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IN THE CHELMSFORD COUNTY COURT

No. CM18C05025

Priory Place
New London Road
Chelmsford CM2 0PP

Friday, 13 July 2018

Before:

HER HONOUR JUDGE LYNN ROBERTS

B E T W E E N :

X COUNTY COUNCIL

Applicant

- and -

(1) MM

(2) FM

(3)R by his Children's Guardian

Respondents

MS S. CATTON-NEWELL of Counsel, appeared on behalf of the Applicant.

MR C. RICHARDSON of Counsel (instructed by David Wilson Solicitors) appeared on behalf of the First Respondent.

MS C. WATSON of Counsel (instructed by Jackamans Solicitors) appeared on behalf of the Second Respondent.

MS E. BENEST (Lucas and Wyllys Solicitors) appeared on behalf of the Children's Guardian.

J U D G M E N T

JUDGE LYNN ROBERTS:

- 1 This is the hearing of the applications of X County Council for a care order and for a placement order of a little boy whom I will call Ricky, who is one and three quarters. This is not his real name but I wish to keep his details confidential. His parents are MM and FM. Miss Catton-Newell represents X; Mr Richardson represents MM; Miss Watson represents FM; and Miss Benest represents Ricky and she is instructed by his guardian, Sally Gower.

- 2 I read statements from the social workers and the adoption social worker and a parenting assessment of the parents. I read a statement by and an assessment of the maternal grandmother, Ms W . I read the placement order applications and I have read the two children's guardian reports, amongst other documents. During this three days hearing, I have heard oral evidence from Helen Young, who is the adoption social worker; from Letitea Madende, who is Ricky's current social worker; from MM; from her mother; and from the guardian.

- 3 I should say something at this stage about the position of the father. He attended during the first morning. His case was that he wanted Ricky to live with him; however, he found the experience of being in court overwhelming and did not feel able to attend any further. He instructed Miss Watson that he no longer wished to oppose the applications, but did not feel able to consent either. Miss Watson, with my agreement, remains in case the position changed and to protect his interests, but FM did not reappear during the hearing.

- 4 I should also say at the outset that Ms W had put in an application for Ricky to live with her, but I gave her permission on the Thursday to withdraw that application. She remained in court and gave evidence, but this was part of her daughter's case and she was putting

herself forward as a support to MM in MM caring for Ricky and was not now seeking to care for Ricky independently, and she felt that if Ricky could not return to his mother's care, then adoption would be the right way forward for him.

5 I have heard and read a lot about Ricky and I have seen a picture of him. He is a lovely little boy. I have seen from contact notes that he has had good contact with his parents and with his grandmother. I am quite sure that his parents and his grandmother love him very much. He is of mixed race, as his mother is of mixed white and black Caribbean heritage. His father is white. He is developing well in his foster placement. There are no special needs identified.

6 His parents got together when his mother was only 17 and his father only three years older. He was born when I think MM was just 20 and they had married a couple of years before then. FM has really serious physical health problems and MM was his official carer. Until very recently, FM accepted that his own needs of being cared for precluded him caring for a child of his own and his final statement which said he wished to care for Ricky came as a bit of a surprise, but this is not now being pursued.

7 FM has also got mental health difficulties. The letter from his GP from February this year refers to his aggressive behaviour, self harm and overdoses. He says that he was diagnosed with a borderline personality disorder that month. He also suffers from very serious pain which treatment has not been able to deal with. He also has a conviction for a sexual offence and is subject to a sexual harm prevention order for another seven years. This was known about by Y County Council at the time Ricky was expected to be born - the family lived there in Y. For reasons which are unclear, there was an unsatisfactory handover process between Y and X and the family did not come to the attention of X until November 2017 when there was a referral by the health visitor as a result of MM reporting that she was

suffering from quite serious domestic abuse from FM. I would ask that X and Y work to identify what went wrong in the handover process and give that task to Miss Catton-Newell to pursue, as although in this case it appears that Ricky did not come to any harm of a sexual nature, the system did let him down. It does appear that FM's sexual behaviour remains abnormal and any risk to Ricky should have been assessed and monitored by X after Y completed their work.

8 In December last year, there was a very serious act of physical violence by FM on MM and MM sensibly called the police. She did not, however, leave the home. The local authority intervened and eventually MM and Ricky moved to live with her mother. The local authority expected Ricky to be protected by arranging that at no time should Ricky be alone with his parents together. The paternal family members and the maternal grandmother did not, however, act sufficiently protectively and the parents did get together. This resulted in the local authority issuing care proceedings and Ricky was placed in interim care on 31 January where he has remained.

9 During the proceedings, MM attended the Freedom Programme. There was a full parenting assessment and family members who came forward were assessed, but none positively. FM's mental health has continued to be of concern as he has tried to kill himself twice in March. The relationship between the parents continue to cause the local authority great concern as they, at various times during the proceedings, appeared to be together and/or relating to each other in a spiteful and retaliatory way. The local authority concluded that Ricky could not be safely parented by his parents together or separately and also that the grandmother could not care for him and their plan, therefore, became one of adoption for him.

- 10 The position of the mother is that Ricky should return to her now and she would accept a supervision order. She plans to live with her own mother until she can be re-housed. Her alternative plan is that the case should be adjourned. She has put in a Part 25 application for an independent social worker to assess her further and she would wish for that to take place before the court considers addressing the outcome of adoption for Ricky.
- 11 The guardian supports the local authority. She does not think that the risks she had referred to at the start of the case have changed and she concludes that there is no arrangement which could be put forward by the birth family which could result in Ricky being provided with safe parenting. She thinks he needs to be placed in an adoptive family.
- 12 I need to set out the law. First, I need to deal with threshold. This term arises from s.31 of the Children Act and the local authority have to satisfy me that what is known as the threshold criteria pursuant to s.31 of the Children Act is met. That section says that:

“A court may only make a care order or a supervision order if it is satisfied that the child concerned is suffering, or is likely to suffer, significant harm; and that the harm, or likelihood of harm is attributable to the care given to the child, or likely to be given to him, if the order were not made, not being what it would be reasonable to expect a parent to give to him.”

In this case, the concept of threshold is conceded by the parents, but MM does not accept some aspects amount to threshold issues, so I will deal with that.

- 13 I then need to deal with what would be the best outcome for Ricky . I must apply s.1 of the Children Act and it is Ricky ’s welfare which is my paramount consideration. There is a checklist of matters I need to think about. Section 1 also warns against delay in making

decisions about children. As the local authority seek a placement order, I must consider the provisions of the Adoption and Children Act. First, s.21, which says that:

“A court may not make a placement order in respect of a child unless the child is subject to a care order, or the court is satisfied that the conditions in s.31 of the Children Act are met”; and, “The court may only make a placement order if the court is satisfied that either the parent consents” - which is not the case here - “or that the parents’ consent should be dispensed with.”

Section 52 says:

“The court cannot dispense with the consent of a parent unless the welfare of the child requires the consent to be dispensed with.”

14 All of this has to be considered in the context of s.1 of the Adoption and Children Act and it is Ricky ’s welfare throughout his life which is my paramount concern. Mr Richardson has rightly pointed out case law tells me that I should only approve a plan of adoption if I am satisfied that nothing else will do for this particular child, and I do start from the stand point that it is best for a child to be brought up in his birth family, if that is possible.

15 I also have to consider the provisions of the Human Rights Act as each member of this family, under Article 8, have the right to family life. The child should normally be with his parents, or one of them and, if not, then with the wider family, but those rights have to be balanced. The local authority may have to act to protect children within this area and in a democratic society, such an intervention into family life must be necessary and proportionate. There must be a strong reason to justify removing a child from his family

but, if such a reason exists, then it is the child's welfare which must be of paramount consideration.

- 16 I turn to consideration of the witnesses and the evidence. Olivia Stiff was the first social worker in the case from November last year. The referral came from the health visitor. Miss Stiff's statement says that the health visitor had concerns that Mr and Mrs M's relationship was domestically abusive. This was due to MM disclosing a worrying history of domestic abuse, such as FM forcing her to stay awake with him; calling her names; stating that he does not allow her to sleep in their bed; and that she needed his written permission to go out on her own. MM is FM's carer.
- 17 Miss Stiff gives the evidence which forms the basis of much of the threshold, including the poor state of the home. She also says there was poor interaction between Ricky and MM, as Ricky seemed to spend long periods of time in his travel cot. She sets out what she knows of the incident on 5 December when FM attacked MM and how MM had told the police that, on release, FM could return home. She writes of the concerns of FM's police protection officer about the recent behaviour of the couple in relation to trying to get women back to the home for sex. Her evidence covers the incident when the parents breached the agreement that Ricky would not be unsupervised in the company of his parents together - over the Christmas period and, again, in town on 8 January, when an incident occurred involving Ricky .
- 18 In her second statement, Miss Stiff refers to the Y assessment from 2016 which had by that time been received. That assessment shows that MM gave to Y a shocking account of her own upbringing involving extreme neglect, serious physical abuse by her mother and her mother's partners. It sets out that in February this year, MM moved back to live with FM

and this occurred during the period when FM was receiving help about healthy relationships and when she had started the Freedom Programme.

- 19 The current social worker, Miss Madende, carried out a parenting capacity assessment of the parents. In it, MM gave a completely different account of her own childhood, which she described as normal. She told Miss Madende she had given the very different account to Y because she was angry at the time. I note that to me in evidence, her explanation was very different. She said to me she had given that account to Y because FM had wanted her to give that account. MM told Miss Madende that there had only been two incidents of violence between her and her husband - the incident of 5 December and one before Ricky was born during a play fight. She said that FM would lose his temper with Ricky and shout at him and FM said the same about MM.

“During the one session I had with both parents, they were comfortable to exchange insults during my presence. This raises questions and speculations about how they were with Ricky present when they disagreed. From both parents’ accounts, it seems there was significant disagreements from what to eat; money; different views about family members; infidelity. FM has mentioned that they never argued in front of Ricky ; however, considering the display during assessment sessions, it makes it difficult to believe both parents could have managed to contain their strong emotions simply because Ricky was present. If they can behave in such a way with a professional assessing them, this clearly evidences Ricky was exposed to his parents’ disputes. FM has spoken about MM being verbally aggressive towards him and MM has spoken about FM constantly criticising and undermining her parenting.”

- 20 Later in her assessment she says:

“Ricky ’s parents are clearly caught up in their relationship difficulties and seem to invest so much in hurting each other and do not seem to understand how their behaviour may affect Ricky . They have both entered new relationships, perhaps relationships that have always been in the background. They use Ricky to justify keeping in communication. MM informed FM that if Ricky was to be returned to her care, she would not allow him to have contact with Ricky and would ensure that Ricky calls her boyfriend ‘dad’ . While she has apologised and expressed that her and her new boyfriend will not stop contact, her reason for having said this being she was upset at the time. Despite the apology, MM has continued to attack FM and his girlfriend, referring to her as a ‘tart’ .”

- 21 MM was on the Freedom Programme from January this year, but Miss Madende notes that on 21 March, MM was telling FM messages that she loved him and felt pressured by the court to end their relationship and she was planning to go to the home.
- 22 Miss Madende noted that Ricky was developing well and that the parents attended contact and engaged with the parenting assessment. She concluded, however, that whilst these parents inform they have separated, the local authority feel this is not enough for Ricky to be returned to either one of their care at this point. They have not consistently been apart and are still largely in communication; not always amicable. They have also not dismissed the possibility of them getting back together in the future, more so MM. The worry is not so much about them getting back together; it is about them not accessing support to address issues with their relationship. They are likely to continue with their abusive relationship and any child in their care is likely to experience emotional and physical harm.
- 23 For a child to thrive in MM’s or FM’s care, they will both need intensive support to address their behaviours and the impact this is likely to have on a child. They will both benefit on

focusing on their individual needs and not depend on other people to meet their emotional needs. It is a worry that already they have entered new relationships and these people are already part of this dysfunctional dynamic. The local authority wish to see a safe home that Ricky can come back to and a period of consistently maintained stable environment with safe and consistent adults. The time will afford either MM or FM to establish a fresh start and engage in activities that make them feel self worthy and self dependent. This will, however, not be within Ricky 's timescales. He needs a permanent home to establish relationships and build a secure attachment. He is currently beginning to form attachments with his foster carer. He has begun to look for her when she leaves the room.

24 Miss Madende also assessed the maternal grandmother. This is now less relevant as Ms W is only putting herself forward as a support to her daughter. The issues Miss Madende was particularly concerned about were the history of the local authority's involvement in the care of Ms W 's older children; the lack of clarity as to what MM's experience was while being cared for by her mother; past domestic violence in the home; and the dangers posed to Ricky from Ms W 's youngest child, J, who has a range of difficulties. Concerns were around J's behaviours and the impact on the whole family and I am quoting the assessment now:

“These included refusing to attend school. Intimidating others. Slapping his mother on the face. Attacking his mother. Sleeping in the same bed as his mother. Concerns about both were naked. Still sleeping in the lounge. His mother would sleep in the kitchen and he would pour water on her to stop her from sleeping. Inappropriately touching his brother, but stopped when told to and also touch his mother frequently, but would not stop when told to - for example, grabbing breasts. He would not wipe himself after toileting and this remains the case to date. He will spend a lot of time naked at home. Mental health services would not progress with the assessment as it

was felt it was learnt behaviours rather than the result of a mental health problem or a developmental concern.”

The position has changed, so I will return to it.

25 Miss Madende found that there had been changes in J’s behaviour from December, but the risk remained and the home remained unsuitable physically. Miss Madende was critical of Ms W ’s failure to act protectively during the period when MM came and lived with her. Miss Madende’s final evidence brought out all these things together. She concluded that MM as a sole parent would not protect Ricky from the risk of harm and noted that MM was giving indications in April of wanting to get back with FM. Of Ricky , she said that no formal attachment work had been done, but she noted that observations about Ricky mirrors that of a child who has experienced unavailable parenting and has learnt to avoid emotions as a coping mechanism. Ricky did not show any separation distress when separated from his parents. He settled well in his placement. Following contact, he is happy to return to his placement. Again, no signs were displayed that would indicate he is distressed about separation. He is happy to be with anyone and has just begun to look for his carer when she leaves the room.

26 In her oral evidence, Miss Madende expanded on some issues. She explained how she had tried to meet MM’s current boyfriend, L, but L had not attended and MM would not arrange another appointment. She felt that an adjournment for an independent social worker to report about the mother was outside Ricky ’s timescales. She was asked to identify what support could be put in to make it possible for Ricky to return home with his mother and grandmother and she said that nothing could make it work, but if she were ordered to find support by the court, she would think that daily visits would have to be arranged, but her strongly held view was that the lack of honesty of MM and, indeed, her mother, meant that

Ricky would not be safe. She also feared that MM and the grandmother could not work together, but would be constantly in dispute and this had been observed repeatedly in contact.

27 She was asked why MM had only recently been referred to a parenting course and thought that it had been the professional view at the time that MM should be referred to the Freedom Programme. She said:

“I have seen her handwritten notes about the Freedom Programme. She is demonstrating a knowledge but, in practice, she is not demonstrating it.”

Miss Madende told me she has spoken to the coordinator of the Freedom Programme who has said:

“They felt she is immature in her approach and needs an adult with her to guide her throughout. She had been communicating with FM throughout the process and did not disclose that to the Freedom Programme.”

She was asked about other ways that she had tried to help MM and said that she had offered MM, as had Miss Stiff, to help to find her own accommodation. She said if she had gone into a refuge it would have led to her having her own home.

“Again, last month, I offered her a letter for housing, but she declined it. She wanted to do it after court. During the assessment I offered to go with the parents to the housing department to explain the situation, but that did not happen.”

Miss Madende said that she did not feel a sexual risk assessment or an attachment assessment were necessary. The other evidence from the local authority was from the adoption social worker who said that some families were available for a child of Ricky 's profile.

MM's evidence

28 In her written evidence, MM wavers as to her relationship with her husband continuing or not. She also refers to a new relationship with L, but says that it would not impact on her care of Rick yand Ricky would always be her priority and she does not agree with the local authority's concerns about the future. When MM spoke about her contact with Ricky , her face lit up and I got a glimpse of the joy she gets from being with him and of real emotion. Unfortunately during much of the rest of her evidence, I did not consider that she was being frank with the court. She gave her evidence in the afternoon of the first day and, of course, much of the cross-examination concentrated on her relationship with FM. MM spoke about how they now relate together as parents, but how there was no romantic relationship and would not be again. She spoke of meeting up with FM on Wednesday last week, something that the local authority had been alerted to by Ms W .

29 On the evening after that evidence had been concluded, Miss Catton-Newell found an email received earlier that day from FM's solicitors which disclosed that the parents had met up on Wednesday and on Thursday. Miss Catton-Newell informed the other advocates and told me on the morning of the second day. At that point Mr Richardson then confirmed in further evidence that the parents had spent the night in the same home on Wednesday night, had seen each other on Thursday briefly and that MM had spent the weekend with FM at the former matrimonial home from Friday morning until Monday morning and "she told me there had been some sexual activity on one of those nights". Mr Richardson suggested that

MM had not misled the court as she had not been asked about those events, but I am quite satisfied that MM did seek to mislead the court. She knew full well that the local authority were very concerned about the relationship between the parents and was economical with the truth when she gave evidence on the first day.

30 On the subject of the domestic abuse and MM learning from attending the Freedom Programme, she certainly has learnt to write and say the right things, but at one point when she was riled in cross-examination, she referred to the incident on 5 December as the “little incident”. She had previously told me that FM had strangled her to the extent that she was turning blue and losing consciousness and he was responding to voices. All my experience over the past 30 years work in this field, tells me that choking, strangulation attacks are amongst the most serious and dangerous forms of domestic abuse. I have no doubt that MM is minimising this attack which was, after all, the second such attack. She told me, in effect, that FM was justified in attacking her in that way on the first occasion as she had accidentally hit him on the testicles. She seems to think that the accidental nature of what she did to him ought to apply to what he did to her. It was no such thing and was a dangerous response by him. As Miss Catton-Newell said in her submissions, there is no knowing what FM might do to Ricky if Ricky accidentally hurt FM or, indeed, if he again heard voices.

31 MM denied there were difficulties in how she related to her mother. She said that what she had said to Y was untrue and she had said it because she was being manipulated by FM, and I have already noted that that is a different explanation from the one she had given earlier. As the guardian noted, MM said to the guardian that what she had said to Y was true and when asked about some aspects of her information to Y, she said in her evidence to me that some of it was true. She denied shouting at Ricky herself, but said that FM had done so.

She gave elaborate excuses for breaking the agreement at Christmas and on 8 January, none

of which impressed me at all. She was asked why she refused to allow the social worker to meet L and said it was because the social worker had manipulated what she had said and she did not want L manipulated. To my mind, she showed an aggression and an immaturity and a stubbornness in her evidence which did not help her. She was dismissive of the role of the contact supervisor, for example, who is there to support and guide in contact. On several occasions it seems to me over the course of these proceedings and shortly before them, MM substituted her own inadequate judgment over that of professionals. For example, it is not for her to say what the social worker needs to look at.

Ms W 's evidence

32 Ms W then gave evidence. I accept she has been a passionate advocate for her son, J, and that she has matured from the time when the local authority were involved in her family a decade or more ago. My assessment of her evidence is that she feels torn. She does not want her grandson adopted. She loves him very much and she also loves her daughter very much. She has worked in part with the local authority, but at times she has not as her loyalties have got confused. She denied being dominant or overpowering, but she told me that her daughter would do what she wanted anyway in relation to the incident on 8 January. She did not think she had failed to be completely honest with the local authority and became quite cross about some of the local authority interference in their lives.

The guardian

33 In the first report, Miss Gower identified the three risks to Ricky as being emotional and physical harm because of serious domestic violence; sexual harm because of FM's offence and the lack of sexual boundaries in the home; and neglect, because of the physical circumstances in the home. Her own enquiries made her conclude that both parents

minimised the impact on Ricky of their volatile relationship; that the extended family have all let Ricky down by colluding with the parents and, she said:

“It is worrying that these young parents appear to have little insight into the impact of their behaviour on their son. They appear to be self absorbed and focused on their own needs, rather than Ricky’s. The relationship is controlling and abusive. They have been unreliable and dishonest in their dealings with professionals, which has made it difficult to protect Ricky. Currently the parents are not capable of providing safe care to Ricky, either separately or together. The risks outlined in the local authority’s evidence have not been reduced, nor has it been possible to manage the risks despite Ricky being subject to a child protection plan.”

34 In her final report, she looked at MM’s inconsistent statements about her own upbringing, amongst other matters. She looked at the plan of the mother to live with Ricky at Ms W’s home and said:

“In the light of the reported history of Ms W’s parenting of her own children and her dysfunctional relationship with MM, I do not think this would be a safe option for Ricky. He would be caught up in the hostility between family members.”

She goes on to say:

“MM presents as a vulnerable and immature young woman who has reported an emotionally impoverished childhood and a marriage in which she was coerced and controlled and was unable to protect herself from actual physical harm. She has said she does not feel able to cope without the support of her current partner and yet she now appears to be playing down his significance in her life. We have a confusing

picture of the nature of their relationship and what role he is likely to play in Ricky's life if Ricky were to return to his mother. It is very difficult to protect a child when it is unclear what is actually going on in her life. Neither of Ricky's parents is able to consistently demonstrate appropriate ways of managing their emotions and they are both, at times, dysregulated. They have been both been very disparaging about the other during the parenting assessment. It is difficult to imagine how they could work together in Ricky's best interest in the future to enable him to have a positive relationship with both his parents."

35 The guardian does not think it would be in Ricky's interests to be placed with J. She identified the progress that Ricky has made and the quality of his contact with mother. She reported that it was the foster carer's view that contact did not seem to impact on Ricky as he settled back into his routine easily after it took place. Miss Gower considers in her report whether there are enough positives to be built on in MM's care of Ricky within Ricky's timescale, but concludes that there are not. She does not think MM has shown that she's able to protect him at this time from emotional harm. She is worried about the lack of honesty in both MM and her mother and concludes:

"There would need to be a period of at least six months, in my view, for MM to establish herself as a single parent in her own home and to demonstrate some stability and an ability to form appropriate non abusive relationships before we could be confident of her ability to focus consistently on Ricky and prioritise his needs."

She considers this is all outside Ricky's timescale.

36 In her oral evidence, she was asked: "You say in your first report that the parents are self-absorbed, abusive and controlling in the way they relate to each other and do not focus on

Ricky . Has there been any change?” The guardian answered: “No”. She said in her evidence:

“There are many layers to this case. It is not a single issue case. My concern is Ricky’s welfare and I don’t think he will be protected from harm if placed with his mother in whatever scenario. In particular, there is a lot of evidence on things we don’t know whether they are true or not - in particular, about MM’s upbringing. She confirmed to me when on her own that what she had said was true. This is a major part of her story, so it is very hard to unravel.”

37 She was asked about whether the grandmother could be protective. She said:

“The grandmother thinks that MM is truthful to her, but I don’t think she can be protective because she has not been in the past and, in the future, she does not have enough knowledge as to what is going on in MM’s life and MM would do whatever she wanted anyway, as the grandmother said in evidence. The concern is that something might happen; violence, or arguments may happen and we only know afterwards when Ricky has already been exposed to it.”

38 She told me that in her view there was no need to do a risk assessment of the father in these proceedings as although it was part of the case, the overwhelming concern was the risk of domestic abuse and failure to protect Ricky from that. Similarly, it is not necessary for there to be an attachment assessment. Ricky and his mother clearly had a close bond, but the important point was that Ricky has the ability to attach and was attaching to his foster carer and that attachment could be transferred to adoptive carers. Finally, she told me, there is no level of support which could ensure his safety in his mother’s care unless there was 24 hour supervision.

My analysis

- 39 I turn now to my analysis. First of all threshold. Threshold is clearly met in this case, as the parents concede. Looking at the remaining issues: MM told the police following the incident on 5 December that Ricky was present and said, “Daddy stop”. She now says that she said that, but that Ricky did not say this. I think it is extremely unlikely that he said those words as he was not yet at that level of speaking, but I am unable to conclude that Ricky was not present. I am unable to conclude that Ricky was not aware of the incident. So, the words in brackets in para.1(b) should be removed and it should be recorded that the court finds it unlikely that Ricky said those words at his stage of development.
- 40 As for 2(a), my understanding of MM’s objections to the matters in para.2, which are about the parents’ failure to act protectively, that these do not amount to threshold matters. First, she does not accept that failing to accept a place in a refuge was a failure to act protectively. I disagree. First, she did not leave at all and was prepared to go on living with FM and Ricky . Secondly, if she had gone to a refuge, she would have been supported in recognising her situation and might have been able to keep away from FM and retain the care of her child. Thirdly, she does not think that telling the police that she did not support criminal action against her husband gives the threshold. She did not support FM being prosecuted, but thinks that as he was prosecuted anyway, it does not amount to failing to protect her. This is quite wrong. It is all part of her inability to recognise the seriousness of the situation and the implications for Ricky and her responsibilities as his parent. 2(d) is the fact that she told professionals that she wishes she had not called the police and would not call them in the future. The words in brackets in the threshold document can go. This is what MM said at the time, she accepts. I do not accept she said this in confusion. It seems to me, having heard her evidence, that she thinks that telling the police was the mistake she made and that she would have Ricky in her care if she had not. This is very much about her

failure to protect and inability to make the right decisions for herself, as carer of a young child, and for her son. That is all I need to say about the threshold and it is proven.

41 There is no reference in the threshold document to FM being a sexual risk to Ricky . The local authority rightly put it in the information gleaned about him and the risk assessment as part of the background to the case. The guardian rightly sets out in her first analysis that it is a risk to be considered. I do not agree with the submission of Mr Richardson that the absence of a risk assessment on FM's sexual risk is a gap in the evidence. It would have been, quite frankly, a waste of time and money to assess this aspect of the case when the more immediate and direct risk to the child of exposure to domestic abuse was so stark and when FM was not, until the very last moment, seeking to care for his care in any event. I also do not see the need for detachment assessment as Ricky has shown he has the ability to attach to his foster carer. He has the bond with his mother and severing the bond would, of course, be painful for Ricky , but if that needs to happen to keep him safe and to enable him to meet his full potential throughout his life, showing the extent of his attachment to mother will not make a difference, even if the outcome of any assessment was to show that he has a safe attachment to her.

42 I accept the professional evidence in this case and I do not see any gaps in the evidence. MM has been offered the appropriate help and both parents have been provided with support and guidance and have been assessed. My conclusions about MM are in accord with those of the social worker and the guardian. Her case depends on showing me that she has made progress as a result of what she has learned from the Freedom Programme. Mr Richardson was careful and right to emphasise that it is a journey. I agree it would be perhaps unreasonable for a young woman who has been subjected to coercive control to have made immediate changes as a result of the assault on 5 December. However, MM cannot argue that her relationship with FM is over and that Ricky would not come into contact with FM

when she has spent the three nights - the 6th, 7th and 8 July - with FM prior to a final hearing starting on 11 July. She has not developed insight or understanding of a sufficient degree, or a sense of her own responsibility to make it safe for Ricky to be in her care.

43 She has also failed to work openly and honestly with the local authority since their involvement in November. In relation to her account of her own childhood, if she made up these horrible allegations about her mother, that is worrying. If they are true, then there are many unexplored issues about the home in which she proposes to raise Ricky . In both scenarios, she is lying recently as she told the guardian the allegations are true and told me they are not and told the social worker they are not. I do not think she will work open and honestly with the local authority. She has not done so to date and has strong views about her right to do as she wants. In much of her evidence I was unclear if I was hearing her views or her repeating the views of FM or, indeed, her mother. It makes no difference now because she has refused many offers of sensible advice and support since November and I am quite satisfied that she will continue to do what she wants, even if it conflicts with the guidance offered to her by the local authority or by her mother. She is immature and seems in many ways to want to act as a teenager, as perhaps she missed out on those years, marrying so young, but she is not acting as a mother. In my judgment, she needs to sort out her own life, get some work, get accommodation, see what life is like without a partner for a bit and I very much hope that she will be referred to positive choices for that support.

44 I see no advantage to adjourning these proceedings for a further assessment of MM by an independent social worker. There is nothing further that needs assessment at this time. The application asking for the further assessment says that the social worker assessment, “has not given the mother sufficient time to reflect on the concerns that triggered the care proceedings, or the separation from the father. The mother has now completed the Freedom Programme”.

45 As I have set out, MM's learning from the Freedom Programme seems to be minimal as she took herself to stay with the father for an extended weekend last weekend. The application for the ISW also refers to the positive relationship MM has with Ricky and I have the evidence from contact to show that she has a good bond with him. It does not need assessing further. The application before me refers to the absence of analysis of the possible support which would enable Ricky to return to MM's care. I, however, accept the evidence of the social worker and the guardian that there is no support which could make it safe for Ricky to be in his mother's care, short of 24 hour supervision. MM puts forward her own mother as her main support.

46 I have had to consider the assessment by Y in which MM made her very serious allegations about her own upbringing. I have not got sufficient evidence to tell conclusively, but Ms W did not present to me as the person described by MM. Ms W, as I have said, is perhaps confused and in a difficult position. I do not think she is able to protect Ricky if Ricky lives with MM at her home. For these reasons, she is not able to stop MM doing what she wants and that will include taking Ricky away with her if that is what MM wants to do, including to see FM or, indeed, any other sort of person MM may be associating with. That is what has happened so far. She cannot provide the environment which Ricky needs. Her home would need a lot of sorting out and from all I have heard and read, I am of the further view that J's difficulties are such that it would not be in Ricky's interest to live there for an extended period as well. I accept J is doing better through his mother's evidence, but his difficulties are serious and, as he enters adolescence, they are likely to be unpredictable. He may be well disposed towards Ricky, but there is a serious risk of Ricky once again being exposed to angry outbursts and violence.

47 I am not convinced that Ms W – with her divided loyalties and less than positive view of the local authority - will tell the local authority if MM breaches any agreement. I also accept the evidence of the social worker that the mother and the grandmother have had a difficult relationship with constant disagreements over how to care for Ricky in the contact. If this continued in the home, it would not be in Ricky 's interests and I conclude it is likely to. If the two women cannot work together when being watched by professionals, it is unlikely they can do so when they are on their own at home.

48 FM has not put forward a positive case to care for his son and I am not clear about his thinking this week. I am satisfied he could not care for Ricky . He has serious physical and mental conditions that would make it impossible for him to care for a child without constant support. He has difficulties with his ability to control his behaviour, so that there is a risk that he will attack those close to him. We know he has shouted at Ricky already and attacked MM. We also know his sexual behaviour is abnormal and that although there is no known direct risk to Ricky , the wish to invite unknown people into the home for sex does not, in my view, fit with caring for a child full time.

49 Whilst acknowledging, therefore, that MM and FM and, indeed, Ms W love Ricky very much and want to care for him very much, I cannot make orders which will allow that to happen. Ricky has now been in foster care for six months and he needs to be in his permanent home as a matter of urgency. He will settle there and develop and make secure attachments. He will be enabled to make his potential in terms of his development and his education. He will be safe. The decisions now will affect his whole life. I do not think he has time to wait what will be a minimum of five months for a further assessment of his mother, especially as the evidence that I heard yesterday makes me sure that MM has not made any significant progress since these proceedings started. I do not, therefore, order a further assessment as I do not consider it desirable or necessary.

50 It is my judgment that MM may be able to be a good enough parent one day if she has a chance some years in the future but, at this stage in her life, she is not sufficiently child focused in the way she makes decisions and she is not able to put the needs of a child first. I have concluded that she is not able to parent Rick and that there is no level of support which can be put in place which will make it safe for her to do so. FM is also unable to care for a child and does not put himself forward. No family member has been assessed as being able to care for him.

51 I, therefore, conclude that his needs will best be met in being placed for adoption with carers who have been carefully assessed as able to meet his needs, able to love him, able to keep him safe and to enable him to meet his full potential. I consider that his welfare throughout his life requires that to happen as soon as possible.

52 I, therefore, make a care order. I dispense with consent of both Mr and Mrs M to the making of a placement order because Ricky's welfare requires him to do so. I make a placement order approving the local authority plan for adoption. I approve the plan for letterbox contact for Ricky and I would expect that to include the grandmother as well as each parent. I urge the local authority to refer MM to positive choices to give her the support she needs at this terribly difficult time and to enable her to make the changes in her life that she needs to make so that she does not find herself in this position again.

53 Finally, any appeal from these orders must be lodged at the Court of Appeal within 21 days.

CERTIFICATE

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