

IN THE FAMILY COURT  
SITTING AT BRISTOL

Date: 19/11/2015

Before :

**DISTRICT JUDGE HOWELL**

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Between :

Gloucestershire CC  
- and -  
GM, CW  
CW, KW, SW, WW, L-MW  
Through their guardian

**Applicant**

**Respondent**

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Hearing dates: 9-12 and 19 November 2015

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**JUDGMENT**

**DJ Howell :**

1. Parties
2. I am concerned with the welfare of 5 young people, C dob 6.12.03 so she is aged 11, K dob 19.2.05 so he is aged 10, S dob 1.05.07 so he is aged 8, W dob 2.05.08 so he is aged 7 and L dob 6.11.14 so she is aged 1 year.
3. The father of all the children is CW.
4. The mother of the older 4 is JC. JC is believed to live in Scotland and although the L/A have sought to engage with her and get her involved in these proceedings she has chosen not to. It is believed that she last saw the children in 2011. She has had notice but has not attended this hearing.
5. The mother of L is GM.
6. These are care and in respect to L placement order proceedings commenced by Gloucestershire County Council GCC.
7. The children are represented by their guardian CL.
8. Background and parties positions
9. There is a chronology dating back to 2013 at the start of section C of the bundle and I do not intend to set out any further detail of that here. Particularly because CW and GM have agreed that the threshold in section 31 Children Act 1989 is crossed in this case on the basis of the agreed threshold document prepared at this hearing.

10. It is sufficient to say that it records that this family were known to and had input from 2 previous social care departments in the areas in which they lived namely Coventry and Rhondda prior to moving to Gloucester in March 2014. The involvement of this local authority started almost immediately after that move
11. The concerns of this Local Authority and those who had previously dealt with the family are set out in the Final threshold document at A22. The Threshold that has now been conceded by the parents I have inserted that at A22a.
12. Right up to the commencement of this hearing father took issue with all aspects of the threshold hence my listing of this hearing for 4 days.
13. On day 1 the positions of the parties changed. The L/A which until then had been seeking a placement order for L, now sought a care order with a care plan of L remaining in the care of mother. The making of that order was agreed by the parents.
14. In addition father who had been contending for the return of all his children accepted that he could not care for K and S and accepted the making of a care order for them. He continues to argue for a resumption of his care of C and W.
15. In making those concessions it was apparent to me that the parents must be saying that the threshold was crossed and I invited the parties to agree the terms of threshold document. Hence the agreed threshold.
16. It will be apparent from a comparison of the 2 threshold documents that those allegations that the children have been exposed to physical harm in their father's care have not been conceded. I have not been asked to make any

findings that go beyond the agreed threshold in respect to those allegations and therefore they remain just that, allegations.

17. Therefore the remainder of this hearing has been focused on the question of best placement for C and W. In respect to that the L/A stands by its care plan for them and that is supported by the CG. Father seeks a CAO for placement with him.
18. The law
19. The L/A now seeks only care orders for C, K, S, W, and L.
20. For me to make a care order I must first be satisfied that the threshold under s31 CA 1989 is met. I have set out the position as to threshold above. For the purposes of making these orders I am in position to consider threshold is crossed.
21. The threshold being crossed, the L/A must prove to me on the balance of probabilities that the welfare of the children requires that I make the orders they are seeking. In assessing their welfare I must consider the welfare checklist in s1(3) CA1989.
22. When I come to consider findings the standard of proof I must apply is the balance of probability and I must remind myself that it falls on the party alleging a given fact to prove it to that standard.
23. I must bear in mind that my starting point must be that children should be raised by their natural parents unless it is unsafe for them to do so and as was

so recently re-emphasised by the President in *Re A (a child)* [2015] EWCA 11  
quoting Hedley J

"Society must be willing to tolerate very diverse standards of parenting, including the eccentric, the barely adequate and the inconsistent. It follows too that children will inevitably have both very different experiences of parenting and very unequal consequences flowing from it. It means that some children will experience disadvantage and harm, while others flourish in atmospheres of loving security and emotional stability. These are the consequences of our fallible humanity and it is not the provenance of the state to spare children all the consequences of defective parenting. In any event, it simply could not be done."

And Baroness Hale;

"We are all frail human beings, with our fair share of unattractive character traits, which sometimes manifest themselves in bad behaviors which may be copied by our children. But the State does not and cannot take away the children of all the people who commit crimes, who abuse alcohol or drugs, who suffer from physical or mental illnesses or disabilities, or who espouse antisocial political or religious beliefs."

24. The L/A has a duty to provide services to a parent to enable them to continue to care for their children and I must consider whether even if there are risks to the children in their parent's care provision of such services could address those risks.
  
25. As we know from *In re B (A Child) (Care Proceedings: Threshold Criteria)* [2013] UKSC 33, [2013] 1 WLR 1911, [2013] 2 FLR 1075, *In re B-S (Children) (Adoption Order: Leave to Oppose)* [2013] EWCA Civ 1146, [2014] 1 WLR 563, [2014] 1 FLR 1035 and *Re R* [2014] EWCA Civ 1625 I must consider all of the realistic options for each of the children's care in what has become known as a "holistic manner", i.e. not in a linear manner knocking down each family option until only the L/A plan is left standing. I must remember that fostering, especially long term fostering has its own detriments and risks of harm. Not least amongst those is the denial of the child's right to

be brought up by or see their natural family as they would wish but also the risk of the placement breaking down and the children having to be moved to a new home. Those risks and detriments must be balanced with any risks from the natural family. Although the L/A now only seeks care orders, which are constantly under review under the LAC system and always leave open the possibility of the children's return to his/her family if the situation changes for the better, I must remember that the plan here is for long term foster care and I must approach this matter on the basis that approval of the plan may mean that these children (except of course L) never return to the care of their parents. Such orders are therefore very serious and draconian orders.

26. Such orders are a very serious intervention in the human rights of the children and the parents and I must bear in mind the rights of each child and each member of their family to family life under article 8 of the HRA 1998, (though if there is conflict of rights between child and parent the rights of the child should prevail). This court will not engage in social engineering. The human rights, in particular the right to family life of both the parents and the child must be respected. As such I must only make such orders as are both necessary and proportionate to the circumstances of the case.

27. The evidence

28. I have a substantial bundle in 3 arch lever files which I have read. During the course of the hearing I have received further statements from the SW in this case LM I have heard oral evidence from GE a psychologist, DH a senior practitioner SW who undertook a PAMS based parenting assessment, JW the deputy head of the children's school, LM the SW in the case, Mrs G LM's

team manager, mother GM, father CW and CL the CG. In addition I heard a 101 police call made by the SW LM in June of this year.

29. Options for the children

30. As there is consensus between the parties as to the placement of L, K and S. I do not intend to dwell upon the plans for them in that regard. There is a dispute as to the frequency and arrangements for their contact with father and I will deal with that below.

31. For C and W the 2 realistic options which I have to consider are placement in foster care and placement with Father either together or on their own. It is not suggested that GM look after them and JC has not put herself forward as a potential carer for either. Until this hearing CW had not put forward any realistic alternative carers. The ones he had put forward were not capable of being contacted. He now puts forward some names but it is too late for them to be considered as realistic options for the purpose of this hearing. Orders were made previously for the parents to put forward such names by a certain date so they could be assessed but these names were not put forward before that deadline. If those people he now seeks to put forward do come forward in the future and make themselves known to the L/A then as part of the ongoing review process for any of the children in care they may be assessed and if suitable may offer an option in the future. But for this judgment I am left with those 2 options to consider and balance.

32. LM the SW's evidence

33. I need to deal with LM's evidence as a preliminary issue for reasons which will become apparent.
34. LM the SW for the children has prepared 3 core assessments in Section C, C6-28 and C29-44, and C119-167, statements at C45, C298 and C447 and the care plans at section D.
35. It is not clear from his first statement at C45 when he was appointed as the children's SW. Though I note that at C46 he describes himself as newly qualified SW and that he started with Gloucestershire CC in August 2014 so it cannot be before that date. His first Core assessment is dated 9 October 2014.
36. On day one of this hearing it was brought to my attention that the L/A had disclosed to the parents' solicitors through an update of the index of checklist documents that a Storm log existed of a telephone call made by LM to what we now know was the 101 emergency line on the evening of the 9 June 2015. I was told that the update to the index had been issued on 28 October 2015 [C2 application from father] and a copy of the storm log had been sent to father's solicitors sometime after that.
37. Those acting on behalf of the father were concerned at its contents as on his instruction the allegations made in the log against CW were untrue. They asked for a statement from LM but I do not think they did so before last week. I have not been shown any of the correspondence that passed between the solicitors. Their C2 application is dated 5 November 2015 but I had not seen a copy prior to this hearing starting on the 9 November

38. I heard argument on Day 1 around the significance of this log and the allegations around it and adjourned to allow the parties to consider matters further whilst they prepared the amended Threshold.
39. Later that morning I was presented with handwritten statement from the SW. I now know that he prepared it himself having been put in a room on his own to do so. It does not bear a statement of truth, a matter which I raised when I saw it and was told it would do so in due course, but it is signed.
40. The statement is there for all to read and I do not intend to set it out in detail. It recounts that LM came home and found that his partner had been in e mail communication with GM about the sale of baby-grows and that the final e mail from GM said that CW would be coming to the SW's home on the following Friday to collect them. It was apparent that GM had been given the postcode but probably not the address by the SW's partner and I am satisfied that CW might have been able to identify LM's car having seen him with/in it.
41. LM tells me that prior to that date he had found CW to be threatening and he was frightened of him. He had discussed this with his manager at the time he first felt threatened and I am told that a risk assessment resulted in the security team at the council advising LM to call the police if something threatening happened. I understand that this was with a view to getting a log number from the police. Hence the 101 call and not a 999 call. I accept that was LM's intention when he called. It is clear from the tape that it was to report CW but not to get police action against him.
42. It is clear to me having read the statement and heard the log that LM was in a high state of agitation when he called the police. He told me that he had his 2

young children with him and he was very frightened for their safety. He believed from what had been said to foster carers by CW and to him by GM that CW might have been seeking to find out information about him over the internet and may already have done so and therefore not unreasonably in my judgment was concerned for the safety of his family. I do not think he knew what form the specific threat may take but I accept that in his mind he saw justification for fearing a threat existed and that he needed to take action. I do not criticise him for drawing a conclusion from the events that a threat might exist and that he needed to take action. SW's like LM must live in constant fear of retaliation from disgruntled and angry parents into whose lives they have intervened and that fear must have been magnified by potential involvement of his young family. I do not accept the premise of Ms O'Neil's line of questioning of LM that in these days SW's should expect and take on the chin, as it were, attempts by parents to intrude on their privacy by electronic means.

43. The problem here is that as LM accepts in the second of his statements that he filed during this hearing, what he told the police about CW in that call to 101 was at times factually inaccurate and at other times exaggerated in its account of the incident to which it refers.
44. I accept that he was in an aroused state and panicking. That is clear from his voice on the tape. I also accept that in that state he could easily get things wrong and did so. In my judgment it is most likely that he wanted to emphasise the seriousness of his perception of threat that he saw CW posing

so as to get the support he undoubtedly thought he needed to get to protect his family and he exaggerated the facts to achieve that.

45. I am asked by Miss O'Neil to censure him for making those untruthful comments about father in that call on the basis that as a professional SW he holds a professional duty to the parents he deals with and that the false information he gave to the police was in breach of that duty and it is in the public interest for me to censure him to uphold proper behaviour by social workers. It is pointed out to me with some force that if a parent had made false allegations against a SW like that the L/A would have been seeking their censure by the court.
46. I do consider that it was unprofessional of him to act in the way he did with the police but I think that I must take account of the context of that call and the state that he was in. I do not think that many professionals could be expected to be level headed in such circumstances. I also take account of his newly qualified and inexperienced status. However at the end of the day what he said about father in many particulars was simply not true.
47. Unfortunately matters do not end there. LM filed his first handwritten statement denying that he said the things recorded in the Storm log mid morning on day one. In so doing he does not say "I can't remember but I think I said", he says in terms "I did not report" and "I did not state". He advances a positive case that the Storm log was wrong. As we now know from the tape the log was almost entirely accurate and reflected the factual content of the call. Before LM was due to start his evidence on Monday (which he did not actually give until Wednesday) I was told by Ms Pitts for the L/A that he had

reconsidered the contents of that handwritten statement and was already concerned that he may not have remembered the exact words he used in the call. I am afraid I cannot accept that as any form of mitigation here. This was not a question of having got words wrong. The intent of the statement was to convince the court that the Storm log was wrong.

48. That statement was misleading to the court. If the tape of the Storm log had not been expedited then the court may have accepted the word of the LM as a professional SW that he had not said the things reported and proceeded on that basis.
49. I am gravely concerned about how this young and inexperienced SW was left in this situation and how it comes about that he was left in the position of potentially misleading the court in this way. I have had no evidence as to the supervision he received. In this context I don't simply mean in relation to the call itself; LM admits he did not seek to speak to his manager before making the call. This is perhaps not surprising in the circumstances given his panic but it is surprising that a procedure had not been put in place when first he reported his concerns to anticipate the state he might be in if he perceived a threat in his own home, and which would have offered him support and guidance. Surely the L/A should have taken stock then and considered either reallocating this newly qualified SW away from this case or offering him support. I also question the support offered for his preparation for court, his understanding of the legal process and appearance before me. The L/A need to look at these issues very carefully, learn lessons and put in place procedures to

ensure that no other SW, newly qualified or otherwise is put in this position in the future.

50. Father not unsurprisingly says to me that I can give little if any weight to this SW's evidence.

51. I remind myself that the fact that a person, even if he is a professional, gives untruthful evidence on one matter does not mean that all of his evidence is thereby rendered suspect. I also remind myself that LM was not asked at any point in his cross examination what impact his view of father had upon his assessments and his work on the case and that although he accepted that his assessment as written was insufficiently balanced, concentrating as it did on negatives and not enough on positives, it was not put to him that that imbalance was due to his view of father. As a result as Miss Pitts says I do not have any evidence that his view affected his ability to "work the case" (as she put it) and come to the conclusions that he has as to the welfare of the children. I also take account of the fact that a lot of his work predates the incident in June 2015 and remind myself that the telephone call itself does not directly reflect on the issues I have to decide i.e. the welfare of the children as Miss O'Neil quite rightly conceded.

52. However given the facts as I set out above I consider it unsafe for me to give very much weight to this SW's assessments if any at all. I cannot be satisfied that his objectivity has not been affected by his clear fear of father in this case and the view he held of father, as evidenced by the call he made to the police. I also consider that his position in this case has been compromised by the manner in which he has been managed and advised.

53. I am very concerned by what I see as the complacency of the L/A in their response to this issue when it first arose “in house” as it were, when it was reported by the SW that he found father aggressive and when he made the call to the police, when it was later raised by father and in this hearing. It is inconceivable to me that they could not see that it had potential to affect the weight I could give to the SW’s evidence and potentially derail this case causing delay and thereby affect the welfare of these very vulnerable children.
54. It is of course a matter for the L/A what steps they take as a result of this debacle. That is a matter for them though I have set out above what I would have thought it would be sensible for them to do. For his part LM has very sensibly said in his most recent statement that he has enrolled himself on further training. In my judgment that is essential for him.
55. I was asked by Ms O’Neil to consider lifting the anonymity of the SW in this case on the grounds of the likely public interest in my findings. As will be apparent from this judgment I have decided not to do so because in my view it is too easy to “name and shame” individual frontline professionals when it is the management and systems higher up that are in fact at fault as I think may be the case here.
56. Unsurprisingly father submits that the evidence of the other expert witnesses and in particular GE and DH were influenced by the evidence of LM
57. GE was asked about this specifically in cross examination. She replied that whilst she was aware of a pattern of behaviour on father’s part from the work in the court bundle she did not approach her work in that way because as she put it “people change”. She based her conclusions on her work with the family

and the interviews she undertook. With reference specifically to father she saw her job as giving him an opportunity to speak and in the end she felt he had. She observed that father had been very “defended” when he had started his work with her but had in the end responded to a semi-structured interview approach though he remained prone to minimisation and evasiveness. As is apparent from her report and her evidence most if not all of her conclusions are born out of her observations and analysis of the family dynamics and I don’t feel that her evidence can be considered tainted and devalued by the situation with the LM’s evidence or the approach that has been taken to the threshold allegations.

58. Likewise DH had read the core assessments prepared by LM. However he made it clear that his assessment was based on the observations he made and interviews he undertook. He is a SW who qualified in 2006 and became a senior practitioner in 2012 and who has undertaken what sounded to me to be extensive training in preparing PAMS parenting assessments. He works as a part time SW preparing such assessments outside of the team that LM works in. When given details of GE’s assessment of father’s capacity at E29 (which had not been available to him at the time of his work) he said he was not surprised and that it was in line with his observations. He accepted that he had mistyped a comment in a negative form about father’s attitude towards the assessment but overall I found his evidence to be balanced and where he could he gave credit to father for what he did well in the assessment. In my judgment my ability to consider his assessments is not affected by my conclusions in respect to LM

59. Analysis of options applying the welfare checklist
60. I will deal with the issue of placement for C and W first and then in the context of my decision in respect to that consider contact arrangements.
61. Wishes and Feelings
62. I am sure that all of these children would wish to be brought up by their parents provided that their safety was assured, and the care and attention which they received in their parent's care met their needs.
63. The CG's report recounts that C has consistently expressed a wish to return to her father's care. The CG says that C feels a sense of loyalty to father having previously raised concerns herself about his care, but also defending him if her younger siblings have raised similar concerns. If she cannot return home she would want to stay with her present FC's. I am told that she will be upset if I say she cannot return home and will need support to process that decision.
64. GE assessed C as having insecure attachments and her attachment relationship with her father was disorganised and enmeshed alternating between compulsive care giving and punitive aggression or withdrawal E44 6.1.6.4.
65. Father says that she is his golden girl and his view is clear that there is a strong bond between them.
66. The CG reports that W is settled in his placement and thriving. He asked the CG spontaneously whether if he went home his foster mother could come home with him so "she could tell daddy how to look after me". He is described as being happy in foster care but maybe would like to go home. The CG

reports that W is aware of C's views and reluctant to express his own as a result.

67. GE assessed W as having an insecure disorganised pattern of attachment and displaying ambivalent feelings towards his father and has shown fearful and anxious behaviour and anger during contact with his father. In the Bene Anthony test W indentified a low level of emotional attachment that was ambivalent to father. In contact he showed a high level of emotional arousal anxiety and anger.
68. At E47 C GE reports that the results of the Bene Anthony test for C showed that her interactions in respect to W were 100% negative. He was the last of her siblings that she chose to save. Similarly W in his response identified a low level of emotional involvement for C.
69. Physical and emotional and educational needs/any harm the children have suffered
70. C suffers from a form of scoliosis for which it is anticipated she will need spinal surgery in 2016. She also has talipes. I am told by the CG that in spite of this she is an active child and doesn't let her conditions interfere with her day to day activities including I am told riding lessons once per week
71. There are no health concerns for W.
72. It was put to both GE and DH whether they considered the children as being disabled and therefore entitled to disabled services which they did not receive. Neither accepted that label for any of the children even C with her health issues.

73. GE assessed all of the children and her conclusion is best summarised by what she says in her executive summary at E 25 that they “*continue to require an above average level of care to meet the complexity of their individual needs*”.
74. She set out her assessment of C starting at E40 and I don’t intend to set that out again here.
75. At E42 she records that the assessment on the Adaptive behaviour test for C in the Autumn term 2014 i.e. before her accommodation fell within the extremely low range for the General adaptive Social and practical domains and her conceptual domain was borderline.
76. Similarly the rating for Autumn term on the Achenbach scales fell within the range of clinical significance for withdrawn/depressed Anxious depressed and Composite internalised scales with the school reporting that on the Introverted scale the schools concerns were that she felt hurt when criticised, worries and is self conscious nervous enjoys little rather be alone than with others sad and secretive and on the extrovert scales argues a lot mood changes stubborn explosive temper lies and cheats. C is described as finding it hard to enjoy anything, never smiled nor started a conversation, looked miserable with an absence of joy and very low self esteem.
77. GE analyses C’s attachment style with Father at E44 6.11.6.1. The overall pattern is insecure and disorganised. At 6.11.6.2 she sets out the features of C’s presentation that lead to her conclusion.

78. GE cites care giving by father that has been highly anxiety provoking lacking stability; place moves, new mother figures, and poor quality of care giving as likely causes of such behaviours.
79. Interestingly GE reports that when GM completed the same scales for C she reported her presentation in similar terms to that of the school, whilst father's rating for her fell within the normal range.
80. GE's assessment of W appears at E56 and once again I do not need to quote it at length here.
81. The Achenbach scales pre-placement showed that W fell within the clinically significant range for internalised, externalised and total scores. Again it is interesting that father placed W in normal range for all scales save for externalised which he placed at borderline.
82. W was described by the school as presenting with explosive anger; could not cope with losing a game, becoming red in the face, swearing out of control and running off. He presented with a number of behaviours associated with high anxiety and fearfulness and was fearful of the dark and felt unsafe at night.
83. His attachment was fearful and anxious overlaid by disorganised strategies and at 6.11.23.1 GE sets out the behaviours she identifies as indicating this style.
84. It is clear that in terms of their emotional needs both C and W present as extremely needy children for who reparative parenting of a very high standard as GE suggests is required.

85. GE sets out her views as to the aetiology of those emotional needs at E59. She sets out a list in bullet point format of the factors that she would say contributed to the development of those needs. GE was cross examined on those by Ms O'Neil as to the extent to which the allegations of exposure to inappropriate chastisement and physical abuse which of course have not been proven contributed to GE's conclusions. GE responded that the most significant factor in her view was the social/emotional behaviour of father and its impact on the children. The unproven allegations had not influenced her view to any significant extent.
86. GE's report as to the position of the children now on the Achenbach scales indicates that their needs have reduced in foster care. Similarly the school through JW reports that the children have significantly improved since their accommodation.
87. GE told me in her evidence that the children showed signs of trauma when they had contact with father. Their arrival at contact with father was a trigger for them to regress in their behaviour and to become very disturbed. They did not show this traumatised response when they met as a group of children; their style of behaviour was completely different. She described this response as hyper arousal similar in type to sufferers from PTSD; *"it was as if they were being taken back into the environment when they were at home a place of hyper arousal and insecurity"*.
88. I accept GE's analysis of the children's needs and their origin. I am satisfied that these children have suffered significant emotional and developmental harm such that it has affected their attachment behaviours and has left them

extremely needy and that harm is attributable to the care given to them by their carers, most recently CW and GM.

89. I am also satisfied that they now need reparative parenting of a standard that can offer them the consistency of care that will give them an opportunity to recover.

90. Likely effect of any change in circumstances

91. Both C and W are described as thriving in the care of their foster carers. Of course it must be borne in mind that foster carers have support and resources that ordinary parents cannot normally call upon. And if they were to return home to father it would be expected that he would have to receive support services of a like kind to help him meet their needs.

92. JW told us that after he was accommodated K received support from a service called Hop Skip and Jump which JW felt had been very beneficial to him and effected real change in his education. Father asks “why wasn’t I given that level of support when I had K’s care?”. In that case the simple answer is that K as a looked after child was fast tracked to that resource whereas in the community that resource would have only been available to him once he had exhausted the separate schooling option which at the point of time he left father’s care he had not.

93. The beneficial effect of such services for the children in father’s care would depend on the ability of father to accept them and work with them. The evidence which I have heard and which is mostly accepted by the parents is that when the family moved to Gloucestershire they did not wish to receive

services from the Local Authority. They did not want to have the children put on a CIN plan so that they would receive more services. GM said she did not wish to because of her experiences in care, CW because they had not liked the support they had in south Wales.

94. The one area of support they did accept and thought helped them was the FSW who CW likened to “nanny Macphee” though it would appear that came too late to avoid the children’s accommodation.

95. In my judgment having heard father I am not satisfied that he would really accept services for the children if they were in his care because he doesn’t really have any understanding of why such services would be needed.

96. Capability of father in meeting their needs

97. The summary of GE’s assessment of father appears at E25. He presents with a “*significant number of risks factors in respect of his psychological profile and associated poor outcomes for children including ongoing minimisation lack of acceptance and externalisation of blame and responsibility for the children’s [behaviour ]*”

98. The more detailed assessment appears at E29 but I don’t intend to set that out here. In her oral evidence GE highlighted father’s lack of empathy as being the key to his poor parenting “*because that was what I saw was missing*”.

99. At E34 she sets out her analysis of the risks that CW poses in his parenting. I do not intend to set that out here because it there for all to read. At 6.3.5 she says CE “*presents with a coercive pattern of behaviour in terms of parenting which is associated with poor outcomes for family functioning escalation of*

*dysfunctional behaviour...*” and at 6.3.9 CW’s “*difficulty in terms of ability to acknowledge difficulties to open and honest poses a further risk*”. At E38 6.9.3 she says CW “*finds it very difficult to offer ...empathetic care-giving. He does not pick up on the emotional cues of the children and or have the ability (awareness insight and knowledge) to respond seek to understand the meaning behind the individual behaviours of one or more of his children*” and at the foot of that page she concludes that CW “*lacks the capacity to provide care for any of the children*”.

100. These conclusions were echoed by DH in his parenting assessment which was prepared independently of GE’s report, and in his evidence to me.

101. At C240 he writes CW “*showed little insight into the help he needs with the significant shortcomings in his parenting, his perception of his parenting is therefore skewed only indentifying help needed with feeding. He is unable to prioritise his children’s emotional needs ... inconsistent with his responses to the children’s challenging behaviours and appears very passive and permissive in his parenting style which explains the neglectful parenting which the children have grown up with..... he cannot deescalate his children’s challenging behaviours.*”

102. CW describes his parenting in the past as lazy but DH would say that his parenting went beyond mere laziness. Father struggled with guidance and boundaries.

103. Although not asked to assess the option of father looking after only C or W or both in his parenting assessment because father was seeking retrun of all 4 children, DH was able to tell me from his findings that he did not think that

was a viable option and that father would struggle to look after either of C or W.

104. In terms of father's capacity to change this situation GE was not optimistic. She described CW as pre-contemplative in terms of the cycle of change. She described his insight into the problems as poor and thought that father couldn't really do anything to effect change unless he accepted his difficulties. Even then she said a lot of empathy is innate and although the situation can be improved possibly through counselling this is not an issue that will be amenable to change in a short course of treatment.

105. When father came to give his evidence the issues raised by GE and DH were quickly apparent. He showed little understanding of the problems he faced and the impact he had on his children through his behaviours, blaming others for those problems. He couldn't really understand what the issue was with his lack of empathy. To refute GE's conclusions he cited examples of when he addressed the children's emotional needs in contact which he thought showed that he had shown empathy. Unfortunately all that did was highlight what GE and DH had observed namely that he misses most of the cues and only picks up on the most obvious ones.

106. He couldn't really identify any services that he thought he might need to help him with C and W's care. I do not criticise him for not knowing what services were available but he showed no recognition of what issues those services would be targeted at addressing. In my judgment that confirmed what I was told about his lack of insight.

107. Conclusion

108. Comparing the needs of these children and the evidence I have of father's ability to meet those needs I am driven to agree with the expert opinion in this case that best placement for them is foster care and not with their father. These children need ongoing reparative parenting of a high quality and level of stability that I do not consider that father could offer to them. Therefore I will make a care order for C, K, S and W.
109. I think that father himself may recognise that he cannot meet C and W's needs. In a rare piece of insight by him in unguarded evidence he said that K and S would be in a safer place in foster care. He corrected himself almost immediately but that slip of the tongue I think indicates that father in his heart of hearts probably really knows he cannot provide the sort of care these children need and that return to his care would result in them suffering further harm.
110. I know that he will be disappointed by this outcome as I believe he does love them.
111. Arrangements for L, K and S
112. There is consensus that L will be placed with mother under a care order and that K and S will remain in foster care under a care order. That is now proposed by the L/A supported by the CG and accepted by the parents who consent to the orders. I have not gone through the welfare checklist for L, K and S in detail for that reason. I am satisfied that L remaining with mother is in her welfare interests provided mother continues to stay focused upon and meet her needs and stays separate from father. I consider that given the history

there is a need for an order and it is necessary for me to make a care order in respect to L.

113. I have read the amended care plan for L and approve the same. I have not at the time of writing seen the transition plan but I am satisfied that is a matter that can be safely left for the L/A to agree with mother.

114. Contact

115. GE told me that in her view the children need to see their father less frequently than they do at present. She recommended 6 times per annum during the school holidays so that the contacts could be activity based and with each child separately and or in small groups and not as a group of all 4 at once to avoid the trauma/hyper arousal she identified. She also felt that the contact needed to be supervised to avoid any risk of father seeking to undermine the placement. I accept that advice.

116. The CG agreed with GE but did say that there needed to be some opportunity for all 4 children to meet with father once a year as a group and I can see the attraction of that. However given the very clear evidence of the traumatic effect of such contacts I think that GE's advice should be canvassed. Unfortunately I was not aware of this proposal from the CG when I had GE before me so that I could ask her. However this need not delay the conclusion of these proceedings. Contact will be the subject of constant review by the L/A as part of the LAC process and this aspect can be dealt with within that context.

117. I will order contact between the 4 older children to be arranged a minimum of 6 times per annum for each child, arrangements to be agreed between the L/A and father.
118. K needs to have contact with L as soon as that can be arranged to be supervised by GM and K's foster carer.
119. Contact should be arranged between the older 4 children and GM and L. the evidence I heard was that GM was more empathetic than CW and better able to interact with the older children and it is important for them to develop their inter-sibling relationships.