



Neutral Citation Number: [2025] EWHC 188 (Admin)

Case No: AC-2024-LDS-000264

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

Leeds Combined Court Centre  
1 Oxford Row,  
Leeds  
LS1 3BG

Date: 30/01/2025

**Before :**

**MRS JUSTICE HILL DBE**

**Between :**

**SOCIAL WORK ENGLAND**

**Claimant**

**- and -**

**SUSAN OKPANI EVANS**

**Defendant**

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

Hearing date: 30 January 2025

*Note: This judgment was produced and approved by the Judge, after using voice-recognition software during an ex tempore judgment in a remote hearing.*

**JUDGMENT**

**Mrs Justice Hill DBE:**

1. This is an application brought by Social Work England (“the Claimant”) in support of an application under Paragraph 14(2) of Schedule 2 of the Social Workers Regulations 2018 (“the Regulations”) to extend the Interim Conditions of Practice Order (“the ICPO”) imposed by a Panel of the Claimant’s Adjudicators on Susan Okpani Evans (“the Defendant”) on 8 April 2021.
2. Aoife Kennedy represented the Claimant. The Defendant did not appear and was not represented.
3. In support of the application the Claimant provided me with an extensive bundle and a supplementary bundle. I have considered the contents of both bundles, with a particular focus on the two comprehensive statements from Eleanor Poole, Head of Hearing Operations and Case Review for the Claimant, dated respectively 20 December 2024 and 27 January 2025.

**Service of the claim**

4. The claim was issued on 23 December 2024. The claim, the notice of the application hearing and the hearing bundle were sent to the address held for the Defendant by the Claimant by next day special delivery post on 3 January 2025. Under CPR 6.14 the date of deemed service is 7 January 2025.
5. On 10 January 2025 the Defendant signed and returned an Acknowledgement of Service form. She has been in regular correspondence with the Claimant since the paperwork was served, making clear that she has seen it.
6. I am therefore satisfied that this claim has been properly served on the Defendant.

**Proceeding in the absence of the Defendant or her representative**

7. As I have indicated the Defendant did not attend the hearing today. I have seen various items of correspondence indicating that she did not intend to appear. The court staff have confirmed to me that yesterday she declined the MS Teams invitation sent to her by the court. I am therefore satisfied that the Defendant is aware of the hearing and has chosen not to be present.
8. There were some suggestions in the paperwork that the Defendant intended to have a person she referred to as “Nana” represent her at this hearing. This is understood to be Mr Nana Yabbey-Hagan. He has represented the Defendant at some of the interim order review hearings. In the decision from the 2 August 2024 review, he was described as a “non-legally qualified former colleague” of the Defendant. The Claimant had quite rightly informed the Defendant that Mr Yabbey-Hagan would have no rights of audience before the High Court (albeit that he might have been able to assist the Claimant as a ‘McKenzie Friend’).
9. I allowed Ms Kennedy time to check the paperwork and discuss the matter with her colleagues. She returned to the hearing; and indicated to me her understanding to the effect that the correspondence indicating Mr Yabbey-Hagan asking for “the link” [for the hearing] in fact related to the review hearing 24 January 2025, rather than this

hearing. This was borne out by the documentation showing him asking to be “re-sent” the link at 9.03 am on 24 January 2025 and by the Adjudicators’ decision from that date recording him being in attendance. There was nothing in the Defendant’s most recent correspondence with the Claimant, as recently as this morning, to indicate that she was expecting Mr Yabbey-Hagan to attend this hearing.

10. The hearing lasted around an hour in total. At no point did Mr Yabbey-Hagan join the link.
11. In light of this history, I am satisfied that the Defendant has been properly served with the paperwork and is aware of the hearing, such that it is appropriate to consider the application to extend the interim order in the absence of the Defendant or her representative

### **The legal framework**

12. Under paragraph 8(5) of Schedule 2, the Claimant’s Adjudicators (a specialist tribunal including a member of the social work profession) have the power to impose an interim order on a social worker’s registration on the grounds that it is necessary for the protection of the public or is in the best interests of the social worker for a period of up to 18 months. An interim order may suspend a social worker from practising or impose conditions on the social worker’s registration.
13. Paragraph 14(2) of Schedule 2 provides that the Claimant as the regulator may apply to the High Court to extend or further extend the period for which an interim order has effect. Under paragraph 14(3), on an application under sub-paragraph (2), the High Court may substitute a different period for which the interim order has effect or may confirm the order.
14. In considering whether to extend the interim order, I have applied the principles set out by the Court of Appeal in *General Medical Council v Hiew* [2007] EWCA Civ 369 at paragraphs 28 and 31-33. These make clear that the criteria to be applied by the Court when considering an application to extend an interim order are therefore the same as those for the making of an Interim Order by the regulatory body. Relevant factors in considering whether to grant an extension include the gravity of the allegations, the seriousness of the risk of harm to patients or service users, the reasons why the case has not been concluded and the prejudice to the practitioner if an interim order is continued.
15. Further, the onus of satisfying the Court that the criteria are met is on the regulatory body. It is not the function of the Court to make findings of primary fact about the events that have led to the suspension or consider the merits of the case. The Court is required to ascertain whether the allegations (rather than their truth or falsity) justify the prolongation of the Interim Order. In general, it need not look beyond the allegations.

### **The factual background**

16. The regulatory concerns about the Defendant have arisen from the following background.

17. On 5 October 2020 concerns were raised by Haringey Council (“The Council”), where the Defendant was employed as a Social Worker in the Disabled Children’s team via an agency at the time. The Defendant was the allocated Social Worker for Family A from 18 April 2019 to March 2020. The Mother in Family A had had a previous relationship with a person I will refer to solely as B, a known child sex offender, which resulted in the Mother signing an agreement with the Council that she would inform the Council if the relationship should progress and that B was to have no contact with the children in Family A.
18. B was found to have had further contact with Family A which resulted in care proceedings in the Family Division of the High Court at which the Defendant gave evidence. The Judge in those proceedings commented that the Defendant had failed to recognise that the children were at risk and failed to properly investigate concerns. There was also a concern that the Defendant had told the High Court that she had conducted 4-weekly visits, but changed her account when this was found not to be supported by the records.

### **The ICPO**

19. On 8 April 2021 the ICPO was imposed. The effect of the order is that the Defendant can work as a social worker but is subject to some 16 conditions if she does so. For example, she must inform the Claimant promptly of any such employment she accepts and must permit the Claimant to liaise with her employer.
20. The ICPO has been reviewed on 11 occasions by the Claimant’s Panel of Adjudicators, most recently on 24 January 2025, less than a week ago. At each review the Panel carried out a comprehensive review of the order and concluded that it continued to be necessary for the protection of the public and to maintain public confidence in the profession.
21. On 24 January 2025, the Panel continued the order with a slight variation to condition 8, dealing with the supervision of the Defendant in any social work employment and reporting back to the Claimant.
22. This is the fourth application to the High Court for an extension of the interim order, which is due to expire on 4 February 2025.
23. There was no judicial criticism recorded in relation to the first and second extension applications. However, I am very conscious of the fact that at the hearing of the third application on 15 December 2023, HHJ Klein sitting as a Judge of the High Court concluded that it was only with “real hesitation”, that it was appropriate to extend the interim order for the 13 months sought due to delays in obtaining documents from the Family Court. Her commented that “on the next occasion, it may be that no extension is granted at all”.

### **Submissions and analysis**

24. I deal with the *first* and *second Hiew* criteria, namely the gravity of the allegations and the seriousness of the risk to harm to service users, together.

25. I accept the Claimant's submission that the allegations against the Defendant are serious and, if proved, will amount to a significant breach of the professional standards. Whilst the Case Examiners have taken the view that the Defendant was not acting dishonestly, the conduct of the Defendant reflects a fundamental lack of understanding of the risk posed to the children of Family A who the Defendant ought to have safeguarded. Safeguarding is a fundamental element of the social work profession and the alleged failures represents a real risk of significant harm. Failings of this fundamental nature also risk harming the reputation of the profession. The lack of demonstrable insight or remediation by the Defendant also gives rise to a high risk of repetition.
26. I have regard to the fact that the necessity for the interim order has been reviewed by the Adjudicators on eleven separate occasions. On each occasion, the Panel determined that the interim order was necessary for the protection of the public and in the wider public interest. The protection of the public also includes the need to maintain public confidence in the social work profession.
27. I deal now with the *fourth Hiew* criterion, namely the prejudice to the Defendant if the order is continued.
28. It is acknowledged that the continuation of the ICPO may have the potential to cause prejudice to the Defendant. However, it is pertinent that this is not an interim suspension order, such that the Defendant is able to work as a social worker if she wishes to do so, albeit that there are conditions on such employment. I have seen evidence of the Defendant working, albeit in a different capacity.
29. Moreover I am satisfied that any prejudice caused by an extension of the interim order is outweighed by the need to protect the public from the risk of harm that would arise from the Defendant's unrestricted practice.
30. Turning to the *third* criterion, the reasons why the case has not been concluded. The current position is summarised in paragraphs 30 to 42 of Ms Poole's first statement. In summary, and regrettably, the main reason for the delay is the same reason as was placed before HHJ Klein on 15 December 2023, namely very significant delays in obtaining material from the Family Court. This is material which the Claimant considers essential, namely the case records and transcripts of the evidence of two witnesses at the Family Court hearing. The Claimant requested the material on 27 June 2023 and access to it was only approved, albeit with apologies by the Family Court on 21 November 2024, some 17 months later.
31. Ms Poole has explained that once the relevant transcripts are received from the Family Court, witness statements will be finalised and a full evidence review will take place. Counsel will then be instructed to prepare the Statement of Case and advise on any further applications that are needed. On the basis that the case is disclosed to the Defendant at some point in March/April of this year, the earliest a hearing could take place is around the end of June/early July. To give some flexibility an extension is sought until 3 September 2025.
32. During the hearing I tested this timetable with Ms Kennedy. She confirmed that to the best of her understanding work was being done to finalise witness statements while the transcripts were awaited. If that is not taking place I would encourage the

Claimant to take that approach: there is no reason why some work cannot be done on the witness statements while the transcripts are prepared.

33. I note the Family Court was asked to provide the transcripts of 12 December 2024. I would very much hope that that process can be expedited because the delay in providing the Family Court material has already directly led to a significant delay in these proceedings being concluded and thus some prejudice to the Defendant.
34. I would also encourage the Claimant to reflect on what to do by the end of February this year if the transcripts have not been provided. It might be possible, for example, to progress the case to the disclosure stage and deal with the transcripts later on.
35. In all the circumstances I am satisfied that the Claimant's proposed timetable is realistic provided there is a real commitment to meeting it. I do accept that the delays that have led to this further application being made are largely due to delays in the Family Court. It is nevertheless important that progress in this matter is expedited so that it progresses as quickly as possible.
36. I note the paperwork that the Defendant has filed where she is expressed in very clear terms her concern and frustration at the four-year timescale to date. She has indicated that the delay is having an impact on her mental health. These are important considerations to be taken into account.
37. Balancing all of these relevant considerations, I am willing to extend the ICPO for the 7 months sought on the basis that this continues to be necessary for the protection of the public including the wider public interest in declaring upholding proper professional standards and maintaining public confidence in the profession. Like HHJ Klein, I do so with hesitation. I reiterate as he did that it may well be that no further extension is granted.

#### **Notice of applications made by non-parties under CPR 5.4C**

38. The Claimant also seeks an order providing that the parties be given 14 days' notice should a non-party make an application to obtain documents other than the claim form, judgment or order given in public pursuant to CPR 5.4C(2) before the court considers any such application. This application is made on a "precautionary" basis because of the reference within the bundle to the Family Court material and to prevent any possibility of jigsaw identification of the family concerned.
39. This issue has been the subject of very recent judicial consideration by His Honour Judge Pearce sitting as a Judge of the High Court in Manchester in December of last year: see *GMC v Dr Cian Hughes* [2024] EWHC 3176 (Admin). The Judge provided a comprehensive review of the cases in which orders under CPR 5.4C have been considered and of the decisions of the Supreme Court in *Dring v Cape Intermediate Holdings* [2020] AC 619 and *ZXC Bloomberg* [2022] AC 1158.
40. At [38], he distilled the relevant principles, of which these are particularly pertinent to this case:

“d. In considering a request for disclosure of information on the court file, which is not otherwise in the public domain, the Court should consider whether to permit the disclosure of private information, the publication of which would on the face of it infringe the right to privacy or confidentiality of any person;

e. Where the information relates to issues such as the health of any identified person or the identity of an alleged victim or witness, the right to privacy is likely to be engaged, such as to require the court to consider the two stage process referred on in *ZXC v Bloomberg* and earlier cases.”

41. The “two stage process” endorsed by the Supreme Court in *ZXC v Bloomberg* is “consideration at the first stage as to whether the Claimant has a reasonable expectation of privacy in the relevant information and at the second stage whether that expectation was outweighed by the countervailing interest of the publisher’s right to freedom of expression”: *Hughes* at [28].
42. On the facts of *Hughes* the material did not include reference to any person’s health or other sensitive details and the Judge was not prepared to make the order sought: [44].
43. I regard this case as fundamentally different. It involves Family Court proceedings that in 2020 would have been conducted in private<sup>1</sup>. It also involves allegations of serious harm against children in a family otherwise entirely unrelated to these proceedings.
44. For these reasons I am content to grant the order sought. It amounts to a restriction on access to the court file and therefore a restriction on open justice, but in my view it is a proportionate and necessary one so as to ensure that the risk of jigsaw identification of those children and their family is reduced as much as possible.

## **Conclusion**

45. For these reasons I extend the ICPO to 3 September 2025, albeit with the reservations set out at [37] above.
46. The ICPO will continue to be reviewed by the Claimant’s Adjudicators in accordance with Schedule 2, Part 4, Paragraph 14(1) of the Regulations.
47. Any application by a non-party to obtain documents other than the claim form, judgment or order given in public pursuant to CPR 5.4C(2) is to be made on 14 days’ notice to the parties.
48. I reiterate my hope set out at [33] above that the transcripts from the Family Court proceedings can be expedited.

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<sup>1</sup> Albeit that there is now greater transparency around Family Court proceedings with open reporting provisions having come into force on 27 January 2025.