

Case Examiner Decision
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FTPS-23356

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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	11 March 2025
	Accepted disposal proposed - removal order
Final outcome	15 April 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 and 2 (both parts) being found proven by the adjudicators.
2. There is a realistic prospect of regulatory concern 1 being found to amount to the statutory ground of a conviction or caution in the United Kingdom for a criminal offence. There is a realistic prospect of regulatory concern 2 being found to amount to the statutory ground of being included by the Disclosure and Barring Service in a barred list.
3. For both regulatory concerns 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 by way of 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.

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	11 April 2024
Complaint summary	The social worker was arrested by the police following an undercover policing operation involving a dating app. A police officer was posing as a 14 year old child and the social worker sent sexually explicit messages to them. The social worker was later convicted at court for attempting to engage in sexual communication with a child. The social worker was handed a 6 month sentence, suspended for 18 months, ordered to take part in programmes and rehabilitation activities, made subject to the sex offenders register for 7 years, and received a sexual harm prevention order for 7 years. As a result of the social worker's actions, the Disclosure and Barring Service (DBS) included them in both the adult and children's barred list.

Regulatory concerns

Regulatory concern 1

Whilst registered as a social worker on 3 October 2024 at Manchester Magistrates' Court you:

1. Were convicted of an offence of attempting to engage in sexual communication with a child

Regulatory concern 2

Whilst registered as a social worker on or around 16 August 2024 you:

2. Were included in the following Disclosure and Barring Service barred lists:

- i. Adult's barred list
- ii. Children's barred list

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 both regulatory concerns being found proven. Further, that regulatory concern 1 could amount to the statutory ground of a conviction or caution in the United Kingdom for a criminal offence, and that regulatory concern 2 could amount to the statutory ground of being included by the Disclosure and Barring Service in a barred list. The case examiners have also determined that the social worker's fitness to practise could be found to be impaired.

Reasoning

Facts

Regulatory concern 1

Whilst registered as a social worker on 3 October 2024 at Manchester Magistrates' Court you:

- **Were convicted of an offence of attempting to engage in sexual communication with a child**

The case examiners have had sight of the certificate of conviction from the Magistrates' Court. This details the social worker being convicted for the offence, as captured by the regulatory concern.

The social worker admits the regulatory concern.

The case examiners are satisfied that there is a realistic prospect of the concern being found proven by adjudicators.

Regulatory concern 2

Whilst registered as a social worker on or around 16 August 2024 you:

- **Were included in the following Disclosure and Barring Service barred lists:**
- **Adult's barred list**
- **Children's barred list**

The case examiners have had sight of a final decision letter to the social worker from the Disclosure and Barring Service dated 16 August 2024. This confirms the decision taken by the Disclosure and Barring Service to include the social worker in the Children's Barred List and the Adults' Barred List.

The social worker admits this regulatory concern.

The case examiners are satisfied there is a realistic prospect of this concern being found proven by adjudicators.

Grounds

Regulatory concern 1

The statutory ground being considered by the case examiners for regulatory concern 1 is that of a conviction or caution in the United Kingdom for a criminal offence.

The case examiners have had had sight of the court documentation detailed above and they are satisfied that the documentation provided sufficiently evidences the conviction in the United Kingdom for a criminal offence.

The case examiners are satisfied there is a realistic prospect of adjudicators establishing the statutory ground.

Regulatory concern 2

The relevant statutory ground for regulatory concern 2 is being included by the Disclosure and Barring Service in a barred list.

The case examiners have had sight of a final decision letter to the social worker from the Disclosure and Barring Service as detailed above. This confirms the decision was taken by the Disclosure and Barring Service to include the social worker in the Children's Barred List and the Adults' Barred List.

The case examiners are satisfied that there is a realistic prospect of adjudicators establishing the statutory ground of being included by the Disclosure and Barring Service in a barred list.

Impairment

Having concluded there is a realistic prospect of adjudicators establishing the statutory grounds of both a conviction or caution in the United Kingdom for a criminal offence, and being included by the Disclosure and Barring Service in a barred list, the case examiners must consider whether there is a realistic prospect of adjudicators finding current impairment. The case examiners are aware they must assess both the personal and public elements of current impairment. They will consider each in turn.

Personal element

The case examiner guidance states that there are multiple factors that case examiners should look for when considering the personal element of impairment, in order to assess the risk of repetition. These include, whether the social worker has admitted the allegations, if they have demonstrated insight, if they have evidenced remediation, any relevant previous history, and any testimonials that have been provided.

Relevant previous history

There is no previous history for the case examiners to take into account.

Admissions

The social worker admits the allegations. In their submissions the social worker accepts their role and responsibilities in relation to the events that gave rise to the concerns.

Insight

In respect of insight, the case examiners are aware that they must take care to assess the quality of any insight. A social worker may accept they have acted wrongly. However, simply asserting this is unlikely to be enough to demonstrate genuine insight.

In their submissions the social worker describes their conduct as a lapse of judgment, though they do not seek to minimise their actions. The social worker points briefly to some matters of health, but does not seek to use this as mitigation. The social worker accepts their roles and responsibilities in relation to the events and appears remorseful.

The social worker demonstrates a genuine understanding of the impact of their actions on others, and the profession. They state:

- *‘Whilst it saddens me that a career and profession I was so committed to and passionate about has ended. I acknowledge this is as a result of my actions and poor judgment’*
- *‘I acknowledge the poor judgement on my part and the potential implication of significant harm had it been a child and not an undercover police officer.’*
- *‘The offence in itself was an isolated offence. And whilst this offence took place outside of my role as a social worker it was still an unacceptable action and is in contradiction to my knowledge and training as a social worker.’*
- *‘This is something that will never be repeated again however I recognise that the doubt has been cast impairs my ability to work with children and could be a negative reflection on the profession.’*
- *‘Given the nature of the offence I recognise the reason and rational for being placed on the children's barred list. I do not dispute this as an appropriate safeguarding measure.’*

Employment reports and testimonials

The case examiners do not have any such information. Given the nature of the case, had any been provided they would carry little weight.

Remediation

Any remediation in a case of this nature will likely take place by way of professional interventions instructed by the court. The social worker does also point to support they have received for their health. The case examiners do not have any objective information before them in respect of any steps taken by the social worker towards remediation. The nature of the concerns at the heart of this case are such that they present a significant challenge to remediation in the regulatory context. This is because they give rise to exceptionally serious questions in respect of the social worker's character and attitude.

The case examiners are also of the view that, by the very nature of being included by the Disclosure and Barring Service in a barred list, the ability to remediate is restricted.

Risk of repetition

The purpose of case examiners assessing multiple factors when considering the personal element of impairment, is to assess the risk of repetition, put simply the likelihood of the conduct happening again. In this case, the case examiners consider the risk of repetition to be high. Notwithstanding that this appears to be an isolated matter, and that the social worker has demonstrated some insight, the character and attitudinal nature of the offending behaviour is such that it gives rise to an inherent risk of repetition.

In addition, the letter from the Disclosure and Barring Service to the social worker states their inclusion in the barred lists will last indefinitely, which must therefore translate into a risk of repetition, as the inclusion is continuous.

The information reviewed leads the case examiners to conclude that there is a high risk of repetition in this case.

Public element

The case examiners must now consider the public interest in this matter.

A social worker convicted of an offence such as that in this case undoubtedly has the potential to undermine public confidence. Such conduct is certainly a significant departure from professional standards.

Regulatory concerns regarding serious criminal offending, particularly when related to child sex offences, go to the heart of public confidence in the social work profession. They are highly likely to seriously undermine the public's trust in social workers. There is no question that the public interest is highly engaged in this case, and the case examiners are satisfied that the public would expect that a finding of current impairment is made by adjudicators to maintain public confidence in the regulation of the profession.

Having considered both the personal and public elements, the case examiners have concluded there is a realistic prospect that adjudicators would find the social worker to be currently impaired.

The public interest

Decision summary

Is there a public interest in referring the case to a hearing?

Yes

☐

No

☒

Referral criteria

Is there a conflict in the evidence that must be resolved at a hearing?

Yes

☐

No

☒

Does the social worker dispute any or all of the key facts of the case?

Yes

☐

No

☒

Is a hearing necessary to maintain public confidence in the profession, and/or to uphold the professional standards of social workers?

Yes

☐

No

☒

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 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:

No further action, Advice, Warning

The case examiners are aware that where a social worker's fitness to practise is potentially impaired, they will usually need to ensure the public is protected through some action by the regulator. The case examiners have decided that such protection

cannot be met by taking no further action, issuing advice, or providing a warning order.

Social Work England's sanction guidance states that an outcome of no further action will not be appropriate where there is any continuing risk to the public of the social worker behaving in the same way again. The same guidance goes on to say that an outcome of advice or a warning is not appropriate where the social worker poses a current risk to the public, given that neither sanction directly restricts a social worker's practice. The case examiners have determined that there is a risk of repetition in this case, and therefore none of the three sanctions detailed above are appropriate.

Conditions of practice

The case examiners went on to consider conditions of practice. They concluded that conditions were more relevant in cases requiring some restriction in practice and were not suitable for this case that centres around serious criminal offending. It would not be possible to formulate workable conditions to address the potential attitudinal concerns that exist in this case, nor to satisfy the public interest.

Suspension

The case examiners considered a suspension order.

The case examiners are of the view that the concerns represent a serious breach of the professional standards. Whilst the social worker has demonstrated some insight, the evidence suggests the social worker is unable to remediate their failings given the serious character and attitudinal nature of their offending, and because they are included in a barring list by the DBS.

Further, the case examiners have taken into account the sanctions guidance which states a removal order must be made where the decision makers conclude that no other outcome other than removal 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

Given the nature of the concerns, the case examiners are of the view that all three of the above points apply in this case.

Accordingly, a suspension order is not appropriate.

Removal

In concluding that no other outcome than removal would be enough to protect the public, maintain confidence in the profession, or maintain proper professional standards for social workers in England, the case examiners took into account the sanctions guidance. In particular they noted the examples given where a removal may be appropriate and identified that the following were applicable in this case. Specifically:

- sexual misconduct
- criminal convictions for serious offences (in this case sexual, involving children)
- social workers who are or unable to remediate

The case examiners also noted the sanctions guidance where it states that, in all cases of serious sexual misconduct, it will be highly likely that the only proportionate sanction is a removal order.

The case examiners have determined that, in all the circumstances, a removal order is necessary in this case.

The case examiners will notify the social worker of their proposal to issue a removal order, and will 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 8 April 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.