

Case Examiner Decision
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FTPS-24010

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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	1 October 2025
	Accepted disposal proposed - warning order (3 years)
Second Preliminary outcome	23 October 2025
	Accepted disposal proposed - warning order (3 years)
Final outcome	2 December 2025
	Accepted disposal - warning order (3 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 ground of conviction or caution for a criminal offence in the United Kingdom. ■

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 was notified of their intention to resolve the case with warning order of 3 years duration. The social worker accepted the case examiners proposal on 11 November 2025.

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 the social worker as part of their registration renewal.
Date the complaint was received	30 November 2024
Complaint summary	The social worker informed the regulator during the registration renewal process on 30 November 2024 of their conviction. The social worker was convicted at court on 22 May 2024 for driving a motor vehicle with an alcohol level above the prescribed limit, following their arrest on 6 May 2024.

Regulatory concerns

Whilst registered as a social worker you:

1. Were convicted on 22 May 2024 of driving a motor vehicle whilst over the prescribed limit of alcohol at Westminster Magistrates Court.

Grounds of impairment:

The matters outlined in regulatory concern 1 amount to the statutory ground of criminal 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	<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

Additional information.

The case examiners note that the conviction certificate is not signed or stamped, however they note that the information within the certificate aligns with evidence

provided in the Disclosure and Barring Service (DBS) letter and the social worker accepts the regulatory concern. The case examiners therefore consider that there is no need to pause consideration of the case for this information to be sought.

The case examiners note that the social worker refers to completing a drink driving awareness course in both their submissions dated 22 February 2025 and the 28 July 2025. The case examiners noted they had no documentary evidence of the social worker's completion of the course. They, therefore, sought clarification from the investigator as to whether the social worker has undertaken the drink driving awareness course. The social worker confirmed on 23 September 2025 in an email, that they have not, to date, completed a drink driving awareness course. They said, *'Regarding the driving course, the deadline for completion was 3rd July. I had made enquiries and attempted to book onto a course at the end of June, however I was informed that it needed to be fully completed by 3rd July. Unfortunately, I had not realised that the requirement was for the course to be completed by this date rather than simply being enrolled by then. As a result, I was unable to complete it within the required timeframe'*.

As the case examiners were able to gather this information, they did not need to formally pause their consideration of the case.



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 this concern could amount to the statutory ground 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

Whilst registered as a social worker you:

1. Were convicted on 22 May 2024 of driving a motor vehicle whilst over the prescribed limit of alcohol at Westminster Magistrates Court.

The case examiners have seen a copy of the conviction certificate from Westminster Magistrate's Court dated 22 May 2024. The certificate confirms the offence was on 6 May 2024, where the social worker drove a motor vehicle with level of alcohol consumption above the prescribed limit, specifically 85mcg in 100ml of breath. The social worker pleaded guilty and was disqualified from driving for 20 months, to be reduced by 20 weeks subject to completion of an approve course by 3 July 2025; ordered to pay a surcharge of £200, and a £500 fine.

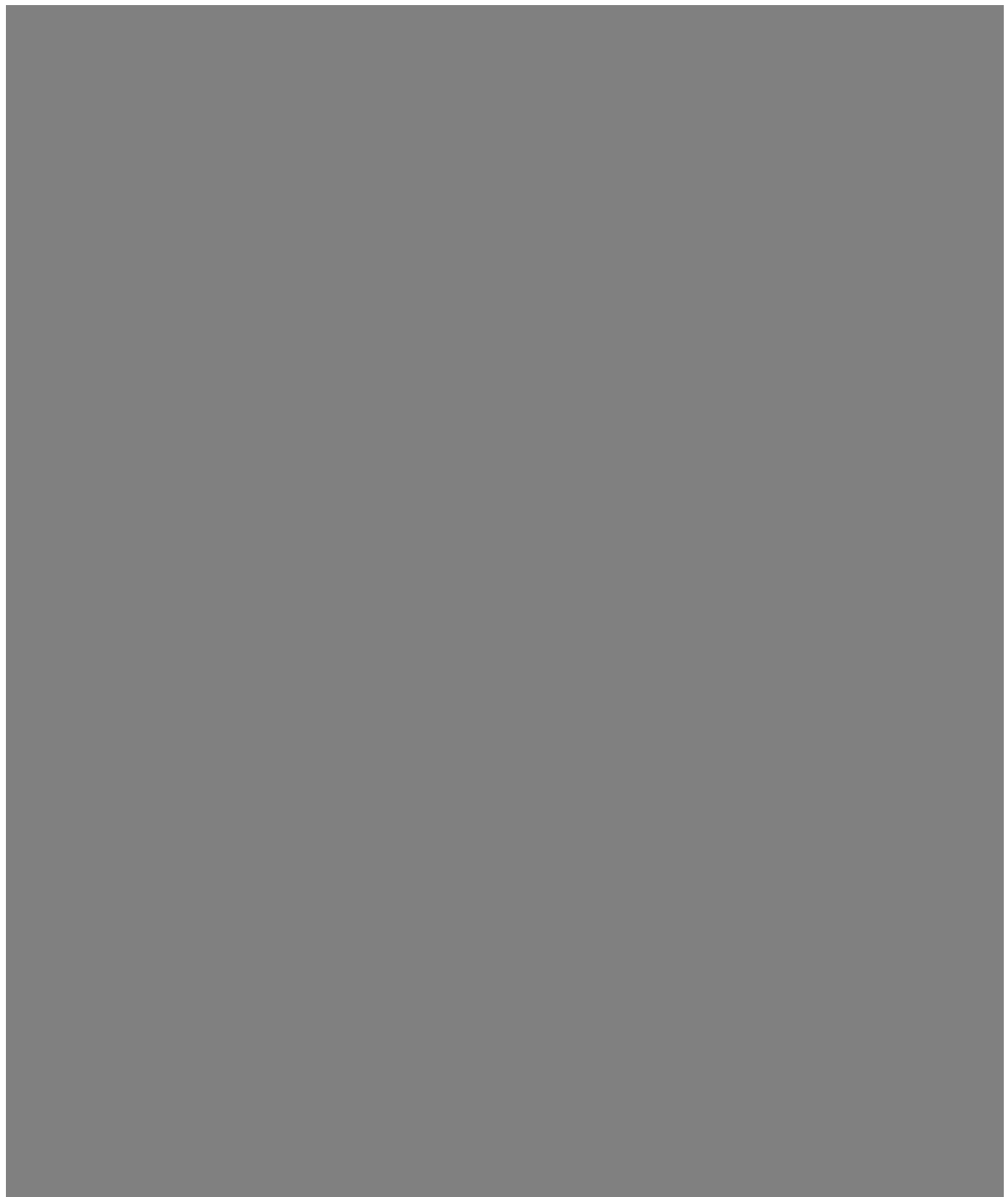
The case examiners have also seen a copy of the MG5 which states that the social worker was initially arrested for failure to provide sample of breath when they were

stationary in middle of road in their vehicle but subsequently provided a sample at the police station.

The case examiners have also seen a DBS Certificate, dated 20 August 2024, which contains the same information as set out in the conviction certificate.

The social worker in their submissions accepts this concern.

The case examiners are satisfied there is a realistic prospect of adjudicators finding this concern proven.





Grounds

Conviction or caution in the United Kingdom for a criminal offence

The case examiners have seen a copy of the conviction certificate from Westminster Magistrate's Court dated 22 May 2024. The certificate confirms the offence was on 6 May 2024, where the social worker drove a motor vehicle with level of alcohol consumption above the prescribed limit. The case examiners are satisfied that this sufficiently evidences the conviction.

On this basis, the case examiners consider there is a realistic prospect of adjudicators finding that that the statutory ground of conviction or caution in the United Kingdom for a criminal offence is engaged.





Impairment

The case examiners are aware they must assess both the personal and public elements of current impairment. They will consider each in turn.

Personal element

In considering the personal element of impairment, the case examiners have considered the test for personal impairment as set out in the case examiner guidance (2022), namely whether the conduct is remediable; whether the social worker has undergone remediation and demonstrated insight; and whether there is a likelihood the matters alleged will be repeated.

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

In respect of insight, the case examiners are aware that they must take care to assess the quality of any insight. A social worker may accept they have acted wrongly. However, simply asserting this is unlikely to be enough to demonstrate genuine insight. The social worker has shown remorse into their actions and has engaged in the regulatory process.

The social worker has shown some insight into their alleged conduct, albeit the case examiners consider that this is limited. The social worker recognises that their conduct had the potential to put people at risk of harm and also impact on the public's confidence in them and the profession. They state in their submissions, *'I deeply regret this incident and fully understand the potential risks it poses not only to myself but to others around me'*.

In their submissions the social worker explains what led to the events which are the subject of the concern. The social worker explains that, in summary, they intended to book an Uber after a brunch with friends but unfortunately misjudged the situation. *'As a result, the police found me to be over the legal alcohol limit. I accept this without reservation and wish to convey that this incident in no way reflects my usual behaviour or values.'* The social worker explains that they were going through a *'challenging period personally'* at the time of the conduct and that this contributed to poor decision making, even though they had planned to take alternative transport home.

However, the case examiners have not seen evidence or comment from the social worker that would suggest a genuine understanding of the impact of their actions on others, for example, an awareness of the risks and dangers of drink driving.

Turning their minds to remediation, the case examiners are aware that this is best shown by objective evidence. For example, by the successful completion of training courses. The case examiners have had sight of the social worker's intentions to complete a drink driving course but no evidence that this has been done.

The case examiners note that the social worker was offered the option of reducing their driving ban on completion of a drink driving awareness course, and although this was not mandatory, the case examiners note that the social worker appears not to have taken up this option. The case examiners note that the social worker was given the conviction on 22 May 2024, and in order to reduce their driving ban were required to complete this by 3 July 2025. In their submissions on 22 February 2025, they state, *'I made the conscious choice to undertake a drink driving awareness course to better understand the implications of my actions and learn strategies for avoiding such mistakes in the future', and 'I have also actively found a drink driving awareness course to participate in'*. In their submissions dated 28 July 2025 the social worker states, *'I have already taken the necessary steps to address the issue...located a drink driving course to take. These measures have been instrumental in helping me gain a deeper understanding of the importance of responsible decision-making and personal accountability'*.

The case examiners note that the course is not mandatory, and they accept there may be reasons as to why the social worker has not attended and they cannot require or expect the social worker to have completed this course. However, the case examiners note the social worker appears to have cited this as a source of significant learning for them, despite the fact that the evidence suggests that they have not yet completed this.

The social worker also states that they were experiencing some personal issues at the time of the incident, and they have sought support, [REDACTED]

[REDACTED] The case examiners have not seen any independent verification of this and furthermore, the social worker has not provided any information on how this has helped them address any issues or what they may do differently if faced with a similar situation in the future.

The case examiners have concluded that whilst the social worker appears to have undertaken some remediation, their insight remains incomplete. Therefore, the case examiners are of the view that there is a risk of repetition.

Public element

The case examiners 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. Public interest includes the need to uphold proper standards of conduct and behaviour and the need to maintain the public's trust and confidence in the profession.

The case examiners, when assessing the public interest, have had regard to the drink and drug driving policy (December 2022) which guides the case examiners to consider aggravating and mitigating factors when assessing how seriously the public would view the alleged conduct. In the absence of any aggravating factors, the guidance suggests that it would be unlikely that a finding of impairment or sanction would be imposed.

In this instance, the case examiners have identified the following aggravating factors:

- The social worker received a driving ban of 20 months, which was to be reduced by 20 weeks following the completion of a drink awareness course.
- The social worker's level of alcohol was over twice the legally specified limit.
- Whilst no actual harm was caused, the evidence suggests an unacceptable standard of driving by the social worker and that they placed other members of the public at risk as they were stationary in the middle of the road.
- The circumstances of the offence suggest the social worker was uncooperative with the police, as they were initially arrested for failing to provide a sample of breath for a preliminary breath test. The social worker did subsequently provide this in custody.

The case examiners have then considered the following mitigating factors:

- This evidence suggests that this was the social worker's first offence.
- The social worker has demonstrated remorse and some limited insight into their behaviour.
- The social worker is of good character, as evidenced in the employer's information.

The case examiners remain concerned about the social worker's insight and what they have learnt from the incident and as a result, they have concluded that there is a risk of repetition. Furthermore, they remind themselves that the social worker's actions had the potential to harm others. Social Work England's case examiner guidance states, '*case examiners should be careful when assessing actual harm caused by a social worker's actions and its impact on the seriousness of the case. An action that (by luck) has not caused harm may still represent an unacceptable risk of serious harm if repeated. If this is the case, case examiners should not regard it as any less serious because actual harm did not occur.*' The case examiners consider it reasonable to conclude that it is only by luck that harm was not caused to others.

The case examiners consider that members of the public may lack confidence in a social worker who was arrested for failing to provide a specimen of breath when required to do so by law and subsequently convicted of driving whilst under the influence of alcohol. The case examiners are of the view that, in the circumstances of this case, a member of the public may be troubled to learn that a social worker had been allowed to practise without sanction from their regulator.

Whilst there are several mitigating factors, the presence of aggravating factors and the potential risks identified leads the case examiners to conclude there is a risk to public confidence.

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

Having considered both the personal and public elements, the case examiners are satisfied that there is a realistic prospect of the adjudicators making a finding of current impairment.

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 carefully considered whether a referral to a hearing may be necessary in the public interest. They note the social worker has accepted the key facts; however, the social worker does not accept they are currently impaired.

Where a social worker does not accept impairment, the case examiner guidance suggests that a referral to a hearing may be necessary in the public interest. However, the case examiners note that the guidance states the social worker must accept the matter of impairment at the point of *concluding* the case and are of the view that this does not prevent them offering accepted disposal prior to this. The case examiners consider that it is reasonable to offer accepted disposal in this case because:

- There is no conflict in evidence in this case, and the social worker accepts the facts of the concern.
- The social worker is clear that they accept that their conduct fell short of the standards expected of them. In their submissions to the regulator, the social worker

stated, *'I understand the gravity of my actions, and I am deeply regretful for my behaviour and the potential risks it posed to both myself and others'*.

- The case examiners recognise that not all professionals will have an innate understanding of how and when impairment may be engaged, or how exactly this might impact upon findings concerning current fitness to practise.
- The accepted disposal process will provide the social worker an opportunity to review the case examiners reasoning on impairment and reflect on whether they are able to accept a finding of impairment. It is open to the social worker to reject any accepted disposal proposal and request a hearing if they wish to explore the question of impairment in more detail.
- Whilst the case examiners in this instance have concluded that there is a risk of repetition, they are of the view that the risk of repetition can be managed, and they have a number of sanctions available to them in order to satisfy the public that this risk is being managed without the need for this to be examined at a public hearing.
- 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.

The case examiners are aware that a case cannot be concluded through an accepted disposal process where a social worker does not agree that they are currently impaired. At this stage, the case examiners' proposal for an accepted disposal process does not mark the conclusion of the case, as that would require a response from the social worker for the case examiners' consideration and is also subject to a final review of the case by the case examiners, who may determine to send the matter to a hearing following any response received.

Accepted disposal

Case outcome

Proposed outcome	No further action	<input type="checkbox"/>
	Advice	<input type="checkbox"/>
	Warning order	<input checked="" type="checkbox"/>
	Conditions of practice order	<input type="checkbox"/>
	Suspension order	<input type="checkbox"/>
	Removal order	<input type="checkbox"/>
Proposed duration	3 years	

Reasoning

In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's 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 considered taking no further action. They note paragraph 95 of the sanction's guidance which states, when decision makers find impairment, an outcome of 'no further action' is rare. Further, the case examiners are of the view that a conviction for driving whilst under the influence of alcohol, along with failing to initially cooperate with the police, is serious, and that taking no further action does not reflect their consideration of the public interest in this case.

The case examiners next considered whether offering advice would be sufficient in this case. An advice order will normally set out the steps a social worker should take to address the behaviour that led to the regulatory proceedings. However, the case examiners consider that advice would not be sufficient to mark the seriousness of the social worker's conviction.

The case examiners next gave careful consideration to whether a warning order might be suitable, given that it would show clear disapproval of the social worker's conduct. The case examiners have concluded that there is a risk of repetition in this case, and

their sanctions guidance suggests that warnings may not be appropriate in such circumstances. The sanctions guidance suggests that a warning may be appropriate where:

- the fitness to practise issues are isolated.
- there is a low risk of repetition.
- the social worker has demonstrated insight.

Furthermore, the guidance states that decision makers should consider issuing a warning order where they cannot formulate any appropriate or proportionate conditions of practice, and a suspension order would be disproportionate.

In this instance, the case examiners consider that the alleged conduct appears isolated in nature, and the social worker has demonstrated some insight. Whilst the case examiners consider that there is a risk of repetition, they note that the alleged conduct took place outside of the workplace and in the social worker's personal life, therefore conditions would not be appropriate. Furthermore, they consider that suspension would be a disproportionate and punitive sanction, given that the social worker has undertaken some reflection, has engaged with the regulator, and indicated that they are willing to undertake further remediation to avoid any further incidents. Therefore, the case examiners determined that a warning was the most appropriate and proportionate response in this case and was the minimum necessary to protect the public and the wider public interest. A warning will serve as a signal that any repetition of the behaviour that led to the concerns is highly likely to result in a more severe sanction.

In considering the duration of the warning, the case examiners have had regard to the sanctions' guidance which states, '1 year may be appropriate for an isolated incident of relatively low seriousness'. In these cases, the primary objective of the warning is to highlight the professional standards expected of social workers.

The sanctions guidance tells us that 3 years may be appropriate for more serious concerns. This helps to maintain public confidence and highlight the professional standards. The period also allows more time for the social worker to show that they have addressed any risk of repetition. 5 years may be appropriate for serious cases that have fallen only marginally short of requiring restriction of practice'.

The case examiners consider 3 years to be proportionate in this case to maintain public confidence and to send a message to the public, the profession and the social worker about the standards expected from social workers. While the case examiners recognise that the matter is reported to be isolated, they do not consider that the

matter to be one of 'relatively low seriousness. The case examiners were concerned by the social worker's alleged lack of cooperation with the police at the roadside but took into account that there is no suggestion that the social worker did not fully comply with the police thereafter. The case examiners also consider that the social worker requires additional time to fully address the risk of repetition. Therefore, 3 years will allow the social worker additional time to fully demonstrate that they have reflected and understand what led to the conduct and how they may act differently in the future to address the risk, and that they understand the importance of maintaining the professional standards expected of social workers at all times. The case examiners do not consider that the matter fell marginally short of the need to restrict practice, and therefore 5 years would be disproportionate and punitive. To confirm, the case examiners are satisfied that a warning of 3 years duration is the proportionate sanction.

As noted above, the case examiners have considered whether conditions of practice and suspension, were more appropriate in this case. As noted, given the conduct occurred outside of the workplace, a conditions of practice order would not be necessary or appropriate in this case. The case examiners considered that suspension from the register would also be a disproportionate and punitive outcome, where the social worker has started to demonstrate some insight.

To conclude, the case examiners have decided to propose to the social worker a warning order of 3 years duration as a proportionate outcome. 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:

Driving whilst under the influence of alcohol is a serious criminal offence. Your decision to drive whilst over the prescribed limit for alcohol demonstrated a serious lack of judgement. You put yourself and members of the public at risk of harm. Your conviction could have an adverse effect on the public's confidence in you as a social worker. It may also damage the reputation of the social work profession.

The case examiners remind the social worker of the following Social Work England professional standard (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.

This conduct should not be repeated. Any further criminal offences or similar matters brought to the attention of the regulator are likely to result in a more serious outcome.

Initial response from the social worker

The social worker responded on 22 October 2025 requesting amendments.

The social worker requested that any reference relating to personal matters be redacted. They provided an update on their personal life.

The social worker also stated, *'I would like to clarify that I did make active attempts to book a drink driving awareness course before the July 2025 deadline but misunderstood that completion, rather than enrolment, was required by that date.'*

Initial case examiners' response

The case examiners have reviewed their decision and draw the social worker's attention to the 'anonymity and redaction section' of their decision on page 5, which sets out the publishing guidelines on redaction. The case examiners have already redacted matters relating to the social worker's personal life and these will not be published.

The case examiners note the update on the social workers personal life; however, they were provided with this information within the submissions already given by the social worker.

In terms of the drink driving awareness course, the case examiners consider that their reasoning on this matter is clear. The case examiners have already noted in their decision, that they cannot require a social worker to complete a course, therefore they placed little weight on the matter of whether the course was booked or not by the court

deadline. The case examiners' decision noted that the social worker placed significant weight on the learning they had achieved from this, having not completed the course.

The case examiners having reviewed their decision are of the view that no amendments are needed as the personal matters are already redacted and the reasoning on the drink driving awareness course is clear.

The case examiners will therefore request that the social worker is offered a final opportunity to consider their proposal of a warning order of 3 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.

Second response from the social worker

On 11 November 2025, the social worker responded to the proposed accepted disposal stating: *"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".*

Final case examiners' response

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

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

disposal by way of a warning order of 3 years duration is a fair and proportionate disposal and is the minimum necessary to protect the public and the wider public interest.

The case examiners therefore direct that the regulator impose a warning order of a 3 year duration.