

**IN THE FAMILY COURT AT WEST LONDON**

Gloucester House,  
4 Dukes Green Avenue,  
London  
TW14 0LR

Date: 5 July 2024

**Before :**

**His Honour Judge Willans**

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**Between :**

**THE LONDON BOROUGH OF HOUNSLOW**

**Applicant**

**- and -**

**(1) Sally**

**Respondents**

**(2) Peter**

**(3) Amy (by her Children's Guardian)**

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**Tim Potter** (instructed by **HBB Law**) for the **Applicant**  
**Hilary Pollock** (instructed by **Hecht Montgomery Solicitors**) for the **First Respondent**  
**Stephen Lue** (instructed by **Thompson & Co Solicitors**) for the **Second Respondent**  
**Ann Courtney** (instructed by **National Legal Service**) for the **Third Respondent**

Hearing dates: 1-5 July 2024  
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**JUDGMENT**

**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.**

**To preserve anonymity the names used in this judgment are not the real names of the participants.**

## His Honour Judge Willans:

### Introductory Points

1. What is this case about? This decision is all about Amy. She is a young child of two-years of age and is too small to tell me what she wants. Her social worker believes her parents cannot give her good enough care into the future and asks me to allow the local authority to place her with a new adoption family. Amy has her own guardian []. She has thought about what is best for Amy and agrees with the social worker. Amy's mum, Sally, and her dad, Peter, are not in a relationship together but they disagree with this plan and each of them asks for a new assessment of their ability to look after Amy. There are no other family members who could look after Amy.
2. What information have I considered? In a case like this I receive a lot of information. I have read the papers which are found in the bundle for the final hearing and I also have seen the reports from contact found in a different bundle. I have listened to all of the questions that were asked and have kept a note of the answers given by each of the witnesses.<sup>1</sup> I listened to the final arguments made by each of the lawyers. In this judgment I could not possibly set out all of the information given to me but I have kept it all in mind when making this decision.
3. What was done to make the hearing fair? Peter has some learning needs. He has been helped by a person called an intermediary to make sure he doesn't miss or misunderstand any of the evidence I have heard. To make this easier we have taken regular breaks during the hearing and we have kept to other rules suggested by this person. To make Sally more comfortable we have had a screen in Court so that Sally and Peter do not have to see each other, so they are not too stressed and can keep their mind on the case. I have also given my decision in writing to give both Sally and Peter the chance to consider it at their own speed with the help of their lawyer and others supporting them.

### Legal Points

4. When I make decisions, it is important I follow the rules properly. I will now explain the main rules I have to think about and keep to when making this decision. I will identify in the footnotes where these rules can be found.
5. My main consideration: The first thing I must keep in mind is that this case is all about Amy and it is her best interests that tell me what to do. I have to think what is best for her not just while she is a child but throughout her life.<sup>2</sup> I will consider a number of questions about her when making this decision in my 'welfare assessment' later in this judgment.
6. How I choose between different options: It is important I carefully consider each of the options placed before me.<sup>3</sup> In this case the final options are really whether Amy should end up with her mum or dad or whether she should be placed with a new adoption family. However, at this hearing I am not being asked to place Amy with either of her parents. Instead, I am being asked to have each of them reassessed and only then decide what is best for Amy. Each of the parents have accepted they are not ready to care for Amy at this time. If I decide against further assessment then the remaining options left to consider will be

<sup>1</sup> I heard from (in order) the person who assessed Peter, a family finder who helps me understand any issues about adopting Amy, the person who assessed Sally, Amy's social worker, Sally, Peter, and the guardian

<sup>2</sup> Section 1(4) Adoption and Children Act 2002

<sup>3</sup> CM v Blackburn With Darwen BC [2014] EWCA Civ 1479

either adoption or long term foster care. I will have to take each of these options and think about the good and bad things of each option. I will then need to compare the options to work out which option is right for Amy.<sup>4</sup> I deal with this in more detail in my 'holistic assessment below' with 'holistic' meaning thinking about all parts of the options not just some parts.

7. Can I make the orders sought? I can only make the Care Order which the local authority ask for if I find Amy has suffered significant harm or will likely suffer significant harm if an order is not made.<sup>5</sup> The harm needs to be linked to the care she has received or will likely receive from one of her parents. The care needs to fall below the level expected from a parent. Significant harm is harm which is at a serious level. It doesn't have to be physical but can include emotional and other harm. In this case the parents agree this test is made and so agree I can make the order which the local authority ask for, but they do not agree about all the things said by the local authority.
8. How do I decide when the parties can't agree what has happened? I have to consider all the evidence and in particular the evidence of the parents. I will ask who it is that is saying something happened and it will be for that person to prove it happened. It won't be for the person facing the allegation to prove it didn't happen. I will accept something happened if the evidence shows this is more likely than not the case. Once this is shown to be the case I will make my decision with this taken as a fact. If the person making the allegation doesn't show it is more likely than not to have happened then I will ignore the allegation when making my decisions in the case. If I reach the conclusion a person has lied in some of what they have told me I will not assume they have lied about everything.<sup>6</sup>
9. What standard of care do I expect from parents? The Court does not expect perfect parenting and accepts that from time to time all parents are less than perfect and sometimes not as good as they should be. The Court accepts parents are entitled to generally do things the way they feel is best for their children even if professionals like social workers would like them to do things differently. In general, it is the role and responsibility of parents to decide what is best for their children. The standard I apply in this case is good enough parenting.
10. Important Points when considering a plan to adopt a child: It doesn't require much thought to realise that removing a child from her family and giving her a new family for the rest of her life is a very serious step to take and requires a high level of justification. The Court keeps this in mind and asks whether adoption is needed because 'nothing else will do' because adoption 'is the last resort' with the other options being rejected as not being suitable for the child. If the Court sadly reaches this conclusion and a parent cannot agree to the plan for adoption then the Court has to consider whether it can make the order and do so without the parent's agreement. This can only be done where the child's welfare requires the Court to do so. In considering this the Court thinks about its assessment of what is best for the child and questions whether it is a balanced and reasonable decision to interfere with the family in this very extreme way or whether there remains a lower level of interference that will ensure the child's welfare is safeguarded.
11. What is the impact of a parent having a learning need? The simple answer is that the Court does not assume or start from the position that a parent with a learning need cannot look

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<sup>4</sup> Re B-S (Children) [2013] EWCA Civ 1146

<sup>5</sup> Section 31 Children Act 1989

<sup>6</sup> R v Lucas [1981] QB 720; Re A. B & C [2021] EWCA Civ 451

after their child.<sup>7</sup> The Court thinks about whether the parent can be 'good enough' if they receive emotional and practical support and whether if they do receive this support, whether this will deal with the problems they face without the support. This is known as 'parenting with support' and must be kept in mind in such cases. The Court must avoid comparison with a parent without a learning need and making a decision because the parent being considered is thought to be less good than the parent without the learning need.

12. How I approach the request for further assessments? Both Sally and Peter are asking to be assessed again. This raises two questions. The first is whether it is necessary to have either of them re-assessed. I will only permit this assessment if the assessment is necessary to help me finish the proceedings in a fair manner. I will not order either assessment just because it might provide useful or helpful information. The second question is about the effect the assessment would have on the timetable for the case. In all children cases it is particularly important to avoid delay.<sup>8</sup> However, in a case in which a Care Order is being asked for there are separate rules which require a case to be completed within 6 months of it starting. This case has failed that rule and is now nearly 9 months old. But that does not mean I do not have to think about the effect of more delay caused by more assessments. To further delay the case, I would have to decide the delay was necessary for a fair outcome. In a way this is similar if not the same as the question about the assessment and so I will look at the two questions at the same time.

#### The background to this case

13. I do not need to set out the full background history of each of the parents from their birth to the start of this hearing. I have particularly read the sections in the reports from the professionals and expert where they describe the experiences each had when growing up. I do not believe there is any real argument about these details. I keep the detail in mind but will now provide a brief summary in the case of each parent before then providing a summary of their relationship together and an update to the point of this hearing.
14. Sally's summary: Sally is aged 26 years. It is difficult to get a clear picture of her childhood from the various reports as there are some aspects which are confusing. But it seems clear her parents separated when she was young due to domestic abuse and her later relationship with her mother's new partner was somewhat difficult. She has had periods during which she has been quite distant from her mother and siblings. During her childhood she experienced two incidents of sexual abuse, one of which was within the family. She is described by her mother as being challenging during childhood with poor behaviour at times. There is a suggestion her secondary schooling was outside a mainstream school but this is not clear. She experienced bullying at school and in particular when a friend revealed what Sally had told her about being sexually abused. Sally has suffered from poor mental health for a number of years. The sexual abuse left her emotionally damaged and she would self-harm by cutting herself. When aged 16 she took an overdose. She received support for anxiety when at school. She has suffered with depression since she was about 18. When aged 18 she left home and lived in a hostel. A recent assessment has described her depression as recurring and being of a moderate nature. I will later set out the effect this may have on Sally. Sally has an older child, Billy, who is aged [ ] and lives with his father. I am told he has quite significant behavioural issues. It appears Sally cared for him until he was about [ ] years of age when it was agreed she could not cope and he moved to live with his father. There is a suggestion that this happened because she had started a relationship

<sup>7</sup> Re D (A Child) (No.3) [2016] EWFC 1; Re Guardian & A (Care Order: Freeing Order: Parents with a Learning Disability) [2016] NI Fam 8

<sup>8</sup> Section 1(2) Children Act 1989

with Peter and this caused issues as to safe care of Billy. Since he has lived with his father, she has at times seen him on a weekly basis but it appears there may have been some recent breaks in contact. Sally is now living alone.

15. Peter summary: Peter is aged nearly 29 years. There is some uncertainty about Peter's childhood experiences because he could not remember the detail. He suffered the death of his mother when he was about 11. Peter suggests his life was good up to this point. However, following her death, he left home and entered foster care and was not treated well. Although it is unclear on the information provided, this change would suggest there were difficulties at home. It seems he has lost contact with members of his family. He left foster care at age 16 moving into his own accommodation. It seems his period in foster care was not stable with him having three carers in various locations. This seems to have had an impact on his schooling. I was told that he has used cannabis since about the age of 12 and continues to do so. Peter's first real relationship was with Sally. He is now in a relationship with Sam. I will return to this later. I understand Peter was for a long time homeless until he met Sam. He now lives with her and her children. I am told he recently started an apprenticeship.
  
16. Sally and Peter's relationship: The information suggests the parents were in a relationship from 2018. I am less clear when the relationship ended but I note Peter claims to have been in a relationship with Sam for about 17 months (so from about February 2023). Amy was born in [ ] 2022. One of the main concerns in this case is about the nature of the relationship between the parents. The local authority are worried Peter was abusive to Sally and are concerned as to the risks for Amy of being in a home when this has been happening. Sally agrees Peter was violent to her and has provided evidence in support of these claims. Peter mostly denies this behaviour although he accepts some inappropriate behaviour. The local authority have also been concerned that Amy was not receiving the care she needed and was being neglected by her mother. The local authority became involved with the family before Amy was born due to these concerns and there has been a significant amount of work undertaken or offered. The local authority has had concerns as to the parents agreeing to act in a certain manner and keep apart but are worried these agreements have not been kept to. Before starting these proceedings, the local authority made clear to the parents how worried they were. It seemed this might have helped and the local authority then backed away from bringing the case to Court. However, the concerns increased again leading to this case.
  
17. What has happened since the case started: I have only been involved in this case for this final hearing but I can see the history of the case in previous orders of the Court. At the first hearing on 30 October 2023 the Court decided Amy should stay with Sally but there would be an interim supervision order. The Court made Peter a party and fixed a follow-up hearing. By the time of the second hearing on 21 November 2023 concerns had increased for Amy and the local authority asked the Court to remove Amy from Sally's care. The Court agreed to fix a further hearing to make this decision but decided until then Amy and Sally would live with an aunt and Sally would be supervised. At the third hearing on 23 November 2023 (all three hearings had been before the same Judge) the Judge agreed Amy should be removed from Sally and placed into foster care. The Judge went on to give directions including (i) parenting assessments for each parent; (ii) an intermediary assessment for Peter; (iii) evidence from the parents as to the things they were saying about each other; (iv) final evidence, and; (v) listed an issue resolution hearing. There was a further non-compliance hearing on 15 March 2024 as a result of Sally not fully engaging with her parenting assessment. That assessment was ended and Sally was told she would need to ask the Court for a further assessment if she wanted one. On 12 April 2024, the Court heard the issue

resolution hearing. The Court confirmed this final hearing and decided Sally's request for a further assessment would be decided at this hearing. The Judge gave other necessary directions to make this hearing work well.

18. The parents have not kept to the timetable set by the Court. Peter was meant to make an application to have an intermediary help him at the hearing. This was not done and I had to deal with this on the first day of the case. Peter was meant to provide his final evidence by 5 April 2024, when this wasn't done, he was given until 24 May 2024. Instead, I received his statement on day 1 of this final hearing. Sally was given a chance to file a further statement by 10 May 2024. I received this on day 2 of the final hearing.

#### What the witnesses told me

19. What I made of the witnesses: I will keep this part of the decision short. What I make of the way in which the witnesses gave their evidence can be relevant but has to be treated with care to avoid forming a view simply based on a witness's skill in presenting their case. There may be cases in which this does shed light on an assessment, particularly where there are obvious inconsistencies in evidence or where an explanation is not credible.
20. This was not a case in which there was a serious challenge to the professional witnesses. I remind myself that each parent to a great extent accepted their assessment but asked for a further assessment on the basis that this would now show change or would show change on their part given the chance to make further changes. That being noted I found each of the professional witnesses to be fair and balanced in their evidence. **Ms R** [ ] fairly recognised the positives and strengths offered by Peter whilst continuing to support adoption. **Ms C** [ ] gave her evidence from a position in which Sally agrees she largely failed to engage with her assessment. The **guardian** equally gave clear and focused evidence. I felt the evidence of the **family finder** was balanced although I didn't find it gave me great assistance as it was largely based on experience in other case and speculation as to what would happen with Amy. I would though make mention of the evidence of the **social worker** which I felt was not only balanced and professional but very fair in approach. The social worker has been allocated for nearly two years, a period which is to be welcomed but is often not the case. As a result, he had a clear and comprehensive knowledge of the case and I found all of his answers informed, thoughtful and helpful.
21. In a case such as this it is important to have a particular focus on the parents' evidence. I found **Sally** to be a witness who fitted very much with the expert assessment of her found within the papers. She seemed both emotionally flat and anxious in her presentation. I have to be careful to check whether this was her acting for the Court but concluded this was genuine. I formed the view she is a very vulnerable individual and she appeared to me to have a low level of emotional resilience. She was open in her answers and agreed with a number of points which were not altogether helpful to her case. I do not think this was her being led to give answers that were not true. Rather I think she was feeling stressed and answered directly and in a truthful manner. There were areas in which she stuck to her case and given her other evidence I did find this credible evidence. I have no doubt she cares for Amy very much and regrets her inability to provide her with good consistent care. She was open and honest about this. This must have been extremely hard to accept and she deserves credit for her openness. Turning to **Peter** I bear in mind the evidence as to his learning difficulties and the role of the intermediary. Having noted this, I found him to be a witness who did not appear to have real difficulties in engaging in his questioning. There were various points when words were used that I felt would be challenging for him but on nearly every occasion he showed he had a clear understanding of what was being discussed. He

was more than willing to engage in a combative manner when questioned. I was at times less impressed with him as a witness. He tended to jump into providing an answer and then provide a subsequent contradictory response. I had the sense he had a case he wished to put and was determined to make that case whatever he was asked. He gave a sense of over optimism as to certain issues combined with a lack of insight into the complications associated with what he was saying. He was a defensive and at times less credible witness. But as with Sally he gave a strong impression of having genuine feelings for his daughter.

22. The witnesses in turn: I now deal with each witness.
23. **The ISW (Ms R):** Her assessment used a 'Parent Assess' model having regard to Peter's learning needs. In her written conclusions she noted positives including his engagement with the assessment; his commitment to contact; his ability with practical tasks and his current relationship with Sam. However, she was concerned about the issues of domestic violence; about Peter struggling in following Amy's cues; struggling to separate Amy's emotional need from his own; having a lack of understanding of child development and the challenges were Amy to come to live with him, and; a lingering worry as to how he would manage if his relationship with Sam ended. She concluded Peter loved Amy but even with support could not meet her needs now or throughout her childhood. When questioned she accepted there were strengths found within the contact notes but her concerns remained unchanged. A number of suggested positive developments were put to her. She accepted each were positive but could not comment further as they were not evidenced in the papers. She felt the contact notes whilst positive did not help the Court to understand whether Peter had improved his ability to understand Amy's cues. She was asked as to whether it would have been helpful to have obtained a more recent report (her report is dated February 2024) and whilst she accepted this point, she was clear that the suggested positives put to her did not outweigh the identified negatives. When asked about concessions made by Peter around domestic abuse and whether this reduced her concerns, she felt this was only a first step and more was required to reduce her concerns. She couldn't help as to the period of stopping cannabis that would be helpful but agreed a period of 6 months would be positive. She repeated the areas needing change. These were around an understanding of child development and the emotional needs of the child. It was about those things which are not simply practical. She worried Peter would not be helped by a parenting course given his needs and was concerned there would need to be a continuing presence of support to help him as Amy's needs changed as she got older. She considered Peter struggled most with a fast-paced situation and thinking on his feet. A child in his care could not wait for him to go off and seek advice on each issue that arose. He would be expected to deal with things as they arose on the spot. It was good he had started the domestic violence course but he had not finished it. She didn't feel his explanation for failing to complete was a good one. She noted housing was an issue but her concern was more to do with Peter's lack of reality about his proposal. She recognised there were positives in Peter and Sam caring as a unit but there were other issues concerning Sam's physical and mental health that complicated things and led her to conclude they could not cope with an additional child. She gave an example of Peter's inability to put himself into Amy's shoes. In contact Amy was upset but Peter imposed his own views onto her feelings and attributed them to her.
24. **The Family Finder:** She provided a statement summarising the prospects of finding a placement for Amy. She considered a placement could be found within 3-6 months with a placement in 6-9 months. She identified 30 families who fitted with Amy on an anonymous search. She gave evidence as to a growing acceptance of open adoptions which permitted ongoing family direct contact. She was positive in this regard whilst making clear the

ultimate decision would be that of the adopters. She explained the forms of support such a family would get if difficulties arose.

25. **Ms C[ ]:** Is from the SISP unit. She is a parenting practitioner who is trained in the 'Parent Assess' model. Her written evidence explained why she had reached a negative conclusion about Sally. This was essentially due to her significant non-engagement with the assessment process. She details these failures in a schedule in her report. She could not recommend placement into Sally's care on the assessment she had undertaken. She accepted references to Sally being emotionally flat and despondent during the meetings. She considered Sally's non-engagement was relevant as it suggested there were things going on in her life that she was struggling with.
  
26. **The social worker:** Confirmed the local authority still felt it was best for Amy to be adopted. He had been the allocated social worker since August 2022 and was able to describe the support and suggestions made to the parents over this period. He accepted it was best, if possible, for Amy to be raised in her family of birth but he had to have regard to her timescales and the issues in the case. He spoke about the previous involvement of the local authority and how the local authority previously stepped back from bringing the matter to the Court but then things deteriorated again. He has supported Sally with a therapist referral; with support with her GP; with proposals to have her assessed for ASD but she consistently failed to engage or maintain engagement. When the therapist came to the house, she didn't open the door. He accepted he had a good relationship with Sally but this could not be viewed as good engagement given all these difficulties. She was honest about her mental health challenges. He had helped her with domestic abuse work but she needed to attend group work. A parenting practitioner was appointed (Ms C[ ]) to offer guidance and support previous to proceedings but there was a failure to engage. The previous role was ended given the parents separated and there was suggested support from the wider family. But then the family expressed concern as to Sally's care and proceedings started. He had seen the most recent expert psychiatric assessment and hoped Sally would get treatment but this will take time and she has struggled to engage before. He explained the support package that would be needed if Amy was placed with her mother. This is the same package of work the local authority had previously attempted. He had no confidence this would now be successful. He was hopeful but not positive. He accepted there had been an improvement in contact and noted there had always been a good child-parent relationship. This has often required family support. He explained the current foster carers are committed to Amy but are not asking to adopt her and are not approved long term foster carers, although they would consider putting themselves forward if this were the outcome. He explained his changed attitude to post-adoption contact and his suggested transition plan were adoption approved. He did not consider it would be better for Amy to be placed into long term foster care given her age and the need for stability and permanence.
  
27. He considered an audio message sent by Sam to Sally's sister. He felt he didn't need to listen to this (I have heard it) given the other evidence in the case. He explained Peter's failure to complete the domestic abuse course and did not accept this was due to any failure on the part of the local authority. It was about Peter being unwilling to travel and issues around him paying for travel and then reclaiming these costs. The local authority paid everything that was expected. Peter disengaged between about October 2022 and the start of proceedings in October 2023. He said he would do a course but only if it was in his local area. He had said it was 'pointless' attending the course and was denying any abuse. He considered this work would need to be done before Amy could be with her father. He was asked about improvements in contact and agreed this was the case but commented that these had occurred early on in the contact after it resumed. He was asked about Peter's relationship

with Sam and felt it was a relatively short-term relationship with various challenges and concerns. He did not feel it was permanent. Adoption was not being recommended because of a non-acceptance of suggested positives in contact. It was more about the other issues. He was asked about various people who might offer support to Peter but commented he was not aware they were offering support and they had not been put forward by Peter for the proposed Family Group Conference. He did not agree there was a need for a further assessment of Peter. As to cannabis use Peter had been dependent on this throughout his life, he had agreed to engage with a substance group but did not engage. He had previously said he had no intention to stop using but was now saying he would. He was concerned as to accommodation as this was not secure for Peter and he had a poor history of engaging with benefits and other agencies. He accepted there was a role in offering support to Peter but felt he should have been able to access support himself in this regard. He was asked about the support Peter offers to Sam's children and commented this is said to have been taking place for some time and so should have been reflected in the parenting assessment. Whilst there had been positive changes since February 2024 this did not amount to enough to outweigh the negatives in the case which had been present since Amy's birth and which led to local authority involvement.

28. The social worker was asked about future contact between Amy and Billy. He noted Billy's challenging behaviour and previous views that such contact would not be appropriate for Amy. He was asked further as to the relationship between Peter and Sam. He considered this was not a relationship of equals with Sam making all the decisions and with Peter being dependent on her. If this breaks down Peter will be back to 'square one.' He explained that Sam's own children were on a child protection plan (now a child in need plan) due to issues in her relationship with one of her children's father.
29. **Sally:** Confirmed her allegations of domestic abuse against Peter. She spoke about him not wanting her to see her mother and controlling her by keeping her bank card and passport. She was now more motivated and energised. Previous difficulties had been linked to her low mood and distress at seeing Amy upset in contact. She told me she had been assaulted in January 2020 when a phone was thrown at her causing an injury close to her eye. On the same occasion she was strangled by Peter. She had not supported the prosecution but she had been telling the truth. She confirmed an incident at her residential unit in April 2022 when he had kicked her and tried to snatch Amy from her arms. She felt she was vulnerable and he was manipulating her. She accepted she could not provide good enough care to Amy at this time and had a lot of work to do. This would include therapy and she felt this would take the next year or so to complete. She agreed she had failed to engage with work previously offered as a result of her low mood. She didn't agree with the expert as to a need for 18-24 months of support. She was now willing to accept therapy. Sally agreed she had sent hurtful and abusive messages to Peter and would encourage him to have contact with her even when he was on bail conditions not to see her. She sent the messages because she felt she only had him. The allegations she had made were true. She agreed she was sometimes drunk and not in control. She agreed with some of the concerns about her care of Amy. There had been one incident of abuse in her previous relationship. If she were successful, she would expect any contact with Peter to be supervised. She did not support him caring for Amy. If she were unsuccessful, she would support long term foster care as Amy is happy in foster care; could continue to see her family and might return home in the future. She felt she was in a cycle with Peter. He was more aggressive when he was not using cannabis.
30. **Peter:** He denied ever physically harming Sally or controlling her by stopping her speaking to her mum or keeping her passport or bank card. The evidence of her sending him money was

to enable him to make online purchases and he would give her the money back in cash. He said when he resumed contact in November 2023 things were strained but this had improved and it was now 'brilliant' with Amy running up to him at contact. He spoke of what he brought to contact when he came. He described his relationship with Sam's child who has additional needs and does not speak and his role in relation to caring for her children. He described his relationship with Sam which was 'brilliant,' they had known each other for 4 years and been together for 17 months. When they disagree, they talk things through. He described his current apprenticeship. He confirmed he was not willing to engage with the domestic violence course and was in a position to fund attendance. He was questioned about the allegations made against him. He denied causing the injury to Sally in January 2020 and claimed she had been drunk and out of control. She was trashing his room and banged her head against a mirror breaking it and causing the injury. He had not caused the injury and had wanted her to leave. But he was arrested by the police when they attended. He did not call the ambulance or police. He denied keeping her personal possessions and questioned why her passport would be at his house anyway. He was questioned about an incident at the mother's residential unit in April 2022 when it is said he kicked the mother. He denied he had kicked her. He was then shown his response to the allegations in the case in which he was said to have admitted this allegation. He said this was a mistake and that he was admitting the argument which led to the police attending. He accepted taking or attempting to take Amy from the mother's arms and agreed her head was unsupported. But he said that she could support her own neck. He blamed Sally for instigating the incident. Separately he commented on a picture of the mother in which she appeared to have the imprint of a shoe sole on her forehead. He told me he was present when this happened and it was caused by the mother hitting herself on the head with a shoe. He also described an occasion when he threw a stool against a wall during an argument but commented that it was in his way and it was his property so he could do this. He later agreed the contents of a note which described him returning the mother's passport and bank card to her own mother. In summary he disputed any abuse in the relationship although he agreed there were loud arguments with shouting brought about by the mother drinking to excess, something she was doing every day by the latter part of the relationship. I understood him to say the relationship lasted for 4 years between 2018 and 2022. In about September 2022 he was telling a psychologist that he was not in a relationship with Sally because the social workers wouldn't allow it. On his case he started a relationship with Sam in about February 2023.

31. He was questioned about his engagement with various support offered by the local authority. He was critical of the domestic abuse course as being like an 'after school club' with him having to travel 2 hours to get to it for it to last only 10 minutes. He was critical of other professionals including a suggested witness at the unit who observed the April 2022 incident after which he was banned from attending the unit. He explained an audio message sent by Sam to Sally's sister in which Sam raised a number of complaints about him calling him a 'psycho' and alleging he had locked her in her son's room with her having to be rescued by neighbours. Peter explained this was in fact a 'fishing' exercise and he was sitting next to Sam when it was sent. They wanted to extract information which might be helpful. This had not happened. He described his use of cannabis which he accepted being 'addicted' to but said he could stop using without need for outside help. He had previously stopped using but started again due to the stress of not seeing Amy. He spent about £60 a week on cannabis and smoked 2-3 joints a day (previously 6-7). He did this outside the house. Sam moaned a little about him stopping and said he needed to stop to focus on Amy if she came to him. He would stop then. He had not engaged with a support service because this had not been organised for him. He was asked about a parenting course which he had said he was about

- to start (in his statement). He said he knew nothing about this and no-one had contacted him about this.
32. He was asked about his relationship with Sam and the issues that might arise. He repeated he had a good relationship with her and her kids. They live in a 2-bed flat and they sleep in the living room with her two children having a room each. If Amy came, she would have her son, Stephen's room which would be okay because he normally pulled his bed into the living room to sleep near to his mother. There would be no issues around this and Amy would be settled within a week or two. Stephen had no issues with sharing with babies but struggled with older children. If anything happened to Sam (she has a debilitating condition) then her mother would have Stephen and he would keep Amy. He later corrected this to say she would help him care for the children. If they separated, they would still be friends and he would stay until he found somewhere for himself and Amy. Sam's children had social services involvement due to her ex-partner and his behaviour.
  33. Peter accepted he could not look after Amy at this moment in time and was not asking the Court to place her into his care at the end of the hearing. He accepted he needed to complete the domestic abuse course and appeared to accept this would take about 6 months. He would undertake other work as suggested and was asking for a further assessment. He seemed to accept this would mean there would be a delay of at least 9 months in deciding the future for Amy. If he was unsuccessful then he would want Amy to be placed in to long term foster care. He did not support Amy being placed into her mother's care. He was questioned about knives seized by the police in January 2020. I have pictures of these knives which are described - by the police - as 'hunting' and 'zombie' knives. Peter did not agree with this description. He told me he was at that time collecting knives and had owned them for some time. They were kept under his bed. He did not claim them back from the police and he no longer had knives. He felt his assessment had been done too early, it was at a time when he was restarting contact with Amy and this explains the difficulties. Things were now much improved and he needed to be reassessed. When asked about the conclusions of a psychologist as to his behaviour he commented that this was done a long time ago. He disagreed with the suggestion that when he was not using cannabis his mood was affected and led to raised stress leading to misbehaviour. He told me he had not been smoking cannabis during the final hearing in the morning or at lunch, but only before bed. He told me that him and Sam might in the future have a child together. Her medical condition does not impact on this.
  34. **The Guardian:** The Guardian stood by her support for the plan for care and adoption which had not changed having heard all of the evidence. She did not oppose an open adoption so long as searching for this did not cause delay or unduly restrict the pool of possible adopters. She did not support the further assessments due to the delay they would cause. In the case of Sally delaying for further assessments would be too great a gamble given the historic evidence of non-engagement. In the case of Peter, a similar concern arose. Both parents accepted they were not currently able to provide good enough care and one could not say with confidence they would be able to do so in the future. She was concerned by Peter's evidence around his cannabis use and domestic abuse. There was evidence of erratic behaviour on his part such as the stool incident. His use of cannabis is associated with stress relief but caring for Amy would increase not reduce stress.
  35. In the case of Sally and stepping back and taking an overview she could not identify consistent positives in her care of Amy. She acknowledged Amy was likely facing a move in any event but felt a move back to her mother would have significant disruptive effect given the period since she was last in her care. She accepted transition to adoption could cause

emotional harm given the impact of change and loss of relationships. This was why this needed to be undertaken sooner rather than later and whilst Amy would be better able to cope with the change. She agreed Sally had low mood during the assessment period and this would have impacted on her ability to engage. But she felt the Court had to look at the preceding period of 1.5 years during which overall parenting had not been good enough. She accepted there would be challenges for Amy when she came to see her files when older and after an adoption. But the guardian's hope was that Amy would then be in a position of emotional strength as a result of the care and support she had received within a settled placement. She agreed with the care planning with respect to contact both pre- and post-adoption.

36. In the case of Peter, she agreed there had been improvements seen in contact and there was evidence of child focused behaviour on his part. But she was concerned as to his impulsive behaviour and his ability to acknowledge his behaviour which cast doubt on his level of insight. She agreed he might benefit from a bespoke piece of work around domestic abuse but any work would require a level of acceptance as a pre-condition. She had offered to see him at home but the father had suggested he see her in contact. In any event she had evidence of the home from the parenting assessment. There were things that had simply not moved on during the course of the proceedings such as substance misuse and domestic abuse understanding. She had residual concern as to the support that could be taken from Sam given her own health concerns and uncertainty as to the future. She agreed with the evidence of the social worker concerning the type of work that would be required before Amy could be placed with Peter.

<b>What are my conclusions about the alleged domestic abuse</b>
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37. I have listened with care to the evidence each of the parents gave to me and considered all of the documents which relate to these allegations. Allegations like this are difficult to decide as they nearly always happen in private with no-one else present. Where they are true there will often be issues of control and vulnerability which means reports are not always made or maintained. Sometimes things are said which are not true but made because someone wants to get back at an ex-partner or punish them for something. As a result, the Court is always helped where there is truly independent evidence which supports one side of the argument or where there are documents which show or suggest an account is true or untrue. This is called corroborating evidence.
38. In this case I have reached the clear conclusion that Peter has been domestically abusive to Sally both during their relationship and following it. This abuse has included both physical, verbal, and emotional abuse and includes controlling behaviours. I accept the key allegations made by the local authority in its threshold document. Whilst I have considered each point separately on its own merits I have naturally drawn upon my other findings when bringing my conclusions together. I have reached these conclusions having regard to the following points:
- i) The January 2020 incident: I found the account given by Sally more credible than that given by Peter. This was because I found the site of the injury, which was to the side of Sally's head in a slightly protected spot unlikely to be caused by her head butting a mirror as initially described by Peter. I note how his physical description of her motion altered when he became aware of the point being made. Secondly, I accept it is surprising the police did not include in their report circumstances which fitted with Peter's case. They do not detail the broken mirror for instance or Sally being obviously drunk. Third I do not consider the injury fits very well with an event

in which Sally repeatedly headbutted a mirror until it broke. Fourth, I note Peter provided a prepared statement to the police but then provided a no comment interview. On its own this would not prove the allegation but it offers support to the suggestion it was him who had something to hide. I was not assisted by the fact Sally withdraw her allegation or that Peter was not convicted. This does not outweigh the other information. I was also not assisted by Peter's reliance on the fact Sally had a history of self-harming. I am also supported by my other findings.

- ii) I find Peter was controlling on this occasion. Such control included wanting to restrict her access to her mother (who did not appreciate Peter's treatment of her daughter); and keeping her shoes, bank card and passport. It is striking that Peter denied this in his evidence and commented there was no reason why Sally's passport would be at the house only to later accept that three days later he attended at her mother's house to return the bank card and passport. I found Sally more credible and consistent in her account. Whilst it would not prove the allegation on its own, I found the Sam audio supportive of this allegation in its suggestion of Peter as a controlling individual (see below);
- iii) I find this was not the only incident of violence. I accept on this occasion Peter placed his hand on Sally's neck. This is why she documented the event by taking a photo of her neck, even though the image is not particularly clear. But I also find there was an incident when Peter stood on Sally's forehead. I have seen the striking image of a clear footprint on her forehead. It is agreed this is a footprint. I found Peter's explanation incredible and one I reject. He told me he watched her hit herself with a shoe a number of times causing the injury. I do not believe this for two reasons: (a) Whilst I do not have expert evidence, I consider I do not need it. In my assessment it is most unlikely such a mark would be caused by a person hitting herself with an empty shoe. I accept this would cause bruising but not the striking image seen in the photo. Rather, I consider this is an imprint requiring the shoe to have been forcibly held against the face to cause the injury. In my assessment this would be far more likely to be caused by a foot being pressed down on a face than an empty shoe being smacked against a face. Secondly, the mark is very distinct and fits with a single forceful press rather than a series of unrelated hits. In the second example it is most unlikely one would see such stark linear marking as the point of contact would vary on each occasion to some extent. This conclusion both supports and is supported by my other findings. I note the police attended on this occasion and appear to have arrested Peter suggesting they also formed a view not dissimilar to my own.
- iv) I find proven the incident at the unit in April 2022. It is concerning Amy was involved in this incident with Peter trying to grab her from her mother's arms and agreeing he did not support her neck. I do not accept his evidence that a child of this age would have the ability to support her neck as alleged. This was a foolhardy action on Peter's part. I also accept at some point in the event he kicked Sally. He admitted the same in his response to threshold although he has later retracted the same. I have found a willingness on his part to use physical force against Sally. These findings are supportive of this conclusion.
- v) I am troubled by the incident in which he threw a stool against a wall and his explanation that this was his right to do so as it was his. It suggests a person who will act out in an impulsive and aggressive manner and I am in little doubt that such behaviour was not limited to this occasion. It had the tendency, and was likely used,

to control Sally. It also supports the allegation above in which he threw a phone at Sally causing her injury.

- vi) I am troubled by the knife collection. It is not for me to socially engineer this family but I find it very worrying for Peter to be acting in such an aggressive manner and at the same time having very problematic weapons in his home. It is difficult to understand exactly why he was collecting knives or why if so, they were kept under his bed.
- vii) I am also troubled by the audio sent by Sam. Taken at face value it suggests that some of the behaviour set out above has in fact continued into the relationship with Sam. I do not accept the account of this being a 'fishing expedition' to extract helpful information. This makes no sense. Why would Peter supply to a person making allegations against him a recording of his partner making allegations against him? How could this possibly help him in any way? I find the account given to be one with sufficient detail to suggest it is a largely truthful account of an actual rather than an invented incident.
- viii) In reaching these conclusions I found Sally the more credible of the two. I consider the surrounding evidence better fitted with her case. I have listened to each give evidence. This has further supported my conclusions. Peter's responses were suggestive of an individual with poor insight and understanding. I agree he deflected responsibility onto Sally and was unable to accept his own responsibility for what had happened.
- ix) I do not reach these conclusions without accepting some criticisms of Sally. She has not helped herself in continuing to contact Peter or in messaging him on occasions in an abusive manner. These messages indicate she was struggling to cope with being on her own. However, this does not undermine her central allegation any more than does the fact she returned to Peter after making her allegations. Such behaviour is sadly consistent with many abusive relationships. I can't be certain she sent all the messages to Peter but this does not change my central conclusions and would not even if I was sure she had.

39. I find the concerns of the social workers which are set out in the threshold proven as set out in the amended document.

<b>My assessment</b>
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40. My welfare assessment: I am thinking about what is best for Amy throughout her life. This requires me to keep in mind that the decision I am being asked will have the most significant impact on Amy and will be with her likely into the next century. By reminding myself in this way I will make sure I keep in mind the importance of this decision.

41. I have to think about Amy's **wishes and feelings**. She is far too young to be able to tell me what she wants and, in any event, her wishes and feelings have to be considered having regard to her age and understanding. Thinking about it in this way it is clear she cannot express relevant wishes and feelings. But I do keep in mind, and will return to, the fact she has contact with both her parents and there is good evidence of this being positive and a happy occasion for her. In simple terms she is likely to want this to continue. She smiles at Peter and runs to him for a cuddle. This suggests she is happy and enjoying herself and will want this to continue. She equally has good contact with Sally. But because I am guessing

about what she would want I also do not ignore the fact that she is happy in her current foster care placement. This is likely to be in part because she is happy with the stable and consistent care she is receiving there. Of course, she would not put it that way but it is likely this is part of why she is happy. I am confident she would want this type of good care to continue if she was able to tell me what she wanted.

42. I have to have regard to Amy's **needs**. In most ways Amy shares her needs common to all children. She needs a safe home with consistent care that does not keep changing. She needs a home without high levels of dispute and without domestic abuse. She needs a carer who is well enough physically and mentally to be available to meet her needs as they arise. It is important her carer gives predictable care. What I mean by that is that Amy can expect a consistent form of care and get that care when she asks for it from her carer. She needs all her basic needs to be met including food, clothing, and housing. It is important her carers understand her needs including her developmental needs and can keep meeting these as they change over time. But Amy has particular needs which are personal to her and which flow from her history. Given the significant disruption in her life and her change of carers it is important she now has stability into her future care. She really cannot afford future disruption to her home life. It would be very damaging for her were she to return to one of her parents only for that to fail and for her to return into care. This would likely undermine any trust she has in her carers. She also needs a solution to be found sooner rather than later. She is now 2 ½ years old and she has experienced challenging times throughout her life. There is a danger that delay in her finding a final placement may mean any future placement is not as stable as Amy needs. The older she becomes the harder it may be to find a placement that she can settle into. This is partly because her experiences will become so central to her feelings that she cannot put them to one side and fit into a new home. I have listened to the evidence about medical and other physical needs she may have. I accept these concerns are largely addressed. I accept there is at least a risk that she may have some developmental issues. The evidence suggests these are likely to be a result both of the make-up she takes from her parents but also from the care she has received. She now needs care which removes any environmental impact.
43. It is very important I think about the impact on Amy of **ceasing to be a member of her birth family** if she is adopted. The impact of adoption is huge. It has both a legal and emotional impact. Legally Amy would no longer be a member of her birth family. Emotionally her relationship with her parents would be seriously changed if not stopped altogether. I will return to the question of possible contact even if she is adopted but I must take account of the possibility that there will be no contact if she is adopted other than indirect contact through letters. The concern is that Amy would struggle to cope with losing her relationship with her family and this might mean she cannot settle into a new placement. If this turned out to be the case then the very reason for seeking adoption would be undermined. Even if she managed to settle there would be a longer term worry as to how she would cope with what had happened to her when she was old enough to fully understand her history. If this were not managed well, she might very well rebel against her placement or act in a way which would destabilise it. This emotional impact might have significant impact on her own mental health. I would be worried were she to follow a similar route to either of her parents as a result of this. Other worries would be that she might come to blame herself for being separated from her family or blame her new family for her separation. Plainly any or all of these feelings would have a consequential and significant impact on her schooling and likely relationships outside of her family. I appreciate there is a proposal for possible direct contact after adoption. The reason why such contact might be good for Amy is not just because it would allow her to see her family. It might also create the stability that would potentially limit the worries set out above. But such contact would likely be limited in scope and likely

limited to what might be called identity contact – set at perhaps once or twice a year. This would still bring a significant impact on Amy and would not entirely remove the issues above.

44. I have regard to Amy's **personal characteristics**. I have already mentioned her age and the need for her to find a home which gives her a sense of permanency as soon as possible. I have considered the fact that she has spent nearly all of her life either in proceedings or on the edge of proceedings. I have been asked to consider her medical and other conditions. I bear these in mind although the position is not entirely clear.
45. The concerns of the social workers are mentioned throughout this decision. I have to take account of any **harm Amy has suffered or is at risk of suffering**. In this case there are a range of harms which have both happened and might happen. These include the risk of serious arguments involving one of her parents impacting on her. In the April 2022 incident she was barely 2 months old when she became part of a 'tug of war' between her parents during which Peter lost sight of her need to be kept physically safe. One can have only limited confidence that these issues will not arise in the future involving one or other of her parents unless the underlying issues are addressed. She has also suffered emotional harm and neglect. Again, this is likely to happen again unless changes are made. It seems to be agreed that at this time a risk will remain until such time as the parents have taken steps to address the issues put before the Court. I accept these risks are being appropriately managed whilst Amy is in foster care as they would be if she were adopted.
46. Lastly, I need to consider **the relationship Amy has with particular people** and certain features of such relationship. For these purposes I am thinking about the following people: Sally, Peter, the maternal grandmother, and the foster carers. Each of these individuals have a valuable relationship with Amy. I have heard the difficulties in the relationship with Peter and how there were periods when he did not see her. However, since November 2023 contact has improved significantly as noted by the professionals. There is obvious value to Amy in this continuing. A similar point can be made with respect to Sally. She has also had periods during which contact has been inconsistent but more recently it has become more regular. It also has value to Amy. I have heard about the role of the grandmother. I consider this falls into a different category and is secondary to the parents but it has some value for Amy. There is general agreement that the foster carers have provided a settled and consistent home for Amy and that they are attached to her and she to them. In many ways at this time this relationship is the most valuable one for Amy.
47. Both Sally and Peter have clear wishes. They do not want Amy to be adopted. They want to care for her but would accept long term foster care if that were not possible. They would ideally like this to be with the current foster carers. They understandably want this as it would mean she was not adopted and placed into a new family. I am less clear about the grandmother's wishes. She has shown herself to be a protective individual placing Amy's needs above her own daughters. I heard evidence about the foster carers. They are not long term foster carers and are not in a position to seek to adopt her. But they are committed to her. They have been spoken to and there is no suggestion they challenge the care planning.
48. I next have to think about the capacity of these individuals to provide a secure environment in which Amy's needs can be met. As is clear both Sally and Peter accept they are not in such a position at this time but believe given the chance they will be able to show they can. The grandmother is not putting herself forward. The foster carers are providing this sort of environment but are not placed to continue to do so into the future.

49. My holistic assessment: As I made clear earlier in this decision, this is a consideration of the relative strengths and weaknesses of adoption compared to long term foster care. Neither parent asks me to place Amy into their care at this time. As such neither is a current realistic option.
50. I consider **long term foster care** first. The strengths or positives of this option include the following: (i) It would allow contact with family to continue at a much higher level than under adoption. This might be a significant reduction on current weekly levels but it would be regular; (ii) It would maintain a strong sense of identity for Amy. She would retain a link to her parents and by this a sense of herself, her identity, and her family history. Were she to have developmental needs similar to her parents then this might assist her in understanding her make-up; (iii) It would permit future rehabilitation into parental care were they able to establish a capacity to provide good enough care; (iv) It would provide day-to-day good enough care likely avoiding the risks identified with the care given by the parents; (v) It would avoid the emotional impact on Amy of adoption as described in the earlier section.
51. Turning to the weaknesses or negatives of foster care, I note the following: (i) It would not provide the same sense of permanency arising on adoption. Such a placement has a much higher level of potential instability. Such instability could arise in a number of ways that would not likely arise in an adoptive setting. These might include the foster carer retiring from providing such care, moving, or taking on other needs. It might alternatively breakdown due to ill health in circumstances that simply would not cause an adoption to end. The issue is that foster carers are in reality employees of the local authority and their continuation is based on regulations and rules which do not apply to adoption; (ii) Foster care leaves a child subject to state parenting. This will mean Amy has regular reviews and medical checks. If her foster carers wished to travel overseas then they would need permission and checks might need to be undertaken before Amy could have a 'sleepover.' These circumstances mean there is a risk of this creating a level of stigma around the child, with embarrassment around her friends when this becomes known; (iii) Whilst foster care has the benefit of allowing rehabilitation it also brings a risk of levels of instability based on problematic ongoing contact or unmerited applications to discharge the placement; (iv) Whilst foster care relationships can continue into adulthood the relationship is then very different in form and comes with no sense of certainty.
52. I turn to **adoption**. The strengths of this option include: (i) The likelihood this placement would provide a stable and consistent placement which avoids the harm previously experienced by Amy; (ii) The opportunity it would offer for a placement with permanency meaning Amy would be the centre of family life and be an intended lifelong member of this family; (iii) The emotional security that would come with being central to a family; (iv) Such a placement is a natural placement without state oversight and all the issues this brings; (v) By its nature such a placement has a heightened prospect of stability into the long term; (vi) There is a likelihood that any such carers would by their training be well placed to address emotional and other issues that might arise over time.
53. The weaknesses of adoption include: (i) The very significant severance of family life brought about by adoption; (ii) The likely reduction if not ending of direct contact; (iii) The potential for emotional impact on Amy of having to come to terms with her separation from family and the reasons for this; (iv) The loss of a strong identity link to her direct heritage and family history; (v) The potential for an adoptive placement to break down and the high trauma this would cause if this were to happen.

<b>My conclusions</b>
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54. I am being asked to consider two questions and make two decisions. These questions are: (1) Should I make a final decision now or adjourn the case for further assessments, whether for Peter, Sally, or both? (2) If not, should I make an adoption order or refuse this and place Amy into long term foster care? It makes sense to answer each question in this order.
55. Should I adjourn this case? As I have made clear this can only be agreed if it is necessary. Both Sally and Peter argue it is. Sally says her last assessment was not complete because she was not in a position to give her all at that time. She is now consistent with her medication and is feeling better and needs to be re-assessed. She agrees there is a lot of work to do and accepts this will cause at least a 6-month delay to any final outcome. Peter says he has moved on since his assessment and so should be reassessed. He also agrees he has work to do and seems to agree this would mean a delay of around 9 months at least. Both the local authority and the guardian consider this delay is too long and that the evidence suggests the prospects of a successful outcome is too low to make this acceptable. They point to the extensive efforts made in this case to no positive effect.
56. How long would the delay be? I do not accept one simply needs Sally to have a 6-week assessment after which we would be ready for updated final evidence. I am in no doubt any such assessment would be bound to place focus on the medium- and long-term likelihood of consistent and stable care and would require some level of evidence of engagement with therapy and evidence of progress of the same. I do not suggest this would have to be concluded and would therefore need the 18-24 months suggested by the expert. But I do consider an assessor would need to see sustained engagement. I consider this would mean a delay of at least 6 months before a report could be contemplated. Allowing for updated final evidence and a further hearing this would extend the proceedings to around 8 months. If an agreement could not be reached a final hearing would probably be around 10 months away. I consider the timetable for Peter would be similar if not exactly the same. This means in the worst-case scenario one would then be returning to adoption as an outcome in about 10 months with a likely earliest placement 16-20 months away, meaning Amy could be close to 4 ½ years of age. This is a significant risk for Amy and means the Court will want confidence before agreeing to this possibility.
57. Are there good grounds for confidence as to a successful assessment? In considering this question I have to have regard to the significant assessment work either offered or undertaken with both parents over a sustained period. I am often faced by cases in which a local authority is criticised for not offering support to parents to improve themselves. Often parents are left to pursue their own referrals. In this case the local authority has stepped up to the mark and provided a very high level of support. The parents have also benefitted from a consistent social worker over the last two years. The local authority detail all of this support in their position document and I note and accept the same.
58. In the case of Sally this include offers of therapy and support through her GP. Expert assessments were undertaken both before and within these proceedings. A parenting practitioner was offered to give guidance and support and in proceedings an appropriate assessment offered. The social worker gave direct support with respect to domestic violence work and other work was provided. The difficulty is that Sally was unable to engage with this work and where she did was unable to sustain her engagement. This is not a case in which everything can be seen to have been offered in a short window of court proceedings. In contrast the support here has been offered over a significant period and to no positive effect. Whilst I appreciate Sally is now saying she feels better my sense of her as a witness

was of a young woman who remained vulnerable and passive. I did not pick up the sense of someone who has plainly turned a corner. I appreciate from her perspective the assessment was undertaken at a bad time for her and soon after Amy was removed but this is the reality of Court proceedings which attempt to find a secure outcome for a child within 6 months. Yet we are now at 9 months and will be close to two years if her application succeeds. The work she will need to undertake will be challenging and I am concerned that despite her best intentions this will remain beyond her current ability. I have to bear in mind the obvious tendency to be optimistic at the point at which the Court is making its final decisions but the history of this case and the period which preceded it gives very limited ground for hope.

59. In the case of Peter there are a range of balancing points. He raises the positives of contact in recent times, his relationship with Sam and her children and his new employment post. But against this are some serious ongoing concerns which have been relevant throughout Amy's life. I have in mind the domestic abuse, substance abuse and evidence of poor understanding of her needs. Peter has also been offered a lot of support but has failed to take this opportunity. In his evidence he was consistently critical of the professionals who offered these services or those who had failed to inform him of his need to attend or arrange the same. I was not impressed with this evidence. In his statement he identified a course he was starting in June only to tell me in evidence he didn't and couldn't explain why not but it was someone else's fault. He accepts he needs to engage with a domestic abuse programme but falls very short of accepting his behaviour as found by me. He went no further than accepting arguing and throwing a stool and justified the latter in any event. I have expressed reservations as to the audio sent by Sam and this impacts on his case as to this being a foundation for his case. His evidence as to substance use was contradictory and problematic. Ultimately, he accepted a link between stopping use and caring for Amy yet made clear this was only something he would do in the future. It is unclear why he has not used these proceedings as an opportunity to stop. I also found elements of his evidence confirmatory of the concerns as to his lack of ability to understand Amy's needs and a tendency to view matters from his perspective with an inability to put himself in her shoes. A key example was the suggestion she would settle into his home within one week. This was widely optimistic. He did not seem to see that her moving into Stephen's room might have an emotional impact upon him or that her presence might become challenging for Stephen as she became an older child given, he struggles to share with older children. Each of these illustrated the concern identified in his assessment. I was left with the sense that he had an overly optimistic and unrealistic appreciation of the challenges that would be faced. In my opinion a realistic understanding is important in a case where change is required.
60. Sadly, and notwithstanding positive elements I have reached the conclusion that a further assessment is not necessary given the information the Court already has. In reality a further assessment will always have some purpose and will always provide more information but in this case the Court has a wealth of information over a sustained period and the grounds for optimism around further assessment are in fact very limited. Further, I do not consider it would be right to extend the proceedings as sought. This would have a profound impact on Amy were such delay to be followed in any event by a search for an adoptive family. In this case there has been a real opportunity to make change or show the foundation for change. Unfortunately, what has been seen has been just the first steps in a long journey. I dismiss the applications for further assessment.
61. What is the right outcome for Amy? I have considered the matters set out above. I have ended up placing most weight on the history of instability experienced by Amy to date and the very real need for her to have a secure and stable placement as soon as possible. I consider she requires a placement which has as much security as is possible. Whilst I

recognise the positives, she has obtained from her current placement I do not consider it is best for her to remain in foster care indefinitely. The downsides of this outweigh the benefits. I consider with the passage of time Amy's welfare needs will only be adequately met if she is placed central to a family and one in which she can be confident she will remain. My conclusion is that she requires the permanence that can only be offered by adoption. I have therefore reached the sad conclusion that only a care and placement order will meet her welfare needs. As a result, I consider her welfare requires me to make this order even though her parents disagree. In my assessment her welfare needs this and as such it is a reasonable response to the situation faced. I judge it is a proportionate response despite its significant impact.

62. My views on the contact issues: I accept the fundamental evidence of the family finder and agree likely placement would be within 10 months with matching at around 6 months. As such it is reasonable to transition contact over this period to prepare Amy for this change. There is a possibility that this will occur somewhat earlier and if this is possible then it should not be delayed because contact is still in a process of transition. Having regard to this on balance I agree with the proposed transition plan from weekly to fortnightly and then monthly contact.
63. I make the care order having found the threshold crossed and on the basis of the amended care plan. I agree with the planning to include support for consideration of direct contact post-adoption. I do not consider this should restrict the parameters of the search but all candidates should be informed as to the positives of contact. This judgment should and will be shared with them and I would expect my observations to be drawn to their attention. I am cautious about imposing a certain form of wording and would prefer to leave this to the experienced professionals who will be dealing directly with the candidates. But I would expect the professionals to provide a balanced and realistic summary of the benefits of contact. I certainly approve the notion of a meeting between parents and prospective adopters.
64. I am sending this to each of the lawyers to give them a chance to share it with their clients carefully and without the stress of being sat in the court room. I will ask my clerk to provide a printed copy to help with this. When I see everyone in Court I will want to be told (a) whether there are any errors in this decision which need to be corrected; (b) whether there are any matters which I have not dealt with and need to deal with; (c) whether there are any objections to this judgment being put on the legal website for judgments with all personal details removed (I will provide a separate copy with the names changed so that no-one can be identified). In due course an order reflecting this decision will need to be uploaded for my approval.

His Honour Judge Willans