Case Examiner Decision Bertram Anthony Reid – SW33087 FTPS-25264

Contents

The role of the case examiners 3
Decision summary 4
The complaint and our regulatory concerns 6
Preliminary issues 7
The realistic prospect test 8
The public interest 13
Accepted disposal 15

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	27 August 2026
	Accepted disposal proposed - removal order
Final outcome	16 September 2026
	Accepted disposal – removal order

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 removal order.

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

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

Anonymity and redaction

Elements of this decision have been marked for redaction in line with our Fitness to Practise Publications Policy. Text in [redacted] will be redacted only from the published copy of the decision and will therefore be shared with the complainant in their copy. Text in [redacted] will be redacted from both the complainant's and the published copy of the decision.

In accordance with Social Work England's fitness to practise proceedings and registration appeals publications policy, the case examiners have anonymised the names of individuals to maintain privacy. A schedule of anonymity is provided below for the social worker and complainant and will be redacted if this decision is published.

Person X	[redacted]

The complaint and our regulatory concerns

The initial complaint	
The complainant	The complaint was raised by the social worker's former employer, Cornwall Council and subsequently by a member of the public.
Date the complaint was received	20 May 2025 - former employer 25 June 2025 - member of the public
Complaint summary	Concerns were raised that the social worker had accessed a member of the public's case records multiple times on 8 separate dates between 14 May 2024 and 19 July 2024.

Regulatory concerns

Whilst registered as a social worker between 14 May 2024 and 19 July 2024:

RC1. You accessed confidential records without 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

Whilst registered as a social worker between 14 May 2024 and 19 July 2024:

1. You accessed confidential records without professional reason to do so.

The case examiners have seen a copy of an audit completed by the local authority as part of their investigation of the social worker's access to Person X's records between 14 May 2024 and 19 July 2024. The audit shows that the social worker accessed Person X's records on 8 separate occasions.

The case examiners have seen an email from the local authority dated 5 May 2026, which states that Person X is [redacted] The case examiners have also seen the record of a meeting held on 20 May 2025 with the social worker. Within the notes, it states that the social worker was advised that a complaint had been made against them potentially accessing [redacted] records, in

particular Person X. The social worker was recorded as responding, [redacted] When asked further about their access to these records, the social worker stated, *'I wanted to check the correct information was in the record'*. The notes state that it was explained to the social worker that they were *'not involved on a professional level…which was not in conjunction with the agreement [social worker] signed which was not to use the system to access [redacted] records'*. The social worker responded, [redacted] and it was explained to the social worker [redacted] *'nevertheless accessing the record was based upon a personal reason oppose [sic] to professionally'*.

The local authority have also provided a copy of their confidentiality policy which states that, *'access to personal or confidential information must be on a need-to-know basis and the minimum amount necessary should be used'* and *'it is strictly forbidden for employees to knowingly browse, search for or look at any information relating to themselves, their own family, friends or other persons, without a legitimate purpose'*.

The evidence suggests that the social worker had no professional reason to look at Person X's records and despite this, they accessed their records on a number of occasions.

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). The relevant standards are as follows:

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.

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.

Personal element

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 note that it is possible to remediate the alleged conduct, for instance through reflection, training, and additional learning.

The social worker in their submissions has provided some limited insight as they state, *'On reflection I can only describe my account on this incident as I was too emotionally involved. I have no excuse for my acting in a way that I felt that my emotions, at that time, got in the way of my practice'*. They have considered what they should do differently as they state, *'I felt that systematically more should have been done. However, looking back on this I should have stepped back, and let the system work for the person of concern'*.

The case examiners have not been presented with any evidence of remediation from the social worker, and the social worker has indicated on more than one occasion, that they have retired from social work and from employment in general. On 30 April 2026, the social worker stated in their submissions to the regulator that they were retired from social work. They reiterate this within their reflective statement dated the same day. On 7 May 2026, in an email, they state they are no longer in any employment and have *'completely retired'*.

In light of the above, the case examiners consider the social worker has provided very limited evidence of insight and there is no evidence of remediation. Further, in light of their retirement and the suggestion that they have no intention to practise again, the prospect of being able to remediate is low. As such, the case examiners conclude that a risk of repetition remains.

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 on more than one occasion, where they had 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 and to damage the reputation of the profession.

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.
- 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	Where a social worker is removed from the register, there is no defined end to the finding of impairment. A social worker that has been removed from the register may only apply to be restored to the register 5 years after the date the removal order took effect. The adjudicators will decide whether to restore a person to the register.	

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.

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

Mitigating:

- There are no previous fitness to practise concerns.
- The social worker has provided some insight, although this is limited.

Aggravating:

- There is no evidence of remediation.

- The social worker on more than one occasion has indicated that they are retired, and they have suggested that they do not intend to practise again in the future.

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 have determined that there is a risk of repetition in this case.

No further action, advice, or warning:

With reference to the regulator's sanctions guidance (December 2022), the case examiners noted that in cases where a risk of repetition remains, the outcomes of no further action, advice or warning are not appropriate as they will not restrict the social worker's practice. The case examiners assessed that a risk of repetition remains, and due to the seriousness of the alleged conduct in this case, the case examiners are satisfied that such outcomes are inappropriate.

Conditions of practice order:

The case examiners next considered a conditions of practice order.

The case examiners considered paragraph 114 of the guidance which states:

Conditions of practice may be appropriate in cases where (all of the following):

• 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 are of the view that the social worker has provided limited evidence of insight in this instance, however they consider it would have been possible to formulate conditions to address the alleged conduct, as they consider the conduct in this case is capable of being remedied. However, in light of the social worker's comments which suggest they are not intending to return to social work and they have retired, the case examiners are not confident that the social worker can and will comply with any conditions.

Suspension order:

The case examiners went on to consider whether a suspension order might be an appropriate sanction.

The case examiners have considered the guidance, which states:

Suspension may be appropriate where (all of the following):

• the concerns represent a serious breach of the professional standards.

• the social worker has demonstrated some insight.

• there is evidence to suggest the social worker is willing and able to resolve or remediate their failings.

In this instance, the social worker has provided some limited evidence of insight to the regulator, however, as noted above, their correspondence suggests that they are not willing to remediate their failings due to their retirement. The case examiners therefore consider that a suspension order would not be appropriate in this instance.

Removal order:

The case examiners therefore went on to consider whether a removal order may be the only outcome sufficient to protect the public, maintain confidence in the profession, and to maintain proper professional standards for social workers in England.

The case examiners consider that it would be possible to remediate the alleged conduct, however in light of the social worker's inability to address and remediate the concerns due to retirement, there is no other outcome available to them that would provide the level of assurance needed in respect of these three criteria.

Furthermore, the sanctions guidance at paragraph 149 states:

A removal order may be appropriate in cases involving

- social workers who are unwilling and/or unable to remediate (for example, where there is clear evidence that they do not wish to practise as a social worker in the future)

In the case examiners' view, a removal order is therefore the only sanction available that will safeguard public confidence, protect the public and maintain proper professional standards for social workers in England.

To conclude, the case examiners have decided to propose to the social worker a removal order. 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.

Response from the social worker

The social worker provided a response on 7 September 2026 confirming the following:

“I have read the case examiners’ decision and the accepted disposal guide. I admit the key facts set out in the case examiner decision, and that my fitness to practise is impaired. I understand the terms of the proposed disposal of my fitness to practise case and accept them in full.”

Case examiners’ response and final decision

The case examiners have reviewed the social worker’s response and again assessed whether there is a public interest in holding a hearing in this case. The case examiners are satisfied that the social worker has admitted the key facts and that their fitness to practise is impaired. The case examiners remain of the view that the public interest can be appropriately served in this case through accepted disposal. Therefore, the case examiners request that a removal order is placed on the social worker’s registration.