

Kinship care: DJ v Barnsley Metropolitan Borough Council and SG

11 November 2024

Welcome to this recorded discussion between Steven Ford KC and Sarah Erwin-Jones, Partner at Browne Jacobson.

Sarah and Steven delve into a landmark decision that has significant implications for local authorities, insurers, and kinship carers across the UK. The Court of Appeal's recent judgment in the case of DJ v Barnsley Metropolitan Borough Council and SG has set a precedent, expanding the boundaries of vicarious liability for local authorities in certain circumstances involving kinship carers.

Our presenters explore the details of the case, where the Claimant, placed with his maternal aunt and uncle by the local authority, later alleged abuse in their care. The Court of Appeal's decision marks a pivotal moment in the legal landscape, establishing that local authorities may indeed be vicariously liable for the actions of kinship foster carers and relatives under certain conditions.

This discussion guides us through the complexities of this judgment, comparing it with the established law, particularly referencing the Supreme Court's decision in Armes v Nottinghamshire County Council. Our hosts will dissect the reasoning behind the Court of Appeal's conclusion, emphasising the importance of the local authority's role in the assessment and approval of the kinship foster carers, and how this relationship can lead to vicarious liability.

Our speakers will address the broader implications of this judgment for local authorities, kinship carers, the children placed in their care, and insurance risks. They will discuss the challenges and considerations that arise from this decision, including the impact on social care practices and the potential for 'defensive' practices that may not always serve the best interests of children.

This session is an invaluable resource for legal professionals, social workers, local authorities, insurers, and anyone involved in the care and protection of children. Join us as we navigate through this significant legal development, understand its implications, and consider the path forward in the realm of kinship care and local authority responsibility.

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