

Case Examiner Decision
Mable Ajuna - SW140018
FTPS 22648

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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	<u>13 February 2025</u> Additional Information requested Submissions requested
2 nd Preliminary outcome	<u>10 April 2025</u> Accepted disposal proposed- Warning order (one-year)
Final outcome	<u>29 April 2024</u> Accepted disposal -Warning order (one-year)

Executive summary

The case examiners have reached the following conclusions:

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

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

The 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 be notified of their intention to resolve the case with a warning order (one-year) duration.

The social worker accepted this proposal and the terms in full on 28 April 2025.

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.

Colleague 1

Manager 1

Service user

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the social worker's former employer [REDACTED] (WS)
Date the complaint was received	3 October 2022
Complaint summary	The regulatory concerns as drafted accurately reflect the allegations of poor social work practice.

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. You did not report a safeguarding concern, relating to a colleague's conduct towards person [REDACTED] which occurred on/around the 15th of May 2022, in a timely manner.*
- 2. You did not cooperate with your employer's investigation into the safeguarding concerns you reported.*

The matters outlined in regulatory concerns (1) and (2) amount to the statutory ground 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	☐

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

This matter was paused on 13 February 2025, for further information to be provided. The case examiners made the request as they were unable to fulfil their investigatory function or statutory duty and were unable to reach a decision on this case. The case examiners requested the following:

- Confirmation of the role the social worker held whilst employed by the complainant
- Copy of job description whilst working for the complainant
- Records of training for the social worker whilst employed by the complainant

The social worker was invited to make further submissions should they wish to do so.

This case was returned to the case examiners in March 2025, with the additional information that had been requested for the Case Examiners to make a decision with regards to this matter.

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 and 2 being found proven, that those concerns could amount to the statutory ground of misconduct, and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

1. ***You did not report a safeguarding concern, relating to a colleague's conduct towards person [REDACTED] which occurred on/around the 15th of May 2022, in a timely manner.***

- The case examiners have reviewed all relevant documentation in relation to this regulatory concern. The social worker admits this regulatory concern.
- The social worker was employed by the complainant between 12 March 2022 and 30 August 2022 as a Support Worker. The case examiners note that the Support Worker role included providing personal care to service users.
- The evidence indicates that, on or around the 15 May 2022, the social worker was supporting colleague 1 in providing a service user with personal care as they had soiled themselves. Colleague 1 told the social worker to wash the service user in cold water to "punish" the service user. The social worker

submits that they were reluctant to do this. Colleague 1 then intervened and filled a jar with cold water and poured it over the service user.

- The evidence from all parties confirms that social worker did not raise a safeguarding concern until 16 June 2022 (32 days after the incident). The evidence indicates that the social worker telephoned Manager 1 to report the incident they had witnessed between Colleague 1 and the service user. The social worker acknowledges in their submissions that that they did not report a potential safeguarding concern immediately. Their submissions provide context around their actions. However, at this stage the case examiners are focused solely on the facts.
- The case examiners have turned their minds to what would be considered “timely.” The case examiners take the view that safeguarding concerns need to be acted upon promptly. This ensures that vulnerable individuals are afforded protection at the earliest opportunity. The social worker reported the incident between Colleague 1 and the service user, 32 days after it had occurred. This meant that potential risk and harm towards the service user was not managed at the earliest opportunity.

The case examiners are satisfied there is a realistic prospect of adjudicators finding regulatory 1 proven in this case.

2. You did not cooperate with your employer’s investigation into the safeguarding concerns you reported.

- The social worker admits this regulatory concern. The case examiners have reviewed the actions that the social worker was asked to take by the complainant. After the social worker made the disclosure, Manager 1 requested that they provide a written statement. The social worker declined to do this.
- The case examiners note that Manager 1 requested via an email, dated 23 June 2022, that the social worker provide a written statement regarding the incident between Colleague 1 and the service user. The email states “*I again request that you write me a formal statement and if you are unwilling to do so please clearly state your reasons via return email, please ensure that I have this by 5pm Friday 24th June 2022. I have attached for your information the whistle blowing & safeguarding policy.*” The email also contained the whistle blowing policy and the safeguarding policy. The evidence suggests that the social worker did not provide the formal statement requested by Manager 1,

nor a written explanation as to why they were unwilling to do provide the written statement.

- The social worker's submissions provide context around their actions. However, at this stage the case examiners are focused solely on facts alleged.
- The case examiners take the view that Manager 1's request for a written statement was reasonable. The social worker did not accede to this request.

The case examiners are satisfied there is a realistic prospect of adjudicators finding regulatory 2 proven in this case

Grounds

The case examiners take the view that the statutory grounds of misconduct may have been engaged by regulatory concerns 1 and 2.

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 social work professional standards, which were applicable at the time of the concerns.

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

5.1 Abuse, neglect, discriminate, exploit or harm anyone, or condone this by others

6.1 Report allegations of harm and challenge and report exploitation and any dangerous, abusive or discriminatory behaviour or practice.

6.4 Take appropriate action when a professional's practice may be impaired.

6.7 Cooperate with any investigations by my employer, Social Work England, or another agency, into my fitness to practise or the fitness to practise of others.

Having considered the relevant standards, the case examiners have concluded that the social worker's alleged conduct could represent a significant departure from the

professional standards and would be deemed serious. The case examiners take this view in light of the following:

- The social worker was not employed in a social work role, whilst working for the complainant, but rather in a role providing social care; therefore, it could be viewed that these matters occurred in the social worker's private life. However, the statutory ground of misconduct may still be engaged even if the conduct occurred outside of professional practice and might call into question the social worker's suitability to work as a social worker. The case examiners consider if, it were to be found proven that the social worker witnessed the alleged abuse of vulnerable individual, delayed the reporting of the alleged abuse and failed to co-operate with an investigation, this would be a serious matter and contrary to the professional standards for social worker's outlined above. Prompt and effective management of risk and the safeguarding of individuals is a core function of social work.
- The case examiners note that at the time of the alleged events the social worker had recently qualified in 2021 and was employed as a Social Worker elsewhere. Consequently, the case examiners consider that the social worker would have understood what safeguarding means and how to report concerns. The case examiners consider that irrespective of the role that the social worker was undertaking in addition to their professional role there is an expectation to safeguard vulnerable individuals in their care.
- The case examiners have had sight of the job description pertaining to this role which states *"To take responsibility in ensuring that every individual we support is safeguarded from harm, abuse, and unnecessary risk."* Although the social worker states that they cannot recall receiving the job description, the case examiners take the view in the role of support worker that the social worker had a responsibility to take a proactive role to safeguard vulnerable service users. Furthermore, the social worker submits that when Colleague 1 suggested bathing the service user in cold water that they told Colleague 1 not to do it; this would suggest that the social worker knew that Colleague's actions were not appropriate.
- Failing to report the conduct of Colleague 1 as soon as it happened left that vulnerable service user and potentially other vulnerable individuals at risk of further abuse. It is highly likely that the service user who experienced the alleged abuse would have lost trust and confidence in the social worker who was tasked with giving them support. Moreover, the case examiners consider that this mistrust and potential fear could feasibly be attributed to other workers providing personal care.

- The case examiners acknowledged that the social worker did report the incident; however, there was a delay in doing so. Further, the evidence suggests that the social worker was not forthcoming in providing the complainant with additional information. It could be considered that the social worker was complicit in failing to protect the service user.
- The social worker has provided submissions which provides context. The social worker states that they were worried about reporting colleague 1 due to reprisals and that they were also pre-occupied with personal issues. Whilst the case examiners concede that “whistleblowing” may cause anxiety, they note the complainant had mechanisms to allow staff to “whistle blow” anonymously, which can allow risks of harm to be acted upon without delay. The social worker does not appear to have used these. The social worker states that they had a perception that they would not be supported if they provided the requested additional information to aid the complainant in investigating the allegation. It is unclear what evidence led the social worker to have that perception, nevertheless the professional standards require a social worker to co-operate with investigations.

Having considered the evidence the case examiners are satisfied there is a realistic prospect of adjudicators determining that the ground of misconduct is engaged

Impairment

Having concluded there is a realistic prospect of adjudicators establishing the statutory ground of 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.

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.

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.

The case examiners note that there is no relevant adverse previous history in this case.

Whether the conduct can be easily remedied

The case examiners consider that the alleged conduct to be remediable by the social worker, for example, through education and/or training in relation to safeguarding and familiarising themselves with the safeguarding reporting processes. The social worker should demonstrate insight and reflection on their conduct, together with a demonstrating a clear plan of how they would respond differently in future.

Insight and remediation

With respect to matters 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 social worker's submissions appear to demonstrate some understanding of what led to the events which are the subject of the concern. However, the social worker's focus appears to be on the failings of the complainant and the stress they have experienced during the Fitness to Practise process. The social worker's submissions provide context with regards to the regulatory concerns. The social worker has stated that there were additional personal issues [REDACTED] which they state influenced their decision making. The social worker has not provided any evidence of this. The social worker states:

"The emotional toll of this process since 2022 has been significant, leading me to question whether reporting safeguarding concerns is truly good for my mental health and wellbeing as an individual..... Despite this, I remain committed to social work and to learning from this experience... I have applied the lessons learned from this experience to my daily practice, ensuring that I now respond to safeguarding concerns immediately and engage fully with employer-led investigations. I have also taken on a mentoring role to support junior colleagues in understanding the importance of timely reporting and professional accountability"

The case examiners note that the social worker, within their submissions, state they have completed training focused on safeguarding and whistleblowing since these concerns were raised. The case examiners consider that these trainings are relevant to the alleged practice failings cited in regulatory concerns 1 and 2. The social worker also submits that they have reflected on how to balance professional and personal stress/challenges to ensure that they are able to meet their professional obligations.

The case examiners have had sight of a reference from the social worker's current manager. Positive testimonials and/or references can be relevant when exploring current impairment. The case examiners note that the social worker's current manager describes the social worker as "*a seasoned professional committed to upholding the social work values and ethics of social justice, integrity and competence.*" The social worker is currently employed as an Advanced Practitioner and a Practice Educator.

Risk of repetition

The case examiners acknowledge the social worker's submissions and consider these demonstrate some developing insight; however, the remediation does not sufficiently demonstrate a satisfactory appreciation of the potential and far-reaching impact of their conduct, including potential safeguarding/safety implications. The case examiners take the view that there is a risk of repetition albeit low.

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 must now consider the public interest in this matter. This steers case examiners to consider aggravating and mitigating factors when assessing the seriousness of the case. The case examiners have considered the circumstances of the case and highlighted matters that would be considered aggravating or mitigating,

Aggravating factors:

- The delay in reporting the abuse the social worker had witnessed.
- The circumstances of the allegation suggesting the social worker being unreasonably uncooperative with their employer during the investigation.

Mitigating factors:

- The social worker did not have extensive social work practice experience, having been qualified less than 12 months.

The case examiners note the aggravating factors in this matter outweigh the mitigation. This leads the case examiners to conclude there is a risk to public confidence. 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.

Having considered both the personal and public elements, 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 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 has accepted the key facts.
- While the social worker does not accept that their conduct is impaired, the accepted disposal process will provide the social worker an opportunity to review the case examiners' reasoning on impairment and reflect on whether they do accept a finding of impairment. It is open to the social worker to reject any accepted disposal proposal and request a hearing if they wish to explore the grounds or the question of impairment in more detail.
- The case examiners are of the view that there remains a risk of repetition, however they consider that this 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.

Accepted disposal

Case outcome		
Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☒
	Conditions of practice order	☐
	Suspension order	☐
	Removal order	☐
Proposed duration	1 year	

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 have considered the available sanctions in ascending order of seriousness. The case examiners considered taking no further action but deemed 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 appropriate . 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, and the case examiners concluded that a warning order is the appropriate and

proportionate outcome in this case; and represents the minimum sanction necessary to uphold the public's confidence.

When considering a warning order, case examiners can direct that a warning order will stay on the social worker's register entry for periods of one, three or five years. According to the Case Examiner guidance, a one year warning may be appropriate for an isolated incident of relatively low seriousness where the primary objective is to send a message about the professional standards expected of social workers; three years might be appropriate for more serious concerns to maintain public confidence and to send a message about the professional standards expected of social workers; and five years might be appropriate for serious cases that have fallen only marginally short of requiring restriction of registration, to maintain confidence in the profession and where it is necessary to send a clear signal about the standards expected.

The case examiners consider that a one-year warning order would be a proportionate response in this instance. The case examiners do not view the incident as of 'low seriousness' but have taken into consideration the social worker's lack of professional experience, developing insight and remediation together with the time passed since the concern occurred. Since then, the social worker has undertaken relevant safeguarding training and continuing professional development gaining professional experience and competence. Furthermore, this would appear to be an isolated incident and the case examiners take the view that the risk of repetition is low.

The case examiners have considered whether the next sanctions, conditions of practice and suspension, were more appropriate in this case. As the case examiners consider the risk of repetition is low, a conditions of practice order would not be necessary in this case and are more commonly suited to cases relating to health, competence or capability. The case examiners have already acknowledged that the social worker is now a more experienced and competent professional. Further, the case examiners considered that suspension and removal from the register would also be a disproportionate and punitive outcome.

To conclude, the case examiners have decided to propose to the social worker a warning order of one-year 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:

Failing to safeguard vulnerable individuals and co-operate with investigations is a serious matter.

Your decision not to report safeguarding concerns in a timely manner and co-operate with the investigation, demonstrated a serious lack of judgement and does not align with the following Social Work England professional standards

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

5.1 Abuse, neglect, discriminate, exploit or harm anyone, or condone this by others

6.1 Report allegations of harm and challenge and report exploitation and any dangerous, abusive or discriminatory behaviour or practice.

6.4 Take appropriate action when a professional's practice may be impaired.

6.7 Cooperate with any investigations by my employer, Social Work England, or another agency, into my fitness to practise or the fitness to practise of others.

You put vulnerable individuals at risk of harm. Your conduct could have an adverse effect on the public's confidence in you as a social worker. It may also damage the reputation of the social work profession. This conduct should not be repeated.

Any further matters brought to the attention of the regulator are likely to result in a more serious outcome.

Response from the social worker

The social worker provided a response on 28 April 2025 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 on 10 April 2025 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 with a proposed accepted disposal rather than through a public hearing. They proposed a warning order with a duration of one-year, which social worker has accepted.

In light of the social worker's acceptance of the warning order (one-year), 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 (one-year) remains the most appropriate means of disposal for this case. They have reviewed their decision, paying 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 (one-year) is a fair and proportionate disposal and is the minimum necessary to protect the public and the wider public interest.