Case Examiner Decision
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FTPS-23938

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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	17 August 2026
	Accepted disposal proposed - warning order (3 years)
Final outcome	20 August 2026
	Accepted disposal - warning order (3 years)

Executive summary

The case examiners have reached the following conclusions:

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

The case examiners did not consider it to be in the public interest for the matter to be referred to a final hearing and 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 a warning order of 3 years.

The social worker agreed to this proposal and the case examiners have concluded the case by way of accepted disposal.

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

The complaint and our regulatory concerns

The initial complaint	
The complainant	The complaint was raised by the social worker's current employer.
Date the complaint was received	30 July 2024
Complaint summary	The complainant alleged that the social worker accessed records of two families without a practice need to do so.

Regulatory concerns

Regulatory concerns are clearly identified issues that are a concern to the regulator.

The regulatory concerns for this case are as follows:

1. Between the dates of December 2022 and May 2024, you accessed confidential records without a practice need to do so.

Grounds of impairment:

The matters outlined at concern 1 amount to the statutory ground of misconduct.

Preliminary issues

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

The realistic prospect test

Fitness to practise history

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

Decision summary

Is there a realistic prospect of the adjudicators finding the social worker's fitness to practise is impaired?	Yes	☒
	No	☐

The case examiners have determined that there is a realistic prospect of regulatory concern 1 being found proven, that this concern could amount to the statutory ground of misconduct, and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

1. Between the dates of December 2022 and May 2024, you accessed confidential records without a practice need to do so.

The case examiners have seen the original referral, as well as the employer's investigation report, which includes a witness statement from a team manager from a different team to the social worker. Concerns were raised by the team manager of the allocated social worker who was allocated to Family 1. It was reported that the social worker was not allocated to Family 1, however they were in fact friends with the mother of Family 1.

The mother of Family 1 informed their allocated social worker during an assessment session that they knew the social worker and that the social worker could confirm that she was a good mother. This prompted the local authority to conduct an access

audit of Family 1, which they state showed the social worker had accessed the file on 3 December 2023.

Whilst the case examiners have not been provided with any primary evidence, i.e. a case access log, for Family 1, and have only seen the investigation report with the alleged conduct, the social worker does not dispute accessing this record.

In relation to Family 2, the social worker had been open with their manager about their personal friendship with the family, something which the social worker's manager confirms in an employer interview on 20 June 2024 as part of the employer's internal investigation.

Following the access audit of Family 1, another audit was then completed relating to Family 2.

The case examiners have had sight of an audit log for Family 2 which shows that the social worker accessed the case records of Family 2 on twelve occasions over a period of 18 months, ranging from 7 December 2022 to 21 May 2024.

The local authority investigation report states that neither family were allocated to the social worker.

The case examiners have been provided with a system access and IT training request form signed by the social worker on 19 January 2022. Within this it states:

"I will only access personal data on computer files and systems (such as LCS/EHM) and other records when there is a clear business need and a 'need to know'. I will not seek to view records of colleagues, family or acquaintances."

This indicates that the social worker should not have accessed the files as they had no professional involvement with the families.

The social worker within the employer's investigation and within their submissions to the regulator accepts that they accessed the records of Family 1 and 2 and states that this was in order to provide the families with reassurance and emotional support. They state that they were trying to be "everything to everyone" and that their boundaries were blurred.

The case examiners are of the view that the evidence suggests the social worker accessed confidential records without a practice need to do so.

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

Grounds

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

To help them decide if the evidence suggests a significant departure from what would be expected in the circumstances, the case examiners have considered the following standards, which were applicable at the time of the concerns, namely Social Work England professional standards (2019).

As a social worker, I will:

2.2 Respect and maintain people's dignity and privacy.

2.6 Treat information about people with sensitivity and handle confidential information in line with the law.

As a social worker, I will not:

5.2 Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.

The case examiners are aware that falling short of the standards may not always amount to misconduct. However, adjudicators in this instance may consider the alleged conduct to be a significant departure from the expected standards noted above.

Social workers in their roles have access to a large amount of confidential information about people, therefore members of the public need to be confident that when social workers access records, they do so for legitimate reasons only. Maintaining service user confidentiality is such an important part of social work, and not doing so has real potential to harm public confidence in the profession.

The case examiners are aware that in this case, the social worker states they accessed the records in order to provide support to both families. The evidence suggests that this was the case and they do not appear to have accessed the records with any intention to share or use the information for any reason, other than to provide emotional support to the families in question, due to their personal relationships. The case examiners note that it is documented within the employer's investigation report that the social worker's manager stated that the social worker was always open and transparent about their relationship with both families outside

of work. However, the case examiners are minded that social workers are entrusted with access to highly sensitive information about people and any non-legitimate access to this information would be considered a breach of public trust. In this instance, due to the existing personal relationships with the families, it may be considered that it was even more important for the social worker to be extra vigilant and exercise caution when using the case management system.

Given the importance of handling case records appropriately and in line with the law, the case examiners consider that the social workers actions would be considered a significant departure from the professional standards.

Accordingly, the case examiners are satisfied there is a realistic prospect of adjudicators determining that regulatory concern 1 amounts to the statutory ground 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.

Whether the conduct can be easily remedied

The case examiners are of the view that the social worker's conduct is capable of remediation through the social worker demonstrating full insight into the seriousness of the concern raised, attending training, and engaging in positive reflection, and demonstrating that they understood why the concern had arisen, and that they are capable of acting in accordance with the required professional standards in future.

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.

The case examiners acknowledge that the social worker has engaged with both their employer and the regulator and provided reflections which indicate insight, remorse, and an awareness of the concerns. Examples of this include:

- "I accept that using my ability to access this record was outside the remit of my role both professionally and personally".
- "I know that this has affected my professional integrity and will have affected the public perception both of myself as a social worker and the profession. The public should be able to trust that we are reliable and acting in their best interests when they are at their most vulnerable and my practice at the time fell below the standard that they should be able to expect at the very least."
- "Using this insight, I am also able to acknowledge the effect that my accessing the records of Family A and Family B would have on them when I consider the information that was contained in the records."
- "My actions were wholly misguided and never intended to harm but I absolutely acknowledge that that I have done wrong."
- "I am also deeply ashamed at having let Family A and Family B down as well as my employer. I have sought to distance myself with them both personally and professionally to ensure that they are able to be confident in the services that they may receive from the Local Authority independently of me having any knowledge of any of their interactions and now work in a different area of the County with different colleagues who do not cover the area in which I live. Whilst these families had reached out for support which I misguidedly gave, I should have referred them to either the initial contact centre or their own social workers and discussed this more with my line manager at the time."

The case examiners are satisfied that the social worker has provided sufficient meaningful reflection. The social worker reflects on what they should have done differently and has changed teams in order to manage any potential future conflicts.

The social worker in their reflective statement has considered what may have led to the alleged conduct and has provided some context in terms of their working environment as well as some challenging personal circumstances. The social worker accepts that this does not excuse the alleged conduct and has reflected upon how they may approach things differently if they were faced with a similar situation.

Remediation

Turning their minds to remediation, the case examiners are aware that this is best shown by objective evidence. For example, by the successful completion of education or training courses (and information from the social worker to explain what they have learned from these), satisfactory performance appraisals, or other positive feedback in relation to their professional practice.

Training

The social worker has provided certificates from various training courses they have completed.

In particular, the case examiners note that the social worker completed training on:

- Information Governance, GDPR and Data Protection on 23 July 2024
- Managing Practice Learning Programme in June and July 2025
- Cyber Security on 27 August 2025

The case examiners consider that this training is relevant, and therefore they are encouraged by the social worker taking part in such courses.

Employment reports and testimonials

Testimonials that provide up to date, credible information about the social worker's current practice can be relevant when exploring current impairment.

The local authority head of service confirmed on 16 April 2026 that an audit was carried out in the first year following their investigation and that the audit did not show any further instances of the social worker accessing records that they should not have accessed.

The case examiners have had sight of an email from the social worker's current employer, where they are employed as a social worker, dated 28 April 2026. Within this, they speak positively of the social worker's practice and confirm that they have no concerns.

The social worker also provided feedback they received on 5 March 2026 from a student they had mentored. Whilst this feedback is positive, the case examiners have given this little weight as the student makes no reference to being aware of the concern in the case, and therefore this doesn't directly relate to the regulatory concern.

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 are mindful that the evidence indicates that the social worker repeatedly accessed files without a professional reason to do so, however, the case examiners in their assessment are assisted by:

- A passage of time, during which there has been no repetition of similar behaviours or reported concerns.
- The social worker's good level of insight.
- Evidence of remediation.
- A positive employer testimony.

The case examiners' have therefore concluded there is a low risk of repetition in this case.

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 consider that the adjudicators may determine that a member of the public would be concerned where a social worker has accessed confidential records of service users on a number of occasions, over a period of 18 months, without a practice need to do so. This has the potential to seriously undermine public trust in social workers.

Therefore, in the case examiners' view, if the matters are found proven, a finding of impairment would be required to maintain public confidence in both the social work profession, and in the regulator's maintenance of proper professional 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 not found a public interest in referring the case to a hearing.

The case examiners have noted that the social worker has not indicated to the regulator whether they consider their fitness to practise to be currently impaired. Where a social worker does not accept current impairment, case examiner guidance suggests that a referral to a hearing may be necessary in the public interest.

However, the case examiners note that the guidance states the social worker must accept the matter of impairment at the point of concluding the case and are of the view that this does not prevent them offering accepted disposal prior to this.

The case examiners consider that it is reasonable to offer accepted disposal in this case because:

- There is no conflict in evidence in the case.
- The social worker does not dispute any of the key facts of the case.

- The accepted disposal process will provide the social worker an opportunity to review the case examiners' reasoning on impairment and reflect on whether they are able to 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 explore the question of impairment in more detail.

- The case examiners are also of the view that the public would be satisfied to see the regulator take prompt action in this case, with the publication of an accepted disposal decision providing a steer to the public and the profession on the importance of adhering to the professional standards expected of social workers in England.

The case examiners will therefore seek to resolve this matter through the accepted disposal process.

Accepted disposal

Case outcome		
Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☒
	Conditions of practice order	☐
	Suspension order	☐
	Removal order	☐
Proposed duration	3 years	

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 considering sanctions, the case examiners have considered the following mitigating and aggravating factors:

<u>Mitigating</u>

- The social worker has engaged with the investigation and fitness to practise process.
- The social worker has demonstrated insight and provided evidence of remediation.
- There is no evidence to suggest that the social worker shared any information from the records they accessed.
- The social worker appears to have been experiencing personal challenges at the time the concerns arose.

- The social worker was early in their social work career.

Aggravating

- The social worker accessed records for Family 2 on multiple occasions over a period of 18 months.
- There is evidence to suggest that the social worker accessed records for more than one family, without a practice need to do so.

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

As the case examiners have concluded that the risk of repetition is low, they first considered non-restrictive outcomes.

No further action

The case examiners considered taking no further action but do not consider that a finding of impairment itself would be enough to protect the public and address the public interest.

The case examiners are mindful that the sanctions guidance considers that when a finding of impairment has been made, the factors justifying taking no further action need to be exceptional in nature. The case examiners do not deem the findings in this case to be exceptional.

The case examiners are therefore satisfied that a finding of no further action would be insufficient to protect public confidence, especially taking into consideration the seriousness of the regulatory concerns in this case.

Advice

The case examiners next considered whether offering advice would be sufficient in this case.

The case examiners are aware that advice should set out the steps the social worker should take to avoid repeating the conduct that contributed to the concern.

The case examiners do not feel that providing the social worker with advice would be appropriate to mark the seriousness of the social worker's alleged conduct. Furthermore, it would be insufficient to protect the public, maintain public confidence and uphold the reputation of the profession.

Warning order

The case examiners next considered whether a warning order would be appropriate in this case.

Warning orders are appropriate where case examiners wish to show a clear disapproval of the social worker's conduct. A warning order also serves as a signal to the social worker that if they were to repeat the behaviour, this is likely to result in a more severe sanction.

The sanctions guidance, at paragraph 108, states:

"A warning order is likely to be appropriate where (all of the following):

- the fitness to practise issue is isolated or limited
- there is a low risk of repetition
- the social worker has demonstrated insight"

The case examiners consider that although the conduct that led to the regulatory concern was not isolated, it could be considered limited as it took place within a particular timeframe, was limited to two families, one of which the social worker only accessed their record once, and no similar conduct has been reported to have occurred since. Furthermore, it does not appear that the social worker shared any of the information they had accessed.

In determining impairment, the case examiners are encouraged by the social worker's reflections, and they have concluded that there is a low risk of repetition as they consider that the social worker has demonstrated an appropriate level of insight and remediation.

The case examiners therefore consider that a warning order is the most appropriate and proportionate outcome in this case, as it represents the minimum sanction necessary to sufficiently mark the seriousness with which the case examiners view the social worker's conduct. They also consider that a warning order can adequately address the public's confidence in the profession, and the maintenance of professional standards.

In order to test their reasoning, the case examiners next considered whether a restrictive sanction would be more appropriate.

Conditions of practice

Conditions of practice orders protect the public while the social worker takes necessary steps to remediate their fitness to practise and may be suitable when appropriate, proportionate, and workable conditions can be put in place. However, in this instance, the social worker has already taken the necessary steps to remediate, and the case examiners therefore consider that a conditions of practice order would not be appropriate or proportionate.

Suspension

The case examiners consider that suspension would be a disproportionate and punitive sanction, given that the social worker has undertaken remediation, demonstrated good insight and since the concerns were first raised, the social worker has continued to work for the same employer, with no further fitness to practise concerns raised. The case examiners do not consider that this is an instance that falls marginally short of removal. The case examiners are of the view that a suspension order would also risk deskilling the social worker.

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

Length of the warning order

Warning orders can be imposed for one, three, or five years. The case examiners are satisfied that in this case a three year warning order would be sufficient to mark the seriousness of the conduct in question.

The sanctions guidance states that a one year order may be appropriate for an isolated incident of relatively low seriousness. The case examiners do not consider that the social workers conduct, in accessing records on multiple occasions without a practice need to do so, is of relatively low seriousness. Furthermore, the conduct was not isolated as it related to more than one family and was over a significant period of time. As such a one year warning would be insufficient to protect the public and maintain public confidence.

The case examiners considered the guidance in relation to a three year order, which may be appropriate for more serious concerns. The case examiners consider that the concern in this case is serious and therefore a three year order is proportionate to maintain public confidence and to send a message to the public, the profession and the social worker about the standards expected of social workers.

With regards to a five year order, the case examiners do not consider that the matter fell marginally short of the need to restrict practice, due to the low risk of repetition as highlighted in earlier sections of this determination, and therefore five years would

be disproportionate and not represent the minimum sanction required to protect the public.

In all the circumstances of this case, the case examiners are satisfied that a warning of three years duration is the proportionate sanction.

Conclusion

The case examiners have decided to propose to the social worker a warning order of three years 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

Your conduct in this case represented a significant departure from the expectations of social workers in relation to respecting privacy and maintaining confidentiality.

You are reminded of the importance of social workers not accessing service user records without a practice need to do so.

Your alleged actions do not align with Social Work England's professional standards (2019). You are therefore warned to adhere to these in future. In particular, the case examiners bring your attention to the following standards:

As a social worker, I will:

2.2 Respect and maintain people's dignity and privacy.

2.6 Treat information about people with sensitivity and handle confidential information in line with the law.

As a social worker, I will not:

5.2 Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.

Your conduct should not be repeated. Any similar matters brought to the attention of the regulator are likely to result in a more serious outcome.

Response from the social worker

The social worker provided a response on 19 August 2026 confirming the following:

"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

In light of the social worker's acceptance of the warning order, the case examiners have considered again whether there would be a public interest in referring this matter to a public hearing. They remain of the view that this is unnecessary for the reasons set out earlier in the decision.

The case examiners have turned their minds as to whether a warning order 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 by way of a warning order of 3 years is a fair and proportionate disposal and is the minimum necessary to protect the public and the wider public interest.