

Case Examiner Decision
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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	21 March 2025
	Information requested Submissions requested
Preliminary outcome	3 July 2025
	Accepted disposal proposed – warning order (5 years)
Final outcome	23 July 2025
	Accepted disposal – warning order (5 years)

Executive summary

The case examiners initially identified a potential procedural irregularity and referred the case back to investigators so that the matter could be considered by the regulator and appropriate action taken.

Upon receipt of an updated evidence bundle, the case examiners established that in accordance with paragraph 1(2) of Schedule 2 to The Social Workers Regulations (2018), there is a realistic prospect that adjudicators would determine that the social worker's fitness to practise is impaired.

In accordance with the regulations, the case examiners therefore commenced their decision making by considering whether there was a public interest in referring this case to a hearing.

The case examiners did not consider it to be in the public interest for the matter to be referred to a final hearing and they were satisfied 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 5 years duration. The social worker responded on 22 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.

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	The social worker reported the matter as part of their annual registration renewal application, submitted between September and December 2022.
Complaint summary	The social worker reported that they had been involved in a road traffic accident, that sadly led to the death of a pedestrian. The social worker had not been charged with any offence at the time of their declaration. They were subsequently convicted, and the matter was taken forward under the statutory ground of conviction or caution in the United Kingdom for a criminal offence.

Regulatory concerns

Whilst registered as a social worker;

1. On Friday 5 April 2024, you were convicted of the criminal offence, Cause Death by Careless/ Inconsiderate Driving.

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

Your fitness to practise is impaired by reason of your conviction or caution in the United Kingdom for a criminal offence.

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	☐

Preliminary issues – as set out in March 2025

Potential procedural irregularity

The case examiners had sight of a certificate of conviction, which confirmed that on 5 April 2024, the social worker was tried and convicted on indictment for ‘cause death by careless / inconsiderate driving’. A suspended sentence order made available to the case examiners confirmed that an order was imposed on 7 June 2024, which consisted of a sentence of imprisonment of 4 months, suspended for a period of 12 months.

With reference to The Social Workers Regulations 2018 (‘the regulations’) and the Sentencing Act / Sentencing Code 2020, the case examiners were satisfied that it was likely the regulator should have treated the social worker’s sentence as a ‘custodial sentence’. Key references on this point are provided in annexe 1.

The regulations suggest to the case examiners that where a question of impairment arises in respect of a conviction (for a non-listed offence) for which a custodial sentence has been imposed, an expedited fitness to practise process should be implemented.

In brief summary, the regulations suggest that the expedited process should operate as follows:

1. If the regulator is aware that a custodial sentence has been imposed, the usual triaging process is not required. This is because the regulations state that “**there are** reasonable grounds for investigating whether the social worker’s fitness to practise is impaired” (emphasis added by the case examiners).
2. The usual investigation process will not be followed. Instead, the regulations state that the social worker will be notified of the provisions in paragraph 1(2), Schedule 2, The Social Workers Regulations 2018, require them to provide various details of employment and registration, and invite them to make written submissions.
3. The case would then proceed straight to the case examination stage, which is curtailed as the regulations state that “**there is** a realistic prospect that adjudicators would determine that the social worker’s fitness to practise is impaired” (emphasis added by the case examiners).
4. The case examiners would commence their decision making with consideration of whether it is in the public interest for the matter to be referred to a fitness to practise hearing. It appears to remain open to the case examiners to utilise accepted disposal if they consider a hearing is not required in the public interest.

In this case, it was unclear to the case examiners whether the regulator was aware, at the point at which a triage decision was made, that the social worker had received a custodial sentence. However, the case examiners were nevertheless satisfied that once this had become known, it was likely the expedited process should have been implemented. This would include notifying the social worker that, by virtue of the regulations, “there is” a realistic prospect of adjudicators finding the social worker’s fitness to practise is impaired.

The case examiners reviewed all correspondence with the social worker, as set out in the evidence bundle. They found no evidence to suggest the regulator had adhered to

the requirements of paragraph 1(3), Schedule 2, The Social Workers Regulations 2018.

Accordingly, the case examiners considered the social worker to have experienced material disadvantage. This was because the social worker had not had opportunity to provide submissions specific to the procedural circumstances of their case. In such circumstances, the case examiners considered it reasonable to infer that social workers could offer submissions on:

- a) The public interest in referring their case to a hearing, noting that the regulations do not state that a social worker will be automatically found impaired by adjudicators – there is only a realistic prospect of impairment; and /or,
- b) The level of sanction that might be applied by case examiners, through an accepted disposal outcome agreed with the social worker.

In order to support the social worker in understanding the practical implications of any such submissions, the case examiners highlighted the following:

- Where there is a realistic prospect of impairment, there are two routes through which a fitness to practise case can be concluded – either at the case examiner stage via accepted disposal, or at a fitness to practise hearing.
- Accepted disposal can only be implemented if a social worker accepts that their fitness to practise is impaired. If there is a realistic prospect of impairment, the only arena in which a finding of no impairment could be made would be a fitness to practise hearing.
- If the case examiners were to determine that there is no public interest in referring the case to a fitness to practise hearing, they would make an accepted disposal proposal to the social worker. The case examiners would determine the minimum necessary sanction guided by the evidence before them, the regulators ‘sanctions guidance’, and relevant case law.

With regards to this case, the case examiners considered there to be two key pieces of case law relevant to their determination of the minimum necessary sanction to propose via the accepted disposal process. This case law is *CHRE v Fleischmann and GDC [2005] EWHC 87 (Admin)* and *PSA v GDC and Patel [2024] EWHC 243 (Admin)*.

The case examiners noted that the social worker might have wished to seek advice on the above, however, the case examiners replicate the below section of their

sanctions guidance to provide some assistance to the social worker in understanding the basic principle set out in Fleischmann. The case of Patel is more recent and provides some clarification as to what might constitute ‘satisfactory completion’ of a sentence, where a registrant has received a suspended sentence.

188. Decision makers must assess the conviction against the available sanctions. They should determine what sanction is necessary to protect the public and the wider public interest. However, decision makers should also note case law. Case law confirms that a social worker convicted of a serious offence should not normally be permitted to return to practice (while they are still subject to a criminal sentence). This includes any suspended custodial sentence or community order [32].

[note 32] See annex 1: key case law CHRE v Fleishmann and GDC [2005] EWHC 87 (Admin)

CHRE v Fleishmann and GDC [2005] EWHC 87 (Admin)

Para 54: ‘I am satisfied that, as a general principle, where a practitioner has been convicted of a serious criminal offence or offences he should not be permitted to resume his practice until he has satisfactorily completed his sentence.’

Additional information request

The case examiners were mindful that in light of *PSA v GDC and Patel [2024] EWHC 243 (Admin)*, if they were to determine that there is no public interest in referring this case to a fitness to practise hearing, it would be prudent and appropriate for them to give consideration to more recent evidence in respect of the social worker’s engagement with the requirements of the court.

The most recent evidence available to the case examiners in that regard was correspondence with the probation service, dated in September 2024. This evidence was helpful, but the absence of more recent evidence from the probation service might have placed the social worker at an unfair disadvantage.

The case examiners therefore requested that the regulator obtain up-to-date evidence from the probation service, which would need to specifically address the following:

- Whether the Rehabilitation Activity Requirements (RAR) element of the sentence has been completed.
- If not, what requirements of the court order remain and on what date will they be completed.

- Comment on the social worker's compliance and engagement.

The case examiners noted that the social worker would need to be invited to provide evidence of their engagement with the requirements of the court, should they so wish.

Summary and next steps

In summary, the case examiners identified a potential procedural irregularity, which they asked the regulator to review and consider. They noted that should it be agreed that there has been a procedural irregularity, it was recommended that it be rectified by notifying the social worker of both the irregularity that has occurred, and its key implication – that “**there is** a realistic prospect that adjudicators would determine that the social worker's fitness to practise is impaired”.

The case examiners confirmed that the social worker would need to be provided opportunity to make submissions and submit further evidence of their engagement with the requirements of the court. They noted that the regulator could also seek independent evidence of engagement from the probation service and provide any such evidence to the social worker for them to review and comment.

Update – June 2025

The case examiners received an updated case investigation report and evidence bundle.

Within the investigation report and in a letter sent to the social worker, investigators confirmed that paragraph 1(2) of Schedule 2 to The Social Workers Regulations (2018) applies and the realistic prospect test has therefore been met.

Additional evidence has been obtained from the Probation service, confirming that the social worker has now successfully completed Rehabilitation Activity Requirements (RAR). The case examiners understand that the social worker's suspended sentence has therefore come to an end.

Additional submissions, made on behalf of the social worker by their representative, have been made available to the case examiners.

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	☐
	N/A	☒
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

In considering whether referral to a hearing might be required, the case examiners noted that the social worker has accepted all of the key facts and, in their latest submissions to the regulator, has indicated that they do not consider there to be a public interest in referral to a hearing, and they consider this case can be appropriately resolved through the accepted disposal process.

The case examiners are in agreement that this is the case. This is because although the concerns in this case are serious, the case examiners are satisfied that the public would be reassured to see the regulator take prompt action to conclude this case through the accepted disposal process, which includes the publication of a decision on the regulator's website. The case examiners consider that the public interest can therefore be fulfilled through 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	5 years	

Reasoning

As there is a realistic prospect the social worker's fitness to practise is currently impaired, the case examiners have considered what, if any, sanction they should propose in this case. The case examiners have taken into account the sanctions guidance published by Social Work England. They are reminded that a sanction is not intended to be punitive but may have a punitive effect and have borne in mind the principle of proportionality and fairness in determining the appropriate sanction.

The case examiners are also mindful that the purpose of any sanction is to protect the public which includes maintaining public confidence in the profession and Social Work England as its regulator and upholding proper standards of conduct and behaviour.

The case examiners have taken into account the principle of proportionality by weighing the social worker's interests with the public interest when considering each available sanction in ascending order of severity.

Before commencing with their substantive considerations, the case examiners have turned their minds to whether the cases of *CHRE v Fleischmann and GDC [2005] EWHC 87 (Admin)* and *PSA v GDC and Patel [2024] EWHC 243 (Admin)* apply. The case examiners have also assessed the social worker's level of insight and remediation, which will inform their consideration of what sanction may be necessary.

Applicability of case law

As set out at the preliminary issues stage of this decision, the case examiners are mindful of the potential applicability to this case of *CHRE v Fleischmann and GDC [2005] EWHC 87 (Admin)* and *PSA v GDC and Patel [2024] EWHC 243 (Admin)*.

However, as the case examiners have received evidence from the Probation service, confirming that the social worker has now successfully completed Rehabilitation Activity Requirements (RAR), the case examiners are satisfied that the social worker has satisfactorily completed their sentence, and the principles set out in *CHRE v Fleischmann and GDC [2005] EWHC 87 (Admin)* no longer apply.

Assessment of insight and remediation

The case examiners have carefully reviewed the social worker's submissions, along with testimonials, extracts of the court's sentencing remarks, and evidence provided by the probation service.

In the case examiners' view, the social worker has shown a significant degree of insight. It is clear that the social worker is remorseful for their conduct and its tragic consequences. The social worker has readily engaged with both court and regulatory proceedings and has consistently demonstrated an understanding of both the serious nature of the concerns and the impact they may have on public confidence in the social work profession.

Of particular note, the case examiners highlight that testimonials have spoken highly of the social worker's good character, and evidence available to the case examiners suggest the court referred to the same in their sentencing remarks. Testimonials also speak to the social worker's reflection and remorse, evidencing the work they have done to ensure there is no repetition of the conduct that led to their conviction.

Evidence from the probation service speaks highly of the social worker's engagement with rehabilitation activity requirements, which are now complete, and comments in particular on the social worker's positive engagement with probation supervision.

In light of the above, the case examiners are satisfied that the social worker has demonstrated appropriate insight and remediation, and the risk of repetition is therefore low.

The case examiners proceeded to consider the available sanctions in ascending order of severity.

No further action

The case examiners are mindful that the regulator's sanctions guidance is clear that an outcome of no further action is intended to be rare. The guidance explains that the factors justifying taking no further action need to be exceptional in nature, and the outcome must be sufficient to protect the public and address the public interest.

In the case examiners' view, an outcome of no further action could not be justified in this instance. In reaching this conclusion, the case examiners were mindful of the serious harm that arose from the conduct that led to the social worker's conviction. The case examiners considered that a finding of impairment alone would be insufficient in such circumstances to safeguard public confidence in the social work profession, or to maintain proper professional standards for social workers.

Advice

The regulator's sanctions guidance explains that advice would set out the steps a social worker should take to avoid repeating conduct that contributed to a concern. It is a lesser sanction than a warning order, which might be required in circumstances where there is need to show disapproval and signal that if behaviour is repeated it will result in a more severe outcome.

In this case, the case examiners considered that advice would be insufficient in the circumstances. This is because if there were to be any repetition of the matters of concern in this case, it is highly likely that a restrictive sanction would be required in order to secure public confidence in the social work profession. Accordingly, advice would be insufficient in this case.

Warning order

The regulator's sanctions guidance explains that a warning order is likely to be appropriate where:

- 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 are satisfied that all of the above criteria apply. The available evidence suggests the social worker's conviction is isolated. The case examiners noted that the courts commented on the social worker's conduct representing a momentary lack of attention, set within the context of otherwise 'exemplary good character'.

The case examiners are also satisfied, for the reasons set out earlier in this decision, that the social worker has demonstrated a significant degree of insight and remediation, resulting in the risk of repetition being low.

Further in favour of a warning order, the case examiners reminded themselves that the social worker has now satisfactorily completed their sentence.

In order to test whether a warning order might therefore be appropriate, the case examiners turned their minds to the higher sanctions of conditions of practice order and suspension order. The case examiners were satisfied, however, that in the circumstances of this case, both would represent disproportionate outcomes. The case examiners' key reasoning is as follows:

- Although the case examiners are satisfied that the matters before the regulator are serious, they consider it reasonable to note that within sentencing remarks, the courts were clear that the social worker's culpability was in the lower category. This appears to have been rooted in a judgement that the only reason why the social worker's driving manoeuvre was unsafe was a momentary lack of attention.
- Whilst the harm caused by the social worker's actions was clearly grave, the case examiners consider the court's findings on culpability to favour a lesser outcome than conditions of practice order or suspension order.
- In addition, the case examiners were particularly reassured by the social worker's level of insight and by positive evidence of the social worker's engagement with the requirements of the court.
- With the above in mind, the case examiners consider it likely that well informed members of the public would consider a warning order sufficient in the circumstances and, therefore, it is the minimum necessary outcome to safeguard public confidence in the social work profession, and to maintain proper professional standards for social workers.

The length of the proposed order

With reference to the regulator's sanctions guidance, the case examiners are aware that when deciding on the proportionate duration of a warning, decision makers should consider (all of the following):

- 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. This helps to maintain public confidence and highlight the professional standards. A social worker should ensure there is no risk of repetition throughout this extended period. If successful, there will be no further fitness to practise findings (in relation to similar concerns)

Looking first at a 1 year warning order, although the case examiners are satisfied that the matters before them represent an isolated incident, the case examiners reminded themselves of the serious harm that came from the social worker's conduct. For this reason, the case examiners are not satisfied that it could reasonably be characterised as relatively low seriousness.

With regards to a 3 year warning order, the case examiners considered that the matters before them could reasonably be characterised as more serious, but they considered that a 3 year warning order would nevertheless be insufficient to mark the particularly grave harm in this case.

The case examiners considered, however, that a 5 year warning order would be sufficient in the circumstances and would properly and appropriately safeguard public confidence in the social work profession and maintain proper professional standards for social workers.

The case examiners have decided to propose to the social worker a warning order of 5 years 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 21 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 conduct that led to your conviction was serious and resulted in grave harm.

You are reminded of the importance of social workers conducting themselves in a manner in keeping with the high standards expected of registered professionals, and of the following professional standards in particular:

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 matters at the heart of this case should not be repeated. Any further similar issues brought to the attention of the regulator are likely to result in a more serious outcome.

Response from the social worker

On 22 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 5 years.

Annexe 1 – Reference Material

The Social Workers Regulations (2018)

Regulation 2(1), The Social Workers Regulations 2018

2 – Interpretation

(1) In these Regulations—

“custodial sentence” has the meaning given in section 76 of the Powers of Criminal Courts (Sentencing) Act 2000 or section 222 of the Sentencing Code;

Paragraph 1(2), Schedule 2, The Social Workers Regulations 2018

(2) Where a question arises as to whether a social worker’s fitness to practise is impaired—

(a) as a result of them having been convicted of an offence in respect of which a custodial sentence has been imposed, other than a listed offence, or

(b) where they have been convicted of a listed offence, but have not been removed from the register under regulation 26(5),

there are reasonable grounds for investigating whether the social worker’s fitness to practise is impaired, and there is a realistic prospect that adjudicators would determine that the social worker’s fitness to practise is impaired.

Paragraph 1(3), Schedule 2, The Social Workers Regulations (2018)

(3) Where sub-paragraph (2) applies, the regulator—

(a) must notify the social worker accordingly, and require them to provide details of—

(i) any person by whom they are, or have been, employed to provide services as a social worker or in relation to social work,

(ii) any person with whom they have, or had, an arrangement to provide services as a social worker or in relation to social work, and

(iii) any regulatory body with which they are registered,

(b) may invite the social worker to make written submissions,

(c) may notify any complainant of the action taken under this sub-paragraph.

Paragraph 3(2), Schedule 2, The Social Workers Regulations 2018

(2) Where paragraph 1(2) applies the regulator must appoint two or more case examiners to consider the case in accordance with paragraphs 8 and 9, and paragraphs 4 to 6 do not apply.

The Sentencing Act (2020)

Section 222 of the Sentencing Act 2020 (the sentencing code)

222 Meaning of “custodial sentence”

(1) In this Code “custodial sentence” means—

(e) a sentence of imprisonment.

Section 289 of the Sentencing Act 2020 (the sentencing code)

289 Suspended sentence to be treated generally as sentence of imprisonment etc

(1) A suspended sentence which has not taken effect under paragraph 13 of Schedule 16 is to be treated as—

(a) a sentence of imprisonment, or

for the purposes of all enactments and instruments made under enactments.