

Case Examiner Decision
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FTPS-23747

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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	24 June 2025
	Accepted disposal proposed - warning order (1 year)
Final outcome	09 July 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 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.
3. For regulatory concern 1, there is a realistic prospect of adjudicators determining that the social worker's fitness to practise is currently impaired.

The case examiners did not consider it to be in the public interest for the matter to be referred to a final hearing and 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. The social worker responded on 8 July 2025, confirming their acceptance of the case examiners' proposal.

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 [REDACTED] will be redacted from the published copy of the decision.

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by way of a self-referral by the social worker.
Date the complaint was received	02 September 2024
Complaint summary	The social worker informed the regulator that they had been arrested and charged for the offence of driving whilst under the influence of alcohol on 11 August 2024. The social worker was subsequently convicted and appeared in court on 17 September 2024 for sentencing.

Regulatory concern

Regulatory Concern 1

Whilst registered as a social worker:

On 17 September 2024 you were convicted of an offence of driving a motor vehicle whilst over the prescribed limit of alcohol, contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

Grounds of impairment

The matters outlined in regulatory concern 1 amount to the statutory ground of a conviction or caution in the United Kingdom for a criminal offence.

By reason of your conviction or caution in the United Kingdom for a criminal offence, your fitness to practise is impaired

Preliminary issues

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 realistic prospect test

Fitness to practise history

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

Decision summary

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

Yes



No



The case examiners have determined that there is a realistic prospect of regulatory concern 1 being found proven, that those concerns could amount to the statutory ground of conviction or caution in the United Kingdom for a criminal offence, and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts and grounds

Regulatory Concern 1

Whilst registered as a social worker:

On 17 September 2024 you were convicted of an offence of driving a motor vehicle whilst over the prescribed limit of alcohol, contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

The case examiners have seen the social worker's initial self-referral, along with the police evidence, and the certificate of conviction from Northampton Magistrates' Court.

The police documentation states that the social worker's car was pulled over by police at 03:45 as they had been seen swerving over the centre white line in the road and swaying around the lane persistently.

The social worker provided a positive roadside breath test for alcohol. Subsequently the social worker was arrested and taken to custody where the evidential reading was 63 micrograms of alcohol in 100 millilitres of breath.

Court documentation confirms the social worker pleaded guilty and was disqualified from driving for 18 months, subject to an 18-week reduction upon completion of a court approved course.

The social worker in their submissions accepts this concern.

The case examiners are satisfied that the evidence suggests that the social worker was convicted of the offence as set out in the regulatory concern.

The case examiners are satisfied there is a realistic prospect of adjudicators finding this concern proven and that the concern amounts to the statutory ground of conviction or caution in the United Kingdom for a criminal offence.

Impairment

Personal element

In considering the personal element of impairment, the case examiners have considered the test for personal impairment as set out in the case examiner guidance (2022), namely whether the conduct is remediable; whether the social worker has undergone remediation and demonstrated insight; and whether there is a likelihood the matters alleged will be repeated.

The case examiners are satisfied that the concerns in this case are remediable, through an appropriate demonstration of insight and reflection.

The social worker has shown remorse into their actions and did so from an early stage. The social worker self-referred, without delay, to the regulator and has engaged fully in the regulatory process.

The social worker has shown good insight into their alleged conduct, providing what appear to be candid and reflective submissions to the regulator. The social worker recognises that their conduct had the potential to put people at risk of harm and also impact on the public's confidence in them and the profession. They state in their submissions:

'As a social worker people look up to me in society my actions definitely have a negative image on me and by extension on the social work profession. The shame of shaming the profession, colleagues, family and friends is too much to bear.'

As indicated in the police report, I let everyone down, the profession, family we work with for example I was working for (employer) and because of drinking and driving I could not continue working for them as I am required to drive. This definitely impacts on the families that I was working with. They having to get new professionals. The children I worked whom I had built a wonderful relationship with all that was taken away from them because of my drinking and driving.'

The social worker has also provided some insight into what led to them acting in this manner, as they have spoken of the extremely difficult personal circumstances they were facing at the time, for which corroborating evidence has been made available to the case examiners. The social worker states that in the time since, they have, *'completed a drink-driving course. I have taken to running to deal with stress and recently completed 10 kilometres. I have stopped drinking beer altogether. Through personal reflection and extensive reading, I have concluded that there are no benefits to drinking beer. I have read many articles and watched countless videos on the dangers of drink-driving, and I have also completed an online road safety course. In social groups with friends and family, and at church, I have been encouraging people not to drink and drive, thereby raising awareness.'*

In terms of remediation, the case examiners have had sight of the completion certificate issued to the social worker after completing the drink drive rehabilitation course. Further to this, the social worker has detailed elements of the learning they have taken from the course and included them in their submissions, demonstrating their comprehension.

The case examiners note that the social worker has been provided with a positive reference from their current employer; the employer did not raise any fitness to practise concerns.

The case examiners, having considered the evidence, are satisfied that the risk of repetition has been lowered through the social worker's actions since the conviction.

Public element

The case examiners 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. 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.

The case examiners, when assessing the public interest, have had regard to the drink and drug driving policy (June 2025) which guides the case examiners to consider aggravating and mitigating factor when assessing how seriously the public would view the alleged conduct. In the absence of any aggravating factors, the guidance

suggests that it would be unlikely that a finding of impairment or sanction would be imposed.

In this instance, the case examiners have identified the following aggravating factors:

- The sentence imposed includes a period of disqualification from driving of over 12 months.
- There is evidence of an unacceptable standard of driving by the social worker.
- The extent to which the social worker's level of alcohol or drug impairment was over the legally specified limit (if applicable). The higher the level of alcohol or drug concentration the more serious the offending would be considered.

The case examiners have then considered the following mitigating factors:

- The offence in question is not a repeat offence.
- The social worker has demonstrated remorse and insight in relation to the offending behaviour.
- The social worker is otherwise of good character.
- The social worker has completed the drink drive rehabilitation course.
- The social worker was managing significant personal issues at the time of the offence.

The case examiners consider that members of the public may lack confidence in a social worker who was arrested as a result of driving to a poor standard and was found to be almost twice over the legal alcohol limit for driving. The case examiners are of the view that, in the circumstances of this case, a member of the public may be troubled to learn that a social worker had been allowed to practise without sanction from their regulator. The case examiners acknowledge the mitigating factors identified, which include significant personal circumstances at the time of the offence but consider that these are outweighed by the aggravating factors in this case. Of particular note, the available evidence suggests an unacceptable standard of driving, which is likely to have given rise to an elevated risk of harm.

Furthermore, public confidence in the social work profession and the regulator may be undermined if a finding of impairment was not made.

Taking account of all of the above, the case examiners are satisfied that there is a realistic prospect of the 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	☐
	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	☒
Is a hearing necessary to maintain public confidence in the profession, and/or to uphold the professional standards of social workers?	Yes	☐
	No	☒

Additional reasoning

The case examiners have considered whether a referral to a hearing may be necessary in the public interest. They note the social worker has accepted the key fact and accepts that they are currently impaired. There is no conflict in the evidence, and in the case examiners' view, the public would be reassured to see this case resolved quickly and efficiently via the accepted disposal process.

Accepted disposal

Case outcome

Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☒
	Conditions of practice order	☐
	Suspension order	☐
	Removal order	☐
Proposed duration	1 year	

Reasoning

In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's sanctions guidance (December 2022) and drink and drug driving policy (June 2025) and reminded themselves that the purpose of sanction is not to punish the social worker but to protect the public and the wider public interest.

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

The case examiners considered taking no further action. They note paragraph 95 of the sanction's guidance which states, when decision makers find impairment, an outcome of 'no further action' is rare. Further, the case examiners are of the view that a conviction for drink driving is serious, and that taking no further action does not reflect their consideration of the public interest in this case.

The case examiners next considered whether offering advice would be sufficient in this case. An advice order will normally set out the steps a social worker should take to address the behaviour that led to the regulatory proceedings. However, the case examiners consider that advice would not be sufficient to mark the seriousness with which they view the social worker's alleged conduct.

The case examiners next gave careful consideration to whether a warning order might be suitable, given that it would show clear disapproval of the social worker's conduct. The case examiners have concluded that the risk of repetition in this case has reduced through the actions of the social worker, post-conviction. The sanctions

guidance suggests that a warning may be appropriate where the fitness to practise issues are isolated, there is a low risk of repetition, and the social worker has demonstrated insight. Furthermore, the guidance states that decision makers should consider issuing a warning order where they cannot formulate any appropriate or proportionate conditions of practice, and a suspension order would be disproportionate.

In this instance, the case examiners consider that the alleged conduct appears isolated in nature, and the social worker has demonstrated a good level of insight. Coupled with the remediation completed by the social worker and lowered risk of repetition, the case examiners consider that conditions of practice and suspension would be disproportionate sanctions.

The case examiners determined that a warning was the most appropriate and proportionate response in this case and was the minimum necessary to protect the public and the wider public interest. A warning will serve as a signal that any repetition of the behaviour that led to the concerns is highly likely to result in a more severe sanction.

In considering the duration of the warning, the case examiners have had regard to the sanctions' guidance which states, '1 year may be appropriate for an isolated incident of relatively low seriousness. In these cases, the primary objective of the warning is to highlight the professional standards expected of social workers. 3 years may be appropriate for more serious concerns. This helps to maintain public confidence and highlight the professional standards. The period also allows more time for the social worker to show that they have addressed any risk of repetition. 5 years may be appropriate for serious cases that have fallen only marginally short of requiring restriction of practice'.

The case examiners consider 1 year to be proportionate in this case to maintain public confidence and to send a message to the public, the profession and the social worker about the standards expected from social workers. The case examiners consider the matter to be isolated and, although they recognise that drink driving might not be viewed as 'relatively low seriousness' it is acknowledged that there are mitigating circumstances in this case which might suggest a 3-year order would be disproportionate.

To confirm, the case examiners are satisfied that a warning of 1 year duration is the proportionate sanction.

To conclude, the case examiners have decided to propose to the social worker a warning order of 1 year duration. 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 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

The case examiners formally warn the social worker as follows:

Driving whilst under the influence of alcohol is a serious matter. Your decision to drive on the occasion that led to your conviction demonstrated a serious lack of judgement. You put yourself and members of the public at risk of harm.

Your conviction could have an adverse effect on the public's confidence in you as a social worker. It may also damage the reputation of the social work profession.

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

As a social worker, I will not:

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.

This conduct should not be repeated. Any further criminal offences or matters brought to the attention of the regulator are likely to result in a more serious outcome.

Response from the social worker

On 8 July 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, with a duration of 1 year.