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**IN THE HIGH COURT OF JUSTICE**

No. ME16C01627

**FAMILY DIVISION**

**[2019] EWHC 1640 (Fam)**



Royal Courts of Justice  
Strand  
London, WC2A 2LL

Friday, 29 March 2019

Before:

MRS JUSTICE THEIS DBE

B E T W E E N:

SARA JAYNE ROOT

Applicant

- and -

MEDWAY COUNCIL

Respondent

**REPORTING RESTRICTIONS / ANONYMISATION APPLY**

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MR W. DEAN (instructed by Sternberg Reed) appeared on behalf of the Applicant.

MR E. ELLIOTT (instructed by Legal Services, Medway Council) appeared on behalf of the Respondent.

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**J U D G M E N T**

MRS JUSTICE THEIS DBE:

- 1 The court is concerned with an application made by Sara Root to purge her contempt. The application is dated 26 March 2019. The application is put on two grounds: firstly, the deterioration in Ms Root's health, which was a factor that the court considered in imposing the sentence on 6 March; and, secondly, the unconditional apology that she makes to the court, where she apologises to this court for breaching the orders and undertakes to comply with them in the future, understanding these are solemn promises to this court that she will not breach any further orders the court may make, or the orders that are in existence at the moment. She says she realises the orders must be obeyed and if she does not obey them, she will be punished.
  
- 2 The application has been listed today at relatively short notice and the court is extremely grateful to both Mr Dean, on behalf of Ms Root, and Mr Elliott, on behalf of the local authority, who has been able to join this hearing by phone. Both Mr Dean and Mr Elliott have detailed knowledge of the long history to this matter. I do not propose to set out any of the background to this matter in any detail as it is detailed in the judgment given on 25 February 2019, where I found the latest breaches of the orders that are in place were proved, and the judgment dated 6 March, when I imposed a nine-month custodial sentence on Ms Root. That is the sentence she is currently serving. She would have been released on 21 July 2019, to serve the balance of the sentence on licence.
  
- 3 The sentence was imposed due to Ms Root's continued and repeated breaching of orders made by this court which prevented her from putting information relating to two of her children (who had been the subject of care proceedings in 2010 and 2011), or any information that identified them with those proceedings, being put in the public domain. Ms Root had been the subject of two previous suspended sentences, three previous committal

applications and had shown no sign of changing or moderating her behaviour. This was despite the fact that two sentences the court imposed were suspended sentences when the court reminded her that it will be left with no alternative but to impose a custodial sentence if she continued her behaviour. Even with those repeated warnings she continued to breach the orders, and, on one view, her behaviour escalated due to the use of different media platforms.

4 It was with some reluctance the local authority issued the committal applications they did because, as Mr Elliott has repeated at every hearing that has taken place before me, what the local authority require is for Ms Root to stop behaving in the way that she has, and for the children to be given some respite in relation to this personal information being placed on the internet. They have no interest in seeing Ms Root put in prison, but they require her to stop her behaviour. It is against this background the court was driven, having explored all other options first, to impose a 9-month custodial sentence on 6 March.

5 Mr Dean, who appears on behalf of Ms Root today, submits that one of the purposes for which the custodial sentence was imposed was to try and prevent further breaches of the order and to remove the offending material from the internet. The efforts that have been made over the last two hours, with the enormous assistance of those who have been here from the Prison Service, has meant that Mr Elliott is satisfied that not only the relevant Facebook page but also the two campaigning pages and the Twitter pages have had all material removed from them. There are only one or two pages that remain, because Facebook require 14 days' notice. It has been checked they are no longer publicly available and so cannot be accessed. As a consequence of those actions, the local authority does not oppose Ms Root's application to purge her contempt as they acknowledge the purpose for which they have sought these orders has now been achieved.

6 Ms Root has given sworn oral evidence to the court. She has repeated to the court, on oath, that she apologises for the breaches of these orders and now accepts that she should not behave in that way in the future. She has promised to comply with the relevant orders of the court in the future. Her wish now is to be able to fulfil her role as a mother and grandmother to the children who either live with her or near her. She has experienced the deterioration in her own physical health and her anxiety levels and missed important medical appointments. Her experience of prison first-hand has been a salutary one, she has informed the court she does not want to return there. She recognises if this court is faced with a further committal application, where further breaches are found, it will have no alternative but to impose a substantial criminal custodial sentence.

7 If the court is to permit this application, it is placing some trust with Ms Root bearing in mind the repeated breaches in the past. However, Ms Root knows if that trust is broken she will very likely be the subject of a substantial custodial sentence.

8 Not without some hesitation, I accept Ms Root's evidence that she is truly and genuinely apologising to the court for what has happened. I accept she has taken the necessary steps this afternoon to remove everything from the public domain. Consequently, the purpose for which the local authority had sought and pursued these applications had been achieved. I accept that punishment for breach of these orders has been achieved, Ms Root has described in compelling terms what her experience of a custodial sentence has been and I accept her evidence that it is not an experience she wishes to repeat. For those brief reasons, I accept Ms Root's evidence and permit her to purge her contempt with the result that I will order her release from custody today, and sincerely hope that I do not see Ms Root in this court again.

9 The court order will set out precisely what has been removed from the internet this afternoon, confirm Ms Root understands all the orders remain in full force and effect until 2023 and that the court has accepted that the requirement under rule 37.30 (2) (a) Family

Procedure Rules 2010 has been complied with on the basis of the statement by Ms Root signed today, which confirms the matters set out in Part C of her application dated 26 March are true.

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**CERTIFICATE**

Opus 2 International Limited hereby certifies that the above is an accurate and complete record of the Judgment or part thereof.

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civil@opus2.digital*

**\*\* This transcript has been approved by the Judge \*\***