Neutral Citation Number: [2025] EWHC 1456 (Admin)

Case No: AC-2024-LON-003823

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 13/06/2025

Before :
Mr Justice Dexter Dias

- -

Between :

ADELAIDE ARKORFUL — **Claimant**

- and –

SOCIAL WORK ENGLAND — **Defendant**

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- -

Ms Arkorful in person
Raphael Hogarth (instructed by **Bevan Brittan LLP**) for the **Respondent**

Hearing date: 5 June 2025
(*Judgment circulated in draft: 6 June 2025*)

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JUDGMENT

Remote hand-down: this judgment was handed down remotely at 10.30 am on Friday 13 June 2025 by circulation to the parties or their representatives by e-mail and release to the National Archives.

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THE HON. MR JUSTICE DEXTER DIAS

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Mr Justice Dexter Dias :

1. This is the judgment of the court.

2. To assist the parties and the public to follow the main lines of the court's reasoning, the text is divided into ten sections, as set out in the table of contents above. The table is hyperlinked to aid swift navigation.

I. *Introduction*

3. This is a statutory appeal against the extension of a suspension order.

4. The appellant is Adelaide Arkorful who has practised for many years as a social worker. She appears in person and is supported by a friend with the permission of the court. The respondent is Social Work England ("SWE"), the statutory body established by the Children and Social Work Act 2017 and granted powers to professionally regulate social workers. Prior to this, the profession was regulated by the Health and Care Professionals Council ("HCPC"). The respondent is represented by Mr Hogarth of counsel. The court is grateful to both Ms Arkorful and Mr Hogarth for their submissions.

5. Although the proceedings have been complex, the most essential background can be shortly stated. On 26 June 2019 the appellant's professional practice was made subject to a Conditions of Practice Order ("CPO") by a panel of adjudicators ("Original Panel") of the HCPC. The Original Panel made

findings of serious professional failings and deemed the appropriate and proportionate sanction to be a 12-month CPO rather than a suspension order or removal from the register. There was then a protracted series of reviews over the next years, including the replacement of the CPO by a suspension order. In October 2024, the proceedings reached the fifth review stage ("the Fifth Review"). It is the decisions of that review panel ("the Review Panel") that are the subject-matter of this appeal. This is the fourth appeal in these proceedings. The two most recent appeals were dismissed by Julian Knowles J on 8 February 2024 (*Arkorful v SWE* [2024] EWHC 73 (Admin)).

6. I set out the procedural history in tabulated form due to their intricacy, before considering the applicable legal framework and moving on to examining the rival submissions on the two grounds of appeal.

II. *Procedural history*

7. The essential procedural steps are as follows:

Date	**Event**	**Outcome**
26 June 2019	Original Panel	Allegations of serious professional misconduct proved. Fitness to practise impaired. Sanction: CPO.
15 March 2021	Outcome of First Appeal (of Original Panel decisions)	Dismissed by consent.
8 February 2022	First Review	CPO extended.
2 November 2022	Second Review	CPO extended.
31 August 2023	Third Review	CPO replaced by six-month suspension order.
8 February 2024	Judgment in Second and Third Appeals (of First and Second Reviews)	Julian Knowles J dismisses both appeals.
14 February 2024	Fourth Review	Suspension order extended for nine months.
29 October 2024	Fifth Review	Suspension order extended by six months.
21 November 2024	Sealed notice of appeal (of Fifth Review)	
5 June 2025	Hearing of Fourth Appeal (subject-matter of this judgment)	

III. *Findings of fact*

8. The findings of fact made by the Original Panel were helpfully set out by Julian Knowles J when he considered and dismissed the Second and Third Appeals.

> "34. At the relevant time the Appellant was a social worker employed by the London Borough of Newham (the Council).
>
> 35. Proceedings against the Appellant under the HPO [Health Professions Order 2001] began in 2017. There were four sets of allegations before the Original Panel. One set of allegations related to Family A. It was alleged the Appellant had failed properly to record visits to the family and had mishandled the 'child in need' process (a child in need ["CIN"] is a vulnerable child to whom local authorities owe particular legal duties under the Children Act 1989: s 17(10)). The second set of allegations related to Family B. They included, that the Appellant had lent money to a child's mother; that the Appellant took several hours on one occasion to pick a child up from school upon being informed that the child's mother had not done so; and was at fault in other ways. The third set of allegations related to alleged failures to undertake statutory visits, or record child protection visits, on the Council's Carefirst system in respect of a number of children over a period of months in 2016. The fourth set of allegations related to alleged failures to undertake child in need visits, or record these visits on the Carefirst system, in respect of a number of children over a period of months in 2016.
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> …
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> 40. It went on to make findings in relation to the individual allegations against the Appellant: [97]-[116]."

9. I summarise the findings made against the appellant, being careful as have been the various panels to ensure no personal details are revealed that might lead to direct or jigsaw identification of the affected children and families:

- There was lack of progress in a CIN plan.
- There was "minimal detail" provided about the appellant's "interactions and observations" with the children and family.
- The appellant failed to keep records about or minutes of certain CIN meetings.
- Additional support was not considered or put in place for Family A.
- The registrant lent money to Child C's mother (fact found, although this was not found to amount to misconduct).
- The registrant admitted she had not made a visit to Child A or Child B and therefore she made no records of such visits on the dates alleged.
- There were further CIN visits that were not recorded and no documentary record exists about them.

10. The Original Panel determined that the facts proved indicated that the appellant's conduct undermined the safe provision of support and care services to vulnerable children. The Original Panel found that findings of fact amounted to serious professional failures and unnecessarily and avoidably exposed children in need to the risk of harm. This was conduct that fell far below the standards expect of a social worker.

IV. *Legal framework*

11. The legal framework is set out in considerable and helpful detail by Julian Knowles J at paras 11-32. It serves no purpose to repeat it all here, save to highlight those elements that are of pertinence to this appeal. However, I emphasise that I have had close regard to the entire legal framework identified in those paragraphs.

12. This appeal is brought under para 16(1)(b) of Schedule 2 to the Social Workers Regulations 2018 (SI 2018/893).

13. The appeal test is straightforward. Under CPR 52.21(3)(a)-(b), the appeal court will allow an appeal where the decision of the tribunal from whose decision an appeal is brought is "wrong" or "unjust because of a serious procedural or other irregularity in the proceedings in the lower court." It should be noted that CPR 52.21(1) provides:

> "Every appeal will be limited to a review of the decision of the lower court unless –
>
> (a)a practice direction makes different provision for a particular category of appeal; or
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> (b) the court considers that in the circumstances of an individual appeal it would be in the interests of justice to hold a re-hearing."

14. The relevant principles, and those that apply on an appeal against the decision of a specialist professional regulatory tribunal, were examined in *Sastry and another v General Medical Council* [2021] WLR 5029, particularly at paras 96-117. I have the identified principles at the forefront of my mind and do not repeat what has been set down many times by many courts.

15. In this appeal, I received no application to adduce fresh evidence. Thus, the appeal proceeds on the basis of a review of the decisions of the Review Panel at the Fifth Review about impairment and sanction. The applicable *Impairment and Sanctions Guidance* published by SWE states at para 217 that a review panel will:

> "consider whether (all of the following):

- the social worker has demonstrated remediation, insight and/or remorse
- the social worker has demonstrated they are now safe to practise and/or there is no longer a risk to the public
- the social worker has taken steps to maintain their skills and knowledge
- the social worker's fitness to practise remains impaired (and if so, whether the existing order or another order needs to be in place)
- the adjudicators should consider whether the social worker has sufficiently addressed the concerns raised in the original finding of impairment.

The outcome of a review could be to (any of the following):

- extend the period for which the previous order is in place (provided that any extension does not exceed 3 years at a time)
- replace a suspension order with a conditions of practice order
- make an order that case examiners or adjudicators could have made at the time (provided that the order does not exceed 3 years at a time)
- revoke the order in place."

V. *Appealed decision*

16. At the Fifth Review on 29 October 2024, the appellant failed to attend, but provided what the Review Panel termed "extensive representations". The panel had before it a hearing bundle of 809 pages and a supplementary bundle of 352 pages, which included a "written statement", and a recently provided character reference. The Review Panel set out in detail the appellant's written submissions at para 25 of its decision. Her letter to the Panel (appearing to be sent by her iPhone on 6 August 2024) included the following:

> "The procedure by which I was accused and then found to have breached the professional standards required of me as a registered social work was (1) unfair and (2) has breached my right to a fair trial under article 6 of the European Convention on Human Rights. Specifically, as can be seen from the attached evidence, the HCPC and Social Work England made the following errors:
>
> 1. The HCPC and Social Work England failed to investigate the complaint properly. Among other failings, they did not

> involve my employer (Newham Borough Council) in the procedure. Had they involved Newham Council, it would have been clear to the HCPC and Social Work England that I did not do the things that I was accused of (as is clear from my former line manger's reference – enclosed). Instead, HCPC and Social Work England have relied solely upon the erroneous testimony of Mr Andrews.
> 2. Following the findings made by HCPC, Social Work England has continued to make incorrect decisions in my case. Despite HCPC's findings that the alleged conduct did not meet the standard of "fitness to practice", Social Work England have wrongly made decisions to place conditions on my practice and, lately, to suspend me.
>
> As a result of these errors, I was wrongly found to have committed breaches of professional standards expected of a registered social worker. The consequences of this incorrect finding have been severe for me. They include (1) substantial financial issues due to not being permitted to practice as a social worker since 2019 and consequent legal costs and (2) health issues [the appellant then provides details about deeply personal issues it is not appropriate to repeat here, and the court canvassed this matter with the parties at the appeal hearing and received no dissent to omitting them in the judgment]."

17. The Appellant added that she has worked in the social care sector as a therapeutic crisis intervention worker, and as a youth worker. She also complained that SWE's order against her made her unemployable, and she complained of inaccuracies in the published information.

18. Since the registrant did not attend the review, the Review Panel was unable to ask her questions and assess her attitude, insight and remediation in that way. The registrant wrote that "everything" she had to say was in any event in her filed documentation. The Panel considered this body of material carefully. It concluded that there was insufficient evidence that the appellant had acquired an understanding of the seriousness of the regulatory concerns or the impact these concerns on service users and on the reputation of the social work profession as a whole. She had failed to properly address the regulatory concerns and provide evidence of meaningful insight and remediation of the matters that were found proved. The panel was of the same view as previous panels that the appellant continued to insufficiently demonstrate a depth of reflection.

19. It was inevitable that on the material before it the Review Panel found that the appellant's fitness to practise to be "currently impaired". The Panel turned to sanction. The key aspects of the Review Panel's decision on sanction are set out in detail at paras 48-51:

> "48. The panel considered carefully whether there remains a prospect that Ms Arkorful is willing to actively engage with the

> process of review and to separate her denial of the factual findings from her engagement with those findings. The panel noted that Ms Arkorful although not in attendance has continued to engage with the regulator and has sought to provide a reference which is in partial compliance with the previous panel's recommendations.
>
> 49. Given these circumstances, the panel considered that there is a prospect that Ms Arkorful will engage effectively with a future review panel. It also considered that Ms Arkorful should be given a further opportunity to reflect on matters.
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> 50. A suspension order would prevent Ms Arkorful from practising during the suspension period, which would therefore protect the public and the wider public interest.
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> 51. The panel determined that the suspension order should be extended for a period of six months. The panel was satisfied that this period was appropriate because it allows sufficient time for this matter to be re-listed and for Ms Arkorful to reflect and consider whether she can contemplate engaging with the findings of the final hearing panel, notwithstanding her denial of the conduct found proved. The time would also provide Ms Arkorful the opportunity to obtain references which indicate that the referee fully understands the matters that have been found proved against Ms Arkorful and comment on her current conduct relevant to the findings."

20. In summary, the registrant's fitness to practise was currently impaired and the suspension order would be extended for six months.

VI. *Grounds of appeal*

21. The appellant has filed extensive grounds that she drafted herself. They are difficult to read and in places almost impenetrable, mixing extracts of documents copied from other bundles with very subjective and intemperate reflections and severe criticisms of the respondent and the regulatory process. Some documents are undated and the ordering is chaotic or in places non-existent. The tenor of the appellant's approach to the proceedings and her approach to the appeal can be gleaned from her correspondence with the respondent:

> "Strike me I don't give a toss . Social Work England is not heaven. Evil biased, abuse of power people who lie to cover up your failings. You want to drag me to your doooo called "KANGAROO" reviews for what?? Nothing will change so I won't waste my precious time on you corrupt people. Your inhumane behaviour will catch up with you all for the unfairness/

> injustice you have treated a lot of social workers. You don't even know what you are doing apart from lies and covering up your failings. The Government spend soooo much to train us and you just sit there to tarnish our images, defame our characters, abuse your power, deprive us of our human rights,. Whatever you want to achieve in this evil act you will be exposed one day. I don't have time to come and look at those evil faces of yours. Do as you please evil doers. […] Ensure you don't select what pleases / suits you. I careless -God knows I'm innocent and that's all matters ."

22. Doing the best the court can do to extract the essence of her challenge, it appears the appellant advances two grounds of appeal and I approach the appeal under these divisions. I invited submissions from the parties at the appeal hearing structured in this way, once more without dissent.

> **Ground 1**: the findings of the Original Panel are wrong.
>
> **Ground 2**: the suspension order sanction is unnecessary and disproportionate.

VII. *Submissions at appeal hearing*

23. The appellant told the court, "I had a previously unblemished record. I have three children and SWE have messed up my life." On Ground 1, she fundamentally disputed the findings of fact:

> "I never lent money to a service user. They keep saying I'm not insightful to the allegations, but I cannot be insightful to something I have not done. It's all lies."

24. Therefore, the appellant continued to maintain her stance that the original findings of fact are wrong and she could not gain insight into what is itself "wrong and based on allegations that are lies". She continued:

> "How can I be insightful about something I have not done? I haven't done those things. The [findings of fact] are not true. If they had looked into the matter properly they would have seen that I am innocent. They lied at the [Original] Panel and removed documents. They just ignored everything. They wanted to use me as a scapegoat. I have been robbed. They have abused their power. They just do what they want. If they read the documents they will see I'm innocent."

25. On Ground 2, she told the court that "They wanted me to admit the allegations, but how can I admit what I have not done. Everything they have asked me to do, I've done it." It was a wrong decision to extend the suspension order as "I have done my CPD, it's up to date". The appeal should be allowed.

26. The respondent submitted that Ground 1 is misconceived in law. It was not open to the Fifth Review Panel to revisit the findings of fact.

27. On Ground 2, insight is relevant to insight (and hence connected to risk), but not determinative of it (*Sayer v General Osteopathic Council* [2021] EWHC 370 (Admin) ("*Sayer*") per Morris J). The Review Panel was entitled to take into account the fact that the referees who provided statements on behalf of the appellant did not indicate that they were aware of the nature of the regulatory proceedings against her. One referee Mr Kubeyinje merely mentions a generic "fitness to practise process"; another referee Ms Foster does not mention proceedings at all.

28. As to the appellant's CPD being completed, this was considered in detail at the Fourth Review. There was no evidence of training relevant to the specific concerns in the findings of fact.

VIII. *Ground 1*

29. The essence of the first ground is that the findings of fact by the Original Panel were wrong.

30. The appellant accordingly seeks to revisit and challenge the factual findings made by that panel. She began her oral submissions with a detailed exposition of the underlying facts with a view to demonstrating that the findings of fact made were wrong. She was invited by the court to focus on the material before the Review Panel to assist the court with an explanation how the impairment decision at the Fifth Review was wrong. However, her submissions kept reverting to an assertion that the findings of fact should not have been made and she wished to challenge them now. This is despite her previously having had a full opportunity to do precisely this and having declined to do so. Her initial appeal was dismissed by consent on 15 March 2021. Therefore, she had agreed not to pursue her challenge to the Original Panel's findings. There are in such circumstances significant obstacles to reviving this challenge.

31. First, it is years out of time. There is no or no good explanation for the delay, even if one were to put to one side that she agreed that her appeal should be dismissed.

32. Second, the statutory review conducted in the Fifth Review does not ordinarily proceed by way of a revisiting of the facts. It is a just what it says: a review. Its objective was explained by the Supreme Court in *Khan v General Pharmaceutical Council* [2017] 1 WLR 169 at para 27:

> "… the focus of a review is upon the current fitness of the registrant to resume practice, judged in the light of what he has, or has not, achieved since the date of the suspension. The review committee will note the particular concerns articulated by the original committee and seek to discern what

> steps, if any, the registrant has taken to allay them during the period of his suspension. The original committee will have found that his fitness to practise was impaired. The review committee asks: does his fitness to practise remain impaired?"

33. Thus the Supreme Court drew a sharp distinction between challenges to the substance of the facts and what should be the focus of reviews: "monitoring" the registrant's progress towards "professional rehabilitation" (para 31). In similar vein, the author of Hamer's *Professional Conduct Casebook* (4th Edn) states at para 75.38 that a review hearing:

> "is not an appeal or an opportunity to reopen the earlier determination, but a procedure to consider and determine, with the benefit of evidence and submissions, whether the practitioner's fitness to practise remains impaired as a first step before going on to consider whether to extend or vary the original order."

34. Such approach has been taken or followed in numerous first instance decisions of this court (*Obukofe v General Medical Council* [2014] EWHC 408 (Admin); *Kataria v Essex Strategic Health Authority* [2004] 3 All ER 572; *Yusuff v General Medical Council* [2018] EWHC 13 (Admin); *Newley v General Medical Council* [2021] EWHC 1538 (Admin).

35. The appellant was unable to provide any submissions beyond the allegedly erroneous making of findings of fact. The inevitable result of this is that Ground 1 is without merit. It is dismissed.

IX. *Ground 2*

36. This is a challenge to the proportionality of the sanction imposed by the extension of the suspension order for six months. However, the submissions by the appellant largely returned to criticisms of the findings of fact. She repeated several times that she could not gain insight into something she had not done. As noted, the question of insight is linked to risk. In *Sayer*, Morris J said at para 25:

> "(3) It is wrong to equate maintenance of innocence with lack of insight. Denial of misconduct is not an absolute bar to a finding of insight. Admitting misconduct is not a condition precedent to establishing that the registrant understands the gravity of the offending and is unlikely to repeat it […].
>
> (4) However attitude to the underlying allegation is properly to be taken into account when weighing up insight […]. Where the registrant continues to deny impropriety, that makes it more difficult for him to demonstrate insight. […]

> (5) The assessment of the extent of insight is a matter for the tribunal, weighing all the evidence and having heard the registrant. The Court should be slow to interfere: […]."

37. I find that the approach of the Review Panel to the question of insight is in accordance with settled authority. Indeed, previously the Fourth Review Panel stated at para 38:

> "The panel noted the tone of Ms Arkorful's correspondence. She remains focussed on the factual findings made by the final hearing panel. In the panel's view she has been unable to separate her denial of the facts from the process of the review of the order. It is possible for Ms Arkorful to maintain her denial, but to engage with the findings of the final panel, address their gravity, and take steps to demonstrate to a panel that there will be no repetition. Ms Arkorful has not yet reached the stage where she is able to engage with the findings of the final panel to any extent."

38. As to referees who supported the appellant, she principally addressed the court about three. The first was Ms Kinobe's reference dated 7 February 2022 which referred to a reference she had earlier provided the appellant in November 2016. This was before Ms Kinobe left Newham Council. She was previously the appellant's line manager and speaks very positively about the registrant. In submissions, the appellant at one point seemed to suggest that the statement was "removed" by SWE. It is an allegation the respondent refutes, as it refutes all the numerous allegations of impropriety the appellant makes against it. However, the appellant clarified to the court that the statement she brought to the court's attention at 658 of the bundle, which is Ms Kinobe's reference, was indeed before the Review Panel.

39. The references the appellant adduced were found by the Review Panel to offer little assistance on remediation. The Panel stated at para 35 that it

> "was concerned that there was no indication that the referees had knowledge of the purpose for which their reference was provided, that there an ongoing Social Work England process, or of the factual findings made by the final hearing panel."

40. I have reviewed the material and conclude that this was a rational and inevitable position for the Review Panel to take. The appellant was informed in the decision of the Fourth Review Panel of the type of material that might assist a future panel, without that panel being prescriptive. Having referees informed of the nature of the regulatory proceedings and the key findings is fundamental to the provision of an informed reference. The Review Panel was correct that the absence of such disclosure materially reduces the weight that can be attached to the reference. There is a vital distinction between telling an employer about the nature of proceedings (which may or may not be part of a CPO) and informing a referee of the substance of the proceedings and the findings of fact proved so that a referee can provide a valuable reference based

on an informed understanding of the underlying proceedings. A further example of the suboptimal approach by the appellant can be found in her submissions about a reference from Danika Foster dated 11 October 2024. This was therefore written before the Fifth Review at the end of October 2024. The appellant said that the reference was not before the Review Panel. However, the Panel stated in terms at para 22:

> "The panel were provided with a final order hearing bundle consisting of 809 pages and a service and supplementary bundle of 352 pages including a recently provided character reference."

41. Ms Foster's reference was the only "recent" reference. The appellant points to no other. Thus, it cannot be right that it was not before the Review Panel. Further, this reference exhibits a similar defect to the others: there is no indication that the referee knows anything about the regulatory proceedings.

42. As to CPD, the appellant maintained at the appeal hearing that her CPD "was up to date" and that she had "done everything they asked". Her criticism is that SWE "stated that I had not completed my CPD – that is the reason for suspension. I had completed my CPD." It is difficult for her to sustain this claim. Factually, as is evident, this was not the exclusive basis for the suspension order. However, the point was considered in detail in previous reviews. The Fourth Review Panel stated at para 32:

> "Ms Arkorful has provided evidence that she has completed CPD which satisfy the requirements for registration. She also provided evidence that on 10 August 2023 she completed a three day CPD course on the family group conference process, and a written reflective piece on how this CPD has improved her practice. The panel did not find evidence that she acted on the previous panel's recommendation to complete CPD training that is "relevant to the concerns identified". The panel note training undertaken on the 8-10 August 2023 but this preceded their recommendations. While it is positive that Ms Arkorful is taking steps to ensure that her knowledge and skills remain up to date, she has not provided evidence of training in relevant topics such as record keeping."

43. The difficulty is that the appellant has failed to address the specific failings identified by the Original Panel. She does not recognise that any of the failings were properly proved and, in any event on her case, none of them were true.

44. Viewed overall, the Fifth Review Panel provided detailed reasons and quoted the appellant's written submissions at length. It is unarguable that it did not consider carefully what she said in writing. The Review Panel found no material change in circumstances from 14 February 2024, despite the previous panel helpfully suggesting the evidence that would be relevant in showing this. There was no evidence of relevant training or CPD since the previous review. In all the circumstances, and having regard to the importance of protecting the public, the panel concluded that the appellant's fitness to practise remained impaired. The challenge to this impairment finding by the Review Panel faces formidable difficulties.

45. First, the Tribunal is a specialist adjudicative body. This court is entitled to afford significant, while not determinative, weight to its evaluative assessment of matters such as professional risk and impairment and particularly in light of findings of fact that, as explained in my analysis of Ground 1, remain undisturbed. The proper approach of the court was explained in *Bawa-Garba v General Medical Council* [2019] 1 WLR 1929, where Lord Burnett CJ said:

> "60. The GMC's appeal from the Tribunal to the Divisional Court pursuant to section 40A of MA 1983 [Medical Act 1983] was by way of review and not re- hearing. In that respect, it differs from an appeal pursuant to section 40. Sub-paragraphs 19.1(1)(e) and (2) of Practice Direction 52D expressly state that appeals under section 40 are to be conducted by way of rehearing. Appeals pursuant to section 40A are governed by CPR 52.21(1), which provides that, subject to the exceptions mentioned there, appeals are limited to a review of the decision under appeal. That technical difference may not be significant. Whether the appeal from the MPT is pursuant to section 40 or section 40A, the task of the High Court is to determine whether the decision of the MPT is 'wrong'. In either case, the appeal court should, as a matter of practice, accord to the MPT the same respect: *Meadow v General Medical Council* [2006] EWCA Civ 1390, [2007] QB 462 at [126]-[128].
>
> 61. The decision of the Tribunal that suspension rather than erasure was an appropriate sanction for the failings of Dr Bawa-Garba, which led to her conviction for gross negligence manslaughter, was an evaluative decision based on many factors, a type of decision sometimes referred to as 'a multi-factorial decision'. This type of decision, a mixture of fact and law, has been described as 'a kind of jury question' about which reasonable people may reasonably disagree: *Biogen Inc v Medeva Plc* [1997] RPC 1 at 45; *Pharmacia Corp v Merck & Co Inc* [2001] EWCA Civ 1610, [2002] RPC 41 at [153]; *Todd v Adams (t/a Trelawney Fishing Co) (The Maragetha Maria)* [2002] EWCA Civ 509, [2002] 2 Lloyd's Rep 293 at [129]; *Datec Electronics Holdings Ltd v United Parcels Service Ltd* [2007] UKHL 23, [2007] 1 WLR 1325 at [46]. It has been repeatedly stated in cases at the highest level that there is limited scope for an appellate court to overturn such a decision …
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> …
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> 67. That general caution applies with particular force in the case of a specialist adjudicative body, such as the tribunal in the present case, which (depending on the matter in issue) usually has greater experience in the field in which it operates

> than the courts: see *Smech* at [30]; *Khan v General Pharmaceutical Council* [2016] UKSC 64, [2017] 1 WLR 169 at [36]; *Meadow* at [197]; and *Raschid v General Medical Council* [2007] EWCA Civ 46, [2007] 1 WLR 1460 at [18]-[20]. An appeal court should only interfere with such an evaluative decision if (1) there was an error of principle in carrying out the evaluation or (2) for any other reason, the evaluation was wrong, that is to say it was an evaluative decision which fell outside the bounds of what the adjudicative body could properly and reasonably decide: *Biogen* at [45]; *Todd* at [129]; *Designers Guild Ltd v Russell Williams (Textiles) Ltd (trading as Washington DC)* [2001] FSR 11 (HL) at [29]; *Buchanan v Alba Diagnostics Ltd* [2004] UKHL 5, [2004] RPC 34 at [31]. As the authorities show, the addition of 'plainly' or 'clearly' to the word 'wrong' adds nothing in this context."

46. The nature of the adverse findings of fact informs and cannot be divorced from the appropriate nature and level of sanction. As the Original Panel stated, the findings of fact showed that the appellant's work "fell seriously short of the standards expected of a registered Social Worker" (para 123) and the "failures were serious" (para 125). The findings of fact showed that the quality and depth of the records kept by the appellant "fell far below the standards to be expected of a registered Social Worker" (ibid.). As it noted, record-keeping and escalating concerns are a crucial and central part of a social worker's role, yet the appellant "repeatedly failed to make records or meaningful records of some of her work during the period in question. This undermined the safe, timely and effective provision of services to vulnerable service users, including children" (ibid.). As a result of several sub-particulars found proved, or partly proved, the appellant failed to practise safely and so placed vulnerable service users, including children, at potential risk of harm.

47. Grounded in these findings of fact, and given the failure to provide any relevant or meaningful evidence of remediation, the Review Panel was unquestionably correct to conclude that the appellant's fitness to practise remained impaired.

48. I have carefully examined the Review Panel's sanction decision in the Fifth Review. It contains no error of principle taking into account the sanctions guidance set out previously. There is no basis to say it is outside the bounds of reasonable decision-making. In fact, I find the opposite: in light of the appellant's failure to reflect on the findings of the Original Panel and gain insight into the identified failings and take meaningful steps towards remediation, it was plainly right to extend the suspension.

49. Julian Knowles J was assisted by the approach of Eyre J in *Hawker v The Health and Care Professions Council* [2022] EWHC 1228 (Admin). So am I. Eyre J said at para 37:

> "37. Considerable weight is to be attached to the judgement of a specialist tribunal as to the presence or absence of insight and as to the consequences of such presence or absence and those are 'classically matters of fact

> and judgment for the professional disciplinary committee in the light of the evidence before it' (per Lindblom LJ in Doree at [38]). This is in part because of the opportunity which the panel will have had to assess the evidence of the professional in question. It is also because the specialist knowledge of the members of such a panel means that they will be best-placed to form an assessment of what is and what is not required for such insight to be present."

50. The continuation of the suspension was a necessary and proportionate course. It was necessary to safeguard members of the public and preserve and promote public confidence in the regulation of the profession. As Sir Thomas Bingham MR (as he then was) said in *Bolton v Law Society* [1994] 1 WLR 512, 519 ("*Bolton*"), the protection of public confidence in the profession is "essential". I note, as Julian Knowles J did, the significant effect the disciplinary sanctions have had and continue to have on the registrant as she made graphically clear to me in oral submissions, but as was said in *Bolton* (ibid.):

> "Because orders made by the tribunal are not primarily punitive, it follows that considerations which would ordinarily weigh in mitigation of punishment have less effect on the exercise of this jurisdiction than on the ordinary run of sentences imposed in criminal cases."

51. The particular importance of the role of social workers was noted in *Anderson v Social Work England* [2020] EWHC 430 (Admin), where this court said at para 25 that "work with some of the most vulnerable members of society". This is clearly the position in the registrant's case and it is her serious professional failings particularly in respect of vulnerable children that caused the Original Panel and those that followed it concern. This court shares these concerns. This goes to the questions of necessity and proportionality of sanction.

52. It is instructive that the length of the extension settled on by the Review Panel was six months. The Review Panel still generously held onto the hope that the registrant might take steps to remediate and thus it did not make a removal order. Further, it granted a relatively short extension, indicative of the balance and fairness with which the Panel approached the review exercise. Indeed, the Fourth Review Panel extended the suspension order by nine months. It is open to a panel to extend a suspension order for up to three years in appropriate cases. Thus, the extension is manifestly proportionate in length. To my mind, the course the Review Panel took by extending the registrant's suspension was undoubtedly right, not disproportionate, nor "wrong" in appellate terms.

53. Ground 2 is dismissed.

X. *Disposal*

54. This appeal (the appellant's Fourth Appeal) is dismissed.

55. I conclude by noting the subsequent procedural developments, emphasising that they do not in any way affect my assessment of the appeal, the merits of which I have evaluated on their own terms. On 1 May 2025, SWE conducted the Sixth Review. The appellant was removed from the register in light of her persistent lack of progress. At para 39, this panel noted:

> "Social Work England's concern that Ms Arkorful had, in her correspondence with Social Work England, described members of the Case Review Team as "evil", "corrupt" and "stupid". The panel noted that correspondence, which had been provided in the bundle, and noted that Ms Arkorful had not sought to apologise for or explain those comments. The panel considered this was inappropriate language for Ms Arkorful to be using in correspondence with her regulator and demonstrated a lack of professionalism. The panel was concerned that it appeared to indicate an unwillingness, or even inability, on Ms Arkorful's part to respond appropriately to regulatory oversight, which is essential for any registered professional."

56. I have indicated that I will receive submissions on costs in writing and presently do not consider it proportionate to convene an oral hearing. Should the respondent apply for its costs, the application must be filed within seven days of the handing down of this judgment. The appellant will have seven days to respond in writing. The respondent to have three further days for reply. The court will thereafter notify the parties of its decision on costs or provide further directions.