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IN THE FAMILY COURT
(Sitting at East London)

[2023] EWFC 320 (B)

No. ZE22C50305

6th and 7th Floor
11 Westferry Circus
London
E14 4HD

Friday, 1 December 2023

Before:

HER HONOUR JUDGE SUH

(In Private)

B E T W E E N :

LONDON BOROUGH OF WALTHAM FOREST

Applicant

- and -

(1) THE MOTHER
(2) A CHILD
(by her Guardian)

Respondents

MS L BOVINGTON (instructed by the Legal Department of the Local Authority) appeared on behalf of the Applicant.

MR P WAUCHOPE appeared on behalf of the First Respondent.

MS S GEORGE appeared on behalf of the Second Respondent.

J U D G M E N T

JUDGE SUH:

1 Today I am concerned with P, born on [redacted]. The local authority bring this application and the child is currently under an interim care order in foster care.

Applications before the court

2 This is an application for an interim care order dated 25 August 2022, and an application for a placement order issued on 22 November 2023.

3 I received an explanation from the local authority that the placement order application was made late and after the deadlines set by the court orders I made. It was sent to the court on 17 November, issued on 22 November 2023. This is unacceptable. I raised that in court with counsel as soon as I became aware of this, and asked Ms Bovington to take instructions and give an explanation. In short, she was instructed that pressure of work and leave in the local authority legal team led to the late issuing. No-one raised an objection to me continuing to hear the case, but such an application is of the utmost gravity and the issue of it must never be seen as a mere formality. In future the local authority management team and the legal department must ensure that if an individual worker is on leave or their workload does not allow them to meet the deadline set by the court, that support is offered and work redistributed. It is disrespectful both to the court and to the mother to issue an application of this gravity late and with no explanation until the judge sought it.

4 I note that the parties were copied into that placement application when it was sent to the court, if I have understood the court file correctly, and Ms George kindly confirmed this. I checked with the office this morning, 1 December 2023, that it had been served. It had not, so I gave directions it must be served straight away and at the time of starting this judgment I understand it has been served, the court manager told me. I made counsel aware of this situation as soon as I found out this morning by email and sought their views on the way forward. No objections were made to me giving my judgment, but making it clear that it was not final until the application has been served and an opportunity has been provided to fully consider the detail of that placement application, and if there are any further representations following the service of the application, I will hear them before perfecting the order. Therefore, I will not perfect the order before 4.00 p.m. on 8 December 2023.

5 If necessary, I can be asked to extend that deadline for perfection. If necessary, I could be asked to review or revisit any aspect of my judgment prior to that order being perfected. My understanding is that until that is perfected and sealed, my job is not done and I am not, to use the Latin, *functus officio*. In any event, I also have the power under section 31F(4) of the Matrimonial and Family Proceedings Act 1984 to review, rescind, or vary an order even after perfecting it.

6 It has been clear throughout this hearing that the local authority plan is adoption and the manner in which the matter has been conducted is such that all relevant issues have been explored that are relevant to the placement applications. So, in practical terms, the mother has known the local authority case and plans, and the details of the formal application are highly unlikely to have changed the conduct of the case, or indeed her response to it.

7 I use my power under the Family Procedure Rule 1.4 to strike the difficult balance between ensuring fairness in this most serious of matters, but also avoiding delay and unnecessary distress to the mother.

Procedure

- 8 By way of background, I heard this matter on 21 and 22 November and then on the 27th, and I am giving judgment on 1 December 2023. The mother attended the link on Monday, 27 November 2023, but in person on the other dates. She is yet to attend court. It is now 5 to 11, the matter being listed for judgment at 10.00.

Positions

- 9 The positions are as follows. Ms Bovington represents the local authority. They seek a care and placement order. The guardian supports this. Ms George represents P, through her guardian. The mother is represented by Mr. Wauchope, and she wants P to return home. The father was originally thought to be a Mr [redacted] and he, in fact, is on her birth certificate, but a DNA test shows he was not her father. Mr [redacted], who is another name put forward by the mother and could not be traced by the DWP order and the inquiries made by the local authority. The mother in evidence said that she has been in touch with his family and he was not in [country redacted] and he was not in jail, and they wondered if he was dead or alive or was using an alias.
- 10 By way of chronology, in August 2022 the mother left P with Ms [redacted] (that is Mr [redacted]'s sister) and her partner. The length of time she was with this family is in dispute, but Ms [redacted] (that is Mr [redacted]'s sister) called social services and P was taken into foster care.
- 11 On 18 August 2022 the mother had asked for P to be returned to her care, but an application was made on 19 August 2022 for an emergency protection order. The application was made on 24 August 2022 for an interim care order and on 26 August 2022 District Judge Keating extended the EPO and had ordered for it to be listed. Sadly, it was not. The EPO was due to expire at 4.00 p.m. on 2 September. HHJ Sullivan was the out of hours judge on that date and heard the application to extend out of hours.
- 12 An ICO was made on that occasion until 5 September 2022. Then the matter came before me. The mother on that occasion represented herself and I made a substantive ICO. Again, on 9 September 2022 the mother represented herself.
- 13 I ordered a psychiatric assessment of the mother, a hair strand test and an independent social worker assessment. By 7 February 2023, the independent social worker had not reported. There was some confusion around her instruction. The mother had not done the hair strand test and the putative father, Mr [redacted], had instructed solicitors and wanted a DNA test. The mother also wanted her new partner to be assessed. They had been together for one month, and I suggested the mother highlight his role to the independent social worker. You can see that on B74 of the bundle.
- 14 The DNA test came back on 4 April 2023, and the putative father's, Mr [redacted] representative submitted a consent order that he no longer wished to be a party to these proceedings. The consent order records the aunt and uncle no longer wish to care for P too.
- 15 On 11th May 2023 the mother went to Croydon when we were sitting here in East London, but she was represented and the local authority confirmed that all her alternative carers have been contacted. The local authority agreed to contact Mr M, her current partner, and to ascertain the basis on which he wished to care for P.

- 16 The mother sought a mother and baby placement but there was no application formally before the court. The independent social worker was asked if she could comment on the ability of the mother's partner to care for P, and I asked that the redacted version of her report be sent to him and he should come to court if he wanted to be assessed. If he does not, I said, there would be no further assessment of him. I made a declaration of non-parentage in relation to Mr [redacted].
- 17 On 9 June 2023 I asked the local authority to write to the mother's partner by 3 July 2023 and tell him if he wants to be assessed he must make a C2 application. The local authority must try to contact him, I said, prior to 3 July 2023 by phone. There was no hair strand test so I extended time for that, and the mother was given permission to file medical evidence to explain why she has not been able to attend contact. I do not think that ever has been filed. We recorded the different spellings of the putative father's name and the DWP order did not find him on any of those spellings. The local authority then made numerous attempts to contact the mother's partner. In short, he has not made an application in his own right to be assessed.

Evidence

- 18 The law, of course, reminds me that the local authority bring this case and they must prove it on the balance of probabilities. The burden of course is not on the mother. Much of the evidence in the bundle is hearsay. So, the police evidence, the social worker's original evidence, the comments of the aunt, Mr [redacted]'s evidence are all hearsay. I remind myself of the weaknesses of that type of evidence. It has not been tested in cross-examination and the weight to be attached to it is for me to determine.
- 19 No-one has asked me to give myself a Lucas direction. Therefore I have not asked counsel to take me through the structured approach in the case of AB&C [2021] EWCA Civ 451. But I remind myself that people tell untruths for a variety of reasons, and just because somebody is untruthful about one thing does not mean they have been untruthful about everything.
- 20 In relation to the evidence, I have considered everything I have been provided in writing and taken a note of the oral evidence which I have referred to in crafting this judgment. I will refer to the evidence that has been material to my decision, but I make it clear that I bear everything in mind.
- 21 I will give a summary of the impression that the oral evidence made on me. The first person to give evidence was the independent social worker. She was a clear and measured witness. She struck me as someone who had read the bundle with care and gave evidence that she took contemporary notes when discussing things with parents by hand and when observing contact she took electronic notes. Several of the matters she recorded the mother having said to her were put to her in evidence, with the suggestion that the mother had not said those things but the independent social worker was adamant that she had said them.
- 22 The social worker gave evidence that she used to meet with the mother in person to provide cash to enable her to travel to contact. She accepted she was off work sick July to September, but was clear that her manager's details were available to the mother. She said she told the mother that P was still seeing the [redacted] family that is the putative aunt and uncle, but the mother may not have processed this information because she was given other news which she objected to at the same time.

- 23 I think it would have been better if the mother had been actively consulted about contact with the [redacted] family after the DNA tests were known, and the family withdrew from assessment. If she had not understood or taken in that information, she should have been offered time to digest it or given it again at a later date.
- 24 The mother gave evidence that she was “not a shit mum” and that the things that local authority talk about are all in her past. It is clear to me she loves P and she has got a strong sense of injustice that her travel expenses have not been paid and that P suffered an injury in foster care – and indeed that the [redacted] family continued to see P without her knowledge even though they pulled out of assessment and were not her biological family. She frequently spoke over counsel and was rude about the social worker. She was dismissive of the questions she was asked and did not give a straight answer, but got distracted with what she wanted to tell the court. She tried to close down any list of questions she did not like. She did not think that the domestic abuse in her relationships had an impact on P because she was little or she did not see it. I found the mother’s evidence shifting and unclear. Sometimes she said something that I thought might have been meant sarcastically, but it was hard to tell. It was not clear to me when she wrote down, for example, that first time she came to court, that Mr [redacted] was the father whether she believed that at the time or, as she said in the witness box, it was a throwaway comment because he was there at the birth and on the birth certificate. She later said in evidence he was never P’s dad, and they both knew that and it was clear. She told the independent social worker it was 50/50 as to whether he was the dad. This was but one of many examples where her oral and written evidence were in a constant state of flux and shifted with each question and answer.
- 25 Through counsel, she suggested to the independent social worker that her records of what she was told by the mother about her lifestyle choices were inaccurate, and it was suggested also that the mother might have been trying to shock by saying certain things.
- 26 Where there is a difference between what the mother recalls saying to the independent social worker and what the independent social worker records, I prefer the independent social worker’s evidence because it was based on contemporaneous notes and she was a thorough and thoughtful witness.
- 27 In short, it is hard for the court to build a firm factual foundation based on what the mother says. It is unclear what is exaggeration, what is sarcasm, and what is factually accurate from her perspective. Some of her claims about her past sound as if they could contain an element of fantastical thinking. She was clear that the independent social worker had been threatened or paid off or corrupted by the [redacted] family, and she said that was 100% fact. It is clear she is a passionate advocate for her daughter and deeply distressed at the thought that she has not been cared for properly in foster care.
- 28 The guardian was a clear and straightforward witness. She did not believe the mother had broken up with her partner. She spoke to the mother at 9 a.m. one morning, and he was there, and the mother handed the phone to him. She clearly put P first in all of her thinking, was trying to help the court to see things through P’s eyes, and was clear that nothing else would do for P short of adoption.

Threshold

- 29 I have to resolve some matters of fact that are relevant to a threshold, but of course also to the welfare issues in this case.

- 30 It is pleaded that the mother has a diagnosis of mixed anxiety and depressive disorder, possible traits of OCD, and there is a possibility that she has emotionally unstable personality disorder. The mother does not accept in her response that her mental health difficulties have placed P at risk of significant harm. She asserts her mental health issues no longer affect her and so her care of P will not be impacted upon. I look back at the report of August 2022 by the perinatal practitioner who said that the mother was referred to the perinatal team on 24 November 2021 by the health visitor due to concerns about her mood fluctuations, domestic violence, depression and anxiety. She was assessed by a consultant psychiatrist on 23 December 2021 and was initially under consultant care. Due to concerns, she was allocated a worker. They think she has a diagnosis of EUPD and is prescribed Sertraline 200 mg but are unsure if it is being taken as prescribed. She had poor engagement with the service and the worker had only seen her twice. She also had poor engagement with Family Solutions.
- 31 The psychiatrist in these proceedings records that the mother has been in care since she was 12 years old. She told the psychiatrist her mental health was a risk to others and she cannot work. She told the psychiatrist that she was taking 200 mg of Sertraline, but on a good day she would take 50mg or less at which clearly the psychiatrist did not recommend.
- 32 Her diagnosis was that she fits the criteria for depressive disorder with anxiety symptoms, mixed anxiety and depressive disorder. The psychiatrist was not fully convinced that the mother has OCD, but she could have some traits that could be due to her ongoing anxiety and depressive symptoms. He says she does have a mental disorder and there is also a possibility of underlying EUPD, which will have an effect on her ability to effectively parent P in the short term and the long term, but with the support of professionals and close monitoring this can be mitigated. It is not clear to me if the mother actually accepts her diagnosis from the psychiatrist, and in the witness box she said she knows she has mental health issues but has been off her medication for three to four months. Her written evidence of November 2023 suggests she is still taking her medication and I have no third party evidence about her current compliance with her medication regime. Again, this is an area where her evidence has shifted.
- 33 I look at the impact of her mental health on her day-to-day life. On 18 August 2022, she said to the local authority she did not collect P from the [redacted family] because she had depression and needed a break. Mr [redacted], in his non-molestation order application, says she sent him a video of her taking 30 Sertraline tablets. This seems to be supported by I44 of the bundle, the police disclosure, dated 16 September 2022, on which occasion he called the police, telling them that the mother has sent him a video on Instagram of her taking those tablets. The police found her in a car with packets of tablets. They record three packets of Sertraline there, and one empty strip with a few missing tablets from the other strips. The mother became nauseous and was vomiting on the street during her conversation with the police and the ambulance came. It is not clear what the cause of her presentation was, whether it was due to taking something or due to her diabetes, but either way, she certainly was not well, according to those police reports. The mother accepts she made suicide attempts by overdosing on insulin when she was 16 and 18, and I will come on to the overdose of insulin in December 2022.
- 34 The independent social worker recalled the mother told her she could not work because she was a risk to others and was very clear that the mother said this. The social worker gave evidence that she asked mother this year, 2023, about her mental health team and was told by the mother she did not have a mental health team. The mother told me that she was now exercising and that helped her, and that she moved from Sertraline to Prozac before she stopped taking her medication. There is evidence in the bundle, which I will also look at in

more detail later, that the mother can be volatile in contact with the supervisors. For example, on 14 December 2022 and 8 March 2023 this appears to be the case. Even if this was not aimed at P, P was exposed to this. I received evidence from the social worker that the most recent LAC meeting in November 2023 was one in which the mother was unable to remain calm.

- 35 The social worker's evidence was that 90 per cent of their interactions become abusive and seriously volatile. I asked what she meant about this and she said the mother would call her an idiot, useless and shout and say what kind of person is the social worker. That was consistent with the mother's presentation in the witness box which was volatile, dismissive and presenting as angry and unpredictable, particularly aiming her comments towards counsel for the local authority, and the social worker directly.
- 36 She also frequently gave a commentary on what other witnesses said and called them liars if they said something she disagreed with. The experience that Mr [redacted] records of the mother is her being angry and getting angry easily. That is in his witness statement for the non-molestation order.
- 37 It is fair to say the evidence as a whole supports a finding that her moods fluctuate, and at the time she left P with the [redacted] family, she was, on her own account, in poor mental health.
- 38 There is a pattern over a number of years of poor mental health which fluctuates, and currently she is not taking her medication or seeking support for her mental health. I accept the diagnosis given by the psychiatrist and find that the mother's mental health vulnerabilities place P at risk of emotional harm and neglect.
- 39 It is alleged that on 17 August 2022, Mr [redacted]'s sister contacted the local authority and reported the mother had left P in her care for two days, but it had now been two weeks and the mother had not returned. The mother accepts leaving P with that the [redacted] family for 10 days due to her experiencing a depressive episode and needing a break. The mother said she went to collect P from the putative paternal aunt later in her response to the evidence after two days, but the paternal aunt by then aware of the non-molestation order granted to Mr [redacted] and would not permit her to enter as he was at the property.
- 40 The mother asserts that the putative paternal aunt told her if she did not leave, she would call the police. There is a change in the mother's evidence. In her first response to threshold, she seemed to accept that she left P with the [redacted] family for 10 days. In the first social work statement to the social worker at the time, she said that she was unable to care for P and shared that she left the child with the family because she was experiencing some depression. The social workers were contacted by the aunt on the 17 August 2022. She told them that P was dropped off two weeks ago and that the aunt was asked to care for P for two days. According to the paternal aunt, the mother agreed to collect P on different occasions but did not attend.
- 41 On 17 August 2022, the aunt advised she was unable to care for P and contacted the social work team, reporting that the mother threatened her. This led to the aunt reporting this to the police. I notice that at E81 the Special Guardianship assessment suggests that the mother was cautioned by the police for this threat, but actually her PNC record contains no convictions or cautions.

- 42 The mother's report to the social worker changed on 22 August 2022. She said she left P with the paternal family because her family was at risk because Mr [redacted] had stolen a car and that she had to find £2,500 to repay a debt that Mr [redacted] had as a means of protecting P. She did not dispute this in the witness box. The mother told the psychiatrist that they (the [redacted] family) manipulated her. They wanted to take P from her.
- 43 The viability of the assessment of the aunt records the aunt saying that she had to block the mother's telephone due to the offensive and threatening language towards her. They are of the view that the mother can be unpredictable. Sometimes she is happy for P to be cared for them; sometimes she is not.
- 44 The allocated social worker, who was not the social worker back at the time that P was left with the [redacted] family, said that what the mother has told her about it is inconsistent. She agreed it was over a week that P was with the family. Then she will change it and say days, and she said longer than a few days, but she was in touch with them and they knew when she was going to return. She said that aunt maintained that the mother had made serious threats to her, including telling her family in [redacted country].
- 45 The mother's evidence in the witness box suggested that the [redacted] family were a danger to P; that they were manipulative and contacted social services as part of their plan to adopt P. She said, "It is a fact they are a risk to P." It was a confused and worrying picture she painted. When she was asked if P was in the middle of all this, she said "P was too young to understand". It does seem odd to me that if the goal of the [redacted] family was to adopt P that they decided to withdraw from the Special Guardianship assessment.
- 46 The mother denied being threatening, but she said she had sent messages that said, "Fucking Bitch" and stuff like that. She accepted she did not call the police, social services or a solicitor to resolve the issue. In my view, messages, including words like "Fucking Bitch" can fairly be described as abusive.
- 47 In conclusion, I find that the mother's reasons for leaving P and the time for which she was left fluctuates through her evidence and are inconsistent. But what is clear is that she left P for a number of days. She was not clear about when she was coming back. She was abusive to the [redacted] family, which led to them contacting police and social services. This was an uncertain and volatile situation for P to be in.
- 48 It is alleged that on the 29 December 2022 the mother sent a message to her foster sister saying "If anything is to happen to me please make sure P is adopted by you or my mum if she chooses. I don't want her anywhere else. I love you lots", followed by the social worker's contact details. The mother wrote a suicide note and took an overdose of insulin and was found breathing but unresponsive by the police. The mother also, the local authority says, accused the father of causing her insulin overdose which led to him being arrested and accused of attempted murder. Of course, by "the father" they mean the putative father Mr [redacted].
- 49 The mother does not accept this. She asserts the message was sent by Mr [redacted] pretending to be her, and the police compared the handwriting on birthday cards she had written and saw the writing was different. She asserts Mr [redacted] injected her with insulin unbeknown to her.
- 50 The mother asserts that Mr [redacted] sent the message to her sister from her phone when she was sleeping. He did this to sabotage her case. He was trying to obtain British

citizenship through P and he caused her to overdose on insulin and she denies writing the suicide note.

- 51 I have gone through the police evidence and I am mindful that it is hearsay. Ms Bovington fairly puts to the mother the main points of that police material and I have tried to ascertain a chronology for the day in question. We have a taxi driver's statement and CCTV that suggests that Mr [redacted] went from the Dover train station to the mother's flat to pick something up and he is seen at 14:07 arriving back at the train station to catch the London train. The hospital state the mother was discharged at 3:15 but there is no CCTV recovered to verify this. The mother's account to the police is that the Mr [redacted] was at her flat for 20 minutes. Looking at the CCTV timings at the station it was probably even shorter than this. In any event, Mr [redacted] is clearly seen at 14:07 at the train station en route to London, and later his phone "pings" in London, suggesting he indeed caught the London train.
- 52 The message the mother sends to her sister is at 17:47 that day (152 of the bundle) and I have seen that text message. It is timestamped at 17:47 and CCTV and phone evidence suggests Mr [redacted] was in London by the time the message was sent and the police evidence suggests the phone was recovered from the mother's flat and so that message could not have been sent by him contemporaneously on her phone.
- 53 The sister calls the police and they arrive at the flat around, I think, 19:15 that evening. They find the mother unresponsive, with what purports to be a suicide note and two empty Novorapid insulin pens. The paramedics arrive at 19:42. The police record the mother as unresponsive but breathing. When she is able to communicate, she stated it was [redacted] who forced her to have the insulin and write the suicide notes.
- 54 When she gets to hospital it is noted by the police the next day, on 30 December 2022, that her condition was critical. So, she really was very unwell and the police say it is believed at this time she is more likely to live than die and they took the matter so seriously that they began investigating attempted murder. The conversations that the mother had with the paramedics and police on the way to the hospital are at I98 of the bundle. She says: "What happened to me?" The paramedic told her she had taken an insulin overdose and she said, "Why would I kill myself? I am seeing my little girl tomorrow." Her response was "He forced me." "When I asked who she meant, she told me a name, but I can only remember it started with G. She said he was her ex-partner and 'he forced me' and 'he injected me.' I asked her what he injected her with, but she did not know."
- 55 In the witness box, the mother said she could not remember anything and when asked if he injected her, she said "It's him or the Grinch or the Queen." She did not know who sent the messages on her phone, which were recovered from her home, and she denied she tried to frame Mr [redacted], saying she would do a better job than that, and it was bullshit. She tried to close down this line of questions and said that Mr [redacted] "was the fucking cause" and if she wanted to kill herself, she "would do it properly". She accepted no-one else visited her home that day.
- 56 In his non-molestation order statement at I27, Mr [redacted] says that he was informed that the mother has accused him of trying to kill her by giving her an insulin overdose. He said it is not true and he was shocked to hear such a serious allegation. He goes on to say that "she would say anything to manipulate me, i.e. insulin overdose", and he exhibits to his non-molestation statement a text from the mother of the 19 December 2022, saying "I'll be leaving forever from everybody" and gives evidence that she sent pictures to him of empty

insulin bottles. A review of the police evidence records them finding a message on his phone on 3 December 2022 from the mother saying she was then going to kill herself.

57 Looking at the police disclosure, the CCTV and the mobile phone location data, the police conclude that Mr [redacted] was in London at the time of the offence and that is I68 and I52 of the bundle.

58 The police go to speak to the mother in hospital and she said they did not want to be alone for Christmas so [redacted] was staying with her for the month.

“I asked if he has ever been physical towards her this month?” and she said ‘No.’ I asked her if she has control over her medication and she says she does. I asked her if [redacted] had ever helped administer it, and she said once or twice when her sugar levels are low. She says she does not feel suicidal or depressed and she is too mentally strong to commit suicide, and she has a daughter. She states [redacted] has made threats to kill her before, but she does not recall him administering anything. She has no sign of injuries. There is no evidence of a struggle, and she does not remember writing a note or the ambulance ride. I asked her how she got here and whether she has been taking too much insulin and she did not know.”

59 A letter was found in the flat, the police record, written on 21 November 2022 “when the victim was applying for PIP (Personal Independence Payments)” but I am not clear from the police disclosure whether that is the letter found as exhibited – that is said to be a suicide note – or indeed some other document.

60 The police showed the mother a copy of the suicide letter on 30 December 2022 and she says she saw Mr [redacted] writing it. The police assessment at I82 is that:

“I assess the call to the friend, the suicide note contents, the change of position on being coerced to write it or not writing it to someone else wrote it when it clearly it is in the victim’s handwriting, undermines this investigation even at this early stage to such an extent that the accounts are implausible, other than the narrative that the victim herself wrote the note with the intention of killing herself. She may have done so on medication and so it is plausible, and being affected by the medication is also plausible as she accounts in her statement.”

61 The note that the police recover reads: “MY PHONE IS UNLOCKED PLEASE INFORM (P SOCIAL WORKER) TO NOT ALLOW HER TO GO TO [REDACTED] MY DYING WISH IS SHE GO TO MY MUM OR [REDACTED] OR FOR ADOPTION My life has been hell and my health has took a turn for the worst!! I’ve been on my own all Christmas with my abusive ex partner [redacted] just so I was not alone but he pushed me to the edge today 29/12/22 will be the last day I suffer in this life!!”. I am not a handwriting expert, but there are similarities between this note and the first statement that the mother wrote herself in court in my presence at the first hearing.

62 I find on the balance of probabilities that on 29 December 2022, the mother did send a message to her foster sister saying “If anything happens to me, please make sure P is adopted by you or my mum if she chooses. I don’t want her anywhere else. I love you lots”, followed by the social worker’s contacted details. I find that the mother wrote the note in the police disclosure and took an overdose of insulin. She was found breathing but

unresponsive by the police and was really very unwell. This was not a minor matter but a real risk to her health.

63 I am satisfied the mother told the authorities that Mr [redacted] caused the overdose. That led to him being arrested and investigated for attempted murder, and the evidence suggests he was not in Kent at the time of the overdose. And I agree with the police that there are lots of inconsistencies in the mother's account. She tried to shut down the discussion of it in the witness box and I take the view she did not really appreciate the seriousness of her medical condition that day or the seriousness of the allegations that she allowed the police to pursue thereafter.

64 The mother said it would not have happened if P was there. But if P had been in her mother's care at that time, it would have been an incredibly dangerous situation for her to have been in and would have caused her significant harm.

65 I look at the allegation the local authority plead that on 21 February 2023, the court granted Mr [redacted] a non-molestation order and that the mother accepted in those proceedings she had given the father a black eye. During those proceedings the mother emailed the court:

“Just put the order on me. He has followed me with 12 different fake Instagram accounts and has tried to add my family in Facebook and Instagram before one week. So it's a joke. Everything is a lie he's doing because he wants to make me look bad and stop me seeing P. Yes, I did give him a black eye when he tried to suffocate me with his T-shirt in my mouth and everything he's said is utter nonsense. He's a narcissist and I'm not wasting my time in court. Put the order on me as I have never wanted to be near him anyway. Thank you. Have a great day.”

66 In her response formally to the local authority's schedule of allegations, the mother says Mr [redacted] continued to contact her by making fake social media accounts or on other people's phones, and she accepted he subjected her to physical abuse but this never occurred when P was present.

67 The mother accepted in the witness box that P was at the home when the T-shirt incident and the black eye happened. Having read the police disclosure and the non-molestation order proceedings, I am satisfied the relationship between Mr [redacted] and the mother was an abusive one, toxic, and full of conflict. I do not think I need to make an exact finding about who was the victim and who was the aggressor, but certainly this relationship was dysfunctional and destructive, and P was in the mother's care for some of this time. By law under section 3 of the Domestic Abuse Act 2021 P herself is treated as a victim of such domestic abuse. I find that the threshold for making public law orders is made out on the factual basis of the concessions given and the findings made.

Welfare

68 P's welfare is my number one concern. I remind myself of the no delay principle and I know that if P could speak and although she is quite little at the moment to tell me what she wants and how she feels, I know she would want to be in her mother's care if it was safe for her to be so.

69 I look at her first physical, emotional, educational needs. The independent social worker viewed the mother's home virtually and it was clean and tidy and well decorated. The

mother is clearly able to feed and change P in contact. She has the ability, I think, to meet her basic care needs. But some of her behaviours call into question her ability to always be available to P. The independent social worker saw that she struggled to remain awake during two of the sessions observed and said that was due to her health needs and that suggests at times her physical health might impact on her capacity to be available to her daughter. The mother was hospitalised in Summer this year due to insulin management and the mother gave evidence this was a mix up with her prescriptions and now she makes sure that she has boxes of medications in reserve. I have already made a finding about that December 2022 overdose and the incident in September 2022 when she was taken to hospital. It seems at times the mother's diabetes management is so poor that she has been hospitalised.

70 I look at P's emotional needs and there are really good examples of her mother meeting her emotional needs. The contact notes show a loving relationship between the mother and P, with the mother playing, singing, comforting and encouraging her, and the social worker rightly said she has observed their bonded relationship but there are also some examples that I particularly want to refer to of affectionate treatment of P, and I will expressly quote from 31 August 2022. "The mother was able to compose her emotions and enjoy time with P and P enjoyed her time with Mother. Affectionate contact...", they write, "... where the mother held P throughout."

71 The contact note of 12 October 2022:

"P looks happy in her mother's arms. She smiles and makes great eye contact with her mother. The mother converses with P and P babbles back."

72 The contact note of 14 October 2022: "Mum able to kiss and comfort P when she fell down." There are occasions when the mother is less able to contain her emotions. So, for example 19 October 2022, when the mother was in tears and hysterics the contact notes report because she was late due to travel and traffic.

73 The contact notes of 14 August 2023 record the mother being angry and demanding she be allowed to take P into the community. The mother became very emotional and began to swear in front of P, who became upset and began to cry when mum put her to stand up. Their mother was not happy and the knock-on effect was P started to cry. Later, the supervisor had to instruct the mother to put her phone down and pay attention to P.

74 P emotionally needs someone who can meet her needs consistently throughout her childhood, and no doubt she would suffer a real sense of loss and emotional distress if she did not have a relationship with her mother. She needs carers who are sensitive to the difficult start she has had in life, but she is developing well and meeting her milestones.

75 The guardian's evidence that whatever the mother's past is, she has not been able to make the changes and demonstrate she understands the world from P's point of view. The Guardian said there is a real lack of understanding from the mother as to what things would look like through P's eyes. So, even though P was little, the domestic abuse between her mother and Mr [redacted] would have had an impact on her and what would it look like for P if she had been in her mother's care when her new partner assaulted her mother and raised voices are very distressing for a child. The mother was unable, the guardian said, to countenance the idea she takes the train from Kent to London so that this might help her get there on time. At times the mother seemed absorbed in the sense of injustice she feels about the delay in providing her expenses. P's needs were sometimes lost in these discussions.

- 76 Mother's evidence was that the incident overdose in September 2022 would not have happened if P was there, and from now on it would just be her and P, but P is not the thing that will fix the mother, or put things in her life right. Things emotionally and physically need to be safe and organised in her life for P to return to her, not the other way around.
- 77 I look at the likely effect of any change of circumstance for P. P has had five different homes in two years. She has been with her mother, her aunt and three foster carers and she needs consistency. The final social work evidence sets out, and I have been provided with a table, about the number of missed or late contacts. As Mr Wauchope rightly says, the mother has attended about 86 per cent of contact and has called if she is late. However, even that inconsistency will have had an impact on P.
- 78 The independent social worker said that P needs permanency and stability and it would be difficult for her to have any other change. Any plan forward needs to be one that is certain for P in terms of where she moves and she needs permanency. This was a view shared by the guardian.
- 79 When I look at change of circumstance for P if she were returned to her mother's care and removed again, that would be a change of circumstance highly detrimental to her.
- 80 I have already talked about some of P's background. Her mother is white British and she has put forward at the name of P's putative father, but we have not been able to locate him. The mother suggests that P's father maybe of [redacted] heritage and I note that the mother speaks [redacted] to P in contact and she has said that she is a practising Muslim.
- 81 The harm that P suffered or is likely to suffer I have covered to a certain extent in my threshold findings, but I need to look a little more closely at domestic abuse. It was recorded on the face of the February 2023 order that the mother informed the court there was a non-molestation order against Mr [redacted]. It transpired, I think, that that application was prepared but had not been progressed (see B75 of the bundle). The information the first social worker had is that, in relation to the domestic abuse, MARAC were so concerned that they discussed Mr [redacted] and the mother at one of their meetings and thought he was a high risk after an attempt to rape the mother. The police record shows seven previous reports to Essex within a year, ranging from common assaults to stalking to attempted rape. The mother was asked about this rape and said:
- “P was asleep and I was downstairs when he tried. It was just one occasion after P was born and she wasn't present.”
- 82 On 7 September 22 when the mother came to court, she wrote down to the court that “Mr [redacted] is unreliable and untrustworthy and a danger to me and P” and she refers to a restraining order against him. At I63 of the bundle, when the police check for a restraining order, they cannot find one.
- 83 There is Mr [redacted]'s application for a non-molestation order in which he says the mother gets angry easily and “she would say anything to manipulate and emotionally blackmail me to get her own way. e.g. insulin overdose, jumping in front of a train, jump off a cliff.” She says that that there was a June 2021 incident at the aunt's house where she was coming at him with a knife and I have already referred to the black eye incident where the mother says he attempted to suffocate her by putting a T-shirt in her mouth and she had to push him off. She said, I think sarcastically, that P was in the garden at the time, and then said that P was in the house.

84 The relationship with Mr [redacted] comes to an end and a new relationship starts in January 2023 with Mr [redacted]. On 10 July 2023, the mother comes to contact and the contact supervisors write that:

“She has a black top, jeans and trainers. She arrives at the centre with a small suitcase and appears bruised and upset.”

85 She was physically upset and crying at the start of the session when the supervisor asked her if she was okay. It was noticeable that she had several bruises on her biceps, the lower part of her arm and her hands and lips, and what appeared to be swelling patches on the back of her head which could be noticed under her hair. The mother stated that “my boyfriend beat the hell out of me when I confronted him about cheating on me” and she was advised to speak to the police and report the abuse but was reluctant to do so. She was upset but given the opportunity to continue her contact with P and pleaded to carry on with her contact.

86 The contact notes record later on in July 2023 that the couple appeared to have split up. And on 31 July 2023, the mother said she was trying to change her life around by not falling into relationships with that were not good with her and that P was high priority and she was done with men. But on 4 August 2023, the contact notes suggest that even after this really serious assault, the mother arranged a meeting between her ex-partner and P. She told the contact supervisor she was meeting a friend who just wanted to say hi. The male friend began interacting with P and was talking to her. The mother sat and watched both with delight. The contact supervisor asked him to leave. And the mother was nodding to say he was going. “I told [the mother] ...”, says the contact supervisor:

“... he had to leave or we had to leave and the mother listened and reluctantly got up and prepared P to leave. Once P was strapped in the buggy, she kissed her friend on each of his cheeks and said ‘goodbye’. As we left I was asked by the mother if I knew who he was. I guessed it was her ex-boyfriend and she confirmed this. I asked her why she did this after what he done and she told me that the court had ordered him to do a parenting assessment. This was all too bizarre. I told her this was unacceptable and wrong and it was going to be documented. She said she knew this, but she was desperate to see the two of them bonding.”

87 The mother accepted in the witness box that this assault happened, that it has only happened once and that this gentleman is not a risk to her or to P. She said she broke up with him after this. But I note from the court orders that it was her insistence that he be assessed as late as September 2023 when we were in court after this incident, and that had led me to understand they were still in a relationship. Whether or not they were still in a relationship, asking for him to be assessed to care for P when he had caused her such injuries is deeply concerning and shows a lack of appreciation about the level of care P needs, and also the level of respect and care that the mother herself deserves from her partners.

88 The Guardian shared the concern that the mother did not have insight into the risks her partners posed to her, and she thought the mother showed such a little understanding of the impact of domestic abuse on P, even after the July assaults. So, sadly the mother has been in two abusive relationships, one after the other in quick succession. She is adamant she is not in a relationship with Mr [redacted], but the Guardian is strongly of the view she is. Whether or not they are in a romantic relationship, this is someone who seriously assaulted her and is still in her life albeit as a friend, and who would have access to P should P return

to her mother's care. She said that he is a friend who is now supporting her and minimised his actions. "What can I say?" She told Ms Bovington. "I bruise very easily." She accepted that he had beaten her with a chair, but he was now getting help and counselling. When asked about a non-molestation order against him, she said:

"Do I think it's a good idea to block someone who I have had a fight with? Are you taking the piss now? No, I don't believe I need a non-molestation order"

– and she has not followed this up with a police prosecution. So, there is a real lack of understanding of the impact of domestic abuse on P, or indeed on herself.

- 89 One risk of harm to P is the mother's lifestyle, say the social workers. The first social worker records the mother describing a ghetto lifestyle moving between Scotland, Bristol, Coventry and London under the radar of agencies or professionals. The mother was vague, implying links to criminality during this period of her life. She explored with the mother whether P had been known to any other local authority apart from Essex. The mother refuted involvement of any other local authority and described moving between boroughs or counties without agencies or professionals being aware. The mother said she is no longer involved in her old lifestyle of drug dealing. She does not live in Zone One where she used to deal, and her hair strand tests do not suggest current drug use, much to her credit.
- 90 The independent social worker was concerned though at E131 at the several missed sessions, including virtual and direct sessions, and the number of sessions that were rearranged and at times when she arranged to meet the mother, she was driving at the scheduled meeting time and she had a trip to Spain within the assessment. She gained the impression that the mother's lifestyle was chaotic and was concerned why the trips came up suddenly and unexpectedly. In the witness box, the independent social worker accepted it was indeed only one trip to Spain, but gave a very vivid account of trying to get hold of the mother and her only being available for an hour on the first meeting and 5 minutes on the second.
- 91 She was concerned that she was told by the mother that on the conclusion of proceedings, the mother wanted to go to Spain and settle down there and thought she was dismissive of the uncertainty that those arrangements would cause for P.
- 92 The Guardian's view is that due to the mother's lifestyle and behaviour P would be at risk of exposure to significant harm due to her dysfunctional and unregulated behaviour. "The mother's unwillingness to be open and honest...", she says, "... also concerns me. One indication was when she said she was employed, but in her statement indicates that she is not working". The Guardian describes the mother as "erratic" and points to the fact that she has missed court hearings, drug testing appointments and contact sessions. She was late to court too for this final hearing and on one day attended by the link, having asked the guardian if we could swap days of the final hearing at one point.
- 93 The guardian was concerned there were so many different versions and lots of confusion about what is happening for the mother. She says, "I find it hard when I speak to her to find out what is going on in her life" and she maintained the view that the mother's lifestyle and behaviour was of concern.
- 94 It is very hard for me to actually assess any risks to P arising out of the mother's lifestyle because of the very shifting nature of what she reports and the lack of clarity about how she is spending her time or indeed who she spends it with.

- 95 Another risk of harm to P is the mother's volatility and angry outbursts, some of which have taken place in front of P, such as her anger at the November 2023 LAC review meeting. That volatility also places P at risk of emotional harm from witnessing her mother's distress.
- 96 For completeness, and in fairness to the mother, I should also note that being in foster care, or indeed being adopted, is not a magic wand – a panacea against all harm. The mother was rightly concerned that P had an injury in September 2022, and that the child protection medical examiner was concerned that it was not a typical appearance of a scratch. The examiner was sufficiently concerned they recommended a full skeletal survey, X-ray referral to the LADO, who is the local designated safeguarding officer, and for the police to photograph the matter. I have asked for those LADO investigation papers. Ms Bovington will ensure that they are also provided to the mother. The police investigation concluded with no further action. The LADO records conclude it was also not possible to determine how the injury was sustained. The LADO agreed outcome was unsubstantiated and the case was closed.
- 97 I do not have jurisdiction over those investigations nor their conclusions, but I am very clear that the mother must be sent the full set of papers about that investigation by her solicitor before my order is sealed in this matter because the mother has the right to know how the local authority exercise their parental responsibility in investigating this matter, and it is a mark of her concern for her daughter that she has brought this to the court's attention.
- 98 I look at how capable the mother is of meeting P's needs, and the mother does not have a secure support network of family or reliable friends to help her with P. She gave evidence it would just be her and P. She did put forward some alternative carers [redacted] who did not want to be assessed. Ms [redacted] wanted further information but the local authority then were unable to get any response from her. The grandmother did not want to be assessed and nor did the aunt and her partner.
- 99 When I look at the ability of the mother to meet P's needs, she herself refers to her own past in dealing drugs in her statement and talks to Dr A about [redacted] people higher up criminals that she was fascinated by. She stated:
- “They are good, trustworthy hard-working people, and we can easily make £5,000 a week dealing in illicit drugs. It is stressful work, but you can earn lots of money.”
- 100 When she was 15 or 16 years old, she was using cocaine, MDMA and cannabis every day, the psychiatrist records. However, she tells the psychiatrist that she was heavily involved in drug dealing before P was born, but not now, and she managed 10 weed houses in the Midlands. This was another element of the mother's evidence on which it was hard to find solid ground and tell the difference between truth, fiction or a degree of exaggeration. Whether what she says was true or not, it is of concern because the courts and the professionals need to assess risk for P, and if there is not an open, accurate, consistent report from her mother, that job is a lot harder.
- 101 The first hair strand test tested positive for cannabis constituents between October 2022 and December 2022. No metabolised cannabis was detected so cannabis use could not be confirmed. There was no evidence suggesting she used cocaine or any other drugs within the Ecstasy group from middle October 2022 to January 2023, and the second hair strand test, covering the end of March 2023 to end of July 2023 does not demonstrate that the

mother has actively used cocaine or cannabis, and there was no evidence of excessive alcohol consumption.

- 102 In her final evidence, she said she was baking with a CBD oil, but it is fair to note, and I agree with the independent social worker, that there are no current significant concerns in relation to recent drug use and I commend the mother for being drug-free.
- 103 I look at her lifestyle and whether that enables her to meet P's needs. The evidence as a whole suggests a somewhat chaotic and unpredictable lifestyle. For example, when speaking to the psychiatrist she describes arguments over parking places at her flat and that is consistent with the volatility recorded elsewhere in the evidence. Mr [redacted], the partner, told the independent social worker they had trips to Birmingham and Manchester to sight-see and the independent social worker was concerned about the motivation of those trips.
- 104 The social worker was worried about the mother's trips with Mr [redacted] to Birmingham and Manchester. She was concerned about the motivation of these trips given the mother's history, the cost and lack of stability suggested by them. She was also clear that the mother had used the words that she was gang affiliated since the age of 16 and [redacted nationality] affiliated, and it's clear that she had a strong affinity with the [redacted] community. Now it may well be that these trips were entirely innocent trips to see Mr [redacted]'s family or see the countryside, but the difficult thing is that when their mother's narrative is so unclear and shifting, it is very hard to assess the truth of this.
- 105 The mother has been hospitalised three times, by my calculation, in the last 12 months for different reasons. She was assaulted by Mr [redacted] in July. She struggled to make it to court on time or in person consistently and it seems to me her diabetes management may be a symptom of the chaos of her lifestyle. The guardian said, after hearing the mother's evidence and her understanding of the risk of domestic abuse and her chaotic lifestyle at present to P:

“It is really concerning. I was listening to the description of the July assault and how little she seemed to understand the impact on P if she had been there and of her lifestyle. Today is example of how her life is in chaos. I am struggling to see how she would care for somebody as young as P with all that stuff in the background. I do not have a clear picture of what is going on in her life through lots of different versions and lots of confusions. I find it hard when I speak to her to find out what's going on for her in her life, and that makes it hard to analyse what risk there might be and hard to safeguard. I do not have a full picture of what's going on.”

- 106 I agree with the guardian's analysis on that point.
- 107 I look at the need the mother would have to work with others in order to meet her daughter's needs. The psychiatrist thought she was willing to work with social workers. The ISW took a slightly different view. Having observed contact, she noted that “when there was an intervention from staff, the mother's response is to become agitated and she struggles to accept advice”. This is further endorsed by reports that she did not engage with perinatal support following P's birth.
- 108 There is a contact note of 14 November 2022? that the mother found it difficult to receive feedback about P sitting on the edge of the sofa. The mother took offence, indicating she

was not here because she could not take care of her child. She was here because of her mental health and that the supervisor was always telling her what to do. She said she is the mother and she knows what she was doing.

- 109 On 8 March 2023 in contact she took a call from a male, her boyfriend, to see P and she insisted on carrying on the call despite the supervisor reminding her it was not allowed. She swore at the supervisor and argued later on that contact session she was allowed to meet the carer and refused to wait the 15 minutes requested.
- 110 On 12 May 2023, she again received a call from a male during a contact and discussion was had about family time being for the mother to spend time with P, but she argued her boyfriend was to order and bring food for P and herself.
- 111 By contrast, I have to say, for completeness and balance, on 16 June 2023, the mother followed advice not to get P's ears wet when she had an ear infection and the guardian said she has also answered the phone to her and been less challenging in her interactions with the guardian.
- 112 The social worker's view is that the mother did not accept social workers' concerns about her lifestyle or have insight over the risks of relationships either as a perpetrator or a victim. She said there was an overwhelming list of reasons she cannot manage P in the community. She pointed out they have been in proceedings for 15 months and the mother did not have a level of insight, could not take steps to engage with people or services, and she gave an example at the recent November LAC meeting of the mother accusing the social worker and local authority of paying off the independent social worker.
- 113 The independent social worker says the mother is vulnerable and there are still concerns related to her lifestyles and relationship. She said it was hard to know what support could be put in place because the mother does not accept the concerns others have for her. The guardian took the view if P was returned to her mother's care she would need to work with professionals, and it would be intrusive. She was concerned if P was under a supervision order, it simply would not be safe.
- 114 Closely related to whether the mother can work with others and accept support is the need for her to be open and honest in order to properly meet P's needs. Again, what she says is constantly shifting. When she started her relationship with Mr [redacted], how long P was with his family, why she was with his family, what happened in December 2022 with the insulin, whether she is working, whether she is on medication – are all matters that have been fluctuating and unclear across her evidence.
- 115 It is not clear whether her relationship with Mr [redacted] is on or off. The guardian, as I have already said, finds it hard to accept that they are no longer a couple and so there is a lot of uncertainty about her relationships. She is very vulnerable and this is an area that needs to be closely assessed with some accuracy.
- 116 It is also very difficult to assess how we can safeguard P against risk and meet her needs when the mother accuses the independent social worker of making up or being inaccurate with writing down the mother's report to that professional. The independent social worker says that she was concerned if you could trust what the mother said. And it is striking that the mother does not seem to have unpacked with the independent social worker the insulin incident, although she did mention Mr [redacted] stalking and harassing her. So, the independent social worker was clear that she could not be sure what was true and what was not within what the mother said. It is submitted that some of those things the mother said

may have been said to shock, and that might be right. But when you are working for your child with others to keep her safe, it is important to be accurate and we need to know what risk there is and in assessing risk what is true and what is not true. This is a view shared by the guardian, who said that although the mother always answered her phone, the guardian was concerned she had not been open and honest, and that makes it hard to get a complete picture and assess what is going on for P.

- 117 The constant shifting in the mother's evidence and difficulty in ascertaining what is truth, what is shock tactics, what is exaggeration or sarcasm, means there is no firm basis on which to assess risk.
- 118 The mother complains in her final evidence that she has not been offered support and she says:
- “There is no evidence in the bundle that social services have tried to offer me education of any kind and I found the social worker impossible to get hold of.”
- 119 The independent social worker took the view the mother was not able to engage with professionals, including her, to accept advice and support. She said the mother does not feel she needs any support in relation to lifestyle and parenting and was dismissive of advice and guidance. Her narrative is often that she says regarding her strengths as a parent. The independent social worker gives the example of trying to get to see the mother's property in Dover, but it says it has not been supported by the mother.
- 120 The very clear message in her oral evidence from the mother is that she would do anything if P were returned to her care and it would just be her and P. But she makes it clear that she has done life on her own, she says. “Everyone in this room has someone who they can call. And I do not have that on my phone.” That suggested to me that she would find it hard to accept support from others in order to meet P's needs. A supervision order would only be effective to the extent the mother allows others to advise, assist and befriend her – and she has been very resistant to that throughout these proceedings. By way of example, after the insulin incident in early 2023, she was offered an IDVA, but the police say the victim was disengaging with this, stated she had it before and the suspect still got to her. The social worker recalled that the IDVA had tried to offer a non-molestation order against Mr [redacted] but the mother missed appointments and would not answer their call. The KFRS referral the police made seems to suggest that the victim was disengaging with this and said she wanted to move back to London.
- 121 The independent social worker said the mother's view is she had nothing to learn and nothing to gain from support and her engagement with mental health support has been sporadic at best. Although she criticises the local authority for not providing support, she is clear she does not want it or need it. She did not approach the police or take up the offer of support from the local authority after her July assault.
- 122 I look at section at 1(5) of the Children Act and 1(6) of the Adoption and Children Act and must consider whether making an order for P is better than making no order at all and the range of powers available to the court. I am asked to make a decision about the adoption of the child, so the paramount consideration is P's welfare throughout her life, and if I conclude a placement order accords with her welfare, then I must determine whether her welfare requires me to dispense of the consent of her mum in making such an order. I remind myself of the guidance of *Re P (Placement Orders: Parental Consent)* [2008] EWCA Civ 535.

- 123 I look at section 1(4) of the 2002 Act and I consider the paragraphs (a), (d) and (e) have already been dealt with in the context of the welfare checklist. So I turn to paragraphs (b)(f) and (c).
- 124 The child's particular needs: P has not got particular special needs, but she does have a need for permanence and stability greater than other children may have, given her difficult start in life and the number of carers she has had.
- 125 I look at the likely effect on P throughout her life of having ceased to be a member of the original family and become an adopted person. That means a severance of legal ties with her birth family, lifelong and fundamental change. It means she would have no relationship with her birth family except for letterbox contact suggested by the local authority throughout her childhood and possibly throughout her life. It is a lifelong decision that affects her sense of identity as she grows up. It would extinguish the parental responsibility of her mother. She would be treated in law as a child of the adoptive family. That would have an impact on succession, inheritance, nationality, potentially in right of abode, the impact of her identity and self-worth and self-image may be significant.
- 126 I look at the value of the relationship she has with her mother and the likelihood of such relationship continuing and the ability and willingness of the mother to care for her and the wishes and feelings of her mother. Of course there is a value, a real value, of P knowing and growing up with her birth mother, P's mother loves her. She has come to court to speak for her. She is seen as warm and loving towards her, and her mother is vehemently opposed to P being adopted. She is willing to meet P's needs, but the evidence as a whole suggests she may not be able to do so safely and within P's time frame.
- 127 So, I take a step back and look at the pros and cons of each option for P. I have to evaluate the risks of any placement with her mother and assess the nature and likelihood of harm that she would be likely to suffer in her mother's care; the consequences of that harm arising and the possibility for reducing harm or mitigating its effects and then compare that with the disadvantages of her being with her mother, and the pros and cons of the other placement offered to me of adoption.
- 128 I therefore look at the options side by side. If P was with her mum, I know her mum loves her. I think she can provide her with good basic care. Her mum's got a home. She is committed to P and she has been a forceful advocate for her daughter and I think she would continue to be. But against that, the mother has not been able to work with the social work team or seek their help. She is volatile and suspicious of professionals and would find it hard to work with others to keep P safe. She does not see the need for help, so it is hard to see what services could be offered to her. She did not manage to arrange the independent social worker to come to her home. She has not been able to make all contact sessions and she has a somewhat chaotic lifestyle. What she says leads me to think her life is in a state of flux and it is hard to understand the reality of her situation. It is very difficult for the court and the social worker to assess any level of risk to P, given that lack of clarity, lack of openness and honesty from her mother.
- 129 Domestic abuse is a real risk in this case. As recently as this summer, the mother arrived physically battered at a contact session and whoever was the aggressor in the relationship the mother had with Mr [redacted], the fact is that she has had two abusive relationships in quick succession, and that is deeply destabilising and harmful for P. She had no real insight into the dangers posed by her choice of company for P. She has been hospitalised a number of times, related to insulin overdoses and as recently as this summer she was in hospital

related to her diabetes management. If P was returned to her mother and then removed again at this vital stage of her development, that would be very detrimental given the number of changes P's had in her life already. And P would need the local authority involved in her life, at least for the duration of a supervision order, and it seems to me that P could be exposed to further conflict, as happened at the LAC meeting in November, if the mother hears things that people say that she does not agree with.

- 130 I look at the option of adoption. That would be permanency for P. That would be carefully vetted and chosen carers, and that would mean no more social work involvement throughout her life. But I weigh heavily against that, the separation from her mother with whom she is bonded and adoption is not a magic solution. Adoptions can and do break down and an adoptive family would have all the challenges of raising a child plus the fact that P has had a difficult start in life, and it could impact significantly on P's sense of identity self-worth and self-image in the future. It means she would not have a developing relationship with her mother face to face as she grows up and possibly throughout her life.
- 131 I remind myself that in order to make a placement order, I must be satisfied that nothing else will do for P. I have weighed up all of the issues in this case, and I should only make an order if it is necessary and proportionate for P. I should not get involved in the private life of P's family any more than is necessary and proportionate to the risks to the child.
- 132 I am satisfied, sadly, that a care order and a placement order are necessary and proportionate orders. I cannot sadly envisage the mother will be in a position to provide the safe care that comes close to meeting all of P's needs within her time frame and I am satisfied that adoption does offer the best way of meeting P's needs for permanence and safety and security,
- 133 I accept the local authority and the Guardian's evidence that this is genuinely a case where nothing else will do for P short of adoption; and that the position is now really so very clear that the child's welfare requires me to dispense with the consent of her mother.
- 134 I look at contact and the local authority suggests letterbox contact and the guardian gave evidence it would be good if the mother could meet potential adopters, and the level of contact going forward needs to be calibrated by reference to how the mother has responded to this judgment and the impact of her presentation for P. I am clear that the issue of contact needs to be revisited before any adoption order is made in any Annex A report, by reference to the views of the mother and potential adopters, and indeed by reference to the mother's reaction to this judgment and the decision of the Court.
- 135 In my view, letterbox contact once a year is the minimum that should take place and depending on the views of the adopters, and whether the mother can be consistent with that yearly letterbox contact, active consideration should be given to more frequent letterbox contact or even face to face contact if the adopters would countenance it. And I hope that proper consideration can be given to the mother meeting the adopters, and I sincerely hope that the mother will be involved in life story work for P.
- 136 In relation to contact prior to P's placement with any potential adopters, it is important that P is not overwhelmed by the mother's emotions following this judgment. I would say that the mother has conducted herself with real dignity in court today and as long as the mother can emotionally contain any distress, the contacts should remain at the current level until after Christmas. Thereafter, it should be reduced to once a week for three weeks and then the goodbye contact. The main thing is that contact is for P's benefit and must be structured around her needs.

- 137 Subject to any further submissions, I make the following orders. The threshold criteria set out in section 31 of the Children Act 1989 are met. and I approve the local authority's care plan.
- 138 I make a care order. I dispense with the mother's consent. I make a placement order. I direct. a transcript of the judgment is prepared at the local authority's expense. It should be anonymised by the transcribers and forwarded to the parties' legal representatives and I will publish it in anonymised form. I trust that the guardian's solicitor will send it to the independent social worker and any other professionals who have provided prompt and helpful assistance to the court.
- 139 I give leave to disclose any documentation to prospective adopters, and I make the usual orders about costs. I do hope that the mother can bring herself to participate in life story work for P and perhaps meet the prospective adopters. I certainly hope that there will be regular letterbox contact. It is really important so that P's mother knows how she is getting on in the years ahead, and P knows that her mother loves her and cares for her and still thinks of her.
- 140 Later in life, if P is to read this judgment, I hope she will appreciate that her mother loves her and very much wanted to bring her up and came to court to speak for her.
- 141 I am grateful at the social worker for the time and thought she has devoted to this case and to the guardian for her a careful reports and scrutiny of the local authority's plan for the children. I am very grateful to the barristers for the constructive clear, calm and courteous way that they have dealt with this matter, and I hope that formal thanks can be conveyed to the foster carers who have done an excellent job of caring for the child.
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CERTIFICATE

Opus 2 International Limited hereby certifies that the above is an accurate and complete record of the Judgment or part thereof.

*Transcribed by **Opus 2 International Limited**
Official Court Reporters and Audio Transcribers
5 New Street Square, London, EC4A 3BF
Tel: 020 7831 5627 Fax: 020 7831 7737
civil@opus2.digital*

This transcript has been approved by the Judge.