

Case Examiner Decision  
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SW135646  
FTPS-23405

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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 | 07 May 2025                                           |
|                     | Accepted disposal proposed – 6 month suspension order |
| Final outcome       | 04 June 2025                                          |
|                     | Accepted disposal – 6 month suspension order          |

### Executive summary

The case examiners have reached the following conclusions:

1. There is a realistic prospect of regulatory concerns 1 and 2 (2.1 and 2.2) being found proven by the adjudicators. [REDACTED]
2. There is a realistic prospect of regulatory concerns 1 and 2 (2.1 and 2.2) being found to amount to the statutory grounds of a conviction or caution in the United Kingdom for a criminal offence and misconduct.
3. For regulatory concerns 1 and 2 (2.1 and 2.2), 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.

As such, the case examiners requested that the social worker was notified of their intention to resolve the case with a suspension order of six months' duration. The social worker subsequently confirmed that they accepted the terms of the proposed disposal in full, and having reviewed their decision, the case examiners remain of the view that a suspension order of six months' duration remains the appropriate outcome for 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 only from the published copy of the decision and will therefore be shared with the complainant in their copy. Text in [REDACTED] 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 Social Work England                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Date the complaint was received | 29 January 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Complaint summary               | <p>The social worker, during a routine registration renewal application, provided a positive response to the question “<i>have you ever been convicted or cautioned for any criminal offences as above?</i>” The social worker advised that this was in relation to driving while under the influence of a banned substance.</p> <p>During the course of Social Work England’s subsequent investigation, further concerns arose alleging that the social worker failed to make relevant disclosures to both their employer and the regulator.</p> |

### Regulatory concerns

(As amended by the case examiners)

Whilst registered as a social worker:

1. On or around 15 April 2024, you were convicted of driving a motor vehicle whilst under the influence of a controlled drug (cannabis).
2. You failed to disclose the police investigation and/or criminal charges relating to Regulatory Concern 1 in a timely manner to the following:

2.1 Birmingham Children’s Trust

2.2 to Social Work England



Grounds of impairment:

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

The matter outlined in regulatory concern 2 [REDACTED] amounts to the statutory ground of misconduct.

Your fitness to practise is impaired by reason of a conviction or caution in the United Kingdom for a criminal offence and/or misconduct.

## Preliminary issues

| Investigation                                                                                                                                                                                                                               |     |                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------------------------------------|
| Are the case examiners satisfied that the social worker has been notified of the grounds for investigation?                                                                                                                                 | Yes | <input checked="" type="checkbox"/> |
|                                                                                                                                                                                                                                             | No  | <input type="checkbox"/>            |
| Are the case examiners satisfied that the social worker has had reasonable opportunity to make written representations to the investigators?                                                                                                | Yes | <input checked="" type="checkbox"/> |
|                                                                                                                                                                                                                                             | No  | <input type="checkbox"/>            |
| 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 | <input checked="" type="checkbox"/> |
|                                                                                                                                                                                                                                             | No  | <input type="checkbox"/>            |
| 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 | <input checked="" type="checkbox"/> |
|                                                                                                                                                                                                                                             | No  | <input type="checkbox"/>            |

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

The case examiners have made the following amendments to regulatory concern 2, as highlighted in italics:

2. *You failed to disclose the police investigation and/or criminal charges relating to conviction outlined at* Regulatory Concern 1 in a timely manner to the following:

2.1 Birmingham Children's Trust

2.2 to Social Work England

The case examiners are of the view that the amendment at concern 2 is required in order to accurately capture the facts presented to them in the evidence bundle. The evidence indicates (see email from Social Work England's registration and advice team, dated 24 January 2024) that the social worker made their declaration of a

conviction to Social Work England's registration renewal team prior to their actual conviction date. The conviction was not until 15 April 2024, almost 13 months after the date of the alleged criminal offence (25 March 2023), and over four months after the social worker declared the conviction to the regulator.

Therefore, rather than failing to disclose a conviction, the evidence indicates that the social worker may have failed to disclose their involvement in police proceedings, i.e. being subject to a police investigation and subsequently criminal charges. The case examiners are satisfied that the amendments they have made are not material and do not prejudice the social worker; it is clear from the evidence bundle and the social worker's submissions they were aware that they were not convicted of the relevant offence until 15 April 2024. It is also clear from the evidence provided by the employer, that they were concerned with, and interviewed the social worker in relation to, the social worker's arrest and charges (rather than conviction). The case examiners therefore consider it to be unnecessary and disproportionate to delay consideration of the case further by seeking additional submissions from the social worker in relation to the amended concern.

Evidence relating to the date that the social worker completed the above disclosure to Social Work England has been shared with the case examiners on 7 May 2025, and as such was not included in the bundle of evidence previously seen by the social worker. Again, the case examiners are again of the view that it is unnecessary and disproportionate to delay consideration of the case further by seeking additional submissions from the social worker in relation to the evidence of the date of the form submission. While the date of submission was not previously included, it was already clear from the evidence in the bundle that the submitted form was prior to 24 January 2024, as it is addressed in the email from Social Work England's registration and advice team of that date (24 January 2024). The case examiners did not require the precise date in order to make a finding on the evidence as previously shared with the social worker prior to their final submissions.

The case examiners are aware of the need to consider cases expeditiously and the need to ensure fairness to all parties. They have also noted the case examiner guidance, which states they should only request further information if it would not be possible to reach a decision without it. The case examiners are satisfied that their chosen course of action is consistent with their guidance.

## 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 2 (2.1 and 2.2) 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/or misconduct, and that the social worker's fitness to practise could be found impaired.

### Reasoning

#### Facts

Whilst registered as a social worker:

1. On or around 15 April 2024, you were convicted of driving a motor vehicle whilst under the influence of a controlled drug (cannabis).

The case examiners have been provided with a copy of a certificate of conviction which confirms that on 15 April 2024, the social worker pleaded guilty to, and was convicted of the following:

*"On 25/03/2023 ... drove a motor vehicle, .... when the proportion of a controlled drug, namely Cannabis, in your blood, (was greater) than 7.0 ug/L, exceeded the specified limit."*

The certificate indicates that the social worker was disqualified from driving for a period of 12 months, and also received a fine.

There is also police evidence outlining the circumstances leading to the subsequent criminal charges being raised, and the social worker admits the concern in their submissions.

**The case examiners are therefore satisfied that there is a realistic prospect of adjudicators finding the facts of concern 1 proven.**

2. You failed to disclose the police investigation and/or criminal charges relating to Regulatory Concern 1 in a timely manner to the following:

- 2.1 Birmingham Children's Trust

- 2.2 to Social Work England

The case examiners have carefully considered all of the evidence presented to them, and have particularly noted the following information in relation to concern 2 (2.1 and 2.2):

Evidence of the police investigation and/or criminal charges:

Police records indicate that on 25 March 2023, police officers had cause to speak with the social worker who was at that time the driver and sole occupant of a motor vehicle. The social worker was subsequently arrested and interviewed by the police, and while in police custody was subjected to a 'drugs wipe', which tested positive for cannabis. The results of this 'wipe' led to the police taking an evidential blood sample from the social worker while they were in police custody.

The social worker was released from police custody on 26 March 2024. The case examiners have had sight of a copy of a "*notification of release from police custody without bail*" form in the name of the social worker and dated 26 March 2024. This form outlines the nature of the allegations against the social worker (i.e. "*driving - in charge – unfit through drink/drugs*") and carries clear information in bold type stating that "**You remain under police investigation and the case will be kept under review**". This also reminds the social worker to inform the police of any address changes.

An email from the police dated 2024, confirms that the above notification of release form was auto-generated at 15.55hrs on 26 March 2023 from the social worker's custody record.

The results of the blood sample taken from the social worker while in custody subsequently indicated that the social worker had THC (tetrahydrocannabinol) levels

of 7.0 ug/L (i.e. micrograms per litre of blood), with the specified limit for driving being 2 ug/L.

A police 'certificate of service' indicates that on 13 September 2023 the social worker was served, by post, with a "written charge and requisition" to their last (or usual) 'place of abode'. A copy of the 'notice of criminal charge' for the social worker advises them that they must attend court on 25 October 2023, in relation to the offence of driving a motor vehicle on 25 March 2023, when the proportion of a controlled drug, namely cannabis, exceeded the prescribed limit.

Evidence within the bundle indicates that the social worker first attended court on 25 October 2023 as required. Following an initial not guilty plea, the social worker was remanded on conditional bail (i.e. an exclusion to drive a motor vehicle on a road or public place), pending a court trial date of 15 April 2024.

From the information presented to them the case examiners are of the view that the social worker knew that they were subject to criminal proceedings from 26 March 2023. On 26 March 2023 they were informed that they were subject to a police investigation into driving a motor vehicle while over the prescribed limit for cannabis, and on 13 September 2023 they were written to, informing that they were charged with this offence. Further, on 25 October 2023 the social worker was released from the court on conditional bail in relation to this offence.

#### Failure to disclose to Birmingham Children's Trust:

The case examiners have been provided with evidence from the Trust, which includes an investigation officer's report, and relevant appendices. This information sets out that:

A manager from the Trust had cause to ask the social worker about whether they used cannabis on 8 March 2023, following a report from an education professional that a child service user had commented that the social worker smelled of cannabis during a school visit. The education professional commented that they had also smelled cannabis on the social worker or their clothing. During the discussion the social worker denied smoking cannabis, and stated that they must have picked up the smell on clothing from others who did. No action was taken, but the social worker was advised about the reputational risk, including to social work as a profession, and the Trust, if they were to use cannabis in their personal life. The case examiners note that this discussion took place just over two weeks prior to the alleged offence of driving under the influence of cannabis occurred.

On 28 March 2023, the social worker informed a covering team manager that she needed time to collect her vehicle which had been seized by the police having been

stopped by them; the social worker did not however, inform that manager that she was subject to a drug-related criminal investigation.

On 3 April 2023, the social worker spoke with her team manager who had returned from annual leave, and asked if she had been made aware by the covering manager that she had been stopped by the police. Again, the social worker did not inform her own line manager that she had been arrested for driving under the influence of cannabis, and remained subject to a criminal investigation.

On 3 April 2023 the social worker advised another social worker attending her address in a professional capacity that she had been drug tested by the police during the relevant incident, but did not share that she had tested positive for cannabis, or that she had been released pending further investigations.

On 6 April 2023 the social worker's line manager held a fact-finding meeting with the social worker, following a police referral about the social worker's arrest, but which did not advise of the on-going drug-related investigation. Again, the social worker did not advise her manager of the on-going police investigation.

On 2 May 2023 a police officer during the course of a LADO (Local authority designated officer) meeting advised the Trust that the social worker had tested positive for cannabis while in custody, and that blood tests had been taken for evidential purposes, which subsequently proved positive. This was the first time that the Trust became aware that the social worker was under investigation for a drug related offence.

Following the information from the police, the social worker was interviewed on three occasions during their employer's investigation. The record of the interview of 5 July 2023, indicates that the social worker maintained that she did not use cannabis, and that she had not done *"anything wrong"*. It is recorded that the social worker was asked if they had an issue with drugs and was reminded that this was not the first time that the employer had had cause to speak to them regarding potential drug use. The social worker was advised that if they do use drugs, *"there is a lot of support out there, and it is our role and duty to support you through that if that should be the case"*. The social worker responded that they did associate with others who smoked cannabis, but did not have an issue with drugs themselves. The social worker also advised that she was *"confident that the blood test will prove a negative result – i.e. not positive for cannabis"*.

During a further employer's investigation meeting dated 8 November 2023, after the employer had been advised that the blood test taken by the police had tested positive for cannabis, the social worker informed their employer that they had not been smoking cannabis, but had occasionally taken it in the form of cakes. They stated they

had done so to help them sleep, as they had been going through “*quite a lot emotionally*” at the relevant time. The social worker was asked about having told their employer previously that they did not use cannabis; the social worker stated that they recalled saying they did not have a problem with cannabis, and that they did not smoke it around the relevant period.

In a subsequent investigation interview following her conviction, dated 15 May 2024, the social worker confirms that they had pleaded guilty in court to the charge of driving a motor vehicle while above the legal limit for cannabis. The social worker advises they used cannabis to help them sleep, and had sought counselling instead.

From the evidence presented to them, the case examiners are of the view that there is evidence to indicate that the social worker failed to inform their employer about being subject to criminal proceedings, despite being subject to a police investigation since 26 March 2023, and having several specific opportunities to be open and transparent with their employer about the events of 25/26 March 2023, when speaking with a visiting social worker and managers about the circumstances of their arrest and detention. This was also despite being reminded by a manager prior to the drug-related offence on 25 March 2023 of how drug use could adversely impact on the reputation of the Trust and on public confidence, and participating in a fact finding meeting about the circumstances of their arrest and detention with a manager on 6 April 2023. It was not until almost six weeks after events that led to the social worker being subject to a police investigation that their employer became aware, via the police, of the full facts of the criminal investigation, and that it involved suspected cannabis use.

#### Failure to disclose to Social Work England:

The case examiners have had sight of a registration renewal form submitted by the social worker to Social Work England’s registration and advice team, which they understand to have been submitted on 30 November 2023. This form is required to be submitted by all social workers as part of their annual registration renewal process, and includes the question “*Have you ever been convicted or cautioned for any criminal offences as above?*”. The social worker responded “Yes” and indicated that this was in relation to driving while under the influence of a banned substance. The case examiners note that despite the social worker’s response, at this time the social worker had not yet actually been convicted of the offence, but was subject to criminal proceedings.

The case examiners note that a period of over eight months had passed between the social worker’s arrest and release from custody pending ongoing police investigations, and the social worker’s registration renewal. There is no evidence to suggest that the

social worker made any previous declaration to Social Work England regarding criminal proceedings.

In relation to a requirement for the social worker to disclose to both the Trust and Social Work England that they were under investigation into a drug-related motoring offence, the case examiners have noted Social Work England's professional standard below.

*6.6 (I will) Declare to the appropriate authority and Social Work England anything that might affect my ability to do my job competently or may affect my fitness to practise or if I am subject to criminal proceedings or a regulatory finding is made against me, anywhere in the world.*

The social worker, in their submissions, accepts this concern (2.1 and 2.2)

**The case examiners are satisfied, in light of the evidence outlined above, that there is a realistic prospect of adjudicators finding the facts of concern 2.1 and 2.2 proven.**

## Grounds

The case examiners will next consider the relevant statutory grounds in relation to those concerns (1, 2.1 and 2.2) for which they have found a realistic prospect of being found proven by adjudicators in relation to the facts.

In relation to concern 1, the relevant ground is a conviction or caution in the United Kingdom for a criminal offence.

As noted in their consideration of facts above, the case examiners have had sight of a copy of a court certificate of conviction on 15 April 2024. The case examiners are aware that such a certificate can be relied on as proof that these statutory grounds are engaged.

**The case examiners are therefore satisfied that there is a realistic prospect of adjudicators finding the statutory grounds of conviction or caution in the United Kingdom for a criminal offence proven.**

In relation to concern 2 (2.1 and 2.2), the relevant ground is misconduct.

The case examiners are aware that misconduct is generally considered to consist of serious acts or omissions, which suggest a significant departure from what would be expected of the social worker in the circumstances. This can include conduct that takes place in the exercise of professional practice and also conduct which occurs outside the exercise of professional practice, but calls into question the suitability of the person to work as a social worker.

To help them decide if the evidence suggests a significant departure from what would be expected in the circumstances, the case examiners have considered Social Work

England's professional standards for social workers, which were applicable at the time of the concerns. Having done so, they are of the view that the social worker may have breached the following standards:

3.1 Work within legal and ethical frameworks, using my professional authority and judgement appropriately.

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.

6.6 Declare to the appropriate authority and Social Work England anything that might affect my ability to do my job competently or may affect my fitness to practise or if I am subject to criminal proceedings or a regulatory finding is made against me, anywhere in the world.

Social Work England's guidance on the professional standards for social workers reminds them that "*ethics in the context of social work is about the professional responsibilities and values social workers have and how they conduct themselves inside and outside the workplace*". It also outlines the "*duty of candour*" for social workers, and the need to be open with colleagues, employers, and the regulator, including in relation to being investigated for a criminal offence.

The case examiners have noted evidence indicating that the social worker would have been provided with information at the time of their release from police custody that they remained subject to a police investigation for a drug-related offence. There is also evidence that they had, in the few weeks prior to this, been informed by their employer of the importance of not taking cannabis, due to the impact on them as a professional, on the Trust, and on public confidence. There were, in the view of the case examiners, a duty and clear opportunities for the social worker to inform their employer of the police investigation, and a duty to inform their regulator.

The case examiners are of the view that the social worker's failure to ensure a timely declaration was made regarding their criminal proceedings, had the potential to delay any risk assessment and subsequent organisational response to manage the risks identified, and as such represents a significant breach of the required standard.

**The case examiners are therefore satisfied that there is a realistic prospect of adjudicators finding the statutory grounds of misconduct proven.**

### 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 of the view that the regulatory concerns engaged in this case are capable of remediation. This could be achieved, for example through the demonstration of clear insight into why the alleged actions from which the concerns arose occurred, evidence that the social worker understands the seriousness of the alleged breaches and impact on public confidence in the profession, and evidence that such actions are unlikely to be repeated.

#### Insight and remediation

The case examiners consider that the social worker has demonstrated some insight and remediation into how the offence occurred and how they could avoid a repetition, but consider it to be limited in scope. The social worker states that they take “*full responsibility*” and “*recognises the gravity of the situation*”. They admit the concerns, articulate remorse and regret, and have provided assurances that they no longer use illegal substances. They also describe how they have since sought alternative support in the form of counselling and engaged with their GP to address personal challenges and any health concerns.

However, the case examiners are aware that insight is considered stronger when it is demonstrated at an early stage. In this case, they note that the social worker, over a period of around six weeks, failed to inform or respond to opportunities to inform their employer of the ongoing police investigation, and that this was despite having been warned in the few weeks prior to the offence of the likely adverse impact of taking drugs. Furthermore, a period of over eight months passed before the social worker advised Social Work England of the relevant offence.

In addition, the case examiners are concerned that the social worker does not address at any point why the offence they were convicted of was serious, and the potential adverse consequences of driving under the influence of cannabis. In their

final submissions to the regulator, the social worker states that they were “*not under the influence and was not impaired in any way. This can be confirmed by police*”. The case examiners are of the view that this indicates that the social worker does not fully understand the gravity of their offending, or that by being over the legal limit for cannabis in their blood, their ability to drive safely is likely to have been impaired; this is why there is legislation prohibiting this. While there is no evidence that the police were concerned by the manner of the social worker’s driving, and stopped the social worker while driving for other reasons, this does not mean that the social worker’s driving was not impaired.

The case examiners are also of the view that the social worker does not fully appreciate how the circumstances surrounding their conviction, i.e. taking cannabis, may have impacted on public confidence in them as a professional, and on the reputation of the profession. In their initial comments to the regulator, dated 30 September 2024, the social worker states that they had had “*no concerns raised at work and all my families were able to receive the support that was needed to ensure that children and families were safe. I never came to work after the consumption of the baked goods*”. There is evidence, however, that concerns were raised in the weeks prior to their conviction about the social worker smelling of cannabis during a school visit to a child service user.

The social worker has not provided any evidence of having engaged in any training, personal development or reflective practice into issues particularly relevant in this case, such as the impact of drug use on driving, or the importance of openness, transparency and/or ethical conduct in social work.

#### Risk of repetition

Having found insight and remediation to be limited, including in relation to why it is illegal to drive under the influence of drugs, and the importance of openness and transparency in social work, the case examiners are of the view that a risk of repetition of the concerns 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.

Having carefully considered all of the information presented to them, the case examiners are of the view that a fully informed and reasonable member of the public would be concerned by evidence that a social worker had driven under the influence of cannabis, particularly when already having been warned about such drug use

following an incident of smelling of cannabis while visiting a child service user at school. Evidence that the social worker then failed to inform their employer and regulator of criminal proceedings, despite a duty and specific opportunities to do so, is also likely to exacerbate such concern. The case examiners consider that a finding of impairment and an appropriate sanction would be expected by the public to maintain public confidence in the profession and maintaining professional standards.

**The case examiners are therefore satisfied that there is a realistic prospect of adjudicators finding 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 | <input type="checkbox"/>            |
|                                                                | No  | <input checked="" type="checkbox"/> |

### Referral criteria

|                                                                                                                                        |     |                                     |
|----------------------------------------------------------------------------------------------------------------------------------------|-----|-------------------------------------|
| Is there a conflict in the evidence that must be resolved at a hearing?                                                                | Yes | <input type="checkbox"/>            |
|                                                                                                                                        | No  | <input checked="" type="checkbox"/> |
| Does the social worker dispute any or all of the key facts of the case?                                                                | Yes | <input type="checkbox"/>            |
|                                                                                                                                        | No  | <input checked="" type="checkbox"/> |
| Is a hearing necessary to maintain public confidence in the profession, and/or to uphold the professional standards of social workers? | Yes | <input type="checkbox"/>            |
|                                                                                                                                        | No  | <input checked="" type="checkbox"/> |

### Additional reasoning

The case examiners have considered whether a referral to a hearing may be necessary in the public interest, and have noted the following:

- There is no conflict in the evidence in this case and the social worker accepts the key facts.

While the social worker has indicated that they do not consider themselves to be currently impaired, the case examiners' decision and proposal will allow the social worker to review the case examiners' reasoning on impairment and consider whether they do accept the case examiners' findings. It is open to the social worker to reject any accepted disposal proposal and request a hearing if they wish to explore the matter of impairment in more detail.

The case examiners are therefore 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            | <input type="checkbox"/>            |
|                   | Advice                       | <input type="checkbox"/>            |
|                   | Warning order                | <input type="checkbox"/>            |
|                   | Conditions of practice order | <input type="checkbox"/>            |
|                   | Suspension order             | <input checked="" type="checkbox"/> |
|                   | Removal order                | <input type="checkbox"/>            |
| Proposed duration | 6 months                     |                                     |

### Reasoning

In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's impairment and sanctions guidance (December 2022) and reminded themselves that the purpose of sanction is not to punish the social worker but 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 options in ascending order of seriousness.

The case examiners determined that taking no further action was not appropriate in a case where it has been alleged that the social worker has a criminal conviction for a drug related driving offence and failed to disclose this to their employer and regulator. Taking no further action is not sufficient to mark the seriousness with which the case examiners view the social worker's alleged conduct, and fails to safeguard the wider public interest.

The case examiners have considered offering advice or a warning to the social worker, but they note the sanctions guidance which states these outcomes do not directly restrict practice, and are thus unlikely to be appropriate where a risk of repetition has been identified. While Social Work England's drink and drug driving policy does indicate that a warning may be appropriate in some circumstances, the case examiners note a number of aggravating factors in this case. These include evidence that the social worker, while under the influence of drugs, had transported a passenger in their vehicle, and a lack of transparency and openness by the social worker with both their employer and regulator in relation to the on-going criminal proceedings.

This, together with the identified risk of repetition due to limited insight and remediation, in the opinion of the case examiners, makes a warning inappropriate in all the circumstances of this case.

Next, the case examiners turned their minds to conditions of practice. The primary purpose of a conditions of practice order is to protect the public whilst the social worker takes any necessary steps to remediate their fitness to practise. Conditions are most commonly applied in cases of lack of competence or ill health. The sanctions guidance states that conditions are less likely to be appropriate in cases of character, attitudinal or behavioural failings. The case examiners carefully considered whether conditions of practice may be appropriate in this case. However, the case examiners note that any conditions must be appropriate, proportionate and workable. In this case, the social worker's actions took place outside of social work practise, and in addition, the social worker is not currently practising as a social worker, and has not indicated that they wish to do so. The case examiners therefore conclude that conditions are unworkable.

As such, the case examiners went on to consider suspension. The sanctions guidance states that suspension is appropriate where no workable conditions can be formulated that can protect the public or the wider public interest, but where the case falls short of requiring removal from the register. In this case, while the case examiners consider the concerns to be serious, they do not consider that they are so serious as to be incompatible with the social worker returning to the profession in the future. The case examiners consider therefore that suspension is the most appropriate sanction to reflect the seriousness with which they view this case, and is the minimum necessary to protect the public. The case examiners are of the view that the social worker could use a period of suspension to reflect, develop insight, and remediate the concerns that have been raised, and to mitigate the risk of repetition identified by the case examiners.

Whilst suspension risks de-skilling the social worker, the case examiners note that the social worker is not currently practising, and also consider that the current risk to the public and public confidence outweighs any detriment to the social worker by not permitting them to engage in a social worker role at this time.

To test the appropriateness of their sanction, the case examiners next turned their minds to removal. While they consider that a removal order could be required, given the risk of repetition and the serious nature of the allegations, the case examiners are of the view that adjudicators may consider, in all the circumstances of this case, that the social worker's conduct may fall short of requiring removal from the register. In particular they have noted:

- The social worker has accepted the key facts in this case.
- The social worker has previously been of good character.

The case examiners have carefully considered the appropriate length of the proposed suspension order. While they consider that the allegations are serious enough to warrant a suspension, the case examiners have balanced this against the amount of time likely to be required for the social worker to develop fuller insight and remediation. The case examiners have concluded that a 6-month suspension is the minimum necessary to meet the wider public interest, and to provide sufficient time for the social worker to reflect on their alleged conduct and to demonstrate that they are no longer impaired.

To conclude, the case examiners have decided to propose to the social worker a suspension order of 6 month's duration. They request that the social worker is notified of their proposal, and seek the social worker's agreement to dispose of the matter accordingly. The social worker will be offered 28 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.

## Recommendations for the social worker

The case examiners are aware that in cases of suspension, they are able to recommend to the social worker actions which they may wish to take ahead of a future review of the order. As such, the case examiners recommend that the social worker focusses on actions which demonstrate insight and remediation into the breaches of professional standards that they have highlighted in this case. This is likely to include, but is not limited to, evidence of personal development and reflection on:

- how driving under the influence of cannabis places members of the public at risk of harm;
- the value of ethics and a duty of candour in social work;
- how their conduct inside and outside the workplace can impact on public trust and confidence and the maintenance of professional standards.

## Response from the social worker

On 3 June 2025 the social worker accepted the proposed disposal, confirming as follows:

*“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

In light of the social worker’s acceptance of the 6 months’ suspension order, the case examiners have considered again whether there would be a public interest in referring this matter to a 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 suspension 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 6 months’ suspension order is a fair and proportionate disposal, and is the minimum necessary to protect the public and the wider public interest.