

IN THE BLACKBURN FAMILY COURT

Case No: PR20C00189

64 Victoria Street  
Blackburn  
Lancashire  
BB1 6DJ

Friday, 6<sup>th</sup> August 2021

Before:  
HIS HONOUR JUDGE BOOTH

B E T W E E N:

LANCASHIRE COUNTY COUNCIL

and

A, B, C and D (Children)

MISS PROBERT appeared on behalf of the Applicant  
MRS GRIFFIN appeared on behalf of the Respondent Mother  
NO APPEARANCE by or on behalf of the Respondent Father  
MR BLEASE appeared on behalf of the Third Respondent  
THE RESPONDENT GRANDMOTHER appeared In Person  
MISS WALL appeared on behalf of the Children through the Guardian

APPROVED JUDGMENT

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*This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court.*

## HHJ BOOTH:

1. This is my judgment in Part IV Children Act proceedings brought in respect of four children: A, a boy who was born in 2010; B, a girl born in 2012; C, a boy born in 2016, and D, a girl born in 2019.
2. The Local Authority, Lancashire County Council, have been represented by Miss Probert. The mother of the children has been represented by Mrs Griffin. The father of A, B and C, has been served with the proceedings but has not taken any part. He is not represented. He is currently incarcerated at Her Majesty's pleasure due for release this month. The mother's wife, E, who was registered as the second parent of D, has been represented by Mr Blease. The Children's Guardian, Jayne Laurie, has been represented by Miss Wall. The children's maternal grandmother is not represented and has acted for herself at this hearing.
3. The application for care orders in respect of the children was issued on 15 April 2020. The Local Authority has applied for a placement order in respect of D on 13 July 2021.

### **The issues for determination**

4. There has been a narrow focus of the issues in this case consistent with the guidance from the President of the Family Division as to how cases should be conducted. This judgment will focus on those issues. The issues are these: firstly, should the three younger children be brought up together? Secondly, should that be in foster care or with their maternal grandmother subject to a care order in either instance? Thirdly, should D be separated from her older siblings and placed for adoption? Fourthly, what should the contact arrangements be both between the adults and the children and between the children themselves?
5. Although, as I will explain in due course this case has a very lengthy history, the witness evidence that I heard was limited and focused on those issues I have just identified. I heard from Joanne Khan, who had assessed the maternal grandmother; Tracy Rose, who was the children's social worker; the maternal grandmother, and from Jayne Laurie, the Children's Guardian. The children's mother elected not to give evidence.
6. Having concluded the evidence and submissions yesterday, I adjourned until today to give this judgment as I wanted an opportunity to look again at some of the documents filed in the case for two reasons. One, there are some complex issues involved in this case but secondly, I wanted to remind myself of some of the evidence of the children's early experiences.

### **The children's story**

7. The authorities were first involved with this family as long ago as 1 May 2001, at a time when

A was only four months old. The police used their powers of protection to remove him due to his father's violence to his mother, the very poor home conditions and because there was a man living in the family home who was deemed to be a risk to children. Mother retracted her allegations against the father and A was returned to his parents' care.

8. The children's father is a man entirely unsuited as a carer for children. He has a significant criminal history of violent offenses and, as I have already said, is currently imprisoned but due imminently for release.
9. He has been violent to the children's mother. Despite this, she has continued to communicate with him, remain in contact with him, visited him in prison and appears not to appreciate the risks he poses to her and to her children despite the intervention of support that has been given to her and to the children by Social Services.
10. For the last seven or eight years, mother has had a relationship with E. Three years ago, they married. Their relationship has featured domestic abuse and on occasions violence to which the children have been exposed. Indeed, on one occasion, A had to intervene to stop the couple fighting.
11. There was an incident in February 2020 where E punched a car window while B, C and D were in the car. B was frightened and distressed as a result of this incident.
12. A has been the recipient of inappropriate discipline and belittling by his mother and E. He has been hit. He has been caused bruising and on one occasion the mother used washing up liquid and rubbed it on his mouth as a form of punishment for him swearing.
13. Both the mother and E have threatened A with intervention from services to manage his behaviour. Mother drove him to the police station to warn him as she was struggling to manage his behaviour.
14. Social Services have been involved throughout the children's lives. It is clear from the evidence about the children's experiences so far that little intervention by the Local Authority has had a lasting impact. The children have at times been on the child protection register with work being completed with the mother designed to help her understand both the needs of her children and the way in which she needed to do things differently. None of that has been successful.
15. What is also clear is that the children have had a great deal of involvement from their maternal grandmother. They have in the past lived with her and she described in her evidence occasions when the children were visiting her daily. Sadly, she was not able to recognise the damage that was being done to the children by their mother, nor was she able to intervene,

nor was she able to protect the children.

16. What is clear, both from Social Services involvement and from the psychological assessment that has been completed on both the mother and E, is that mother's relationships have a significant impact on her decision-making, on her availability to the children, on her mental health, and on the example she sets for her children. Despite having a long-term relationship with E, the mother has had other relationships and maintained contact with the children's father.
17. That relationship with E was described by the grandmother as toxic. She tells me she did not approve of it and, as that relationship has had its problems, so that has reflected on the mother and the care she has given to the children. One of the low points was when A was in the care of his mother and E in July 2019 when he was age nine and made threats to kill himself.
18. In October 2019, he was at risk of being excluded from school as a result of his difficult behaviour. In January 2020, he displayed sexual behaviours towards his younger brother and sister. He has been exposed to inappropriate sexual activity, described in the papers as sex parties, and he is a badly damaged young man. He was accommodated by the Local Authority with the mother's consent on 17 January 2020.
19. The children have had little stability in their lives. They have moved addresses on a number of occasions. For example, in the period January to April 2020, Mother moved home three times.
20. The mother has failed to stimulate the children appropriately so that A and B are behind at school. D has not been stimulated nor her needs met.
21. Since his reception into voluntary care and then following the making of interim care orders when the proceedings were issued, A has been provided with therapeutic support. He is in a therapeutic foster placement where it is anticipated he will stay in the long term. There has been no suggestion of any other different arrangement in respect of him.
22. He has needs that none of the adults in this case can even begin to meet. He is likely to have a very troubled future directly attributable to the care he has had from his parents and his wider family.

### **The proceedings**

23. The proceedings have taken far longer than they should have done. There have to date been 11 hearings ahead of this final hearing. That has meant that the children's circumstances have changed over that period.
24. The plans formulated both by family members and by the Local Authority have changed. I

say that not as a criticism but merely to reflect both the complexities of this case and the effect of the passage of time. Therefore, let me set out what each of the parties' positions are.

**The parties' positions**

25. Up until the start of this hearing mother sought the return of the three younger children to her care. The psychological evidence I have is that she does not accept her failings in relation to her children but when, at the start of the case, she was demonstrated to have been persistently dishonest, she accepted that she could not realistically put herself forward to care for the children and put her weight behind her mother, the children's grandmother. She wants the children to be brought up together however that is achieved, and she wants as much contact with her children as she can get.
26. E's position is to fall behind the mother. She wishes to be recognised as a psychological parent to the children and wants regular and frequent contact to all four children.
27. The three older children's father has played no part. He is due to be released from prison this month. How that will affect things at this stage cannot be known.
28. D's father has been identified as a drug dealing neighbour of the mother. Attempts to make contact with that man have failed and so it has not been possible to engage him within these proceedings. I am very conscious the Local Authority plan for D is one of adoption. However, it is clear that the man identified by the mother as D's father wants nothing to do with these proceedings and his paternity has not been properly established. Indeed, the explanation for D's conception when initially given was very different, suggesting she had been conceived via sperm donation. What the truth is may never be known.
29. The children's maternal grandmother proposes that the three younger children be in her care. The type of order they are subject to is not important to her. She proposes that she will make fundamental changes to her lifestyle to accommodate the children. She says she would keep the mother away from the children and expect the Local Authority to organise and run any contact.
30. The Local Authority proposals for the children is currently as follows: firstly, A to stay where he is in his therapeutic placement. Secondly, B and C to go into long-term foster care and thirdly, for D to be placed for adoption.
31. Earlier within the proceedings the Local Authority had proposed that all three of the younger children should be placed for adoption. Given B and C's ages that was ultimately felt not to be in their best interests, presenting too many risks. It is clear B is well-established within her family and has a clear family identity. B and C have demonstrated that they have a close

bond between them, and the Local Authority acknowledged that to split them would be damaging for both.

32. The Local Authority accept that separating D from her siblings will cause distress to A, B and C, but are clear in their view that adoption is best for D. The Children's Guardian is in full support of the Local Authority position.

**The applicable law**

33. Let me deal with the law. It is accepted that the children have suffered significant harm attributable to the care given to them by their parents not being what it would be reasonable to expect a parent to give them. The threshold document, setting out the matters I have referred to in the background of the case and some other matters, is an agreed document. The fact that the threshold is crossed opens the door to the making of a public law order in respect to each of the children.
34. I remind myself that I should make the least interventionist order consistent with each of the children's welfare. The paramount consideration is the welfare of each of the children.
35. It has been suggested there are two principles brought into play by the facts of this case: firstly, the desirability of maintaining a sibling group and secondly, the undesirability of placing a very young child in long-term foster carer when there is the better option of adoption.
36. Whilst those may be factors for the Court to weigh into account, they are not principles. The only principle is that of welfare paramountcy. To decide what is in the children's welfare interests, I must be guided by the Welfare Checklist in the Children Act, and in D's case by the enhanced Welfare Checklist in the 2002 Adoption and Children Act.
37. Any public law order is an interference with the family life of the children, with their parents, with their wider family and with each other and with those people in respect of the children. The Court as a public body can only interfere with family life to the extent that it is both necessary and proportionate.
38. Necessary means what it says; it is needed, it has to be done. Proportionate requires me to stand back and look at the matters that led to the interference in family life and see whether the outcome of what is proposed is in balance with the harm that the children have suffered.
39. In D's case when I look at the 2002 Checklist, I am reminded of the need to look at D's welfare throughout her life, not just in the short term nor indeed during her minority, and at her family ties.

### **The evidence**

40. The options are clear. It is either the children are together with their grandmother, or alternatively they are together in foster care, or B and C together with D placed for adoption.
41. Therefore, let me start with a maternal grandmother. She is clearly a woman with many fine qualities. She works caring for people with disabilities and is very highly thought of by her employers.
42. It was clear in her evidence that she prides herself on her honesty. She was prepared to say things about her daughter that were no doubt difficult for her to say and probably more difficult for her daughter to hear, although undoubtedly true.
43. She has had the experience of bringing up two children of her own. That has not been particularly happy experience. The mother gave birth to A when she was but 17. As a teenager it sounds as if she was out of control and her adult life lived with her children has been examined and found seriously wanting leading to the harm she has done to her children.
44. Grandmother's other child F is younger than the mother and has problems of his own. Grandmother accepts that when the two children were in her care she struggled with the competing demands, particularly when the mother was a teenager and out of control. She had a young son to deal with. He has turned into a recluse suffering from agoraphobia and appears to live his life in his bedroom.
45. Whilst she has been involved with her grandchildren, her marriage to her children's father broke down. She had a relationship with a man who turned out to be entirely inappropriate and abusive. However, fortunately, she has formed a relationship with a man who appears well-suited with whom she gets on very well, but who has made it plain that his parenting days are over, although he is willing to support the grandmother with the children.
46. Her practical proposals are that she would move out of her current home, a two-bedroom house that is privately owned, leaving behind her partner and her son and would move to the home most recently occupied by the mother and the children with the mother leaving to live elsewhere. She would give up her work with a hope that she could return to that work once D was in full-time education.
47. Her plan would be to spend her days back at her own home. During school term time, she would only have D with her. During school holidays, she would have all three children with her.
48. She acknowledges that the children's mother presents a problem for her. They have a very close relationship. She clearly feels a responsibility for the children's mother and

- acknowledges that that responsibility is something that she cannot put to one side.
49. She was the subject of an assessment by the Local Authority as either a foster carer or a special guardian for the children. That was completed after, as a result of an interim hearing, the three younger children were placed for a brief while in her care. That arose in circumstances that she has described to me that were clearly unsatisfactory, and I have no doubt were not properly explained to the Court.
  50. She says she received a phone call whilst on her way to work asking whether she could immediately drop everything and care for the children. She felt she had no choice as the alternative was that the children would go into foster care. She tried to juggle shift work and the care of the children and the care of her partner and her son, and perhaps not surprisingly could not manage everything and gave notice that she could not continue to care for the children.
  51. The assessment of her by Joanne Khan is an impressive piece of work. Grandmother acknowledged that everything Joanne Khan had said was true. That assessment details the difficulties that the care of the children would pose for their grandmother.
  52. The assessment came to the conclusion that it was simply unrealistic for her to care for the children, three of them or indeed any of them and that they had needs that she would not be in a position to meet. She would struggle with her relationship with the children's mother and keeping the mother away from the children. However, when that assessment was completed, the grandmother accepted its conclusions and agreed with it.
  53. Earlier this year she had a change of heart. She says it came about this way; she says she noted a very significant change in the wellbeing of the children's mother. This was a consequence of two things, firstly, the doctors who had diagnosed the mother with bipolar disorder now suggested that that diagnosis might not be right, as a consequence of which the medication that mother had been taking stopped and she was much better. At the same time, mother had started therapeutic intervention. Grandmother concluded that the combination of those two things were making mother much better.
  54. On that basis, the grandmother said she felt that the difficulties she had acknowledged in relation to her ability to control the mother and keep her at a distance were now gone; that she took the view that the mother would be well for the foreseeable future and wished to be reassessed.
  55. Joanne Khan carried out a reassessment. That included information that in fact the children's mother had not been taking her medication for some considerable time and so that that did



not account for the change. The therapy had only just started, and it was difficult to see how it could have made any difference. Of course, that has to be put in the context of a mother who is persistently dishonest, who has deceived her own mother and lied to her own mother for years.

56. I must put the grandmother's evidence in the context of Joanne Khan's evidence. Joanne Khan too recognised the good qualities that the grandmother has but was settled in her conclusion that the grandmother simply does not have the capacity to meet the children's needs. That was a view shared by the Children's Guardian when she gave her evidence.
57. Having heard the evidence of both the grandmother and Joanne Khan, I have reached the same conclusion.
58. Whilst I have no doubt that grandmother is motivated by the best of intentions, I see numerous barriers to a successful placement of any of the children with her. And going back historically, she has been involved in the children's lives throughout. She failed to recognise that any of the children were suffering as a result of the neglectful parenting that they were subjected to by their mother. It is difficult to understand how she can have failed to see what was going on in the children's lives.
59. I am not persuaded that there has been any significant change in mother's thinking. There is absolutely no suggestion that she will react any differently in the future as to how she has done in the past when she has problems in any of her relationships. Her behaviour is well-established. She will present to her own mother as being in need of support and her mother will provide that support. That too is a well-established pattern.
60. It is clear that grandmother's employment means a great deal to her. It is something she is skilled and talented at, where she is appreciated for what she does and that obviously gives her a great deal of self-esteem as well as providing her with an income to fund the lifestyle that she has.
61. There is a very real risk that her relationship with her partner would be put under enormous strain. Her responsibilities to her son would again tug at her loyalties in a way that would be potentially destructive. I simply cannot see how she could provide for these damaged children in the way that they need.

#### **The best interests of the children**

62. What is best for the children? I must look at each of them individually.
63. A's position, as I have already said, is agreed. He needs the therapeutic support that he will get in his current placement. His needs will change over time, and I can well see he is going

- to be a difficult child for many years to come.
64. B, who is eight, behind at school, well-established within her family. She has a sense of identity within her family. Long-term foster care is the only realistic option for her.
  65. C's relationship with B is an important part of his life. He should have the opportunity of being brought up with his sister. He is five, now at the same school as B. For a five-year-old the prospect of being in foster care throughout his minority must be taken as a daunting prospect.
  66. The duty on the Local Authority with any child in foster care is to consider if and how that child could be rehabilitated to their family. B and C's circumstances will change as they grow, as their needs change, and no doubt as their birth family changes. In order to maintain their links with their family they must have regular contact with them.
  67. The Local Authority have provided revised contact proposals which reflect what, in the views of the mother and the grandmother, amount to minimal contact with the children.
  68. B and C must be allowed time to settle. They will be established in a foster placement that it will be hoped will be their long-term home. That may require a period where contact to their mother and their grandmother and to E is significantly reduced. There is due to be a contact planning meeting in September to look at the issues of contact with the children and to gauge how the children react to the decision that the Court has made, to their placements and to all of the changes that that will involve. It may well be that the children need more contact than the current plans propose and, if that is so, then they must have more contact than the current plans proposed. However, for now those plans are probably the best that can be achieved.
  69. What about D? To separate her from her siblings will cause harm. It is going to be more difficult for A in particular, but B as well and C to an extent, to understand why they have lost contact with their little sister. They will grieve.
  70. D, not yet two, is likely to be affected less and differently. She has time to adapt and accept the circumstances in which she finds herself. However, it is clear some work will be required with the older children to help them understand what has happened and why, and to deal with their grief and the loss of their youngest sibling.
  71. The children's social worker Tracy Rose was questioned about her changes of mind and whether she had fully thought through the consequences for the children of what it was that she proposed. I am quite satisfied that she has given a huge amount of thought to this case to work out what is now in August 2021 the best for the children. That may not have been the same as had this case been resolved a year ago as it might have been.

72. What about adoption? It is said that it is the most draconian order any Court can make in respect to anybody, severing the legal ties between birth family and a child and replacing them with new legal ties to a new family so that that child grows up as if they had been born to that new family. It is a fundamental interference with the right to family life of that child and her birth family. It can only be done when it is necessary and there is no other realistic alternative.
73. Therefore, what would the benefits of adoption be? It would give D a family to whom she had been matched, a chance of a life with that family where she was a chosen child and where she could be absorbed into that family and grow up surrounded by love and support.
74. What are the downsides? The biggest downside here is the separation from her siblings with whom she has lived throughout her life to date. She would lose contact with her birth family.
75. No adoption can ever be a panacea. Sadly, some adoptions break down and adoptive families are subjected to the vicissitudes of life just like any family: illness, death, separation, divorce and so on.
76. What alternative is there? The only alternative is for her to be in long-term foster care with her siblings. Both her social worker and her Children's Guardian take the view that in her circumstances and at her age, she should be given the chance of a fresh start in a forever family.
77. She is too young to have views of her own. Adoption would involve a significant change in her circumstances. As I have said, it would sever the ties with her birth family where, if she were in foster care, those ties would be maintained both with her siblings with whom she was living, with A through contact, with her mother and her grandmother and E.
78. This is not a straightforward balancing exercise. There are pros and cons both ways. I have attempted to list them. Of course, they do not all carry equal weight.
79. At two years of age the advantages of adoption are manifest but before I can consider adoption, I must be satisfied that there is no realistic alternative. How does the balancing exercise resolve in relation to long term foster care? Again, D's age is a major factor. The prospect of her spending 16 years in the care system is a very significant negative and may involve several changes of placement. Although there is always scope for change in her mother, the prospects look poor for the reasons I have set out above. In my judgment that combination of factors renders long term foster care for D not a realistic option.
80. It is my decision. I must give weight to the views of the children's social worker who is an expert. I must give weight to the Children's Guardian who again is an expert. They are

unanimous in their view that adoption is best and the only realistic alternative.

81. It is open to me to disagree with them, but I would have to have a reason to do so. I cannot find a reason to fault their conclusions. In any event I agree with them. I, therefore, reach the conclusion that the only option for D is a plan of adoption.

**Conclusion**

82. Let me deal with the formal matters. I make the findings in the threshold document. I make care orders in respect of all four children. I approve the care plans for all four children.
83. As D's care plan is one of adoption, I must make a placement order dispensing with the consent of her parents, that is her mother, so that she can be placed for adoption. I do so on the basis that her welfare requires it.

**End of Judgment**

Transcript from a recording by Ubiquis  
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