

# **Legal Roundup - September 2022**

## **Referrals to LADO**

A referral to a LADO should be considered carefully. If there is any concern about whether a referral should be made or what if any documents/information can be disclosed to the LADO, please contact Cafcass Legal on the duty line 07776 470065.

**You may have missed...** Nagalro has published on its website a link to Haematological evaluation of bruising and bleeding in children undergoing child protection investigation for possible physical maltreatment: A British Society for Haematology Good Practice Paper. The full guidance can be accessed here.

[Haematological evaluation of bruising and bleeding in children undergoing child protection investigation for possible physical maltreatment: A British Society for Haematology Good Practice Paper - Nagalro](#)

**Reminder...** Under the Family Procedure Rules 2010 we are permitted to share information relating to proceedings with "professionals acting in the furtherance of the protection of children" and an officer of a local authority exercising child protection functions is included as such a person. However, anything we share is not for onward disclosure and so we should be clear when sending information to them that if they disclose further without the permission of the family court it could potentially be a contempt of court.

**Reminder...** We should always inform parents that any information they share with us should be copied to the other parent and if they do not want the information shared with the other parties to the proceedings they will need to apply to the court. It might also be helpful to remind parents that should they wish to rely on evidence (particularly video footage) that is disputed they will likely need to obtain permission from the court first before they can rely upon it as evidence in the proceedings.

## **Case law updates**

**Hertfordshire County Council-v- Mother & Ors (Fact Finding) Neutral citation number: [2022] EWFC 106**

This is a decision of a fact-finding hearing relating to a threshold document that sought findings in respect of significant injuries sustained by a relatively new born baby. The first issue the court needed to decide was whether after hearing all the evidence the court should grant the local authority permission to withdraw its application. There is a helpful summary of the applicable law to be applied when considering an application to withdraw s31 proceedings (para 12 -17). As the court noted in this case it is rare for an application to withdraw to be made after the court has heard all the evidence but before the delivery of a Judgment. Having considered the applicable law the Judge in this case determined that there were substantial reasons for refusing the local authority's application to withdraw.

After having heard all the evidence which included disagreement between the medical witnesses, the Judge determined that *"The court is able to go so far as to say there is no*

*evidence before the court on which the court could make any finding other than that the injuries were caused accidentally, as stated by the parents"*

There was also the linked issue about naming the independent expert jointly instructed by the parties in the anonymised Judgment. This was dealt with by the judge at a separate hearing - *Hertfordshire County Council v Mother & Ors* [2022] EWFC 107 (12 September 2022).

The Judge determined that the **independent expert** should be named in the Judgment.

Read the full Judgments here.

Decision refusing anonymisation:

<https://www.bailii.org/ew/cases/EWFC/HCI/2022/107.html>

Substantive decision:

<https://www.bailii.org/ew/cases/EWFC/HCI/2022/106.html>