



Neutral Citation Number: [2023] EWHC 2609 (Admin)

Case No: AC-2023-LDS-000202

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

Thursday, 19th October 2023

Before:
FORDHAM J

Between:
SOCIAL WORK ENGLAND
- and -
SUSAN HUNN

Claimant

Defendant

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

Hearing date: 19.10.23

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. In this case SWE has, in my judgment, discharged the onus of demonstrating the necessity, for the protection of the public and the public interest including public confidence, of the 9 month extension sought (to 27 July 2024) of an Interim Conditions of Practice Order (“iCOPO”). The iCOPO was imposed on 30 April 2021. It was extended for 12 months by this Court – with no recorded adverse comment – on 25 October 2022. The extension is pursuant to Schedule 2 §14 to the Social Workers Regulations 2018 and I apply the guidance in GMC v Hiew [2007] EWCA Civ 369 at §§28, 31-33. The Defendant has not appeared or participated today. She was under no obligation to do so; it is a choice. I am satisfied that: she was served with the claim documents; she was emailed by my clerk; she has had an opportunity to make representations; and it is appropriate to proceed in the interests of justice, not to adjourn or allow the iCOPO to expire on 28 October 2023.
2. I am satisfied as to the extension, the nature of the interim order being extended, and the duration. These are all justified as necessary. The allegations – and I emphasise they are only allegations – concern events in 2019. They have rightly been described as serious matters involving fundamental aspects of social work practice. I need not say more. The prejudice from the ongoing interim order – tempered by the fact that it is an iCOPO rather than a suspension – is decisively outweighed by the public interest imperatives. There has been a substantial passage of time, since the alleged events in 2019, and since the referral to SWE in January 2021. That is a very real concern. But there have been times in 2022 when the proceedings were properly paused, for good reason. I have witness statement evidence and a chronology. These detail what has been happening in this case. As to where we are, the referral to a final hearing was in December 2022; the last interview with a witness was 5 September 2023; the case is due for disclosure by 4 March 2024; and the final hearing is scheduled for a window 13 May 2024 to 24 May 2024. The extension allows a sensible contingency period.
3. As to open justice, I am once again invited to direct prior notice to the parties of any non-party application for the Court’s permission (CPR 5.4C(2)) to obtain copies of any document other than a statement of case, judgment or order. I am not ruling on any such third party application. Nor am I restricting access (CPR 5.4C(4)) to any claim form, judgment or order. My attention has been drawn to specific documents in the bundle relating to medical matters – included in the bundle as important contextual information and because it is relevant to delays in the case – which justifies prior notice as necessary. I will Order: (1) The Interim Order made on 30 April 2021 and extended by this Court on 25 October 2022, which would otherwise expire on 28 October 2023, be extended by 9 months until 27 July 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.