

Re F; F v Lambeth London Borough Council

[2002] 1 FLR 217

28/09/2001

Court

Family Division

Facts

The elder child was placed on the child protection register in 1986, when he was 2 years old. Wardship proceedings were begun by the local authority in relation to both children in 1989, less than a year after the younger child was born. In 1991, interim care orders were made and the children spent a week or two in a London children's home, before moving to a children's home in the countryside. This was an emergency placement, but the children were to remain in the home for over 4 years. The full care orders made in 1992 included leave to implement a rehabilitation to the parents, but in the following year the authority decided not to proceed with rehabilitation. In 1994, the parents applied to discharge the care orders but, on the basis of a psychiatrist's report that the boys needed the security of permanent care by substitute parents, their application was withdrawn. Meanwhile, parental contact was gradually reduced to four supervised contact visits a year. Following the closure of the children's home in 1996, the boys were moved to another home. In 1999, the parents applied for unsupervised contact away from the home. At the time of this application there was no current care plan in existence for either boy. Care plans were subsequently filed in respect of each child, but the plan for the elder child was later abandoned. At the time of the parents' application, no search for substitute parents had been carried out for either child, and neither case had been sent to the local authority's permanency panel. A search for substitute parents in August 2000 related only to the younger child, and in September 2000 the younger child's case, but not the elder child's, was sent to the permanency panel. At the time of the hearing there had still been no progress in respect of the elder child. Both boys had been statemented and had serious problems. In the case of the elder child, it was apparent that he would almost certainly require life-long support.

Held

Held - granting increased contact, some of it unsupervised, on an interim basis - it was clear that the care planning which should have occurred in the early stages had not occurred, and the children had drifted in care. The State had failed the parents and the children, gravely and repeatedly, and had, itself, caused significant harm to children who had been taken into care against the wishes of the parents. Ultimately, the only safeguard and guarantee for the proper performance of their functions by public authorities was public awareness and the force of informed public opinion and an informed electorate. The public needed to be told what had been done to this family.

Postscript : the case was a vivid and compelling illustration of the pressing need for the court to have the powers recently set out by the Court of Appeal in *Re W and B; Re B (Care Plan)* . In future, the court

would be able to exercise judicial control over a local authority's implementation (or, as here, non-implementation) of a care plan. Significant advances had been made by the local authority following the judge's serious criticisms of the way in which the case had been handled.

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