

Case: law report

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e.g. *Barrett v Enfield LBC* [2001] 2 AC
550 (HL)

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bibliography.

550 Barrett v Enfield London Borough Council (HL(E))	[2001] 2 AC
House of Lords	
Barrett v Enfield London Borough Council	
1998 July 20, 21, 22; 1999 June 17	Lord Browne-Wilkinson, Lord Slynn of Hadley, Lord Nolan, Lord Steyn and Lord Hutton
<i>Negligence — Duty of care to whom? — Local authority — Common law duty to protect and promote welfare of children in care — Alleged failure to carry out duty — Whether local authority liable in negligence</i>	
<p>The plaintiff, who had been placed in the care of the defendant local authority pursuant to a care order when he was 10 months old and remained there until the age of 17, claimed damages for personal injury arising out of negligence by the authority. He claimed that the authority had been under a duty to show him the standard of care which would be expected of a responsible parent, to protect him from physical, emotional, psychiatric or psychological injury, to provide him with education and a home where his safety would be secured and monitored, to promote his development, to secure his rights to family life and to provide competent social workers to monitor his welfare. The alleged breaches of duty included a failure to arrange for his adoption or provide him with appropriate and properly monitored placements, a failure to obtain appropriate psychiatric treatment for him and mismanagement of the reintroduction to his mother, as a result of which he claimed he suffered from deep-seated psychological and psychiatric problems. On the authority's summons, the district judge refused to strike out the claim but on appeal the judge struck out the claim as disclosing no reasonable cause of action. The Court of Appeal upheld that decision.</p>	
On appeal by the plaintiff—	
<i>Held</i> , allowing the appeal, that the public policy considerations which meant that it would not be fair, just and reasonable to impose a common law duty of care on a local authority when deciding whether or not to take action in respect of a case of suspected child abuse did not have the same force in respect of decisions taken once the child was already in local authority care; that the bar on a child suing his parents for negligent decisions in its upbringing did not apply to a local authority, which had to take decisions which a parent never had to take and which had trained staff to advise on such decisions; that in all but the clearest cases it was important to see on the facts proved whether what was alleged was justiciable; that the plaintiff's case was far from clear and, moreover, in addition the question whether it was fair, just and reasonable to impose a duty of care was not to be decided in the abstract, on the basis of assumed hypothetical facts, for all acts or omissions of a statutory authority but on the basis of what had been proved; and that, accordingly, the plaintiff was entitled to have his claim heard and the facts investigated (post, pp 557B–D, F, 560C–D, 568D–E, 572B–C, 573F–H, 574C–E, 575C–F, 586G–587B, H–588C, H–589H).	
<i>X (Minors) v Bedfordshire County Council</i> [1995] 2 AC 633, HL(E) distinguished.	
Decision of the Court of Appeal [1998] QB 367; [1997] 3 WLR 628; [1997] 3 All ER 171 reversed.	
The following cases are referred to in their Lordships' opinions:	
<i>A v Liverpool City Council</i> [1982] AC 363; [1981] 2 WLR 948; [1981] 2 All ER 385, HL(E)	
<i>Anns v Merton London Borough Council</i> [1978] AC 728; [1977] 2 WLR 1024; [1977] 2 All ER 492, HL(E)	
<i>Associated Provincial Picture Houses Ltd v Wednesbury Corpn</i> [1948] 1 KB 223; [1947] 2 All ER 680, CA	