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Neutral Citation Number: [2019] EWFC 62

IN THE FAMILY COURT SITTING AT BOURNEMOUTH

**Courts of Justice
Deansleigh Road
Bournemouth
BH7 7DS
Date: 10/10/19**

Before:

HIS HONOUR JUDGE DANCEY

Sitting as a section 9 Judge

Between:

Dorset Council

Applicant

- and -

A mother

1st Respondent

-and-

A father

2nd Respondent

-and-

Child A

3rd Respondents

(by her children's guardian Quiraine Scheepers)

Adam Langrish (instructed by Dorset Council Legal Services) for the Applicant

The 1st Respondent did not attend

The 2nd Respondent did not attend

Vanessa Cowlard, solicitor for the 3rd Respondent

Hearing date: 30 September 2019

JUDGMENT

His Honour Judge Dancey:

- 1) On 12 August 2019 I made a care order and, on 30 September 2019, a final deprivation of liberty (DOLs) order in respect of a young person, A, a girl aged 15½ years.
- 2) I am not giving this judgment to explain why I made these orders (which nobody opposed) but because, as I suggested to A when she came to a hearing, I thought her story should be told.
- 3) Although I identify the local authority in this case, I am not going to name individual workers. The problems that I will describe are more about lack of suitable resources than failures by social workers.
- 4) I am writing this judgment in a way that I hope will be accessible for A and her family.
- 5) A is a bright and articulate girl. I have met with her. I will not say it was easy for she told me in no uncertain terms what she thought about things. It was quite challenging meeting with her. But I am glad to have done so and listened to her.
- 6) The local authority have been involved with A's family since 2017. Her parents used drugs. Their relationship was violent and abusive. They didn't supervise A properly. She didn't have proper boundaries. For a time A was living with her father. He gave her cigarettes. A said she used and dealt cannabis. A's behaviour went downhill. She often went missing. Social workers were worried that she was at risk of sexual exploitation. They said she was beyond the control of her parents.
- 7) On 6 August 2018 the police used their powers to protect A. A's mother agreed to her being voluntarily accommodated in foster placements. However, A found it difficult to comply with rules in her foster homes and went missing again. So she was placed in a residential unit in Shropshire where she was able to get some therapeutic parenting. While there A had to go to hospital a number of times because she was self-harming.
- 8) At this point A had been excluded from school and wasn't getting any formal education. The Virtual School tried to access a place for her at a learning centre.
- 9) On 11 January 2019 the local authority issued care proceedings on the basis that A was beyond parental control. The parents accept that and did not oppose the court making an order placing A in the interim care of the local authority. This meant that the local authority was able to exercise parental responsibility for A.
- 10) The placement in Shropshire was due to end on 30 January 2019. A wanted to return to Dorset, ideally to her father. At this point that couldn't happen, not least because he was in prison. In reality though, neither of A's parents have been able to look after her safely, given her risky behaviour.
- 11) Another placement was found for A in Somerset. This was an unregulated placement staffed by MJ Staffing. The social workers considered a plan for A to live with her aunt but this was not thought to be safe because of A's recent behaviour at her placement. This included assaulting staff and going missing. So

the social workers thought that A still needed a residential placement and that has not changed.

- 12) Because the placement in Somerset and later placements have all involved 24/7 supervision of A and the need to be able to lock doors and windows to stop her going missing, I have made a series of DOLs orders authorising those restrictions on her liberty. These have been reviewed regularly and particularly when placements have changed.
- 13) The court appointed a psychologist, Dr Jefferis, to do a report to understand why A was behaving as she was and to suggest what might be done to help her. Unfortunately, A refused to meet with Dr Jefferis but he was able to do a report based on the information he had. He thought that A's psychological make up was extremely concerning. He said she is a profoundly disturbed young person who would routinely place herself at risk if not kept in a tightly regulated environment. She showed aggression, defiance and contempt towards her mother. Behaviour at school led to her being excluded.
- 14) Dr Jefferis thought A's problems started at an early age and was caused by poor attachments with her parents and exposure to their drug use, parental conflict, domestic abuse and multiple carers. A had painful feelings of sadness, self-doubt, insecurity, resentment and anger which came out in her risky behaviours. Her anger, dysregulation and problems forming close relationships results from her distress and lack of secure attachments. It is important that A understands this is not her fault.
- 15) Dr Jefferis thought that A's parents, while being well-intentioned, would not be able to meet her needs for safety and boundaries. As there was no viable family placement, Dr Jefferis thought that a residential placement was the only option that could realistically meet A's needs. He saw a need to meet some very basic aims of improving A's trust of those around her and to become less defensive. He hoped this would enable her to move on and regulate (control) her emotions and behaviours and develop resilience and self-esteem. Over time there could be therapeutic interventions. He could not see a situation in which A would be able to return to her parents, but contact with them and her aunt was important.
- 16) On 16 April 2019 A was moved to another placement, this time in the New Forest. A seemed to settle better in this placement but it was a 90-day crisis placement and A would need to be moved to another placement on 15 July 2019. It was hoped this would be a permanent placement.
- 17) Unfortunately, a permanent placement could not be, and still has not been, found for A. At the end of the New Forest placement she was moved to another unregulated placement in Weymouth supported initially by Serenity Welfare and then Quayside Childcare (and another agency, Medgen, for three days while Quayside underwent staff training).
- 18) I made a final care order on 12 August 2019 which everyone agreed was necessary. I have continued to review the DOLs order down to 30 September when I made the final order.
- 19) As we can see, by August A had already had a number of changes of placement, from foster placements in August 2018, then to Shropshire until January, then Somerset until April, then New Forest until July and then Weymouth. Two of those placements had been unregulated. The need for a permanent placement was

crucial if the progress that Dr Jefferis (and everybody else) hoped for was to be achieved.

- 20) On 20 August 2019 A had yet another move, this time to another unregulated placement in Wimborne, again staffed by Quayside. A attended a hearing on 27 August to approve DOLs at this new placement. At that point the plan was for a permanent regulated placement with Cambian in Plymouth. An assessment by Cambian was planned for 29 August. That was cancelled by Cambian at short notice (in fact no notice – A, her mother the social worker and Quayside staff were waiting for Cambian to arrive). Cambian apologised for the lack of communication.
- 21) The assessment was re-scheduled for 3 September. At 5pm on 2 September Cambian emailed the social work team manager and the local authority's commissioning team cancelling the assessment as the vacancy had been given to another child.
- 22) A was disappointed by this. Although she had settled well into the Wimborne placement (and was not going missing), she wanted to move on to something more permanent.
- 23) I should stress at this point that the social worker and her team manager (for whose professionalism and dedication I have the greatest respect) had been working tirelessly with the commissioning team to find a permanent placement for A. They had constantly been putting out literally hundreds of enquiries to possible providers around the country to try and find something suitable. It was not that Dorset were unwilling to find or fund a permanent placement. It was simply that nothing could be found.
- 24) Late on the evening of Friday 13 September 2019 a decision was taken by senior management at the local authority (not, I hasten to add the social worker or team manager, who knew nothing about it until the following Monday) to move A temporarily to a caravan park in Bridport. At the time A was enjoying a planned contact with her mother at a cinema. When she came out of the cinema she was told that she was going to be visited by an out of hours (OOH) social worker at 10pm. At that point she was not told why. Her immediate worry was that something had happened to her father and that he might have died. She had never been visited by a social worker at that time of night before.
- 25) When the OOH social worker visited A was reassured it was nothing to do with her father. She and her carers say she was told that a young boy aged 9, B, was in need, potentially coming out of hospital that evening and needing 3:1 support. A was asked whether she would help them “resolve the situation” by moving to a holiday home with her carers for the weekend for three nights (including that night) returning on Monday. A did not feel she had much choice but to agree.
- 26) It later turned out that B was not 9 but 17 and that he had damaged the unregulated placement where he had been staying so badly that he had to be moved out while it was repaired.
- 27) By Monday 16 September, B was still in the Wimborne placement and A was told she couldn't go back. She was moved to a different caravan park in Bridport but there was a point where she didn't have anywhere to go and she described herself as feeling homeless.

- 28) A then said that, rather than staying at the second caravan park, she wanted to stay overnight with her mother before returning to Wimborne on 17 September. This was agreed on the basis that the carers would be on hand if needed.
- 29) However, on 17 September A was told she could not return to Wimborne as B had damaged that property too and it needed to be repaired. A was worried about the belongings she had left there, although she was later reassured they had been removed and stored. A refused to go back to Bridport and asked again to stay with her mother. There was then an argument between A and her mother as result of which A contacted Quayside staff to collect her, which they did at about midnight from a friend's house.
- 30) A came to court on 20 September when there was a review of her DOLs. There was obvious dismay and frustration amongst the social workers, A's guardian, the lawyers and me, but most importantly A herself, about what had happened to her.
- 31) Because of what had happened A initially objected to continuation of DOLs at the temporary 'placement'. I pointed out that although what had happened was extremely regrettable none of the risks that justified the DOLs order had changed. I think A saw the logic in that and I continued the order.
- 32) Despite all that A was moved on 20 September to a lodge retreat in Wareham, again an unregulated placement.
- 33) I directed that the Director of Children's Services for Dorset should write to the court to explain what had happened. In her letter to me of 24 September the Director explained that B has complex needs including disabilities and had self-harmed. He needed a high level of staff support. The damage done by him meant the property had to be vacated immediately. As this happened late on a Friday there were limited options. A and B were the only two young people in unregulated placements using Dorset properties. It was decided (it would seem by the Director herself) to ask A to move out while repairs were done to the property B had been in. The Director says that A was told only that a placement was needed for a young boy who was unwell. No details were given of age (although my understanding is the staff also believed he was 9) or what 'unwell' meant. A was reassured she would still be able to do her activities such as horse-riding.
- 34) A was given an opportunity to meet with the service manager to discuss what had happened but she declined. In the event repairs took longer than expected.
- 35) On 24 September A resumed telephone contact with her mother. It did not go well. A became angry and dysregulated. She kicked a door and said (inaccurately) that she had taken an overdose of Paracetamol and made threats to harm herself. As a result the manager at the retreat required A and her carers to leave.
- 36) So, on 25 September, there was yet another move to a caravan park near Weymouth. A could not stay there beyond Monday 30 September. At the time of the hearing on that date A was due to move to a lodge at yet another holiday park in Weymouth with a firm promise given to her and me that she would be able to move back to the Wimborne placement on 2 October.
- 37) A did not attend that hearing. A's solicitor, Ms Cowlard, told me she couldn't see the point. Who could disagree?

- 38) I continued the DOLs order in respect of the lodge placement for two days and then the Wimborne placement from 2 October (neither I nor anybody else could see any objection to anticipating the move and making a two-stage order rather than having to bring it back for review yet again).
- 39) The team manager told me that they are optimistic that a permanent residential placement with Cambian will be found for A shortly.
- 40) I tell this story simply to highlight the resource issues that local authorities face looking after young vulnerable people at risk of harm. For A the consequences have been:
- a) no residential placement or any sense of permanence or stability;
 - b) by my count, excluding the initial foster placements, 10 placements over the course of a year, all bar two of them unregulated, and lasting from a few months to a few days;
 - c) still no formal education;
 - d) no real chance to address the things Dr Jefferis was talking about in his report;
 - e) a situation within which A stayed with her mother in an unplanned way and there was an argument between them which will not have helped their relationship;
 - f) break down in trust between A and the professionals (however hard they might be working to support her).
- 41) It is my experience in Dorset that the number of vulnerable young people who need to be looked after or otherwise supported by the local authority is increasing. There are growing concerns around child sexual exploitation, County Lines and other forms of criminal exploitation as risks for these young people. The need for regulated placements is likely to increase. Social workers work tirelessly (and some silly hours) trying to find placements. When they turn up they are seized upon. Sometimes it has taken so long and trust has so broken down that it can be difficult to move young people on.
- 42) The problems are huge. That is why I have told A's story.