

D L & another v London Borough of Newham 2011

[2011] EWHC 2666 (Admin)

18/10/2011

Barristers

Alex Verdán KC

Court

Queen's Bench Division

Practice Areas

Public Children Law

Summary

Order relating to the issue of costs and the return of a passport and other possessions in a long running case concerning a child.

Facts

Further order by Charles J in a case concerning a child, K. The order provided that that there should be no further order for costs other than a detailed assessment of the claimants' publicly funded costs and that K's passport, other documents and personal possessions be returned within four days of service of the order.

In the first judgment in the case, Charles J had ordered a reconsideration by the defendant local authority of its decisions relating to placement of K be carried out and that the defendant should pay one half of the claimants' costs up to and including the date of the first judgment. Written submissions on the outstanding issues relating to costs were made thereafter.

The aim of the claimants was to have K returned to them with a view to his adoption on the basis that that would be decided by the Family court but this aim was abandoned during the second hearing. This then left the claims for declaratory relief and damages in respect of the first decision; the claimants lost those arguments.

The claimants' primary aim at the first hearing was not to achieve a reconsideration of the decision as to the placement of K by the local authority but to remove the local authority as the decision maker. The claimants had succeeded in that respect but did not succeed on the return of K or their claims for declaratory relief and damages.

In the second judgment, Charles J also set out why the prospects of the claimants succeeding in their aim of K being returned to their care and being adopted by them were poor.

Held

Charles J had not heard anything from the claimants on the issue of the return of documents and personal possessions to the Local Authority but on the information before him, ordered that the claimants should return K's passport, red book and all documents relating to his savings account or accounts. Given the positions and earlier orders on costs, the reality of the costs order was to not make any further order save for a detailed assessment of the claimants' publicly funded costs.

Permission

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