

IA (A Child) [2013]

[2013] EWHC 2499 (Fam)

07/08/2013

Barristers

Jane Rayson
Sam King KC

Court

High Court (Family Division)

Practice Areas

Public Children Law

Summary

Composite finding of fact and welfare hearing in relation to a five month old child. Consideration of the requirements of an expert's report.

Facts

An older sibling, aged 4, had died two years ago and post mortem non-accidental injuries had been found. The father had findings against him of injury to another child of his. The mother remained supportive of the father.

The local authority had initially sought final care and placement orders, but had amended that plan following the oral evidence of the grandmother, and the Guardian's view that she should be assessed as a special guardian. In order to achieve finality at the hearing, the plan had crystallised into one of residence and supervision orders.

The court observed that this was a dramatic change of stance, and that whilst it was welcome, there had been serious errors of judgment in the care planning exercise in the weeks leading up to the hearing. There had been three social workers in five months, one of whom was severely criticised by the court.

Held

The court found that the father was responsible for the injuries to the elder child, but that the mother should not be held responsible through any failure to protect. The plan of residence to the maternal grandmother was entirely appropriate.

Finally, the court commented on the expert's report, which was 35 pages long despite the request that he limit it to 10-12 pages. The court was critical of the tendency of experts to provide a "paediatric overview", rather than focussing on the issues in the case.

Permission

Family Law Week 