

# General Form of Judgment or Order

In the County Court at Sheffield	
Claim Number	F80SE020
Date	30 March 2021



HAD ADMINISTRATRIX OF ESTATE OF MSB (DECD)	<b>1<sup>st</sup> Claimant</b> Ref 05229016-001 [HCZ/ PS]
THE ROTHERHAM NHS FOUNDATION TRUST	<b>1<sup>st</sup> Defendant</b> Ref NHS001-2055-JECA

**BEFORE** His Honour Judge Robinson sitting remotely in the County Court at Sheffield, The Law Courts, 50 West Bar, Sheffield S3 8PH on 23 March 2021

**UPON HEARING** Counsel for the Claimant and Counsel for the Defendant

## AND UPON:

- (1) Consideration of the dependant minors' Article 8 rights 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 dependant minors is necessary in order to protect the interests of the dependant minors 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 the information being made public). In this list references to 'the anonymised

The court office at the County Court at Sheffield, The Law Courts, 50 West Bar, Sheffield, S3 8PH. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number. Tel: 01142812400 Fax: 01264 347961. Check if you can issue your claim online. It will save you time and money. Go to [www.moneyclaim.gov.uk](http://www.moneyclaim.gov.uk) to find out more.

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10513 SHEFFIELD

party' include that party's appointed representatives and advisors, 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 THAT:**

1. The identities of the dependant minors in these proceedings are 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 names or addresses of the dependant minors, or the dependant minors' parent, or other immediate family members any details (including other names, addresses, or a specific combination of facts) that could lead to the identification of the dependant minors in these proceedings. The Claimant and the other parties 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:

(1) The Claimant shall be referred to as "HAD"

(2) The Deceased shall be referred to as "MSD"

(3) The Deceased's partner shall be referred to as "NWB"

(4) The daughter of the Deceased (a dependant minor) shall be referred to as "MKB"

(5) The son of the Deceased (a dependant minor) shall be referred to as "MSB"

(6) The daughter of the Deceased shall be referred to as "KJR"

(7) The daughter of the Deceased shall be referred to as "EKR"

(8) The son of the Deceased shall be referred to as "BPR"

(9) The nephew of the Deceased shall be referred to as "RD"

(10) Any other details liable to lead to the identification of the dependant minors (including any names of other 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 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(1) to (10) 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 23 March 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, providing 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](http://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](mailto:judicialwebupdates@judiciary.uk).

8. The costs of obtaining this order be costs in the case.

Dated 23 March 2021

### **General Data Protection Regulations**

To obtain information and guidance on how we treat your personal information and how to check what details we hold about you at HM Courts and Tribunals Service please go to:

[www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter](http://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter).

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