



Neutral Citation Number: [2022] EWHC 2581 (Admin)

Case No: CO/3432/2022

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

13<sup>th</sup> October 2022

**Before:**

**MR JUSTICE FORDHAM**

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**Between:**

**SOCIAL WORK ENGLAND**

**Claimant**

**- and -**

**KHALLED SAEED BADWI**

**Defendant**

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**Jennie Ferrario** (instructed by Capsticks Solicitors LLP) for the **Claimant**  
The **Defendant** did not appear and was not represented

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Hearing date: 13.10.22

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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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 SWE’s application (Social Workers Regulations 2018 Sch 2 §14) for a 6-month extension (to 19.4.23) of an interim conditions of practice order (ICOPO) which (at a review on 1.9.21) had replaced an interim suspension order (ISO) imposed (on 22.4.20) for 18 months. The ICOPO has been extended once by this Court (5.10.21) – by consent – for 12 months. Unless further extended, it will expire on 20.10.22. As regards open justice, the case, its start time and remote mode of hearing were all published in the Court’s cause list, with an email address usable by any member of the press or public who wished to observe. The Defendant has not appeared or made any submissions in writing, having been served with papers. That is no discourtesy, and he has commendably emailed Capsticks and my clerk regarding his non-attendance. It is plainly appropriate to proceed and no “liberty to apply” protection is needed.
2. The relevant test for an extension is necessity, for the protection of the public or in the public interest, or for the practitioner’s own interests (a limb added in this case when the ISO was converted to an ICOPO): of an extension; its duration; and the nature of the interim order. GMC v Hiew [2007] EWCA Civ 369 explains (§§28 and 31-33) that it is appropriate to have regard – as I have – to the gravity of the allegations, the seriousness of the risk of harm to the relevant public (or the public interest and the interests in protecting the practitioner), the reasons why the case has not been concluded and the prejudice to the practitioner if the interim order is continued; but it is inappropriate to make findings of fact or determine any allegations.
3. I am satisfied that SWE has discharged the onus of demonstrating the necessity of the 6-month extension of the ICOPO. The concerns in this case relate to: a drink-driving offence for which the Defendant was arrested (22.9.19), convicted and sentenced (8.10.19) for which he was fined and disqualified from driving for 14 months; a disqualified-driving offence for which he was arrested (7.11.19), convicted and sentenced (13.12.19) to 12 weeks custody suspended for 12 months; his alleged non-compliant failure to report those arrests to his local authority employer; and alleged unmanaged health-related conditions. These matters were referred (on 14.2.22) by Case Examiners for a final hearing. The process has included eliciting various appropriate reports, over an appropriate timeframe (2.9.21, 8.10.21, 3.11.21, 13.6.22, 10.8.22), and a further addendum is awaited. The 6-month extension is intended to be sufficient for disclosure (hoped to be the end of this month), time for response, then the final hearing and determination to be concluded (hoped to be in early 2023), with suitable headroom. I find myself in agreement with the key points made in the latest review decision (22.9.22). The COPO – which involves duties of due diligence including notification, information, reporting and testing – is necessary, and sufficient, as interim protection for the public, the public interest and the Defendant’s own interests; the information on which the concerns are based is, on its face, substantial, cogent and sufficient to establish a prima facie case, as to conduct and health and impact on practice; the Defendant has engaged positively and has been able to secure employment with another local authority but the interim risks, public interest and his own interest in maintaining the COPO decisively outweigh any prejudice to him. I will grant the extension sought with no order as to costs.