

Case Examiner Decision  
Mary Moseti – SW130579  
FTPS-23719

## Contents

|                                                |    |
|------------------------------------------------|----|
| The role of the case examiners .....           | 3  |
| Decision summary .....                         | 4  |
| The complaint and our regulatory concerns..... | 6  |
| Preliminary issues .....                       | 7  |
| The realistic prospect test .....              | 8  |
| The public interest.....                       | 12 |
| Accepted disposal .....                        | 13 |

## 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 | 19 May 2025                                          |
|                     | Accepted disposal proposed - warning order (3 years) |
| Final outcome       | 22 May 2025                                          |
|                     | Accepted disposal - warning order (3 years)          |

## 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 a 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 determined 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 3 years; the social worker subsequently accepted the proposal in full.

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

## Anonymity and redaction

Elements of this decision have been marked for redaction in line with our Fitness to Practise Publications Policy. Text in **blue** will be redacted only from the published copy of the decision and will therefore be shared with the complainant in their copy. Text in **red** will be redacted from both the complainant's and the published copy of the decision.

## The complaint and our regulatory concerns

### The initial complaint

|                                 |                                                                                                                                                                         |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The complainant                 | The complaint was raised by way of a self-referral by the social worker.                                                                                                |
| Date the complaint was received | 16 August 2024                                                                                                                                                          |
| Complaint summary               | The social worker advised that they had been charged with the criminal offence of driving over the prescribed limit of alcohol and had received a 20-month driving ban. |

### Regulatory concerns

Whilst registered as a social worker:

1. On 14 August 2024, you were convicted of the criminal offence of driving a motor vehicle whilst over the prescribed alcohol limit.

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

Your fitness to practise is impaired by reason of a 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 | <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"/>            |

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 this concern could amount to the statutory ground of a 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

**Whilst registered as a social worker;**

**1. On 14 August 2024, you were convicted of the criminal offence of driving a motor vehicle whilst over the prescribed alcohol limit.**

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

The police documentation states that the social worker was arrested on 17 June 2024, after the police saw a vehicle driving erratically, swerving in the road and using turn signals incorrectly. The social worker stopped their vehicle when requested to. The social worker when asked to exit the vehicle and walk to the police van was observed to have glazed eyes, their speech was slurred and there was a smell of alcohol coming from the vehicle. The social worker was also observed to be unsteady on their feet. The

social worker consented to provide a sample of breath at the roadside, and this indicated that the social worker may be over the limit for alcohol in their breath. Subsequently the social worker was arrested and taken to custody where the evidential reading was 77 micrograms of alcohol in 100 millilitres of breath.

The social worker in their submissions accepts this concern.

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

## Impairment

### Personal element of impairment

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 social worker has shown remorse into their actions and did so from an early stage. They self-referred to the regulator and has engaged in the regulatory process.

The social worker has shown some insight into their alleged conduct, albeit the case examiners consider that this is still developing. 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, *'I sincerely regret the potential risk I posed to myself and others, I recognise how my actions may have undermined public confidence, not only in me as an individual, and the wider workforce I represent'*. Further, the social worker stated, *'I recognise the level of trust placed in me by the public, my employer, and my colleagues. The nature of my role demands not only competence and dedication but also high standards of personal conduct, both inside and outside of work. By driving under the influence, I failed to uphold those standards and understand that I have compromised the integrity and reputation of the profession'*.

The social worker has also provided some insight into what led to them acting in this manner, as they have spoken of the personal circumstances they were facing at the

time, and they state that they are *‘committed to ensuring that this history does not repeat itself’*. The social worker advises that they have sought informal support from their church, and they have undertaken reading and reflection into their wellbeing and into their emotional responses to situations. However, the case examiners note that they have no independent verification of this, and it is not clear what steps the social worker may take to avoid responding in the same way (i.e. ‘drink driving’) in the future.

In terms of remediation, the case examiners note that the social worker was offered a drink awareness course, and whilst this was not mandatory, the social worker advises that for personal reasons, they have as yet been unable to take up this offer [REDACTED].

The case examiners note that the social worker has not worked since this time, however they have seen confirmation from the previous employer that there were no concerns about their practice or presentation.

The case examiners have concluded that whilst the social worker has undertaken some independent remediation, their insight and remediation remain incomplete. Therefore, the case examiners are of the view that there is a risk of repetition.

### **Public element of impairment**

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 (December 2022) 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 social worker received a driving ban of 20 months, which was to be reduced by 20 weeks following the completion of a drink awareness course.
- The level of alcohol was twice over the legal limit.

- Whilst no actual harm was caused, the evidence suggests that the social worker's driving placed other members of the public at a real risk of harm as their driving was observed to be 'erratic'.

The case examiners have then considered the following mitigating factors:

- This evidence suggests that this was the social worker's first offence.
- The social worker has demonstrated remorse and some insight into their behaviour.
- The social worker is of otherwise good character.

The case examiners consider that the social worker's remediation remains incomplete and as a result, they have concluded that there is a risk of repetition. Furthermore, they remind themselves that the social worker's actions had the potential to harm others.

The case examiners consider that members of the public may lack confidence in a social worker who was arrested as a result of driving erratically and was found to be 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.

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 | <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 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.

### Interim order

|                                                                              |     |                                     |
|------------------------------------------------------------------------------|-----|-------------------------------------|
| An interim order may be necessary for protection of members of the public    | Yes | <input type="checkbox"/>            |
|                                                                              | No  | <input checked="" type="checkbox"/> |
| An interim order may be necessary in the best interests of the social worker | Yes | <input type="checkbox"/>            |
|                                                                              | No  | <input checked="" type="checkbox"/> |

## 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 | 3 years                      |                                     |

### Reasoning

In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's sanctions guidance (December 2022) and reminded themselves that the purpose of 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 there is a risk of repetition in this case, and their sanctions guidance suggests that warnings may not be appropriate in such

circumstances. 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 some insight. Whilst the case examiners consider that there is a risk of repetition, they note that the alleged conduct took place outside of the workplace and in the social worker's personal life, therefore conditions would not be appropriate. Furthermore, they consider that suspension would be a disproportionate sanction, given that the social worker has undertaken some reflection and engaged with the regulator, although they have not yet attended the drink awareness course. Therefore, 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 three years 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. While the case examiners recognise that the matter is reported to be isolated, they do not consider that the matter to be one of 'relatively low seriousness', and they consider that the social worker requires additional time to fully address the risk of repetition. Therefore, three years will allow the social worker additional time to fully demonstrate that they have reflected and understand what led to the conduct, and how they may act differently in the future to address the risk. The case examiners do not consider that the matter fell marginally short of the need to restrict practice, and therefore five years would be

disproportionate and punitive. To confirm, the case examiners are satisfied that a warning of three years duration is the proportionate sanction.

The case examiners did go on to consider whether the next sanctions, conditions of practice and suspension, were more appropriate in this case. As stated above, given the conduct occurred outside of the workplace, a conditions of practice order would not be necessary or appropriate in this case and is more commonly suited to cases relating to health, competence or capability. The case examiners considered that suspension from the register would also be a disproportionate and punitive outcome, where the social worker has demonstrated some insight and undertaken some independent reflection.

To conclude, the case examiners have decided to propose to the social worker a warning order of three-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 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

The social worker responded on 22 May 2025 and confirmed that they had read and understood the terms of the proposed disposal.

They confirmed that, *'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 are satisfied that the social worker has read and accepted the proposed accepted disposal of a three-year warning order. The case examiners have again considered the public interest in this matter and, as they have not been presented with any new evidence that might change their previous assessment, they are satisfied that it remains to be the case that the public interest in this case can be fulfilled through the accepted disposal process. The case examiners therefore direct that Social Work England implement a three-year warning order.