

Re V : Re L (Minors) (Sexual Abuse: Disclosure) (1997)

AC0791197

31/07/1997

Barristers

David Bedingfield

Court

Family Division

Facts

A local authority applied for the address of the father to be disclosed to it and for liberty to disclose to the local authority in which the father resided the address and the nature of the judge's findings in relation to the father having sexually abused S, S, and L, although he was acquitted in the criminal court. The father had been permitted to write down his address which was placed on the court file and it was ordered that it could not be disclosed without the father's written consent or leave of the court. It was accepted that the court had the power to order disclosure by virtue of rr.4.23 and 10.21 of the Family Proceedings Rules 1991. At issue was whether the court should exercise its discretion. The applicant submitted that it was standard practice between local authorities in this type of situation for the local authority to write a letter to the chairman of the child protection register of the local authority in whose area the individual lived setting out the facts and the nature of the risk. The local authority would check the accommodation in which the father was living and if concerned institute an investigation under s.47 Children Act 1989. In order to prevent the possibility of further abuse of children who may be living in or visiting the father's accommodation it was argued the application should be granted. The applicant relied on the factors set out in the case of Re C (supra) in which a police authority applied for disclosure of statements, made by the parents of a young child that had died of non-accidental injuries, in order to pursue a criminal investigation of the matter. Of importance were the welfare and interests of the children concerned in the care proceedings and other children generally, the maintenance of confidentiality in children cases, the gravity of the offence and the relevance of the evidence and the desirability of co-operation between various agencies concerned with the welfare of children. The applicant also relied on R v Chief Constable of North Wales Police & Others, ex parte AB & CD (1997) 3 WLR 57. The respondent submitted that there was no authority permitting the court to reveal the father's address or the court's findings distinguishing the present case from the above authorities that allowed the court to permit disclosure of information to a police force or other body for the purpose of a specific investigation. In the present case the respondent argued the disclosure of the information was for an unspecified purpose. The respondent relied on the Sex Offenders Act 1997, which was not yet in force, but which gave a guide as to the type of persons subject to the court's discretion, ie convicted child sex offenders.

Held

HELD: (1) By virtue of s.17 of the 1989 Act local authorities are charged with the duty of safeguarding the welfare of children and to make inquiries to enable them to decide what action ought to be taken in order to safeguard and promote the child's welfare. Without the necessary information a local authority would be hindered in carrying out these duties. (2) The authorities relied upon by the applicant provide guidance to the sort of situations in which the court can act. The categories of case in which the court can act are not closed. (3) The court must start from the presumption that information as to the father's address and the findings of the court should not be disclosed. However there is a public interest in ensuring that a local authority should be able to disclose this sort of information to another local authority in which the individual lived. (4) In the circumstances the address and the findings of the court should be disclosed only to the local authority in which the father resided.

Permission

Lawtel 