

Re X Sub Nom Barnet LBC v Y (2006)

(2006) 2 FLR 998

14/04/2006

Barristers

Jo Delahunty KC

Court

Civil Division

Summary

A local authority care plan to return a troubled teenager to her home city when she had been making good progress in a rural residential home was not appropriate and had been made on the basis of flawed procedure.

Facts

The applicant local authority sought approval of its care plan for the second respondent (X), a 14-year-old girl. X, who was of Turkish-Cypriot and Egyptian heritage, had been placed in the interim care of the local authority at the request of the first respondent mother (M) following X's repeated absconding from home and school and her sexual relationships with older men when aged 13. A foster placement was unsuccessful and X was placed in a residential home in London. She continued to abscond and, after another unsuccessful foster placement, was placed in a residential home in Devon. She responded well, and a consultant child and adolescent psychiatrist (P) gave his opinion that a return to M's care was not appropriate. The local authority filed a care plan stating that X would remain in Devon for three to six months, during which time the situation would be reviewed with a view to possible rehabilitation to M's care in the future. X's position was reviewed at weekly placement panel meetings, and at one such meeting the panel decided that her placement in Devon should be brought to an end and she should be returned to London. The panel did not look at any of the reports or documents relating to the matter that had been brought to the meeting by the social worker. Neither M nor the guardian (G) was informed of the meeting or the likely decision. P stated that he believed X should remain in Devon, possibly until she was 16, as she was making such good progress and that a return to London would lead to her falling back into her old ways. The matter was brought back before the court and the local authority filed a new care plan proposing that X's needs could be best met by returning to London as the placement in Devon was keeping her in an artificially safe environment. Her family, friends and community were all in London and her wish to return there should be given some weight. M and G opposed the plan, arguing that P's strong and clear views should be taken into account and that the risk of X's returning to her previous behaviour was so high and so potentially damaging to all that had been achieved that it far outweighed any advantages to her going back to London.

Held

HELD: The care plan was not in X's best interests. The procedure leading up to the making of the plan had been defective: the placement panel's decision had been based on insufficient information and had not involved G or M. Furthermore, little had been done by the local authority to support X's placement in Devon, with all the focus being on her return to London. Moreover, decisions had been made by higher management without proper recourse to the social workers who were familiar with the case and with too much emphasis on policy, rather than X's needs. Given X's history, it was not appropriate to place too much weight on her wishes. Although placement near to home was desirable for some looked-after children, in X's case it was the very thing that most put her at risk. X's placement in Devon was the only placement that had ever been successful. The local authority had not taken adequate account of that factor and had overlooked the problems that had previously occurred at the London home. The evidence strongly suggested that X would fall under the same influences in London and that any placement there would break down. Whatever risks there might be if X remained in Devon were heavily outweighed by the risks she would face if she returned to London.

Permission

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