Case Examiner Decision

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FTPS-25050

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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	25 August 2026
	Accepted disposal proposed - warning order (3 years)
Final outcome	9 September 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 concerns 1, 2 and 3 being found proven by the adjudicators.

2. There is a realistic prospect of regulatory concerns 1, 2 and 3 being found to amount to the statutory ground of misconduct.

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 was notified of their intention to resolve the case with a warning order of 3 years duration. The social worker responded accepting the proposal in full.

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.

The complaint and our regulatory concerns

The initial complaint	
The complainant	The complaint was raised by the social worker's employer, [redacted] ("council").
Date the complaint was received	17 September 2025
Complaint summary	The social worker informed their employer in August 2025 that they had accessed client records without professional reason to do so. Further investigation suggested that the social worker had not been honest about their conduct to their employer.

Regulatory concerns

Whilst registered as a social worker from October 2024 to August 2025 you:

1. Failed to handle confidential information in law with the law in that you accessed and/or downloaded case records relating to child A, their family, and/or acquaintances without a professional and/or legitimate reason to do so.

2. During the disciplinary fact-finding process and meetings with your manager you initially failed to disclose that you had accessed multiple records related to child A, their family, and/or acquaintances.

3. The conduct at regulatory concern 2 was dishonest.

The matters outlined in regulatory concerns 1, 2 and 3 amount to the statutory ground of misconduct.

Your fitness to practise is impaired by reason of misconduct.

Preliminary issues

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

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

The case examiners have made the following amendment to regulatory concern 1:

- Failed to handle confidential information in ~~law~~ line with the law in that you accessed and/or downloaded case records relating to child A, their family, and/or acquaintances without a professional and/or legitimate reason to do so.

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



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 ground of misconduct, and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

Whilst registered as a social worker from October 2024 to August 2025 you:

1. **Failed to handle confidential information in line with the law in that you accessed and/or downloaded case records relating to child A, their family, and/or acquaintances without a professional and/or legitimate reason to do so.**

Regulatory concern 1 alleges a failure on the part of the social worker, the case examiners have therefore considered what the expectation was of the social worker in the circumstances.

Firstly, as the regulatory concern alleges, it is reasonable to suggest that a registered social worker would be expected to handle confidential information in line with the

law. To assist, the case examiners have been provided with a copy of the council's Information Security Policy which states:

"All users shall understand and adopt this policy… Staff shall not deliberately access information for any friends, relatives, neighbours, or anyone known to them out of curiosity, and will not view, amend, or disclose such information for any purpose other than connected with their role… Staff shall only access, view, or amend information relevant to the work they undertake in their role and for the purpose of providing a service."

Furthermore, as a registered social worker the social worker is expected to adhere to Social Work England's professional standards, including standard 2.6 which states, As a social worker I will:

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

The case examiners consider the evidence suggests there was an expectation of the social worker to only access records for a professional reason and maintain confidentiality at all times.

Within the employer's investigation report dated 20 October 2025, the background to the investigation sets out that *'during the fact finding it was identified that other confidential records had also been accessed for individuals that [social worker] has no reason or approval to access'*.

The case examiners have seen evidence from the council's audit of the case management systems that shows the social worker accessed the case records relating to child A and their family members on multiple occasions within the date range stipulated in regulatory concern 1. The emails containing the access audit of the social worker are redacted making it difficult for the case examiners to ascertain exactly how many times the social worker accessed each individual's record. However, it is clear from the audit evidence that the social worker accessed the records of multiple people connected to child A on multiple occasions, specifically child A, child A's mother [redacted]

The emails containing the audit of the case management systems appear to be cogent as they are all sent to and from council email addresses throughout the council's internal investigation period. The detail obtained from the audit is contained within a 'chronology of access to records' document that was produced by

the council during their internal investigation. The chronology has been provided to the case examiners and corresponds to the information provided in the audit.

Within the social worker's manager's council investigation interview statement, there is reference to the social worker being advised not to access the records for child A and that the social worker responded by saying *"[they] already knew this"*. This indicates to the case examiners that the social worker was aware of the expectations placed upon them.

The case examiners have considered the social worker's response to regulatory concern 1 where the social worker states *"I accept that I accessed care records without a legitimate professional reason on a number of occasions, specifically in October 2024, February 2025, and June 2025."*

The evidence suggests the social worker was aware of the expectations in relation to accessing confidential records, however they accessed a number of different records with no professional reason. This suggests that they failed to handle confidential information in line with the law.

The case examiners are satisfied there is a realistic prospect of this regulatory concern being found proven, should the matter go forward to adjudicators.

2. **During the disciplinary fact-finding process and meetings with your manager you initially failed to disclose that you had accessed multiple records related to child A, their family, and/or acquaintances.**

Regulatory concern 2 alleges a failure on the part of the social worker, the case examiners have therefore considered what the expectation was of the social worker in the circumstances. The case examiners have had sight of the council's Information Security Policy which states:

"All users shall understand and adopt this policy… Users shall: Inform their management of any unauthorised access to data to systems or data by themselves to allow corrective measures to be taken."

The case examiners also refer to professional standard 2.6, noted above. The case examiners consider the evidence suggests there was an expectation of the social worker to inform their manager regarding any unauthorised access to records.

To provide context, the evidence suggests the social worker disclosed to their manager on 11 August 2025 that they had inadvertently accessed the record of [redacted] child [redacted] when working on a MASH (Multi Agency Safeguarding Hub) referral into the service. The employers' investigation report sets out that the social worker's manager escalated the disclosure to their own manager

which triggered further investigation by management who discovered that social worker had accessed other confidential records specifically linked to child A their family/acquaintances on an ad hoc basis since October 2024. The evidence from the council's internal investigation suggests that the social worker made a full disclosure regarding their access to the records of child A on 14 August 2025.

The social worker has acknowledged, in their statements, to the council throughout their internal investigation and to the regulator throughout their investigation that they did not initially inform their managers that they had accessed records relating to child A and their family/acquaintances on multiple occasions. The social worker has provided extensive reasoning to the regulator and the employer as to why they did not initially disclose the full extent of their access to the records, this will be considered later on in this determination.

In a statement provided to the council at the beginning of the investigation the social worker wrote a paragraph entitled *"why I was not fully open in fact-finding meetings"*. This statement read:

"I also want to explain why I was not fully open during the fact-finding meetings on 12th and 13th August. The truth is, I was ashamed and overwhelmed. I panicked, and I found it incredibly difficult to say out loud what I had done. My silence came from shame and fear, not from an intention to deceive. I realised I needed to be honest with [manager]; therefore, I spoke to [manager's manager] on the morning of 14th August 2025 and asked about being honest around previous accesses."

The social worker reports in their submissions to the regulator that:

"I acknowledge that during the initial conversation with my manager, I stated that I had accessed a record once by accident. I wish to clarify that this was an incomplete account provided at a time when I was overwhelmed, panicked, and experiencing significant shame. I had not yet fully processed or articulated the extent of my previous actions."

The social worker's manager's statement confirms that the social worker did not disclose the full extent of their access to child A (and other's) confidential records. The manager reports:

"[Manager] stated that [they] gave [the social worker] repeated opportunities to be open and honest, but [the social worker] did not provide full details at that time. [The manager] stated that not all accesses were disclosed immediately. Some were identified later through further review and reports."

The case examiners have seen an appendix to the social worker's manager's statement that appears to be an extract from a Microsoft Teams exchange between the manager and the social worker discussing the initial access to child A's record on the 11 August 2025, the extract itself is undated. It reads:

"I asked [the social worker] if [they] had viewed anything else on the record and [they] said No."

Having considered the evidence set out above, the case examiners are satisfied there is a realistic prospect of this regulatory concern being found proven, should the matter go forward to adjudicators.

3. The conduct at regulatory concern 2 was dishonest.

As outlined above, the evidence suggests that the social worker did not initially disclose the extent of their unauthorised access to records and there was an expectation that they would do so. The case examiners have gone on to consider whether the alleged conduct was dishonest. In considering regulatory concern 3, the case examiners have applied the test for dishonesty, which consists of two parts – the subjective test and the objective test.

The subjective test

The subjective test requires the case examiners to assess the evidence to ascertain the social worker's actual knowledge or belief as to the facts. The question is not whether the social worker's beliefs are reasonable, but whether they were genuinely held at that time.

In relation to the subjective test, the evidence suggests that the social worker knew that they had accessed child A's case records when questioned by their manager over the course of the 11-14 August 2025. The case examiners note the evidence that the social workers explanations changed and became more of an accurate reflection of their access to the records throughout the course of the meetings with their managers. The case examiners consider that the social worker's inconsistency in their accounts to their manager could suggest that they knew the full extent of their access to child A's but did not disclose it initially.

Whilst the social worker does not accept that they were dishonest in their submissions to the regulator, the evidence appears to suggest that the social worker knew that they had not been honest with their managers. The evidence explored at regulatory concern 2 above appears to support this, specifically the comments the social worker made to their employer stating, *"why I was not fully open in fact-finding meetings"* and *"I realised I needed to be honest with [manager]",* as well as their

submissions to the regulator, where they *'acknowledge that my initial account was incomplete, this was not due to an intention to mislead, but rather a result of panic.'*

The social worker has shared an apology letter sent to their managers, which is undated. Within this, they state on the 14 August 2025 *"I asked if Care Director logins would be fully checked, because I had accessed records previously and I wanted to be honest with [Team Manager] about it. As during the fact-finding meeting on the 12th and 13th August 2025 I was not fully honest with [Team Manager]."*

The evidence suggests that the social worker was aware of the need to provide accurate information to their manager during the meetings regarding unauthorised access to record, but they did not do so.

The objective test

The objective test requires the case examiners to consider whether the social worker's alleged conduct may be considered dishonest by the objective standards of ordinary decent people. There is no requirement for the social worker to appreciate that their conduct is, by the objective standards of ordinary decent people, dishonest.

The case examiners are satisfied that ordinary, decent people would consider it dishonest for a social worker to not provide accurate information to their employer in respect to how many times they had accessed records without an authorised reason to do so.

The case examiners are satisfied there is a realistic prospect of this regulatory concern being found proven, should the matter go forward to 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.

Social Work England – Professional Standards (2019)

As a social worker I will:

2.1 Be open, honest, reliable and fair.

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 your suitability to work as a social worker while at work, or outside of work.

Regulatory concern 1

Social workers are routinely trusted with access to service user's personal lives and highly sensitive and confidential information, such as case notes. Social workers are relied on to act with integrity and professionalism when accessing service users' personal information. The case examiners note the professional standards guidance which sets out that *'professional integrity in social work means always upholding the values and reputation of the profession.'*

The evidence suggests, and the social worker accepts, that they accessed child A (and other's) case records without professional reason to do so. The case examiners are of the view that, if proven, regulatory concern 1 may represent a breach of standard 2.6, around handling confidential information and 5.2, in that social workers are not expected to behave in a way that would bring into question their suitability to work as a social worker. 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.

Regulatory concerns 2 and 3

With reference to the regulator's professional standards guidance, the case examiners note that where it is found that a social worker acted dishonestly, this is always likely to be considered serious. Honesty is key to good social work practice. Social workers are routinely trusted with access to service user's personal lives and highly sensitive and confidential information, such as case notes. When a social worker does not act honestly, this brings into question their suitability to work as a social worker. The evidence suggests that the social worker knew they had failed to disclose that they had accessed multiple records related to child A, their family,

and/or acquaintances, during the course of the council's investigation. This conduct would not align with the professional standards 2.1 and 5.2.

The case examiners have considered the mitigation put forward by the social worker in terms of the impact of their health upon the alleged conduct. The case examiners acknowledge that the social worker submits that at the time of the concerns, they were suffering with personal difficulties, [redacted]

Whilst the case examiners may empathise with how this may have impacted upon the social worker's actions at the time, they consider that honesty and confidentiality are fundamental tenets of social work, which social workers are expected to uphold at all times. The case examiners are of the view that despite the mitigation, adjudicators would consider the alleged conduct to be a significant departure from the professional standards.

Accordingly, there is a realistic prospect of adjudicators determining that regulatory concerns 2 and 3 engage the statutory ground of misconduct.

Impairment

Assessment of impairment consists of two elements:

- The personal element, established via an assessment of the risk of repetition.
- 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 acknowledge that dishonest conduct can be difficult to remediate, as it is characterised in case law as a behavioural or attitudinal issue. However, having considered their guidance, case examiners are of the view that by developing insight into what happened and what they would do differently in the

future, alongside learning or training and evidence of positive current practice, the social worker in these circumstances, could demonstrate there is a low risk of repetition, and that they are capable of safe practice.

Insight

The case examiners consider that the social worker has demonstrated insight from the beginning of the regulators and the council's investigations. For example, in their initial submissions to the regulator the social worker admitted the key facts (albeit they do not accept that they have acted dishonestly but appear to suggest that they accept that they were not initially honest) and has demonstrated (in evidence considered earlier in the decision) that they recognise what went wrong, namely that they panicked and felt ashamed.

When assessing insight, it is also important to establish if the social worker demonstrates a genuine understanding of the impact of their actions on others, and the profession. The case examiners note that the social worker's submissions demonstrate that they appear have this understanding, the social worker has explained that they appreciate the potential impact on the service users, their team as well as the impact their alleged conduct may have upon confidence in the social work profession. The social worker has provided evidence that they have reflected that they should have informed their manager immediately when they had accessed records without professional reason to do so.

The case examiners highlight the following submissions from the social worker:

- *"I take full responsibility for accessing the records of* [redacted] *and of [the mother of child A] without a legitimate work reason. These were my choices, and they were wrong. I am not proud of them. in fact, they fill me with shame. I want to stress that I never shared, printed, or stored the information, and I never intended harm. But the act of looking at the records itself was a breach of trust, and I accept that fully."*

- *"I also want to acknowledge the potential impact of my actions. By accessing records without a legitimate reason, I risked undermining the trust that children, families, and the wider public place in social workers to protect their privacy. Even though I never shared or misused the information, I recognise that the very act of accessing it could cause distress and mistrust if those involved were to become aware."*

- *"I also understand the additional pressure this has placed on my managers and the organisation, who have had to investigate and address the consequences of my actions. I am sorry for creating that burden."*

- *"I also recognise that the public must have confidence in social workers to always uphold confidentiality, and my actions risked damaging that wider confidence in the profession."*

- *"What I can say with certainty is that I now fully understand what constitutes of data breach, and I have the insight and commitment to ensure that I will not make the same mistakes again. From this point forward I will always stay cautious and escalate to my manager before accessing any information where there may be doubt."*

- *"If a similar situation arose now, I would not access the file at all. I would escalate immediately and allow management to take the lead."*

The case examiners consider that the social worker has demonstrated a good level of insight.

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 training courses or other positive feedback in relation to their professional practice. The case examiners have had sight of the social worker's certificate of completion of GDPR training dated 5 January 2026.

The case examiners note their guidance that states where concerns relate to a social workers character, such as, dishonesty, it can be more difficult to evidence remediation. This is because it is more difficult to provide objective evidence of reformed character. The guidance also states that evidence of professional competence cannot mitigate serious dishonesty. Dishonest conduct is highly damaging to public confidence in social work. Therefore, it is likely to warrant a finding of impairment and a more serious sanction of suspension or removal.

The case examiners are aware from the evidence provided by the council that the social worker has remained in employment with the council, in the same role since the date the concerns were raised. The social worker received a written warning on 28 November 2025 following the conclusion of the council's internal investigation. The case examiners have had sight of objective evidence (fitness to practice reference email dated 21 April 2026) provided by the social workers current employer

(also the complainant) who have confirmed that there are no restrictions or issues with the social workers' current practice. The reference is positive and states that:

"I have not had issues or cause for concern with [the social worker's] fitness to practice as a social worker. I have only ever received positive feedback from families that [they] works with, and has worked with, to support. The same can also be said about feedback from other professionals that have worked with [the social worker] since [they] joined our team. [The social worker] has been nominated for a "Making the difference" award in respect of [their] work/practice to enable positive change for families."

The case examiners are of the view that this is evidence that the social worker has directly addressed what went wrong and has now demonstrated safe and effective practice for a period of 12 months since the concerns were raised in August 2025.

The social worker has provided the following examples of additional remediation:

- A reflective statement to regulator, including reflections on the impact of their conduct on public confidence in the profession.



- The social worker reports an increase in the use of supervision and professional support.
- The social worker reports that they have *"agreed to audits of their CareDirector access and have welcomed additional oversight because [they] recognise that trust is rebuilt through actions rather than words."*

The case examiners consider that the social worker has demonstrated a good level of remediation.

The case examiners reiterate that dishonesty is fundamentally serious and they revisited their guidance that states evidence of professional competence cannot mitigate serious or persistent dishonesty. However, there is a recognised spectrum of dishonesty, and the context should be considered. The case examiners will now consider the context around the dishonest conduct and draw on case law to assist them.

There are principles established in case law which state that dishonesty does not have to be an *all-pervading trait* in the sense that a person can be dishonest on just one occasion. Furthermore, that remediation and unlikelihood of repetition are important factors in considering current impairment. Courts have confirmed that decision makers are entitled to find that a dishonest incident was isolated and make a finding of no impairment. The professional's insight and remediation are relevant as well as the low risk of recurrence.

In this case the case examiners consider the following to be important context around the dishonest conduct:

- The evidence suggests that the social worker was not initially honest with their manager regarding the extent of their access to child A (and other's) case records out of panic and feeling ashamed.

- The social worker approached their manager about having accessed the records, rather than it being found out first, and whilst they did not disclose the full extent of their access until 3 days afterwards, the case examiners consider that this may not be perceived as a pattern of dishonest behaviour.

- There has been a significant passage of time since the alleged conduct during which the social worker has demonstrated safe and effective practice.

- There is objective evidence from the current employer that there have been no issues with the social worker's practice, furthermore, many positive references from colleagues who are aware of the regulatory concerns.

- The social worker has demonstrated significant insight and remediation, [redacted] demonstrating that remediation and self-development are still a priority for the social worker despite evidence of good practice.

The evidence suggests that the alleged dishonesty was short in duration, which may point to a temporary state of panic, as described by the social worker, rather than a deep-seated attitudinal trait.

Risk of repetition

In light of the passage of time together with evidence of significant insight and remediation, the case examiners are of the view that the risk of repetition is low.

In summary, the case examiners note their guidance that states:

Personal impairment is ***usually*** (emphasis added by the case examiners) not needed if (both of the following):

- the social worker has understood the causes of and learnt from any mistakes or misjudgements.
- there is no risk of repetition.

The case examiners are satisfied that based on the context and evidence in this case the risk of repetition is low, but acknowledge that they cannot state definitively that there is no risk of repetition.

The case examiners feel that whilst both of the above points are not strictly engaged in this case, for the reasons set out above, they do not consider the social worker to be currently personally impaired, despite not being able to definitively state that there is no risk of repetition.

Whilst the case examiners are satisfied that the risk of repetition is low, but they must consider the public interest when assessing impairment.

Case law assists here, which has made clear that '*the reputation of the profession is more important than the fortunes of any individual member. Membership of a profession brings many benefits, but that is part of the price'*.

Public element

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

In considering the public element, the case examiners were mindful of the regulator's guidance, which explains that allegations of dishonesty are particularly serious, especially when in conjunction with unauthorised access to case records. Honesty is key to good social work practice, as is handling service user information in line with the law, therefore conduct amounting to dishonesty and data protection breaches will likely undermine public confidence in the social work profession.

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

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 when considering the public element.

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 carefully considered whether a referral to a hearing may be necessary in the public interest. The case examiner guidance states that for a case to be concluded through accepted disposal, the social worker must accept the key facts and that that their fitness to practise is currently impaired.

The case examiners note the social worker has accepted the key facts and whilst they state that they do not accept that they were dishonest, their narrative suggests that they broadly accept this. However, the social worker does not accept that their fitness to practise is currently impaired.

Where a social worker does not accept that their fitness to practise is currently impaired, 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. The case examiners are of the view that this does not prevent them offering accepted disposal prior to this.

Whilst the matter is serious, the case examiners are not of the view that it is so serious that a hearing might be necessary to maintain public confidence in the social work profession, or in Social Work England's maintenance of the standards expected of social workers.

The case examiners consider that the public would be satisfied to see the regulator take prompt, firm 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.

Consequently, the case examiners have determined that accepted disposal is the appropriate outcome in this case.

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 (December 2022) and reminded themselves that the purpose of a sanction is not to punish the social worker, but to protect the public.

The case examiners have decided that it is not in the public interest to refer this matter to a final hearing and have chosen the least restrictive sanction necessary to protect the public and the wider public interest.

In line with the sanctions guidance, the case examiners have first considered the following mitigating and aggravating factors in this case;

Mitigating

- Evidence of completion of GDPR training.
- Evidence of remorse and significant insight.
- Extensive remediation together with 12 months of safe and effective practice since the concerns were raised, remained working in the same service area.
- Positive testimonials from their current employer and colleagues.
- Personal mitigation (referenced above)

Aggravating

- The seriousness of concerns raised, accessing multiple records, for multiple service users connected with child A over a period of 9 months.
- Alleged dishonest conduct.

As the case examiners have determined that there is a low risk of repetition in this case, they have started at the lowest possible sanction and worked up, testing the appropriateness of each sanction to test whether their decision is proportionate.

No further action

The case examiners note paragraph 95 of the sanction's guidance which states, when decision makers find impairment, an outcome of 'no further action' is rare. Further, the case examiners are of the view that the misconduct alleged in this case is serious, and that taking no further action does not reflect their consideration of the public interest in this case.

Advice

The case examiners next considered whether offering advice would be sufficient in this case. 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 consider that advice would not be sufficient to mark the seriousness of the social worker's alleged conduct given the aggravating factors set out above.

Warning

The case examiners next considered whether a warning order might be suitable, given that it would show clear disapproval of the social worker's conduct.

The case examiners note that paragraph 108 of the sanctions guidance details three instances where a warning order is likely to be appropriate, they are:

- *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 all three of the above criteria apply in this case. The case examiners have decided that the most appropriate outcome in this case is a warning order. Whilst the case examiners note that the alleged conduct was not isolated, the evidence suggests that it was limited to child A and associated people

and arose from very specific circumstances. The social worker has demonstrated extensive insight and undertaken remediation and demonstrated learning from this and how they would deal with things differently in the future. The case examiners have concluded that there is a low risk of repetition, therefore the purpose of any warning would be to mark the public interest in this matter. Therefore, the case examiners determined that a warning was the most appropriate and proportionate response in this case and was the minimum necessary to protect the public and the wider public interest. A warning will serve as a signal that any repetition of the behaviour that led to the concerns is highly likely to result in a more severe sanction.

In order to test the suitability of a warning order, the case examiners did go on to whether the next sanctions, conditions of practice and suspension, were more appropriate in this case.

Conditions of practice or suspension

The guidance states that decision makers should consider issuing a warning order where they cannot formulate any appropriate or proportionate conditions of practice, and a suspension order would be disproportionate.

The case examiners note the sanctions guidance states that conditions of practice are more commonly suited to cases relating to health, competence, or capability. They are less likely to be appropriate in cases of character, attitude or behavioural failings. However, as set out in earlier sections of this determination, the case examiners are of the view that the dishonest conduct in this instance does not appear to be attitudinal and appeared temporary in nature. Further, there is no evidence of any health, competence or capability issues, and the case examiners have been provided evidence that the social worker has been practicing safely and effectively for a significant period of time, therefore a conditions of practice order is not appropriate.

In this instance, the case examiners consider that the alleged conduct appears limited in nature (the records accessed were specifically in relation to the child A and associated people), and the social worker has demonstrated a significant level of insight and remediation. The case examiners therefore consider that suspension would be a disproportionate and punitive sanction, given that the social worker has undertaken reflection, has engaged with the regulator, and provided evidence of safe and effective practice without any further reported incidents. Therefore, the case examiners determined that a warning is the most appropriate and proportionate response in this case and is the minimum necessary to serve the wider public interest. A warning will serve as a signal that any repetition of the behaviour that led to the concerns is highly likely to result in a more severe sanction.

Duration

In considering the duration of the warning, the case examiners have had regard to the sanctions' guidance which states, 1 year may be appropriate for an isolated incident of *'relatively low seriousness'*. In these cases, the primary objective of the warning is to highlight the professional standards expected of social workers.

The sanctions guidance tells us that 3 years may be appropriate for more serious concerns. This helps to maintain public confidence and highlight the professional standards. The period also allows more time for the social worker to show that they have addressed any risk of repetition. 5 years may be appropriate for serious cases that have fallen only marginally short of requiring restriction of practice.

The case examiners consider 3 years to be proportionate in this case to maintain public confidence and to send a message to the public, the profession and the social worker about the standards expected from social workers. While the case examiners recognise that the matter is reported to be limited, they do not consider it to be of *'relatively low seriousness'* given the seriousness of the misconduct, and risk of harm that could have occurred. Therefore, the case examiners do not consider a 1 year warning to be appropriate.

This was a finely balanced determination, as the case examiners do not consider that the social worker requires additional time to address the risk of repetition however, they consider that 3 years would mark the seriousness with which they view the alleged conduct.

The case examiners do not consider that the matter fell marginally short of the need to restrict practice, and therefore 5 years would be disproportionate and punitive. To confirm, the case examiners are satisfied that a warning of 3 years duration is the proportionate sanction.

The case examiners have decided to propose to the social worker a warning order of 3 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

The regulatory concerns in this case are serious and had the potential to damage the public's confidence in you, and in the profession as a whole.

The case examiners placed significant weight on the evidence that suggests there is a low risk of repetition when reaching their overall decision to impose a warning order in this case. However, should any similar matters be brought to the attention of the regulator, this would bring that conclusion into question and is likely to result in a more serious outcome.

Handling service user information in line with the law and honest conduct are paramount to good social work practice. Failing to do so has the potential to have an adverse effect on the public's confidence in you as an individual social worker and may also damage the reputation of the social work profession.

The case examiners remind you that you are required to adhere to Social Work England's professional standards. In particular, they bring your attention to the following standards:

As a social worker I will:

2.1 Be open, honest, reliable and fair.

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 your 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.

In addition, the case examiners recommend, though cannot mandate, that you reflect on this decision and use this determination as part of your continuing personal development.

Response from the social worker

The social worker provided a response on 2 September 2026 and confirmed *'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 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 warning, rather than through a public hearing.

They proposed a warning order with a duration of 3 years and the social worker accepted this proposal.

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.

Having been advised of the social worker's response, the case examiners have again considered 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 is a fair and proportionate disposal, and is the minimum necessary to protect the public and the wider public interest.