

IN THE HIGH COURT OF JUSTICE
2012-004843
QUEEN'S BENCH DIVISION

CLAIM No. QB-

(formerly HQ12X01671)

BEFORE: THE HONOURABLE MR JUSTICE CHAMBERLAIN

BETWEEN:

FHV

(a child / protected party by his/her Litigation Friend, HWQ)

Claimant

and

QB-2012-004843



SHERWOOD FOREST NHS FOUNDATION TRUST

Defendant

ANONYMITY ORDER

BEFORE THE HONOURABLE MR JUSTICE CHAMBERLAIN sitting in the Royal Courts of Justice on 14 May 2021 at a hearing heard remotely by MS Teams

UPON HEARING Mr William Latimer Sayer QC for the Claimant and Mr Angus McCullough QC for the Defendant

AND UPON:

- (1) Consideration of the Article 8 rights of the Claimant to respect for private and family life, and the Article 10 right to freedom of expression.
- (2) It appearing that non-disclosure of the identity of the Claimant is necessary in order to protect the interests of the Claimant and that there is no sufficient countervailing public interest in disclosure.

- (3) The Defendant indicating its neutrality to the making of the order and there being no representations from the press or any other interested party.

AND PURSUANT to section 6 of the Human Rights Act 1998; section 11 of the Contempt of Court Act 1981; and CPR rules 5.4C, 5.4D and 39.2(4).

WHEREAS:

- (1) For the purposes of this order:
 - (i) 'Publication' includes any speech, writing, broadcast, or other communication in whatever form (including internet and social media), which is addressed to the public at large or any section of the public.
 - (ii) Publication for the purpose of this Order includes any further publication (as defined in subparagraph (i) above) from the date of this Order, even if such information has derived from a previous stage or stages of these proceedings.
- (2) For the avoidance of doubt, set out below is a non-exhaustive list of examples of communications and records which do not constitute publication within the meaning of this order (providing always that proper steps are taken to protect the confidentiality of information from being made public). In this list references to 'the anonymised party' include that party's appointed representatives and advisers, such as solicitor, Litigation Friend, attorney, trustee and deputy.
 - (i) Communications between the Court Funds Office and the anonymised party in relation to the payment of money into the Court Funds Office for the benefit of the anonymised party or the investment or treatment of payment out of such money.
 - (ii) Communications between the Court Funds Office, the anonymised party, and any financial institution concerned as to the receipt or investment of such money.
 - (iii) Records kept by the Court Funds Office, the anonymised party, and any financial institution concerned as to the receipt or investment of the Claimant's money.

- (iv) Retention by all parties to the claim, their representatives, and their advisers of their unredacted files for the purposes of their continuing functions and obligations in relation to the proceedings.
- (v) Communications between the Defendant(s), their insurers, or their successors in title and their legal and professional advisers, reinsurers, HM Revenue and Customs (or its successor), the Compensation Recovery Unit or any other person required by law.
- (vi) Communications between the anonymised party's representatives and advisers in managing that party's affairs.
- (vii) Communications for the purpose of obtaining medical care, advice or treatment for the anonymised party.

IT IS ORDERED BY CONSENT THAT:

1. The identity of the Claimant as a party to these proceedings is protected and shall not be published.
2. Pursuant to CPR Rule 39.2(4), there shall not be disclosed in any report of these proceedings or other publication the name or address of the Claimant, the Claimant's Litigation Friend or other immediate family members, or any details (including other names, addresses, or a specific combination of facts) that could lead to the identification of FHV as the Claimant in these proceedings. The Claimant and the Litigation Friend shall be referred to as set out at paragraph 3 of this Order.
3. In any judgment or report of these proceedings, or other publication (by whatever medium) in relation thereto:
 - (i) The Claimant shall be referred to as "FHV".
 - (ii) The Litigation Friend shall be referred to as "HWQ".
 - (iii) Any other details liable to lead to the identification of the Claimant (including any names of other immediate family

members or their addresses) shall be redacted before publication.

4. Pursuant to CPR Rules 5.4C and 5.4D:
 - (i) A person who is not a party to the proceedings may not obtain a copy of a statement of case, judgment or order from the Court records unless the statement of case, judgment or order has been anonymised in accordance with subparagraphs 3(i) to (iii) above.
 - (ii) If a person who is not a party to the proceedings applies (pursuant to CPR r.5.4C(1B) or (2)) for permission to inspect or obtain a copy of any other document or communication, such application shall be on at least 7 days' notice to the Claimant's solicitor, trustee or deputy.
5. The Court file shall be clearly marked with the words *"An anonymity order was made in this case on 14th May 2021 and any application by a non-party to inspect or obtain a copy document from this file must be dealt with in accordance with the terms of that Order."*
6. Any interested party, whether or not a party to the proceedings, may apply to the Court to vary or discharge this Order, provided that any such application is made on notice to the Claimant's solicitor, trustee or deputy, and that 7 days' prior notice of the intention to make such an application is given.
7. Pursuant to the 'Practice Guidance: Publication of Privacy and Anonymity Orders' issued by the Master of the Rolls dated 16 April 2019 a copy of this Order shall be published on the Judicial Website of the High Court of Justice (www.judiciary.uk). For that purpose, a court officer will send a copy of the order by email to the Judicial Office at judicialwebupdates@judiciary.uk.
8. The costs of obtaining this order be costs in the assessment.

DATED 14th May 2021