

Case Examiner Decision
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FTPS-23931

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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	20 March 2025
	Accepted disposal proposed - warning order (1 year)
Final outcome	31 March 2025
	Accepted disposal - warning order (1 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 grounds 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 did not consider it to be in the public interest for the matter to be referred to a final hearing and 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 of 12 months duration. The social worker agreed to this proposal and the case examiners have concluded the case by way of accepted disposal.

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 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	22 November 2024
Complaint summary	The concerns raised by the social worker's former employer are that the social worker may have breached professional boundaries when they allegedly discussed their personal financial circumstances with a foster carer and accepted a £2000 loan from them. There are further concerns that the social worker contacted the foster carer, during an internal investigation when they were asked not to do so by their manager.

Regulatory concerns

Regulatory concern 1

On or around 05 February 2024 and whilst registered as a social worker:

You failed to maintain professional boundaries with a foster carer A whilst under your supervision in that you:

- a) discussed personal financial circumstances with them
- b) accepted a £2,000 loan from them

Regulatory concern 2

Whilst registered as a social worker on or around 12 November 2024, you made attempts to contact foster carer A during an internal investigation into the concerns outlined at regulatory concern 1, despite being instructed not to.

Grounds of impairment

The matters outlined in regulatory concerns 1 and 2 above amount to the statutory ground of misconduct.

Your fitness to practise is impaired by reason of misconduct.

Preliminary issues

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

The realistic prospect test

Fitness to practise history

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

Decision summary

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

Yes



No



The case examiners have determined that there is a realistic prospect of regulatory concerns 1 and 2 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

On or around 05 February 2024 and whilst registered as a social worker

1. You failed to maintain professional boundaries with a foster carer A whilst under your supervision in that you:

- a) discussed personal financial circumstances with them**
- b) accepted a £2,000 loan from them**

In their submissions the social worker accepts the concerns outlined at 1a and 1b.

The social worker also explains in their employer led investigatory interview that the foster carers had been looking to purchase a caravan, and the social worker had a discussion with them about ground rental fees as they already owned a caravan.

In an email dated 16 January 2025 the foster carer confirms to the Social Work England investigator that they offered to loan the social worker £2000 to pay some of the ground fees for their caravan rental, they say that at no point did the social worker ask to borrow the money. In their investigative interview the social worker offers the same explanation of how the discussion progressed between themselves and the foster carer, they describe a dialogue in which the foster carers appear to strongly encourage the social worker to take the loan from them.

The case examiners have seen a screenshot of the sum of £2000 having been transferred to the social worker.

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

Regulatory Concern 2.

Whilst registered as a social worker on or around 12 November 2024, you made attempts to contact foster carer A during an internal investigation into the concerns outlined at regulatory concern 1, despite being instructed not to.

In submissions the social worker accepts that they attempted to contact the foster carer on several occasions after they had been advised not to do so. The social worker explains in their investigative interview that they were in a 'state' and rang the foster carer by accident on one occasion and then later to find out what was happening.

A letter from the social worker's former employer to the social worker, sent on 20 November 2024, outlining the outcome of the disciplinary hearing confirms that the social worker was advised verbally and in writing not to contact the foster carers, but may have continued to do so despite being instructed not to do so.

In their final submissions the social worker accepts that they continued to contact the foster carers as they were under the impression that there may have been a misunderstanding about repaying the money and they were trying to contact them in relation to this. The social worker accepts that their actions were inappropriate.

The case examiners consider there is a realistic prospect of adjudicators finding this concern 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 standards, which were applicable at the time of the concerns.

Social Work England professional standards that may have been departed from:

2.3; As a social worker I will maintain professional relationships with people and ensure that they understand the role of a social worker in their lives.

3.1; As a social worker I will work within legal and ethical frameworks, using my professional authority and judgement appropriately.

5.2; As a social worker I will not behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.

5.4; As a social worker I will not ask for, or accept any money, gifts or hospitality which may affect or appear to affect my professional judgement

The case examiners consider that the social worker's actions represent a significant departure from the above professional standards. This is because the alleged acceptance of the loan from the foster carers had the potential to change the relationship between the foster carers and the social worker, opening up opportunities for that relationship to be perceived as different to what would be expected under the circumstances and open to both misconstruction and/or manipulation. The case examiners consider that the social worker may have therefore generated a material conflict of interest, given their role included supervision and oversight of the foster carers.

The case examiners note that the evidence suggests that both the social worker and the foster carers immediately regretted their actions and behaviours, nonetheless, the case examiners consider that the potential departure from standards relate to core values expected of registered social work professionals, such as, being accountable for decisions made, and acting with professional integrity.

As such the case examiners consider that there is a realistic prospect of adjudicators finding the regulatory concerns capable of proof amounting to 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 the conduct under consideration could be easily remedied through reflection and the social worker refreshing their understanding of and adherence to the professional standards.

Insight and remediation

The social worker accepts the concerns and expresses remorse for their actions. Both the social worker and the foster carers provide a similar account of events leading up to the money being exchanged. Both suggest that the social worker did not ask for the loan. The social worker says in their investigative interview that the foster carers had been somewhat insistent about them taking the money, and that they had their own reasons for wanting to loan the money to the social worker. The case examiners consider the rationale provided by the social worker for the foster carers wanting to give them a loan to be plausible, and to represent a dynamic between the two parties that suggests that the foster carers also had something to gain by loaning the money to the social worker.

The case examiners have set out at the grounds stage that there was the potential for the social worker's conduct to materially affect their professional relationship with the foster carers. However, although it is clear the social worker's actions were misguided, which the social worker accepts, the case examiners would not consider the evidence to suggest the social worker used the power in their role to exploit the foster carers for personal financial gain.

In submissions the social worker says:

“ the shame and regret I feel for this single lapse in judgement are overwhelming. I understand that my 23 years of service do not excuse my recent action and I deeply

regret the damage I have caused. I am acutely aware of the trust I have broken, not only with my employer and colleagues but also with the foster carers I was entrusted to support. The loss of my job is a direct consequence of my actions and I accept this outcome as a necessary and just consequence. I understand that my behaviour on that day was unacceptable and that it has undermined the integrity of my profession.”

Risk of repetition

The case examiners are satisfied that this would appear to be an isolated incident when the social worker acted inappropriately. The social worker demonstrates insight and remorse for their actions and does not seek to blame others. The quality of insight and reflection on this incident would suggest to the case examiners that the social worker has learned from this experience, accepts what they did wrong and is therefore unlikely to repeat these actions.

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.

Whilst the case examiners consider the risk of repetition to be low, as the social worker has demonstrated a good level of insight into what went wrong, and how their actions could be perceived by the public and the wider profession, the case examiners are mindful that there may have been a serious departure from professional standards.

The case examiners have consulted their Sanctions Guidance at paragraph 154/155 to consider whether the social worker’s actions may represent an abuse of trust.

At paragraph 155 the sanctions guidance states:

A social worker may abuse their professional position in a number of ways, for example (by doing any of the following):

- crossing professional boundaries by engaging in inappropriate personal relationships
- financially exploiting a service user, their relatives, or carers
- inappropriately accessing confidential information without professional reason

The case examiners consider that the social worker may have departed from the professional standards set out in their consideration of the grounds for impairment, and that their actions could represent a blurring of professional boundaries. However, the evidence would not suggest that the social worker financially 'exploited' the foster carers, as the evidence suggests that they too had something to gain from the exchange of money. Furthermore, there is clear evidence to suggest the social worker quickly repaid the money as agreed.

Nonetheless, given the potential departure from professional standards the case examiners consider that the public would expect a finding of impairment. This is because although the case examiners are satisfied the evidence in this case does not suggest the social worker's conduct was at the most serious end of the spectrum, it remains to be a breach of proper professional boundaries. As such, the case examiners consider that there is a realistic prospect of adjudicators finding the social worker 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.

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 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, 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 case examiner guidance, 1 year might 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; 3 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 5 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 insight and remorse expressed by the social worker and the seemingly isolated nature of the incident in a long social work career. The evidence would not suggest that the incident was aggravated by any sense of the social worker 'exploiting' the foster carers, indeed on the contrary there is evidence to suggest that the foster carers may have encouraged the transaction to occur for reasons of their own. The case examiners take the view that the risk of repetition is low.

The case examiners have tested their proposed sanction by considering whether conditions of practice would be more suitable. The social worker is not currently employed and as such conditions of practice would be unworkable. The case examiners are also satisfied in this case that the risk of repetition is low, and therefore a restrictive sanction would be disproportionate.

The case examiners have decided to propose to the social worker an accepted disposal warning order of 12 months 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:

It is essential that social workers ensure their relationships with service users, foster carers and other professionals comply with the professional standards. Your decision to accept money from a foster carer demonstrated a serious lack of judgement and a potential departure from Social Work England Professional Standards. The case examiners specifically draw your attention to the following Social Work England Professional Standards:

2.3; As a social worker I will maintain professional relationships with people and ensure that they understand the role of a social worker in their lives.

3.1; As a social worker I will work within legal and ethical frameworks, using my professional authority and judgement appropriately.

5.2; As a social worker I will not behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.

5.4; As a social worker I will not ask for, or accept any money, gifts or hospitality which may affect or appear to affect my professional judgement.

This conduct should not be repeated. The regulator will take a dim view on any further or similar matters brought to their attention and are likely to impose a more serious outcome. This warning will remain published for one year during which the case examiners would urge the social worker to continue to reflect on this matter.

Response from the social worker

The social worker returned a completed accepted disposal response form on 31 March 2025. Within the form, the social worker provided the following declaration:

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 have considered the public interest in this matter and, as they have not been presented with any new evidence that might change their previous assessment, they are satisfied that it remains to be the case that the public interest in this instance may be fulfilled through the accepted disposal process.

The case examiners therefore direct that the regulator enact a warning order with a lifespan of 1 year.