

Case Examiner Decision
Lloyd Ncube – SW99567
FTPS-23964

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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	19 November 2025
	Accepted disposal proposed - warning order (3 years)
Final outcome	3 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 a conviction or caution in the United Kingdom for a criminal offence.
3. For regulatory concern 1, there is a realistic prospect of adjudicators determining that the social worker's fitness to practise is currently impaired.

The case examiners did not consider it to be in the public interest for the matter to be referred to a final hearing and they consider 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 warning order of 3 years duration.

On 29 November 2025 the social worker confirmed that they had read the case examiner's decision and the accepted disposal guide. The social worker confirmed that they understood the terms of proposed disposal of their case and accepted them in full.

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 the social worker as a self-referral.
Date the complaint was received	30 November 2024
Complaint summary	The social worker was arrested by the police after they had been the driver of a car involved in a road traffic collision and were found to have been under the influence of alcohol. The social worker was later convicted for driving whilst over the prescribed limit for alcohol consumption.

Regulatory concerns

Regulatory Concern 1: While registered as a social worker, on or around 21st January 2025, you were convicted for driving while under the influence of alcohol.

As amended by the case examiners

Regulatory Concern 1: While registered as a social worker, on or around 21 January 2025, you were convicted of driving a motor vehicle while over the prescribed limit for alcohol consumption.

Grounds of impairment:

RC1 amounts to the statutory ground of receiving a criminal conviction or caution in the United Kingdom.

Your fitness to practise is impaired by reason of your receipt of a criminal conviction or caution in the United Kingdom.

As amended by the case examiners

Regulatory concern 1 amounts to the statutory ground of a conviction or caution in the United Kingdom for a criminal offence.

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



Preliminary issues

Investigation		
Are the case examiners satisfied that the social worker has been notified of the grounds for investigation?	Yes	<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

Amendment to regulatory concern 1

The case examiners have made a clerical amendment to regulatory concern 1. Regulatory concern 1 was originally presented by the investigator as follows:

While registered as a social worker, on or around 21st January 2025, you were convicted for driving while under the influence of alcohol.

The case examiners have amended the wording to more accurately capture the offence for which the social worker was convicted.

The case examiners have made a minor clerical change to the wording of the statutory ground for regulatory concern 1. The investigator cited a '*criminal conviction or caution in the United Kingdom*', whereas the correct wording as per the

Social Workers Regulations 2018 is *‘a conviction or caution in the United Kingdom for a criminal offence.’* The amended wording of the statutory ground for regulatory concern 1 has also been used in the impairment section of the decision.

When assessing the impact of the amendments the case examiners have considered Social Work England’s case examiner guidance which states:

- *‘70. When deciding whether an amendment is material or minor, the case examiners should consider the impact of the amendment on both the seriousness of the case and the fairness to the social worker.’*

The case examiners are satisfied that the social worker is aware of what the regulator is alleging, and the amendments do not affect the seriousness of the case. The case examiners are satisfied that the amendments they have made are minor, and they therefore considered it to be unnecessary and disproportionate to delay consideration of the case further by seeking additional submissions from the social worker.

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.

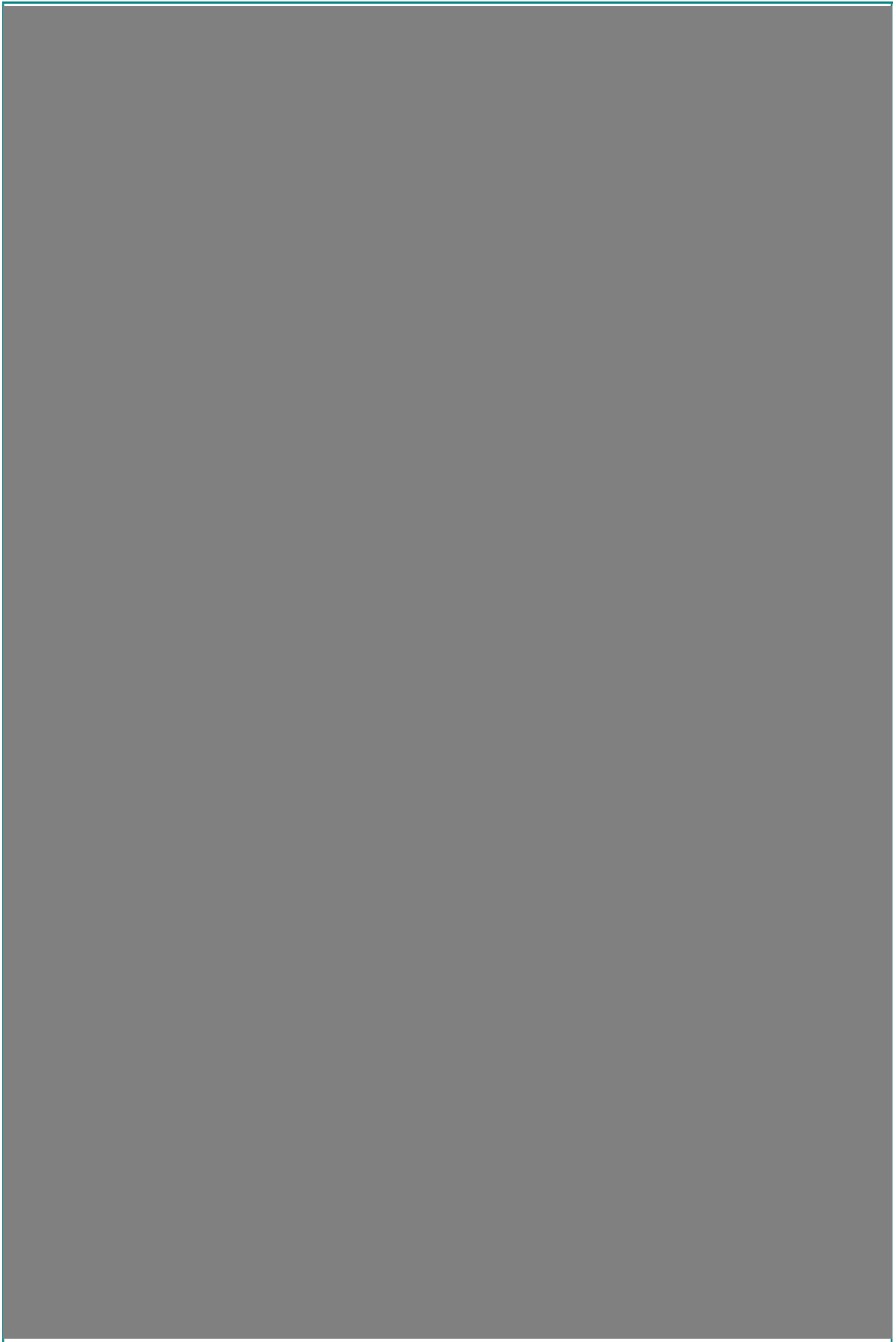
Reasoning

Facts

Regulatory Concern 1: While registered as a social worker, on or around 21 January 2025, you were convicted of driving a motor vehicle while over the prescribed limit for alcohol consumption.

The case examiners have had sight of the social worker's certificate of conviction from the Magistrate's Court. This demonstrates that the social worker was convicted on 21 January 2025 for the offence captured by the regulatory concern.

The social worker does not dispute that they were convicted as cited by the regulatory concern.



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

Grounds

Regulatory concern 1

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 had sight of the court document detailed above and they 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

Having concluded there is a realistic prospect of adjudicators establishing the statutory ground of a conviction or caution in the United Kingdom for a criminal offence, the case examiners must consider whether there is a realistic prospect of adjudicators finding current 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.

Relevant previous history

There is no relevant previous history in this case.

Admission of alleged facts

The social worker admits the allegations in regulatory concern 1. In their submissions the social worker accepts their role and responsibilities in relation to the events that gave rise to the concerns.

Insight

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.

In their submissions the social worker explains the circumstances that led to them driving whilst under the influence of alcohol, whilst it is unclear what went wrong and how the social worker ended up involved in an accident, they accept full responsibility for their actions. In summary, the social worker admits they consumed a beer around 11pm followed by a shot of whisky or tequila, but states that they had no recollection of the events that followed. The social worker has also addressed how they might act differently to avoid reoccurrence of similar concerns.

The case examiners highlight the following submissions from the social worker:

- *‘I accept full responsibility for my actions. It was not my intention to drink over the limit, and I did not foresee doing so.’*
- *‘I acknowledge I made grave errors in judgment regarding driving after visiting a venue where alcohol was consumed.’*
- *‘A key lesson for me is the importance of risk assessment and mitigation for example, I should not have driven to a place where drinking was involved, nor should I have taken the risk of driving afterwards.’*
- *‘I deeply regret this incident, acknowledging that my decision to drive to the event that night was a mistake. The incident has caused me significant*

professional and personal embarrassment, and I am fully committed to ensuring that it will not happen again.'

When assessing insight, it is also important to establish if the social worker demonstrates a genuine understanding of the impact of their actions on others, and the profession. The case examiners highlight the following parts of the social worker's submissions that indicate the social worker does have this understanding:

- *'Although the incident occurred outside of my professional environment, I recognise that I failed to maintain the public trust expected of me, leading to disappointment in myself for losing this aspect of my identity.'*
- *'This incident has embarrassed me both professionally and personally. My family and colleagues view me as a responsible, moral, and law-abiding individual—a view I share, making this event even more distressing as it was completely out of character. I even considered not renewing my registration, feeling that I had not upheld the necessary standards, hence the delay in my registration renewal.'*
- *'The drink driving course significantly deepened my awareness of the grave consequences of such behaviour, including the risks to myself and others, as well as the impact on my professional standing. It heightened my understanding of how alcohol impairs judgment and reaction times, even when within the legal limit. As a result, I am resolute in my decision to not consume any amount of alcohol if I am responsible for driving a vehicle.'*

The case examiners consider that the social worker has demonstrated a good level of insight.

Testimonials

Testimonials that provide up to date, credible information about the social worker's current practice can be relevant when exploring current impairment. Testimonials are most helpful when they come from people with knowledge of the social worker's practice or character. The case examiners have had sight of comments provided by the social worker's current employer who states as follows:

- *'I have no concerns regarding [the social workers] fitness to practise or competence in his current role. He consistently demonstrates professionalism, sound judgment and a very good level of accountability in all aspects of his work. I have confidence in his ability to fulfil the duties and responsibilities of a registered social worker without any reservations.'*

- *'I am aware that [the social worker] disclosed a single driving-under-the-influence conviction. This incident was isolated, unrelated to his social-work duties, and he fully complied with all legal requirements at the time. Since then he has shown no repeat offences or lapses in professional conduct, and there is no evidence that this past conviction has impacted his reliability, judgment or service-user care. I have no current concerns about his practice.'*

A previous employer of the social worker who supervised the social worker from January 2017 to January 2020 provided a character reference for the social worker dated the 30 March 2025. They state:

- *'[the social worker] was an asset to our team, known for his reliability, integrity, and performance. He upheld good standards of practice and treated both clients and colleagues with respect and empathy.'*

Harm caused (or risk of harm)

The case examiners have considered the guidance available to them when considering the issue of harm caused (risk of harm). The guidance states as follows:

- 122. *One of the primary considerations of our fitness to practise proceedings is current and possible future risks to the public. Risk of harm and the impact of a social worker's actions can be as important as actual harm caused.*
- 123. *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 evidence tells us (police MG5) that the social worker was involved in a road traffic accident that caused the social worker's car to flip over and was subsequently discovered by the police on its roof. There was extensive damage to the car and a nearby car. The social worker and the two passengers were taken to hospital for an assessment of injuries. Whilst it is noted that the social worker states the injuries to all persons in the car were minimal, it appears that by luck the accident did not cause more harm. As noted above, the social worker has been very insightful as to the implications of their actions.

Remediation

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 certificate of

completion for a drink driving course, dated 17 May 2025. This, in company with the insight highlighted above, and the positive feedback in relation to their professional practice, suggests the social worker has taken the required steps to remediate.

Risk of repetition

Having considered the necessary elements as detailed above, the case examiners are satisfied that the risk of repetition is low in this case.

The case examiners also highlight there is no evidence before them to suggest the social worker has any health issues in respect of alcohol that may have been a contributing factor to their conviction, or that may impact the risk of repetition.

Public element

The case examiners have next considered whether the social worker's actions have the potential to undermine public confidence in the social work profession, or the maintenance of proper standards for social workers. 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.

The case examiners have identified the following aggravating factors:

- The social worker received a driving ban of 15 months, which was reduced by 15 weeks after successful completion of the drink driving rehabilitation course. The evidence confirms the social worker successfully completed the course on the 17 May 2025.
- The evidence of the road traffic accident suggests an unacceptable standard of driving by the social worker in this case. The harm caused and risk of harm have been noted above.
- The police MG5 evidence and the social workers submissions confirm injuries to another person.

- The social worker's alcohol test by the police indicated a reading of 50mg/L which could be considered to be a high reading.
- The evidence confirms that the social worker was carrying two passengers.

The case examiners have identified the following mitigating factors:

- This evidence suggests that this was the social worker's first offence.
- The social worker has demonstrated remorse and insight into their behaviour.
- The social worker is of good character, as evidenced in the information provided by the social worker's current and previous employer's.
- The social worker has undertaken voluntary remediation by way of completing the drink drive rehabilitation course.

The case examiners note there are several mitigating factors as per the case examiner guidance. However, there are also aggravating factors, the presence of which, in conjunction with the risk that the social worker's actions caused, leads the case examiners to conclude there is a risk to public confidence is serious.

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 have concluded there is a realistic prospect that adjudicators would find 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 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, there is no conflict in evidence and the social worker in their submissions accepts they are currently impaired.

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 has been very insightful.
- 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	<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 a 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 over the prescribed limit of alcohol (that involved a road traffic accident) 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 considered whether a warning order might be suitable, given that it would show clear disapproval of the social worker's conduct.

The case examiners note that paragraph 108 of the sanctions guidance details three instances where a warning order is likely to be appropriate, they are:

- *‘The fitness to practise issue is isolated or limited’*
- *‘There is a low risk of repetition’*
- *‘The social worker has demonstrated insight’*

The case examiners consider that all three of the above criteria apply in this case. The case examiners have decided that the necessary level of protection in this case can be met with a warning order.

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 a good level of insight. The case examiners note that the alleged conduct took place outside of the workplace and in the social worker’s personal life, therefore conditions on their practice would not be appropriate. Furthermore, they consider that suspension would be a disproportionate and punitive sanction, given that the social worker has undertaken reflection, has engaged with the regulator, and indicated that they are continuing to undertake remediation to avoid any further incidents. Therefore, the case examiners determined that a warning is the most appropriate and proportionate response in this case and is 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 it to be of '*relatively low seriousness*' given the road traffic collision, harm and risk of harm that could have occurred. The case examiners were also concerned by the level of alcohol in the social worker's roadside and police station tests. This was a finely balanced determination, as the case examiners do not consider that the social worker requires additional time to fully address the risk of repetition. However, the case examiners do not consider that the matter is of '*relatively low seriousness*', as noted in Social Work England's sanctions guidance in respect of 1 year warnings.

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 tested the suitability of a warning order by considering whether conditions of practice or suspension were more appropriate in this case.

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.

On 29 November 2025 the social worker confirmed that they had read the case examiner's decision and the accepted disposal guide. The social worker confirmed that they understood the terms of proposed disposal of their case and accepted them in full. Case examiners are satisfied that an accepted disposal (warning) is a fair and proportionate way to address the concerns and is the minimum necessary to protect the public and satisfy the wider public interest.

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 of 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.

Response from the social worker

The social worker provided a response on the 29 November 2025 and confirmed *'I have read the case examiners' decision and the accepted disposal guide. I admit the key facts set out in the case examiner decision, and that my fitness to practise is impaired. I understand the terms of the proposed disposal of my fitness to practise case and accept them in full.'*

Case examiners' response and final decision

The case examiners concluded that the social worker's fitness to practise was likely to be found impaired but that the public interest could be met through a prompt conclusion, published decision and warning, rather than through a public hearing. They proposed a warning order with a duration of 3 years, the social worker accepted this proposal.

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.