



Legal aid lawyer, secret court and social workers 'colluded' to adopt boys

TWO YOUNG children were taken from their distraught mother and placed for adoption because her own legal aid lawyers "colluded" with social workers, according to an MP's extraordinary allegation in Parliament.



A mother of two has been left devastated after her kids were put up for adoption - POSED BY MODEL [GETTY]

In a highly unusual accusation, John Hemming said lawyers for Jacque Courtnage colluded with Derbyshire County Council to prevent her analysing a document he believes would have cleared her of abuse allegations.

She and her husband have lost their two sons, now aged six and eight, for ever after a court ruled on the balance of probabilities they were responsible for harming their youngest when he was a baby.

They have never been arrested nor charged with any criminal offence due to lack of evidence.

Their heartbreaking story emerged in a Commons debate two months ago when Mr Hemming used Parliamentary privilege to name the mother and to make accusations against her lawyers and Derbyshire County Council.

He says the parents are the victims of a miscarriage of justice in the secret family court system.

The Lib Dem MP believes lawyers representing families on legal aid have a conflict of interest if they also do work for local authorities.

Mrs Courtnage, a 45-year-old accountant and her husband John, 47, an engineer, only discovered the potentially significant evidence nine months after a judge ruled their children should be taken from them.

They found it among their son's medical records, which they secured after making a request to his hospital under the Data Protection Act as part of their own probe to discover the "truth".

The evidence was an alternative diagnosis from a leading hospital consultant saying their son's head injury had been caused by a fissure, a birth defect that weakened the skull bone.

Until then, Mr Hemming said, they had only been aware of the fracture diagnosis put forward by other experts and used by the council in its arguments before the court.

The children are now with an adoptive family and banned from any contact with their real parents.

Mrs Courtnage, who is not allowed to talk to the media about her case, told Mr Hemming: "Our children are our very existence and without them with us

"The saying of a living bereavement is very apt and one we live daily. We have no grave to mourn at."

She also told the MP about an incident when she was sitting in her car at traffic lights. "I was watching a little boy of around five years old waiting with his mum at the bus stop.

"He was bored and was trying to entertain her with his amusing antics.



Queens Medical Centre in Nottingham [ALAMY]

He looked over to me and smiled and it was then that I realised that I had tears streaming down my face. I would never experience this with my own sons.

"We are angry at what has been done to us but words cannot begin to describe the contempt we have for what this has done to our darling sons."

The couple's "living hell" started in 2008 when Mrs Courtnage became concerned by a swelling on her baby boy's head. She took him to the Queen's

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While two consultants made separate diagnoses of a fissure, others argued a fracture, a conclusion eventually accepted as the official version.

The diagnoses, together with evidence suggesting leg injuries to the child, were sent to Derbyshire County Council which then gave them to Mrs Courtnage's lawyer.

However, Mr Hemming said the fissure argument was never highlighted to Mrs Courtnage and she did not see it among the 500 other documents in the large court bundles.

He told the Commons in September: "I have for some time been worried about what I was told by a social worker some years ago, which is that at times the legal aid-funded solicitors for parents conspire with local authority staff in order to ensure that the parents lose.

"One example where that appears to have happened is that of Jacques and John Courtnage, whose two sons were taken into care because one had a lump on his head.

The doctors were not sure whether it was because of a fracture or a fissure.



Mrs Courtnage has described separation from her sons as a 'living hell' [GETTY]

Our children are our very existence and without them with us and being unable to touch them is like a living hell
Mrs Courtnage

"The child was neurologically sound, which implies a fissure, but the parents did not see the evidence that it could have been a fissure until after the court had decided in 2010 that it was a fracture, and the question was never considered in any court judgment.

"A court order on October 30, 2008, had said that all evidence should be provided to the parents. That did not happen.

"The hospital provided Derbyshire County Council with the information in December 2008 but this did not get to the parents until after the finding of fact hearing of 2010, when they made a subject access request.

"The question is whether the council colluded with the parents' solicitors."

The MP said in the debate that he and Mrs Courtnage had asked the solicitors about the issue. He said a solicitor had denied the allegation but refused to give a "detailed response".

He said in the Commons that, to him, meant the lawyers "colluded with Derbyshire County Council to keep this evidence from the parents".

Mrs Courtnage tried to raise the fissure diagnosis before an appeal judge in September 2011.

However, due to an administrative mistake by court officials, the case was heard in her absence and the potentially vital pieces of paper were never presented to the judge.

She has recently decided to try to reopen the appeal under civil procedure rules.

A spokesman for Derbyshire County Council said: "We would strenuously reject any suggestion of collusion.

"The judge had before him all the child's medical records including all those received from the Queen's Medical Centre and the issue as to whether the child had a fissure or a fracture was fully brought before the court.

"The court had evidence from experts including a consultant paediatric radiologist and consultant neuroradiologist.

These experts were appointed independently by the solicitor acting on behalf of the child.

The child also had the benefit of a children's guardian appointed by the court to represent his best interests.

"We are confident that the actions we took were the right ones and that the decision taken by the court was the right one."