

Case Examiner Decision
David Hughes – SW31773
FTPS-19770

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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 July 2026
	Accepted disposal – warning order (one year)
Final outcome	18 August 2026
	Accepted disposal warning order (one year)

Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concerns 1, 2 and 3 being found proven by the adjudicators. [REDACTED]
[REDACTED]
2. There is a realistic prospect of regulatory concerns 1,2 and 3 being found to amount to the statutory grounds of misconduct. [REDACTED]
[REDACTED]
3. For regulatory concerns 1,2 and 3, there is a realistic prospect of adjudicators determining that the social worker's fitness to practise is currently impaired.

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

As such, the case examiners requested that the social worker be notified of their intention to resolve the case with warning of one year duration. On 18 August 2026, 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.

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.

Service User A	
Service User B	
Service User C	
Service User D	

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the social worker's current employer, [REDACTED]
Date the complaint was received	13 October 2021
Complaint summary	The concerns raised relate to potential failures to upload care and support plans within a reasonable timeframe and failures to share support plans with care providers. There are further concerns raised in respect of the social worker's alleged failures to review the care and support plans for service user D [REDACTED] [REDACTED]

Regulatory concerns

Whilst registered as a social worker;

1. You failed to ensure care & support plans were uploaded onto the case management system within a reasonable timeframe.
2. Between May and August 2021; You failed to provide a care provider with a copy of the care & support plan for service user A.
3. You failed to review the care & support plan for service user D.

[REDACTED]

Grounds of impairment:

The matters outlined in regulatory concerns (1), (2), (3) [REDACTED] amount to the statutory grounds of misconduct [REDACTED]

Your fitness to practise is impaired by reason of misconduct [REDACTED]
[REDACTED].

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, 2 and 3 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

1. You failed to ensure care & support plans were uploaded onto the case management system within a reasonable timeframe.

The local authority has confirmed that a care and support plan is a financial and care contract with a care provider that is typically completed prior to care being provided. The care and support plan outlines the type of care a service user requires. The expectation is that a care and support plan would be completed by the allocated social worker after the completion of a care act assessment. The Principal Social Worker has confirmed that the expected timeframe for submission of care and support plans would be 28 days following the completion of a care act assessment.

The case examiners have seen an email from the Local Authority Principal Social Worker; it says that the social worker was allocated service user A on 28 November 2019. It had been agreed that a care act assessment was needed and a new care provider. The assessment was undertaken by the social worker. Two face-to-face visits were completed on 13 December 2019 and 10 January 2020. It was sent to the relevant Team Leader for approval on 28 January 2020 and approved on 17 February. The Care and Support plan was not uploaded on the electronic recording system until 22 July 2021.

In respect of Service User B, the case was allocated to the social worker on 18 December 2018. In August 2020, Service User B moved into new accommodation. Supervision records evidence that the social worker was asked on several occasions to update and share the support plan. The local authority has provided evidence to suggest that although the service user moved into new accommodation in August 2020 the support plan was not submitted until 6 October 2021.

Service User C appears from the evidence to have had a support plan approved in November 2021 when it is noted this should have been submitted in July 2021.

In submissions, the social worker says that the system used by the local authority required input from a number of different individuals, including commissioning. The social worker says that whilst they feel they were not responsible for all of the delays, they accept that in respect of Service User A they missed a notification that the support plan had been returned to them for resubmissions and that this therefore caused delays.

The case examiners have noted from the evidence that there appear to have been delays ranging from several to many months between care and support plans being commenced or completed by the social worker, and them being submitted. The case examiners are satisfied, in light of evidence from the local authority that the expected timeframe for submission of care and support plans would be 28 days following the completion of a care act assessment, that the above cases do not appear to have been submitted within reasonable timeframes.

The case examiners therefore consider there is a realistic prospect of regulatory concern 1 being found proven by adjudicators.

2. Between May and August 2021; You failed to provide a care provider with a copy of the care & support plan for service user A.

In submissions the social worker accepts that they did not provide a care provider with a care and support plan for Service User A. The social worker says that the new care provider had 'extremely detailed' support plans from the previous provider. The

social worker says that they went through the old plan with the new provider and assisted them to make minor amendments. The social worker says that the new provider did not request a new plan from them until they realised they could not manage the contract and were likely to lose it.

There is an entry dated 12 May 2021, in supervision notes which gives the social worker direction to update the support plan with the name of the new provider and enter the date of the change of provider.

The case examiners have seen an email dated 28 May 2021, from the social worker's former manager to the social worker, asking them to make amendments to Service User A's support plan as it is difficult to read/follow.

The case examiners have seen a copy of a complaint the local authority received from the new care provider for Service User A in which they say they asked several times for a copy of the support plan and other documents but that these were not forthcoming. The case examiners are satisfied, in light of the repeated requests to them from the care provider, and the instructions given to them by their manager, that they should have provided the care provider with a copy of the plan for Service User A, and that not doing so, would amount to a 'failure'.

The case examiners consider there is a realistic prospect of regulatory concern 2 being found proven by adjudicators.

3. You failed to review the care & support plan for service user D.

In submissions the social worker accepts that they did not review the care and support plan for Service User D.

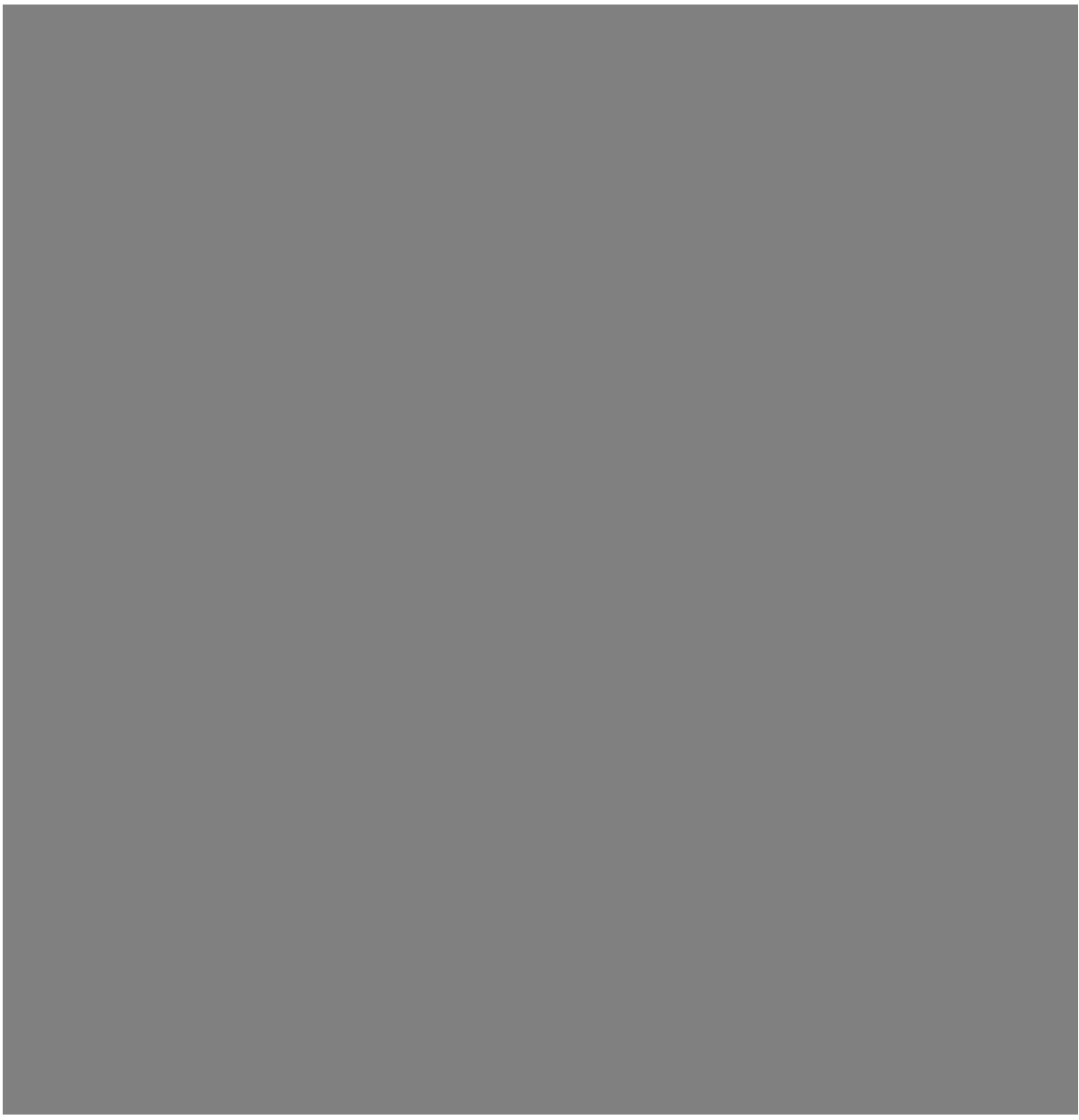
The information provided indicates that a service provider contacted the social worker on 25 May 2021 to request a formal review for Service User D, as it was felt Service User D's hours needed to be reviewed. The social worker allegedly suggested that they were very busy and would not be able to give a timeframe as to when they would be likely to undertake this work. The social worker appears to have been asked on 12 June 2021 and 7 July 2021 to undertake this work by their manager, however as of 13 August 2021, the work remained outstanding.

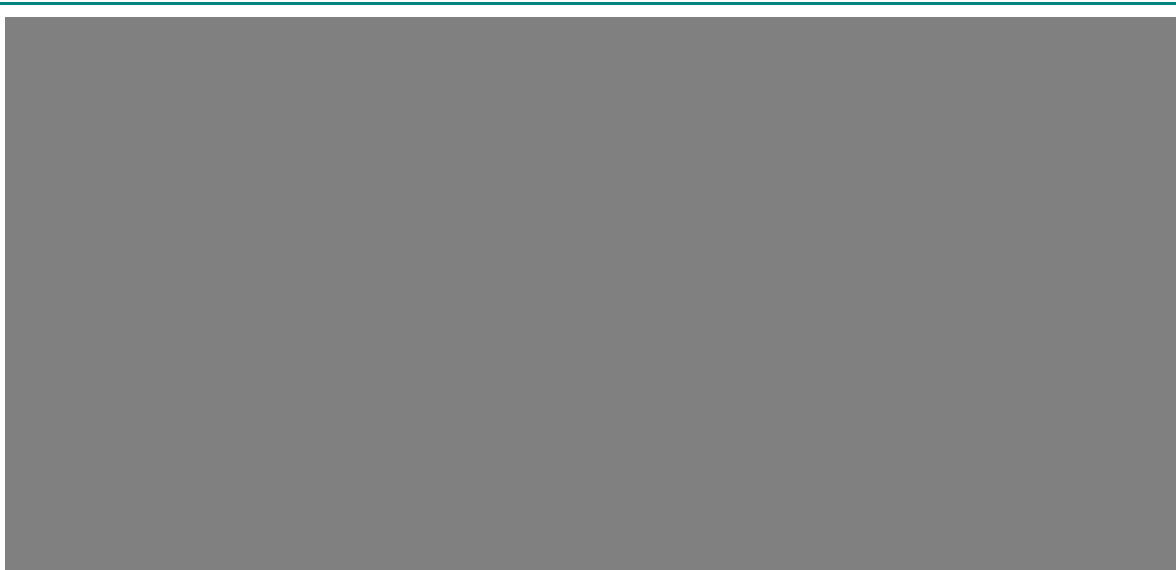
Following complaints about the social worker's involvement with Service User D, an audit of the case file was completed on 19 April 2021. The audit revealed evidence to suggest that the social worker may not have completed a review within a 12-month period in line with their statutory responsibility, did not complete a care act assessment despite this being requested by the provider and their case records were not up to date.

The local authority has provided evidence to suggest that following the reallocation of Service User D's case in October 2021 to a different social worker, an additional 7 hours of support was agreed with the same care provider; it is said that Service User D's confidence and independence was adversely impacted by the lack of review of the care and support plan.

The case examiners are satisfied that the evidence summarised above suggests that the social worker did not review the care and support plan for Service User D when required to do so, and that this would amount to a failure on their part.

The case examiners consider there is a realistic prospect of regulatory concern 3 being found proven by adjudicators.





Grounds





Misconduct

The case examiners are aware that there is no legal definition of misconduct, but it generally would consist of serious acts or omissions, which suggest a significant departure from what would be expected of the social worker in the circumstances. This can include conduct that takes place in the exercise of professional practice, and also conduct which occurs outside the exercise of professional practice but calls into question the suitability of the person to work as a social worker.

To help them decide if the evidence suggests a significant departure from what would be expected in the circumstances, the case examiners have considered the following standards, which were applicable at the time of the concerns.

3.2: As a social worker, I will; Use information from a range of appropriate sources, including supervision, to inform assessments, to analyse risk, and to make a professional decision.

3.8: As a social worker, I will; Clarify where the accountability lies for delegated work and fulfil that responsibility when it lies with me.

3.9: As a social worker, I will; Make sure that relevant colleagues and agencies are informed about identified risks and the outcomes and implications of assessments and decisions I make.

3.11: As a social worker, I will; Maintain clear, accurate, legible, and up to date records, documenting how I arrive at my decisions.

The case examiners have found a realistic prospect of regulatory concerns 1, 2 and 3 being found proven by adjudicators. The local authority has set out their concerns that any potential failure to upload service user support plans to the relevant systems has the potential to leave care providers uncertain as to how best to support and safeguard service users. The evidence suggests that support plans in respect of three service users were uploaded very late and could have impacted service user care.

There is evidence to suggest that Service User D's care package was significantly increased following reallocation to a different social worker and following review. There is evidence to suggest that the failure to review Service User D's care package may have adversely impacted their ability to be independent and their confidence. The social worker's case recording in respect of Service User D appears to have been limited. There is also evidence contained within supervision records that the social worker was asked to review Service User D on several occasions, but this did not take place as would have been expected.

There is evidence to suggest that the social worker deviated from statutory expectations to review service users' needs under the Care Act 2014 which may have prevented them from receiving care, support, and protection.

The case examiners are satisfied that should the regulatory concerns be found proven, they could also be seen to be a significant departure from the professional standards outlined above.

The case examiners consider that there is a realistic prospect of adjudicators finding the regulatory concerns capable of proof amounting to the grounds of 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.

The case examiners consider that the regulatory concerns are capable of being remedied. The social worker has remained employed in the same local authority, and they have provided evidence which would suggest that they are addressing any emerging issues of a similar nature through supervision, and that this has been effective thus far.

The social worker accepts the concerns and has completed a reflective statement. The social worker accepts that any failures to record in an accurate and timely manner could impact on meeting the needs of service users, and result in a loss of confidence in the profession. The social worker says they have recently been informed of new timeframes for recording information on the system and they are prioritising their tasks accordingly. The social worker states that they have recently completed a course on record keeping and they are accessing support [REDACTED] [REDACTED] The social worker says they are practising mindfulness to assist them to manage [REDACTED] difficult interactions within the role.

The social worker says with hindsight, they should have raised the challenges of their high workload at the relevant time with their managers. They say that at the time they felt unable to do so given the challenges of working within a national emergency (Covid).

The social worker says they have apologised to the care agency supporting Service User A and Service User D.

There is some evidence of insight, remorse, and remediation. However, the social worker maintains that at the relevant time there were 'never any concerns raised regarding [their] actions and timescales for completion of tasks including uploading Support Plans on to Liquid Logic,' when the case examiners have noted evidence to the contrary contained in supervision records. The social worker may benefit from engaging in further reflection on the importance of professional accountability.

The case examiners consider that there is evidence of remediation and some developing insight. However, the case examiners consider that until insight is fully developed, some 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 highlighted the potential departure from professional standards in their consideration of the grounds. The potential departure from standards relates to issues with the social worker being accountable for the quality of services offered to vulnerable people. Social workers are expected to collaborate with other professionals to ensure that service users receive a safe and effective service. There is evidence to suggest that the social worker's actions may have at worst placed service users at risk, and at best prevented care providers from safely responding to care and support needs. In this instance there is evidence to suggest that Service User D may have lost confidence and independence as a direct result of the social worker failing to review their needs and package of care.

The case examiners consider it likely that the public would be concerned to learn that an experienced social worker may not have completed assessments under the Care Act 2014 as expected or provided care agencies with information they required to intervene safely and effectively.

The case examiners consider 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 the 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 the case examiners 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 consider that the risk of repetition remains and that their proposal will allow the social worker additional time to reflect on their conduct and develop insight.
- If the social worker cannot accept current impairment, or the proposal to conclude this matter by way of accepted disposal, this matter may proceed to a final hearing.

Accepted disposal

Case outcome

Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☒
	Conditions of practice order	☐
	Suspension order	☐
	Removal order	☐
Proposed duration	One 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.

The case examiners will initially consider mitigating and aggravating circumstances. They have consulted their Sanctions Guidance, paragraph 81, they note the following mitigating factors in respect of this matter:

- Evidence of some remediation and continued employment.
- Absence of previous fitness to practice allegations.
- Contextual factors, i.e., COVID-19.

The following aggravating factors have been identified:

- Harm or risk of harm to people who use social work services.
- Insight still developing.

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. With reference to the case examiner guidance, one 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; three 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 five 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 account the length of time that has elapsed since the issues of concern arose and during which the social worker has continued to practice without restriction. The social worker's employer has reported some recurrence of the issues of concern, but these have been addressed through supervision processes, and have not resulted in any further fitness to practise issues being raised formally. The case examiners consider that the social worker may need an additional period to further develop their insight into the issues of concern, to ensure that they have fuller insight and have remediated and understand the importance of adhering to professional standards.

The case examiners consider that whilst they have found the risk of repetition remains, this risk appears to be low as it is being managed by the employing authority on a day-to-day basis. There is evidence to suggest that the conduct under consideration may have been limited to a specific period when the social worker

appears to have found their case load challenging within the context of a national pandemic.

The case examiners next considered a 3-year warning; however, they feel that this would be disproportionate given the concerns relate to conduct which occurred 5 years ago, and the social worker appears to have continued to practice without any notable concerns, or performance concerns that have required further involvement from the regulator.

The case examiners next considered whether a Conditions of practice order may be appropriate. The case examiners do not consider the issues under consideration to be sufficiently serious to require any restriction of their practice. The social worker has remained employed in the same authority where these concerns arose, and they are therefore alert to the issues of concern and any potential reoccurrence of these. The evidence suggests that the social worker's employer is providing robust supervision to the social worker and monitoring any performance related issues.

Furthermore, the case examiners also consider that higher sanctions, i.e., a condition of practice order, or a suspension order, would be disproportionate in the circumstances of this case. The concerns appear to have arisen in the context of the national pandemic and when the social worker says they had a higher than usual caseload, rather than appearing to have impacted throughout their career. The case examiners are satisfied that conditions of practice are not required, and would be disproportionate in the circumstances of this case. Further, this is not a case which has fallen only marginally short of requiring removal from practice, so a suspension order is not considered appropriate.

The case examiners have therefore decided to propose to the social worker a warning order of one year's 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 imperative that social workers are accountable for the quality of their practice and the decisions they make.

The case examiners remind the social worker of the importance of adhering to the professional standards generally, but in particular:

3.2: As a social worker, I will; Use information from a range of appropriate sources, including supervision, to inform assessments, to analyse risk, and to make a professional decision.

3.8: As a social worker, I will; Clarify where the accountability lies for delegated work and fulfil that responsibility when it lies with me.

3.9: As a social worker, I will; Make sure that relevant colleagues and agencies are informed about identified risks and the outcomes and implications of assessments and decisions I make.

3.11: As a social worker, I will; Maintain clear, accurate, legible, and up to date records, documenting how I arrive at my decisions.

This conduct should not be repeated. The regulator will take a dim view on any similar matters brought to their attention and are likely to impose a more serious outcome.

Response from the social worker

On 18 August 2026, the case examiner received notification that the social worker had read the case examiners decision and the accepted disposal guide. The social worker has confirmed that they understand and accept the terms of the proposal to conclude this matter by way of a warning order of one year's duration.

Case examiners' response and final decision

Having been advised of the social worker's response, the case examiners again turned their minds as to whether the proposed disposal remains the most appropriate means of disposal for this case. They have reviewed their decision, paying particular regard to the overarching objectives of Social Work England, i.e., protection of the public, the maintenance of public confidence in the social work profession, and the maintenance of proper standards. Having done so, they remain

of the view that an accepted disposal warning order of one year's duration is a fair and proportionate disposal, and is the minimum necessary to protect the public and the wider public interest.