



Case Examiner Decision

Irfan Alam

SW19904

FTPS-19859

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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	23 October 2025
	Accepted disposal proposed - warning order (three years)
Final outcome	19 November 2025
	Accepted disposal - warning order (three years)

Executive summary

The case examiners established that in accordance with paragraph 1(2) of Schedule 2 to The Social Workers Regulations (2018), there is a realistic prospect that adjudicators would determine that the social worker’s fitness to practise is impaired. This is because the social worker has been convicted of a criminal offence and has received a suspended custodial sentence. In accordance with the regulations, the case examiners therefore commenced their decision making by considering whether there is a public interest in referring this case to a hearing.

The case examiners do not consider it to be in the public interest for the matter to be referred to a final hearing and they are satisfied that the case can 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 three years duration. The social worker subsequently responded, confirming that they understood and accepted the terms of the proposal.

In Summary:

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 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 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 [REDACTED] will be redacted only from the published copy of the decision, and will therefore be shared with the complainant in their copy. Text in [REDACTED] 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 the social worker's former employer [REDACTED] Council. The social worker also self referred.
Date the complaint was received	26 October 2021 and 5 November 2021
Complaint summary	<p>The social worker's former employer reported that the social worker had been arrested on charges related to illegal drugs misuse on 23 October 2021 and was released on bail pending further investigations.</p> <p>The social worker was subsequently convicted, and the matter was taken forward by the regulator under the statutory ground of conviction or caution in the United Kingdom for a criminal offence.</p> <p>On 31 January 2024, the social worker was sentenced to 10 months imprisonment suspended for two years plus 200 hours community service.</p>

Regulatory concerns

RC1. On 21 November 2023 you were convicted at Bradford Crown Court of possession of a class A controlled drug (methylamphetamine) and of offer to supply the same class A controlled drug.

The matter set out at RC1 above amounts to the statutory ground of a conviction or caution in the United Kingdom for a criminal offence.

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

Preliminary issues

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

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	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>

As mentioned earlier in this determination, Paragraph 1(2) of Schedule 2 to The Social Workers Regulations (2018) applies in this case. This relates to cases where a social worker has received a custodial sentence having been convicted of a criminal offence.

Normally, whilst case examiners are required to apply the realistic prospect test in order to reach a determination on potential impairment, in instances where the above mentioned section of the regulations is engaged this test is not needed to be carried out. This is because the finding of impairment is automatically made, as it is deemed that criminal matters of such seriousness as to require time in custody engage the public interest and require decision makers to conclude that the social worker's fitness to practise is impaired.

Reasoning

As detailed above, the case examiners are not required to apply the realistic prospect test in cases where Paragraph 1(2) of Schedule 2 to The Social Workers Regulations (2018) applies. As such, there is no need to establish if the facts could be found proven, if the statutory ground of a conviction or caution in the United Kingdom for a criminal offence is engaged, or if the social worker is currently impaired.

To assist, and in order to demonstrate why this is the case, the wording of the regulations is as follows (emphasis added in bold):

(2) Where a question arises as to whether a social worker's fitness to practise is impaired—

(a) as a result of them having been convicted of an offence in respect of which a custodial sentence has been imposed, other than a listed offence,

*there are reasonable grounds for investigating whether the social worker's fitness to practise is impaired, **and there is a realistic prospect that adjudicators would determine that the social worker's fitness to practise is impaired.***

The public interest

Decision summary

Is there a public interest in referring the case to a hearing?	Yes	<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

In considering whether referral to a hearing might be required, the case examiners noted that the social worker has accepted all of the key facts and there is no conflict in evidence that must be resolved at a hearing.

Although the concerns in this case are serious, the case examiners are satisfied that the public would be reassured to see the regulator take prompt action to conclude this case through the accepted disposal process, which includes the publication of a decision on the regulator's website. The case examiners consider that the public interest can therefore be fulfilled through the accepted disposal process.

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	3 Years	

Reasoning

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

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

The case examiners have taken into account the principle of proportionality by weighing the social worker's interests with the public interest when considering each available sanction in ascending order of severity. The case examiners have also assessed the social worker's level of insight and remediation, which will inform their consideration of what sanction may be necessary.

Prior to considering the sanctions available the case examiners have noted Social Work England's sanctions guidance, which says:

'Case law confirms that a social worker convicted of a serious offence should not normally be permitted to return to practice (while they are still subject to a criminal sentence). This includes any suspended custodial sentence or community order'

The guidance links to *CHRE v Fleischmann and GDC [2005] EWHC 87 (Admin)*.

On the face of the guidance, the case examiners acknowledge that this would appear to direct them towards a suspension order as the minimum sanction. This is because the social worker will not have completed their suspended sentence until January 2026.

However, the case examiners note that that sanctions guidance was last updated on 29 July 2022. Since that time, the case examiners are aware that further case law has arisen that directly speaks to the case of Fleischmann, this is the case of *PSA v GDC and Patel [2024] EWHC 243 (Admin)*.

In that case the Judge stated:

‘The statement of principle in Fleischmann did not itself set out any tariff or provide a formula for determining when a practitioner “had satisfactorily completed his sentence”’

The Judge went on to describe how imposing a suspension to cover the period up to when the suspended sentence expired could create ‘*an anomalous result*’.

‘.....The anomaly might be greater still if a suspended sentence involved a relatively short custodial sentence suspended for a lengthy period (up to the two-year maximum). The general public might well conclude that a case in which the court felt able to suspend a custodial sentence was less serious than one in which only immediate custody was appropriate and that the professional sanction would likewise reflect such a distinction. It follows, in my view, that Fleischmann cannot be applied as if it were a rule; both it and the “general principle” derived from it in the GDC Guidance must bend to the overarching requirement to impose a sanction which is just, proportionate and only that which is necessary to maintain public confidence.’

If a registrant went into custody immediately, this could be completed by the time the regulatory sanction was imposed, and therefore not automatically require suspension. In contrast, by applying the principles of Fleischmann inflexibly, a registrant with a suspended sentence who may have completed all other aspects of the sentence, for example unpaid work, would still need to be suspended because the period of suspended sentence extends beyond the actual potential custodial period.

The social worker received a custodial sentence of 10 months, suspended for two years. Alongside this, the social worker was required to complete 200 hours of unpaid work, and 50 rehabilitation days. The social worker’s probation officer confirms the social worker completed everything required of them, with the unpaid work element being completed in only seven months.

The case examiners consider that it is proportionate to consider all sanctions, as to move straight to a minimum sanction of suspension in light of all the circumstances would not be just or proportionate.

Consideration of the risk of repetition

Though the case examiners are not required to apply the realistic prospect test for impairment, they consider that it is necessary to turn their minds to the risk of repetition in this case in order to establish the most suitable sanction.

The case examiners have reviewed the social worker's initial submissions, extracts of the court's sentencing remarks, and evidence provided by the probation service. In the case examiners' view, the social worker has shown a significant degree of insight. It is clear that the social worker is remorseful for their conduct in October 2021 that led to this concern. They have not committed any offences or lapses in conduct since this time and they have readily engaged with both court proceedings and probation service requirements. The case examiners are of the view that the social worker has demonstrated an understanding of both the serious nature of the concerns and the impact they may have on public confidence in the social work profession.

The case examiners highlight that references from past employers have spoken highly of the social worker's good character, and evidence available to the case examiners suggest the court also referred to the social worker's good character in their sentencing remarks.

Evidence from the probation service speaks highly of the social worker's engagement with community work requirements and the social worker's continued engagement on a voluntary basis once the rehabilitation activity requirement days were complete. The probation officer reports that the social worker has always shown remorse for their actions [REDACTED]

The case examiners have also reviewed the Offender Assessment System (OASys) risk assessment which shows that the social worker exhibits a low risk of re-offending and a low risk of recidivism.

In light of the above, the case examiners are satisfied that the risk of repetition is therefore low.

[REDACTED]

[REDACTED]

[REDACTED] There is no suggestion that the social worker was seeking to financially gain from any offer of supply, nor that the social worker was involved in broader criminal activity related to drug supply.

The case examiners proceeded to consider the available sanctions in ascending order of severity.

No Further Action

The case examiners are mindful that the regulator's sanctions guidance explains that the factors justifying taking no further action need to be exceptional in nature, and the outcome must be sufficient to protect the public and address the public interest. In the case examiners' view, an outcome of no further action could not be justified in this instance. In reaching this conclusion, the case examiners were mindful of the serious nature of the offence that led to the social worker's conviction. The case examiners considered that a finding of impairment alone would be insufficient in such circumstances to safeguard public confidence in the social work profession, or to maintain proper professional standards for social workers.

Advice

The case examiners next considered whether offering advice would be sufficient in this case. An advice order will normally set out the steps a social worker should take to address the behaviour that led to the regulatory proceedings. The case examiners decided that issuing advice was not sufficient to mark the seriousness of the social worker's criminal conviction.

Warning order

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

- the fitness to practise issue is isolated or limited
- there is a low risk of repetition
- the social worker has demonstrated insight

The case examiners are satisfied that all of the above criteria apply.

The available evidence suggests the social worker's conviction is isolated and since the social worker's arrest in October 2021 for this offence, the social worker has not committed any other offence. The case examiners are also satisfied, for the reasons set out earlier in this decision, that the social worker has demonstrated a good degree of insight and remediation, resulting in the risk of repetition being low.

Conditions of Practice, Suspension, Removal

In order to test whether a warning order might therefore be appropriate, the case examiners turned their minds to the higher sanctions of conditions of practice, suspension, or removal order. The case examiners are satisfied, however, that in the circumstances of this case, all of these higher sanctions would represent disproportionate outcomes.

Firstly, the case examiners do not consider that conditions of practice are suited to this case that relates solely to a matter in the social worker's private life.

In respect of suspension, the case examiners are minded of *Kamberova v NMC* (2016) EWHC 2955 which sets the legal principle that common fairness must take into account any interim suspension order (IO) and the effect on the registrant when deciding on whether a sanction is proportionate. The case examiners note that the social worker has been subject to an IO since September 2023 whilst court and regulatory processes took place, so for a period of over two years thus far. The case examiners acknowledge that a sanction of suspension may have been required, had the case been presented to them much earlier. However, in light of the social worker already having been suspended by way of the interim order for over two years, they consider that this sanction would now be disproportionate.

The case examiners do not consider that the nature of the social worker's conviction, for which the case examiners have already provided context, is such that anything less than a removal order would be insufficient to protect the public, which includes the need to uphold public confidence and promote and maintain proper professional standards for social workers.

With the above in mind, the case examiners consider it likely that a well informed member of the public would consider a warning order sufficient in the circumstances and, therefore, it is the minimum necessary outcome to safeguard public confidence in the social work profession, and to maintain proper professional standards for social workers.

The length of the Warning Order

The case examiners have considered the length of time for the published warning and consider three years to be proportionate in this case. The case examiners consider that a period of three years is appropriate in the circumstances to maintain public confidence and to send a message to the public, the profession and the social worker about the standards expected from social workers. This period will also provide the social worker with an opportunity to fully address any risk of repetition.

The case examiners did not feel that the matter was of low seriousness, so one year was not appropriate. Although the case examiners consider that the matter fell marginally short of the need to restrict practice, they acknowledge that the social worker's practise has already been restricted for over two years, therefore consider that a five year warning would be disproportionate. Essentially, a three year warning, when added to the two year period where the social worker has been subject to an interim suspension, would equate to five years of regulatory intervention, which the case examiners feel is proportionate and in line with the principles of the sanctions guidance.

The case examiners have decided to propose to the social worker a warning of three years duration. They will now notify the social worker of their intention and seek the social worker's agreement to dispose of the matter accordingly. The social worker will be offered 14 days to respond. If the social worker does not agree, or if the case

examiners revise their decision regarding the public interest in this case, the matter will proceed to a final hearing.

Content of the warning

The conduct that led to your conviction was serious and resulted in a breach of the professional standards for social workers. You are reminded of the importance of social workers conducting themselves in a manner in keeping with the high standards expected of registered professionals, and of the following professional standard in particular:

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

Response from the social worker

The social worker provided a response on 11 November 2025 and confirmed *‘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 concluded that the social worker's fitness to practise was likely to be found impaired but that the public interest could be met through a prompt conclusion, published decision and warning, rather than through a public hearing. They proposed a warning order with a duration of three years and on 11 November 2025, the social worker accepted this proposal.

In light of the social worker's acceptance of the warning order, the case examiners have considered again whether there would be a public interest in referring this matter to a public hearing. They remain of the view that this is unnecessary for the reasons set out earlier in the decision.

Having been advised of the social worker's response, the case examiners have again turned their minds as to whether a warning order remains the most appropriate means of disposal for this case. They have reviewed their decision, paying particular regard to the overarching objectives of Social Work England, i.e. protection of the public, the maintenance of public confidence in the social work profession, and the maintenance of proper standards. Having done so, they remain of the view that an accepted disposal by way of a warning order of three years duration is a fair and proportionate disposal and is the minimum necessary to protect the public and the wider public interest.

Interim order to be revoked?

Yes