

Case Examiner Decision
Leanne Lawrence – SW117436
FTPS-22215

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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	30 January 2025
	Accepted disposal proposed - removal order
Final outcome	18 March 2025
	Accepted disposal - removal order

Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concern 1 being found proven by the adjudicators. There is no realistic prospect of regulatory concern 2 being found proven by the adjudicators, and this concern has therefore been closed at the facts stage.
2. There is a realistic prospect of regulatory concern 1 being found to amount to the statutory grounds of misconduct.
3. For regulatory concern 1, 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 removal order. The social worker responded confirming their acceptance of the case examiners' proposal.

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

Anonymity and redaction

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

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

Person A	
Person B	
Child A	
Child B	
Local Authority A	

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the social worker's former employer, Local Authority A
Date the complaint was received	22 May 2023
Complaint summary	The complainant reported that the social worker had entered into an intimate relationship with Person A, the parent of a child referred to the service within which the social worker was employed.

Regulatory concerns

Regulatory concern 1

Whilst registered as a social worker between December 2022 – April 2023 you crossed professional boundaries in that you:

1. Entered into an intimate relationship with the parent of a child referred to the service in which you were employed



The matters outlined in regulatory concerns 1  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	☐

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

Amendment to the regulatory concerns

The case examiners have amended regulatory concern 1 to further anonymise the individual with whom it is alleged the social worker entered an intimate relationship (■■■■■ has been replaced with parent).

The case examiners are satisfied that the amendment they have made is minor, and they therefore considered it to be unnecessary and disproportionate to delay consideration of the case further by seeking additional submissions from the social worker.

Primary evidence

The case examiners have noted that the regulator has not sought out witness statements from Person A, or Child A (Person A's child). The primary evidence relied upon by the regulator is therefore the social worker's admissions during both local and regulatory proceedings.

The case examiners were mindful that the burden of proof falls to the regulator, and therefore gave careful consideration to whether they ought to direct the regulator to seek out additional primary evidence.

However, in the circumstances of this case, the case examiners were satisfied that this would be an unnecessary step, and would disproportionately delay proceedings. The case examiners' key reasoning is as follows:

- The social worker's admissions have been detailed and consistent across both time and context. The social worker has been clear on multiple occasions that they were in an intimate relationship with Person A.
- Fitness to Practise Rule 32(c)(i)(aa) is clear that where a social worker has made admissions to facts, those facts will be found proved by adjudicators at a hearing.
- In any event, the social worker's admissions are supported by virtue of allegations of an intimate relationship having been relayed to the social worker's former employer by both Person A and Child A.
- The combination of admissions and supporting evidence (albeit hearsay) is sufficient in the circumstances for the case examiners to proceed.

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 concern 1 being found proven, that it 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 between December 2022 – April 2023 you crossed professional boundaries in that you:

- 1. Entered into an intimate relationship with the parent of a child referred to the service in which you were employed**

The case examiners have had sight of correspondence exchanged locally, which suggests that on 15 May 2023, a local LADO service received a report that a professional had started a secret relationship with a child's father. The report indicated that the professional had been working with the child for some time. Over the course of further emails, it was reported that the professional's first name was Leanne, and established by the LADO that the concern related to this social worker.

Local disciplinary documentation and case records confirm that the social worker was co-allocated to Person A and Child A's case in October 2022. The social worker's role was to undertake work with the family following a relationship breakdown, and included parent sessions, child sessions, and family sessions.

Local interview records confirm that the social worker admitted that they had entered into a personal and private relationship with Person A in December 2022. The social worker stated that in "mid December things turned sexual, and [they] started sleeping together". The social worker reported that the relationship continued until April 2023. Case records suggest that professional involvement with the family was maintained until 30 March 2023, a little under a month before the relationship reportedly ended.

The case examiners are satisfied that adjudicators may consider a personal and sexual relationship to constitute an 'intimate relationship', and that such a relationship would cross professional boundaries given the social worker was professionally involved with the family at the time the relationship started and for the majority of its duration.

Accordingly, there is a realistic prospect of regulatory concern 1 being found 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 (2019)

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.

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.

With reference to the regulator's professional standards guidance, the case examiners recognise the importance of social workers maintaining clear and professional relationships with people. Social work is fundamentally about people and relationships, and it is important that social workers are alert to relationships becoming inappropriate. It is also the case that with the authority, knowledge and influence a social worker has in the professional relationship, there is almost always an imbalance of power.

In the case examiners' view, the conduct alleged (and admitted) in this case is particularly serious. The regulator's professional standards guidance seeks to focus social workers' attention on the need to be alert to the possibility of relationships becoming inappropriate, and to step back and reinforce professional boundaries if any such situation were to arise. In this case, the evidence suggests the social worker did not do so and, instead, entered into an intimate relationship with Person A. The relationship commenced a few months into the social worker's work with Person A and Person A's child, Child A, and it continued throughout the remainder of the social worker's professional involvement. The case examiners consider this to represent a serious and sustained abuse of trust.

The available evidence would also appear to suggest that the level of severity in this case is elevated by reason of harm. The case examiners' key reasoning and considerations on this point are set out below:

- The available evidence suggests that Child A was asked to keep the relationship between the social worker and Person A secret. This is of particular concern and, in the case examiners' view, an aggravating factor in this case.
- Case records indicate that Child A had expressed and shown confusion around boundaries in their home. Records suggest that this confusion arose from differing instructions and boundaries set by Person A and Person B (a relative who lived in the home). The social worker has admitted that in March 2023, they moved into Person A's home. Local interview records suggest the social worker recognised that they became a buffer between Person A and Child A, and the social worker described situations in which they had taken a different view to Person A on the parenting of Child A. The case examiners consider that the social worker's actions could reasonably have contributed to further confusion for Child A, undermining work that had been done to support the family at a difficult time.

- The initial report of the relationship to a local LADO suggests that three weeks after the social worker's relationship with Person A had ended, Child A was struggling with the situation. This upheaval in Child A's life was entirely avoidable, and should not have happened.

In light of the above, the case examiners are satisfied that adjudicators are likely to consider the conduct alleged to represent a significant departure from professional standards 2.3 and 5.2.

Accordingly, there is a realistic prospect of adjudicators determining that the statutory ground of misconduct is engaged.

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 are mindful of their decision making guidance, which explains that in cases that relate to abuses of trust and position, it can be more difficult for social workers to successfully demonstrate remediation. That is not to say that remediation is impossible, but the case examiners would expect to see significant evidence of serious and sustained reflection in order for them to have assurance that the risk of repetition has been appropriately reduced.

Insight and remediation

The case examiners have carefully reviewed the social worker's submissions, as provided during both local and regulatory proceedings. Having done so, it is apparent to the case examiners that the social worker has some understanding of the gravity of the conduct that they have admitted. The social worker recognises, for example, that

their conduct was unprofessional and inappropriate, and it is likely to impact upon confidence in the social work profession as a whole.

It is also clear that the social worker admitted the conduct at the first opportunity when the allegations were put to them. In the case examiners' view, however, this is outweighed by evidence suggesting that the social worker had otherwise sought to conceal their relationship with Person A. This included asking a child to keep the relationship secret. The case examiners found limited evidence of the social worker having meaningfully set out their understanding of the impact of their conduct on Child A, and would have hoped to see greater evidence of reflection on this point in particular.

Looking more broadly at the social worker's submissions, the case examiners noted that the social worker has sought to explain the reasons why they entered into an intimate relationship with Person A. The case examiners have set out in this decision their view that the social worker's conduct could be perceived as an abuse of trust, and they have highlighted the power imbalance that exists between social workers and service users. The social worker has shown some understanding of these issues, but they have also highlighted that at the time in question, they consider themselves to have been vulnerable in their own right.

The case examiners are informed by the social worker that when they entered into the relationship with Person A, they were experiencing a high level of stress. [REDACTED]

The case examiners recognise and appreciate that such matters may impact upon judgement and decision making. However, they are also mindful that it is expected by way of the professional standards that social workers will seek support in such circumstances, and step back from practice where needed. Social workers are not immune from human emotions and experiences, but due to the nature of their work and the situations of the people they support, it is necessary for social workers to be held to high standards of conduct.

It is to the social worker's credit that they have been clear in their final submissions that they recognise that their circumstances at the time do not excuse their actions. However, it is also apparent from the available evidence that this insight has been developed over time, with the social worker having initially sought to place a degree of blame on Person A. The case examiners consider that the weight that can be attached to the social worker's insight now is lessened as a result.

Risk of repetition

In considering the question of insight and remediation in the round, the case examiners consider there to be some evidence to suggest that the social worker recognises the serious nature of the matters before the regulator. The case examiners consider this to lessen the risk of repetition.

However, given the evidence in this case would appear to suggest that the social worker had entered into a relationship with Person A knowing that it was wrong, and therefore sought to conceal it, the case examiners consider that they could not with any degree of confidence conclude that the risk of repetition in this case is 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.

In considering the public element, the case examiners were mindful of the regulator's decision making guidance, which explains that sexual misconduct that involves an abuse of a social worker's professional position is a serious abuse of trust. The guidance is clear that this includes pursuit of a sexual relationship with someone who uses social work services, their relatives or their carers. The guidance goes on to explain that there is an inherent power imbalance in the professional relationship between a service user and a social worker, and therefore any sexual misconduct will likely undermine public confidence in the social work profession.

The case examiners are also mindful that this case is not just related to sexual misconduct. It is alleged that the social worker entered into an intimate relationship, and that this included moving into Person A and Child A's family home. As set out at the grounds stage of this decision, the case examiners consider this to elevate the seriousness of the case, and there is evidence to suggest the social worker's actions caused emotional harm.

In such circumstances, the case examiners can only conclude that a failure to find impairment would be highly likely to damage public confidence in the social work profession, and would fundamentally undermine the maintenance of proper professional standards for social workers.

Accordingly, there is a realistic prospect of adjudicators determining that the social worker's fitness to practise is 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 are satisfied that this case could be appropriately resolved through the accepted disposal process. The social worker has been clear that they accept the regulatory concern in this case, and they recognise that it will require action by the regulator. The case examiners have set out their view that the matters before them are serious, but they are nevertheless satisfied that the public interest could be satisfied through agreement of a sanction with the social worker, and publication of a decision setting out the concerns, decision and reasoning on the regulator's website.

Accepted disposal

Case outcome		
Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☐
	Conditions of practice order	☐
	Suspension order	☐
	Removal order	☒
Proposed duration	Where a social worker is removed from the register, there is no defined end to the finding of impairment. A social worker that has been removed from the register may only apply to be restored to the register 5 years after the date the removal order took effect. The adjudicators will decide whether to restore a person to the register.	

Reasoning

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

No further action, advice and warning

The case examiners consider that the outcomes of no further action, advice, and warning order would be insufficient in this case. In reaching this conclusion, they reminded themselves that the regulator's sanctions guidance is clear that all three outcomes, which offer no restriction to a social worker's practice, are not appropriate where there is a risk of repetition.

In addition, given the concerns in this case relate to an intimate relationship with the parent of child the social worker was professionally involved with, the case examiners considered that all three outcomes would be wholly insufficient to mark the serious nature of the concerns before the regulator.

Conditions of practice order

With reference to the regulator's sanctions guidance, the case examiners note that conditions of practice are less likely to be appropriate in cases of character, attitude or behavioural failings. They may also not be appropriate in cases raising wider public interest issues.

The case examiners are satisfied that a conditions of practice order would therefore be insufficient in this case, which includes conduct that could reasonably be considered to represent an abuse of trust. The case examiners consider that a conditions of practice order would fail to properly address the wider public interest, which includes upholding public confidence in the social work profession, and maintaining proper professional standards for social workers.

Suspension order and removal order

With reference to the regulator's sanctions guidance, the case examiners note the following:

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*

Suspension is likely to be unsuitable in circumstances where (both of the following):

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

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*

The case examiners have carefully considered the two remaining options before them. They noted that there is evidence of some insight and although the social worker has indicated that they do not intend to return to practise, their engagement with proceedings would likely suggest the social worker is willing to remediate their failings.

However, the case examiners must balance these factors against the wider public interest in this case, which they consider to be engaged by virtue of the conduct representing both sexual misconduct and an abuse of trust. In considering these issues, the case examiners noted that their guidance is clear that sexual misconduct involving an abuse of professional position is considered serious, and in all cases of serious sexual misconduct, it will be highly likely that the only proportionate sanction is a removal order. The guidance is also clear that the most serious conduct includes that which took place when a social worker was involved professionally with the person using social work services, their family or their carers. All of these criteria apply in this case.

The combination of factors considered in this case, including the harm that may have been caused to a child as a result of the social worker's conduct, is such that the case examiners are satisfied that a suspension order would be insufficient in the circumstances. The case examiners recognise the impact that a removal order would have on the social worker, however, they nevertheless consider that it is the only outcome that could adequately maintain public confidence in the profession, and maintain proper professional standards for social workers in England.

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

The social worker returned a completed accepted disposal response form on 18 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 removal order.