

**THE FAMILY COURT**

Sitting at Leyland

05

**BLACKPOOL BOROUGH COUNCIL v A & B (Placement Order)**

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.

**JUDGMENT****HH Judge Ross Duggan**

1. This is the final hearing of care and placement proceedings concerning a young girl now aged 14 months. The child has been in foster care from aged three months following the unsuccessful conclusion of a residential assessment, latterly with the mother alone. The local authority threshold document (as slightly amended) is agreed. The local authority plan is placement for adoption which has the support of the Children's Guardian. The father has taken no positive part, although served. The mother seeks the return of the child to her home in Blackpool by any route which avoids adoption.
2. The papers from the proceedings past and present are presented to me in electronic bundles with which I am familiar. I have heard oral evidence from the local authority social worker, the independent social worker who assessed the mother, the mother herself and the Children's Guardian.
3. The local authority bear the burden of proving their allegations on the balance of probabilities. The factual allegations from the threshold document and concerning the recent contact between the parents are largely agreed. The mother produced a late statement denying recent

contact but this is for me no more than an incident of dishonest concealment and it does not drive a conclusion that the mother has been dishonest about other matters. The care plan for adoption requires a very high level of justification. The local authority must establish that this is one of those exceptional cases in which family ties must be broken. The welfare of the child throughout her life is my paramount consideration.

4. The case can only be considered in the context of the relatively recently concluded proceedings concerning the mother's previous child. In December 2019 she was made the subject of a placement order. As today the mother was struggling to overcome the disadvantages of her neglected and abusive childhood. Her abusive relationship with the same father involved a separation after a significant incident in November 2018. A psychologist recommended therapy which was arranged along with domestic abuse work. However a pattern became established. After a strong period of progress which justified these steps, inconsistency set in and advantage was not taken of the opportunities. In September 2019 the couple were seen together and when the mother complained that she did not know how to stop him contacting her, a refuge place was arranged. However the mother did not stay and a chaotic lifestyle followed. She claimed that the relationship was over but the placement order was made.
5. It is common ground that the father is a dangerous man who represents an unacceptable risk to the family. He is a substance abuser with poor mental health and a history of domestic abuse. His latest crisis involved significant self harming, a mental health warrant and residence in the local mental health unit. A baby exposed to him would be likely to suffer significant harm.
6. At about the conclusion of the previous proceedings the current child was conceived of the same relationship. In evidence the mother was incredulous as to the proposition that she should approach the authorities to explain this development and seek help. Eventually the authorities caught up and after the birth they generously arranged for both parents and child to go to a residential assessment unit. Within days the father's behaviour led to eviction but the mother continued alone and did well in many areas, with support. The report indicates that it was a pleasure to have

her in placement and that the child's needs were well met. She was supported to make the break from the father but suspicion as to her honesty in this area proved well-founded. On 17 November 2020 CCTV caught a long telephone conversation between the parents only consistent with a continuing relationship. The mother condoned his drug use and made arrangements to meet. This produced a negative assessment report and the issue of these proceedings.

7. Unfortunately the destructive influence of the father continues. The mother revealed that during the summer he unaccountably let himself into her home with friends, proposing a drinking session. She needed to call the police. On 17 October 2021 he turned up at the door seriously injured from self-harming and the mother accommodated him for seven hours, waiting for an ambulance and bandaged his wounds. He discharged himself to her home and when police made a welfare check on 20 October 2021 their log records "he was left in company of his partner" which makes it impossible to accept the mother's account that she was not there and that he had let himself in with a key. On 25 October 2021 the police visited the mother's home again to check on the welfare of the father but found that he had been asleep. He was awaiting a bed in the mental health unit and on 1 November 2021 a warrant was executed to take him there from the mother's home. At no point did the mother seek assistance. She did not reveal these recent events until presented with the evidence. Her recent statement was silent on the subject, asserting that the relationship with the father was over, she had moved from the address he knew and had no further contact.
8. I cannot accept the contention that the mother was written off with the end of the residential assessment. A further psychological assessment was arranged with Dr Watson and when she recommended more therapy the local authority funded six sessions. An independent social worker has conducted a parenting assessment. The Guardian accepted with hindsight that a domestic abuse course could have been offered to the mother but she did not, and does not see the need, and readily cites the learning she gained from the Gateway course during the residential assessment. The social worker accepted that more could have been offered but therapy was seen to be the essential route to change.

9. The therapist describes extremely good engagement and understanding, marred by attending only six sessions out of 10. The mother challenges the non-attendances but I accept the therapists view that there has been an element of avoidance. This does not surprise her and she recommends many more sessions, perhaps 24 in all. The psychologist always identified that the treatment would be challenging, with reversals. The events of October, during the early stages of therapy, underline the depth of the problem and establish for me that the course of therapy will be long and the outcome uncertain. Speculation that some therapy could take place with the child at home has been completely undermined.
  
10. The professionals identify inconsistency in the mother's life. She did well in mid-2020 but less well on leaving the residential unit. She failed to engage with the early sessions of the independent social work assessment but then did all that was asked. Fluctuating mental health seems relevant. The independent social worker saw a mother with low mood, not eating, leaving curtains closed and bed unmade. The mother rightly draws attention to praise in the residential unit for protecting the child from these fluctuations. However I accept the view that this would be unlikely to be achieved in the community, outside the protective environment of a unit. In weak periods not only social work sessions have been missed but also contact, with no timely birthday present and video contact not prioritised. I accept the professional view that at these times the mother is struggling to meet her own needs and that a child in her care would be seriously affected. It is clear from unanimous reports that the mother loves her child who enjoys a warm, affectionate relationship with her. Observations of contact sessions are very favourable, like the reports from the residential unit. It is therefore particularly unfortunate that care is likely to be inconsistent and marred by the dangerous influence of the father.
  
11. The local authority face a heavy burden to establish their plan for adoption. This is reflected in the emphasis on the lifetime of the child as the period for which welfare must be considered. The high point is the application to dispense with parental consent for which the local authority must establish that the child's welfare requires (in the sense of demands) placement for adoption. The best place for a child will normally be with the birth family unless there are overriding requirements of welfare which make that not

possible. The Convention formulation is that adoption must be necessary and proportionate.

12. I turn to the checklist under the 2002 Act. The child requires a stable, nurturing home in which her needs are consistently met and in which she is safe. This cannot be achieved by the mother without fundamental change. Harm would be likely from inconsistent care and the presence of the father. The effect of adoption would be the loss of family relationships and heritage with a counterbalancing gain through full membership of a new family in which she would be safe and have her needs met. The relevant relationship enjoyed by the child is with the mother and it is clearly a good relationship of value and its loss would be detrimental. The mother would wish for the relationship to continue and, subject to some inconsistency, would be likely to continue the relationship. However she cannot meet the child's needs. The child is young and has lived separately from the mother for 11 of her 14 months. As with the foster carer, she would be expected to form a successful relationship with new carers who are able to meet her needs. These new relationships would be very important and the old would be less significant during the making, cementation and long term development of the new. Some mitigation for the loss of the relationship with the mother would be the opportunity for direct contact with the adopted older sibling which would otherwise be denied to the child.

13. In the mother's final statement she raised the possibility of placement with her sister. In fact she failed an assessment in the previous proceedings and the mother has described subsequent problems in her life. She has not pressed her own candidacy and the prospects of dramatic change from the old assessment are so remote that further investigation and delay cannot be justified in the child's best interests.

14. The other possibility which I cannot consider to be realistic is the immediate return to the mother's home which instructions clearly prevented mother's Counsel from abandoning. She manifestly needs time to achieve change and to prove that she will not prioritise the father as before.

15. The realistic options for the child are adoption, foster care (long or short-term) and a new residential placement with the mother.
16. Adoption has disadvantages. The child would lose her close relationship with the mother. Adoptive plans sometimes fail. I should expect adopters to be found for this healthy, attractive female child of 14 months. However problems can arise in the teenage years when problems of identity come to the fore. Adoption does offer a safe home in which physical and emotional needs will be met. It offers the element of permanence which is so important for a young child.
17. The child would be safe in foster care and family relationships would be preserved. However foster care would lack the stability offered by the permanence of adoption such that long-term foster care would be a poor outcome for a child of this age. Short-term foster care would deprive the child of security as the price of giving the mother time to change. The mother has shown herself to be capable of bringing improvements to her life. She did well in the residential unit and has engaged in therapy. However there has been a long history of wasted opportunities with inconsistency and a repeated inability to put the father behind her. Extensive further therapy is thought to be the route to change but I have assessed it as long in duration and uncertain of outcome. In recent days the mother was tolerating from the father the intolerable even as this hearing loomed. Even at the conclusion of therapy, time would have to elapse to allow the outcome to be judged. The parents would have to be apart for 12 months or more before the father's threat abated. I accept the professional advice that the time involved would be seriously detrimental to a child who needs early permanence. These proceedings have already been extended well beyond the statutory limit and more delay of even longer duration would impose unnecessary harm for a speculative purpose.
18. In evidence the mother raised the option of resuming a supervised regime like her successful period in the residential assessment unit. I overlook the lack of detail for this impromptu proposal. The mother did provide well for the child in this environment but it cannot endure long term and the problem arises on graduation. It would be impossible in the community to approach the level of support provided and needed in the unit. Spot checks

were rightly dismissed as unrealistic during cross-examination. As explained above, successfully achieving change for the mother is time-consuming and uncertain. The probable outcome would be a further separation in due course with short-term pain and upset and long-term damage to the life time prospects of successful adoption.

19. It is necessary to be cautious with cases based upon the likelihood of harm rather than established, historic damage. However the history drives the conclusion that the likelihood of harm would be high and that the nature of harm would be serious. A child at home with mother in recent weeks experiencing her relationship with the father would be unthinkable. I conclude that the local authority's proposal is proportionate to the risks involved and necessary. Overriding requirements of welfare do make it impossible for the child to be with the mother. Her welfare does demand that she be placed for adoption. Nothing else will do.

20. The local authority have an entirely conventional plan for direct contact to be replaced by indirect. Contact has been a success but the important relationships for the child going forward will be with her new carers and direct contact can only deter the making and obstruct the development of these crucial relationships. Direct contact with the adopted sibling will be valuable. I approve of this plan and no contact order is needed.

21. The threshold for public law orders is clearly met and must appear on the face of the order. I approve the care plan and grant the Care Order. I dispense with parental agreement to placement for adoption on the statutory ground and grant the Placement Order to allow the plans to be implemented. I ask for one combined composite order to be drawn and submitted to me for approval.

HH Judge Ross Duggan

Leyland

5.11.21