



Case Examiner Decision

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SW69899

FTPS-23939

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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	23 April 2026
	Accepted disposal proposed – removal order
Final outcome	8 May 2026
	Accepted disposal – removal order

Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concerns 1 and 2 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 conviction or caution in the United Kingdom for a criminal offence. There is a realistic prospect of regulatory concern 2 being found to amount to the statutory ground of misconduct.
3. For regulatory concerns 1 and 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 request that the social worker be notified of their intention to resolve the case with 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 the published copy of the decision and will therefore be shared with the complainant in their copy. Text in **red** will be redacted from both the complainant's and the published copy of the decision.

The complaint and our regulatory concerns

The initial complaint	
The complainant	The complaint was raised by the social worker's former employer.
Date the complaint was received	3 December 2024
Complaint summary	 <p>The regulator alleges that the social worker failed to inform them of the criminal proceedings within a reasonable timeframe.</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:



2. You failed to inform Social Work England of the criminal proceedings you were subject to within a reasonable timeframe.

Grounds of impairment:

The matter outlined in regulatory concern (1) amounts to the statutory ground of a conviction or caution in the United Kingdom for a criminal offence.

The matter outlined in regulatory concern (2) amounts to the statutory ground of misconduct.

Your fitness to practice is impaired by reason of your conviction or caution in the United Kingdom for a criminal offence and / or 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"/>

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 and 2 being found proven. They consider:

- Regulatory concern 1 could amount to the statutory ground of a conviction or caution in the United Kingdom
- Regulatory concern 2 could amount to the statutory ground of misconduct
- The social worker's fitness to practise could be found impaired


Reasoning

Facts

Whilst registered as a social worker:



2. You failed to inform Social Work England of the criminal proceedings you were subject to within a reasonable timeframe.




The case examiners have had sight of the MG5 police report which shows that the social worker was interviewed by police on 7 January 2022.

The social worker, through their nominated contact, has submitted that they notified their employer of the criminal proceedings when they began, “and the social worker believed that in doing this, that they had fulfilled their obligations to declare their involvement”.

The case examiners have seen the social worker’s registration renewals form dated 5 November 2022 in which the social worker declared under “Conviction, penalty notice or cautions”:

“yes”

“Released under investigation  My employer is aware of this and has adjusted my work duties till the matter is resolved”.

Professional standard 6.6 states:

“As a social worker, I will:

Declare to the appropriate authority and Social Work England anything that might affect my ability to do my job competently or may affect my fitness to practise, or if I am subject to criminal proceedings or a regulatory finding is made against me, anywhere in the world”.

The case examiners acknowledge that the professional standard does not specify a timeframe in which criminal proceedings should be declared to the regulator. However, they consider that the social worker's alleged failure to declare criminal proceedings to the regulator for a period of 11 months could be deemed excessive and not within a reasonable timeframe. Additionally, the safe and effective practice guidance available from Social Work England's website sets out that:

“you should not wait until renewal to tell us about something that may impair your fitness to practise.

If there has been a change to your fitness to practise, you must tell us about it as soon as possible by making a self-referral”.

In the circumstances, the case examiners consider that there is a realistic prospect of regulatory concern 2 being found proven by adjudicators.

Grounds

The case examiners have already applied the realistic prospect test on the appropriate ground for regulatory concern 1.

In relation to regulatory concern 2 the case examiners considered whether there was a realistic prospect the facts could be found to amount to misconduct.

The case examiners are aware that there is no legal definition of misconduct, but it generally would consist of serious acts or omissions, which suggest a significant departure from what would be expected of the social worker in the circumstances. This can include conduct that takes place in the exercise of professional practice. It can also include conduct which occurs outside the exercise of professional practice but calls into question the suitability of the person to work as a social worker.

To help them decide if the evidence suggests a significant departure from what would be expected in the circumstances, the case examiners have considered the professional standards.

The case examiners have already set out professional standard 6.6. which they consider outlines the requirement for the social worker to declare criminal proceedings to the regulator. The case examiners consider regulatory concern 2 represents a significant departure from this standard due to the length of time the social worker was under criminal investigation before this was brought to the regulator's attention. They also note that the social worker was immediately placed upon restricted duties when the matter was reported to their employer. The case examiners are of the view this should have emphasised the seriousness of the matter

to the social worker and that they should have considered their regulatory responsibilities.

The case examiners consider there is a realistic prospect of adjudicators finding that regulatory concern 2 amounts to the statutory ground of misconduct.

Impairment

Assessment of impairment consists of two elements:

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

Personal element

With regards to the concerns before the regulator, the case examiners have given thought to their guidance, and they note that they should give consideration to whether the matters before the regulator are easily remediable, and whether the social worker has demonstrated insight and/or conducted remediation to the effect that the risk of repetition is highly unlikely.

Whether the conduct can be easily remedied

The case examiners do not consider the conduct to be easily remediable. The offence the social worker has been convicted of is serious and includes an element of dishonesty that could indicate a behavioural concern. The case examiner guidance states that such concerns are inherently harder to remediate.

Insight and remediation

The case examiners acknowledge the social worker has provided contextual information to the conviction and the reasons for their alleged failure to inform the regulator of the criminal proceedings. However, the case examiners consider they have not been presented with any information that demonstrates the social worker has reflected on and appreciates the gravity of the alleged conduct. [REDACTED]

[REDACTED]

The case examiners are aware the social worker has been unable to directly engage with the regulator and has made submissions via a nominated person. Whilst they appreciate the social worker has struggled during the criminal and regulatory investigations, they have not been presented with any evidence of insight or remediation.

Risk of repetition

Due to the lack of evidence of insight or remediation and the inherent seriousness of the concerns, the case examiners cannot conclude that there is a low risk of repetition.

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.

[REDACTED]
[REDACTED] Whilst they acknowledge that the conduct did not involve a service user, the concerns suggest prolonged dishonest behaviour. [REDACTED]
[REDACTED]

[REDACTED]

In such serious circumstances, the case examiners consider that public confidence in the social work profession and standards could be significantly undermined if a finding of impairment was not made.

The case examiners consider that there is a realistic prospect of adjudicators finding the social worker's fitness to practise is currently impaired.

The public interest

Decision summary

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

Referral criteria

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

Additional reasoning

There is no conflict in the evidence to be resolved. The social worker does not dispute that they were convicted of the stated offence or that they failed to notify the regulator of the criminal proceedings in a timely manner.

The case examiners acknowledge that the case has the potential to undermine public confidence in the profession and professional standards of social workers. However, they consider the public interest will be satisfied by the publication of an impairment decision on the regulator's website.

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.

Interim order

An interim suspension order is already in effect which will be replaced by the agreed removal order.

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 (December 2022) and reminded themselves that the purpose of a sanction is not to punish the social worker, but to protect the public.

The case examiners have decided that it is not in the public interest to refer this matter to a final hearing and have chosen the least restrictive sanction necessary to protect the public and the wider public interest. They have started at the lowest possible sanction and worked up, testing the appropriateness of each sanction to confirm their decision is proportionate.

The case examiners have already determined there is a realistic prospect that the social worker’s fitness to practise would be found impaired. The sanctions guidance advises that if the personal element of impairment is found, “*a sanction restricting or removing a social worker’s registration will normally be necessary to protect the public*”. The case examiners are therefore led to consider sanctions which restrict the social worker’s practice. They note that the guidance suggests it may therefore

“be reasonable to move beyond the lower sanctions (no action, advice or a warning) on this basis alone”. The case examiners have already determined that they do not consider that the social worker has demonstrated sufficient insight nor remediation. Therefore, the sanctions of no further action, advice or a warning are considered inappropriate on the basis that these outcomes will not restrict practice and therefore not sufficiently protect the public.

Conditions

The case examiners do not consider that an order of conditions would be appropriate in this case, because:

- The social worker has not demonstrated insight
- The failure or deficiency in practice may not be capable of remediation
- There are no appropriate, proportionate, and workable conditions that can be put in place to address the serious dishonesty involved in the conviction
- The decision makers are not confident the social worker can and will comply with conditions due to the attitudinal nature of the concerns
- The social worker may pose a risk of harm to the public by being in restricted practice as the conviction relates to conduct that occurred outside of the social worker’s practice

Suspension

The sanctions guidance states that a suspension order may not be appropriate where (both of the following):

- The social worker has not demonstrated any insight and remediation
- There is limited evidence to suggest they are willing (or able) to resolve or remediate their failings

The case examiners consider that both factors are present in this case. The case examiners have not seen any evidence of insight. The nature of the offending is inherently dishonest and therefore may be extremely difficult to remediate. There is limited evidence to suggest the social worker is willing or able to resolve their failings, as they have now retired.

In these circumstances the case examiners do not consider a suspension order to be an appropriate outcome.

Removal

The guidance on removal orders state that this may be the appropriate outcome for criminal convictions for serious offences. The case examiners consider that the social worker has been convicted of a serious criminal offence that in the circumstances of this case is incompatible with the role of a social worker. The case examiners are satisfied that in this case a removal order is appropriate as no other outcome would be enough to maintain confidence in the profession and maintain proper professional standards for social workers in England.

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

On 7 May 2026 the social worker returned their completed accepted disposal response form, confirming the following:

"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 again 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 that the public interest in this case may be fulfilled through the accepted disposal process.

The case examiners therefore direct that the regulator enact 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.