

**MISS RECORDER HENLEY**

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.

**Before:**

**MISS RECORDER HENLEY**

**IN THE FAMILY COURT**

**Case No. NE17C00586**

**SITTING AT NEWCASTLE UPON TYNE**

**In the matter of the Children Act 1989**

**Date: 30/08/2018**

**In the matter of**

**MM ([on a date in] 2010)**

**E ([on a date in] 2013)**

**C ([on a date in] 2015)**

**BETWEEN:**

**LA**

**Applicant**

**-and-**

**(1) M**

**(2) F1**

**(3) F2**

**(4) PGPS**

**(5) THE CHILDREN**

**(Minors acting through their Children's Guardian, Carrie Hargreaves)**

**Respondents**

---

## JUDGMENT

---

### Representation

Applicant – Mr Ainsley (Counsel)

Respondent Mother – Mr Ross (Counsel)

Respondent Father of E and C – Miss Parsons (Solicitor)

Respondent Father of MM – Mr Donnelly (Counsel)

Respondent Paternal Grandparents – Mr Bradley (Solicitor)

Respondent Children – Mr Coombe (Solicitor)

### Introduction

1. This is an application for Care Orders brought by LA, (LA)
2. The Court is concerned with three children:
  - MM (born [on a date in] 2010) now aged 8 years old
  - E (born [on a date in] 2013) now aged 5 years old
  - C (born [on a date in] 2015) now aged 2 years 10 months
3. The children attend a Catholic school and the Maternal Grandmother is Irish and Roman Catholic but otherwise they do not identify strongly with the Catholic faith and do not attend church on a regular basis. The rest of the family do not hold particularly strong religious identities. MM and E lived in Coventry until May 2015, when they moved to the North East of England. C was born in the North East and has always lived in that area.

4. The Mother of all three children is M, (born [on a date in] 1993) aged 28 years old. She is 19 weeks pregnant to her new partner P. They live in the North East of England, where he originates from.
5. The Father of E and C is F1 (born [on a date in] 1992) aged 29 years old. He holds Parental Responsibility for them. He lives within a five minute drive of his parents, PGPs, in the North East of England.
6. The Father of MM is F2 (born born [on a date in] 1992) aged 29 years old. He holds Parental Responsibility for her. He lives in Bradford.
7. The Fourth and Fifth Respondents are the Paternal Grandparents (“PGPs”) (F1’s Father and Step Mother). They live in the North East of England.
8. The children’s Maternal Grandparents (“MGPs”) were Respondents to these proceedings, having been joined as parties on 6<sup>th</sup> April 2018 but now attend as witnesses on behalf of the Mother. They live in Coventry.
9. The children are represented by their Children’s Guardian, Carrie Hargreaves.
10. These proceedings were issued on 14<sup>th</sup> December 2017, the 26 week timetable for this case expired on 15<sup>th</sup> June 2018.
11. This matter first came before me on 20<sup>th</sup> July 2018 for IRH. The Maternal Grandparents were unable to attend that hearing in person but joined by telephone. I spoke to MGM directly to ascertain their position, which was subsequently recorded on the order. I was informed by MGM that they sought a placement of all three children in their care in preference to any other family placement and if the children could not be placed in their care then their view was that the children should be placed permanently outside the family. I listed a

further IRH before me on 10<sup>th</sup> August 2018 as not all parties had filed final evidence at that stage.

12. On 10<sup>th</sup> August 2018 the Maternal Grandparents attended the hearing in person. I was informed by the Children's solicitor Mr Coombe that MGPs appeared to have changed their position and that when MGM had attended the Advocates Meeting by telephone the day before the hearing she had stated that they had "always" supported a return of the children to the Mother as their first position, and only sought a placement of the children in their care if that was not possible. MGM spoke within the Court room, MGF sat next to her throughout. She informed me that there had been a mistake with regards to their position as conveyed by her to me on 20<sup>th</sup> July 2018 and that what they had intended to convey was that their primary position was to support a return of all three children to the care of the Mother and only if that could not take place did they seek a placement of the children in their care. The Mother's position was identical to theirs. F2 also put the Maternal Grandparents forward as his first choice for the care of MM. I heard submissions from all parties in respect of whether, in circumstances in which MGPs had no independent case to put, and since the advocates on behalf of M and F2 could advance their case, they should continue to be parties to the proceedings. None of the parties, including MGPs, thought that they should remain as parties, particularly since they were representing themselves and could more conveniently appear as witnesses on behalf of the Mother, with the advantage of having her solicitor assist them to prepare their evidence and her advocate advancing their case for them, supported by F2's advocate. My only hesitation was that MGPs had not by that stage filed a response to three welfare findings sought against them by the LA. I directed that they send their response by email to M's solicitor and if that response failed to identify any conflict between M and MGPs, MGPs would be discharged as parties, would appear as witnesses for M and that M's solicitor was to assist them to file their overdue response to threshold and any accompanying evidence that they sought to file.

13. On Wednesday 15<sup>th</sup> August 2018 I was contacted by the Mother's solicitor by email to inform me that MGPs' had "changed" their position, were no longer supporting a return of the children to M's care and that their primary position was to seek a return of all three children to their care. I was also informed that the Mother had similarly changed her position, was no longer putting herself forward to care for the children and instead supported the children being cared for by MGPs as her primary position. The Mother's solicitor sought to suggest that although M's counsel could put forward their case, and that there was no conflict between them, the MGPs should continue to appear as parties so that they could ask their own questions and file their own documents. I disagreed. I made clear that in these circumstances MGPs should appear as witnesses for M, with all the advantages that would bring for them in terms of having an advocate put their case, M's solicitor to prepare their documents and that they could still have full access to the Court bundle and be present in the Court hearing throughout. I stated that if any party sought to challenge this position they would need to attend before me on the Thursday or Friday that week but otherwise MGPs would be discharged as parties.

14. Quite apart from MGPs having no separate case to argue, key to my decision-making in this regard was that the issues in this case have distilled down to the competing claims of two sets of grandparents. PGPs on the one hand have full legal representation, whereas MGPs do not. I am satisfied that in these circumstances, the Article 6 ECHR rights of MGPs are better protected with the benefit of legal representation which is sadly not available for them on a publicly funded basis and which they are unable to fund themselves. M and F2 however, who both advanced them as carers for the children as their primary position, each have full non means non merits tested legal aid, which I considered was better utilised by assisting MGPs. This allowed MGPs to appear as witnesses for M, the first respondent, having the benefit of M's counsel putting their case (which was entirely consistent with M's instructions), and having the benefit of M's solicitor assisting them to file their documents. MGPs have had the benefit of full access

to the Court bundle, and have been able to remain in the Court hearing throughout this hearing. At times when their position appeared to diverge from the Mother's, which only became clear during the course of the oral evidence of the maternal family, I assisted MGPs by calling MGM to give evidence and giving Mr Ross the opportunity to cross examine her if he wished. He was content not to do so and to continue to treat both MGPs as his witnesses. I am grateful to him for assisting MGPs to put their case.

### Background

15. The Mother originates from Coventry, where MGPs continue to live. She lived in Coventry with the oldest two children until May 2015 when she moved to the Durham area. C was born in Newcastle Upon Tyne after the family moved to the North East of England.
16. Five referrals were received by the LA in respect of domestic abuse and concerns about M's mental health and the impact it was having upon her ability to regulate her emotions in the presence of the children during 2016. The case was closed in September 2016.
17. The family next came to the attention of the LA following an incident of domestic abuse between the Mother and F1 on 21st August 2017. The Mother is alleged to have assaulted F1 and damaged property in the home, which, it is said, was witnessed by the children. The Mother disputes being a perpetrator of domestic abuse for the purposes of these proceedings and it has not been necessary for me to make a finding in this regard. The Mother signed a written agreement following this incident agreeing to leave the family home, to stay away from the home and to have supervised contact with the children pending further assessments. In breach of that agreement, F1 allowed the Mother to return to the family home and stay overnight there on more than one occasion. Following this

- being discovered, the Mother left the area to live in Coventry with MGPs on 25<sup>th</sup> August 2017.
18. The Mother suffers from poor mental health and has been diagnosed with an Emotionally Unstable Personality Disorder, for which she ordinarily takes medication and has support from a Community Psychiatric Nurse. She has ceased taking medication on medical advice due to her current pregnancy but sees her CPN on a weekly basis.
  19. On 6<sup>th</sup> October 2017 the LA closed the case on the basis that F1 was deemed to be a protective factor and that the Mother had left the area with no plans to return. On that day the Mother and MGM took MM to Coventry after a session of supervised contact on the basis that F1 did not have Parental Responsibility for her and could not prevent them doing so. They assert that their actions were in keeping with MM's wishes and feelings, which they sought to establish during the contact session.
  20. On 7<sup>th</sup> October 2017 the Mother returned to the Durham area without MM stating that MGPs were refusing to return her.
  21. From 6<sup>th</sup> October 2017 until 8<sup>th</sup> November 2017 MM stayed with MGPs in Coventry. No contact took place between her and her parents or siblings during this time and she failed to attend school.
  22. On 9<sup>th</sup> October 2017 and 28<sup>th</sup> October 2017 the Mother was found at the family home in further breach of a written agreement. The Mother had not engaged at that time with support services to address domestic abuse or her mental health difficulties.
  23. On 26<sup>th</sup> October 2017 the Mother issued private law proceedings seeking the return of MM to the return of F1's care from the care of MGPs.

24. On 3<sup>rd</sup> November 2017 MGPs were directed by Court order to return MM to the care of F1 and a Prohibited Steps Order was made preventing them from removing her from his care. On 4<sup>th</sup> November 2017 MGPs contacted the Coventry Police and alleged that F1 had physically abused MM, seeking justification not to return her to his care. MGPs ultimately returned MM to his care on 8<sup>th</sup> November 2017. It transpires that they had photographed bruising to her back on 7<sup>th</sup> October 2017 but had not drawn that to the attention of professionals until after the Court directed that they return her to F1's care. MM had told them it was caused by her falling down the stairs. F1 disputes that he caused the bruising and I have not been invited to make any findings against him in this regard.
25. On 14<sup>th</sup> November 2017 the children were made the subjects of Child Protection Plans under the category Emotional Abuse due to mounting concerns that F1 was allowing the Mother into the family home, in breach of a written agreement, that his basic care of the children had deteriorated and that he may be misusing cocaine.
26. On 24<sup>th</sup> November 2017 F1 admitted that he had misused cocaine at a Core Group Meeting.
27. On 29<sup>th</sup> November 2017 F1 was found asleep in the family home and the youngest two children opened the door during a social work visit, they were aged 4 and 2 years old at the time.
28. On 30<sup>th</sup> November 2017 in the private law proceedings a s.37 Report was ordered and MM was made the subject of an Interim Care Order.
29. On 14<sup>th</sup> December 2017 these proceedings were issued.



30. On 15<sup>th</sup> December 2017 the Interim Care Order in respect of MM was discharged and the children went to live with PGPs on the basis of a voluntary arrangement. The children have been in the care of PGPs since that time.
31. On 20<sup>th</sup> December 2017 all three children were made the subjects of time limited Child Arrangements Orders in favour of PGPs and Interim Supervision Orders. PGPs were joined as parties to these proceedings at that hearing.
32. The Mother is now in a relationship with a new partner and is 19 weeks' pregnant with his child. Their relationship is alleged to be a domestically abusive one.

#### The Law in respect of Factual Determinations

33. The law to be applied when considering the issues before the court is well settled. When considering the findings sought by the local authority the court applies the following well established principles:
  34. The burden of proving the facts pleaded rests with the local authority.
  35. The standard to which the local authority must satisfy the court is the simple balance of probabilities. The inherent probability or improbability of an event remains a matter to be taken into account when weighing the probabilities and deciding whether, on balance, the event occurred (*Re B* [2008] UKHL 35 at [15]). Within this context, there is no room for a finding by the court that something *might* have happened. The court may decide that it did or that it did not (*Re B* [2008] UKHL 35 at [2]).
  36. Findings of fact must be based on evidence not on speculation. The decision on whether the facts in issue have been proved to the requisite standard must be based on *all* of the available evidence and should have regard to the wide context of social, emotional, ethical and moral factors (*A County Council v A Mother, A Father and X, Y and Z* [2005] EWHC 31 (Fam)).

37. In determining whether the local authority has discharged the burden upon it the court looks at what has been described as ‘the broad canvass’ of the evidence before it. The role of the court is to consider the evidence in its totality and to make findings on the balance of probabilities accordingly. Within this context, the court must consider each piece of evidence in the context of all of the other evidence (*Re T* [2004] 2 FLR 838 at [33]).
38. The evidence of the parents and carers is of utmost importance and it is essential that the court forms a clear assessment of their credibility and reliability. The court is likely to place considerable reliability and weight on the evidence and impression it forms of them.
39. I also however, must bear in mind the observations of Macur LJ in *Re M (Children)* [2013] EWCA Civ 1147 “It is obviously a counsel of perfection but seems to me advisable that any judge appraising witnesses in the emotionally charged atmosphere of a contested family dispute should warn themselves to guard against an assessment solely by virtue of their behaviour in the witness box and to expressly indicate that they have done so”.
40. The court must always bear in mind that a witnesses may tell lies in the course of an investigation and the hearing. The court must be careful to bear in mind that a witness may lie for many reasons, such as shame, misplaced loyalty, panic, fear and distress. The fact that a witness has lied about some matters does not mean that he or she has lied about everything (*R v Lucas* [1982] QB 720). I make clear that in reaching my conclusions in these matters, I have given myself this direction in respect of the evidence of the Mother and in respect of Shelley Findlay’s evidence.
41. In the case of *Lancashire County Council v The Children and Others* [2014] EWHC 3 Mr Justice Peter Jackson (as he then was) observed that:
- "Where repeated accounts are given the court must think carefully about the significance or otherwise of any reported discrepancies. They may arise for a

number of reasons. One possibility is of course that they are lies designed to hide culpability. Another is that they are lies told for other reasons. Further possibilities include faulty recollection or confusion at the time of stress or where the importance of accuracy is not fully appreciated, or there may be inaccuracy or mistake in the record-keeping or recollection of the person hearing and relaying the account. The possible effect of delay and repeated questioning upon memory should also be considered, as should the effect of one person on hearing accounts given by another. As memory fades, a desire to iron out wrinkles may not be unnatural; a process that might inelegantly be described as "story-creep" may occur without any necessary inferences of bad faith."

42. I also bear in mind the observations of Mostyn J in *Lancashire County Council v R* [2013] EWHC 364 (Fam):

"The assessment of credibility generally involves wider problems than mere demeanour which is mostly concerned with whether the witness appears to be telling the truth as he now believes it to be. With every day that passes the memory becomes fainter and the imagination more active. The human capacity for honestly believing something which bears no resemblance to what actually happened is unlimited."

43. It is also important when considering its decision as to the findings sought that the Court take into account of the presence or absence of any risk factors and any protective factors which are apparent on the evidence. In *Re BR* [2015] EWFC 41 Peter Jackson J (as he then was) sets out a useful summary of those factors drawn from information from the NSPCC, the Common Assessment Framework and the Patient UK Guidance for Health Professionals.

#### Threshold Criteria

44. At the hearing on 20<sup>th</sup> July 2018 I was informed that the Mother accepted that the threshold criteria for the making of public law orders pursuant to s.31 Children

Act 1989 was crossed. This position was consistent with her response to threshold document dated 23<sup>rd</sup> March 2018. I invited the local authority and the Mother's advocate to agree a list of concessions, which could be included on the face of that order. The following concessions were agreed and recorded, (F1's concessions have also been added):

- a) The Mother and F1 failed to protect the children from suffering emotional abuse, due to witnessing them arguing.
  - b) The children have suffered neglect and emotional and physical harm due to being present when there has been domestic violence incidents between the Mother and F1 and by witnessing frequent arguments necessitating police involvement.
  - c) The Mother's mental health affected her ability to effectively manage her relationship and protect the children.
  - d) The Mother experienced periods of poor mental health which have negatively impacted on her capacity to care for the children and further exposed the children to inappropriate adult behaviour.
  - e) The children have suffered neglect and been exposed to emotional and physical harm due to F1 misusing substances, specifically cocaine, whilst the children were in his care.
  - f) The children were emotionally harmed by virtue of unstable living arrangements which involved periods of sibling separation when MM was sent to live with MGPs.
  - g) The children have suffered neglect due to the parents failing to ensure that they attended school regularly.
  - h) During his period of sole care of the children in the latter part of 2017, F1 at times, struggled to cope and left the children unsupervised whilst asleep at inappropriate times.
45. When the Mother gave oral evidence, she confirmed her threshold response document dated 23<sup>rd</sup> March 2018 save that she stated that she did not accept that she perpetrated any domestic abuse and therefore sought to amend the document

to remove the following sentence “She also accepts that on some occasions she was the perpetrator of domestic violence”. The rest of the document she confirmed as truthful. However, during the course of her oral evidence she then went on to deny that she was responsible in any way for these proceedings being issued, she denied that her mental health issues had in any way affected her parenting capacity or her functioning with regards her relationships and sought to blame the issuing of these proceedings entirely upon F1. She also sought to deny that the children had suffered emotional harm, save for that caused by these proceedings and by their removal from the care of the parents.

46. The Mother’s evidence went part heard overnight. The following day I questioned her myself about her threshold concessions, as recorded on the earlier order. She accepted each concession save that she sought to argue that she was not to blame for the children’s failure to attend school as she was working.

47. In light of the Mother’s inconsistent approach to this issue, I consider it necessary for me to make factual determinations in respect of the threshold criteria and I do so based upon the local authority’s unchallenged evidence in respect of them. I am satisfied that each and every concession that the Mother made is entirely borne out by the unchallenged evidence of the local authority. Furthermore, I do not accept that the Mother can blame poor school attendance upon F1 and seek to exculpate herself from being responsible for the children’s failure to attend school. The children were in the overall care of the Mother and F1 at the time. The Mother may well have been working but that does not excuse her from being able to take responsibility for these issues. Many parents work. Working does not preclude a parent’s responsibility to ensure that their children attend school. I am satisfied that both the Mother and F1 were equally culpable for the children’s failure to attend school.

48. I am satisfied that the threshold criteria for the making of final public law orders pursuant to s.31 Children Act 1989 is crossed on the basis that the children have

suffered significant harm in the form of neglect and significant emotional harm and that they are at risk of suffering significant harm in the form of neglect, emotional harm and physical harm.

### Welfare Findings Sought

49. The local authority seeks the following welfare findings:

- (a) The conflictual nature of the relationships between maternal and paternal families has been evident to the children and will have caused them emotional distress and upset.
- (b) The Mother has failed to seek and/or maintain appropriate supports to enable her to meet the welfare needs of the children, including but not limited to: Harbour and Mental Health supports
- (c) The Mother has subsequently become involved in a domestically abusive relationship whereby she was the victim of an assault in February 2018. The Mother is now pregnant to the alleged perpetrator. The inability of the mother to establish and maintain non-abusive relationships is inconsistent with meeting the future welfare needs of the children.
- (d) The Mother has, post placement, continued to engage in antisocial, disruptive and self harming behaviours that would be incompatible with her meeting the welfare needs of the children.
- (e) F1 has, post application continued to test positive for cocaine. He has failed to consistently engage with drug support agencies.
- (f) F1 has failed to take appropriate steps to manage his mood and depression which has meant that he is unable to meet the children's welfare needs.
- (g) The MGPs acting on their concerns for the care of MM and preventing her return to the North East in October 2017 made no appropriate alternative arrangements for her education or any appropriate arrangements for contact with her siblings or family. In so failing they did not meet her holistic welfare needs.

- (h) MGM has been unable to regulate her emotions in the presence of MM and as such has exposed her to emotional upset.
- (i) MGPs used a dummy to pacify MM whilst in their care in Coventry thereby failing to fully appreciate the impact of a separation from her immediate family and taking age inappropriate steps to comfort her.
- (j) MGM has failed to report bruising allegedly suffered by MM whilst in the care of F1 in a timely manner and in so doing has failed to protect MM and potentially placed the younger children (who were living with F1 at the time) at risk of physical harm.

### Evidence

50. During this hearing, I have heard from the legal representatives on behalf of each party. I have read the bundle of documents filed for this hearing. I heard oral evidence over the course of five days (20<sup>th</sup>-24<sup>th</sup> August 2018) from: PW, formerly the team manager for the case, DM, allocated social worker, HJ contact supervisor, the Mother, the Maternal Grandmother, F2, the Maternal Grandfather, the Paternal Grandfather, the Paternal Grandmother, F1 and the Children's Guardian. I heard oral submissions from all parties on the afternoon on 24<sup>th</sup> August 2018 and have produced this written judgment, which I hand down today, 30<sup>th</sup> August 2018.

### Care Plans

51. The original final care plans in respect of all three children are dated 3<sup>rd</sup> July 2018. They recommend for the children to remain living in the care of PGPs under the auspices of Child Arrangement Orders, supported by Supervision Orders in favour of this LA. Since those documents were produced, the local authority indicated at IRH on 10<sup>th</sup> August 2018 that having reflected upon the position of CG, the views of PGPs and my indication that enhanced PR may well be required for whichever set of grandparents I determined should care for the

children, it would be recommending that SGOs were made in favour of PGPs in respect of all three children.

52. Revised final care plans were produced, at my request, during the final hearing to reflect the LA's amended position. Each care plan is dated 21<sup>st</sup> August 2018. Those care plans provide for all three children to reside together in the care of PGPs under the auspices of Special Guardianship Orders, supported by the making of 12 month Supervision Orders in favour of this LA. The LA's recommendations within the care plans are that the Mother and F1 should each have supervised contact at least once per fortnight, supervised by family members and that MGPs should have unsupervised staying contact at their home in Coventry for up to two weeks four times per year. The proposals for F2's contact with MM is that it continues on an indirect basis, supported by the LA with a view to it progressing to take place on a direct unsupervised basis not less than six times per year. The LA considers that the first session of contact would need to be supervised but after that it could take place on an unsupervised basis.
53. At the conclusion of the oral evidence, the local authority indicated that it sought to file further amended care plans to reflect its changed stance in respect of contact proposals for the maternal family in light of the evidence heard. I indicated that I would give a written judgment and expect the LA to file amended care plans reflecting my views in respect of contact.

#### Legal Framework in respect of welfare decisions

54. I remind myself that each child's welfare is my paramount consideration. That is section 1(1) of the Children Act 1989. In considering what orders to make I have regard to the Welfare Check List found in section 1(3) of the 1989 Act.
55. In relation to the threshold criteria of section 31(2) Children Act 1989 I have regard to whether I am satisfied that each child has suffered or is at risk of



suffering significant harm.

56. When considering which orders if any are in the best interests of each child I start very clearly from the position that, wherever possible, children should be brought up by their natural parents and if not by other members of their family. The state should not interfere in family life so as to separate children from their families unless it has been demonstrated to be both necessary and proportionate and that no other less radical form of order would achieve the essential aim of promoting their welfare.
57. I have looked again at the words of the then President in Re B-S (Children) [2013] EWCA Civ 1146 as well as the judgments in Re B (supra) and reminded myself of the importance of addressing my mind to all the realistic options for the children, taking into account the assistance and support which the authorities or others would offer.

#### Positions of the parties

58. The local authority supports all three children remaining in the care of PGPs under the auspices of Special Guardianship Orders, supported by 12 month Supervision Orders.
59. The Mother opposes the children remaining in the care of PGPs. She accepts that she is not in a position to care for them at this time but suggests that they should be cared for by MGPs, with a view to her regaining the care of them in future. She seeks unsupervised contact with the children, ideally on an overnight basis.
60. F1 accepts that he is not in a position to care for the children and supports them remaining in the care of PGPs. He accepts that his contact will need to remain supervised by PGPs and does not seek an order in this regard. He accepts the need for a Supervision Order to be made.

61. F2 accepts that he is not in a position to care for MM. He accepts the contact proposals advanced by the local authority for him but seeks a reasonable contact order. During the course of the hearing, his position shifted from one in which he sought to support a placement of MM in the care of MGPs to one in which he supported her remaining with PGPs. He does not oppose the making of an SGO in favour of PGPs or the making of a Supervision Order.

62. PGPs invite the Court to grant an SGO in their favour in respect of each child. They support the making of Supervision Orders. They will be guided by professionals and the Court in respect of contact arrangements and are content to supervise their son's contact with the children.

63. During this hearing MGPs have sought to advance a case whereby they would seek to care for all the children during their full minorities.

64. The Children's Guardian fully supports the orders sought by the LA for the children. She invites the Court to the view that F1's contact can be appropriately supervised and managed by PGPs without an order, that a reasonable contact order in respect of F2 would be appropriate and she supports the LA's proposals in respect of his contact with MM. She considers that each member of the maternal family's contact will need to remain professionally supervised and take place in the North East until there is confidence that they will not use contact as an opportunity to destabilise the children's placements and that they each accept the decision of the Court, should the Court approve a placement with PGPs.

### Welfare analysis

#### The Maternal Grandparents

65. The Maternal Grandparents are blood relatives of all three children and are fully

supported to care for them by the Mother.

66. The Maternal Grandparents have been positively assessed as carers of the children, would be able to meet their basic care needs and have suitable accommodation for the children to live in.
67. The Maternal Grandparents say that they are fully committed to caring for the children. They are experienced parents and grandparents and were heavily involved in the care of MM when she was an infant.
68. A move to live with MGPs would involve them moving to live in Coventry, away from PGPs and F1, who they each consider to be their Father and who they have close relationships with. It would involve the children leaving their current schools and friends.

#### The Paternal Grandparents

69. The children have been placed in the care of the Paternal Grandparents since December 2017. They are happy and thriving in their care.
70. A placement in the care of PGPs is fully supported by F1, the local authority, the Children's Guardian and now F2.
71. The PGPs have been positively assessed to care for the children and have demonstrated that they can meet their needs to a high standard.
72. The PGPs have previously indicated that they were unable to care for the children on a long term basis, but have since confirmed that they are committed to caring for the children in the long term.
73. MM and E are in school near to where PGPs live and are happy and settled there,

C is due to start nursery at the nursery attached to their school this September.

### Discussion and conclusion

74. In determining the right placement option for each child, I must consider their needs now and in the future.
75. MM is an 8 year old girl who is happy and settled living with PGPs and attending school in the local area. She has always considered F1 to be her father and has a close attachment to her younger two siblings. She is very close to her Mother although can present as emotional during contact sessions. MM is a small child for her age, who doesn't eat well when she is emotionally distressed. Since being placed with PGPs she has been eating well and gaining weight. She has no additional health needs. MM lived with MGPs in Coventry for a month last year. During that time she had no contact with her parents or siblings and did not attend school. Her current schools have no concerns about her within the school environment and she is making good academic progress.
76. E is a 5 year old girl who presents as a quiet and thoughtful child. She has a particularly close relationship with her father and her sisters. She is making good progress at school and is happy and settled living with PGPs. She is fit and well. She wishes to have contact with all members of her family and to remain living with PGPs.
77. C is a 2 year old girl who is happy and thriving in her placement with PGPs. She has a close relationship with her PGPs. She is meeting her developmental milestones and presents as a happy and fun-loving little girl. She has a good appetite and is close to her sisters.
78. There are clear benefits for the children in living with either set of grandparents. Each has had positive assessments to care for the children. Each grandparent

clearly loves each of the children and those feelings are obviously reciprocated. The children are in many ways very fortunate to have not one but two sets of grandparents who are willing and able to care for them. That said, it is very unfortunate that the family have not been able, to date at least, to pull together in the best interests of the children. It is apparent that there remains a great deal of mistrust between the respective sets of grandparents, which hopefully will subside over time. I would encourage them to use all the support on offer to them from the local authority to improve relations between them for the sake of the children – starting with mediation. I agree with the Guardian that a further Family Group Conference would also be useful.

79. Sadly to date, MGM has been unable to acknowledge and give credit to PGPs for the excellent care that they have been providing to her grandchildren. This stance was echoed by MGF in written evidence but in the witness box he was able to speak positively of the care that they have afforded the children, conceding that the care that MGPs could offer would be “equal, if not better” but not seeking to in any way criticise PGPs. Their stance within these proceedings has been an unfortunate one, which I have no doubt has been hurtful as far as PGPs are concerned, indeed PGM said as much in her evidence. Rather than simply highlighting their understandable desire to care for the children and the positives within their own case, MGM chose to take matters further and to criticise PGPs based largely upon historical matters in the papers and any possible negative references that she can find. Having listened to both MGPs give evidence I have no doubt that MGM has been the driving force behind this. As MGF has acknowledged she is the one who has read the papers and been involved in this case whilst he has been out at work. Her approach has been to ignore all the positives within the documentation and focus on anything she can to seek to assert that PGPs are incapable and unsuitable carers for the children. This stance is not only short sighted, because whatever the outcome of these proceedings, these two sets of grandparents are eternally bound together by their love for these children, but is also very damaging to their own case as far as having unsupervised contact

with the children is concerned. It reveals a desire to undermine a placement with PGPs and a lack of recognition of the excellent care that they are providing.

80. The way that MGPs have approached this matter, in seeking to attack and denigrate the paternal family whilst aligning themselves with their daughter provides a worrying picture as far as their capacity to support and promote the children's relationships with the paternal family is concerned, and their potential to disrupt and seek to challenge a placement with PGPs in future. It also seriously calls into question their judgement. I am less troubled in this regard in so far as MGF is concerned, in light of the evidence that he gave, during which he abandoned much of what was said on paper and appeared to have taken stock of the evidence he had heard during the hearing. MGM's stance remained a very worrying one however, her criticisms of PGPs were unfair and often illogical. Whilst it is undoubtedly a benefit to MGF that he gave evidence after MGM and could therefore adapt his evidence accordingly, which I am satisfied he did, overall he came across as far more able to recognise the positives that a placement with PGPs offers to the children.

81. I agree with Mr Ainsley that there is a spectrum of insight as far as the maternal family is concerned with the Mother lacking any insight into the best interests of the children and with her wishes and feelings entirely overshadowing their needs and MGF at the other end of the scale able to acknowledge how well the children are currently doing but still unable to put the children's needs before his own wishes as far as their future care arrangements are concerned. In the middle lies MGM who's lack of insight, at times, mirrored her daughter. She was less erratic in her evidence than the Mother and when pressed by me, was able to abandon those parts of her case which sought to suggest that the children would be unsafe remaining with PGPs, but nevertheless was at times as evasive as the Mother during her evidence, seeking to conflate issues and maintaining her arguments against PGPs despite the independent evidence presented to her.

82. I have found it necessary to give myself a R v Lucas direction in respect of the evidence of the Mother, the Maternal Grandmother and the Maternal Grandfather. I am satisfied that there were times when each of them lied during their oral evidence. I make clear that I have not assessed them solely on the basis of their performances in the witness box. I warned the Mother during her oral evidence that she was being wildly inconsistent. Her evidence was incredible, unreliable and had a delusional quality to it at times. Her current mental health is of considerable concern. She presented as unstable with an inability to grasp certain realities. She has no clear plan in terms of her future living arrangements and seemed to have persuaded herself that all that holds her back from resuming the care of the children is her desire to save money so that she can buy a large enough house. She presented as immature, seeking to blame all issues upon F1 and paint herself as a ‘victim’. She was quite unable to accept her own failings and the need for her to be supervised around the children. She sought to simply assert that all professionals were liars. She has made repeated, and I am satisfied, unfounded complaints against the Guardian and social work professionals throughout this case and particularly in the lead up to this hearing. I make clear that I am satisfied that all of the professionals I heard from during this hearing gave reliable and truthful evidence. There is no conspiracy here as she alleges.

83. The Mother’s account of her conduct during the contact session on Friday 17<sup>th</sup> August 2018 was deeply troubling. Whilst accepting much of what she is accused of, she sought to blame almost the entirety of her actions upon the contact supervisor and the fact that she was being treated “like a criminal” because, for the first time, she was being closely monitored in terms of what she said to the children. She blankly shrugged when asked to reflect upon the impact that her actions had had upon MM, accepting that MM was crying and upset but denying that she was hysterical. I accept the evidence of the contact supervisor and prefer her description of this incident above the Mother’s in all respects upon which they differ. HJ impressed as a truthful, diligent and conscientious professional who made a contemporaneous and accurate recording of the session. The Mother’s

behaviour on this occasion was utterly shameful. She displayed a worrying lack of self control and an inability to regulate her behaviour around the children. Her behaviour was emotionally harmful to them. There is no reasonable excuse for her conduct and her inability to recognise that in the witness box was striking. I am satisfied that the Mother's contact with the children required close supervision throughout these proceedings, notwithstanding that it can be a very positive experience for the children. The Mother lacks insight with regards to the impact of her behaviour upon them, she is unable to put their needs above her own and is unable to regulate her behaviour in front of them, which can be erratic and volatile. It is in many respects surprising that she has not behaved in this way during contact sessions before now and I expect that that is largely because she has been given the freedom that she wanted. That freedom in allowing her to speak to the children without always being closely monitored, is not reflective of the risk of emotional harm that she poses to them.

84. As a consequence of the Mother's behaviour and of the behaviour of MGPs in seeking to retain MM in their care at the end of last year, I am satisfied that the conflictual nature of the relationships between maternal and paternal families has been evident to the children and will have caused them emotional distress and upset and make that finding on the balance of probabilities. I however make clear that the fault for this lies with the maternal family. I am not satisfied that the conflict has being generated or perpetuated by the paternal family.

85. What came across very strongly from the evidence of all of the Maternal family is that their focus is very much upon their own wishes and feelings rather than what is best for the children. There was a very stark difference between the evidence of MGPs and the evidence of PGPs in that regard. Each of the paternal grandparents gave evidence that focussed upon the children. They gave a very clear picture to the Court of each child and their knowledge and love for them. They came across as thoughtful, sensitive and child focussed. After hearing the evidence of the maternal family, PGPs' evidence was refreshing in its directness, honesty and



warmth as far as the children are concerned. They sought to avoid any criticism of the maternal family, despite listening to their evidence and despite in my view having ample cause for concern about them. Their mature, no nonsense approach to these matters was very reassuring. They maintained what the Guardian described as a “dignified silence” in respect of the entirely unfair criticisms made of them by the maternal family and did not get drawn into dispute with them. They readily acknowledged the relationships that the children have with all of their family. They spoke with clarity and care. PGF, far from being controlling as the Mother asserts, impressed as a protector and advocate for the best interests of the girls.

86. I make clear that nothing I have heard or read persuades me to the view that the paternal grandparents are anything other than committed, dedicated and loving grandparents who are able and willing to provide these children with a very high standard of care. I accept the evidence of the local authority and the Guardian that these children are happy and settled in their placement and that they wish to remain there. The stability that these children have been afforded over the course of the last eight months has allowed them to thrive. There is simply no good reason to move them from the care of PGPs.

87. I do not accept that PGPs lack commitment to these children or that their wavering in respect of being able to care for them on a long term basis reflects anything other than the extraordinarily difficult circumstances that they faced in caring for the children. The children moved to their care at very short notice, they were asked for the first time whether they would care for them on 14<sup>th</sup> December 2017. At that stage they had no idea how serious matters had become. They said that they were unable to, largely due to their work commitments. Fortunately, on 15<sup>th</sup> December 2017 PGF accompanied F1 to Court in a supportive capacity. Only then did he realise that there was a prospect that the children may need to go into foster care. He offered his home to the children and that evening they moved to the care of PGPs. This arrangement, initially unsupported by any legal order

and subsequently only with time limited child arrangement orders and interim supervision orders, necessitated PGM taking an immediate sabbatical from work. PGM was therefore unable to continue working in a job that she had been committed to and “loved”, they had precious little financial support which placed them in an impossible position financially, necessitating PGF working additional shifts and leaving PGM to care for the children for much of the time as a sole carer. They recognised that their home, bought for them as a couple, not for a family of five, needed adaptation. They had been informed that for that reason they would fail an assessment as foster carers for the children. Initially they were unaware of the extent of their son’s difficulties and therefore had expected that the children would be able to return to his care, a not unreasonable conclusion to reach on the basis of their knowledge at the time. I am satisfied that notwithstanding the adversity they faced, they managed to provide these children with excellent care. It is to their considerable credit that they did so. I consider that the lack of support that they had from the LA, both financially and practically is highly regrettable and is largely to blame for their inability to make a permanent commitment to care for the children before April 2018. This placement should have been supported with Interim Care Orders from the outset, to enable them to have training and financial assistance provided to foster carers and to give them the support required to manage contact arrangements. The LA should have acted as a buffer to protect them from the criticism that has now arisen with regards to contact and should have managed these arrangements with shared Parental Responsibility.

88. My assessment of PGPs is entirely consistent with the assessments of them by the LA and CG. They have very carefully considered what they can offer to these children, they have made significant and permanent changes to their lifestyles to enable them to commit to them on a long term basis and they present themselves as completely dedicated to continue to care for them throughout their minorities. I accept the Guardian’s evidence that PGPs have recognised that they simply cannot live without the children and are in this for the long haul. As a couple,

they compliment each other well. It was evident from PGF's evidence that he loves and respects PGM, paying tribute to her for the care that she has provided to the children and her ability to recognise drug use and the symptoms of it and thus her ability to protect the children from F1 should he present as being under the influence of cocaine. I do not accept that he was anything other than an entirely credible and consistent witness who spoke with candour about very historical issues recorded in the papers concerning alcohol use and past relationship difficulties and his long term difficulties with depression. PGM presented as a calm, sensible and warm grandparent who expressed her embarrassment at her Facebook posts. She need not feel any such embarrassment. I consider that these posts do nothing other than reveal her humanity. They do not indicate that she is unable to cope with the children. It is perfectly acceptable to express the stresses and strains of caring for young children to friends and family. Far better to share life's tribulations than to keep them bottled up. Together they impress as a solid and stable couple who recognise that the children love all of their family but who understand the risks posed to them by other adults within the family and notwithstanding their sympathy for those adults, are well able to put the children's interests above the interests of anyone else, including their own. I also make clear that should any or all of these children be required to continue to share a bedroom whilst living with PGPs it is no barrier at all to them being placed in their care. Many children share bedrooms. They are all of the same gender and I am satisfied that the size of the bedroom they share is more than adequate for them.

89. In contrast, and ironically, considering the way that they have chosen to criticise PGPs, it is MGPs' motivation and commitment to care for the children in the long term that is in question. I do not doubt that they love the children and that they have put themselves forward to care for them "in a heartbeat" but I am far from satisfied that their position is a considered one. They each acknowledged that they have yet to discuss the implications of the birth of M's new baby, although each accept that they may need to provide a considerable amount of support to the Mother and possibly a home to the baby should she be unable to care for it, a very

real possibility given the instability in her mental health and the domestic abuse in her current relationship. I am satisfied that it is highly likely that MGM will wish to care for the baby if it cannot be placed with the Mother and that the impact of such a desire has not been in any way considered by MGPs as far as what that would mean to these three children should they be placed in their care. I do not accept that the inconsistency in the position they advanced to the Court and parties on 20<sup>th</sup> July, 9<sup>th</sup> August, 10<sup>th</sup> August, 15<sup>th</sup> August and within MGM's statement dated 17<sup>th</sup> August 2018 is all down to simple "mistake". Nor do I accept that it is the product of a lack of legal representation. They know their daughter better than anyone. They above all others should be able to come to a concluded view about whether she is able to care for the children, particularly having had access to all of the papers. I am satisfied that their changes of position are just that, borne out of a desire to afford the maternal family the best opportunity to care for the children as they saw it.

90. I am satisfied that MGPs have always hoped that the children could return, at some stage, to the care of the Mother and that they have told her as much. That explains why she gave evidence in the way that she did on the first day of her evidence, asserting that a move to their care would be temporary until she could resume the care of them and is consistent with MGF's admission that he told the Mother that she needed "to get herself stable so that she could look after the children in future years" in or around April 2018. I am satisfied that MGPs have attempted to tailor their evidence to best suit their case and to adapt to the evidence they heard during this hearing. They have not been honest with the Court about the conversations that they have had with the Mother and their position over the course of the last few months. I am satisfied that it is likely that they spoke to the Mother during her evidence, notwithstanding the warnings I gave about her being on oath in their presence, which is why on the second day of her evidence she was at pains to suddenly point out that she had misunderstood their position. I am satisfied that it is only a product of their reflection upon the evidence that they heard during this hearing that they now maintain that they have

always sought to care for the children in preference to others and that they are committed to doing so throughout the children's minorities. I consider it likely that the maternal family have always hoped that the children could be returned to M's care. I'm satisfied that it is likely that MGM presented their position as she did on 9<sup>th</sup> and 10<sup>th</sup> August 2018 deliberately and that at that stage her position was borne out of her allegiance with the Mother. I am not satisfied that MGPs are truly able to recognise the reasons why the Mother is unable to care for the children, not just now but throughout their minorities, or the need for these children to have final decisions made about their care arrangements now. Nor am I satisfied that they really understand the need for the Mother's contact to be supervised and how closely that supervision needs to be implemented. They minimise her behaviour and very much underestimate the capacity she has to undermine the children's placements, including with them. They naively consider that she is unlikely to seek to disturb a placement with them, despite her history of issuing private law proceedings against them as recently as the end of last year.

91. In her statement dated 17<sup>th</sup> August 2018, the Maternal Grandmother states, "We do not support the children returning to O's care at the moment as we recognise the risks that could be associated with this placement and we agree that she is not in a position to care for the children at the moment. However we are hopeful that in future M's position will change and she will engage with the relevant professionals and support networks that she requires to regain a stable lifestyle. We will fully support M in achieving this, as will the rest of her family in Coventry." MGM confirmed this statement as truthful in her oral evidence. The statement was prepared with the assistance of M's solicitor. MGF's statement confirms his agreement to MGM's witness statement and he confirmed the same in the witness box. This statement highlights the overall ambition of the maternal family to have the children returned to M's care. I am satisfied that MGPs were being deceitful when they each tried to distance themselves from this position and deny it in their oral evidence.

92. I am satisfied, based upon the unchallenged evidence of the local authority and the Guardian, that the Mother is not able to resume the care of these children within a timescale commensurate with their needs and that they each require a stable, settled and permanent placement now. They have already experienced considerable disruption in their care arrangements prior to being placed with PGPs and that has to stop. They need to be given a clear message that the placement chosen for them now is where they will be staying until they are adults. I am satisfied that that would not be the message given to them if they were to live with MGPs and that there would remain the “hope” that the Mother could resume care of them, which the children would become aware of and which would create uncertainty and doubt for them. That is not in their best interests.
93. I am satisfied based upon the unchallenged evidence of the local authority and the evidence of the Mother that the following welfare findings are established on the balance of probabilities:
- (a) The Mother has failed to seek and/or maintain appropriate supports to enable her to meet the welfare needs of the children, including but not limited to: Harbour and Mental Health supports
  - (b) The Mother has subsequently become involved in a domestically abusive relationship whereby she was the victim of an assault in February 2018. The Mother is now pregnant to the alleged perpetrator. The inability of the mother to establish and maintain non-abusive relationships is inconsistent with meeting the future welfare needs of the children.
  - (c) The Mother has, post placement, continued to engage in antisocial, disruptive and self harming behaviours that would be incompatible with her meeting the welfare needs of the children.
94. I am satisfied that as a consequence of these welfare findings, and due to the Mother’s behaviour within the supervised contact session of 17<sup>th</sup> August 2018, her contact will need to be professionally supervised and take place in the North East

of England for the foreseeable future, irrespective of where she is living. I am not satisfied that MGPs are able to supervise her contact given her erratic and unpredictable behaviour and because they share many of her views about PGPs and therefore are unlikely to prevent her from using contact as an opportunity to undermine the placement and seek to pressurise the children into saying that they wish to live with them rather than PGPs. I do not consider that the children should be transported down to Coventry for the purposes of having contact with the Mother. It is a long journey and her contact sessions are unlikely to be of sufficient duration to make such a journey worthwhile for them. I accept that the children love their mother and that she loves them. I accept that they need to maintain their close relationship with her. I am also satisfied that PGPs fully understand and accept this and will do all they can to promote contact between the children and the Mother. I remind the Mother that PGM had been willing to supervise her contact and that the only reason I am not approving that as an arrangement at this time is due to the Mother's own conduct. The fault for this lies with the Mother, not with PGPs. I do not consider that it is necessary or possible to make a child arrangements order defining the time that the children are to spend with the Mother, or that she requires a reasonable contact order. I am satisfied that her contact will be promoted by PGPs, with the assistance of the local authority. The duration, frequency and type of supervision provided will depend upon further assessment during the course of the supervision order and the Mother's own circumstances. She may move to Coventry, that much is uncertain, it is also unclear whether she will retain the care of her baby once born. These factors are likely to have a considerable bearing upon her availability to have contact with the children. I make clear that until and unless the Mother has demonstrated that she has accepted that the children's permanent placement is with PGPs and therefore that she will do nothing to undermine that placement, her contact will need to be professionally supervised and even if that is for many years to come. The LA should not put undue pressure upon family members to supervise this contact and if necessary agencies will need to be sourced who can fund the supervision in the long term. Contact needs to take place at a frequency

that can be maintained so that it is consistent for the children. I consider that a monthly frequency is realistic given the uncertainty surrounding the Mother's immediate future.

95. In so far as F1 is concerned, he accepts that he is unable to care for the children and, I am satisfied, recognises that they should remain permanently placed in the care of PGPs. Based upon the unchallenged written evidence of the local authority and his concessions within his evidence I am satisfied that the following findings are established on the balance of probabilities:

- (a) F1 has, post application continued to test positive for cocaine. He has failed to consistently engage with drug support agencies.
- (b) F1 has failed to take appropriate steps to manage his mood and depression which has meant that he is unable to meet the children's welfare needs.

96. I am satisfied that as a consequence of these difficulties, his contact will need to remain supervised and that such supervision can safely be carried out by PGPs, particularly in circumstances in which all three adults recognise the need for supervision to take place. I do consider that the LA needs to provide educative work to PGF so that he is better able to identify the signs of cocaine misuse, an issue which he readily accepted that he needed more help with. I am satisfied that F1 does not need a child arrangements order to define his contact arrangements with the children and that his contact will be positively promoted by PGPs.

97. In so far as F2's contact with MM is concerned, I am satisfied that the proposals for his contact, which he accepts, are the appropriate ones for him. Given the lack of any meaningful contact that he has had with MM since shortly before her 2<sup>nd</sup> birthday and given the significant amount of work that will be required to establish good quality, predictable and regular contact for him I am satisfied that a reasonable contact order should be made in his favour. This provides recognition, for the first time, that this is an important relationship for MM which should be promoted and progressed. I make clear that I am entirely satisfied that PGPs wish



to promote this contact but that, as PGF recognises, he is unable to understand how a relationship can be built up through indirect contact and so by making an order I make clear that as part of the Supervision Order, the LA have a positive duty to assist PGPs to support this contact. This will require education and assistance for PGPs, F2 and MM. F2 changed his position during the course of this hearing from supporting a placement with MGPs to supporting a placement with PGPs. My impression of him is he is vulnerable to suggestion and manipulation, particularly by the Mother, and therefore initial direct contact sessions should be supervised by the LA to ensure that he remains supportive of the placement. The Guardian said that he has always presented as being aligned to the maternal family during these proceedings, his attitude in this regard will need to be monitored so ensure that he is not unwittingly drawn into furthering their cause.

98. Again, in considering the issue of contact for MGPs I make clear that PGPs would have promoted far better contact proposals than I am prepared to sanction. I agree with the Guardian that at the current time at least, their contact will need to be professionally supervised until and unless they are each able to demonstrate that they support the placement with PGPs, that they will do nothing to undermine it and that they are fully able to recognise the risks that M poses to the children so that there is no suggestion that her contact will be promoted on an illicit basis through them. I agree with the Guardian that such contact should take place in the North East of England. I consider that there is a very long way to go before they could have unsupervised contact, especially in Coventry. I have reached this conclusion partly because of their conduct during these proceedings but also partly due to their behaviour at the end of 2017.

99. As MGPs accept, they retained MM in their care for a month from October to November 2017. During that time she had no contact with her parents or siblings and she did not attend school. MGM states that she made arrangements to try to enrol her in school. I do not accept that this could ever have been successful as

MGPs did not have Parental Responsibility for MM and the Mother was not supporting them caring for her. MGM photographed bruising to MM's back on 7<sup>th</sup> October 2017 but, I am satisfied, did not draw that bruising to the attention of any professionals until after she was ordered to return MM. In this regard I accept the evidence of PW. MGM's evidence about why she took the photographs was evasive and unreliable. If she had any concerns about the welfare of MM and her safety in the care of F1, which would have been legitimate given his difficulties at the time, she should have taken action to draw those concerns to the attention of the local authority and the Police straight away in the interests of protecting the younger two children who remained in his care. She did not do so. Even when she belatedly contacted the Police on 4<sup>th</sup> November 2017, I am satisfied that she only did so with a desire to retain MM in her care and not with a view to safeguarding all of the children. Again I accept the evidence of PW about this. I am satisfied that MGM's actions in taking the photographs were motivated out of a desire to gain litigation advantage rather than to further the welfare interests of the children. MGPs behaviour, in isolating MM from her sisters failed to recognise the emotional harm that they were causing. Seen in the context of their behaviour and evidence in these proceedings, a theme of them being unable and/or unwilling to recognise the emotional impact of their actions and wishes upon the children emerges. MM's distress was simply pacified with the use of a dummy. She was 7 years old at the time. Rather than working with professionals to safeguard all of the children MGPs acted foolishly, selfishly and with little regard to the harm they were causing. I make the following welfare findings on the balance of probabilities:

- (a) The MGPs acting on their concerns for the care of MM and preventing her return to the North East in October 2017 made no appropriate alternative arrangements for her education or any appropriate arrangements for contact with her siblings or family. In so failing they did not meet her holistic welfare needs.

- (b) MGM has been unable to regulate her emotions in the presence of MM and as such has exposed her to emotional upset.
- (c) MGPs used a dummy to pacify MM whilst in their care in Coventry thereby failing to fully appreciate the impact of a separation from her immediate family and taking age inappropriate steps to comfort her.
- (d) MGM has failed to report bruising allegedly suffered by MM whilst in the care of F1 in a timely manner and in so doing has failed to protect MM and potentially placed the younger children (who were living with F1 at the time) at risk of physical harm.

100. In so far as the events of 27<sup>th</sup> December 2017 are concerned, I do not accept that PGP's failure to promote contact to MGPs on that occasion demonstrates a continuing unwillingness to do so. I agree with the Guardian, that this contact session was "a mess". Again, had the LA had an ICO and shared Parental Responsibility this could have been avoided. Instead, the LA made arrangements which were not properly communicated, without Parental Responsibility. PGP's should have been consulted. I make no criticism of them in so far as their decision not to permit contact is concerned. They had had the children in their care for a matter of days, had recognised that the children were emotionally fragile and needed to settle, particularly MM who had recently been returned from Coventry and who had suffered much distress whilst down there. Whilst it is understandable that MGPs were distressed about this contact not being promoted, the fault lies with the LA and its mismanagement of this contact session and not with PGP's.

101. I am satisfied that a defined child arrangements order is neither required nor possible as far as MGPs are concerned. Too much depends upon their ability to recognise the children's placement is a permanent one and their ability to support rather than undermine it. I am satisfied that PGP's will promote their contact and that the LA should continue to supervise it. Should it require long term supervision, the LA will need to find an agency who can supervise it into the

future. This will depend upon MGPs' and on going assessment of them. There is no need for them to have a reasonable contact order as it is recognised by PGPs that their relationship with the children needs to be promoted. I agree with the Guardian that the maternal family have the capacity to cause significant emotional harm to the children if they cannot validate the children's placement and if they continue to seek to disrupt it. The children should be reassured that the Court has made a final decision about where they will live until they are adults and they should no longer be invited to choose where they wish to live. "The grown ups" have decided that issue once and for all and what matters now is that they are able to live securely and safely in the North East with PGPs, having contact with all of their family members who they love and who love them.

102. For all of these reasons I am satisfied that it is appropriate, necessary and proportionate to appoint PGPs as Special Guardians for all three children. I am satisfied that they require enhanced Parental Responsibility in respect of all three children to manage contact arrangements and to take practical decisions about the children's day to day lives given the animosity that the Mother feels towards a placement with them. I am also satisfied that it is appropriate, necessary and proportionate for 12 month Supervision Orders to be made in favour of the LA. This is to support, assist and befriend the family as a whole. I make clear that this statutory responsibility must be used in a proactive way by the LA to provide contact supervision for the maternal family, to promote the relationship between MM and her natural father, to educate PGF in terms of the signs of drug misuse and to provide on going assessment of the relationships between the maternal and paternal family members and the maternal family's capacity and desire to disrupt and undermine the placement. The local authority needs to provide mediation to the family and to provide at least one further Family Group Conference.