



Neutral Citation Number: [2023] EWHC 2455 (Admin)

Case No: AC-2023-LDS-000191

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

Thursday, 5th October 2023

Before:

MR JUSTICE FORDHAM

Between:

SOCIAL WORK ENGLAND

- and -

SARA FARNSWORTH

Claimant

Defendant

Jennifer Holdsworth (instructed by Capsticks LLP) for the **Claimant**
The **Defendant** did not appear and was not represented

Hearing date: 5.10.23

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 delivering an ex tempore judgment in a remote hearing.

MR JUSTICE FORDHAM:

1. In this case I am satisfied that SWE has discharged the onus of demonstrating the necessity, for the protection of the public including public confidence, of the 10 month extension to 9 August 2024 of an Interim Suspension Order (“ISO”). The ISO was imposed on 11 August 2022 for 14 months. I will grant the Claim for an extension in the terms sought. The extension is pursuant to Schedule 2 §14 of the Social Workers Regulations 2018. The guidance in GMC v Hiew [2007] EWCA Civ 369 at §§28, 31-33 applies.
2. The Defendant did not appear at, or make representations for, this hearing before me. She has previously made written representations, including a detailed statement, which I have read and considered. I am satisfied that the Claim documents, filed with this Court on 23 August 2023, have been served on her. They were re-sent to her new address. I have read the attendance notes of conversations with her on 13, 25 and 28 September 2023. And there is documentary evidence that the papers were delivered on 30 September 2023. My clerk has also sent email communications to both the parties. I am satisfied that it is appropriate to proceed with this hearing in the Defendant’s absence, that she has had an opportunity to make written representations and to attend this remote hearing to make oral representations. It is in the interests of justice to proceed today; not to adjourn; and not to allow the ISO to expire on 10 October 2023. There are some indications in the papers that the Defendant might have wished to consent to the extension sought. I record that fact in fairness to her. But it has been explained to her that she would need to sign a consent order and send photos of that signed document, using her phone, to confirm that she had done so. These have not been received. In these circumstances, I cannot and do not treat the application as being agreed.
3. In order to grant this extension I have needed to be satisfied that it, the nature of the interim order being extended, and the duration of the extension are all justified as necessary in the interests of public protection including public confidence. I am satisfied. The allegations which constitute the underlying concerns in this case have rightly been characterised (by the Review Panel on 9 June 2023) as serious, supported by cogent evidence from reliable sources, and relevant to the role of a social worker where safeguarding vulnerable people is a fundamental tenet. I am not making findings of fact, but rather assessing risk. It is sufficient to say that the factual context in this case includes the position of an individual who was a 12 year old child, in respect of whom the police and a local authority’s social services were investigating concerns, and where it is said that the Defendant failed to engage, respond and cooperate appropriately.
4. There is prejudice to the Defendant from the ongoing ISO. She has not been able to work as a social worker. There has been delay and a passage of time. But I have a detailed witness statement which addresses the passage of time and SWE’s caseload, and I have a very detailed chronology. The SWE investigation commenced in January 2022, after the Defendant’s local authority employer’s disciplinary process had run its course; there were requests to other agencies for disclosure; there was a need to interview a police witness; the Case Investigation Report was finalised in October 2022 and after the 28 days for response, referral to a Case Examiner led to a referral by the Case Examiner (15 December 2022) to a final hearing; since when there have been other steps. That final hearing is scheduled for 9 days in June/July 2024. The case

against the Defendant is due to be served in November 2023. The extension allows a sensible headroom. The 10 months extension is – in my judgment – necessary and proportionate in light of the steps which would be needed to take this case through to completion. I will grant the Order sought. There is no application for costs and there will be no Order as to costs.

5. Given the interests of a child who features in this case, SWE’s claim and skeleton argument raised for my consideration whether there was a need for a private hearing or any other steps. I agree with SWE that no private hearing was necessary. I have been invited to make an Order “that 14 days’ notice be given to the parties of any an application made under CPR 5.4C (a non-party’s application to obtain copies of any document other than a statement of case, judgment or order), before permission is considered”. I wonder if this may be becoming something of a standard course – it is being sought in all four of the cases in my list for today. I do not think such orders should be routine. I emphasise that it is not being said that the Court should exercise its power to restrict access (see CPR 5.4C(4)) to any claim form, judgment or order. But there are redactions in a bundle and further redactions in a replacement bundle, and Ms Holdsworth has been able to show me references which justify a precautionary approach. I will make the order, in the special circumstances of the present case. The Court’s permission would be needed in any event to obtain any such documents (CPR 5.4C(2)) but, with notice secured, the Court can deal with any application on an informed basis.
6. I will Order as follows: (1) The Interim Order made on 11 August 2022, which would otherwise expire on 10 October 2023, be extended by 10 months until 9 August 2024. (2) The Interim Order shall be reviewed in accordance with Schedule 2 Part 4 Paragraph 14(1) to the Social Workers Regulations 2018. (3) Any application, made by any non-party under CPR 5.4C(2), for permission to obtain documents from the court records or communications with the court, is to be made on at least 14 days’ notice to the parties. (4) No order as to costs.

5.10.23