



Neutral Citation Number: [2023] EWHC 2519 (Admin)

Case No: AC-2023-LDS-000201

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

Wednesday, 11th October 2023

Before:
FORDHAM J

Between:
SOCIAL WORK ENGLAND
- and -
KELLY ANDERSON

Claimant

Defendant

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

Hearing date: 11.10.23

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.

FORDHAM J

Note: This judgment was produced and approved by the Judge,
after delivering an ex tempore judgment in a remote hearing.

FORDHAM J:

1. I am satisfied that SWE has discharged the onus of demonstrating the necessity, for the protection of the public and the public interest, including public confidence, of the 6 month extension sought (to 25 April 2024) of an Interim Conditions of Practice Order (“iCOPO”). The iCOPO was imposed on 28 September 2023 for 15 months. It was extended for 10 months by this Court – I am told, without adverse comment – on 6 December 2022. As always in these cases, the extension is pursuant to Schedule 2 §14 to the Social Workers Regulations 2018 and the guidance in GMC v Hiew [2007] EWCA Civ 369 at §§28, 31-33 applies. The Defendant has not appeared or participated for this hearing. That is her choice. She is not required to do so. I am satisfied that she was served with the claim documents; that she was emailed by my clerk; that she has had an opportunity to make representations; and that it is appropriate to proceed, in the interests of justice, not to adjourn; nor iCOPO to expire on 26 October 2023. I am also satisfied as to the extension, the nature of the interim order being extended, and the 6 months duration sought. These are all justified as necessary in the interests of public protection and the public interest, including public confidence. The allegations which are the investigated concerns in this case include a December 2020 incident outside the work environment, the response to a local authority employer and to the police, and accessing confidential local authority files within the work environment. There is also an issue as to alleged dishonesty. These – I emphasise – are allegations. The SWE investigative and disciplinary process will decide in due course whether they are proven. The prejudice from the ongoing interim order – tempered by the fact that it is an iCOPO and not a suspension – is decisively outweighed by the public interest imperatives. Although it is regrettable that the previously anticipated January 2023 time-frame, for service of the case against the Defendant, was missed this has now happened. Witness evidence and a chronology detail what has been happening in this case. The final hearing is scheduled for 26 February 2024 to 1 March 2024. Six months to 25 April 2023 includes a sensible short contingency period.
2. As to open justice, I agree with SWE that no private hearing was necessary. As in all recent SWE cases, I find myself being invited to make an Order that 14 days’ notice be given to the parties of any 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 repeat that I do not expect such Orders to become routine. I emphasise that it is not being said that the Court should exercise its power (see CPR 5.4C(4)) to restrict access to any claim form, judgment or order. As to anyone obtaining other documents, the Court’s permission would be needed in any event (CPR 5.4C(2)). But my attention has been drawn to references to children in the papers which, although anonymised, in the particular circumstances of the present case, justify a precautionary approach to say now that notice would be needed. I have not been persuaded by the additional reliance placed on references to mental health of a third party adult. I will make the order, in the special circumstances of the present case. I will Order as follows: (1) The Interim Order made on 28 September 2021 and extended by this Court on 6 December 2022, which would otherwise expire on 26 October 2023, be extended by 6 months until 25 April 2023. (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.