



Case Examiner Decision

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SW35057

FTPS-19983

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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	02 June 2026
	Accepted disposal proposed - warning order (3 years)
Final outcome	11 June 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 concerns 1, [REDACTED] 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. [REDACTED]
3. For regulatory concern 1, there is a realistic prospect of adjudicators determining that the social worker's fitness to practise is currently impaired.

The case examiners did not consider it to be in the public interest for the matter to be referred to a final hearing and 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 accepted this proposal and the terms in full on 11 June 2026

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.

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by way of a self-referral by the social worker.
Date the complaint was received	29 November 2021
Complaint summary	<p>The social worker informed the regulator that they were subject to a disciplinary investigation following allegations made against the social worker, whilst in a managerial role.</p> <p>The concerns raised are set out in the regulatory concerns.</p>

Regulatory concerns and concerns recommended for closure

Whilst registered as a social worker on/ around November 2021:

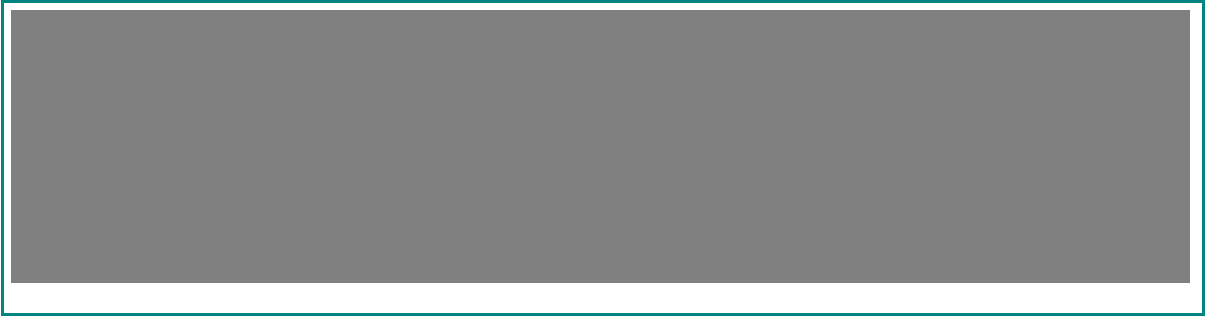
RC1. You accessed Person A's personal information to obtain their home address without professional reason to do so.

Grounds of impairment

The matters outlined in regulatory concern 1 amount to the statutory ground of misconduct.

Your fitness to practise is impaired by reason of misconduct.





Preliminary issues

Investigation

Are the case examiners satisfied that the social worker has been notified of the grounds for investigation?	Yes	<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"/>

Anonymity and redaction

Elements of this decision have been marked for redaction in line with our Fitness to Practise Publications Policy. Text in **red** will be redacted from the published copy of the decision.

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

Reasoning

Facts

Whilst registered as a social worker on/around November 2021:

RC1. You accessed Person A's personal information to obtain their home address without professional reason to do so.

The social worker was employed as a team manager with their employer being a local authority. The social worker had been employed by the same employer since 2008.

Regulatory concern 1 is aligned to a disciplinary investigation undertaken by the local authority following allegations made against the social worker whilst in a management role. The investigation upheld some of the allegations raised and following a disciplinary hearing a final written warning was issued to the social worker in April 2021.

The social worker disputes the allegations in full within in the disciplinary investigation, but the social worker's appeal was dismissed in October 2021.

The social worker outlines in their correspondence with the regulator that following the conclusion of the disciplinary investigation they intended to take civil action against a colleague, Person A, who had made a specific allegation. They state that they intended to pursue Person A for compensation for stress in the County Court 'small claims.'

The social worker does not dispute the regulatory concern, they state that to progress the court application they accessed Person A's personal details, their address, from a work-based folder they held when line managing Person A.

Person A raised a concern to their manager internally on 10 November 2021 regarding the breach of personal data after receiving notification of the court action instigated by the social worker.

Information from the social worker's former employer states that the social worker, in a meeting with the Head of Service, informed them that they had accessed the work shared drive and accessed Person A's home address.

The former employer has provided the documentation relating to the data breach, which the case examiners have had sight of.

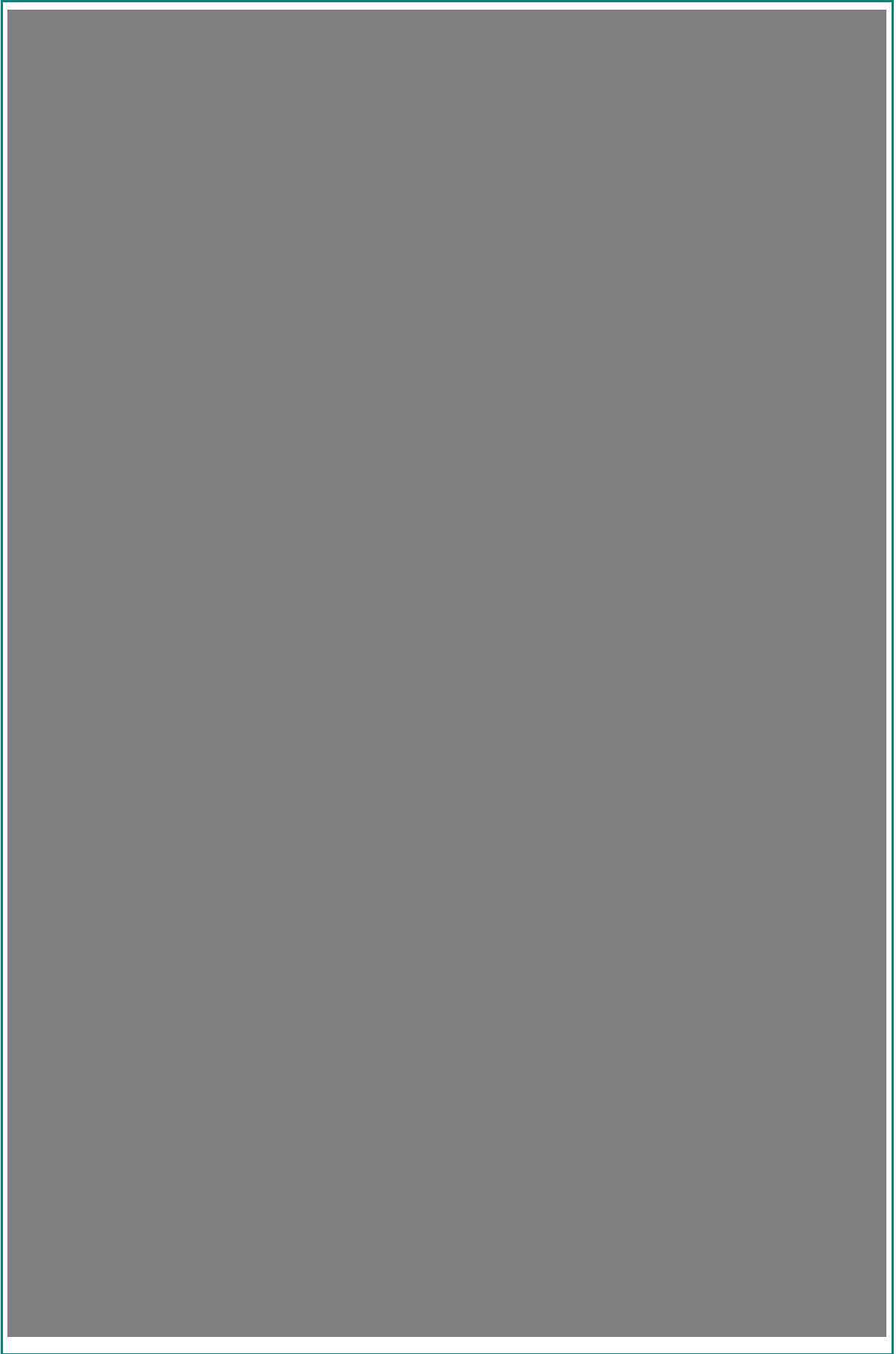
The case examiners have had sight of the local authority's code of conduct, which states: *'employees should not deliberately access or use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way'* and also the internal IT acceptable use policy, which states: *'acceptable use of Council IT facilities requires that its use is: legally permissible; does not contravene any other Council policy or rule; permitted by the user's manager or supervisor; not intrusive on the activity the user is engaged by the Council to perform, and; responsible'*

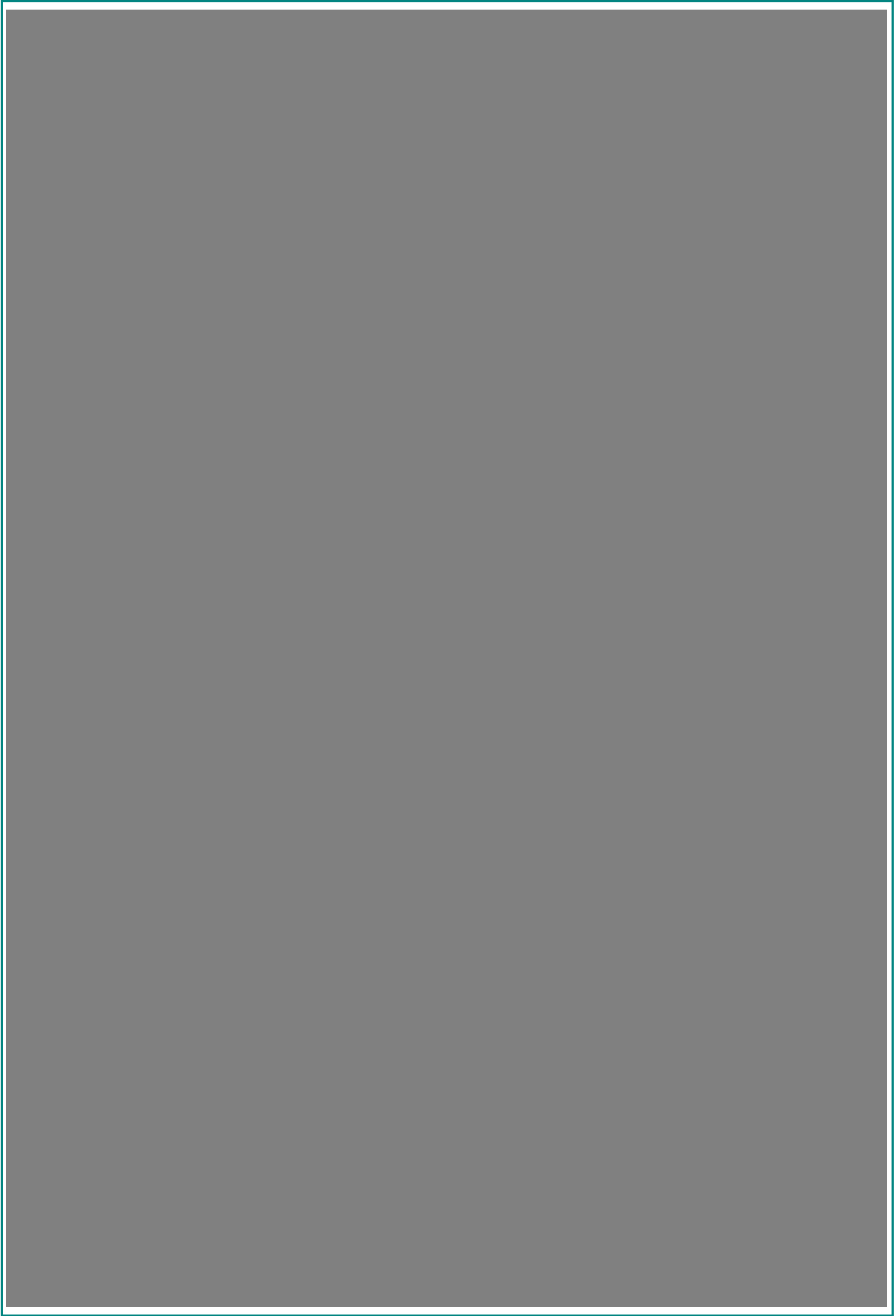
The local authority instigated disciplinary procedures following the confirmed data breach, and on 20 December 2021 they sent a letter to the social worker informing them of the disciplinary hearing decision. The local authority concluded that the

social worker's conduct constituted gross misconduct and terminated the social worker's employment.

In light of the above, the case examiners have concluded there is a realistic prospect that regulatory concern 1 would be found proven by adjudicators.









Grounds

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.



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 that the alleged conduct to be remediable by the social worker, for example through education and/or training in relation to data protection and the acquisition and management of confidential information. The social worker should demonstrate insight and reflection on their conduct, together with a clear plan of how they would respond differently in future.

Insight and remediation

Whilst the social worker has provided an explanation with regards to the regulatory concern and has provided some mitigation relating to personal circumstances which they state influenced their decision to access the personal data, the case examiners consider the submissions lack reflection, learning, and strategies engaged by the social worker to manage any future risk of repetition. Furthermore, the case examiners do not consider that the social worker's mitigation in relation to personal circumstances is such as to suggest that the social worker did not understand the nature of their actions, when accessing the confidential data concerned in this case.

The case examiners consider the social worker has demonstrated developing insight, rather than a full appreciation of the potential far-reaching impact of their conduct.

Risk of repetition

The social worker has accepted the regulatory concern and has stated in their submissions to the regulator, *'with hindsight, I should have had the documents sent to the office address, as my attempts to protect (Person A) from other staff members finding out about the Court process was held against me in the end.'*

The social worker has not provided any evidence of completing remedial training, stating: *'I have not felt the need to attend any courses regarding the allegations made against me.'* and has not been in practice since 17 December 2021, when they were dismissed by the employer, *'I am not actively undertaking a social work role until this matter is resolved.'*

With no evidence of remediation and only developing insight, the case examiners consider a risk of repetition remains.

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.

Regulatory concerns regarding breaching confidentiality through accessing data, go to the heart of public confidence in the social work profession. Whilst in this case the confidential data was not that of a service user, employees with whom the social worker has management responsibility over, should have confidence that their personal data is held securely. The social worker's actions have the potential to undermine the public's trust in social workers. As such, it is likely the public would expect that a finding of current impairment is made by adjudicators to maintain public confidence in regulation of the profession and the maintenance of proper professional standards for social workers.

Having considered the evidence available, the case examiners consider there is a realistic prospect of adjudicators finding the social worker currently impaired.

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 type="checkbox"/>
	No	<input checked="" 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 have considered whether a referral to a hearing may be necessary in the public interest, and have noted the following:

- There is no conflict in the evidence in this case, and the social worker has accepted the key facts.
- With regards to impairment, the accepted disposal process will provide the social worker an opportunity to review the case examiners' reasoning on 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 if they wish to explore the grounds or the question of impairment in more detail.
- The case examiners are of the view that there remains a risk of repetition, however they consider that this can be managed through other sanctions available to them.

The case examiners are 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	<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	3 years	

Reasoning

In considering the appropriate outcome in this case, case examiners have had regard to Social Work England’s sanctions guidance and reminded themselves that the purpose of 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.

In determining the most appropriate and proportionate outcome in this case, the case examiners considered the available sanctions in ascending order of seriousness. The case examiners first considered taking no further action but decided that this would not be appropriate in a case where a social worker accessed confidential personal data. Taking no further action would not provide the necessary level of public protection and would not satisfy the wider public interest.

The case examiners next considered whether offering advice would be sufficient in this case. Advice would normally set out the steps a social worker should take to address the behaviour that led to the regulatory proceedings. The case examiners decided that issuing advice was not sufficient to mark the seriousness with which they view the social worker’s alleged conduct.

The case examiners next considered whether a warning order would be appropriate in this case, given that it would show clear disapproval of the social worker’s

conduct. The case examiners note the sanctions guidance which states ‘*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.’*

The guidance therefore suggests that a warning order could be the most appropriate order in this case. In order to test their rationale, the case examiners have also considered restrictive sanctions.

In order to test whether a warning order might therefore be appropriate, the case examiners turned their minds to the higher sanctions of conditions of practice, suspension, or removal order. The case examiners are satisfied, however, that in the circumstances of this case, all of these higher sanctions would represent disproportionate outcomes.

The case examiners note that conditions of practice are generally suitable in cases of lack of competence or adverse health. In considering this case, they do not consider there are suitable nor proportionate conditions which would address the conduct alleged.

The case examiners consider a suspension order and removal order to be disproportionate and punitive in the circumstances. Furthermore, the case examiners do not consider that the social worker’s conduct, given the specific nature of the data breach, is such that anything less than a removal order would be insufficient to protect the public, which includes the need to uphold public confidence and promote and maintain proper professional standards for social workers.

With the above in mind, the case examiners consider it likely that a well-informed member of the public would consider a warning order sufficient in the circumstances and, therefore, it is the minimum necessary outcome to safeguard public confidence in the social work profession, and to maintain proper professional standards for social workers. A warning will serve as a signal that any repetition of the behaviour that led to the concerns is highly likely to result in a more severe sanction.

When considering the length of the proposed order the case examiners have considered the sanctions guidance and are aware that when deciding on the

proportionate duration of a warning, decision makers should consider (all of the following):

- 1 year may be appropriate for an isolated incident of relatively low seriousness. In these cases, the primary objective of the warning is to highlight the professional standards expected of social workers.
- 3 years may be appropriate for more serious concerns. This helps to maintain public confidence and highlight the professional standards. The period also allows more time for the social worker to show that they have addressed any risk of repetition.
- 5 years may be appropriate for serious cases that have fallen only marginally short of requiring restriction of practice. This helps to maintain public confidence and highlight the professional standards. A social worker should ensure there is no risk of repetition throughout this extended period.

The case examiners have considered the length of time for the published warning and consider 3 years to be proportionate in this case. The case examiners consider that a period of three years is appropriate in the circumstances to maintain public confidence and to send a message to the public, the profession and the social worker about the standards expected from social workers.

The case examiners also consider that the social worker requires additional time to fully address the risk of repetition. Therefore, 3 years will allow the social worker additional time to fully demonstrate that they have reflected and understand how they may act differently in the future to address the risk, and that they understand the importance of maintaining the professional standards expected of social workers at all times.

The case examiners did not feel that the matter was of low seriousness, accessing personal data without professional reason to do so is inherently serious, so one year was not appropriate. For the reasons already stated earlier in this determination, the case examiners did not consider that the matter fell marginally short of the need to restrict practice and therefore consider that a 5 year warning would be disproportionate and punitive. Essentially, a 3 year warning order would be sufficient in the circumstances and would properly and appropriately safeguard public confidence in the social work profession and maintain proper professional standards for social workers.

The case examiners will propose to the social worker a warning order of 3 year duration. They will 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 21 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:

It is imperative that personal data is kept confidential and only accessed with authority or when there is professional reason to do so. Should there be any doubt over access to information, then legal or information governance advice should be sought, and that advice adhered to.

The case examiners would draw the social worker's attention to the following professional standards:

As a social worker, I will:

2.6 Treat information about people with sensitivity and handle confidential information in line with the law.

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

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.

In relation to your ongoing practice, any further issues of a similar nature brought to the attention of the regulator are likely to be dealt with more seriously.

The case examiners would encourage the social worker to use their Social Work England CPD account to log their reflection and insight with regards to this matter and any training specific to the management of confidential data. Whilst they cannot mandate this engagement, they would suggest this would allow the social worker a

space to continue to develop their insight and remediation, which it is hoped would go towards reducing the risk of repetition.

Response from the social worker

The social worker returned the accepted disposal response on 11 June 2026 and confirmed: *'I have read the case examiners' decision and the accepted disposal guidance. I admit the key facts set out in the case examiners 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 concluded that the social worker's fitness to practise was likely to be found impaired but that the public interest could be met through a prompt conclusion, published decision and warning, rather than through a public hearing. They proposed a warning order with a duration of three years and the social worker accepted this proposal.

In light of the social worker's acceptance of the warning order, the case examiners have 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.

Having been advised of the social worker's response, the case examiners have again turned their minds as to whether a warning remains the most appropriate means of disposal for this case. They have reviewed their decision, paying particular regard to the overarching objectives of Social Work England, i.e. protection of the public, the maintenance of public confidence in the social work profession, and the maintenance of proper standards. Having done so, they remain of the view that an accepted disposal by way of a warning order of three years is a fair and proportionate disposal and is the minimum necessary to protect the public and the wider public interest.