Social worker: Leanne R Kirkham
Registration number: SW9487
Adjudicator Consensual Disposal Hearing

Date of hearing: Monday 2 November 2026

Hearing venue: Remote hearing

Hearing outcome:
Fitness to practise impaired, warning order (1 year)

Introduction and attendees:

1. This is a hearing held under Part 5 of The Social Workers Regulations 2018 (as amended) ("the regulations").

2. Ms Kirkham did not attend and was not represented.

3. Social Work England was represented by Mr Ed Carey instructed by Capsticks LLP.

Adjudicators	**Role**
Manuela Grayson	Chair
Michael Branicki	Social worker adjudicator
Sue Ware	Lay adjudicator

Paul Harris	Hearings officer
Elizabeth Vanlint	Hearings support officer
Karen Park	Legal adviser

Preliminary matters:

4. Prior to the commencement of the hearing Social Work England received an email from Ms Kirkham confirming she was unsure about attending the hearing. The email set out her reasons, which included that she was currently out of the country attending a family event and the recent impact the proceedings were having on her health and wellbeing. The email contained a clear indication that Ms Kirkham wished the matter to be resolved without incurring any further delay beyond that which had already been incurred and that no postponement application was being made.

5. A second email confirmed Ms Kirkham's consent to the hearing and her further consent to short notice and a request that the hearing proceed as planned.

6. On the morning of the hearing Social Work England spoke with Ms Kirkham who confirmed her non-attendance and requested that her emails be shared with the panel. Ms Kirkham was informed that she would be further contacted at the end of the hearing, if the panel decided to proceed in her absence.

Service of notice:

7. The panel of adjudicators (hereafter "the panel") was informed by Mr Carey that notice of this hearing was sent to Ms Kirkham by email and ordinary first-class post to an address provided by Ms Kirkham (namely her registered address as it appears on the Social Work England register). The panel was further informed that Ms Kirkham, prior to today's communication, had expressly agreed in writing, by email dated 23 October 2026, to a shorter notice period of less than 28 calendar days. Mr Carey submitted that the notice of this hearing had been duly served in accordance with the relevant

provisions of the Social Work England Fitness to Practise Rules 2019 (as amended) (hereafter "the Rules"), namely Rules 14(a), 15, 43, 44 and 45.

8. The panel had careful regard to the documents contained in the adjudicator consensual disposal hearing service bundle as follows:

- A copy of the notice of the adjudicator consensual disposal hearing, dated 26 October 2026, and addressed to Ms Kirkham at her email and postal address which she provided to Social Work England;
- An extract from the Social Work England Register as of 27 October 2026 detailing Ms Kirkham's registered address;
- A copy of a signed statement of service, on behalf of Social Work England, confirming that on 27 October 2026 the writer sent by email to Ms Kirkham at the address referred to above: notice of hearing and related documents;
- A copy of an email received from Ms Kirkham on 23 October 2026 confirming her express consent to a shortened notice period of less than 28 calendar days for the Adjudicator Consensual Disposal Hearing (hereafter "ACD hearing");

9. The panel accepted the advice of the legal adviser in relation to service of notice.

10. Having had regard to Rule 14(a), 15, 43, 44 and 45 and all of the information before it in relation to the service of notice, the panel was satisfied that notice of this hearing had been served on Ms Kirkham in accordance with Rules.

Proceeding in the absence of the social worker:

11. Mr Carey on behalf of Social Work England invited the panel to proceed with the hearing in Ms Kirkham's absence. He referred to the principles established in *GMC v Adeogba [2016] EWCA Civ 162* which incorporated relevant principles from the criminal jurisdiction concerning proceeding in absence. Mr Carey submitted that notice of this hearing had been duly served, no application for an adjournment had been made by Ms Kirkham and as such there was no guarantee that adjourning today's proceedings would secure her attendance. Mr Carey further submitted that the key consideration was that the totality of the communication from Ms Kirkham made it clear that she would not be attending the hearing today and was aware that the hearing could proceed in her absence.

12. Mr Carey acknowledged that Ms Kirkham had provided reasons for her non-attendance in her most recent communications prior to the commencement of the hearing. He submitted that it was clear from her communications that she wished the matter to progress. Mr Carey therefore invited the panel to proceed in the interests of justice and the expeditious disposal of this hearing.

13. Mr Carey further submitted that Ms Kirkham had co-operated with Social Work England in bringing the proceedings to this present stage and that the delay incurred was not as a result of Ms Kirkham's own making. He emphasised that given her level of co-operation and her expressed wish for the hearing to proceed, there was no identifiable prejudice to her in the hearing proceeding in her absence.

14. The panel accepted the advice of the legal adviser in relation to the factors it should take into account when considering this application. This included reference to Rules 14(a), 43, 44 and 45 of the Rules and the relevant authorities, including *R v Jones [2003] 1 AC 1* and the *General Medical Council v Adeogba [2016] EWCA Civ 162*. The panel was advised that the overarching question was whether it was fair and proportionate, in all the circumstances, to proceed in Ms Kirkham's absence.

15. The legal adviser reminded the panel that Ms Kirkham had engaged to confirm her non-attendance and had provided her written response and that it would usually be fair to proceed, provided that doing so would not cause unfairness or prejudice to Ms Kirkham. The panel was reminded to balance Ms Kirkham's interests against the wider public interest, including maintaining public confidence in the profession and the regulatory process, ensuring the proper administration of justice, and avoiding unnecessary delay in the disposal of the proceedings

16. The panel considered all of the information before it, together with the submissions made by Mr Carey on behalf of Social Work England. The panel noted that Ms Kirkham had been sent notice of today's hearing and the panel was satisfied that she was aware of today's hearing.

17. The panel had no reason to believe that an adjournment would result in Ms Kirkham's attendance and that it would be disadvantageous to delay the hearing any further. The panel formed the view there would be a greater prejudice in the hearing not proceeding, given the considerable delay since the date Ms Kirkham's conduct was brought to the notice of Social Work England.

18. Having weighed the interests of Ms Kirkham in regard to her attendance at the hearing with those of Social Work England and the public interest in an expeditious disposal of this hearing, the panel determined to proceed in Ms Kirkham's absence.

Allegations:

19. The allegation arising out the regulatory concerns referred by the Case Examiners on 25 July 206 is:

    1. *"Whilst registered as a social worker, you were convicted at Tameside Magistrates' Court on 6 July 2023 of an offence of driving a motor vehicle on 14 May 2023 after consuming so much alcohol that the proportion of it in your breath, namely 80 microgrammes of alcohol in 100 millilitres of breath, exceeded the prescribed limit contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.*

The matters outlined in paragraph (1) amount to the statutory ground of a conviction in the United Kingdom for a criminal offence.

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

Background:

20. On 24 May 2023, Social Work England received a self-referral from the respondent social worker, Leanne Kirkham ("the social worker"), holding registration number SW9487. This was to declare that she had been arrested for driving whilst under the influence of alcohol. She was subsequently convicted on 6 July 2023.

21. At the material time, the social worker was employed in a Senior Practitioner role within the Oldham Council Court Team.

22. When the police stopped the social worker, it was apparent she was driving with **[PRIVATE]** passengers. The police would later confirm they would not be pursuing any charges beyond driving with excess alcohol.

23. On 29 September 2026 Ms Kirkham provided a completed response form, written submissions and supporting evidence. Ms Kirkham does not dispute the conviction or the factual allegation. In her completed response she admits the conviction, admits that it amounts to the statutory ground of conviction in the United Kingdom for a criminal offence, and admits that her fitness to practise is currently impaired.

24. The matter subsequently proceeded to the adjudicator consensual disposal process and was listed for consideration before the panel at the hearing.

Adjudicator Consensual Disposal Application:

25. The panel was provided with an adjudicator consensual disposal agreement, dated 20 October 2026 and signed by Ms Kirkham (hereafter "the agreement").

26. In accordance with the agreement, Ms Kirkham has confirmed that the facts of the allegation, as outlined at paragraph 18, above, are admitted in their entirety and she does not dispute the evidence.

27. Ms Kirkham further admits that the admitted facts amount to a breach of the following standards:

    a. *"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."

28. Ms Kirkham accepts that the admitted facts amount to the statutory ground of a conviction in the United Kingdom for a criminal offence for the reasons set out in

Regulation 25(2)(c) of the Rules and that the conviction, as outlined, places Ms Kirkham in breach of the professional standard as outlined at paragraph 27.

29. Ms Kirkham also accepts that her fitness to practise is currently impaired by reason of a conviction in the United Kingdom for a criminal offence. Ms Kirkham accepts that her conduct was serious due to the level of alcohol (more than twice the prescribed limit), the manner of her driving being above the speed limit and crossing over the central line and in the presence of **[PRIVATE]** in the car. Ms Kirkham also accepts her actions exposed **[PRIVATE]**, other road users and the public to risk. Ms Kirkham has demonstrated insight and remediation and has continued to practise safely without any employer concern since the incident in May 2023.

30. Ms Kirkham agrees to the proposed sanction of a one-year Warning Order which reflects the time which has elapsed, the limited risk of repetition, her evidence on insight and remediation, the absence of workplace concern and accepts that the proposed sanction is sufficient to highlight the professional standards expected of social workers.

Summary of evidence:

31. On behalf of Social Work England, Mr Carey invited the panel to consider the matters of fact, statutory ground, current impairment and proposed sanction together, addressing each in stage turn.

32. Mr Carey first invited the panel to record Ms Kirkham's admission to allegation 1 in its entirety, as set out in the agreement between the parties, and to find the allegation proved. He submitted the documentary evidence contained in the witness statement and exhibits bundle was not contested. Accordingly, there was no requirement for Social Work England to call live witnesses. He invited the panel to find the allegation proved on the basis of Ms Kirkham's admission.

33. Mr Carey submitted that Social Work England relied upon the fact of Ms Kirkham's conviction and material provided to it by the Police. All such evidence has been provided by way of production statements.

34. The fact of conviction and sentence is proved by the signed Certificate of Conviction from Tameside Magistrates' Court, which confirms that on 6 July 2023 the Ms Kirkham was convicted of driving a motor vehicle after consuming so much alcohol that the proportion in her breath (80 micrograms in 100 millilitres) exceeded the prescribed limit, and was disqualified from driving for 20 months. Ms Kirkham pleaded guilty.

35. The police report provides the contemporaneous account of the driving. Ms Kirkham was suspected of driving above the speed limit. She was observed over the centre line towards the police vehicle. After being stopped, it was observed that she smelt of alcohol, and she returned a reading of 80 micrograms when breathalysed at the police station.

36. The police report and associated police correspondence also record **[PRIVATE]** passengers in the car at the time. No further action was taken in relation to this when the police concluded there was no evidence of wrongdoing beyond **[PRIVATE]** being present in the vehicle.

37. Ms Kirkham's own self-referral and subsequent emails to Social Work England confirm that she was arrested on 14 May 2023 for driving whilst over the limit after a party, **[PRIVATE]**, that she believed she was "fine" to drive at the time. She later informed Social Work England that she had been disqualified from driving for 20 months.

38. Mr Carey submitted that pursuant to Rule 35A of the Rules, where a registered social worker has been convicted of a criminal offence, a copy of the certificate or memorandum of conviction, certified by a competent officer of a Court in the United Kingdom shall be conclusive proof of the conviction. Further, the findings of fact upon which the conviction is based shall be admissible as proof of those facts.

39. Turning to the statutory ground of conviction, Mr Carey submitted that the admitted facts amount to conviction and represented a serious departure from the professional standards expected of a social worker, particularly having regard to the specific standard as outlined at paragraph 27.

40. Mr Carey acknowledged that whether or not the admitted facts amount to a conviction in the United Kingdom for a criminal offence is a matter for the panel's independent professional judgement. Nevertheless, he drew the panel's attention to the fact that Ms Kirkham herself accepted that the facts as agreed amount to a conviction in the United Kingdom for a criminal offence. He invited the panel to reach the same conclusion.

41. Turning to impairment. Mr Carey submitted that Ms Kirkham has also expressly accepted that her fitness to practise was currently impaired. He acknowledged that this admission was not determinative and that the question of current impairment remained a matter of judgement for the panel. He nevertheless invited the panel to find that Ms Kirkham's fitness to practise was currently impaired.

42. Insofar as the personal element, Mr Carey submitted that Ms Kirkham made a prompt self-referral following her arrest and updated Social Work England after her conviction. She has consistently accepted the conviction and, in her most recent response, expressly accepts that her conduct was serious, wrong and capable of undermining public confidence in the profession.

43. In her response form, Ms Kirkham recognises that driving after drinking created a risk of serious harm to **[PRIVATE]**, other road users and the public. She acknowledges that, as a registered social worker, she was expected to exercise sound judgment in her private life and to maintain the standards necessary to retain public confidence in the profession.

44. Mr Carey further submitted that Ms Kirkham has undertaken an alcohol-awareness course in addition to the drink-drive rehabilitation course. Ms Kirkham has reflected on alcohol metabolism, the unreliability of assumptions about being fit to drive on the

following day, the effect on reaction times and judgement, and the need to plan in advance so as not to drive after consuming alcohol. She describes practical safeguards which she would adopt in future, including arranging alternative transport, leaving her vehicle behind, and avoiding any assumption that she is safe to drive following alcohol consumption.

45. The character evidence is supportive of the proposition that the incident was isolated and out of character. The references describe Ms Kirkham as conscientious, honest, **[PRIVATE]** and professionally capable. Her current manager confirms no concerns about her practice, integrity or professionalism and records that she has been open about the proceedings. There are no current concerns arising from this incident or anything else. The incident was entirely isolated.

46. There is no evidence of a previous regulatory history, alcohol dependence, a recurring pattern of alcohol-related misconduct, or any subsequent comparable conduct. Ms Kirkham has continued to work as a social worker without any identified practice concerns and has had prior to this incident, an unblemished career.

47. Against that background, Mr Carey submitted that Social Work England accepts that there is evidence of remorse, articulated insight and remediation and therefore any risk of repetition is substantially reduced, but it is nevertheless made out at a lower level of risk. The evidence supports the conclusion that the personal component of impairment is substantially reduced.

48. Nevertheless, Mr Carey submitted that the personal element of public protection is made out given the previous inconsistent accounts in the first year following the incident to the current shift in position. However, Mr Carey submitted that the most pressing current impairment is the wider public interest and the adjudicators must determine whether a finding of current impairment remains necessary on the personal and/or public component, having regard to the seriousness of the conviction, the circumstances of the driving and the overarching objective.

49. In relation to the public element, Mr Carey submitted that Ms Kirkham's fitness to practise is currently impaired on public interest grounds. Drink-driving at more than twice the prescribed limit, **[PRIVATE]**, represents a serious departure from the standards of conduct and personal judgement expected of a registered social worker, irrespective of the fact that it occurred in her private life whilst not at work.

50. Mr Carey went on to state that ordinary, reasonable and informed members of the public would rightly be concerned that a social worker, and in particular a senior practitioner responsible for safeguarding children, chose to drive in those circumstances. If no current impairment were found in response to such conduct, it would risk undermining public confidence in both the profession and its regulation and would fail to mark the seriousness of the behaviour or to promote proper standards.

51. A finding of current impairment on the public component is therefore required to maintain confidence in the social work profession and to uphold Social Work England's professional standards.

52. In relation to the proposed sanction, Mr Carey submitted that sanction is a matter of judgement for the adjudicators, but that Ms Kirkham has accepted a warning order for a duration of one year as a means to show clear disapproval of Ms Kirkham's conduct or performance.

53. Mr Carey went on to state that the allegation was serious and required careful consideration of Social Work England's Sanctions Guidance. He acknowledged at the outset that the seriousness of the conduct was not such that a removal order, suspension order or conditions of practice order warranted serious consideration. However, he submitted that, having regard to the particular circumstances of the case, a warning order for one year would be appropriate and proportionate as it would reflect the seriousness of the act. A warning order of any duration above one year would be disproportionate, particularly given the incident took place in May 2023.

54. Mr Carey addressed the available sanctions in ascending order of seriousness. He submitted that taking no further action or providing advice would be insufficient to address the wider public interest concerns.

55. Mr Carey then invited the panel to impose a warning order for one year and referred the panel to paragraph 108 of Social Work England's Impairment and Sanctions guidance which sets out when an order is likely to be appropriate. If the fitness to practise issue is isolated or limited; the circumstances suggest a low risk of repetition and the social worker has demonstrated insight, a warning order is likely to be appropriate.

56. Mr Carey went on to state that the panel should issue a warning order where they cannot formulate any appropriate or proportionate conditions of practice and a suspension order would be disproportionate.

57. In determining the length of the warning order, Mr Carey submitted to the panel that a one year order is appropriate for this isolated incident. The primary objective of the warning is to highlight the professional standards expected of social workers.

58. Mr Carey further submitted that Ms Kirkham does not dispute the conviction, the factual allegation, or that it amounts to the statutory ground and she further admits that her fitness to practise is currently impaired.

59. Ms Kirkham has provided three character references and a supporting letter. The material includes evidence from a current manager, a former manager and a professional colleague/friend, addressing her professional practice, candour, character, remediation and the absence of workplace concerns

60. Ms Kirkham made a prompt self-referral, has consistently accepted responsibility for driving while over the legal limit, and has engaged with remediation, including an alcohol-awareness course and a drink-drive rehabilitation course. She accepts that her

conduct was serious and exposed **[PRIVATE]**, other road users and the public to risk. She has demonstrated insight and remediation and has continued to practise safely without employer concern.

61. Despite the presence of aggravating factors, i.e. the risk of serious harm, the amount that Ms Kirkham was over the drink driving limit and the presence of **[PRIVATE]** in the vehicle, she has provided evidence of remediation and lack of risk of repetition.

62. In conclusion Mr Carey submitted that a one year warning order reflects the time passed, the limited risk of repetition and Ms Kirkham's evidence on insight and remediation, and the absence of workplace concern and is sufficient to highlight the professional standards expected of social workers.

63. The panel very carefully considered Ms Kirkham's written response in which she fully admitted allegation 1 in its entirety, she admitted that the agreed facts amount to the statutory ground of conviction in the United Kingdom for a criminal offence and that her fitness to practise is currently impaired by reason of that conviction.

64. The panel noted that within Ms Kirkham's written response she stated that she was unaware she remained over the legal limit at the time of the offence, having consumed a significant amount of alcohol at a wedding the previous day and evening. Ms Kirkham did not seek to hide behind her actions or use this as any excuse. She expressed deep regret for her poor judgement on the day.

65. Ms Kirkham has demonstrated insight, remorse, reflection and sustained safe practise throughout the proceedings. There are no further concerns, she displays a long standing professional unblemished record and evidence of remediation. Ms Kirkham wishes to move on with her life and career.

66. During the time it has taken for Social Work England to bring the matter to hearing Ms Kirkham describes that she has continued to practise as a social worker without any concerns regarding her conduct, competence or fitness to practise. Prior to this incident Ms Kirkham describes an exemplary professional record spanning over 14 years, as supported by numerous positive character and professional references.

Legal Advice:

67. The panel accepted the advice of the legal adviser, who referred to the Social Workers Regulations 2018, the Social Work England Fitness to Practise Rules 2019 (as amended), Social Work England's Adjudicator Consensual Disposal Guidance, the Impairment and Sanctions Guidance and Social Work England's Drink and Drug Driving Policy.

68. The legal adviser explained that adjudicator consensual disposal was a procedure whereby Social Work England and the social worker jointly proposed an outcome to fitness to practise proceedings for the panel's independent consideration. The panel was advised that it was not bound by the agreement reached between the parties and

must exercise its own independent professional judgement when determining the statutory ground, current impairment and the appropriate sanction.

69. The legal adviser advised that, pursuant to Rule 32(c)(i)(aa) of the Fitness to Practise Rules, the panel was required to find the facts expressly admitted by Ms Kirkham proved. Accordingly, there was no requirement for a contested determination of those facts. However, the panel was required to consider the signed agreement, the statement of case and the supporting documentary evidence to satisfy itself that there was a sufficient evidential basis for its determinations. The legal adviser emphasised that, although Ms Kirkham had admitted the facts amounted to a conviction and current impairment, those matters remained for the panel's independent judgement.

    In relation to the statutory ground of a conviction and current impairment, the legal adviser advised the panel to consider the seriousness of the admitted conduct and whether it amounted to a conviction and a breach of Professional Standard 5.2. In determining current impairment, the panel should consider the principles established in *Cohen v GMC [2008] EWHC 581 (Admin)* and *Council for Healthcare Regulator Excellence v Grant and NMC [2011] EWHC 927 (Admin)* including the evidence of insight, remorse, remediation and any continuing risk of repetition.

70. The panel was advised to consider both the personal component, concerning public protection, and the public component, concerning maintaining public confidence in the profession and promoting and maintaining proper professional standards.

71. In relation to sanction, the legal adviser advised that the purpose of a sanction was not punitive but protective. The panel was required to consider the available sanctions in ascending order of seriousness, having regard to Social Work England's Sanctions Guidance, the relevant aggravating and mitigating factors, and the principles of proportionality. The panel should identify the least restrictive sanction sufficient to protect the public and the wider public interest. The legal adviser emphasised that the proposed sanction and its duration required independent scrutiny and that the agreement of the parties, although relevant, was not determinative.

72. The legal adviser further advised that the panel should only accept the proposed consensual disposal if satisfied that the admitted facts established the statutory ground, that current impairment was established and that the proposed sanction was appropriate, proportionate and sufficient to meet the regulatory objectives. If the panel had concerns about the evidence, impairment or proposed sanction, it should invite further submissions. Where an alternative outcome was considered appropriate, the parties should be given an opportunity to agree to it. If the necessary information was unavailable, or the parties could not agree to an alternative outcome, the panel would be required to reject the proposed consensual disposal and provide reasons for doing so.

73. The legal adviser advised that, if the agreement was rejected, the matter should be adjourned and re-listed for a final hearing, with the admitted facts remaining admitted but the proposed sanction ordinarily not being disclosed to the subsequent panel.

74. Finally, the legal adviser reminded the panel of its obligation to ensure procedural fairness and to provide clear and sufficient reasons for its decision. If the proposed consensual disposal was accepted, the panel's determination should demonstrate its independent assessment of the admitted facts, conviction, current impairment and sanction, including why the particular sanction and its duration were necessary and proportionate. Any application for an interim order would require separate consideration and reasons.

Finding and reasons on facts:

75. Rule 32c(i)(aa) Fitness to Practise Rules 2019 (as amended) (the 'Rules') states:

Where facts have been admitted by the social worker, the adjudicators or regulator shall find those facts proved.

76. In accordance with the agreement, Ms Kirkham had confirmed that the facts of the allegation, as outlined at paragraph 19 above are admitted in their entirety and she does not dispute the evidence.

77. The panel were satisfied that the key facts in the case, that raise the question of the social worker's impairment, as outlined were admitted. The panel therefore found allegation 1 proved by way of Ms Kirkham's admissions.

Finding and reasons on grounds:

78. The panel carefully considered all of the information before it, including the agreed statement of facts, Ms Kirkham's admissions, the statement of case, the witness statements and accompanying exhibits, Ms Kirkham's written response, the oral submissions made by Mr Carey on behalf of Social Work England and the relevant breach of Professional Standard 5.2, i.e.

> a. *"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."*

79. The panel accepted the advice of the legal adviser and recognised that notwithstanding Ms Kirkham's admissions, it was required to exercise its own independent professional judgement in determining whether the admitted facts amounted to a conviction.

The panel recognised that a conviction for driving in excess of the legal limit involved a serious departure from the standards of conduct expected of a registered social worker. It considered the nature, circumstances and seriousness of the allegation when reaching its determination.

80. Having regard to the agreement and the further submissions from Mr Carey the panel considered that Ms Kirkham's conduct, as set out in allegation 1 amounts to a conviction in the United Kingdom for a criminal offence, on the basis that the memorandum of conviction is conclusive proof of the conviction, and the underlying facts upon which the conviction is based is admissible as proof of those facts.

Finding and reasons on current impairment:

81. When considering the question of impairment, including seriousness and risk, the panel took into account the agreement and Social Work England's 'Impairment and Sanctions Guidance', the 'Adjudicator Consensual Disposal Guidance' and the 'Drink and Drug Drive Policy' first published December 2022, and updated in June 2025.

82. The panel recognised that its task was to determine whether Ms Kirkham's fitness to practise was currently impaired, rather than merely whether her conduct had been unacceptable at the time. It considered both the personal component, concerning any continuing risk to the public, and the public component, concerning the maintenance of public confidence in the profession and the promotion and maintenance of proper professional standards.

83. Having regard to the agreement and the further submissions heard by Mr Carey the panel considered the following factors were material to assessing seriousness:

- Ms Kirkham's **[PRIVATE]** present in the car which the panel found would have placed them at a high risk of harm, in addition to also placing members of the public and other road users at risk
- The offence occurred the following day after consuming alcohol the previous day and evening
- The length of the disqualification was in excess of 12 months
- The manner in which the vehicle was being driven, with evidence it crossed the central line
- The variance in Ms Kirkham's initial account and acceptance of responsibility
- The incident was isolated and has been fully remediated. The panel placed particular weight on this being an isolated incident
- The incident took place outside of Ms Kirkham's work and whilst some limited weight was attached to this, the panel stressed that driving whilst over the prescribed limit is not to be condoned regardless as to when it occurs
- It is highly unlikely the conduct will be repeated
- The level of remorse and early referral made by Ms Kirkham.

84. The panel then considered whether Ms Kirkham's fitness to practise is currently impaired in respect of the personal element of impairment.

85. The panel did not consider that Ms Kirkham's fitness to practise is currently impaired in respect of the personal element. Whilst they noted there was some variance to the accounts initially provided, Ms Kirkham now fully accepts the facts as outlined and does not seek to minimise her actions and the risk that she would have placed on **[PRIVATE]** and other road users. Whilst the panel did not detract from the seriousness of the conduct, they placed significant weight on it being an isolated incident. Ms Kirkham has shown full remorse and genuine insight and has remediated to the extent which the panel would expect. The panel found it highly unlikely any similar conduct will be repeated. The testimonial evidence demonstrates a significantly low risk of repetition.

86. The panel next considered whether Ms Kirkham's fitness to practise is currently impaired in respect of the public element, with particular regard to the current risk to public safety, any risk in maintaining public confidence in the social work profession and any risk in maintaining the professional standards for social workers and whether a finding of current impairment was necessary.

87. The panel reminded itself of the aggravating factors it had found, which included the serious nature of the offence, the manner of driving and **[PRIVATE]** being present in the car. Those factors were reflected in the 20-month disqualification imposed by the criminal court. The panel was of the view that a member of the public, in possession of the facts of the case would view the incident as serious and one which represents a serious departure from the standards of conduct and personal judgement expected of a registered social worker, irrespective of the fact that it occurred in her private life whilst not at work. Whilst the panel placed considerable weight to it being an isolated incident, the offence was nevertheless serious and any member of the public would view it as such.

88. Having regard to the factors outlined at paragraph 83, the agreement and the further submissions heard by Mr Carey the panel concluded that a reasonable and well-informed member of the public, aware of the admitted facts and the circumstances of the case, would be seriously concerned if Ms Kirkham's conduct did not result in a finding of current impairment. It considered that such an outcome would fail to adequately recognise the seriousness of the conviction and would risk undermining public confidence in the profession and the standards expected of registered social worker. To find otherwise would damage public confidence.

89. The panel therefore determined that the public component of impairment was engaged. While it had considered both components with equal weighting, it concluded that the evidence gave rise to more significant concerns under the public component, particularly the need to maintain public confidence and uphold proper professional standards.

90. Having considered all the circumstances, including Ms Kirkham's admissions, her genuine insight and remorse, sufficient evidence of remediation, and the wider public

interest, the panel concluded that Ms Kirkham's fitness to practise was currently impaired on the public component.

Decision and reasons on sanction:

91. Having determined that Ms Kirkham's fitness to practise was currently impaired, the panel carefully considered what sanction, if any, was necessary and proportionate. It had regard to the Adjudicator Consensual Disposal Agreement, the submissions made by Mr Carey, the evidence before it and Social Work England's Impairment and Sanctions Guidance. The panel accepted the advice of the legal adviser that the purpose of a sanction was not to punish Ms Kirkham but to protect the public, maintain public confidence in the profession and uphold proper professional standards.

92. The panel recognised that, notwithstanding the agreement between Social Work England and Ms Kirkham proposing a one-year warning order, it was required to exercise its own independent judgement. It considered the available sanctions in ascending order of seriousness, seeking to identify the least restrictive sanction sufficient to meet the regulatory objectives.

93. The panel first considered taking no further action or providing advice. It concluded that neither outcome would adequately reflect the seriousness of the conviction or address the wider public interest concerns, or necessity for a sanction. It reminded itself that those sanctions were reserved for exceptional cases which is not applicable in this case because of the aggravating factors present and as outlined.

94. The panel next considered the proposed warning order and whether it would be appropriate and proportionate to the circumstances of the case and the overarching objective in maintaining and upholding proper professional standards and maintaining public confidence in the profession. It recognised that a warning order would be appropriate where the incident is isolated or limited and there are hallmarks of a low risk of repetition.

95. The panel determined that the sanction as proposed in the agreement, namely a warning order is a proportionate and appropriate sanction in this case. It would appropriately mark the seriousness of the conduct, maintain public confidence in the profession and uphold proper professional standards. It also considered that the public would expect a significant regulatory response to conduct involving a conviction.

96. The panel then went on to consider the duration of a warning order. It noted that the parties had proposed one year and carefully considered whether that period was necessary and proportionate, rather than accepting it merely because it had been agreed. The panel concluded that anything greater than one year would be disproportionate and unjust to the facts of the case. The panel was also mindful of the passage of time and noted the extent to which some of the administrative and technical issues had impacted Ms Kirkham in her communications with Social Work England.

97. The panel concluded that a one-year warning order was sufficient to maintain confidence in the profession and would adequately reflect the seriousness of the conduct.

98. The panel considered and discounted a conditions of practice order on the basis there are no conditions which can be properly formulated and all practical remedial steps have been taken.

99. Similarly, the panel considered and discounted a suspension order and removal order. Both sanctions would be disproportionate in the particular circumstances of the case.

100. In arriving at its conclusion the panel attached weight to the fact the conviction arose from an isolated incident within an unblemished and lengthy professional career, rather than any similar previous conduct. It also took into account the absence of any actual harm, the positive testimonials, Ms Kirkham's admissions and the full extent of insight shown.

101. The panel therefore concluded that a one-year warning order represented the most appropriate and proportionate sanction.

Right of appeal:

102. Under Paragraph 16(1)(a) of Schedule 2 of the regulations, the social worker may appeal to the High Court against the decision of adjudicators:

    a. the decision of adjudicators:

        i. to make an interim order, other than an interim order made at the same time as a final order under Paragraph 11(1)(b),

        ii. not to revoke or vary such an order,

        iii. to make a final order.

    b. the decision of the regulator on review of an interim order, or a final order, other than a decision to revoke the order.

103. Under Paragraph 16(2) of Schedule 2 of the regulations an appeal must be filed before the end of the period of 28 days beginning with the day after the day on which the social worker is notified of the decision complained of.

104. Under Regulation 9(4) of the regulations this order may not be recorded until the expiry of the period within which an appeal against the order could be made, or where an appeal against the order has been made, before the appeal is withdrawn or otherwise finally disposed of.

105. This notice is served in accordance with Rules 44 and 45 of the Social Work England Fitness to Practice Rules 2019 (as amended).

The Professional Standards Authority:

106. Please note that in accordance with section 29 of the National Health Service Reform and Health Care Professions Act 2002, a final decision made by Social Work England's panel of adjudicators can be referred by the Professional Standards Authority ("the PSA") to the High Court. The PSA can refer this decision to the High Court if it considers that the decision is not sufficient for the protection of the public. Further information about PSA appeals can be found on their website at: https://www.professionalstandards.org.uk/what-we-do/our-work-with-regulators/decisions-about-practitioners.