

Case Examiner Decision
Wandai Savanhu – SW124336
FTPS-22861

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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	
1 st Preliminary outcome	26 June 2024
	Information requested Submissions requested
2 nd Preliminary outcome	17 March 2025
	Accepted disposal proposed – warning order 5 years’ duration
Final outcome	14 April 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 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 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.

On 29 March 2025 the social worker responded to the proposal to conclude this matter with an accepted disposal warning order of 5 years' duration. The social worker signed a document confirming that they understand and accept in full, the terms of the 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 **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	26 November 2023
Complaint summary	The social worker self-referred to Social Work England on the 26 November 2023, notifying Social Work England that they had been convicted of two offences; driving whilst disqualified and driving above the speed limit.

Regulatory concerns

Regulatory concerns are clearly identified issues that are a concern to the regulator. The regulatory concerns for this case are as follows:

(1) Whilst registered as a social worker; on the 13 September 2023 you were convicted of two criminal offences, them being;

(1.1) Driving whilst disqualified

(1.2) Motor vehicle exceed 60 mph on single carriageway

Grounds of impairment:

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

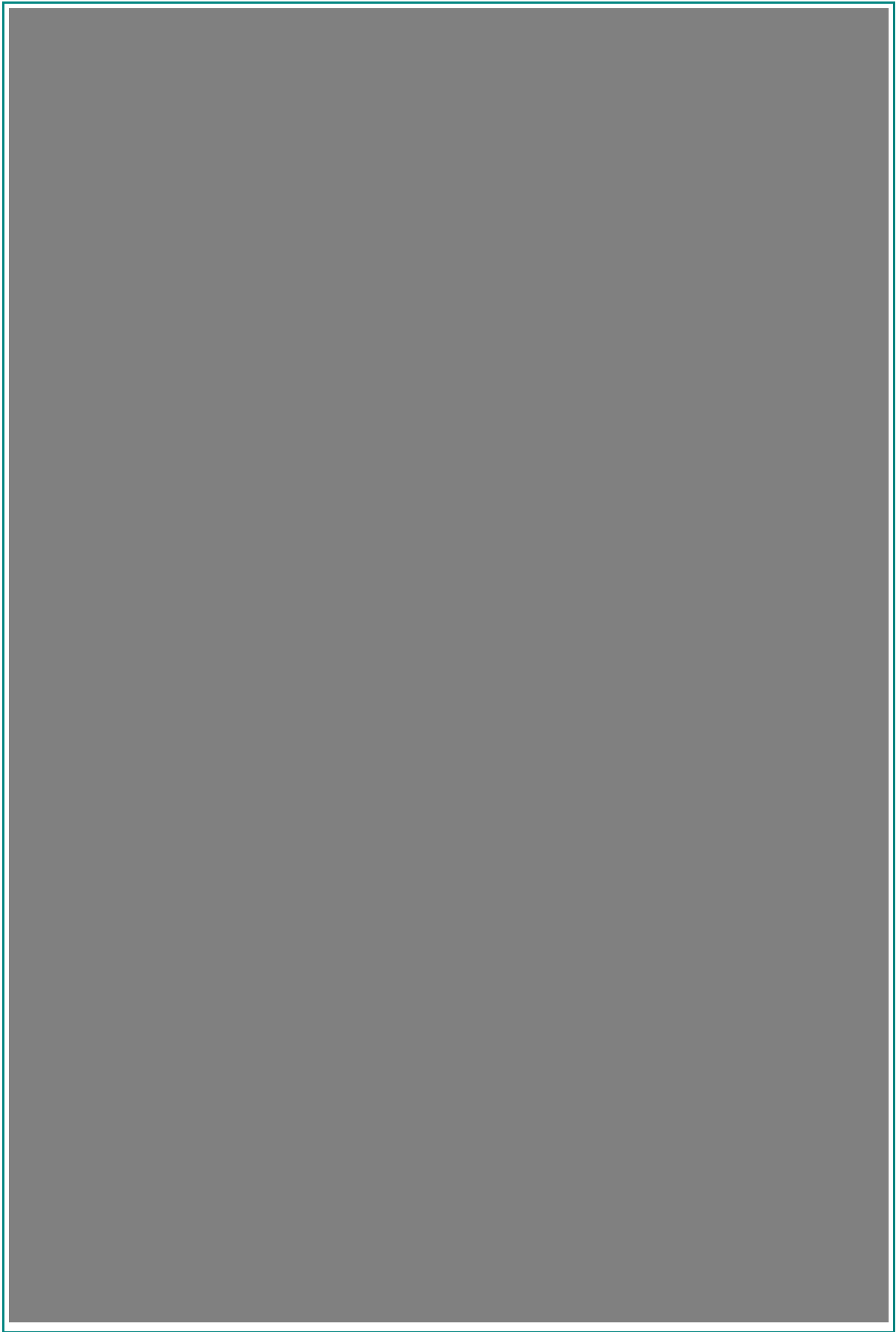
Your fitness to practice is impaired by reason of your conviction or caution in the United Kingdom for a criminal offence.

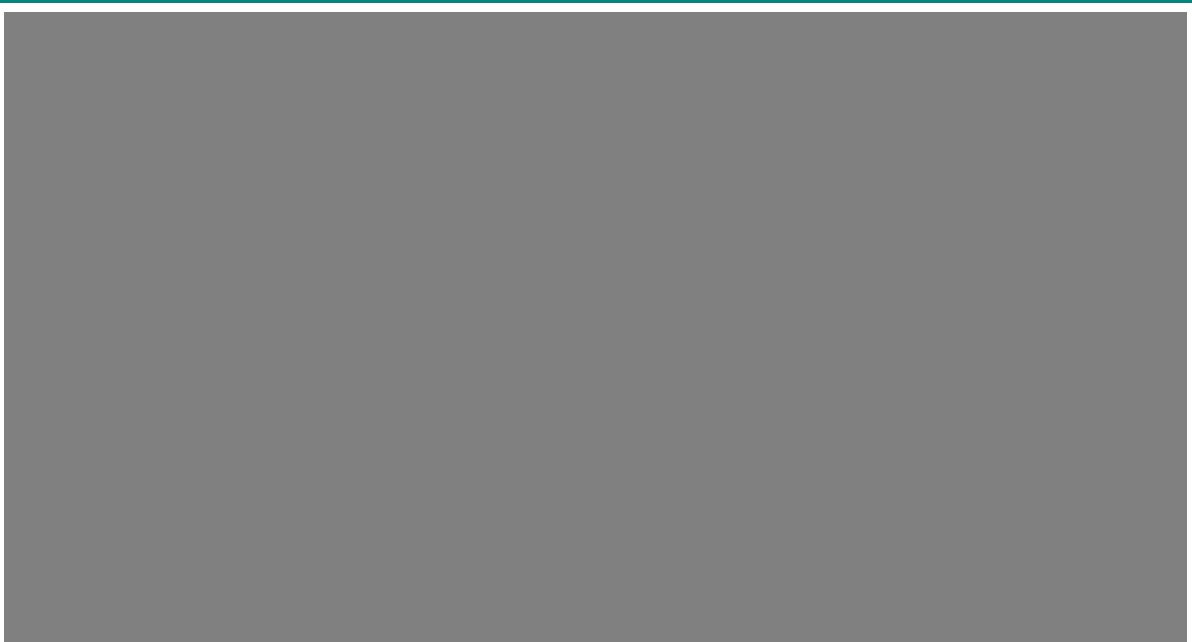
Preliminary issues

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	☐

Requests for further information or submissions, or any other preliminary issues that have arisen

On 26 June 2024 the case examiners raised a number of preliminary issues:





The case examiners were subsequently provided with information by the case investigator which they were satisfied sufficiently addressed the preliminary issues they had raised.

The realistic prospect test

Fitness to practise history

The case examiners have been informed that on 14 June 2023 a Social Work England final hearing committee determined that the social worker's fitness to practise was not impaired, but issued the social worker with a warning in relation to his conduct.

The case examiners are informed that the warning was imposed in relation to the conduct which related to the social worker having received a conviction for failing to provide a specimen of breath, when required by the police to do so, without reasonable excuse. On the 28 July 2021, the Magistrates Court issued the social worker with a disqualification from driving for a period of thirty-six months, together with weeks' imprisonment, suspended for 12 months.

The case examiners are satisfied, with reference to the regulations and fitness to practise rules, that this history may be considered to be adverse. They have therefore considered whether it would be fair and reasonable to take FTPS-19690 into consideration.

Having done so, the case examiners have determined it is fair and reasonable to do so for the following reasons:

- There is a connection between FTPS-19690 and the conviction being considered in this decision (FTPS-22861), as both concern driving offences. This decision deals with the social worker driving whilst disqualified as a result of their conviction on 28 July 2021.
- In terms of seriousness, the case examiners consider the similarity of the offences could represent repetition within a short period of time, and a disregard for road traffic legislation and a court-ordered disqualification. They particularly note that the concerns in this case (FTPS-22861) have allegedly arisen whilst a driving disqualification was in place.

The case examiners will therefore give consideration to this history as part of their assessment of current impairment, and not before.

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 those concerns could amount to the statutory grounds 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 concerns are clearly identified issues that are a concern to the regulator. The regulatory concerns for this case are as follows:

- **Whilst registered as a social worker; on the 13 September 2023 you were convicted of two criminal offences, them being;**

(1.1) Driving whilst disqualified

(1.2) Motor vehicle exceed 60 mph on single carriageway

The case examiners have been provided with evidence confirming that on 28 July 2021, the social worker was disqualified from driving for 36 months.

The case examiners have seen a certificate of conviction dated 13 September 2023; this relates to an offence committed on 25 April 2023 when the social worker was found to be driving whilst disqualified at speeds above 60 miles per hour on a single carriageway. The social worker plead guilty to the offence and was sentenced to a community order and disqualified from driving for a further 6 months.

The case examiners consider there is a realistic prospect of adjudicators finding this regulatory concern capable of proof.

Grounds

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.

The social worker accepts the concerns and expresses remorse for their actions in September 2023 when they drove whilst disqualified. The social worker states that they made an unwise and inexcusable decision to drive on the date in question to prevent them being late for work. The social worker plead guilty at their court hearing.

In terms of remediation the social worker states that they sold their car, completed their 60 hours of unpaid work within a shorter period than was expected, and divulged their conviction to their social work agency manager and team manager. The social worker says that they changed job and are now employed in a role that does not require them to drive. The social worker says that they have completed reflective exercises with their employing agency manager and put on hold practicing as an (Approved Mental Health Practitioner) AMHP as this role would require them to drive. The social worker says that at the time in question they were facing a number of personal challenges. [REDACTED]

[REDACTED]

The case examiners have seen an email dated 15 March 2024 from the social worker's current Team Leader; this confirms that the social worker uses public transport to get to their place of work and does not need to drive as a requirement of the role. The social worker is described as being professional, and no concerns about their practice are raised.

The case examiners have considered the insight, remediation and mitigation put forward by the social worker, together with the information from their employer. However, they have also taken into account the adverse history and evidence of the social worker's previous road traffic offending and are of the view that this demonstrates a pattern of offending that potentially undermines the degree of insight and remediation the social worker has put forward in this case.

The evidence indicates, for example, that prior to these concerns arising the social worker had already attended a drink driving course following their conviction in July 2021. While the case examiners are aware that the focus of this course would have been alcohol-related, and the concerns in this case do not include any allegation of the social worker being over the limit, nonetheless the case examiners are of the view that such a course should have already assisted the social worker in understanding the need to drive safely and in accordance with the law. In this case, the evidence suggests that the social worker was travelling at 78mph in a 60 limit, significantly over the maximum speed limit, and also while disqualified.

In addition, the case examiners also note that the social worker did not, in their submissions to the fitness to practise hearing panel (i.e., relating to FTPS -19690, June 2023), make any reference to having driven while disqualified and over the speed limit on 25 April 2023, subsequent to the concerns at FTPS 19690 arising. At the time of that hearing, there is evidence to indicate that the social worker had received a police notice of intended prosecution for the speeding allegation, and had responded to the police to confirm that they were the driver at the relevant time. From the evidence presented to them, the case examiners are of the view that the social worker was not transparent about this with the final hearing committee when putting forward insight and remediation into that case, and that this also serves to undermine the credibility of the social worker's insight and remediation in this case.

The case examiners consider the following factors to be aggravating:

- the criminal conviction relates to more than one driving offence (i.e. driving while disqualified and exceeding the speed limit).
- the social worker has a recent previous criminal conviction for failing to provide a specimen of breath when required (July 2021) ; this occurred less than two years prior to the criminal conviction in this case. Furthermore, this

previous conviction resulted in a 36 month disqualification and suspended prison sentence. The reasons listed for a suspended prison sentence were the high level of alcohol impairment, bad driving and carrying a passenger. The social worker was also ordered to carry out unpaid work for 150 hours.

- the offence subject to these concerns took place during the social worker's commute to work
- The social worker did not refer their conviction to the social work regulator until 28 November 2023, some two months following their attendance at court.

Risk of repetition

Considered together with the adverse history of a related and recent previous conviction the social worker's delay in informing the regulator of a further offence when they had opportunity to do so would appear to represent a pattern of behaviour which is concerning and may suggest a high risk of repetition.

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 set out their analysis of the aggravating and mitigating factors in respect of the social worker's conviction for driving whilst disqualified and exceeding the speed limit on 25 April 2023.

The case examiners consider that the social worker's actions could be seen to represent a risk of harm to the public via their behaviours whilst driving in July 2021 and then again in April 2023. The case examiner guidance paragraph 123 reminds them that an action that has not caused harm (by luck) may still represent an unacceptable risk if repeated.

The case examiners also consider that a registered social work professional could and should have seen the potential for harm to be caused by their behaviour whilst driving and how it might be perceived to be a departure from Social Work England Professional Standard:

5.2: As a social worker, 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 case examiners consider that the concerns are serious and risk undermining trust and confidence in the wider social worker profession, therefore the case examiners consider that the public would expect a finding of impairment to be made.

Accordingly, the case examiners consider there is a realistic prospect of adjudicators finding 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

The case examiners have noted 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 conclude that offering accepted disposal is proportionate for the following reasons:

- 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.
- With regards to upholding standards, the case examiners are aware, in the event the social worker agrees to an 'accepted disposal' without a referral to a hearing, their full decision will be published on Social Work England's website, thus fulfilling the public interest and the need for the regulator to declare what is proper conduct. They are aware that their guidance supports this approach in all but the most serious cases.
- Both the public and other professionals will be able to see the types of behaviour that are deemed unacceptable. Further, they will be able to see that the regulator will take swift and appropriate action when faced with instances of conduct which purportedly breaches professional standards.

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 considered taking no further action but considered that this would not be appropriate in this instance as it would not satisfy the wider public interest.

The case examiners next 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 believe that issuing advice is not sufficient to mark the seriousness with which they view the social worker's 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, and the case examiners concluded that a warning order is the appropriate and

proportionate outcome in this case; and represents the minimum sanction necessary to uphold the public's confidence. When considering a warning order, case examiners can direct that a warning order will stay on the social worker's register entry for periods of 1, 3 or 5 years. According to case examiner guidance, 1 year might be appropriate for an isolated incident of relatively low seriousness where the primary objective is to send a message about the professional standards expected of social workers; 3 years might be appropriate for more serious concerns to maintain public confidence and to send a message about the professional standards expected of social workers; and 5 years might be appropriate for serious cases that have fallen only marginally short of requiring restriction of registration, to maintain confidence in the profession and where it is necessary to send a clear signal about the standards expected.

The case examiners consider that a 5-year warning order would be a proportionate response in this instance. The case examiners have taken the following into consideration:

- This is not an isolated incident.
- The social worker had opportunities to be more transparent with the regulator about their most recent conviction. They could have notified the regulator more promptly, or during their previous fitness to practice hearing, but did not to do so.

The case examiners have outlined in their consideration of impairment the aggravating factors that have increased the seriousness of the behaviour that led to this most recent conviction.

Whilst the case examiners note that the social worker does demonstrate some insight and has taken some steps to remediate, the case examiners have not seen any evidence of the social worker reflecting on the potentially serious consequences of driving at high speeds whilst already disqualified from driving. The case examiners would not consider insight to be fully developed, and they consider that a 5-year warning order would allow the social worker further time to reflect, develop insight and address the risk of repetition.

The case examiners have tested their proposed sanction by considering whether Conditions of Practice would be more suitable. The social worker has however completed their unpaid work and is currently employed in a role that does not require them to drive. The social worker has a positive reference from a current manager and there are no current concerns about their practice. Conditions of practice does not therefore appear to be necessary or proportionate.

The case examiners also carefully considered whether a suspension or removal order may be appropriate, particularly given the evidence of adverse history and a risk of repetition. However, they have noted the positive references indicating that, at this time, the social worker's convictions have not adversely impacted on their ability to continue working as a social worker. The case examiners, therefore, consider that such sanctions may be disproportionate.

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 decision to act contrary to the law and drive at speed, whilst disqualified demonstrated a serious lack of judgement. In driving and speeding whilst disqualified, you put yourself and members of the public at risk of harm.

Your conviction could also have an adverse effect on the public's confidence in you as a social worker and may also damage the reputation of the social work profession.

The case examiners specifically draw your attention to Social Work England Professional Standards (2020).

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. The regulator will take a dim view on any further criminal offences or similar matters brought to their attention and are likely to impose a more serious outcome. This warning will remain published for 5 years which reflects how serious the case examiners consider the matter to be.

Response from the social worker

On 29 March 2025 the social worker responded to the proposal to conclude this matter with an accepted disposal warning order of 5 years' duration. The social worker signed a document confirming that they understand and accept in full, the terms of the proposal.

Case examiners' response and final decision

The case examiners have reviewed their decision, paying particular regard to the overarching objective of Social Work England: protection of the public, the maintenance of public confidence in the social work profession and upholding professional standards. Case examiners are satisfied that an accepted disposal (warning order - 5 years) is a fair and proportionate way to address the concerns and is the minimum necessary to protect the public and satisfy the wider public interest.