

‘Decisional’ and ‘operational’ negligence

Vincent Ooi

This article draws a distinction between ‘decisional’ negligence, which concerns the negligence exhibited by a professional advising his client in a decision to pursue a course of action, and ‘operational’ negligence which concerns the manner in which a professional acts upon his client’s instructions to pursue a course of action. With the advent of *Montgomery*, the distinction between the two kinds of negligence has been thrown into focus in the context of medical negligence. The distinction is an important one for two reasons: 1) the ‘standard of care’ test to be applied; and 2) the measure of damages.

The negligence liability of local authorities for failure to protect children from abuse: where to draw the line?

Stelios Tofaris

When should local authorities be liable in negligence for failure to protect children from abuse by third parties? The article seeks to identify some of the key questions arising in this context and to examine possible ways of answering them by reference to *CN v Poole Borough Council*, which is currently before the Supreme Court. In particular, it considers the application and potential limits of the rules on negligence liability of public authorities for omissions set out in *Michael v Chief Constable of South Wales Police* and *Robinson v Chief Constable of West Yorkshire*.