

Re T (A Child)

[2020] EWHC 220 (Fam)

01/04/2020

Barristers

Alison Grief QC
Chris Barnes
Harry Langford
Rob Littlewood

Court

Court of Appeal

Practice Areas

Public Children Law

The Court of Appeal is hearing the parents' appeal against the decision of Mr Justice Hayden reported as [Re T \(A Child\) \[2020\] EWHC 220 \(Fam\)](#) on 2nd April 2020. The appeal concerns the ambit of a local authority's powers under section 33(3) of the Children Act 1989 to consent to vaccination for children subject to care orders.

At first instance the parents raised a range objections to the vaccination of their child which the Judge characterised as "tenuous and tendentious". [§§21 - 22]

[Alison Grief QC](#), [Chris Barnes](#) and [Harry Langford](#) appear for the respondent local authority, the London Borough of Tower Hamlets, and [Rob Littlewood](#) appears for the respondent child, through his guardian. The respondents seek to uphold the decision of Hayden J which determined, contrary to an earlier line of authority [see MacDonal J in [Re SL \(Permission to Vaccinate\) \[2017\] EWHC 125 \(Fam\)](#)], that a local authority has the power to arrange for vaccination notwithstanding the objection of a child's parents if they are satisfied it is necessary "*to safeguard or promote the child's welfare*" per section 33(4) of the Children Act 1989.

The Court will be considering whether vaccination falls within a category of "grave" cases concerning "medical treatment" which require an application to the Court to determine a dispute between a local authority and parents or whether, as Hayden J considered, they fall outside that category and are instead "a face of public preventative healthcare intending to protect both individual children and society more generally". [§12]

The appeal is particularly timely having regard to the COVID-19 emergency in which research into a vaccine is ongoing and in the context of falling rates of vaccination within the UK. Read [more here](#).