

Kent CC v A Mother (Costs) [2011]

[2011] EWHC 1267(Fam)

18/05/2011

Court

Family Division

Practice Areas

Public Children Law

Summary

Judgment on an application for costs against a local authority following a fact-finding hearing. The judgment should be considered along with the decision on the substantive issues, reported as [2011] EWHC 402 (Fam).

Facts

The respondents applied for a proportion of their costs to be paid by the local authority on the basis that it had failed in its duties of disclosure. Baker J had previously described disclosure as having been undertaken in “a wholly unsatisfactory, piecemeal and haphazard fashion”, and His Lordship considered that the local authority’s failure to identify and disclose documents earlier had been “manifestly unreasonable”, causing the parties to incur additional unnecessary costs. A partial costs order was made.

Held

The intervenor, IR, also applied for all or part of his costs, firstly due to the local authority’s disclosure failings and secondly as a result of his exoneration following the fact-finding hearing. However given that the local authority had not itself sought to prosecute the findings against IR but instead simply taken the lead on findings the court considered necessary, and that (albeit fortuitously) IR’s costs had not in fact been increased as a result of the disclosure failings, no order was made in respect of IR’s costs.

Permission

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