

Case Examiner Decision
Bright K Morklie – SW128518
FTPS-22979

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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	8 May 2025
	Accepted disposal proposed - advice (1 year)
Final outcome	23 May 2025
	Accepted disposal - advice (1 year)

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 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 requested that the social worker be notified of their intention to resolve the case with advice of 1 year duration. 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 [blue](#) 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	5 November 2023
Complaint summary	The social worker reported that they had received a conviction for driving whilst under the influence of alcohol.

Regulatory concerns

Whilst working as a social worker:

1. On 31 May 2023, you were convicted of driving whilst under the influence of alcohol.

The matters outlined in regulatory concern (1) 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.

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 it 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 and grounds

Whilst working as a social worker:

1. On 31 May 2023, you were convicted of driving whilst under the influence of alcohol.

The matters outlined in regulatory concern (1) amount to the statutory ground of conviction or caution in the UK for a criminal offence.

The case examiners have had sight of a certificate of conviction, dated 31 May 2023, which confirms that the social worker was convicted of the following offence:

On 16/10/2022 at [redacted], you drove a motor vehicle, namely [redacted] on a road, namely [redacted], after consuming so much alcohol that the proportion of it in your breath, namely 86 microgrammes of alcohol in 100 millilitres of breath, exceeded the prescribed limit.

The certificate of conviction confirms that the social worker pleaded guilty. The document confirms that the social worker was disqualified from driving for 18 months, subject to a reduction of 18 weeks if the social worker were to complete an approved course. With regards to the context of the offence, the case examiners noted the following from police MG5 documentation:

- On 16 October 2022, police observed the social worker's vehicle to be swerving over the road on a slip road.
- Police signalled for the social worker to pull over and completed a breath test at the roadside.
- The social worker was taken into custody and provided an evidential breath specimen of 86 microgrammes of alcohol in 100 millilitres of breath

Within their submissions, the social worker has confirmed the account of events provided above and has also provided some additional mitigating information which will be considered later in this decision.

In light of the above, the case examiners are satisfied that there is a realistic prospect of regulatory concern 1 being found proven, and that adjudicators could determine that the statutory grounds of conviction or caution in the United Kingdom for a criminal offence are engaged.

Impairment

Assessment of impairment consists of two elements:

1. The personal element, established via an assessment of the risk of repetition.
2. 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 are satisfied that the concerns in this case can be easily remedied. The case examiners consider that the social worker could remediate by demonstrating their insight and reflection on the circumstances of their criminal offence, and by engaging with the requirements of the court, including successful completion of the drink drive rehabilitation course.

Insight and remediation

The case examiners have carefully reviewed the social worker's submissions and were encouraged to see that the social worker has completed a court approved course and reflected on the learning they obtained. The social worker recognises that their conduct put both themselves and others at risk of harm, and they report that they have shared their learning from the court approved course with friends.

More broadly, the social worker has commented throughout fitness to practise proceedings on an element of perceived mitigation. The social worker has informed the regulator that they do not drink alcohol, and that on the evening of their offence they had been ordering non-alcoholic cocktails. The social worker has indicated that when a friend joined them later in the evening, the friend bought alcoholic cocktails for the social worker as they were unaware that they do not drink alcohol.

The case examiners noted that the social worker had offered to provide contact details for witnesses, which does not appear to have been explored by the regulator. However, on balance the case examiners were satisfied that it would be disproportionate to delay proceedings in order for witness statements to be obtained as there is otherwise some evidence that might support the social worker's account. Most notably, a statement from the social worker's manager indicates that to the best of their knowledge, the social worker does not drink alcohol and would usually drink soft drinks at work social events. The manager reports that on more than one occasion the social worker has stated that they are tee-total.

In the next part to this decision, the public element of impairment, the case examiners will consider what aggravating and mitigating factors should be taken into consideration. One example mitigating factor, as set out in the regulator's drink and drug driving policy (2022), is if alcohol has been ingested unintentionally. In light of the social worker's submissions, along with supporting evidence from their manager, the case examiners consider that this factor will apply.

With regards to the personal element, the case examiners were reassured to note that although the social worker has highlighted the above as mitigation, it does not appear to have detracted from their willingness to engage with the requirements of the court, and to reflect on the serious nature of their conviction.

Risk of repetition

In light of the case examiners' findings in respect of insight and remediation, they are satisfied that the evidence suggests the risk of repetition is low.

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 considering the public element, the case examiners have had reference to the regulator's Drink and Drug Driving Policy (December 2022), which advises the case examiners to consider aggravating and mitigating factors when assessing the seriousness of the social worker's criminal offence.

In respect of aggravating factors, the case examiners were satisfied that the following factors drawn from the policy would apply:

- the sentence imposed includes a period of disqualification from driving of over 12 months
- the extent to which the social worker's level of alcohol or drug impairment was over the legally specified limit (if applicable). The higher the level of alcohol or drug concentration the more serious the offending would be considered.

In respect of mitigating factors, the case examiners were satisfied that the following factors drawn from the policy would apply:

- the offence in question not being a repeat offence
- the social worker demonstrating remorse and insight in relation to the offending behaviour
- the social worker is otherwise of good character
- the social worker undertaking voluntary relevant remediation including (but not limited to) completing relevant driving courses (for example a drink-drive rehabilitation course).
- if there is evidence to suggest the social worker ingested the alcohol or drugs unintentionally (for example, having a drink spiked)

With reference to the regulator's drink and drug driving policy, the case examiners are advised that a finding of impairment is only unlikely to be necessary in cases where there are no aggravating features. In this case, the case examiners consider it necessary to consider carefully the weight that might be attached to both aggravating and mitigating factors, as there could be a reasonable argument that unintentional

ingestion of alcohol might, in some circumstances, outweigh the need for a regulatory finding of impairment.

As the case examiners set out earlier in this decision, they consider it reasonable to include as a mitigating factor the unintentional ingestion of alcohol. However, in their view, adjudicators could reasonably conclude that this factor, even if taken into account alongside other mitigating factors in this case, is outweighed by the two aggravating factors identified. This is because the available evidence would suggest the social worker's level of alcohol impairment was particularly high (over twice the legal limit), and there is police evidence suggesting the social worker was sufficiently inebriated that it affected the safe control of their vehicle.

Whilst the case examiners accept that the social worker may not have intentionally ingested alcohol, they nevertheless consider it plausible that the social worker retains a degree of responsibility. The social worker has indicated that the car journey they embarked upon was short, and that they were travelling from the bar to a hotel. The case examiners therefore consider that if the social worker's level of inebriation was sufficient that it could be identified through their manner of driving, it could reasonably be concluded that the social worker may have felt the effects of inebriation prior to making the decision to drive.

In light of the above, the case examiners consider that although this decision is finely balanced, adjudicators may consider the balance to fall in favour of a finding of impairment. The case examiners are therefore of the view that the public may expect to see a finding of impairment in this case and, in its absence, public confidence in the maintenance of professional standards for social workers may be undermined.

Accordingly, there is a realistic prospect of adjudicators determining the social worker's fitness to practise is 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 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 before the regulator 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. In addition, there is no conflict in evidence in this case and the social worker accepts all of the key facts.

The case examiners have noted, however, that the social worker has not indicated to the regulator whether they consider their fitness to practise to be currently impaired.

An accepted disposal outcome can only be agreed and implemented if a social worker accepts current impairment. The case examiners therefore consider it appropriate and proportionate to offer the social worker 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	1 year	

Reasoning

In considering the appropriate outcome in this case, the case examiners had regard to 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. They have also considered the drink and drug driving policy guidance (December 2022) which states, 'in determining a sanction, the decision makers should also take account the relevant aggravating and mitigating factors.'

In determining the most appropriate and proportionate outcome in this case, the case examiners considered the available options in ascending order of seriousness.

No further action

The case examiners are aware that their guidance is clear that an outcome of no further action is expected to be rare, and that there must be exceptional factors sufficient to justify such an outcome.

The case examiners consider it plausible that where a social worker has unintentionally ingested alcohol, in some circumstances an outcome of no further action might be justified. However, the case examiners consider that the social worker's level of alcohol impairment in this case was sufficiently high that the circumstances of this particular case could not reasonably be viewed as exceptional in nature.

In light of the above, a no further action outcome would be insufficient to mark the serious nature of the case before the regulator.

Advice or warning order

The sanctions guidance explains that advice is intended to set out the steps a social worker should take to avoid recurrence. On this occasion, the case examiners are satisfied that the social worker has already identified the learning they have taken from their conviction. However, the case examiners are mindful that advice is a sanction, and it would constitute an adverse finding. Provision of advice in such circumstances would serve as a regulatory reminder for the social worker of what is expected of them.

In the case examiners' view, an outcome of advice could therefore be reasonable in the circumstances. However, in order to test this position, the question for the case examiners is whether advice is sufficient in this case, or if a warning order might be required in order to show disapproval and signal that if the behaviour is repeated it will result in a more severe outcome.

In principle, the case examiners consider it plausible that a warning order would be necessary in this case. This is because a conviction is a serious matter and can adversely impact upon public confidence in the social work profession. It is also the case that if the social worker were to repeat the conduct currently before the regulator, it is highly likely that it would result in a more severe outcome.

However, in the case examiners' view, although there is clear merit to a warning order in this case, advice may be considered sufficient in light of the following mitigating circumstances:

- The case examiners have accepted that there is some evidence to suggest the social worker may have unintentionally ingested alcohol.
- The case examiners have set out their view that this mitigating factor holds lesser weight than the aggravating factors in this case and, for this reason, a finding of impairment is required in the public interest and a no further action outcome would be insufficient.
- However, the case examiners consider that it would be disproportionate to wholly disregard this mitigating factor, and they consider that it might hold sufficient weight to support an outcome of advice, rather than a warning order.

- The case examiners are mindful that this point will have been immaterial to the social worker's conviction, and the case examiners do not seek to undermine the finding of the court. However, the case examiners consider that drink driving related offences are relevant to professional practice for two key reasons – the fact that a professional has received a conviction, and because drink driving convictions in particular can raise question about a social worker's judgement.
- In the case examiners' view, there is a material and legitimate distinction to be drawn within the regulatory arena between cases where a social worker has deliberately and knowingly consumed alcohol and then chosen to drive, and cases where a social worker has unintentionally ingested alcohol. This is because, in the case examiners' view, the former might suggest a greater degree of poor judgement than the latter.

In light of the above, the case examiners consider it appropriate to step down from a warning order and issue advice. The case examiners would caution, however, that it remains to be the case that any repetition would be likely to result in a more severe outcome.

With regards to the lifespan attached to the advice outcome, the case examiners are guided to consider what would be the minimum necessary lifespan to protect the public and to uphold public confidence in the social work profession. In the case examiners' view, these objectives could be achieved with a 1 year advice outcome and, therefore, any longer outcome would be disproportionate in the circumstances. This is also in part because the case examiners would have considered a 1 year warning order appropriate, had they remained at that level of sanction, and therefore the implementation of a longer advice outcome would have a punitive effect.

The case examiners have decided to propose to the social worker advice of 1 year 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 advice

The case examiners advise the social worker as follows:

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

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

As a social worker, I will not:

5.2 Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.

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

Response from the social worker

The case examiners received a completed accepted disposal response form, dated 19 May 2025, which included 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 advice of 1 year duration.