

Deirdre Fottrell KC successfully represents the First Respondent in the Court of Appeal

16th February 2024

Deirdre Fottrell KC (4PB), leading Maggie Jones (Garden Court Chambers), has been successful in the Court of Appeal case YM (Care Proceedings: Clarification of Reasons).

The Court dismissed an appeal from a local authority regarding findings in a Care Proceedings for Y and provided guidance about when and how to seek further reasons from judges at first instance. The Court also gave guidance about when it is appropriate to see further clarification from Judges at first instance and the abuse of that process.

The guidelines for “requesting clarification” of fact-finding judgments included the following:

- Requests should not aim to weaken findings or negotiate to avoid appeals.
- Judges proposing clarification must ensure it enhances rather than obscures the original judgment.
- If a judge intends to modify or withdraw a statement, the clarification should explicitly state the change and explain the reason.
- The purpose of fact-finding hearings is to determine essential facts for decisions about a child’s future, not to address every issue.
- Clarification requests should focus on material points crucial to decisions in care proceedings.
- Counsel should avoid using requests to reargue the case or reconsidering findings.
- Requests should be compiled in a single document by one advocate to avoid unnecessary repetition.
- Judges should only respond to clarification requests relevant to decisions in the proceedings.

To read the full judgment, please click [here](#)