

Case Examiner Decision
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FTPS-22616

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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	3 July 2025
	Information requested Submissions requested
Preliminary outcome	7 August 2025
	Accepted disposal proposed – warning order (3 years)
Final outcome	26 August 2025
	Accepted disposal – warning order (3 years)

Executive summary

The case examiners initially paused consideration of the case and requested further information and submissions.

Upon receipt of an updated evidence bundle, the case examiners reached the following conclusions:

1. There is a realistic prospect of regulatory concern 1 being found proven by the adjudicators.
2. There is a realistic prospect of regulatory concern 1 being found to amount to the statutory grounds of conviction or caution in the United Kingdom for a criminal offence.

3. For regulatory concern 1, there is a realistic prospect of adjudicators determining that the social worker's fitness to practise is currently impaired.

The case examiners did not consider it to be in the public interest for the matter to be referred to a final hearing and that the case could be concluded by way of accepted disposal.

As such, the case examiners requested that the social worker be notified of their intention to resolve the case with a warning order of 3 years duration. The social worker responded on 22 August 2025, confirming their acceptance of the case examiners' proposal.

The case examiners have considered all of the documents made available within the evidence bundle. Key evidence is referred to throughout their decision and the case examiners' full reasoning is set out below.

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	29 August 2023
Complaint summary	The social worker reported that they had been arrested, and then subsequently convicted, for causing serious injury by careless / inconsiderate driving.

Regulatory concerns

1. On 3 September 2024 at Wolverhampton Crown Court you were convicted of causing serious injury by careless / inconsiderate driving

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

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

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 case examiners are aware of the need to consider cases expeditiously and the need to ensure fairness to all parties. However, the case examiners considered, bearing in mind their investigatory function and statutory duty, that further information was needed to be able to reach a decision on this case.

The case examiners 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. They were satisfied that their chosen course of action was consistent with the guidance.

The case examiner guidance states that case examiners must request information in writing and explain why it is required.

In this case, the case examiners considered that further information was necessary in order for them to be able to make a fair and proportionate decision. The case examiners noted that the available evidence suggested the social worker was sentenced on 20 November 2024 and received a community order of 2 years. An unpaid work requirement appeared to have been handed down, for 180 hours.

The case examiners were mindful of the cases of *CHRE v Fleischmann and GDC [2005] EWHC 87 (Admin)* and *PSA v GDC and Patel [2024] EWHC 243 (Admin)*.

The regulator's guidance for decision makers is clear that, in accordance with the case of *Fleischmann*, a social worker convicted of a serious offence should not normally be permitted to return to practice (while they are still subject to a criminal sentence). This includes any suspended custodial sentence or community order.

The case examiners were aware, however, that the case of *Patel* is more recent and provides some clarification as to what might constitute 'satisfactory completion' of a sentence. The case examiners considered this pertinent in this case as the social worker had indicated to the regulator that they had already completed unpaid work requirements handed down by the court. The case examiners considered that this might be relevant to their decision making in this case and, therefore, it would be fair and appropriate for it to be explored before a decision is made.

The case examiners therefore requested the following:

- Evidence from the social worker and/or the probation service (if applicable) in respect of the social worker's engagement with and/or completion of unpaid work requirements set by the court.
- Submissions from the social worker in respect of any evidence obtained.

In August 2025, the case examiners received relevant evidence, as requested, along with further 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 it could amount to the statutory grounds of conviction or caution in the United Kingdom for a criminal offence, and that the social worker's fitness to practise could be found impaired.

Reasoning

Facts and grounds

1. On 3 September 2024 at Wolverhampton Crown Court you were convicted of causing serious injury by careless / inconsiderate driving

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

The case examiners have had sight of a certificate of conviction, which confirms that on 3 September 2024 at Wolverhampton Crown Court, the social worker was, upon their own confession, convicted of causing serious injury by careless / inconsiderate driving.

The document confirms that on 20 November 2024, the social worker received the following sentence:

- A community order of two years
- 180 hours of unpaid work requirements
- A driving disqualification of 12 months, starting from an interim suspension date of 3 September 2024

Separate correspondence from the courts confirms that the particulars of offence were as follows:

[The social worker] on 7th day of July 2023 at [redacted] caused serious injury by driving a mechanically propelled vehicle, namely a [redacted], on a road, namely the crossroads of [redacted] and [redacted], without due care and attention.

In reviewing police MG5 documentation, the case examiners noted the following in respect of the circumstances of the social worker's offence:

- The social worker was initially stationary in traffic at a crossroads, edging forwards after the lights changed to green. The social worker was obstructed from moving further by queuing traffic.
- As the traffic lights changed again, the social worker manoeuvred, seeking to pass the queuing traffic. In the course of this manoeuvre, a motorcycle entered the crossroads and collided with the social worker's car.
- The motorcyclist was hospitalised with severe injuries, with it likely they will take a number of years to fully recover.

In light of the above, there is a realistic prospect of regulatory concern 1 being found proven, and of adjudicators determining that it amounts to the statutory grounds of conviction or caution in the United Kingdom for a criminal offence.

Impairment

Assessment of impairment consists of two elements:

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

Personal element

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

Whether the conduct can be easily remedied

The case examiners are satisfied that the conduct in this case can be remedied. The case examiners are mindful that this is an isolated conviction and the social worker has no previous adverse history. The case examiners would expect to see clear evidence of reflection and insight, and demonstrable evidence of remediation through full and proper engagement with the requirements of the court.

Insight and remediation

The case examiners have carefully reviewed the social worker's submissions, along with records of the social worker's interview with police.

The case examiners consider the social worker to have demonstrated an appropriate degree of insight. They considered the available evidence to clearly demonstrate the social worker's remorse for the serious consequences of their actions whilst driving and it is apparent from police interview records that the social worker was genuinely concerned for the individual that was injured in the incident. The case examiners consider the social worker to have taken accountability for their actions and the harm that arose as a result. The case examiners noted that the social worker set out in their plea to the court, the steps that they accept they should have taken to drive in a safer manner.

More broadly, the case examiners would have welcomed greater evidence of reflections in relation to the link between conduct and public confidence in the social work profession. The case examiners considered, however, that this did not detract from their overall impression, that the social worker recognises their conduct could give rise for concern.

The case examiners were particularly reassured by evidence they received in respect of the social worker's engagement with the requirements of the court. The case examiners noted that evidence from the probation service confirms that the social worker has now completed their unpaid work requirements. The social worker has offered detailed reflections on their experience in undertaking this work, which the case examiners considered to reflect well on the social worker's willingness and ability to remediate.

Risk of repetition

In light of the social worker's insight and remediation, the case examiners are satisfied that the risk of repetition is likely to be low.

Public element

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

In considering the public element, the case examiners reflected on the nature of the conduct that led to the social worker's conviction. They considered that adjudicators might reasonably conclude that it was, in effect, a result of an isolated lapse in judgement. This is not a case where a social worker was driving over the speed limit, nor is it a case where a social worker has driven dangerously.

However, the case examiners are nevertheless satisfied that adjudicators might consider it likely that a failure to find impairment could still reasonably and legitimately undermine public confidence in the social work profession, and fail to maintain proper standards for social workers. The case examiners' key reasoning is as follows:

- Regardless of whether the social worker's conduct was isolated, it has been found by the court to have represented careless / inconsiderate driving.
- The social worker's conduct has also been found by the court to have caused serious injury, and there is evidence available to the case examiners to suggest the injured individual may have a long road to full recovery.
- This is a serious criminal offence, reflected in the imposition of a community order. The social worker will remain subject to this order until November 2026, though it is noted that the social worker had, by March 2025, completed all unpaid work requirements set by the court.
- Were it to be the case that the social worker had not satisfactorily completed their sentence, relevant case law would suggest they should not be permitted to return to practice. Whilst in this case, the case examiners are satisfied that the social worker has satisfactorily completed their sentence, in light of them having completed all unpaid work requirements, the case examiners nevertheless recognise that the principle set out in relevant case law is that such cases are particularly serious.

- Given the serious nature of the offence, the case examiners consider that as a minimum, a finding of impairment is likely to be required in order to safeguard public confidence and maintain proper standards for social workers.

In light of the above, the case examiners are satisfied that there is a realistic prospect of adjudicators determining that the social worker's fitness to practise is impaired.

The public interest

Decision summary

Is there a public interest in referring the case to a hearing?	Yes	☐
	No	☒

Referral criteria

Is there a conflict in the evidence that must be resolved at a hearing?	Yes	☐
	No	☒
Does the social worker dispute any or all of the key facts of the case?	Yes	☐
	No	☒
Is a hearing necessary to maintain public confidence in the profession, and/or to uphold the professional standards of social workers?	Yes	☐
	No	☒

Additional reasoning

The case examiners have concluded that the public interest in this case is engaged. However, they are satisfied that this interest may be appropriately fulfilled by virtue of the accepted disposal process.

Whilst the matter before the regulator is serious, the case examiners are not of the view that it is so serious that a hearing might be necessary to maintain public confidence in the social work profession, or in Social Work England's maintenance of the standards expected of social workers. In addition, there is no conflict in evidence in this case and the social worker accepts all of the key facts.

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

The case examiners considered, however, that they could reasonably and legitimately offer the social worker an opportunity to reconsider the question of impairment, and an offer of accepted disposal. In reaching this conclusion, they noted the following:

- The case examiners are of the view that there is low risk of repetition, 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	3 years	

Reasoning

Having found that a realistic prospect the social worker's fitness to practise is currently impaired, the case examiners then considered what, if any, sanction they should propose in this case. The case examiners have taken into account the sanctions guidance published by Social Work England. They are reminded that a sanction is not intended to be punitive but may have a punitive effect and have borne in mind the principle of proportionality and fairness in determining the appropriate sanction.

The case examiners are also mindful that the purpose of any sanction is to protect the public which includes maintaining public confidence in the profession and Social Work England as its regulator and upholding proper standards of conduct and behaviour.

The case examiners have taken into account the principle of proportionality by weighing the social worker's interests with the public interest when considering each available sanction in ascending order of severity.

No further action

The case examiners are mindful that the regulator's sanctions guidance is clear that an outcome of no further action is intended to be rare. The guidance explains that the factors justifying taking no further action need to be exceptional in nature, and the outcome must be sufficient to protect the public and address the public interest.

In the case examiners' view, an outcome of no further action could not be justified in this instance. In reaching this conclusion, the case examiners were mindful of the serious harm that arose from the conduct that led to the social worker's conviction.

The case examiners considered that a finding of impairment alone would be insufficient in such circumstances to safeguard public confidence in the social work profession, or to maintain proper professional standards for social workers.

Advice

The regulator's sanctions guidance explains that advice would set out the steps a social worker should take to avoid repeating conduct that contributed to a concern. It is a lesser sanction than a warning order, which might be required in circumstances where there is need to show disapproval and signal that if behaviour is repeated it will result in a more severe outcome.

In this case, the case examiners considered that advice would be insufficient in the circumstances. This is because if there were to be any repetition of the matters of concern in this case, it is highly likely that a restrictive sanction would be required in order to secure public confidence in the social work profession. Accordingly, advice would be insufficient in this case.

Warning order

The regulator's sanctions guidance explains that a warning order is likely to be appropriate where:

- 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 are satisfied that all of the above criteria apply.

The matter before the regulator is isolated and the case examiners are also satisfied, for the reasons set out earlier in this decision, that the social worker has demonstrated an appropriate degree of insight and remediation, resulting in the risk of repetition being low.

The case examiners are mindful, however, of the case of *CHRE v Fleischmann and GDC [2005] EWHC 87 (Admin)*. With reference to this case law, the regulator's guidance for decision makers is clear, that a social worker convicted of a serious offence should not normally be permitted to return to practice while they are still

subject to a criminal sentence. This includes any suspended custodial sentence or community order. As set out earlier in this decision, the social worker in this case received a community order of two years, which remains in effect until November 2026.

However, in favour of departing from this position in guidance, the case examiners consider that in accordance with the principles set out in the case of *PSA v GDC and Patel [2024] EWHC 243 (Admin)*, the social worker could reasonably be considered to have satisfactorily completed their sentence. Documentation available to the case examiners confirms that on 18 March 2025, the social worker's community order was closed to probation because the social worker had completed all unpaid work hours required of them.

Further in favour of departing from the position in guidance, the case examiners note that the social worker received a sentence near the lesser end of relevant sentencing guidelines. The social worker's representative has pointed out, for example, that the court did not order the social worker to take a driving retest, and the court imposed the minimum driving disqualification period permitted for the offence. The case examiners recognise that they should be careful to assign great weight to sentencing as a guide to the seriousness of an offence, but they note that there is no evidence before them to suggest the court's sentencing decision was influenced in any way by an expectation of additional regulatory sanction.

Finally, the case examiners recognise the serious harm that the social worker's conduct has caused. However, they consider that well informed members of the public might be reassured by the steps the social worker has already taken to prevent repetition, and to rehabilitate their conduct in the eyes of the court. In such circumstances, a warning order would clearly and unambiguously mark the severity of the social worker's conduct, and would serve as a clear reminder of the importance of adhering to the professional standards in the future.

Taking all of the above into consideration, the case examiners consider that a warning order is sufficient in the circumstances, and the minimum necessary outcome to protect the public and the wider public interest.

The length of the proposed order

With reference to the regulator's sanctions guidance, the case examiners are aware that when deciding on the proportionate duration of a warning, decision makers should consider (all of the following):

- 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
- 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. This helps to maintain public confidence and highlight the professional standards. A social worker should ensure there is no risk of repetition throughout this extended period. If successful, there will be no further fitness to practise findings (in relation to similar concerns)

Looking first at a 1 year warning order, although the case examiners are satisfied that the matters before them represent an isolated incident, the case examiners reminded themselves of the serious harm that came from the social worker's conduct. For this reason, the case examiners are not satisfied that it could reasonably be characterised as relatively low seriousness.

With regards to a 3 year warning order, the case examiners consider that the matters before them could reasonably be characterised as more serious, and a 3 year order could be sufficient to maintain public confidence in this case. In reaching this conclusion, the case examiners reminded themselves that although the social worker's conviction is serious, the social worker's manner of driving was not so serious that they were charged or convicted for dangerous driving. Furthermore, a 3 year order would provide sufficient time for the social worker's community order to come to an end.

In order to test this position, the case examiners turned their minds to a 5 year order. The case examiners were mindful that they had given consideration to the potential for a restrictive sanction, but they did not consider it reasonable to suggest that the social worker had only marginally fallen short of requiring restriction to practice. The case examiners considered that in accordance with relevant case law, given the social worker's satisfactory completion of their sentence this is not a case that necessarily requires restriction to practice.

The case examiners have decided to propose to the social worker 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.

Content of the warning

The conduct that led to your conviction was serious and resulted in serious harm.

You are reminded of the importance of social workers conducting themselves in a manner in keeping with the high standards expected of registered professionals, and of the following professional standards in particular:

Social Work England – Professional Standards (2019)

As a social worker, I will not:

5.1 Abuse, neglect, discriminate, exploit or harm anyone, or condone this by others.

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 matters at the heart of this case should not be repeated. Any further similar issues brought to the attention of the regulator are likely to result in a more serious outcome.

Response from the social worker

On 22 August 2025 the social worker returned their completed accepted disposal response form, confirming the following:

I have read the case examiners' decision and the accepted disposal guide. I admit the key facts set out in the case examiner decision, and that my fitness to practise is impaired. I understand the terms of the proposed disposal of my fitness to practise case and accept them in full.

Case examiners' response and final decision

The case examiners have considered the public interest in this matter and, as they have not been presented with any new evidence that might change their previous assessment, they are satisfied that it remains to be the case that the public interest in this case may be fulfilled through the accepted disposal process.

The case examiners therefore direct that the regulator enact a warning order of 3 years duration.