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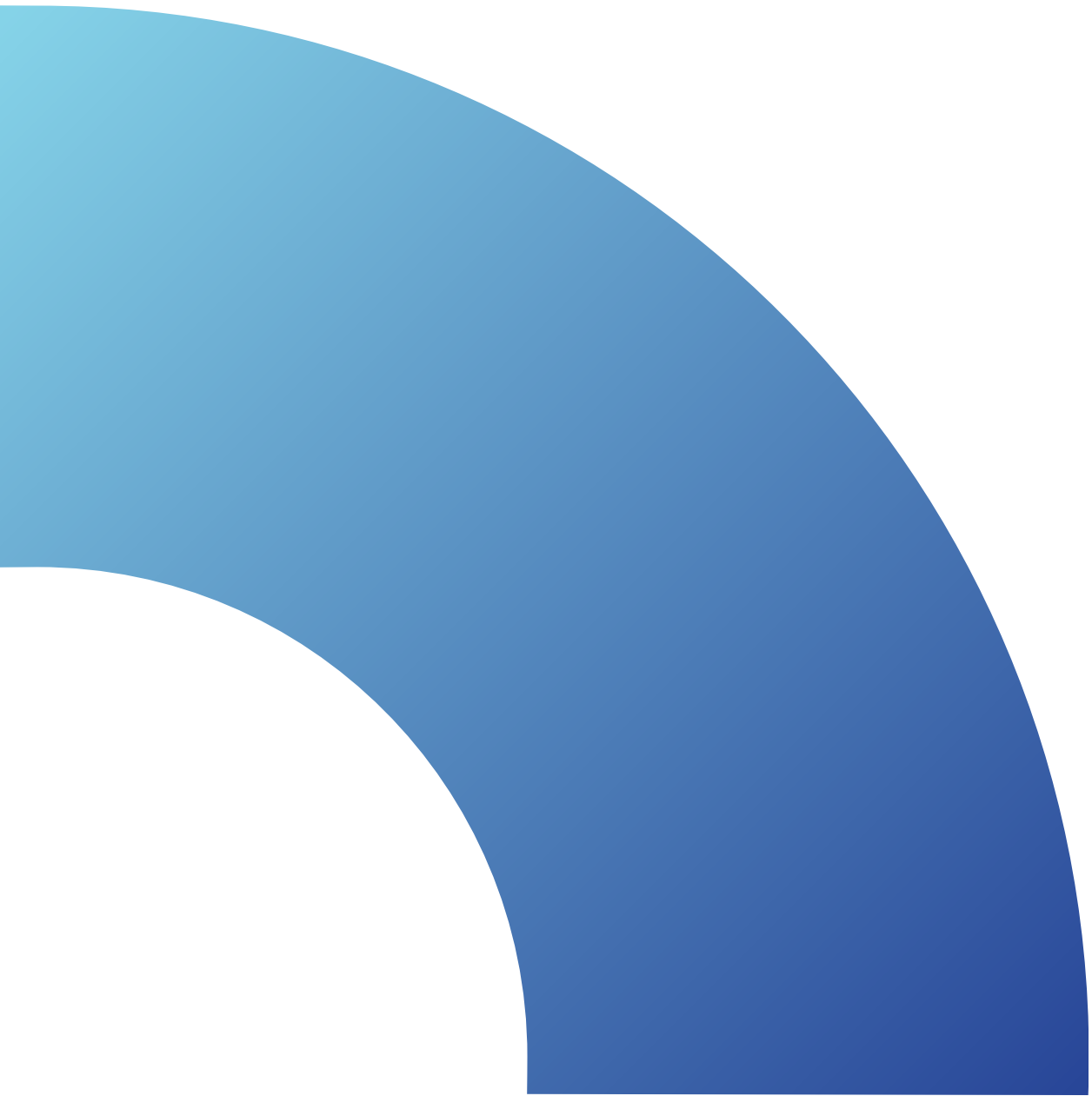
Non-Accidental Injury Case History



We have been working with parents accused of non-accidental injury for over 15 years and have therefore dealt with hundreds of cases involving various medical and legal issues. We have given some examples of our more recent cases below and have also provided all reported judgments over the last 15 years so that those who are interested can read the full judgments.

Due to the confidential nature of Children Act proceedings we are unable to provide names of cases or full details.

A Local Authority v M & Ors [2024] EWFC 238 (B)

This case involved fractures being found on a six month old child following a child protection medical that was set up due to concerns around unexplained bruising. Multiple experts were involved and after an 11 day fact finding hearing the parents were cleared of any wrongdoing on the basis that the judge was satisfied that there was credible evidence of a possible alternative explanation for the injuries.

The judgment can be read here**:** A Local Authority v M & Ors [2024] EWFC 238 (B) (05 March 2024)

Re G (Non-Accidental Head Injuries) [2024] EWFC 172

Rachel represented the mother in a case where both parents were accused of shaking their baby son. The case was medically complex and at the conclusion of a fact finding hearing the judge found in favour of the parents; the local authority did not discharge the burden of proving that the child had been shaken. It is a good reminder that medical knowledge and understanding 'does not always permit easy answers or indeed any answers'.

The judgment can be read here:
G (Non-Accidental Head Injuries), Re - Find Case Law - The National Archives

Re C (2024)

Both parents were accused of shaking their infant son and subsequently three children were removed from their care. Rachel represented the mother who has learning issues and PTSD. An intermediary was sought and granted by the court who assisted the mother in meetings and in court. The proceedings have been lengthy and by the time the fact finding started the local authority remained adamant that both parents were in the pool of perpetrators. We successfully demonstrated that the mother had not caused the injuries and the children returned to her care a week later. Risk assessments are ongoing in relation to the father.

D AND A (Fact Finding: Research Literature) [2024] EWCA Civ 663

Rachel represented a mother of a 7 month old who had an accident at home and lost consciousness. He was taken to hospital but discharged home as he seemed fine. The following day mother took him back to hospital concerned that he was still vomiting. Scans revealed intracranial haemorrhage and spinal haemorrhage and some retinal haemorrhage. Care proceedings were issued as it was felt that the injuries were not consistent with the accident at home and the parents were accused of shaking him.

Despite the local authority applying to withdraw and no party seeking findings, the fact finding hearing concluded with the Judge crossing threshold. Although it was always likely that the children would still return home, we appealed the judgment on the basis that the threshold should not have been crossed in the way it had been. The judgment linked to above is the Court of Appeal judgment. In brief, the Court of Appeal agreed with our submissions and approved the appeal. The findings were set aside and the care proceedings withdrawn (the children had, by the time of this judgment, happily already returned home).

Read the full judgement here

Re T (2024)

Rachel represented a father accused (with the mother) of causing multiple fractures to his infant daughter. Three medical experts were instructed and whilst their written reports leaned towards inflicted injury as a conclusion, they were called to give evidence and cross examined during the fact finding hearing. It became clear that in fact there were other plausible causes of these injuries. When this was considered alongside the 'wider canvas' (other evidence, positive and negative, about a family) the Judge reached the decision that threshold was not met, the local authority had not proved that the injuries were inflicted and the children returned home to her parents.

Re X (2024)

Care proceedings were started after the father had an accident at home with a 7 day old baby. Rachel represented the mother. The child had bruising to the face, a subconjunctival haemorrhage in one eye and bleeding on the brain (subdural and some subarachnoid haemorrhaging). There was a very clear history of EDS and connective tissue disorders in the family including the parents and other children. We were able to instruct the right experts to get an early decision in relation to this case – namely that the accident, in conjunction with EDS, had caused the injuries.

Re H (2023)

Rachel represented a father within proceedings where the infant had been found to have several fractures as well as subdural haemorrhaging (bleeding on the brain). Extensive medical expert instruction was sought and identified that the child was suffering from Osteogenesis Imperfecta which not only causes brittle bones that can fracture easily but also bleeding on the brain. There was further medical debate about whether this condition adequately explained all of the injuries with the Local Authority accepting eventually that it did and withdrawing their application.

Re GX (2023)

Victoria represented a grandmother accused of causing injury to one of her grandchildren. We were able to secure an early judgment, prior to the fact-find, that our client should not be included in the pool of potential perpetrators. We were further able to secure a direction that the Local Authority pay a portion of our client's costs, due to the way they had dealt with the case.

Re G (2023)

Rachel represented a mother accused of shaken baby syndrome after her child was found to have subdural and retinal haemorrhaging. The child had had an accident at home that the mother was clear about from the outset but the treating doctors did not accept this accident as being responsible for the injuries. Care proceedings were therefore issued. After multiple expert reports and an experts meeting the local authority applied to withdraw their application for a care order, accepting that they could not prove their case and that the accident was the most likely cause of the injuries.

Re F (2023)

Victoria represented a father accused of causing fractures to his son's leg. Following a fact-finding hearing, the judge found that, although the medical evidence suggested that the injuries were non-accidental, this was a case where the wider canvas reflected a loving and conscientious family and that, therefore, taking the evidence as a whole, the judge did not find that the injuries were inflicted. The children were duly returned to the joint care of the parents.

Re B (2023)

Rachel was instructed by the maternal grandmother of a child who had been found to have sustained 27 rib fractures and six limb fractures. The grandmother was in the pool of perpetrators and intervened into the proceedings as she had cared for the child within the timeframe given by the experts for the injuries. This was a complex case that involved multiple medical experts and the highest number of fractures to a baby most of the professionals involved had seen (including the Judge). After 30 days of evidence, our client was removed from the pool (she was not responsible for inflicting the injuries).

Re T (2023)

Victoria represented a mother accused of causing numerous fractures to her 3 month old baby, including fractures to his ribs, arms, hands, legs and feet. Despite the court being unable to determine whether the mother or the father had caused the injuries, we were able to secure the return of the children to our client's care, by securing additional assessment of her using the Resolutions Approach.

Re C (2023)

Rachel represented a father in proceedings relating to his baby daughter who had been admitted to hospital at just 7 days old with bleeding to the brain and several rib fractures. The father had had an accident with her when carrying her down the stairs. The treating doctors were not satisfied that this accident was capable of causing the injuries she had sustained. We instructed multiple medical experts but the views in their written opinions were equivocal. After 10 days of evidence at the fact finding hearing the Judge cleared the parents of any wrongdoing and found the threshold was not met. The children returned home immediately.

Re D (2023)

Victoria represented a mother accused, along with the father, of shaken baby syndrome. At the conclusion of a fact finding hearing, the Judge made findings that the child had been shaking and that both parents were in the 'pool of perpetrators'. Despite this outcome, Victoria managed to secure specialist Resolutions risk assessment within the welfare stage which recommended that the child could go home to her parents.

A Local Authority vs Mother & Ors [2022] EWFC 172

Rachel represented a father accused of causing multiple rib fractures as well as several fractures to the limbs. This was a medically complex matter involving evidence from multiple experts including a geneticist. During a lengthy fact find we were able to show that the injuries had not been inflicted.

The court exonerated the parents fully in a judgment that can be read here.

Re A (2022)

Victoria represented a father in a case involving fractures in an immobile infant. The father's position was that he had caused the fractures unintentionally by handling the child inappropriately. Despite expert evidence suggesting that this explanation was unlikely, we successfully secured a Judgment that the father had given an honest, although incomplete, account of events and had not intended to cause injury to the child.

Essex County Council v C [2022] EWFC 187

This was a complex case that concluded at the end of a 20 day High Court fact finding hearing. Rachel represented the father, who had been accused along with the mother of shaken baby syndrome due to the presence of the so called triad (subdural and retinal haemorrhaging plus encephalopathy). The child had been quite unwell prior to her admission to hospital and this necessitated multiple medical experts. The Court found that the parents had done nothing wrong; the threshold was not met and the children returned home instantly.

Read the full judgement here

Re M (2022)

Rachel represented a mother when care proceedings were issued following their baby sustaining multiple metaphyseal fractures. Obtaining the right experts in the case was important and after thorough examination of the medical evidence the local authority removed our client from the pool of perpetrators during the fact finding hearing. She was allowed to resume care of her baby straight away. After the Judge decided that the father had caused the injuries unintentionally, the matter concluded with no public law orders and both parents caring for their child.

Re F (2022)

Victoria represented a grandfather accused of drugging his grandson with prescription medications. Following a fact-finding hearing, the court found that our client was not the carer administering this medication and he was cleared of any wrongdoing.

Re G (Finding of Fact Hearing: Resuscitative Shake) [2022] EWFC B6

Rachel represented a mother following her child collapsing at home and being found to have injuries thought to be caused by shaken baby syndrome. We were able to instruct numerous medical experts and explore various issues. Our client was removed from the pool of perpetrators by the Judge at the conclusion of the fact find. The father was found to have shaken the child in an attempt to resuscitate and the threshold was not met. The children returned to their parents.

Read the full judgement here

Re C (2022)

A premature baby with significant breathing issues was found to have rib fractures on a routine x-ray in relation to her respiratory issues. Care proceedings were initiated as the treating doctors thought the fractures were suspicious and were not related to her prematurity. We were quickly able to seek neonatal and radiological expertise that came to the clear conclusion that my client's child had metabolic bone disease as a result of her prematurity. The proceedings were swiftly withdrawn.

Thurrock Council v M & Ors (Withdrawal of Care Proceedings) [2021] EWFC 22

This sad case involved the death of an infant with the initial cause of death suggesting that the parents had inflicted an injury. Through extensive expert evidence we were able to demonstrate that the cause of death was accidental, the local authority withdrew their application for care orders and the surviving children were able to return home.
Read the full judgement here

Re S (Fact Finding) [2020] EWFC 71

This is a very interesting case that focused on numerous fractures to a young child, most of which had not been picked up by any carer or professional involved until a skeletal survey took place. Rachel represented the mother. After a very complex 8 week fact finding hearing (which took place entirely remotely) the parents were fully exonerated.

Read the full judgement here.

West Sussex County Council v B [2019] EWFC B25

This is a judgment from the Family Court in care proceedings where we represented the mother. Proceedings were issued when the parents were accused of inflicting intracranial bleeding (by shaking). The medical evidence was such that the local authority applied to withdraw their applications and the children returned to the parents.

Read the full judgement here.

Re H (Children) [2018] EWFC 61

This lengthy High Court matter involved allegations of non-accidental head injury (or shaken baby syndrome). Our client, the mother, was cleared of any wrong doing but unfortunately the involvement of the criminal court (she was still being prosecuted) and the fact that she lost the family home meant that there was a significant delay in the children returning home. The then President of the Family Division gave judgment giving guidance when issues such as this arise.

Re Y (Fact Finding), Re [2018] EWFC B20

We represented the father who was at home alone with his baby when he became unconscious. The father had tried to assist him when he had choked on some milk. At the conclusion of a lengthy fact finding hearing, it was accepted that the father's actions were in an attempt to revive the child and threshold was not met.

Buckinghamshire County Council v Andrew & Ors [2017] EWFC B19

In August 2016 care proceedings were issued in relation to Effie after she was found to have subdural and retinal haemorrhaging (bleeding on the brain and the back of the eyes). Effie had collapsed at home, she was unresponsive, unable to breathe properly and having seizures. Her parents were accused of shaking her and she was placed into foster care. I represented her father. Unusually, the judgment is totally open and so I am able to name the child and the parents.

During the course of the proceedings we sought to instruct a geneticist to establish if Effie had a connective tissue disorder called Ehlers Danlos Syndrome. It was confirmed that she had EDS IV (previously known as vascular EDS). Effie thus has a collagen deficit which impacts on the formation of all tissue particularly noted in the formation of the arterial and venous system. It is characterised by thin and translucent skin, easy bruising, vascular and arterial rupture which may occur spontaneously. Vascular dissection or rupture, gastro intestinal perforation, or organ rupture are the presenting signs seen in the majority of adults with vascular EDS.

At the conclusion of a 10 day fact finding hearing, after hearing from six medical experts, the local authority sought to withdraw its application for a care order on the basis that the medical evidence was clear that Effie's injuries were related to her medical condition. The court accepted this request and agreed fully. A full, open judgment was handed down.

The parents have been exonerated fully and Effie will return to their care imminently.

Read the full judgment here

You can learn more about EDS through EDS UK
https://www.ehlers-danlos.org/

Re D [2017] EWCA Civ 196

The parents in this case were accused of shaken baby syndrome. Their infant daughter had collapsed at home and was later found to have subdural and retinal haemorrhaging. During the fact finding hearing the local authority dropped the case against the mother (our client) but continued to seek findings against the father. The court found in favour of the father, clearing him of any wrongdoing.

The local authority appealed to the Court of Appeal on the basis that, in their view, the trial judge did not properly weigh up and evaluate the medical evidence. Although the court is entitled to reject expert evidence in favour of lay evidence from a parent, the Court of Appeal were concerned that the trial judge had failed to properly evaluate the evidence and consider the whole picture. The appeal was allowed and the matter was sent back to be re-heard by a High Court judge. Our client was again removed from the pool of perpetrators.
You can read the Court of Appeal judgment here

Re AB (fact finding) [2016] EWFC B57

The parents were accused of shaken baby syndrome. The judge concluded that whilst our client, the father, had caused the injuries, he had done so in a manner that was unintentional. The child is now residing at home with both parents after a period of risk assessment.
Read the full judgement here

R (fact finding re-opened) [2016] EWFC B14
And R (Fact Finding) [2015] EWFC B95

These two judgments relate to a case involving extensive fracturing and bruising to an infant. Our client, the mother, was eventually cleared of causing the injuries.

Read the full judgements here and here

Re L, K & J [2016] EWFC 12

This 15 day fact finding hearing centred on head injuries to an infant. Due to the number of people that had cared for the child, there were various intervenors including three children who had to give evidence and have legal representation.

Read the full judgement here

F and J (Children) [2015] EWFC B231

Rachel represented the father in proceedings involving their two children after the youngest had collapsed and been found to have subdural and retinal haemorrhaging as well as two fractures. After several arguments to secure a number of medical experts and a 15 day fact finding hearing, the parents were cleared of any wrong doing and their children returned home.

Read the full judgement here

Re B (A Child) [2014] EWHC B1 (Fam)

This case, in which Rachel represented the mother, involved allegations of shaken baby syndrome against both parents. The child fell off a bed whilst in father's care and started to have seizures. Investigations revealed subdural and retinal haemorrhages. This case deals with some significant advances in medicine involving chronic (old) subdural haemorrhages as well as a connective tissue disorder called Ehlers Danlos Syndrome (EDS) which increases a child's vulnerability to bleed or bruise. Both parents were exonerated and their son was swiftly returned to their care.

Read the full judgement here

Re JG [2014] EWHC 479 (Fam)

Rachel represented the sibling of an infant who had died. Some very complex medical evidence was subject to long debate, particularly in relation to eye injuries and axonal injury (internal neck injury).

Read the full judgement here

Re X and Y (CHILDREN: DISCLOSURE OF JUDGMENT TO POLICE) [2014] EWHC 278 (Fam)

This lengthy case concerned serious non-accidental injury and a difficult issue about what, if anything, should be disclosed to the police and CPS.

Read the full judgement here

Lancashire County Council v R & W [2013] EWHC 3064 (Fam)

This is a High Court Judgment following a fact-finding hearing concerning a child who had suffered a serious head injury where the local authority claimed that the father had deliberately injured her but he claimed that the injury was accidental. Both parents were exonerated.
Read the full judgement here

Re A (A Chlid) [2013] EWHC 3502 (Fam)

This judgment is from the re-trial of Re M which involved a father (Rachel's client) with learning difficulties who was accused of shaken baby syndrome. Mr Justice Baker gives guidance on how to progress a case when a parent has a learning disability.

Read the full judgement here

Re L and M (Children) [2013] EWHC 1569 (Fam)

This case, in which Rachel represented the father, is the retrial of a finding of fact hearing heard the year before (following a successful appeal). Additional medical expert evidence assisted the court.

Read the full judgement here

Re J (children) (care proceedings: past 'possible perpetrators' in new family unit) [2013] All ER (D) 232 (Feb)

The question for the Supreme Court was does a previous Court finding that one or both of two individuals caused significant harm to a child constitute a 'finding of fact' in subsequent proceedings aimed at determining whether there is a real possibility that other children will suffer harm in the care of one or other of those individuals? The Supreme Court held that a finding of a real possibility that a person had harmed a child in the past was not, by itself, sufficient to establish the likelihood that that person would cause harm to another child in the future. Accordingly, by itself, an earlier finding of harm could not be relied upon to establish a likelihood of harm in the future for the purposes of s 31 of the Children Act 1989. Rachel represented the mother.

Read the full judgement here

Re M (a child) (oral evidence: vulnerable witness) [2012] All ER (D) 272

The parents were accused of shaken baby syndrome. Our client suffered from learning difficulties and was assisted by a litigation friend. Findings were made that he had caused the injuries. Due to concerns about the way the trial had been conducted (despite our objections at the time) we appealed these findings. The appeal related to breaches of father's article 6 rights (right to a fair trial). The Court of Appeal overturned these findings and ordered a re-trial (taking place in June); they emphasised that case management must not at any point override the duty to ensure a fair trial and the need to guarantee whatever support is necessary to compensate a disability.

Re M [2012] EWCA Civ 1710

An infant was found to have fractures (the most 'spectacular' skull fracture ever seen by four eminent experts) and three rib fractures. Current medical knowledge was unable to explain what had happened to this child but the very real concern was that there was some underlying bone problem and that this was not a non-accidental injury. The trial judge found that the parents were lying and that the injuries were NAI but following an appeal led by us, the Court of Appeal overturned the findings of NAI and ordered a re-trial before a High Court Judge.

Re J (Children) [2012] EWCA Civ 380

Appeal by the local authority against the dismissal of care proceedings in respect of three children where the facts relied upon by the authority were findings in earlier proceedings involving the mother in which the perpetrator of harm to her child (death) had not been identified. The appeal was dismissed with the Lord Justice noting the pressing need for the issue of significant harm and threshold to be considered by the Supreme Court. We represented the mother.

Read the full judgement here

Re JS [2012] EWCH 1370 (Fam)

The parents were accused of shaken baby syndrome. Over the course of a 15 day fact finding hearing six medical experts gave evidence. The Judge concluded that my client was not responsible for causing the injuries. This case is notable for how it succinctly summarises the law and the court's approach to medical evidence.

Read the full judgement here

Rachel Carter and her team at Wollens specialise in representing parents and carers in complex care proceedings involving accusations of physical abuse, such as shaken baby syndrome, fractures, bruises, and fabricated illness.

Rachel is a member of the Law Society's specialist Children's Panel. We work with clients all over the country (from Cornwall to Newcastle) and represent people in all courts including the County Court, High Court, Court of Appeal and Supreme Court.

Most of our work is legally aided (parents within care proceedings are automatically entitled to full legal aid). We deal with a lot of cases where parents transfer their legal aid part way through a case.

How can Wollens help?

The Wollens team offers expert advice and representation, as well as resources on related injuries, potential causes, and legal processes. For support, contact Rachel Carter and her team today.

RACHEL CARTER, PARTNER

I am a Partner and Head of the Family Department. I specialise in representing parents and carers accused of non-accidental injury and within other complex care proceedings. Non-accidental injury is a term used to describe allegations of physical abuse in infants and children such as head injuries (intracranial bleeding or shaken baby syndrome) fractures and bruises.

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Contact us today for an informal chat, without obligation.

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