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Neutral Citation No [2019] EWHC 1634 (Fam)

IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION



No. ZE18C00164

Royal Courts of Justice
Strand
London, WC2A 2LL

Thursday, 11 April 2019

Before:

MRS JUSTICE THEIS

(In Private)

B E T W E E N :

A Local Authority

Applicant

- and -

(1) Mrs X

(2) Mr X

(3) Mrs Y

(4) Z (by his children's guardian)

Respondents

MS. MJ TAYLOR (instructed by the Legal Department) appeared on behalf of the Applicant

MS. C. NICHOLAS appeared on behalf of the First and Second Respondents.

MS S HAIDER-SHAH (instructed by The Family Law Group) appeared on behalf of the Third Respondent.

MS J. RAYSON (instructed by Mr. Knowles) appeared on behalf of Z by his Children's Guardian

J U D G M E N T

A P P R O V E D

MRS JUSTICE THEIS:

1 I am giving this short ex tempore judgment to explain the reasons for the orders made today.

2 This matter was listed for hearing this week to consider two applications relating to a teenager Z. The first application is by the Local Authority for a care order and the second, made on behalf of Z, is to revoke an adoption order made in favour of Mr. and Mrs. X. The respondents to both applications are Mr. and Mrs. X, Mrs Y, Z's birth mother, and Z, through his Guardian, Mr. Collins.

3 The hearing started on 9 April, following the oral evidence of Dr. Anthony James, an adolescent psychiatrist, the parties agreed to consider their respective positions. The thrust of Dr. James' evidence was that he emphasised the need for the adults to make decisions, taking into account Z's wishes. He considered it important that through a care order the Local Authority would share parental responsibility and consult and discuss Z's care needs with Mrs.Y and Mr. and Mrs. X, but they would not make the ultimate decisions regarding Z's care needs, that would rest with the Local Authority through the authority given to them by a care order. This was, in fact, something that Z had been asking for.

4 As a result of the parties reflecting on that evidence, they were able to reach agreement, as recorded in a document that was handed into the court. It set out as follows: -

"Firstly, that all the important adults in your life agree that the best outcome of these court proceedings at this time is for you to have a care order with the Local Authority. Both Mrs. Y and Mr. and Mrs. X agree with this. This means the Local Authority will hold parental responsibility for you and they will be the ones making the overall decisions for you going forward that are in your best interest and when

the Local Authority make decisions, they will discuss these decisions with you as well as with Mr. and Mrs. X and Mrs. Y. Mrs. Y's involvement will be recorded on the care order so everybody who works with you going forward knows that she will be involved alongside the Local Authority and Mr. and Mrs. X. Everyone agrees that contact will continue and gradually increase with Mrs. Y and Z's birth family working towards day-time contacts and overnight stays. Mrs. Y does not think it will make any difference to your relationship going forward with her if the adoption is revoked or not at this time and she will continue being involved in your life. Finally, Mr. and Mrs. X recognise that Mrs. Y is very important to you and likewise, Mrs. Y recognises that Mr. and Mrs. X remain significant people in your life."

- 5 It was, if I may say so, a thoughtful and child-focused document that put the spotlight back onto Z's welfare requirements and emphasised the need for those adults with responsibility in relation to his future to be able to work together.
- 6 It was agreed as a result of that document being discussed and agreed between the parties that the hearing would pause to enable Z's solicitor, Mr. Knowles, and the children's guardian, Mr. Collins, to visit Z to discuss this significant development with Z, which they did yesterday afternoon.
- 7 Following that visit they circulated a note of the meeting. It makes clear Z was extremely pleased to be able to hear that news, he was happy and relieved an agreement had been reached that a care order will be made. He was content that the Local Authority will be able to make the decisions regarding his day to day care, involving him and the adults, Mr. and Mrs. X and Mrs. Y who have been and will remain important people in his life.

- 8 He is aware everyone knows what his wishes are at the moment, there is some recognition that he needs to discuss that with the Local Authority and as Dr. James indicated in his evidence on Tuesday, what Z's wishes are now are probably very likely to change and ebb and flow as time goes on.
- 9 As a result of that meeting and those discussions, Mr. Knowles on behalf of the children's Guardian confirmed there will be an application this morning for permission to withdraw the application to revoke the adoption order. That is an application which I have no hesitation in accepting. It is, in my judgment, an application that meets Z's welfare needs, particularly in the light of the agreement that was reached on Tuesday afternoon.
- 10 That leaves the application for a care order. The parties are agreed there should be a care order. There is an agreed final threshold document dated 1 April 2019, which sets out the factual basis upon which it is said that the threshold criteria are met. I accept that document and it will be attached to the order I am going to make today.
- 11 I have to consider whether a care order will meet Z's welfare needs, as even if the parties agree, it is still a matter that the court needs to consider.
- 12 I am clear Z's welfare needs will be best met by the court making a care order for the following reasons –
1. Probably most importantly in this case, it is what Z wants. It is an order that he will, undoubtedly, work with and benefit from going forward.
 2. It will meet his psychological, educational and emotional needs because it will provide stability through the Local Authority being able to effectively exercise parental responsibility, not only to meet his day-to-day needs, but to be able to discuss the difficult issues that he will have to navigate going forward in decisions about his future care.

3. It will give the stability that a care order can provide. The Local Authority will be there as the statutory parent to help support Z with the relationships he may have with the adults in his life. Z has, undoubtedly, made progress in his placement, but the court cannot ignore the relatively recent difficulties that he has experienced in relation to his behaviour that obviously still concerned Dr. James when he gave his evidence on Tuesday.

13 I am therefore satisfied a care order will meet Z's life-long welfare needs and endorse the care plan produced by the Local Authority with the amendments that have been outlined this morning. I am also satisfied that his welfare needs will be met by there being some continuity in relation to Ms. Reid's involvement, effectively to oversee the handover to a newly allocated social worker but also to have the benefit of the continuity during the transition period that there is likely to be following the conclusion of the assessment and also the planned move that there will inevitably need to be from his current placement.

14 The final care plan should be submitted with the order, with the amendments signed off by everybody so that the care order will properly record the agreement that was made, the agreed final threshold and it will also have the care plan which will provide the framework in relation to future care decisions being made for Z.

15 May I just conclude by expressing the court's gratitude to a number of individuals who are in court today. Firstly, Ms. Haider-Shah and her firm, Family Law Group, in particular Mr. Leach, for agreeing to represent Mrs. Y *pro bono*.

16 Although I have no doubt Mrs. Y together with the assistance of her sister would have been able to manage this hearing in person, I have no doubt because of the course that has been taken that she has greatly benefited from having the skill and expertise that Ms. Haider-Shah

has been able to give to help her reach the consensus that has taken place following Dr James' evidence.

17 I would be grateful if Ms. Haider-Shah could feed back the court's appreciation to Mr. Leach and the firm in being able to release her in the way that they have.

18 Secondly, to the Local Authority for the sensitive way they have managed this case, the enormous benefits there have been of having a continuity of social worker through Ms. Reid in the past and going forward which has undoubtedly been to Z's benefit.

19 The third matter is to play tribute to Mr. and Mrs. X and Mrs. Y for the way they have conducted themselves through what has undoubtedly been a difficult hearing. When their respective relationships with Z and each other has been put under the spotlight, all three have demonstrated a strong joint interest to help and support Z in the future in what will, undoubtedly, be difficult times that he will have to negotiate in managing the arrangements for his future care, whatever they may be.

20 I have no doubt that what Z will benefit from is the foundation that the three of you made in relation to the discussions and agreements that you made and hopefully with the benefit of the support identified in the care plan and the Local Authority, will make sure that what will be the ebb and flow of Z's views in relation to all three of you, that you three will remain united in being able to ensure that you do not let your own personal views come in the way of the strength of your relationship which should continue to be a stabilising factor for Z going forward.

21 Finally, I would like to express the court's thanks to Mr. Collins and Mr. Knowles for the efforts that they made to go and see Z at such short notice. I have absolutely no doubt,

particularly having met Z last Thursday, that it will have helped him enormously to be able to understand the decisions the adults have made during this hearing. To have it communicated to him personally the day after those decisions and to have them explained to him and, no doubt, in discussions with those that care for him in his placement, that that will give him a secure foundation to be able to understand the decisions that have been made at the conclusion of this case which have all been made with his welfare uppermost in everybody's minds.

CERTIFICATE

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**** This transcript has been approved by the Judge ****