



Neutral Citation Number: [2022] EWHC 1046 (Admin)

Case No: CO/1311/2022

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

5th May 2022

Before :

MR JUSTICE FORDHAM

Between:

SOCIAL WORK ENGLAND
- and -
STUART SANDERS

Applicant

Respondent

Elizabeth Briggs (instructed by Capsticks LLP) for the **Applicant**
The **Respondent** did not appear and was not represented

Hearing date: 5.5.22

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 was the remote hearing of a Schedule 2 §14(2)(3) Social Workers Regulations 2018 application by the Applicant (SWE). The application is for a 10 month extension to 9 March 2023 of an interim suspension order (ISO) originally imposed for 18 months by an investigation committee of the Health Care Professions Council (HCPC) on 12 November 2019. The ISO was extended by the High Court for 12 months by Orders on 10 May 2021 and 16 June 2021 and is due to expire on 10 May 2022. I am satisfied that the papers were served on and signed for by the Respondent on 14 April 2022 and that he has had an opportunity to participate at this hearing by written submissions or by attending, which he has declined, and that it is appropriate to proceed. The open justice principle has been secured through publication of the case, its start time and the mode of hearing in the Court's cause list together with an email address usable by any member of the press or public who wished to observe this public hearing.
2. I am satisfied that SWE has discharged the onus of demonstrating the necessity – for the protection of the public and public confidence in the social work profession and its regulation – of the extension of the ISO, the nature of the order being an ISO (rather than some lesser alternative), and of the duration of the extension sought. As explained in GMC v Hiew [2007] EWCA Civ 369 at §§28, 31-33 this Court can take into account – as I have – the gravity of the allegations, the nature of the evidence, the seriousness of the risk of harm to the relevant public, the reason why the case has not concluded, and the prejudice to the Respondent if the ISO is continued.
3. As the Review Panel rightly recognised, on the tenth review of the ISO (8 March 2022), the allegations against the Respondent relate to alleged widespread failings in child protection procedures which are serious and have the potential to place service users at the risk of harm. The allegations span a 10 month period in 2017. They relate to a number of case files and vulnerable service users. There were some 21 allocated cases. 15 cases have been the subject of a particular type of 'audit'. There are multiple allegations of failings which relate to basic procedures in the safeguarding of children. The Birmingham Children's Trust (BCT) who had suspended the Respondent in June 2018 had carried out what, on the face of it, was an in-depth and thorough investigation culminating in a May 2019 report expressing serious concerns. The nature of the allegations can also be seen from a report now written for SWE on 25 January 2022 (and finalised on 11 April 2022, the Respondent having been given an opportunity to respond). The issues relate to safeguarding of children and child protection including not undertaking statutory visits, not implementing Child in Need plans, and not liaising and working with multi-agency professionals involved in childcare, together with failures in record-keeping. All of these have been characterised as concerning fundamental areas of a social worker's practice.
4. The Respondent's position was summarised by him in a telephone conversation with SWE's caseworker on 10 December 2021, prior to the ninth review of the ISO later that month. The Respondent made clear that he would be making his case at any final substantive hearing of this matter, when he will explain that – properly understood – this is a case of nothing more than poorly filled out paperwork, which needs to be seen and understood against the backcloth of his dyslexia (for which he says he received no support from BCT) and the different styles of record-keeping of the 14 BCT managers that he says he had over a 3½ year period. So far as relevant to ongoing prejudice, his stated position at that stage (December 2021) was that he had no desire ever to work as

a social worker again but that he does wish to clear his name and may wish to work as a pastoral support worker in the future. I have given careful consideration to all of those points and emphasise that it is no part of my function to make any findings of fact or reach any view as to disputed matters of substantive merits.

5. As SWE's evidence recognises, it is regrettable that there has been such a passage of time in this case in the progressing of the proceedings. A substantial period of time has passed since BCT's January 2019 referral to SWE's predecessor HCPC, since the Respondent's resignation in October 2019 (which meant that BCT's own internal investigations went no further), and since the imposition of the ISO in November 2019. The Court has received witness statement evidence which describes the circumstances and steps which have been taken. Since this Court was last seized of the case (in May and June 2021) there were delays in obtaining a substantive response, to SWE's legal provider, from BCT. This required "escalation" to a regional engagement lead in September 2021. Records were provided in September and October 2021 and enquiries relating to records had concluded by November 2021. The Court has been given a chronology as to pursuit and progress in obtaining and finalising witness statement evidence in the SWE proceedings from relevant witnesses between May 2021 and January 2022. The Case Investigation Report was progressed, written and disclosed to the Respondent on 25 January 2022. He declined the opportunity to respond, for which there was an appropriate deadline (8 March 2022). Papers were provided on 11 April 2022 to SWE's Case Examiners who – the Court has been told – have confirmed that they will now "prioritise" the case and envisage communicating an "outcome" by 13 May 2022. The next steps would be referral to a final hearing and, if referred to a final hearing, a review in preparation for that hearing before adjudicators, with appropriate case-management directions, and further formal disclosure of the case against the Respondent, who would have 28 days to respond, together with any extension if sought and granted. There would also need to be a statutory 28 day notice period ahead of the final substantive hearing. The hope is that this matter would be ready for final hearing listing at the end of 2022 or early 2023, though that will depend on the availability of a listing at the time the matter enters the case-management process.
6. In all the circumstances, I am satisfied of the necessity and proportionality of the 10 month extension sought to the ISO, to protect the public and public confidence, pending a substantive resolution of the serious allegations in this case on their merits.

5.5.22