Case Examiner Decision
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FTPS-23734

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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	26 August 2026
	Accepted disposal proposed - warning order (1 year)
Final outcome	15 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. [redacted]

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 request that the social worker be notified of their intention to resolve the case with a warning order (1 year), which they have now accepted in full.

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 initial complaint was raised by the social worker's former employer. [redacted]
Date the complaint was received	7 August 2024 (initial concern) [redacted]
Complaint summary	The social worker is alleged to have shared confidential information without consent about a service user (Person B), to the service user's neighbour (Person A), via email on 7 August 2024. This email was regarding Person B having been admitted to hospital, allegedly as a result of Person A's actions, namely bullying and harassment. The email contained personal information regarding the hospital Person B was in and Person B's health. [redacted]

Regulatory concerns and concerns recommended for closure

Regulatory Concerns

(Strike-throughs signpost to amendments made by the case examiners)

Whilst registered as a social worker on or around 7 August 2024:

1. You breached ~~General Data Protection Regulation and~~ confidentiality in that you shared personal information regarding a service user to Person A

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	☐

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

The case examiners have amended the regulatory concerns (as can be seen in the regulatory concerns section) to remove reference to breaching General Data Protection Regulation (GDPR). The case examiners consider they are not best placed to determine breaches of this legislation (be it that it is generally well known, the Information Commissioners Office is the authority on this) and that considering the concerns as breaches of confidentiality is more appropriate.

The case examiners are satisfied that the amendments are not material, and that the social worker does need to be offered an opportunity to provide further submissions due to this.

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

Reasoning

Facts

Regulatory Concerns

Whilst registered as a social worker on or around 7 August 2024:

1.You breached confidentiality in that you shared personal information regarding a service user to Person A

The case examiners have had sight of an email dated 7 August 2024 sent by the social worker to Person A. In this email, the following information was included:

'I am writing to get your side of the story in a safeguarding concern raised by (redacted) Hospital, in which you have been named as the perpetrator in an alleged harassment and bullying case which has resulted [redacted] *(Person B) being admitted into the hospital with a very serious heart condition. Takotsubo cardiomyopathy which is a temporary heart condition that develops in*

response to an intense emotional or physical experience. The bullying and harassment situation is said to have prevailed for at least 5/6 years with reports of you being the perpetrator of the harm to (Person B) who is a vulnerable adult with physical health needs.'

In the Trust complaint response letter dated 3 September 2024, it is detailed that Person B complained that the social worker had shared personal information about them [redacted] Person B considered this to be a breach of data protection, and reported that this had caused them distress, anxiety and extreme sadness, and that they were fearful of repercussions. Whilst not expressly stated, it is clear from this that Person B had not consented to their personal information being shared.

Matters of health are naturally very personal. Social workers are expected to treat information about people with sensitivity and adhere to confidentiality requirements, this is stated in Social Work England's professional standards. The social worker's alleged actions are likely to be considered a breach of confidentiality.

The social worker does not dispute this concern.

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





Grounds

The case examiners must next consider whether, if found proven, the concern could amount to the statutory ground of misconduct.

There are generally considered to be two types of misconduct. These are (either of the following):

- Misconduct which takes place in the exercise of professional practice
- Misconduct which occurs outside the exercise of professional practice, but calls into question the suitability of the person to work as a social worker

In this case, as the conduct is alleged to have occurred in the exercise of professional practice, it is the first type of misconduct (as set out above) that the case examiners will consider.

The case examiners also note that 'misconduct' denotes serious acts or omissions, suggesting a significant departure from what would be proper in the circumstances.

To help them decide if the evidence suggests a significant departure from what would be proper, the case examiners have considered the following Social Work England professional standards, applicable at the time of the concerns:

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.

If proven that the social worker had shared personal and confidential health information about Person B without consent, this would mean that Person B's privacy and dignity was not maintained and not handled in line with expectations. Indeed, Person B describes distress, anxiety and extreme sadness caused by the social worker's alleged actions. If proven, the alleged conduct would not align with either of Social Work England professional standards detailed above,

The case examiners are aware that for the threshold of misconduct to be reached, the conduct has to be serious. Case law assists in this respect as it states:

- One way of assessing this is to consider if the conduct would be regarded as deplorable by other social workers.
- For an isolated matter to amount to misconduct, it would have to be considered particularly grave.

The case examiners are satisfied that the alleged conduct at regulatory concern 1, if proven, would be considered deplorable and, though isolated, particularly grave. When reaching this conclusion, the case examiners again refer to the impact on Person B that indicates they were caused emotional harm. Person B's situation [redacted] alongside the social worker's alleged actions, are said to have caused Person B to be fearful of repercussions. The social worker should have been well aware that approaching an alleged perpetrator in the manner described, thereby breaching confidentiality, could hugely increase risk to Person B, which the social worker appears to accept.

If the matters were to be found proven, the case examiners conclude the alleged conduct is serious and is likely to be considered a significant departure from the professional standards detailed above.

As such, the case examiners are satisfied there is a realistic prospect of adjudicators finding this matter amounts to misconduct.

Impairment

Having concluded there is a realistic prospect of adjudicators establishing the statutory ground of misconduct, the case examiners must consider whether there is a realistic prospect of adjudicators finding current impairment. The case examiners are aware they must assess both the personal and public elements of current impairment. They will consider each in turn.

Personal element

The case examiner guidance states that there are multiple factors that case examiners should look for when considering the personal element of impairment, in order to assess the risk of repetition. These include, whether the social worker has admitted the allegations, if they have demonstrated insight, if they have evidenced remediation, any relevant previous history, and any testimonials that have been provided.

Relevant previous history

There is no previous history for the case examiners to take into account.

Admissions

The social worker admits the allegations in respect of the concerns that are capable of being found proven. In their submissions the social worker accepts their role and responsibilities in relation to the event that gave rise to the concerns and appears to demonstrate genuine remorse.

Insight

In respect of insight, the case examiners are aware that they must take care to assess the quality of any insight. A social worker may accept they have acted wrongly, however, simply asserting this is unlikely to be enough to demonstrate genuine insight.

In their submissions the social worker appears to demonstrate an understanding of what led to the events which are the subject of the concern. The social worker seems to recognise what went wrong. They state:

- *'The concern about the breach of confidentiality in my practice as a Social worker arose because of my oversight in the balance of moral duty to protect customer's privacy with legitimate and ethical commitments whilst working under immense pressure in a fast moving result driven environment with minimal / non-existent support.'*

- *'....I seemed to have succumbed to the pressure of my work on the day which seemed* (sic) *impacted my judgement'*

The social worker accepts their roles and responsibilities in relation to the events, they appear genuinely remorseful. They state:

- *'As a Social worker I feel a lot of shame as this disclosure is unethical.'*

The social worker has addressed what they should have done and how they might act or react differently if the same circumstances were to happen again (to avoid reoccurrence of similar concerns.) They state:

- *'.... I am also ensuring I read and ask questions where I am not clear I also ensure I get consent of adult before I begin and document my finding which I in turn present to the Safeguarding Adults Manager.'*
- *'I continue to seek guidance from my supervisors and colleague through ongoing supervision where I am not sure whilst ensuring that any action I take is in line with the GDPR policy of my employer.'*
- *' I am also aware of reason for permitting breaches under specific conditions such as imminent risk of harm, legal obligations, or court orders, but this I did is not one of them and it was not done intentionally.'*

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 social worker has stated the following that suggests they do understand this:

- *'....I reflected on the damage my action may have caused and how far worse it has made the situation of the resident.'*
- *'I am aware that the central tension is between maintaining customer's confidence and ensuring safety for the individuals involved,'*

<u>Employment reports and testimonials</u>

Testimonials that provide up to date, credible information about the social worker's current practice can be relevant when exploring current impairment. The case examiners have had sight of three references from employers dated 11 March 2025, 22 September 2025, and 7 November 2025. None of these raise any concerns about the social worker's practice.

<u>Remediation</u>

The case examiners are satisfied that the conduct in question is remediable, for example through training, reflection and supervision.

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

The social worker says that they have engaged in further GDPR training and supervision, though the case examiners have not been provided with any evidence to verify this. That said, the case examiners are satisfied that the level of insight demonstrated by the social worker is indicative of a social worker who has taken steps to remediate their error.

Risk of repetition

The purpose of case examiners assessing multiple factors when considering the personal element of impairment, is to assess the risk of repetition, put simply the likelihood of the conduct happening again. In this case, the case examiners are assisted by the passage of around two years, during which there has seemingly been no repetition. There is no evidence of similar issues prior to, or since, the isolated conduct in question. In addition, the social worker has demonstrated a good level of insight.

The information reviewed leads the case examiners to conclude that there is a low risk of repetition.

Public element

The case examiners must now consider the public interest in this matter.

A social worker breaching confidentiality in the manner described, undoubtedly has the potential to undermine public confidence. Such conduct is certainly a significant departure from professional standards and has the potential to undermine the public's trust in social workers. As such, and in light of the harm caused and risk created, it is likely the public would expect that a finding of current impairment is made by adjudicators to maintain public confidence in the regulation of the profession.

The case examiners have concluded there is a realistic prospect that adjudicators would find the social worker to be 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 noted that the social worker has not indicated to the regulator if they consider 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 note that the guidance states the social worker must accept the matter of impairment at the point of *concluding* the case and are of the view that this does not prevent them offering accepted disposal prior to this.

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

• There is no conflict in evidence, and the social worker accepts the facts.

• The social worker is clear that they accept that their practice fell short of the standards expected of them.

• The case examiners have a number of sanctions available to them in order to satisfy the public interest.

• The accepted disposal process will provide the social worker an opportunity to review the case examiners' reasoning on impairment and reflect on whether they are able to accept a finding of impairment. It is open to the social worker to reject any accepted disposal proposal and request a hearing if they wish to explore the question of impairment in more detail.

• The case examiners are also of the view that the public would be satisfied to see the regulator take prompt, 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.

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 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.

The case examiners note that the sanctions guidance states they should consider mitigating and aggravating circumstances when considering the appropriate sanction and provides examples. The case examiners are not limited to the examples provided. The case examiners have identified the following:

Mitigating factors

- Evidence of the social worker's insight, remorse and understanding of the problem, and their attempts to address it.
- Early admission of the facts
- Full engagement with investigations
- Apologies to anyone affected
- Absence of previous fitness to practise history

- Apparent good intentions behind their mistake

Aggravating factors

- Harm or risk of harm to people who use social work services

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

No further action

The case examiners considered taking no further action. Paragraph 95 of the sanctions guidance states that, when decision makers find impairment, an outcome of 'no further action' is rare. However, this could be possible in cases where the finding of impairment itself is enough to protect the public or address the public interest.

The case examiners conclude that taking no further action would not provide the necessary level of public protection and would not satisfy the wider public interest given the allegation 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 decided that issuing advice was not sufficient to mark the seriousness of the social worker's alleged conduct.

Warning order

The case examiners next considered whether a warning order would be appropriate in this case. The case examiners are aware that where a social worker's fitness to practise is potentially impaired, they will usually need to ensure the public is protected through some action by the regulator. The case examiners have decided that such protection can be met with a warning order.

In reaching this decision, the case examiners took into account paragraph 108 of the sanctions guidance. This gives three indications that a warning order is likely to be appropriate, which are (all of the following):

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

The case examiners are satisfied that all three of the above exist in this case.

Conditions of practice/suspension

To test the suitability of a warning order, the case examiners considered whether conditions of practice or suspension may have been necessary in this case. They concluded that conditions were more relevant in cases requiring some restriction in practice and were not suitable in this case that relates to an isolated matter with a low risk of repetition. The case examiners considered that suspension from the register would be a disproportionate and punitive outcome in this case and is not required to uphold public confidence, as a warning order would achieve the same.

Duration of the warning order

The case examiners have considered the length of time for the published warning and consider one year to be proportionate in this case. The case examiners consider that a period of one year is appropriate in the circumstances 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. This was a finely balanced determination, as the case examiners do not consider that the matter, be it isolated, is of *'relatively low seriousness',* as pointed to in Social Work England's sanctions guidance in respect of one-year warnings. However, the social worker does not require additional time to fully address the risk of repetition, as is pointed to in the same guidance in respect of three-year warnings. Therefore, the primary purpose of the warning is to highlight the professional standards expected of social workers. The case examiners do not consider that the matter fell marginally short of the need to restrict practice, and therefore five years would be disproportionate. In all the circumstances of this case, the case examiners are satisfied that a warning of one year duration is the proportionate sanction.

Conclusion:

The case examiners will notify the social worker of their proposal to issue a warning order (1 year) and will 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 case examiners formally warn the social worker as follows:

Your breach of confidentiality is a serious matter and demonstrated a serious lack of judgement. You put a member of the public at risk of harm.

Your actions could have an adverse effect on the public's confidence in you as a social worker. It may also damage the reputation of the social work profession.

This conduct should not be repeated. Any further matters brought to the attention of the regulator, particularly if similar in nature, are likely to result in a more serious outcome.

Response from the social worker

The social worker provided a response on 09 August 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

Having reviewed the social worker's response, the case examiners are satisfied that a warning order of 1 year duration is the most appropriate outcome. The case examiners have not been presented with any new evidence that might change their previous assessment. Having considered again whether there would be a public interest in referring this matter to a public hearing they remain of the view that this is unnecessary for the reasons set out earlier in the decision. The case examiners therefore direct that the regulator enact a warning order of 1 year duration.