



Case Examiner Decision
James Quinn – SW33124
FTPS-23956

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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	21 April 2026
	Accepted disposal proposed - removal order
Final outcome	28 April 2026
	Accepted disposal – removal order

Executive summary

The case examiners note they have been presented with 2 regulatory concerns, which fall into different procedural processes. They have therefore dealt with each accordingly.

Regulatory concern 1

The case examiners established that in accordance with paragraph 1(2) of Schedule 2 to The Social Workers Regulations (2018), there is a realistic prospect that adjudicators would determine that the social worker's fitness to practise is impaired.

This relates to cases where a social worker has received a custodial sentence having been convicted of a criminal offence. Normally, case examiners are required to apply the realistic prospect test in order to reach a determination on potential impairment. In instances where the above mentioned section of the regulations is engaged, this test does not need to be carried out. This is because the conclusion of there being a realistic prospect of a finding of impairment is automatic. It is deemed that criminal matters of such seriousness which require time in custody are likely to engage the public interest and call for case examiners to conclude that there is a realistic prospect of adjudicators finding that the social worker's fitness to practise is impaired.

In accordance with the regulations, the case examiners therefore commenced their decision making by considering whether there is a public interest in referring this case to a hearing.

The case examiners do not consider it to be in the public interest for the matter to be referred to a final hearing and they are satisfied that the case can be concluded by way of accepted disposal. As such, the case examiners request that the social worker be notified of their intention to resolve the case with a removal order. The social worker responded and accepted the case examiners' proposal.

In Summary:

1. There is a realistic prospect of regulatory concern¹ being found proven by the adjudicators.
2. There is a realistic prospect of regulatory concern 1 being found to amount to the statutory ground of a conviction or caution in the United Kingdom for a criminal offence.
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 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.

Regulatory concern 2

The case examiners have applied the tests in line with their guidance in respect of regulatory concern 2.

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concern 2 being found proven by the adjudicators.
2. There is a realistic prospect of regulatory concern 2 being found to amount to the statutory ground of being included by the Disclosure and Barring Service in a barred list.
3. For regulatory concern 2, 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 removal order. The social worker responded and accepted the case examiners' 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.

Person A	
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The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the social worker's former employer, Salford Children's Services.
Date the complaint was received	13 December 2024
Complaint summary	The social worker's employer raised they had been informed by Cheshire police that the social worker had been arrested and charged with two counts of assault, one count of criminal damage and one count of intentional strangulation. The social worker received a cumulative custodial sentence, and the regulator was subsequently informed that the social worker had been barred from the Disclosure and Barring Service (DBS) register.

Regulatory concerns

Whilst registered as a social worker:

1. On 3 December 2024 you were convicted of the following offences at Warrington Combined Court:

1.1 On 26 November 2024 you assaulted Person A thereby occasioning them actual bodily harm.

1.2 On 26 November 2024 you intentionally strangled Person A

1.3 On 27 November 2024 you assaulted Person A, thereby occasioning them actual bodily harm.

1.4 On 27 November 2024 you engaged in criminal damage to property of Person A valued under £5000.

2. As of 29 July 2025, you were included by the Disclosure and Barring Service in the children and adults barring list.

Grounds of impairment:

The matter outlined in regulatory concerns 1 amount to the statutory ground of a conviction or caution in the United Kingdom for a criminal offence.

Your conduct as set out in regulatory concern 2 amounts to the ground of being included by the Disclosure and Barring Service in a barred list.

Your fitness to practise is impaired by reason of a conviction or caution in the United Kingdom for a criminal offence, and your inclusion by the Disclosure and Barring Service in a barred list.

Preliminary issues

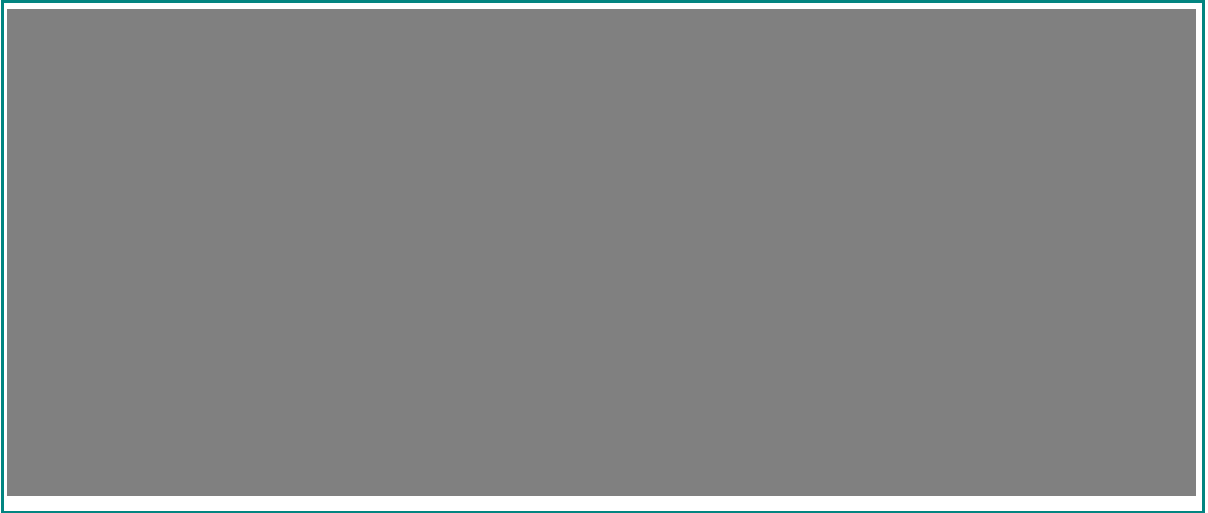
Investigation		
Are the case examiners satisfied that the social worker has been notified of the grounds for investigation?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Are the case examiners satisfied that the social worker has had reasonable opportunity to make written representations 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 case examiners have made a minor clerical change to the wording of the statutory ground for regulatory concern 1. The investigator cited '*conviction*', whereas the correct wording as per the Social Workers Regulations 2018 is '*a conviction or caution in the United Kingdom for a criminal offence.*'

The amendment is reflected in the regulatory concerns section. The case examiners are satisfied this change is not material in nature and the social worker does not need to be made aware of the change prior to the consideration of this case.





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

In respect of regulatory concern 1

The case examiners established that in accordance with paragraph 1(2) of Schedule 2 to The Social Workers Regulations (2018), there is a realistic prospect that adjudicators would determine that the social worker's fitness to practise is impaired.

In respect of regulatory concern 2

The case examiners have determined that there is a realistic prospect of regulatory concern 2 being found proven, that this concern could amount to the statutory ground of being included by the Disclosure and Barring Service in a barred list, and that the social worker's fitness to practise could be found impaired.

Reasoning

In respect of regulatory concern 1:

As detailed above, the case examiners are not required to apply the realistic prospect test in cases where Paragraph 1(2) of Schedule 2 to The Social Workers Regulations (2018) applies. As such, there is no need to establish if the facts could be found proven, if the statutory ground of a conviction or caution in the United Kingdom for a criminal offence is engaged, or if the social worker could be found currently impaired.

To assist, and in order to demonstrate why this is the case, the wording of the regulations is as follows (emphasis added in bold):

(2) Where a question arises as to whether a social worker's fitness to practise is impaired—

(a) as a result of them having been convicted of an offence in respect of which a custodial sentence has been imposed, other than a listed offence, there are reasonable grounds for investigating whether the social worker's fitness to practise is impaired, **and there is a realistic prospect that adjudicators would determine that the social worker's fitness to practise is impaired.**

In respect of regulatory concern 2:

Facts and Grounds

2. As of 29 July 2025, you were included by the Disclosure and Barring Service in the children and adults barring list.

The case examiners have seen a confirmation letter from the Disclosure and Barring Service dated 25 September 2025 to Social Work England, that the social worker was included on the Children's list and Adults' list from 29 July 2025.

The case examiners are satisfied there is a realistic prospect of adjudicators finding this concern proven. Furthermore, they are satisfied there is a realistic prospect of adjudicators determining that this engages the statutory ground of being included by the Disclosure and Barring Service in a barred list.

Impairment

Personal element of impairment

In considering the personal element of impairment, the case examiners have considered the test set out in the case examiner guidance (2022), namely whether the conduct is easily remediable; whether the social worker has undergone remediation and demonstrated insight; and whether there is a high likelihood the matters alleged will be repeated. The guidance also reminds the case examiners that they should take into account whether the social worker has admitted the allegations, any relevant previous history and any testimonials that have been provided.

The case examiners note there is no previous adverse history in respect of this social worker.

The case examiners have taken into account that the conduct involves the social worker being included indefinitely on a barred list, which prohibits them from working with adults and children. This is considered necessary by the Disclosure and Barring Service to safeguard children and adults, which shows they consider the social worker to be an ongoing risk. Remediation is essentially impossible; given that the social worker cannot work with any vulnerable adults or children.

By its nature, the DBS barring decision inherently presents a risk of repetition due to the indefinite inclusion of the social worker on these lists. As such, the case examiners consider there is a high risk of repetition.

Public element of impairment

The case examiners next considered whether the social worker's actions have the potential to undermine public confidence in social workers and whether this is a case where adjudicators may determine that the public interest requires a finding of impairment. Public interest includes the need to uphold proper standards of conduct and behaviour and the need to maintain the public's trust and confidence in the profession.

The case examiners have reminded themselves that the public interest includes responding proportionately to regulatory concerns. However, they consider that the adjudicators may determine that a member of the public would be extremely concerned where a social worker has been included on the barred list and prevented from working with adults and children.

Safeguarding is a fundamental tenet of the social work profession. Inclusion on such a list has the potential to undermine public trust and confidence in social workers and to damage the reputation of the profession.

The case examiners are of the view that in these circumstances, members of the public would expect a finding of impairment.

The case examiners are satisfied that there is a realistic prospect of adjudicators making a finding of current 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 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 carefully considered whether a referral to a hearing may be necessary in the public interest. The case examiners have noted that the social worker has not indicated to the regulator if they accept the key facts, or whether their fitness to practise is currently impaired. However, the case examiners note that the social worker provided a guilty plea at their trial, which suggests that they accept the concerns. Further, the regulatory concerns and associated statutory grounds are not the type that can realistically be denied, as they are supported by objective documentation from the court and the Disclosure and Barring Service.

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. The case examiners have noted the following:

- The case examiners guidance reminds them that ‘wherever possible and appropriate, case examiners will seek to resolve cases through accepted disposal. This is quicker and more efficient than preparing and presenting a case to a fitness to practise panel’.

- The social worker, by virtue of their guilty plea, appears to accept that there were some concerns about their conduct.
- The accepted disposal process will provide the social worker an opportunity to review the case examiners reasoning on impairment and reflect on whether they are able to accept a finding of impairment. It is open to the social worker to reject any accepted disposal proposal and request a hearing if they wish to explore the question of impairment in more detail.
- The case examiners are 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	<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"/>

The case examiners note the social worker is already subject to an interim suspension order which is in place until 19 July 2026.

Accepted disposal

Case outcome		
Proposed outcome	No further action	<input type="checkbox"/>
	Advice	<input type="checkbox"/>
	Warning order	<input type="checkbox"/>
	Conditions of practice order	<input type="checkbox"/>
	Suspension order	<input type="checkbox"/>
	Removal order	<input checked="" type="checkbox"/>
Proposed duration	<p>Where a social worker is removed from the register, there is no defined end to the finding of impairment. A social worker that has been removed from the register may only apply to be restored to the register 5 years after the date the removal order took effect. The adjudicators will decide whether to restore a person to the register.</p>	

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 sanction is not to punish the social worker, but 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 options in ascending order of seriousness.

No further action, advice, or warning:

With reference to the regulator’s sanctions guidance (December 2022), the case examiners noted that in cases where a risk of repetition remains, the outcomes of no further action, advice or warning are not appropriate as they will not restrict the social worker’s practice. The case examiners assessed that a risk of repetition remains, and due to the seriousness of the alleged conduct in this case, the case examiners are satisfied that such outcomes are inappropriate.

Conditions of practice order:

The case examiners next considered a condition of practice order. The case examiners

considered paragraph 114 of the guidance which states:

Conditions of practice may be appropriate in cases 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 that conditions of practice would not be suitable for this case that relates to matters in the social worker's private life. Conditions would not be workable due to the social worker being included by the Disclosure and Barring Service in a barred list. Further, the case examiners consider that conditions would not satisfy the public interest in light of the nature and seriousness of the conduct that led to the social worker's convictions.

Suspension order:

The case examiners went on to consider whether a suspension order might be an appropriate sanction.

The case examiners have considered the guidance, which states:

Suspension may be appropriate where (all of the following):

- 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.

In this instance, the case examiners consider the social worker's actions to be an extremely serious breach of the professional standards. They note that due to being indefinitely included in the barred list, the social worker is unable to remediate. Further, the case examiners consider that the very nature of the social worker's convictions is such that a suspension order would not be appropriate in this instance, as this would fail to meet the public interest.

Removal order:

The case examiners therefore went on to consider whether a removal order may be the

only outcome sufficient to protect the public, maintain confidence in the profession, and maintain proper professional standards for social workers in England.

The case examiners consider the nature of the convictions which involved harm to another person on more than one occasion, are fundamentally incompatible with social work values. In addition, the Disclosure and Barring Service in a barred list have taken steps to prevent the social worker from working with vulnerable adults and children indefinitely. As such, no other outcome available to that the case examiners would provide the level of assurance needed in respect of the three criteria above. In the case examiners' view, a removal order is the only sanction available that will safeguard public confidence, protect the public and maintain proper professional standards for social workers in England.

To conclude, the case examiners have decided to propose to the social worker a removal order. 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.

Response from the social worker

The social worker responded on 27 May 2026 to the proposed accepted disposal stating: *"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 considered the public interest in this matter and, as they have not been presented with any new evidence that might change their previous assessment, they are satisfied that it remains to be the case that the public interest in this case may be fulfilled through the accepted disposal process.

The case examiners therefore direct that the regulator impose a removal order.

The case examiners note that there is an interim order currently in effect, which will be revoked upon enactment of the agreed order.