

DEBRIEF: A Kings Chambers Podcast Factsheet

EPISODE 9 – ‘FAILURE TO REMOVE’ CASES

In this podcast, Sam Karim QC, Jasmine Skander and Richard Borrett consider the recent Supreme Court decision of *Poole Borough Council (Respondent) v GN (through his litigation friend “The Official Solicitor”) and another (Appellants) [2019] UKSC 25.*

This is a very significant case in the field of local authority ‘failure to remove’ claims, where it is alleged that a local authority has negligently failed to remove a child from their home, and that as a result the child has suffered injury.

There were two key issues addressed in the judgment:

- (1) Whether a local authority could ever owe a duty of care at common law to children in relation to torts committed by third parties (e.g. parents), for public policy reasons; and
- (2) If such a duty *can* be owed, then *when* might it be owed

Sam, Jasmine and Richard consider the rationale for the judgment, its implications for ‘failure to remove’ claims, and the relevance of the European Convention on Human Rights.

Cases referenced in the Podcast

- *Poole Borough Council (Respondent) v GN (through his litigation friend “The Official Solicitor”) and another (Appellants) [2019] UKSC 25*
- For links to a press summary and videos of the hearing itself please visit: <https://www.supremecourt.uk/cases/uksc-2018-0012.html>

Kings Chambers

T: 0345 034 3444
E: clerks@kingschambers.com

Manchester

36 Young Street,
Manchester, M3 3FT
DX: 718188 MCH 3

Leeds

5 Park Square,
Leeds, LS1 2NE
DX: 713113 LEEDS PARK SQ

Birmingham

Embassy House, 60 Church Street,
Birmingham, B3 2DJ
DX: 13023 BIRMINGHAM

Speaker Profiles



Sam Karim QC

Sam is a specialist practitioner in public law, domestic and international arbitration and is the Head of the Administrative Law team at Kings Chambers. Prior to taking silk, Sam was a member of the Attorney General Panel of Treasury Counsel for over a decade representing central government in high-profile proceedings. He has experience in all levels and types of courts and tribunals and regularly appears in the appellate courts.



Richard Borrett

Richard is instructed in Personal Injury, Clinical Negligence, Inquests and Court of Protection matters, both alone and as a junior on very large and complex cases with a senior junior or silk. Richard has particular expertise which cuts across those practice areas including Safeguarding/Abuse, Military Injuries and Equestrian Injuries.



Jasmine Skander

Jasmine brings experience and expertise to Clinical Negligence matters, high value and complex CICA matters, claims arising from service in the armed forces and claims arising from abuse. Jasmine also accepts work on more general Personal Injury cases and assists with contract insurance work as and when required.

To access further information about the Debrief Podcast, the speakers or Kings Chambers please visit:
<https://www.kingschambers.com>