



Case Examiner Decision
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FTPS-22574

Contents

The role of the case examiners.....	3
Decision summary.....	4
The complaint and our regulatory concern	6
Preliminary issues	7
The realistic prospect test.....	9
The public interest	14
Accepted disposal	16

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	26 February 2025
	Accepted disposal proposed - warning order (1 year)
Final outcome	17 March 2025
	Accepted disposal - warning order (1 year)

Executive summary

The case examiners have reached the following conclusions:

- There is a realistic prospect of regulatory concern 1 being found proven by the adjudicators and the statutory ground of a conviction or caution in the United Kingdom for a criminal offence being found engaged.
- 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 the case could be concluded by way of accepted disposal.

As such, the case examiners requested the social worker be notified of their intention to resolve the case with a warning order of one year. The social worker accepted the case examiners' proposal in full.

The case examiners have considered all of the documents 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 concern

The initial complaint

The complainant	The complaint was raised by the social worker's current employer.
Date the complaint was received	4 August 2023
Complaint summary	The social worker had received a conviction for driving when their alcohol levels were above the prescribed limit.

Regulatory concern

Whilst registered as a social worker;

- (1) On 17 July 2023, you were convicted of the criminal offence of driving a motor vehicle when alcohol levels were above the legal limit.

The matter outlined in regulatory concern (1) amounts to the statutory grounds 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	☒
	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

Amendments

The case examiners have made minor amendments (in bold) in the regulatory concern section above to correct typographical errors. They are satisfied that this does not constitute a material amendment which would require an adjournment.



Reporting to the regulator

The notification was submitted to the regulator by the employer on 10 August 2023. It is noted that, “[*The social worker*] has informed hat (sic) she has self referral to SW England.” The case examiners have not been provided with any evidence that the social worker self-referred this matter. Consideration was given to adjourning this case, but it was determined that it would not be proportionate as the matter had been referred, and the social worker has engaged with the investigation.

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 the concern could amount to the statutory ground of a 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 17 July 2023, you were convicted of the criminal offence of driving a motor vehicle when alcohol levels were above the legal limit.

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

The case examiners have been provided with a Certificate of Conviction which confirms the social worker received a conviction on 17 July 2023 for driving a motor vehicle with an alcohol level above the prescribed limit. The social worker was disqualified from holding or obtaining a driving licence for 12 months to be reduced by 3 months if the social worker completed a drink drive awareness course within a specified time period.

The case examiners have seen a copy of the MG11 (arresting statement), which details that on 24 June 2023, the social worker's vehicle collided with another vehicle at 17:53.

It appears there was no attempt to brake or stop and the social worker continued on their journey. At 18:24, the social worker returned and located the owner of the car and identified herself as the person responsible for the collision. There was damage to the offside rear wheel arch and the tyre was flat. The social worker told the police that they had been to drop off [REDACTED] and knocked into the car. [REDACTED]

[REDACTED] They stated, *"I have been drinking. I have had half a bottle of wine this afternoon. I will be over. I'm sorry."* The social worker was breathalysed at 19:13 and the reading was 77 micrograms of alcohol in 100 millilitres of breath. The later reading at the police station was 55 micrograms of alcohol in 100 millilitres of breath.

The case examiners are satisfied there is a realistic prospect of adjudicators finding this concern proven and that this would amount to the statutory ground of a 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 regard to the concern before the regulator, the case examiners have given thought to their guidance and note that they should give consideration to whether the matter before the regulator is easily remediable, and whether the social worker has demonstrated insight and/or conducted remediation to the effect that the risk of repetition is highly unlikely.

Whether the conduct can be easily remedied

The case examiners are of the view that this conduct can be remedied. For example, through the social worker developing their understanding of the consequences of drink driving, recognising what led to the incident and reflecting on how they can prevent a recurrence in the future.

Insight and remediation

The social worker has provided submissions and say they continue to be ashamed and remorseful. [REDACTED]
[REDACTED]

■ The social worker recalls that they started to drink alcohol in the early afternoon and had the last glass around 3pm, having consumed about three quarters of a bottle of wine. A few hours later ■ asked for a lift. She says, “I ■
■ made the decision to use my vehicle ■ I did not feel intoxicated at that time, it had been some hours since I had drunk alcohol, however it is undeniable my judgement was impaired.”

They add, “I felt frustrated and perceived pressures to respond. I believe this may have further impacted my decision making ■

■”

Their further comments include the following: “I understand the seriousness of the offence and this experience has been incredibly impactful emotionally, practically and financially. The offence has challenged my self-concept as someone who likes to think I have a strong moral compass and integrity.”

“I cannot justify my actions, ■
■. I could have caused injury to myself or others. The course helped me examine why I made the decision to drive and the perceived pressures at that time.”

The employer has confirmed the social worker notified their line manager the day after the arrest. A decision was made not to invoke the disciplinary policy on the basis that the social worker, “has always been of good character, there had been no previous workplace concerns about [the social worker’s] conduct or social work practice and [the social worker] herself had accepted full responsibility from the outset for her actions from what appeared to be an isolated error of judgment.”

The social worker has provided the case examiners with little reflection about the potential impact on others, nor appears to appreciate how public confidence could be undermined by such conduct from a registered professional. It appears the social worker may have been aware that they were not fit to drive and yet consciously chose to do so, actively putting other members of the public at risk. It was only by chance, that a member of the public was not directly involved in the road traffic accident.

The case examiners have balanced their consideration of insight, noting the social worker’s submissions which mainly demonstrate remorse. The case examiners are of the view that the evidence suggests that the social worker has developing insight, but they cannot be confident this is complete. This is further evidenced by the fact that in their submissions, the social worker tended to vent their frustrations on their

passenger as being the primary cause for their irresponsible driving actions and conduct.

The case examiners have considered whether the social worker has remediated their conduct. The social worker has provided evidence of the completion of the Drink Driving Awareness course on 25 August 2023 which entailed 16 hours learning over a four-week period. They say they have reflected and note, *“The Drink Driving Course was informative and from the stories shared in that space over several weeks provided me with knowledge about the impact of alcohol on the body but also examine my drinking habits and relationship with alcohol and the devastation that is caused by committing such an offence.”*

The social worker says that for the purposes of insurance, they also undertook a half day Driving Assessment on 11 June 2024 and have provided a copy of the report. They say they found this helpful, and it helped to build their confidence and taught new skills. They are also pursuing advanced driving lessons.

Risk of repetition

The case examiners consider this is a finely balanced case, with the social worker demonstrating a lack of full insight but appearing to have taken necessary steps to avoid 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.

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 required.

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

- There was a road traffic collision with a stationary vehicle; damage was sustained to the other car.

- They left the scene of the accident (returning some 30 minutes later).
- They were transporting a passenger.
- They may have been aware they were not fit to drive but chose to do so.

The case examiners are also mindful that the policy comments on another aggravating factor, *“the extent to which the social worker’s level of alcohol or drug impairment was over the legally specified limit (if applicable)”*. The policy sets out, *“The higher the level of alcohol or drug concentration the more serious the offending would be considered”*. The case examiners note that the court uses the result taken at the police station. The roadside breathalyser test result, taken at the accident site was higher which suggests that the offending could have been considered more serious.

The case examiners have identified the following mitigating factors:

- The 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 has undertaken some remediation in the form of a drink driving awareness course and a driver training course.
- There is evidence to suggest that the social worker is otherwise of good character.

The case examiners are satisfied the social worker has learnt from the incident and is unlikely to repeat this conduct and has taken action to remediate their actions.

Given the presence of four aggravating factors and the evidence which suggests the social worker may have known they were unfit to drive but did so anyway, the case examiners consider that an ordinary member of the public would be very concerned to learn of these matters. They would expect that public confidence in the standards of social workers should be maintained.

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

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 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 all of the key facts.
- The case examiners are of the view that there is a low risk of repetition, and therefore any finding of impairment would be primarily made in the public interest, to safeguard public confidence.
- 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. 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 the outcome being no further action. The guidance suggests this is only applicable in exceptional circumstances. The case examiners were satisfied that in this case, that where they have found limited insight, a finding of no further action would be insufficient to protect public confidence. 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 considered that whilst they could offer advice with a view to preventing 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 concluded 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.

In reaching this conclusion, the case examiners reminded themselves that they have found that there is a low risk of repetition, which suggests that a restrictive sanction would be inappropriate. A conditions of practice order would therefore be disproportionate as it would not be required.

The case examiners also considered that a warning order would sufficiently mark the seriousness with which the case examiners view the social worker's conduct and would also 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 one, three or five years. The case examiners are satisfied that in this case a one-year warning order would be sufficient to mark the seriousness of the conduct in question. In reaching this conclusion, the case examiners referred to the sanctions guidance, and noted the following:

The guidance states that one 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 case examiners noted that, although they maintain a view that driving under the influence of alcohol is not of 'low seriousness', in light of the evidence of developing insight and remediation, a one-year warning is sufficient to protect the public, and to safeguard public confidence.

To test this position, the case examiners considered the guidance in respect of a three-year order, which may be appropriate for more serious concerns, or a five-year order, for where a case has fallen only marginally short of requiring restriction of practice. The case examiners acknowledge that there will be differences of opinion in how seriously drink driving should be treated by the regulator and note that the regulator's drink and drug driving policy aims to achieve consistency across cases relating to these convictions. As the policy recommends a finding of no impairment may be appropriate in these cases, it would appear disproportionate to conclude that a three- or five-year warning is proportionate, in the absence of any further aggravating factors.

The case examiners have therefore decided to propose to the social worker a warning order of one-year's 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 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 place members of the public at risk of serious harm and 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 and your professional standards, 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:

5.2 I will not 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 on 17 March 2025. They confirmed that, *'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 are satisfied that the social worker has read and accepted the proposed disposal of a one-year warning order. The case examiners have again considered the public interest in this matter and, as they have not been presented with any new evidence which might change their previous assessment, they are satisfied it remains the case that the public interest can be fulfilled through the accepted disposal process. The case examiners therefore direct that Social Work England implement a warning order of one year duration.