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Neutral citation: [2024] EWFC 30 (B)

Case No: OX22C50014

**IN THE FAMILY COURT AT OXFORD**

**IN THE MATTER OF THE CHILDREN ACT 1989 AND IN THE MATTER OF D,**

**F, G AND H (CHILDREN)**

Date: 1 February 2024

Before : HHJ Vincent

**Between :**

**Oxfordshire County Council**

**Applicant**

**and**

**a mother**

**Respondent mother**

**and**

**a father**

**Second respondent father**

**and**

**D**

**F**

**G**

**H**

**(by their children's guardian Natalie Allen)**

**Third to sixth respondent children**

Kelly Wise instructed by Oxfordshire County Council  
Jenny Kotilaine, instructed by Trueman's solicitors for the respondent mother

Lucy Logan Green, instructed by Brethertons solicitors for the second respondent father  
Elisabeth Wickham, instructed by OLG Ltd, solicitors for the children

Hearing dates: 23, 24, 25, 26, 29, 30 January and 1 February 2024

## **JUDGMENT**

## Short judgment

1. D, F, G and H are lovely children. Everybody who knows them loves them and likes spending time with them.
2. Their mum and dad love them too.
3. Even though they loved their children, their mum and dad did not always know how to take care of them:
  - They did not give the children healthy food or drinks;
  - They did not look after the children's teeth. The children's teeth were black and rotten. They had to have surgery to have the rotten teeth removed;
  - They did not get the children to school on time or help them with their learning. They did not make sure the children had breakfast before school;
  - They did not find things for the children to do. The children spent too much time on phones, iPads or watching TV;
  - They did not have a routine for going to bed. The children did not get enough sleep and were tired.
4. The children's mum and dad both worked very hard to get money for the family. Working hard for your family is a good thing, but sometimes they were so busy working that they could not focus on the children.
5. The children's dad was out at work the most. He did not think it was his job to look after the children. Looking after four small children is hard work for any parent. The children's mum loves her children and wanted the best for them, but it was too much for her to manage on her own.
6. Sometimes the children were left to look after themselves. D was six years old but she looked after her little brothers. D also helped round the house. D is a kind and caring girl who wants to please her mum and take care of her, but her mum should have known a six year

old girl should not be doing jobs a parent should be doing. D still worries a lot about her brothers and her mum, when she should be having fun like other children her age.

7. The children's mum and dad had a lot of arguments. The children heard and saw the arguments. The arguments made them frightened that they were going to get hurt. When their mum and dad were busy in an argument, they could not focus on their children and take care of them.
8. Sometimes the children copied some of the shouting and the bad words that grown-ups were using in the house. This made their friends at school upset. When they got told off by their teachers the children did not know they had used bad words. It was not nice for the children to be told off or for their friends to be cross with them, when they did not know what they had done wrong.
9. Sometimes if the children were bored or they needed their mum, she was busy. The children might be loud or behave in a way to get their mum's attention. Their mum did not know that she should stop what she was doing and listen to her children. Instead she told them to be quiet and sit down. If they carried on trying to get her attention, she would shout at them, tell them they were being naughty, and sometimes she would hit them.
10. These are the reasons that the children have stayed in foster care.
11. All the time the children have been in foster care, their mum and dad have come and visited them. They love their children and they look forward to the time they spend together. The children have a lovely time with them.
12. The children's mum wants more than anything to have her children home with her. She has been working very hard to learn how to be a better parent. After two years she has learned a lot.
13. I had to decide whether she has learnt enough to make it safe for her children to go home.

14. I listened carefully to what she told me in Court. I also listened to the children's social worker LM, to their guardian NA, and all the other witnesses.
15. I decided that it is not safe for the children to go home to their mum.
16. Although she has learnt a lot, and has worked hard, she still has more to do before it would be safe for the children to go home.
17. She knows now what a good parent does. But she cannot see yet why the way that she cared for her children was not safe for them. She does not yet understand how it is that she can love her children so much, but not be able to give them the care they need and deserve.
18. Until she understands that, I cannot be sure that she would be a different parent to her children. She would want things to be different, but I do not think she knows how to make the changes her children need.
19. So my decision is that the children will stay in foster care.
20. They will see their mum and their dad once every month.
21. They will see each other much more often.
22. I know that the children and their mum will be very sad not to be living together again. I am sorry for their sadness. But the most important thing is that the children are safe and well cared for. For that to happen, they need to stay in foster care.

HHJ Vincent  
1 February 2024  
Family Court, Oxford

## Introduction

1. I am concerned with a sibling group of four children, all very close in age. D, a girl, is the oldest at nine years old. She has three younger brothers, F (eight), G (seven), and H (six).
2. The children were removed from their parents' care when the police exercised their powers of protection on the evening of 27 January 2022.
3. The children's mother and father had an Islamic marriage. They separated at the outset of these proceedings. The mother is one of seven siblings. She was born and raised in England, and is of [redacted] heritage. The father was born in [country name redacted]. Theirs was an arranged marriage, they are both members of the same extended family. The father's first language is [redacted]. During the marriage the family spent a lot of time at the maternal grandmother's house.
4. The events which led to the police taking this action started in December 2021, when F had made an allegation that one of his maternal uncles had sexually abused him. The children's mother was spoken to and was reported as saying that she did not want to say F was lying, she did not believe the allegations, but she would take them seriously, and would prevent F being in a situation where he was alone with his uncle.
5. On 27 January 2022, F told an adult at school that he had been with the same uncle in the kitchen, and a further instance of sexual abuse had occurred.
6. On the same day the children's mother told the police and children's services that she was a victim of domestic abuse.
7. The local authority issued applications for emergency protection orders in respect of the four siblings. At or around the same time it issued two further applications relating to three of the children's cousins. One of them was the child of the uncle against whom the allegation of sexual abuse had been made. The other two cousins lived in the maternal grandmother's house.
8. Over the next few weeks, the local authority carried out further investigations to discover more about the children's experiences in the family home. The local authority had concerns that the children's basic needs had been neglected, they did not have a healthy diet, there were very serious worries about their teeth, they had not been properly supervised, did not have a routine, were having difficulties at school, had been exposed to domestic abuse, and were reporting that they had been hit by both parents.

9. In addition, D made allegations to teachers at school, to her social worker and to her foster carer that she, F and G had been the victim of a series of incidents of sexual abuse perpetrated by her father and three of her uncles, and that her mother had failed to protect her from this abuse.
10. Over the course of the next year the four sets of proceedings were consolidated and travelled alongside the police investigation into the allegations of sexual abuse. Family members were joined as intervenors.
11. There were a number of difficulties and frustrations with the course of the police investigation. Eventually, the local authority applied for an independent investigative interviewer to carry out an ABE interview of D, which application was granted.
12. In February 2023, following the ABE interview, the local authority reviewed all the evidence, and changed its position. It filed a revised threshold document, which did not include any of the allegations of sexual abuse made by F or by D. Thereafter, the intervenors were discharged, and the four sets of proceedings separated out once again.
13. Two of the other sets of proceedings ended there and then, as they were founded solely on the allegations of sexual abuse. The third set of proceedings continued for a further length of time but has now concluded.
14. These proceedings have taken a further year to conclude.
15. A significant reason for the delay was that the allocated social worker was on long-term sick leave for some months in the first part of 2023. When it became apparent that AS was not going to be able to continue at work, the case was assigned to the current social worker, LM, in May 2023. I should make it clear that there is no evidence of any problems with the work that AS was doing before she went on leave. She had a good relationship with the children, and supported D when she was interviewed. She has prepared a number of statements within these proceedings which are within the bundle and which I have considered. Her initial statement sets out clearly the range of local authority concerns that she identified from the outset, and which have persisted throughout these proceedings.
16. AS had apparently completed all preparatory work for a parenting assessment of the mother before she went on leave, but unfortunately there were no records of her notes, and so the parenting assessment had to be re-started from the beginning.
17. This was unfortunate because the mother had already participated in an earlier parenting assessment. The first one was completed by an independent childcare

consultant, *RR*, on 26 August 2022. Her report was commissioned on the instructions of the social work team manager at the time. Regrettably, the team manager did not tell the local authority legal team about this. Mother's representatives were repeatedly asking questions of the local authority lawyer about who the person was the mother was saying she was meeting, but as the local authority's legal team did not know about it, they were not able to give the relevant information.

18. After they obtained *RR*'s assessment, the local authority decided not to rely upon it and initially took the view that they did not need to disclose it to any other party. Following discussions in and out of Court, the local authority voluntarily disclosed the assessment. The report is in the bundle, but *RR* has not been appointed as an expert witness by the Court and was not called to give evidence within the proceedings.
19. Once it was clear that *AS*'s parenting assessment was not going to be completed and her notes were lost, the local authority was given permission to instruct Sarah Norris, independent social worker, to carry out a third and final assessment. She filed her report on 17 July 2023.
20. There have been significant difficulties in getting documents served, translated within timescales to enable the father to get legal advice, and then prepare any necessary documents in response.
21. Frustratingly, on 27 July 2023, the final hearing listed to start on 22 August 2023 was adjourned. The recital records this was on the mother's application, but due to the local authority having filed its evidence late.
22. The next time there was availability before me, or any judge, for a final hearing was January 2024.
23. So it is that these proceedings have taken two years to reach their conclusion. G and H have been in the same foster placement throughout. D and F were initially placed together but within a couple of weeks D moved to live with her current carer, with whom she has lived since 14 February 2022. F had a further move in April 2022, because his carers felt they were unable to meet his needs. The placement where he has lived since then is in *[place name redacted]*, which is a long way from his parents and siblings, and he had to move from family and friends.
24. Their mother has visited the children in contact sessions, travelling once a week to see F in *[place name redacted]*, and seeing the other children twice a week.
25. D has not wanted to have any contact with her father, who has respected her wishes. His contact with the boys has been a bit more sporadic, and there have



been gaps which were not always his fault, particularly when AS was on leave. Since last summer he has seen G and H twice a month, and F once a month.

#### Parties' positions at final hearing

26. The local authority seeks care orders in respect of all four children. Its plan is for them to remain in long-term foster care, with D and F to remain in their respective placements, and for the two younger boys to stay together in foster care. G and H's current foster carers have given notice on the placement because they are retiring. They have said they will care for the boys until they move, either to another foster care placement or back home to their mother.
27. The mother seeks the immediate return of G and H to her care. She would like D and F to come and live with her as soon as possible, she suggests after six or twelve months.
28. The father is not putting himself forward to care for any of the children. At the final hearing he said he supports the younger two boys returning to their mother. If that cannot happen, he supports the local authority's plan of long-term foster care. He respects D's wish not to have contact with him at this time. He seeks contact with the younger boys every fortnight.
29. The guardian supports the local authority's care plans.

#### The law

30. A Court may only make a public law order if the test set out at section 31 Children Act 1989 is met. The threshold test is met if the court finds the children suffered significant harm as a result of the care given to them by their parents, and that the care given fell below what one would reasonably expect a parent to give their child.
31. If threshold is crossed, I must consider what, if any, orders I should make, having regard to all the circumstances, and in particular the welfare checklist factors set out at section 1(3) of the Children Act 1989. The children's welfare is my paramount consideration.
32. The children's and their parents' Article 8 rights under the European Convention on Human Rights are engaged. The Court must only do what is necessary to secure the children's welfare, so as well as only making orders if they are necessary, in accordance with section 1(5), I must be satisfied that any orders I make are proportionate to the risks, and do not over-extend the level of state intervention in the children's and their parents' lives.

## The evidence

33. I have read and considered the documents in the bundle, which include the parties' witness statements, videos of interviews with D, assessments and reports, contact records, foster care logs and the care plans.
34. I heard oral evidence from:
- Ms B, D's foster carer;
  - Ms C, safeguarding lead, X primary school;
  - Ms J, teacher at X primary school;
  - Sarah Norris, independent social worker;
  - LM, the children's social worker;
  - The children's mother;
  - The children's father;
  - Natalie Allen, children's guardian.
35. The father was ably assisted throughout the hearing by his interpreter.
36. Ms C was the safeguarding lead at the children's primary school. She was an impressive witness, and evidently a dedicated, knowledgeable and deeply empathetic professional, working in school to support both children and staff. She knew D, F and G, but in particular had spent hundreds of hours with D, who she had come to know and understand very well, although she did not have a full understanding of all the experiences D had in her parents' care. Ms C described witnessing D descending into a very difficult place emotionally. Ms C's evidence was corroborated by the contemporaneous notes in the 'CPOMS' database, and by the evidence of Ms J.
37. Ms J had been class teacher to both D and G. When she first taught G, she was in her fourth-year post qualification. It was her first year teaching in England, so she was getting to grips with some differences of approach, and the system for recording safeguarding and other concerns on the CPOMS database. However, I have not seen anything concerning about the entries she had made in the records, which accorded with her own clear memories. As a teacher who saw the children every day, it is not surprising that she may not have a recollection of particular conversations. Her evidence was nonetheless clear about the repeated issues that she noticed with the children throughout the year, and the difficulties she experienced in engaging the mother in addressing them. She described D often arriving late at school, being upset, and her mum nowhere to be seen. She said D often said she wasn't given breakfast in the morning (the mother said often the children would not eat breakfast before school but she would offer them a croissant or similar to take with them). Ms J described D being worried about her mum's reaction to 'bad things', for example she asked

her teacher to tell her mum she could not find her coat. At the same time, D would repeatedly ask her if she was having a good day or had done well at something, and if so, would ask her teacher to tell her mum about these ‘good things’.

38. *Ms J's* concerns were shared by her colleagues, and were consistent with the entries they were also making in the CPOMS. I found her to be a reliable witness, again with a good knowledge and understanding of the children.
39. *Ms B* is an experienced foster carer who has had over twenty children in her care. Within a short time of D coming to live with her, she had built up a trusting relationship, where D felt safe with her. She is a practised and attentive listener, does not lead or ask questions but let D tell her things in her own words and at her own pace. She did not keep notes of every conversation they had, many of them took place when they were in a car or otherwise occupied with something, but like *Ms J*, she said that D often returned to the same topics. Her description of what she noticed in D's behaviour was compelling, insightful, and chimed powerfully with others' descriptions, or with what D herself has told other people.
40. One example of this was when *Ms B* told me about the relationship between D and F. She gave an example of D coming to her without any toys of her own, and *Ms B* buying her a teddy bear, that she came to treasure. When F first came to visit, *Ms B* said that he was very dominating of D, *'he could walk quite close at her and be big at her and she would hand over the food on her plate'*. She told me that D had given her teddy bear to F, but when *Ms B* said she didn't have to do that, D was *'fuming at me'* because she did not want F to be upset. At the time, *Ms B* wrote about this in the foster care log:

*'D has lots of worries and she worries for pretty much the entire time that she is awake. D will worry that her brothers are not being looked after properly, that her mum will be angry with her for not looking after her siblings, that she will be in trouble for things that she has told me and she also worries about her mum having to do the chores herself and that her mum will get tired.'*

*D is also worried about missing Eid with her family. D worries that it is not fair for her to have her own things such as toys, books and her art and drawing things. D will get stressed that she will get into trouble if she doesn't share her things with her brothers, including a teddy bear that she wanted and has been cuddling at bed each night. D was torn between taking it to give to her siblings and wanting to keep it. She felt guilty about keeping it, but was also worried that she would be asked why she had not given it to them.'*

41. Sarah Norris had completed her report in a relatively short timescale, but there were no particular gaps evident in the assessment, which was thorough, balanced and fair. Her oral evidence was consistent with the conclusions she reached in her assessment, and the views that the other professionals have reached in the case. While she noted the mother was able to describe aspects of good parenting, she remained concerned that the mother was not able to see where her own parenting had fallen short in the past or what the impact had been on the children. She gave some examples to illustrate this. The mother felt she was being judged on the past and not on her ability to change. If time had allowed there could perhaps have been more discussion of what the mother might do differently the next time. For example, Mrs Norris described a discussion about the mother not appreciating the potential dangers of leaving two young children in a locked car while she went into the shops. It might have been helpful to have a discussion about the way one might structure your day so as not to find yourself needing to go to the shops when you have your children with you. But Mrs Norris's evidence was that the mother was at such a very basic level when they were having these conversations, that it was not possible to go further.
42. This is consistent with the evidence of the current and previous social worker and the guardian, that the mother, and father, appeared to be blind to the needs of the children, and the harm they had suffered because of their parenting.
43. *LM* was an impressive witness. I will take a little time to explain some of the ways in which his evidence made an impact.
44. He knew the children really well, and brought their presence right into the courtroom by his description of them. He told us how much he liked them, and enjoyed spending time with them. He described all the children as '*great kids*', '*really charismatic*'. He said that G and H were '*busy and boisterous*', would be a handful for any parent, but were a lot of fun. He smiled as he recalled the two little boys trying to wrestle with him. He said these two have a close bond, '*they are 'real brothers*'. He said that D, '*blossoms when she gets her mum's attention*', and at these times he saw warmth and love between them.
45. His sibling 'together and apart' assessment is a thoughtful piece of work, built on a real understanding of the children, their different needs, but also recognising that the children feel themselves as part of their family unit very strongly.
46. Since his arrival on the scene, a number of things which had completely stalled or never even got off the ground started to happen. He set up one-to-one work between the mother and VM, who is a specialist domestic abuse worker within his team. He got contact going between the father and the boys and suggested

the father write to D. He re-started a referral to Horizons which is a specialist organisation under the umbrella of CAMHS to support children who have experienced sexual abuse. He pushed to get that service to extend to F's foster carers even though they are based out of county.

47. In both his written evidence and his oral evidence, he was frank about the ways in which the local authority had let down this family, and acknowledged the grace of the mother for continuing to work with him, despite the difficulties she had. He thanked her not showing bitterness or anger towards him, despite the length of time the proceedings had gone on, and for being willing to discuss and reflect on issues that she had to revisit on multiple times throughout the proceedings with different professionals.
48. He acknowledged the strengths that he had seen in the mother, and where she had made progress, he gave her credit. He made a point of saying that he liked her, that she was warm and welcoming, easy to work with, that she had engaged well with professionals. He stressed that he knew how much she loved her children, and they loved her.
49. He readily agreed with a number of propositions put to him in cross-examination, but he defended his professional opinion firmly and giving clear reasons for his view, based on the evidence he has obtained over the months that he has been involved in the case.
50. He described clearly and simply the concerns that he had. What he said came over with authority and weight, because it was clearly balanced against the positives he had seen. He acknowledged that the mother wanted to learn and to understand what her children had been through, but ultimately he said he did not have evidence that she could connect to the children in the way they needed her to, could not see their needs for herself so as to be able to meet them. This was in the sense of understanding their past experiences, and what needs that would give rise to, how the mother would need to act protectively, but also in the moment. He said he did not have confidence that at a point of challenge, the mother could recognise what might be going on, assess risk, see who had been hurt, who has been wronged, how should she manage behaviour, how should she respond to the children's emotional need.
51. Thinking of G and H in particular, and whether support from the local authority could mitigate the risks if the children were at home with their mother, he said (my note so some words may be missing):

*'My worry would be in those challenging moments of rumbunctious – they are two lively, demanding – lovely - but demanding boys – how safe and appropriate the reactions in those moments of challenge would be? [Social work visits] three*

*times a week or even every day does not protect them – the time it takes to learn those skills as a parent, and her journey to be able to do that - I don't think is in their timescale.'*

52. In his written evidence he noted that [the mother] had recognised that she was emotionally overwhelmed before the children were removed, but she blamed this all on the abusive behaviour of the father. Further, she did not agree that her being overwhelmed had contributed to unsafe conditions or neglect of the children.
53. When thinking about the options for the children, *LM* presented something more complicated, but more truthful, than a simple table or a balance sheet with positives on the one hand and negatives on the other. His analysis acknowledged that every option comes with loss, that there are positives and negatives within every option, and that things are likely to change in the future due to a number of variables, many of which the children will have no control over. For example, with regard to D he said (my note of evidence, which may have missed out some words):

*'we have a twin track plan ... I am holding in mind – she has built up a good relationship with her current foster carer – a move would be difficult. We have the attach team involved, because she also loves her younger brothers – all her brothers. She has an understanding that in the future she might be reunited with them and that is something she looks forward to and holds quite dearly. If the status of her foster carers change, and there is capacity [from another foster carer] to care for three – things may change – but we would be managing losses experienced by her no matter how things pan out.'*

54. The overall impression was of an excellent social worker, who has formed his own opinions by gaining a deep understanding of the children and their experiences, thoroughly considering all relevant factors and weighing them properly and fairly in the balance.
55. On behalf of the mother, Miss Kotilaine asked both *LM* and the guardian in cross-examination, what did the mother need to do in order to be able to show professionals that the children could be returned to her care?
56. Two years into these proceedings, the mother appeared to have little or no clue what she personally would need to do to improve her parenting. On one level she could acknowledge that the children had been repeatedly late to school, their teeth were black and rotten, that they were significantly behind their peers in their learning, they were spending all their time at home on screens, and that they would have been affected by domestic abuse within the household. But she was not able to take responsibility for her role in all this, and she was not able

to show an understanding of what it would have been like for the children to be raised in this way.

57. There was a high level of denial about the level of neglect the children experienced in her care and it has not lessened a great deal over the two years. She has tended to blame others, particularly the father, and the children. For example, when it was put to her that the children sometimes had dirty clothes she said they chose to wear the same clothes several days in a row. When suggested that F was treated differently, for example by being taken to clubs out of school, she said D had never expressed an interest in anything. She blamed traffic in [redacted] for the children being repeatedly late for school.
58. Through her work with the professionals she has engaged with she has made good progress in understanding some of the basic parenting skills that her children need – for a parent to stop what they are doing and listen to their child, to set boundaries, to feed them a healthy diet, occupy their time – but she has not identified the ways in which her own parenting fell short. Until she has recognised and accepted that for herself, she is not in a position to reflect on the circumstances that may have led to her parenting in the way that she did.
59. She made allegations of domestic abuse against the father right at the outset of proceedings. In general terms, the local authority has pleaded that the children were exposed to arguing in the household, but has not sought particular findings against the father. I do not criticise the mother then for not setting out the detail of those allegations in her statement. But this has left some uncertainty. Miss Kotilaine suggested at the time the children were removed from mother's care she was just surviving, struggling to live from hour to hour. This was not the impression given by the mother in her evidence. The description of the abuse given by the mother to Mrs Norris was of tensions between the paternal and maternal sides of the family, and of arguments where each of the parties accused the other of having affairs, and extended family sometimes becoming involved in these arguments. There is some mention of physical abuse in her witness statement, but to RR she said it was predominantly '*coercive, controlling and verbal*'.
60. I am not asked to make findings about the domestic abuse alleged by the mother. The issue is of relevance because it was put on behalf of the mother that it was the key factor that prevented her from parenting the children as they should have been. However, it has been difficult to understand from her in what ways she says her parenting ability was affected, and what impact that had on the children. In her own evidence and in discussions with professionals, she has not accepted that there were shortcomings in her parenting.

61. She did say in evidence that the reason she had not registered the younger two boys with a dentist was her husband's controlling behaviour. This was not something ever raised before in her evidence, and I saw no evidence to substantiate this. But even if this was the case, the failure to register the children with the dentist did not explain the mother's multiple failures in respect of all her children's dental hygiene.
62. The mother's own father died from a sudden heart attack in his thirties, witnessed by his wife and children. [The mother] was only eleven at the time. She and her older sister took on a lot of responsibility for raising their five younger siblings, and supporting their mother, newly widowed, who did not speak English. [The mother] often went with her mother to medical appointments, which caused her to miss school. This was put to professionals on her behalf by Miss Kotilaine, suggesting that she should have received more recognition of this and more support.
63. It is likely that these early life experiences will have had a significant impact upon [the mother] and influenced the way that she has parented her own children. However, in her evidence to the Court, [the mother] herself did not seem to attach any significance to this, or see any connection between the way she has been parented and the way she is as a parent. She has accepted only in a very limited way that there were shortfalls in her parenting. She said very clearly to *RR*, the first parenting assessor, that she had a very stable childhood, and did not recall being hugely personally affected by the loss of her father when she was eleven. When speaking to Dr Bues about her school days, she alluded to that bereavement, but did not seem to connect it to difficulties at school. She said that she had found most subjects at school hard, '*did not give it my all*' but as she did not intend to go to university, '*didn't bother*'.
64. There was perhaps some evidence of developing insight into this in her discussions with Mrs Norris. The mother did acknowledge that her responsibilities to her family as a child had likely affected her education, but in all, I have not seen any evidence of the mother being able to reflect about how her own experiences may have impacted her parenting. Mrs Norris was asked about this in cross-examination. She said she did try to have a conversation with mother about whether the expectation that D should take on a lot of responsibility for her younger siblings and help around the house might have been informed by mother's own experiences. However, she said the conversation could not develop, because the mother denied that D was asked to do chores for her siblings.
65. In answer to cross-examination from Miss Wise, the mother said for the first time that she had shouted at the children and used physical means to try and



control their behaviour. I will return to this when I consider the specific threshold findings sought.

66. During these proceedings the father has faced allegations of physical and sexual abuse of his own children, and domestic abuse of his wife. In the event, none of these allegations has been pursued.
67. He has accepted the allegations that the children were exposed to arguments in the household and the allegations of neglect, but he lays all blame at the mother's door. He has taken no responsibility for his part in the parenting the children received. Mrs Norris's assessment of him as a parent was that he had little or no experience of parenting his children, struggled to see or accept the professional concerns, and did not understand even the basics of parenting.
68. When asked why he had not written to D as he had been encouraged to do by LM well over six months ago, he said that he had been too busy, including dealing with a family bereavement.
69. After some difficulties at the start of proceedings when the father did not engage with the social work team and was clear that he did not seek to care for the children himself, and then again around the time the last social worker left, with LM's help he has been seeing the boys regularly. At the start he was struggling to manage their competing needs, and they would end up watching a phone screen together. He brought pizza, chocolate puddings, chocolate bars and lollies to contact. However he has listened to feedback and has made progress. There are some lovely notes describing the boys enjoying the time they spend with their father, and him being affectionate and loving towards them.
70. More recently there has been a change, and he has attended contact with the boys. Even at the early stages, there has been evidence in contact of a warm and caring relationship between the boys and their father.
71. The guardian has been involved in these proceedings since February 2022. Her report demonstrates her knowledge of the children and the parents. It is balanced and fair. It was put to her that she had a preconceived view of the mother and had not come to her conclusions with an open mind. It was difficult to understand at what point it was said the guardian had formed such a fixed view or in what respect she had demonstrated a closed mind, other than reaching a conclusion that it was not safe for the children to return to their mother's care.
72. Her evidence was clear, her conclusions were well-reasoned, and supported by a clear evidence base. She balanced the harm to the children of their continuing separation from their mother and from each other, against the risks to their physical and emotional safety should any of them return to their mother's care.

## Threshold

73. The parents accept the local authority's pleading as to the emotional harm suffered by the children in their care. There is a significant body of evidence to support all these allegations, particularly from the school CPOMS records and the evidence of the teaching staff, from the foster care logs and social work records. I find each of the allegations proved, as follows:

*1.1 Throughout the children's lives, they have been present in the family home within which there had been numerous incidents of verbal conflict (shouting/arguing) between the mother and the father. The children have seen and/or heard those incidents of verbal conflict between the mother and their father;*

*1.2 Consequentially, F and G emotional development are characterised by them being unusually physically aggressive towards other children when compared with a similar child not exposed to such conflict;*

*1.3 Consequentially, H is at risk of suffering the same emotional development as F and G;*

*1.4 Consequentially, D's emotional development is characterised by her being unusually anxious when compared with a similar child not exposed to such conflict.*

74. The next pleadings are against the children's mother:

*2.1 On several occasions D, F and G have suffered significant physical harm from being hit with kitchen utensils by their mother;*

*2.2 On several occasions D has suffered significant physical harm from being slapped on her face and back by her mother;*

*2.3 H was at risk of suffering the same physical and emotional harm from his mother;*

*2.4 The mother has raised her voice with the children which has caused them to feel worried;*

*2.5 The mother has pretended to hit the children which has caused them to fear further significant physical harm;*

2.6 *On at least one occasion, the mother has threatened D with a knife which caused her to feel scared;*

75. In her response to threshold, the mother accepted that she *'may have raised her voice to the children when telling them off or repeatedly asking them to do something but not to the extent that the children were worried. The mother disputes that she used to pretend to hit the children or threatened D with a knife.'* She did not accept she had physically chastised the children.
76. However, in cross-examination she admitted that she had regularly 'tapped' the children (indicating a very gentle smack on her hand). At first, she said this would have been a one off, but then said in fact it would have happened more than once and with all the children. She said there would be, *'a telling off and a smack on the bottom if [they] don't listen'*. She accepted that she might say to the children, *'if you don't sit down, you will get a smack on the bottom'*.
77. While she said that she would not have said this in a threatening way, and she did not recall hurting D, she did accept that D would have been scared.
78. Her evidence was that she would shout at the children when she saw the children to be *'playing up'*, *'not co-operating the way it should be'*, *'not listening'*, *'misbehaving'*, or if F was *'hogging the TV'* or *'playing on games in bed'*, and they were not responding to her when she told them to stop. There are a number of places in the evidence where the children have reported to teachers, their social worker or to their foster carers their memories of the mother shouting at the children, and them not liking this.
79. There are also many entries where the children have described being hit by her. An example is from G and H's foster carer, in an entry dated 31 March 2022:
- 'The boys were excited to have birthday cake and said that when they go home their sister looks after them. I asked them what do they mean, your sister looks after you?*
- G said that she looks after us when mummy and daddy go out, I said is D bossy and does she tell you off, G stated that only mummy tells us off and hits us. I then asked, does mummy smack you? G said, no, she hits us with the kitchen things. We reassure the children that we will never hit them as we don't hit children. H did not say anything.'*
80. I note that this report from G says there was no smacking, but having heard the mother's evidence, I find that she did hit D, F and G with her hands (smack), as well as with kitchen implements.

81. On 14 March 2022 Ms C recorded a conversation between her and D in which she recorded D being worried about the things she had spoken about. The note says:

*'mummy does hit them, "but not all the time, just when they are naughty"*

*Mummy doesn't usually use a belt*

*R is worried about saying things to adults and then a judge hearing about them*

*Mummy hits on legs and will pretend to hit because that makes them be good.'*

82. Ms C described powerfully in her oral evidence D's presentation when she spoke about being hit. She described D being angry and sad at the same time, saying with some vehemence, look I have marks on my body here and here and they will always be here. Ms J's evidence was that D had told her this too.
83. I find that it is more likely than not that the mother did resort to using physical means when trying to control the children. I find that at the times she did this, she would, more likely than not, be annoyed and frustrated and feeling a loss of control. In the circumstances, I consider it unlikely that this was just a small gentle tap, but, as the children have repeatedly described, a 'hit'.
84. The mother repeated a number of times that she did not have a wooden spoon, and the allegation could not therefore be proved. However, the children's allegations tended to describe the use of 'kitchen things' or being hit more generally. There is not a clear depiction of being hit only with a wooden spoon. I find that the mother would have hit the children with an implement if she was holding it in her hand.
85. The mother gave a clear account in evidence of a time when she was in the kitchen, had a kitchen knife in her hand, and was becoming annoyed at the children in the next-door room misbehaving. She said she turned around went into the room and told them off, with the knife still in her hand. I accept this account and can see that it does not quite match the pleading of 'threatening D with a knife'. Nonetheless, telling a child off while holding a knife in your hand, where there is a history of hitting that child with hands and implements, and a history of threatening to hit the child if they do not behave, would be very likely to cause that child to feel scared and afraid. I am satisfied to the standard of a balance of probabilities that this incident happened in this way. I have not seen evidence that this happened more than once and would again modify the finding at 2.6 to reflect that.

86. I would modify 2.1 to include the children being smacked or hit with the mother's hands. I would modify 2.4 to include shouting.
87. Having regard to all the evidence I have heard and read, I find each of these allegations proved to the standard of a balance of probabilities.
88. I pause to note here that within the evidence there are a number of accounts of the children saying that their father also hit them, that both their parents hit them, but their father did it more. The local authority did initially seek findings against the father, but since he made clear at final hearing that he was not putting himself forward as a carer for any of the children, the local authority withdrew this section of the pleading and does not seek any findings against the father in this respect.
89. The next matters on threshold are in respect of the children's dental care. The following is accepted by the mother:
- 3.1 The mother and father failed to consistently meet the dental needs of the children throughout their lives which resulting in D, F, G and H having multiple tooth extractions which were painful and sore causing physical and emotional harm.*
90. The father accepts this partially, but says it was the mother's responsibility due to his language barrier and that she had led him to believe that the children were attending the dentist.
91. The evidence about the neglect of the children's dental hygiene is overwhelming and points to significant neglect of all four children throughout their whole lives, causing significant physical and emotional harm.
92. The father cannot place all the blame on the mother. Not having a good command of English is no excuse for neglecting your children's health in this way and whether or not the mother had said she had taken the children to the dentist (of which there is no evidence at all), the extent of the tooth decay was not something that could only be discovered by a dentist.
93. By the time the children were removed from their parents' care it was plain and obvious that their teeth were black and rotten, they were suffering from pain and bleeding gums. The cause of this was an unhealthy diet, particularly that the children had Nesquik mixed into milk (the mother told the guardian G and H were having two or three bottles of Nesquik a day), were given juice, coffee and fizzy drinks instead of water. When asked by the guardian why she gave the youngest boys the Nesquik she said it was '*because they told me they wanted it*'. While she has recognised to an extent that this was not healthy, she continued to bring sweet snacks and drinks to the children in contact. Even

though she has been told not to, F is reported as telling the guardian that his mother had been asked not to bring him 'Prime' drinks to contact and that instead she now brings him Vimto, or they go to Starbucks. When asked about this in evidence, the mother said that she had brought the Prime energy drink for F, but *'only when it newly came out ... D said she had tried it, he was enthused to try it and he said can you bring one in. I see him once a week – so yes, he was getting it every other week, but then come to an insight of mine that it is an energy drink and I explained to him that I was not bringing them anymore.'*

94. The parents did not supervise the children brushing their teeth. Both the parents said in evidence the children would have brushed their teeth once a day because they put toothpaste on the children's toothbrushes in the morning. However, they didn't even pretend that they attempted to supervise the children in actually brushing their teeth or checked that they had done so.
95. When they arrived in foster care, H and G's teeth were visibly black and rotten causing them pain and discomfort. H and G each had two teeth extracted by their community dentist and then had to be booked into hospital to have a further eight teeth each removed under general anaesthetic.
96. D, aged seven when she was removed from her parents' care, needed to have eight teeth removed under general anaesthetic. She was terrified about having to undergo this procedure.
97. Staff at F's primary school raised concerns with the mother as far back as February 2021 that his four front teeth and one at the back were going black. He too had to have teeth extracted under general anaesthetic.
98. The mother accepted that even though staff at the children's school had raised this as a concern with her, and she had said she would take them to the dentist, this was not something she got round to, and in fact G and H were never registered with a dentist while in her care.
99. The next set of threshold matters pleaded relate to lack of stimulation:
  - 4.1 *The mother and father have failed to provide the children with sufficient age-appropriate verbal, visual and interactive stimulation;*
  - 4.2 *Consequentially, D is unable to interact with children and adults in an age-appropriate way, preferring to undertake household chores and taking on a parenting role for her younger siblings;*

4.3 *Consequentially, G and H are unable to play with toys, preferring to spend pro-longed periods of time watching screens (TV/ iPad);*

100. The father has accepted this. The mother does not accept it, although in evidence she has accepted that the children did prefer using their iPads and watching television to playing with toys.

101. There is a significant body of evidence in support of this which comes from the observations noted in the foster care logs, and from the evidence of professionals. Early on, H and G's foster carers reported, *'they don't seem to know how to play but we are showing them and keep playing with them. They want to sit in front of the tele all the time but we don't let them.'*

102. In a note of a conversation between AS and the mother in March 2022 as part of the parenting assessment work, AS noted that the foster carers had said the children were struggling to play and asked what they did at home. Her note of the mother's response is as follows:

*'[the mother] said that all F and G would want to do was play games on phone. G did have a box of toys, never played with them. G would come in from school, drink milk, watch telly then fall asleep;*

*H had a teddy bear. .. H likes cars and soldiers but would get bored and would want milk and start watching telly.*

*D likes make up and jewelry and watching TV and YouTube. There was two girls she liked on a YouTube channel and she would watch them. D would play games on iPad'.*

103. Ms B's evidence about what D had said to her directly about her experiences in the home, and her observations of D's behaviour, was vivid, insightful and compelling. She said that D told her about the jobs that she would do in the house. She said when her mum came home, D would set up the telly for her, bring her a blanket and a drink, and then would go on to do other jobs, including sweeping the floor and cleaning the fridge. Ms B said that when she first arrived D was very stressed that there was nobody there to do these jobs for her mum and worried that her mum would be angry with D for not being there.

104. There is a significant body of evidence to support a finding that D took on a caring role for her younger siblings and was often left in charge of them, either when they went outside to play, when they were at home with their father but he was asleep after a nightshift, when their father left for work before their mother had returned, or just generally in the house when their parents' attention was elsewhere, particularly if they were arguing.

105. *Ms B's* evidence is corroborated by the evidence from *Ms C* and *Ms J*, both who came to know D very well and have taken contemporaneous notes of what she reported to them, and to an extent by the mother's own evidence. She has accepted to a degree that D did help out at home, but that she wanted to help, and that she enjoyed the praise she got for helping. She told the guardian that D would 'keep an eye' on her younger siblings and make sure they had what they needed. D was two months away from her seventh birthday at the time she was removed from her parents' care. She was too young to have to bear this level of responsibility for her siblings.
106. Having regard to all the evidence I have heard and read, I find each of the matters at 4.1, 4.2 and 4.3 proved.

### Welfare analysis

107. I now turn to consider the checklist factors at section 1(3) of the Children Act 1989.
108. Looking first at **the children's wishes and feelings**. The children love their parents, miss them, and miss living with each other. D has written me a letter in which she said:

*'I would love if me and my brothers could go home and my mum said once at contact her wish was for her children to come home and I think she means all of us and if we do come home I would love love love if we could all come home and I think my mum can take care of all her children and that I would love love love love love if we could all come and live a better life the [sic] we used to please.*

*From D. And thank you for listening to me and what I want.'*

109. F has written a very short letter to me. The note paper is headed 'what I want to say', and then 'my letter to the judge'. He has written, *'that I want to go back home. That you say yes.'*
110. G wrote on a number of post-it notes, from which it is clear that he would like to live with his mum, go to his old school, that he sees his carers and his mum and dad as the people who could keep him safe, and his mum and dad as the ones to give him stability and security.
111. It is not surprising that D, F and G are expressing a wish to go home. Their wishes and feelings must be balanced against all the other welfare checklist factors. H is still too little to express a view.



112. A level of anxiety comes through D's letter. She says how much she would love to be at home. She tries to offer reassurance to me, by saying she thinks their mum could take care of them. At the same time there is uncertainty as to whether her mum did mean to include D when she said she wanted her children to come home. A significant concern for D is that all her siblings could be together again. This reflects her sense of responsibility for her brothers, as well as wanting to be treated the same as them.
113. The evidence from *Ms B* and from *LM* was that D was very conflicted in her views. She loves her mother but has some very difficult memories of being at home, is fearful of her parents finding out what she has told others about those experiences, and fearful of things returning to how they were before she left. Her wish to be at home is also partly driven by the sense of responsibility she feels for her younger brothers. She said to *Ms B* that she thought she might like to go home if she was allowed to have a phone where she could call *Ms B* or her social worker at any time if she needed to.
114. This is a complex set of emotions and it is not clear the mother is yet able to grapple with them.
115. The children's **physical, emotional and educational needs**. They are still very young and need their carers to keep them safe, to take care of all their daily needs, support them in their schoolwork and in developing outside interests, help them live according to a routine that gives them enough sleep, rest and relaxation, includes a healthy diet and exercise. They need to be supported in their education, encouraged to play, develop interests, make friendships and explore activities outside school. They need clear boundaries to be put in place so that they can both manage and regulate their own emotions and behaviour, and also interact safely and positively with peers, teachers and other adults.
116. Their needs are heightened because of the experiences of neglect they have had in their parents' care. They will need support to process the experiences of being exposed to domestic abuse and themselves having been shouted and hit within the household. They will need to learn how to recognise and voice their own needs. They will need help to learn to trust in their care giver and to look to them to meet their physical, emotional and educational needs.
117. The sibling relationship is complex, particularly between F and D, and they will need support for that relationship to be understood and any necessary repair work to be carried out. There have been concerns about F's very dominant behaviour towards his younger brothers, and D, and about sexualised behaviour by him towards her.

118. Both F and D have made allegations of physical abuse against their father and sexual abuse against family members. D has not retracted what she has said. She has been very conscious of the reaction of family members to what she has said were she to go home. Her experienced foster carer anticipates that if she is told that in fact she is staying with her long-term, she may in time repeat the allegations she has made or say more. In the event that any of the children in the future does repeat the allegations, they will need support.
119. **The effect on them of a change in their circumstances.** The local authority's plan provides for the children to remain in foster care. The alternative is for G and H to move to their mother's care.
120. As *LM* and the guardian have acknowledged, there are no options for the children that do not involve them suffering a loss.
121. Neither of the plans at the moment reunites the siblings, so they will have to live with their continuing separation from one another, which they all find difficult.
122. All four children have thrived in foster care with the benefit of care from consistent, attuned, and attentive parenting from experienced foster carers. A move away from their carers after two years would be difficult for them.
123. Due to G and H's foster carers' retirement, they will need to move in due course. *LM* is hopeful that a placement within county is available, which will involve minimal disruption, may not involve a change of school, and would enable the two younger boys to continue to see their siblings and parents regularly. The current foster carers have said they would care for the boys until they move to their permanent placement, whether that is home to their mum or to another foster carer. However well managed, this will be a difficult move for the boys.
124. A return home for G and H would be a change from before, because D and F would not be there, and their mother would be caring for them as a single parent. In order to be parented safely, they would need to be parented very differently from their previous experience. They may feel confused and unsure what to expect. Things would feel familiar and unfamiliar all at the same time.
125. The mother's plan is that D and F would return 'in due course'. The difficulty with this is that it holds those children in a state of limbo and uncertainty, likely to cause anxiety, confusion, and difficulties in settling in their placements.
126. **Considering the children's background and other relevant characteristics.** The children have been raised in the Muslim faith. It is important that their heritage and their faith is recognised, respected, and nurtured throughout their lives.

127. When they lived at home, D and F would go to mosque every day after school with their father. It was submitted on behalf of the mother that the children's cultural, identity and faith needs could best be met by their returning to her care.
128. This was another area where the mother's own evidence did not hit the same level as the submissions made on her behalf. To the extent that her cultural heritage is mentioned she says that it was cultural pressures that made it very difficult to talk to her family about the difficulties she was having in her marriage, or to contemplate leaving the marriage. She says she would not encourage any of her children to have an arranged marriage. I accept of course that she experienced pressure as a result of what were for her negative aspects of her religion and culture, and can still wish for her children to grow up with a strong sense of their cultural identity, heritage and Muslim faith. I also accept that the children will suffer a loss in this respect if they are not growing up within their family of origin, attending religious and cultural events with their extended family, spending time with family members who speak [redacted] or going to Mosque daily.
129. Nonetheless, the mother did not say anything about this anywhere in her witness statement, and it did not come up in her oral evidence. There are reports of all the children struggling at first with the food they were given in foster care, but their carers' report that this was not because they were used to eating only food from their [redacted] heritage, but because they did not like fresh vegetables, and were used to eating convenience food. D told her foster carer they ate, *'chicken tikka masala, burger and chips, KFC, spaghetti, pasta, wraps and chicken nuggets.'*
130. None of the children are in placements that are a cultural match, but there can be some mitigation of the loss of being raised in the culture and faith of their family of origin. F and D attend mosque and are having lessons to study the Qur'an. When H and G are old enough, they will also need to be supported in this. I understand that the foster carers have made connections with Muslim families and the children are celebrating important dates in the religious calendar.
131. I consider **the harm the children have suffered and are at risk of suffering and the capacity of their parents to meet their needs** together. My focus is on the mother as she is the one putting herself forward to care for the children.
132. The children lived in a clean, tidy and well-presented home, and their parents worked hard to provide them with material possessions. Each of them had an iPad, and F had an Xbox. Their parents loved them, and they loved their parents. However, at a very basic level their parents were unable to give them the care

that they needed. The children's needs were significantly neglected. Their diet was unhealthy and directly led to the children having black and rotten teeth, causing them pain, setting them apart from their peers, and leading to invasive and frightening medical treatment. Their parents did not support them in their education, they were frequently late for school, and were not supported in their learning, whether in the basics of reading or writing, playing with toys or exploring the world beyond their phone or iPad screens or the television.

133. The children were exposed to domestic abuse in the household.
134. They were frequently left unsupervised, and even when their parents were at home, the children's needs were not prioritised. There were very few boundaries set around their behaviour, which then might escalate to a state where they irritated or annoyed their mother, who would then shout at them or hit them. D was left in charge of her younger siblings.
135. The impact of this upon the children will be significant and long-lasting. They grew up in an environment where they were often scared, of getting hurt themselves, or of their loved ones getting hurt. This will have made them stressed, anxious and fearful, and will likely have made them suppress their own needs, so as to protect themselves, their siblings and their mother. There is a risk of them copying the abusive behaviour they saw and inflicting it on others. There is a risk that they will struggle to trust others to take care of them and grow up seeing the potential for danger in any close relationship.
136. The children were exposed to racist and misogynist language which they repeated in other contexts without properly understanding what they were saying. This led to them getting into trouble at school, being told off, which would have been shaming for them. It would have interfered with their ability to make friendships. D and F could not settle into the emergency foster placement in which they were first placed and made extremely racist comments about the foster carer in her presence.
137. F was treated in a different way from his siblings, leading to the others, particularly D, feeling left out, less loved and confused and anxious as a result. The mother has denied this, but there is a body of evidence that points to his different treatment. He was bought expensive gifts compared to his siblings, she took him out of school to go to appointments with modelling agents, and appears to have had very different rules about being allowed to play on his Xbox late at night. As recently as November 2023, D was very upset because her mother had a new car registration plate, spelling out F's name. In her witness statement the mother expressed regret that D saw the number plate and said that it had been given to her, she hadn't paid for it. Her response does not explain the choice she

then made to put the registration on her car, and does not acknowledge her responsibility for causing D's distress.

138. I accept the conclusions of Mrs Norris, of LM and of the guardian that the children's mother has very limited insight and understanding of the children's experiences, their relationships, and their basic care needs, in particular age-appropriate development, stimulation and her ability to assess risk.
139. It is of course difficult to demonstrate change when you do not have your children in your care. But I have not seen anything from the mother that gives me confidence that she has progressed in any meaningful way towards understanding what would need to change, let alone to be able to put steps in place to make those changes.
140. Within the past few weeks, in conversation with the guardian, she has continued to blame the children's father for what went wrong. She told the guardian that he did not support her to implement boundaries which resulted in the children not listening to her. When the guardian described D's conflicted feelings, of wanting to come home but at the same time displaying a high level of anxiety about it, the mother's response was that it must be that D was anxious about her father being at the home. The guardian wrote in her analysis:
- '[The mother] still does not fully understand or accept the complex feelings D has towards her or the significant and ongoing impact her past experiences have had upon her. Whilst D loves her mother and is very loyal to her, she is also fearful of [the mother] at times and does not trust that she can protect her and keep her safe.'*
141. Her description to the guardian of where she saw she had caused harm to her children was from not making sure they brushed their teeth in the evenings and not protecting them from domestic abuse in the household. The tone of much of her evidence was that the children were the ones who had misbehaved, the children had been the ones to ask for the sweet drinks, she had not been able to 'make' the children brush their teeth, that it was D who wanted to help around the house.
142. Mrs Norris's assessment was thorough and, in my judgement, sound. Mrs Norris's views are shared firmly by LM and by the guardian.
143. Mrs Norris's concern was that the parents were focused on work and earning money, to the detriment of the children. In her final analysis the guardian recorded that the mother told her if she had the children back, she would work largely at weekends and have time off in the week. The mother denied this was the case and said she had meant that she would only work sometimes at

weekends, and if that happened, she would rely upon her sister or her close friend [name redacted] to look after the children. I doubt that the guardian was mistaken, but even assuming the mother had shifted her view by the time of the final hearing, that does not remove all concern. In her witness statement of December 2023 she explains, entirely reasonably, that she would need to continue to work in order to provide a home for her children. She says that she would make sure *'when they first came home I was around in case of settling in difficulties'*. It is not clear after what period of time she feels she would need to up her hours with the result of her being around less. Of course working parents cannot be expected to look after their children every minute they are not at school, but there is a sense from the mother's evidence as a whole that she has not fully understood the extent to which she would need to spend time with her children in order to learn and understand their needs, for them to gain confidence that she was someone they could rely upon to understand them and to respond to their needs, so that they felt safe and cared for.

144. There are significant concerns about the mother's ability to recognise safe and secure relationships, to minimise the difficulties that arise from the unhealthy dynamics that arise in F and D.
145. The father is committed to his three sons and there have been some lovely observations of them in contact together. He has not put in any effort to reconnect to D or to reassure her that she is still in his thoughts and that he loves her.
146. Mrs Norris's conclusions in the parenting assessment were clear, the father, *'has little insight or understanding of his children's interests or personality and showed limited insight into the parenting task.'* Her view is that he does not understand his children's emotional needs or even their basic care needs, and, consistent with his own evidence, seems to have had very little experience of having sole care of his children. He has accepted that on occasions if the children were in his care he would leave for work even if their mother had not returned home. He did not appear to understand this was not safe, and seemed to be of the view that his work took priority. He has accepted that the children were exposed to parental arguments and conflict in the home, but shown no understanding of the impact on the children. He has been quick to blame the children's mother and has taken no responsibility himself for the way his children have been parented.
147. He has accepted that there were arguments but does not accept the mother's characterisation of him as the perpetrator of domestic abuse against her.
148. The father told the guardian that he had concerns about whether the children would be safe if they returned to their mother's care, saying she had *'anger*

*problems, she loses her temper quickly and shouts*'. He said she was someone who did not accept her *'wrongdoings and mistakes*'. However, only a couple of weeks later, at final hearing, he said he thought the two youngest children should return to their mother's care. He was not able to identify any single respect in which he thought she had changed so that it would be safe.

149. When considering parenting capacity and **the range of powers available to the Court** I must consider whether the parents abilities to parent could be improved or any risks to the children could be mitigated by a package of support put in place by the local authority. On behalf of the mother, it was noted that she is personable, has engaged with all professionals, and could be relied upon to work with social workers, family support workers or any other agency in order to continue to improve her parenting capacity. She has said she would be willing for there to be a care order at home or a supervision order, or she would work with any plan that was put to her.
150. I accept the evidence of *LM*, Mrs Norris and the guardian, that the mother's level of acceptance, insight and understanding is such that it would not be safe for the children to return to her care. The level of support that she would need would effectively be for all the time that she was with the children, and that is not reasonable to expect of the local authority.
151. Having regard to all the circumstances and to the factors on the welfare checklist I have concluded that the children's welfare needs require them to remain in the care of the local authority. I will make care orders in respect of each of the children. Care orders are proportionate to the risk of harm, and necessary to safeguard their welfare. I approve the plan for them to remain in their long-term foster placements.
152. I am mindful of their very young age and the risk of instability that comes with long-term foster care, where, as has already happened with G and H, there is a risk that the carers may give notice on the placement.
153. However, given the children's strong sense of identity as members of the same family, the strength of the sibling bond, their love for their parents and the evident benefits for them of regular contact, foster care has many benefits for them. It enables them all to continue to receive the loving, consistent and attuned care that they have been receiving for the past two years, while maintaining their relationships and ties to their own family.
154. There are no other family members who have been positively assessed.

155. I accept *LM*'s analysis that for now the children should remain in the pattern of placements that they are currently in i.e., the two younger boys together and F and D separate.

### Contact

156. I approve the care plan which provides for the children to see their parents once a month.
157. I agree with *LM* that efforts should be made to ensure that the children get to see one another much more frequently than that, not just for religious or birthday celebrations, and would expect this to be written into the care plan.
158. The mother's commitment to seeing her children in contact has been impressive. She has never wavered, throughout two long years of proceedings. Since he has started having contact, the father too has been consistent and worked hard to make positive changes. There is a benefit to the children in having these contacts, and I recognise that it will be a difficult adjustment for both children and parents to have a reduction.
159. However, the making of a care order does represent a significant change for the children. While their mother hopes of course that she may be able to make changes in time for the children to spend more time with her and eventually for them to be restored to her care, that is not in my judgement likely to be a reality for some time, likely to be years. *LM* spoke with some optimism about this, but there is some fundamental work for the mother to do, that goes beyond learning basic parenting skills. She will need to work towards accepting responsibility for the experiences her children have had that have led to them being removed from her care, understanding the factors that led to her parenting them in the way she did, and then learning how to bring about change. Working with an organisation such as FASS (Family Assessment and Safeguarding Service) may help, although it is not clear that they take referrals where parents are separated from their children. I would hope that a referral can be made to Pause Oxfordshire, which works one to one with women who have had children removed from their care. The mother has engaged very well with VM in one to one sessions, and says she has got a lot of benefit from that. It seems likely therefore that the Pause model would suit her, and I hope will give her access to the support and help she needs and she deserves, following the decision I have made for her children to remain in foster care.
160. In the meantime the children cannot live their lives always wondering if their situation is going to change.



161. The children need to understand that while their birth family will always be their family, they are going to be living with their foster carers throughout their childhoods, and will be parented by them. That means that they must be allowed to see their homes with their foster parents as something permanent and settled, where they can put down roots. A part of that is living their lives according to the rhythms and routines of their new carers, and with their friends, interests and activities prioritised. If they are travelling to see their parents every other week, this will disrupt both their routine, and their sense that their home is with their foster parents now.
162. For these reasons, I support the care plan of monthly contact. I endorse the guardian's suggestion that contact with each of the parents should happen around the same time each month, so that the children have at least four weeks in between times to focus on their lives with their foster carers.
163. Contact will be kept under regular review at 'children we care for' meetings. As well as information about contact sessions that have taken place, the meetings will look at what is going on for the children at any particular time.
164. If there are proposals for contact to be extended or to progress to supported rather than supervised or even unsupervised, this will need to be risk assessed, and those carrying out that risk assessment will no doubt have regard to the whole history encompassing all allegations that have been raised, not just those which were pursued at final hearing.
165. D does not wish to see her father and he respects that. It is hoped that he may be able to write her the letter that *LM* first encouraged him to write over six months ago.

HHJ Joanna Vincent  
Family Court, Oxford  
1 February 2024