



Neutral Citation Number: [2022] EWHC 2583 (Admin)

Case No: CO/3461/2022

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT
SITTING IN LEEDS

13th October 2022

Before :

MR JUSTICE FORDHAM

Between :

SOCIAL WORK ENGLAND
- and -
CW

Claimant

Defendant

Jennie Ferrario (instructed by Capsticks Solicitors LLP) for the **Claimant**
The **Defendant** did not appear and was not represented

Hearing date: 13.10.22

Judgment as delivered in open court at the hearing

Approved Judgment

I direct that no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

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THE HON. MR JUSTICE FORDHAM

Note: This judgment was produced and approved by the Judge, after using voice-recognition software during an ex tempore judgment in a remote hearing.

MR JUSTICE FORDHAM:

1. This is a remote hearing of SWE's application (Social Workers Regulations 2018 Sch 2 §14) for a 3-month extension (to 19.1.23) of an interim suspension order (ISO) originally imposed on 21.4.21 for 18 months which will otherwise expire on 24.10.22. The Defendant has not appeared today, nor submitted anything in writing. Nor has he engaged, I am told, with the final hearing currently taking place. I am satisfied that he has been properly notified and served, that it is appropriate to proceed and unnecessary to include a "liberty to apply" protection.
2. As to open justice, this case, its timing and mode of hearing were all published (with anonymity) in the Court's cause list, with an email address usable by any member of the press or public who wished to observe. Nobody has. The anonymity order, which I made yesterday, orders (CPR Rule 39.2) no reporting of the Defendant's name or the name of any child or any partner or former partner of his, nor of any matter which could give rise to any such person being identified; and (CPR 5.4C) any non-party applying for a document from court files may obtain only suitably redacted versions (to be filed by the Claimant within 7 days); but with liberty to any person to apply on notice to vary or discharge the Order. The Claimant had raised the alternative of directing a hearing in private (as has happened with the substantive final hearing). I was satisfied that anonymity – the course less restrictive in terms of open justice – was necessary, but also sufficient, to protect the legitimate interests of any child. In yesterday's reasoned Order I said I had read the papers and my current view was that (a) it ought not to be necessary for names or events to be described in open court at today's hearing concerning extending an interim order; (b) a suitable open judgment should be possible (and here it is); and (c) if any concern arose the way forward could be raised and considered today (it did not).
3. The test I apply is necessity for the protection of the public or in the public interest: to extend an interim order; for the order to be of the type extended; and as to the duration of the extension. I have regard to the gravity of the allegations, the seriousness of the risk of harm to the relevant public, the reasons why the case has not been concluded and the prejudice to the practitioner if the interim order is continued. I am not making findings of fact or determining allegations.
4. I am satisfied that SWE has discharged the onus of demonstrating the necessity of the extension of the ISO. The most recent update, to which I will return, reinforces that position strongly but does not in my judgment call for the extension of time to be a lesser period than the three months sought (albeit that it does appear likely that the matter one way or the other will be finally determined with a substantive order, well within the headroom time allowed by the extension). This case was listed for its final hearing in July 2022, a hearing which the Defendant also did not attend. The panel conducting the final hearing decided that it was appropriate to adjourn for an amendment of the documents framing the case against the Defendant. That has happened. Following the other appropriate consequential steps the adjourned hearing resumed on 5 October 2022, scheduled to end tomorrow. The allegations are serious and involve concerns raising fundamental questions about the Defendant's judgment as a registered social worker, involving aspects of dishonesty and placing a vulnerable child or children at risk of harm; questions about non-disclosure of matters relating to the breakdown in a relationship and incidents with a partner or partners; questions relating to the involvement of unassessed adults; all in a setting where an application

or applications for adoption of a child or children were pending; and questions of non-engagement with a local authority and regulators. The period of extension has been designed to include appropriate headroom, as I have mentioned. It arises in the context of proceedings which have properly been progressed but also properly adjourned. Any prejudice to the Defendant is decisively outweighed by the imperative reasons of necessity for public protection including public confidence. Indeed, the latest update is this. The matters have been found proven, and the Panel is currently deliberating on questions of impairment, as the Defendant will have been informed.

5. I grant the extension with no order as to costs.

13.10.22