

Case Examiner Decision  
Stanley Assam – SW119850  
FTPS-21641

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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 | 9 July 2024                                          |
|                     | Information requested<br>Submissions requested       |
| Preliminary outcome | 10 October 2024                                      |
|                     | Accepted disposal proposed – warning order (5 years) |
| Final outcome       | 29 October 2024                                      |
|                     | Accepted disposal – warning order (5 years)          |

## Executive summary

The case examiners initially paused their case and asked that investigators obtain further information, [REDACTED]  
[REDACTED]

Upon receipt of an updated case investigation report, 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 5 years duration. The social worker accepted the case examiners' proposal, and this case has been concluded via the accepted disposal process.

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 **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 concerns

### The initial complaint

|                                 |                                                                                                                                                                                                                                                                                                |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The complainant                 | The complaint was raised by way of a self-referral by the social worker, and separately by their employer, Liverpool City Council                                                                                                                                                              |
| Date the complaint was received | 30 November 2022 – the social worker<br>19 January 2023 – the social worker's employer                                                                                                                                                                                                         |
| Complaint summary               | <p>As part of the registration renewals process, the social worker declared they had been arrested for a drink driving offence and they subsequently submitted a self-referral to the regulator.</p> <p>Separately, the social worker's employer submitted a referral for the same matter.</p> |

### Regulatory concerns

1. On 7 June 2023 you were convicted of an offence of failing to provide a specimen for analysis.

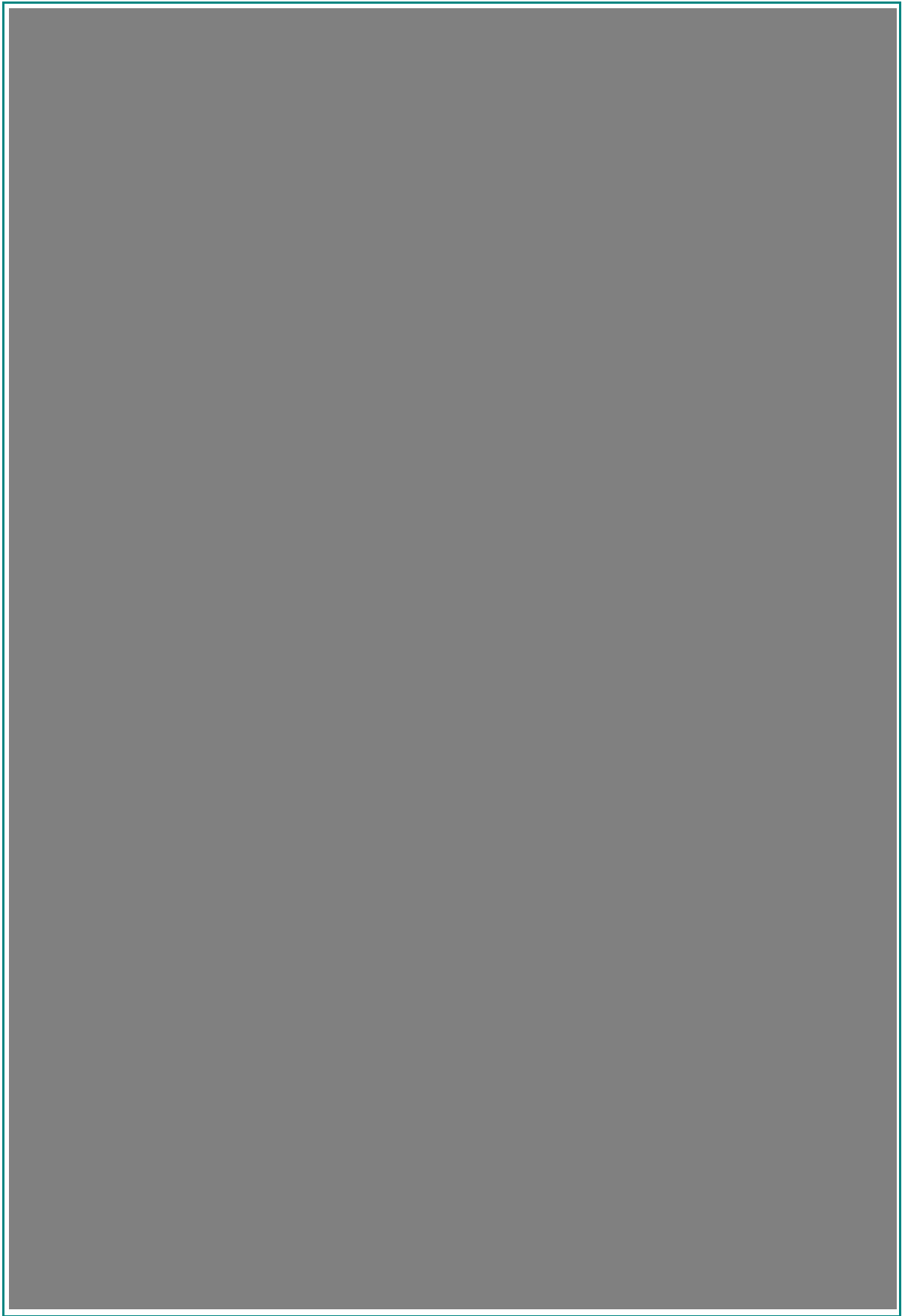
The matters outlined in the regulatory concern 1 amount to the statutory ground of a conviction or caution in the United Kingdom for a criminal offence.

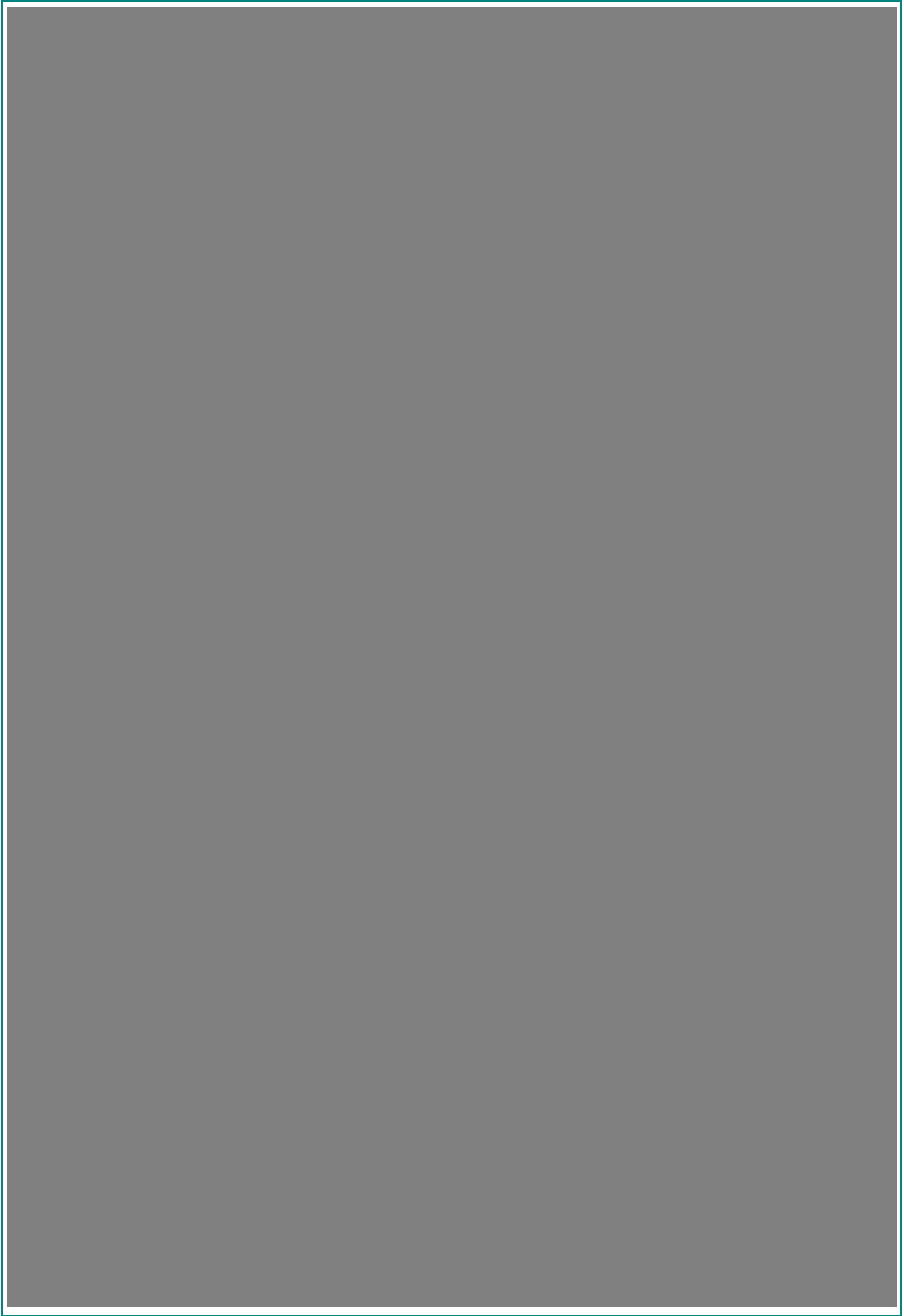
Your fitness to practise is impaired by reason of a conviction or caution in the United Kingdom for a criminal offence.

## Preliminary issues

| Investigation                                                                                                                                                                                                                               |     |                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------------------------------------|
| Are the case examiners satisfied that the social worker has been notified of the grounds for investigation?                                                                                                                                 | Yes | <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"/>            |

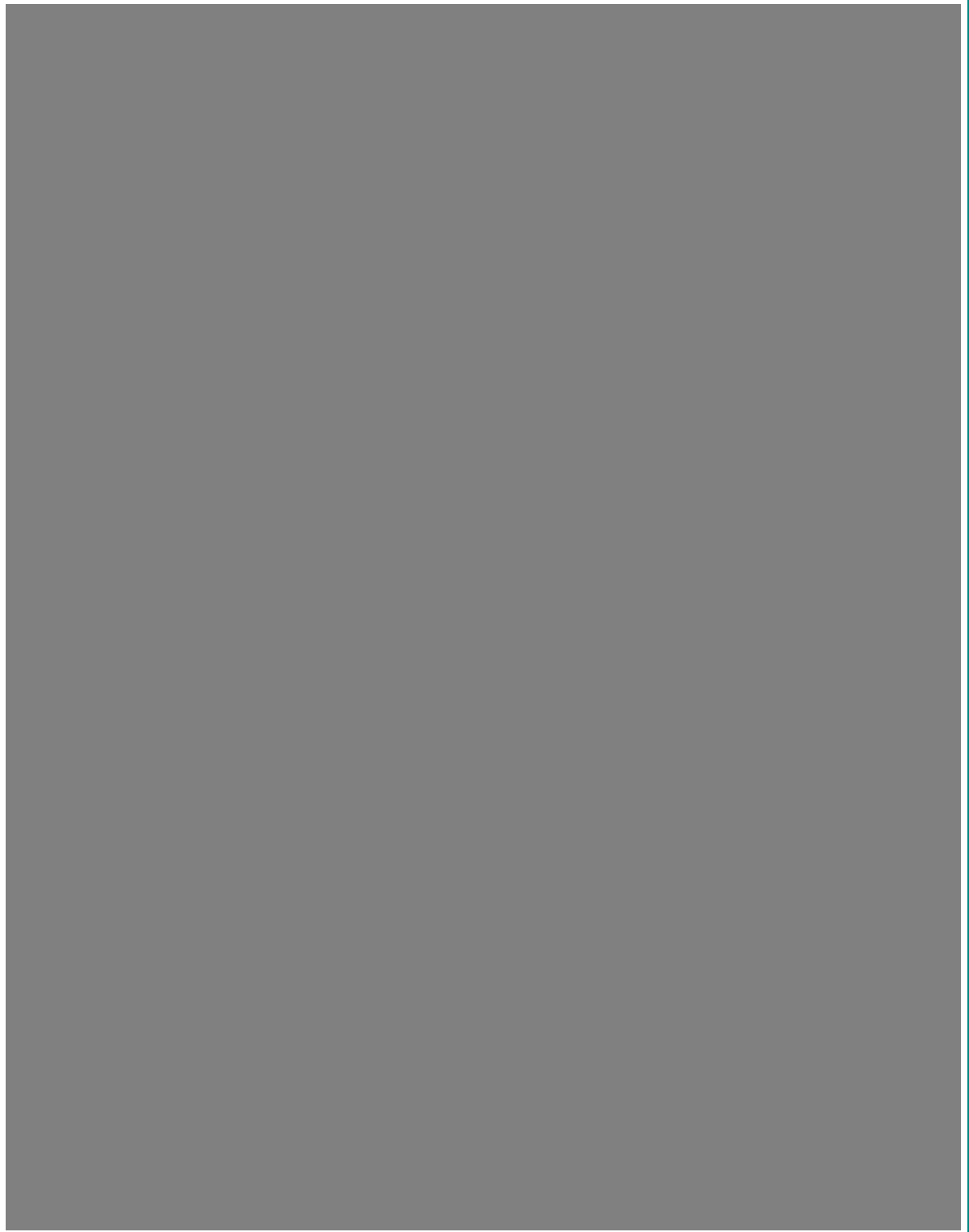
Requests for further information or submissions, or any other preliminary issues that have arisen

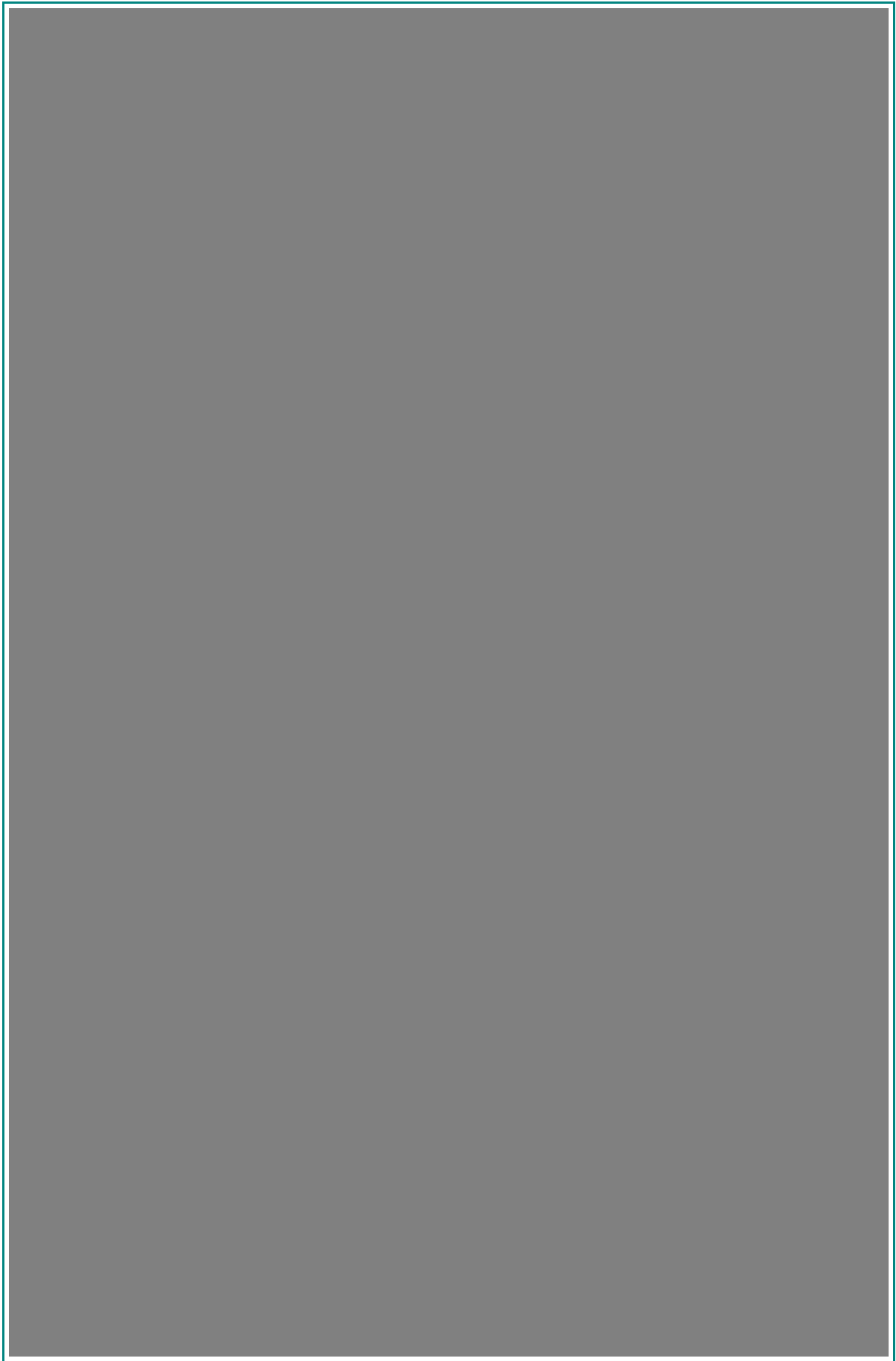


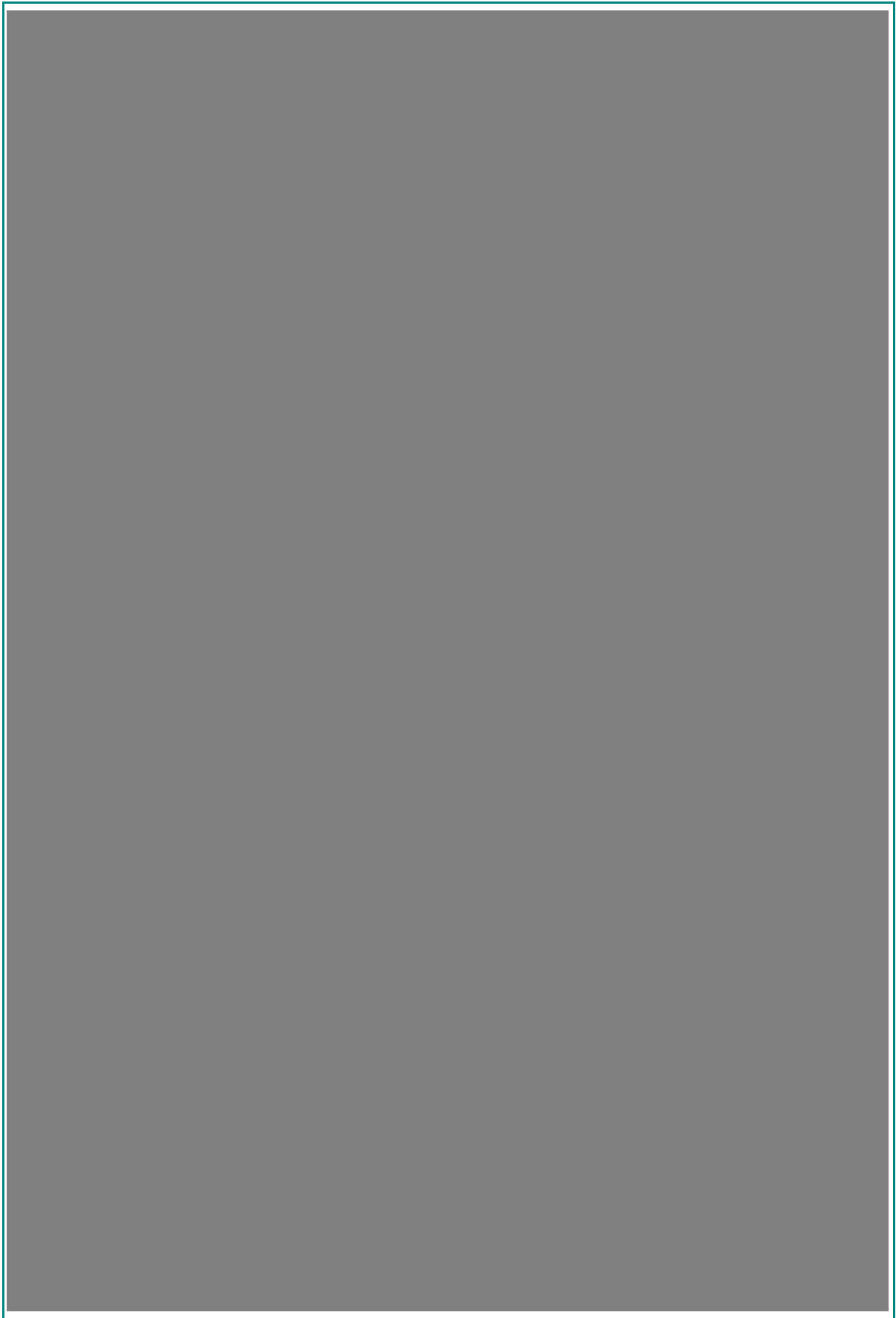


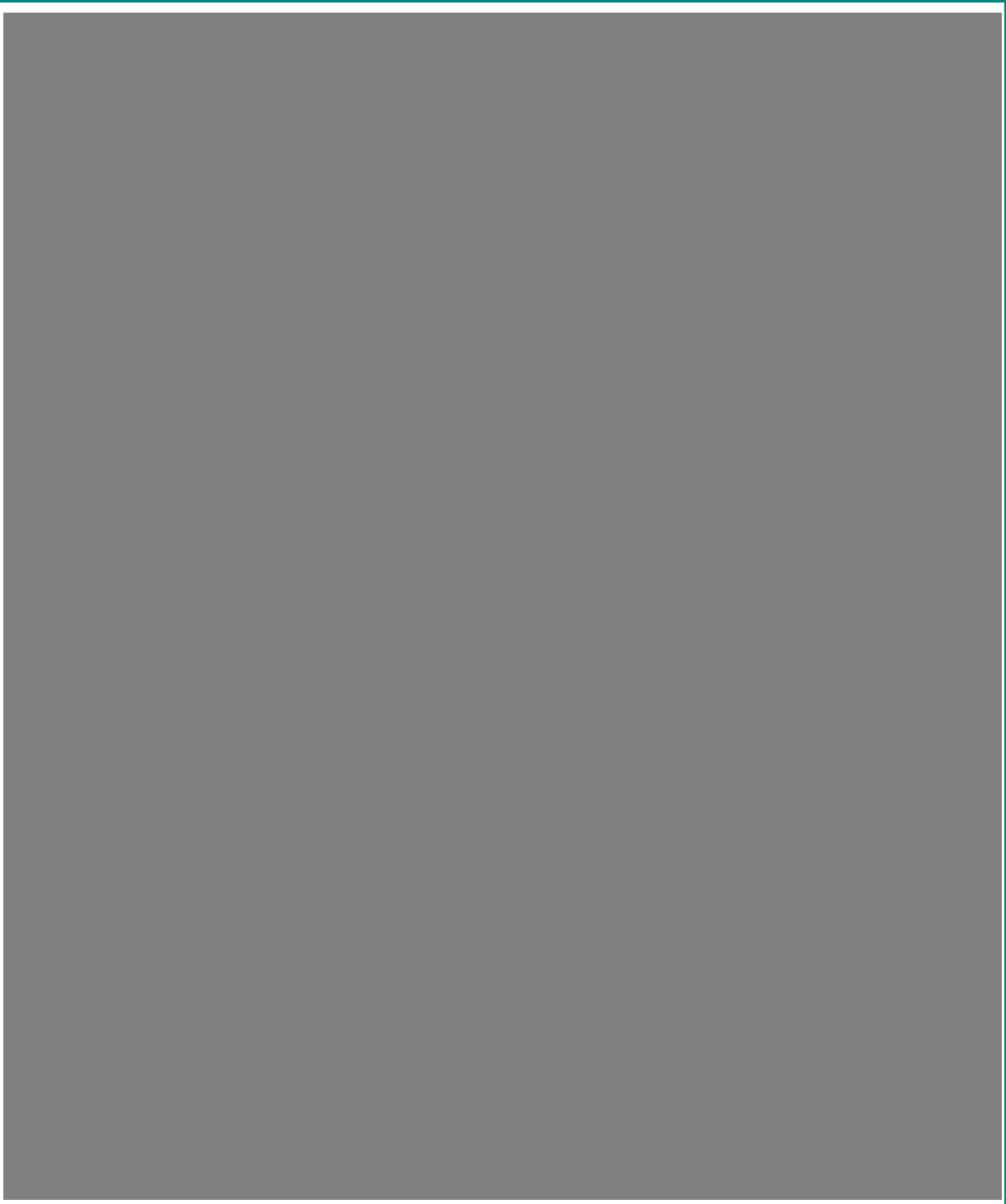


## Addendum – July 2024









### Update – October 2024

In October 2024, the case examiners received an updated case investigation report and evidence bundle. Investigators confirmed that there is previous history, relating to a previous criminal conviction.



## The realistic prospect test

### Fitness to practise history

The case examiners have been informed that on 18 July 2018, the social worker was convicted for driving whilst under the influence of alcohol. [REDACTED]

The case examiners are satisfied, with reference to the regulations, fitness to practise rules and case examiner guidance, that the social worker's previous conviction may be considered to be adverse history. [REDACTED]

The case examiners have therefore considered whether it would be fair and reasonable to take the social worker's previous history into consideration.

Having done so, the case examiners have determined it is fair and reasonable to take the social worker's previous conviction into consideration, [REDACTED], for the following reasons:

#### The conviction

- Although the social worker's 2018 conviction was for a different offence to the conviction in this new fitness to practise case, the regulator's drink and drug driving policy is relevant to both offences. In the case examiners' view, there is sufficient link between the two offences to suggest the 2018 conviction is directly relevant to the concerns now before the regulator.
- Although the social worker was convicted for their first offence more than five years ago, the available evidence suggests that the social worker was subsequently convicted for failing to provide a breath specimen without

reasonable excuse less than four years after the social worker's previous disqualification from driving lapsed.



The case examiners will therefore give consideration to the social worker's previous conviction as part of their assessment of current impairment, and not before.



## 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 7 June 2023 you were convicted of an offence of failing to provide a specimen for analysis.**

**The matters outlined in the regulatory concern 1 amount 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, dated 7 June 2023, which confirms that the social worker was convicted of the following offence:

*On 27/11/2022 at [redacted] you when suspected of having driven a vehicle and having been required to provide a specimen or specimens of breath for analysis by means of a device of a type approved by the Secretary of State pursuant to section 7 of the Road Traffic Act 1988 in the course of an investigation into whether you had committed an offence under section 3A, 4, 5 or 5A thereof, failed without reasonable excuse to do so.*

The certificate of conviction confirms that the social worker pleaded not guilty, but was found guilty in their absence. The document confirms that the social worker was disqualified from driving for 3 years, subject to a reduction of 36 weeks if the social worker were to complete an approved course.

With regards to the context of the offence, the case examiners noted the following from police MG5 documentation, a police sample record, and a police witness statement:

- Police recorded in their MG5 case summary that the social worker had been observed driving on the wrong side of the road in the early hours of the morning. The social worker stopped their vehicle and was asked to provide a roadside breath specimen. The MG5 records that the social worker refused and was arrested. The MG5 records that the social worker agreed to provide a specimen at the police station, but “became disruptive and didn’t follow the instructions to provide a sample”.
- A police sample record states that the social worker was “confused, aggressive, unsteady on feet” and, although the social worker agreed to provide a specimen, the record suggests the social worker failed to follow instruction. In a section for recording any medical or other reasons for not providing a specimen, the record quotes the social worker as having said

“they haven’t been requested, I have provided everything that has been requested from me”.

- A police witness statement reports that the social worker was asked at the roadside if they had consumed alcohol, and responded that they had. The statement suggests the social worker said they would not provide a breath specimen, and tried to walk away towards their home address. It is further suggested that after the social worker was arrested, they denied they had been asked for a breath specimen, and denied that they had said they had consumed alcohol. The statement suggests that in the station, the social worker failed to follow instruction, and provided two incomplete breath specimens. The officer observed that they believed the social worker was breathing in, rather than out, and that the social worker had not provided any medical reason as to why they could not provide a breath specimen.

Within their submissions and in a local interview, the social worker has suggested that they had not intentionally sought to provide incomplete breath samples, and there were medical reasons which were declared to police at the time. However, the case examiners were mindful that this point is, at this stage, immaterial. The case examiners refer to their sanctions guidance, which explains:

*183. Decision makers should not give any weight to (either of the following arguments):*

- *a social worker arguing that they are not guilty of the offence*
- *a social worker arguing that they did not realise what they were admitting to*

*Decision makers can still consider the background facts and circumstances surrounding the conviction. However, they should not use these to undermine the basis of the conviction.*

In this case, the social worker was convicted for failing to provide a breath specimen without reasonable excuse. Accordingly, it has been determined by the courts that the social worker’s ability to provide a specimen was not reasonably impaired.

In light of the above, the case examiners are satisfied that there is a realistic prospect of regulatory concern 1 being found proven, and that adjudicators could determine that the statutory grounds of conviction or caution in the United Kingdom for a criminal offence are engaged.

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 mindful that this is the social worker's second conviction for a drink driving related offence. However, they nevertheless consider that the conduct before the regulator can be remedied.

The case examiners consider that the social worker could remediate by demonstrating their insight and reflection on the circumstances of their criminal offence, and by engaging with the requirements of the court, including the successful completion of the drink drive rehabilitation course.

The case examiners note, however, that the social worker has stated that they have already completed a similar course, following their earlier conviction for driving whilst under the influence of alcohol. In the case examiners' view, completion of a relevant course for a second time would hold lesser weight, given it could reasonably be expected that the social worker should have already benefited from the learning that completion of such a course can provide.

#### Insight and remediation

The case examiners have carefully reviewed the social worker's submissions to the regulator, along with statements made during a local investigation, and in a written statement the social worker prepared for the court.

Having done so, it is apparent that the social worker recognises that their second conviction may have an impact on public confidence in them, and in the social work profession as a whole. However, it is also clear that the social worker maintains that they were unable to provide a breath specimen for health reasons (■■■■■). As the

case examiners have set out earlier in this decision, although they can consider the background and circumstances to the social worker's offence, they cannot undermine a decision made by the court. In this case, it was found by the court that the social worker had no reasonable excuse for failing to provide a breath specimen.

More broadly, the case examiners noted that the social worker has highlighted in their submissions that they completed a relevant drink drive course in 2018. The social worker has stated that they know they would not have been above the legal limit at the time of their more recent arrest, and that having previously completed a relevant course, they would not want to put themselves or others at risk by driving over the limit.

The case examiners are mindful that the social worker was not convicted for driving under the influence of alcohol on this occasion, and that in the absence of a valid breath specimen result it cannot be said whether the social worker was or was not over the legal limit. However, although the social worker reported in their statement for court that they were not under the influence of alcohol at the time of their arrest, the social worker has otherwise stated on multiple occasions in multiple contexts that they were. The case examiners have found no evidence to suggest the social worker has properly engaged in reflection on why they would have consumed alcohol and then driven, or how they could be confident that they were under the limit given there is no valid specimen result to confirm that this was the case.

Accordingly, although the social worker has indicated that they have taken learning from the course they attended in 2018, the case examiners cannot be satisfied that the social worker has been able or willing to translate that learning into a change in their behaviour.

In addition to the above, the case examiners noted that the vast majority of the social worker's submissions during local employment, court and regulatory proceedings have focused on challenging police evidence in respect of uncooperative behaviour; both in terms of the failure to provide a breath specimen, and an attempt to leave the scene prior to arrest. The case examiners are unconvinced that the social worker has been able to provide a cogent version of events in that regard, noting in particular that the social worker's narrative has frequently changed. As an example, in the social worker's court statement, they stated that they walked away from police because they were upset at being accused of drinking; whereas during local interview, the social worker stated they had wanted to retrieve medication ( ). In their self-referral, the social worker made no mention of walking away, instead simply saying they refused to provide a breath specimen and were taken to the police station.

In essence, the case examiners' concern is that the social worker has repeatedly adapted their narrative of events. The social worker's reason for doing so is unclear but, in the case examiners' view, it would nevertheless be reasonable to conclude that the social worker has been unable to fully and consistently reflect on what exactly happened and why. Accordingly, the case examiners consider that adjudicators may find the social worker's level of insight to be limited.

With regards to remediation, notwithstanding the case examiners' points above about the weight that could be attached to completion of a relevant driving course on a second occasion, the case examiners noted that they hadn't received any evidence to suggest the course has been completed at all in the time since the social worker's conviction in June 2023.

#### Risk of repetition

In light of the case examiners' findings in respect of insight and remediation, they can only conclude that a risk of repetition remains.

#### **Public element**

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

In considering the public element, the case examiners have had reference to the regulator's Drink and Drug Driving Policy (December 2022), which advises the case examiners to consider aggravating and mitigating factors when assessing the seriousness of the social worker's criminal offence. The case examiners have noted that investigators have suggested that the policy does not apply in this case, because there is no evidence of drink driving, only failure to provide a breath specimen. The case examiners are satisfied, however, that the policy is directly applicable, given it specifically includes 'failure to provide a specimen without reasonable excuse' in a list of relevant drink and drug driving related offences.

In respect of aggravating factors, the case examiners were satisfied that the following factors drawn from the policy would apply:

#### Applicable in full

- *the sentence imposed includes a period of disqualification from driving of over 12 months* – applicable in full as the social worker was disqualified from driving for 3 years

- *the social worker failing to provide a breath specimen without reasonable excuse* – applicable in full as the court found that the social worker had no reasonable excuse for not providing a breath specimen
- *the social worker having previous criminal convictions for drink or drug driving related offences. The more recent the offending the more serious it would be considered* – applicable in full as the social worker has a previous conviction for driving under the influence of alcohol in 2018
- *the circumstances of the offence suggesting the social worker being unreasonably uncooperative with police or other authorities* - applicable in full as the court found that the social worker had no reasonable excuse for not providing a breath specimen, and there is some evidence to suggest the social worker tried to leave the scene

#### Partially applicable

- *the offence being a repeat offence* – partially applicable as although the social worker's latest conviction is for a different offence to their conviction in 2018, both fall within the remit of the regulator's drink and drug driving policy. For the avoidance of doubt, however, the case examiners consider repetition to have already been appropriately captured in the third aggravating factor listed above, and therefore this further factor will not be assigned any weight

In respect of mitigating factors, the case examiners were satisfied that three partially apply. The case examiners' reasoning is as follows:

#### Partially applicable

- *the offence in question not being a repeat offence* – partially applicable as although it is the social worker's second drink driving related offence, the two offences are different
- *the social worker demonstrating remorse and insight in relation to the offending behaviour* – partially applicable for the reasons set out under the personal element of impairment
- *the social worker is otherwise of good character* – partially applicable as although the social worker's employer has confirmed that there are no wider concerns about the social worker's practice, the employer's evidence nevertheless suggests the social worker admitted they were initially dishonest about the nature of the conduct at the centre of this current fitness to practise case

#### Not applicable

- *the social worker undertaking voluntary relevant remediation including (but not limited to) completing relevant driving courses (for example a drink-drive rehabilitation course)* – not applicable as although the social worker has previously completed the course, it would appear that the social worker may

not have diligently applied the learning they took from the first occasion. In addition, there is no evidence available to suggest the social worker has completed the course again in the time since their latest conviction

- *health condition(s) which were the predominant reason for the offending* – not applicable because although the social worker has maintained that they have health conditions that prevented them from being able to provide a breath specimen, the court found that the social worker's failure to provide a specimen was without reasonable excuse

With reference to the regulator's drink and drug driving policy, the case examiners are advised that a finding of impairment is only unlikely to be necessary in cases where there are no aggravating features. The case examiners are therefore of the view that the public may expect to see a finding of impairment in this case and, in its absence, public confidence in the maintenance of professional standards for social workers may be undermined.

In light of the above, there is a realistic prospect of adjudicators determining that the social worker's fitness to practise is 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 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 both the key facts and impairment.

## 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 | 5 years                      |                                     |

### Reasoning

In considering the appropriate outcome in this case, the case examiners had regard to Social Work England's Sanctions Guidance (2022) and reminded themselves that the purpose of a sanction is not to punish the social worker but to protect the public and the wider public interest. They have also considered the drink and drug driving policy guidance (December 2022) which states, 'in determining a sanction, the decision makers should also take account the relevant aggravating and mitigating factors'.

In determining the most appropriate and proportionate outcome in this case, the case examiners considered the available options in ascending order of seriousness.

#### No further action, advice and warning order

With reference to the regulator's sanctions guidance, the case examiners are reminded that the outcomes of no further action, advice and warning order do not directly restrict a social worker's practice.

The guidance explains that these outcomes are not appropriate where a social worker poses a current risk to the public, though they may be appropriate where there are mitigating factors, which show that a social worker can still practise without restriction.

In this case, the case examiners have found that a risk of repetition remains. With reference to the drink and drug driving policy, the case examiners have also identified a number of aggravating factors to the case.

With these aggravating factors in mind, the case examiners consider that the outcomes of no further action and advice would both be insufficient to safeguard public confidence in the social work profession. The case examiners also consider that, in light of the social worker's previous conviction and the risk of repetition in this case, neither no further action or advice would sufficiently mark the case examiners' disapproval of the social worker's conduct, nor would they provide a sufficiently robust signal to the social worker that any repetition of the conduct would be likely to result in a more severe outcome.

With regards to a warning order, the case examiners are again mindful that such an order would not restrict the social worker's practice. However, on balance, the case examiners nevertheless consider that a warning order might still represent the minimum necessary outcome in this case. In reaching this conclusion, the case examiners referred to the following extract of the sanctions guidance:

*Decision makers should consider issuing a warning order where (both of the following apply):*

- *they cannot formulate any appropriate or proportionate conditions of practice*
- *a suspension order would be disproportionate*

#### Consideration of conditions of practice and suspension orders

The case examiners consider that both of the factors outlined above apply, and their key reasoning is as follows:

- The sanctions guidance is clear that conditions of practice are less likely to be appropriate in cases of character, attitude or behavioural failings. The conduct in this case took place within the social worker's private life, and the case examiners have not identified any link to the social worker's practice.
- Conditions of practice orders will generally include requirement for oversight of a social worker's practice, which in this case would serve no useful purpose. Furthermore, although there is scope for a conditions of practice order to also include a requirement for further reflection and remediation, in this case the social worker had already completed a relevant course, prior to their second conviction for a drink driving related offence. In the case

examiners' view, engagement with further remediation is therefore unlikely to offer reassurance to the regulator that the risk of repetition is reduced.

- With the above points mind, the case examiners consider that they are unable to formulate appropriate conditions of practice, and they have turned their minds to whether a suspension order would be proportionate.
- The case examiners considered their assessment of this point to be finely balanced. On the one hand, the social worker's latest conviction is their second for a drink driving related offence, and this might suggest that a more significant sanction is required to emphasise the importance of adherence to the both the law and the professional standards. On the other, the social worker did not receive regulatory sanction in respect of their first conviction, and therefore has not previously received any formal warning or reminder from their regulator.
- In balancing the above issues, the case examiners considered that although in principle a second offence could legitimately require a suspension order, in this case it would ultimately be disproportionate. This is because the social worker has not formally been warned by their regulator before and, in any event, although this is now the social worker's second conviction, they were for different offences. The case examiners therefore consider that a suspension order would be unduly punitive.

#### Further consideration of a warning order

Having established that they cannot formulate appropriate conditions of practice, and that a suspension order would be disproportionate, the case examiners are satisfied that a warning order is likely to be the appropriate and proportionate outcome in this case. The case examiners are satisfied that although a risk of repetition remains, their conclusions in respect of restrictive sanctions could reasonably be considered mitigating factors; as could the fact that there is no direct link between the conduct in this case and the social worker's practice.

Accordingly, a warning order is the minimum necessary outcome.

#### Length of the warning order

In considering the appropriate and proportionate length of the warning order to be proposed, the case examiners turned their minds to the following principles outlined in the regulator's sanctions guidance:

*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)*

In reviewing the above, the case examiners were satisfied that a 1 year warning order would be insufficient in this case. In reaching this conclusion, the case examiners noted that although the social worker's two convictions were for different offences, both were drink driving related. The case examiners therefore considered that this latest conviction could not reasonably be considered an isolated incident.

The case examiners gave serious consideration to a 3 year warning order, noting that the concerns are more serious, and that such an order would allow more time for the social worker to show they have addressed the risk of repetition. However, the case examiners were mindful that the social worker is currently disqualified from driving, and will likely remain so until at least early 2026. In light of this, a 3 year order would not offer more time for the social worker to show the risk of repetition has been addressed, as the social worker would not be permitted to drive for a substantial proportion of the order's duration.

Given the above, the case examiners consider that it is instead necessary for the social worker to have an extended period within which they must demonstrate that there is no repetition. In accordance with the guidance, the case examiners therefore consider that a 5 year warning order is required, and would represent the minimum necessary outcome.

The case examiners have decided to propose to the social worker a warning order of 5 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 21 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 have an adverse impact on public confidence in you as a social worker and the social work profession.

The case examiners warn that as a social worker, it is of paramount importance that you conduct yourself appropriately and in line with the law, in both your personal and professional life. The case examiners remind you of the following Social Work England professional standards (2019):

*As a social worker, I will not:*

*5.2 Behave in a way that would bring into question my suitability to work as a social worker while at work, or outside of work.*

The conduct that led to this complaint should not be repeated. Any similar conduct or matters brought to the attention of the regulator are likely to result in a more serious outcome.

## Response from the social worker

The social worker submitted a completed accepted disposal response form on 28 October 2024, which included the following declaration:

*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 instance may be fulfilled through the accepted disposal process.

The case examiners therefore direct that the regulator enact a warning order, with a duration of 5 years.