

Case Examiner Decision
Kerrie Leanne Pearson –
SW146006
FTPS 22826

Contents

The role of the case examiners	3
Decision summary	4
The complaint and our regulatory concerns	5
Preliminary issues.....	6
The realistic prospect test	7
The public interest	13
Accepted disposal	15

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	11 March 2025
	Accepted disposal proposed - warning order (1 year)
Final outcome	25 March 2025
	Accepted disposal - warning order (1 year)

Executive summary

The case examiners have reached the following conclusions:

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

The case examiners did not consider it to be in the public interest for the matter to be referred to a final hearing and that the case could be concluded by way of accepted disposal. As such, the case examiners requested that the social worker be notified of their intention to resolve the case with a warning order of 1 year duration. The social worker accepted this proposal in full.

The complaint and our regulatory concerns

The initial complaint

The complainant	The complaint was raised by the social worker's current employer.
Date the complaint was received	23 November 2023
Complaint summary	The social worker was arrested by the police in March 2023 having been suspected of drink driving. Following tests of the social worker's blood, on 16 October 2023 the social worker was convicted at court for driving a motor vehicle with an alcohol level above the prescribed limit. The social worker was disqualified from driving for 12 months, to be reduced by 3 months if the social worker completed a drink driving awareness course, and fined £150.

Regulatory concerns

Regulatory Concern 1:

While registered as a social worker, on or around 16th October 2023, you were convicted of driving a motor vehicle while over the prescribed limit for alcohol consumption.

RC1 amounts to the statutory ground of receiving 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	☐

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 the regulatory concern being found proven, of this concern amounting 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

Regulatory Concern 1: While registered as a social worker, on or around 16th October 2023, you were convicted of driving a motor vehicle while over the prescribed limit for alcohol consumption.

The case examiners have had sight of the social worker's certificate of conviction from the Magistrate's Court. This demonstrates that the social worker was convicted on 16 October 2023 for the offence captured by the regulatory concern.

The social worker does not dispute they were convicted as cited by the regulatory concern.

The case examiners are satisfied that there is a realistic prospect of the concern being found proven by adjudicators.

Grounds

The statutory ground being considered by the case examiners is that of a conviction or caution in the United Kingdom for a criminal offence.

The case examiners have had sight of the court document detailed above and they are satisfied that this sufficiently evidences the conviction.

The case examiners are satisfied there is a realistic prospect of adjudicators establishing the statutory ground.

Impairment

Having concluded there is a realistic prospect of adjudicators establishing the statutory ground of a conviction or caution in the United Kingdom for a criminal offence, the case examiners must consider whether there is a realistic prospect of adjudicators finding current impairment. The case examiners are aware they must assess both the personal and public elements of current impairment. They will consider each in turn.

Personal element

The case examiner guidance states that there are multiple factors that case examiners should look for when considering the personal element of impairment, in order to assess the risk of repetition. These include, whether the social worker has admitted the allegations, if they have demonstrated insight, if they have evidenced remediation, any relevant previous history, and any testimonials that have been provided.

Relevant previous history

There is no relevant previous history in this case.

Admissions

The social worker admits the allegations. In their submissions the social worker accepts their role and responsibilities in relation to the events that gave rise to the concerns.

Insight

In respect of insight, the case examiners are aware that they must take care to assess the quality of any insight. A social worker may accept they have acted wrongly. However, simply asserting this is unlikely to be enough to demonstrate genuine insight.

In their submissions the social worker appears to demonstrate an understanding of what led to the events which are the subject of the concern.

The social worker explains the circumstances that led to them driving whilst under the influence of alcohol, and seems to recognise what went wrong. In summary, the social worker admits they consumed two pints of beer prior to driving, but states that they did not realise they were over the legal limit to drive. The social worker has also addressed how they might act differently to avoid reoccurrence of similar concerns.

The case examiners highlight the following submissions from the social worker (contains grammatical or typographical errors):

- *'I accept that I drove whilst over the prescribed limit of alcohol. I assumed the law and I should not have done this. I should have checked this.'*
- *'I now realise that the best and safest option is to not to drive at all if I have had a drink and I will not do this again.'*
- *'This mistake has learned me not to drive after drinking anything at all and it is also taught me to always ensure I know the law and do not assume it'*
- *'I also will not drive now after any alcohol what so ever. I stick to pop at any meals when I would usually sometimes have a pint with a meal. I know this is the safest option.'*

When assessing insight, it is also important to establish if the social worker demonstrates a genuine understanding of the impact of their actions on others, and the profession. The case examiners highlight the following parts of the social worker's submissions that indicate the social worker does have understanding (contains grammatical or typographical errors):

- *'I am aware of the dangers of drink driving and know that a person under the prescribed limit of alcohol is more likely to crash and injure themselves or others.'*
- *'I made a huge mistake. The mistake I made can and does cost lives. I put others at risk, including myself and my partner. I know this is a mistake I will never make again.'*
- *'I agree that I have not upheld the reputation of a social worker and I agree my actions have not been acceptable.'*
- *'I feel extremely stupid, irresponsible and like I have let myself and the profession down.'*

- *'I do not feel it is good enough for a 'social worker' to assume the law, when they work within the law and have a reputation to uphold.'*

The case examiners consider that the social worker has demonstrated a good level of insight.

Employment reports and testimonials

Testimonials that provide up to date, credible information about the social worker's current practice can be relevant when exploring current impairment. Case examiners must also look for and assess any objective evidence that might confirm the social worker's insight. For example, reports from employers detailing reflective supervision with the social worker. Whilst the case examiners have not seen evidence of this specifically, they do note that the social worker's employer confirms that *'Kerrie's disciplinary record is otherwise exemplary, and we wanted (and felt it appropriate) to support her to remain in post/practice.'*

Remediation

Turning their minds to remediation, the case examiners are aware that this is best shown by objective evidence. For example, by the successful completion of training courses. The case examiners have had sight of the social worker's certificate of completion for a drink driving course, dated 26 April 2024. This, in company with the insight highlighted above, suggests the social worker has taken the required steps to remediate.

Risk of repetition

Having considered the necessary elements as detailed above, the case examiners are satisfied that the risk of repetition is low in this case.

The case examiners also highlight there is no evidence before them to suggest the social worker has any health issues in respect of alcohol that may have been a contributing factor to their conviction, or that may impact the risk of repetition.

Public element

The case examiners must now consider the public interest in this matter.

In doing so, the case examiners have taken into account Social Work England's drink and drug driving policy. This steers case examiners to consider aggravating and mitigating factors when assessing the seriousness of the case. The case examiners have considered the circumstances of the case and highlighted matters that would be considered aggravating or mitigating, below:

Aggravating factors:

- The social worker carrying a passenger in their vehicle at the time of the offence.
- The circumstances of the offence suggesting the social worker being unreasonably uncooperative with police or other authorities.

The case examiners note from the police report that, when driving over the prescribed limit of alcohol, the social worker had a passenger in the car. In addition, the police state that, in summary, the social worker did not co-operate at the roadside when requested to provide a sample of breath. The case examiners note that the social worker disputes that they were uncooperative.

Mitigating factors:

- The offence in question not being a repeat offence.
- The social worker is otherwise of good character
- The social worker demonstrating remorse and insight in relation to the offending behaviour.
- The social worker undertaking voluntary relevant remediation including (but not limited to) completing relevant driving courses (for example a drink-drive rehabilitation course).

When assessing the public element, the case examiners have also taken into account Social Work England's case examiner guidance which states:

- *'123. Case examiners should be careful when assessing actual harm caused by a social worker's actions and its impact on the seriousness of the case. An action that (by luck) has not caused harm may still represent an unacceptable risk of serious harm if repeated. If this is the case, case examiners should not regard it as any less serious because actual harm did not occur.'*
- *'124. Case examiners should assess the extent to which the social worker could (and should) have foreseen the risk of harm (or actual harm caused). The case examiners may conclude that the social worker should have anticipated the risk of harm and managed it in advance.'*

The case examiners consider it reasonable to conclude that it is only by luck that harm was not caused to others. The social worker in their submissions appears to acknowledge this and is remorseful.

The case examiners note there are several mitigating factors as per the case examiner guidance. However, there are also aggravating factors, the presence of which, in company with the risk that the social worker's actions caused, leads the case examiners to conclude there is a risk to public confidence.

As such, it is likely the public would expect that a finding of current impairment is made by adjudicators to maintain public confidence in the regulation of the profession.

Having considered both the personal and public elements, the case examiners have concluded there is a realistic prospect that adjudicators would find the social worker to be currently impaired.

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 note that the social worker has indicated to the regulator that they do not 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 the facts.
- The social worker is clear that they accept that their conduct fell short of the standards expected of them.

- 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 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.

Interim order

An interim order may be necessary for protection of members of the public	Yes	☐
	No	☒
An interim order may be necessary in the best interests of the social worker	Yes	☐
	No	☒

Accepted disposal

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

Reasoning

In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's sanctions guidance 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 considered taking no further action. Paragraph 95 of the sanctions guidance states that, when decision makers find impairment, an outcome of 'no further action' is rare. However, this could be possible in cases where the finding of impairment itself is enough to protect the public or address the public interest. The guidance goes on to provide the example of when a social worker has accepted a caution.

Paragraph 103 of Social Work England's case examiner guidance states that '*the issuing of a caution acknowledges the admission of guilt and suggests the offence is of a lower severity.*' In conjunction with the sanctions guidance, this suggests that criminal matters of lower severity may fall into the 'rare' category where a finding of impairment alone would be sufficient to protect the public or address the public interest. As drink driving offences are dealt with by way of conviction, it appears

reasonable to conclude that, in line with the case examiner and sanctions guidance documents, this is not likely to indicate the offence is of a 'lower severity' and therefore not a 'rare' instance where taking no further action would be appropriate. The case examiners concluded that no further action would not be sufficient to mark the seriousness of the social worker's conviction.

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. The case examiners decided that issuing advice would not be sufficient to mark the seriousness of the social worker's conviction.

The case examiners next considered whether a warning order would be appropriate in this case. The case examiners are aware that where a social worker's fitness to practise is potentially impaired, they will usually need to ensure the public is protected through some action by the regulator.

The case examiners note that paragraph 108 of the sanctions guidance details that three instances where a warning order is likely to be appropriate are:

- *'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 consider that all three of the above criteria apply in this case. The case examiners have decided that the necessary level of protection in this case can be met with a warning order.

The case examiners have considered the length of time for the published warning and consider one year to be proportionate in this case. This was a finally balanced determination, as the case examiners do not consider that the matter, be it isolated, is of *'relatively low seriousness'*, as pointed to in Social Work England's sanctions guidance in respect of one year warnings. The case examiners were also concerned by the social worker's alleged lack of cooperation with the police at the roadside, but took into account that there is no suggestion that the social worker did not fully comply with the police thereafter.

The case examiners concluded that the social worker does not require additional time to fully address the risk of repetition, as is pointed to in the sanctions guidance in respect of three year warnings. Therefore, the primary purpose of the warning is to highlight the professional standards expected of social workers. 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.

The case examiners consider that a period of one year is appropriate in the circumstances to maintain public confidence and to send a message to the public, the profession and the social worker about the standards expected from social workers.

The case examiners went on to test the suitability of a warning order by considering whether conditions of practice or suspension were more appropriate in this case. They concluded that conditions were more relevant in cases requiring some restriction in practice and were not suitable for this case of conviction that related to matters in the social worker's private life. The case examiners considered that suspension from the register would be a disproportionate and punitive outcome in this case.

In all the circumstances, the case examiners are satisfied that a warning of one year duration is the proportionate sanction.

The case examiners will notify the social worker of their proposal to issue a published warning, and will 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.

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 provided a response on 21 March 2025 and confirmed *'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 concluded that the social worker's fitness to practise was likely to be found impaired but that the public interest could be met through a prompt conclusion, published decision and warning, rather than through a public hearing. They proposed a warning order with a duration of 1 year, the social worker accepted this proposal.

In light of the social worker's acceptance of the warning order, the case examiners have considered again whether there would be a public interest in referring this matter to a public hearing. They remain of the view that this is unnecessary for the reasons set out earlier in the decision.

Having been advised of the social worker's response, the case examiners have again turned their minds as to whether a warning order remains the most appropriate means of disposal for this case. They have reviewed their decision, paying particular regard to the overarching objectives of Social Work England, i.e. protection of the public, the maintenance of public confidence in the social work profession, and the maintenance of proper standards. Having done so, they remain of the view that an accepted disposal by way of a warning order of 1 years duration is a fair and proportionate disposal, and is the minimum necessary to protect the public and the wider public interest.