

Case Examiner Decision
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FTPS-21623

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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	2 July 2025
	Accepted disposal proposed - warning order (5 years)
Final outcome	3 July 2025
	Accepted disposal - warning order (5 years)

Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concerns 1, [REDACTED] and 3 being found proven by the adjudicators.
2. There is a realistic prospect of regulatory concerns 1 and 3 being found to amount to the statutory ground of a conviction or caution in the United Kingdom for a criminal offence. [REDACTED]
[REDACTED]
3. For regulatory concerns 1 and 3, there is a realistic prospect of adjudicators determining that the social worker's fitness to practise is currently impaired.
[REDACTED]

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

As such, the case examiners requested that the social worker be notified of their intention to resolve the case with a warning order of 5 years. The social worker

subsequently accepted the proposed disposal. Having revisited the public interest in the case, the case examiners determined that an accepted disposal warning order of 5 years remained the most appropriate outcome in this case.

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	November 2022
Complaint summary	During renewal of registration with Social Work England as part of the 2022 renewals period, the social worker declared that they had been convicted for failure to provide a specimen for analysis on 07 July 2022. This had not been previously self-referred; therefore, this matter was referred to the triage team by the registrations and advice team. The social worker later informed triage that they had since been further convicted of driving while disqualified.

Regulatory concerns

Whilst registered as a social worker:

1. On 07 July 2022 at Northamptonshire Magistrates Court, you were convicted of failing to provide a specimen for analysis.

3. On 07 November 2022 at Northamptonshire Magistrates Court, you were convicted of driving while disqualified from holding or obtaining a driver's licence.

The matters outlined in regulatory concern [1] and [3] amount to the statutory ground of conviction or caution in the United Kingdom for a criminal offence.

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

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 case examiners have noted from the evidence that the social worker received two additional convictions, alongside the ones described in regulatory concerns 1 and 3. On 7 July 2022, alongside the conviction for failing to provide a specimen, the court records a conviction for driving a car without a valid MOT test certificate. On 7 November, alongside the conviction for driving whilst disqualified, the court records a conviction for driving without an appropriate insurance policy.

The case examiners have considered whether to adjourn the case and suggest that the regulatory concerns be amended to include the additional convictions. However, they have considered that the new convictions may be deemed as insufficiently serious to stand alone as regulatory concerns. The case examiners have decided they can consider the convictions as potentially aggravating factors which may impact upon the seriousness of the social worker's actions.



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 concerns 1, ■ and 3 being found proven, that those concerns could amount to the statutory grounds of a conviction or caution in the United Kingdom for a criminal offence (regulatory concerns 1 and 3) ■ and that the social worker's fitness to practise could be found impaired, in relation to regulatory concerns 1 and 3 only.

Reasoning

Facts

1. On 07 July 2022 at Northamptonshire Magistrates Court, you were convicted of failing to provide a specimen for analysis.

The case examiners have been provided with the Memorandum of an Entry entered in the Register of the Northamptonshire Magistrates' Court, which confirms that on 7 July 2022, the social worker was convicted of failing to provide a specimen for analysis. The evidence from the police MG5 form sets out that the social worker was stopped for driving erratically and admitted to drinking 5 double whiskies prior to driving. The form further notes that the social worker provided one of the two necessary specimens, the social worker submits they were anxious and distressed so could not provide the second.

The case examiners noted that the social worker was disqualified from driving for 16 months, subject to a reduction of 16 weeks upon completion of a court approved course.

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

3. On 07 November 2022 at Northamptonshire Magistrates Court, you were convicted of driving while disqualified from holding or obtaining a driver's licence.

The case examiners have been provided with the Memorandum of an Entry entered in the Register of the Northamptonshire Magistrates' Court, which confirms that on 7 November 2022, the social worker was further convicted of driving while disqualified. The context of this offence, provided by the social worker, is that they were parking a family member's car and only drove along the road they lived upon. This is not recorded within the court or police evidence, however the police MG5 form does note

that the social worker was observed to pull onto their driveway shortly after being seen driving.

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

Grounds

Given the court evidence for regulatory concerns 1 and 3, the case examiners are satisfied that the statutory ground of a conviction or caution in the UK for a criminal offence is engaged.

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 consider that all of the conduct within the regulatory concerns are capable of being remedied. The social worker could, through completing any rehabilitation courses and reflecting on what went wrong and why, demonstrate the steps they have taken to prevent a recurrence of the convictions [REDACTED]

Insight and remediation

In relation to the convictions, the case examiners are of the view that there is less evidence of insight shown. The court extract confirms that the social worker completed the rehabilitation activity, i.e. the 3-day drink driving course.

The social worker shows regret in their submissions and explains about struggling with their health and being worried about their arrest. However, within their submissions the social worker demonstrates no insight into how or why they chose to drive after reportedly drinking 5 double whiskies, there is also no reference to the risk this behaviour posed to the public and the potential effect on public confidence. The social worker has also made no comment about their decision to drive, just a few weeks after being disqualified, whatever the context of this journey.

Risk of repetition

For the reasons stated above, the case examiners consider [REDACTED] [REDACTED] hat a risk of repetition for the convictions remains.

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.

In terms of the convictions, the case examiners have noted the drinking and drug driving policy, (updated June 2025) which sets out that decision makers should consider whether there are any aggravating or mitigating factors relevant to the offending.

The case examiners have identified the following aggravating factors;

- *the sentence imposed includes a period of disqualification from driving of over 12 months (16 months)*

- *there is evidence of an unacceptable standard of driving by the social worker, as detailed in the police MG5 form where the social worker was described as driving erratically*
- *the criminal conviction relating to more than one driving offence. As previously noted in the preliminary issues, whilst there are two convictions reflected in the regulatory concerns, the social worker has also been convicted of driving without an MOT and insurance*
- *the circumstances of the offence suggesting the social worker being unreasonably uncooperative with police or other authorities.* The case examiners have considered that the first conviction was not for drink driving but failure to provide a specimen of breath without good reason. This may suggest that the social worker was not properly co-operating with the police, whilst the case examiners have noted the social worker's account, that they were struggling due to distress, they cannot look behind nor undermine the conviction. The case examiners take the view that if the court had felt there was a reasonable excuse, then the social worker would not have been convicted. The case examiners recognise, however, that the inclusion of this aggravating factor might represent double counting, given failure to provide a specimen without reasonable excuse was the basis for the social worker's conviction. This factor will therefore be assigned minimal weight.

The case examiners have identified the following mitigating factors,

- *the offence in question not being a repeat offence*
- *the social worker undertaking voluntary relevant remediation, i.e a drink-drive rehabilitation course.*

The case examiners consider that the aggravating factors outweigh the mitigating ones. They consider that public confidence could be damaged should a finding of impairment not be made when a social worker has been convicted of four offences, two of which related to the ability of the social worker to drive safely and the suitability of the car to be roadworthy. Additionally, the case examiners have found a risk of repetition in relation to the convictions.

Accordingly, the case examiners are satisfied there is a realistic prospect of adjudicators finding the social worker's fitness to practise is impaired, in relation to regulatory concerns 1 and 3.

There is no realistic prospect of adjudicators finding the social worker's fitness to practise impaired, in relation to regulatory concern 2.

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

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

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

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

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

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

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

Accepted disposal

Case outcome		
Proposed outcome	No further action	☐
	Advice	☐
	Warning order	☒
	Conditions of practice order	☐
	Suspension order	☐
	Removal order	☐
Proposed duration	5 years	

Reasoning

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

The case examiners decided that taking no further action or offering advice would be insufficient in this case, as neither would be sufficient to mark the seriousness of the social worker's alleged conduct. The case examiners next considered whether a warning order would be appropriate in this case. The case examiners note their guidance which suggests that a restrictive sanction of conditions of practice or suspension would normally be appropriate in cases where a risk of repetition remained.

The case examiners have therefore considered conditions of practice. They note that the conduct of concern occurred in the social worker's private life and that there is no evidence of any issues with their professional practice. The sanctions guidance sets out "*Conditions of practice are less likely to be appropriate in cases of character, attitude or behavioural failings*". The case examiners consider there are no

appropriate and proportionate conditions which could be suggested to address the social worker's conduct.

They then moved onto consider suspension, noting the sanctions guidance which sets out that *"suspension may be appropriate where (all of the following):*

- *the concerns represent a serious breach of the professional standards*
- *the social worker has demonstrated some insight*
- *there is evidence to suggest the social worker is willing and able to resolve or remediate their failings"*

Whilst the case examiners have previously acknowledged that the convictions are serious, in the full range of convictions which social workers may receive, they are of the view that motoring offences are at less serious end, reflected in the sentencing from the courts. The case examiners have considered whether suspension is *"the minimum necessary to protect the public (including the wider public interest)"*. They have balanced their view that the social worker needed to evidence further insight, which has contributed to their assessment of some risk of repetition, with the fact that there has been no repetition of the social worker's conduct in two years. The case examiners considered that a suspension order might therefore be disproportionate, and they could therefore revisit consideration of a warning order.

The case examiners note that paragraph 96 of the sanctions guidance details that a warning order is likely to be appropriate if 'the fitness to practise issue is isolated or limited'. Whilst the offences occurred on two separate dates, the conduct appears to be limited to those dates, with no evidence of wider concerns about the social worker's conduct. The case examiners consider the concerns can be characterised as isolated and that a warning would therefore be a proportionate outcome given the full circumstances of the case.

A warning would remain on the social worker's record for an allocated time and sends a clear message about the expectation that social workers will ensure they respect and maintain the privacy of service users.

The case examiners have considered the length of time for the published warning and note the sanctions guidance which sets out that *"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)”.*

Given the case examiners’ conclusion that a risk of repetition remains, they consider that this case has only fallen marginally short of requiring restriction of practice. The case examiners have concluded that five years is the appropriate duration.

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 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:

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

The case examiners warn that as a social worker, it is of paramount importance that you conduct yourself appropriately and in line with the law and your professional standards, in both your personal and professional life. The case examiners remind the social worker of the following Social Work England professional standards (2019):

As a social worker:

5.2 I will not behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.

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

Response from the social worker

On 3 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 reviewed their decision, paying particular regard to the over-arching objectives of Social Work England:

- The protection of the public
- Maintaining confidence in the social work profession
- The maintenance of professional standards.

The case examiners remain satisfied that an accepted disposal warning order of 5 years duration is a fair and proportionate way to conclude this matter, and is the minimum sanction required to protect the public and the wider public interest.