

Re R (Disclosure)

[1998] 1 FLR 433

15/08/1997

Barristers

Barbara Mills KC

Court

Family Division

Facts

A contact issue came before the court involving the children of two parents who were both employed in the field of social welfare. The Official Solicitor sought the advice of a consultant child psychiatrist. The psychiatrist was of the opinion that the father posed a threat to the children and suggested that the father should see a specialist psychiatrist. The father declined to go. A consent order was made for no face-to-face or telephone contact. The judge indicated that it was open to the father's employers to seek disclosure of the reports. The father's chief probation officer sought disclosure.

Held

Held – allowing the application –

(1) In all disclosure cases, the public interest in the protection of members of the public, however strong, was not the only public interest matter to be considered. It had to be weighed against conflicting considerations that also weighed heavily in the public interest, namely that:

1. (i) the welfare of the children might be compromised in two ways, namely by adverse publicity which might arise at a later stage and by the fact that the father might lose his job and therefore his income to support the children;
2. (ii) there should be maintenance of confidentiality and encouragement of frankness in children's cases.

(2) The safeguard against other applications of this nature being made was that any further applications would have to be made before a judge. The purpose of this application was fully to inform the chief probation officer of a matter which lay at the heart of his responsibilities.

(3) The balance of the public interest in the particular circumstances of this case fell heavily in favour of disclosure with appropriate safeguards.

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