

MISS RECORDER HENLEY

This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court.

Before:

MISS RECORDER HENLEY

IN THE FAMILY COURT AT NEWCASTLE UPON TYNE

CASE No.NE19C00766

BETWEEN:

A Local Authority

Applicant

-and-

M

First Respondent

-and-

F

Second Respondent

-and-

**Robin-Simmers and Adrién
(Children by their Children’s Guardian, Helena Caine)**

JUDGMENT

Representation

Applicant – Miss Wood (Counsel)

Respondent Mother – Mr Ainsley (Counsel)

Respondent Father – Miss Fagan (Counsel)

Respondent Children – Mrs Walker (Counsel)

Introduction

1. This is a judgment given in care proceedings. This case was listed before me for final hearing with a time estimate of 4.5 days in the week of 9th November 2020. It is written for the children it concerns and for their parents so that they all understand the decision that I have made and the way that the case will proceed over the coming weeks and months. The children are Robin-Simmers (born June 2006) now aged 14 years old and Adrién (born June 2012) now aged 8 years old; two sisters who are living in local authority foster care together under Interim Care Orders. They were removed from the care of their parents on 3rd October 2019.

2. Their parents are M aged 48 years old and F aged 55 years old. They are married and present as a couple. They seek to have the girls returned to their care. The girls were removed from their care following allegations made by the children that they had been subjected to physical and emotional abuse. Until this week, the parents denied those allegations and sought the immediate return of the children to their care. The parents now accept that they did cause the children to suffer significant emotional and physical harm and that they lied about that throughout these proceedings.
3. The parties agree that the parents should now engage in a programme of work to address these issues with a view to the children potentially being rehabilitated to their care in the future. All agree that the children will need to remain in foster care until and unless work is successfully completed. I was invited to extend these already very delayed proceedings to enable the children to have the benefit of the Court's oversight of the work and allow them to continue to be represented in these proceedings. I agree to extend these proceedings. One of the factors that persuaded me to extend the proceedings was Robin-Simmers's wish for me to do so, to enable her to still have a voice in these proceedings and the benefit of the Guardian who has visited her five times and who she is comfortable with. She does not want to meet any new professionals to express her views.
4. The children have been represented throughout these proceedings by their Children's Guardian, Helena Caine. She has invited me to write a judgment for the children to explain my decision and allow them to

understand what is happening in their case. I agreed to do that and have decided to address my judgment to them directly.

5. These are not the children's real names; they are names chosen by the children for the purposes of publication.

12th November 2020

Dear Robin-Simmers and Adrién,

1. I really enjoyed meeting you both on Monday. I listened carefully to your questions and to what you told me. I could not answer all the questions you had for me then because I had not listened to everything I needed to before I reached my decision. I have now listened to the views of your mum and dad, your social worker and your Guardian and I have agreed to keep this case going until February 2021 to allow your parents to do some work to see if they will be able to change and parent you safely in future. There are two choices going forward; either I agree to you going home to your parents or you will stay in foster care in the long term.
2. I have read all of the evidence in this case, that includes statements and reports from your social worker, information from the police about what you told them and your school in October 2019 about what life was like at home, statements from your parents and people at the Church who have been helping them and reports from Helena your Guardian.

3. This case started on 25th October 2019; it has gone on for a very long time. I had not been involved with this case before November 2020. When I read the case papers, I thought that it was very important that before there could be any attempt for you to go home to your parents, everyone would need to know what really happened when you were living at home. I did not think it would work for you to go home in future unless I decided the truth about what had happened. Up until this week your parents had always denied doing anything wrong. I expect that made you feel sad and worried that you might not be believed and angry and confused that they were not telling the truth.
4. Because your mum and dad would not admit what they had done and the way that they treated you when you were living at home, you have had to be in foster care for a really long time not knowing whether you could go home or not. I'm sorry you have had to wait so long. They owe you an apology, not only for the way that they have treated you, but also for lying about it for so long to social workers, to the Guardian and to the Court. Their lies prevented the Court from making a decision earlier about where you should live and meant that social workers could not help them to be better parents.
5. It was not until the morning of Tuesday 10th November 2020, the morning after we met, and before I heard from any of the adults in this case, that your parents admitted for the first time that they had hit you and that you were telling the truth. They admit, and I accept, that they caused you to suffer significant physical and emotional harm because

of what they did. That means that they hurt you physically and emotionally. The physical pain and the sadness they caused you at the time means that living with them was not always the safe and happy place that it should have been. Sometimes home was a scary place to live instead of being calm and supportive, as it should have been. There is a risk that unless your parents change the way that they parent you, that you would not be safe if you went back home to live with them.

6. When you told the police and your school what happened to you, what you did was very brave. Your parents have not been as brave as you have. They say they were embarrassed and ashamed to admit the way they behaved.
7. Without agreement between you and your mum and dad about what happened in the past, I worry that any plan for you to go home would not work. I think you need to feel listened to and be believed. I think they need to keep being honest about the way they behaved from now on and that they need to think very hard about why they did what they did so that it does not happen again.
8. You have been listened to and you have been believed in this case. You must always tell the truth going forward and be able to tell people you trust about how you feel.
9. It will take time, and apologies from your mum and dad, to repair the damage that they have done. They will have to be very brave and

admit that the way they treated you at home was not right. They will have to change the way that they treat you and come up with different ways to parent you and discipline you, with advice and support from social workers. If they cannot or will not accept advice and learn better ways to treat you, then it will not be safe for you to go home.

10. None of this is your fault. This is the fault of your parents and it is for them to put things right. I am going to give them a chance to work with social workers to try to learn better and safer ways to parent you. Whether they can do that will be down to them. I will then decide, after they have done some of that work over the next few months, whether I think they are going to change how they treat you in the long term. If I am not confident that they can change the way they behave towards you and maintain those changes until you are adults, then I will decide that you need to stay in foster care where I know you will be safe.

11. When I make a decision about where you live and who you spend time with, your welfare is my paramount consideration - the most important thing. That's the law that I have to apply from section 1(1) of the Children Act 1989. When I make decisions about the orders I should make about you both I have to apply a welfare check list found in section 1(3) of the Children Act. That means I have to put together a jigsaw to decide what is best for you, as I told you when we met on Monday. One piece of the jigsaw is what you want and how you feel. The older you are and the better you understand what is happening the

more I need to listen to what you think. I have to think about your needs; physical needs, emotional needs and educational needs. I have to think about how a change to where you are living or who you see would affect you. I have to think about your ages, your background and all the things that make you unique and special. I also have to think about the harm you suffered at home and the risk that you would suffer harm again if you went home. When I think about that I have to balance the harm you might suffer at home against the way you might feel if I did not let you go home. I also have to think about how able your parents are to meet all of your needs and keep you safe.

12. Your parents have admitted for the first time this week that the threshold criteria found in section 31(2) Children Act 1989 has been crossed. That means that they accept that you have both suffered and are at risk of suffering significant harm in their care. That allows me to make Care Orders in respect of you if I think those orders are needed to keep you safe. A Care Order allows the local authority to share Parental Responsibility with your parents so that it can make decisions to keep you safe.

13. When I consider which orders are in your best interests, I start very clearly from the position that, wherever possible, you should be brought up by your parents. There should not be any interference in your family life to separate you from your family unless it has been demonstrated to be both necessary and proportionate to do that and that there are no other orders that would keep you safe at home.

14.I have to make fair decisions. Decisions that are fair for your parents and for you. I know that your parents love you and that you love them and that in an ideal world you would be living with them. They have a right to live with you and you have a right to live with them, but only if it is safe for you to do so. Your safety and welfare must come first.

15.It will take sustained and meaningful change on the part of your mum and dad to reassure you that you will be safe at home and that you will have different and better experiences of being parented in future. I want you to be able to be happy and safe at home. If I am not satisfied that your parents can make those changes to allow you to be safe at home then you will remain in foster care. What happens now depends on your parents. I will remain involved to keep an eye on how things are going and to allow you to keep telling me how you feel and what you think. Helena will stay involved so that you can speak to her and so will Nick your solicitor. They will tell me what you want and Helena will give me advice about what she thinks is best for you.

16.For now, everyone agrees that you should stay in foster care and that I should decide what is best for you in February 2021. By that time, your parents will have been given lots of advice and support to see if they can change the way they treat you. I wish them well, there is a lot they need to do.

17.I had to decide this week whether I should end the case now and let your mum and dad do that work without me remaining involved and without Helena remaining involved. I could have finished the case this week by making Care Orders. I listened carefully to what your mum and dad, your social worker and Helena thought about that. Helena told me that she really wanted to stay involved and that Robin-Simmers really wanted her to as well. I decided that it would be better for you to stay in foster care under Interim Care Orders. That means that I will stay involved and Helena will stay involved so that you can keep telling us what you think and what you want.

Best wishes

Recorder Henley