



Case Examiner Decision  
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SW81902  
FTPS-23375

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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	
1 <sup>st</sup> Preliminary outcome	25 March 2025
	Information requested Submissions requested
2 <sup>nd</sup> Preliminary outcome	23 October 2025
	Accepted disposal proposed - removal order
Final outcome	27 November 2025
	Accepted disposal - removal order

## Executive summary

Having considered the evidence presented to them, the case examiners initially paused their consideration of this case to request amendments and/or additions to the current regulatory concerns, and for further submissions from the social worker.

Following the case being returned to them, the case examiners reached the following conclusions:

1. There is a realistic prospect of regulatory concerns 1-8 (inclusive) being found proven by the adjudicators.
2. There is a realistic prospect of regulatory concerns 1-8 (inclusive) being found to amount to the statutory grounds of misconduct.

3. For regulatory concerns 1-8 (inclusive), 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. The case examiners requested that the social worker was notified of their intention to resolve the case with a removal order; the social worker subsequently indicated that they accepted the proposed disposal of a removal order.

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 any 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 any 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	Service user subject to regulatory concern 1 & 3
Person B	Service user subject to regulatory concerns 1, 2 & 3
Person C	██████████ Family member of service user A
Person D	██████████ Family member of service user A
Person E	██████████ Family member of service user B
Person F	██████████ partner of the social worker

Professional G	[REDACTED] team manager, [REDACTED]
Professional H	[REDACTED] Clinical Lead, [REDACTED]
Professional I	[REDACTED] Agency consultant, [REDACTED]
Professional J	[REDACTED] Area Manager, [REDACTED] Council
The local authority	[REDACTED]
The employment agency	[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	22 January 2024
Complaint summary	<p>The local authority made the referral to Social Work England following a complaint from a member of the public. The allegations include that the social worker had influenced the family of a service user to use a private agency that the social worker had a personal interest in and failed to advise the family or the local authority of that interest. Concerns were also raised regarding the social worker having breached confidentiality by sharing details of the service user with the private agency.</p> <p>The local authority subsequently referred similar concerns relating to a second service user.</p>

### Regulatory concerns

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

Whilst registered as a social worker;

1. You recommended a private care agency in which you had a personal business interest to the family of person A and/or person B, for personal gain.
2. You misinformed Person B's family about [REDACTED] (the local authority's) financial care contributions.
3. You breached confidentiality by sharing the personal details of Person A and Person B with the private care agency you are affiliated with.

4. You failed to inform [REDACTED] (the local authority) of your business interest in a private care agency.
5. You failed to inform [REDACTED] (the employment agency) of your business interest in a private care agency.
6. Your conduct at regulatory concerns (1), (4) and/or (5) represent a conflict of interest.
7. Your conduct at regulatory concerns (1), (2), (3), (4) and/ or (5) was dishonest.
8. You failed to inform [REDACTED] Council of your business interest in a private care agency.

**Grounds of impairment:**

The matters outlined in regulatory concerns (1), (2), (3), (4), (5), (6), (7) & (8) amount to the statutory ground of misconduct.

Your fitness to practise is impaired by reason of misconduct.

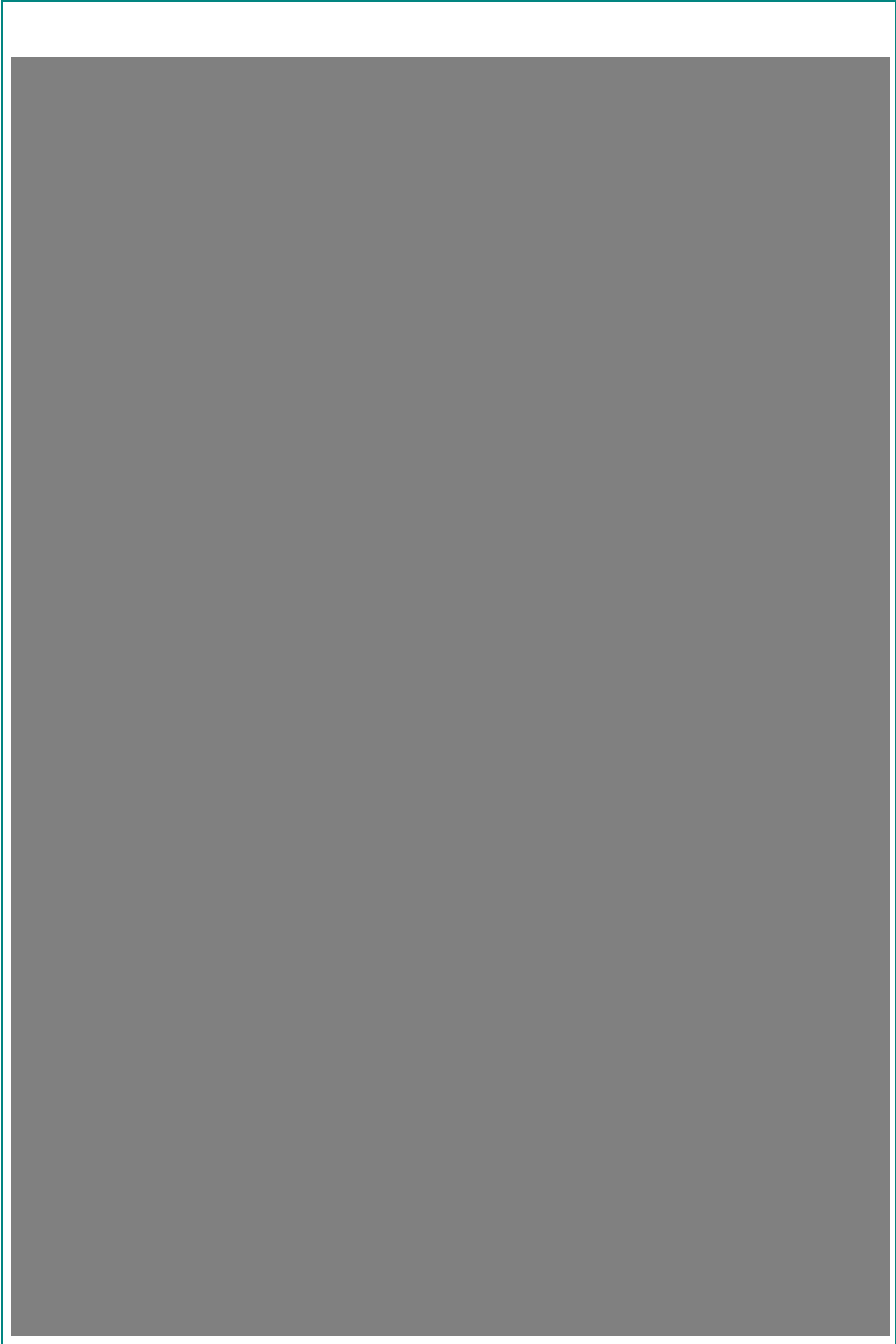
## Preliminary issues

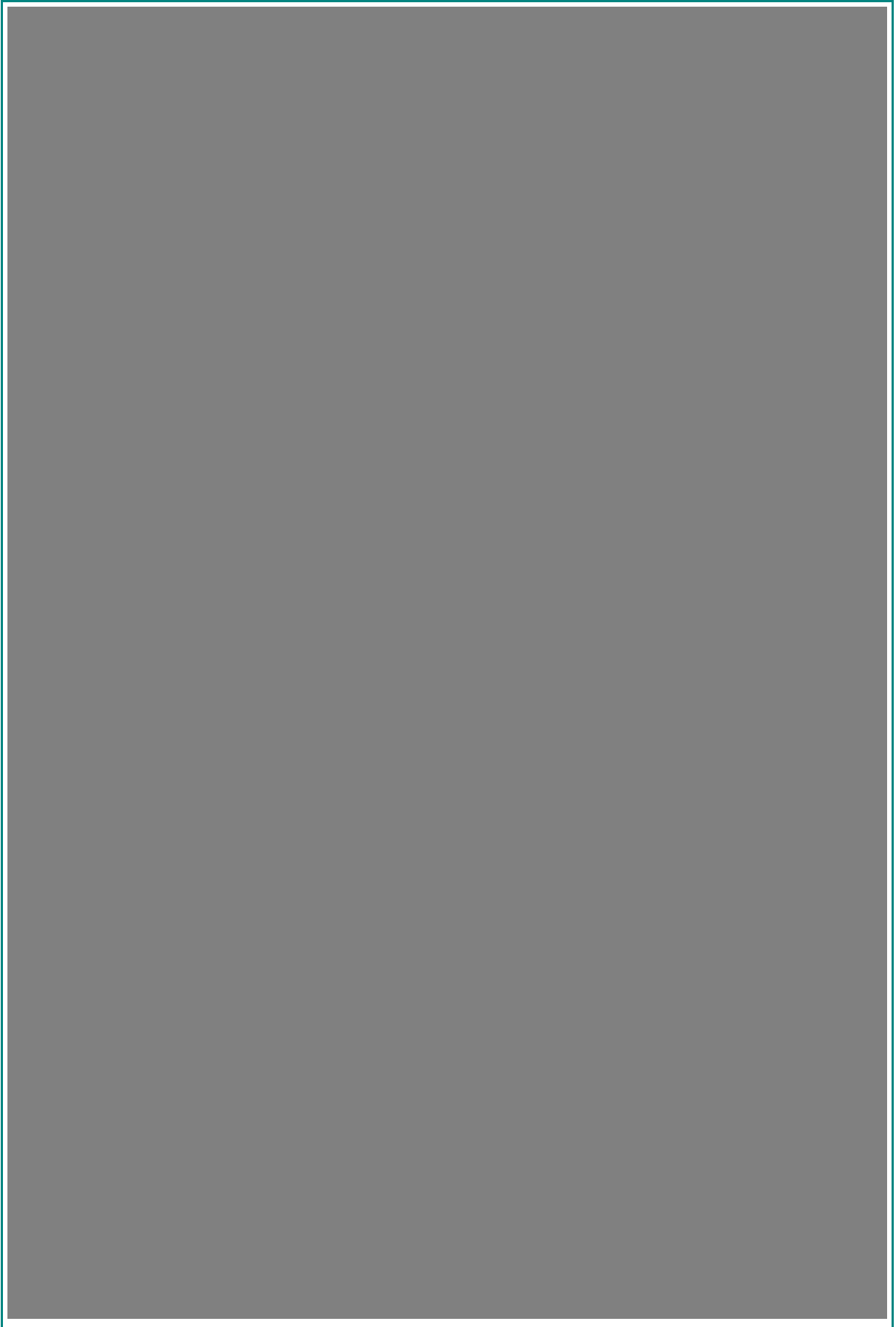
### Investigation

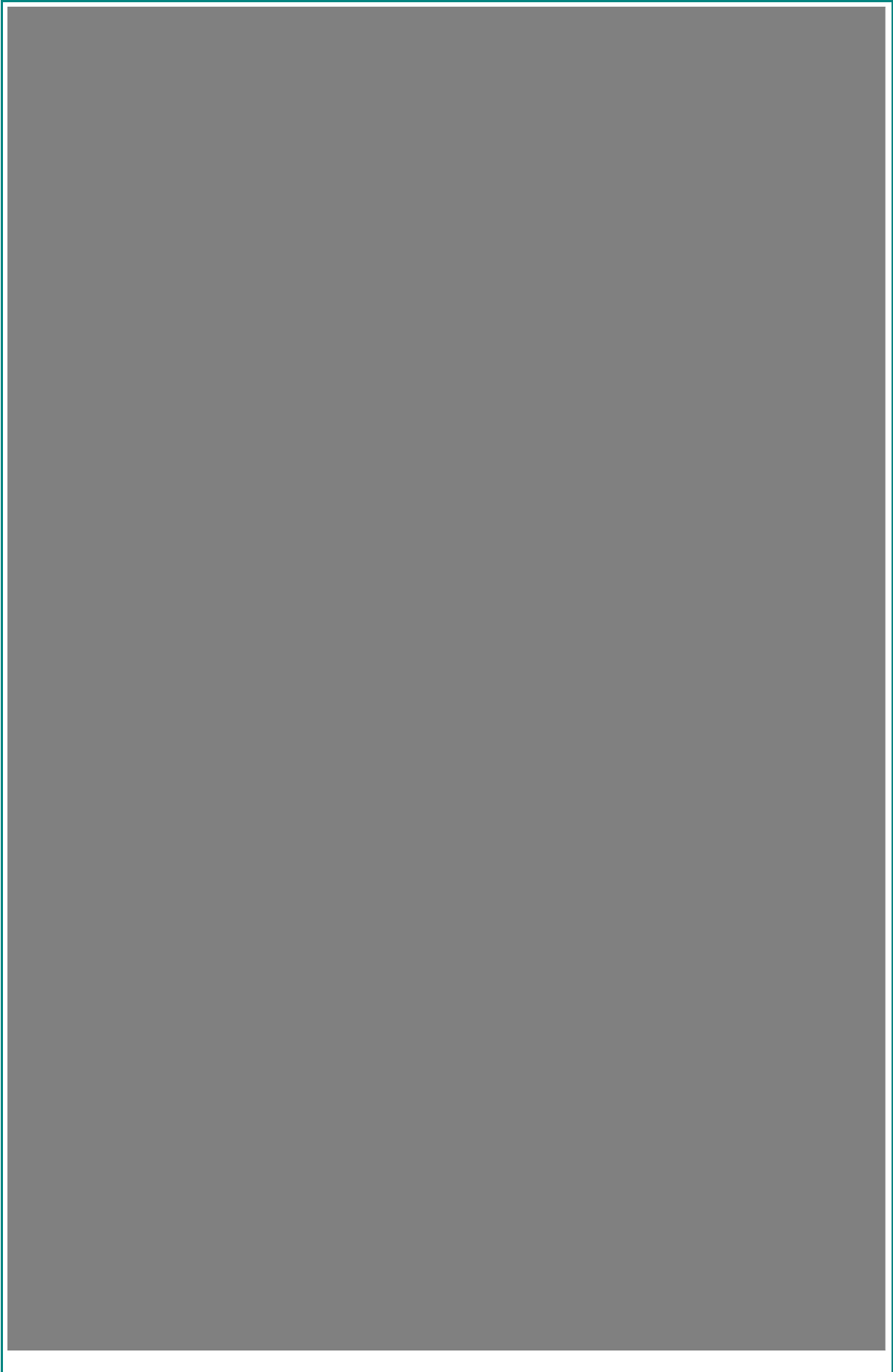
Are the case examiners satisfied that the social worker has been notified of the grounds for investigation?	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
Are the case examiners satisfied that the social worker has had reasonable opportunity to make written representations to the 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"/>

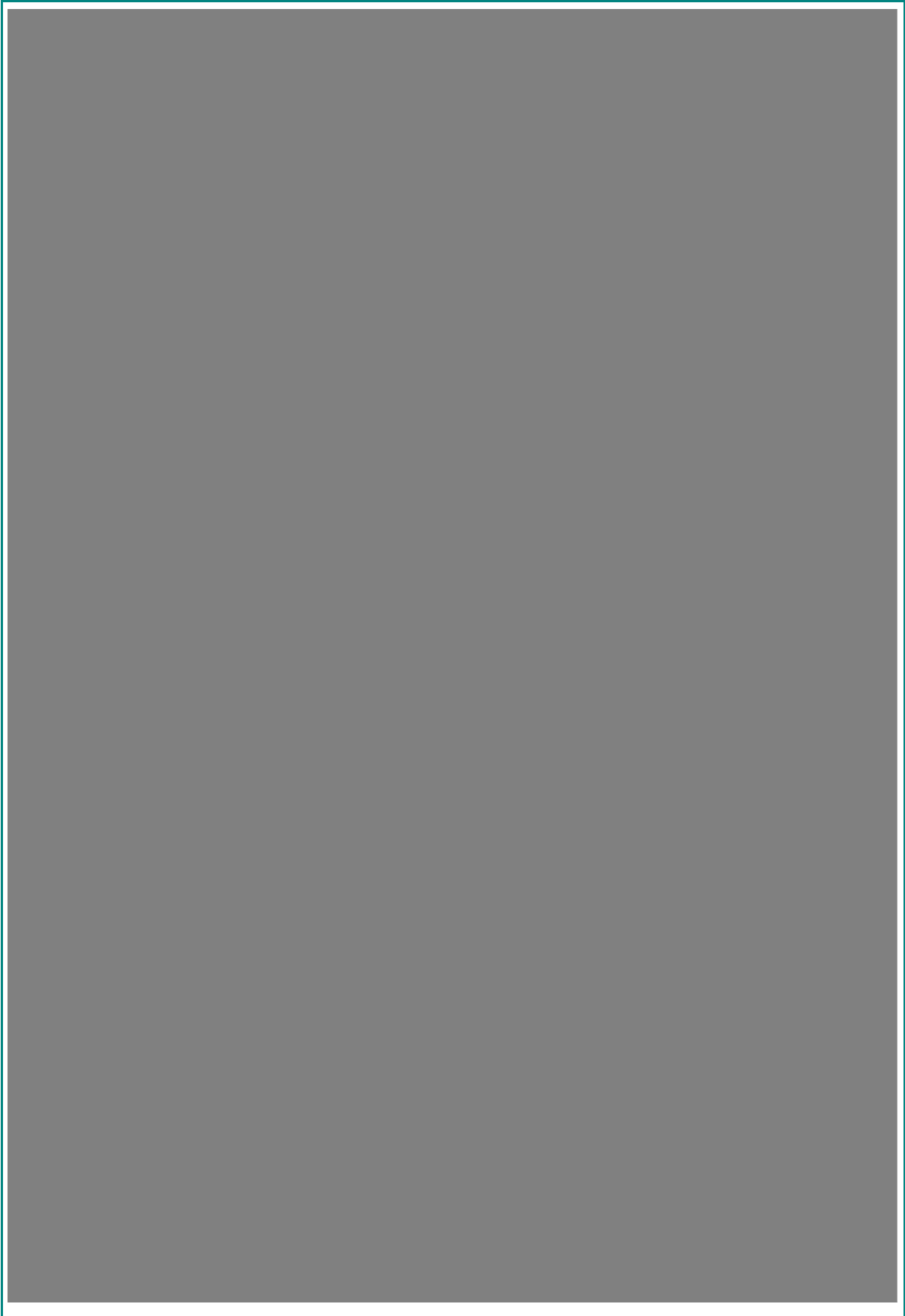
### Requests for further information or submissions, or any other preliminary issues that have arisen

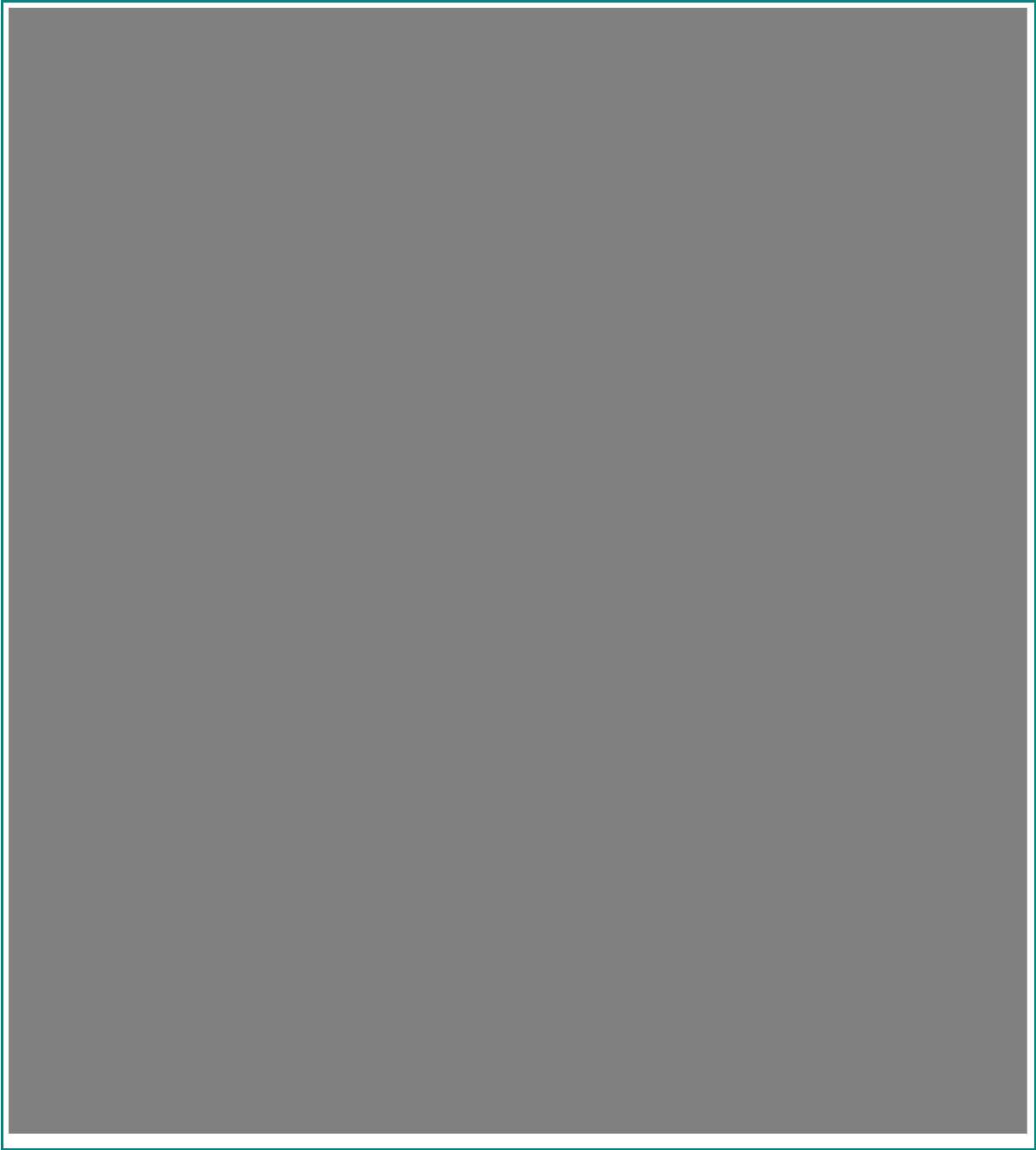












## The realistic prospect test

### 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 concerns 1-8 (inclusive) being found proven, that those concerns could amount to the statutory grounds of misconduct, and that the social worker's fitness to practise could be found impaired.

### Reasoning

The case examiners have carefully considered all of the information provided to them, and have summarised what they consider to be the key points relating to each of the facts below:

#### Facts

Whilst registered as a social worker;

1. You recommended a private care agency in which you had a personal business interest to the family of person A and/or person B, for personal gain.
  - Documentation from Companies House identifies a company called [REDACTED] with the social worker identified as owning 75% or more of the shares. The company appears to have been incorporated as of 23 August 2022, with accounts made up to August 2024.

In relation to person A:

- In an email dated 25 January 2024 to adult social care, and copied to the social worker, the witness person C, (relative of person A), asks the social worker why they recommended [REDACTED] and did not provide a choice of care companies to them. They ask whether the social worker had a financial interest in that company and indicate that they consider there to be a conflict of interest in the social worker's recommendation. They advise that they *"are not happy how (they) were pressganged into having to accept (the social worker's) recommendation for a care company"*.
- In a call note with the regulator, dated 4 October 2024, person C again reports that they felt they had been pressured to use the private provider recommended by the social worker to provide care to their mother. They describe how person F, who they only subsequently found out was the social worker's partner, had accompanied the social worker to person A's home. They advise that person F was *"really pushy and kept trying to get us to sign a contract"*, and that one of the conditions was that if you cancelled their services, you had to pay either notice. Person C states that when they learnt that the social worker was the company director of the private company that person F was representing, they felt there was a conflict of interest, as *"you can't go around promoting family businesses."*
- The above call note also records person C stating that the social worker had informed them that they would not be entitled to any free care from for any period of time when person A was discharged from hospital, although a previous social worker had indicated that they would be entitled to 'two free weeks of care'. The social worker then went on to recommend that they use a private agency, suggesting [REDACTED] who subsequently provided two days of support.
- In a call note with the regulator, dated 29 October 2024, the witness person D, also a relative of person A, describes how the social worker had *"mentioned"* a care provider who would be able to support (person A) on Christmas day. They state that the social worker only recommended the one company. They further advise that they all met at person A's house on Christmas Eve, and only learned about the social worker's affiliation to the recommended company, and relationship with person F, from a business card which carried the same name as the social worker. Person D advises that, at no time, did the social worker advise them of their personal interest in the company.

#### In relation to person B:

- In a complaint statement submitted on 18 January 2024 to Adult Social Care, the witness person E (relative of person B) outlines having first met the social worker on 13 December 2023, together with person B and two other family members, after two telephone calls regarding the care of person B. During this meeting person B's financial status was discussed, together with their care needs and deteriorating health. Person E outlines how the social worker advised them that it would be *"far cheaper to use a private home care provider rather than the (local authority's) services"* and stated that, if they needed a recommendation, they could help them, as they *"know people"*.
- In the above statement, person E sets out how, following a deterioration in their mother's health, the social worker called them on 5 January 2024 and offered to get someone from a private care service to assist. Person E advises that they asked about local authority provision and asked about the progress of a financial assessment. They state that they were again told by the social worker that the local authority service was *"very expensive"*, and did not provide any information on the progress of the financial assessment person E understood had been submitted. A few hours after this call, person E was contacted by person F, who offered his services to help person B saying that the social worker had passed on their details.
- Person E's statement also outlines how, over subsequent days, person F met with person B, together with person E, to propose care arrangements, but avoided answering queries about costs. On receipt of a proposed written support plan, person E noticed that person F had the same surname as the social worker, and following further investigations by them, person E became aware that the social worker was an active person in the care company that they had recommended. Person E advises that they felt *"disgusted"* to learn this information online, and that it caused the family to question the social worker's *"motives throughout our communication, and whether she used our desperation and distress in the time of our mother's deterioration to her advantage"*.
- In a call note with the regulator, dated 4 October 2024, person E reports that they feel like they were *"duped"* and *"violated"* by the social worker and their partner, person F, who they also describe as *"pushy"*. They state, *"how can you do that to a vulnerable person. All they wanted was to make money on the back of my mother"*.

Employment Agency Investigation Meeting with Social Worker, 4 March 2024

- Notes from this meeting indicate that when asked about whether the families involved may have been concerned that the social worker was recommending a company that they were getting a profit from, the social worker is recorded as responding that they *“didn’t think on that basis. ... They were private funders, in my head I didn’t think it would be their concern especially (person A), they were desperate.”*

Social Worker’s comments and submissions:

- The social worker does not appear to deny their interest in the private company or of recommending it to persons A, B, and their families.
- In their initial comments (23 August 2024) the social worker advises that they *“would like to clarify that (they) did not influence the families. However, (they) made it clear to them that we social worker are not supposed to recommend any agencies”*.
- In relation to person A, the social worker describes the case as being “urgent” as the family wanted a package in place before Christmas, and that *“while I did not tell them about ownership/director, I told the family I knew the agency and they gave me permission to give them their Next of kin (NOK) number and the agency contacted the NOK.”*
- In relation to person B, the social worker said that due to costs, they *“suggested they go privately which they agreed. However, due to flexibility, I told NOK that I cannot assure the agencies would be that flexible. She asked if I know of any agency. I asked permission if I should give their number to various agencies who were private and NOK agreed. Visit was done and there were no issues.”*
- In their submissions dated 27 January 2025, the social worker advises that their actions were *“as a result of wanting to help the families because of their personal distress ... made because I wanted to help neither was I thinking of anything else nor did I do this because of any other intentions. On reflection, I feel that I should not have done it and I am greatly and sincerely very sorry. I have learned my lesson and this will not happen again”*.

Case Examiners’ analysis:

The case examiners are satisfied from the information presented to them and summarised above, that there is cogent evidence to indicate that the social worker did recommend a private care agency in which they had a personal business interest to the family of person A and/or person B. The case examiners note that both families have described needing care support for as matter of some urgency, and

subsequently feeling pressurised by the social worker and/or a representative of the company, in which the social worker appears to have been the majority shareholder, to accept private care provision. The evidence also suggests that the social worker only provided and/or promoted details of their own company as a care provider to the families. It also appears that indicated to the families that this would be better than local authority care provision, which appears to have been a matter of opinion rather than fact. The social worker does not appear, from the evidence, to have been open with the families concerned as to their connection with the private care agency, causing both families to question the social worker's motivation in recommending the company.

While the social worker disputes having any motivation other than to help families at a time of need, the case examiners are satisfied from the evidence that there was the potential for the social worker to have personally profited financially from any services provided by their company to persons A and B; further, the social worker, in their agency interview, does not appear to deny profiting personally. In light of evidence of the social worker appearing to promote their own company over local authority services and/or failing to provide information of any other private providers, the case examiners are satisfied that there is the potential for the social worker's motivation to have been personal gain, rather than being limited to a desire to simply assist the families to find appropriate care.

**The case examiners have therefore determined that there is a realistic prospect of adjudicators finding regulatory concern 1 proven on the facts.**

2. You misinformed Person B's family about [REDACTED] (the local authority's) financial care contributions.

Evidence of Person E:

- In their complaint statement of 27 March 2024, to Adult Social Care, the witness person E (relative of person B) outlines that they met with the social worker on 13 December 2023 and that person B's financial status was discussed. Person E advises that they informed the social worker that person B claimed no benefits and lived in rented accommodation from a citizen housing association.
- Person E states that the social worker informed them that person B would have to contribute to the local authority for care, and that "*this would not be cheap*", as that local authority was "*the most expensive (local authority) for services*". The social worker went on to state that ½ hour of care for 5 days (Monday to Friday) would cost £178 per week from the local authority, advising that "*she knew this costing as she had discussed this level and times of care*

*previously with another client, just a week/month before*". The social worker informed person E that private care would be "far cheaper".

- Person E further states that in a telephone call with the social worker on 15 December 2023, the social worker stated that they had emailed a financial assessment document across to them. The document was a general information regarding social care and support and how much must be paid for services. Person E states that the social worker knew that they were waiting for an individual financial assessment.
- In a call with the social worker on 5 January 2024, person E recalls that they asked the social worker if they had heard from the local authority's financial department regarding the costs of the care package that they had requested. The social worker informed them they hadn't heard anything back from them, but that they were "very expensive".

#### Evidence from the local authority:

- A team manager for the local authority (professional G) in an email to Social Work England dated 14 October 2024, advises that person B was currently in receipt of local authority funded care. They also advise that case notes indicate that the social worker did request a pre-support plan assessment to determine financial contributions, but that no response from the financial team was recorded while the social worker was working for the local authority.

#### Social Worker's comments and submissions:

- In their initial comments (23 August 2024) the social worker advises that they contacted finance, but that "*the contribution would have made the package of care more. So, I suggested they go privately which they agreed*". They deny misinforming the family about the local authority's financial contributions and sent the family charging leaflets. The social worker adds that both clients (person A and person B) were "self-funders".
- In their submissions dated 27 January 2025, the social worker denies the concern and describes person E's allegations as "*untrue, malicious, and unfounded*".

#### Case Examiners' analysis:

The evidence presented to the case examiners indicates that the social worker did ask for a financial assessment for person B to be conducted and recorded in case notes that the family needed this assessment to decide whether to use local authority or privately provided care. However, the case examiners are also satisfied, that person E has provided a clear account of the social worker providing them with local authority care costings that were not based on person B's personal financial circumstances, and alleges that the social worker informed them that the local authority care would be significantly more expensive than local authority-provided care. The social worker's own comments also appear to indicate that they informed the family of person B that this would be the case and suggested private care. The case examiners note evidence that person B has since been in receipt of care which is funded by the local authority, suggesting that person B may have been entitled to local funding at the time the social worker suggested the family pursue privately provided care. In any case, the case examiners consider that it would have been the family's responsibility to make an informed decision on their purchasing care needs, based on an objective local authority financial assessment of their position, without any undue influence or opinion provided by the social worker.

**The case examiners have therefore determined that there is a realistic prospect of adjudicators finding regulatory concern 2 proven on the facts.**

3. You breached confidentiality by sharing the personal details of Person A and Person B with the private care agency you are affiliated with.

Evidence from person C and D:

While the family members of person A indicate that they agreed that the social worker could share their details with a private care provider to discuss care, their evidence indicates that at the time of doing so they were unaware of the social worker's personal interest in the provider. Their evidence suggests that they may not have allowed the details to be shared if they had been aware of the social worker's personal connection.

Evidence from person E:

In their evidence person E specifically states that, as a family, they have:

*“discussed in depth ... how uncomfortable we would feel going ahead with a care service that has not yet been inspected, and has no reputable reviews online from clients, let alone a company recommended that belongs to the social worker herself with no prior knowledge being shared with me. (The social worker) knowingly shared my personal data (name, phone number and possible information about my mother's*

*needs) with her own company, including her ... partner, and allowed him to contact us with a clear potential client and cash incentive.”*

Person E further emphasises the adverse impact this has had on them as a family and their ability to subsequently put their trust in other care service providers.

Social Worker’s comments and submissions:

In their initial comments the social worker denies breaching confidentiality, stating that they did not give any details of the service user, only of next of kin.

Case Examiners’ analysis:

The evidence from persons C, D and E, indicates that the social worker shared information relating to persons A and B, including the private data of their family members, leading to person F making contact and visiting both families in the service user’s own homes. These visits appear to have been for the purposes of person F attempting to secure business for a private care company. The case examiners are aware that private data applies to details of a subject’s family members, not just to themselves.

The evidence from persons C, D and E suggests that they did not provide informed consent for their data to be shared, as the family members appear to have been unaware that the company their information was being shared with was associated with the social worker and was being used in circumstances where the social worker may have had the opportunity to make personal financial gain.

**The case examiners have therefore determined that there is a realistic prospect of adjudicators finding regulatory concern 3 proven on the facts.**

4. You failed to inform [REDACTED] (the local authority) of your business interest in a private care agency.

Evidence from the local authority:

In an email dated 12 February 2024, professional G, a team manager in the local authority Adults Team, advises that the social worker did not make them aware that they were a director of a private care agency, prior to any complaints about the social worker being raised by members of the public.

Case Examiners’ analysis:

The case examiners note that the social worker has not provided submissions in relation to this specific concern.

The case examiners are of the view that being a director of a company and then sharing details of and/or recommending the use of that company to service users, would amount to a business interest that should have been shared with the local authority, as it presents a potential conflict of interest.

**The case examiners have therefore determined that there is a realistic prospect of adjudicators finding regulatory concern 4 proven on the facts.**

5. You failed to inform [REDACTED] (the employment agency) of your business interest in a private care agency.

Evidence from the employment agency:

The employment agency state that, when questioned, the social worker advised them that their consultant at the agency, professional I, “*knew about (the company) because when in January 2023 I became the CQC manager. I did say I have an agency, but I am not involved in it*”.

The employment agency further advise, however, that the social worker did not inform them that they were a director of a private care company when they first registered with them, and that professional I has stated that they have no recollection of the social worker disclosing the relevant company.

Case Examiners’ analysis:

The case examiners note that the social worker has not provided submissions in relation to this specific concern.

The case examiners are of the view that being a director of a company and then allegedly sharing details of and/or recommending the use of that company to service users, could amount to a business interest that should have been shared with the employment agency.

**The case examiners have therefore determined that there is a realistic prospect of adjudicators finding regulatory concern 5 proven on the facts.**

6. Your conduct at regulatory concerns (1), (4) and/or (5) represent a conflict of interest.

Evidence of Person C:

Person C, in their call with Social Work England dated 4 October 2024, states that when they learnt that the social worker was the company director of [REDACTED] [REDACTED] they “felt there was a conflict of interest. You can’t go around promoting family businesses. We were in a vulnerable position”.

### Evidence of Person E:

Person E, in their statement of complaint submitted on 18 January 2024, is clear that they consider the social worker's alleged actions to amount to a conflict of interest, and advise of the adverse impact on them and their family.

### Employment Agency Investigation Meeting with Social Worker, 4 March 2024

In this meeting the social worker is asked why they did not share information about their being a director in the company they were recommending to families, and whether they feel there has been any conflict of interest. The social worker is recorded as responding that they “*did not see the need*” as “*whether it was my company, or another, for me in my own head, I am not putting anyone at risk*” and just wanted to help.

### Social Worker's comments and submissions:

In their submissions dated 23 August 2024 and 27 January 2025, the social worker indicates that they admit this concern, with regards to allegedly influencing the families to use and failing to ensure that they provided full and accurate information to families when making referrals to, a private care agency in which they had a business interest. They state that they had done so only to help families who were in “distress”, and that they feel on reflection, that they should not have done so, and apologise for their actions.

### Case examiners' analysis:

In relation to this concern, the case examiners have noted Guidance from Social Work England on the professional standards for social workers which outlines the requirements for professional integrity and duty of candour, stating that:

*“where (social workers) are not open and honest, it can put people at risk and may damage confidence in them as a social worker and the social work profession ... Duty of candour also applies to being open and honest with colleagues, employers and relevant organisations, including Social Work England. ”.*

With regards specifically to conflicts of interest, the guidance also states that:

*“Conflicts of interest can occur when a social worker does not take steps to ensure the impartiality of their work. Support should also be free from persuasion based on prior knowledge or association with people, or if there could be benefit to the social worker, their relatives, or friends. Potential or actual conflicts should be quickly identified and considered carefully with employers and a course of action agreed, including referring the person to another social worker. At the heart of any*

*consideration should be people and the quality of support that a social worker is able to provide”.*

The case examiners have also noted that family members of both person A and B considered the social worker’s alleged actions to amount to a conflict of interest.

**The case examiners have therefore determined that there is a realistic prospect of adjudicators finding regulatory concern 6 proven on the facts.**

7. Your conduct at regulatory concerns (1), (2), (3), (4) and/ or (5) was dishonest.

When considering whether the social worker’s alleged actions with regards to the outlined concerns may amount to dishonesty, the case examiners have applied two tests, in line with relevant case law. Firstly, they have assessed the evidence to establish what adjudicators may determine the social worker’s actual state of knowledge or belief was at the relevant time (the subjective test). Secondly, they have considered whether the social worker’s conduct could be deemed as dishonest by the standards of ordinary, decent people (the objective test).

Concern 1: Recommending a private care agency in which the social worker had a personal business interest to the family of person A and/or person B, for personal gain.

With regards to the subjective test, the social worker states in their initial comments to Social Work England, that they *“made it clear to (the families) that we social worker(s) are not supposed to recommend any agencies”*, indicating that they were aware at the time that they should not do so. The social worker’s comments also indicate that they may not have been transparent with the families about their connection to the company they were recommending, stating that they *“knew”* the agency, not that they were an owner/director.

In their interview with their employment agency, when asked about whether they understood why their actions in recommending a company that they worked for might be considered *“suspicious”*, the social worker responds that *“it was wrong of me, but I think I took off my hat as a social worker and just looked at these people who have problem and I wanted to help”*.

Person E advises in their statement that while the social worker initially stated that she was unable to recommend any private care agencies because *“if we had entered into a contract from a recommended facilitator and that relationship 'broke down', 'where would that leave (the social worker)?'* However, person E alleges that straight after this

discussion, the social worker then stated *'however, if you do need a recommendation, I can help you with that, I do know people'*.

The case examiners are satisfied from the evidence presented to them that the social worker did understand that they should not recommend a company that they had a personal interest in, to service users and their families; however it appears that they may have done so.

With regards to the objective test, the case examiners are of the view that recommending care services to the families of service users that had the potential to amount to personal financial gain for the social worker, and failing to be transparent with family members about this, could be deemed as dishonest by the standards of ordinary, decent people.

Concern 2: Misinforming Person B's family about the local authority's financial care contributions.

Person E provides detailed evidence with regards to their allegation that the social worker advised them that local authority care would be more expensive for them than private care, despite the outcome of a financial assessment not being known. As outlined above, Person E alleges that the social worker then informed that they "knew people" and subsequently recommended their own agency for private care.

While the case examiners note that the social worker denies this concern, they have also noted the social worker's initial comments that they contacted finance in relation to person B, but that *"the contribution would have made the package of care more. So, I suggested they go privately which they agreed"*.

The case examiners are of the view that the social worker, who was experienced, if having acted as alleged at concern 2, would have known at the time of providing detailed information regarding cost contributions to family B that such information was not accurate. They would also know that it would be inappropriate for them to try and calculate whether local authority care would be more expensive than private care, prior to an objective financial assessment being conducted.

Further, if the social worker, as alleged, then made a recommendation for private care and suggested a company in which they have a financial interest provide such care, this potentially suggests a motivation of personal gain.

The case examiners are satisfied from the evidence presented to them that the social worker would have known that the information they were giving a family about

potential local authority care costs compared to private care costs was likely to be inaccurate but nonetheless did so.

With regards to the objective test, the case examiners are of the view that allegedly providing a family of a service user with inaccurate information that had the potential to encourage that family to use a private company in which they were involved, and which could result in personal gain for a social worker, could be deemed as dishonest by the standards of ordinary, decent people.

Concern 3: Breaching confidentiality by sharing the personal details of Person A and Person B with the private care agency you are affiliated with.

While the social worker denies breaching confidentiality, the case examiners note that the social worker does not dispute that they did not inform the families concerned about interest they had in the care company that they were sharing information with; this in the opinion of the case examiners indicates that the social worker may have withheld such information in the knowledge that families were not providing informed consent. The social worker also describes those families as being 'desperate' for help.

The case examiners are also of the view that as owner/director of the company, the evidence suggests that the social worker knew that sharing this information had the potential to lead to them gaining a financial benefit from the families if they engaged the services of that private care company.

With regards to the objective test, the case examiners are again of the view that breaching confidentiality of service users, in circumstances that could result in personal gain for a social worker, could be deemed as dishonest by the standards of ordinary, decent people.

Concern 4: Failing to inform the local authority of their business interest in a private care agency.

Concern 5: Failed to inform the employment agency of their business interest in a private care agency.

In relation to both concern 4 and 5, the case examiners are of the view that as an experienced social worker, the social worker would have been aware of the need to share with their the local authority and employment agency, the details of a care-providing business interest that they had the potential to benefit from in terms of the service users they came into contact with. This is clearly set out in the professional standards for social workers. While the social worker asserts that they did inform their

employment agency of this interest, this is disputed by their employment agency. The case examiners are of the view that there is some evidence to indicate that the social worker was aware of the need to make such a disclosure but may have failed to do so.

Further, the case examiners consider that in failing to disclose to families their interest in the private care service they were recommending, which the social worker does not dispute, could be considered as further evidence that the social worker actively took steps to avoid their local authority or employment agency from becoming aware of their business interest from members of the public they recommended it to.

With regards to the objective test, the case examiners are again of the view that failing to share details of a business interest when required to do so, and in circumstances that could result in personal gain for a social worker, could be deemed as dishonest by the standards of ordinary, decent people.

**The case examiners have therefore determined that there is a realistic prospect of adjudicators finding regulatory concern 7 proven on the facts.**

8. You failed to inform ██████████ Council of your business interest in a private care agency.

Evidence from the council:

Professional J, the area manager for the council that subsequently employed the social worker following them leaving the local authority, advises that the social worker:

*“has completed a Declaration of Interest form for (the council), on the form she did not disclose any conflict of interests. She did not disclose any personal interest in ██████████. This care agency is not contracted to Adult Social Care in Sandwell MBC”.*

Social Worker’s comments and submissions:

The social worker denies this concern, stating that they did not inform the council as they *“did not intend to use them (their private care agency)”*.

Case examiners’ analysis:

The case examiners understand that both the council and the social worker’s private company appear to be in the same regional area, and that as the company director of

a private service engaging in the care of vulnerable adults, this potentially suggests a business interest that could conflict with the social worker's employment at the council.

The case examiners are of the view that it is immaterial whether the social worker's agency is contracted to Adult Social Care in the council. There is evidence that the social worker appears to be running a private business providing services similar to those that the social worker may be required to recommend to service users in their role. As such the case examiners consider this to be a potential conflict that the social worker should have reported to their employer, so that any risks could be mitigated. This is for the same reasons as outlined above, i.e. guidance on social worker professional standards that *"Potential or actual conflicts should be quickly identified and considered carefully with employers and a course of action agreed, including referring the person to another social worker. At the heart of any consideration should be people and the quality of support that a social worker is able to provide"*.

**The case examiners have therefore determined that there is a realistic prospect of adjudicators finding regulatory concern 8 proven on the facts.**

### Grounds

The case examiners have been asked to consider the statutory grounds of misconduct.

The case examiners are aware that misconduct is generally considered to 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 Social Work England's professional standards for social workers, which were applicable at the time of the concerns. Having done so, they are of the view that the social worker may have breached the following standards:

As a social worker, I will:

2.1. Be open, honest, reliable and fair.

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

2.7. Consider where conflicts of interest may arise, declare conflicts as early as possible and agree a course of action.

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

As a social worker, I will not:

5.1 Abuse, neglect, discriminate, exploit or harm anyone, or condone this by others.

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

The regulatory concerns relate to a number of allegations, including dishonesty, which appear to have arisen in circumstances when service users and their families were in need of urgent care, and were vulnerable to being exploited. The case examiners consider these to be serious issues.

The case examiners are aware that where dishonesty is repeated and subsequently found proven, and is found to be for personal gain, this is considered to be particularly serious. Submissions from the social worker which appear to rationalise their alleged actions by stating that some of these families were 'desperate', is of particular concern. If such motivations relating to dishonesty were to be found proven, there is the potential to suggest that the social worker may have been actively and knowingly exploiting families at a point of critical need. It is arguable that any such alleged actions could amount to a serious abuse of trust.

Guidance for social workers in relation to the professional standards sets out that social workers are required to be open and honest with people, including when anything goes wrong. Where they are not open and honest, it can put people at risk and may damage confidence in them as a social worker and the social work profession. If, as alleged, the social worker was found to be dishonest, particularly in circumstances where they could gain financially, this would amount to a significant breach of standards 2.1, 3.1 and 5.2.

The guidance for social workers with regards to their professional standards also reminds them that conflicts of interest can occur when a social worker does not take steps to ensure the impartiality of their work. Support should also be free from persuasion based on prior knowledge or association with people, or if there could be benefit to the social worker, their relatives, or friends. Potential or actual conflicts should be quickly identified and considered carefully with employers and a course of

action agreed, including referring the person to another social worker. At the heart of any consideration should be people and the quality of support that a social worker is able to provide.

These case examiners consider that if, as alleged, the social worker failed to advise their recruiting agency of a company that they were involved in, and then subsequently recommended that company to service user families, would amount to a significant breach of standards 2.7, 3.1, 5.1, and 5.2.

In relation to allegedly breaching confidentiality, social workers are reminded by their guidance that they are required to treat people's personal information with discretion and should only disclose confidential information about people in certain circumstances, in line with the law which specifies clear data protection principles. While sharing information is, at times, essential where a person or group's safety is at risk, if confidential information is disclosed without authorisation or justification, this could be considered a breach of a person's privacy, and a significant breach of standard 2.6 and 5.2.

**The case examiners have therefore determined that there is a realistic prospect of adjudicators finding the grounds of misconduct proven.**

### 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 consider 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 not of the view that the concerns, which are wide ranging and indicate a significant breach of a number of professional standards, can be easily remediated. They are aware that cases involving dishonesty can be particularly

difficult to remediate, as they relate to a social worker's character. However, the case examiners are also aware that every case must be treated on its own merits, and that a finding of dishonesty need not inexorably lead to a finding of impaired fitness to practise. This may be the case, for example, where dishonest actions are isolated in nature, and there is evidence of early insight and remediation.

#### Insight and remediation

The case examiners note that the social worker denies a number of the regulatory concerns, including any alleged dishonesty. The case examiner guidance states *'a social worker may deny the facts and still demonstrate understanding of (both of the following):*

- *why the public would be concerned by their behaviour*
- *how to reduce the risk of repetition*

The case examiners are of the view that the social worker had shown limited insight and remediation in relation to the concerns raised in this case. The social worker appears to present the fact that families were desperate for help as mitigation for their actions, rather than recognising that such desperation presents a degree of vulnerability that leads service users and their families susceptible to financial exploitation. If proven, this would indicate an abuse of trust.

In their initial comments to their regulator the social worker makes the following comments:

*"Upon reflection, with my hand on my heart, the family were happy with the arrangement and therefore I thought I did the right thing".*

While they agree there was a conflict of interest in recommending their company to families, the social worker maintains that they thought they were *"helping"*.

In terms of reflection or remediation the social worker describes having *"undertaken extensive reading since I found myself in this very unfortunate situation and understand the consequences of my action"*, but does not outline what those consequences might be, other than to go on and state that *"on reflection, this is an unfortunate situation that I would not like to find myself in given the experience and the impeccable record I have had as a Social Worker. As I have said earlier, in right frame of mind, I thought I was helping"*.

In subsequent submissions, when the social worker has been presented with clear evidence from the families concerned in this case that they felt let down and *"duped"* by the social worker's alleged actions, and that their trust and confidence in the

professional has been adversely impacted on, the social worker fails to address the impact that they had, and any risk of harm. The social worker continues to assert that they only wanted to help, and was not *“thinking of anything else nor did I do this because of any other intentions. On reflection, I feel that I should not have done it and I am greatly and sincerely very sorry. I have learned my lesson and this will not happen again”*. The social worker does not however outline in any detail what lessons they have learned, or how have remediated, other than *“reading extensively on positive actions at work and especially conflict of interest cases”*. The social worker does not indicate how they would act differently in future.

The social worker’s comments in relation to the allegation of sharing confidential information with the private care company they were involved in, indicate that they do not fully understand confidentiality protocols or the application of data protection legislation. At worst, there is potential to suggest that they did understand these protocols, but actively chose to ignore them.

While the social worker has not provided any evidence of positive employer testimonies, information for a subsequent employer of the social worker, dated 18 October 2024, states that they have not received any further fitness to practise concerns about the social worker since the social worker has been working there (around four months). This employer (the council) does however advise that the social worker had not shared details of any conflicts of interest with them, including any details of the private care agency the social worker appeared to still be associated with. In their submissions, the social worker advises that this was because they had no intention of using them (their private care agency). The case examiners are of the view that this also indicates that the social worker does not understand what constitutes a reportable conflict of interest. Again, there is the potential to suggest that they did understand these conflicts but actively chose to ignore them.

#### Risk of repetition

In light of evidence of limited insight and remediation in the social worker’s comments and submissions, and the pattern of repeated dishonesty indicated by the concerns in this case, the case examiners conclude that the risk of repetition is high.

#### **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 reminded themselves that the public interest includes responding proportionately to regulatory concerns. They note from their guidance that concerns involving dishonesty are *“likely to be viewed particularly seriously given the access social workers have to people’s homes and lives”*; and that *“it is essential to the effective delivery of social work that the public can trust social workers implicitly”*.

With regards to this case, the evidence presented to the case examiners indicates that the social worker may have engaged in a pattern of dishonest acts, as well as breaching confidentiality and standards relating to conflict of interest. The case examiners also note that family members of the service users in this case, have provided a pattern of witness testimony which suggests that they feel betrayed and violated by the alleged actions of the social worker. The case examiners consider that a fully informed member of the public would be highly concerned by the alleged conduct in this case as their alleged actions could amount to an abuse of trust. Given that the case examiners have found a high risk of repetition, this would further exacerbate public concern and confidence in social workers.

In the case examiners’ view, a finding of impairment is required to maintain public confidence in both the social work profession, and in the regulator’s maintenance of proper standards for social workers.

**Accordingly, 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 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 have given careful consideration to whether a referral to a hearing may be necessary in the public interest; in doing so they 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*”.
- Although the social worker denies most of the concerns raised and has not indicated any acceptance that their fitness to practise is 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 the facts, grounds, and 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 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 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"/>



## 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	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.	

### Reasoning

In considering the appropriate outcome in this case, the case examiners have had regard to Social Work England’s impairment and sanctions guidance (December 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.

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 limited mitigating factors, comprising:

- an absence of previous fitness to practise history.

The case examiners have identified the following aggravating factors:

- a repetition of concerns over time;
- limited evidence of insight;

- limited evidence of remediation.

In determining the most appropriate and proportionate outcome in this case, the case examiners have next considered the available options in ascending order of seriousness.

The case examiners determined that taking no further action was not appropriate in a case of serious misconduct which includes allegations of dishonesty and personal financial gain. Taking no further action is not sufficient to mark the seriousness with which the case examiners view the social worker's alleged conduct and fails to safeguard the wider public interest.

The case examiners also concluded that offering published advice or a warning to the social worker is unlikely to be appropriate in a case of serious alleged misconduct, and where it is considered that a high risk of repetition remains. The case examiners believe this is applicable in this case due to the pattern of alleged misconduct and dishonesty, and the limited insight and remediation demonstrated by the social worker to date.

Next, the case examiners turned their minds to a conditions of practice order. The primary purpose of a conditions of practice order is to protect the public whilst the social worker takes any necessary steps to remediate their fitness to practise. Conditions are most commonly applied in cases of lack of competence or ill health. The sanctions guidance states that conditions are less likely to be appropriate in cases of character, attitudinal or behavioural failings. The case examiners carefully considered if conditions of practice may be appropriate in this case, but note that any conditions must be appropriate, proportionate, and workable. In light of the aggravating factors identified in this case, the case examiners do not consider conditions of practice to be appropriate or workable. Further, the case examiners consider that in the circumstances of this case, conditions would not protect the public and wider public confidence and would not reflect the seriousness of the alleged concerns.

As such, the case examiners went on to consider suspension. The sanctions guidance states that suspension is appropriate where no workable conditions can be formulated that can protect the public or the wider public interest and where the case falls short of requiring removal from the register. However, the case examiners are of the view that, while every case must be treated on its own merits, this is not a case that falls short of requiring removal, given the aggravating factors identified which include evidence of repeated alleged dishonesty, and a high risk of repetition.

The case examiners are aware from their guidance that a removal order may be appropriate in cases involving alleged dishonesty, especially where persistent and/or

concealed, and/or where there is a persistent lack of insight into the seriousness of their actions or consequences. A removal order is also appropriate in cases where there is potential evidence of an abuse of public trust. The case examiners consider that in this case the evidence suggests that the alleged conduct was repeated over time and that the social worker may have tried to conceal their behaviour by not reporting a business interest to their employers, and failing to inform members of the public of association to a business they were recommending to them. The case examiners have also identified an absence of insight by the social worker into the consequences of the alleged behaviour, and a lack of remediation.

Further, guidance reminds the case examiners that a removal order must be made where they conclude that no other outcome would be enough to achieve the overarching objectives of the regulator, i.e. to protect the public; and/or maintain confidence in the profession; and/or maintain proper professional standards for social workers in England. Again, noting the aggravating factors identified in this case, the case examiners are of the view that no other outcome is sufficient to achieve the regulator's overarching aims.

To conclude, the case examiners have decided to propose to the social worker a removal order. They request that the social worker is notified of their proposal 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

On 26 November 2025 the social worker responded to the proposed accepted disposal, indicating that they:

- had read the case examiners' decision and the accepted disposal guide;
- admitted the key facts set out in the case examiner decision, and that their fitness to practise was impaired;
- understood the terms of the proposed disposal of their fitness to practise case and accepted them in full.

## Case examiners' response and final decision

The case examiners have reviewed their decision, paying particular regard to the overarching objectives of Social Work England:

- The protection of the public;
- Maintaining confidence in the social work profession;
- The maintenance of professional standards.

The case examiners remain satisfied that an accepted disposal removal order is a fair and proportionate way to conclude this matter, and is the minimum sanction required to protect the public and the wider public interest.