



Neutral Citation Number: [2023] EWHC 2520 (Admin)

Case No: AC-2023-LDS-000210

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

Wednesday, 11<sup>th</sup> October 2023

**Before:**  
**FORDHAM J**

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**Between:**  
**SOCIAL WORK ENGLAND**  
**- and -**  
**EMMA LOUISE DEAN**

**Claimant**

**Defendant**

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**Jessica Bass** (instructed by Capsticks LLP) for the **Claimant**  
The **Defendant** in person

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Hearing date: 11.10.23

Judgment as delivered in open court at the hearing

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**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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FORDHAM J

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

## **FORDHAM J:**

### Ms Dean's Position

1. Ms Dean has engaged with these proceedings. I have also seen a letter from her GP which concerns her health, and which makes reference to the implications of the SWE investigation. I know from the documents and from her today that her position has consistently been as follows. I will express (in the first person, "I") an encapsulation of her point of view:

*I wish to be removed from the register. I have no intention of ever working again as a social worker. I couldn't possibly do that. I am medically retired (at age 33) from my previous local authority employment. I am never going to practise again. There's no chance of that. I am unwell. I just want these hearings to stop. I can't understand why there is an interim suspension order. I am not a social worker. I am retired. Please just cancel my registration. These constant hearings impact on me negatively, physically and mentally. I do not want to be put through this every few months. The hearings are really unhelpful. It is extremely damaging to my mental health, impacting on my physical health, to be treated as a "social worker", when that is so far from the reality. It is extremely unhelpful to keep me on the register.*

### My Function

2. My function today is a particular one. It is to decide whether to extend the interim suspension order ("ISO") in this case, which is due to expire on 25 October 2023 and, if so, for how long. That function arises because I am dealing with an application for an extension, pursuant to Schedule 2 §14 to the Social Workers Regulations 2018, which I have to approach in accordance with the guidance in GMC v Hiew [2007] EWCA Civ 369 at §§28, 31-33. I do not have the function of deciding to cancel the registration, nor of determining the disciplinary proceedings or bringing them to a halt, nor of making decisions about the investigative and disciplinary process.

### Passage of Time

3. Viewed in terms of the ISO and its continuation, I am very concerned about the passage of time. The ISO was first imposed in July 2021 for 18 months. The Case Examiner referral the case to a final hearing, a referral which was made in February 2022 (20 months ago). The principal events took place significantly before that, in August 2020 and April 2021. In summary the underlying concerns relate to Ms Dean's health, an issue relating to neglect and a related criminal conviction. It is neither necessary nor appropriate to say more. In January 2023, DHCJ Ward granted an application to extend the ISO. He extended it for 9 months. Judge Ward had been told that it was envisaged that SWE would disclose its case against Ms Dean by 28 February 2023. I am told that SWE did not record Judge Ward making any specific or adverse comment. We are now 9 months on. I have a detailed chronology, a witness statement and a skeleton argument. I record that I am not impressed with the progress in this case during 2023. Nor am I impressed with the description of various features of the case which are said to have caused the delay. I do agree with Ms Bass that this is a case calling for sensitive handling. But it is also a case calling for proper and active progress.

### Discharging My Function

4. The application to me is for an 18 month further extension, to April 2025. That is a further High Court extension. It is double the previous High Court extension. I think it would give entirely the wrong signal from this Court if I granted that extension or anything approaching it. I refuse an extension of that length. I am told that SWE has identified what is called a provisional final hearing date of July 2024. That is itself a further 9 months away. I cannot accept on the face of it that there is a need or justification for any final hearing of the substantive concerns in this case to be so far in the future. I do not have the function of making the disciplinary proceedings stop. Nor would it be right for me to do so. These proceedings have been instituted in the public interest and for public protection. In all the circumstances of this case and what I have heard from Ms Dean I will put to one side for today the idea that the proceedings are in her own interest: that strikes me as a hollow characterisation. The proceedings, if they need determining, would need to be determined by a specialist tribunal; not by me. There is a mechanism for voluntary removal from the register, but it is separate. I am not a decision-maker in relation to that mechanism. Ms Bass has been able to explain today what steps would be needed. It may be that that outcome will prove to be the appropriate outcome in this case. Retirement from local authority employment is also separate from national registration. Registration is something that continues while an investigative or disciplinary process is underway and until it has been determined.
5. In discharging my function, I have decided that I cannot simply allow the ISO to expire on 25 October 2023. I can see that it may seem artificial for there to be an ISO in light of the position so clearly explained to me by Ms Dean. But the regulatory position, and the position as to whether there is a prohibition on practice as a social worker, are in my judgment important. In my judgment, if the Court were simply to allow the ISO to expire that would signal that – in principle – there is again a regulatory entitlement to act as a social worker. In my judgment, SWE has discharged the onus of demonstrating the necessity of the ISO continuing, for the protection of the public and the public interest, including public confidence. I have to make sure that the public and the public interest and public confidence are fully protected. The ISO, as a prohibition on work, is not itself causing Ms Dean prejudice. The prejudice that is – I accept – being caused is from the ongoing disciplinary proceedings, and the burden of being notified and receiving papers, including relating to the ISO reviews of the ISO and extensions of the ISO. If I allowed the ISO to expire – by not extending it – there would still be the SWE proceedings.
6. I will extend the ISO for a further 8 months. That gives the right signal. It supervises SWE in the right way. It is necessary and also proportionate. I am conscious that there is a bigger picture, and a wider SWE workload. But I am not prepared to give the Court's endorsement to any lengthier time frame. If there is an absence of progress, and if a further extension is said to be needed, SWE will have to come back to this Court. I am not seeking to encourage that course. Far from it. By giving a much shorter extension to the one that is sought, there is in my judgment an important signal, safeguard and incentive. Now that the ISO is being extended, and unless a speedy resolution is found, there will in due course be a review mechanism. Ms Dean needs to be notified. She can participate if she wishes. I do recognise that every hearing – every new notice, every set of new papers – brings negative impacts for her. On the other hand, these are important safeguards and rights. I am not going to curtail them. I repeat: this case needs sensitive handling and it needs proper progress. It is not for me to decide whether there should be voluntary removal from the register, just as it is not for me to

try and reach any evaluative judgment about questions of health. But I will say this: there appears, on the face of it and so ‘prima facie’, to be a powerful case for taking the voluntary removal course, and for doing so – if it does prove appropriate – speedily. I will also say this: insofar as steps are needed – such as new form from Ms Dean – I hope that cooperation will enable this to happen quickly.

### Open Justice

7. I agree with SWE that no private hearing was necessary today. I am – as in each SWE case which has come before me recently – being asked to make an Order that 14 days’ notice be given to the parties of any an application made by anyone under CPR 5.4C (a non-party’s application to obtain copies from the court records of any document other than a statement of case, judgment or order), before permission is considered. It is not being said that the Court should exercise its power to restrict access (CPR 5.4C(4)) to any claim form, judgment or order. SWE says there is sensitive information about Ms Dean’s health, and there are documents relating to children who feature in the case. Having read the documents, I agree that a precautionary approach is necessary. On the facts and in the circumstances of this case, I am persuaded that this is a justified safeguard. 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.

### Order

8. I will Order as follows: (1) The Interim Order made on 27 July 2021 and extended by this Court on 18 January 2023, and which would otherwise expire on 25 October 2023, be extended by 8 months until 24 June 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.

11.10.23