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The court is likely to wish to hand down its judgment in an approved final form. Counsel should therefore submit any list of typing corrections and other obvious errors in writing (Nil returns are required) to HHJ Staite via email so that changes can be incorporated, if the judge accepts them, in the handed down judgment.

Case No: [REDACTED]

[REDACTED]

Date: 31st March 2021

**BEFORE:**

**HER HONOUR JUDGE STAITE**

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**Between:**

	<b>Local Authority</b>	<b>Applicant</b>
	And	
	<b>Mother B</b>	<b>First Respondent</b>
	And	
	<b>Father B</b>	<b>Second Respondent</b>
	And	
	<b>Father A</b>	<b>Third Respondent</b>
	And	
	<b>Child A</b>	<b>Fourth Respondent</b>
	And	
	<b>Child B (through his guardian)</b>	<b>Fifth Respondent</b>

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**Hearing dates: 1st March 2021-5th March 2021**  
**8th March -12th March 2021**  
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## **JUDGMENT**

- 1 This judgment follows a contested 10 day hybrid final hearing within public law care proceedings which took place in March 2021 at the [REDACTED]. The court was concerned with the welfare of two children, namely child A who was born on [REDACTED] and is now aged 16 years and child B who was born on [REDACTED] and is now aged 2 years 5 months. Child A's mother died on [REDACTED] at the age of 47 years. Her father is Father A who, although retaining parental responsibility for child A and a party to the proceedings did not attend the final hearing. He has played no meaningful role in child A's life since 2015 when he left the family home and, sadly, he is an alcoholic currently living in a hostel. Child B's mother is Mother B. She was born on [REDACTED] and is now 20 years old. Mother B has a diagnosis of global learning delay, non-epileptic emotionally based seizures and a history of low mood and anxiety. Child B's father is Father B who lives with Mother B. Child A and Mother B are full siblings.
- 2 Child A is therefore child B's maternal aunt. Until interim care orders were made on 5th December 2019 the sisters were living together in the same household with child B and Father B. Child A now lives in semi-independent accommodation pursuant to an interim care order which sanctioned her removal from the family home and was confirmed by a further court order dated 27th August 2020. Child B has been in foster care since 4th December 2019.
- 3 Child A is extremely anxious to return to live with her sister and Father B. She asked to speak to me face-to face in advance of the final hearing and I was pleased to be able to see and speak with her at court on 1st March 2021. At a hearing listed during the week before the start of the final hearing and in response to a specific application for child A to be able to participate in the final hearing, I ruled that child A should be able to listen to the social workers' evidence and the evidence of the guardian when this was given at the final hearing. As her wish to return to her sister's home is not supported by her guardian, she now has separate legal representation. I found child A to be an intelligent, articulate and thoughtful individual with an easy style of communication. She was at pains to tell me that her sister and Father B had been good parents of her nephew, child B. She said that she has always had a good and easy relationship with Father B and she was clear that the best outcome of the case would be for her to be reunited with her sister, Father B and child B.
- 4 Father B was born on [REDACTED] and is now 33 years old. He has been in a relationship with Mother B since June 2017 -when Mother B was 16 rising 17 - and he moved into accommodation in [REDACTED] soon after meeting Mother B and at a time when the sisters' mother (MGM) was terminally ill. Father B remained living in the property with Mother B and child A following their mother's death in 2018 and Mother B is now the sole tenant of the property. Child B was born a matter of days after his maternal grandmother's very premature death.

- 5 The local authority seek final care orders in relation to both children. It is recognised that as child A is nearly 17 years old she is likely to make her own decisions about where she will live in the foreseeable future and will, in all probability, return to live with her sister in due course. The local authority do not believe however that this is necessarily in child A best interests and the threshold document refers to an allegation that Father B poses a sexual risk to child A which, if found proved, would militate against a safe return home. In respect of child B, the local authority seek a final care order and a placement order with a view to his adoption outside the family. Child B's parents are both firmly opposed to child B being adopted. They accept, however, that he has been well cared for in his foster placement since December 2019. They are prepared now to undertake any courses available and offered to them in order to improve their parenting and to secure child B's return home. Mother B and father B present as a couple and although there was a brief moment during the hearing when Mother B intimated her intention to separate from Father B, I am clear that they present as a couple in relation to the applications before the court.
- 6 It is recognised by the local authority and the guardian that it may not be possible to place child B for adoption due to his global developmental delay which is addressed below. The final care plan therefore sets out a proposed 12 month search for prospective adopters with the proviso that if an adoptive family cannot be found within that period then child B should be placed in long term foster care. The local authority do not propose that he should be removed from his current foster placement within the next 12 months unless prospective adopters are found within this timescale or any safeguarding issues arise which requires child B to be removed from his current placement.
- 7 Child B has severe global developmental delay and at the age of 12 months he was unable to crawl, sit up or stand up. Although genetic testing in October 2020 revealed a chromosome duplication at chromosome 16 which is relevant to his delayed development, there were professional concerns that child B presented with a noticeable flat head (plagiocephaly) which could have been attributable to long hours spent lying on his back in his home environment and a general lack of stimulation. On 20th August 2019 (at the age of 10 months) he scored 5/60 in a gross motor skills assessment. In the final threshold document the local authority referred to child B requiring parenting which was over and above normal parenting and made reference to the parents' failure to attend for health appointments and their failure to have attended to his postural needs which had contributed to his developmental delay. The parents accepted these deficiencies in their parenting.
- 8 Looking at the chronology of the case prepared by the first social worker in the case, Social Worker A it appears that in the early weeks following his birth, Child B was described as "progressing well" in his parents' care with Mother B described as very tender towards him. However, in November 2018 the social worker A was concerned to note Mother B's disclosure that she and Father B smoked cannabis regularly (spending £20 a week) with the social worker reporting that she could smell cannabis within the family home. On 2nd November 2018 when Child B was 4 weeks old, Father B wanted to give Child B rusks in his formula to thicken it out as he believed that Child

B was eating too much and that it was costing them a lot of money. He was advised by the health visitor that it would be very dangerous to introduce Child B to solid foods at the age of 4 weeks.

- 9 In the ensuing months there were emerging concerns that Father B was generally aggressive in his behaviour towards professionals and appeared to be controlling of Mother B. Mother B always denied that this was the case.
- 10 On 2nd March 2019 Father B and Mother B invited their ex-partners in their home to spend the weekend together. A verbal and physical altercation occurred between Father B and his ex-partner [REDACTED] which led to her being pulled out of the house by her hair and with the police called to investigate. The police reported that a bunch of hair had been found on the floor. Both Child B and Child A were present at the home during this incident.
- 11 On 18th June 2019 and following a legal planning meeting it was agreed that threshold had been met for child B to be made the subject of the public law outline. A letter from the local authority dated 25th June 2019 to Father B referred to concerns on the part of the local authority about his negative behaviour and its effect on child B's wellbeing while in his care and Mother B's care. The concerns included Father B's non-engagement with support services such as the [REDACTED] to address his history of domestic violence, his long list of criminal activities and his aggressive and controlling behaviour towards previous partners. The letter stated that he was being given an opportunity to make changes in order to ensure that child B was safe in his care.
- 12 In August 2019 (when child B was 10 months old) the health visitor emailed the social services saying that child B had scored really low in his gross motor skills and had only just learnt to sit up by himself and was unable to pull himself up. This was reported as very unusual for a child of his age. The parents said that he had a lot of "tummy time" with them but he had often been observed in his baby bouncer and it was "unclear how much interaction his parents gave him". Both parents were described as having a degree of learning difficulties. Mother B had been referred to a community service known as [REDACTED] (a drugs service) with her agreement. On 10th August 2019 Father B was offered support from the [REDACTED] to address previous domestic violence concerns with previous partners but he declined this and said he had never been involved in domestic violence with Mother B.
- 13 On 23rd August 2019, Dr Shaun Parsons, a consultant forensic psychologist prepared a report in relation to Mother B amid mounting concerns about her parenting of Child B and the impact of this on her son's development. During the interview Mother B said that she had looked after her mum during her childhood and had basically run the home after her mother had become ill. She told Dr Parsons that she had smoked cannabis regularly since she had been 15 years old. She said that she had smoked cannabis the previous night and said that this kept her anxiety down. She described the circumstances of her meeting with Father B at a time when "his exs were trying to get him locked up" and said that he had been on bail when they had met. He had

changed his bail address to her address about 6 months after they had begun a relationship. She said there had been no violence in her relationship with Father B.

- 14 As part of the clinical assessment by Dr Parsons Mother B underwent a full assessment of her intellectual abilities. Her verbal reasoning abilities were in the borderline range but her non-verbal reasoning abilities were in the extremely low range as was her ability to sustain attention and concentrate. Her ability to process simple or routine material without making errors was in the extremely low range. Dr Parsons did not consider that Mother B had any personality disorder but he described her as having a mild learning disability. He said that it was not possible to extrapolate her practical parenting abilities from a psychological assessment and that this required a structured assessment framework such as a PAMS assessment framework. In his opinion, Mother B showed a very poor understanding of potential risks and what these may pose which was likely to be commensurate with her mild learning disability. She presented as a “highly vulnerable individual in her own right”.
- 15 An email from the health visitor on 3rd September 2019 reported that the parents had failed to take Child B for a physiotherapy appointment and had been out shopping at the time with Father A. The social worker also reported her concerns about the level of cannabis use within the family home and the lack of stimulation which child B appeared to be receiving. She was left with the impression that he was put in front of the TV a lot. She described Mother B as appearing “very flat” with little interaction between either parent or child B. The parents failed to attend another physiotherapy appointment for child B on 27th September 2019. Father A (Mother B and child A’s father) was reportedly of the opinion that child B would walk whenever he was ready and that he did not require any medical support at this stage. There were also concerns about Mother B’s struggle to make eye contact with child B and talking to him even though it was noted that she held him affectionately.
- 16 Dr Parsons prepared a forensic psychology report in relation to Father B on 23rd September 2019. Father B described reckless behaviour as a teenager which had led him into criminal activity. He had been 18 when he had first gone to prison. He expressed anger at not having been released from prison to attend his mother’s funeral saying “I put guns to people’s head but they should have allowed me to say goodbye.....no one gives me a chance, my history keeps coming up”. He said that he had he had gone to a special educational school for his secondary education. He advised Dr Parsons that he had a diagnosis of autism. He said he felt enraged with social services’ involvement in his life. He said he smoked cannabis daily and that cannabis calmed him down. He spent £20 a month on cannabis. He said that he had moved in with X (the mother of his other son, XX) and that he had moved into her flat after she became pregnant. He had breached the non-molestation order in respect of XX on 5 occasions because he had wanted to see his son and she had tricked him and had wanted more money from him.
- 17 Dr Parsons said that Father B’s verbal reasoning abilities were in the borderline range, his non-verbal reasoning was in the low average range but his ability to sustain attention and concentrate was in the extremely low range. In Dr Parsons’ opinion,

Father B's profile suggested a number of "impulsive sensation seeking traits". Such a personality featured behaviours which might be erratic and/or unpredictable and led to individuals manipulating others to achieve their own wishes by engaging in behaviours considered generally to be socially unacceptable. His profile suggested an anti-social personality style reflecting impulsivity and irresponsibility including a wish for revenge for what he considered to be past injustices. He said that individuals with this profile "have significant deficits in empathy and have difficulty in putting the needs of others before their own". Father B showed a very strong tendency to challenge rules and boundaries which had been evidenced by his extensive offending history. Dr Parsons described him as having an "innately insecure adult attachment style of angry avoidant type" but did not consider that he met the criteria for a learning disability or personality disorder. He described him as someone who is likely to be a "highly inconsistent parent" which from a child's perspective would result in behaviour which would be largely inexplicable and would in itself pose a significant risk of emotional harm. He showed almost no empathy in relation to the current situation and at a fundamental emotional level Dr Parsons believed he would have difficulty prioritising a child's emotional needs before his own. He was also likely to be an extremely ego centred individual. Were there to be any substance to the allegations of inappropriate sexual behaviour on his part he would pose a risk of sexual harm to adolescent females and a risk of emotional harm to a child if a child were to witness his behaviour. His tendency to challenge rules and boundaries alongside his impulsivity would make it very difficult for professionals to work with him in an open, honest and constructive manner in order to effect change and manage risk.

- 18 In his oral evidence at the final hearing Dr Parsons confirmed that there were no signs that Father B was autistic. He had anti-social traits but not a diagnosis of anti-social disorder. He dominated conversations with his own agenda and was mostly driven by his own needs. He said that while there was nothing wrong with having a firm view on various issues, it was important for an individual to have the capacity to accept that he or she might be wrong and this was lacking with the profile of Father B who was unable to understand the impact of his behaviour on those around him. While he did not rule out Father B capacity to change this had not been demonstrated when he had seen him in 2019 and Dr Parsons felt that any meaningful change would take a very long time to occur. In relation to his behaviour towards Mother B, Dr Parsons felt that while she was someone who needed support and was vulnerable, it was a "qualitative judgment" as to the extent someone was helping another individual as opposed to controlling them. He said that Mother B had not been anxious when he had seen her and he thought it unusual that she had not sought support for her substance misuse. She had not raised anxiety as a dominant part of her life when self-reporting her circumstances to Dr Parsons. In respect of Mother B's positive attitude towards Father B and her perception about the lack of risk which he might pose to other individuals, Dr Parsons opined that there was nothing wrong with this attitude in principle but if he was found to be a risky individual and she continued to maintain her view then this would be at variance with the risk which he posed. When he had seen Mother B for the assessment, there had been no room in her narrative to take on board that there could be any substance in any of the allegations made against Father B.

- 19 In Dr Parsons' opinion, if there was substance in any of the sexual allegations that Father B posed a potential risk to young females the fact that there had been no alleged sex offending in his teenage years was not an indicator that he had not behaved in a sexually inappropriate way as an adult. He was not someone to take responsibility for his actions and would deflect blame on to others if it benefitted him. Dr Parsons said that he got no sense of an individual with empathy towards others and he was troubled by Father B domination of the assessment process. He remained unclear about the extent of any coercive control within his relationship with Mother B. It would be difficult for Father B to change his approach and there was no point signing up for interventions unless he understood why he needed to change.
- 20 Dr Parsons said that Father B would not talk about his relationship with his sons ("he wouldn't go there") and his lack of emotion validated Dr Parsons' view that he lacked empathy. He was someone who needed excitement in everyday life -this was part of his impulsivity -but he doubted if he would remove his son from a known foster care placement when he knew that there would be very significant consequences. He said that if the court found, based on the evidence before the court, that he posed a sexual risk then unless Father B accepted the findings no work could be undertaken to help him. Professionals could not work with total denial. He said that for both parents the cannabis use was "very entrenched" and that this was worrying particularly in relation to Mother B whose working memory was likely to be affected by sustained use in circumstances where clinically she had a fairly poor working memory.
- 21 At the request of the local authority an independent social worker, Ms Mandy Harley, was asked to prepare a PAMS parenting assessment of both parents. Her report was dated 1st October 2019. She interviewed both parents at length and used various PAMS tools to feed into her overall assessment of their parenting capacity. Mother B reported to her that she was bisexual and that her first consensual sex had been when she had been aged 15 years. She had suffered no sexual abuse in her childhood. Mother B described Father B as her long-term partner and said that they had met at a time when he had been in a violent relationship with his ex-partners "trying to get him locked up". She said that Father B's former partner would not let him see his son. Ms Harley described Mother B as "very flat and unresponsive" when she had visited the property to see her (and wearing her night clothes at lunchtime) which she felt might be down to cannabis use. Mother B told her that she and Father B smoked cannabis throughout the day. Father B said that he had had two significant relationships before he had met Mother B and had a son, XX, now aged 8 years who lived with his mother (X) and that he had no contact with his son because he had previously been in breach of a non-molestation order and had been sent to prison for breaching these court orders.
- 22 During her visits Ms Harley did not see either of the parents respond to child B, make eye contact with him or talk to him. She felt that both parents required teaching and support in respect of parental responsiveness to ensure that child B's emotional needs were met and that his parents understood how to be in tune with his needs and respond appropriately. Mother B continued to appear to struggle to make eye contact with Child B and appeared to find it difficult to communicate with him. She did not



attend young parents' groups as she found socialising a challenge. The family nurse practitioner (FNP) [REDACTED] had expressed concern that the parents had not taken child B to the GP for a review of his flat head (plagiocephaly) despite having been repeatedly reminded to do so.

- 23 In her professional opinion, Ms Harley felt that neither parent could provide good enough care for child B together or separately in the short term as his needs were not being met and he was not reaching his developmental milestones. He was exposed to significant drug use which had impacted on his health and the parenting which he received. Neither of his parents accepted that their drug use might have an impact upon their parenting and upon child B. She said that there needed to be a robust plan which the parents were required to engage with consistently. She felt that there should be a further PAMS assessment in 12 weeks to establish if the parents were able to make and sustain changes in order and to identify whether they could meet child B longer-term needs throughout his minority. This required both parents to engage in support programmes and she commented that Father B had not attended any of the recommended programmes [REDACTED] which had been recommended for him to undertake. In her opinion this was indicative of his unwillingness to engage with professionals. Ms Harley was also very concerned about the lack of interaction between child B and his parents and noted that the family nurse practitioner had reported in August 2019 that child B's delayed gross motor skills were very concerning and "likely indicative of neglect". He was not weight bearing at all at the age of 10 months. Ms Harley felt that her assessment had highlighted a number of parenting deficits which required immediate teaching and support but that any change was dependent on parental engagement. In her opinion child B was currently not being afforded the care which he needed and his physical, emotional, health and social needs were not being met. She also felt that as child A had been exposed to drugs in her sister's household she was unable to say that it was safe for child A to remain in the family home.
- 24 Following the teaching recommendations contained in the report of Ms Harley, the family nurse practitioner [REDACTED] provided extensive teaching support to both parents in relation to child feeding, healthcare (including the impact of second hand smoke on a child) and child care and hygiene. She had become involved with the family both before and after child B's birth (and at a time when Mother B's mother, MGM was still alive) and she had visited the parents' home very regularly following his birth.
- 25 The FNP said in oral evidence at the final hearing that Child B was clean and well presented at home when she visited but added that the visits were always pre-arranged and took place in the sitting room. In respect of parental responsiveness she commented that mother B had been observed to struggle to make eye contact with child B which Mother B described as "difficult and awkward" as she had no memory of being talked to or played with as a child. The FNP said in evidence that the lack of eye contact had sometimes been quite painful to watch. Mother B was, however, affectionate with child B and kind in the words which she used and in the tone of her voice when speaking to him. Mother B had grown in confidence over the months. Both

parents had been very upfront with her about their daily and habitual cannabis use. Mother B had described the cannabis as calming her down and she had refused to engage in any meaningful way with [REDACTED]. Father B had been unwilling to stop taking cannabis.

- 26 The FNP commented that talking through the teaching issues with the parents had been “challenging” because Father B often dominated her visits with his own agenda of things which he wanted to talk about. She described him often side tracking the conversation which made it difficult to “focus the discussion on child B and be child focussed”. He used the visits to vent his frustrations and to divert the conversation towards housing and finances. He talked at high speed about what he wanted to talk about and it had been impossible to convince him that he was not always right on any given issue. He had on an occasion threatened to move back to [REDACTED] and he had never seen the need for parenting support. He felt that he did not see the need to attend any programme addressing domestic abuse in relationships because despite earlier convictions for violence and breach of non-molestation orders, he saw no point in doing a further course in circumstances where there was no domestic violence in his relationship with Mother B. In the past he had lost his temper when he had attended a group programme similar to the [REDACTED] and had been required to leave. The FNP said that her good intentions had often been sidetracked by Father B and by things that he had wanted to discuss. He spoke for Mother B and while he did not feel that he intentionally prevented her from speaking, he had a lot to say and had been determined to say it. He had made himself indispensable to the family from the time he had moved in with Mother B and in her opinion, Mother B’s dependency on him was, in her view, a form of very subtle control of her. Mother B could not talk freely and he did not give her space. Nevertheless, Mother B loved Father B and she could not see that he controlled her.
- 27 She said that there had been a lot of focus in their discussions on “tummy time” play in respect to child B’s plagiocephaly and his poor gross motor skills after these had been noted in his 10 month assessment. The FNPP needed to simplify the material for Mother B and to focus on one feature of support as Mother B was often quite distracted during her visits and sometimes presented as understanding more than was actually the case. She felt that Father B’s dominating behaviour “masked Mother B’s lack of understanding”. The FNP said, however, that Mother B did prioritise her visits when she came to the home and that on the whole her engagement had been respectful and consistent.
- 28 In her written evidence to the court (and her summary dated April 2020) The FNP said that Father B’s pre-set ideas about parenting and his attitude to issues in general limited any receptivity on his part to new information and the need to prioritise child B’s needs. This was also reflected in both parents’ non-engagement with services to which they were referred to for additional support. Despite the high level of input there was little evidence of capacity to make the timely changes required to support Child B’s development particularly in light of his additional health and development needs.

- 29 There was a legal planning meeting between social workers and the police on 8th October 2019 when the case was identified to have met the threshold to issue care proceedings.
- 30 On 18th October 2019 Father B was arrested at his home address for an offence of raping a 16 year old. A female [REDACTED] Y had called the police reporting that Father B had raped her and made other allegations against him. There had been an altercation between Y and Father B at the home and in the presence of child B. The police described very unhygienic conditions at the family home when they attended the property to arrest Father B with clothes strewn everywhere, cat faeces overflowing in the litters, a large amount of bottles and items lying around and broken electrical points. There were 5 cats and 2 dogs in the property. The house smelt strongly of cannabis upstairs. The floor of the upstairs was covered with dirty nappies. There were several under-age girls present in the property who were drinking and smoking cannabis. Child B was in the care of his parents while they and others were drinking in the property and Mother B told the police that she had drunk 6 vodkas “and boost” and that Father B had drunk the same amount. Father B breached his bail conditions following his arrest in October 2019 by attending his home address and meeting up with Mother B.
- 31 On 30th October 2019 the social worker (social worker A) attended the family home unannounced at approximately 8pm to deliver a letter referring to the issue of proceedings. Although she did not go inside the property she said in her written and oral evidence that both parents were observed to be highly intoxicated on substances and that there was a distinct smell of cannabis and tobacco coming from within the property when the door had been opened by Father B. The social worker said that Father B was unsteady on his feet and his eyes were dazed. He was angry with the social worker about her attending the property in the evening and asked why she had come so late in the day. He said that the baby was upstairs and that he did not want him woken up. He did not allow her inside the house. He threatened to report her to the court and to her managers for coming to his house without permission. Social Worker A said in evidence that the house appeared to be in a very unkempt condition.
- 32 The application for interim care orders was declined by the court on 8th November 2019 and interim supervision orders were put in place in relation to both children. However, on 5th December 2019 both children were made subjects of interim care orders and placed in the care of the local authority. This followed an unannounced raid by the police on 4th December 2019 at around 730am. Information had been received by the police that a number of young people had made disclosures of sexual assault by Father B with Mother B having allegedly connived with Father B by providing under-aged girls with cannabis and alcohol while they had been in their home. Conditions in the home were found to be very poor with dirty dishes covering the kitchen work surfaces, filthy toilets and the cat litters containing a large amount of faeces. Detective Sergeant (DS) described in evidence an overwhelming smell of cat urine in the property. She described NS’s bottles as filthy with mould growing on them. Numerous snap bags and herbal cannabis was found in the living room drawer.

- 33 Bail conditions were imposed on Father B following his arrest which included not contacting Mother B (which he breached). The bail conditions also named an additional 10 women with whom Father B and Mother B were not to contact following their release on bail. In her oral evidence social worker A described reports having been received by social services of young vulnerable girls all “flocking to the house” of Mother B and Father B. The girls were identified as either being in care or care leavers. She also said that Father B had also bought some expensive gifts for child A. She felt that child A deserved the opportunity to thrive in a better environment.
- 34 The final threshold document referred to Father B having a history of complaints made of domestic violence by previous partners which placed any child in his care at risk of emotional harm. Police disclosure identified that in February 2015 the mother of his older son (X) who suffers from a learning disability had been granted an indefinite non-molestation order to prevent him from contacting his son (XX) or her. There was also a reference in the police disclosure to Father B having a long history of violent and aggressive behaviour which had culminated in criminal convictions for harassment, breaches of restraining orders, assault/battery and a conviction for armed robbery in 2007 for which he had received a 4 year custodial sentence. He had assaulted a police officer in 2014 and received a further custodial sentence. He had breached non-molestation orders granted in favour of X 5 times in 3 years and had been sent to prison in 2016 for 12 weeks these breaches. Reports from the Probation Service referred to Father B having been removed from a [REDACTED] during a period of probation following his non-compliance and physical aggression towards other members of the group.
- 35 In respect of the cannabis use and alcohol consumption, the final threshold document referred to Father B and Mother B both being tested for medium to high use of cannabis during the proceedings with neither of them accepting the impact of cannabis use on their parenting. Mother B had been referred to [REDACTED] (drugs services) and [REDACTED] but had failed to engage. The social worker said in her evidence that Father B and Mother B had always been open about the fact they engaged in cannabis use on a daily basis and had no insight into the impact of their cannabis use on their capacity to care safely for child B. She had told them that cannabis could affect a young child’s lungs which would affect his development and that regular cigarette smoking led to the smoke clinging to clothes which was also harmful. Social Worker A said in oral evidence that whenever she did a home visit (almost always an announced visit) she had smelt cannabis in the house and when she challenged the parents about this they said that they did not smoke cannabis in the house but kept it in a shed and smoked it outside. Mother B reported that she used cannabis to ease her anxiety and Father B claimed he used it as a pain killer to ease stress. Child A also smoked tobacco and cannabis regularly and had been found to take wraps of cannabis from a cupboard where they had been left by Father B. The social worker described Mother B struggling to put boundaries and sanctions in place in respect of child A and an inability on her part to stimulate child A in terms of punctual attendance at school and completion of her school work.

- 36 The final threshold document alleged that Father B presented a risk of sexual harm to child A for the following reasons:
- (a) On 22nd, 25th and 26th November 2019 he had made internet searches on his mobile phone using such terms as “my dad fingers me while I am drug”, “she says no crying porn” “Daddy fucks daughter porn” “fucking sister porn”
  - (b) He and Mother B had provided alcohol and cannabis to teenage girls under the age of 16 in their home
  - (c) Father B had made comments to a 12 year old girl [REDACTED] about wanting to kiss her
  - (d) Father B would slap the girls on their backsides
  - (e) In January 2019 Father B sent a message via Facebook to a friend who works as an escort asking her to “hook his girl (Mother B) up” and that he also advised that Mother B has a 15 year old sister (child A). In response to this allegation Father B accepted that he had been issued with a Child Abduction Warning notice as a result of having sex with [REDACTED], a 15 year old girl in 2015/16.
  - (f) A number of young vulnerable girls frequent the home of Father B and Mother B and the police consider them to be at risk of sexual harm from Father B
  - (g) Father B admitted to police that on 15th October 2019 he got into bed believing that Mother B was in bed and went on to have sex with [REDACTED] a minor in bed. He said his penis might have gone inside her as he was wrecked from alcohol and was falling all over the place
  - (h) Mother B shows little insight acceptance or understanding of the risk posed by Father B and has now reunited with him following the lifting of bail conditions. Such indicates that she has and is likely to fail to protect the children from such risk.

37 The evidence presented to the court by the local authority in respect of this threshold finding was extensive and the parents were cross-examined at length about the specific findings sought. In light of the significance of each allegation I propose (after the recital of the other professional evidence adduced in the case) to recite the evidence relied upon by the local authority in support of each allegation before setting out my decision. Father B vociferously denied that he had at any time posed a risk of sexual harm as alleged by the local authority. From his perspective the allegations were entirely baseless and represented a conspiracy to harm him and to prevent him from resuming care of Child B. The local authority asserted, however, that Father B’s angry response to the allegations made against him within these proceedings had to be put in the context of his admitted sexual behaviour towards a minor [REDACTED] in 2015 when he had received a Child Abduction Warning Notice from the police and it was submitted that there was a wealth of evidence verifying that Father B had continued with exploitative and abusive behaviour towards young vulnerable girls after he had met Mother B in June 2017. It was alleged that Mother B had facilitated Father B’s interest in young girls and that there was therefore a risk that Child A would suffer sexual harm in the event that she returned home.

38 **Updating evidence at the final hearing.**

In her updating statement for the final hearing social worker A referred to the support offered by the local authority to Father B and Mother B’s referral to a young parents’ parenting programme in 2019. Mother B and Father B went on one occasion but

refused to go again (or attend another programme) because there had been someone attending the programme who had previously made allegations against Father B. The Family Nurse Practitioner referred Mother B unsuccessfully to [REDACTED] to address her substance misuse and mental health and to [REDACTED] for support with contraception, wellbeing and cannabis use. Mother B engaged with this service only for contraception purposes and did not engage to address her cannabis or emotional wellbeing. Father B declined to engage with [REDACTED] and [REDACTED]. Social Worker A was of the opinion that the engagement of the parents with the local authority was limited and that in relation to accessing services, Father B continued to present as quite volatile, confrontational and dismissive in front of both professionals and family members. He had declined any support from the local authority. In her opinion, neither parent was truly motivated to effectively engage with services or make any real changes which would have a positive impact on their ability to parent child B or care for child A.

39 Social Worker A said in oral evidence that child A did not listen to her sister and had not flourished at school despite having intelligence and having a learning mentor. She said that she had not challenged Father B when she had met him as he had talked a lot and did not invite challenge. She said that Father B knew how to manipulate Mother B. She did not believe that she had been overly critical of the parents and she had tried at all times to work with them and to refer them to supportive agencies. She said that Mother B's life was in Father B's hands and that she trusted him and believed that everything he said was right. Mother B had wanted to engage with [REDACTED] to address her substance misuse but had been discouraged from doing so by Father B because he had not been prepared to engage with the service. She had wanted Mother B to have support from outside to make informed decisions on her own. She also said in evidence that child A had never told her that she felt threatened by Father B or that she had felt uncomfortable around him. Child A saw Father B as an older brother and child A believed that he was there for her and her sister.

40 **Assessments since the issue of proceedings**

Ms Harley prepared an updated parenting assessment of the parents dated 13th May 2020. She noted the events which had occurred since her earlier assessment prepared in October 2019. She again used the PAMS tools to facilitate the preparation of her report and with the same questions posed she considered that the parents continued to demonstrate poor knowledge and skills in respect of child feeding and childhood illnesses. However the conditions in the home had improved and when communicating with child B Mother B was far more relaxed now that child B was older and more responsive. However, in respect of Father B, Ms Harley said that when asked questions "he would repeatedly refer any questions or discussion back to himself and his own childhood and had wanted continuously to discuss how he had been falsely accused of offences". Mother B agreed with everything Father B said and was of the opinion that there was no truth in any of the allegations which had been made against Father B and against them as a couple. They both said that any information provided by witnesses had been untrue.

- 41 Ms Harley felt that all necessary interventions had been offered to the parents she felt that there had been no “necessary changes” since her last report which in her opinion were required if his parents were to meet child B’s needs adequately and safely in the immediate and long term. She commented that the parental deficits remained despite extensive work done with the parents through the Family Nursing Partnership teaching and support programme. The teaching and support which had been implemented had not affected any change in their parenting capacity. She also opined that child B had developmental delay which required care which was “more than good enough” with caregivers who could meet all his needs and provide him with a safe and nurturing environment to enable him to reach his full potential.
- 42 On 17th September 2020 Ms Harley submitted a further addendum report following her observations of contact between the parents and child B on two occasions. She noted that Mother B was subdued on these occasions and that there had been no eye contact between her and child B. She said that when she talked to Mother B about child B, Father B answered for her most of the time. He was also preoccupied in voicing how he was being treated unfairly by Childrens’ Services and that all the allegations against him were untrue. Ms Harley said that during lockdown the Family Nurse Partnership had continued to work with the parents and the Family Nurse Practitioner said that the parents had been seen at home over video consultation. She had said that the sessions had been good with Mother B when Father B had not been in the room but when he had been involved the work had become increasingly difficult as he had his own agenda which included the need to vent his frustrations with Childrens’ Social Care. The parents had been referred to [REDACTED] on 17th March 2020 and to [REDACTED] in March and April 2020. Father B had not felt he needed help with his cannabis dependency and Mother B had reported that she had stopped using cannabis. However, when Mother B had spoken to Ms Harley about this on 24th August 2020 she had said that they spent £20 per month on cannabis. Father B had said that they used drugs every other day and had then said they rarely used drugs as they could not afford it. The did not feel that the [REDACTED] programme would assist them and Father B said that he did not attend [REDACTED] because “he did not see a need to make any changes” and incidents of domestic abuse in his past relationships were not relevant to his relationship with Mother B. In relation to [REDACTED] he said he could give up drugs whenever he wanted to.
- 43 Ms Harley commented that throughout her contact with the parents that Father B perceived himself as a victim and refused to accept the local authority concerns. He considered that child B had been removed from his care because of unfounded allegations and did not consider the concerns about child B’s health and development as identified in the professional evidence. Ms Harley remained concerned about Mother B’s vulnerability and the control that Father B appeared to have over her. Ms Harley felt that despite the teaching and support provided by the Family Nurse Partnership Programme over an extended period neither parent had been able to implement the recommendations in order to meet child B’s immediate and longer-term needs.

- 44 Ms Harley referred to child B's delayed mobility and motor skills and his inability at the age of 12 months to crawl, sit or stand up. The community paediatrician [REDACTED] had assessed Child B in February 2020 as having severe global developmental delay which was more likely attributed to a genetic condition but with the poor environment having likely contributed to the developmental delay due to child B's "inconsistent access to therapy and the reports of poor environmental stimulation". Lying on his back for prolonged periods would have contributed to the plagiocephaly (flat head) and the parents had not taken him to the physiotherapy appointments which therefore meant he did not have the regular treatments which he needed to promote his locomotor skills. Ms Harley said that the environmental factors were unlikely to be the primary reason for his developmental delay but that "poor environment and inadequate parenting would significantly limit his progress". She felt that child B was likely to require a high level of support throughout his minority which she believed his parents were unable to provide.
- 45 In her oral evidence at the final hearing Ms Harley said that Mother B had no insight at all into the implications of her drug misuse on her parenting of child B and just went along with the views of Father B. She said that while the parents were now willing to attend teaching programmes, the completion of these would take longer than child B was able to wait. In her opinion he needed the opportunity to reach his full potential. She said that the parents had stopped engaging with the Family Nurse Partnership when child B had been removed from their care and in her view there was not enough motivation on the part of the parents to make the changes which were needed and to "see it through". She felt that Mother B did not have a voice in the relationship which made it very difficult to assess her as a parent. She came across as someone who was very vulnerable and alone and a mother with little meaningful engagement with child B.
- 46 She did not believe that it was in child B's best interests to be returned to his parents nor did she believe that it was in child A's interests bearing in mind the influence of Father B on Mother B and child A. In cross-examination Ms Harley said that neither Mother B nor Father B had acknowledged the fact that they needed help with their parenting or any other issues in their lives and this, in her eyes, bolstered her belief that the parents could not respond appropriately to child B's needs. She said that she had not prejudged the parents but felt that they had minimised their own problems (including cannabis misuse). She said that the fact that there was an organic element to child B's developmental delay did not affect her judgment that these parents were unable to care for him in the longer term. She felt that child B could not wait for possible (and significant) changes which were needed in the parenting style of the parents and that while they could sign up for courses the key was whether they were ready to make the changes which were needed.
- 47 Social Worker B was appointed as the allocated social worker in the case in January 2020 shortly after child B and child A had been removed from the family home. She produced a number of statements for the hearing. She referred to child B having made good progress in foster care by 15th January 2020 when he was able to sit up and stand with support which he had been unable to do while living at home. In respect of



child A, it was noted in February 2020 that she wanted to return home to her sister Mother B and that she had been reported missing from school on three occasions when her activities were unknown. Social Worker B had discussions with a maternal aunt [REDACTED] about contact with child B and she noted the maternal aunt's clear view that child A and child B should not return to the care of Mother B and Father B as they would both be at risk of harm due to Father B's long history and his hold on both Mother B and child A".

- 48 Social Worker B outlined the package of practical parenting work which had been proposed to be undertaken with Mother B and Father B from March 2020 onwards which would be overseen by the family nurse practitioner. was to refer both parents to [REDACTED] which would provide holistic support for parents with substance misuse and mental health problems. Both parents were to be referred for [REDACTED] Parenting Programme and to the Adult Services Learning Disability Team.
- 49 In October 2020 Social Worker B reported that child B's head shape had significantly improved since being in care and was less visible than before. Although making some progress with his mobility and motor skills and saying a few words, he was still delayed in most areas. He continued to receive therapeutic support from [REDACTED] hospital and his therapist was happy with his progress and said in September 2020 that he would probably walk independently within a year.
- 50 Testing of the parents for cannabis use from April 2020 -June 2020 was positive. The local authority was concerned that the parents had not accessed the support services which had been offered to make changes to their habitual use of cannabis. Cannabis use for both parents was consistently in the medium to high range save for a period January-March 2020 and June-July 2020.
- 51 Social Worker B said in oral evidence that after she had been appointed as the social worker in the case she had looked at ways in which the parents could be supported and had revisited the recommendations of the independent social worker. She thought that the parents needed to be referred to [REDACTED] and for the mother to be referred to [REDACTED]. She said that both Mother B and Father B had engaged with the assessment but did not engage in any meaningful work with the agencies. She had encouraged them and they had told her they would engage actively with the services. There was no question of her writing off the couple from April 2020 onwards and the family had not been abandoned. Mother B said that she had stopped taking cannabis and, in those circumstances, she could not be supported with the programme. Father B said that he did not feel he needed any support and could stop taking cannabis on his own.
- 52 She said that while Child B was doing very well in the placement, his overall progress was slow and that placement was not culturally matched. It was unlikely to be a long-term foster placement for him. She said that the parents had not been able to meet child B's needs on a consistent basis and had not accepted there were deficits in their parenting which required them to make changes and to improve their parenting. In

respect of Child A and recognising her age and the likelihood she would return to her sister's home when she was 17, the local authority would leave it to the court to make the best decision for her overall welfare going forward. Social Worker B accepted that she had not seen child B at home with his parents after lockdown had intervened in March 2020 and had not observed any contact sessions. She reported, however, that reports showed that contact was a positive experience for child B and his parents showed him affection during their visits.

53 She said that child A's current semi-independent placement had been chosen with care and although located some distance from her home and her school [REDACTED] the placement had been suitable for her needs and requirements. However, child A's attendance at school had declined from September 2020 onwards and she complained that she did not like studying the subjects she had been offered. She asked to be transferred to [REDACTED] where she was now enrolled on a course entitled "[REDACTED]". Lessons were undertaken online until very recently.

54 On 24th November 2020 child A had self-harmed with a ruler or knife because she wanted to return home to the care of her sister. She was prescribed Citalopram tablets which she now takes daily. Child A had visited Father B and Mother B on Christmas Day and Boxing day but with no overnight stays and with her returning to her placement at an appropriate time. There had been an incident on 30th December 2020 involving alcohol and some sexually charged behaviour in which child A had participated but this had not led to an immediate search for a new placement. Child A had not wanted to report an allegation of sexual touching to the police. Social Worker B supported child A having regular daytime contact with Mother B and Father B but at present she did not support overnight contact. She referred to Child A smoking tobacco and cannabis as a result of being exposed to this at an early age within the home and accessing cannabis from a cupboard in the home. The local authority felt that child A had been exposed to harm and risk within the family home attributable to Father B's interest in under-age girls and approaches to pornographic websites which child A refused to acknowledge. In her final evidence Social Worker B said that child A had developed a positive relationship with her key worker and regularly participated in keywork sessions which included preparing healthy meals and budgeting. There were reports that she had sometimes returned to the placement smelling of alcohol and cannabis.

55 In her final written evidence dated 8th January 2021 Social Worker B described child B as now walking independently and exploring his environment. He enjoyed playing in his playroom independently of his carer. She said that his head shape had "significantly improved" and was now less visible. He continued to receive support from the neurodevelopmental clinic in respect of his delayed development with a blood test confirming that he was not anaemic and while the ferritin result was borderline this was unlikely to be a significant factor in his developmental delay. [REDACTED] The Community Paediatric Consultant provided a short report dated 29th October 2020 in relation to the genetic testing and stated that in his

opinion the cause of the developmental delay had been thought to be due to a combination of possible genetic factors as well as neglect. He continued: "In child B's case this abnormality rules in a genetic cause for his difficulties but does not rule out the effect of early neglect on his early development".

56 On 26th March 2020 Dr Anna Markham produced a psychological assessment of child A. She reported that child A did not have a global learning disability and stated that "child A struggles stem from a degree of difficulty in her attachment relationships and experiences of inconsistent and/or neglectful parenting behaviour". In her opinion, child A produced a confused picture of ok behaviours, conflict resolution and boundaries within relationships within the home.

57 The guardian gave oral evidence at the final hearing and her position remained supportive of a final care in relation to both child A and child B with a placement order being made in respect of child B. She felt that the parents had not shown any commitment to change (by failing to attend the various programmes which they had been offered) and that there were very complex features to the case. She felt that if the court supported the final care plan for child B it was unlikely that Father B would threaten the current foster placement while a search was made for an adoptive placement and that if the placement was not undermined contact between child B and his parents should continue. She said that if no adopters could be found in the next 12 months then the parents were entitled to be re-considered as carers but in her view, it was for the parents to take the initiative in terms of engaging with the programmes which they had previously been offered. Only if there were identifiable changes in the parents' circumstances would consideration be given to their application in 12 months time to care for child B and there were to be no false expectations on their part if child B was not adopted within the proposed timescale of 12 months.

58 The guardian said that child A was very clear about wanting to go home and the guardian supported a move towards overnight contact going forward provided this was a safe option for child A. She said that child A had supportive staff at her current placement and had benefitted from aspects of her living arrangements since she had left her sister's home. She felt that a final care order was needed to ensure good future decision making for child A particularly as her father had not been involved in her life for many years. The local authority needed to support her wishes in a planned and constructive way and it was not safe for her to return home at the present time.

59 **Evidence in respect of risk of sexual harm posed by Father B to child A**

**(a) Internet searches on mobile phone on 22nd, 25th and 26th November 2019**

Following the arrest of Mother B and Father B on 4th December 2019 various objects were seized from the property. A police statement dated 20th August 2020 referred to a large number of electronic devices having been seized from the address which included a Samsung Galaxy Mobile phone which had been found in the living room and was believed to belong to Father B. A review of the device established that between 21st November 2019 and 26th November 2019 there had been 11 pornographic searches on the Pornhub website with titles which included "Fingering

sister porn” “Daddy fucks daughter porn” “fucking my sister porn” “Wait Daddy Wait” and “I lost it to my dad Porn”. Father B vigorously denied in evidence that he had conducted any of these internet searches and stated that he had felt sick when told about them. He told the police that when the searches had been undertaken the phone had probably been in a local cash converter brokers. He answered no comment when asked further questions by the police.

In his police interview on 4th December 2019 said that only he, Mother B and Child A would have had access to the Samsung phone between 21st and 26th November 2019 if it had not been at the cash converter brokers. In evidence at the final hearing he suggested that everyone who had come over to the house during the relevant period could have had access to his mobile phone and that his password was widely shared. He said that he had no idea who could have searched on Pornhub but indicated that that a girl known as W had popped round to his home twice in November 2019 and might have carried out the internet porn searches. However, Mother B said during her police interview on 19th December 2019 that no underage girls had been to their house from mid-October 2019 onwards (after an allegation of rape had been made against Father B) as they had been directed by the police not to permit anyone under the age of 18 to come to their property unless they lived at the address.

Father B accepted in evidence (as did Mother B) that explicit messages and videos of them having sex together had been found on his phone when he had been arrested in August 2019 following an allegation that he had sexually assaulted a girl. The allegation against him had not been pursued but Father B’s phone had been downloaded at the time. There were images which had been sent to someone named “ [REDACTED] ” or “ [REDACTED] ” and a description of “very graphic conversation of both messages and videos”.

In her police interview on 27th November 2019 a girl named Y who had been a regular visitor to the home of Mother B and Father B from 2017 onwards said that Father B had asked all the girls who regularly visited ( [REDACTED] ) to have a group orgy (including child A and Mother B) so that he could join in. She said that he had wanted to record the orgy and put it on his Pornhub but they would not let him do it. In the same interview a minor Z said that Father B had his own Pornhub account, that she did not know his password but he logged into it probably on his phone.

**(b) Provision of alcohol and cannabis to teenage girls under the age of 16 who spent time in their home/ wanting to kiss a 12 year old child/slapping girls on their backsides**

On 20th November 2019 a 15 year old known as W, was interviewed by the police in connection with activities at the home of Mother B and Father B. She said that Father B gave alcohol (mainly vodka) to “the kids” when they were round at his place and that most of them were under 16 and that her mate, [REDACTED] was only 13. He also gave them weed and was flirty with the girls. She said that when she had been about 12 he had made jokes about kissing her a few times when he had been drunk but she had passed it off. She said he had lied to her about training to be a police

officer and she said that he was very controlling. She said that he had also made comments about having threesomes with the girls taking videos of them kissing. He would make these remarks in a joking way but she felt he was not joking because he knew that some of the girls were Mother B's ex partners. She said that the girls did kiss each other when they were drunk. She also said that Father B slapped all the girls arses but so did Mother B.

On 27th November 2019 [REDACTED] (an ex-partner of Mother B) confirmed to the police that she had regularly gone round to Mother B property and that Father B had provided alcohol and drugs to the girls. The ex partner said that she attended the address on a regular basis and there would always be other young girls at the address and they would all be drinking. She felt that this was wrong and that there was too great an age gap between Mother B and Father B. She said that child A and [REDACTED] had been in a relationship and that Father B had previously encouraged them to go upstairs and engage in sexual activity with each other.

In her ABE police interview on 27th November 2019 Y (then aged 17) said that there were bottles of vodka at the home of Mother B and Father B, that Father B had forced another girl ([REDACTED]) to have a threesome. In Y view Father B was "a bit of a perv". She said that the baby (child B) had been left upstairs most of the day and that Mother B and Father B smoked weed all day. She said that there had been an occasion when she had to buy milk for the baby because they had spent all their money on weed and alcohol (usually vodka with boost or coke). She remembered having had 8 shots on one occasion at the address. She said that Mother B had been her friend and she had been close to her and that when the girls were drunk they all kissed each other. She said that Father B had slapped [REDACTED] arse and [REDACTED] had told Mother B who "didn't feel comfortable with it" but had never questioned Father B about it. She had seen Father B slap the bums of [REDACTED], [REDACTED], [REDACTED] and child A in a "pervy way". She said that the girls ignored his behaviour because they were used to it. She also said in her police interview that Father B had told her that he had got arrested when he was 20 for letting a 14 year old "toss him off" and she also said that no boys ever attended the address just young girls.

In her evidence, Mother B accepted that under-age girls came to her house and drank alcohol but she said that she did not give it to them. She was unable to stop them helping themselves to alcohol. Her sister child A did not drink alcohol while she was in her care nor did she smoke cannabis under her watch. However, child A did take cannabis from a cupboard in the house on one occasion and help herself to alcohol on occasions. She and Father B subsequently kept the cannabis outside in the shed and smoked outside in the garden. If there had been a smell in the house when anyone visited this would have been from the neighbours who smoked cannabis inside their properties with the smell wafting through into her house. She said that after child B had been born she would have 6 or 7 joints every day

**(e) Message via facebook to FB in January 2019**

FB gave oral evidence at the final hearing and gave a statement to the police on 1st August 2019. She said that Father B had got in touch with her out of the blue on or around 28th or 29th January 2019 after she had received a friend request on facebook. She had been friendly with Father B when she had been 16 and had written to him when he had been in prison. After he made the friend request they had exchanged messages for a couple of days about old times and their current situation and had talked using Facebook messenger. He had used the screen name Father B . She said that at some point and after talking about his girlfriend (“the love of his life”) the topic had turned to her sex work and he had asked her for a threesome with his girlfriend. He had then repeated this request before asking for sex with just him “for old times sake”. FB had refused to have sex with him and he had then asked her if she could get his girlfriend a job which she took to mean sex work “as that is the only work I have ever done”.

From the screen shots of the conversation produced at the hearing the request was as follows: “oi can you do my girl a job but she should get 130 as she is 18 and her sister would too but she only 15”. FB assumed that this meant that he wanted her to sort out someone to have sex with a 15 year old. She made it very clear that she was not getting involved in any work involving a child and told him that his comment should be reported to the police. She had then immediately blocked him from facebook. FB said that she was 99% sure that the person she had spoken to (although she had not actually seen him on her phone) was Father B because she knew who he was, his photo was on the facebook profile and she had recognised his voice. She had reported the matter to the police (via her support worker) in May 2019.

When FB gave oral evidence remotely at the final hearing she confirmed that it had been Father B who had contacted her after many years absence and that as an old friend they had chatted together before he had made the suggestion set out above. She had been sure that it had been his voice on the voice call. She had no reason to tell lies. In his evidence, Father B vigorously denied that he had ever had this conversation with FB and suggested that he had previously been set up on facebook by an aggrieved ex-partner (X) . He also said that there had been an argument with FB in around 2013 when FB had suggested that he might have been the father of her child.

**(g) Admission by Father B of having sexual contact with Y on 15th October 2019**

On 19th October 2019 Father B was interviewed by the police about an allegation of rape made by Y which had allegedly taken place on 15th October 2019. He said that the allegation of rape was a total lie. He said that Y had got into bed with Y on the night in question and had put her hand down Y knickers. He initially denied having sex with Y but had then remembered getting into bed and finding Y in his bed naked. He said: “I realised and then got out .....we had been drinking. I then went downstairs. Mother B was also in the bed and Y was between me and Mother B.” He said he turned round in the bed to have sex with Y (thinking she was Mother B) and had an erect penis. When asked if his penis had gone into Y’s vagina, Father B said “I don’t think so I can’t be certain, I was drinking. I was wrecked. I was wrecked”. He said that he had not ejaculated whilst Y was in the bed, but had gone back into the room, had

a wank and then had sex with Mother B next day in the morning. Mother B had not said or done anything while he was having sexual contact with Y in the bed.

Father B said that on 18th October 2019 there had been an argument with Y in the street after they had walked passed the drug dealers in [REDACTED]. When they had got home Mother B had been telling him to get Y out of the house. He said that Mother B had pushed Y out and that he had been on the phone to the police before telling her to go home. He said that Y had then swung at him with a 12 inch blade which had been in her bag.

In her evidence and her police statement dated 19th October 2019 Mother B said that she believed Y had reported the events of 15th October to the police before Father B had alleged to the police that she had swung a knife at him. She said in her police statement that she had seen Y dialling 999 before she and Father B had gone into the house to ring the police. In her police statement she said that Y had not waved the knife at Father B at all "as he was standing behind me and then went back inside the address to call the police". However, Father B stated that Y had swung the knife at him and also said that she had only reported the alleged rape to the police after he had reported to police that she had tried to attack him with a knife.

In her police statement dated 19th October 2019 Mother B said that Father B had not had sex with Y and that she had been in bed when Y had stroked her breast in the bed in a sexual way. She had told Y to get out of the bed and sleep downstairs. There had been no one else in the bed. When she had fallen asleep the TV had been on which had made the room bright. Father B had told her in the morning that he had found Y in the bed with her when he had pulled the covers back. He had specifically said he had waited for Y to get out of bed before getting in. She had learned subsequently that Father B had given a revised version of events to the police. Mother B believed that Father B had not had sex with Y "intentionally" and that he had felt guilty afterwards. It had not really been his fault. He had never lied to her about anything during their relationship. She also said in oral evidence that contrary to her police interview Y had waved the knife in her face and Father B had pushed her away and had nearly got knifed in the neck by Y. She had not seen Y slap Father B. She also said in oral evidence (contrary to her earlier evidence) that it had been pitch black in the bedroom at the time. She denied changing her story to fit in with Father B' account that he had nearly got his throat slit by Y. She disagreed that she was so taken up with Father B that she would lie for him and protect him rather than confront what had been going on in her home.

## 60 **The law**

There is only one standard of proof in these proceedings, namely the simple balance of probabilities: **Re B [2008] UKHL 35**

The burden of proof is on the party who makes the allegations. It is no reversible and it is not for the other party to establish that the allegations are not made out

The inherent probability or improbability of an event remains a matter to be taken into account when weighing the probabilities and deciding whether on balance the event occurred. “common sense not law require that in deciding this question regard should be had to whatever extent appropriate to inherent probabilities” per Lord Hoffman in **Re B**

If a fact is to be proved, the law operates a binary system in which the only values are zero and one. Therefore, it is open to the court to make the following findings on balance of probabilities (a) that the allegation is true (b) that the allegation is false. As Hoffman LJ observed in **Re B** “if a legal rule requires the facts to be proved, a judge must decide whether or not it happened. There is no room for a finding that it might have happened. The law operates a binary system in which the only values are nought and one”

Findings of fact must be based on evidence not speculation. As Munby LJ observed in **Re A Fact -Finding Disputed Findings [2011] 1FLR 817** “it is an elementary position that findings must be based on evidence including inferences that can properly be drawn from evidence and not suspicion or speculation”

**Dishonest witness:** If a court concludes that a witness has lied about a matter it does not follow that he has lied about everything. A witness may lie for many reasons for example out of shame, misplaced loyalty, panic, fear, distress, confusion and emotional pressure: *R v Lucas* 1981 3WLR 120. More recently in the case of **Re H-C 2016 EWCA Civ 136**, McFarlane LJ (as he then was) said this:

“...a family court in common with a criminal court can rely upon a finding that a witness has lied as evidence in support of a primary positive allegation. In **R v Lucas** (supra) the Court of Appeal Criminal Division after stressing that people sometimes tell lies for reasons other than a belief that the lie is necessary to conceal guilt held that four conditions must be satisfied before a defendant’s lie could be seen as supporting the prosecution case as explained in the judgment of the court given by Lord Lane CJ

“ To be capable of amounting to corroboration the lie was told out of court must first of all be deliberate. Secondly it must relate to a material issue. Thirdly the motive for the lie must be a realisation of guilt and fear of the truth. The jury should in appropriate cases be reminded that people sometimes lie, for example, in an attempt to bolster up a just cause or out of shame or out of a wish to conceal disgraceful behaviour from their family. Fourthly the statement must be clearly shown to be a lie by evidence other than that of the accomplice who is to be corroborated, that is to say by admission or by evidence from an independent witness”

MacFarlane LJ continued: “In the family court in an appropriate case a judge will not infrequently directly refer to the authority of **R v Lucas** in giving a judicial self-direction as to the approach to be taken to an apparent lie. Where the “lie” has a prominent or central relevance to the case, such a self-direction is plainly sensible and good practice. One highly important aspect of the **Lucas** direction is indeed the approach



to lies generally in the criminal jurisdiction, needs to be borne fully in mind by family judges. It is this: in the criminal jurisdiction the “lie” is never taken, of itself as direct proof of guilt.....In my view there should be no distinction between the approach taken by the criminal court on the issue of lies to that adopted in the family court. Judges should therefore take care to ensure that they do not rely upon a conclusion that an individual has lied on a material issue as direct proof of guilt.

**Evidence:** when carrying out the assessment of evidence, regard must be had by a judge to the observations of Butler-Sloss, then President in **Re T [2004]2FLR 838** at paragraph 33:

“evidence cannot be evaluated and assessed separately in separate compartments. A judge in these difficult cases must have regard to the relevance of each piece of evidence to other evidence and to exercise an overview of the totality of the evidence in order to come to the conclusion whether the case put forward has been made out to the appropriate standard of proof

The evidence of parents or any other carers is of utmost importance. It is essential that the court forms a clear assessment of their credibility or reliability. They must had the fullest opportunity to take part in the hearing and the court is likely to place considerable weight on their evidence and the impression it forms of them: **Re W [2003] FCR 346**

The assessment of credibility generally involves wider problems than mere demeanour which is mostly concerned with whether a witness appears to be telling the truth as he or she now believes it to be. With every day that passes the memory becomes fainter and the imagination more active. The human capacity for honestly believing something which bears no relation to what actually happened is unlimited. Therefore contemporary documents are always of the utmost importance: see Mostyn J in **Lancashire CC v R [2013]] EWHC 3064**

In the case of **Lancashire CC v The Children and Others** Jackson J (as he then was) observed the following:

“where repeated accounts are given, the court must think carefully about the significance or otherwise of any reported discrepancies. They may arise for a number of reasons, one possibility is of course that they are lies designed to hide culpability; another is that they are lies told for other reasons. Further possibilities include faulty recollection or confusion at the time of stress or where the importance of accuracy is not fully appreciated or there may be inaccuracy or mistake in the record keeping or recollection of the person hearing and relaying the account. The possible effect of delay and repeated questioning upon memory should also be considered as should the effect on one person of hearing accounts given by another. As memory fades the desire to iron out wrinkles may not be unnatural a process that might inelegantly be described as “story creep” may occur without any necessary inferences of bad faith”.

I have set out in this judgment the extensive factual background to this case. I am satisfied that in the context of the decision making which I am required to undertake this has been a necessary and proportionate exercise. The parents challenge the substantive findings sought by the local authority as set out in the final threshold document. The extensive involvement of professionals in the lives of these parents after child B's birth and the parents' collective response to the support which they were offered in the months prior to the issue of public law proceedings in November 2019 impacts not only upon the factual matrix of the case but is also very relevant to my determination, at the conclusion of these proceedings, about the best welfare outcomes for Child B and Child A.

62 I hope it is self-evident that my analysis of the written and oral evidence in the case must be carried out in a scrupulously fair and objective manner and must not be tainted by any prejudice or personal thoughts which I might have in relation to the lifestyle choices of these parents. I am well aware that there were financial difficulties for these parents following child A's birth which created issues for them in the running and management of their home and I have also taken on board the fact that the property where they have continued to live had been adapted for Mother B's mother when she had been ill and was not in the best of repair. Furthermore, and while noting that these parents were able to find money to fund their dependency on cannabis and to a lesser extent on alcohol, I do not judge them adversely for that nor do I start with a preconceived view that their habitual cannabis use necessarily precluded them from caring for a young child. In other words, I should not (and do not) prejudge these parents. I should be judgmental about their lifestyle only if I am bound to conclude, from all the evidence in the case, that decisions which they made about the management of their lives and their care of child B and child A caused the children to suffer significant harm and/or to be at risk of suffering significant harm. Moreover, I must not jump to conclusions or make findings without carefully considering whether there is a proper evidential basis for making any adverse findings.

63 I am, however, entitled to evaluate the totality of the evidence in the case (including the quality of the parents' evidence and their responses to the large number of allegations made against them) in determining where the truth lies. I am also entitled to draw inferences from the evidence which has been put before the court reminding myself that at all times that the burden of proof remains firmly on the local authority to prove that the allegations have been made out to the requisite standard of proof. The parents' evidence given during the hearing is, however, only part of the jigsaw of the case. At all times I must cross-check any apparent inconsistencies in the parents' evidence with all the other evidence which has been put before the court from other sources including the extensive police disclosure which has been included within the documentary evidence before the court. I am also bound to ask whether any inconsistencies in the parents' evidence go to the root of the allegations made against the parents or are of insufficient weight evidentially for me to put them on one side when deciding whether the findings sought by the local authority have been proved.

64 I remind myself that save for one aspect of the threshold relating to child B's developmental delay, the parents have contested all remaining allegations contained

within the final threshold document. Father B has remained angry and defiant about the legal justification for the removal of child B and child A from their home in December 2019 and while Mother B is of a much quieter disposition, I sensed an element of bewilderment on her part about her engagement within these proceedings and the local authority's final care plan of adoption of child B. Father B presented in court as a victim of a legal process which set out deliberately and unfairly to brand him as an unfit father. In his eyes the allegations (and particularly the allegation against him of sexual risk to child A) represented a witch hunt designed to bring him down by making manifestly untrue allegations against him. Father B's sense of grievance (which was manifest throughout the entirety of his cross-examination during the final hearing) is also something which I need to evaluate in the case. However, when assessing the credibility of the parents' evidence in the court room - particularly under cross-examination - I take into account that the proceedings have been a very traumatic experience for both of them. I must make allowances for this when I look at their respective responses to questions of a very personal and sensitive nature which they were asked. I am also aware that the parents are now anxious to make significant changes to their parenting (and have now offered to attend any course available to them going forward if this means that Child B can come home) and I must consider the integrity of their current position in my overview of the evidence in the case.

- 65 Having read the professional assessments carried out before and after the interim care orders were made on 5th December 2019 and having listened very carefully to the professional evidence -and particularly the oral evidence of Social Worker A, Ms Harley, The FNP and Dr Parsons at the final hearing - I am in no doubt that the concerns of the local authority about Father B's controlling personality and his control over Mother B are entirely justifiable and well-founded. Sadly (as I find) Mother B does not have a voice in their relationship and although Father B may not have been physically abusive towards her at any time during their relationship (and there is no evidence that he has been) he has, in my judgment, abused her by exploiting her vulnerable and anxious personality to make sure that she does his bidding. While he may have many deep-seated insecurities Father B presented in court as a man of arrogant disposition. There is abundant evidence from the chronology (including his professional relationship with Social Worker A and with Ms Harley during the parenting assessment) that he does not expect to be challenged or confronted about his views and it is very clear to me that he was not prepared to take a constructive or positive view about the need for the involvement of professionals in his private life following the birth of Child B. Although Mother B was only 18 years old when Child B was born and Father B had, on any view, a very limited understanding of a baby's needs, he was not prepared to listen or to learn and adopted an obstructive attitude towards professionals who were trying to help him and Mother B care for a very young child.
- 66 I am satisfied that Father B paid lip service to the very real efforts which were made by the family nurse practitioner (FNP) to teach both parents how to care for child B in a safe and consistent way. Her efforts were hampered by Father B choosing to dominate conversations which she tried to have with both of the parents about parenting Child B. Father B' self-centred attitude ensured that Mother B was

effectively airbrushed from the teaching which she clearly needed in order to manage the needs of a very young child. The FNP (who gave very clear evidence and was entirely non-judgmental in her approach to the parents) felt that she could not make the progress she had hoped to make with them - and particularly Mother B - because Father B appeared determined to distract her from her important role within the family and refused to listen and learn. Unfortunately, this had the effect that Mother B - a young and completely inexperienced mother - was quite unable to acquire any independent learning about the appropriate and safe way to care for Child B.

67 Dr Parsons' assessment of Father B was intuitive and (as I find) entirely accurate. Father B is an impulsive individual who showed himself during the hearing to be incapable of standing back and considering a situation from another person's point of view. He had an answer for everything when he gave his evidence and his answers (which always portrayed him in a good light and deflected blame on to others) were wholly at odds with the significant body of evidence which, by way of an example, highlighted how unsatisfactory, unhygienic and unsuitable the home conditions had been in the home for a small baby -and indeed a 15 year old teenager – for an extended period of time. His anger with social worker A when she came to his house on an unannounced visit one evening in October 2019 was unreasonably defensive on his part and highlighted his lack of respect for a professional who was entitled to attend his property. It did not occur to him retrospectively that his behaviour towards the social worker might have been unduly hostile and deserving of an apology or that its impact was likely raise additional concerns about the welfare of any child present in the home. Throughout his evidence, Father B presented himself either as a victim of unfair treatment throughout his life (and I have in mind his attitude towards his former partner X and his justification for breaching court orders on numerous occasions which had been put in place to protect her) or the saviour of young vulnerable women (and I have in mind his apparent rescue of [REDACTED] -aged 14 years-from a drug dealer before he went on to have a full sexual relationship with her which resulted in the issue of a Child Abduction Warning Notice in 2015).

68 In my judgment, Father B demonstrated throughout the hearing that he has no sense of boundaries and he is (as I find) someone who does what he wants to do without regard for the impact of his behaviour on others whether in the context of his habitual cannabis and alcohol misuse, his treatment of his present partner and previous partners or his behaviour towards young women. Furthermore, I am satisfied on the evidence before the court that he has previously sought out women (X and a previous partner [REDACTED] ) who appear to have been vulnerable, dependent and needy women whom he could influence and were in a position to offer him accommodation. In those circumstances I am bound to say that his motive for moving into Mother B's household in 2017 and his association with a 16 year old (as [REDACTED] Mother B was in June 2017) at a time when he was homeless, much older and with a string of recent previous convictions for breaching protective orders is very questionable and would appear to lend support to the defining features of his personality as identified by Dr Parsons in his psychological assessment of Father B.

- 69 I find that Mother A was and remains quite unable to express any thought or independent idea which is at variance with the opinion of Father B. She is in thrall to him and she is likely to remain so for as long the relationship continues. She will lie to protect him and she lied during her evidence at the hearing specifically to protect him. She may feel uncomfortable about aspects of his character but she chooses to block out anything untoward or suspicious in his behaviour believing that he has many good characteristics and has been wronged in the past by partners who have been out to “get him” and bring him down. I consider that her relationship with Father B is enmeshed and that unless or until they separate she will continue to have no insight into his character and will continue to believe the best about him. Her only hold over him is that she is the sole tenant of the property which she occupies with him and can require him to leave at any time; however, as she appears unable or unwilling to stand up to him, there is little prospect of her taking the initiative and parting company from him in the foreseeable future.
- 70 In terms of findings sought that Child A and Father B suffered neglect while living at home attributable to the chaotic and unhygienic conditions which were noted when the police and the social worker visited the property (unannounced) on 18th October 2019 and on 4th December 2019 I am entirely satisfied that this threshold finding is made out and I find the parent’s respective responses to the allegation (a friend deliberately throwing a rubbish bag over a room in the house /a cat faeces litter tray being knocked over by police officers when they attended the home) to be untrue and disingenuous. It is a significant reflection on their characters that both parents, instead of accepting now how poor the conditions were in the home, deliberately set out either to blame others or to make excuses which were, as I find, lies told to cover up a worsening situation in the home while child A and child B were in their care. The neglect to child B in particular caused by the conditions in the home was, as I find, attributable in large part to both parents’ habitual use and dependency on cannabis inside and outside the home. I do not accept (and the evidence from Social Worker A and/or the police did not bear this out) that cannabis was only smoked outside by the parents and that any smell within their house came from adjoining neighbours who smoked cannabis indoors and left doors open. The parents were, in my judgment, dishonest in their account of where cannabis was smoked and (as I find) dishonest in suggesting that child A only smoked cannabis very infrequently. Their use of cannabis has not diminished since child B and child A were removed from the home and I am clear that their extensive misuse had a marked impact on their parenting of child A who was under stimulated while in their care and spent far too much time lying on his back in his cot upstairs. While I accept that child A does have developmental delay which cannot, in itself, be attributed to poor parenting, I am also clear that these parents did not care for him diligently while he lived at home and that their need for cannabis and alcohol was a far greater priority for them than watching out for their baby and attending properly to his needs.
- 71 Furthermore and although Mother B has genuinely wanted to care for child A at home, I believe that she has shown herself incapable of fulfilling that role in a proper and safe manner. I believe that child A (who was only 14 when child B was born) was largely left to fend for herself and lived in a dirty home while her sister, locked in a controlling

relationship with Father B, did her inadequate best to care for child B. Looking at the recent history of the case and the repeated referrals to support agencies, I am afraid I do not consider that either of these parents have the motivation or the wherewithal to stop smoking cannabis and I believe that neither of them to this day really accepts how much their drug misuse impacted on their care of child A or child B in the past. I see no reasonable prospect of them engaging in [REDACTED] now or in the future because cannabis is a major part of their lives and the bottom line is that whatever may be said in court they remain unwilling and unable to address their drug dependency.

72 I am also clear from the evidence (and the threshold document relies on a police visit to the home on 18th October 2019) that alcohol -and particularly vodka -was consumed in excess while child B was in his parents' care. At one point in his oral evidence at the hearing Father B referred, quite casually, to consuming 1 litre of vodka during one evening without appearing to acknowledge the effect which this amount of alcohol would have had on his state of mind and subsequent behaviour.

73 In relation to the allegation that Father B presents a risk of sexual harm to child A, I have identified in the body of this judgment the specific allegations on which the local authority relies. During the course of the hearing I heard from DS, a child exploitation officer with the [REDACTED] police who expressed a markedly adverse view about Father B and his apparent sexual interest in young vulnerable girls. I am also aware from the police disclosure that there is a considerable body of police evidence which seeks to link Father B with young female complainants who have, in the past, spoken individually to the police about his sexually inappropriate interest in them before going on to withdraw their allegations. DS described Father B as seeking out "perfect victims" because of the vulnerability of the girls he chose to associate with and their inability to reject his advances. In the opinion of DS, the girls specified in the police disclosure as regular visitors to the home of Mother B and Father B (and there was no dispute that these girls **did** come round to visit regularly) were of particular interest to Father B sexually.

74 I am tasked with considering specific allegations set out in a threshold document prepared for the family court proceedings and it is not my role to support or encourage any form of police prosecution. I am concerned with the safeguarding of children which is clearly distinguishable from criminal proceedings. While there is a lower standard of proof in these proceedings and I am entitled to rely upon hearsay evidence as corroboration of any other evidence in the case, I must approach my task dispassionately and remind myself that I have not heard directly from any of the girls who regularly visited the home of Mother B and Father B during 2019. Moreover, it is very important that I do not adopt the opinions of DS in advance of undertaking my own analysis of the evidence as such an approach would be biased and wholly unfair to Father B. I also bear in mind that Father B is vehement in his denial that he is a risk to young women – and to child A – and that he feels very threatened and undermined by the seriousness of the allegations.

75 In respect of the **internet searches on Pornhub [allegation 1(a)] in November 2019** which were downloaded from Father B's mobile phone after he had been arrested on 4th December 2019, I have concluded that Father B's explanation for his phone being used by others to download graphically pornographic images during a specific period in November 2019 was dishonest and wholly unconvincing. He told the police that the only people who had access to his mobile phone were Mother B and child A but in his evidence at court he seemed to suggest that girls coming to his home (particularly [REDACTED]) had access to his password on his phone and could have downloaded images which clearly associated older men ("Daddy") with young girls. I'm afraid that Father B has not been able to face up to the reality of this allegation and as with so many other aspects of his behaviour to date he has deflected the responsibility onto someone else who (as I find) would be most unlikely to have used his phone for the purpose of making pornographic searches and who, in any event, was most unlikely to have attended the property in November 2019 when (as Mother B accepted) there were specific conditions preventing girls from going round to the property while a criminal investigation of Father B was underway. I therefore find this allegation proved on balance of probabilities

76 **The supply of alcohol and cannabis to teenage girls under the age of 16 [allegation 1(b)].** I am satisfied that Mother B and Father B did supply cannabis and alcohol to teenage girls, some of whom were under age 16 ([REDACTED] and [REDACTED] being two of the girls who were under 16 at the time) and that this was a regular occurrence. Some of the girls were friends/ex partners of child A and Mother B and I am satisfied that they came to the property at the invitation of Mother B to spend time with her and Father B. Mother B may well have cooked a meal for the girls when they visited but I am satisfied that she also facilitated the supply of alcohol and cannabis inside the home because she knew that Father B enjoyed the presence of the teenagers in her home. There are independent accounts and disclosures made by [REDACTED], [REDACTED] and [REDACTED] (a former partner of Mother B) which all support the allegation that while present at Mother B's property they were subjected to improper suggestions by Father B (and the suggestion by him of threesomes seem to have featured in many of the accounts) and were slapped on their bottoms by him. The slapping of their backsides -while not so significant in itself – is mirrored in the respective accounts of all the girls and in my judgment gives credence to a rather more sinister suggestion that the girls were present in the property to amuse Father B at one level or another and were plied with alcohol and cannabis for his gratification. I do not accept that the girls conspired to tell falsehoods about Father B or were malicious in giving the accounts they did to the police. Bearing in mind that the girls all had troubled backgrounds, their willingness to talk to the police about Father B's behaviour towards them was brave and lends, to my mind, a further stamp of authenticity to their respective accounts even if the allegations which they made were subsequently retracted. I therefore find that the allegations in **1(b)(c) and (d) and (f) and (g)** of threshold document are made out to the requisite standard of proof and that while there is no direct evidence of sexual risk or harm to Child A from Father B, child A was, as I find, directly exposed to and involved in wholly inappropriate behaviour in the home which was actively promoted by her sister and Father B. I am

also clear that she was present in the home with other teenagers smoking cannabis (at the age of 15) and drinking vodka with the direct approval and connivance of her sister and Father B. In view of her age, she was therefore within the pool of individuals who were exposed to Father B' inappropriate attention and behaviour.

**77 Message via facebook to FB [allegation 1(e)]**

I heard oral evidence from FB at the final hearing. She was an impressive witness. She spoke candidly about her life as a sex worker and she presented her evidence in a self-deprecatory way which made it inherently plausible. She was no saint (on her own admission) but she was adamant that any sexual activity with under age children was abhorrent. I have already dealt in the judgment with the conversation which she says she had with Father B in January 2019 and I have no hesitation in finding that FB knew that she was speaking to FB because she recognised his voice on the phone having known him in the past and saw his photograph on his facebook profile. There was also a clear link between her sex work and the request made by Father B in respect of Mother B and child A, her 15 year old sister. Father B's attempts in the course of cross-examination to explain away the call to FB as a fake facebook profile ("catfishing") was no more or less than a thoroughly dishonest attempt to discredit someone who had been brave enough to challenge him when he had suggested that she might become involved in "hooking up" an under-age girl. She had the courage to attend court remotely to give evidence against him. His hopeless explanation that FB had some motivation to discredit him bore no resemblance to the truth. I can only imagine that he had hoped she would subsequently refuse to give evidence in line with her police statement but he was wrong footed on this and the truth came out.

**78 Admission of getting into bed with Y on 15th October 2019 [allegation 1(g)]**

This is a serious allegation because it is indicative not only of Father B's overtly sexualised behaviour but the lengths which he was prepared to go to explain his behaviour towards a teenage girl in October 2019 which was (as I find) utterly unacceptable. The various explanations given by him and Mother B about Y presence in his bed with Y apparently sexually touching Mother B, leaving the bed, returning before Father B got into the bed naked and Father B (probably) penetrating her while Mother B was also asleep in the bed would be almost comical were they not so serious. I am satisfied that Father B told a pack of lies to cover up his demonstrably appalling behaviour towards a teenager in October 2019. Once again there was no sense of self-responsibility about his own account in the police interview that he may have penetrated Y (believing she was Mother B) nor was there any sense of remorse on his part about behaving as he did towards a teenager who was more than 10 years his junior. The substance of this allegation is not diminished by the failure of Y to attend court to give evidence because Father B's own account to the police represents an admission of reprehensible behaviour towards Y. I reject his evidence that Y made a false allegation against him after he had rung the police about her carrying or waving a large knife in his direction. Moreover I am satisfied that Father B manufactured evidence in terms of the timing of Y's call to the police (which was not supported by Mother B's oral evidence) in a misconceived attempt to deflect from the likelihood that he would be likely to have to account for his behaviour towards Y on arrival at the police station. I am satisfied that Mother B's belief (expressed in her evidence at the



hearing) that Father B did not really behave inappropriately towards Y is the clearest evidence of her own vulnerability and naivete and, perhaps more importantly, demonstrates the capacity of Father B to manipulate Mother B into submission.

79 I therefore find that all of the allegations in the threshold document are proved on balance of probabilities and in circumstances where no admissions were made in relation to the serious matters contained within the schedule and where Father B is unlikely to accept my judgment, my findings have clear repercussions in terms of the welfare needs of Child B and Child A. I recognise that the parents are keen for Child B to come home and I recognise that the final care plan is one of adoption. I also take on board that the adoption of Child B may not be possible as a result of his pronounced developmental delay. The parents have asked to be considered again as carers in 12 months' time if adopters for Child B have not come forward. While the local authority have a statutory duty to consider further assessment of the parents at that stage if no prospective adopters have been found, I am bound to say, having regard to the seriousness of the findings which I have made as set out in this judgment that I would have very grave reservations about returning Child B to the care of Mother B and Father B. As the parents present as united in their wish to resume care of Child B, I am unable to have any confidence in Mother B's ability to protect her son from the risk of harm at various levels (as identified in this judgment) which is attributable to the behaviour and psychological profile of Father B. In my judgment, he is a risk to himself and he is a risk to others. Without extensive professional work and an acceptance of his past behaviour which I have set out in some detail in this judgment, I am clear that Father B poses a risk of significant harm to any child in his care. I make these findings with the welfare checklist set out in s1(3) of the Children Act 1989 very firmly in mind. Specifically I have fully considered the parents' demonstrable incapacity to have been able to keep child A and child B protected from exposure to emotional harm while in their care and their incapacity to have effected any substantive changes to their lifestyle during the continuance of these proceedings.

80 The final care plan for the adoption of child B is of course one which should only be contemplated by the court in circumstances where this is the only realistic option for a child. Adoption is a very final order involving the severance of ties between a child and his biological parents. In the present case there are, regrettably, no extended family members who have put themselves forward to care for child B and at the age he is (2yrs 5 months) and with parents who have made no changes during the last 15 months to address their own issues and, as I find, are unlikely to make any identifiable changes within the foreseeable future to improve their lives, I have to look at the best option for child B in the long term. His welfare during his life -and not only during his minority -is the paramount consideration of the court when I consider the validity and merits of placing him for adoption. I must take on board the provisions of s1(4) of the Adoption and Children Act 2002 in considering the long term welfare needs of this little boy which include his particular needs and any harm which he has suffered in the past. I must also consider the likely effect on child B of having ceased to be a member of his original family and become an adopted person and in this regard I fully respect the fact that there is a bond between him and his parents which stems from the time spent in their care during the first year of his life and good quality contact having taken

place with them since his reception into care. However this has to be set against the harm which he suffered while in the care of his parents as a result of their unavailability to meet his needs -and particularly his emotional needs -combined with the need which he has for better than good enough parenting throughout his life as a result of the diagnosis of global developmental delay. In my judgment he is entitled to be given the opportunity to be adopted outside his family and any other placement option (which in this case would have to be long -term foster care) would not be the optimum outcome for him in terms of his future security and wellbeing. Accordingly, I approve the final care plan for child B to be adopted and I dispense with the consent of his parents to the adoption on the grounds that child B's welfare requires their consent to be dispensed with [s52(1)(b)] ACA 2002].

81 As for child A, I am satisfied that a final care order is the best order to meet her needs in the foreseeable future as her father A, has taken a very shadowy role in assuming parental responsibility for his daughter and cannot be trusted to make decisions for her which are in her best interests or welfare. In my judgment the local authority should assume corporate parental responsibility for child A (in conjunction with her father) rather than, as child A wishes, no order being made following this final hearing. child A is vulnerable in her own right and not necessarily capable of making decisions which are in her best interests going forward and I am bound to say that while she may vote with her feet and return to live with her sister and Father B when she is 17, this is not a course of action which I would support. I think that in light of my findings against Father B, she may well be at risk of sexual exploitation by him if she returns to her sister's home. While she has never complained about Father B' behaviour towards her from 2017 onwards, she remains a vulnerable teenager who lost her mother in 2018 and who will have looked to Father B with uncritical eye as a mature figure who strived to manage the household. I am very concerned about the way in which child A was looked after in the home and the lack of any direct support which her sister was able to give her following their mother's death. Mother A has her own difficulties which I have outlined in this judgment and while she may have done her best, her difficulties, in the widest context, have been accentuated by her decision to remain in a relationship with Father B. For my part I see no identifiable benefit to child A of returning to a chaotic and unsafe home now or in the foreseeable future where she will be unable to access -save at a very superficial level- the committed professional support which she has received while living away from home.

82 I do not therefore sanction an arrangement which facilitates child A's return home in the next few months (and I do not endorse overnight staying contact as a means of bringing about this objective) because this is at variance with my clear findings about the behaviour and overall unsuitability of Father B whether as a brother or father-figure while child A lived at home with Mother B . Clearly there will need to be discussions with the professionals following this judgment (to include Dr Markham) and I fully accept that at the age she is her voice should be heard. However this is a very complex case and I urge vigilance on the part of the local authority before accepting that child A's return home is inevitable when she attains the age of 17. In my judgment and for the reasons articulated in this judgment child A should be encouraged to live away from her sister's home while Father B remains in residence.

