evidence within the information presented to the case examiners that suggests the social worker has acted dishonestly. Specifically, in respect of their alleged failure to inform Social Work England of their police caution, the submissions from the social worker point to them being aware of the need to disclose the matter to the regulator, but deliberately omitting to do so. For example, they state:

- *‘As a newly qualified social worker, I was acutely aware of the implications such a revelation could have on my career prospects. The fear of disclosing the caution to Social Work England loomed over me, amplifying my anxiety.’*
- *‘Despite the fear and uncertainty, I made a conscious decision to persevere.’*
- *‘As a newly qualified social worker at the time of the incident, fear and uncertainty clouded my judgement. However, I understand now that honesty and openness are essential, even in the face of adversity.’*
- *‘However, I understand now that honesty and transparency are foundational values in social work, and by withholding this information, I was compromising the very principles I sought to uphold.’*

This needs to be captured accordingly as it may affect the gravity of the case.

As such, the case examiners will now take the steps set out in paragraph 67 of their guidance by adjourning the case, asking the investigator to make the amendment, and directing them to seek further submissions from the social worker when this has been completed.

In addition, the case examiners request the investigator carries out further investigation in this case. In most cases, the case examiners reach a decision based solely on the material that the investigators have provided. However, in some circumstances, the case examiners are not able to reach a fair decision without further information.

Case examiners may request specific additional evidence or information, that is not part of the evidence provided, if they consider this is needed for them to make a fair decision. The case examiner guidance states that in such circumstances, they should adjourn their consideration of the case and formally request the information.

The same guidance provides direction that the case examiners must submit any request for information to the operations team in writing. Their request should clearly explain (both of the following):

- what specific information the case examiners need to help them reach their decision
- why they need this information

Accordingly, the case examiners request the following:

- Information from the police to confirm the offence that the social worker was cautioned for.



The case examiners require this information because:

- At PDF page 4 of the evidence bundle, the email from the police disclosure team details the offence that the social worker was cautioned for, that matches the wording used in regulatory concern 1. However, at PDF page 37 of the evidence bundle, the police certificate of simple caution details a different offence, namely possession of criminal property. At PDF page 42, the summary provided by the polices states '*I have considered the offence of PC02021 Aquire / use / possess criminal property*', which further suggests that the offence cited in the regulatory concern may be incorrect.



The social worker will need to be provided the opportunity to comment on any new information obtained.

Lastly, in addition to the requested addition of a regulatory concern, the case examiners have noted some clerical errors with the regulatory concerns as currently presented/minor amendments needed, and request that these be addressed when the case is returned. They have highlighted the requested changes below in bold:

Whilst registered as a social worker, you:

RC1. Received a police caution on 21 February 2022 for the offence of: (Clarify as per above commentary)

RC2. Failed to notify Social Work England that you had received the police caution referred to at regulatory concern 1

The matters outlined at regulatory concern 1 amount to the statutory ground of a conviction or caution in the United Kingdom for a criminal offence.

The matters outlined at regulatory concern 2 amount to the statutory ground of misconduct.

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

25 October 2024

The case examiners are satisfied that the necessary actions have been taken, as requested above.

The case examiners will now continue with their consideration of this case.

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 all of the regulatory concerns being found proven, that regulatory concern 1 could amount to the statutory ground of a conviction or caution in the United Kingdom for a criminal offence, and that regulatory concerns 2 and 3 could amount to the statutory ground of misconduct. In addition, the case examiners have concluded that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

RC1. Received a police caution on 21 February 2022 for the offence of: Acquire / use / possess criminal property.

The case examiners have had sight of the Certificate of Simple Caution Document provided by the police. This details the social worker being cautioned by the police for the offence, as captured by the regulatory concern.

To provide context, the case examiners have been provided with a summary from the police. From this the case examiners can summarise that it appears there was large scale fraudulent activity originating in Nigeria whereby contact was made with victims online. The victim is asked to physically send cash to addresses in the UK. The cash is then deposited into UK bank account 1 and transferred to UK bank account 2, from which it is

then transferred to a Nigerian bank account. The evidence from the police suggests they were able to prove that one transaction involved the social worker acting as UK bank account 2 in the fraudulent chain, with the amount of money involved being £5000. The social worker provided the explanation that they believed they were sending money to their boyfriend in Nigeria, that had originated from a co- acquaintance.

Though the social worker does not explicitly state that they admit this regulatory concern, it is clear from their submissions that they do not dispute the fact that they received a police caution as cited in the regulatory concern.

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

RC2. Failed to notify Social Work England that you had received the police caution referred to at regulatory concern 1

The police caution in question is that captured by regulatory concern 1. The case examiners have had sight of the Certificate of Simple Caution Document provided by the police. This shows that that social worker received their caution from the police on 21 February 2022.

The case examiners have had sight of the triage decision by Social Work England's triage team, dated 19 July 2022. In this, it details that on 22 October 2021, the police made Social Work England aware that the social worker had been arrested. From copies of emails, it appears there was communication between the triage team and the police in June and July 2022, with the police confirming on 15 July 2022 that the social worker had been issued a caution. It is unclear if the social worker was ever aware that the police had informed Social Work England about their arrest in October 2021, though the social worker's submissions suggest they were not. The triage decision confirms that the social worker never informed Social Work England that they had been arrested, nor that they had received a police caution. The social worker does not dispute this.

As the regulatory concern cites a failure on the part of the social worker, the case examiners have turned their minds to what would have been expected in the circumstances.

In doing so, the case examiners have taken into account Social Work England professional standard 6.6 that says a social worker will:

'Declare to the appropriate authority and Social Work England anything that might affect my ability to do my job competently or may affect my fitness to practise, or if I am subject to criminal proceedings or a regulatory finding is made against me, anywhere in the world.'

The social worker has not provided any mitigation to suggest that exceptional circumstances existed in their case that could justify them not informing Social Work England of their police caution. Indeed, the social worker accepts that they were aware of their responsibility but chose not to act. As such, the case examiners conclude that adjudicators are likely to find that the social worker failed in their actions.

The case examiners are satisfied there is a realistic prospect of this concern being found proven by the adjudicators.

RC3. Your actions at regulatory concern 2 were dishonest.

When considering dishonesty, the case examiners have applied two tests. Firstly, they have assessed the evidence to see if there is anything that may demonstrate any belief held by the social worker as to whether they were being dishonest. This is called a subjective test.

The submissions from the social worker point to them being aware of the need to disclose their police caution to Social Work England, but deliberately omitting to do so. For example, they state:

- *‘As a newly qualified social worker, I was acutely aware of the implications such a revelation could have on my career prospects. The fear of disclosing the caution to Social Work England loomed over me, amplifying my anxiety.’*
- *‘Despite the fear and uncertainty, I made a conscious decision to persevere.’*
- *‘As a newly qualified social worker at the time of the incident, fear and uncertainty clouded my judgement. However, I understand now that honesty and openness are essential, even in the face of adversity.’*
- *‘However, I understand now that honesty and transparency are foundational values in social work, and by withholding this information, I was compromising the very principles I sought to uphold.’*

The evidence suggests that the social worker knew they were acting dishonestly.

The case examiners next considered whether the conduct is likely to be deemed dishonest by applying the objective standards of ordinary decent people. This is called an objective test. It is reasonable to state that the social worker may have had something to gain by not informing Social Work England of their police caution. Specifically, to avoid regulatory interventions and the impact that these may have on their professional career. The case examiners believe it is reasonable to conclude that, if a social worker was proven to have deliberately omitted to inform Social Work England of their police caution, for personal gain, an ordinary decent person is likely to view that as dishonest.

The case examiners are satisfied there is a realistic prospect of this concern being found proven by the adjudicators.

Grounds

Regulatory concern 1

The statutory ground being considered by the case examiners for regulatory concern 1 is that of a conviction or caution in the United Kingdom for a criminal offence.

The case examiners have had sight of the Certificate of Simple Caution Document provided by the police and they are satisfied that this sufficiently evidences the social worker's caution in the United Kingdom for a criminal offence.

The case examiners are satisfied there is a realistic prospect of adjudicators establishing the statutory ground.

Regulatory concerns 2 and 3

The statutory ground being considered by the case examiners for regulatory concerns 2 and 3 is misconduct.

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

The case examiners also note that 'misconduct' denotes serious acts or omissions, suggesting a significant departure from what would be proper in the circumstances.

To help them decide if the evidence suggests a significant departure from what would be proper, the case examiners have considered the following Social Work England professional standards, applicable at the time of the concerns:

As a social worker I will:

- Be open, honest, reliable and fair.
- 6.6 Declare to the appropriate authority and Social Work England anything that might affect my ability to do my job competently or may affect my fitness to practise, or if I am subject to criminal proceedings or a regulatory finding is made against me, anywhere in the world

As a social worker I will not:

- 5.2 Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work

The case examiners have provided commentary in their assessment of the facts, explaining why the evidence suggests the social worker did not do what was expected of them by failing to alert Social Work England that they had received a caution from the police. Social workers must refer such matters to the regulator at the earliest opportunity, so that the regulator can carry out an assessment of risk and fulfil its overarching objective of protecting the public. As the evidence suggests the social worker did not do so, it follows that the regulator was prevented from taking prompt steps to mitigate any risks that may have existed for a period of around four months. The alleged conduct would not align with Social Work England professional standard 6.6.

Where it is found that a social worker acted dishonestly, this is always likely to be considered serious. Honesty is key to good social work practice. Social workers are routinely trusted with access to private spaces (such as people's homes), and highly sensitive and confidential information (such as case notes). Social workers are relied on to act with honesty and integrity when making important decisions about service users, their relatives and carers. When a social worker does not act honestly, this brings into question their suitability to work as a social worker. Dishonest conduct does not align with Social Work England professional standards 2.1 or 5.2.

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

As such, the case examiners are satisfied there is a realistic prospect of adjudicators finding that regulatory concerns 1 and 2 amount to misconduct.

Impairment

Having concluded there is a realistic prospect of adjudicators establishing the statutory grounds of a conviction or caution in the United Kingdom for a criminal offence, and misconduct, the case examiners must 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

The case examiner guidance states that there are multiple factors that case examiners should look for when considering the personal element of impairment, in order to assess

the risk of repetition. These include, whether the social worker has admitted the allegations, if they have demonstrated insight, if they have evidenced remediation, any relevant previous history, and any testimonials that have been provided.

Relevant previous history

There is no previous history for the case examiners to take into account.

Admissions

The social worker's submissions indicate that they admit all of the regulatory concerns.

Insight

In respect of insight, the case examiners are aware that they must take care to assess the quality of any insight. A social worker may accept they have acted wrongly. However, simply asserting this is unlikely to be enough to demonstrate genuine insight.

The case examiners consider that the social worker's insight could in part be considered somewhat lacking, specifically in respect of their police caution. The social worker appears to maintain their innocence despite signing police documentation admitting to the offence. Accordingly, their submissions focus on the other regulatory concerns, though they do state:

- *'I have learned firsthand the importance of due diligence, skepticism [sic], and ensuring clear boundaries when assisting others, even friends.'*

In respect of the allegation that they acted dishonestly by failing to inform Social Work England of their police caution, the social worker demonstrates good insight. The below commentary all relates to regulatory concerns 2 and 3 only.

In their submissions the social worker appears to demonstrate an understanding of what led to the events which are the subject of the concerns. The social worker seems to recognise what went wrong. They state:

- *I acknowledge my failure to notify Social Work England of the caution I received from the police. It was a decision made out of fear and uncertainty, but one that I now recognize as a mistake.'*
- *'While I acknowledge my mistake in not immediately disclosing the caution, I assure you that it was born out of fear and naivety rather than deceit.'*
- *'.... this situation was [REDACTED] and since being a newly qualified, I felt I had lost everything I had worked so hard for due to my poor decision making.'*

- *'The fear of disclosing the caution to Social Work England loomed over me, [REDACTED] could this one mistake overshadow all my years of hard work and dedication? Would I be stripped of my newfound profession before even having the chance to fully embrace it? The thought of potentially losing the opportunity to practise in a field I had worked tirelessly to enter was paralysing.'*

The social worker accepts their roles and responsibilities in relation to the events surrounding the concerns, they appear genuinely remorseful. They state:

- *'I humbly acknowledge my mistake in not disclosing the caution earlier.'*
- *'Moving forward, I am committed to rectifying this mistake and taking full responsibility for my actions.'*

The social worker has provided information to demonstrate what they could (and should) have been done differently. They state:

- *'As a result, to improve my practice I have been able to reflect on this situation and recount my actions and how I should have handled it by informing social work England immediately after I had been arrested or given the caution.'*
- *'Reflecting on the experience, I've learned the importance of transparency and accountability in the field of social work. While it was a daunting prospect, I now realise that I should have informed Social Work England about the caution from the police sooner.'*
- *'Looking back, I realise that I should have prioritised honesty and integrity above all else.'*

The social worker has addressed how they might act or react differently if the same circumstances were to happen again (to avoid reoccurrence of similar concerns.) They state:

- *'I am committed to learning from this experience, growing as a professional, and demonstrating the honesty and integrity that are fundamental to the practice of social work.'*
- *'Moreover, I recognize the significance of seeking support and guidance when faced with challenges that exceed my expertise or comfort zone.'*

When assessing insight, it is also important to establish if the social worker demonstrates a genuine understanding of the impact of their actions on others, and the profession. The social worker has stated the following that suggests they do understand this:

- *'I understand the importance of transparency and accountability in maintaining the trust of clients, colleagues, and regulatory bodies. I am prepared to work diligently to rebuild trust and uphold the values of the social work profession.'*

- *‘Through my experiences, I have come to realise the profound impact social workers can have on the lives of those they serve, and the importance of maintaining integrity and ethical conduct in the face of adversity.’*
- *‘..... I understand now that honesty and transparency are foundational values in social work, and by withholding this information, I was compromising the very principles I sought to uphold.’*
- *‘.... By failing to disclose the caution, I compromised the trust and integrity that are essential in the field of social work. I deeply regret my decision and the impact it may have had on the profession, my colleagues, and those I am committed to serving.’*

Employment reports and testimonials

Case examiners must carefully look for and assess any objective evidence that might confirm the social worker’s insight. For example, reports from their employer commenting on any reflective work the social worker has undertaken. Testimonials that provide up to date, credible information about the social worker’s current practice can also be relevant when exploring current impairment.

The case examiners have had sight of a character reference from the social worker’s line manager who states:

- *‘I have no reason to judge Jerritoh’s professional character – she has always conducted herself professionally and without concern. I have not been made aware of any such concerns.’*

The case examiners have also had sight of a character reference from a nurse colleague of the social worker who states:

- *‘Jerrioth has demonstrated remarkable resilience and professionalism throughout the challenging investigation period..... This ordeal has undoubtedly been a learning experience for Jerrioth, offering her insights into the complexities of navigating legal processes and the importance of maintaining integrity and composure in the face of adversity.’*

Remediation

The nature of dishonesty related concerns are such that they can present a significant challenge to remediation and give inherent rise to a risk of repetition. The case examiners are mindful that, whilst the above information is favourable to the social worker in the case examiner’s assessment of the personal element of impairment, the matter of dishonesty remains.

Having considered this, the case examiners make the following points:

- Though not excusing the alleged conduct, they accept the social worker's assertion that they panicked due to the potential ramifications.
- They accept that a newly qualified social worker may be particularly alert to the potential ramifications, having just recently completed the extensive process of gaining their qualification.
- This is an isolated allegation of dishonesty, and does not indicate a pattern of behaviour. The police caution related to an offence of possessing criminal property, and not fraud (which is inherently dishonest).
- It is nearly three years since the alleged dishonesty, there is no evidence of further instances.
- The social worker's manager testifies to the social worker's character.

Where attitudinal or character issues arise, the risk of repetition is heightened as deep-seated attitudinal flaws are extremely difficult to remediate. The case examiners do not consider it likely that adjudicators would conclude a deep-seated attitudinal flaw exists, based on the evidence highlighted above. Rather, that the isolated matter of dishonesty (if proven) was a one-off response to the specific circumstances.

The case examiners consider that in the circumstances of this case the passage of time, without further concern, is a good indicator that remediation has been achieved.

Risk of repetition

The purpose of case examiners assessing multiple factors when considering the personal element of impairment, is to assess the risk of repetition, put simply the likelihood of the conduct happening again. In this case, the case examiners are assisted by a significant passage of time, during which there has been no repetition. The case examiners do not consider that the social worker's apparent denial of the mischief behind the circumstances that led to them receiving a police caution significantly undermines the other positive information before them.

As such, the information reviewed leads the case examiners to conclude that the risk of repetition is low.

Public element

The case examiners must now consider the public interest in this matter.

A social worker receiving a caution from the police, and acting dishonestly, undoubtedly has the potential to undermine public confidence. Such conduct is certainly a significant departure from professional standards.

Regulatory concerns regarding dishonesty go to the heart of public confidence in the social work profession. They have the potential to undermine the public's trust in social workers. As such, it is likely the public would expect that a finding of current impairment is made by adjudicators to maintain public confidence in the regulation of the profession.

The case examiners have concluded there is a realistic prospect that adjudicators would find 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 noted that the social worker has indicated to the regulator that they do not consider their fitness to practise to be currently impaired. Where a social worker does not accept impairment, case examiner guidance suggests that a referral to a hearing may be necessary in the public interest.

However, the case examiners note that the guidance states the social worker must accept the matter of impairment at the point of *concluding* the case and are of the view that this does not prevent them offering accepted disposal prior to this.

The case examiners consider that it is reasonable to offer accepted disposal in this case because: (select those relevant)

- There is no conflict in evidence and the social worker accepts the facts.
- The social worker is clear that they accept that their practice fell short of the standards expected of them.

- The case examiners recognise that not all professionals will have an innate understanding of how and when the public interest may be engaged, or how exactly this might impact upon findings concerning current fitness to practise.
- The accepted disposal process will provide the social worker an opportunity to review the case examiners reasoning on impairment and reflect on whether they are able to accept a finding of impairment. It is open to the social worker to reject any accepted disposal proposal and request a hearing if they wish to explore the question of impairment in more detail.
- The case examiners are 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	☐
Proposed duration	3 years	

Reasoning

No further action

The case examiners considered taking no further action. Paragraph 95 of the sanctions guidance states that, when decision makers find impairment, an outcome of 'no further action' is rare. However, this could be possible in cases where the finding of impairment itself is enough to protect the public or address the public interest. The guidance goes on to provide the example of when a social worker has accepted a caution, which is applicable in this case.

Paragraph 103 of Social Work England's case examiner guidance states that the issuing of a caution suggests the offence is of a lower severity.' In conjunction with the sanctions guidance, this suggests that criminal matters of lower severity may fall into the 'rare' category where a finding of impairment alone would be sufficient to protect the public or address the public interest.

However, the case examiners conclude that taking no further action would not provide the necessary level of public protection and would not satisfy the wider public interest given the allegations in this case. In particular the case examiners consider that the allegation of dishonesty is an aggravating factor and that taking no further action would not mark the seriousness of the social worker's alleged conduct.

Advice

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. The case examiners decided that issuing advice was also not sufficient to mark the seriousness of the social worker's alleged conduct.

Warning order

The case examiners next considered whether a warning order would be appropriate. The case examiners are aware that where a social worker's fitness to practise is potentially impaired, they will usually need to ensure the public is protected through some action by the regulator. The case examiners have decided that such protection can be met with a warning order.

The case examiners have considered the length of time for the published warning and consider three years to be proportionate in this case. The case examiners consider that a period of three years is appropriate in the circumstances to maintain public confidence and to send a message to the public, the profession and the social worker about the standards expected from social workers.

The case examiners did not feel that the matter was of low seriousness, so one year was not appropriate. The case examiners carefully considered if the matters before them fell marginally short of the need to restrict practice but concluded that they did not.

Therefore, five years would be disproportionate. The case examiners have provided further commentary around the restrictive sanctions below, which will help explain why they consider the matters did not fall marginally short of requiring restriction, and why a three-year warning is the suitable outcome.

Conditions of practice

The case examiners considered conditions of practice. They concluded that conditions were more relevant in cases requiring some restriction in practice and were not suitable for this case that centres around a police caution and dishonesty.

Suspension

The case examiners carefully considered suspension. Several aspects of the sanctions guidance would appear to steer the case examiners to this sanction. The case examiners highlight that the same guidance makes it clear that matters of dishonesty can result in removal, but that the following circumstances (which all appear to apply in this case) may result in this being avoided with suspension as an alternative:

- The concerns represent a serious breach of the professional standards.

- The social worker has demonstrated some insight.
- There is evidence to suggest the social worker is willing and able to resolve or remediate their failings.

Given that much of the above commentary would support the case examiners offering suspension in this case, they are aware that they must provide clear reasoning why they have deemed that a lesser sanction of a warning order for 3 years is appropriate.

The sanctions guidance states that a warning order is likely to be appropriate where (all of the following):

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

The case examiners are satisfied that the issue is limited to the social worker's police caution, and their failure to disclose this to Social Work England. The social worker has provided a good level of insight in respect of the alleged dishonesty. The case examiners have deemed there to be a low risk of repetition in this case, given the passage of a significant period of time without concern.

The case examiners have noted that the social worker's current line manager has spoken to the social worker's good character. The social worker's nurse colleague describes a social worker who is playing a vital role in their team and in the service provided to those engaged with services. There is no evidence that the social worker has acted dishonestly in respect of practice specific tasks, at any time throughout their employment history. The case examiners are of the view that, in the specific circumstances of this case, the direct risk to members of the public is limited to the risk to public confidence. Further, that this can be addressed by way of a warning order, that demonstrates clear disapproval of the social worker's alleged conduct.

The case examiners consider that restricting the social worker's practice by way of suspension would be a disproportionate and punitive outcome, and for the reasons provided above did not consider that this was a marginal decision when reaching their conclusion. The case examiners have determined that, in all the circumstances, a warning order of three year's duration is proportionate in this case.

The case examiners will notify the social worker of their proposal to issue a warning order of three years' duration and will 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:

Dishonesty is a very serious matter and can seriously damage the public's confidence in individual social workers, and in the profession as a whole. The same can be said when a social worker is found to have committed a criminal offence.

The case examiners determined there is a realistic prospect that you could be found to have acted dishonestly. They noted information that suggests that, if proven, this was an isolated matter and does not indicate a deep-seated attitudinal flaw or a pattern of behaviour. However, should any similar matters be brought to the attention of the regulator, this would bring that conclusion into question and is likely to result in a more serious outcome.

The case examiners remind you that you are required to adhere to Social Work England's professional standards. In particular, they bring your attention to the following standards:

As a social worker I will:

2.1 Be open, honest, reliable and fair.

As a social worker I will not:

5.2 Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.

The case examiners recommend, though cannot mandate, that you use this determination for a reflective exercise as part of your continuing professional development.

Response from the social worker

The social worker provided a response on 11 November 2024 and confirmed *"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 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 a warning, rather than through a public hearing. They proposed a warning order with a duration of 3 years and on 11 November 2024, the social worker accepted this proposal.

In light of the social worker's acceptance of the warning order, 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 order 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 by way of a warning order of 3 years duration is a fair and proportionate disposal and is the minimum necessary to protect the public and the wider public interest.