

MISS RECORDER HENLEY

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Before:

MISS RECORDER HENLEY

IN THE FAMILY COURT

Case No. NE17C00557

SITTING AT NEWCASTLE UPON TYNE

In the matter of the Children Act 1989

Date: 30/07/2018

In the matter of

A (born [on a date in] 2006)

G ([on a date in] 2012)

MM ([on a date in] 2013)

R ([on a date in] 2015)

BETWEEN:

LA

Applicant

-and-

(1) M

(2) F1

(3) F2

(4) THE CHILDREN

(Minors acting through their Children's Guardian, Vanessa Bell)

JUDGMENT

Representation

Applicant – Mr Todd (Counsel)

Respondent Mother – Miss Sweeting (Counsel)

Respondent Father of A– Mr Hunter (Counsel)

Respondent Father of G, MM and R– Miss Fagan (Counsel)

Respondent Children – Mr Ainsley (Counsel)

Introduction

1. The Court is concerned with four children:

A (born [on a date in] 2006) now aged 12 years old

G (born [on a date in] 2012) now aged 6 years old

MM (born [on a date in] 2013) now aged 4 years old

R (born [on a date in] 2015) now aged 3 years old

2. I have dealt with this matter on a number of previous occasions for case management, and heard a 10 day Fact Finding Hearing which commenced on 26th February 2018, following which I delivered a lengthy written judgment on 20th March 2018 in which I made a number of very serious findings against the Mother, the Father of the youngest three children, F1 and MGPs, the Maternal Grandparents. This judgment needs to be considered in tandem with that judgment which fully sets out the background to this matter and the extensive findings I made. Following that judgment and further interim assessments I heard the matter again on an urgent basis giving judgment on 26th April 2018. I sanctioned the removal of the youngest three children from the Mother's care. A

had already been removed and placed in foster care alone since 8th August 2017, where she remains to date. The youngest three children have been placed in foster care since that hearing in April 2018, originally placed together but following concerns expressed about their behaviour and interaction as a sibling group by their foster carer and by the Independent Social Worker who was carrying out a sibling assessment of them, MM was moved to a placement on her own on 7th June 2018, following a period of respite care alone with that carer which commenced on 2nd June 2018. It was hoped that moving MM to a placement on her own would assist in improving the prospects of G and R being placed together in the short and long term. Unfortunately, the LA's assessment of those children's behaviour in placement is that they too should be separated to give each the best prospect of a successful adoptive placement and to meet their individual needs.

3. The Mother of all four children is M, who is represented by Miss Sweeting of counsel.
4. The Father of A is F2, he is represented by Mr Hunter of counsel.
5. The Father of the youngest three children is F1, who is represented by Miss Fagan of counsel.
6. The children are represented by Mr Ainsley, Vanessa Bell is their Children's Guardian.
7. These proceedings were issued on 4th August 2017, the 26 week timetable for this case expired on 4th February 2018, but was necessarily extended, firstly to accommodate a lengthy fact finding hearing and secondly to accommodate assessments of family members and of the children following the handing down of that judgment. This is a particularly complex case given its factual background and the competing needs of the four children who are the subject of these

proceedings. The Mother sought an independent social work assessment and for there to be a split hearing in this case to give her every opportunity to respond to the findings of the Court and to have a fair and impartial assessment. When the Guardian took over this case from a colleague she supported the Mother's application and also expressed the view that there should be an independent sibling assessment to inform long term planning. I approved the instruction of an independent social worker, Ms Selwood, to assess the Mother and the children for these reasons. I was fortified in my view that these assessments were necessary as a consequence of the observations that I made in my March 2018 judgment, following the fact finding hearing, about the local authority's management of this case and assessment of the Mother during its involvement in the widest possible sense. The start of Ms Selwood's work was necessarily delayed pending determination of the interim placements of the three youngest children and my decision to remove them to foster care.

8. I am satisfied that the delay in this case following the fact finding hearing has been necessary in order to allow the Court to have the evidence it required to make informed decisions about the care and welfare arrangements for the children. In particular, the observations of the children since they were removed into foster care and the assessment of the Independent Social Worker has proved invaluable in assisting me to make determinations in this matter. Originally the LA had invited me to treat the fact finding hearing in February 2018 as a composite hearing. Had that been the case, I would have been invited to approve care plans providing for all three of the youngest children to be placed for adoption together. The unanimous professional opinion now, conceded by the Mother, is that MM cannot be placed with her siblings. Professionals are now clear that had these children been placed for adoption as a sibling group of three, it is likely that such a placement would have broken down. Clearly such an eventuality would have had devastating consequences for these children. I am therefore satisfied that, unusually, the delays occasioned in this case have been of positive benefit to the three youngest children in ensuring that the right decisions

have been reached about their care and welfare arrangements on a fully informed basis.

9. This matter comes before the Court for a final hearing with a time estimate of 5 days, it commenced on Monday 23rd July 2018 and I give judgment today Monday 30th July 2018. Following the conclusion of the fact finding hearing, the Maternal Grandparents MGPs failed to engage in these proceedings and were therefore discharged from them.

10. On 11th July 2018 at midday, I was contacted by the Children's Solicitor to invite me to meet A. A had expressed the wish to meet me to her Guardian. I invited confirmation that A's Guardian considered that such a meeting was in keeping with her welfare interests and indicated that before I could agree to meet her I needed to be updated in respect of the issues in the case, (having not received an update since April 2018) and that I would need to canvass the meeting with the parties. I indicated that ordinarily I would expect to use the IRH as an opportunity to canvass such a meeting. I was informed that A's Guardian supported me meeting her and at IRH on 17th July 2018 proposed meeting A in the presence of her Guardian prior to the final hearing. All parties consented to the meeting which duly took place over the luncheon adjournment that day in the Court building. A was accompanied by Mr Ainsley, her counsel and Vanessa Bell, her Guardian. I'm grateful to Mr Ainsley for taking a note of the meeting and for circulating it to the parties. The meeting lasted about 20 minutes in total. I informed A that I could not keep any secrets and I would need to inform the parties of anything she told me. A told me that when her parents were together "they used to argue all the time and they took it out on me". She said "I used to run away and I would not come back until 8/9pm and Mum would get angry and hit me." She said that "Mum and Dad would get angry and he would slap MM on the back and it would make a red mark." I asked her who she meant by Dad and she said F1.

11. She told me she “wants to stay with Paula [her foster carer]” and “I don’t want to go back to Mum, she’s still talking to F1.” She also told me that she wanted to stay in touch with a friend, D by phone who was a friend that she saw in school. I informed her that although her wishes and feelings were very important they were not determinative and were just one piece of the information that I would use to make decisions in respect of the future care arrangements of her and her siblings.
12. I asked her who she wanted to tell her of my decision and she was unsure but accepted the Guardian’s suggestion that the Guardian and social worker would visit her to tell her of the outcome.
13. I shared this information with the parties in Court at the outset of the final hearing. I stress that I have not treated my meeting with A as an evidence gathering exercise and I avoided asking her any questions other than to check that she had told me all she wanted to, to clarify who “Dad” was and to ask whether she had told her Guardian what she was telling me, they both confirmed that she had. Prior to my meeting with A I was not aware of what it was she wished to tell me, if anything. I remind myself that what A told me is not to be treated as evidence and I have not used that information to make any findings in this case.
14. At IRH on 17th July 2018 I made clear to both F1 and F2, who were each present in Court, that the final hearing would proceed whether they attended or not, unless there was a good reason why each of them could not attend, as I was satisfied that they were aware of the listing for the final hearing. I stressed to them that the Court could make findings and final orders in their absence. In that knowledge, neither of them chose to attend the hearing. F2 takes no issue with A’s care plan and has work commitments in London during the week of the final hearing. No party or the Court required him to give evidence and therefore the matter has proceeded in his absence, with the agreement of his counsel. F1 failed to attend a meeting with the Guardian between the IRH and the final hearing, he failed to attend an appointment with his solicitors on 20th July 2018 arranged to go through

the updated evidence and to prepare a statement. He contacted his solicitors on Friday 20th July 2018 but too late to be able to attend their office and arrangements were made for him to attend their offices before the Court hearing commenced on the first day of the final hearing on Monday 23rd July 2018. He failed to attend their offices as arranged or to attend Court for the final hearing that day or on any subsequent day that the hearing has been listed. He was represented throughout the final hearing by counsel, no application was made to adjourn the proceedings or to attempt to give any reasonable excuse for his absence. In the circumstances I am satisfied that it was in the best interests of the children to proceed to hear the case in the absence of each Father and that to delay the making of final decisions as a consequence of their absence was inimical to their welfare.

15. F1 attended Court today to hear the judgment, he accepted that he has no reasonable excuse for failing to attend the final hearing.

16. I am satisfied that sadly, each Father's failure to attend this hearing is an indicator of their lack of prioritisation of their children. In F2's case this is a lack of prioritisation above his work commitments – he contacted the social worker during this hearing to say that he had just accepted a contract to work out of area for several months but had not relayed that information to A's foster carer and therefore A was not aware of this. In F1's case I am satisfied that his decision not to attend this hearing was prompted by the telephone records and his lies about the contact he was having with the Mother being discovered. It is indicative of his cowardice that he has absented himself from the case this week rather than attended to accept responsibility for his actions and participate in assisting me to make decisions about the future care and welfare of his children. I agree with Mr Todd that his commitment and input during these proceedings has been shamefully inadequate.

Threshold Criteria

17. I made extensive findings against the Mother and F1 in my judgment of 20th March 2018 and determined that as a result of the findings that I had made, the threshold criteria for the purposes of making final public law orders pursuant to s.31 Children Act 1989 was crossed. The focus of this hearing has therefore been the care and welfare arrangements of the children.

Care Plans

18. The amended final care plans in respect of all four children are dated 18th July 2018.

19. The care plan for A provides for her to remain in local authority foster care with her current carers on a long term basis. The plan is for her contact with the Mother to reduce down so that it takes place seven times per year, during school holidays, taking place approximately every 7-8 weeks. Direct contact between A and her father F2 has been offered during proceedings but he has not taken up opportunities offered to him as a result of his work commitments. He has weekly telephone contact with A which will continue to be promoted, with a view to direct contact commencing if appropriate, depending upon his commitment to that contact taking place, his consistency and reliability and depending upon A's wishes and feelings. A is able to take control of their contact as he telephones her carers for updates and she is given the choice whether to speak to him. This arrangement is working well but remains inconsistent as F2 has not been able to commit to calling at a set time or on a set day. It is hoped that this contact can progress to take place on a direct basis, subject to A's wishes and feelings. A's contact with each of her parents will be monitored and reviewed during the time that she is a looked after child. Should A's siblings be placed for adoption, her

- direct contact with them will cease and she will be offered indirect contact twice per year via the post box system. Should any of her younger siblings not be successfully placed for adoption then direct sibling contact will be promoted between A and that sibling/siblings on a monthly basis.
20. The care plan for G is that he be placed for adoption on his own. An eight to ten month search for an adoptive placement for him will be carried out. Should an adoptive placement not be found for him, then his care plan will revert to being a long term foster care placement and he will be offered direct contact with the Mother seven times per year and direct contact with his father, F1 twice per year.
21. The care plan for MM is that she be placed for adoption on her own. Should an adoptive placement not be found for her, then her care plan will revert to being a long term foster care placement and she will be offered direct contact with the Mother seven times per year and direct contact with her father, F1 twice per year.
22. The care plan for R is that she be placed for adoption on her own. Should an adoptive placement not be found for her, then her care plan will revert to being a long term foster care placement and she will be offered direct contact with the Mother seven times per year and direct contact with her father, F1 twice per year.

Legal Framework in respect of welfare decisions

23. I remind myself that each child's welfare is my paramount consideration. That is section 1(1) of the Children Act 1989. In considering what orders to make I have regard to the Welfare Check List found in section 1(3) of the 1989 Act.
24. In relation to the threshold criteria of section 31(2) Children Act 1989 I have regard to whether I am satisfied that each child has suffered or is at risk of suffering significant harm. By reason of the findings that I have made in March 2018 I am satisfied that each child has suffered and is at risk of suffering

significant harm.

25. When considering which orders if any are in the best interests of each child I start very clearly from the position that, wherever possible, children should be brought up by their natural parents and if not by other members of their family. The state should not interfere in family life so as to separate children from their families unless it has been demonstrated to be both necessary and proportionate and that no other less radical form of order would achieve the essential aim of promoting their welfare. In Re B [\[2013\] UKSC 33](#) the Supreme Court emphasised this, reminding us such orders are "very extreme", and should only be made when "necessary" for the protection of the child's interests, "when nothing else will do". The court "must never lose sight of the fact that (the child's) interests include being brought up by her natural family, ideally her parents, or at least one of them".
26. It is not for the court to look for a better placement for a child; social engineering is not permitted. In YC v United Kingdom [2012] 55 EHRR 967 it was said: "Family ties may only be severed in very exceptional circumstances and... everything must be done to preserve personal relations and, where appropriate, to 'rebuild' the family. It is not enough to show that a child could be placed in a more beneficial environment for his upbringing."
27. I have looked again at the words of the President in Re B-S (Children) [\[2013\] EWCA Civ 1146](#) as well as the judgments in Re B (supra) and reminded myself of the importance of addressing my mind to all the realistic options for the children, taking into account the assistance and support which the authorities or others would offer.
28. In considering making a Care Order I have had close regard to the Article 6 ECHR and Article 8 ECHR rights of each parent, adult family member and of each child, but I remind myself that where there is tension between the Article 8

rights of the parent, on the one hand, and of the child, on the other, the rights of the child prevail; *Yousef v The Netherlands* [2003] 1 FLR 210.

29. When considering whether to make a placement order, it is trite law that I must be satisfied that any orders I make are a lawful, necessary, proportionate and a reasonable response to each child's predicament. The granting of a placement order represents the most drastic curtailment of the right of these parents and of the child under Article 8 of the European Convention on Human Rights and Fundamental Freedoms, which can only be justified by pressing concerns for her welfare. However, in construing both the Convention and domestic law, I now have the assistance of the decision of the Supreme Court in *Re B (A Child)* [2013] UKSC 33 followed by the decisions of the Court of Appeal in *Re P* [2013] EWCA 963 and *Re G* [2013] EWCA 965. Those cases firmly re emphasise that a placement for adoption is a "very extreme thing" and "a last resort to be approved only when nothing else will do". Both domestic and Convention law do require a high degree of justification before adoption can be endorsed as "necessary", the term in the Convention or "required", the term in the Adoption and Children Act.
30. I must apply the welfare checklist found in section 1(4) of the Adoption and Children Act 2002, and I must be satisfied that the making of a placement order accords with each child's welfare throughout their life.
31. If I conclude that each child's welfare throughout their life demands that such an order is made then the law requires me to dispense with the consent of the parents to the making of a placement order in circumstances in which they oppose the applications.
32. In *Re S-F (A Child)* [2017] EWCA Civ 964 the Court of Appeal considered an appeal relating to a refusal by a Judge to make a Placement Order in respect of a four year old child the decision being that the child should be placed in long term foster care instead. Lord Justice Ryder gave the leading judgment and the

following guidance in respect of good practice when the Court is determining such issues: “The permanence report and the agency decision maker's record of decision contain the required analysis and reasoning which is necessary to support an application for a placement order. They are disclosable documents that should be scrutinised by the children's guardian and are susceptible of cross examination. It is good practice to file them with the court in support of a placement order application. Given their importance, I would go further and say that it is poor practice not to file them with the court because this is the documentation that records in original form the pros and cons of each of the realistic care options and the social work reasoning behind the local authority's decision to apply for a placement order”.

Positions of the parties

33. The local authority seeks Care Orders in respect of all four children with care plans to place them permanently outside the care of the family, and separate to each other. The local authority seeks Placement Orders in respect of the youngest three children to permit them to be placed for adoption separately to each other. The local authority seeks to maintain A's placement with her current foster carers in the long term. The local authority contends that the Mother should have contact with A on seven occasions each year, that she should continue to have telephone contact with her father in the hope it can progress to direct contact and monthly direct sibling contact is the contingency plan for her contact with her siblings should any of the other children not be placed for adoption.
34. The Mother significantly changed her position on the morning of 23rd July 2018, the first day of this hearing, from the position that she had always advanced during this case; namely to seek to care for all four children. The Mother indicated that she no longer actively opposed a Care Order being made in respect of A on the basis that she was to remain in long term foster care but was seeking contact on a monthly basis with her. The Mother does not actively oppose the

making of Care Orders in respect of any of the youngest three children but does take issue with their care plans. She seeks to challenge the separation of G and R and seeks to argue that they should be placed together in long term foster care or alternatively that there should be a time limited search for an adoptive placement for them together. She also seeks to challenge MM being placed for adoption, as opposed to being placed in long term foster care, although she concedes that MM will need to be placed on her own. She would seek monthly direct contact with any of the children who are not placed for adoption. She does not consent to the making of Placement Orders in respect of any of the children.

35. F1 accepts that he cannot care for the children. At IRH on 17th July 2018 he was supporting the Mother's case to care for all four children. His updated position is not known as a consequence of his failure to attend this hearing but he has always accepted that he is not in a position to care for any of the children, opposed their separation from each other, opposed their adoption and sought as much contact as possible with them and more than the biannual contact proposed by the local authority in the event that any of them are not adopted.

36. F2 does not oppose the making of a Care Order in respect of A on the basis that she remains in local authority foster care in the long term. He opposes her being returned to the care of the Mother. He accepts the recommendation in A's revised care plan in respect of his contact and there is an agreed form of words to reflect the social worker's oral evidence which will be incorporated into A's care plan.

37. The Children's Guardian supports the making of Care Orders in respect of all four children and supports their care plans. She also supports the making of Placement Orders in respect of the youngest three children.

Evidence

38. During this hearing, I have heard from counsel on behalf of each party. I have read the bundle of documents filed for this hearing. I heard oral evidence over the course of four days from JM, Independent Reviewing Officer, CG the children's social worker, Claire Selwood Independent Social Worker, BW social worker, the Mother and the Guardian.

39. I am very grateful to counsel for their assistance with this matter and their helpful oral submissions.

Welfare analysis

40. There are three possible placement options for the children: with the Mother, in local authority foster care or in G, MM and Rebecca's case adoption.

The Mother

41. The children's primary carer throughout their lives has been the Mother. They had not been separated from her prior to these proceedings being issued.

42. The Mother cared for MM, G and R from birth until their removal from her care on 26th April 2018.

43. A placement with the Mother would give each child the opportunity of growing up within his/her family of origin, preserving their identity and maintaining them in the North East of England. Wherever possible a child should be cared for by a natural parent or other family member.

44. A was made the subject of an ICO and removed from the family home in August 2017, she has therefore not lived with the Mother for almost a year.

45. It is accepted that the children's primary attachments are to the Mother and that

- they will suffer a degree of emotional harm, upset and distress if they do not return to her care. However, professionals are of the view that the children's attachments to the Mother, and indeed to each other, are not secure ones.
46. Given all of the children's ages they will undoubtedly have memories of each other and of their birth family for the rest of their lives. They identify as being a sibling group and as being from the North East of England.
47. The youngest three children are very young and so care must be taken when considering their wishes and feelings, which cannot be determinative in an application of this nature in any event. I make clear however, that I make my determination on the basis that it is likely that they would each wish to return to M's care, and that all of the children love their mother and that she loves them.
48. A has recently indicated that she does not wish to return to the Mother's care and that she wishes to remain with her current carers. Clearly her wishes are important but are not a determinative factor. Notwithstanding her expressed views clearly A loves her mother and the Mother loves her.
49. A placement with the Mother offers the children an opportunity to be placed together as the Mother would ideally wish to care for all of them. This would allow them the opportunity to remain placed as a sibling group, with all the benefits that that can bring not only during their minorities but throughout their lives.
50. A in particular has a strong sense of identity and a very clear awareness of her younger siblings, who are important to her, this placement option would allow her to maintain those relationships. To sever any or all of the relationships that she has with her siblings may well cause her to suffer a degree of emotional harm, which could be life long. Equally, this option would prevent the separation of the younger three children who are full siblings and who will no doubt suffer a sense

of loss and emotional harm by being separated from their siblings, including A who professionals consider played a role in caring for her younger siblings.

51. Naturally A will be concerned about her siblings and their welfare, she has asked to meet any long term carers found for them and to remain in contact with them either directly if they are fostered or by way of indirect contact if they are adopted.

Long term foster care

52. If placed in long term foster care, the children would have the opportunity to continue to have direct contact with their birth family and with each other, maintaining their identity and providing them with the opportunity to maintain their relationships with each other for the rest of their lives.

53. The children could remain in living in the North East, which would make the facilitation of contact more straightforward and which would maintain their identities. G is in school and could potentially remain placed in the same school. MM is due to start school this September 2018.

54. A would continue to be placed with her current foster carers who have been suitably assessed and matched as long term carers for her and with whom she enjoys an excellent relationship. A is very happy in their care.

55. A is thriving within her current foster care placement and has expressed a wish to remain living there. She has lived with her foster carers for almost a year and they are committed to continue to care for her.

56. The children's foster carers would be able to ensure that their needs are met to a high standard and that they are kept safe from harm.

57. As looked after children they would continue to have the support of the local authority.
58. MM's foster carer indicated on the third day of this final hearing (25th July 2018) that she would seek to offer a long term foster care placement for MM, in the event that an adoptive placement were not found for her or the Court deemed that she should not be placed for adoption. MM is doing well within this placement and the foster carer is very experienced in working with children and understands her needs well. However, on the night of 24th July 2018, without consultation or agreement from the local authority's legal department or MM's social worker, an 18 month old child was placed in the placement with her on an emergency basis, contrary to professional opinion that she needs to be the youngest child in placement. This highlights the lack of stability that a foster care placement can offer to a child of MM's age, notwithstanding the complexity of her needs. Should MM's carer continue to care for her on a long term basis that would need to be on the basis that she agreed not to take other younger children in the placement and agree not to take other emergency placements, at least until there was confidence that MM's needs could be adequately met in this eventuality. If MM could remain in this placement, she would achieve permanence quicker than having to wait for an adoptive search to be carried out and there would be far less certainty about where she would be living and attending school.
59. Long term foster care would mean that the children would be cared for by professional carers, rather than belonging to a family of their own. For young children this can preclude their ability to form secure primary attachments to their main carer, which can have an impact upon their emotional and psychological well being throughout their lives.
60. Long term foster care presents no guarantee that the children would be cared for without other children moving in and out of that placement at short notice, who may well have competing needs.

61. Children in foster care can experience a number of moves of placement, which can be disruptive to them. Foster care is therefore regarded as a less stable option than a placement with a family member or an adoptive placement.
62. Some children grow to resent being looked after children with the associated stigma that growing up in the care system and continued professional oversight it entails. Being a looked after child can result in greater restrictions being placed around day to day life than other children experience.
63. If a child is placed in long term foster care, there is a possibility that they can be reunified with their birth family in the future. Whilst this can be a positive for children, there is also a risk that children seek out illicit contact with their family and can gravitate back to their care in an unplanned way, which can present a risk of harm to the child concerned.

Adoption

64. Adoption provides the greatest sense of legal stability and permanence for a child who cannot be placed within the birth family. It is a placement of last resort because it results in the total severance of a child's ties with their family of origin, save for, usually, limited indirect contact via the post box system. The child is given a new family, and as a result there is a loss of previous identity and usually a loss of all direct contact with the birth family, as is proposed here for each of the youngest three children, save for potentially direct sibling contact with another adopted sibling.
65. The local authority proposes that the search for adoptive placements for each of the children take place on a national basis from the outset, this could make any direct sibling contact more difficult to achieve for practical reasons.

66. Adoption offers G, MM and R the greatest opportunity of a secure placement not only during their minority but for the rest of their lives, if the Court concludes that they cannot be safely cared for in their family of origin. Adoption would allow them to live their lives free from the state intervention that long term foster care would bring for them and would allow them to be permanently and securely claimed by a family.
67. There is a risk that an adoptive placement can break down which can have a devastating impact upon the child concerned. This risk can be ameliorated by careful and informed matching of a child with its prospective adopters. One of the greatest causes of placement breakdown is adopters not being fully and properly informed of the child's potential emotional and behavioural difficulties and background.

Discussion and conclusion

68. In determining the right placement option for each child, I must consider their needs now and in the future.
69. A is a 12 year old girl who has been placed in local authority foster care since 8th August 2017. She has remained in the same foster care placement since that time, almost 12 months. Prior to her placement in foster care she lived with the Mother and F1, who she refers to as "Dad", together with the three younger children. A is a mixed race child as her Father, F2 is mixed race, (White British and Black African). She has had very little direct contact with him both prior to and during these proceedings. She does enjoy telephone contact with her father. A has always had a close relationship with her maternal grandparents, particularly MGF. A has struggled to come to terms with the reasons why she can no longer spend time with them and will need significant support during her minority to understand the Court's findings in an age appropriate way, and to understand the care and welfare decisions that have been made as a consequence of them. She

has an attachment to her younger siblings and a full understanding of her identity. She has been observed to adopt a parenting role when seen in contact with her younger siblings. A's behaviour in school and in her placement is very good. I had the pleasure of meeting A shortly before this hearing. She is a delightful little girl, who presents as polite and thoughtful.

70. A has expressed a wish to remain placed in long term foster care, with her current carers. She would like to meet any adopters who are identified for her younger siblings, she would like to have a goodbye contact and to engage in life story work for them and take up indirect contact with them post adoption.

71. A has suffered significant physical and emotional harm, she has been exposed to domestic abuse and has been placed at risk of sexual harm. A has been scapegoated for problems within her family. A has been repeatedly accused of lying by her Mother and step father for reporting their dishonesty to professionals and for informing professionals of the abuse that was occurring when she lived at home. A has been repeatedly let down by the Mother, who she considers has prioritised F1 above her. A needs a safe, stable and permanent home that can meet her needs and support her to reach her potential.

72. G is a 6 year old little boy who has been placed in foster care since 26th April 2018. Originally he was placed with MM and R but since 2nd June 2018 he has been placed with R only. He has a sense of identity and is aware of who his parents and siblings are. He has been exposed to domestic abuse and suffered significant emotional harm as a consequence. It is likely that G has been expected to assist his parents by concealing their on going contact from professionals during the time that he remained placed at home and he has begun to make disclosures to this effect. The extent of G's behavioural difficulties were not appreciated until he was accommodated in local authority foster care. This placement has allowed professionals to observe that he is able to "shut off" from conflict and aggressive behaviour occurring around him, which is likely to be a

coping strategy that he developed whilst placed at home. He soils and wets himself and this is thought, at times, to be deliberate behaviour on his part, despite the embarrassment that it causes him. His emotional responses are not always proportionate or appropriate, ignoring highly aggressive behaviour but getting very upset about minor issues. His relationship with MM and R has been observed to be highly conflictual and competitive in placement, above and beyond that of normal sibling rivalry. He is described as a closed child who can be very loving and affectionate but who is not yet fully understood by professionals in terms of his character, behaviour and needs. He has expressed a wish to return to the care of the Mother and yet has begun to make disclosures which undermine his ability to do so. G needs a settled, safe, secure and permanent placement which will allow him to make positive attachments to his carers. He has complex and significant emotional needs, which need to be given priority above other children in his placement. When with his siblings G demonstrates regressive toddler like behaviour in order to secure attention. Professional opinion from the local authority, the Guardian and the Independent Social Worker is unanimous that he should be the youngest child in any long term placement and that he cannot be placed with any of his siblings.

73. MM is a four year old little girl who has experienced domestic abuse and suffered significant emotional harm as a consequence. She has suffered significant neglect of her dental care needs, resulting in multiple tooth extractions. MM has exhibited sexualised behaviour whilst placed in foster care, the cause of which is not known. Given the risk of sexual harm posed to her by MGF and the unsupervised contact that she was permitted to have with him, the potential that she has been sexually abused cannot be ignored, although I make clear that I am not making any findings in that regard. Her behaviour has been extreme in her first foster placement, towards both her carer and the Mother in terms of the level of aggression and violence that she has demonstrated. She exhibits very negative behaviour towards her siblings which is violent and conflictual but she does not appear to demonstrate the same negative behaviour towards other children. Since

being placed apart from her siblings she has settled well and her behaviour is much improved. She has responded well to boundaries and to another older child in placement. MM needs a safe, secure and settled permanent placement, which meets her needs and keeps her safe. She has complex and significant emotional needs which need to be given priority above other children in her placement. Professional opinion from the local authority, the Guardian and the Independent Social Worker is unanimous that she should be the youngest child in any long term placement and that she cannot be placed with any of her siblings.

74. R is an outgoing and sociable 3 year old little girl who has suffered significant emotional harm by being exposed to domestic abuse. She has exhibited sexualised behaviour in her foster placement the cause of which is not known. Like MM, the possibility that she has been sexually abused cannot be ignored, but I stress that I make no findings in that regard. R competes for attention with Gin placement and has extreme temper tantrums for her age. R needs a safe, stable, nurturing permanent placement with carers that she can form positive and lasting relationships with. Professional opinion from the local authority, the Guardian and the Independent Social Worker is unanimous that she should be the youngest child in any long term placement and that she cannot be placed with any of her siblings. R thrives on being the centre of attention and has developed positive skills for securing that she gets the attention she needs from her carers.

75. The principle issue in this case as far as welfare determinations are concerned, has been one of risk and whether the Mother can adequately safeguard and protect the children from the risk of harm that F1 poses both to herself and to the children, as a consequence of his abusive behaviour and whether she can safeguard the children from the risk of sexual harm that her father MGF poses to them. The continued placement of the youngest three children in the Mother's care depended upon her ability to work openly and honestly with the local authority and her compliance with a written agreement to safeguard the children not only from F1 but also from MGF, in circumstances in which very serious findings were sought

and have been made against them. The consequences of my findings have been to isolate the Mother from MGPs and from F who she asserts she is now in the process of divorcing. I was and am conscious that this leaves M in a vulnerable position and accepted CG's evidence at the ICO hearing in April 2018 that the danger for M is that she resorts to old patterns of behaviour and her tendency to "block out" difficult issues resulting in her turning to her previous support network which includes MGPs and F. The danger of this is enhanced not only because, naturally she still loves and cares for her parents, but because she also admitted to a level of on going emotional attachment to the Father at that time. Both MGPs and F's whereabouts on a day to day basis are largely unknown to professionals and the Court. This has been the position for F for some time, in recent times he has not been residing where he was registered as living and states that he lives at his mother's address. This has not been verified. As far as MGPs are concerned much conflicting information is available about where they may be.

76. I made findings against the Mother during my earlier judgment on the basis that she had managed to manipulate the children's social worker and deceive the local authority in respect of what was happening in the family home and the relationship she had with F1. She managed to conceal domestic abuse and persuade professionals that the disclosures that A was making during the time she lived at home were untrue. I was satisfied, notwithstanding the series of concessions and admissions that she made since that time, that even during the fact finding hearing she continued to minimise the full extent of the domestic violence that took place between herself and F1, the full extent of F1's alcohol use and was not telling the Court all she knew about the abuse that took place during her own childhood at the hands of MGF as a consequence of the loyalty that she continued to feel towards each of them. Since that time she has made further admissions in respect of these issues and has indicated that she accepts my findings. Her behaviour however, tells a different story.

77. Following the fact finding hearing, I gave her the opportunity to file a statement in

response to my judgment to fully reveal all she knew. Whilst she did make some further admissions and give further information, during the risk assessment of her that followed she revealed even more information such as that she had seen red marks on the younger children which she suspected had been caused as a consequence of the Father hitting them. When I asked her in her oral evidence in April 2018 why she had not included this information in her statement, as I had invited her to do, she said that it was too difficult for her to admit that she had failed the children. I stressed then and stress again that I do not underestimate how very difficult these issues are for the Mother but my paramount consideration in these proceedings is the safety and well being of the children. My clear impression of the Mother during the hearing in April 2018 remained that she was still not working in a fully open and honest manner with professionals or with the Court. She admitted during her oral evidence provided for the April hearing that she cannot reveal information in one go and that it takes time for her to reveal information. I remain satisfied that this drip feed of information in a piecemeal fashion is partly due to her wishing to say the right thing at the right time and partly as a result of her continued pattern of dishonesty.

78. I have had the advantage of dealing with this case over several months and of assessing the Mother's behaviour and conduct during that time. I have now heard her give evidence on three occasions. Information has rarely flowed from her in a spontaneous way. During her oral evidence and during assessments she has revealed information when pressed to do so but rarely spontaneously. Shortly prior to the IRH on 17th July 2018, in early July 2018 the local authority began to receive information from A, via contact workers and her foster carer, that the Mother remained in contact with F1 and had a second mobile telephone for the purposes of communicating with him. The Mother denied that she remained in contact with him, and in so denying yet again was asserting that A was lying. This prompted the local authority to have to gather large volumes of primary evidence to support the contention that the Mother and F1 remained in contact with each other under huge pressure of time. F1 went so far to assert that he no

longer had a telephone by which they could communicate. On 17th July 2018 I directed that the telephone company provider for the Mother's second mobile telephone provide phone records from 24th April 2018 to date. Those telephone records were received on Friday 20th July 2018, the last working day prior to this hearing commencing. They demonstrate that throughout the last few months the Mother has been in very regular contact with F1 by telephone and has remained in contact with each of her parents. The Mother, once again, has been found to be lying to professionals and to the Court about this. Only when confronted with the telephone records did she admit that she had lied and has now filed a statement accordingly during the course of this hearing, albeit on the fourth day.

79. The risks that I have identified in this case are profoundly serious and significant ones. I have already determined that all four children have suffered significant emotional harm as a consequence of the Mother's behaviour and as a consequence of their exposure to their parents' relationship. I have also determined that A suffered significant physical harm at the hands of both the Mother and F1 and that all four children are at risk of significant physical harm as a consequence of findings I made that the Mother and Father are each perpetrators of domestic abuse and violence against the other and of physical harm towards A. I have also determined that MGF poses a risk of sexual harm to the children. The findings that I made against him could scarcely be more serious. They include that he systematically and repeatedly sexually abused two young girls, his step daughters, from when they were around four years old and that such sexual abuse included repeated anal rape in respect of one of them.

80. Until the conclusion of the Fact Finding Hearing the Mother's main source of support, other than professional, was from her parents. They enjoyed a close and mutually supportive relationship. Until the interventions of the LA started to take effect, M used to attend their home all day every day whilst the children were at school. Her response to a request by the LA to voluntarily accommodate A in July 2017, was to place her in their care. She allowed them regular unsupervised

staying contact with the children and put them forward as alternative carers for the children during these proceedings. During the LA's risk assessment of her post fact finding, she was seen to continue to refer to MGF in warm terms, smiling at the mention of him. She explained in her oral evidence in April 2018 that he is "still her dad". It is precisely because of her internal struggle and feelings of continued affection and loyalty that she is unable to protect the children from him.

81. I heard brief oral evidence from the Mother during this hearing. She accepted that she had lied about the contact she had had following the fact finding hearing with F1 and with her parents and that she needed to apologise to A about that. She said that she had had no contact with MGM between the fact finding hearing and about two weeks' prior to the ICO hearing – the trigger for her making contact was because she had been told of the LA's plans to remove the children from her care. It follows that she also lied to the Court during the ICO hearing during which she maintained she had no contact with MGPs and was unaware of their whereabouts. She said she maintained contact with F1 because she thought he felt the same way as she did, i.e. desperately low as a result of the children's removal into foster care. Initially she asserted that he was the one principally contacting her. It was pointed out to her by Mr Ainsley that this is not true given the telephone records we have and she then conceded that they each contacted the other. In so far as MGF is concerned she stated that she only had contact with him in June 2018 as she had a missed call from him and returned it as she was worried something was wrong. CG's statement dated 15th July 2018 reveals that she saw text messages between the Mother's phone and MGF wishing him happy father's day from the Mother and all four children. When challenged about this at the time by the social worker, the Mother stated that this must have been sent from someone else, she was defensive and began to blame A. I am satisfied that this is yet another lie and that she sent this message. In her oral evidence she described MGF as a "monster". Her text message reveals a different attitude. She was unable to explain to me what A was supposed to understand from her decision making around having contact with MGF and indeed MGM who remains fully supportive

of him. She sought to tell me, again, that she was no longer in contact with any of these individuals. I cannot accept her evidence about this. I have no confidence that she will be able to end all contact with them. She has very limited support from anyone other than these individuals. This hearing and the aftermath of it will be extremely stressful for her, I consider it highly likely that she has and will once again turn to F1 and MGM for support. I warned the Mother in the clearest terms that she should not give A any false promises about her future contact with F1 and that if she lied to A about on going contact it was likely that this would at some stage be discovered and would continue to cause A emotional harm and distress.

82. Having read the updated evidence, which includes a very thorough and comprehensive assessment of the Mother by Claire Selwood, ISW, the updated evidence of the local authority and the Children's Guardian's detailed final report, and having heard her oral evidence, I am satisfied that M continues to lack insight into the risks that F1 and MGF pose towards the children and that she is unable to protect them from those risks. I have no confidence that there is any form of order or support plan that could be put in place to ameliorate the risks posed to any of these children should they return to the care of the Mother as a consequence of the Mother's blatant and fundamental dishonesty.

83. M has amply demonstrated to the Court how very difficult she has found separating from F1 to be. She maintained her relationship with him notwithstanding the domestic abuse that took place between them and his alcohol misuse, and despite the physical and emotional abuse of the children, and in particular A. She indicated in her oral evidence during the Fact Finding hearing that she maintained her relationship with F1 until November 2017. This was something that she had not been open about with the LA at the time. Her position in April 2018 was that she was seeking a divorce but she said that she "still love[d] him", in evidence she clarified that this love was "for the children". I considered then and consider now that for as long as she continues to hold an

emotional attachment to him she remains vulnerable with regards to whether she can put her children before her feelings towards him. This is because she has demonstrated time and again over many years that she has prioritised her feelings for him above the safety of her children. Sadly the Mother simply cannot be trusted in respect of the contact that she has with him or with her parents, and having given her repeated opportunities during these lengthy proceedings to truly separate from F1 and to extricate herself from having contact with him, she has failed to do so. She has also lied and been complicit in lies to conceal the contact that they have with each other and the contact that she continued to have with her parents. I consider it highly likely that she remains in contact with all three adults and that she knows their whereabouts. I also consider it highly likely that she would permit all three of them to have contact with the children should they be returned to her care.

84. The Mother has demonstrated time and again that she is an accomplished liar, that she is capable of manipulating and deceiving professionals, that she is vulnerable and demonstrates misplaced loyalty towards both MGF and F1 notwithstanding the findings that the Court has made. None of the extensive work that the Mother has completed during these proceedings to enhance and increase her understanding of the risks posed to the children from F1, from her relationship with F1 and from MGF has had the desired effect and I am satisfied that the provision of any further work to the Mother in that regard would at least at this point in time, be futile. There is no reasonable prospect of the Mother making the necessary changes to be able to protect the children or keep them safe within the timescales that these children require. The risks to each of these children if placed with the Mother are so high, so serious and so profound that I am satisfied that none of them can safely return to her care. The Mother has, as recently as the first day of this final hearing acknowledged this, but only in response to overwhelming evidence filed against her.

85. In so far as A's care plan is concerned, there is no active opposition to her

remaining placed in long term foster care. Given her age and how very settled she is with her current carers who are able and willing to care for her in the long term I have no doubt that this is the right placement option for her. There are sadly no available placements for her within the birth family that could keep her safe and meet her needs to a good enough standard.

86. The consequences of the Mother's behaviour are that she is continuing to severely damage the relationship she has with A. A has, very recently been placed in a position that no child should ever be placed in, namely to act as a whistle blower in respect of their parent. The Mother's response, to accuse A of lying, indicates that she has learned nothing over the course of these lengthy proceedings or from the extensive work that she has undertaken with the Barnardos Mosaic Project, with the Freedom Project, with Tyneside Women's Health or with any other agency. There remains a risk, even in supervised contact that the Mother will continue to behave in a way that causes distress and emotional harm to A. The Mother needs to appreciate that by continuing to have contact with F1 she is sending the message to A that she is choosing him over her. This message will undermine her relationship with her daughter now and for the foreseeable future unless she takes steps to end her contact with F1 and starts being honest with her daughter. I am satisfied that there is no work that the Mother can do to improve her relationship with A until and unless she starts telling the truth, apologises for her own failings and ends her contact with F1. Until then, all contact with A will need to be closely reviewed and monitored with an eye to whether it is causing A more harm than good. The ball is in the Mother's Court in this regard.

87. I am satisfied that the complexities of the relationship that the Mother has with A demands that there is no standard formula that can be applied when considering the frequency and duration of their contact with each other. Much will depend upon the Mother's conduct and A's wishes and feelings. I am satisfied that the care plan represents the right starting point and that A's contact with the Mother should certainly reduce and should reduce to take place in each school holiday as

is proposed. I am satisfied that for now, monthly contact with the Mother is too high a frequency for A who needs time and space to continue to recover from the abuse that she has experienced. She has started to feel able to open up about her feelings and experiences, articulating her anger towards her mother and disappointment that the Mother continues to have contact with F1. Her feelings are entirely justified and should be supported and validated rather than ignored and denied which continues to be the entrenched response of the Mother. I am relieved to hear that the Guardian, who is a sensitive, measured, calm and highly experienced professional is intending to meet with A to share with her the outcome of this hearing and to inform her of the Mother's now admitted deceit. I consider that the Mother needs continued support and guidance around what she says to A during contact and that a written contract of expectations should be revisited to include what should and should not be discussed and to stipulate that the Mother should be not be permitted to have her mobile telephone(s) on during contact sessions in case any of these individuals contact her or she is tempted to contact them as has happened during A's contact in recent times.

88. I am satisfied that A's contact with her birth father as set out in the revised form of words for her care plan, and agreed by him is appropriate. Whether any direct contact can take place will depend upon A's wishes and feelings and his commitment towards it taking place. Until and unless he can commit to a regular arrangement of consistent contact it cannot take place. Again, the onus is on him to build a relationship with his daughter. At the current time her impression that he is unreliable is one that I share. He needs to demonstrate that he is willing to prioritise his daughter on a consistent and regular basis before a regime of direct contact can commence, he will need to do this through consistent and reliable telephone contact and reassuring A and the professionals working with her that he can commit to the direct contact that he seeks.

89. I approve A's care plan and make a Care Order in favour of LA in respect of her.

90. In so far as the youngest three children are concerned, the issues in respect of care planning for them has necessarily taken up much of this hearing. Although the professional consensus of opinion between the local authority, the ISW and the Guardian is that they should each be adopted and that they should be placed separately, the details of these care plans have been thoroughly and comprehensively scrutinised during this hearing. I make clear at the outset of my analysis that I consider that these are the most draconian care plans that any Court could consider, not only in so far as adoption is concerned but in so far as they involve the complete and permanent separation of a sibling group of four into solo placements for each child. The Court is always reluctant to consider separating siblings from each other. Sibling relationships are often the longest relationships available to any of us and need to be understood in that context. To permanently separate siblings into different adoptive placements not only deprives them of the opportunity to grow up together during their childhoods but also potentially deprives them of the opportunity to enjoy relationships with each other throughout their lives. I have accordingly given the care planning in relation to these children anxious consideration and have heard extensive and lengthy evidence about it. I have required minutes of the Decision Making Meetings and the record of Agency Decision Maker's Decision concerning the children, heard from the Independent Reviewing Officer and read each child's Child Permanence Report to satisfy myself whether adoption is the right plan for each child, whether each child needs to be placed separately and that any matching process for adoption would be conducted on a fully informed basis, giving prospective adopters a true and fair picture of each child and the complexities of their individual needs.

91. Although there is a consensus amongst the professionals – both within the local authority and in this case from the ISW and the Guardian, that all three of the youngest children should be placed separately, should be the youngest child in placement and should be adopted, I have heard extensive evidence about the fine detail of these proposals including issues such as the length of any adoptive searches, whether those searches should be twin tracked with searches for long

term foster care placements and if so, at which stage of the search, how important the issue of direct sibling contact post adoption is to the matching process and whether G should be placed in a bridging placement prior to an adoptive placement being found for Rebecca, which is likely to happen sooner than an adoptive placement would be found for Gas a consequence of their respective ages and genders.

92. I chose to hear the evidence of Claire Selwood before the local authority social workers to enable the local authority to reflect upon her evidence and, if appropriate, amend their care plans in the light of her opinion about these issues. Claire Selwood is a jointly instructed expert, necessarily appointed to report in this matter due to its complexity and as a consequence of concerns about the assessment process within the local authority as far as the Mother is concerned and the lack of support/mentoring for the key social worker who in my view has been dealing with a case that had grown in complexity considerably and who remained relatively inexperienced for a case of this nature. Having read Ms Selwood's report and heard her evidence I am indebted to her for the exceptional quality of her work. She told me that she has spent somewhere in the region of 40-50 hours on this case. Her report runs to 81 pages in length. Her enquiries have been extensive. She was an extremely impressive witness who gave careful and considered, balanced evidence to the Court.

93. Her evidence highlighted some continued concern for the local authority's care planning in this case and revealed that notwithstanding the reassurances that I had been given that this case would be co worked between CG and BW, a more senior and experienced social worker, that at times when CG was on leave he did not step in to actively work on the case. This led to an extremely unfortunate situation in which MM's move to a placement apart from her siblings was not managed well and she was placed with a carer who had been persuaded to take her by a duty worker, after her own fostering link worker had refused to agree, on the basis that MM was a child that presented with no difficulties, which was

clearly not correct. Thankfully MM has done extremely well within this placement, to the extent that this carer has expressed a desire to foster her on a long term basis. I consider this to be more as a result of good luck than good management. This placement could so easily have broken down due to the misinformed views of the duty worker who organised the placement. The hiatus in arranging and finding a separate placement for MM left the foster carer who had been caring for all three children in a very difficult situation. It simply was not safe for MM or for her siblings to continue to be placed together, in CG's unavoidable absence no one stepped in to deal with this crisis despite assurances given to me that BW would be co working the case and despite reassurances that CG would be better supported than she had been in 2017 by her managers.

94. I remain very concerned about the lack of active co working that has occurred in this case given its complexity. I expressed my disappointment that CG was left to attend this final hearing alone, with no manager present to support her, her team manager Laura Simm being on leave, and without BW being with her, in circumstances in which she was expected to react to detailed expert opinion and potentially had to amend the care plans accordingly. Having raised these concerns BW appeared to undertake the task of amending the care plans but without me raising this issue I doubt that he would have done so, he did not choose to remain to listen to the Guardian's evidence after his evidence had concluded.

95. Ms Selwood also expressed a view that I share, that the Decision Making Meeting in respect of these unusual and draconian care plans was poorly attended on 28th June 2018. It took place in the absence of the IRO and did not appear to be given the priority that it should have by the professionals involved. It was not until this hearing began, after I heard from the IRO, that a much more properly attended meeting took place on the evening of the second day of the hearing. I have seen the minutes of that meeting which fortifies my view that it is not acceptable that CG was left alone as the only social work presence to hear the Independent Social

Worker's evidence in light of the concerns I had already raised about her inexperience. What is apparent from those minutes is her attempt to explain the evidence of the ISW and discuss the issues that had been raised in the Courtroom was ineffective and that she had not properly understood the issues, something which became clear the following day when she gave evidence. I am satisfied that these issues have now been rectified as a second meeting was convened the following night, the result of which is a statement from BW setting out the local authority's agreement to abide by my decisions in respect of the need for a bridging placement for G and conceding that MM's adoptive search should be time limited and should be twin tracked, as well as G's but issues such as these should have been properly canvassed and discussed as part of the decision making meeting that formulated the local authority's final evidence prior to this hearing commencing. I have now had the opportunity of considering the minutes of the second meeting convened during this case. I make clear that I am in no way seeking to criticise CG for these events, it is simply unacceptable that following my first judgment in March 2018 my concerns have not been addressed and that she has not been given the support that she obviously needs. She is a dedicated, hard working and committed social worker who has provided the children with much needed continuity but she lacks experience. For that reason, her team manager should have ensured that she was given the support she needed and her co worker should have been properly working along side her. After the ICO hearing he did not co-author any of the local authority's evidence and it was apparent from his oral evidence that besides sitting near CG in an open plan office so that he could offer peer support, he had not taken an active role with the case, had not attended the meeting on 28th June 2018 and had not assisted in the preparation of final evidence.

96. During BW's evidence, following a direct question from me, he ultimately conceded that he had not had input into the care plans before they were filed and that his involvement had been "scaled back" after the ISW began her work. Again, I had understood that in response to my concerns this case would be

properly and fully co worked. It has not been. I am satisfied that this case became more rather than less complex following the children's removal as the need to separate the younger children only became apparent at that point. CG has therefore again been left alone to manage a case in which there have been significant issues with the children's foster care placements and in which care planning for the children on a short and long term basis has been fraught with difficulty. As I made clear to BW I had expected her to be properly mentored and given guidance in respect of the welfare planning for these children so that a more experienced worker would have been able to identify the issues that have been explored in great detail during this hearing, rather than responded to by the LA "on the hoof" such as the issue of direct sibling contact post adoption, bridging placements and the need to time limit an adoptive search. The poorly attended Decision Making Meeting prior to this hearing taking place on 28th June 2018 did nothing to rectify this problem, and I consider that this is likely to have been caused in part at least, as a result of the lack of attendance of key personnel.

97. Had I not had the benefit of a very experienced independent social worker and Guardian in this case it would have made my task a far more difficult one. Thankfully, as a consequence of their work and evidence I am satisfied that these issues have been fully explored and that I am in a position to make final determinations on the basis of the evidence I have heard and read.

98. In so far as the separation of MM into a placement on her own, the Mother concedes that this is necessary and all professionals agree that her needs are such that she cannot be placed with any of her siblings. The evidence base for this decision is established by the behaviours that she demonstrated when placed with G and R with an experienced and skilled foster carer. Her aggressive and violent behaviour rendered such a placement unsafe for her and for her siblings. Since being placed without her siblings, her behaviour is much improved. I accept the evidence of the local authority and Ms Selwood that she does not appear to behave in this way towards other children and that it is being placed with her

siblings that provokes this response. I also accept the evidence of the Guardian that sadly there is no alternative for MM but to be placed in a separate placement to each of her siblings and that her individual needs are such that it is not in her best interests, or in the best interests of her siblings, for her to be placed with any of them.

99. Once MM was moved out of the placement she shared with G and R it was hoped that this would demonstrate that those two children could be placed together successfully with a view to them living together in their long term placements. I accept the evidence of the local authority, Ms Selwood and the Guardian that prior to MM's move, her needs significantly overshadowed theirs and it was not possible to assess this due to the impact of MM's behaviour on them and upon the placement as a whole. Sadly the evidence is that once MM moved it became all too apparent that G and R had competing needs, which could not be met in a placement together.

100. I am satisfied that each of these children need to be the youngest child within their long term placements and that for as long as they are placed together their conflictual and rivalrous behaviour is likely to continue. Quite apart from the level of conflict shown, which is above and beyond normal sibling rivalry, both children have such a high level of need for individual attention that any carer or carers looking after them could not provide the attention they each need if they were in the same placement. G's needs would always fall by the wayside as his younger sister 'grabbed the limelight' by utilising her positive skills at securing attention. In the meantime, G's negative maladaptive strategies for gaining attention in the presence of his siblings, namely regression to toddler like behaviour and his soiling reveal a child who's emotional needs are not capable of being met alongside his sister. Again, the evidence is that these children do not interact in these negative ways with other children. It is the presence of other siblings that draws out these behaviours.

101. I accept Ms Selwood's opinion that whilst placed together they will continue to behave in the way that they have learned to when living at home, which is likely to be as a result of the trauma that they have suffered and that by continuing to be placed together they are effectively re-traumatising each other. I accept the evidence of the local authority, Ms Selwood and the Guardian that unfortunately there is no work or support that can be put in to address this issue. The remedy is to place them separately. I also accept that although their current placement is stable, it is only feasible as a result of the support given to it in the form of respite care, peer support, nursery provision for R and activities being provided for G during school hours outside term time. I agree with the Guardian that these supports are to assist the foster carer to manage rather than to provide the children with the enhanced care and attention that they require. The solution at present is very much a short term one and is not an indicator that these children can be cared for together in the long term. The need to separate these children is driven by their own individual needs and I am satisfied that it is not in their best interests to be placed together in the long term.

102. I acknowledge that separating siblings in this way is unusual, is a decision that should not be taken lightly and that it has the potential to cause emotional harm to these children in the short, medium and long term. In my view the appropriate way to ameliorate the potential emotional harm caused by separating them is to ensure that they continue to have sibling contact with each other. This does not need to be at a high level but will permit these children to maintain a link with each other and the opportunity through that link to continue to enjoy relationships into adulthood should they wish to. Finding the right placements for these children is to find placements with carers who understand their needs and are capable of meeting them. I am satisfied that that requires their carers to positively embrace sibling contact and recognise that these children are old enough to have an understanding and recollection of their birth family and that they belong to a sibling group. I agree with Ms Selwood that a pre-requisite for any long term carer for these three children should be that they are willing and

able to facilitate sibling contact. I do not accept that this requirement would unnecessarily restrict the pool of potential carers available. These are older children with complex needs and any carer willing to commit to them long term needs to be able to recognise that one such need is the need to maintain a link to their siblings. That said, I agree that sibling contact can only safely be promoted if these three children are all adopted or are all fostered. To promote contact between an adopted child and a child who is still seeing its birth parents has the potential to threaten the security of the adoptive placement by revealing its whereabouts and the child's new identity. I do not consider that risk to be in any of these children's best interests.

103. The Mother argues that each of these three children should be placed in long term foster care placements. She submits that G and R should be placed together. I have already given my reasons for deciding that sadly this cannot happen. I am satisfied that for children of these children's ages – 6, 4 and 3 years old respectively – long term foster care is not a good outcome and that their attachments to their parents are not secure ones which might otherwise be a factor in favour of maintaining them in foster care.

104. I accept that for MM, if she can be matched to her current carer as a long term foster placement that removes some of the uncertainty and delay in achieving permanence for her. However, MM's carer is not suggesting that she should remain with her in preference to an adoptive placement being found and is an experienced foster carer who has experience of moving a child on for adoption and of fostering a child long term who could not be successfully matched with adopters. I am satisfied, that subject to an agreement being reached with the carer that MM would need to be the youngest child in placement and that they would not continue to take emergency short term placements then this is a very good 'Plan B' for MM should an adoptive placement not be found. It may mean that she would not need to move placement. However, that is not to say that this is good enough for MM or that there is no need to attempt to find an adoptive

placement for her. At MM's age she deserves the opportunity to be claimed permanently by a family of her own, rather than spending the next 14 years as a looked after child, cared for by a professional carer. MM's carer has only been caring for her since the beginning of June 2018, all professionals agree that although MM's behaviour has improved in that placement this may represent something of a "honeymoon period". MM's carer only indicated a desire to care for her in the long term on the third day of this final hearing.

105. A long term foster care placement will always carry the risk that children will come and go from that placement and that she may need to move placements. During this final hearing, MM's carer accepted the placement of an 18 month old child on an emergency basis. This was without the agreement or consultation with MM's social worker. It would not have been recommended. This highlights the real potential for disruption and change for a young child in foster care. MM desperately needs stability and a high degree of individual attention, clear boundaries and routines and to be free from any need to compete for attention.

106. I accept that adoptions can and do break down but they are more likely to provide permanence in the true sense of the word than a foster care placement can. The way to minimise the risk of placement break down for an adoption is to ensure that the matching process is carried out in a skilled and careful way, with as much information being known and shared about a child as possible with its prospective carers, and with adoptive carers being sought who are equipped to meet the child's individual needs. I am satisfied that the children's social worker knows MM well and has completed a detailed and realistic Child Permanence Report. That report may need to be updated during the search for an adoptive placement, depending on its length and how MM continues to respond to her foster placement and the other children within it, but it provides a very good starting point. I am satisfied that Ms Selwood's assessment of the children and the fact finding judgment also provide detailed and useful information to inform the matching process by providing information about what MM has experienced,

what she needs and the type of behaviour that any adopters may experience if she is placed with them. I give permission for those documents and this judgment to be shared with the permanence team and for suitably anonymised parts of these documents to be discussed with any prospective adopter. I am satisfied that given her age and her complex behavioural and emotional needs, a time limit should be set to an adoptive search. I consider that 10-12 months is the appropriate duration for such a search and that it should be twin tracked with a search for a long term foster care placement. If MM cannot remain placed in her current foster care placement in the long term then I consider that the twin tracking process should start after 6 months for MM. This is to avoid a situation in which she is “left in limbo” in a short term placement for an unduly long period of time. However, if she can remain in her current placement in the long term then the search can focus solely on finding an adoptive placement for her. I am satisfied that nothing else will do for MM other than adoption based upon the consensus of professional opinion that I have heard.

107. In terms of what is in Rebecca’s best interests, for all the same reasons that nothing else but adoption will do for MM, I am satisfied that nothing but adoption will do for Rebecca. I accept the unanimous professional evidence that R is likely to be a relatively straightforward child to place for adoption and that the search for a placement in her case is unlikely to take long. R craves and thrives from individual attention and is unlikely to experience a difficulty in forming a secure attachment to an adoptive carer. For this reason, I am satisfied that there is no need to place a time limit on the search or to twin track it, subject to the placement order review process that the LA would ordinarily carry out for any child who was the subject of a placement order, if they were not matched after 6 months.

108. In respect of G, I accept that he is likely to be the most difficult child to place for adoption, not least because of his age and gender. I also accept that he is the child who’s needs and true personality is yet to be fully understood. Like his

sisters Rand MM, however, I consider that he deserves the opportunity to be adopted and that a search should be undertaken for an adoptive placement. I agree with Ms Selwood and with the Guardian that G is a child who is “crying out” for a secure stable and permanent attachment and that the best way of achieving this is by adoption. The evidence I have persuades me that adoption remains a realistic plan for G and that long term foster care is not good enough for him if an adoptive placement could be achieved. To give G the best opportunity to be successfully matched and placed I agree with Ms Selwood and the Guardian that the professionals working with him need to have the benefit of some advice from a psychologist who has experience in working alongside permanence teams to achieve an appropriate match for a child. The psychologist’s role is not to provide therapy or to undertake a formal assessment of G but is to continue the excellent work of Ms Selwood and to enhance that work with the expertise that the psychologist has by providing an opinion in respect of the profile that G’s adopters will need to have in order to meet his needs and by providing a greater understanding of what G’s needs in the short, medium and long term are likely to be. I also consider that for his needs to be best understood and met in the short to medium term he should, if possible, be placed in a bridging placement on his own. I accept the evidence of Ms Selwood and the Guardian and prefer it to the evidence presented by the local authority about this issue for the following reasons:

- (a) G is a child with low self esteem who is likely to be adversely affected when his sister R is found an adoptive placement before him
- (b) Neither G nor R can stay in their current placement in the long term and have to move in any event
- (c) Moving G now gives the optimum opportunity to assess how he responds to a move of placement
- (d) A bespoke foster care placement could be sought for him to ensure that he has a male carer who can provide him with the role modelling he requires
- (e) G’s current placement is with a single female carer and three other female children; I make clear that I make no criticism whatsoever of his current carer

but am of the opinion that given his life experiences to date it would be helpful for him to be placed in a household with a male carer and for him to live with a couple so that he can start to experience conflict resolution which does not involve domestic abuse and witness the way that men should behave towards their partners and children.

- (f) G's placement has recently included the addition of two children on a short term basis, following MM moving out of the placement. It is likely that once R is placed for adoption and after they move out further children will be added. G has been said by the local authority to respond positively to these additional two children who are older than him. I do not consider that the continual change of household members in this way allows those seeking to match G with long term carers an opportunity to evaluate his needs properly. G is a child who is known to blend into the background. He is a closed child who is likely to withdraw further when other children move into the placement.
- (g) The bridging placement should be carefully matched and have the potential to become a long term foster placement for him, reducing the uncertainty in his care planning and reducing the need for him to move again if an adoptive placement cannot be found. It should be a placement with no younger children than G and no children of a similar age to him. It should be immune from the disruption of emergency placements.
- (h) Placing G on his own, without his siblings now, gives the best opportunity for professionals to understand his needs fully and will allow him to demonstrate who he is and what he needs, without continuing to be in the shadow of Rebecca. This will give the matching process for an adoptive placement the best opportunity of success by providing invaluable evidence about G.
- (i) Whilst generally moves of placement should be kept to a minimum because they can be disruptive for children, G has not been with his carer long and has formed no more than a superficial attachment to her.
- (j) G's current placement continues to provide opportunities for other children to move in and out of that placement as it is an in house foster care placement

assessed as suitable to care for a number of children. R is likely to move on quickly and the other two children placed there are also in the process of moving out of that placement and so potentially up to three new children could move in to that household at short notice. A bespoke placement could be commissioned on the basis that the LA had far greater control over who else was to reside in the household, could stipulate that no younger children were to live there and that no emergency placements should be accepted by effectively paying to “bed block”.

- (k) Whilst I accept that CG knows these children well and has been their social worker for a long period of time, she conceded that she had not predicted that MM would respond so positively to a placement on her own nor had she predicted that once moved, G and Rebecca’s relationship would not improve to the extent that they now need to be placed separately. I do not consider that her opinion in respect of G is based upon a solid evidential foundation, it is simply ‘gut instinct’ which has been proved to be wrong before. I prefer the evidence of Ms Selwood and the Guardian, who have far more experience in respect of these issues.

109. Subject to these additions to the local authority’s care plans for the children, I approve them for all four children and make Care Orders in respect of them. I am satisfied that the contact proposed to each of the parents is appropriate in the event that any of them is not adopted, such contact should continue to be carefully reviewed under the LAC procedures but is a suitable starting point given the respective quality of the contact and the risk that it may be emotionally harmful to the children. F1’s contact in particular has been described as “chaotic” and “exhausting to watch”, I am satisfied that contact on two occasions per year with any fostered child other than A is sufficient. I am also satisfied that the Mother’s contact with any of these three children should take place on a similar frequency to that of A and will be less disruptive to the children if it occurs in school holidays, i.e. around six or seven times a year.

110. BW assured me in his oral and written evidence that the local authority would accept my views on these issues and incorporate them into the children's care plans. Those revised care plans must be filed within the next seven days, pending receipt of those plans I will not formally approve and seal the Care Orders.
111. I must now turn to consider the local authority's application for Placement Orders in respect of G, MM and Rebecca.
112. In considering whether to make a Placement Order I must consider not only what is in each child's best interests during their minority but what is in their best interests throughout their lives. Having already concluded that nothing but adoption will do for them, a Placement Order is the order which provides the local authority with the legal permission required to put the care plans that I have already approved into effect. I am clear that it is in each child's best interests throughout their lives to be adopted and thereby claimed not only throughout their childhoods but also into adulthood.
113. There is a pressing need for plans to be implemented for each child without delay – they are already 6, 4 and 3 years old respectively and have been the subjects of these protracted proceedings for almost a year. MM is due to start primary school this September. I have come to the firm conclusion that the only plan which meets each child's needs is one of adoption and that that plan needs to be implemented without delay. Consequently, I have no hesitation in concluding that each child's welfare requires me to dispense with their parents' consent and I make a placement orders in respect of them.
114. I direct that a copy of this judgment be provided to the IRO, the fostering and adoption team, the LA's Service Manager and the Director of Children's Services.

