



Neutral Citation Number: [2022] EWHC 2587 (Admin)

Case No: CO/3478/2022

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

13th October 2022

Before:

MR JUSTICE FORDHAM

Between:

SOCIAL WORK ENGLAND

Claimant

- and -

ANGELICA MARISA CRAWFORD

Defendant

Jennie Ferrario (instructed by Capsticks Solicitors LLP) for the **Claimant**
The **Defendant** appeared in person

Hearing date: 13.10.22

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 by MS Teams of SWE's application (Social Workers Regulations 2018 Sch 2 §14) for a 10-month extension (to 23.8.23) of an interim suspension order (ISO) originally imposed on 25.10.21 for 12 months which will otherwise expire on 24.10.22 (11 days' time). As regards open justice, the case, its timing and 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 hearing.
2. The Defendant, Miss Crawford, had appeared in person and made representations at the last review hearing on 8 September 2022. She appeared in person and made representations at this hearing today. I have considered all of the points that she made, both at the review hearing (as summarised by the review panel in its decision) and the points made orally at this hearing to me. It is appropriate to mention a discrepancy, between a draft consent order sent in the papers by SWE to Miss Crawford (which referred to an extension of 9 months to 23.7.23) and the extension (10 months to 23.8.23) sought today. That was an unfortunate error in a draft order. But all of the other documents which had been served made clear that the 10 month extension was being sought: that was stated in the application and in the supporting witness statement as well as in a skeleton argument, all of which Miss Crawford confirmed that she had received and seen. The position was also made clear at today's hearing. In any event the central thrust of Ms Crawford's position is not that an order should be made for a lesser period of time. She says that in all the circumstances there ought to be no ISO and the existing order should be allowed to lapse with no replacement interim order. I will need to consider that position. But I make clear that I will also need to consider: the possibility of an alternative (conditions of practice) order; and the possibility of an order for a shorter period of time. That is because it is my duty to consider the necessity for the continuation of an interim order and that test of necessity applies, as I will explain, to all aspects.
3. I can start with what Miss Crawford told the review panel at the recent (8.9.22) review hearing: that after 28 years as a social worker she now has to work as a domestic cleaner by reason of these allegations against her and the ISO having been made and continuing; that she wishes to return to work but intends to work in family support or in a school (rather than in direct child protection); that whilst she denies the allegations against her she does recognise the risks which will be seen to arise in the interim in this case; that conditions could be imposed on her registration as an alternative to an ISO; and that conditions are something she would welcome. What Miss Crawford told me at the hearing today, and I have been able to consider, was very clear. Ultimately, the order that she asks me to make is to say that there should be no interim order continuing in this case. (As I have already explained, I have well in mind that, if I cannot accept that contention, I should also be considering the less intrusive conditions of practice order described in her representations to the review panel last month.) Miss Crawford emphasises: that she has now been through a period of two years, involving several hearings; that she has reflected long and hard on her practice as a social worker; that she has considered carefully, and researched, applicable and up-to-date standards; that she is working really hard and would continue to work really hard to ensure that her practice is fully updated to current standards; that she has clearly stated throughout these proceedings and repeats today

that she does understand the allegations that are put against her and the seriousness of them as allegations; that she acknowledges how it would be thought that her practice could have impacts on others in the context of vulnerability and protection concerns; that not only has she practised for 28 years as a social worker but in fact for 28 years as a social worker in child protection, with numerous managers and supervisors during that time, and never with any complaint of any kind against her; and that she has always taken steps to ensure that her practices have embedded in them the standards required by relevant policies.

4. The relevant test for an extension in law is necessity for the protection of the public or in the public interest. As I have mentioned, necessity applies to all aspects: (a) whether to extend; (b) the nature of the interim order being left in place or put in place; and (c) the duration of time. GMC v Hiew [2007] EWCA Civ 369 explains (§§28 and 31-33) that the Court has regard to the gravity of the allegations, the seriousness of the risk of harm to the relevant public, the reasons why the case has not been concluded and the prejudice to the practitioner if the interim order is continued; it is not my role to make findings of fact or determine allegations being made against Miss Crawford.
5. I am satisfied that SWE has discharged the onus of demonstrating to me the necessity of the 10-month extension of the ISO. The concerns in this case are linked to conduct in 2020 while Miss Crawford was acting as an agency social worker. The matters, which have now been referred for final hearing, include the following: failure to follow basic management instruction; failure to see children and families and safeguard children needing support; failure to complete assessments and maintain records; misleading a manager as to whether children had been seen in a family visit; and making a false claim for pay. Two of these – misleading the manager and the pay claim – are also alleged to have been dishonest. As I have recorded already, Miss Crawford denies the allegations against her. She will have the opportunity at the final hearing to respond to all matters of fact and substance. I do not and cannot make any finding today on who is right and who is wrong about those disputed allegations. My responsibility is to address the public interest, to have regard to the interests of all those who are in play, including of course the interests of Miss Crawford and the prejudice to her, but also the interests of the protection of the relevant public and public confidence. What is most relevant for present purposes is that the allegations are serious, and the process has yet to be completed.
6. The review panel in September 2022 commended Miss Crawford's demonstrable willingness to engage in the proceedings. So do I. However, as the panel cogently pointed out: the alleged concerns are serious; they relate to allegedly failing to see families allocated to her care and also to dishonesty; the evidence is derived from a number of sources and gives rise to a prima facie case, drawn from what on the face of it are credible sources; that whilst it is welcome that Miss Crawford is describing undertaking learning to demonstrate keeping her social work practice skills up-to-date she cannot be said at the present time to have demonstrated a sufficient understanding of relevant risks; that the alleged conduct stands to have impacted vulnerable service users; that the alternative of the conditions of practice order would not in the current circumstances be workable or verifiable, or provide the necessary public protection; and that the prejudice to Miss Crawford's personal, financial and professional interests is outweighed by the public interest concerns which support the ISO

continuing. I agree with those points. I also accept, as emphasised by Ms Ferrario, that this is a case involving multiple and wide-ranging issues. Also, although Miss Crawford has addressed me clearly in her submissions today, this is not a case in which I have documented or evidential support that can provide me with anything approaching the degree of confidence that I would need to be able to allow the ISO simply to lapse, or even to replace it with an interim conditions of practice order.

7. In my judgment, it could not be in the public interest in this case for no interim order to be in place, while the proceedings continue to their completion. The only real candidate, in my judgment, as an alternative to the ISO continuing would be a transfer from an ISO to an interim conditions of practice order. So far as that is concerned, it is not the position put forward by Miss Crawford today. I do not have a set of proposed conditions of practice which I am in a position to consider. Nor can I devise a set of conditions of practice that I could possibly be satisfied would be sufficient to respond, protectively, to the necessity of protecting the public and public confidence that arises. I give great weight, on this point, to the view expressed by the review panel (8.9.22). The panel explained its view that conditions of practice could not be formulated that would be workable or verifiable or which would provide the necessary public protection in this case, involving as it does alleged concerns including dishonesty. The panel also concluded that any conditions that were imposed would need to be so stringent, and the supervision so close, that they would not be practicable, and they would be tantamount to a suspension. Nothing, in my judgment, has changed in the circumstances or on the evidence in this case. I cannot accept that it would be right for this Court to seek to design a set of conditions, for the purposes of the conditions of practice order. Only an interim suspension, in my judgment, can respond appropriately to the public interest and public protection concerns. I emphasise that none of this involves taking any position as to whether the allegations will prove to be well-founded or not. The point is that whether they are substantiated will be the question for the substantive hearing, when that stage is reached. My role today is a limited one. I am concerned only with what order is justified as necessary as a holding position (in the interim), while the proceedings are still underway.
8. I have considered the progress of the proceedings. While it is regrettable that they have not been completed, I am satisfied that appropriate progress has been made, and that there are legitimate reasons why the case has yet to conclude. I accept that two years is a long time and that the impact of interim suspension causes real hardship and real prejudice to Miss Crawford. But the concerns are multiple, and the pay claim concern arose subsequently to the other matters. Case examiners have considered all these matters, on 16 February 2022 and 10 March 2022. The evidence is still being gathered and finalised with a view to expected disclosure later this month or next month. There will then need, in fairness to Miss Crawford, to be the due process of the stage at which she can respond. That is obviously especially important given that the allegations are denied and there will no doubt be a lot to say about what is the appropriate substantive outcome in this case. There will, moreover, need to be consideration about ‘joinder’ of the hearing: whether all aspects should be heard together. It is anticipated that the final hearing will be scheduled for between March and June 2023. All of this has been set out in the evidence that is before this Court today. The 10 month extension allows a sensible headroom to (but will not be needed if the case is able to be concluded before) 23 August 2023, which is the date to which I extend the ISO. There will be no order as to costs.

13.10.22