

Case Examiner Decision
Alfred Benyera – SW21720
FTPS-23246

Contents

The role of the case examiners	3
Decision summary	4
The complaint and our regulatory concerns.....	6
Preliminary issues	7
The realistic prospect test	9
The public interest.....	13
Accepted disposal	15

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	
1 st Preliminary outcome	4 March 2025
	Information requested Submissions requested
2 nd Preliminary outcome	6 June 2025
	Accepted disposal proposed – warning order (1 year)
Final outcome	12 June 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. [REDACTED]
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 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. The social worker subsequently accepted the proposed disposal. Having revisited the public interest in the case, the case examiners determined that an accepted disposal warning order of 1 year remained the most appropriate outcome in this case.

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	10 November 2023
Complaint summary	During the registration renewal process, the social worker provided information about a conviction they received earlier in the year. The regulatory concerns adequately reflect the information considered at Triage.

Regulatory concerns

The regulatory concerns for this case are as follows:

1. On 12 June 2023 at Slough Magistrates Court, you were convicted of affray.

Your fitness to practise is impaired at regulatory concern 1 by reason of ~~criminal conviction or caution in the UK.~~ a 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

March 2025

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. Below is the rationale for this adjournment.

The case examiners have 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 are satisfied that their chosen course of action is consistent with the guidance.

The case examiners note the Case Investigation Report where it sets out why the investigator is satisfied that a regulatory concern around the social worker's health was not necessary. The evidence, [REDACTED]

suggests that the social worker's condition is in remission and managed by way of a care plan

There is no information before the case examiners to suggest that the social worker's health condition has impacted upon their professional practice. On this basis, the case examiners agree with the investigator's view that a regulatory concern, in respect of the social worker's health, is not required.

However, the case examiners note that the social worker explains the conduct that led to their conviction by suggesting they were acutely unwell at the time. The case examiners stress that they are not seeking to look behind the conviction in their assessment of the facts. The court has made its decision, and it is not in the case examiners' powers to question this. However, the social worker has put forward their health as an explanation for why the conduct that led to their conviction arose. The case examiners consider that it is only fair to consider this in their assessment of potential impairment, but that they currently have insufficient information to do so.

Additionally, the case examiners note that the social worker was subject to a community order following their conviction, but it is unclear what the length of this sentence was. Case law suggests there are additional considerations around sanctions if a social worker is still subject to a community order, so this information is required. The case examiners also recognise that the social worker provided their probation officer's name and contact details, even if the order has been completed, it may be appropriate to gain information from the probation service as this can inform the case examiners consideration around remediation.

In summary the case examiners request the following;

- Evidence from a health professional/s supporting the social worker, specifically to evidence the social worker's state of health around the time of the conviction.
- Information about the community order, whether the social worker was compliant with their requirements and if this is complete or ongoing.

Once this evidence has been sought, the regulator may wish to give the social worker an opportunity to make further submissions.

June 2025

The case examiners are satisfied there are no further preliminary issues.

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 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

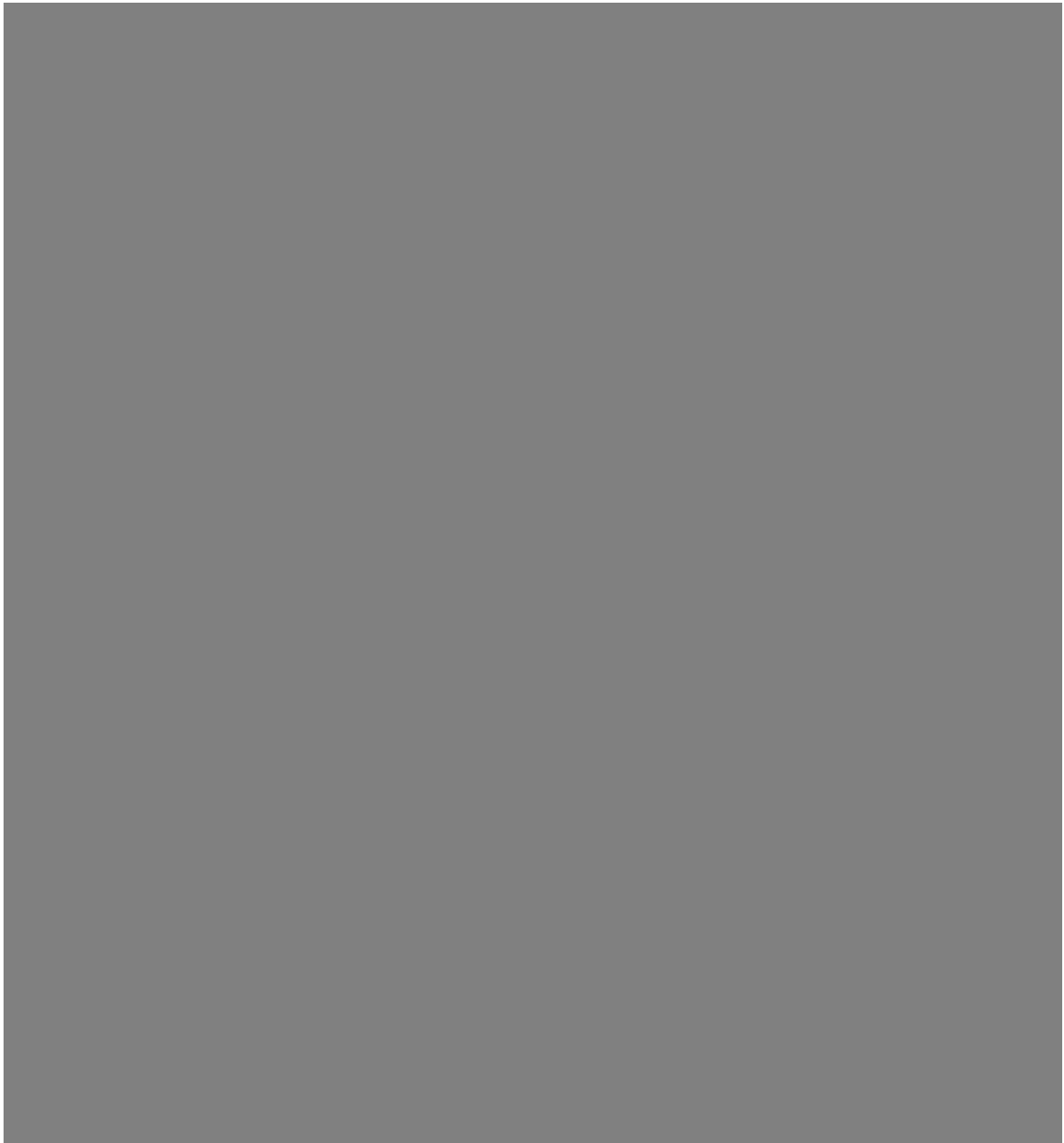
Facts

1. On 12 June 2023 at Slough Magistrates Court you were convicted of affray.

The case examiners have been provided with a court extract which records that the social worker was convicted of affray on 12 June 2023. The document states that on 11 June 2023, the social worker "*used or threatened unlawful violence towards another and your conduct was such as would cause a person of reasonable firmness present at the scene to fear for his personal safety*".

The context of this conviction is that a bailiff attended the home of the social worker, and the social worker brought out some tribal artefacts which the bailiff reported they felt threatened by. The social worker pled guilty and was handed down a community order.

The case examiners are satisfied there is a realistic prospect of this regulatory concern being found proven, should the matter go to a hearing.



Grounds

Given the evidence of the social worker's conviction, the case examiners are satisfied that regulatory concern 1 amounts to 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 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

Whilst a conviction for a public order offence is serious, the case examiners consider that the social worker could demonstrate insight into why this occurred and evidence that they have taken steps to ensure this is not repeated.

Insight and remediation

The case examiners note that the social worker stated at the point of disclosing their conviction, *“I regret the incident and believe I should have reacted differently”*. Their submissions focus on the social worker’s belief that they were experiencing ill health at the time of the incident, [REDACTED]

[REDACTED] Because of this focus, the social worker has not demonstrated insight into how their conduct may have impacted upon the bailiff, nor how the conviction may be viewed by the public.

[REDACTED]

The case examiners consider that there is good evidence of remediation. The social worker’s probation officer has confirmed that they completed their community order, stating they *“attended all appointments offered to him and engaged satisfactorily. There is no record of any concerns being raised with regards to escalating risk of serious harm or further offending in the time that he was supervised”*.



Risk of repetition

The case examiners have noted that the social worker has not demonstrated full insight into their conviction and the impact of this. However, the case examiners also acknowledge that given the potential link to the social worker's health, the focus should be upon managing their health to prevent a further incident. The evidence provided suggests that the social worker has done everything they can to manage their health. Additionally, there has been 2 years since the offence with no repetition.

Accordingly, the case examiners have concluded that the risk of repetition is 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.

The case examiners have taken into account the social worker's mitigation when considering the risk of repetition, but they also recognise that affray is a serious public order offence. The case examiners consider that whilst the social worker's health may have been a contributing factor, it was not considered sufficient by the court to prevent a conviction.

The case examiners are of the view that a member of the public would be troubled if the regulator did not make a finding of impairment when a social worker is convicted for threatening behaviour towards a member of the public, carrying out their employment duties.

The case examiners are therefore 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 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 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	Warning order - 1 year	

Reasoning

In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's sanctions guidance 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. Furthermore, the guidance requires that decision makers select the minimum sanction necessary 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 sanctions in ascending order of seriousness.

The case examiners are aware that where a social worker's fitness to practise is potentially impaired, they will usually need to ensure the public is protected through some action by the regulator. The guidance sets out that taking no further action would require exceptional circumstances and the case examiners are not of the view that the mitigation offered by the social worker could be considered exceptional, given that the incident resulted in a conviction.

The case examiners next considered offering advice but concluded it would be insufficient in this case, as it would fail to mark the seriousness of the social worker's conduct, that has been found proven by way of a criminal conviction.

The case examiners next considered whether a warning order would be appropriate in this case.

The case examiners note that paragraph 96 of the sanctions guidance details that three indications that a warning order is likely to be appropriate 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 considered that all three of the above criteria apply in this case and have decided that the necessary level of protection in this case can be met with a warning order. The case examiners have considered the length of time for the published warning and consider one year to be proportionate in this case.

This was a finely balanced determination, as the case examiners do not consider that the matter, be it isolated, is of ‘relatively low seriousness’, as pointed to in Social Work England’s sanctions guidance in respect of one year warnings. However, the social worker does not require additional time to fully address the risk of repetition, as is indicated in the same guidance in respect of three year warnings. Therefore, the primary purpose of the warning is to highlight the professional standards expected of social workers.

The case examiners did not consider that the matter fell marginally short of the need to restrict practice, and therefore five years would be disproportionate.

The case examiners went on to test the appropriateness of a warning order by considering conditions of practice and suspension. Firstly, the case examiners have concluded that the risk of repetition is low in this case, and it would be quite rare that a restrictive sanction would be required in such circumstances. The case examiners recognise that the conviction occurred in the social worker’s private life and therefore conditions would be unlikely to address the conduct of concern in any case. The case examiners considered that suspension from the register would be a disproportionate and punitive outcome in this case, given the mitigation put forward in respect of the social worker’s health.

In all the circumstances of this case, the case examiners are satisfied that a warning of one years’ duration is the proportionate sanction.

The case examiners will notify the social worker of their proposal to issue a published warning of one years’ duration and will 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

Your conduct in this case represented a significant breach of professional standards and had the potential to place a member of the public at risk of harm. This could have an adverse impact on public confidence in you as a social worker and the social work profession as a whole.

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

On 10 June 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 reviewed their decision, paying particular regard to the overarching objectives of Social Work England:

- The protection of the public
- Maintaining confidence in the social work profession
- The maintenance of professional standards.

The case examiners remain satisfied that an accepted disposal warning order of 1 year duration is a fair and proportionate way to conclude this matter, and is the minimum sanction required to protect the public and the wider public interest