

IN THE FAMILY COURT AT WEST LONDON

West London Family Court,
Gloucester House, 4 Dukes Gren Avenue
Feltham, TW14 0LR

Date: 24/05/2019

Before :

HIS HONOUR JUDGE WILLANS

Between :

LONDON BOROUGH OF EALING

Applicant

- and -

**(1) The Mother (by her Litigation Friend the
Official Solicitor)**

Respondents

(2) The Father

(3) The MGM

(4) A

(5) B

**(6) – (9) C, D, E & F (by their Children’s
Guardian)**

Tahmina Rahman (instructed by **London Borough of Ealing Legal Services**) for the
Applicant

Joanna Youll (instructed by **Duncan Lewis Solicitors**) for the **First Respondent**

Ronan O’Donovan (instructed by **Lock & Marlborough Solicitors**) for the **Second
Respondent**

Laura Wakeford (instructed by **AL Law**) for the **Third Respondent**

Maggie Jones (instructed by **Hanne & Co**) for the **Fourth and Fifth Respondents**

Pamela Warner (instructed by **Creighton & Partners**) for the **Sixth to Ninth Respondents**

Hearing dates: 29 April – 3 May, 7 – 9 & 24 May 2019

JUDGMENT

His Honour Judge Willans:

Introductory Points

1. This final hearing concerns the welfare of a 6-child sibling group who I shall refer to by the anonymous initials A through F (descending from eldest to youngest). I shall refer to their parents as ‘mother’ and ‘father’ and to their maternal grandmother by the reference MGM. No discourtesy is intended.
2. A is a male child and will during this year attain an age at which public law orders can no longer be made. B is a female teenage child. As A and B disagree with their Guardian and are competent to give instructions they are separately represented. C is a male child who is close in age to B; D and E are female children who attend the same primary school and F is a pre-school male child.
3. At the outset of the hearing B, D, E and F were living with their mother and MGM pursuant to an interim care order made on 26 July 2018. A and C were living together in a foster placement with A subject to section 20 agreement and C to the July 2018 interim care order.
4. A broad consensus developed during the hearing that A and C should remain in foster care with C under a final care order and A continuing under a s20 agreement; that B, D and E should be made subject to a final care order with a plan of placement with the MGM (sharing her home with the mother) and with F also sharing the home (albeit with disagreement as to the legal basis for his placement ~ care or special guardianship).
5. The focus of the final hearing was on the following matters:
 - i) Resolving outstanding threshold matters?
 - ii) Should F be placed subject to a final care order or pursuant to a special guardianship order in favour of the MGM?
 - iii) The nature of the care planning supporting the placements in respect of (a) therapy; (b) familial and sibling contact, and; (c) planning towards rehabilitation?
6. In reaching my conclusions I have had regard to the papers contained within the digital hearing bundle (supplemented by a number of documents handed in during the course of the hearing); to the live evidence of Christine Mee (ISW) (“CM”); Dr Peter Maggs (Consultant Psychologist) (“PM”); Natalie Casey (social worker) (“NC”); the Father and the Guardian, Annette O’Callaghan (“AC”). Finally, I had regard to the submissions made on behalf of each party.
7. I met with the children A, B and C in the company of their solicitor on 2 May 2019 after the court day. The meeting was conducted in accordance with the Guidelines on Judges Meeting Children. A note of the meeting has been shared with all the parties.
8. The hearing was significantly taken off track by the unfortunate involvement of the father in a road traffic accident on the morning of 7 May 2019. It was

intended the father would complete his evidence within the first hour of the session (having gone over the weekend part-heard) to be followed by the Guardian and submissions with a plan for judgment that week. This was not possible as information was slowly gathered as to the father's welfare and consequently I held a series of ineffective short hearings that week to ascertain the continuing position. Ultimately, I dispensed with further evidence from the father (those due to examine him agreed they would add little to the Local Authority's examination) and proceeded to hear the Guardian in the following week (when the father physically attended Court but could not access the Courtroom due to mobility issues). I dealt with applications for adjournment and my conclusions can be found in the *ex tempore* judgments handed down. At the end of the Guardian's evidence I adjourned for written submissions and for a reserved judgment. This is the judgment which I intend to hand down formally in the presence of the parties at 9.30am on 24 May 2019.

9. The father was assisted during his evidence by an interpreter. I found the mother lacked capacity and she was both represented by the Official Solicitor and assisted in Court by an intermediary. She did not give live evidence.
10. It is my intention to focus on the key issues in the case and to deal with those matters which require resolution. I do not intend to comment upon all issues placed before me. I have though continued to bear in mind all the information in reaching my conclusions.

The Realistic Options

11. A, B and C (and I have no reason not to assume D, E and F) would very much want their family to be fully rehabilitated with their mother and father sharing their lives. However, whilst the father also expresses this wish he also recognises he has work to do before this aim can be properly considered. Equally he wants A and C (particularly C given his age) to return to live with their siblings but again agrees this should follow from their engagement in therapy proposed by all parties. The other parties hold open this potential but fundamentally agree progress must first be made in relationships before the children can all live together and certainly before there can be consideration of the father's return to resume married family life with the mother and children. At this time the central planning of the local authority supported by the guardian is of a transition under which B, D and E join F under special guardianship orders in the MGM's favour.
12. Understood in this way ~ and aside from decision making with respect to F ~ it is unclear there are in fact any realistic options available for the older children other than that proposed by the Local Authority.

Legal Principles

13. Each child has welfare needs which are my paramount consideration. I appreciate to an extent the children's welfare will entwine and to that extent their welfare needs will include the welfare of their siblings. But it is this issue that governs my decision making and no other. I will approach the question of

welfare through a qualitative assessment having regard to the welfare checklist contained in section 1(3) Children Act 1989.

14. As I am asked to make public law orders (care orders) I must investigate whether the legal threshold for the making of such orders has been crossed. In this regard I ask myself whether the children have either suffered significant harm attributable to the care given to them by their parents; or would suffer significant harm through such process were an order not to be made. In this case there is a level of disagreement as to the threshold document but it is agreed by all the threshold has been crossed. To the extent there is disagreement the following principles apply:
- i) First, it will be for the party making the allegation to prove it. The party against who the allegation is made is not required to meet any evidential burden.
 - ii) Second, proof is established on the ordinary civil basis being the balance of probability.
 - iii) Third, all evidence is important in assessing a disputed matter and the evidence of the parents will have a central role.
 - iv) Fourth, I should be cautious in allowing my views on demeanour to shape my factual determinations.
 - v) Finally, I should bear in mind that a witness who has been shown to be dishonest in one regard is not automatically to be doubted as to their credibility on other issues. Individuals lie for many reasons and it is important to consider lies in context and to maintain an open and probing mind.
15. That being so I need to next ask whether the making of a public law order is in fact required to satisfy the welfare needs of the children. The simple fact the threshold has been crossed is insufficient alone to justify such an order. In considering this question I must have regard to the welfare interests of the children whilst reflecting on the right of the family members for respect for their private family life [Article 8 rights]. Any interference including the making of public law orders must be subjected to a test of proportionality, necessity, reasonableness and lawfulness. Where alternative realistic options exist, they should be considered in a holistic manner with a consideration of the respective positives and negatives of each option and a weighing of each option against the other(s).
16. I have a duty to scrutinise the care plan and to approve it if appropriate. There is a role for the Court to express disagreement with any planning and where this is the case there is an expectation that a Local Authority will consider a difference of view with proper respect. A Court can refuse to approve a care plan and adjourn matters for further consideration or explanation. Ultimately however a point may be reached where a Court has to take the least worst option where a difference cannot be bridged. This should be very much the exception

given the regard and respect that should be held for reasoned Court decision making.

Background Details

17. The documents initiating the proceedings can be found at C11-24 (EPO statement) with a supporting chronology at C1-10. I have additionally considered the family history variously found in the expert reports and it largely reads as uneventful through to the period of the chronology set out above. The chronology explains the father's history being born and raised outside of this country in country X within the Islamic faith. The mother details her own upbringing and touches upon some issues of alcohol abuse and domestic violence between her parents. The mother and father met as neighbours in around 1999 when the mother was 18 (and the father approximately 30). The relationship then became serious and they moved to London, married and had children. It would appear the mother has converted into the father's faith.
18. My reading of the papers suggests a range of factors impacted upon the family placing stress upon them and to some extent at least contributing to the situation now found to exist. It is clear financial stresses began to mount leading ultimately to the family losing a much-loved property and finding themselves in temporary unsuitable accommodation. Secondly, the family grew and the demands upon the parents and the associated stress at the same time grew. Third, the mother (and to a lesser extent the father) began to suffer deteriorating mental health. It is likely these factors combined leading to familial discord and disharmony between the adults.
19. The nature of the concerns can be found in the social work chronology. It documents 13 referrals between 2014 and 2018. Consideration of the chronology suggest matters particularly deteriorated in early 2016:
 - i) In January 2016 neighbours reported screaming coming from the house; allegations of domestic violence followed and a warrant was issued for the father's arrest. There is a suggestion of C making an allegation but the parents did not give permission for him to be interviewed;
 - ii) In May 2016 there was further police intervention when E (aged 3) was left unaccompanied at a local store;
 - iii) In June 2016 B reported her mother hitting her and there being DV in the home;
 - iv) In the period around August 2016 there were repeated concerns that the mother was struggling to manage care of the children. The mother reported DV and said the children had witnessed the same. A neighbour reported hearing screaming about 'being hit' and on attending the property observed the children 'cowering in the corner';
 - v) In September 2016 the mother (with D and E) presented as homeless in Sheffield and that the 'perpetrator' (logically the father) had care of the other children. The father suggested the mother had left due to

complaints from a neighbour and she would be returning. A link worker reported efforts were being made to place the mother in a refuge and it was reported she did not wish to return home. The father then drove the children to Sheffield and received a harassment warning from the police. The mother then returned home after reporting receiving voicemails of the children crying for her to come home;

- vi) Following her return work commenced with the family leading to a case closure in February 2017;
 - vii) There were then reports in March and July 2017 suggesting the mother was struggling with the children. At this time, she was pregnant with F.
 - viii) F was born in August 2017. Concerns were expressed by the midwife team as to information relating to verbal and emotional abuse. Concern was expressed in September 2017 as to mother's mental state and a referral was agreed. Father presented as angry, frustrated and stressed. Mother's mental health continued to be a concern and the MGM came down to support the family;
 - ix) In November 2017 the mother was detained under the Mental Health Act. Later the mother expressed concern the father was not supportive. A section 47 investigation was commenced relating to neglect on the basis the children were being left alone at night whilst the father worked;
 - x) In early 2018 both the mother and MGM expressed concern as to whether the mother was coping. In early March 2018 the mother's mental health was felt to be deteriorating and it was felt the father was not willing to engage. The behaviour of the children was challenging and there were suggestions of the father inappropriately chastising the children. The father's conduct towards B was concerning;
 - xi) In June 2018 the mother was sectioned. It was suggested the father was not coping in the absence of the mother and B was parenting the younger children. On 14 June 2018 the children were taken into police protection when found unsupervised.
20. A clear understanding of the mother's mental health history is found in the report of Dr Coffey (E3). An important linkage is found in paragraph 3.28-3.29 in which the clinician comments as to a diagnosis of 'psychotic depression'. There were concerns about both parent's lack of understanding of longer-term treatment and that this coincided with medical non-compliance in the community. There were concerns as to the father's lack of understanding as to the mother's mental health and as to verbal abuse towards the mother which exacerbated her mental health problems which in turn affected her parenting ability.

Procedural History

21. The procedural history can be found in section B of the bundle. All children excepting A have been subject to interim care orders since first hearing. In the

initial stages all children except F were placed at home with the MGM. She was later joined by the mother and F. In October 2018 there was an incident following which both A and C left the home and have been placed in foster care since this date.

Threshold

22. I have regard to the threshold document. All parties agree the threshold is crossed based on those matters which are agreed. They can be seen to include inappropriate chastisement of the children; lack of appropriate supervision of the children; neglect arising out of the mother's mental health; the father's aggression, and; parental conflict to which the children were exposed. I accept the admissions and agree they are sufficient to cross the threshold. I agree the admissions on the part of the father are more than token.
23. There remain a limited number of disputed matters which I can deal with in relatively short order as follows:
- i) Did the father threaten B on 15 June 2018 [allegation 1(c)]? Although the allegation is said to relate to B not getting up in the morning the evidence suggested that it related to her not coming home promptly after school and the father becoming angry about this and her response when he spoke to her. Having heard the evidence it is clear the father was angry and that his mood was worsened when she said that 'all children do this'. Having heard his evidence, it is likely B would have been frightened however I am not persuaded he threatened her inappropriately. It may be B felt threatened but the evidence falls short of evidencing such conduct. Further the Court has to be accepting of a level of parental discipline in such matters. In my judgment it is not self-proving that just because a parent has become angry (possibly for justified reasons) and a child has been frightened as a result that this amounts to an act occasioning significant harm.
 - ii) I am next asked to add words to the threshold at paragraph 3(b). This paragraph comments on the impact of the mother's mental health on the children in respect of her not being consistently available and their needs therefore being neglected. The father seeks to amend the document by adding the words that 'he had always been there to care for them'. On the evidence before me it is likely there were times when he was not present to fill the deficit arising from the mother's unavailability. The circumstances surrounding the children's immediate entry into police care indicates clearly that the father was unable to balance his working commitments with those of the children. Elsewhere in the chronology valid points are made which evidence the father being unavailable to meet the children's needs by supporting the mother when she was struggling to care for them. I accept the chronology in this regard and prefer it over the position taken by the father.
 - iii) Did the father refer to the mother as being a 'lazy bastard' on 15 May 2018? The father denies the use of the word 'bastard' but accepts he called the mother lazy. This is indicative of his failure to fully understand

the impact of her poor mental health on her day to day presentation with the father attributing her inability to properly engage as being based on a choice on her part. The Guardian confirmed the father speaking in such terms about the mother. I find the allegation proven. I am not sure whether in fact the addition of the word adds to the significance of the father's attitude. However, I note the father accepted calling her a 'lazy bastard' in an earlier formulation of the document [A81]. Elsewhere in the evidence the father agreed to being abusive whilst denying the use of swear words. My strong sense was that he was embarrassed to admit using the swear words.

- iv) Was the father aggressive in his manner towards a contact worker in the presence of the children on 4 August 2018 [paragraph 6(b)]. I find this allegation proven both as to the father being aggressive and this taking place in the presence of the children. As to the latter point I accept the contact recording as being accurate as to the presence of the children. Ultimately the father appeared to agree he returned to the room in which the children were and was shouting during this period. Elsewhere he agreed he was angry as to the state of affairs. On balance I prefer the account at C67.
- v) Was the father abusive to the mother in October 2018 [paragraph 6(c)]? I find the allegation proven. I prefer the account found at C73. My understanding of the father's evidence was that he accepted the basic components of what took place with him confronting the mother when he received information that she had agreed to separate from him. This was likely to have been an emotional and heated incident given my understanding of the parent's relationship. That it was emotional and heated is in part confirmed by A's support for the suggestion that his father was shouting at his mother. I find it unlikely A would have sided in this regard with his mother, given his loyalty to his father, were this not true.

24. This completes my threshold analysis.

Welfare assessment

Wishes and feelings

- 25. I met with three of the children and they clearly impressed upon me their strong wish to be placed together in a rehabilitated home environment. This view has been consistent and repeated to all professionals.
- 26. There can be no question that these wishes are strong and genuine. I heard uncontested evidence as to the close relationship of the family and children. It is clear the older children are motivated towards protecting the younger children and in expressing views are both commenting for themselves but also for their younger and more vulnerable siblings.
- 27. In my meeting I was deeply impressed by the strength and passion behind these views. I found the children a delight to meet. They were engaging and each

wanted me to understand their position. The underlying emotions were close to the surface and both B and C demonstrated the upset they felt in contemplating a separated future. I was left with no doubt the children were expressing their own views.

28. There is clear professional evidence as to the older children being influenced by their understanding of their father's position. It is said that whether consciously or unconsciously they are influenced to act in a negative fashion in the hope of obtaining the outcome of full family rehabilitation. Having heard the evidence, I consider it likely this aspect is impacting on the children. However, I do not consider it is the cause of their wishes, rather it shapes the way they pursue the same. There are examples which show this has had an unsettling influence.
29. In considering these wishes I bear in mind that A and B are competent to instruct their own solicitor and have the age and maturity to express views deserving of respect. The position in respect of C is different but not markedly so. I do though have reservations as to the extent of their understanding. It is concerning B is said to have had full access to the court bundle. I strongly suspect this has likely clouded rather than illuminated her understanding of the case. It is likely given her age that she may have hand-picked aspects of evidence without picking up all the relevant aspects/nuances of the case. Further I accept the evidence of there being a clouded understanding in respect of the underlying difficulties surrounding their mother's mental health. The expert told me, and I accept, that work needs to be done to enhance both the children's and the father's understanding in such regard. Pending such work any views will be impacted by such lack of understanding.
30. I also bear in mind the potential for hope to overwhelm reality and the tendency for the situation to be viewed through 'rose tinted glasses'. These children dearly want to resume family life and my sense is that they are not yet able to weigh up the balancing features before me.
31. It is also clear they are unable to reflect upon the actual options put before me. A return home now is inconsistent with the options before me. The MGM made clear her position which was as to reluctant incapacity to care for all children at this time. Her decision making in such regard is reasoned and based on experience. The mother is at this time dependent on the role provided by her mother. The father accepted a move home could not proceed work being undertaken. I did not gain the sense the children were aware of this dimension and I certainly did not feel it appropriate to share the same with them at my meeting. However much I weigh the children's wishes I cannot create an option which is not available.
32. I bear in mind the evidence suggests the younger children (D and E) enjoy a similarly strong bond and I can infer the position as to their wishes. Of course, I bear in mind their age and level of understanding. F is too young to express a wish.

Needs

33. I focus on the emotional needs of the children. Their educational needs are likely to flow from emotional needs being well met. I bear in mind A is during this week commencing his GCSE's.
34. A historical understanding of this case suggests that as the foundations of the family began to fall apart (financial / housing / health) so the care of the children became unreliable, unpredictable and neglectful. The evidence would suggest a n appropriate level of care preceded this period. These deteriorating circumstances have undoubtedly significantly harmed the children and left them deeply affected.
35. There is an agreed need for the children to engage in therapy involving both individual and family therapy. The adults and children need to make sense of what has happened and need to gain insight into the stressors effecting the family. In a sense there needs to be a recalibration of the relationships with the children permitted to return to their proper role as children. C in particular needs to have permission to be a child and not the male authority in the house when his father and A are absent.
36. The evidence in this regard given by both CM and PM was consistent and unchallenged. Importantly the father accepted the need for such work. I understood PM to highlight the importance of the father engaging with the work and giving the children permission to engage with the therapy in an open manner. Given the importance of his role to the children he has the potential to undermine the efforts made in such respect were he to set his face against the process or were he to only pay lip service to the therapy.
37. The Local Authority have in my assessment now applied their mind appropriately to this issue. The social worker has worked very hard (and I give her credit for her efforts) to address a range of developing concerns in respect of the care planning. Ultimately the case ended with what I considered to be a satisfactory structure for therapy which is to be funded by the Local Authority and will include elements of family and adult therapy. I am clear in my mind that the children's emotional needs demand this work and I encourage all the family to openly and fully engage with the process. I record the work is supported by the expert evidence.
38. Pending such work there are concerns. A clear example of the difficulties can be found in the circumstances which arose in October 2018 and which led to A and C leaving the family to move to a foster placement. It is quite clear that C's behaviour was highly challenging and had the potential impact of endangering the placement of all children with the MGM. In such circumstances it was an upsetting but understandable response to safeguard the placement of the younger children. In my judgment this focus must be retained. I would be troubled were the needs of C for family life to be prioritised over ensuring such return is secure and sustainable. I would be concerned a short-term positive would then be outweighed by a much larger fallout that might undermine the placements of the younger children. I accept the expert evidence (as importantly does the father and other parties) that whilst a return of the children is an

aspiration it must be considered at an appropriate speed and at the right time once the positives of therapy have begun to bed in.

39. So, it is clear. I consider the children's emotional needs include the importance of family life. If this can be successfully re-established then it is the surest foundation for providing stable, secure and predictable care. However, approached without due care and caution such return is unlikely to be stable and predictable and will likely end in failure with long term negative consequences. The expert evidence tells me that caution is required and that therapy should be undertaken as a precursor to rehabilitation. The Guardian set out a likely timeline measured in months (no less than 6 months). My sense of the case and the need for multiple pieces of work including with the adults suggests that such a timeline is reasonable.

Effect of change in circumstance

40. I have covered this point above. The central point is the need for planned change following progress rather than premature change to meet understandable wishes and feelings. This will be difficult for the children to understand but I can only hope that with the combined support of the professionals and their parents/family they will understand and accept this is the case.
41. In my judgment any future steps including the return of C and/or A and/or the father must be guided by professional advice and clear progress. It will be important to ensure progress is real and not based on compliance simply for the purpose of achieving an outcome. Having heard the evidence of the father I very much hope his new position is genuine and is now rooted. I bear in mind this change was late in the day and preceded by views to the contrary (at IRH only a little earlier he was seeking to return home immediately) but I also reflect on the fact that he has now sat and listened to a range of professionals offer their experience and guidance as to the best way to 'repair' the family. I have no doubt he loves his family and I would hope the advice has been fully absorbed. Time will tell.
42. During the evidence I heard from the Guardian as to her concerns as to the continuing fragility of the placement of the children with the MGM. She is concerned that there is sufficient support to ensure this placement is safeguarded to prevent the younger children following A and C into a stranger placement. I share her concerns.

Personal characteristics

43. I have commented on the age and personal characteristics of each child earlier in my judgment. It is important to have regard to the varying dependence of the children. There is a plain distinction between the position of A who is close to independence and in respect of who it is agreed any outcome needs to meet his expressed views and that of F who is wholly dependent on his care giver. The children in between lean towards either end of this spectrum.

Risk of harm

44. I refer to the threshold document and the findings made. It is agreed by all that pending work any resumption of family life would likely risk a repeat of earlier difficulties including a risk of continuing significant harm.

Parental Capacity

45. This heading includes the MGM's capacity to care for the children. It is accepted on the part of each parent that whilst they love the children very much (and would want them to be together) they accept they are not currently placed to provide such care. I bear in mind the recent history and the threshold findings. Importantly, I also bear in mind the admissions made and the accepted need on the part of the father for anger management, therapy and parenting work. I appreciate this acceptance will have been a difficult decision to make and it is to his credit that he has reached this point. For the mother it is accepted there is equally important work to undertake whilst she rebuilds her currently fragile state.
46. In reaching my conclusions I have regard to the expert assessments as to parental capacity but I do not intend to detail these conclusions bearing in mind the agreed position taken by each parent.
47. Turning to the MGM I reflect on the assessment carried out in her regard. No challenge was made as to her capacity to provide for the care of the children in her current care. It is clear she loves her grandchildren very much and has made many sacrifices to prioritise their welfare. I accept this positive assessment. I also accept she is the primary carer for F and his experience of primary care has been largely if not exclusively in her care.
48. But it is a measure of capacity to understand one's limitations. At this time the MGM is clear she could not meet the needs of all the children. I accept this is a rationale decision which is based on her experience and which is geared towards the long-term welfare of all the children.

Range of orders

49. I will consider this below.

Holistic Analysis

50. On the positions placed before me the only child with realistic options is F. The options for him are as to placement with his MGM under a care order or under a special guardianship order (or conceivably a child arrangements order). The Local Authority, Guardian, MGM and mother (through the official solicitor) favour a SGO whereas the father and the older children propose an equivalent care order for F.
51. In considering the positives and negatives of the placement options for F it is important to recognise that both proceed on the basis that the MGM can provide a good level of care for F.

52. I note the positives of a SGO as including:
- i) The evidence suggests that F has his primary attachment to the MGM. As such this is a distinction when considered against the other children and supports an outcome of intended permanence in her care;
 - ii) Such an order will give the MGM parental responsibility for F and permit her to make determining decisions for him should dispute arise.
 - iii) There is good evidence of F developing well in her care.
 - iv) This amounts to a lower level of interference in his life and is fully respectful of his Article 8 rights.
 - v) Given his age and the likely limited impact upon him of the history a distinction can be drawn with respect to fragility of placement when compared with the other children. In the event of breakdown there is no cogent reason as to why F should not remain in the care of the MGM. Thus, a more robust order is demanded in his respect to safeguard his placement.
 - vi) It accords with the wishes of the proposed carer and fits with the assessment as to her capacity.
 - vii) It is a placement which will permit ongoing contact.
53. The perceived negatives of such a placement are identified as including:
- i) The potential for difficulties to arise out of the children not sharing equivalent orders.
 - ii) The potential for ongoing reviews to be complicated by differential placements and the risk that F's welfare might not be adequately met.
 - iii) The lack of obvious advantage for F given the plan of placement with his siblings.
 - iv) The legal fact that this will diminish the parent's PR in circumstances as set out above.
 - v) The potential for difficulties if planning cannot be fully co-ordinated given the complex dynamics.
 - vi) The potential for differential routes to resolving disputes should the same arise for example in the case of contact. The addition of a further layer of complexity in an already complex environment.
 - vii) F has needs which would, as with his siblings, benefit from ongoing LAC support.
 - viii) The potential for such an order to obstruct any route towards rehabilitation.

54. The positives/negatives of a care order are the flip side of the points raised above. I bear in mind the submissions of the guardian at paragraph 4.2 of the closing submissions as I do those for the older children.

Analysis and Conclusions

55. I intend to make a special guardianship order with respect to F. I consider the balance is firmly in favour of providing F with a robust placement which reflects his actual attachment and which is shown to be working. I accept he is thriving in the MGM's care and I have accepted the concerns of the Guardian as to the continuing fragility within the placement. In my assessment F can and should be freed from future uncertainty whereas the same cannot be achieved for the other children at this time. It is now possible to limit the interference in his life and is right to do so. Having regard to the ongoing involvement of professionals I find it highly unlikely there will not in effect be joined up thinking to include F (as much as his siblings) and I question whether any complexity will arise from the differential treatment of the children. F requires a tailored outcome and deserves the same. Whilst I do not consider such an order will obstruct consideration of his needs I also feel it is unlikely to obstruct future positive developments should the same be possible. I have no sense the MGM would stand in the way of family rehabilitation were this in F's welfare interests and I doubt very much that a Court would not give permission for an application to be made were the circumstances to substantially change.
56. In respect of the other children (B, C, D and E) I make final care orders and approve the care plans as to placement. I agree *Re DE* recitals are appropriate. I accept it is not possible for C to return at this time. I accept that this should be an aspiration and the support and planning should have this as a goal in mind subject to progress. This is an interference in family life but as with F it is proportionate. Given the lack of options it is reasonable and necessary to safeguard the welfare of each child.
57. I agree the approach being taken with respect to A having regard to his age and his wishes and feelings.
58. The question of therapy occupied significant time within the hearing but I consider a reasonable final position has been reached and I thank the Local Authority decision maker and the social worker for both the hard work and the sensible decision making that underlies this outcome. The expert evidence was clear as to a need for a joined-up approach to such therapy and the earlier iterations of the plan were in my judgment structured in such a way as to lead to likely failure. As things stand one cannot guarantee success but this plan offers the best prospects for a positive outcome.
59. It is clear further work is also appropriate to include anger management / joined up support from the mental health team and some parenting work.
60. As an aside I agree the delay in accessing therapy was a matter of concern however I consider the views of the Guardian are merited as to their being a real likelihood that therapy would not have progressed with success if commenced at an earlier stage. My assessment of the evidence was of a need for emotional

commitment to the process by the adults and permission to the children to play their role. The evidence was clear of a need for both a paternal and sibling appreciation of the impact of mental health issues upon the mother. The trajectory of this case suggests the parties were not placed to properly engage in such process until the positions developed around the time of the final hearing.

61. The position on contact also developed during the hearing and I consider have now reached a position which justifies approval. Plainly the situation is complex but there needs to be clear boundaries and expectations in place. This means that C does demand additional personal contact with his mother and means A must be respectful as to the MGM's position as to his attendance at the family home. I have seen proposed written agreements as to expectations and a developing plan as to parental and sibling contact and agree the same. I accept work was required to set out with clarity the process of review. This will always be subject to some flexibility and development but has I consider reached a point where it should be approved.
62. I am unwilling to comment as to what should be the aim in this case beyond rehabilitating the sibling group as a priority when possible. The question of the father returning and the parents being unified is not in my view a matter on which I can appropriately comment at this time. There is much work to do and it would be foolhardy to be anything other than cautious as to the prospects of success. Further I am unwilling to attribute to the mother any aspiration as to the relationship. If this is what the future holds then I can see no fundamental issue with the same but as I note above it should only follow clear and evidenced progress. At this time the plan is progress towards the MGM obtaining a SGO for all the children in her care. This is a reasonable plan to ensure the children do not fall into a limbo within the care system.
63. I have considered the final submissions in this case with care. This is a complex case arising out of the number of children, their ages, differential placements and wishes for rehabilitation. A significant time was spent during the hearing by the social worker considering suggested gaps in the planning and/or further information required to clarify the planning. She has shown a commendable commitment to the case and her hard work over the final hearing cannot be ignored. I am very grateful for all she has done.
64. I consider the point has now been reached where the planning is choate. I agree the points raised by counsel for the local authority in final submissions (paragraph 4 – 5). I note the further clarifications made which in my judgment address all reasonable outstanding issues.
65. I appreciate counsel for the father has asked me to set out within my judgment a number of points which might act as guides to anyone working with the family. I understand this request. I consider it is appropriate to record the strong bond of genuine affection between the children and their father. I have already noted the linkage between financial and other stresses and the onset of local authority involvement. I accept the father has had his own mental health issues which will have undoubtedly contributed towards the circumstances I have found above. I note the father accepts he has anger management issues and has taken appropriate steps to access support and that delays to date are not his fault.

66. I am less sure it is appropriate to adopt the argument on behalf of the father that issues in understanding with respect to the mother's mental health reflect its fluctuating form. I accept this is likely to be the case at some level but the father's ultimate acceptance came very late in the day and I struggle to see why there was not an earlier recognition during these lengthy proceedings. The father was continuing to refer to the mother in derogatory terms (to the Guardian) notwithstanding she had been sectioned on at least two occasions by that date. At the outset of the final hearing he was reluctant to accept the medical evidence as to her lack of capacity. I plainly differ in my views as to what is seen as post-rationalisation as to the prospects of therapy.
67. As to the purpose of the care planning I have commented on the aspiration of sibling reunification. I am more wary about expressing views beyond this although I acknowledge this is an aim which is held by the father and children and may be shared by the mother. It is now in their collective hands supported by the local authority to achieve their goals.
68. I understand the father is offering a continuation of his undertaking as to behaviour. I am minded to accept the same at the handing down hearing.
69. I will deliver this judgment as set out above. I make clear this judgment can be shared with the lay clients prior to hand down. I would welcome any suggested corrections by email and will deal with any requests for clarification at the hearing.

His Honour Judge Willans
