

Case Examiner Decision
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FTPS-24542

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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	2 September 2026
	Accepted disposal proposed - warning order (1 year)
Final outcome	16 September 2026
	Warning order (1 year)

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 1 year.

The social worker accepted the case examiners proposal on 10 September 2026.

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 a member of the public. It was subsequently raised by the Children and Family Court Advisory and Support Service ('CAFCASS') as well as via self-referral by the social worker.
Date the complaint was received	14 March 2025 - member of the public 30 May 2025 – CAFCASS 13 October 2025 – self referral
Complaint summary	A complaint was received by a member of the public that they were concerned that the social worker had accessed confidential files in relation to Child 1 and that they had no professional reason to do so.

Regulatory concerns

1. On 11 September 2024, you accessed confidential records with no professional reason to do so.

Grounds of impairment:

The matters outlined in regulatory concern 1 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	☐

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. On 11 September 2024, you accessed confidential records with no professional reason to do so.**

The case examiners have considered a number of documents which have been provided from the complainant, the employer and the social worker. These include, but are not limited to, the employer's initial enquiries report, the employer's suspension letter dated 21 March 2025, a copy of the outcome from the information commissioner's office to the complainant, the employer's investigation meeting report, a confidential request report, the employer's disciplinary meeting notes and outcome, the social worker's statement to the employer's enquiry and the social worker's submissions.

In particular the case examiners note the employer's investigation report, the disciplinary meeting notes and the confidential request report. The investigation

report and disciplinary reports set out a chronology of which records were accessed and the confidential request report, provides detail of when the records were accessed. The disciplinary meeting note record that the social worker accessed records on 11 September 2024 between 21:58 and 22:04 for Child 1, who they were not allocated to. The social worker within all the meetings with their employer has accepted that this was the case and provided context as to why they had accessed these records, which related to their personal life, rather than a professional reason to do so.

The social worker in their submissions has accepted this concern.

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

Grounds

Misconduct

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

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

examiners note that adjudicators may be concerned that the social worker is alleged to have accessed confidential information about a person, where there was no professional reason to do so.

As part of their role, social workers are privy to an enormous amount of confidential information and members of the public must be confident that this information is safely managed and only accessed for legitimate purposes. If, as alleged, the social worker has accessed confidential records, adjudicators would likely consider this serious. Where it is alleged that a social worker has accessed records when there was no professional or legitimate reason to do so, this would not align with professional standards 2.2, 2.6 and 5.2.

The case examiners note the circumstances that led to the alleged breach of confidentiality which related to matters in the social worker's private life. The case examiners acknowledge that the matter appears to be isolated. However, they consider that even in these circumstances, the need to maintain confidentiality is so fundamental to social work practice that adjudicators would likely consider that this does not mitigate the social worker's alleged conduct. Therefore, the case examiners consider the social worker's alleged conduct suggests a departure from the professional standards.

The case examiners consider that a failure to maintain confidentiality is a serious matter. They note the social worker was a senior worker at CAFCASS at the time of the alleged conduct. The case examiners note the evidence from the social worker appears to show they were well aware of the importance of maintaining confidentiality. The case examiners consider in these circumstances the evidence suggests the social worker was aware of their professional duty to maintain confidentiality and still failed to do so. Therefore, if the matters were to be found proven, the case examiners conclude the conduct described is likely to suggest a significant departure from the professional standards detailed above.

The case examiners are satisfied there is a realistic prospect of adjudicators determining that the matter outlined at regulatory concern 1 would engage 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.

In considering the personal element of impairment, the case examiners have considered the test as set out in the case examiner guidance (2022), namely whether the conduct is easily remediable; whether the social worker has undergone remediation and demonstrated insight; and whether there is a high likelihood the matters alleged will be repeated. The case examiners should also look at whether the social worker has admitted the allegations, any relevant previous history and any testimonials that have been provided.

The case examiners consider that it is possible to remediate the alleged conduct, for instance through reflection, training, and additional learning.

The case examiners note that the social worker expressed remorse and insight at an early stage. They accepted the concerns immediately when this was raised by their employer and in their response statement to the employer's concerns stated, *'I deeply regret my actions and more so the impact it has had on the staff within my part of the service'* and *'I have been honest and acknowledge my significant error. My ability to make a reasoned professional judgement prior to accessing files ...was impaired by the pressure I was under in my personal life'*.

In their submissions to the regulator they state:

- *'I accept I made a colossal error in judgement on an occasion'*
- *'Reflecting on this now, I understand that maintaining people's dignity and privacy is not simply a procedural requirement, but a moral and ethical responsibility that underpins the nature of social work'*
- *'I have learnt that one moment of poor judgement can have long lasting consequences for service users, colleagues, and for myself.... protecting confidentiality is an essential way of showing respect for people'*

The social worker has reflected on what lead to the alleged conduct and how they may approach matters in the future. They state:

- *'...I can see how my personal circumstances at the time clouded my judgement and prevented me from making a sound professional decision'*
- *I have learnt that while personal difficulties can affect anyone, they do not excuse breaches of professional conduct'*

- *‘I understand the importance of seeking supervision and support early on, being honest about my struggles, and ensuring I prioritise self-care’*
- *‘This experience has helped me see that professional responsibility and personal wellbeing are connected and that asking for help is a sign of strength, not weakness’.*

In terms of remediation, the case examiners have seen a reflective statement, a continuing professional development reflection and the learning from these demonstrated throughout by the social worker. Further, the social worker has advised that they have sought support for matters in their personal life [REDACTED]

[REDACTED] However, the case examiners note they have no independent verification of this. The case examiners have also seen a certificate to confirm the social worker has completed a training course on information governance on 7 June 2025, which they consider to be relevant evidence of remediation.

The case examiners have had sight of an email from the social worker’s current employer dated 12 May 2026; in this they state the social worker has been employed via an agency since 8 December 2026. (The case examiners note that this is likely a typographical error as this date is in the future). The employer states whilst in employment the social worker has progressed from senior social worker to practice supervisor and that they have been no concerns in respect of their practice. The employer states the social worker is *‘reliable, well liked and efficient worker with no concerns thus far about her practice’*. The case examiners note that the social worker’s manager at their former employer commented within the disciplinary that previously the social worker *‘had always performed to the highest standards’*.

In light of the insight, remediation and confirmation of their current good practice, the case examiners have determined that the risk of repetition is low.

Public element

The case examiners next considered whether the social worker’s actions have the potential to undermine public confidence in social workers and whether this is a case where adjudicators may determine that the public interest requires a finding of impairment. Public interest includes the need to uphold proper standards of conduct and behaviour and the need to maintain the public’s trust and confidence in the profession.

The case examiners have reminded themselves that the public interest includes responding proportionately to regulatory concerns. However, they consider that the

adjudicators may determine that a member of the public would be concerned where a social worker is alleged to have accessed confidential records, where they had no professional reason to do so. In this instance, whilst it was isolated, the public may be concerned as the social worker appears to have been acutely aware of their responsibilities around confidentiality as they spoke of wishing the files were shielded to prevent their access. Furthermore, they worked in the court arena so were aware of the potential seriousness of accessing files where there was no professional reason to do so.

Confidentiality is at the heart of social work, and the public must be able to trust that social workers will respect and have due regard to the sensitive information that they have access to. Where found proven, conduct of this nature has the potential to undermine public trust in social workers, to damage the reputation of the profession and undermine professional standards.

The case examiners are of the view that in these circumstances, members of the public would expect a finding of impairment.

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 carefully considered whether a referral to a hearing may be necessary in the public interest. The case examiners have noted that whilst the social worker accepts the key facts, they have not indicated to the regulator whether they accept their fitness to practise is currently impaired.

Where a social worker does not accept impairment, case examiner guidance suggests that a referral to a hearing may be necessary in the public interest. However, the case examiners have noted the following:

- The case examiners guidance reminds them that ‘wherever possible and appropriate, case examiners will seek to resolve cases through accepted disposal. This is quicker and more efficient than preparing and presenting a case to a fitness to practise panel’.
- The social worker accepts the key facts and there is no conflict in the evidence in this 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 of the view that the risk of repetition can be managed, and they have a number of sanctions available to them in order to satisfy the public that this risk is being managed without the need for this to be examined within a public hearing.
- 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.

The case examiners are aware that a case cannot be concluded through an accepted disposal process where a social worker does not agree that they are currently impaired. At this stage, the case examiners' proposal for an accepted disposal process does not mark the conclusion of the case, as that would require a response from the social worker for the case examiners' consideration. The case is also subject to a final review by the case examiners, who may determine to send the matter to a hearing following any response received.

Accepted disposal

Case outcome

Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☒
	Conditions of practice order	☐
	Suspension order	☐
	Removal order	☐
Proposed duration	1 year	

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 and the wider public interest.

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

The case examiners, in line with the sanctions guidance, have firstly considered the aggravating and mitigating factors in this case.

Aggravating:

- The social worker was acutely aware they should not access confidential records, as they spoke of wishing the records were shielded from them, so this was not a possibility.

Mitigating:

- The social worker has undertaken significant reflection and demonstrated insight into their conduct from an early stage.
- The case examiners have seen independent verification of the remediation undertaken by the social worker.

- The social worker has received positive feedback about their current practice.
- The social worker has provided mitigation by way of evidence of challenging personal circumstances at the time of the concerns, and this is corroborated by evidence from their manager.

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

The case examiners considered taking no further action. They 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 matters relating to confidentiality are serious, and that taking no further action does not reflect their consideration of the public interest in this case and does not reflect how seriously the case examiners consider the conduct.

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. However, the case examiners consider that advice would not be sufficient to mark the seriousness with which they view the social worker's conduct.

The case examiners next gave careful consideration to whether a warning order might be suitable, given that it would show clear disapproval of the social worker's conduct. The sanctions guidance suggests that a warning may be appropriate where the fitness to practise issues are isolated, there is a low risk of repetition, and the social worker has demonstrated insight. The case examiners note that the matter was isolated, and they were experiencing some difficult personal problems, and they have demonstrated extensive insight and remediation. As the case examiners have concluded that there is a low risk of repetition in this case, the purpose of any sanction is to mark the public interest in this matter and maintain and uphold proper professional standards. In this instance, the case examiners consider that this may point towards a warning order being the most appropriate sanction.

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. As such, the case examiners went on to consider both of these sanctions.

Conditions of practice orders are more commonly suited to cases relating to health, competence, or capability. In this instance, the social worker has demonstrated that they have learnt from their training and reflection and the case examiners have concluded that the risk of repetition is low, therefore they do not consider that restrictions on the social worker's practice are necessary at this time. The case

examiners considered that suspension from the register would also be a disproportionate and punitive outcome, where the social worker has undertaken extensive reflection, engaged with their employer and the regulator, has a good employment history until this point and received positive comments from their current employer. A suspension would risk deskilling the social worker and mean depriving the profession of an experienced worker and is not necessary in this instance. 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 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. 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 1 year 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. The case examiners do not consider that the matter was of 'relatively low seriousness', however they note that the matter appears to have isolated and arose in specific circumstances. Furthermore, the social worker has undertaken extensive reflection and therefore they do not consider that 3 years is necessary to allow the social worker additional time to fully address the risk of repetition, as this has been identified as low. The case examiners do not consider that the matter fell marginally short of the need to restrict practice, due to the remediation and insight shown by the social worker, therefore 5 years would be disproportionate and punitive. To confirm, the case examiners are satisfied that a warning of 1 year duration is the proportionate sanction.

To conclude, the case examiners have decided to propose to the social worker a warning order of 1 year 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 professional reason 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 responded to the case examiners proposed accepted disposal on 10 September 2026:

"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. They have again considered the public interest in this matter and, as they have not been presented with any new evidence which may change their previous assessment, they remain satisfied that the public interest in this case may be fulfilled through the accepted disposal process.

The case examiners therefore direct that the regulator enact a warning order of 1 year duration.