

Case Examiner Decision
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FTPS-22733

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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	04 June 2026
	Accepted disposal proposed - suspension order (1 year)
Final outcome	09 July 2026
	Accepted disposal - suspension 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 grounds 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 do not consider it to be in the public interest for the matter to be referred to a final hearing and 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 suspension order of 1 year duration, which they have now accepted in full.

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 the social worker's former employer, [REDACTED]
Date the complaint was received	18 October 2023
Complaint summary	Following an audit, the social worker's former employer alleged that they had repeatedly accessed the files of [REDACTED] without a professional reason to do so.

Regulatory concerns

Regulatory concerns are clearly identified issues that are a concern to the regulator. The regulator concern for this case is as follows:

Whilst registered as a social worker between 3 October 2022 and 29 June 2023,

1. You failed to handle confidential information in line with the law in that you accessed service users case records without a legitimate or professional reason to do so.

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 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 by adjudicators, 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

It is alleged that whilst registered as a social worker between 3 October 2022 and 29 June 2023,

- 1) You failed to handle confidential information in line with the law in that you accessed service users case records without a legitimate or professional reason to do so.

The case examiners have been provided with evidence which includes the following:

- An internal investigation report completed by the social worker's former employer
- Screen shots of an audit of records accessed

[REDACTED]

[REDACTED] It is noted by the case examiners that the social worker had been employed by their former employer since 2002.

The case examiners have seen an audit document provided by the previous employer which indicates the social worker accessed the files of Child A, Child B, Child C and Adult B a total of 52 times between 3 October 2022 and 29 June 2023. The case examiners are satisfied that the evidence seen suggests that the social worker did access the files [REDACTED].

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Therefore, the case examiners are satisfied that the evidence supports that there was not a legitimate or professional reason for the social worker to access the case records in relation to the children and for that reason the social worker also failed to handle confidential information in line with the law.

The case examiners are satisfied that there is a realistic prospect of regulatory concern 1 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. 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 the Social Work England Professional Standards 2019:

As a social worker, I will:

1.7 Recognise and use responsibly the power and authority I have when working with people, ensuring that my interventions are always necessary, the least intrusive, proportionate and in people's best interest.

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 social worker has allegedly accessed the case records [REDACTED] on 52 occasions, without a legitimate or professional reason to do so. The case examiners consider that, if found proven, accessing confidential information [REDACTED] would not be a responsible use of the power and authority social workers have, which enables them access to confidential information. The public are likely to expect that social workers do not have additional right or privilege to confidential information regarding [REDACTED] and therefore the alleged behaviour would not align with standard 1.7.

The case examiners also consider that if found proven, the alleged behaviour would not amount to respecting and maintaining the dignity and privacy [REDACTED] [REDACTED] or of anybody else whose details were on that file [REDACTED] [REDACTED]. This would therefore not align with standard 2.2.

The case examiners consider that if found proven, accessing confidential records without professional reason would also not align with standard 2.6 as it is not handling confidential information in line with the law.

The case examiners consider that accessing records [REDACTED] for personal use is likely to bring into question the social worker's suitability to work as a social worker, as the public would not expect a social worker to utilise a confidential system for their own personal needs, this conduct does not align with standard 5.2.

The case examiners are aware that for the threshold of misconduct to be reached, the conduct has to be serious. The case examiners consider that the conduct in this case is serious and was repeated over a period of eight months. The case examiners consider this repeated behaviour is likely to be considered deplorable by other social workers.

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

With regards to the concerns before the regulator, the case examiners have given thought to their guidance, and they note that they should give consideration to whether the matters before the regulator are easily remediable, and whether the social worker has demonstrated insight and/or conducted remediation to the effect that the risk of repetition is highly unlikely.

The case examiners note there is no previous history to take into account and that prior to this matter, the social worker had been employed by the former employer with no reported issues since 2002.

The social worker admits the allegation and in their submissions says it was an "awful error of judgment" and that they have "deep regret and remorse". [REDACTED]
[REDACTED]

[REDACTED]

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, but simply asserting this is unlikely to be enough to demonstrate genuine insight.

In their submissions the social worker said they feel the situation was unique to themselves and *“at no point were there any risks to anyone”* because the records were accessed *“purely for my own knowledge”* and the information was not shared. The case examiners have considered whether there was a risk of harm to any party involved in this incident and consider there is likely to have been a risk of harm [REDACTED]

[REDACTED]

[REDACTED] The case examiners have also considered the fact that there were details of third parties on the case file, which the social worker was not entitled to have sight of.

The social worker says they have done extensive self-reflection and that their sense of right and wrong was thrown into disarray due to this being such a stressful and worrying situation. [REDACTED]

[REDACTED] The case examiners consider that although the social worker does acknowledge that they were in the wrong, they have yet to develop full insight into their alleged behaviour.

The social worker acknowledges that with hindsight they should have spoken to their manager and explained what was happening and perhaps seen their GP because they were under a lot of stress.

The case examiners do not consider the social worker has yet demonstrated they have developed the level of insight required which would indicate a genuine understanding of the impact of their actions on others and on the profession.

Turning next to remediation the case examiners are aware this is best shown by objective evidence, for example, the successful completion of education or training, satisfactory performance appraisals or other positive feedback in relation to their professional practice. The social worker has stated that they resigned from their post in December 2023 and have not been practising since then. Therefore, the case examiners have seen no evidence of remediation by the social worker. The case examiners do consider, however, that the behaviour could be remediated, with relevant education and training to aid a greater development of insight.

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. The information reviewed leads the case examiners to conclude that there is a 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.

A social worker who accesses confidential information without a legitimate reason to do so and for their own personal knowledge, repeatedly and over an 8 month period, undoubtedly has the potential to undermine public confidence. Such conduct is certainly a significant departure from professional standards.

Regulatory concerns regarding breaches of confidentiality go to the heart of public confidence in the social work profession. They have the potential to undermine the public's trust in social workers. A social worker has a privileged position due to their ability to access confidential and sensitive information, and the public expect that information to be handled appropriately and in line with the law. As such, 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.

Having considered both the personal and public elements, 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 carefully considered whether a referral to a hearing may be necessary in the public interest. They note the social worker has accepted the key facts.

The social worker has not specifically indicated to Social Work England whether they consider that their fitness to practise is currently impaired. Where a social worker does not accept impairment, the 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:

- There is no conflict in evidence in this case, and the social worker accepts the facts of the concern.
- The social worker is clear that they accept that their practice fell short of the standards expected of them. In their submissions to the regulator, the social worker stated, they are truly sorry for their actions and feel their judgment was severely impaired due to the stress of the situation.

- The case examiners recognise that not all professionals will have an innate understanding of how and when the public interest limb of impairment may be engaged, or how exactly this might impact upon findings concerning current fitness to practise.
- 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.
- Whilst the case examiners in this instance have concluded that there is a risk of repetition, they 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 and is also subject to a final review of the case by the case examiners, who may determine to send the matter to a hearing following any response received.

Interim order

An interim order may be necessary for protection of members of the public	Yes	☐
	No	☒
	Yes	☐

An interim order may be necessary in the best interests of the social worker	No	☒
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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 have taken into consideration the following aggravating and mitigating factors when considering sanction in this case:

Aggravating

- The social worker's alleged conduct was repeated over a significant period of time.
- The social worker has limited insight into the alleged behaviour.

Mitigating

- The social worker has worked for the former employer since 2002 with no other reported concerns.

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, Advice, Warning

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 cannot be met by taking no further action, issuing advice, or providing a warning order.

Social Work England's sanction guidance states that an outcome of no further action will not be appropriate where there is any continuing risk to the public of the social worker behaving in the same way again. The same guidance goes on to say that an outcome of advice or a warning is not appropriate where the social worker poses a current risk to the public, given that neither sanction directly restricts a social worker's practice. The case examiners have determined that there is a risk of repetition in this case, and therefore none of the three sanctions detailed above are appropriate.

Conditions of practice

The case examiners went on to consider conditions of practice. They noted that the sanctions guidance indicates that conditions of practice may be appropriate 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 consider the social worker has demonstrated some insight into their alleged conduct and that the failure is capable of being remedied. However, the case examiners note that the social worker is not currently working, and the case examiners do not consider that appropriate, proportionate and workable conditions could be put in place and therefore they are not confident the social worker can and will comply with conditions. The case examiners also consider that it would not be possible to formulate workable conditions to address the alleged behaviour in this case as it is acknowledged that access to confidential information is a central tenet

of social work. Further, the case examiners did not consider that the sanction would be sufficient to protect the wider public interest.

Suspension

- The case examiners have decided that a suspension order is necessary and proportionate.

The case examiners consider that they cannot formulate workable conditions to protect the public or the wider public interest, however that this case falls short of requiring removal from the register.

The case examiners note the sanctions guidance which states a suspension order may be appropriate when (all of the following) apply:

- 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

Although the case examiners have not seen evidence of remediation from the social worker at this point, they do not consider this to mean the social worker is not willing or able to remediate at some point in the future. The case examiners are satisfied that the social worker has demonstrated some insight, be it developing, to suggest that remediation is not out of reach.

The case examiners have considered the duration of the suspension order that might be appropriate given the circumstances. The case examiners are mindful of the sanctions guidance which states a suspension order can be imposed for up to 3 years at a time and that the purpose of the proceedings is not to punish. It is noted that a suspension of up to 1 year is considered appropriate where the primary aim is to maintain confidence in the profession and ensure the professional standards are observed. The case examiners consider a suspension order of 1 year to be an appropriate length of time to allow the social worker to reflect and engage in remediation should they chose to do so.

Removal order

In order to test whether a suspension order might be most appropriate, the case examiners considered the next sanction available which is removal. The case examiners note the sanctions guidance which states a removal order must be made where the decision makers conclude no other outcome would be enough to:

- Protect the public
- Maintain confidence in the profession
- Maintain proper professional standards for social workers in England

Having considered the lesser sanction of suspension, and with the awareness that the sanction imposed should be the minimum necessary to protect the public and the wider public interest, the case examiners are satisfied that a suspension order could achieve all of these criteria.

The case examiners have decided to propose to the social worker a suspension 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 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.

Recommendations for the social worker

The sanctions guidance states: 'where decision makers impose a suspension, they should be clear in their written decision that adjudicators reviewing the order will expect to see improvement at the next review. It is good practice for the decision makers to set out recommendations. These are not the same as conditions because compliance is not mandatory. They are suggested steps that the social worker can voluntarily take to evidence improvement at the review hearing'.

The case examiners suggest that the social worker;

- Provides evidence of relevant training or education along with their reflections of what they have learned and what they would do differently.
- Prepares a detailed reflective statement demonstrating their full insight into the impact or potential impact of confidentiality breaches on individuals and the impact on public confidence in the profession.

Response from the social worker

The social worker provided a response on 03 July 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 suspension 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 suspension order of 1 year duration.