

Case Examiner Decision
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FTPS-24105

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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 | 3 December 2025 |
| | Accepted disposal proposed - warning order (1 year) |
| Final outcome | 17 December 2025 |
| | Accepted disposal - warning order (1 year) |

Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concern 1 (a [REDACTED] being found proven by the adjudicators.
2. There is a realistic prospect of regulatory concern 1 (a [REDACTED]) being found to amount to the statutory ground of misconduct.
3. For regulatory concern 1a, there is a realistic prospect of adjudicators determining that the social worker's fitness to practise is currently impaired.

[REDACTED]

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

As such, the case examiners requested that the social worker be notified of their intention to resolve the case with a warning order of 1 year. This was accepted by the social worker.

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 concern

The initial complaint

| | |
|---------------------------------|--|
| The complainant | The complaint was raised by way of a self-referral by the social worker |
| Date the complaint was received | 21 October 2024 |
| Complaint summary | <p>The social worker advised of road traffic offences which occurred on 5 October 2024. The social worker was stopped by police for driving while using a mobile phone [REDACTED]</p> <p>[REDACTED]</p> <p>There were two children who were service users in the vehicle with them, aged 8 and 11.</p> |

Regulatory concerns

Whilst registered as a Social Worker you:

1. Placed Child A and Child B at unnecessary risk of harm on 5 October 2024 by driving them in a vehicle

a) when you were using your mobile phone, [REDACTED]

[REDACTED]

The matter [REDACTED] outlined in regulatory concern 1 amounts 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"/> |

The realistic prospect test

Fitness to practise history

The case examiners have been informed that there is no previous fitness to practise history.

Decision summary

Is there a realistic prospect of the adjudicators finding the social worker's fitness to practise is impaired?

Yes



No



The case examiners have determined that there is a realistic prospect of regulatory concern 1a [REDACTED] being found proven, that the concern could amount to the statutory ground of misconduct, and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts

Whilst registered as a Social Worker you:

1. Placed Child A and Child B at unnecessary risk of harm on 5 October 2024 by driving them in a vehicle

a) when you were using your mobile phone, [REDACTED]

The case examiners have been provided with evidence from Cheshire Magistrates' Court which sets out the notice of endorsement of driving record. The endorsable offence is recorded as 'Use a handheld mobile phone/device while driving a motor vehicle on a road' [REDACTED]

[REDACTED] dated as occurring on 5 October 2024. The social worker's driving licence was endorsed with eight points.

The notice of endorsement acknowledges that the social worker pled guilty [REDACTED], and the social worker admits this concern in its entirety.

The case examiners are of the view that there is a realistic prospect of this regulatory concern being found proven, should the matter go forward to adjudicators.

Grounds

The case examiners are aware that there is no single statutory 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 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 the following standards, which were applicable at the time of the concerns.

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 case examiners are of the view that standard 5.1 suggests the intentional abuse or harm of someone, rather than a lapse of judgement. However, they also recognise it could be argued that the social worker neglected the safety of the children (service users) they were transporting in using a mobile phone while driving.

The case examiners acknowledge the context provided by the social worker around this offence. The social worker was transporting two children for a family time session with their father and had used their phone to make a call and confirm the address to which they were travelling. They were seen using their phone by a police officer and pulled over. [REDACTED]


[REDACTED]

[REDACTED]

The case examiners recognise that the regulatory concern relates to an isolated incident, which case law suggests should be 'particularly grave' in order to meet the threshold for misconduct.

The case examiners consider that the social worker using their phone whilst driving is sufficiently serious to amount to misconduct. They note that the social worker was working at the time of the incident and was transporting children who were service users, and therefore they had an increased responsibility to behave professionally and a heightened duty for the safety of others. The children may have been at risk of physical and emotional harm and were reported to be upset by the social worker being pulled over and questioned by a police officer. The children lost out on family time as a result of the social worker's vehicle being seized and their mother had to collect them.

The case examiners also note there is evidence to suggest that the social worker responded inappropriately towards the police officer, being described as rude and shouting at them. The social worker denies this, but the case examiners note the police officer's detailed account of what was said. They also recognise that the police officer was sufficiently concerned by the social worker's alleged conduct that they reported this to the local authority. Although the case examiners recognise there is a conflict which they cannot resolve, they consider there is sufficient evidence to consider it a potentially aggravating factor which adjudicators may take into account, if the matter went forward to a hearing.

The case examiners are satisfied there is a realistic prospect of adjudicators finding that regulatory concern 1 (a  amounts to 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 regard 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 are of the view that the alleged conduct could be remedied, by the social worker reflecting on what went wrong, the impact of their actions and how they would prevent a recurrence in the future.

Insight and remediation

The case examiners consider that the social worker has demonstrated a good level of insight, both in their initial and final submissions. The social worker has reflected and appreciated the possible risk, stating, *“what happened could have had serious implications not just on myself but more importantly on the children’s safety and wellbeing”*.

The social worker has been clear that they should have pulled over to make the call and not allow time pressure or stressful circumstances to influence their decision making on safety matters. [REDACTED]

[REDACTED]

The case examiners have been provided with evidence that the social worker has advised subsequent employers of their offence and the fitness to practise investigation, this has allowed for checks and discussion to take place, which increases the confidence of the case examiners that the social worker will not repeat the conduct.

Risk of repetition

Given the insight and remediation discussed above, the case examiners are satisfied there is a low risk of repetition, for the conduct described in regulatory concern 1 (a [REDACTED]).

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 previously acknowledged the risk to which the social worker exposed the children. It appears reasonable to suggest that the social worker

made a conscious decision to use their phone, knowing that it was against the law and dangerous and they could have pulled over to make the call. The public may consider that this incident was easily avoidable and the risk to the children was therefore unacceptable. The case examiners therefore consider that the public would expect a finding of impairment in relation to regulatory concern 1a.



Accordingly, the case examiners are satisfied there is a realistic prospect of adjudicators finding the social worker's fitness to practise impaired, in relation to regulatory concern 1a [REDACTED].

The public interest

Decision summary

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

Referral criteria

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

Additional reasoning

The case examiners have concluded that the public interest in this case is engaged. However, they are satisfied that this interest may be appropriately fulfilled by virtue of the accepted disposal process.

Whilst the matter is serious, the case examiners are not of the view that it is so serious that a hearing might be necessary to maintain public confidence in the social work profession, or in Social Work England's maintenance of the standards expected of social workers.

The case examiners have noted that the social worker has indicated they do not consider their fitness to practise to be currently impaired. Where a social worker does not accept impairment, case examiner guidance suggests that a referral to a hearing may be necessary in the public interest.

However, the case examiners note that the guidance states the social worker must accept the matter of impairment at the point of *concluding* the case and are of the view that this does not prevent them offering accepted disposal prior to this stage.

The case examiners consider that it is reasonable to offer accepted disposal in this case because:

- There is no conflict in evidence in this case, and the social worker accepts all of the key facts.
- The case examiners are of the view that there is low risk of repetition, and therefore any finding of impairment would be primarily made in the public interest, to safeguard public confidence.
- The case examiners recognise that not all professionals will have an innate understanding of how and when the public interest may be engaged, or how exactly this might impact upon findings concerning current fitness to practise.
- The accepted disposal process will provide to the social worker an opportunity to review the case examiners' reasoning on impairment and reflect on whether they are able to accept a finding of impairment. It is open to the social worker to reject any accepted disposal proposal and request a hearing if they wish to explore the question of impairment in more detail.

The case examiners are also of the view that the public would be satisfied to see the regulator take prompt, firm action in this case, with the publication of an accepted disposal decision providing a steer to the public and the profession on the importance of adhering to the professional standards expected of social workers in England.

Accepted disposal

Case outcome

| | | |
|-------------------|------------------------------|-------------------------------------|
| Proposed outcome | No further action | <input type="checkbox"/> |
| | Advice | <input type="checkbox"/> |
| | Warning order | <input checked="" type="checkbox"/> |
| | Conditions of practice order | <input type="checkbox"/> |
| | Suspension order | <input type="checkbox"/> |
| | Removal order | <input type="checkbox"/> |
| Proposed duration | 1 year | |

Reasoning

The case examiners have identified the following mitigating and aggravating factors, when considering sanction.

Mitigating

- No history of other concerns being raised.
- Good insight and remediation shown and the social worker self-referred to the regulator.
- The social worker has provided the context of a stressful work situation but not sought to excuse their conduct and/or blame others.

Aggravating

- The incident occurred during work, children were placed at risk of harm.
- The alleged conduct of the social worker towards the police officer- although it is noted that this is disputed by the social worker.

In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's sanctions guidance and reminded themselves that the purpose of a sanction is not to punish the social worker but to protect the public and the wider public interest. Furthermore, the guidance requires that decision makers

select the minimum sanction necessary to protect the public and the wider public interest.

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

The case examiners are aware that where a social worker's fitness to practise is potentially impaired, they will usually need to ensure the public is protected through some action by the regulator. The guidance sets out that taking no further action would require exceptional circumstances and the case examiners are not of the view that the mitigation offered by the social worker could be considered exceptional. The case examiners next considered offering advice but concluded it would be insufficient in this case, as it would fail to mark the seriousness of the social worker's conduct, that has been found proven by way of the endorsable offences.

The case examiners next considered whether a warning order would be appropriate in this case. The case examiners note that paragraph 96 of the sanctions guidance details that three indications that a warning order is likely to be appropriate are:

- 'the fitness to practise issue is isolated or limited'
- 'there is a low risk of repetition'
- 'the social worker has demonstrated insight'.

The case examiners considered that all three of the above criteria apply in this case and have decided that the necessary level of protection in this case can be met with a warning order. The case examiners have considered the length of time for the published warning and consider one year to be proportionate in this case.

The case examiners consider that the matter is isolated and could be described as of 'relatively low seriousness', as pointed to in Social Work England's sanctions guidance in respect of one-year warnings. The case examiners are of the view that the primary purpose of the warning is to highlight the professional standards expected of social workers, given that the social worker does not require time to develop further insight or provide further evidence of remediation.

The case examiners went on to test the appropriateness of a warning order by considering conditions of practice and suspension. The case examiners have concluded that the risk of repetition is low in this case, and it would be quite rare that a restrictive sanction would be required in such circumstances.

In all the circumstances of this case, the case examiners are satisfied that a warning of one year duration is the proportionate sanction.

The case examiners will notify the social worker of their proposal to issue a published warning of one year duration and will seek the social worker's agreement to dispose of the matter accordingly. The social worker will be offered 14 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.

Content of the warning

Your conduct in this case represented a significant breach of professional standards and had the potential to place members of the public at risk of harm. This could have an adverse impact on public confidence in you as a social worker and the social work profession as a whole.

It is of paramount importance that you conduct yourself appropriately and in line with the law and your professional standards, in both your personal and professional life.

The case examiners remind the social worker of the following Social Work England professional standards (2019):

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 conduct that led to this complaint should not be repeated. Any similar conduct or matters brought to the attention of the regulator are likely to result in a more serious outcome.

Response from the social worker

On 15 December 2025 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 considered the public interest in this matter and, as they have not been presented with any new evidence that might change their previous assessment, they are satisfied that it remains to be the case that the public interest in this case may be fulfilled through the accepted disposal process.

The case examiners therefore direct that the regulator enact a warning order of 1 year duration.