

**IN THE HIGH COURT OF JUSTICE IN NORTHERN IRELAND**

**QUEEN'S BENCH DIVISION (JUDICIAL REVIEW)**

**Re CM's (A Minor) Application [2013] NIQB 84**

**IN THE MATTER OF AN APPLICATION BY CM (A MINOR) ACTING BY HIS  
NEXT FRIEND, SC, FOR LEAVE TO APPLY FOR JUDICIAL REVIEW**

**AND IN THE MATTER OF A DECISION OF THE NORTHERN HEALTH AND  
SOCIAL CARE TRUST MADE ON 21 FEBRUARY 2013**

**TREACY J**

[1] The court is indebted to counsel on both sides for the speedy and consensual resolution of this matter. Mr Corkey appeared for the applicant and Ms Suzanne Simpson for the respondent.

[2] The applicant was made the subject of a full Care Order pursuant to Article 50 of the Children (Northern Ireland) Order 1995 on 14<sup>th</sup> November 2011. The applicant was 13 years of age at the time the Order was made. The applicant was provided with accommodation by the Respondent pursuant to Article 27 of the Children (Northern Ireland) Order 1995.

[3] The Applicant was resident at XY Residential Unit, a facility operated by the respondent, on 21<sup>st</sup> February 2013 when an incident took place whereby the applicant's behaviour in the home led to him being arrested by the PSNI and taken to a police station. Thereafter it was necessary for him to be remanded in custody to a Juvenile Justice Centre due to the respondent's failure to provide alternative accommodation for the applicant. The respondent did not provide alternative accommodation for the respondent from this date until 26<sup>th</sup> February 2013. As a result, bail could not be granted and the applicant remained in the Juvenile Justice Centre.

[4] On 26<sup>th</sup> February 2013 the respondent suggested an alternative Residential Unit as a bail address. This was refused by the court in light of concerns raised by the

respondent relating to this particular Unit. The respondent also suggested a placement in Extern which could commence the following day. This was acceptable to the court and the applicant was released on bail on 27<sup>th</sup> February 2013. The respondent has provided accommodation to the applicant since this date.

[5] Upon consent the court declares:

- (i) That, as a consequence of a care order pursuant to Article 50, Children (NI) Order 1995, the applicant was at all times material to this action a child in the care of the Northern Health and Social Care Trust (“the Trust”) as defined by Article 25, Children (NI) Order 1995 (“the 1995 Order”) and that the Trust therefore has a duty to provide accommodation to the applicant under Article 2 of the 1995 Order.
- (ii) The Trust breached its duty under Article 27 of the 1995 Order in failing to accommodate the applicant between the 21<sup>st</sup> February 2013 and the 26<sup>th</sup> February 2013.

[6] The respondent agrees to an order for full costs and outlays in these judicial review proceedings in favour of the applicant. The parties agree to taxation of the applicant’s costs in default of agreement.

[7] I accede to the parties’ application to have these proceedings converted into a writ action pursuant to Order 53 Rule 9 (5) of the Rules of the Supreme Court in order to facilitate the court dealing with all of the issues said to give rise to a claim for damages.