

In the matter of T (A Child) (Appellant)

Case ID: UKSC 2019/0188

Case summary

Issue

1. In circumstances where insufficient places are available in registered secure children's homes, is the exercise of the inherent jurisdiction to authorise a child's placement in unregistered secure accommodation lawful?
2. If it is, what legal test should the courts apply when determining whether to exercise the inherent jurisdiction?
3. Is a child's consent to the confinement of any relevance when determining whether to exercise the inherent jurisdiction?

Facts

The appellant, T, was a 15-year-old child who was subject to a care order. The local authority, CBC, wished to place T in secure accommodation. Since there were no places available in registered secure children's homes, CBC applied to the High Court for orders under its inherent jurisdiction authorising T's placement in non-statutory accommodation. T had consented to the restrictions on her liberty in the placements sought and submitted that the orders restricting her liberty were, therefore, unnecessary.

The High Court did not consider that consent to be valid, and duly made the orders sought by CBC. T seeks to challenge those orders. She does not object to the placements or the restrictions on her liberty, but wishes to be recognised as capable of consenting in law.

The Court of Appeal dismissed her appeal. T now appeals to the Supreme Court.

Parties

Appellant(s)

T (A child)

Appeal

Justices

Lady Black, Lord Lloyd-Jones, Lady Arden, Lord Hamblen, Lord Stephens.

Hearing start date

28 Oct 2020

Hearing finish date

29 Oct 2020

Watch hearing

28 Oct 2020 [Morning session](#) [Afternoon session](#)

29 Oct 2020 [Morning session](#)

Judgment details

Judgment date

30 July 2021

Neutral citation

[2021] UKSC 35