



Neutral Citation Number: [2023] EWHC 1057 (Admin)

Case No: CO/1366/2023

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

Thursday, 4<sup>th</sup> May 2023

**Before:**

**MR JUSTICE FORDHAM**

-----

**Between:**

**SOCIAL WORK ENGLAND**

**Claimant**

**- and -**

**ASHEBA FALASHA GOLDING**

**Defendant**

-----

-----

Cameron Scott (instructed by Capsticks LLP) for the **Claimant**  
The **Defendant** in person

-----

Hearing date: 4.5.23

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.

.....

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 remote hearing.

**MR JUSTICE FORDHAM:**

1. By a Claim issued on 17 April 2023, the Claimant (“SWE”) seeks a 12 month extension to 9 May 2024 of an interim conditions of practice order (“iCOPO”) made on 11 November 2021 for the maximum of 18 months. Unless extended by me pursuant to §14 of Schedule 2 to the Social Workers Regulations 2018, the iCOPO will expire on 10 May 2023. The Defendant (“Ms Golding”) has engaged throughout this case. She has attended and participated in every hearing. She has not opposed the making or maintaining of an iCOPO, but she has drawn attention to the delay and the impact. At the original hearing on 11 November 2021, she fairly accepted that there was a prima facie case to justify an iCOPO, and she outlined her response to the underlying concerns which have been raised in this case as allegations against her. She also attended to assist the Review Panels who reviewed (and varied) the iCOPO, at hearings on 25 April 2022, 13 July 2022, 29 September 2022 and 10 March 2023. Ms Golding has explained that, throughout that period, she has been acting as a supervised locum social worker for a new local authority, in accordance with the conditions of the iCOPO. At the hearing in September 2022 she flagged up the ongoing financial and wellbeing impacts of the proceedings and the iCOPO. In her Acknowledgement of Service, filed on 23 April 2023, she explained her position to this Court. She does not contest an extension of the iCOPO, but she asks that it be less than 12 months sought, suggesting 6 months. She emphasises her full participation throughout; the delays in the way in which the case has been progressed (specifically in the interaction between SWE and the local authority for whom she had worked until October 2020); that there has been sufficient time to deal with the case; and the impact financially and in terms of well-being. In her oral submissions today she has reiterated these points and she has emphasised: the impact; what she says is a lax and flexible approach by SWE to getting materials from the local authority; the implications of the new professional relationships with clients and the new employer local authority, especially in a context of ongoing uncertainty, and a possible final outcome which could involve abruptly leaving; and the need from her perspective of clarity.
2. I accept that the ongoing proceedings, and the ongoing iCOPO, do have a real and ongoing adverse impact on Ms Golding, in terms of both her well-being and financially. I also accept that, on the face of it, there were delays in the present case. An Investigation Report by the previous local authority dated February 2021 was not received by SWE until August 2021; further documents were requested from the local authority by SWE but that was not until February 2022; and these documents were not then provided until November 2022, December 2022 and February 2023. However, I also have regard to the facts that SWE has a substantial caseload to deal with, including a backlog to which the pandemic contributed; that delays on the part of the local authority are not directly attributable to SWE; and that, when documents were not received, steps were taken by way of escalation, in August 2022 and November 2022. It is also right to remember that the interim order is not an interim suspension order but an iCOPO. That is a less intrusive measure designed to enable Ms Golding to continue to act as a social worker but with appropriate supervision and other conditions. She has been able throughout to work as a locum social worker with a supervisor. That position has materially assisted the Review Panels in the consideration of what conditions are necessary and proportionate. The most recent variation in March 2023 of the iCOPO relaxes the supervision frequency to every four

weeks, and the reports to SWE to every six months. The case has been and is being progressed. The Case Investigation Report was disclosed to Ms Golding on 8 March 2023. Due process is necessary. The next stage is Ms Golding's right to respond. And as to that, a 28 day extension of time was sought on her behalf and was granted, meaning that her response is due tomorrow (5 May 2023). I do not consider it necessary, in the circumstances, for me to say much about the underlying allegations in this case. The regulatory concerns are allegations about failing to follow management instructions in relation to casework; failing to properly manage a caseload as to the up-to-date records and the completion of accurate and timely assessments and interventions; and an allegation of having (dishonestly – it is alleged) advised a manager that a placement review had been completed when it had not. These are allegations. It is not my function to make findings of facts or form a view of their merits or of the merits of Ms Golding's position in response. That will be the function of the process which is underway. But in terms of risk there is, in my judgment, the necessity of the continuation of an iCOPO in its current form, rather than that interim order being permitted to expire, as Ms Golding realistically and constructively recognises. That leaves the key question of duration.

3. In my judgment, it is necessary that the iCOPO should be extended for a sufficient period which would cover the underlying proceedings going through to any Final Hearing and final disposal. Naturally, were it decided that this case does not warrant a Final Hearing, then the case will be completed and the iCOPO will in any event fall away. The timeframe for consideration by Case Examiners is currently 10 weeks. That stage has been explained at this hearing. In my judgment, in all the circumstances, 12 months is justified as necessary and proportionate. I have considered whether it could be appropriate for me effectively to act – by granting a shorter extension – to give this Court's signal that this case should be given particular expedition. Supervision of listing of SWE Final Hearings, and of the work of Case Examiners, are not my function. I do not have, and have not sought, visibility in relation to other cases in the queue and impacts on them. I am satisfied, viewed overall, that the conduct of the case has been appropriate and, in any event, that the necessary next steps are not ones which in the circumstances I should seek to impose a special accelerated timetable. The prejudice to Ms Golding – who has acted properly and constructively in raising it and her other points – is decisively outweighed by public protection and public confidence imperatives, and by the public interest in SWE being able to progress the underlying proceedings appropriately, with such expedition as is assessed to be reasonable and achievable, in light of the practical and resource constraints and SWE's caseload as a whole. I am satisfied that there is sufficient certainty. I am satisfied that it is necessary and proportionate, for the protection of the public including public confidence, that the extension be granted and that its duration should be the 12 months sought to 9 May 2024. There is no application for costs and there will be no Order as to costs.