

Case Examiner Decision
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FTPS-20991

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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	13 August 2024
	Accepted disposal proposed - removal order
Final outcome	20 August 2024
	Accepted disposal - removal order

Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concerns 1 (1.1, 1.2, & 1.3) and 2 being found proven by the adjudicators.
2. There is a realistic prospect of regulatory concerns 1 (1.1, 1.2, & 1.3) and 2 being found to amount to the statutory grounds of misconduct.
3. For regulatory concerns 1 (1.1, 1.2, & 1.3) and 2, there is a realistic prospect of adjudicators determining that the social worker's fitness to practise is currently impaired. The case examiners have considered all of the documents made available within the evidence bundle. Key evidence is referred to throughout their decision and the case examiners' full reasoning is set out below.

The case examiners did not consider it to be in the public interest for the matter to be referred to a final hearing and determined that the case could be concluded by way of accepted disposal.

As such, the case examiners requested that the social worker was notified of their intention to resolve the case with an accepted disposal removal order; the social worker agreed to this 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 in any published decision.

Person 1 and siblings	
Person 3	

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by way of a self-referral by the social worker
Date the complaint was received	03 August 2022
Complaint summary	The social worker advised the regulator that they had been subject to employment proceedings. These proceedings related to allegations that they had failed to complete statutory child protection visits within the timescales required and had falsified records.

Regulatory concerns

Regulatory concerns are clearly identified issues that are a concern to the regulator. The regulatory concerns for this case are as follows:

Whilst registered as a social worker you:

1. Failed to safeguard service users in that you:
 - 1.1. Failed to complete child protection visits within the required timescales and/or at all.
 - 1.2. Recorded that child protection visits had taken place when they had not.
 - 1.3. Informed your manager and the chair of the child protection conference that visits had taken place when they had not.
2. Your conduct at regulatory concerns 1.2 and 1.3 was dishonest.

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

By reason of your misconduct your fitness to practice is impaired.

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 (1.1, 1.2, & 1.3) 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

Whilst registered as a social worker you:

1. Failed to safeguard service users in that you:
 - 1.1. Failed to complete child protection visits within the required timescales and/or at all.
 - 1.2. Recorded that child protection visits had taken place when they had not.
 - 1.3. Informed your manager and the chair of the child protection conference that visits had taken place when they had not.

The case examiners have carefully considered all of the information presented to them in relation to concern 1 (1.1, 1.2 & 1.3), and have noted the following key evidence:

A record of an investigation meeting held on 10 November 2021 with the chair of a Review Child Protection Conference (RCPC), and case notes from the chair, outline that:

Concerns that the social worker had recorded a child protection visit that had not taken place, were first raised by the family of person 1 with the chair of the RCPC on 19 October 2021.

The chair of the RCPC, advised that during a routine pre-conference call held by the chair with person A, the maternal grandmother of person 1, (person A) spoke positively about some aspects of the social worker, but commented that they had not seen them for some time. The chair informed person A that case notes recorded a visit to the family on 11 October 2021. Person A checked with other family members during the call and was very clear that a visit had not taken place on that date.

Following the RCPC, which was held remotely, the chair spoke alone online with the social worker about the family's assertion that a visit had not taken place on 11 October 2021 as recorded. The chair reports that the social worker told them that they had visited on this date.

A record of an investigation meeting held on 5 November 2021 with the social worker's supervisor outlines that:

During a supervision meeting of 13 October 2021, the supervisor raised with the social worker that no recent visit had been recorded in relation to person 1. The social worker advised them that they had seen the family on 11 October 2021, and they would record the visit.

Prior to this, the supervisor recalled another telephone conversation with the social worker where they had told the social worker that a visit was due with the family (of person 1) by the end of that day, and the social worker "*must go out*" (to do the visit). The social worker asked if a duty team member could do it and was told that it was unlikely that anyone would be available. The social worker then asked if they could conduct the visit by way of video call, but the supervisor did not think this was appropriate (due to the safeguarding risks identified in relation to the case) and told the social worker that they needed to do the visit in person. The social worker then "*paused and said she had actually done the visit the previous week.*" The social worker confirmed that they had seen all four children and was told by the supervisor to ensure that the visit was recorded on the system. The supervisor states that this conversation "*definitely related to the visit on 11 October 2021*".

The day after the RCPC, the supervisor was made aware that Person A wanted to speak with them. Before contacting person A, the supervisor asked the social worker if they knew what the call might be regarding. The social worker advised them that it might be

about *“this visit”*, and that *“the family said she didn't go but that she had visited on that date.”*

The supervisor states that they checked the case recording and noticed within the visit of 11 October 2021, the social worker recorded having had a conversation with person 1's maternal aunt, had observed home conditions, and that the condition of the children's bedrooms was poor.

On returning the call to person A, the supervisor reports that person A and the mother of person 1 were both adamant that the social worker had not visited person 1 on 11 October 2021 as recorded, and that they had not seen the social worker for about three weeks.

The supervisor states that they subsequently requested an informal meeting with the social worker which took place on-line. They advised the social worker that the family remained adamant that the visit recorded on 11 October 2021 had not taken place and asked the social worker to explain. The social worker advised their supervisor that:

- *“she had visited them – she said she was not sure why the family would say that she had not and said that the family may have been “out to get her”. She said they sometimes compared her to the previous Social Worker”*. The social worker then stated that she had perhaps not seen one of children in the family concerned, and needed to check, but *“then said actually that she had seen all 4 children”*.

The supervisor stated that she had then gone on to show the social worker that information recorded about the children's feelings within the visit of 11 October 2021 was identical to that in a recording of a previous visit that took place in September 2021. The social work advised their supervisor that *“she did not know how this had happened and she had only recorded what had happened at each visit”*. The supervisor repeated to the social worker that the recording for the children's wishes and feelings on both visits read exactly the same, and the social worker *“repeated that she did not know why this was the case”*.

In the same meeting, the supervisor then suggested to the social worker that they take their time (about responding) and not to rush. Following this, the social worker then admitted that they had not visited the family on 11 October 2021. The social worker was *“very apologetic and said that she did not know why she had done this. She said she was really sorry and that she was really worried about what people would think and say”*.

The supervisor also advises the investigation meeting that the social worker was on a performance plan at the time the issues relating to the visits to person 1 were raised, due to concerns around the timeliness of their visits, assessments, and how they organised their workload. The social worker received support from a 'PA' to assist them with

timescales and to proofread work

The case examiners have been provided with a copy of a 'formal supportive action plan' meeting, dated 17 September 2021. This plan includes an action for the social worker to ensure that work is completed within agreed timescales, and for visits, assessments, and section 47s to be completed within practise standard time scales. Notes of the meeting record the social worker feeling *"though things are already improving for her and that she is now back in a good place. She understands what is expected from her and is feeling less worried by this."* The notes also outline that while PA support had generally been removed for social workers, permission had been given for a PA to be reintroduced for the social worker temporarily, to support the social worker in developing their organisation skills.

Supervision records:

The case examiners have had sight of case supervision records which they understand relate to person 1 and their siblings. These records indicate that at the time the concerns were raised, these children were considered vulnerable and at risk of harm. The social worker is recorded as stating that they had last visited the family on 11 October 2021 but had not yet record the visit on the system. Among the actions listed for the social worker are the need to record the visit of 11 October 2021, and to continue to visit the family every 10 days.

The record also indicates that there was an RCPC in relation to the family, due to take place on 19 October 2021.

Case records:

The information presented to the case examiners includes a copy of the social worker's case recording for the visit to person 1 and siblings, that they recorded as having taken place on 11 October 2021.

A record of a formal investigation meeting held on 2 November 2021 with the social worker records that:

The social worker was unable to explain why they recorded having visited a sibling group (siblings of person 1) on 11 October 2021 when they had not done so, stating that *"I am not sure I can give a reason as I still do not understand this myself. I just want to say that this was not done out of malice or to cause harm. was not my intention to purposely cause any harm. I believe that I was not thinking properly at the time"*.

When asked if anything was happening at work that prevented them from doing the visit, the social worker responded that they had not realised *“how much pressure and stress I had been under with trying to manage my caseload and my deadlines”*.

In response to what their thought process was in falsifying the case record, the social worker states that did not know why they did so, but that *“thinking back, I was in such a panic and I was under so much pressure. I was constantly getting e mails about things that were late. I do not feel I was mentally “there” in terms of my decision-making. I was not thinking properly at the time ...This was not my normal behaviour. I do not want to try to make excuses for my actions or behaviour, but I was just trying to explain how I was feeling at the time.”*

The social worker acknowledges that they knew that children subject to child protection plans were to be visited every 10 days, and that their actions may have posed a significant safeguarding risk to the family involved. They further outline their understanding that their actions are likely to result in a *“loss of trust”* and that it *“does not put social workers in a very good light for not being honest, open and transparent”*.

Additional examples of inaccurate and/or false recording:

The case examiners have been provided with evidence indicating that, in addition to the recording of a visit on 11 October 2021 to person 1 that is alleged to have not occurred, the social worker may have also failed to complete other statutory child protection visits within the required timescales, and have falsified case records, in relation to persons 1 and 3.

For example, the record of the informal interview held with the social worker and their supervisor on 19 November 2021, and a subsequent formal interview of 23 March 2022, outline that, in relation to person 1, the family stated that visits recorded as taking place at the home of the family on 26 August 2021 and on 9 September 2021 were not home visits as recorded, but took place via WhatsApp video. Also, that the correct date for the September ‘visit’ via WhatsApp was 7 September 2021.

The social worker initially advised their supervisor that, in relation to the September visit, the family had covid and that that is why they conducted the visit virtually, and that they must have incorrectly selected the wrong type of visit from a drop-down menu. When challenged further as to why they stated a home visit had taken place when that was not the case, the social worker responded that it was *“probably because we were under so much pressure and we were not allowed to do WhatsApp calls. That is probably what it is”*.

In relation to the home visit recorded for 26 August 2021, the social worker responds *“Right, ok. I’ve done the same thing then, haven’t I? I can’t fight against this. I’ve already*

been brought up on something that I did do, haven't I? If Mum says I did a video call, then I did".

In relation to person 3, a child subject to a child in need plan, the social worker is further challenged about the accuracy of their recording of a home visit having taken place on 13 October 2021. The social worker states that it was a WhatsApp video 'visit' as the family were away on holiday at the time, and that they must have again selected the wrong type of visit option from a drop-down menu. During the formal interview, the social worker is advised that the content of their written notes also indicated that the visit had taken place at home; the social worker responds that they always use a template, and that this must have also led to a mistake about the location being made. They also state that they did not get permission to conduct a WhatsApp visit, rather than a face-to-face visit.

The case examiners note from a copy of a case note shared with them from the above recorded visit to person 3 (13 October 2021), that the recording made by the social worker does not state that the family is *on* holiday, but records that they *had* been on holiday, which appears inconsistent with their assertion to their supervisor that the family was away on holiday at the time the on-line 'visit' was made .

Submissions from the social worker:

The social worker submitted a 'reflective' statement to the regulator on 29 May 2024. In this statement the social worker indicates that they admit the concerns raised. They reflect on the impact that *"not completing a child protection visit has on children and families,"* and on the adverse impact on trust and confidence in their profession.

They also acknowledge that *"by intentionally altering, fabricating, or misrepresenting information in official documents to cover up mistakes, or to deceive others. I not only compromised the accuracy and reliability of information but also jeopardizes the safety, rights, and well-being of individuals and organizations relying on that information."*

Having carefully considered all of the evidence presented to them, the case examiners are satisfied that there is a realistic prospect of adjudicators finding concern 1(1.1, 1.2 & 1.3) proven.

2. Your conduct at regulatory concerns 1.2 and 1.3 was dishonest.

When considering dishonesty, the case examiners have applied two tests, in line with relevant case law. Firstly, they have assessed the evidence to establish what adjudicators may determine the social worker's actual state of knowledge or belief was at the relevant time (the subjective test). Secondly, they have considered whether the social worker's conduct could be deemed as dishonest by the standards of ordinary, decent people (the objective test).

With regard to the subjective test, the case examiners have noted evidence that the social worker was knowingly dishonest when carrying out the actions relevant to the concerns raised. In their employer's formal interview, for example, the social worker is specifically asked about the meeting they stated took place with the family of person 1 on 11 October 2021. They are asked "*when you falsified the record, and added it to (the case system), did you know it was wrong?*" The social worker replies, "*yes I did.*" Further, in their reflective statement, the social worker also indicates that their actions in "*altering, fabricating, or misrepresenting information in official documents to cover up mistakes, or to deceive others*" was intentional.

The case examiner are also of the view that a fully informed member of the public would consider that the conduct of a social worker who had recorded that visits required to vulnerable children had taken place when this was not the case, or had not taken place as described in official records; and/or had provided false accounts to a chair of a meeting and to their supervisor when challenged about the accuracy of records, was dishonest.

The case examiners are therefore satisfied that there is a realistic prospect of adjudicators finding concern 2 proven.

Grounds

The case examiners are aware that misconduct would generally be considered to 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 (Social Work England Professional Standards), which were applicable at the time of the concerns.

I will:

2.1 Be open, honest, reliable, and fair.

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

3.8 Clarify where the accountability lies for delegated work and fulfil that responsibility when it lies with me.

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

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.

5.3 Falsify records or condone this by others.

The concerns relate to the social worker failing to carry out statutory visits to vulnerable children as required, and of repeated dishonesty relating to the records they made, and of their responses when challenged about these records by a conference chair of a meeting, and then by their supervisor. The evidence indicates that, when challenged about having made records that were potentially false, the social worker initially gave false accounts regarding their actions and appears only to have admitted their actions when presented with incontrovertible evidence, such as records being the same as those made by them in previous visits. Further, the social worker also sought to deflect towards the family of person 1 for saying that a visit had not occurred, rather than admitting that they had fabricated the visit of 11 October 2021. The social worker is described by their supervisor as having *“disputed what the family were saying about her not having visited ... (and) proceeded to advise (their supervisor) that the family were looking for someone to blame and she no longer wanted to work with this family due to the family giving the previous social worker a hard time and believing that is what they were doing to her now”*.

The case examiners consider these to be serious issues and are aware that where dishonesty is repeated and subsequently found proven, this is considered to be particularly serious. Guidance for social workers in relation to the professional standards sets out that social workers are required to be open and honest with people, including when something goes wrong. Where they are not open and honest, it can put people at risk and may damage confidence in them as a social worker and the social work profession. The family of person 1 reported that they had lost trust in the social worker once informed that the social worker had recorded visits that the family stated had not taken place, and requested a new social worker be allocated to them.

Furthermore, safeguarding is a key tenet of social work. By failing to make statutory visits to vulnerable children when required, or conducting visits virtually when the risks to those children had been recognised as requiring in person visits, the social worker exposed children to risk of harm. The case examiners have noted evidence, including the social worker’s responses during the employer’s investigation, which demonstrates that the social worker understood the risk of harm their actions posed. However, the social worker appears to have prioritised ‘covering up’ their own performance issues while on a

formal action plan, rather than ensuring the vulnerable children on their case load were safeguarded.

The case examiners are of the view that the social workers alleged actions, if subsequently found proven, would indicate a significant breach of the professional standards outlined above.

The case examiners are therefore satisfied that there is a realistic prospect of adjudicators finding the statutory grounds of misconduct proven.

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

In relation to a failure to safeguard vulnerable children, while serious, the matters are considered by the case examiners to be potentially capable of remediation. For example, this could be achieved through evidence of good insight by the social worker into why they acted as they did; an understanding of the potential for harm and adverse impact on the profession and public confidence; and evidence of reflection and further training, to a degree that reassures case examiners that future repetition is highly unlikely.

Cases involving dishonesty can be more difficult to remediate, as they relate to a social worker's character. However, the case examiners are aware that every case must be treated on its own merits, and that a finding of dishonesty need not inexorably lead to a finding of impaired fitness to practise. This may be the case, for example, where dishonest actions are isolated in nature, and there is evidence of early insight and remediation.

Insight and remediation

With regards to failing to safeguard, the social worker has shown some evidence of insight and of remorse. For example, they clearly outline the risks their actions posed to children, and the likely impact on the profession and public confidence. They also present an understanding of why they may have acted as they did, for example feeling under pressure with the workload and experiencing personal challenges at home that impacted on their judgment and health.

However, the case examiners note that the social worker was on a performance action plan at the time the concerns arose, and had regular meetings with their supervisor where the social worker was provided with clear opportunities to raise any concerns they had about work and personal challenges. They also appear to have been provided with a detailed support plan for issues associated with their health and had advised their supervisor that they felt they were making good progress with their development plan. The evidence indicates that the social worker already understood at the time of the alleged concerns that their actions were wrong, and the potential safeguarding implications, but nonetheless continued to behave in the ways alleged. The case examiners have also not been provided with any evidence of remediation, such as safeguarding courses attended since the allegations arose. While they note that the social worker has been on an interim suspension order and has not been working in a social work role since leaving their former employer, they are of the view that this would not have precluded the social worker from accessing courses or training material related to the concerns raised.

The evidence also suggests to the case examiners that the social worker was repeatedly dishonest, both in terms of making false records and in their responses to other professionals, i.e. the chair and supervisor, prior to the formal investigation into allegations commencing. These responses also include attempting to place blame on the family raising issues about the accuracy of records the social worker had made. The case examiners are not of the view that the mitigation presented by the social worker regarding pressure at work and their own personal challenges and health is such as to explain or justify the evidence of dishonesty presented to them in this case, rather it indicates a pattern of dishonesty. The case examiners do, however, acknowledge that the social worker has, in their reflective statement, expressed what the case examiners consider to be evidence of genuine remorse for their behaviours, and an understanding of the seriousness of the actions they engaged in, as raised in the concerns.

During the employer's investigation, the social worker themselves also accepted that they should have raised any concerns they had with their supervisor but failed to do so.

Risk of repetition

The case examiners have noted evidence of a pattern of dishonesty, and that the social worker was also on a performance plan at the time the concerns arose. They consider that the social worker has shown limited insight and remediation, and that they were aware at the time the concerns arose of the risks that their actions posed but continued regardless.

The case examiners conclude that in the circumstances of this case, a risk of repetition remains.

Public element

The case examiners have next considered whether the social worker's actions have the potential to undermine public confidence in the social work profession, or the maintenance of proper standards for social workers.

The case examiners have reminded themselves that the public interest includes responding proportionately to regulatory concerns. They note from their guidance that concerns involving dishonesty are *"likely to be viewed particularly seriously given the access social workers have to people's homes and lives"*; and that *"it is essential to the effective delivery of social work that the public can trust social workers implicitly"*.

With regards to this case, the evidence presented to the case examiners indicates that the social worker engaged in a pattern of premeditated and dishonest acts, and only admitted their actions when presented with clear evidence. The case examiners consider that a fully informed member of the public would be concerned by the alleged conduct in this case.

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

Accordingly, the case examiners are satisfied that there is a realistic prospect of adjudicators making a finding of current impairment

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 given careful consideration to whether a referral to a hearing may be necessary in the public interest. The case examiners have noted the following:

- The case examiners guidance reminds them that “wherever possible and appropriate, case examiners will seek to resolve cases through accepted disposal. This is quicker and more efficient than preparing and presenting a case to a fitness to practise panel.”
- The accepted disposal process will provide the social worker with the opportunity to review the case examiners reasoning on grounds and impairment and reflect on whether they do accept a finding of impairment.
- It is open to the social worker to reject any accepted disposal proposal and request a hearing if they wish to reject the case examiners finding on the facts and grounds or explore the question of impairment in more detail.
- The case examiners are aware that a case cannot be concluded through an accepted disposal process where a social worker does not accept the facts and agree that

they are currently impaired. At this stage, however, the case examiners' proposal for an accepted disposal process does not mark the conclusion of the case, as that would require a response from the social worker for the case examiners' consideration. It is also subject to a final review of the case by the case examiners, who may determine to send the matter to a hearing following any response received.

Interim order

An interim suspension order is already in effect.

Accepted disposal

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

Reasoning
In considering the appropriate outcome in this case, the case examiners have had regard to Social Work England's impairment and sanctions guidance (December 2022) and reminded themselves that the purpose of sanction is not to punish the social worker but 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 options in ascending order of seriousness. The case examiners determined that taking no further action was not appropriate in a case where it has been alleged that the social worker has been repeatedly dishonest. Taking no further action is not sufficient to mark the seriousness with which the case examiners view the social worker's alleged conduct and fails to safeguard the wider public interest. The case examiners have considered offering advice or a warning to the social worker, but they note the sanctions guidance which states these outcomes do not directly restrict practice. Further, the guidance makes it clear that this outcome is unlikely to be appropriate where there is a continuing risk of repetition, which the case examiners believe

is applicable in this case due to their findings of limited insight and an absence of remediation to date.

Next, the case examiners turned their minds to conditions of practice. The primary purpose of a conditions of practice order is to protect the public whilst the social worker takes any necessary steps to remediate their fitness to practise. Conditions are most commonly applied in cases of lack of competence or ill health. The sanctions guidance states that conditions are less likely to be appropriate in cases of character, attitudinal or behavioural failings. As allegations of repeated dishonesty indicate a potential character flaw, and the social worker has also indicated that they do not intend to return to social work practice, the case examiners do not consider conditions of practice to be either appropriate or workable in this case. Further, the case examiners consider that in the circumstances of this case, conditions would not protect the public and wider public confidence, and would not reflect the seriousness of the alleged concerns.

As such, the case examiners went on to consider suspension. The sanctions guidance states that suspension is appropriate where no workable conditions can be formulated that can protect the public or the wider public interest, but where the case falls short of requiring removal from the register. The case examiners gave careful consideration to whether suspension would be an appropriate sanction; however, they specifically noted the following points from their guidance.

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*

When a suspension order may not be appropriate

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*

Having done so, the case examiners were of the view that as the social worker has shown limited insight and remediation, has not provided sufficient evidence to suggest that they are able to remediate such serious concerns, and does not intend to return to practice, then suspension is not appropriate in this case.

The case examiners then turned their minds to removal. In light of the serious nature of the allegations, which allege repeated dishonesty over a significant period of time, the case examiners are of the view that no other outcome than a removal order is necessary to protect the public, maintain confidence in the profession, and maintain proper professional standards for social workers in England.

To conclude, the case examiners have decided to propose to the social worker a removal order. They request that the social worker is notified of their proposal 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 responded by email on 19 August 2024, confirming that they had:

- read the case examiners' decision and the accepted disposal guidance;
- admitted the key facts set out in the case examiners decision, and that their fitness to practise was impaired;
- understood the terms of the proposed disposal of their fitness to practise case and accepted them in full.

Case examiners' response and final decision

The case examiners concluded that the social worker's fitness to practise was likely to be found impaired, but that the public interest could be met through a prompt conclusion, published decision and a removal order, rather than through a public hearing. They were subsequently informed that the social worker had accepted this proposal.

The case examiners also again turned their minds as to whether the proposed disposal remained 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, the case examiners remain of the view that an accepted disposal by way of removal order is a fair

and proportionate disposal, and is the minimum necessary to protect the public and the wider public interest.

The case examiners note that there is an interim order currently in effect, which will be revoked upon enactment of the agreed order.