A Local Authority v B

Family Division

09 May 2008

Case Analysis

Where Reported

[2008] EWHC 1017 (Fam); [2009] 1 F.L.R. 289; [2008] Fam. Law 1193

Case Digest

Subject: Criminal procedure

Keywords: Appropriate adults; Detention; Legal advice privilege; Suspects; Young persons

Summary: The presence of an appropriate adult at a conversation between a young suspect and his solicitor did not destroy legal advice privilege.

Abstract: The applicant local authority asked the court to decide, under its inherent jurisdiction, whether legal advice privilege covered a conversation between a young detainee at a police station and his solicitor in the presence of a social worker acting as an appropriate adult. The respondent (B) was a 15-year-old who had been arrested on suspicion of having sexually abused his seven-year-old half-sister. In the conversation, he partially admitted his sexual misconduct. The local authority, which wanted to use the information that its social worker had acquired so as to assess the needs of the family, submitted that the conversation did not attract legal privilege.

Judgment accordingly. The presence of an appropriate adult at a conversation which would otherwise attract legal advice privilege did not destroy that privilege, R. (on the application of Bozkurt) v Thames Magistrates Court [2001] EWHC Admin 400, [2002] R.T.R. 15 considered. It could not be right as a matter of principle or policy that a vulnerable juvenile should in practice be deprived of the opportunity of confidential legal advice.

Judge: Hedley, J.

Counsel: For the plaintiff: Jonathan Baker QC, Louise O'Neill. For the defendant: Nicholas Bowen.

Solicitor: For the plaintiff: In-house solicitor. For the defendant: Bindmans LLP.

Significant Cases Cited

R. (on the application of Bozkurt) v Thames Magistrates Court

[2001] EWHC Admin 400; [2002] R.T.R. 15; Times, June 26, 2001; Independent, July 2, 2001; Daily Telegraph, May 22, 2001; Official Transcript; DC

All Cases Cited

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