# Case Examiner Decision
# Joseph Cesare – SW117657
# FTPS-23635

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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 | 6 July 2026 |
| | Accepted disposal proposed - conditions of practice order 18 months |
| Final outcome | 2 September 2026 |
| | Accepted disposal – conditions of practice order 18 months |

## Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concern [redacted] 4 being found proven by the adjudicators. [redacted]
2. There is a realistic prospect of regulatory concern 4 being found to amount to the statutory ground of adverse physical or mental health.
3. [redacted]
4. For regulatory concern 4, 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 conditions of practice order of 18 months duration.

The social worker provided a response on 19 August 2026 and accepted the case examiner's disposal.

## Anonymity and redaction

Elements of this decision have been marked for redaction in line with our Fitness to Practise Publications Policy. Text i [redacted] will be redacted only from the published copy of the decision and will therefore be shared with the complainant in their copy. Text i [redacted] 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 former employer. |
| Date the complaint was received | 4 July 2024 |
| Complaint summary | The concerns relate to the social worker's previous role within child protection [redacted]<br>[redacted]<br>There is also a concern that the social worker has one or more unmanaged health conditions and that these may have contributed to the social worker's standard of performance. |

| Regulatory concerns |
|---|
| Regulatory concerns are clearly identified issues that are a concern to the regulator.<br>The regulatory concerns for this case are as follows: |
| [redacted] |

[redacted]

4. You have an unmanaged health condition as set out in schedule 1 which affect your practice.

[redacted]

Grounds of impairment:

[redacted]

The matters outlined in regulatory concern (4) amount to the statutory ground of adverse physical or mental health.

Your fitness to practise is impaired by reason of [redacted] adverse physical or mental health.

## 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.

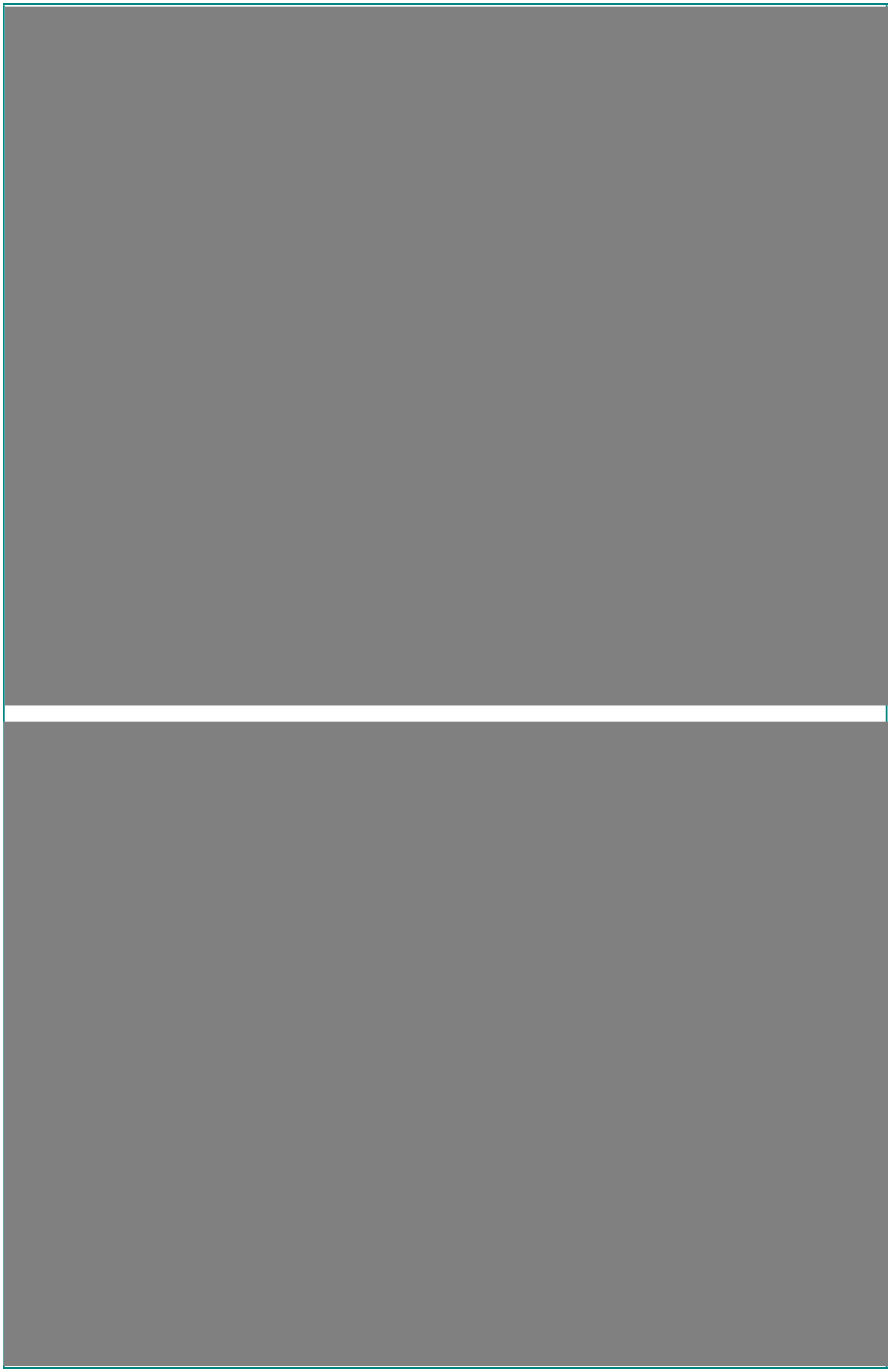
### Decision summary

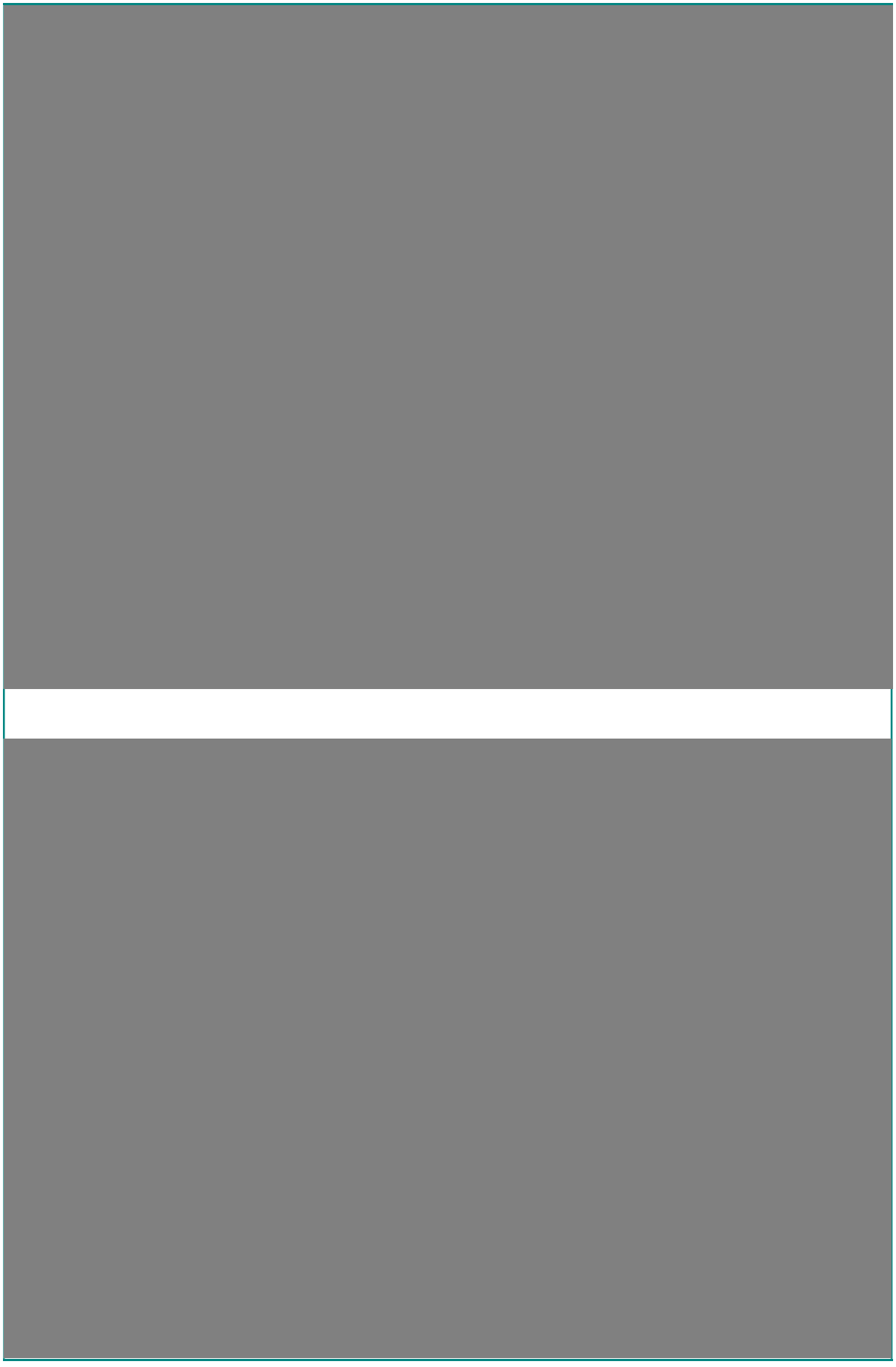
| | | |
|---|---|---|
| Is there a realistic prospect of the adjudicators finding the social worker's fitness to practise is impaired? | Yes | ☒ |
| | No | ☐ |

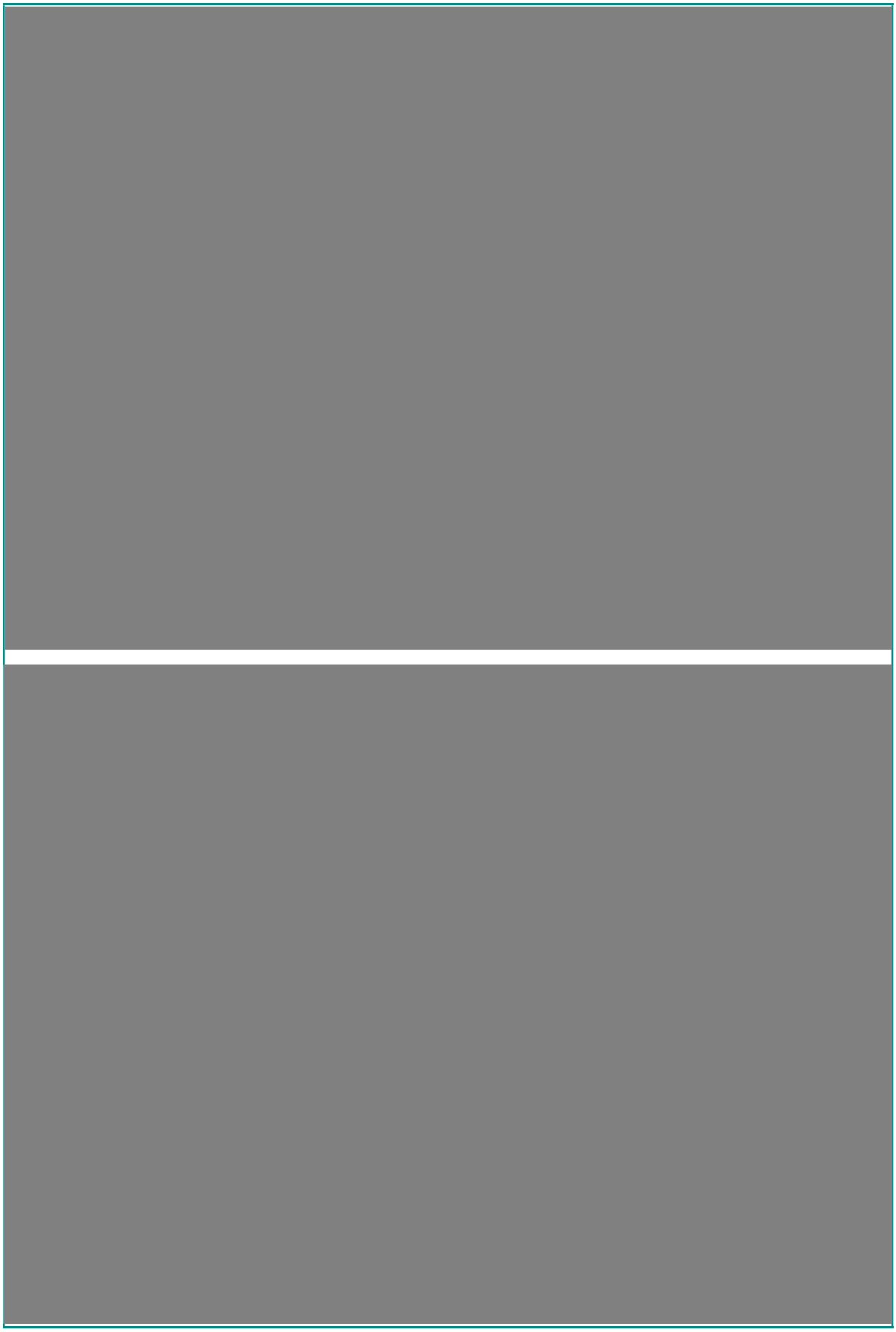
The case examiners have determined that there is a realistic prospect of regulatory concern 4 being found proven, that this could amount to the statutory ground of adverse physical or mental health, and that the social worker's fitness to practise could be found impaired.

### Reasoning

Facts







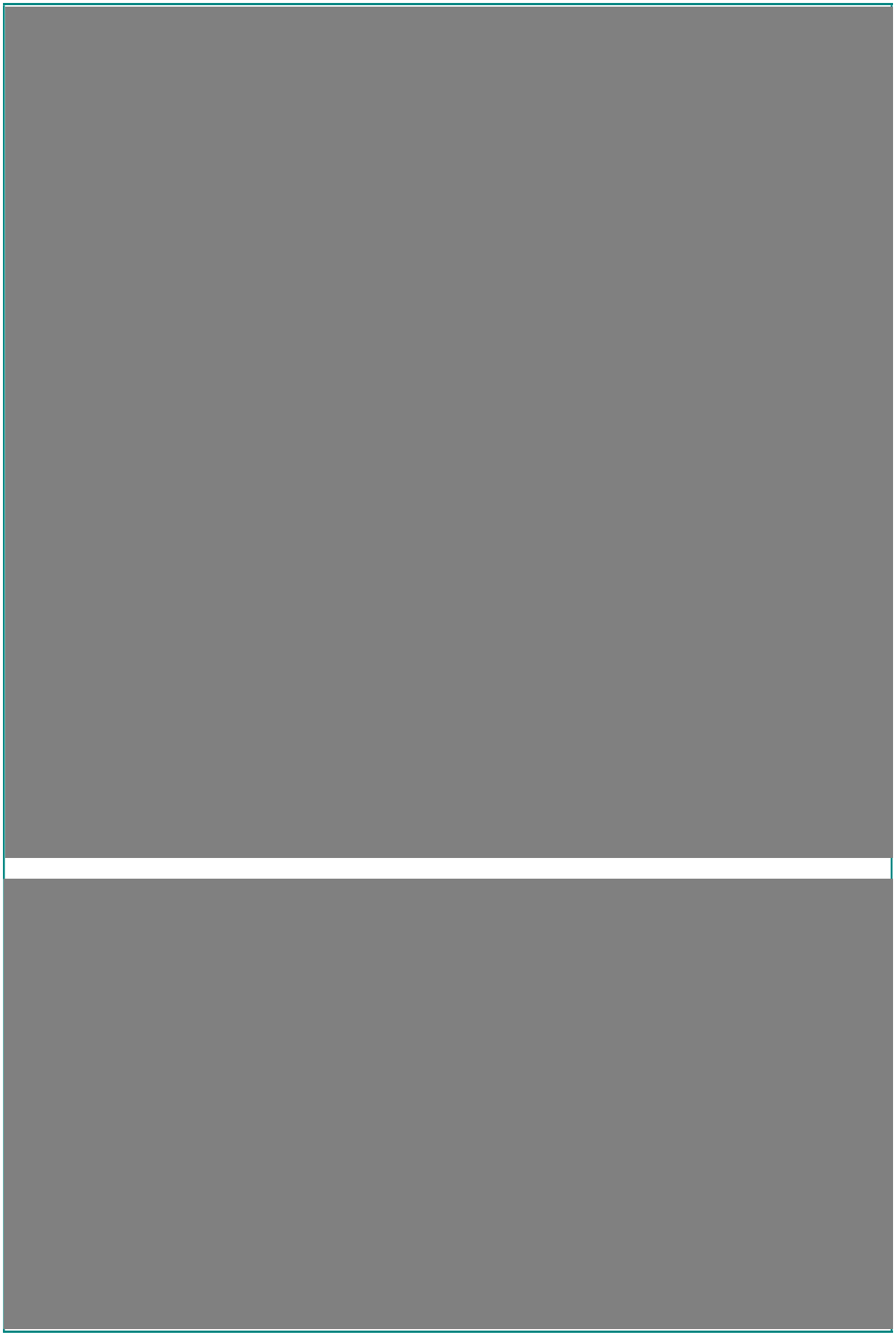
4. You have an unmanaged health condition as set out in schedule 1 which affect your practice.

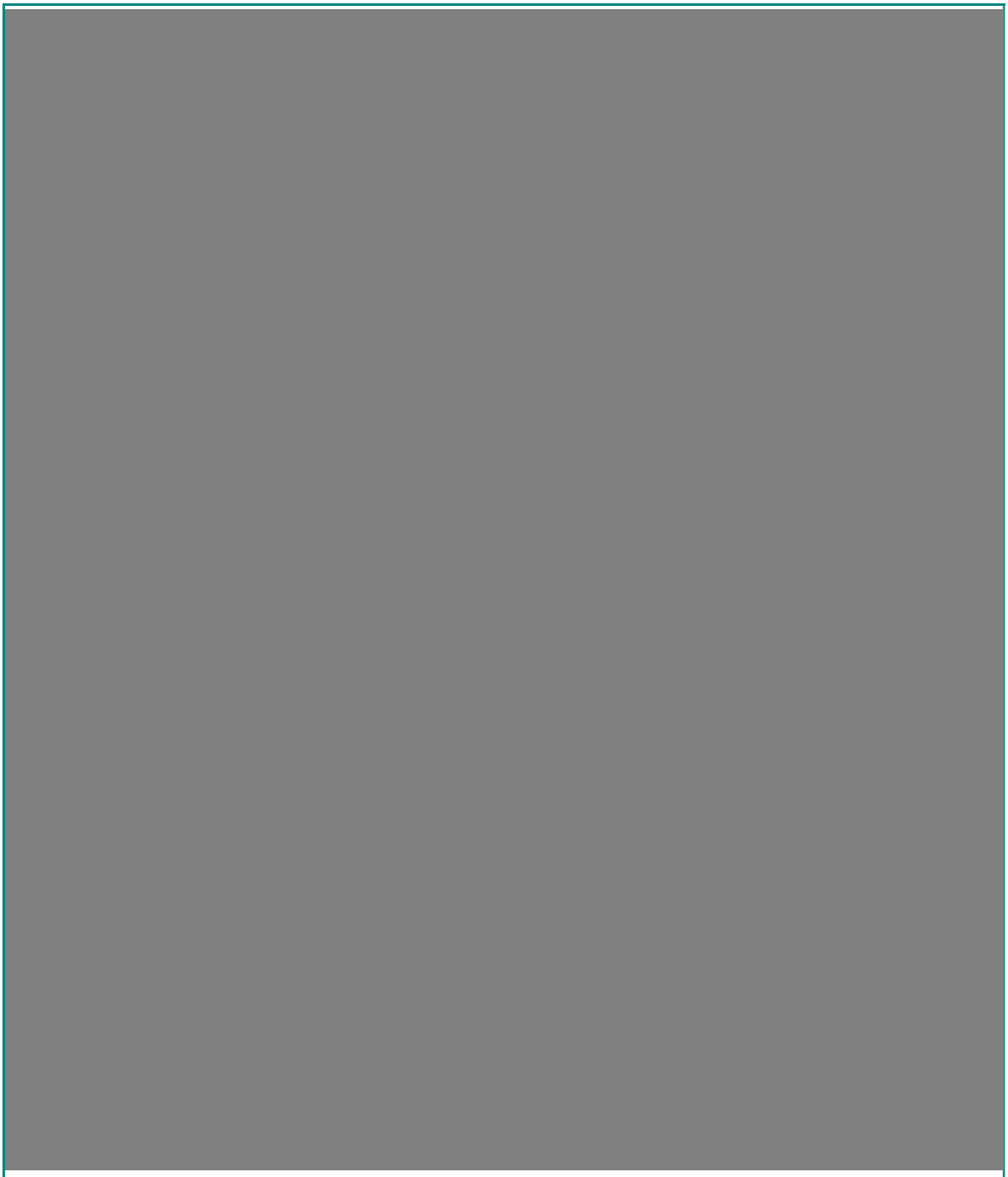
The independent medical assessment report ("the medical report") confirms the social worker's diagnose [redacted] The medical report evidence is supported by 3 occupational health reports which note the same diagnoses.

Accordingly, the case examiners consider there is a realistic prospect that adjudicators would find regulatory concern 4 proven.

Grounds

[redacted]





Regulatory concern 4

The case examiners note that regulatory concern 4 has been presented to them on the statutory ground of adverse physical or mental health. The case examiners have consulted their guidance in respect of health concerns.

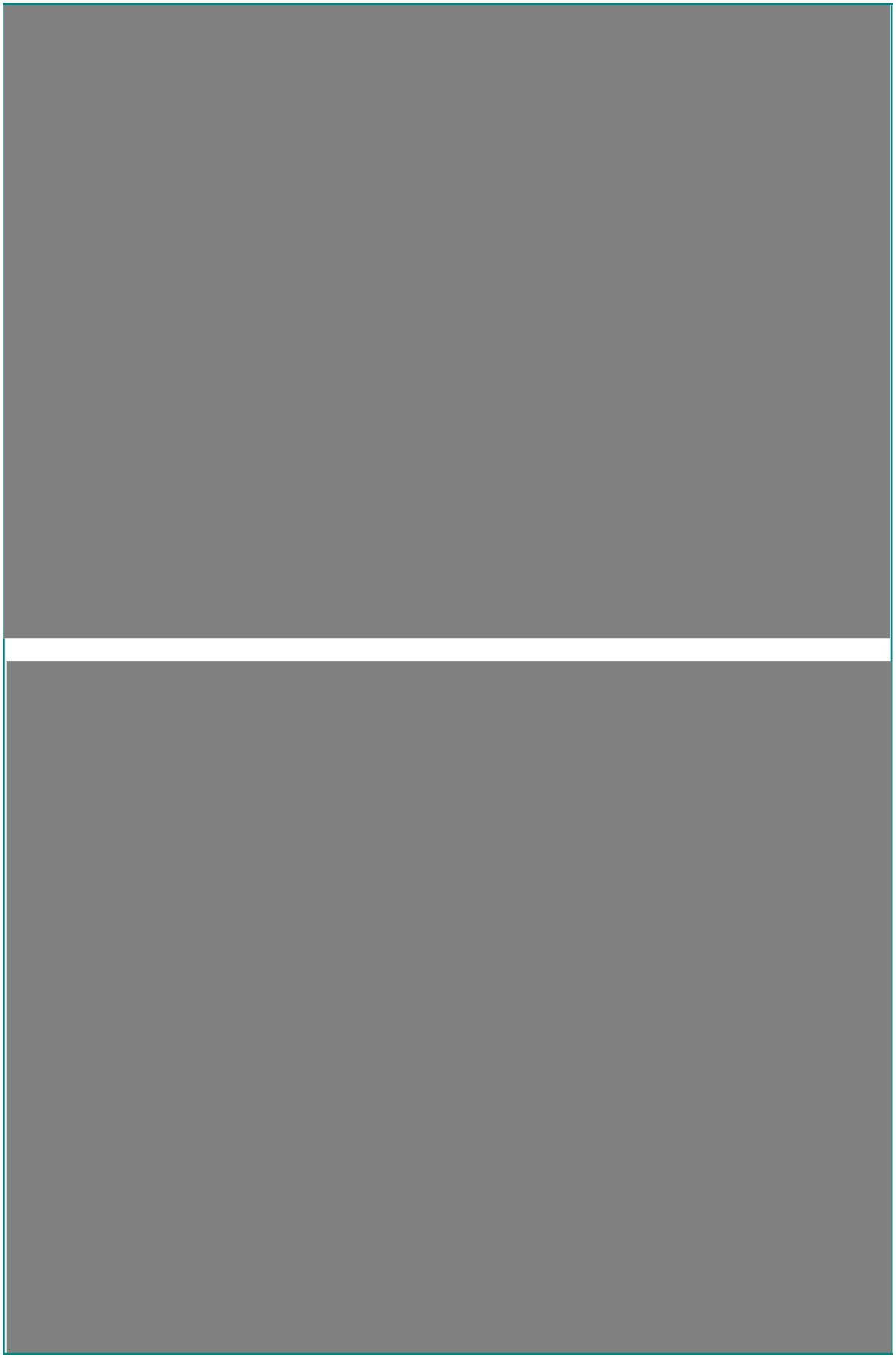
In making their decision, the case examiners will take into consideration (both of the following):

- Is there evidence that the health condition(s) have impacted, or could impact, upon practice?
- Does the evidence call into question the social worker's ability to manage their condition or adequately limit their practice?

The case examiners consider they have been presented with substantial evidence that the social worker's diagnoses significantly impacted upon their practice during their probation period with their former employer. There are four occupational health referrals from the employer.







Accordingly, the case examiners consider there is a realistic prospect that adjudicators would find the statutory ground of adverse physical or mental health is engaged.

### 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 the medical report is very clear that the social worker has excellent insight into their health conditions. The case examiners note the social worker is clear throughout with their employer and the regulator about the nature of their diagnoses. The case examiners consider there is no evidence to suggest the social worker is unable to recognise the onset of symptoms of their illness. They also consider there is evidence that the social worker has engaged with appropriate professionals over a sustained period of time in attempts to manage their diagnoses.

However, as discussed at the grounds stage of this decision, the case examiners are concerned that the social worker has demonstrated previously that they may not have limited or stopped practising as necessary. The case examiners note the social worker was sent home on at least one occasion by their manager and continued to work for a sustained period whilst clearly cognisant of their symptoms and the impact on their practice. Whilst the medical report states the social worker is fit to practise, the assessor does acknowledge that the social worker has previously demonstrated a reluctance to seek help and that they would require adjustments to take into account their diagnoses.

The case examiners consider that as the evidence suggests a historic failure to adequately limit their practice, there remains a risk that the social worker's health conditions could impact their social work practice in future.

**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 acknowledge that they have found the realistic prospect test is met in relation to the ground of adverse physical or mental health only. However, they do consider that the public would be concerned to learn that a social worker had failed to adequately limit their practice when they were too unwell to perform their statutory functions. The case examiners consider this is particularly the case when the social worker was working with children in need and potential safeguarding issues. The case examiners are of the view that the failure to properly restrict practice whilst significantly unwell could undermine public confidence and proper standards for social workers.

Therefore, the case examiners consider there is a realistic prospect that adjudicators would find the social worker fitness to practise is currently impaired.

## The public interest

| Decision summary | | |
|---|---|---|
| Is there a public interest in referring the case to a hearing? | Yes | ☐ |
| | No | ☒ |

| Referral criteria | | |
|---|---|---|
| Is there a conflict in the evidence that must be resolved at a hearing? | Yes | ☐ |
| | No | ☒ |
| Does the social worker dispute any or all of the key facts of the case? | Yes | ☐ |
| | No | ☒ |
| Is a hearing necessary to maintain public confidence in the profession, and/or to uphold the professional standards of social workers? | Yes | ☐ |
| | No | ☒ |

### Additional reasoning

The case examiners have concluded that the public interest in this case is engaged. However, they are satisfied that this interest may be appropriately fulfilled by virtue of the accepted disposal process.

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 professional standards expected of social workers.

The case examiners are also of the view 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.

| Interim order | | |
|---|---|---|
| An interim order may be necessary for protection of members of the public | Yes | ☐ |
| | No | ☒ |
| An interim order may be necessary in the best interests of the social worker | Yes | ☐ |
| | No | ☒ |

## Accepted disposal

| Case outcome | | |
|---|---|---|
| Proposed outcome | No further action | ☐ |
| | Advice | ☐ |
| | Warning order | ☐ |
| | Conditions of practice order | ☒ |
| | Suspension order | ☐ |
| | Removal order | ☐ |
| Proposed duration | Conditions of practice order 18 months | |

### Reasoning

In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's Sanctions Guidance (2022) 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 this instance, the case examiners have moved beyond considering the lowest available sanctions of no further action, advice, or warnings as these do not restrict practice. These outcomes are not appropriate when there are concerns that the social worker may present a risk to the public if their health is not managed.

Conditions of practice

The case examiners have noted their guidance which states that where there is a realistic prospect of impairment on the ground of adverse physical or mental health the likely outcome is a conditions of practice or suspension order.

The case examiners note their guidance states that conditions of practice may be appropriate where:

- the social worker has demonstrated insight
- the failure or deficiency in practice is capable of being remedied
- appropriate, proportionate, and workable conditions can be put in place

- decision makers are confident the social worker can and will comply with the conditions
- the social worker does not pose a risk of harm to the public by being in restricted practice

The case examiners consider the social worker has demonstrated insight into their conditions throughout the period of concern and regulatory process. They also note that the social worker is now working in a role that does not appear to exacerbate their ill health. The case examiners note this is not a social work role but is in a parallel education setting and involves a safeguarding element, where they have received two promotions. The case examiners consider there are clearly identifiable conditions that could align with the medical assessor's recommendation that six-monthly updates should be sought from the social worker's treating mental health professional on any return to social work practice. The case examiners do not consider there is any evidence before them that suggests the social worker would pose a risk by being in restricted practice.

The case examiners have decided to propose to the social worker a conditions of practice order of 18 months 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 28 days to respond. If the social worker does not agree, or if the case examiners revise their decision regarding the public interest in this case, the matter will proceed to a final hearing.

Suspension

To test their thinking, the case examiners considered whether a period of suspension could be a more appropriate outcome. They note their guidance which states that suspension is appropriate where decision makers cannot formulate workable conditions to protect the public or the wider public interest and the case falls short of requiring removal from the register.

The case examiners consider there are clearly identifiable and workable conditions that would be appropriate in this case. They also highlight that the case does not fall just short of removal from the register therefore a suspension would not be the minimum or least restrictive sanction necessary to protect the public and maintain professional standards. In all these circumstances, the case examiners consider that a conditions of practice order is the least restrictive and proportionate sanction to protect the public and maintain public confidence.

## Content of the conditions of practice

Conditions 1-17 (inclusive) should be in place for a period of 18 months. In accordance with paragraph 15 of Schedule 2 of The Social Workers Regulations 2018, the regulator must review the conditions of practice order before its expiry. The social worker and/or Social Work England can seek early review if new evidence becomes available to suggest the current order needs to varied, replaced or removed.

### Condition 1

You must notify Social Work England at any time you are employed in a role, or providing social work services, which require you to be registered with Social Work England and provide the contact details of your employer, agency or any organisation with which you have a contract or arrangement to provide social work services, whether paid or voluntary.

### Condition 2

You must allow Social Work England to exchange information with your employer, agency or any organisation with which you have a contract or arrangement to provide social work or social work educational services, and any reporter or workplace supervisor referred to in these conditions.

### Condition 3

a. At any time you are employed in a role, or providing social work services, which require you to be registered with Social Work England, you must agree to the appointment of a reporter nominated by you and approved by Social Work England. The reporter must be on Social Work England's register (and can be the same person as the workplace supervisor).

b. You must not start or continue to work until these arrangements have been approved by Social Work England.

### Condition 4

You must provide reports from your reporter to Social Work England every 4 months and at least 14 days prior to any review and Social Work England will make these reports available to any workplace supervisor referred to in these conditions on request.

Condition 5

You must inform Social Work England within 7 days of receiving notice of any formal disciplinary proceedings taken against you from the date these conditions take effect.

Condition 6

You must inform Social Work England within 7 days of receiving notice of any investigations or complaints made against you from the date these conditions take effect.

Condition 7

You must inform Social Work England if you apply for social work employment / self-employment (paid or voluntary) outside England within 7 days of the date of application.

Condition 8

You must inform Social Work England if you are registered or subsequently apply for registration with any other UK regulator, overseas regulator or relevant authority within 7 days of the date of application [for future registration] or 7 days from the date these conditions take effect [for existing registration].

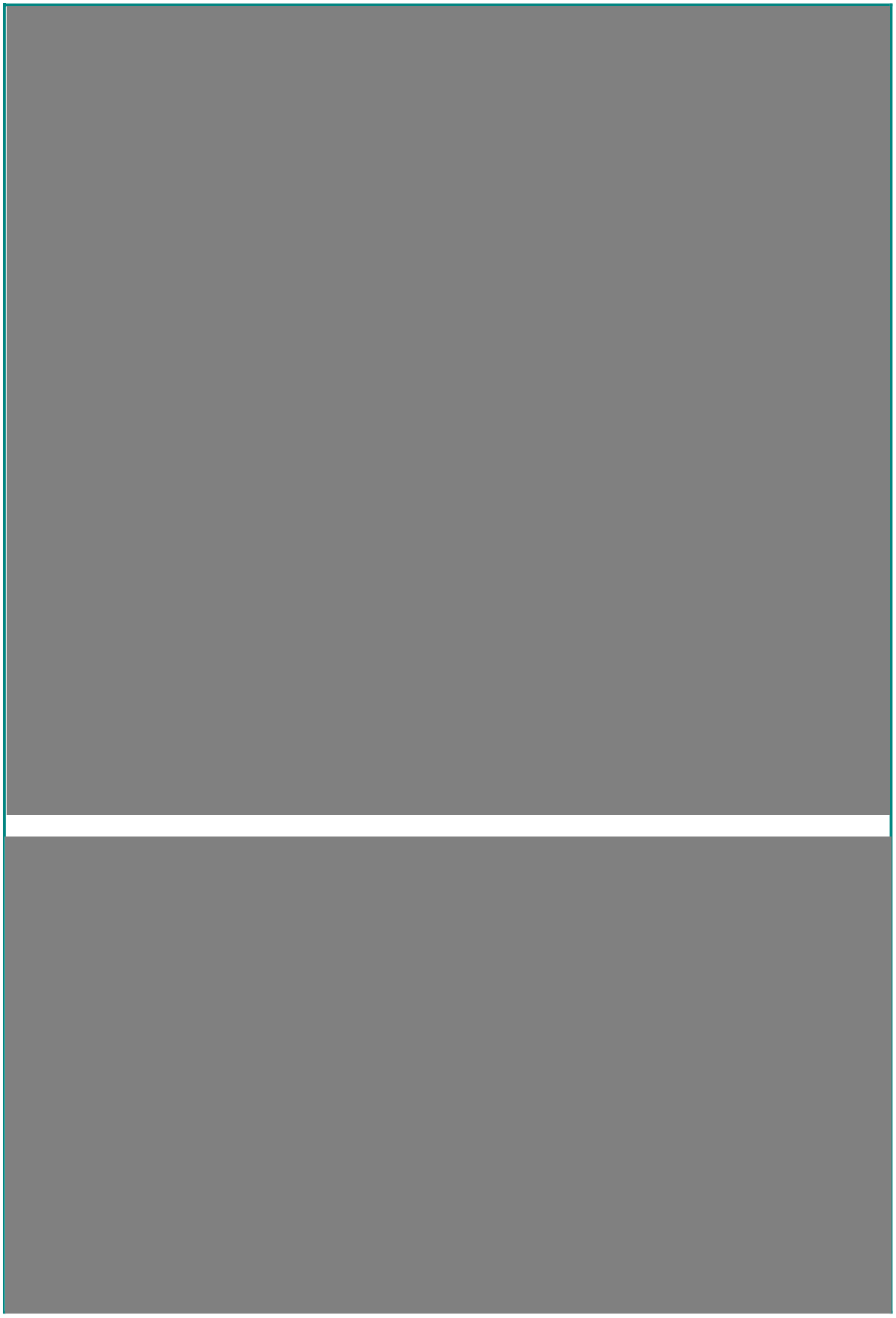
Condition 9

a. At any time you are employed, or providing social work services, which require you to be registered with Social Work England; you must place yourself and remain under the supervision of a workplace supervisor nominated by you and approved by Social Work England. The workplace supervisor must be on Social Work England ’s register (and can be the same person as the reporter).

b. You must not start or continue to work until these arrangements have been approved by Social Work England.

Condition 10

You must provide reports from your workplace supervisor to Social Work England every 4 months and at least 14 days prior to any review, and Social Work England will make these reports available to any reporter referred to in these conditions on request.



Condition 15

b. You must inform Social Work England that you have been advised to stop working within 7 days of being advised to cease.

Condition 16

You must provide a written copy of your conditions, within 7 days from the date these conditions take effect, to the following parties confirming that your registration is subject to the conditions listed at 1 to 15, above:

- Any organisation or person employing or contracting with you to undertake social work services whether paid or voluntary.
- Any locum, agency or out-of-hours service you are registered with or apply to be registered with in order to secure employment or contracts to undertake social work services whether paid or voluntary (at the time of application).
- Any prospective employer who would be employing or contracting with you to undertake social work services whether paid or voluntary (at the time of application).
- Any organisation, agency or employer where you are using your social work qualification/knowledge/skills in a non-qualified social work role, whether paid or voluntary (at time of application).

You must forward written evidence of your compliance with this condition to Social Work England within 14 days from the date these conditions take effect

## Response from the social worker

The social worker provided a response on 19 August 2026 as follows:

“I have read the case examiners’ decision and the accepted disposal guide. I admit the key facts set out in the case examiner decision, and that my fitness to practise is

impaired. I understand the terms of the proposed disposal of my fitness to practise case and accept them in full".

## Case examiners' response and final decision

The case examiners have reviewed the social worker's response and have again considered whether there is a public interest in this case to proceed to a hearing. The case examiners are satisfied that the social worker has admitted to the key facts and that their fitness to practise is impaired. The case examiners remain of the view that the public interest may be appropriately served by disposing with this case through an accepted disposal.

The case examiners therefore request that a conditions of practise order is placed upon the social worker's registration for a period of 18 months.