



Case Examiner Decision
Amy Bendall – SW122109
FTPS-24398

Contents

The role of the case examiners	3
Decision summary	4
The complaint and our regulatory concerns.....	6
Preliminary issues	8
The realistic prospect test.....	10
The public interest.....	18
Accepted disposal	20

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 - suspension order (12 months)
Final outcome	26 May 2026
	Accepted disposal - suspension order (12 months)

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 adjudicator [REDACTED]
2. There is a realistic prospect of regulatory concern 1 being found to amount to the statutory grounds of adverse physical or mental health.
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 determined that the case could be concluded by way of accepted disposal.

As such, the case examiners requested that the social worker was notified of their intention to resolve the case with a suspension order of 12 months' duration. The

case examiners were subsequently advised that the social worker had accepted the terms of their proposed disposal 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 i [REDACTED] will be redacted only from the published copy of the decision and will therefore be shared with the complainant in their copy. Text i [REDACTED] 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.

Professional A

Practice Development Practitioner [REDACTED]
[REDACTED]

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the social worker's former employer
Date the complaint was received	3 December 2024
Complaint summary	The complainant raised concerns relating to the social worker's health, as set out in the regulatory concerns below.

Regulatory concerns

The regulatory concerns for this case are as follows:

RC1. You have a health condition as set out at schedule A that may impair your fitness to practise.

Schedule A

[REDACTED]

Grounds of impairment:

The matter outlined at regulatory concern 1 above amounts to the statutory ground of adverse physical or mental health.

Your fitness to practise is impaired by reason of your adverse physical or mental health.



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 1 being found proven, that those concerns could amount to the statutory grounds of adverse physical or mental health, and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

RC1. You have a health condition as set out at schedule A that may impair your fitness to practise.

Schedule A

[REDACTED]

In their initial comments to the regulator, dated 1 August 2025, the social worker accepts this concern, confirms the diagnosis, and advises that they have [REDACTED]

[REDACTED]

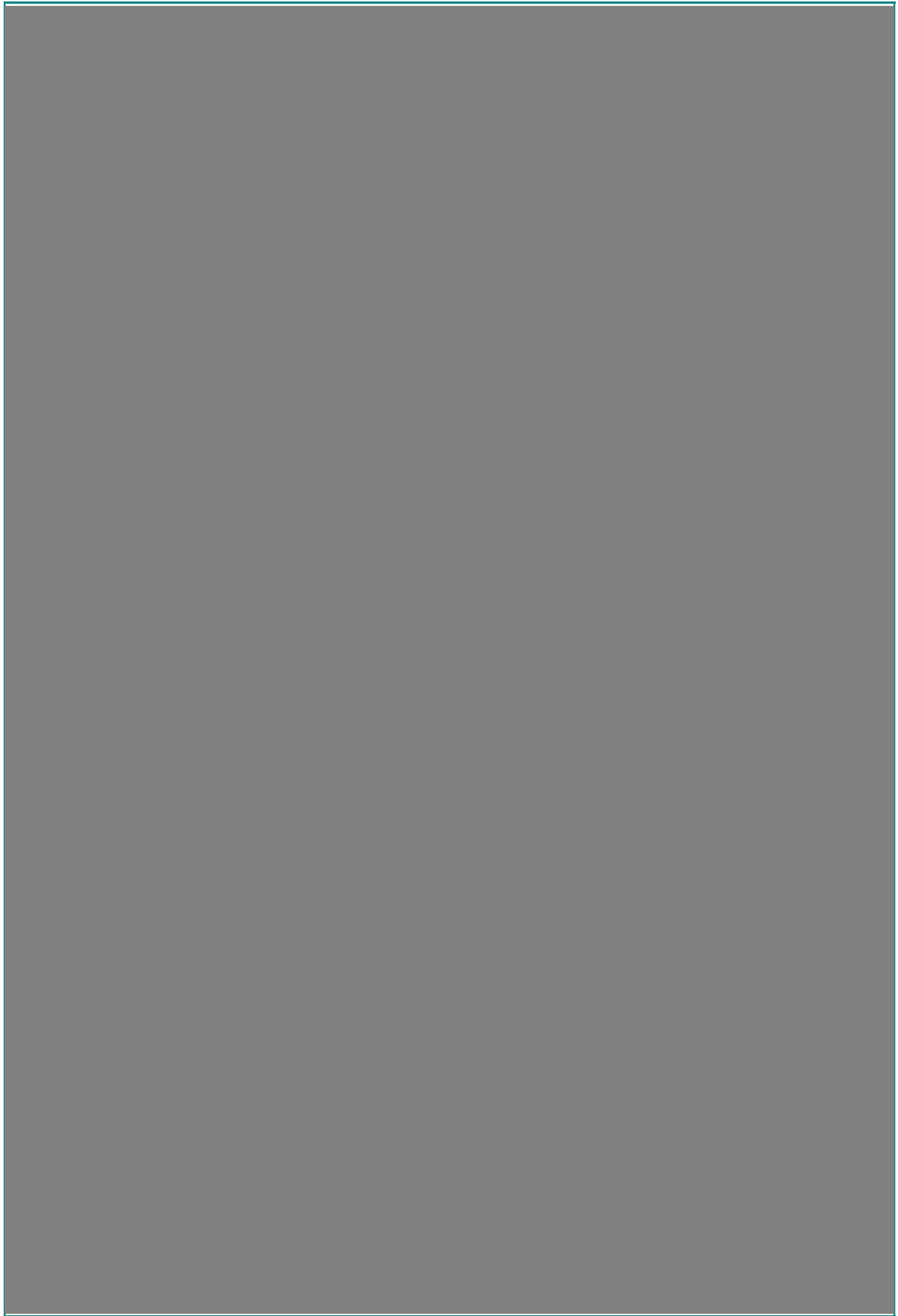
[REDACTED]

The case examiners have noted cogent evidence, including communications from a relevant care co-ordinator to the regulator (3 December 2025), confirming that the social worker has suffered from the health condition outlined at schedule A.

The case examiners have next considered whether the identified health condition has the potential to impair the social worker's fitness to practise. They have noted their health guidance, which sets out that *'being unwell does not necessarily mean a social worker's fitness to practise is impaired. The key question is the potential risk to public safety. This risk depends on (all of the following):*

- *the nature of the health condition*
- *the social worker's level of insight into their condition*
- *the social worker's willingness or ability to self-limit their practice appropriately in light of their health condition*

The case examiners have therefore considered whether there is evidence to suggest that the alleged health concern impacted upon the social worker's practice and may continue to do so. Having carefully considered all of the information presented to them in this case, they are satisfied that there is cogent evidence that the social worker's alleged health condition adversely impacted on both colleagues and service users at the time the concerns were raised. They are also of the view that there is some evidence to suggest that the social worker's fitness to practise may continue to be impacted by a relapse in their health if the social worker were to return to unrestricted practise.



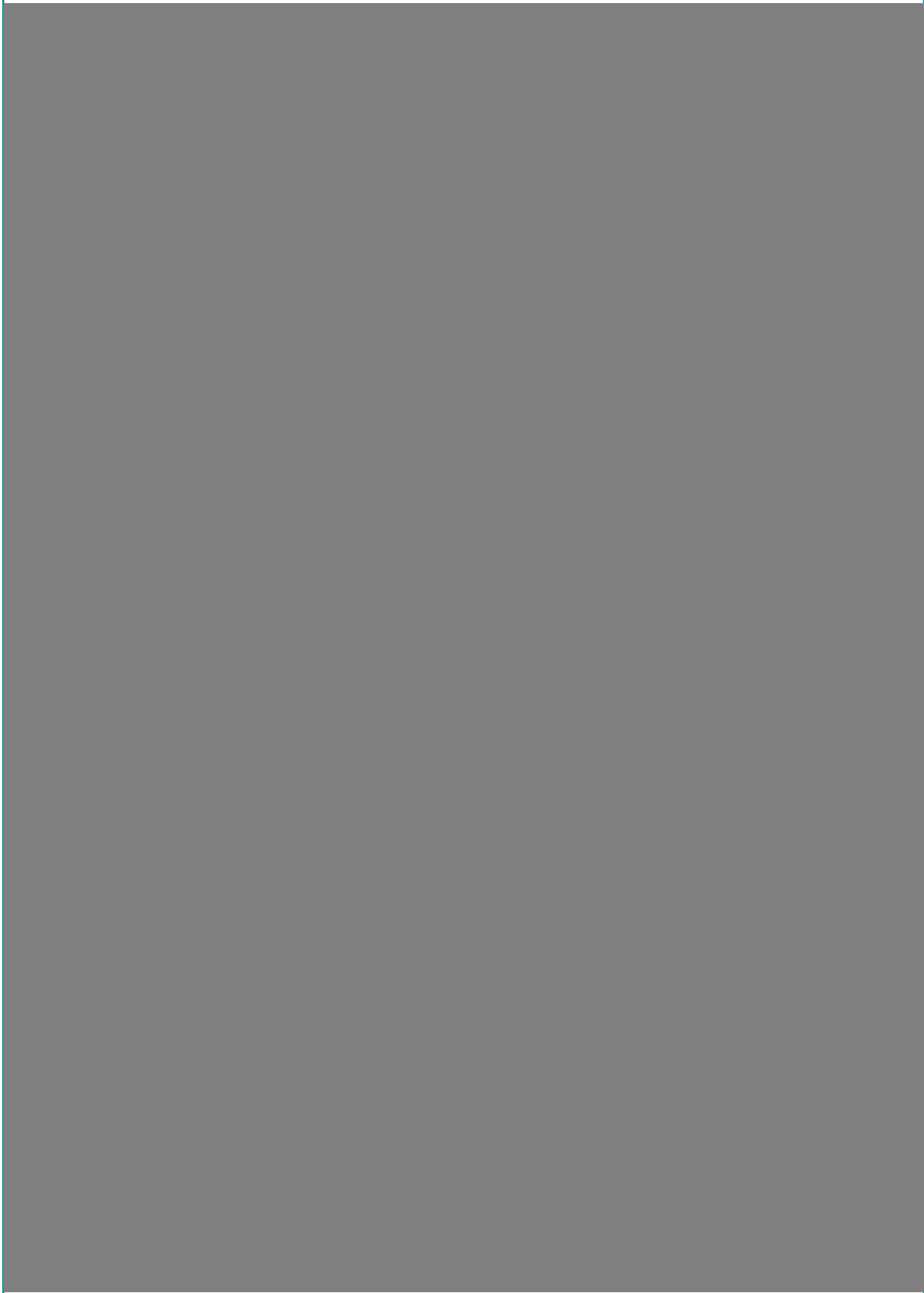
While the social worker's initial comments to the regulator (1 August 2025) indicate that they consider themselves to have recovered from the alleged health condition

the case examiners note that the social worker also states that they "*have chosen not to return to the social worker profession*". While this does indicate that the social worker has a willingness or ability to self-limit their practice appropriately in light of their health condition, it also indicates that the social worker's health remains untested in practice.

The case examiners note that the social worker, in a communication to the case investigator, dated 6 January 2026, indicated that they did not wish to make any additional comments, and no final submissions have been received. In a communication from the case investigator to the social worker of the same date, the case investigator records the social worker having indicated that they were not sure that they would have anything else to add.

Having concluded that the social worker's fitness to practise may continue to be impacted by their health, if the social worker were to return to unrestricted practice,

the case examiners consider there to be a realistic prospect of adjudicators finding concern 1 proven.



Grounds

The case examiners have noted in their consideration of the facts that there is evidence to indicate that the social worker has the health condition as set out at schedule A. They have also concluded that, were the social worker to return to practice, the alleged health condition may continue to pose a risk to the public if not adequately managed.

The case examiners are therefore satisfied there is a realistic prospect of adjudicators determining that the statutory ground of adverse physical or mental health is engaged.

Impairment

Assessment of impairment consists of two elements:

1. The personal element, established via an assessment of the risk of repetition.
2. The public element, established through consideration of whether a finding of impairment might be required to maintain public confidence in the social work profession, or in the maintenance of proper standards for social workers.

Personal element

With regards to the concerns before the regulator, the case examiners have given thought to their guidance, and in particular their guidance relating to health concerns. 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 are of the view that, while there is evidence to suggest that the social worker's alleged health condition was significant and impacted negatively on

both colleagues and members of the public, including service users, with appropriate treatment and evidence of recovery, it can be remedied.

Insight and remediation

The case examiners health guidance reminds them that when considering the question of impairment in health matters, they should also take into consideration (both of the following):

- whether the social worker has a health condition that may pose a risk to the public if not adequately managed;
- whether there is evidence calling into question the ability of the social worker to manage their condition or limit their practice adequately.

The case examiners have noted that the social worker has limited their practice by choosing not to return to work as a social worker. They are also of the view that the social worker has shown developing insight into their health condition [REDACTED]

[REDACTED] The social worker has also expressed remorse [REDACTED]

The case examiners have been provided with evidence of remediation from a health professional, confirming that the social worker has engaged well with treatment and has shown insight into their health [REDACTED] While the social worker also describes themselves as having accessed treatment and having “recovered”, the case examiners note that this was the first relapse in this particular health condition and as such, the social worker appears to have been unable to recognise the onset of those symptoms and did not, at that time, limit their practice;

Risk of repetition

In light of their considerations above, while reassured that the social worker has taken appropriate steps to manage their health condition to date, the case examiners are unable to conclude that the risk of repetition is highly unlikely.

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 have set out in this decision that the social worker's health impacted adversely on both members of the public and colleagues, and that there may be some risk of repetition if the social worker returned to unrestricted practice. In such circumstances, they consider that informed members of the public would expect a finding of impairment.

Accordingly, the case examiners are satisfied there is a realistic prospect of adjudicators finding the social worker's fitness to practise impaired.

The public interest

Decision summary

Is there a public interest in referring the case to a hearing?	Yes	<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 given careful consideration to whether 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.
- The social worker has indicated that they accept the key facts of regulatory concern 1, with reference to their health at the time the concerns arose.
- While the social worker does not indicate that they consider their fitness to practise to be currently impaired, the accepted disposal process will provide the social worker with the opportunity to review the case examiners’ reasoning on 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 if they wish to reject the case examiners finding on 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 accept the facts and/or do not agree that they are currently impaired. At this stage, however, the case examiners' accepted disposal proposal does not mark the conclusion of the case, as that requires 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 still determine to send the matter to a public 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 have not been presented with any new evidence to indicate that an interim order is required at this time.

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 checked="" type="checkbox"/>
	Removal order	<input type="checkbox"/>
Proposed duration	12 months	

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 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 have first considered any mitigating or aggravating factors in this case, and consider the following to be relevant:

Mitigating:

- Evidence of expressions of genuine regret.
- Developing insight.

Aggravating:

- Adverse impact and/or harm to vulnerable service users.

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, the case examiners have 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 consider that some risk of repetition remains if the social worker were to return to the profession and are thus satisfied that such outcomes are inappropriate as they will not restrict the social worker's practice.

Conditions of practice order:

The case examiners next considered a condition of practice order. The case examiners carefully considered their 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 do consider the social worker's practice capable of being remedied. They are also of the view that this is a case where conditions of practice could have been suitable, if the social worker had been able to demonstrate deeper insight and remediation, particularly with regards to what steps they would take in future [REDACTED]

The social worker has also indicated that they have chosen not to return to social worker; this renders conditions of practice unworkable at this time.

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, whilst the social worker has shown some insight to the regulator, their comments suggest that they do not currently wish to return to the social worker profession. The case examiners note their sanctions guidance which states, “*there may be instances where the social worker does not intend to remediate or practise in the short term but wishes to do so later. This could include cases of chronic ill health*”.

Whilst the social worker has indicated that they are not intending to return to practice currently, in light of evidence that the social worker is recovering, and that there appear to have been no further relapses in health for over 12 months, the case examiners consider that a suspension order would be appropriate to keep the option open to the social worker to return to the profession if they felt able and ready to do so at a future date.

The case examiners note the sanctions guidance that in cases of adverse physical or mental health, a removal order is not available to them.

In terms of length of suspension order, the case examiners note the seriousness of the social worker’s health condition, and that this went unmanaged for a number of months. The evidence suggests that the social worker has developed some insight; however, as they have not yet returned to the profession, the social worker has not been able to demonstrate that they can practise safely or effectively manage work-related stress to offset any future adverse impact on their fitness to practise, if a similar health issue reoccurred.

The case examiners also note, however, that the social worker was considered an “*excellent*” social worker prior to their health issue arising, and that their safeguarding children board indicated that the social worker should not be precluded from working with children in future. The most recent correspondence from health professionals also indicates that a positive health prognosis for the social worker.

The case examiners therefore consider a period of 12 months to be the minimum period necessary to allow the social worker the space in which to demonstrate that they can sustain good health. The case examiners did consider a shorter period; however, they were of the view that a shorter time frame would not be a sufficient time for the social worker to address how they would manage a return to work [REDACTED]

It is open to the social worker to request an earlier review should their health significantly improve

The case examiners did not consider, in light of evidence of developing insight and the positive health prognosis, that a longer period of suspension was necessary; a longer timeframe also risks deskilling the social worker, as they will be out of practice for a significant time

To conclude, the case examiners have decided to propose to the social worker a suspension order of 12 months. 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 social worker may wish to submit recent health information ahead of the review of this order.

Furthermore, the social worker may wish to submit further reflective accounts on their alleged conduct, particularly with regards to how they have remediated and the steps they would take to avoid any future occurrences.

The social worker may also wish to ensure that they keep up to date with their continuing professional development.

Response from the social worker

The social worker responded to the proposed disposal on 19 May 2026, confirming that:

- They had read the case examiners' decision and the accepted disposal guide.

- They admitted the key facts set out in the case examiner decision, and that their fitness to practise is impaired.
- They understood the terms of the proposed disposal of their fitness to practise case and accepted them in full.

Case examiners' response and final decision

Following receipt of the social worker's confirmation of acceptance of the proposed disposal, the case examiners have reviewed their decision, paying particular regard to the overarching objectives of Social Work England: protection of the public, the maintenance of public confidence in the social work profession and upholding professional standards.

The case examiners are satisfied that an accepted disposal (a suspension order of 12 months' duration) remains the most fair and proportionate way to address the concerns, and is the minimum necessary to protect the public and satisfy the wider public interest.