Case Examiner Decision
Caroline Newman – SW57279
FTPS-19758

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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	7 October 2026
	Accepted disposal proposed - warning order (3 years)
Final outcome	28 October 2026
	Accepted disposal - warning order (3 years)

Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory 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 and 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 3 years. The social worker subsequently accepted this proposal.

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.

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.

Foster Carer A and B	[redacted]

The complaint and our regulatory concerns

The initial complaint	
The complainant	The complaint was raised by the social worker's former employer, Foster Agency A
Date the complaint was received	12 October 2021
Complaint summary	The social worker is alleged to have provided an inaccurate or misleading reference for a foster family. 

Regulatory concerns

1. Whilst registered as a social worker on or around 16 July 2021, you provided an inaccurate and/or misleading reference for Foster Carer A and B.
2. 



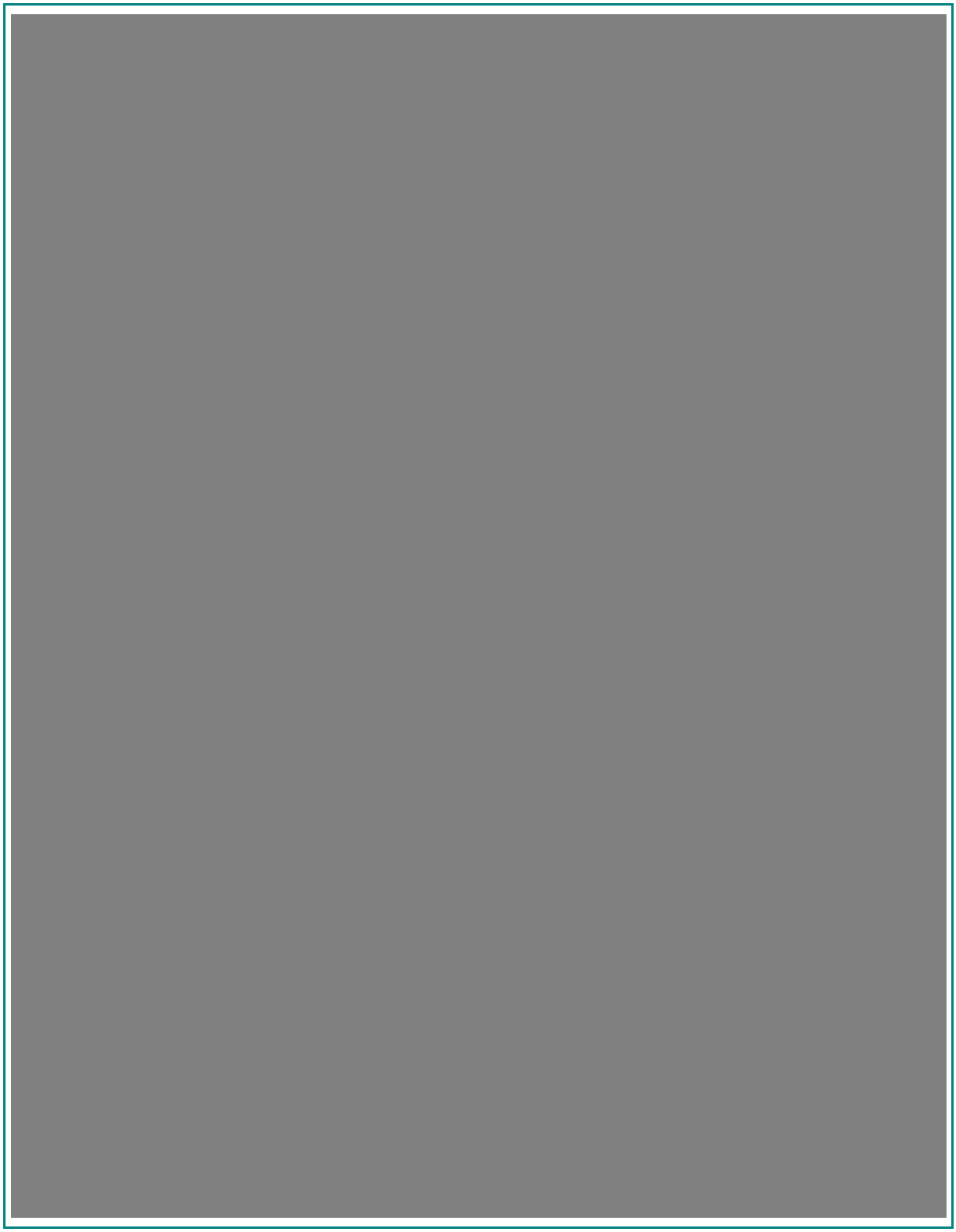
The matters outlined at regulatory concern 1 [redacted] amounts to the statutory ground of misconduct [redacted]

Your fitness to practise is impaired by reason of misconduct [redacted].

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
[redacted]



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 the 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. Whilst registered as a social worker on or around 16 July 2021, you provided an inaccurate and/or misleading reference for Foster Carer A and B.

The case examiners have been provided with a reference written by the social worker for Foster Carer A and B, dated 16 July 2021. They note the context of this reference, which was provided by the social worker, as they had worked with the couple as foster carers for over 16 years, both at Foster Agency A but also at previous agencies. At the time of providing the reference, the social worker was no longer employed by Foster Agency A.

Foster Carer A and B had been registered with Foster Agency A when a serious incident occurred, suggesting that there may be concerns about the stability of their relationship and their ability to manage conflict, with allegations of attempted suicide and threats of violence. The social worker was employed as the Registered Manager

of Foster Agency A at the time and there is evidence to suggest they were involved in discussions about the potential risk to the children in their care and concerns that the foster carers were not being wholly honest. Foster Carer A and B were subsequently deregistered by Foster Agency A but they appealed this with the Independent Review Mechanism (IRM) and it was for this purpose that the social worker provided a reference in support of the carers.

The social worker submits that they were asked to leave their employment with Foster Agency A shortly after the incident so did not have access to all of the information regarding the ongoing investigation into the incident. The case examiners note the evidence which suggests that the incident was reported by the out of hours team on 8 November 2020. The case examiners have seen an email sent by the social worker to notify others of the incident, dated 13 November 2020. Within the email the social worker refers to the alleged attempted suicide and that the father "went to attack mum with a knife". The case examiners have also seen minutes which indicate the social worker was present during a Position of Trust meeting on 23 November 2020 where many of the concerns were discussed, including an allegation from the carers child that there had been an incident with a knife being brandished by their father towards their mother. Within the meeting it is noted the social worker raised concern that the mother was not being honest about the events.

It is acknowledged that the social worker was asked to leave Foster Agency A on 23 November 2020 and so was not further involved in the investigation, they were also not present for the later Position of Trust meeting. At this meeting, the police provided information regarding the witness accounts which suggested there was evidence to support the safeguarding concerns being investigated. However, whilst the social worker may not have been privy to this level of evidence, the case examiners conclude that the evidence indicates the social worker knew enough about the incident to appreciate why a safeguarding investigation was required and how it may raise concerns about the foster carers' standards of care and their ability to keep foster children safe.

The case examiners note that within the reference for Foster Carers A and B, the social worker referred to the incident as a "terrible accident". The reference does not provide any additional detail about the incident, or acknowledge that the social worker did not have access to up-to-date information or professional knowledge of the outcome of the incident. The social worker submits that they knew their reference would be provided to IRM alongside a reference from the agency including the standards of care report, and this is why they did not go into any detail about the incident. The case examiners have not been provided with evidence to suggest that

the social worker should not have provided a reference offering their professional view, which may be different to that of Foster Agency A.

However, the case examiners consider that the social worker's reference goes further than stating a professional view and attempts to discredit Foster Agency A, stating that Foster Carer A and B "came under attack from the agency about the ability to foster and subsequent deregistration. Which I completely disagree with" and "to see their career as foster carers potentially ended due to the agencies poor practice is actually heartbreaking".

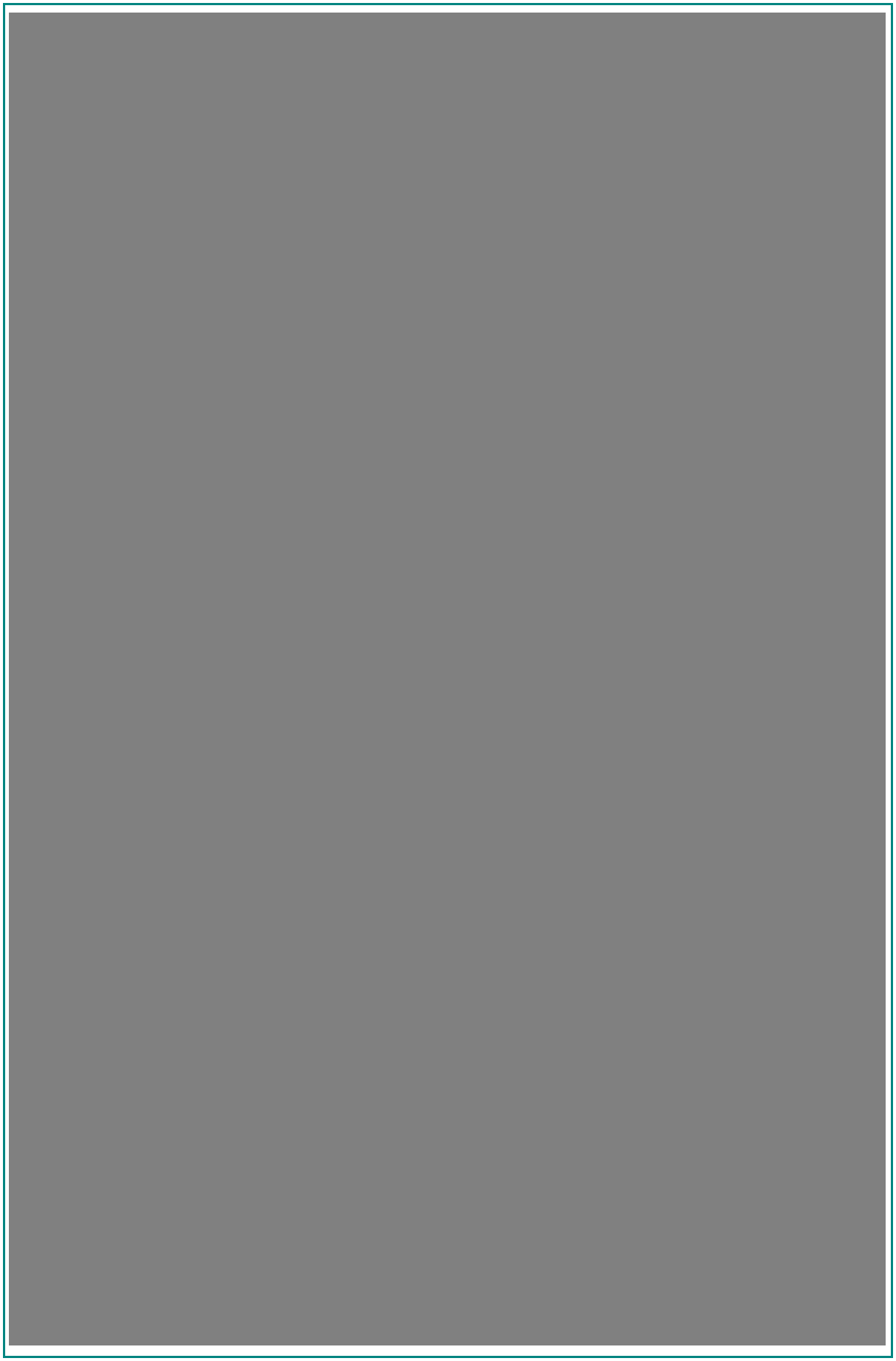
The case examiners note the social worker's submissions which suggest that the successful IRM appeal demonstrates that Foster Agency A were wrong to recommend de-registration. Whilst it is outside the remit of the regulator to assess the suitability of foster carers, the case examiners are satisfied that from the evidence provided by Foster Agency A, that while the decision to deregister may not have been the only possible course of action, it was not unreasonable nor does it evidence poor practice on the part of Foster Agency A.

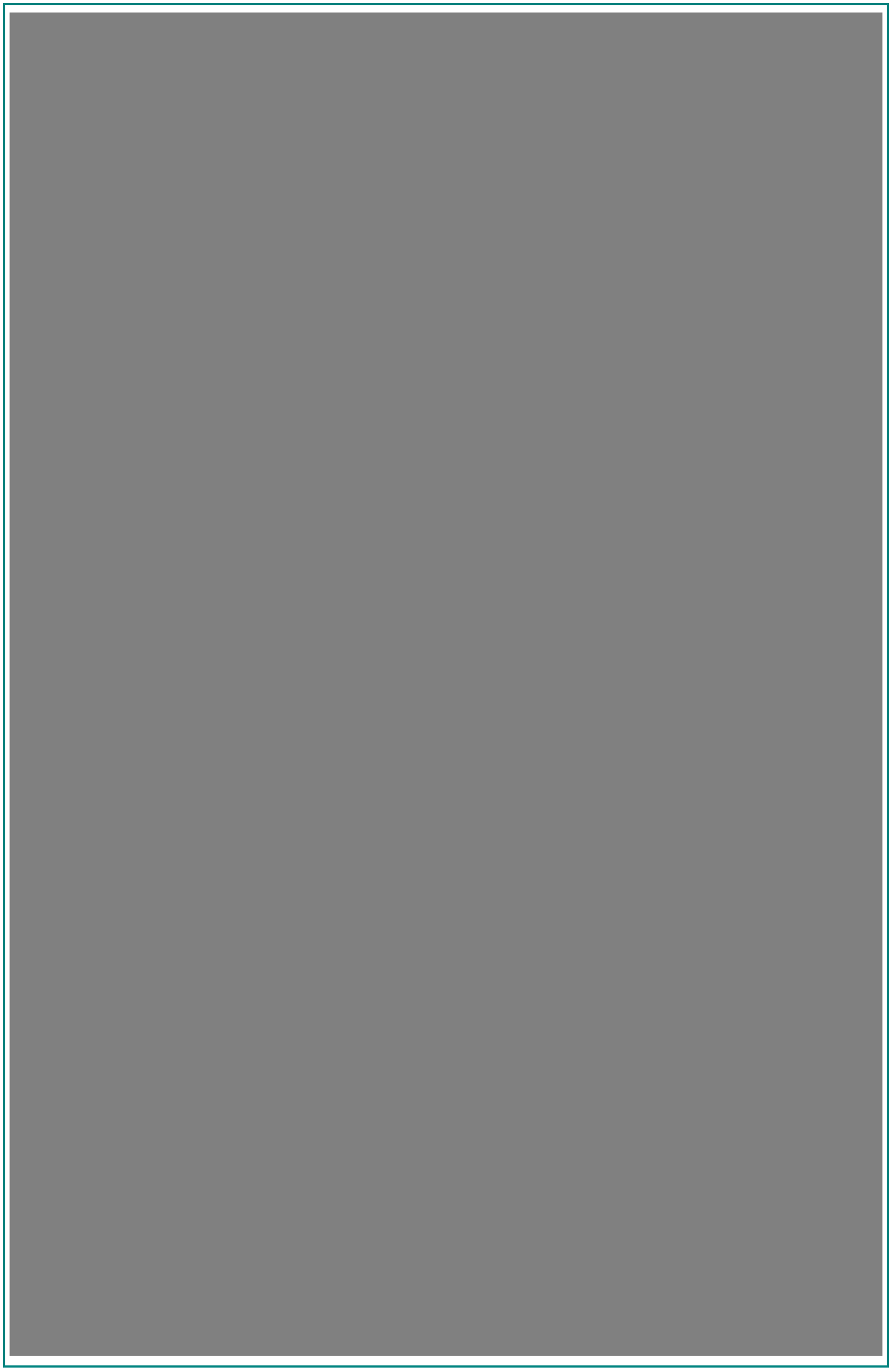
The case examiners consider that the social worker suggesting in their reference that the decision to de-register the carers was down to poor practice and an attack from the agency, could be viewed as misleading as they could have stated a different professional view without undermining the agency. The case examiners also consider that referring to the incident as an "accident" within the reference, without providing additional context could be inaccurate or misleading. This is because the evidence suggests that at the point of departure from Foster Agency A the social worker had knowledge that it was suggested the incident may not be an accident. The case examiners also consider that having departed from the agency on 23 November 2020 the social worker did not have full access to the conclusion of that investigation which might enable them to confidently deem it to be an accident.

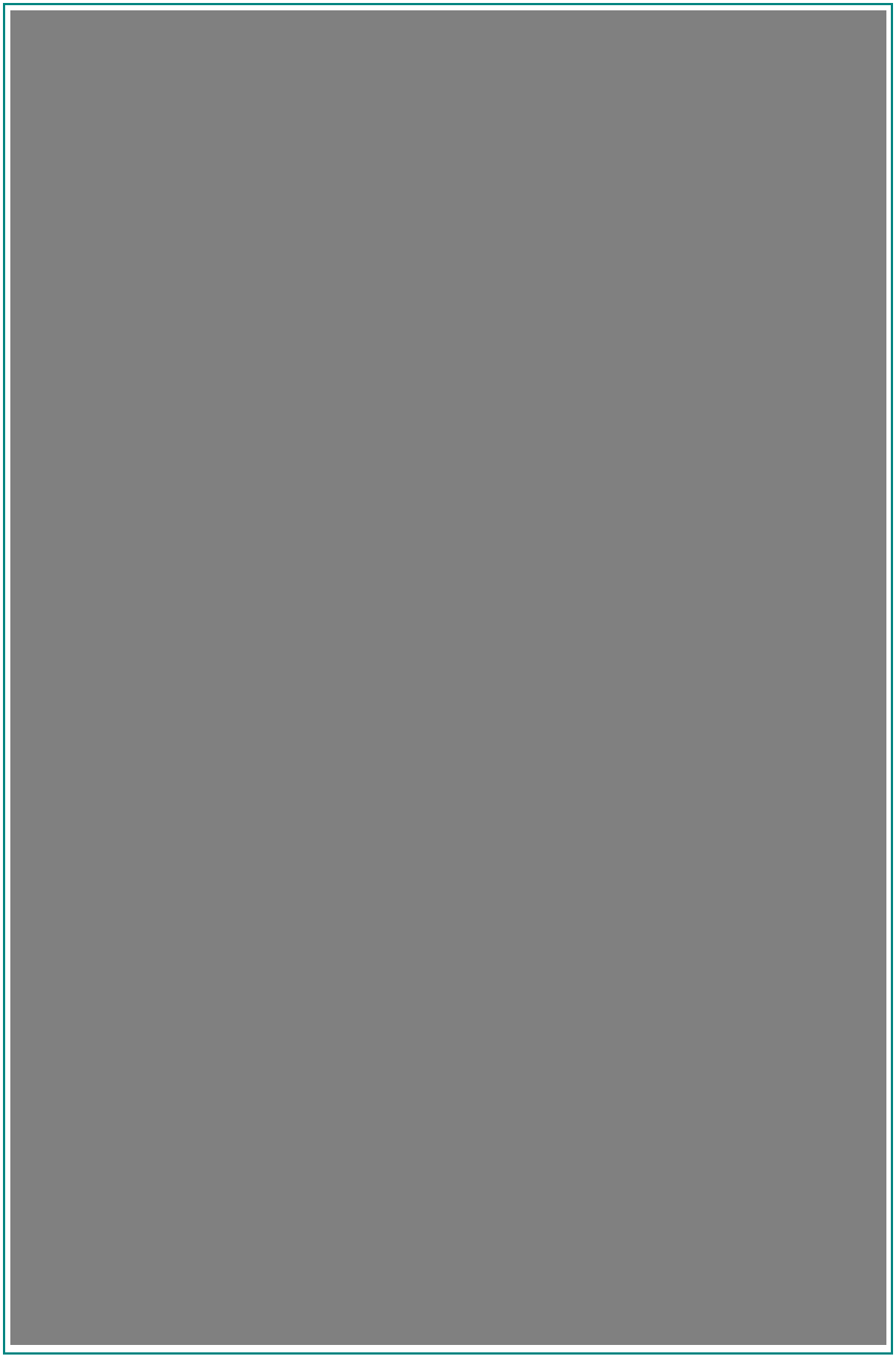
The social worker does not accept this regulatory concern and states that they completed the reference with the information they had, noting they were not aware of all the concerns, including the allegation about a knife. The evidence suggests the social worker was part of a meeting where this was discussed and that they referred to it within an email.

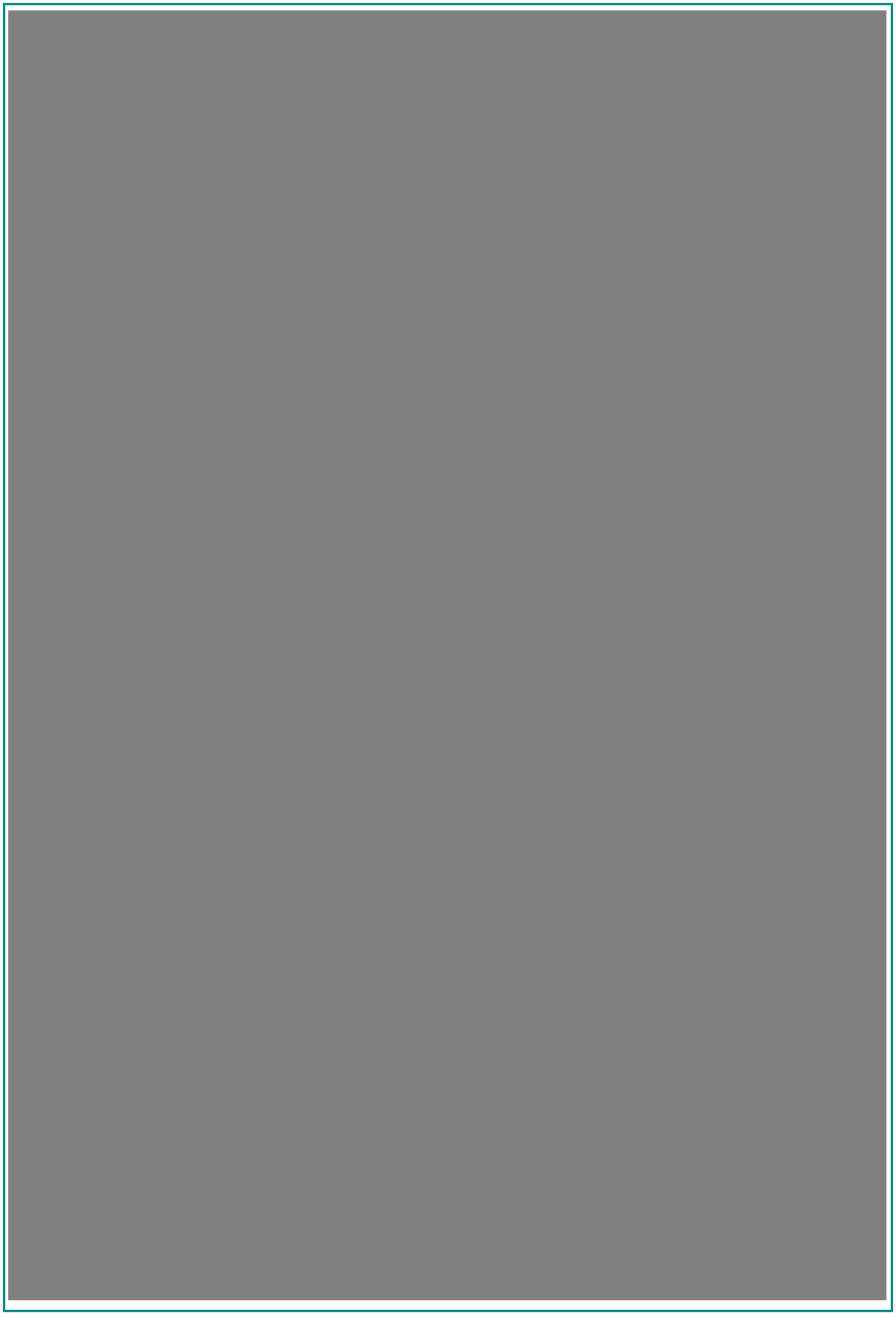
The case examiners are satisfied there is a realistic prospect of this regulatory concern being found proven, should the matter go forward to adjudicators.

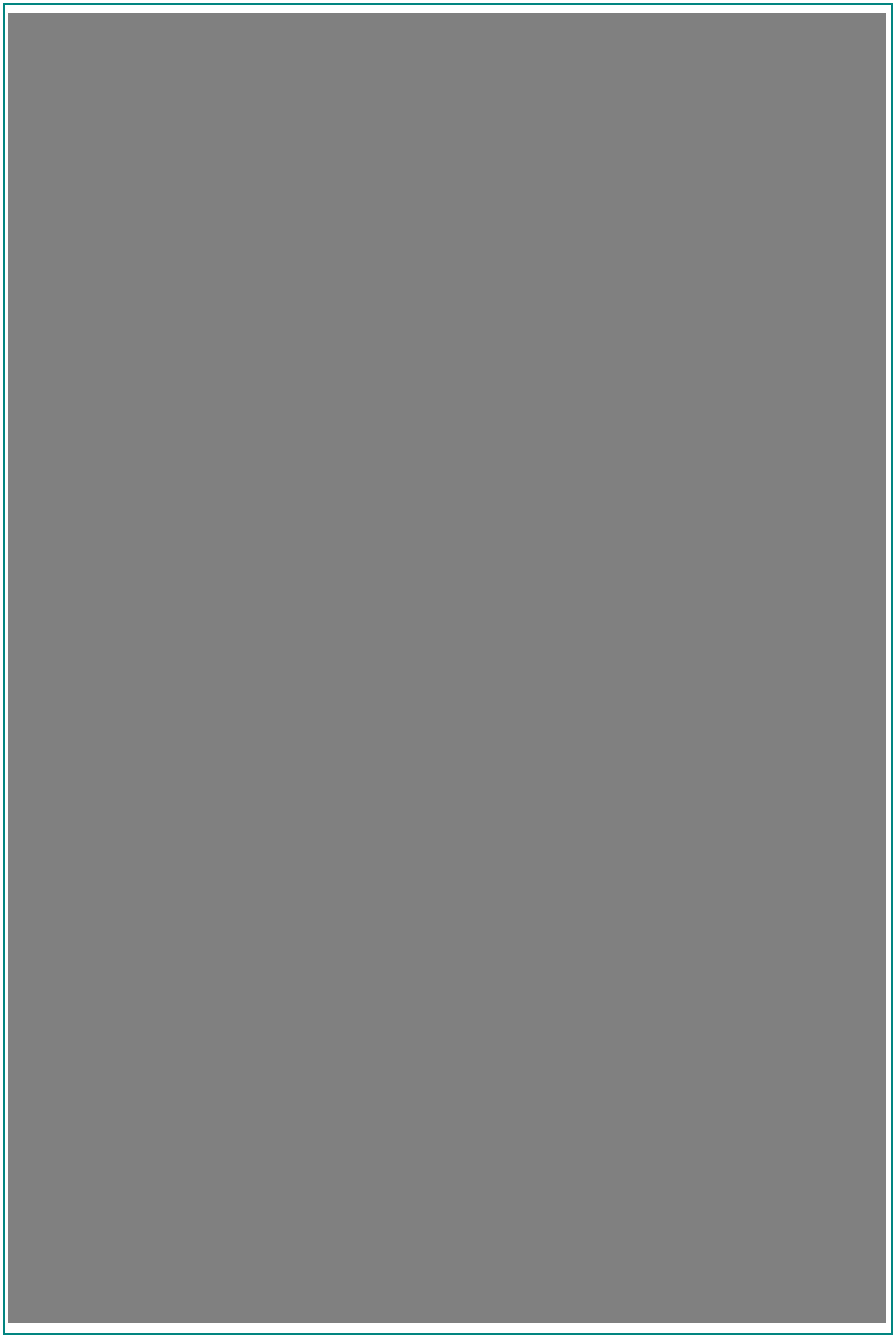


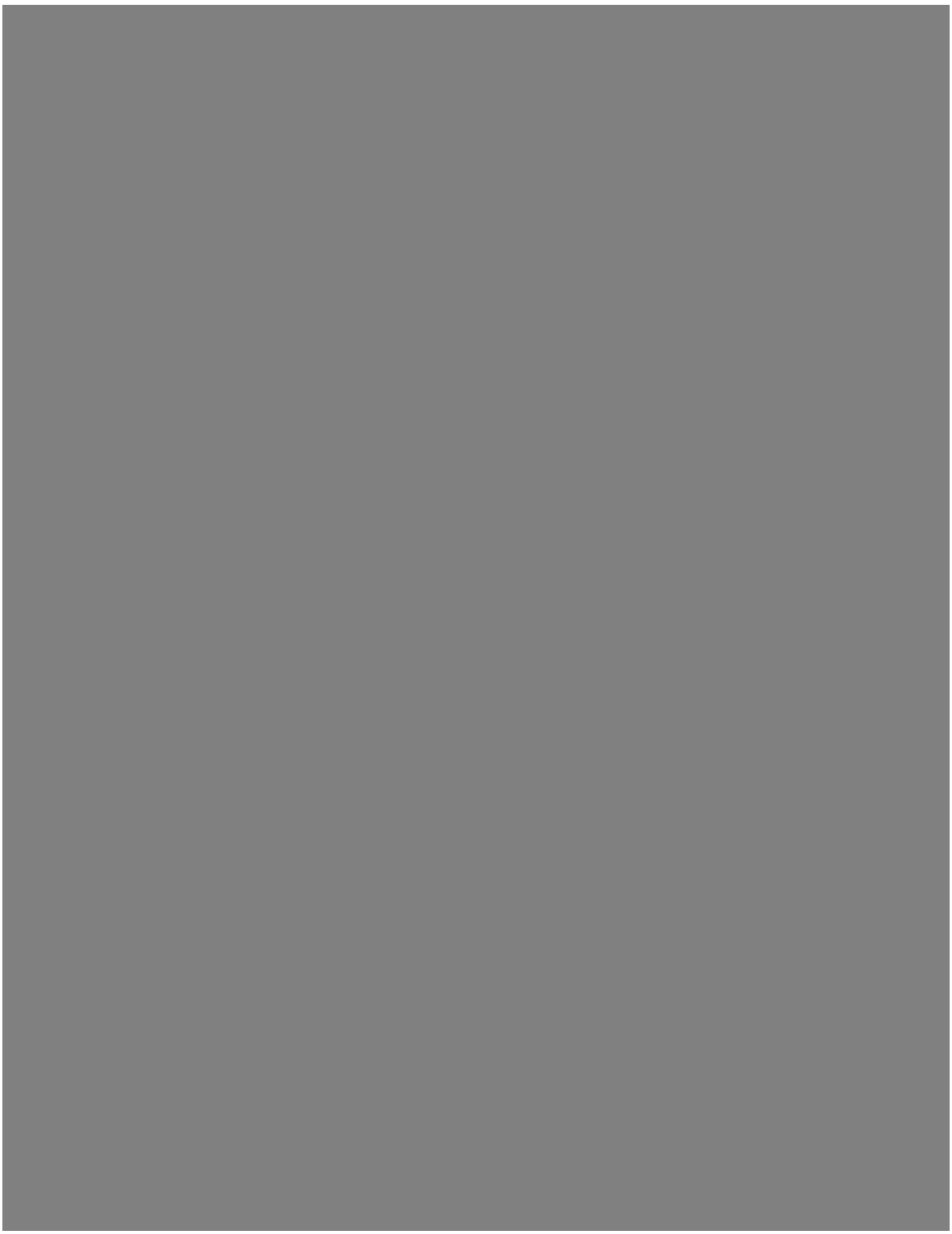






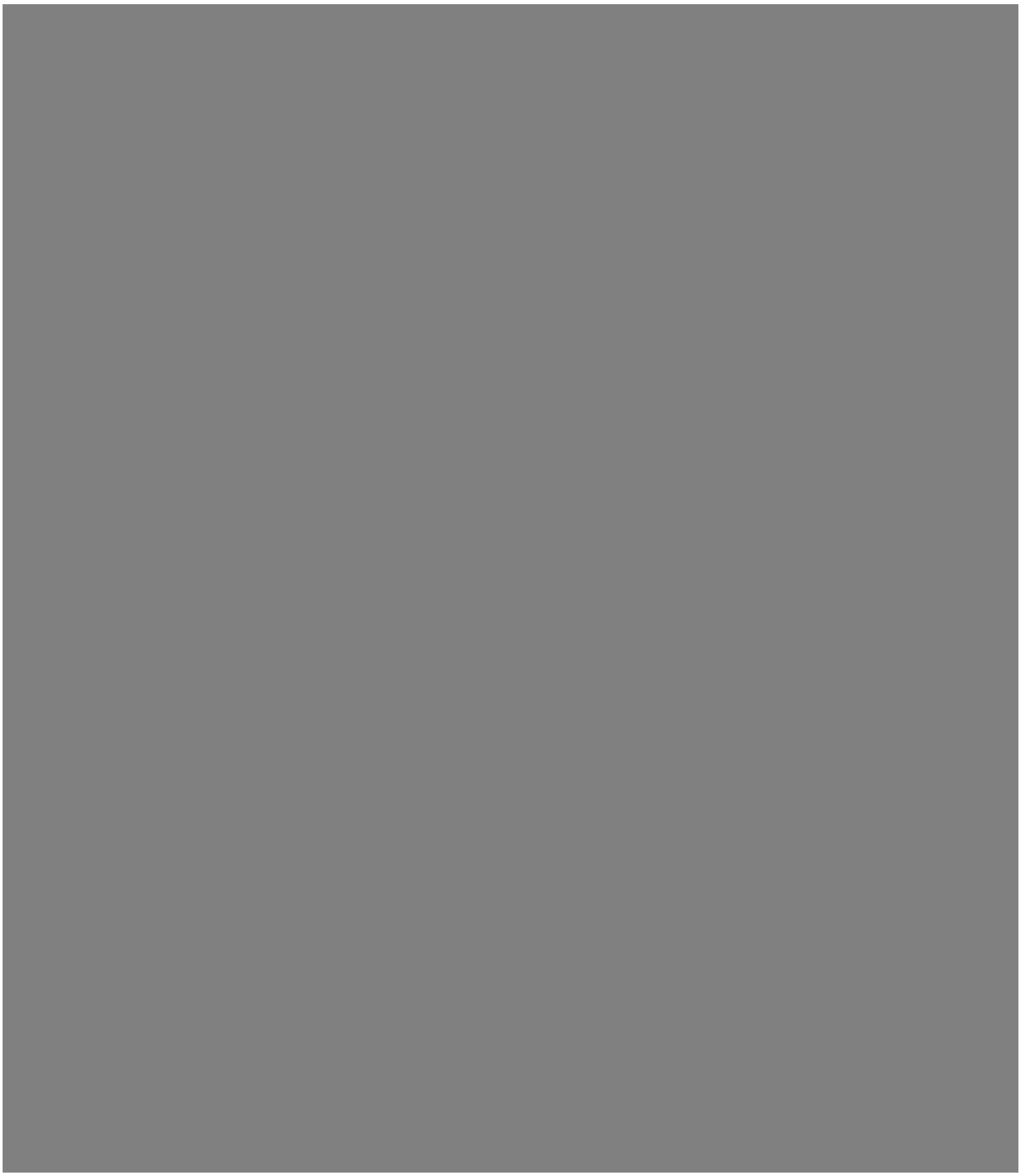






Grounds

The case examiners have then considered whether there is a realistic prospect of regulatory concern 1 being found to amount to a statutory ground.



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.

As a social worker, I will;

3.5 Hold different explanations in mind and use evidence to inform my decisions.

3.7 Recognise where there may be bias in decision making and address issues that arise from ethical dilemmas, conflicting information, or differing professional decisions.

The case examiners consider that as a professional, the social worker was entitled to provide a reference containing their opinion regarding a foster family. However, as a professional they should be mindful that their opinion holds a degree of gravity and where those opinions are not based on evidence based, up-to-date knowledge then that needs to be clearly expressed.

As previously noted, the social worker used the reference not only to express their own opinion about the incident being an "accident", but it appears they also tried to discredit Foster Agency A. Whilst the IRM would have received information from a range of sources, this attempt to discredit the agency may have undermined the information coming from them. Whilst it appears that the social worker felt the foster carers may have been treated unfairly by the agency, this does not eliminate the requirement for a standards of care investigation into Foster Carer A and B. The case examiners consider that it is possible the foster carers could have been historically skilled and child centred and also undergoing an unstable period in their relationship which led to erratic behaviour and mental health concerns which could represent a risk to foster children.

The case examiners consider that the social worker appears to have been influenced by their prior relationship with the foster carers and therefore the reference does not represent a balanced view, with appropriate professional curiosity applied. The professional standards guidance states "conflicts of interest can occur when a social worker does not take steps to ensure the impartiality of their work".

The case examiners recognise that an isolated act may engage the statutory ground of misconduct but that it should be particularly grave. The case examiners consider that this is a finely balanced consideration, as alleged negligence in a reference could be viewed as serious but not so serious as to engage misconduct.

However, the case examiners have considered the risk of harm in assessing seriousness and concluded that a biased reference may contribute to carers

becoming or remaining approved without sufficient scrutiny of the concerns. The case examiners are of the view that this potentially represents a misuse of the power and authority a social worker has and is therefore a significant departure from the professional standards.

The case examiners are satisfied there is a realistic prospect of adjudicators finding the statutory ground of misconduct to be 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.

Whether the conduct can be easily remedied

The case examiners consider that this conduct is remediable, there is learning and development which could be undertaken to evidence remediation and the social worker could demonstrate insight and explain what they would do differently.

Insight and remediation

The case examiners consider that the social worker has demonstrated some insight and submits “my learning from this has been to always ensure the information I provide in a reference is based on my knowledge of the person and the facts, or documents that I have read, with the clarity about my relationship with that person”.

However, the case examiners are of the view this insight is not complete as the social worker continues to deny that their reference was misleading and minimises the impact of their words potentially discrediting the subsequent registered manager. The social worker acknowledges that they left Foster Agency A prior to the investigation being completed and that they were not aware of the complainant’s

concerns. They do not explain how they felt confident to undermine the agency's position and state the foster carers were under attack and deregistered due to poor practice without full information.

The case examiners note the social worker has provided evidence of training in the form of many certificates for a variety of courses. Without any evidence of what the social worker has learnt from the training and how it is relevant to the regulatory concern, the case examiners are limited in the weight they put on this remediation. They do recognise that the social worker has completed a course on professional curiosity which may assist with their understanding of how to uphold the professional standards identified in the previous section.

The case examiners acknowledge the social worker has been practising as a registered manager in the intervening years and that no further concerns have been raised with the regulator. They have been provided with a reference from the Registered Individual at the social worker's current foster agency, which is very positive about the social worker and their practice.

The social worker advises that they received a challenging Ofsted inspection in 2025 and they have provided an action plan to demonstrate their ability to work in an accountable and responsive manner. The case examiners note that Ofsted reported significant concerns about the recruitment of foster carers, stating "there is limited evidence of analysis or professional curiosity in assessments" and "the fostering panel does not demonstrate robust quality assurance functions". Whilst the social worker cannot be held solely responsible for this and appears to be taking steps to address the shortfalls, it suggests that professional curiosity and the ability to consider other explanations for information may have continued to pose a challenge for the social worker.

Risk of repetition

The case examiners have been provided with developing but not full insight and limited evidence of remediation. They cannot therefore be assured there is a low risk of repetition.

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.

Social workers in fostering services have an authoritative role in keeping children safe, requiring skills in building relationships with foster carers and supporting them

but also providing scrutiny and oversight. Children in care need social workers to be able to exercise professional curiosity and hold different explanations in mind, so any difficulties or concerns can be uncovered and properly investigated.

The public expect children in care to be protected and social workers to maintain high levels of professionalism. Any departure from this has the potential to undermine public confidence, particularly if a risk of repetition remains.

The case examiners are satisfied there is a realistic prospect of adjudicators finding the social worker's fitness to practise 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 in Social Work England's maintenance of the standards expected of social workers.

The case examiners have noted that the social worker has not accepted the regulatory concern nor that 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 in this case and while the social worker does not accept the key facts, this is a matter of interpretation. The relevant evidence is the reference, and the area of disagreement is whether the reference could be described as misleading or inaccurate. This is not a matter, in the view of the case examiners, which requires a hearing to conclude. If the social worker, on reading the case examiners rationale, remains in disagreement, then they are able to decline the accepted disposal proposal and the case will go forward to adjudicators.

- The accepted disposal process will also provide to 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	3 years	

Reasoning

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 good character in the form of testimonials
- evidence of training around professional curiosity
- a long career in social work with no previous fitness to practice concerns
- evidence of wider or systematic issues in the workplace

Aggravating factors

- incomplete insight demonstrated
- lack of reflection evidenced on relevant remediation
- potential risk of harm to people who use social work services

In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's sanctions guidance (December 2022) and reminded

themselves that the purpose of a sanction is not to punish the social worker, but to protect the public.

The case examiners have decided that it is not in the public interest to refer this matter to a final hearing, and have chosen the least restrictive sanction necessary to protect the public and the wider public interest. They have started at the lowest possible sanction and worked up, testing the appropriateness of each sanction and the next sanction above it to confirm their decision is proportionate.

No further action and advice

The case examiners have already determined there is a realistic prospect that the social worker's fitness to practise would be found impaired. The sanctions guidance advises that if the personal element of impairment is found, "a sanction restricting or removing a social worker's registration will normally be necessary to protect the public". The case examiners are therefore led to consider sanctions which restrict the social worker's practice. They note that the guidance suggests it may therefore "be reasonable to move beyond the lower sanctions (no action, advice or a warning) on this basis alone". The case examiners conclude that no further action or advice would not be sufficient in this case, to uphold professional standards and public confidence in the profession.

Warning order

The case examiners also acknowledge however, the mitigation of this being an isolated incident in a long career in social work. Whilst the case examiners have already noted the Ofsted inspection in 2025 which identified necessary improvements for the social worker's current agency, they also acknowledge that Ofsted oversee the social worker's suitability to be a registered manager of a fostering agency and there is no suggestion that they are not considered suitable.

The case examiners have therefore determined that they can consider a warning order, alongside the restrictive sanctions. They note that the social worker has stated their intention to ensure that any references they provide will be based on facts; whilst the evidence suggests insight is not yet complete, this provides some assurance that the public will not be put at risk.

The case examiners note the sanctions guidance which sets out that "a warning order is likely to be appropriate where (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".

Whilst the case examiners have concluded that a risk of repetition remains, they have identified the regulatory concern relates to an isolated reference and that the social worker has demonstrated developing insight. Additionally, the guidance describes a warning order as showing "clear disapproval of the social worker's conduct or performance. A warning order is a signal that the social worker is highly likely to receive a more severe sanction if they repeat the behaviour". Given that the fitness to practice issue was limited in a career spanning many years and the evidence of good practice since, the case examiners are satisfied that a warning order is the minimum necessary to protect the public and uphold the public interest.

Conditions of practice order/suspension

The case examiners have tested their rationale by considering whether a restrictive sanction of conditions of practice or suspension would be more appropriate given the risk of repetition. They are of the view that they could formulate workable conditions to monitor the social worker's practice, but are not satisfied that this would be proportionate, given the limited nature of the conduct of concern and the social worker's many years of good practice previously and since. The case examiners considered that a restrictive sanction would be a disproportionate and punitive outcome in this case.

Length of warning order

The case examiners note that the guidance suggests a one-year order "may be appropriate for an isolated incident of relatively low seriousness" and have concluded that this is not sufficient to mark the serious implications of the social worker's misconduct. They note that a 3-year order is appropriate for more serious concerns and "5 years may be appropriate for serious cases that have fallen only marginally short of requiring restriction of practice". The case examiners consider this to be a finely balanced consideration as the sanctions guidance led them to consider a conditions of practice order, due to the finding of the personal element of impairment and risk of repetition. It could therefore be argued that 5 years is the most appropriate outcome. However, the case examiners also acknowledge that while the conduct was serious, it was also limited and for this reason they conclude that a 3 year order is the minimum necessary to protect the public and uphold public confidence.

The case examiners have decided to propose to the social worker a warning order of 3 years duration. They will now notify the social worker of their intention and seek the social worker's agreement to dispose of the matter accordingly. The social worker

will be offered 14 days to respond. If the social worker does not agree, or if the case examiners revise their decision regarding the public interest in this case, the matter will proceed to a final hearing.

Content of the warning

The case examiners remind the social worker of the following professional standards and the importance of professional curiosity being applied to all situations, regardless of any previous working relationships.

As a social worker, I will;

3.5 Hold different explanations in mind and use evidence to inform my decisions.

3.7 Recognise where there may be bias in decision making and address issues that arise from ethical dilemmas, conflicting information, or differing professional decisions.

The conduct that led to this complaint should not be repeated. Any similar conduct or 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 proposal and accepted the following statement;

“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 3 years duration.