

Case Examiner Decision  
Kathryn Turner – SW133731  
FTPS-20273

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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 | 09 November 2023                           |
|                     | Accepted disposal proposed – removal order |
| Final outcome       | 16 November 2023                           |
|                     | Accepted disposal – removal order          |

## Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concerns 1 and 2 [REDACTED] 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 grounds of misconduct. [REDACTED]  
[REDACTED]
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 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 the sanction of a removal order; this proposal was accepted by the social worker in full.

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

## Anonymity and redaction

Elements of this decision have been marked for redaction in line with our Fitness to Practise Publications Policy. Text in [REDACTED] will be redacted only from the published copy of the decision, and will therefore be shared with the complainant in their copy. Text in [REDACTED] will be redacted from both the complainant's and the published copy of the decision.

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

|                         |                                                                   |
|-------------------------|-------------------------------------------------------------------|
| <b>Service user A</b>   | [REDACTED] <b>Parent to children involved in care proceedings</b> |
| <b>Children</b>         | [REDACTED]                                                        |
| <b>Support worker A</b> | [REDACTED] <b>upport worker for service user [REDACTED]</b>       |

## The complaint and our regulatory concerns

### The initial complaint

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The complainant                 | The complaint was raised by the social worker's former employer, Warwickshire County Council (thereafter referred to as the local authority, LA)                                                                                                                                                                                                                                                                         |
| Date the complaint was received | 29 January 2022                                                                                                                                                                                                                                                                                                                                                                                                          |
| Complaint summary               | <p>On 6 January 2022, the LA were notified by the police of concerns that the social worker had allegedly exchanged inappropriate messages with a service user that suggested an inappropriate personal relationship had developed between them.</p> <p>The social worker was previously allocated to a family case involving the service user and their children who were involved in care proceedings.</p> <div></div> |

### Regulatory concerns

**Regulatory Concern 1:** Whilst registered as a social worker, you failed to maintain a professional relationship with a service user in that you:

- 1.1 Sent inappropriate messages to Service User A on social media.
- 1.2 Exchanged sexually explicit messages and photographs with Service User A.
- 1.3 Offered to pay a bill for Service User A.
- 1.4 Sent service user A, a picture of alcohol on social media whilst being aware of Service User A's alcohol dependency issues.

1.5 Met with Service User A in a personal capacity.

**Regulatory Concern 2:** Your actions at regulatory concern 1 were sexually motivated.



Your fitness to practise is impaired by reason of misconduct



## Preliminary issues

| Investigation                                                                                                                                                                                                                               |     |                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------------------------------------|
| Are the case examiners satisfied that the social worker has been notified of the grounds for investigation?                                                                                                                                 | Yes | <input checked="" type="checkbox"/> |
|                                                                                                                                                                                                                                             | No  | <input type="checkbox"/>            |
| Are the case examiners satisfied that the social worker has had reasonable opportunity to make written representations to the investigators?                                                                                                | Yes | <input checked="" type="checkbox"/> |
|                                                                                                                                                                                                                                             | No  | <input type="checkbox"/>            |
| 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 | <input checked="" type="checkbox"/> |
|                                                                                                                                                                                                                                             | No  | <input type="checkbox"/>            |
| 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 | <input checked="" type="checkbox"/> |
|                                                                                                                                                                                                                                             | No  | <input type="checkbox"/>            |



## 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 (in its entirety) and 2 being found proven, that regulatory concerns 1 and 2 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

**Regulatory Concern 1:** Whilst registered as a social worker, you failed to maintain a professional relationship with a service user in that you:

- 1.1 Sent inappropriate messages to Service User A on social media.
- 1.2 Exchanged sexually explicit messages and photographs with Service User A.
- 1.3 Offered to pay a bill for Service User A.
- 1.4 Sent service user A, a picture of alcohol on social media whilst being aware of Service User A's alcohol dependency issues.
- 1.5 Met with Service User A in a personal capacity.

The case examiners will address regulatory concern 1 (and its sub-parts) in its entirety. They have considered the following evidence:

- A local authority position of trust meeting was held on 13 January 2021 following a safeguarding referral dated 6 January 2021, regarding allegations made by service user A that the social worker had tried to enter into a sexual relationship with them. The social worker was previously the allocated worker for service user A's children, prior to the case being closed following a court decision to place the children in the care of their maternal grandmother. Service user A is described as a vulnerable individual with a history of domestic abuse, mental health and alcohol issues.
- A support worker confirms that from July 2021, service user A was living in an out-of-area refuge and that, on 6 January 2021, service user A showed them 'hundreds' of social media messages between the social worker and themselves. These messages were exchanged between October 2020 to October 2021, and contained information regarding the social care case, the children and service user A's housing situation, and also suggested there was a personal relationship between the two individuals. The support worker confirms that they took screenshots of some of the messages, which they passed to the police. Copies of the screenshots are evidenced within the bundle, which the case examiners have considered.
- A police witness account confirms that service user A did not deny the events took place, but they did not wish to make a statement or pursue the case. The police confirm that they took no further action, given that the service user did not wish to engage in criminal proceedings.
- The case examiners have had sight of a number of the screenshot social media messages which were exchanged between the social worker and service user A. The case examiners note the themes of the messages vary from comments relating to the case and children, of the social worker offering money to help the service user with bills, and relationship / sexually focused conversations. The following are not contested by the social worker:
  - Personal photographs, including one in underwear were exchanged.
  - Several message exchanges involving sexual dreams, fantasising about kissing and of performing explicit sexual acts.
  - Message exchanges about arranging next meetings and references to a last meeting and how they felt when they met.
  - Message exchanges relating to travel arrangements and postponing a meeting.
  - Message exchanges referring to a scenario where they fell asleep on each other and the social worker speculating if any sexual acts had occurred.

- Message exchanges declaring love for each other.
- A message exchange where the social worker tells service user A that they have taken massive risks for them.
- Message exchanges where the social worker states that they cannot give service user A a proper relationship.
- A message exchange where the social worker asks service user A to delete a photo they had sent, but to keep it for them.
- Message exchanges relating to service user A owing money, with the social worker offering to pay a bill and paying half for train ticket. For example, *'oh no! How much is your bill? x'* and *'I can lend it you if you want?'*
- A photograph of a bottle of beer, with a message comment, *'I'm on this now. I bought you one of these do you remember? But you didn't really drink it x'*
- A message exchange where the social worker says, *'I'm not going anywhere. And I will help you get your children back. I've always said that. I already am helping x'*

Throughout the investigation and within their responses to the regulator, the social worker has admitted that their relationship with service user A crossed over from a professional to a personal relationship, and that they began corresponding with service user A in a more 'personal capacity' for around 7 months. They admit to instigating social media messenger exchanges from March/April 2021, rather than using their work phone due to the excessive volume of communication with service user A. They also accept that they did not record communication, which they deemed to be personal, on the LA electronic case note system.

The social worker admits to sending a naked photograph to service user A during October 2021 and that service user A visited them at their home on one occasion, and that they gave them a bottle of beer, which service user A did not drink. The case examiners have seen evidence to support this visit took place in April 2021.

The social worker asserts that the relationship with service user A was appropriate and professional throughout the time they were the allocated worker with the family, and their intention was to provide transitional support following the outcome of the care proceedings. However, they accept that the boundaries became blurred after their involvement ceased, and a mutual personal relationship developed.

The social worker admits to meeting service user A, but states that this was in the context of continuing to support them in dealing with the loss of their children and harassment from an ex-partner. The social worker disputes that the meetings were for personal reasons and state that between March to May 2021, they met with service user A to

provide therapeutic and educational literature and support, and that in August 2021, they supervised child contact.

The social worker acknowledges that the screen shots were unprofessional in nature but advised that during the time period these exchanges occurred, they were suffering from a relapse in their [REDACTED] health and in their drinking habits.

The case examiners note that the social worker was professionally involved with service user A and children for around 12 months and as such, was in a position of trust. Although the social worker does not accept any intention to further their relationship beyond that of a professional one, the evidence suggests that they received personal gain in terms of an emotional relationship, and that they consequently failed to maintain professional boundaries.

**Accordingly, the case examiners are therefore satisfied that there is a realistic prospect of adjudicators finding the facts of regulatory concern 1 (in its entirety) proven.**

**Regulatory Concern 2:** Your actions at regulatory concern 1 were sexually motivated.

At regulatory concern 1, the case examiners have considered several message exchanges between the social worker and service user 1, which are considered to be inappropriate, flirtatious and sexual in tone and manner. The case examiners note that many of the exchanges were initiated by the social worker and describe intimate dreams and sexual fantasies. The social worker admits to sending a naked photograph of themselves to service user A in October 2021, which they then ask service user A to delete.

The social worker denies intentionally seeking a sexual relationship with service user A, and they assert that the personal relationship '*spiralled out of control, and was not something they ever wanted.*' (sic) They cite that they wanted to help service user A, stating that their own adverse life experiences blurred the lines of professionalism and personal involvement. They assert that '*nothing ever materialised sexually from the messages..., and it was me who said no.*' (sic)

In assessing the evidence, the case examiners consider that, given the obvious power-dynamics of a professional working with a vulnerable person, the social worker was responsible for ensuring that the relationship remained purely professional; however, they appear to have proactively engaged in explicit conversations with the service user which the case examiners consider to be inherently sexual.

**Accordingly, the case examiners are therefore satisfied that there is a realistic prospect of adjudicators finding the facts of regulatory concern 2 proven.**

## Grounds

### **Misconduct**

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 England standards:

As a social worker, I will:

*2.3 Maintain professional relationships with people and ensure that they understand the role of a social worker in their lives.*

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

*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.*

*5.6 Use technology, social media or other forms of electronic communication unlawfully, unethically, or in a way that brings the profession into disrepute.*

In relation to regulatory concerns 1 and 2, the case examiners consider that maintaining professional boundaries, not engaging in personal and/or sexually motivated relationships, and safeguarding vulnerable people are fundamental tenets of the social work profession. While the social worker has submitted that their [REDACTED] health and unresolved life experiences adversely impacted upon their judgement, the case examiners have seen no medical evidence to indicate that any health condition that the social worker may have had at the relevant time would be such as to explain or mitigate the social worker's alleged actions.

The case examiners note that the evidence suggests that the communications were inappropriate and emotionally intense, and are of the view that the social worker's alleged actions were potentially coercive and risked harming service user A, a vulnerable adult living in a refuge, with a history of domestic violence and alcohol issues.

The support worker's account indicates that the social worker's actions caused harm to service user A. They state that service user A found the social worker's alleged behaviour 'triggering' and 're-traumatising' of previous abuse from an ex-partner, and that service user A reported feeling helpless and went along with the social worker, and that they had said that they '*could get their children back*'. Further, they indicate that during one conversation, the social worker upset service user A which led them to drinking.

The case examiners consider that the alleged behaviours, which occurred over an extended period, both during and after the social worker's professional involvement with the family,

were wholly unacceptable and seemingly driven by a personal need, which ultimately failed to consider the needs of service user A or protect them from harm.

Further, acting and making the comments as alleged would indicate a sexual intent towards the service user and potentially sexual exploitation, which is also likely to have put the service user at risk of harm or actual harm, as the evidence suggests service user A felt overwhelmed and resorted to alcohol consumption as a means of maladaptive coping.

Abuse of a professional position to pursue a sexual relationship or to engage in an improper emotional or social relationship with a service user is a serious abuse of trust. Individuals requiring social care interventions are likely to have predisposing vulnerabilities, and the pursuit of a sexual or inappropriate emotional or social relationship with a vulnerable person is considered a significant departure from the standards expected of social workers.

**Therefore, the case examiners are satisfied that there is a realistic prospect of adjudicators finding the grounds of misconduct proven.**

## Impairment

Assessment of impairment consists of two elements:

- b. The personal element, established via an assessment of the risk of repetition.
- c. 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

Allegations of a breach of professional boundaries together with sexual motivation are particularly serious and are difficult to remediate; they potentially indicate a serious character flaw which can be difficult to address.

While this incident relates to one incident and there is no suggestion that there has been a reoccurrence, it is particularly serious and occurred over an extended period.

#### Insight and remediation

The social worker accepts the core elements of regulatory concern 1 but does not accept that the relationship was wholly sexually motivated. The mitigations provided by the social worker for their conduct rely on their account of poor [REDACTED] health and personal circumstances at the time, and of feeling unsupported as an inexperienced social worker by their manager. The case examiners note, however, that there is no medical evidence to support health issues as a mitigating factor with regards to their actions, and there is evidence from the team manager that the social worker did receive supervision and that it was the social worker's responsibility to bring concerns or issues to their attention. Within a supervision on 11 October 2021, the social worker was offered a wellbeing plan, but they declined, and they were reminded of the importance of booking an annual wellbeing day. The case examiners consider this undermines the social worker's explanation that they were unsupported and/or struggling with their [REDACTED] health, such that it would explain why they acted as alleged.



Within their submissions, the case examiners note that the social worker does not accept the potential or actual harm their alleged actions had on service user A.

The case examiners consider that, despite evidence of some reflection, the social worker has failed to address the serious nature of their alleged actions or the impact their alleged actions had on service user A. Furthermore, the social worker refutes that service user A made the initial disclosure to the support worker, and they appear to blame the support worker, accusing them of lying and hacking into service user A's social media account. The case examiners are concerned that by seeking to blame others for their own conduct, the social worker has not accepted personal responsibility.

#### Risk of repetition

The case examiners consider that the social worker's insight is limited, and they have not remediated. Without evidence of insight and remediation into the seriousness of the allegations and the potential abuse of trust, together with sexual motivation, the case examiners consider the risk of repetition to remain.

#### **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.

Public interest includes the need to uphold proper standards of conduct and behaviour and the need to maintain the public's trust and confidence in the profession.

The case examiners have considered the seriousness of the allegations, and the evidence of potential and/or actual harm caused to service user A. They consider that the alleged actions have the potential to have a negative impact on trust and confidence in the social work profession, and that a fully informed member of the public would expect a finding of impairment, if the concerns were found proven.

**The case examiners conclude that there is a realistic prospect that the adjudicators would make a finding of current impairment in this case.**

## The public interest

### Decision summary

|                                                                |     |                                     |
|----------------------------------------------------------------|-----|-------------------------------------|
| Is there a public interest in referring the case to a hearing? | Yes | <input type="checkbox"/>            |
|                                                                | No  | <input checked="" type="checkbox"/> |

### Referral criteria

|                                                                                                                                        |     |                                     |
|----------------------------------------------------------------------------------------------------------------------------------------|-----|-------------------------------------|
| Is there a conflict in the evidence that must be resolved at a hearing?                                                                | Yes | <input type="checkbox"/>            |
|                                                                                                                                        | No  | <input checked="" type="checkbox"/> |
| Does the social worker dispute any or all of the key facts of the case?                                                                | Yes | <input type="checkbox"/>            |
|                                                                                                                                        | No  | <input checked="" type="checkbox"/> |
| Is a hearing necessary to maintain public confidence in the profession, and/or to uphold the professional standards of social workers? | Yes | <input type="checkbox"/>            |
|                                                                                                                                        | No  | <input checked="" type="checkbox"/> |

### Additional reasoning

The case examiners' decision making guidance explains that they must refer a case to a public hearing if, in their view, it would be in the public interest to do so. The public interest includes three key limbs:

- protecting, promoting and maintaining the health, safety and wellbeing of the public;
- promoting and maintaining public confidence in social workers in England;
- promoting and maintaining proper professional standards for social workers in England.

In this case, the case examiners have concluded that adjudicators may find the social worker has not demonstrated sufficient insight and remediation and that the risk of repetition remains.

The case examiners are mindful that the social worker appears to have accepted the core facts in this case, and there are no conflicts in evidence that require resolution at a hearing.

However, the case examiners have also concluded that the public interest in this case is engaged.

In considering whether a hearing is therefore necessary in the public interest, the case examiners have reminded themselves that their guidance is clear that, in most cases, the public interest can be satisfied by way of an outcome being agreed with the social worker and published on the regulator's website. In the case examiners' view, it would therefore be proportionate to offer the social worker opportunity to review their findings, and consider whether they agree that their fitness to practise is impaired. It is open to the social worker to request a hearing, should they wish to explore any of the case examiners' determinations on the facts or the question of impairment in more detail.

Accordingly, the case examiners consider 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 social workers adhering to the professional standards expected of them.

## Interim order

An interim suspension order is already in effect. The interim order does relate to the concerns that are the subject of this report.

## Accepted disposal

| Case outcome      |                                                                                                                                                                                                                                                                                                                                                 |                                     |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| Proposed outcome  | No further action                                                                                                                                                                                                                                                                                                                               | <input type="checkbox"/>            |
|                   | Advice                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/>            |
|                   | Warning order                                                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/>            |
|                   | Conditions of practice order                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/>            |
|                   | Suspension order                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/>            |
|                   | Removal order                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> |
| 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

Having found that a realistic prospect the social worker's fitness to practise is currently impaired, the case examiners then considered what, if any, sanction they should propose in this case. The case examiners have taken into account the Sanctions Guidance published by Social Work England. They are reminded that a sanction is not intended to be punitive but may have a punitive effect and have borne in mind the principle of proportionality and fairness in determining the appropriate sanction.

The case examiners are also mindful that the purpose of any sanction is to protect the public which includes maintaining public confidence in the profession and Social Work England as its regulator, and upholding proper standards of conduct and behaviour.

The case examiners have taken into account the principle of proportionality by weighing the social worker's interests with the public interest when considering each available sanction, in ascending order of severity.

In considering a sanction, the case examiners have considered mitigating and aggravating factors in this case:

### Mitigating

- The social worker has accepted the core facts at regulatory concern 1.
- The social worker has engaged with the investigation and fitness to practise process.

### Aggravating

- The social worker has not shown sufficient insight into the alleged conduct.
- The social worker appears to have minimised their alleged behaviour and does not appear to take full personal responsibility. They have sought to deflect some responsibility and blame others for misrepresenting the situation.
- Full remediation is difficult due to the seriousness of the concerns.

In determining the most appropriate and proportionate outcome in this case, the case examiners have considered the available options in ascending order of seriousness.

### No Action

The case examiners conclude that the nature and seriousness of the social worker's alleged conduct has not been remediated. In the absence of exceptional circumstances, it would be inappropriate to take no action. Furthermore, it would be insufficient to protect the public, maintain public confidence and uphold the reputation of the profession.

### Advice or Warning

The case examiners have then considered whether to issue advice or a warning. They note that neither of these sanctions would restrict the social worker's ability to practise and, therefore, it is not appropriate where there is a current risk to public safety.

In relation to a warning, the case examiners had regard to paragraph 108 of the guidance, which reads:

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

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

The case examiners do not consider that issuing advice or a warning would be sufficient to promote and protect public confidence in the profession. Such sanctions would not restrict

the social worker's practice; the case examiners have already identified that the risk of repetition remains.

#### Conditions of Practice Order

The case examiners next considered a conditions of practice order. The case examiners have consulted paragraph 114 of the guidance which states:

Conditions of practice may be appropriate in cases where (all of the following):

- *the social worker has demonstrated insight*
- *the failure or deficiency in practice is capable of being remedied*
- *appropriate, proportionate, and workable conditions can be put in place*
- *decision makers are confident the social worker can and will comply with the conditions*
- *the social worker does not pose a risk of harm to the public by being in restricted practice*

The case examiners are mindful that the alleged conduct took place in the social worker's personal life at the beginning of their social work career and that no other performance issues have been identified.

However, the matters subject of the concerns are of a serious nature and allegedly sexually motivated; and the social worker has not provided evidence of sufficient remediation or insight within the documentary evidence. The nature of the regulatory concerns are such that they are unlikely to be capable of being remediated.

The case examiners determine that they cannot formulate conditions that would adequately address the risk posed by the social worker that would protect service users, colleagues, and members of the public. Nor, would conditions of practice address the public interest in this case.

#### Suspension Order

The case examiners went on to consider whether a suspension order might be an appropriate sanction. The case examiners have considered the guidance, which states:

Suspension may be appropriate where (all of the following):

- *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*

The guidance also states a suspension order may be appropriate where workable conditions cannot be formulated. In this instance, the case examiners consider the concerns represent a serious breach of the professional standards.

The case examiners note that it is around two years since the alleged conduct took place. Despite this, and providing reflections and explanations for their actions, the social worker has not demonstrated sufficient insight into how their conduct may be viewed; neither have they considered the potential impact of their actions upon individuals they may support, or on the wider public affected.

The social worker is seeking removal from the register [REDACTED] The case examiners consider that the nature and the seriousness of the matter cannot be fully remediated in a way that will protect the public and maintain public confidence in the profession, and they have not been presented with evidence to indicate that the social worker is able to remediate their alleged failings. As such, they do not consider a suspension order to be appropriate.

#### Removal Order

The case examiners have therefore considered a removal order. Paragraph 148 of the sanctions guidance states that:

*‘A removal order must be made where the decision makers conclude that no other outcome would be enough to (do one or more of the following):*

- *protect the public*
- *maintain confidence in the profession*
- *maintain proper professional standards for social workers in England’*

Paragraph 149 of the same guidance gives examples of cases where a removal order may be appropriate, and the case examiners note that this includes abuses of position or trust, sexual misconduct and/or social workers who are unwilling and/or unable to be remediated. In this case, the social worker has indicated that they do not wish to practise as a social worker in the future.

The case examiners did not consider that public protection, public confidence in the profession, or the maintenance of proper professional standards, could be satisfied by any sanction less than a removal order. It is considered that a fair minded and reasonable member of the public would be shocked and disturbed by the serious nature of the social worker’s alleged conduct and as such, would expect the social worker to be removed from

the register. The case examiners consider that the only appropriate and proportionate sanction in this case is a removal order.

To conclude, the case examiners have decided to propose to the social worker a removal order. They will now notify the social worker of their intention and seek the social worker's agreement to dispose of the matter accordingly. The social worker will be offered 28 days to respond. If the social worker does not agree, or if the case examiners revise their decision regarding the public interest in this case, the matter will proceed to a final hearing.

### Response from the social worker

On 15 November 2023, the social worker responded confirming that, *'I have read the case examiners' decision and the accepted disposal guide. I understand the terms of proposed disposal of my fitness to practice case and accept them in full.'*

### Case examiners' response and final decision

In light of the social worker's acceptance of the proposal, 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 removal 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 removal order is a fair and proportionate disposal and is the minimum necessary to protect the public and the wider public interest.

