

Case Examiner Decision
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SW25367
FTPS-23207

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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	19 August 2024
	Information requested Submissions requested
Preliminary outcome	19 February 2024
	Accepted disposal proposed – warning order (3 years)
Final outcome	4 March 2025
	Accepted disposal – warning order (3 years)

Executive summary

The case examiners determined to pause their consideration of the case to allow investigators to consider their request for further information, and for the social worker to be provided with the opportunity to make further submissions where required. The case was then returned to the case examiners.

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 grounds 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 request that the social worker be notified of their intention to resolve the case with warning order of three years. The social worker responded 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 only from the published copy of the decision and will therefore be shared with the complainant in their copy.

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was formally raised by Social Work England's Registrations and Advice Team, following a declaration made during the renewals process
Date the complaint was received	13 December 2023
Complaint summary	On 30 October 2023, during the renewals process, the social worker declared a drink-driving conviction. This was communicated to Social Work England's Triage Team on 13 December 2023. The case examiners are satisfied the details of the conviction are captured by the regulatory concern below.

Regulatory concern

As presented to the case examiners

Whilst registered as a social worker, on or around 5 September 2023:

RC1. You were convicted of driving a motor vehicle whilst over the prescribed alcohol limit.

Grounds of impairment:

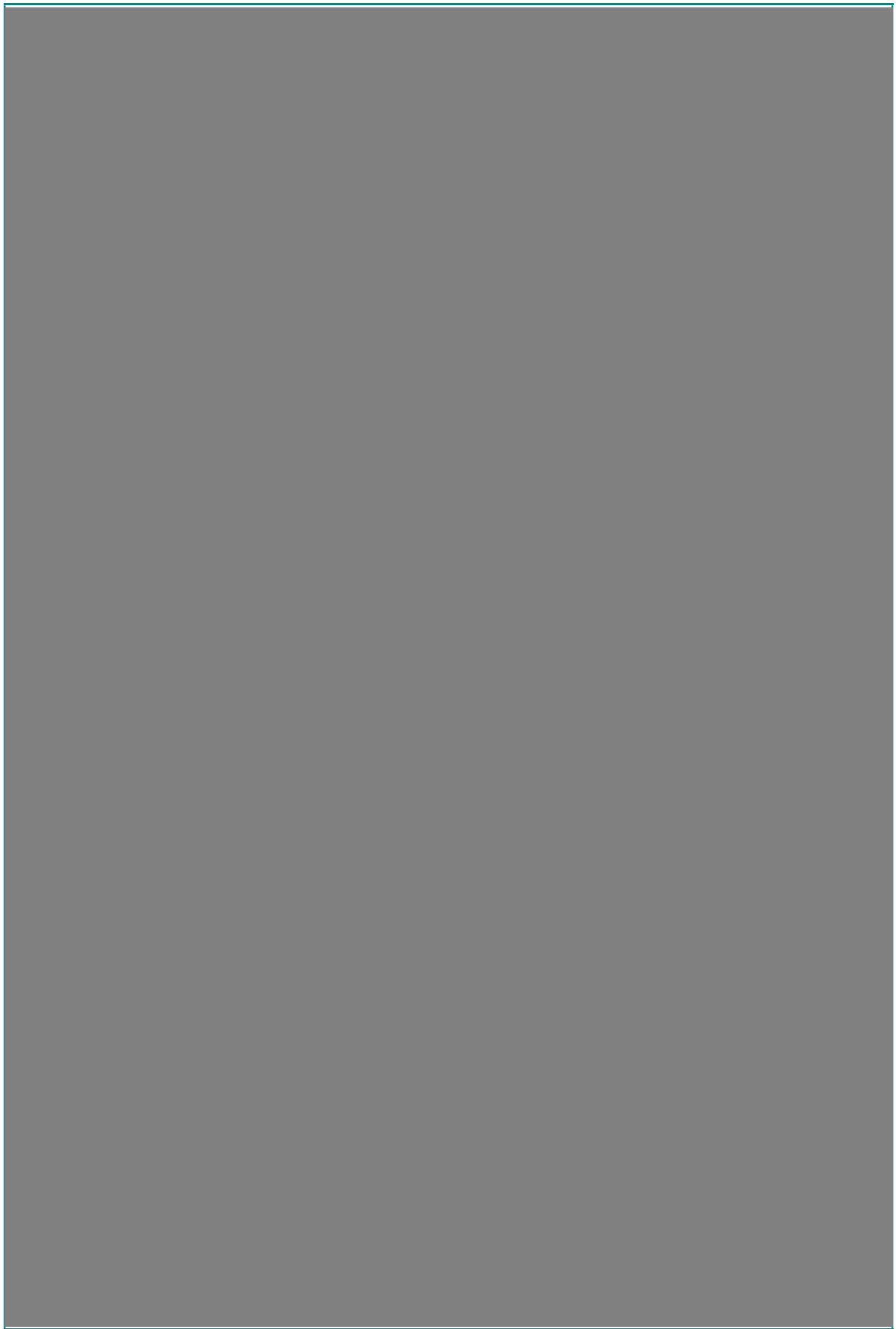
The matters outlined in regulatory concern 1 amount to the statutory grounds of a conviction or caution in the United Kingdom for a criminal offence.

Your fitness to practise is impaired by reason of 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	☒
	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 this concern could amount to the statutory grounds 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

Whilst registered as a social worker, on or around 5 September 2023:

RC1. You were convicted of driving a motor vehicle whilst over the prescribed alcohol limit.

The case examiners have had sight of a court extract from [REDACTED] magistrates' court. From this they are satisfied that the social worker received a conviction for the offence as detailed above on 5 September 2023. The offence is noted to have occurred on 21 June 2023.

The case examiners will summarise and explore the context of the social worker's offending in the impairment section of their decision.

The social worker in their submissions admits this regulatory concern.

The case examiners are satisfied that there is a realistic prospect of adjudicators finding this concern proven.

Grounds

Conviction

Having had sight of the court extract from the magistrate's court in relation to the alleged offence, the case examiners are satisfied there is a realistic prospect of adjudicators establishing the statutory ground of a conviction or caution in the United Kingdom for a criminal offence, as provided by The Social Workers Regulations 2018 (as amended).

Impairment

Assessment of impairment consists of two elements:

- The personal element, established via an assessment of the risk of repetition.
- 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 regards 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 do consider the social worker's alleged conduct could be remediable, for example, by completion of a relevant training course and critical reflection regarding the social worker's understanding of what went wrong and what action they have taken to make sure it does not happen again.

Insight and remediation

The case examiners note that the evidence indicates the social worker pleaded guilty at the time of the incident. Further, that the social worker could be said to have demonstrated early insight into their actions. The police report indicates the social worker stated, *'it was an act of stupidity and dangerous as he could have hit*

someone.’ The social worker in their submissions to Social Work England state they accept they made “*a stupid mistake and I regret doing what I did...*”

The case examiners have had sight of a Road Traffic Offenders Act 1988 Courses for Drink-Drive Offenders certificate of completion dated 26 October 2023. However, while the case examiners note that the social worker has expressed remorse, they are of the view that the social worker has not sufficiently demonstrated in their submissions to the regulator what they have learned from undertaking the drink driving course.

The case examiners would have hoped to see greater reflection from the social worker on both their learning from this course, and the events that led to their conviction, which had the potential to lead to serious injury to self or others. Of particular concern to the case examiners, the evidence appears to suggest that the social worker has provided inconsistent accounts as to what happened, as summarised below:

- In November 2023 the social worker suggests in their renewal application that they drove to Person A’ house, drank alcohol and then drove home. A police report dated 18 July 2023 suggests however, that the social worker informed police that they had drunk alcohol prior to attending Person A’s house, consumed more alcohol, and had a further two cans of alcohol in the car they intended on drinking once they returned home.
- In November 2023, the social worker suggests in their renewal application that whilst driving home, they swerved and hit a metal barrier, causing damage to their own car. The police report suggests however, that the social worker drove onto the opposite side of the road whilst coming round a bend and collided with another vehicle.

In respect of both above inconsistencies, the case examiners consider the evidence to suggest that within their renewal application, the social worker may have sought to minimise the events that led to their conviction. There is no evidence available in later submissions to suggest the social worker acknowledges these discrepancies. There is limited evidence of the social worker having fully and properly reflected on the serious harm that could reasonably be caused by a collision that came about in the manner described by the police.

The case examiners note that the evidence provided indicates the social worker was experiencing challenging personal circumstances at the time of the incident [REDACTED]

[REDACTED] They advise they have not drunk alcohol since the incident. [REDACTED]

The case examiners have had sight of an email from an agency, for whom the social worker worked as a self-employed social work consultant, that speaks positively to the social worker's practice.

The social worker states they accept that their actions and behaviour on the evening of their offence could damage public confidence in the profession however, they do not address why this might be. Neither does the social worker demonstrate an understanding of how their judgment and conduct outside of work can be relevant to their fitness to practise. The case examiners would have hoped to see further evidence from the social worker of their understanding as to why the regulator must act when a social worker has received a conviction, and the importance of regulatory oversight given the significant trust placed in social workers.

Risk of repetition

Taking the above into account, the case examiners are of the view there is some evidence of insight and remediation however, the available evidence also appears to suggest the social worker's accounts of the incident in question have been inconsistent. The case examiners recognise that there could be a plausible explanation for such inconsistencies, but they have not been offered any clarity from the social worker as to why the accounts differ.

The case examiners therefore consider that adjudicators might reasonably conclude that the social worker's insight is not yet complete. In addition, the social worker remains disqualified from driving and therefore, the social worker has not yet had opportunity to demonstrate to the regulator that they would not repeat the conduct that led to their conviction.

Given the above, the case examiners do not consider there is sufficient evidence for them to conclude with confidence that the risk of repetition would be highly unlikely.

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 considered Social Work England's drink and drug driving policy (2022). Having applied it to this case, they consider there are the following aggravating factors in this case:

- the sentence imposed includes a period of disqualification from driving of over 12 months (24 months from 5 September 2023 reduced by 24 weeks due to completion of a driver awareness course).
- the offence including involvement in a road traffic collision. The associated police report indicates the social worker came around a bend, crossed over onto the opposite side of the road and crashed into a parked car.
- the social worker's level of alcohol impairment was over three times the legally specified limit (110 microgrammes of alcohol in 100 millilitres of breath). The case examiners note the higher the level of alcohol concentration the more serious the offending is considered.
- the guidance considers whether the social worker was carrying passengers in their vehicle at the time of the offence to be an aggravating factor. In this case the police report indicates the social worker had their two dogs in the car at the time of the offence, both of which were at risk of harm. The case examiners recognise that the guidance is likely to have been drafted with human passengers in mind but nevertheless consider this factor to be applicable (albeit with potentially lesser weight).

Having considered the aggravating factors, the case examiners note that there are also the following mitigating factors:

- The police report indicates that the social worker made full admissions in interview and then pleaded guilty to the offence.
- the social worker has demonstrated remorse and some insight in relation to the offending behaviour.
- the social worker is otherwise of good character. The case examiners have had sight of positive testimony from their current employer.
- the social worker undertook voluntary relevant remediation by completing relevant driving courses (for example a drink-drive rehabilitation course).

The case examiners note their guidance (2022) which states that potential risk of harm should be considered as serious as actual harm. In this instance, the case

examiners are of the view that the social worker's actions could have put themselves and others at risk of harm.

The case examiners are of the view that adjudicators may determine that a member of the public would be concerned to learn that a social worker had been allowed to practise without sanction from their regulator, given the aggravating factors associated with this case. Adjudicators may consider there is potential risk of harm to the wider public in terms of their ability to trust and have confidence in a social worker who is alleged to have acted in this manner. Furthermore, the social worker's actions may undermine public confidence in the social work profession.

As such, when considering both elements of impairment, 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

With reference to their case examiner guidance (2022) the case examiners have carefully considered whether there is a public interest in these matters proceeding to a hearing.

Whilst the case examiners have determined there is a realistic prospect that adjudicators would find the public interest is engaged in this case, they are of the view that the public interest can be satisfied by their decision, and the reasons for that decision, being published on Social Work England's public register which can be found on its website. The publication of this decision will provide the social worker with an opportunity to reflect on and gain further insight into the circumstances of this case.

The case examiners note however, that the social worker does not accept their fitness to practise is currently impaired, although they accept it was impaired at the time of the offence.

The case examiners note there is no conflict in the evidence in this case and the social worker does not dispute any of the key facts, appearing to accept the concerns

in full. 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 the social worker with 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.

Lastly, public interest also entails the need for proportionate decision-making. The case examiners consider it is in the public interest to bring this matter to a prompt conclusion, whilst also ensuring the public remains adequately protected.

For the reasons stated, the case examiners have decided it is not in the public interest to refer this matter to adjudicators; rather they will write to the social worker and ask them to agree to dispose of this case without the need for a hearing.

Accepted disposal

Case outcome

Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☒
	Conditions of practice order	☐
	Suspension order	☐
	Removal order	☐
Proposed duration	3 years	

Reasoning

The case examiners are satisfied there is a realistic prospect of regulatory concern 1 being found proven by adjudicators. Furthermore, they have found a realistic prospect that the concern, if proven, would amount to the statutory ground of conviction or caution in the United Kingdom for a criminal offence. The case examiners have also found a realistic prospect that adjudicators would find the social worker's fitness to practise is currently impaired. The case examiners have decided however, that it is not in the public interest to refer this matter to a final hearing.

In considering the appropriate outcome in this case, the case examiners have been mindful of Social Work England's sanctions guidance (2022) 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 least severe 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.

Firstly, the case examiners considered taking no further action but concluded this would not be appropriate in this instance as it would be insufficient to address the seriousness of the concern given the aggravating factors in this case.

Next, the case examiners considered whether offering advice would be sufficient. An advice order will normally set out the steps a social worker should take to address

the behaviour that led to the regulatory proceedings. The case examiners are of the view that issuing advice is not sufficient to mark the seriousness with which they view the social worker's alleged conduct.

The case examiners then considered a warning order. A warning order implies a clearer expression of disapproval of the social worker's conduct than an advice order. The case examiners are of the view a warning order to be appropriate. While the case examiners have found a risk of repetition remains, they note that this case appears to be an isolated matter, and the social worker has demonstrated some insight and remediation. Accordingly, the need for regulatory oversight of any further development of insight and remediation is lessened. A warning order may be reviewed should any further concerns come to light, and, in the case examiners' view, this would be a proportionate approach in the circumstances of this case.

As a further consideration, the case examiners turned their minds to the next two sanctions, conditions of practice and suspension. They note that conditions of practice orders are commonly applied in cases of lack of competence or ill health and therefore, the case examiners have concluded conditions were not suitable for this case. The nature of the alleged concern is specific to matters in the social worker's personal life and there is positive testimony regarding the social worker's current employment.

Finally, the case examiners considered suspension. They are of the view the social worker has demonstrated some insight and remediation, and the nature of the concern did not require restriction of practice, therefore, suspension from the register would be a disproportionate and punitive outcome in this case.

The case examiners have considered the length of time for the published warning and consider 3 years to be proportionate in this case. In coming to this determination, they have taken into account the 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. While an isolated incident, given the aggravating factors the case examiners did not consider it to be relatively low seriousness.
- 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. The case examiners considered that 3 years would be appropriate in this case.

- 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. The case examiners did not consider this to be a case falling only marginally short of restriction.

The case examiners have therefore, decided to propose to the social worker a warning order of 3 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 case examiners are aware that regarding the matters in this case the social worker has already been dealt with by the criminal justice system, and that it is not the purpose of the fitness to practise process to punish them for a second time. To close this matter without action would, however, fail to take into account the public interest requirements of the fitness to practise process, which include the need to declare and uphold proper standards of conduct, and the need to maintain public confidence in the social work profession.

The case examiners therefore formally warn the social worker:

Professional integrity in social work means upholding the values and reputation of the profession at all times. Conduct outside of work, including but not limited to a criminal conviction as in this case, can damage confidence in the profession and the ability of social workers to support people. Acting in accordance with the values and principles of the profession at all times is also outlined in the social work code of ethics.

The social worker must ensure they uphold Social Work England's Professional Standards including the following:

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.

The case examiners would strongly recommend that the social worker undertake further reflection on the matters before the regulator.

The case examiners warn the social worker that the conduct alleged in this case should not be repeated. Any further matters of similar conduct brought to the attention of the case examiners will be viewed dimly and will likely result in a more serious outcome.

Response from the social worker

The social worker returned a completed accepted disposal response form on 28 February 2025. Within the form, the social worker provided the following declaration:

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 instance may be fulfilled through the accepted disposal process.

The case examiners therefore direct that the regulator enact a warning order with a lifespan of 3 years.