

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 not named within this judgment 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.

Neutral Citation Number: [2021] EWHC 1492 (Fam)

Case No: WD21C00213

**IN THE HIGH COURT OF JUSTICE**  
**FAMILY DIVISION**  
**SITTING IN WATFORD**

Cassiobury House,  
3<sup>rd</sup> Floor, Cassiobury House  
11-19 Station Road  
WD17 1EZ

Date: 28 May 2021

Before:

**HIS HONOUR JUDGE VAVRECKA**  
**(sitting as Deputy Judge of the High Court)**

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**HERTFORDSHIRE COUNTY COUNCIL**

**Applicant**

**-and-**

**(1) ALEX STAINES**  
**(2 – 4) Q, R and S (Children)**  
**(5) MGM**  
**(6 – 7) PGPs**

**Respondents**

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**Ms Victoria Burgess (instructed by Hertfordshire County Council Legal Services) for  
the Local Authority**

**Mr Louis Keyworth (of Galbraith Branley Solicitors) for the Father**  
**Ms Donna Downes (of Collins Solicitors) for the Children through their Guardian**

**Mr Chris Barnes (instructed by Crane & Staples LLP) for the Maternal Grandmother**  
**Mr Giles Bain (instructed by Gillian Radford & Co Solicitors) for the Paternal**  
**Grandparents**  
**Mr Lee Agnew (unrepresented) on behalf of BBC Three Counties Radio**  
**Ms Louise Tickle (freelance journalist)**

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**Judgment**

**His Honour Judge Vavrecka:**

1. I am dealing this afternoon with an application by Hertfordshire County Council ('HCC') for a reporting restriction order ('RRO') in relation to the circumstances of 3 children whose case is before the Family Court, Q, R, and S ('the children').
2. The application made by HCC has been significantly reduced in scope. The only paragraph that is now opposed by Mr Barnes representing the maternal grandmother ('MGM'), and two accredited members of the press, Lee Agnew and Louise Tickle, is paragraph 'd' of the proposed RRO. Paragraph (d) of the proposed reporting restriction would prohibit publication of information that:
  - i. the children were present in the family home when their mother was killed,
  - ii. the two youngest children may have witnessed her killing, and
  - iii. all three were left alone with her body for some time,
3. The background is set out in various documents before the court. It is now 4.20pm on a Friday afternoon, and the parties will excuse me for not summarising the background within this judgment. The hearing takes place in the absence of the children's father, Alex Staines. He has pleaded guilty to the murder of his former partner, the children's mother, Christie Frewin. Sentencing is to take place in the Crown Court on 1<sup>st</sup> June 2021. As has already been noted, critically, HCC, having indicated a wish to make an application for an RRO in February, delayed issuing until Wednesday of this week. As a result, this important application comes before the court on two days' notice.
4. The concern of HCC is these three young children have experienced significant trauma having been present in the house when their mother was murdered and having been left alone in their home with her body. They have been assessed by Dr B as recently as 4<sup>th</sup> May 2021 when she met with the children and reported. She has provided an opinion and describes the presentation of the two older children suffering severe PTSD as a result of witnessing the murder of their mother and as a result Q and R are highly traumatised children. Her opinion is set out in the letter of 14<sup>th</sup> May 2021. Her concern, echoed by the local authority and Ms Downes on behalf of the guardian, is that if the children were identified in the press, it risks heightening their trauma and worsening their mental health
5. The children's social worker has prepared a statement highlighting that all three children are demonstrating behaviours that can be difficult to manage and therefore the foster carer is receiving a high level of support and is still requesting more. Her concern is that press intrusion will hinder progress the children are make things much more difficult and negatively impact the children

6. The documents in the bundle in support of the application also include the local authority's skeleton argument, and a draft order, together with an authorities bundle setting out the six key cases in relation to this area of law.
7. Ms Burgess, having taken time this afternoon, has reconfigured the local authority's application and made clear they were no longer seeking paragraphs 3(e) and 3(f) of the draft order (concerning the circumstances in which the mother's body was discovered, and information relating to the children's home life and the parents' relationship in so far as it affects the children) and were continuing to pursue paragraph 3(d). The basis of her application relates to what she described as the exceptional circumstances of this case. Whilst she conceded it is locally well known that Ms Frewin has died and that Mr Staines has pleaded guilty to her murder the involvement and presence of the children remains unknown at this time. Her concern, if these details are known, was that conversations around, or about, the children would cause them significant harm and this is likely to have a significant impact on them and, potentially, the therapeutic work that will be done with them. Whilst in her skeleton argument, and in her submissions, she conceded the need for the court to undertake a close and careful analysis of the respective Article 8 and 10 rights engaged, in her submission the balance fell strongly and clearly in favour of the additional restriction of paragraph 3(d) as proposed by the local authority.
8. Ms Downes on behalf of the children's guardian effectively supported those submissions and this left Mr Barnes on behalf of MGM, together with the BBC and Ms Tickle to argue strongly against it. Mr Bain, on behalf of the PGPs, did not align himself with the local authority, although his clients are clearly concerned about the welfare of the children.
9. Mr Staines was not present today. Mr Keyworth was unable to speak to his client. That discussion was to have taken place before this hearing began. Unfortunately, the prison has not facilitated his production, though the request was sent in the form of a court order.
10. Mr Barnes supplemented his detailed skeleton argument with submissions in relation to paragraph 3(d) which the local authority continues to seek. He was very clearly critical of the local authority's approach, and that of the representative for the children, and commented on the way in which the application, and order sought, was significantly changed only as a result of judicial indication. I have already said paragraphs 3(a) – (c), concerning not identifying the children, not publishing photographs, or naming the older children's school, are agreed. Paragraphs 3(e) and (f) are no longer pursued by the local authority. This leaves only the terms of paragraph 3(d) in dispute.
11. The concerns of the press were helpfully and succinctly put in writing. Mr Agnew from BBC Three Counties Radio emailed the court on 27<sup>th</sup> May 2021 and Ms Tickle also sent an email shortly before this hearing. Their objection to the proposed paragraph related to the ability of not just they themselves to report on this, but the wider media because there are matters which, first of all, if the criminal case had gone to trial, would have been reportable and, notwithstanding concerns regarding the children's welfare, they both powerfully submit there is a public interest in the media fully reporting on the circumstances of the offence. The presence of the children is likely to be an aggravating factor. Both journalists emphasise the public interest in understanding and knowing about sentencing and the importance of the detail in this case in enabling the public's understanding of any sentence given. This relates not only to transparency but also

confidence in the justice system more widely. Ms Tickle points out that the ages of the children mean the reality is that the impact of any reporting is not likely to be felt directly by children at the age they are at the moment. When older, it is hoped that will have been provided with therapeutic support to help them to process their experiences.

12. An additional point made by Ms Downes in support of the local authority argument is that local people may not come to the sentencing, and may not be aware of the detail and there was a need to prevent the media reporting details that would therefore be presented next week. Ms Tickle comments that everyone in the vicinity will know the information anyway so it makes no difference. Ms Tickle emphasised at the end of submissions that it only takes one or two people to attend the trial and that the detail and information at trial will then very quickly be communicated via social media. For those reason the press, and Mr Barnes, on behalf of MGM, oppose the additional restriction.
13. Mr Barnes took me to two authorities: C (A Child) [2016] EWCA Civ 798 and A Local Authority v C [2019] EWHC 1782 (Fam), at paragraphs 14 and 12(b) of his skeleton. He makes the point that the restrictions sought by the local authority in this case have no equivalent in any reported decision. He submits that Dr B's letter cannot and should not be taken as support for the terms of paragraph the local authority asks me to include. He submits Dr B's concern was about the identity of the children being reported and paragraphs (a) – (c) cover that ground fully.
14. The welfare of the children and their Article 8 rights are highly significant in this case. Ms Burgess in her written submission at paragraph 46 articulated those but a close analysis of the Article 10 rights in this case and the submissions made by Mr Barnes and two members of the accredited press lead me to the clear conclusion, in balancing the respective rights, that para (d) is a disproportionate restriction.
15. The local community are already aware of the circumstances to the extent they will be aware that Ms Frewin was killed at the hands of Mr Staines. The presence of the children may not yet be well known, but it will be a central feature of the open court hearing in the Crown Court.
16. The children are of an age where media reporting will not be seen directly by them. The most likely impact on them is going to come from their peer group and other adults with whom they come into contact. The local authority and the foster carer are acutely aware of this, and can, and I am sure will, take every precaution possible to protect the children as much as possible.
17. The additional restriction proposed by paragraph (d) is, in my view, disproportionate. Any hope of entirely insulating these children from the potential consequences of media interest is not possible. The interest of the press in properly reporting the sentencing and scrutinising the actions of public authorities, including the local authority and the police, are important in my judgment. The protections for the children, reflected in the concerns of Dr B, are set out and protected by paragraphs 3(a), (b), and (c).
18. In those circumstances I decline to make the order incorporating paragraph 3(d).
19. That is the judgment of the court.

## SCHEDULE

IN THE HIGH COURT OF JUSTICE  
FAMILY DIVISION  
SITTING IN WATFORD

CASE NO. WD21C00213

BETWEEN:

**HERTFORDSHIRE COUNTY COUNCIL**

**Applicant**

**-and-**

**(1) ALEX STAINES  
(2 – 4) Q, R and S (Children)  
(5) MGM  
(6 – 7) PGPs**

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### REPORTING RESTRICTIONS ORDER

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#### IMPORTANT

**If you disobey this order you may be found guilty of contempt of court and may be sent to prison or be fined or have your assets seized. You should read the order carefully and are advised to consult a solicitor and soon as possible. You have the right to ask the Court to vary or discharge this order.**

#### EXPLANATION

- A.** On Friday 28<sup>th</sup> May 2021 the court considered an application for a reporting restriction order.
- B.** The following persons and/or organisations were represented before the Court:
- i. Hertfordshire County Council represented by Victoria Burgess
  - ii. Alex Staines represented by Louis Keyworth
  - iii. Q, R and S (through their guardian) represented by Donna Downes
  - iv. [MGM] represented by Chris Barnes
  - v. [PGPs] represented by Giles Bain
  - vi. Louise Tickle, freelance journalist
  - vii. Lee Agnew, of the BBC
- C.** The Court read the following documents:
- i. C2 application form
  - ii. Statement of allocated social worker [...] dated 25<sup>th</sup> May 2021
  - iii. Skeleton arguments/position statements of the parties
  - iv. Letter of Dr B dated 14<sup>th</sup> May 2021
  - v. Email from Lee Agnew to the Court dated 27<sup>th</sup> May 2021
- D.** The Court direction that a copy of the attached Explanatory Note be made available by Hertfordshire County Council to any person affected by this order
- E.** The Court granted permission to the Applicant, Hertfordshire County Council to apply for the exercise of the Court's inherent jurisdiction

## **ORDER**

### **1. Duration**

This order shall have effect until [...] the eighteenth birthday of the youngest child

### **2. This order takes effect immediately without the need for the court seal**

### **3. Who is bound**

This order binds all persons and all companies (whether acting through their directors, employees or agents or in any other way) who know that the order has been made.

### **4. Publishing Restrictions**

This order prohibits the publishing or broadcasting in any newspaper, magazine, public computer network, internet website, sound or television broadcast or cable or satellite programme of service of:

- a. The names of the children;
- b. Any photographs of the children;
- c. The school attended by the two older children.

### **5. For the avoidance of doubt, it is confirmed that publishing the names of Christie Frewin and Alexander Staines [...] is permitted**

### **6. No publication**

No publication of the text or a summary of this order (except for service of the order under paragraph 7 below) shall include any of the matters referred to in paragraph 4 above.

### **7. Restriction on seeking information**

This order prohibits any person from seeking information relating to the children or parents or a carer from any of the following:

- a. the children;
- b. the Father;
- c. a carer;
- d. the staff or pupils at any school attended by any of the children;
- e. any of the child's relatives.

### **8. What is not restricted by the Order**

Nothing in this order shall prevent any person from:

- a. publishing information relating to any part of a hearing in a court in England and Wales (including a coroner's court) in which the court was sitting in public and was not subject to any order restricting publication;
- b. seeking or publishing information which is not restricted by Paragraph 4 above.
- c. inquiring whether a person or place falls within paragraph 4 above;
- d. seeking information relating to the Father/children while acting in a manner authorised by statute or by any court in England and Wales;
- e. seeking information from the responsible solicitor acting for any of the parties or any appointed press officer, whose details are set out in Schedule 4 to this order;
- f. seeking or receiving information from anyone who before the making of this order had previously approached that person with the purpose of volunteering information (but this paragraph will not make lawful the provision or receipt of private information which would otherwise be unlawful);
- g. publishing information which before the service on that person of this order was already in the public domain in England and Wales as a result of publication by another person in any newspaper, magazine, sound or television

broadcast or cable or satellite programme service, or on the internet website of a media organisation operating within England and Wales.

#### **9. Service**

Copies of this order endorsed with a notice of the warning of the consequence of any disobedience shall be served by the applicant Hertfordshire County Council (and may be served by any other party to the proceedings):

- a. by service on such newspaper and sound or television broadcasting or cable or satellite or programme services by way of email addressed to the editor (in the case of a newspaper) or senior editor (in the case of a broadcasting or cable or satellite programme service) or website administrator (in the case of an internet website) and/or to their respective legal departments; and/or
- b. On such other persons as the parties may think fit, by personal service.

#### **10. Permission to report**

Louise Tickle is given permission to report the following information in respect of this hearing;

- a. Details of the application including its timing.
- b. Details of the orders sought.
- c. Submissions and arguments made by each party.
- d. The judgment of the court.

#### **11. Further applications about this Order**

The parties and any person affected by any of the Restrictions in paragraphs 3-5 above may make an application to vary or discharge it to a judge of the High Court (His Honour Judge Vavrecka sitting as a s.9 judge if available) on not less than 48 hours notice to the parties.

### **EXPLANATORY NOTE**

1. [Q, R and S] were made the subject of interim care orders in favour of Hertfordshire County Council following the death of their mother. Their father has been charged with the murder of their mother and his sentence is being handed down in the St. Albans Crown Court on 1<sup>st</sup> June 2021.
2. The court has today made a reporting restrictions order for the protection of these three children.
3. This order had effect until [...].
4. Paragraph 4 of the order prevents the publication of;
  - a. The name of the children;
  - b. Any photographs of the children;
  - c. The school attended by the two older children
5. The court heard submissions of from all parties and two members of the accredited press.
6. The full terms of this order are attached to the Explanatory Note.
7. The court gave a short judgement a note of which will be agreed by the parties and sent to the court for its consideration.