

Case Examiner Decision
Elisabeth Linsley - SW125486
FTPS-21925

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	9
The public interest.....	20
Accepted disposal	22

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	11 September 2024
	Accepted disposal proposed - removal order
Preliminary outcome 2	16 October 2024
	Accepted disposal proposed – removal order
Final outcome	5 November 2024
	Accepted disposal – removal order

Executive summary

The case examiners have reached the following conclusions:

- There is a realistic prospect of regulatory concerns 1,2,3,4 & 5 being found proven by the adjudicators.
- There is a realistic prospect of regulatory concerns 1-5 being found to amount to the statutory grounds of misconduct
- For regulatory concerns 1-5, 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 an accepted disposal removal order.

On 11 October 2024, the case examiners received a response from the social worker. The social worker requested amendments to the proposal. The case examiners reviewed their decision and considered the amendments requested by the social worker. The case examiners remained satisfied that an accepted disposal removal order was an appropriate and proportionate sanction and invited the social worker to again consider the proposal made.

On 1 November 2024, the social worker signed a declaration to confirm that they had read and understood the case examiners decision and the accepted disposal guide. The social worker confirmed that they understood and accepted the terms of the disposal of their fitness to practice case.

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 **blue** will be redacted only from the published copy of the decision and will therefore be shared with the complainant in their copy. Text in **red** 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.

Child A	
---------	---

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	12 December 2022
Complaint summary	Concerns are raised about the social worker's record keeping. Following their departure from the local authority (Sheffield City Council), further concerns emerged about the social worker allegedly failing to follow up safeguarding concerns. It is alleged the social worker was informed by the nursery attended by child A, that the child had sustained a bruise to their ear. Concerns are raised that the social worker, following receipt of this information, may not have safeguarded child A, and that the social worker may have acted dishonestly when they informed the nursery that they had discussed the safeguarding concerns referred to them with a manager when their manager said they had not done so.

Regulatory concerns

Whilst registered as social worker-

- 1) You failed to maintain accurate case records.
- 2) You did not complete statutory work within required timescales.
- 3) You failed to safeguard Child A.

- 4) You informed child A's nursery that you had spoken with your manager regarding the safeguarding concern when this was not the case.
- 5) Your actions at regulatory concern 4 were dishonest.

Grounds of impairment:

The matters outlined in regulatory concerns 1-5 amount to the statutory grounds of misconduct. Your fitness to practise is impaired by reason of your misconduct.

Preliminary issues

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

The realistic prospect test

Fitness to practise history

The case examiners have been informed that there is no previous fitness to practise history.

Decision summary

Is there a realistic prospect of the adjudicators finding the social worker's fitness to practise is impaired?

Yes



No



The case examiners have determined that there is a realistic prospect of regulatory concerns 1-5 being found proven, that those concerns 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 social worker-

1) You failed to maintain accurate case records.

2) You did not complete statutory work within required timescales.

The case examiners will address regulatory concerns 1 and 2 together as they will rely of the same evidence.

The case examiners have been presented with a selection of the social worker's case records. The case examiners have seen case records relating to the social worker's work with 5 families. Many of the case records have tick box entries such as a date, the type of visit, the reason for the visit, whether the child was seen, whether the

child was seen alone and whether the child's bedroom was seen but are otherwise blank or contain one sentence of additional information.

The case examiners have been supplied with several relevant policy documents by the local authority, one of them entitled 'Practice Standards for Practitioners,' February 2021. Paragraph 1.26 states that social worker's must ensure that their case recording is *'clear, focused on outcomes for children/young people and family members and is made within **2 working days** of the contact/visit taking place. My recording ensures that the plan of support I am providing is clear and evidences the work I have undertaken and the impact of this on the family.'* The social worker's recording would not appear to be consistent with this policy.

The case examiners have seen a supervision record dated 31 March 2022, this document records discussions about the following outstanding work:

- Family not visited since 2 March 2022 and where there had been no core group meeting since January 2022.
- A service user with no recorded visits since 25 February 2022.
- A service user with no recorded visit since 3 March 2022 and this entry being blank. No child in need meeting since October 2021.
- No visit to child A since 11 February 2022.
- A service user with no visits completed in 8 weeks, no meetings, and no safety planning.
- A service user with no initial child protection conference report.
- Service users with no core groups completed for 5 months, or since December 2021.

The case examiners have seen a case entry made by a child protection coordinator on 11 August 2022. This entry concerns a two-year-old child, subject to a child protection plan and allocated to the social worker. The child protection coordinator is reviewing progress with the children and their wider family prior to a conference, due to take place at the end of August. The child protection coordinator suggests that no core groups had been held since the initial child protection conference held at the beginning of June and two visits have been completed on 14 June 2022 and 21 June 2022, but nothing since those dates. The social worker's case notes indicate that a core group was held at the family home on 21 June 2022, but there is no further detail to confirm that this took place.

The policy document 'Practice Standards for Practitioners,' February 2021 (7.7), states that a core group meeting should be held every month to review the child protection plan, and the updated child protection plan should be recorded on the electronic file within 2 working days of the core group taking place (7.13). The expectation of visiting (7.19) is that this would be every 10 working days as a minimum. The evidence would suggest that the social worker may not have complied with the 'Practice Standards for Practitioners,' or what would routinely be expected of a registered and qualified social worker in terms of visiting and recording.

In their initial submissions dated 5 July 2023, the social worker accepts that they did not complete records, visits, core groups, and child protection reports within timescales. The social worker suggests [REDACTED] an 'incredibly high case load' impacted their ability to maintain accurate records.

The case examiners consider there is a realistic prospect of concerns 1 & 2 being found proven by adjudicators.

3) You failed to safeguard Child A.

4) You informed child A's nursery that you had spoken with your manager regarding the safeguarding concern when this was not the case.

The case examiners will address regulatory concerns 3 & 4 together as they will rely upon the same evidence.

The case examiners have seen a statement from child A's nursery, dated 5 July 2022, with regards to bruising observed by them on a young child. This statement details the time the bruising was observed and their call to the social worker. The social worker is detailed as responding to the nursery's call stating that they were not in the office but would discuss with their manager and call back. The nursery query whether child A should be allowed to be collected by their grandparents and are advised by the social worker to wait to release the child until they call back. The grandparents are reported as having arrived to collect child A before the social worker had responded to the nursery, and a conversation ensued with the grandparents about the bruising, in which they said they were not aware of it.

The nursery also completed a body map recording of the location and size of the bruises they observed on child A. The nursery also completed a safeguarding incident in respect of the bruising and record that they passed the information to the social worker.

The case examiners have seen an email dated 5 July 2022, which appears to be from the social worker to staff at child A's nursery. The social worker states in the email

that they have spoken to their manager, and that their manager is not concerned with what child A “*is saying*.” The social worker then suggests that nursery staff speak to the child’s grandparents and ask how the child might have sustained the injury, but they conclude in the email that they are ‘*not overly concerned*.’

There is no evidence from the nursery, or within the social worker’s case records about what child A ‘was saying.’ There is no evidence to suggest that child A was spoken to directly about the bruising by the nursery or the social worker. The social worker does not appear to have visited the child at nursery or arranged for further enquiries into how the bruising was sustained, as would have been expected in such circumstances.

The social worker’s former employer states that there is no evidence of visits to the family of child A between 16 May 2022 and 8 August 2023. There are also doubts raised that the children were seen during recorded visits to this family, or of how such visits were conducted, in March, June and November 2021, as the case notes are ‘blank’ and contain no detail.

The case examiners have seen screenshots of the social worker’s records completed in respect of child A and family. The last entry by the social worker is on 16 May 2022, and there are no entries on 5 July 2022 in relation to the referred injury to child A’s ear.

Information about the bruising to child A’s ear came to the attention of the social worker’s former manager when a different social worker visited the nursery to review their records, with a view to producing a chronology for a court hearing. Notes held by the nursery suggested that the social worker had spoken to their manager about the reported bruising to child A’s ear as per the email described above. However, the social worker’s manager says in their initial referral to Social Work England that ‘*bruising to a child’s ear was never raised*’ with them in relation to any of the children on the social worker’s case load. They say that they know how difficult and unusual a bruise to a child’s ear is, and had this been brought to their attention, they would have ensured a child protection medical was arranged.

The social worker’s former manager felt sufficiently concerned about the social worker to contact their new employer, Rotherham Borough Council to convey their concerns about the social worker’s recording and safeguarding in respect of child A. A meeting was held on 12 December 2022 when these concerns were discussed. The evidence from this meeting suggests that similar concerns in relation to recording had been noted by the new employer, Rotherham and an informal action plan was to be put in place. The social worker was said to have a significantly reduced case load in Rotherham, with a low level of complexity. The social worker left the new employer

in November 2023. It was during this period of employment that the social worker pursued and received a diagnosis [REDACTED] and was provided with support for this.

In their initial submissions the social worker says; *“I know what case it is referring to and I recall being told about the bruising by nursery, but I cannot remember what happened. However, I dispute that I have been dishonest and that if I had written it within a case note then I must have spoken to a manager.”*

There is no evidence to suggest that child A was seen by the social worker, or that the social worker discussed the alleged bruising to child A’s ear with their manager. The case examiners have seen a document entitled ‘Practice Standards for Practitioners,’ which says that if you are concerned about the safety of a child/young person or their family this must be discussed immediately with a senior manager to agree a way forward and the decision should be recorded. The case examiners are satisfied that there is evidence to suggest the social worker may not have safeguarded child A in line with policy and procedure, and expectations of registered social work professionals.

The case examiners consider there is a realistic prospect of concerns 3 and 4 being found proven by adjudicators.

5) Your actions at regulatory concern 4 were dishonest.

The case examiners are aware of the test outlined by the courts in the case of Ivey, which provides a framework for assessing whether a matter amounts to dishonesty. The test requires adjudicators to assess the state of knowledge of the social worker at the time, ‘the subjective test,’ and then to consider whether the conduct may be considered dishonest, applying the objective standards of ordinary decent members of the public, ‘the ‘objective test.’

The view the social worker communicated to the nursery via email, that they had discussed with their manager, and *‘they were not overly concerned,’* is not supported by the evidence. The manager has said that if they had known about the referral, they would have arranged a child protection medical due to the *‘unusual’* location of the reported bruising to a child’s ear.

The referral from the nursery is said to have been discovered by the social worker’s former manager at a much later date (23 October 2022) when a different social worker visited the nursery to gather information. The social worker’s manager subsequently raised concerns with the social worker’s new employer about this issue, such was their level of concern.

The social worker says that they remember the child and being told by the nursery about the bruising. The social worker says they cannot remember what happened,

but if they *'had written it in case notes then [they] must have spoken to a manager.'* There is no evidence to suggest that the social worker did write about the reported injury in their case notes or visit the child, and therefore it would seem that claims that *'they must have spoken to a manager'* cannot be relied upon.

The case examiners have gone on to consider whether an ordinary member of the public would be likely to consider the social worker's alleged actions to be dishonest. The case examiners consider that an ordinary member of the public would be concerned to learn that a social worker may not have acted on safeguarding concerns raised with them by a nursery, not visited the child, and suggested to the nursery that they had discussed the matter with their manager, when there is no supporting evidence to suggest that they did so.

The case examiners consider there is a realistic prospect of adjudicators finding regulatory concern 5 proven.

Grounds

The case examiners are aware that there is no legal definition of misconduct, but it generally would consist of serious acts or omissions, which suggest a significant departure from what would be expected of the social worker in the circumstances. This can include conduct that takes place in the exercise of professional practice, and also conduct which occurs outside the exercise of professional practice but calls into question the suitability of the person to work as a social worker.

To help them decide if the evidence suggests a significant departure from what would be expected in the circumstances, the case examiners have considered the following professional standards, which were applicable at the time of the concerns. They consider that the following Social Work England Professional Standards may have been departed from:

I will -

3.1 Work within legal and ethical frameworks, using my professional authority and judgement appropriately.

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

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

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

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

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 work.

5.3 Falsify records or condone this by others

Having found a realistic prospect that adjudicators could find regulatory concerns 1-5 capable of proof, the case examiners have gone on to consider the seriousness of the concerns, which include alleged dishonesty and potential failures to safeguard, both of which are fundamental tenets of social work.

The case examiners consider that the social worker's actions as alleged, may have put a vulnerable service user (child A) at risk of actual harm, as child A's reported bruised ear was never formally assessed, and the social worker led the nursery to believe that they had discussed the concerns raised with their manager and documented this, when there is evidence to suggest that this may not have happened. In the opinion of the case examiners, this means that that there was potentially a period during which child A was not safeguarded and may have continued to have been exposed to risk of harm.

Keeping accurate and up-to-date records is also a fundamental aspect of a professional social worker's role, and not doing so has the potential to expose individuals who are already vulnerable to increased risk of harm. The evidence suggests that the social worker's records, and actions taken in respect of alleged bruising to child A's ear may not have been consistent with local and national policy and procedures such as Working Together to Safeguard Children.

The potential departure from standards also appears to include issues pertaining to the social worker's management of risk in terms of statutory tasks such as visiting within agreed timescales and convening meetings designed to review risks and strengths.

The case examiners are therefore of the view that the actions of the social worker, if subsequently found proven, would therefore represent a significant breach of the professional standards expected of social worker, as outlined above.

Accordingly, the case examiners consider there is a realistic prospect of adjudicators finding the facts capable of proof amounting to the statutory grounds of misconduct.

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 some of the issues of concern, such as case recording and safeguarding can be remedied through attending training, or refresher courses to remind the social worker of the importance of adhering to safeguarding policies and procedures. However, the case examiner guidance is clear that issues of dishonesty may be more difficult to remediate as these relate to behavioural or attitudinal issues as opposed to gaps in skills and knowledge.

Insight and remediation

In their initial submissions, dated 5 July 2023, the social worker puts forward mitigating circumstances which will be summarised here:

- Whilst employed at Rotherham (June 2023) the social worker was diagnosed with a health condition [REDACTED]
- The social worker suggests that they believe their diagnosis impacts their work; [REDACTED]

-
- The social worker cites high caseloads and high social work vacancy rates as impacting on their performance and a reason for leaving the local authority.
 - The case examiners have seen an occupational health report dated 13 December 2022, completed whilst the social worker was employed at their subsequent employment in Rotherham, which states that the social worker is fit to continue in their current role undertaking ‘currently adjusted duties.’
 - The social worker has engaged in some health treatment as advised by their GP.
 - The social worker had a reduced caseload which was reported to be beneficial. It was considered appropriate to continue with the reduced caseload whilst health assessments were completed.

The case examiners have seen evidence from the social worker confirming that they are receiving treatment and seeing improvements in terms of their health symptoms.

Having reviewed the mitigating circumstances and initial comments submitted by the social worker, the case examiners consider that the social worker’s insight currently tends to focus predominantly on themselves, and their own issues, as opposed to showing an understanding of how their actions and behaviours could have impacted service users and public perceptions of social work. While understanding why they may have acted as they did is an important aspect of insight, full insight and remediation also requires a social worker to be able to demonstrate an understanding of the seriousness of their actions, as alleged, and the impact of that on public safety and confidence in the profession.

The social worker refers in their initial submissions to how they had been working at their subsequent place of employment (Rotherham) with the advance practitioner to break down tasks and prioritise work. They also said that they had received supervision every two weeks, to enable them to have shorter ‘to-do lists,’ which they found more manageable. The social worker accepts in their initial comments that during their employment with the employer where the concerns arose (Sheffield), there were issues with case recording and completing child protection reports, visits, and core groups in timescales; they say that this was due to their health issues ‘’ and ‘incredibly high caseload.’ The social worker does not progress to reflect on how their actions may have placed children at increased risk of

harm, or how the public might have viewed their alleged failures to safeguard and complete statutory tasks.

The case examiners are satisfied that the social worker was provided the opportunity to make final submissions but did not do so.

While the social worker is not currently employed in a social work role [REDACTED], the case examiners are of the view that their current role would still include safeguarding responsibilities.

Risk of repetition

The social worker has not developed insight to the point where they have demonstrated that they appreciate what they could or should have been done differently. The social worker does not address how they might act or react differently if the same circumstances were to arise again. The social worker has shown no clear understanding of how their actions might have put already vulnerable children at increased risk of harm.

The social worker, in their initial submissions does not indicate that they have recognised gaps in their knowledge or skills that they have sought to address through further training, reading, or reflection. The case examiner guidance would suggest that a social worker may be incapable of successful remediation until they develop fuller insight.

While the social worker has initially engaged with the fitness to practice process, they have not provided final submissions despite being provided with opportunities to do so; this has further limited the evidence available to the case examiners in terms of the social worker demonstrating insight and remediation. the case examiners have concluded there remains a risk of repetition given the lack of insight and remediation.

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 have reminded themselves that the public interest includes responding proportionately to regulatory concerns. They note from their guidance that concerns involving dishonesty are *“likely to be viewed particularly seriously given the access social workers have to people’s homes and lives;”* and that *“it is essential*

to the effective delivery of social work that the public can trust social workers implicitly.”

With regards to this case, the evidence presented to the case examiners indicates that the social worker may have failed to safeguard a vulnerable child and may also have been dishonest about the actions that they have taken. The case examiners consider that a fully informed member of the public would be concerned by the alleged conduct in this case.

In the case examiners’ view, a finding of impairment is required to maintain public confidence in both the social work profession, and in the regulator’s maintenance of proper standards for social workers.

The case examiners consider there is a 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 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 conclude that offering accepted disposal is proportionate for the following reasons:

- There is no conflict in evidence in this case and the social worker accepts the facts.
- The social worker is clear that they accept that their conduct 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.

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	Where a social worker is removed from the register, there is no defined end to the finding of impairment. A social worker that has been removed from the register may only apply to be restored to the register 5 years after the date the removal order took effect. The adjudicators will decide whether to restore a person to the register.	

Reasoning

In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's sanctions guidance 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 taking no further action but considered that this would not be appropriate in this instance as it would not satisfy the wider public interest.

The case examiners next considered whether offering advice 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 believe that

issuing advice is not sufficient to mark the seriousness with which they view the social worker's conduct.

The case examiners then considered a warning order. A warning order implies a clearer expression of disapproval of the social worker's conduct than an advice order. The case examiner sanction guidance states that a warning order is likely to be appropriate when all the following are present:

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

Given the above the case examiners have concluded that a warning order would not be appropriate as the social worker has not demonstrated sufficient insight for them to determine there is a low risk of repetition. Similarly, there is evidence to suggest fitness to practice issues in respect of case recordings were not isolated.

The case examiners have gone on to consider Conditions of Practice. The case examiner guidance states that conditions of practice may be appropriate when (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 determined that the social worker has yet to demonstrate sufficient insight. The case examiners have also noted that their guidance suggests that remediation is more difficult when insight is not fully developed and when the alleged concerns relate to dishonest behaviours or actions. The social worker is not currently employed in a social work role, which would make conditions of practice potentially unworkable. The case examiner sanction guidance (para 119) states that conditions are unlikely to be appropriate in cases which include dishonesty. They case examiners therefore determined that conditions of practice was not an appropriate sanction. Working through the sanctions, the case examiners next

considered a suspension order. The sanctions guidance (para 138) states that suspension is likely to be unsuitable where (both of the following):

- The social worker has not demonstrated any insight and remediation
- There is limited evidence to suggest they are willing (or able) to resolve or remediate their failings.

As already detailed above, the case examiners have concluded that the social worker has not demonstrated appropriate insight or remediation and has not provided sufficient evidence to suggest that they are able to remediate such serious concerns. As such, they do not consider that a suspension order is an appropriate sanction.

The case examiners have therefore concluded that a removal order is the most appropriate outcome available to them to:

- Protect the public
- Maintain confidence in the profession
- Maintain proper professional standards for social workers in England

The sanction guidance (para 149) outlines when a removal may be appropriate. In this instance the case examiners have concluded that the following apply:

- Dishonesty, especially where persistent and /or concealed
- Persistent lack of insight into the seriousness of their actions or consequences
- Social workers who are unwilling and/or unable to remediate.

The case examiners have therefore decided to propose to the social worker an accepted disposal 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.

First response from the social worker

On 11 October 2024, the case examiners received a response from the social worker requesting amendments. The amendments requested were in relation to the case examiners consideration of insight, which the social worker stated they believed they had demonstrated. The social worker advised that they did not wish to challenge the removal order, and that they understood the seriousness of the concerns addressed within the decision.

The social worker also stated in their response that they could see potential difficulties with alternative sanctions to the one offered due to them 'being out of social work practice.' The social worker raised some mitigating circumstances as to why they had missed a deadline to respond to the information presented to them, which the case examiners understand to mean their final submissions.

Case examiners' first response

The social worker does not appear to be challenging the proposed accepted disposal of a removal order and have indicated that they accept the seriousness of the concerns raised and understand why alternative sanctions may not be appropriate. The social worker therefore appears to accept the principles of the decision and the proposed means of concluding the case.

The case examiners have carefully considered the social worker's request for amendments in relation to insight.

In reconsidering insight, the case examiners' have again noted their guidance, which reminds them that:

Decision makers should consider different aspects of insight, such as (all of the following):

- *whether the social worker understands what led to the events which are the subject of the concern*
- *whether the social worker recognises what went wrong*
- *whether the social worker accepts their role and responsibilities in relation to the events*
- *whether the social worker appreciates what could (and should) have been done differently*

- *whether 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)*

The case examiners are required to assess the quality of any insight and must “carefully look for and assess any objective evidence that might confirm the social worker’s insight, for example, reports from employment.”

Further, the guidance states that insight may be demonstrated by a social worker “making full and early disclosure about what has happened to (all of the following):

- *those impacted*
- *current employer*
- *future employers.”*

Having carefully considered the social worker’s response, while the case examiners do note that the social worker has indicated some elements of insight, for example, they acknowledge that their alleged actions were serious, and that a removal order may be appropriate in the circumstances of the case, the case examiners consider that insight remains partial. Whilst the social worker’s response and further comments on insight are, noted in this section of the report, the case examiners do not, however, consider that the social worker’s response has any material impact on their previous assessment of insight or that amendments are necessary in the main body of the report.

As the social worker has not indicated in their response that they wish to reject the case examiners proposed disposal and would prefer the matter to proceed to a hearing, the case examiners consider it appropriate to offer the social worker a further opportunity to consider the proposed accepted disposal of a removal order.

Accordingly, 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 a further 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.

Second response from the social worker

On 1 November 2024, the social worker signed a declaration to confirm that they had read and understood the case examiners decision and the accepted disposal guide.

The social worker has confirmed that they understand and accept the terms of the disposal of their fitness to practice case.

Case examiners' second response and final decision

The case examiners have reviewed their decision, paying regard to the overarching objective of Social Work England: protection of the public, the maintenance of public confidence in the social work profession and upholding professional standards. The case examiners remain satisfied that an accepted disposal (removal order) is a fair and proportionate way to address the concerns and is the minimum necessary to protect the public and satisfy the wider public interest.