

Graeme Harrison successful in the Court of Appeal

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Graeme (instructed by Jay Oberoi of Avon & Somerset Family Law) represented the maternal grandmother on her application for leave to apply for the revocation of a placement order made in February 2020 at the end of care and placement proceedings.

The application was first heard by HHJ Bromilow in July 2020. His Honour found that there had been no change of circumstances since the making of the placement order and that, even if there had been, he ought not to exercise his discretion and grant leave. That being so, he dismissed the grandmother's application.

Baker LJ (with whom Underhill and Arnold LJJ agreed) found that HHJ Bromilow had been wrong to hold that there had been no change of circumstances and that he ought to have exercised his discretion in the grandmother's favour.

In the circumstances, the Court of Appeal set aside HHJ Bromilow's decision, granted the grandmother leave to apply for the revocation of the placement order and additionally granted her permission to apply for a special guardianship order.

Re JL (A Child)(Leave to Apply to Revoke a Placement Order) [2020] EWCA Civ 1253

<https://www.bailii.org/ew/cases/EWCA/Civ/2020/1253.html>