

THIS ORDER SUPERSEDES THE ORDER SEALED ON THE 25 APRIL 2023

Claim No: CO/4421/2022

In the High Court of Justice

King's Bench Division

ADMINISTRATIVE COURT

Before the Honourable Mr Justice Garnham

In the matter of an appeal under section 29 of the National Health Service Reform and Health Care Professions Act 2002

BETWEEN:



**PROFESSIONAL STANDARDS AUTHORITY FOR HEALTH
AND SOCIAL CARE**

Appellant

and

(1) SOCIAL WORK ENGLAND

(2) JS

Respondents

ORDER

UPON the Second Respondent notifying the court, via email to the First Respondent on the morning of the hearing that she would neither attend nor be represented at the hearing, but neither applying nor requesting for the hearing to be adjourned

AND UPON the Second Respondent neither attending nor being represented at the hearing

AND UPON hearing counsel for the Appellant, David Hopkins, and counsel for the First Respondent, Harini Iyengar

IT IS ORDERED THAT:

1. Pursuant to CPR r 39.2(4) there be no publication of the names of the children of the Second Respondent (JS) and no publication of anything that might lead to their identification.
2. The appeal is allowed.
3. The interim suspension order imposed on the Second Respondent by the First Respondent is to remain in place. Save for that order, the decision of the panel of adjudicators of the First Respondent made in respect of the Second Respondent, dated 22 September 2022, is quashed.
4. The matter is remitted to the First Respondent for redetermination in accordance with the following directions:
 - (1) The First Respondent is to give close consideration to reformulating the allegations so as to include allegations of misconduct as to the Second Respondent's attendance at the home visit on 15 March 2017 and as to the neglect of her own children.
 - (2) The First Respondent is also to consider whether there are grounds for charging misconduct in the Second Respondent's failure to co-operate with the fitness to practise process by not agreeing to undergo a further examination by a psychiatrist.
 - (3) The allegations shall be heard by a panel of adjudicators constituted differently to that which made the decision which has been quashed.
5. The parties shall seek to agree an appropriate order as to costs following service of this order. If such agreement is reached, the parties are to notify the Court of its terms. If no such agreement is reached, each party may file and serve submissions as to the appropriate order for costs within 7 days of service of this order and the Court will determine the appropriate order on the papers.

Service of order

The court has provided a sealed copy of this order to the serving party: Browne Jacobson LLP at 15th Floor, 6 Bevis Marks, London, EC3A 7BA (ref: MA/045833)

Date order made: 25 April 2023

BY ORDER OF THE COURT