



Case Examiner Decision
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FTPS- 16875

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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 statutory grounds for impairment is engaged
- adjudicators could find the social worker's fitness to practise is currently impaired

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(s)	Accepted disposal –warning order (5 years)
Final outcome	Accepted disposal –warning order (5 years)
Date of the final decision	10 May 2021

Executive summary

The case examiners are satisfied that there is a realistic prospect that:

1. The factual concerns for allegations 1, 2 and 5 could be found proven by the adjudicators;
2. Those concerns could amount to the statutory grounds of conviction or caution and misconduct;
3. The adjudicators could conclude that the social worker's fitness to practise is currently impaired.

The case examiners do not consider it to be in the public interest for the matter to be referred to a final hearing and that the case can be concluded by way of accepted disposal.

As such, the case examiners notified the social worker of their intention to resolve the case with a warning order of 5 years.

The case examiners have considered all of the documents made available within the evidence bundle. Key evidence is referred to throughout their decision and the case examiners' full reasoning is set out below.

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the social worker's former employer
Date the complaint was received	17 January 2020
Complaint summary	The former employer alleged that the social worker did not disclose a diagnosis of [REDACTED] when they applied for a job and that this was dishonest. The social worker was also alleged to have spoken abusively about a senior colleague whilst intoxicated during a night out. The social worker received 2 convictions for: driving a motor vehicle whilst under the influence of drugs and without appropriate supervision and failure to display L plates.

Regulatory concerns

1. On 16 October 2020, you were convicted for the offences of driving a motor vehicle on a road:

- whilst under the influence of drugs, and
- otherwise than in accordance with a licence

By reason of your conviction, your fitness to practise as a social worker is impaired.

2. You demonstrated poor conduct whilst under the influence of alcohol on 6 December 2019.
3. You Failed to disclose your [REDACTED] to your employer
4. Your conduct at regulatory concern 3 was dishonest

By reason of your misconduct at regulatory concerns 2, 3 and 4 your fitness to practise is impaired

5. You have an existing health issue which may impact on your fitness to practise

By reason of your health, your fitness to practise is impaired.

Preliminary issues

Conflicts of interest

Declaration: *I am not aware of any material conflicts of interest that could impact upon my consideration of this case.*

Lay case examiner

Oliver Carr

Professional case examiner

Cath Connor

Investigation

Are the case examiners satisfied that the social worker has been notified of the grounds for investigation?

Yes



No



Are the case examiners satisfied that the social worker has had reasonable opportunity to make written representations to the investigators?

Yes



No



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



No



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



No



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

The case examiners are aware of the need to consider cases expeditiously and the need to ensure fairness to all parties. However, the case examiners considered, bearing in mind their investigatory function and statutory duty, that further information was needed to be able to reach a decision on this case.

The case examiners noted the case examiner guidance (para 145) which states they should only request further information if it would not be possible to reach a decision without it. They are satisfied that their chosen course of action was consistent with the guidance.

The case examiner guidance (para 149) states that case examiners must request information in writing and explain why it is required. It was the view of case examiners that the regulatory concern as originally drafted did not adequately reflect the gravity of the offence(s). As such, they requested that:

Regulatory concern 1 was amended to reflect the two convictions received by the social worker on 16.10.20 (p151 of bundle).

The social worker was given an opportunity to present submissions on the amended regulatory concern.

Suggested amended regulatory concern:

6. On 16 October 2020, you were convicted for the offences of driving a motor vehicle on a road:
 - whilst under the influence of drugs, and
 - otherwise than in accordance with a licence

19 April 2021

Case examiners received further submissions from the social worker.

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, 2 and 5 being found proven, that those concerns could amount to the statutory grounds of conviction or caution and health, and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

Regulatory concerns 1,2 and 5 are reviewed separately, 3 and 4 are combined and considered together.

- 1) On 16 October 2020, you were convicted for the offences of driving a motor vehicle on a road:
 - whilst under the influence of drugs, and
 - otherwise than in accordance with a licence

Case examiners have seen the primary evidence, which is a Memorandum of an Entry entered in the Register of the Lancashire Magistrates Court, dated 16 October 2020.

The entry states that the social worker entered a plea of guilty to both offences.

The social worker was convicted of driving when the proportion of a controlled drug, namely Delta-9-Tetrahydrocannabinol, in their blood, namely 2.2 micrograms per 100 ml of blood, exceeded the specified limit. The social worker states they had been taking CBD oil to help with their anxiety and were not aware the oil could cause a positive test result.

The social worker was convicted of driving without appropriate supervision and failure to display L plates. They had not passed their driving test and were driving alone.

Case examiners consider there is a realistic prospect of Regulatory Concern 1 being found proven by adjudicators.

- 2) You demonstrated poor conduct whilst under the influence of alcohol on 6 December 2019.

Evidence of the social worker's conduct during a night out on 6 December 2019 is detailed in the record of a probation review hearing on 13 January 2020; notes of a telephone conversation on 12 December 2019 between a team manager [REDACTED] in adult services and a team manager in children's services; statements from two social workers in adult services [REDACTED] who were approached by the social worker during a night out on 6 December 2019 and reported the social workers conduct to their line manager [REDACTED].

The social worker is alleged to have (i) talked loudly about being a social worker in children's services whilst very drunk during a night out in his local area (ii) made abusive comments to the social workers [REDACTED] regarding a senior manager [REDACTED], whom the social worker referred to as a "CXXX" and (iii) acted aggressively towards one of the social workers when challenged.

The social worker acknowledged that they were unable to fully recall their behaviour during the evening, due to being intoxicated. The social worker accepted this concern in their submission to Social Work England and acknowledged that they demonstrated poor conduct whilst under the influence of alcohol.

Case examiners consider there is a realistic prospect of Regulatory Concern 2 being found proven by adjudicators.

- 3) You Failed to disclose your [REDACTED] to your employer
- 4) Your conduct at regulatory concern 3 was dishonest

The terms [REDACTED] and [REDACTED] are used in the evidence to describe the social worker's condition. Case examiners have not had sight of the formal diagnosis and have accepted the information provided by the social worker who uses both terms in his submissions to Social Work England.

Record of a supervision session dated 26 November 2019 notes that the social worker was going to be reassessed for [REDACTED] and had stopped taking medication at 16-years-old. The record states: *"[the social worker] has been struggling to sit within the team and concentrate on their work. [The social worker] advised he has not advised the council prior to our discussion last week"*

In their submissions to Social Work England the social worker stated that: *"I can confirm that I admit to this regulatory concern in that I did not inform my employer of my diagnosis of [REDACTED] when applying for the job of social worker"* *"I can confirm that I admit to regulatory concern in that I was dishonest in not sharing my diagnosis to my employer...."*

Case examiners have made the following observations:

- The social worker did not attempt to hide the diagnosis when they experienced difficulties in the workplace and offered a consistent explanation to the employer and Social Work England about why they did not disclose the condition at the outset. The social worker stated: *"At the age of 16 I no longer felt that my [REDACTED] influenced me and believed that either have completely learnt to manage the condition or that I no longer had [REDACTED] Upon applying for a Social work position at Blackpool Council I did not share my childhood diagnosis of [REDACTED] as I no longer felt I was affected by the condition and had not been for over 10 years."*
- Case examiners note that there is no evidence in medical records or during placements completed as a student social worker that the social worker experienced symptoms characteristic of [REDACTED] which impacted on their ability to function. The social worker stated that the GP did not consider it appropriate to make a referral for further consideration of [REDACTED] and instead treated them for [REDACTED] this appears to be supported by the evidence. Medical information contained in the bundle does not reference a diagnosis of [REDACTED] and confirms that the social worker presented with symptoms of [REDACTED] on 11 February 2020.
- The Portfolios to evidence practice during placement as a student social worker did not include any information or concern about the social worker experiencing symptoms of [REDACTED] The reports from observers, service users and managers about the practice of the social worker on placement was positive.
- The Fitness to Work Declaration contained statements regarding the current health of the social worker in relation to health conditions which included:
 - I do not have any health condition/impairment/disability....
 - I do not require any adjustments, assistance or special facilities to enable me to do the job....

- I am not currently waiting on any tests.....
- I am not currently taking any medication.....

Case examiners accept that it is unusual to not find a realistic prospect of the facts being proven when a social worker has accepted the regulatory concerns. However, the case examiners have studied the form on which the social worker would have been expected to disclose the diagnosis of [REDACTED] when they were 13 years old, which requires the individual to declare any current health conditions which might impact on their working life. The social worker states that they did not consider these statements to be of relevance to them at the time, and they did not make any declaration/disclosure.

Case examiners consider that the wording of the Fitness to Work Declaration was not sufficiently explicit to expect a person who had not experienced symptoms for over a decade to disclose a diagnosis made in childhood. Case examiners consider that it was reasonable that the social worker did not disclose the diagnosis of [REDACTED] given the length of time since they experienced symptoms. As such, they do not consider that the social worker 'failed' to disclose his medical condition, as has been alleged. Nor do they consider there is evidence of dishonesty.

Case examiners are reassured that the social worker has said that they will inform future employers about the [REDACTED] diagnosis. They note the following:

- There is evidence that the current employer was made aware of the diagnosis of [REDACTED] from the outset. In their submissions to Social Work England the social worker stated: *"Since starting my new job I have been open and honest about my diagnosis, conviction, and experiences and going forward I will ensure that I am open, honest and transparent in regard to my experience, qualifications and skills and going forward will ensure that I remain open, honest and transparent at all times".*
- There is evidence that the social worker reflected on the potential benefits of advising their employer about the childhood diagnosis of [REDACTED]. In their submissions to Social Work England the social worker stated: *"if I had shared my diagnosis with my employer during the application process my employer may have been able to risk assess my condition to ensure that my practice is effective and safe for the people I support and extra support may have been offered to me to support me in the workplace therefor may have had a positive impact on my practice."*

Following a review of all the evidence, case examiners consider that the actions of the social worker were reasonable in the circumstances.

Case examiners conclude that there is not a realistic prospect of Regulatory Concerns 3 and 4 being found proven by adjudicators.

5) You have an existing health issue which may impact on your fitness to practise

An Occupational Health report 10 February 2020 recommended the social worker completed various assessments [REDACTED]

[REDACTED] The report noted that the social worker agreed to contact the Employee Assistance Programme [REDACTED] The social worker was dismissed on 12 March 2020 and there was no information about the progress of these recommendations.

Case examiners have reviewed the health record provided by the social worker's GP and there is no reference to a diagnosis of [REDACTED] The GP confirmed that in February 2020 the social worker was: [REDACTED]

Whilst case examiners have not had sight of a formal diagnosis, there is consistent evidence that the social worker experiences a health condition which may impact on their fitness to practise and this is accepted by the social worker.

Case examiners consider that the information from the current employer, the social worker and the medical evidence indicates that the social worker has a health condition which has the potential to impact on their fitness to practise.

Case examiners consider there is a realistic prospect of Regulatory Concern 5 being found proven by adjudicators.

Grounds

Conviction – Regulatory Concern 1

Having had sight of the described memorandum, issued by Lancashire Magistrates Court, case examiners are satisfied **there is a realistic prospect of adjudicators establishing the statutory ground of a conviction or caution in the United Kingdom for a criminal offence**, as provided by The Social Workers Regulations 2018.

Misconduct – Regulatory Concern 2

The case examiners note that 'misconduct' denotes serious acts or omissions, suggesting a significant departure from what would be proper in the circumstances.

To help them decide if the evidence suggests a significant departure from professional standards, the case examiners have considered the Social Work England standards that were applicable at the time of concern 2.

Social Work England Professional Standards, 2019

5.2 I will not behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.

Case examiners consider that the evidence provided to support regulatory concern 2 was reliable and consistent. Two independent witnesses who are also registered social workers made a verbal report to their line manager in adult services soon after the incident and followed this up in writing.

Case examiners agree with views expressed within the record of the probation review meeting which noted: *"The recent conduct can also bring into question the reputation for social workers especially in Blackpool, given how intoxicated [the social worker] reports they were and that they were unable to remember the events of the night out. Other professionals and wider public will have seen this behaviour, and this may have had an impact on the reputation"*

Case examiners agree that the reported conduct of the social worker on the evening of 6 December 2019 was a significant departure from the Social Work England Professional Standard 9.2. and what would be proper in the circumstances.

Case examiners are satisfied there is a realistic prospect of adjudicators finding regulatory concern 2 amounts to misconduct.

Health Grounds – Regulatory Concern 5

In their submissions to Social Work England the social worker stated that they have made significant changes to their lifestyle and no longer suffer from [REDACTED]. Evidence suggests that the social worker's current employer is aware of the [REDACTED] diagnosis and has no concerns. The social worker confirmed that they will advise future employers of the childhood diagnosis of [REDACTED] to enable reasonable adjustments to be made if required.

Emails on 16 and 18 November 2020 from an advanced clinical pharmacist following consultation with the social workers GP confirms that there are no current concerns [REDACTED]. In response to a query from the investigator at Social Work England about whether [REDACTED] will impact on their ability to perform the role of social worker the advanced clinical pharmacist stated: *"As mentioned in the previous email I have discussed the [social worker's] condition with Dr*

Hussain and we feel it will not affect [their] ability to perform the role of a Social Worker as it is being managed currently”.

Case examiners consider that there is sufficient evidence to suggest that the social worker is managing their health condition and it is not currently impairing their fitness to practise. Whilst they are not currently employed in a social work position the medical evidence clearly states that the condition will not affect their ability to function as a social worker.

Case examiners are satisfied there is not a realistic prospect of adjudicators finding regulatory concern 5 amounts to health.

Impairment

Having concluded there is a realistic prospect of adjudicators establishing the statutory ground of conviction or caution for regulatory concern 1 and misconduct for regulatory concern 2, the case examiners must consider whether there is a realistic prospect of adjudicators finding current impairment.

Case examiners have reminded themselves that the purpose of regulation is not to punish a social worker for past mistakes. Rather, the regulatory process seeks to establish whether a social worker is safe and fit to practise today and in the future.

The case examiners have assessed both the personal and public elements of current impairment

Conviction

Personal impairment

Case examiners are of the view that isolated mistakes are unlikely to be repeated if a social worker recognises what went wrong and takes action to make sure it does not happen again. In considering current impairment, the case examiners have considered whether the social worker has demonstrated insight, whether the conduct is remediable and if so, whether the social worker has shown remediation and whether there is a likelihood the matters alleged will be repeated.

Insight

Case examiners note that there are two convictions relating to driving whilst over the legal limit of drugs and driving illegally without supervision or displaying L plates. The social worker informed Social Work England they had reflected on their actions understood the impact and stated: “I potentially put myself and others at risk of harm by driving my car whilst under the influence of THC”. In addition, the social worker

acknowledge that use of an illegal substance could have had a negative impact on their ability to safeguard and support vulnerable individuals.

The social worker stated that the reason for getting into the car was to escape a domestic incident before the situation became dangerous. The social worker has demonstrated some insight into the risk of driving whilst under the influence of THC and without appropriate supervision, and stated: "Upon reflecting on this situation I fully understand the risks I put not only myself at but others too and in future would definitely think about the safest option before making a decision that could put myself and others at risk such as with a situation like this I would walk away or use public transport"

Remediation

The social worker was not required to complete a course following the conviction and is banned from driving until October 2021.

Likelihood of repetition

The social worker appears to have reflected on the impact of their actions and considered how they would act in the future. In their submissions to Social Work England the social worker detailed events in their personal life and relationships that had impacted on their physical and mental health. Case examiners considered that this information was not presented by the social worker as an excuse for their behaviour, but rather to demonstrate the actions they have taken to prevent repetition. The social worker stated that they have ended a relationship and would seek support should their mental health decline in future.

The social worker stated: "Since the incident I believe I am much cautious and aware of the situations I am getting into and think holistically around the impact of a decision before making it".

Case examiners note the social worker has demonstrated some insight and remorse and the evidence indicates that there is a low risk of repetition of this behaviour.

Impairment on public interest grounds

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

Case examiners consider whilst the conduct of the social worker placed the public at risk, the social worker has demonstrated insight and remorse, and the risk of repetition is low.

Case examiners are of the view that a conviction for being in charge of a vehicle when under the influence of drugs and without supervision or displaying L plates is a serious matter and a significant departure from the professional standards. Adjudicators may determine that the public would expect a finding of impairment recorded against a social worker who chose to drive in these circumstances. Furthermore, public confidence in the social work profession and the regulator may be undermined if a finding of impairment was not made.

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

Misconduct

Personal impairment

Insight

In their submissions to Social Work England the social worker advised that they have not drunk alcohol excessively since this incident and have prioritised their physical and mental health by taking regular exercise. The social worker stated: "I now fully understand the importance of remaining professional whilst both in and outside of work and how not doing so can impact on my ability to be an effective social worker and the public's trust in the social work profession"

Case examiners consider that the social worker has demonstrated insight into this regulatory concern and the information about reducing their alcohol intake is supported by evidence from the current employer and GP.

Remediation

The social worker said that they had written a "full, formal and sincere letter of apology" to the manager ■ which they accepted, however a plan to meet in person did not progress as they were suspended and unable to have any further contact with ■

The evidence suggests that the conduct of the social worker also had a negative impact on colleagues who were approached by the social worker during a night out. Case examiners consider that it would have been appropriate for the social worker to also write to the colleagues in adult services who witnessed their conduct which was alleged to be aggressive.

Likelihood of repetition

The current employer confirmed that there have been no concerns about the social worker's conduct and no indication of drug or alcohol misuse. There was no evidence of concern within the evidence provided regarding the social worker's student placements.

The social worker stated that they have prioritised improving their physical and mental health, have lost a significant amount of weight and rarely drink alcohol.

The evidence suggests that this may have been an isolated incident, and this is supported by the submissions of the social worker's current employer, who reports no concerns.

Case examiners consider that whilst remediation is limited, the social worker has evidenced remorse, regret, and some insight into the impact of their conduct whilst drinking, on the public and the profession. Case examiners conclude that the risk of repetition is low.

Case examiners have determined that there is not a realistic prospect of adjudicators finding that the social worker's fitness to practise is impaired on the personal element.

Impairment on public interest grounds

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

Case examiners consider that the social workers conduct whilst drinking alcohol in a public place was serious and a significant departure from the expected professional standards. The behaviour of the social worker had the potential to put the public at risk. In addition, the potential to cause damage to the public's trust and confidence in the social work profession was high.

Adjudicators may determine that the public would expect a finding of impairment recorded against a social worker who was: indiscrete about their professional role whilst under the influence of alcohol, spoke abusively about a colleague, behaved aggressively towards others on a night out and was so drunk that they could not recall what they had said or done the following day. Furthermore, public confidence in the social work profession and the regulator may be undermined if a finding of impairment was not made.

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

The public interest

Decision summary

Is there a public interest in referring the case to a hearing?	Yes	☐
	No	☒

Referral criteria

Is there a conflict in the evidence that must be resolved at a hearing?	Yes	☐
	No	☒
Does the social worker dispute any or all of the key facts of the case?	Yes	☐
	No	☒
Could a removal order be required?	Yes	☐
	No	☒
Would not holding a public hearing carry a real risk of damaging public confidence in Social Work England's regulation of the profession?	Yes	☐
	No	☒
Is a hearing necessary to maintain public confidence in the profession, and to uphold the professional standards of social workers?	Yes	☐
	No	☒

Reasoning

In considering the necessity, or otherwise, of a public hearing, case examiners have had regard to the following:

- the risk to public safety
- the need to maintain public confidence in the profession
- the need to uphold proper standards within the social work profession
- the need for regulators to act proportionately.

Removal from the register

The social worker has apologised and shown insight in relation to his actions, and therefore it does not seem likely that his removal from the register is required to protect the public.

While this is a case that potentially engages the public interest, the case examiners do not consider the social worker's conduct was such that removal from the register would be required to uphold the public's confidence in the profession. While all criminal offences are serious and will impact on the public confidence in the profession, the offences in this case, were dealt with by the courts and not considered sufficiently serious to require a custodial sentence. The social worker's misconduct was also serious, but not at a level where removal might be necessary.

As removal has been discounted, all other case disposal options are open to case examiners, without the need for a referral to a final hearing.

Public confidence and upholding standards

With regards to upholding standards, case examiners are aware, in the event the social worker agrees to an 'accepted disposal' without a referral to a hearing, their full decision (subject to any redactions) will be published on Social Work England's website, thus fulfilling the public interest and the need for the regulator to declare what is proper conduct. They are aware that their guidance supports this approach in all but the most serious cases.

The public and other professionals will be able to see the types of behaviour that are deemed completely unacceptable. Further, they will be able to see that the regulator will take swift and appropriate action when faced with instances of conduct which purportedly breach professional standards.

Proportionality

Case examiners are required to act proportionately, and they consider that an accepted disposal represents the most proportionate outcome for this case that will also protect the public. They note the social worker reported that they have taken steps to address what happened in their personal life which led to them behaving in an unacceptable way. As the social worker has demonstrated remediation, case examiners are of the view that attempting to resolve the matter now represents a fair and proportionate outcome that would be supported by the public.

Accepted disposal

Case outcome		
Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☒
	Conditions of practice order	☐
	Suspension order	☐
Proposed duration	5 years	

Reasoning

Case examiners have found a realistic prospect that adjudicators would make a finding of current impairment. The case examiners have reminded themselves of their guidance on sanctions, which states they “...*must select the least severe sanction necessary to protect the public and the wider public interest.*” Case examiners have therefore considered their disposal options in ascending order to determine what is appropriate. They have considered taking no further action, or giving advice to the social worker, however they feel that doing so would fail to mark the serious nature of the conduct that has been identified.

Case examiners consider therefore that a warning is necessary to uphold public confidence, and to send a clear message to the wider profession regarding the types of behaviour that are unacceptable.

With regards to the duration of the warning, the case examiners have referred to their Sanctions Guidance which states:

“Five years may be appropriate for serious cases that have fallen only marginally short of requiring restriction of registration, to maintain confidence in the profession and where it is necessary to send a clear signal about the standards expected. The timeframe presents an extended period over which the social worker must demonstrate that there is no risk of repetition.”

The case examiners consider that a one or three-year warning would fail to reflect the seriousness of the matter. In deciding to give the maximum duration for the warning, they have reflected that the case concerns two separate criminal convictions and, an instance of inappropriate drunken behaviour during a night out. The case examiners considered the

three incidents demonstrate poor judgement and inappropriate behaviour by the social worker and the length of warning is proportionate and necessary to provide a clear signal about the expected standards to both the social worker and members of the public. The case examiners did consider whether a suspension would be appropriate to mark the seriousness, however they are of the view that this would be disproportionate given the social worker's insight and remorse. There is no necessity to restrict the social worker's practice and therefore conditions of practice were not deemed relevant.

It is important to note that by accepting the proposal in full, the social worker would be accepting that their fitness to practise is currently impaired and agreeing to the closure of the investigation into these concerns.

Case examiners will notify the social worker of their proposals and seek the social worker's agreement to dispose of the matter accordingly. Should the social worker 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.

The social worker is given 14 days to respond to this offer.

Content of the warning

Case examiners remind the social worker that the commission of any criminal offence is wholly unacceptable and has the potential to seriously undermine the reputation of the profession.

The driving offences put the health and safety of the public at risk which is a serious concern and demonstrated a serious lack of judgement.

Conduct involving unacceptable behaviour whilst under the influence of alcohol has the potential to seriously undermine the reputation of the profession and will not be tolerated.

Any other matters of this nature will be viewed extremely seriously by the regulator and are likely to raise the question of whether the social worker should be permanently removed from the register.

The social worker is reminded that Social Work England standard 5.2 states social workers must not: *"Behave in a way that would bring into question [his] suitability to work as a social worker while at work, or outside of work."*

Response from the social worker

On the 5 March 2021 the social worker agreed to resolve this matter by way of a warning order, lasting for five years.

The social worker confirmed that they have read the case examiner's decision and associated guidance document. The social worker has also confirmed they understand the terms of the proposed disposal of their fitness to practise case and accepts them in full.

Case examiners' response and final decision

Having received the social worker's response the case examiners have reviewed their decision and are satisfied that it remains the case that it is not in the public interest to refer this matter to adjudicators. They are of the view that their decision is fair and proportionate for the social worker and is the minimum necessary to protect the public and the wider public interest.