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Case summary

Case ID

UKSC/2024/0111

Parties

Appellant(s)

The Father

Respondent(s)

Worcestershire County Council

Issue

Should the appellant's application for a writ of habeas corpus in respect of his children, who are being raised in the respondent local authority's care, have been granted?

Facts

This appeal concerns an application for a writ of habeas corpus, a historic court order which, if granted, requires the release of a detained person. The appellant, who has been anonymised as "the Father", unsuccessfully applied for a writ of habeas corpus in relation to his two children, who are currently in the care of the respondent, Worcestershire County Council ("WCC"). On 9 June 2023, the Worcester Family Court granted WCC a care order in relation to the children pursuant to section 31(1)(a) Children Act 1989. The effect of the care order is to give WCC parental responsibility for the children. That order remains in effect and the children are currently living with foster carers. The Father did not pursue a statutory appeal against that order under the Children Act 1989, but applied for a writ of habeas corpus for the return of his children. On 15 April 2024, that application was dismissed at a brief hearing in the High Court. The Father appealed. On 20 June 2024, the Court of Appeal found that the High Court hearing had been procedurally unfair and set aside that decision. The Court of Appeal noted that the Father's fundamental argument was that a statutory condition for the making of a care order under section 31(2) of the Children's Act 1989 had not been satisfied, meaning the care order had been made without jurisdiction. Having heard the Father on the substance of the appeal, the Court of Appeal itself decided to dismiss his application for a writ of habeas corpus. The Father now appeals to the Supreme Court.

Date of issue

4 August 2024

Judgment appealed [\[2024\] EWCA Civ 694](#)