

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

Case No: OX20C00065

**IN THE FAMILY COURT AT OXFORD  
IN THE MATTER OF THE CHILDREN ACT 1989**

Date: 3<sup>rd</sup> September 2020

**Before: HHJ Vincent**

**Between :**

OXFORDSHIRE COUNTY COUNCIL

Applicant

and

a mother

(by her litigation friend, the Official Solicitor)

Respondent

and

G

(by his children's guardian)

Second Respondent

Vicky Reynolds instructed by Oxfordshire County Council  
James Turner, instructed by Oxford Law Group (on behalf of the Official Solicitor) for the  
Respondent mother  
Richard Wainman of Reeds solicitors for the child

Hearing date: 3<sup>rd</sup> September 2020

**JUDGMENT**

## Judgment

1. This is a short judgment following a remote hearing, in line with guidance from the President of the Family Division.<sup>1</sup>
2. G was born on 7 June 2020. His mother has learning disabilities. She has been assessed and found not to have capacity to conduct legal proceedings. The Official Solicitor acts as her litigation friend.
3. Pursuant to an interim care order made on 9 June 2020, G and his mother have spent twelve weeks in [Redacted] House where the mother's parenting capacity has been assessed. The period of planned assessment has come to an end and the local authority now seeks the Court's approval of its change of care plan. The local authority proposes that G should be cared for in foster care until conclusion of the case. The foster carer identified has been approved as a prospective adopter, which means there is potential to avoid future placement moves for G should the Court eventually decide that he cannot return to his mother's care.
4. I have read the interim and final assessment reports. The authors of a detailed and comprehensive assessment note that the mother is loving, gentle and caring towards her son, but there is a very long list of concerns, helpfully summarised for me by Mr Wainman in his position statement for the guardian:
  - The mother struggles to consistently meet many of G's basic care needs – e.g. feeding, nappy changes, ensuring safety (car seat);
  - her own cognitive issues make her highly vulnerable and as a result G is also at risk of not having his needs met – e.g. she struggles to understand and manage money and ensure she has appropriate food/ care items for G;
  - she struggles to focus on G's needs when there are any other pressures/ distractions happening;
  - she finds it hard to understand information when given to her and does not consistently follow advice when given;
  - she remains in contact/a relationship with the father despite concerns being raised about the nature of the relationship and request made by the father about photos of G naked;
  - at times she has struggled to work with staff positively;
  - she struggles to understand G's medical needs and needs considerable support from staff to engage with the GP for both herself and G;
  - she struggles to consistently read and respond to G's 'cues';
  - she struggles to meet her own care needs at times – e.g. taking medication, eating well.
5. The assessment has taken place over twelve weeks, there have been interim reports and meetings to review progress. There is no good reason for the assessment to be extended for a further period of time to allow G and his mother to stay together.

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<sup>1</sup> [https://www.judiciary.uk/wp-content/uploads/2020/06/The-Road-Ahead\\_FINAL.pdf](https://www.judiciary.uk/wp-content/uploads/2020/06/The-Road-Ahead_FINAL.pdf) paras 47 and 48

6. The mother cannot safely meet G's care needs in a place where she has any less support than she has received at [Redacted] House. The assessment report suggests she is struggling to meet her own physical, emotional and general needs without a high level of professional support. To care for a young baby as well would be extremely challenging for her.
7. Even if the local authority was able to put in place a package in the community with a very high degree of supervision, support and monitoring at the kind of level the mother has been receiving in [Redacted] House, it would not be sufficient to safeguard G's welfare. She could not reasonably have somebody with her round the clock. She does in any event struggle to accept and act on professional advice and support.
8. The mother's wider family have not so far presented as a support network that might enable G to be placed safely with her. There are historic and current concerns about the maternal grandparents' acknowledgement of the mother's difficulties and insight as to how these affect her ability to care for a baby.
9. In all the circumstances, with G's welfare as my paramount consideration and with regard to the factors on the welfare checklist, in my judgment G's safety does require his immediate separation from his mother.
10. This will be very difficult for his mother and for G, who has been cared for by her since he was born. However, in my judgement the care plan represents a necessary and proportionate interference with G's and his mother's right to family life.
11. I have written a letter to the mother in accessible language which I hope will help her to understand my decision and the reasons for it. A copy of the letter is annexed to this judgment.
12. In the letter I have explained that today's decision is not the final decision in the case. At the hearing we discussed the duty of the local authority to make its own independent enquiries into potential alternative kinship carers<sup>2</sup>. I have also asked the local authority to make clear to the mother any expectations they have of her over the next few months, so that she is given every fair opportunity to show the Court she can work with the local authority and continue to build on the progress she has made, notwithstanding that G is not in her care anymore.

### **Other matters**

13. The threshold document is wordy and unclear. It needs to be redrafted in accessible language. I suggest the local authority considers this helpful article by Tim Earl setting out best practice for drafting threshold, which refers in particular to *Re J (A Child)* [2015] EWCA Civ 222, a judgment of the current President of the Family Division, and previous 'views' from the chambers of the former President:-  
<https://localgovernmentlawyer.co.uk/lexisnexis/559-lexis-ig/lexis/localgov/litigation/31385-drafting-threshold-documents>

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<sup>2</sup> *Re H (care and adoption – assessment of wider family)* [2019] EWFC 10

14. G's father is a Tunisian national. He does not have parental responsibility for G. The mother has so far been unwilling to share his contact details with professionals. The local authority is considering its position and will make a formal application to the Court as soon as practicable, so that the question of father's participation in these proceedings may be resolved as soon as possible.
15. I approve the local authority's proposals for contact, although all agree they should be kept closely under review. There is a balance to be struck between giving the mother opportunities to spend time with G regularly, and not putting her under too much pressure to go to frequent contact visits, when she may find it distressing and hard to manage the practicalities of getting there.
16. We have timetabled the filing of evidence and listed the case to IRH.

HHJ Joanna Vincent  
3<sup>rd</sup> September 2020  
Family Court, Oxford

Family Court, Oxford  
St Aldates  
Oxford OX1 1TL

3<sup>rd</sup> September 2020

Dear *[mother's name redacted]*,

My name is Judge Vincent. We have met before - I was the judge who decided that *[mother's older son]* should be adopted. I remember that you were very loving to *[your older son]*. I remember that you liked to cuddle him, and you always made sure he was dressed in nice clothes.

You gave *[your older son]* so much love, but as you know, there is a lot more to parenting than that. Because of your extra learning needs, you were not always able to keep *[your older son]* safe. You were not able to make sure he always had everything he needed. That is why he was placed for adoption.

Congratulations on the birth of your son *G*. I think you have chosen a lovely name for him. I hear that he is a happy and healthy baby.

I think you were brave to go to *[Redacted]* House with *G* when he was a tiny baby. It must have been hard for you to be away from your family.

I hope you feel proud for staying at *[Redacted]* House and for working so hard to learn how to look after *G*. The staff said you are very kind and gentle with him and you like to give him cuddles. They said that you like to sing to him and play with him and you have learned how to feed him and how to give him a bath.

Now you have finished the 12 weeks at *[Redacted]* House, I have to decide what happens next.

Although you have learned lots of things about how to look after a baby, the local authority does not think you could look after G by yourself. They think you would need somebody helping you all the time. It is hard to remember all the things you have to do to look after a baby. It is not always easy to know what a baby wants or needs.

The local authority is also worried about your relationship with G's dad. G's dad can sometimes be mean to you. He can make you feel upset. When you are upset it is hard to focus on G.

If you are living in a different place than [Redacted] House you would not get the help you need to care for G. I think you need someone to be with you all the time to make sure G would be safe. The local authority cannot arrange for somebody to be with you all the time.

This is the reason I have decided that G should go and live with a foster family when you both leave [Redacted] House.

You can still see G regularly and spend time with him.

[Name of social worker] will tell you what things you need to work on so that you have a chance to show the Court that you could care for G again. We will have another Court hearing in a few months' time. That is when a judge will decide the plan for G's future.

I know that whatever the Court decides, you will always love your sons. I am pleased that you have had this special time together with G in the first months of his life.

With my best wishes

HHJ Joanna Vincent

Family Court, Oxford