

Case No: 12521584

In the COUNTY COURT at READING

**160-163 Friar Street
Reading
RG1 1HE**

17th May 2016

B E F O R E:

HER HONOUR JUDGE OWENS

Cambridgeshire County Council

Applicant

v

Stuart Stephens

Respondent

Judgment

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1. **Her Honour Judge Owens:** I am dealing with an application by Cambridgeshire County Council for committal under the Court of Protection Rules 2007, alleging that Stuart Stephens has committed contempt of court by breaching a court order, made on 22nd March 2016, by District Judge Parnell.
2. That order was intended to prevent publicity of information in relation to P, who was the first respondent in Court of Protection proceedings, concluded before District Judge Parnell in 2015.
3. The specific application that I am dealing with was made on 13th April 2016. It alleges that Stuart Stephens, of 1 Danrheol, Pantyrawel, Bridgend, Wales has breached all aspects of the order made by District Judge Parnell on 22nd March. The first hearing of this application was on 26th April 2016, when Stuart Stephens did not attend. It became apparent that Stuart Stephens had not been personally served with the application and supporting documentation as required by rule 186 of the Court of Protection Rules 2007. I therefore adjourned the application, being mindful that I could have dismissed the application at that stage, but given the seriousness of the allegations with regard to the potential impact they may have upon P's placement, I adjourned for personal service to be effected upon Stuart Stephens.
4. Stuart Stephens was personally served with the application and supporting documentation, which included an explanation to him of his rights should he wish to be legally represented in relation to these proceedings. He was also

served with a copy of my directions order of 26th April 2016, which listed the hearing today, telling him that he needed to attend here in Reading, by 10 o'clock, at this hearing today.

5. Personal service was effected on 5th May 2016. The statements of the process server to confirm that personal service are at G142 – 144 in the bundle. G142 is a covering letter from the process server, the statement of service is actually G143 – 144. I find, therefore, that Stuart Stephens has been properly served with this application in accordance with the requirements of the Court of Protection Rules.
6. He has not attended this hearing and I have proceeded to hear the application in his absence and in the absence of any indication from him that he may have a reasonable excuse for his failure to attend court today. I, in fact, allowed extra time before I commenced sitting this morning, commencing at 10.25, so as to allow, bearing in mind the distances involved, for any travel disruption. But no message has been received from Stuart Stephens and, as I have said, he has not attended. He has also failed to file any evidence in response to the application, as I directed that he may on 13th April 2016.
7. I have read all of the documentation contained in the court bundle. I should say, whilst I am here, it is a significant bundle, comprising two lever arch folders of paperwork. I have also heard evidence from SW, the social worker, whose written statements are at G38 – 50 and G142 – 145 in the bundle. In section J of the bundle I have colour copies of the tweets in question, and I

would add here these are more legible than the original black and white copies which were produced in support of the application.

8. I have also had the benefit of reading position statements on behalf of the applicant, Cambridgeshire County Council and the Official Solicitor, who represents P in these proceedings. I have also heard brief submissions in closing from each of the advocates concerned.
9. By way of background, P suffers from cerebral palsy and a severe degree of learning disability. In May 2014, she was moved from the care of her mother, who I shall refer to as EL in the course of this judgment, to a care home in C. Court proceedings commenced and, as I have noted, concluded in 2015, with an order being made that it was in P's best interests for her to live in a care home in M. The court authorised a deprivation of her liberty as this was an inevitable consequence of her not being able to live where she would choose, nor being free to come and go as she would wish and being subject to constant supervision.
10. As part of those Court of Protection proceedings, an order was made on 4th September 2014 for the proceedings to be heard in private and prohibiting publicity or disclosure of any information which could lead to the identification of P or any other party to the proceedings. In passing, I should note that those proceedings, of course, pre-dated the Court of Protection Transparency Pilot, which began in January of this year.

11. On 21st January 2016, Cambridgeshire County Council was alerted to the existence of posts on Twitter about P, including photographs of her. Those posts were from an account, which was then temporarily suspended from any contact with Twitter, by the local authority. On 15th February 2016, the local authority were alerted to the existence of further tweets containing photos of P and comments about the standard of her care and removal from the care of EL. These came from the account @stuartstephens15. It was understood that Stuart Stephens was a friend of EL.
12. The local authority informed the Official Solicitor of the posts on 18th February 2016. An urgent, without notice application was made by the OS, on behalf of P, on 1st March 2016. The local authority supported this application and, on 3rd March 2016, I made *ex parte* orders restraining publicity of details which would identify P, her address, family members, any establishment caring for her, or images, pictures, recordings of P. The orders made are actually at D71 onwards of the bundle. Those orders were made against EL, Stuart Stephens and the holder of the other twitter account. The orders also required removal of material from the accounts involved by 4pm on 3rd March 2016.
13. As the orders were made *ex parte*, I also directed an *inter partes* hearing before District Judge Parnell – noting here that he is the only Court of Protection nominated judge currently at the local court hearing centre for Cambridgeshire County Council, P and EL. That *inter partes* hearing was held on 22nd March 2016. At that hearing, District Judge Parnell considered

the application on behalf of P, further orders against EL, Stuart Stephens and the holder of the other twitter account.

14. EL and Stuart Stephens attended the hearing and I have read a note of that hearing which is at 34 – 37 in the bundle. In that note it is recorded that Stuart Stephens accepted that he was the account holder for the Twitter account *@stuartstephens15*. Stuart Stephens was heard in the course of that hearing, as was EL. But as this application relates solely to Stuart Stephens, I am going to concentrate on him. District Judge Parnell made further orders, prohibiting publication of information about P and those orders are at D94 – D101 of the bundle. Those orders were to remain in force for the remainder of P's life, or further order. The order against Stuart Stephens contains a penal notice at paragraph 5, immediately after the paragraphs relating to the prohibitions against him. Those prohibitions start at D98 and go over to D99 in the bundle.
15. The note of the hearing shows that the order of 22nd March 2016 was clearly explained to Stuart Stephens in court, as well as the potential consequences of breach and, as is recorded on the face of the order. In addition, that order was served upon Stuart Stephens by recorded delivery post to the address that Stuart Stephens gave in court. The OS has produced a copy of the signed for receipt in the course of hearing today, which appears to have Stuart Stephen's signature upon it. I am satisfied that the order contained the penal notice, in the correct location and form, as required by rule 192 of the Court of

Protection Rules 2007 and that Stuart Stephens is fully aware of the contents of the order and the consequences, were he to breach any element of the order.

16. The next aspect which I must consider in relation to these current proceedings is the foundation of the contempt concerned. I have already referred to this in passing by way of the introduction, but in this case it is clearly set out in the application that the foundation of the contempt concerned is breach of the court order, dated 22nd March 2016. The alleged contempt is set out in the application notice, dated 13th April 2016, at D102, which refers to the first witness statement of SW, social worker, dated 7th April 2016 and the exhibited tweets attached thereto. This witness statement alleges that tweets posted on 29th March 2016, 1st April 2016 and 2nd April 2016 breached all of the provisions of the order made on 22nd March 2016, paragraphs (a) to (h).
17. The application, in fact, I find, goes further than this. I do note here that this has been served on Mr Stephens, as it must be in accordance with the rules, so I am able therefore to consider additional matters to the original application at D102. SW has filed a second statement, dated 22nd April 2016, in which she exhibits more tweets. So the period of the tweets in question is actually now 28th March 2016 to 9th May 2016. In all, there are around 350 tweets at the account *@stuartstephens15*. The majority of which are said by the applicant to identify P directly by first name, or her mother by surname; P's address; the address of P's care centre that she attends; allegations of sexual abuse; that she has been a party in Court of Protection proceedings; photographs of P taken without her knowledge; extracts of documents produced in the course of Court

of Protection proceedings and identification of carers and professionals involved in the care.

18. Some were also said to identify P through jigsaw identification of her. By this, I mean some tweets do not mention her by name, but when read in the context of other tweets, which give her mother's surname and P's first name, clearly allow the information with regard to her identity to be pieced together.
19. The two statements and the oral evidence from SW I find show beyond reasonable doubt that there have been a significant number of tweets posted to the Twitter account held and operated by Stuart Stephens, namely *@stuartstephens15*. Stuart Stephens accepted that this was his Twitter account, when he was before District Judge Parnell on 22nd March 2016, as I have earlier noted, and I have seen no evidence to suggest that his involvement with this Twitter account has ceased.
20. Exhibited to SW's evidence are numerous screenshots of tweets to the account *@stuartstephens15* in the period 28th March 2016 to 9th May 2016. As I have already said, there are approximately 350 such tweets in section J of the bundle. They include:
 21. 1) Details of P's first name; examples of which are at J14, 15, 34, 36, 40, 46, 69 124, 142 and 167, which in fact uses both her first name and surname and J300. I find, beyond reasonable doubt, these and other similar tweets in section J breach paragraph (a) of the order of 22nd March 2016.

22. 2) Details of P's home address and the day centre she attends; examples of these details are at J15, 18, 25, 36, 131, 181, 200, 2020, 244 and 346, in particular to her home address are those. And at J70 there is a photograph showing the exterior and name of the day centre that P attends. I find, beyond reasonable doubt, these and other similar tweets in section J breach paragraph (b) of the order of 22nd March 2016.
23. 3) In relation to details of P's carers and professionals involved in her care, there are examples of these detailed at J15, 18, 24, 25, 27, 38, 45, 51, 52, 56, 57, 72, 124, 131, 158 and 346. I find, beyond reasonable doubt, these and other similar tweets in section J breach paragraph (c) of the order of 22nd March 2016.
24. 4) Information that identifies P as being a party in Court of Protection proceedings, there are examples of this information at J29, 34, 35, 37, 41, 53, 66, 67, 68, and 136. I find, beyond reasonable doubt, these and other similar examples in section J, breach paragraph (d) of the order of 22nd March 2016.
25. 5) There are examples of names and addresses or contact details of P's family in tweets at J14 – 17 inclusive, 20 – 22 inclusive, 28, 38, 54, 57, 60, 118, 153, 188, 221, 241 and 259. Again, I find beyond reasonable doubt these and other similar tweets in section J breach paragraph (e) of the order of 22nd March 2016.

26. 6) Documents produced in the course of Court of Protection proceedings, examples of these being tweeted and here I refer specifically to screenshots of the documents in question which are shown as images within the tweets, can be found at J30, 33, 59, 73, 81 – 83, 89 – 91, 192, 193 and 369. For the avoidance of doubt, these and other similar examples, which cover not just the original Court of Protection proceedings but these committal proceedings that I am dealing with, breach, I find beyond reasonable doubt, paragraph (f) of the order dated 22nd March 2016.
27. 7) Information regarding allegations that P may have made in respect of physical and/or sexual abuse, there are numerous tweets in relation to this, in particular in relation to allegations of physical abuse. Examples of these can be found at J19, 24, 49, 53, 55, 56, 83 and 224. I find, beyond reasonable doubt, that these and other similar tweets within section J breach paragraph (g) of the order of 22nd March 2016.
28. 8) Finally, photographs of P that have been taken without her knowledge and agreement, examples of these can be found at J49, 61, 64, 65, 83, 134, 137, 138 and 182 – 187 and also as late as 310 in that bundle. I find, beyond reasonable doubt that these and other similar tweets in section J breach paragraph (h) of the order of 22nd March 2016.
29. It is also, I find, apparent from the evidence that I have seen and heard from SW that none of the earlier tweets, which should have been removed under the terms of 22nd March 2016 order, have been removed. I am therefore also

satisfied beyond reasonable doubt that paragraph 4(a) to (h), so not just 3(a) to (h) as I have referred to a moment ago, but paragraph 4(a) to (h) inclusive have also been breached by this failure to remove the tweets in question.

30. I am overall, therefore, satisfied beyond reasonable doubt that Stuart Stephens has breached the terms of the 22nd March 2016 order by posting numerous tweets between 22nd March 2016 and 16th April 2016 and that these breaches are numerous and significant.
31. I therefore turn next to the question of penalty for the breach. Both advocates, on behalf of Cambridgeshire County Council and the OS, have highlighted the blatant nature of the breach; the extensive tweets and numerous photos of P, as well as the impact upon P. I have heard from SW that staff have been restricting the time spent outside due to their fears of allegations and abusive messages that may be posted on Twitter about them. This in turn restricts the amount of time that P may be able to spend outside. As a consequence, this also, I have heard from SW, has the potential to destabilise the placement for P.
32. It is already apparent from SW's evidence that there are implications for staffing in relation to P, bearing in mind the extensive, numerous and deeply unpleasant tweets in relation to carers of P that have been posted, requiring additional staff to be pulled in to provide care for P. It is deeply regrettable that this potentially, therefore, risks destabilisation of P's placement – a

placement which I am told had been meeting her needs and in which she was extremely settled and happy.

33. I am aware that it is clear from the content of Stuart Stephen's tweets that he regards himself as something of a crusader in relation to P. However, I am satisfied that, notwithstanding that that may be how he views himself, what he has actually achieved is a level of disruption potentially for P which is extremely harmful to her and may result in her having to move from her current placement; something which flies in the face of the decision by District Judge Parnell in P's best interests, taken in 2015.
34. I have no details of Stuart Stephen's means to assess any financial penalty for breach in this case, but given the extremely extensive nature of the breach and the potentially serious consequences for P's placement and care, I actually consider that a committal is the more appropriate penalty in this case, in any event. I am mindful of the fact that the purpose of penalty in committal proceedings is to secure compliance with the order. Given the blatant disregard for court orders which Stuart Stephen's tweets demonstrate, and here I have looked also at the fact that of course the 22nd March – although that is the order that I have been concerned with – was not the first order requiring there to be a limitation in terms of publication of information leading to the identification of P. Because of course there was the earlier March order and then of course earlier in 2014 prohibition in terms of publication in relation to court proceedings.

35. As I say, given the blatant disregard for court orders which Stuart Stephen's tweets demonstrate, the sheer volume and spread of the tweets in question, I have also had regard to the extremely wide public audience who potentially have access to information which the previous courts have determined should be private in P's best interests, I have heard that Stuart Stephens has something over 1,000 followers on Twitter. I have also seen that many of the tweets in the bundle are re-tweeted, which has the potential, therefore, for a public audience in relation to this extremely sensitive information, to be far in excess of Mr Stephens's followers alone.
36. I take the view that the only penalty which could secure compliance by Stuart Stephens with the 22nd March 2016 order, which again I reiterate is the order I am directly concerned with, is one of immediate committal. I have considered whether this should be suspended. I have also considered my powers under rule 188 of the Court of Protection Rules 2007, to require him to be brought before the court, before deciding the penalty. I have also equally borne in mind his Article 6 rights. But I have no mitigation whatsoever before me, from or on behalf of Stuart Stephens. He has declined to put his case in these proceedings at all and has continued tweeting up to 9th May of this year, in breach of the order, I have found.
37. I have therefore concluded that such a blatant disregard for the order of the court of 22nd March 2016 and the sensitivity of the issues surrounding identification of P and information in relation to her, as was proscribed by that order, that I have no option but to conclude that only the most draconian and

serious penalty which I can impose for any breach of court order is to stand any chance of securing his compliance, given the severity of the breach I am dealing with.

38. I will therefore commit him to prison forthwith for a period of 28 days.

End of Judgment