

Couple who opposed council vaccinating their child lose appeal

Parents wanted high court ruling in favour of Tower Hamlets council overturned



A couple who tried to prevent the local authority from vaccinating their child, who is in care, have failed to overturn the decision by requiring courts to become routinely involved in such disputes.

The court of appeal has rejected the parents' request to intervene in the case of their young infant, who was due to receive the usual sequence of childhood immunisations against diseases such as diphtheria, polio and whooping cough.

The claim, which predates the Covid-19 pandemic, comes at a time when there is hope that a vaccine will be found to halt future outbreaks.

Earlier this year the couple failed in their initial legal challenge against Tower Hamlets council, which has taken the child, who has not been identified, into care. The mother had implied, without providing any evidence, that her other children's health conditions might be linked to vaccination.

Delivering judgment in the initial high court case, Mr Justice Hayden ruled the parents' arguments against state interference **in their child's life** were "tenuous and tendentious".

Hayden concluded that a local authority has the power to arrange for vaccination despite parents' objections if they are satisfied it is necessary "to safeguard or promote the child's welfare", according to section 33 of the Children Act 1989.

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On Thursday the court of appeal considered whether vaccination falls within a category of “grave” medical cases which require an application to the court or not.

The lower court had decided they fell outside that category and were instead merely “a facet of public preventative healthcare intending to protect both individual children and society more generally”.

The judges in the court of appeal, Lord Justice McCombe, Lady Justice King and Lord Justice Peter Jackson, dismissed the appeal but said they would give their reasons in writing at a later date.

Alison Grief QC, Chris Barnes and Harry Langford of 4PB chambers appeared for Tower Hamlets council.

After the hearing Barnes said: “The court has endorsed the position that, notwithstanding the objections of a parent, routine vaccines can be given to children in care under a local authority’s statutory powers, without the need to seek approval from the high court, if the local authority concludes that it is in the child’s interests.”