



Neutral Citation Number: [2023] EWFC 88

Case No: SD22C50024

IN THE FAMILY COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 13/06/2023

Before :

MRS JUSTICE JUDD

Between :

WEST SUSSEX COUNTY COUNCIL

Applicant

- and -

MM

1st Respondent

-and-

FM

2nd Respondent

-and-

GSM and BQM

3rd and 4th
Respondent

Martin Downs (instructed by **Orbis Public Law for West Sussex County Council Legal Services**) for the **Applicant**

Clare Ciborowska (instructed by Emma Taylor at **GoodLaw Solicitors**) for the **1st Respondent**

Aviva Le Prevost (instructed by Samantha Barker at **Brighton and Hove Law**) for the **2nd Respondent**

Ruth Webber (instructed by Claire Raitt at **Goodman Ray Solicitors**) for the **3rd and 4th Respondents**

Hearing date: 26th May 2023

Approved Judgment

This judgment was handed down remotely at 10.30am on 13th June 2023 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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MRS JUSTICE JUDD

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.

Mrs Justice Judd :

1. This is a short judgment in relation to the welfare decision as to two children, GSM who is now aged 4 and BQM who is 19 months old. This judgment should be read in conjunction with my fact finding judgment, handed down on 23rd March 2023.
2. Following my conclusions as to the facts, the parties entered into what the local authority has described as a period of reflection and negotiation which culminated in a decision by them that the father should return to the family home on 6th April. This was on the basis that all his contact with the children should be supervised by the mother or other relatives.
3. The joint position of the parties at the final hearing was that there should be no order on the basis that the parents are prepared to sign a written agreement and cooperate with a timetable of work under a child in need plan. The local authority and guardian consider that the children are surrounded by supportive, caring and protective family members.
4. At the hearing listed before me on 26th May I indicated that I wished to see the details of the work to be carried out, and the protective arrangements before coming to a final decision as to whether to endorse the care plan and making of no order. Whilst I came to the conclusion on the balance of probability that the father's behaviour in injuring the child was not motivated by anger or malice, I was concerned about the level of force used and his failure to perceive that BQM suffered pain as a result of his actions.
5. I have now been given this information and had sight of the written agreement.
6. This family have many qualities. The parenting assessment which was carried out last year was very positive, with both parents demonstrating insight into the emotional needs of their children with the time they spent together observed as being child-centred and warm. The parents have accepted advice and guidance, indeed the social worker has described the mother's engagement as being exemplary. The mother has assured the local authority and the court that she will seek immediate advice and assistance should she have any concern about the safety and well-being of the children.
7. The father is to engage in a programme of work with the local authority to look at his handling of the children, his ability to care for them and pick up on their emotional and physical needs, and how to deal with anxiety and stress. He will be observed with the children. Progress will be reviewed after the first six sessions and his care of the children will continue to be supervised by family members until such time as the local authority consider that it is no longer necessary. Work will also be conducted with the mother and with both parents jointly. In the event of either child suffering any injuries or health concerns medical assistance must be sought and the local authority informed.
8. The local authority have agreed that the family can travel abroad on two occasions in the next year, provided that the arrangements (including supervision of the father with the children) is agreed in advance.
9. I note that the Guardian supports the local authority position and takes the view that with the cooperation of the parents in the programme of work proposed that there is no need for an order. He has carried out a number of observations of the family, including

the father and children and spoken to the social work team regularly. In his position statement he noted the strong and secure bond between the children, mother, father, grandfather and each other. The parents were seen to have a confident and established partnership and provided the children with individual and shared attention.

10. In cases such as this, all decisions come with risk. Returning a child who has been injured home is risky, for there is always a possibility it could happen again. I am acutely aware of this but on the other hand keeping children away from their parents, or one of them, causes harm too, both in the short and long term. The risk to the children at home here is very much mitigated by the fact that the father has acknowledged being the perpetrator and expressed remorse, and the mother and other family members are protective. The observations of the parents together and with the children are very positive, and the engagement of the family with the local authority is extremely good. The family are all aware of the findings.
11. In all the circumstances, I agree with all the parties that the children's best interests are for the family to remain together. The father's contact with the children is to be supervised and stepped down in time as the work with the local authority progresses. A supervision order will not add anything to the situation as the parents have demonstrated their willingness to cooperate with what is asked of them. I therefore also agree that there should be no order.
12. This is clearly a loving family and following the conclusion of these proceedings the protection of the children will become their responsibility, albeit there will be regular visits and monitoring for some considerable time to come.
13. I wish the family well, and thank them and the professionals involved in this case for the work that they have done to achieve this outcome for the children.