

Case Study

The injuries:

On the 19th November 2010 at 12.10, A. was admitted to the A &E department at the (name) hospital. On admission he was examined by Dr A, Consultant Paediatrician. A. was noted to be distressed on handling and was not moving his left arm.

X-rays were undertaken disclosed a metaphyseal fracture of the left arm and healing posterior rib fractures. The x-rays were considered by Dr B, consultant paediatric radiologist. He reported that the fracture of the left arm was very recent (no more than 7 days old and probably very close to admission to hospital) whereas the rib fractures were older (probably 14-21 days).

Dr A and Dr B both agree that on a balance of probabilities the causation of the arm fracture was as a result of a twisting/pulling mechanism and the rib fractures were a result of squeezing force being applied to the chest. Both Dr A and Dr B are of the opinion that the fractures are non-accidental injuries.

Explanations for the injuries:

Neither of the parents has been able to provide any adequate explanation for the fractures to A. Indeed the account given by the parents have been inconsistent.

The account given by TJ (mother) when she took A. to Dr Y (general practitioner) on 18 November was that on the night of the 17th November JC (father) had taken A. upstairs to change his nappy. A. was described as very lively and boisterous baby who hated his nappy being changed. In the course of changing his nappy A. had rolled off the changing mat (which was placed on top of his cot) and J. had grabbed his left arm to prevent him falling. TJ. told Dr Y that she went upstairs when JC shouted to her to report that A. was not moving his arm properly.

The history given by the parents immediately on admission to A & E on the 19th November 2010 was that on 18th November, A. had his nappy changed by JC. in the

lounge and that he had been placed on the sofa for that purpose. As JC turned away to put the dirty nappy in the nappy bag, A. had rolled off the sofa and landed on his arm. He had cried immediately and had not been moving his arm properly and had become increasingly irritable and distressed over night and in the morning of the 18th November. TJ. confirmed that she had been present and had witnessed this incident.

Anthony was subsequently moved from the A & E department to the hospital ward of observation. The parents were spoken to by Dr A, Consultant Paediatrician in a private room. Neither parent was able provide acceptable explanation for the injuries save that JC. repeated that h had to grab A's arm to prevent him from falling during the nappy change. TJ was noted to take a back seat in the discussions and JC was reported to be very much the spokesperson.

Summary

The local authority is of the opinion that evidence supports a finding that A. (age 12 months) sustained fractures to two different sites of his body (his left arm and ribs) on two separate occasions. These injuries are considered by the medical experts to be non-accidental injuries and the same occurred whilst A. was in the joint care of his parents. Notwithstanding the seriousness of the injuries neither parent has provided a consistent and acceptable explanation for the injuries.

Given the injuries to A. the local authority considers that there is a likelihood that P. (sister) would be at risk of significant physical harm.

Neither parent agreed to the children being accommodated in foster care pending further medical examination and testing.

The local authority favours that the children's immediate removal is required so as to secure their safety. The serious injuries sustained by A. and the inconsistent accounts of the circumstances in which he sustained such injuries in the joint care of the parents leads the local authority to the conclusion that the children are in imminent danger.

The local authority acknowledges that the removal of the children from the care of the parents represents a significant interference with the Article 8 rights of the parents and the children. However, the local authority considers that having regard to the facts of this case, the grant of an emergency protection order is both necessary and proportionate and no other less radical form of order would promote the welfare of the children.

By reason of the matters aforesaid the local authority seeks an emergency protection order in respect of both children.

Proceedings were subsequently issued and the children are accommodated in foster care.