

Case Examiner Decision  
Sharon L McCole – SW114786  
FTPS-21598

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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 | 17 April 2026                                                 |
|                     | Information requested                                         |
|                     | 22 May 2026                                                   |
|                     | Accepted disposal proposed – 5-year warning order (published) |
| Final outcome       | 01 July 2026                                                  |
|                     | 5-year warning order (published)                              |

## Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concern 5a being found proven by the adjudicators.
2. There is a realistic prospect of regulatory concern 5a being found to amount to the statutory ground of misconduct.

3. For regulatory concern 5a, 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 that the case could be concluded by way of accepted disposal.

As such, the case examiners notified the social worker of their intention to resolve the case with a warning order of five years duration. The social worker has agreed to the terms of accepted disposal which they have accepted in full.

The case examiners have considered all 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 | 09 August 2022                                                                                                                                                                                                                                                                                                             |
| Complaint summary               | Concerns were raised by a team manager of a Children's Team in relation to a range of practice issues and behaviours allegedly displayed by the social worker that were causing concern. After leaving the local authority, further fitness to practise concerns were raised by a subsequent employer on 07 December 2023. |

### Regulatory concerns

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

Between 13 July 2022 and 07 March 2024 and whilst registered as a social worker:





### **Regulatory Concern 5.**

On or around 27 October 2023 and whilst registered as a social worker, during an assessment at the home of a service user, you engaged in unprofessional and/or inappropriate communication, in that you:

- a) Behaved in an aggressive and/or bullying manner toward the service user, including allegedly stating that refusal to answer a question would result in being recorded as lacking capacity.
- 

### **Grounds of impairment:**

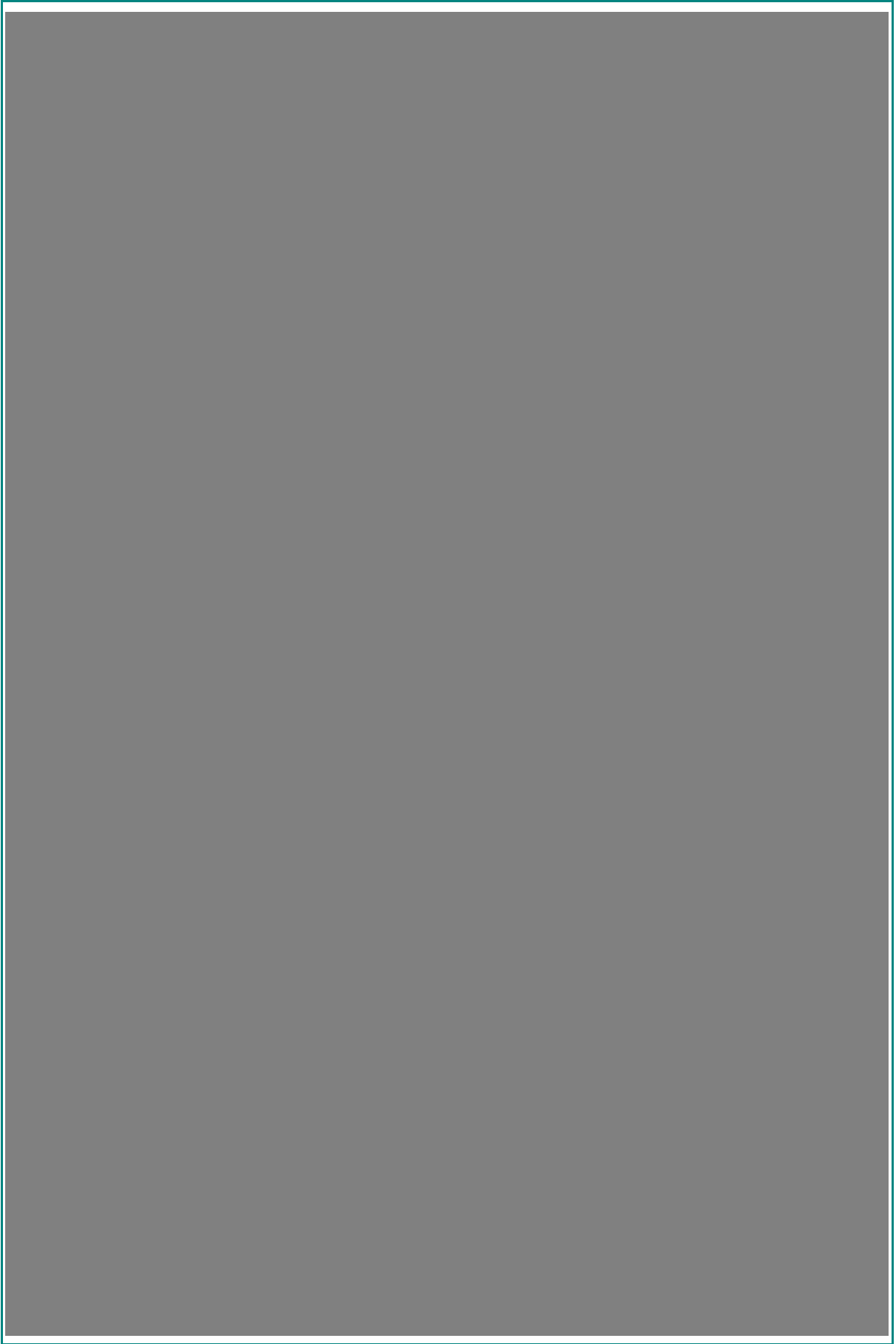
The matters set out in regulatory concern  5 above amount to the statutory grounds of misconduct.

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 | <input checked="" type="checkbox"/> |
|                                                                                                                                                                                                                                             | No  | <input type="checkbox"/>            |
| Are the case examiners satisfied that the social worker has had reasonable opportunity to make written representations to the investigators?                                                                                                | Yes | <input checked="" type="checkbox"/> |
|                                                                                                                                                                                                                                             | No  | <input type="checkbox"/>            |
| 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 | <input checked="" type="checkbox"/> |
|                                                                                                                                                                                                                                             | No  | <input type="checkbox"/>            |
| 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 | <input checked="" type="checkbox"/> |
|                                                                                                                                                                                                                                             | No  | <input type="checkbox"/>            |

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



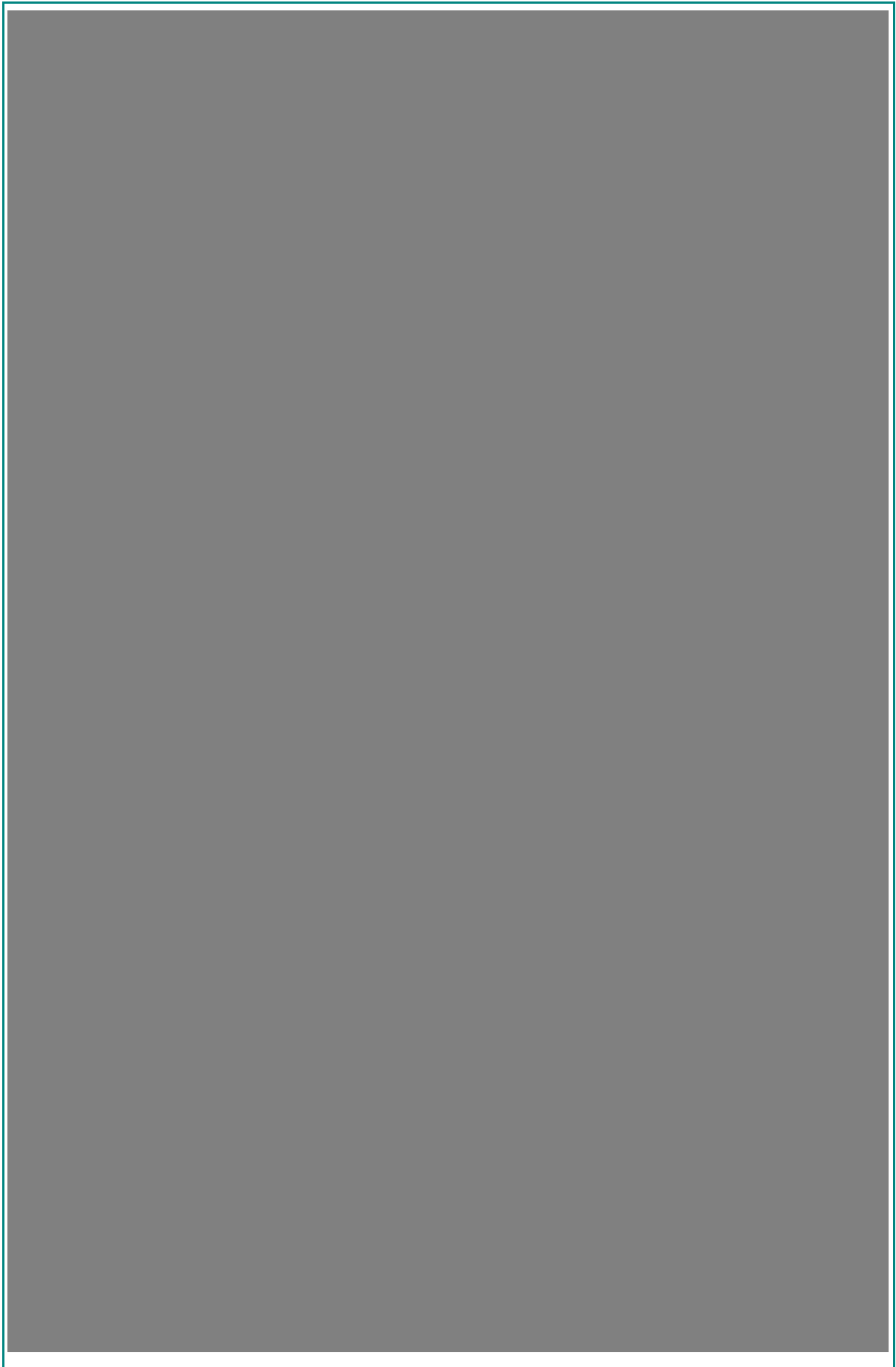
The case examiners have determined that there is a realistic prospect of regulatory concern **5a** being found proven, that concern 5a (only) could amount to the statutory ground of misconduct, and that the social worker's fitness to practise could be found impaired.

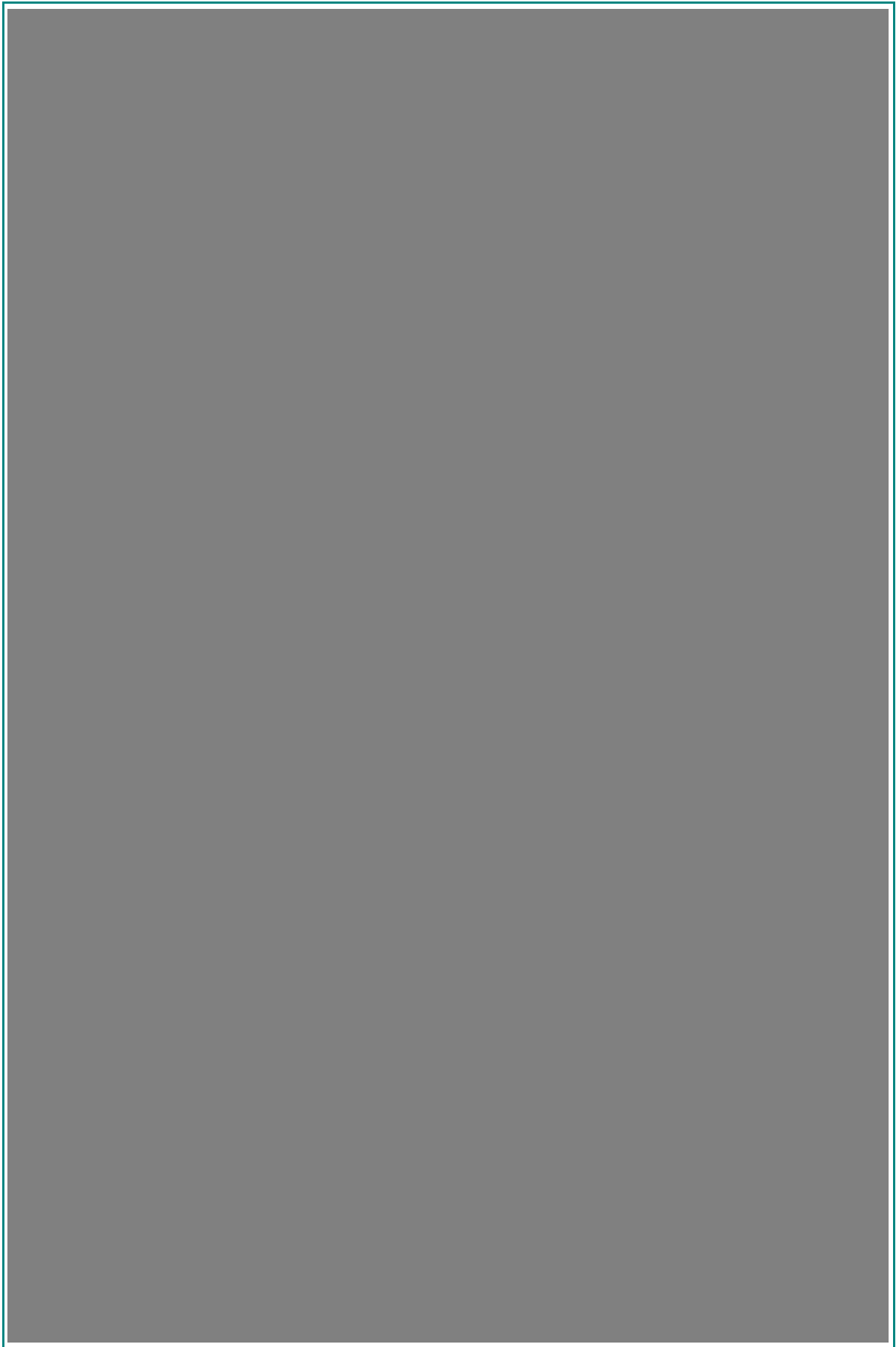
### Reasoning

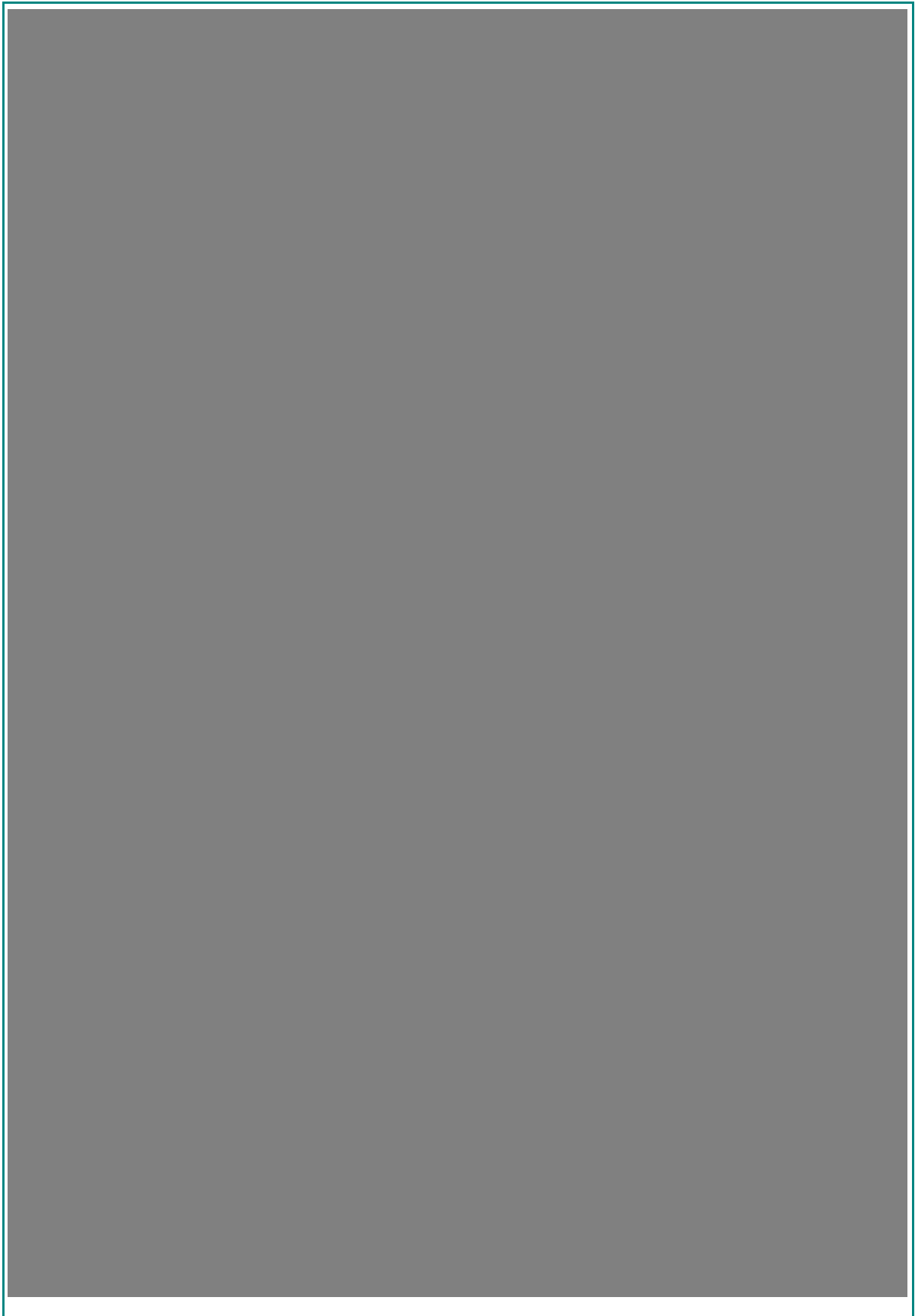
#### Facts

Between 13 July 2022 and 07 March 2024 and whilst registered as a social worker:











Regulatory Concern 5.

On or around 27 October 2023 and whilst registered as a social worker, during an assessment at the home of a service user, you engaged in unprofessional and/or inappropriate communication, in that you:

- a) Behaved in an aggressive and/or bullying manner toward the service user, including allegedly stating that refusal to answer a question would result in being recorded as lacking capacity.

Evidence suggests that a preliminary investigation was instigated by the social worker's employer following a complaint raised by the service user's carer following a home visit by the social worker.

It was alleged by the carer that the social worker spoke to the service user in a threatening and intimidating manner. Following a fact-finding meeting, it is alleged that the visit occurred on 27 October 2023, witnessed by another Children's Social Care (CSC) worker who was also present. It was alleged that the social worker told the service user *'you have little confidence because you are so small'*, and *'sweetheart look me in the face when I'm talking to you'*. Further, it was alleged that the service user was told that *'if you don't answer this question then I will have to put you down as lacking capacity'*, and *'if you don't answer I will need to put you down as lacking capacity and we will need to go to court for finances'*.

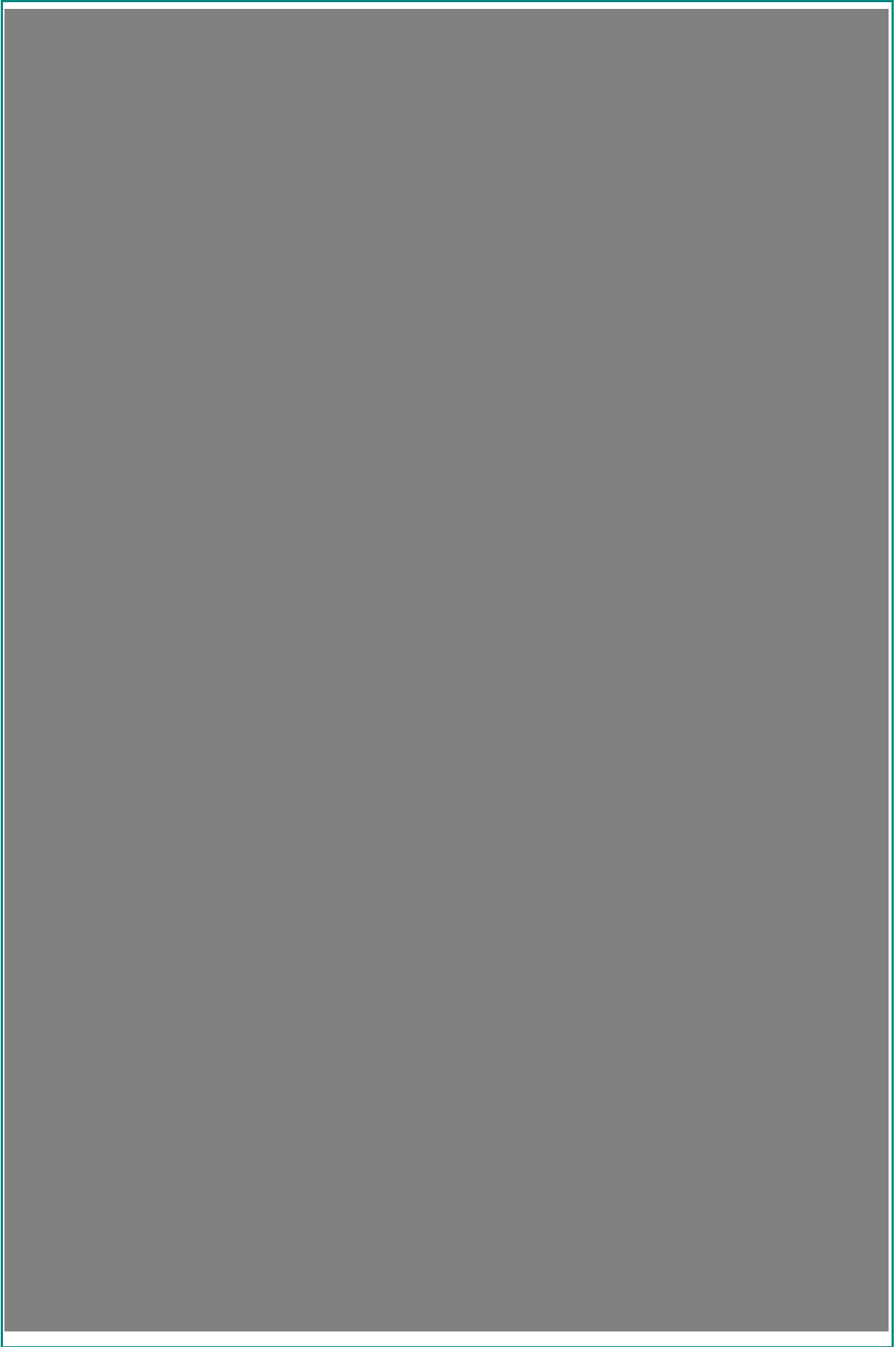
The case examiners have reviewed the complaint made by the carer, which stated that after the visit, the service user felt sick and wouldn't eat, was upset and didn't want the social worker to come back. Despite being a selective mute and being on the autistic spectrum, the carer alleges that the social worker was bullying and aggressive, leaning forward in their chair and telling the service user to look at them.

The case examiners have reviewed the evidence provided by the CSC worker, gathered from the employer led fact-finding investigation. This appears to align and support the concerns as outlined by the carer.

While the social worker has not made any final submissions with respect to this specific regulatory concern, one general email communication to the regulator on 20 October 2025 appears to dispute it. Their responses to the fact-finding investigation also offer a significantly different account of the circumstances of the visit. They stated that they have never been aggressive in their communication style. They also stated that they could not recall these specific matters.

When reviewing the weight of the evidence, the case examiners consider that there are two witnesses who provide a credible and cogent account of a situation which the social worker appears to dispute. Therefore, the case examiners conclude **a realistic prospect of the adjudicators finding the facts proven for regulatory concern 5a.**

[REDACTED]





## Grounds

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The matters set out above 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 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:*

*1.1 Value each person as an individual, recognising their strengths and abilities.*

*1.2 Respect and promote the human rights, views, wishes and feelings of the people I work with, balancing rights and risks and enabling access to advice, advocacy, support and services.*

*1.3 Work in partnership with people to promote their well-being and achieve best outcomes, recognising them as experts in their own lives.*

*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 interests.*

*2.2 Respect and maintain people's dignity and privacy.*

*2.4 Practise in ways that demonstrate empathy, perseverance, authority, professional confidence and capability, working with people to enable full participation in discussions and decision making.*

*3.1 Work within legal and ethical frameworks, using my professional authority and judgement appropriately.*

*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.*





Regulatory concern 5a: The case examiners would consider any realistic prospect of a finding of fact to be a significant and serious departure from a wide range of professional standards as listed. If proven, any behaviour towards service users, which represents aggressive and/or bullying behaviour would be deemed to be considered a serious issue and unacceptable in any form of social work practice. The seriousness is compounded by evidence which suggests that a vulnerable service user was upset and distressed following the home visit.

Furthermore, if found proven, such behaviour could be considered an abuse of power. It could also suggest a fundamental misunderstanding of the use of the Mental Capacity Act (2005) and best interests' assessments. However, there is no clear evidence to suggest that the social worker ever intentionally caused the service user any undue distress. There is also witness evidence to suggest that the social worker 'came from a place of caring'.

For these reasons, the case examiners conclude **a realistic prospect of the adjudicators making a finding of misconduct for regulatory concern 5a.**

### 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 do consider such behaviours, as alleged, to be potentially remediable. The social worker could engage in education, training and deep reflection on their own presentation style. This would be to ensure that any future behaviour could not be interpreted in an aggressive or bullying manner.

The social worker could also refresh themselves on the appropriate principles of policy and legislation with respect to the Mental Capacity Act (2005) and ‘best interest’ assessments.

Insight and remediation: The social worker has made limited final submissions that do not shed any light on potential insight and remediation. Their observations are largely descriptive in nature, which while providing an alternative view of events, offer no clear indication that the social worker has seriously reflected on these issues. They cite issues relating to team toxicity as potential mitigation, but they do not offer any insight into their views regarding their own alleged behaviours.

One area of developing insight can be gained from the social worker’s comments at their employer investigation. They stated that they were devastated that they may have caused distress, which was not their intention. They said that it was their intention to make amends and move forward. However, they offer no clear remediation in their final submissions.

The social worker states that they have been working for the last three years as a registered social worker and have continued to keep up their CPD and registration. However, they provide no further evidence of this and do not expand on the nature of the work they are currently engaging in. They refute the concerns and do not believe that they are a danger to public trust as they believe they place a strong emphasis on their professional standards. The social worker also includes a positive reference from their prior local authority (as complainant). However, the case examiners note that this reference pre-dates the complainant’s referral to the regulator.

Risk of repetition: While there is limited but developing evidence of insight, and no evidence of remediation, there is additional evidence that the behaviour of the social worker could have been attributable to personal circumstances and potential concerns relating to their health. [REDACTED]

[REDACTED]

[REDACTED] However, the case examiners do not consider health circumstances to

be relevant to the matters of concern presented in this case, given that there is no clear evidence of specific, current or unmanaged health concerns as cited in the social worker's final but limited submissions to the regulator.

When considering any risk of repetition, the case examiners consider that in the absence of any demonstrable remediation, they cannot consider any future risk of repetition to be very low. Given that there is only a single event that pertains to the question of impairment, it is possible that the social worker may now have learned from this. However, this cannot be definitively confirmed.

### **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.

The case examiners consider that a well-informed member of the public would be very concerned to learn of any social worker allegedly behaving in an aggressive and / or bullying manner to a vulnerable service user. They would consider this to be wholly incompatible with the ethos of social work as a profession and would be very keen to be assured that such an occurrence did not occur again. The public would seek to be assured that future professional standards be maintained to ensure confidence in the social work profession.

The case examiners consider **a realistic prospect of the adjudicators making a finding of impairment.**

## The public interest

### Decision summary

|                                                                |     |                                     |
|----------------------------------------------------------------|-----|-------------------------------------|
| Is there a public interest in referring the case to a hearing? | Yes | <input type="checkbox"/>            |
|                                                                | No  | <input checked="" type="checkbox"/> |

### Referral criteria

|                                                                                                                                        |     |                                     |
|----------------------------------------------------------------------------------------------------------------------------------------|-----|-------------------------------------|
| Is there a conflict in the evidence that must be resolved at a hearing?                                                                | Yes | <input type="checkbox"/>            |
|                                                                                                                                        | No  | <input checked="" type="checkbox"/> |
| Does the social worker dispute any or all of the key facts of the case?                                                                | Yes | <input checked="" type="checkbox"/> |
|                                                                                                                                        | No  | <input type="checkbox"/>            |
| Is a hearing necessary to maintain public confidence in the profession, and/or to uphold the professional standards of social workers? | Yes | <input type="checkbox"/>            |
|                                                                                                                                        | No  | <input checked="" type="checkbox"/> |

### Additional reasoning

The case examiners guidance reminds them that wherever possible and appropriate, case examiners will seek to resolve cases through accepted disposal. The case examiners note that the social worker disputes the regulatory concern in question. It is also likely that the social worker continues to dispute the issue of impairment.

The accepted disposal process will provide the social worker with an opportunity to review the case examiners reasoning on facts, grounds and impairment, and reflect on whether they do accept a finding of impairment. It is open to the social worker to reject any accepted disposal proposal and request a hearing in public if they wish to reject the case examiners finding on the facts and grounds or explore the question of impairment in more detail.

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, however, 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. It is also

subject to a final review of the case by the case examiners, who may determine to send the matter to a hearing in public following any response received.

### Interim order

|                                                                              |     |                                     |
|------------------------------------------------------------------------------|-----|-------------------------------------|
| An interim order may be necessary for protection of members of the public    | Yes | <input type="checkbox"/>            |
|                                                                              | No  | <input checked="" type="checkbox"/> |
| An interim order may be necessary in the best interests of the social worker | Yes | <input type="checkbox"/>            |
|                                                                              | No  | <input checked="" type="checkbox"/> |

## Accepted disposal

### Case outcome

|                   |                              |                                     |
|-------------------|------------------------------|-------------------------------------|
| Proposed outcome  | No further action            | <input type="checkbox"/>            |
|                   | Advice                       | <input type="checkbox"/>            |
|                   | Warning order                | <input checked="" type="checkbox"/> |
|                   | Conditions of practice order | <input type="checkbox"/>            |
|                   | Suspension order             | <input type="checkbox"/>            |
|                   | Removal order                | <input type="checkbox"/>            |
| Proposed duration | 5 years                      |                                     |

### 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.

The case examiners are reminded by this guidance that they should consider mitigating and aggravating factors when considering which sanction may be appropriate or proportionate. In relation to his case, the case examiners consider there to be several mitigating factors, comprising:

- Personal mitigation with regards to health [REDACTED]
- Accusations made by the social worker in relation to negative employment culture and potential lack of support; although no evidence has been provided to confirm this was the case.
- There is no adverse history and no repeat of alleged similar conduct.

The case examiners have also identified the following aggravating factors:

- An absence of any demonstrable remediation.

- A tendency by the social worker to blame external factors rather than reflecting on or taking responsibility for any practice related matters of concern.

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 are aware that the sanctions guidance indicates that if a risk of repetition has been identified, “non-restrictive outcomes are likely to be insufficient to protect the public”. The case examiners however consider that due to the single concern they have found capable of amounting to misconduct, it is appropriate for them to consider all available sanctions.

No further action: The case examiners commenced by considering whether it may be appropriate to reach a finding of impairment, with no requirement for any further action. The case examiners were satisfied that in this case, that any future risk of repetition would not be very low. Considering the seriousness of the concerns raised, a finding of no further action would be wholly insufficient to protect public confidence.

The case examiners considered taking no further action but do not consider that a finding of impairment itself would be enough to protect the public and address the public interest.

The case examiners are mindful that the sanctions guidance considers that when a finding of impairment has been made, the factors justifying taking no further action need to be exceptional in nature. The case examiners do not deem the findings in this case to be exceptional.

The case examiners are therefore satisfied that a finding of no further action would be insufficient to protect public confidence.

Advice or Warning: The case examiners next considered whether offering advice or a warning would be sufficient. Advice will normally set out the steps a social worker should take to address the behaviour that led to the regulatory proceedings. The case examiners believe that issuing advice is not sufficient to mark the seriousness with which they view the alleged misconduct, and again it would not adequately protect the public.

A warning order implies a clearer expression of disapproval of the social worker’s conduct than an advice order. The case examiners consider that a warning order would send a strong message to the social worker, that while this appeared to be an isolated incident, occurring almost three years ago, it should not be repeated.

Further, a warning order serves as a signal to the social worker that if they were to repeat the behaviour, this is likely to result in a more severe sanction.

Conditions of practice: The case examiners then considered a conditions of practice order. While the social worker states that they have been in social work employment, the case investigation report states that the social worker is not currently employed. In relation to regulatory concern 5a, the case examiners cannot identify any appropriate, proportionate or workable conditions in respect of the nature of the concern.

Suspension or Removal Order: In the absence of workable conditions of practice, the case examiners went on to test the suitability of more severe sanctions, a suspension order and a removal order. A suspension order usually requires some evidence of insight. The case examiners consider that both a suspension order and a removal order would be unnecessarily punitive given the circumstance of this case. This is because the alleged act, although serious, was a single incident that could benefit from a level of remediation that could be achieved by the social worker via a less restrictive sanction. Furthermore, the case examiners believe a suspension order would risk deskilling the social worker.

Having concluded that a warning order is the most appropriate outcome in this case, the case examiners must now consider an appropriate length of duration. Warning orders can be imposed for one, three or five years. The sanctions guidance states that a one-year order should be imposed for an isolated incident of relatively low seriousness. While this represented an isolated incident, the case examiners do not consider the public would consider this alleged incident to be of low seriousness.

A three-year warning order may be appropriate for more serious concerns. This helps to maintain public confidence and ensure that highlighted professional standards continue to be maintained. However, given that the case examiners have identified a risk of repetition, the case examiners consider public confidence would be further assured via means of an extended deterrent effect.

A five-year warning could be considered appropriate for an extended period in cases which fall marginally short of requiring restriction of practice. The case examiners consider that as a risk of repetition has been identified, a warning order is necessary, as this case has fallen marginally short of the need to restrict practice. Therefore, the case examiners consider that a five-year warning order would be appropriate. While the concern is serious, albeit isolated, this would allow the social worker time to remediate, fully assure public confidence and ensure that such behaviours do not occur in the future.

The case examiners have therefore decided to propose to the social worker a warning order of five 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 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.

## Content of the warning

The case examiners formally warn the social worker as follows:

Allegations of behaving in an aggressive and / or bullying manner to a vulnerable service user are particularly serious. Such conduct has the potential to have an adverse effect on the public's confidence and damage the reputation of the social work profession.

Your alleged actions do not align with the required Social Work England professional standards (2019). You are therefore warned to adhere to these in future. In particular, the case examiners bring your attention to the following standards:

*As a social worker I will:*

*1.1 Value each person as an individual, recognising their strengths and abilities.*

*1.2 Respect and promote the human rights, views, wishes and feelings of the people I work with, balancing rights and risks and enabling access to advice, advocacy, support and services.*

*1.3 Work in partnership with people to promote their well-being and achieve best outcomes, recognising them as experts in their own lives.*

*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 interests.*

*2.2 Respect and maintain people's dignity and privacy.*

*2.4 Practise in ways that demonstrate empathy, perseverance, authority, professional confidence and capability, working with people to enable full participation in discussions and decision making.*

*3.1 Work within legal and ethical frameworks, using my professional authority and judgement appropriately.*

*I will not:*

*5.2 Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.*

Your conduct should not be repeated. Should any similar matters come to the attention of the regulator in the future, these will be viewed more dimly and could result in a more serious outcome.

## Response from the social worker

**26 June 2026:** The case examiners have received two professional character references and a personal reflective statement submitted by the social worker as part of their acceptance of this accepted disposal. On the 30 May 2026 the social worker submitted an 'accepted disposal response form' which states that they have read the case examiners' decision and the accepted disposal guide. They admit the key facts set out in the case examiner decision, and that their fitness to practise is impaired. They understand the terms of the proposed disposal of their fitness to practise case and accept them in full.

## Case examiners' response and final decision

While the case examiners have received the additional information provided by the social worker, they are unable to consider further submissions as additional mitigation because the Case Examiner Guidance (2022) does not allow them to change the sanction. There is nothing provided in the additional submissions which suggest that the social worker objects to the terms of the proposed accepted disposal.

In reviewing the terms of the accepted disposal response, the case examiners have reconsidered whether to refer this case to a final hearing. Given that the social worker accepts the terms of the accepted disposal, the case examiners consider that

an accepted disposal of a five-year warning remains the most appropriate outcome in this case. The case examiners therefore direct that a five-year warning be imposed.