

Case Examiner Decision
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FTPS-23066

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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 July 2025
	Accepted disposal proposed - warning order (1 year)
Final outcome	3 July 2025
	Accepted disposal - warning order (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 ground 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 a warning order of 1 year duration.

The social worker accepted the case examiners' proposal and the terms in full on 01 July 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 [REDACTED] will be redacted only 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	30 November 2023
Complaint summary	The social worker informed the regulator through their registration renewal application that they had been arrested for drink driving on 22 October 2023. The regulatory concern is outlined in full below.

Regulatory concerns

Whilst registered as a social worker:

1. On 7 May 2024 at Reading Magistrates Court, you were convicted of the offence of driving a motor vehicle whilst over the prescribed limit for alcohol.

The matter outlined in regulatory concern 1 amounts to the statutory grounds 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 those concerns 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

Regulatory concern 1:

Whilst registered as a social worker:

On 7 May 2024 at Reading Magistrates Court, you were convicted of the offence of driving a motor vehicle whilst over the prescribed limit for alcohol.

The case examiners have had sight of the certificate of conviction from the magistrates' court which confirms that on 22 October 2023 the social worker was arrested for driving a motor vehicle after consuming so much alcohol that the proportion of it in your blood, namely 117 milligrammes of alcohol in 100 millilitres of blood, exceeded the prescribed limit.

The social worker appeared in court on 07 May 2024 and was sentenced for the offence as follows:

- Disqualification from holding or obtaining a driving licence for 14 months (disqualification to be reduced by 14 weeks if by 30 March 2025 the defendant satisfactorily completes the drink drive rehabilitation course)
- Fine £153.00

With regards to the context of the offence the case examiners noted the following from police information provided:

- The police were called to attend the scene of an incident after a report of a car having ‘flipped’ on to its side.
- At the scene the social worker is treated medically by the fire service.
- Police attempt to breathalyse the social worker at the scene and the social worker is subsequently arrested for failing to provide a specimen of breath.
- A blood sample was taken from the social worker when in hospital.
- In police interview the social worker admitted to driving the vehicle.

The case examiners are satisfied that there is a realistic prospect of regulatory concern 1 being proven by adjudicators.

Grounds

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

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

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

Impairment

Assessment of impairment consists of two elements:

- The personal element, established via an assessment of the risk of repetition.
- The public element, established through consideration of whether a finding of impairment might be required to maintain public confidence in the social work profession, or in the maintenance of proper standards for social workers.

Personal element

With regards to the concerns before the regulator, the case examiners have given thought to their guidance, and they note that they should give consideration to whether the matters before the regulator are easily remediable, and whether the social worker has demonstrated insight and/or conducted remediation to the effect that the risk of repetition is highly unlikely.

Whether the conduct can be easily remedied

The case examiners consider that the conduct before the regulator can be remedied. In their view, the conduct is not fundamentally incompatible with continued registration and the evidence does not suggest any deep-seated character or attitudinal failing.

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 the successful completion of a suitable driving rehabilitation course.

Insight and remediation

The case examiners have considered the submissions from the social worker and consider they have shown a degree of insight into their conduct. The social worker states that they had completed a reflective journal, however states this was lost when visiting their family abroad.

The social worker has stated:

‘Driving under the influence: I fully accept responsibility for my actions on that night. I do not dispute the facts of the case or the regulatory concern raised. My decision to drive after drinking was a serious error in judgment, made under extreme emotional distress.

Impact on public trust and professional standards: I acknowledge that my actions fell short of the standards expected of a social worker and may have undermined public confidence in the profession. I deeply regret this and have taken steps to address the consequences.’

The case examiners are satisfied that the social worker has demonstrated a degree of insight and remorse, though they would have welcomed a greater depth of reflection in the social worker’s submissions.

With regards to remediation, the case examiners have been provided with a completion certificate for the drink drive rehabilitation course and the social worker

has provided some reflections to the regulator on the learning they have taken with regards to the serious potential consequences of their actions.

Risk of repetition

Having considered the evidence available in this case, the case examiners are satisfied that the social worker has taken steps to remediate and has shown a basic level of insight. The case examiners are satisfied that the risk of repetition has lowered.

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 and update June 2025), 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.
- there is evidence of an unacceptable standard of driving by the social worker, and particularly serious would be involvement in a road traffic collision.
- the extent to which the social worker's level of alcohol impairment was over the legally specified limit. The higher the level of alcohol 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).

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. 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 finding the social worker's fitness to practise to be currently impaired in respect of regulatory concern 1.

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.

The case examiners do not consider the case to be 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.

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

Where a social worker does not accept impairment, Case Examiner Guidance (December 2022) suggests that a referral to 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 all of the key facts.
- The case examiners are of the view that the risk of repetition has already been reduced, and therefore any finding of impairment would be primarily made in the public interest, to safeguard public confidence.
- The case examiners recognise that not all professionals will have an innate understanding of how and when the public interest may be engaged, or how exactly this might impact upon findings concerning current fitness to practise.
- The accepted disposal process will provide to the social worker an opportunity to review the case examiners' reasoning on impairment and reflect on whether they are able to accept a finding of impairment. It is open to the social worker to reject any accepted disposal proposal and request a hearing if they wish to explore the question of impairment in more detail.

The case examiners are also of the view that the public would be satisfied to see the regulator take prompt, firm action in this case, with the publication of an accepted disposal decision providing a steer to the public and the profession on the importance of adhering to the professional standards expected of social workers in England.

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 and update June 2025) 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.

The case examiners commenced by considering whether it may be appropriate to reach a finding of impairment, with no requirement for any further action (a no further action outcome). The case examiners were satisfied that, in this case, a finding of no further action would be insufficient to protect public confidence. In reaching this conclusion, the case examiners reminded themselves that the social worker drove a vehicle and was involved in a collision when under the influence of alcohol.

The case examiners have next considered whether offering advice would be sufficient in this case. An advice order will normally set out the steps a social worker should take to address the behaviour that led to the regulatory proceedings. The case examiners consider that whilst they could offer advice to prevent this situation

arising again, this would not be sufficient to mark the seriousness with which they viewed the social worker's conviction.

The case examiners went on to consider a warning order, which would provide a clearer expression of disapproval of the social worker's conduct than an advice order. The case examiners conclude that a warning order is the most appropriate and proportionate outcome in this case and represents the minimum sanction necessary to adequately address the public's confidence in the profession.

The case examiners considered that a warning order would appropriately mark the severity with which the case examiners view the social worker's conduct, and it would therefore appropriately safeguard public confidence in the social work profession, and in the regulator's maintenance of professional standards for social workers.

The case examiners therefore moved on to consider the length of the warning order, with reference to the regulator's sanctions guidance. Warning orders can be imposed for 1, 3 or 5 years. The case examiners are satisfied that in this case, a 1-year warning order would be sufficient to mark the conduct in question. In reaching this conclusion, the case examiners referred to the sanctions guidance, and noted the following:

The guidance states that 1-year orders may be appropriate for isolated incidents of relatively low seriousness. Having considered the aggravating and mitigating factors for this case the case examiners note the number of mitigating factors and social worker's response to the conviction, including the completion of the drink drive rehabilitation course. The case examiners are satisfied that the evidence suggests this is an isolated incident.

To test this position the case examiners considered the guidance in respect of 3- and 5-year orders. The guidance states 3-year order may be appropriate for more serious concerns and 5 years may be appropriate for serious cases that have fallen only marginally short of requiring restriction of practice.

The case examiners went on to consider whether the final sanctions, conditions of practice, suspension and removal order were appropriate in this case.

In the case examiners' view, a conditions of practice order or suspension order would be disproportionate. They concluded that conditions were more relevant in cases requiring some restriction in practice and were not suitable for this case of conviction that related to matters in the social worker's private life. The case examiners considered that suspension or removal from the register would be a disproportionate and punitive outcome in this case.

As such, the case examiners have decided to propose to the social worker a warning order with a duration of 1 year. 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 warning

The case examiners formally warn 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 warn that as a social worker, 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 the social worker 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 are likely to result in a more serious outcome.

Response from the social worker

The social worker responded by email on 01 July 2025 and returned the accepted disposal response confirming:

'I have read the case examiners' decision and the accepted disposal guidance. I admit the key facts set out in the case examiners 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.'

Within a separate email to the regulator, the social worker highlighted a factual error (an incorrect date) within the case examiners' report.

The social worker also queried the inclusion of one particular aggravating factor [REDACTED]

[REDACTED]

Case examiners' response and final decision

The case examiners have corrected the date highlighted by the social worker and thank them for drawing this to their attention. With regards to the aggravating factor queried by the social worker, upon review the case examiners recognised that they had not made clear that the paragraph that followed was in relation to this particular factor. The case examiners therefore amended the report to make the link clear.

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 case may be fulfilled through the accepted disposal process.

The case examiners therefore direct that the regulator enact a warning order, with a duration of 1 year.