



IN THE FAMILY COURT AT EAST LONDON
The Children Act 1989

Case No: ZE17C00153

THE CHILD
AB

CASE MANAGEMENT ORDER - No. 7
Order made by HHJ Sapnara sitting in private on 29.08.17

The court has given permission for an anonymised version of this order to be published

1. THE PARTIES

The applicant local authority is the London Borough of Tower Hamlets

The first respondent mother is CD

The second respondent is the child, AB, through her children's guardian EF

Others

GH – Putative father

IJ - Presumptive father

Mr KL and Mrs MN – Maternal grandparents

2. THE CHILD IS LIVING WITH

The child will today move to live with the maternal grandmother subject to Regulation

24. DBE checks and medical reports are not yet available.

3. THE REPRESENTATIVES AT THIS HEARING

The parties are represented as follows

- (a) The applicant is represented by Kevin Gordon, counsel
- (b) The first respondent is represented by Jane Rayson, counsel
- (c) The second respondent is represented by her solicitor

4. ALLOCATION

The proceedings are allocated to HHJ Sapnara

5. THE APPLICATIONS

(a) The local authority has applied for a care order on 08 March 2017

(b) The First Respondent applied on 27.06.17 for:

- i) an interim child arrangements order providing for the child to live with her maternal grandmother; and

- ii) an order that she should undertake further alcohol testing by SCRAM bracelet;
- (c) Andrew Norfolk, senior reporter with The Times made an oral application today for permission to attend today's hearing. Accredited media are entitled to attend Family hearings

6. JURISDICTION

The court is satisfied that it has jurisdiction in relation to the child on the following basis:

- (i) Pursuant to Article 12(3) of Brussels II the court is satisfied that this court has jurisdiction on the basis that all parties to the proceedings have expressly agreed that jurisdiction be conferred on this court and the court determining that it is appropriate that these proceedings be determined in this jurisdiction

7. TODAY'S HEARING

- (a) Today's case was listed for: IRH/EFH
 - a) Today's hearing has ADJOURNED. The main reason is that primary evidence is awaited and this is necessary to resolve these matters justly.

8. THE TIMETABLE FOR THE PROCEEDINGS

The 26-week timetable ends on 06 September 2017.

- a) The proceedings cannot be completed within 26 weeks, and are therefore extended for a further 8 weeks, expiring on 01.11.17.
 - (i) It is necessary to extend the timetable for the proceedings beyond 26 weeks in order to resolve these proceedings justly because of the complexities of this case which involves international dimensions, criminal and family law proceedings and matters relating to previous private law family proceedings.
- b) AND in respect of each of the above reasons, the impact on the welfare of the child of extending the proceedings is significant but necessary and proportionate to resolving these proceedings.

The next hearing is the Adjourned IRH on 02.10.17 at 2pm, with a time estimate of one hour, before HHJ Sapnara sitting at East London Family Court. Parties to attend at 1pm for the purposes of discussions.

9. TIMETABLE FOR THE CHILD

The child's sixth birthday

10. THRESHOLD

The court was, on 10 March 2017, satisfied that interim threshold has been crossed

11. THE KEY ISSUES IN THE CASE ARE:

*** Use the appropriate code from the attached tables*

- a. What significant harm has the child suffered or been at risk of suffering?
- b. What are the identified welfare needs of the child?
- c. Does the mother have the capability to meet the child's needs?
- d. Should there be any orders relating to further media reporting about this case?
- e. If the mother cannot care for the child, what other family placements are available either in this jurisdiction or abroad
- f. What role (if any) can or should the presumptive father or the putative father play in these proceedings?

12. THE PARTIES' POSITIONS:

- (a) The local authority proposes that the child AB is placed in the interim care of the maternal grandmother subject to Regulation 24 and a Written Agreement. Contact between the child and the mother will continue to be supervised. The LA does not oppose the application by Mr Norfolk on behalf of Times Newspaper to observe today's proceedings but is clear that any reporting must be responsible, consistent with legal guidelines and principles but importantly, must not compromise the child's right to privacy and confidentiality, either directly or otherwise.
- (b) The mother supports the interim placement of the child with the maternal grandmother in this country. She wishes to resume the care of her daughter as soon as possible. While concerned about the privacy of her daughter and herself, she did not oppose the attendance of Mr Norfolk at court
- (c) The guardian has been supportive of the Local Authority's intention for the child to be placed with the maternal grandparents should a positive assessment of them be made. This having now been received and being positive she supports the Local Authority's plan to move the child to live with the maternal grandmother today.

14. EVIDENCE

After reading the materials filed, which are described in the bundle indexed

Before HHJ Sapnara on 29th August 2017

UPON hearing counsel for the applicant local authority, counsel for the mother and solicitor for the child, through her Children's Guardian

AND UPON Mr Andrew Norfolk, a journalist with "The Times" newspaper being present in the courtroom throughout the hearing, the court having considered the email sent to the court on 29.08.17 by the Times Newspaper requesting his attendance at today's hearing and the court being satisfied that Mr Norfolk is an accredited reporter

AND UPON no party opposing that request

AND UPON the court having read the article published by the Times newspaper on 28 August 2017

AND UPON the court recording the following:

1. There is a complex history and background to this case and the mothers' care of the child.
2. The child was removed from the mother's care and placed by social services with foster carers on an emergency basis in March 2017 as a result of the police exercising their powers of protection. There was no culturally matched foster placement available at the time. There was a temporary change of foster carer in the summer to enable the original foster carer to go on holiday.
3. The child has been the subject of an interim care order to the local authority since 10th March 2017
4. The child has spent supervised contact time with the mother on three occasions each week. She has also spent time with the grandmother and had weekly telephone contact with both the mother and grandmother
5. The child's biological father has not been located.
6. The child and the mother have each had the benefit of separate legal representation throughout proceedings. This has been publicly funded
7. The Child has had the benefit of an independent court appointed Guardian from CAFCASS to protect her interests throughout these proceedings.
8. The mother raised some concerns about the appropriateness of the placement. On 27th June 2017, the court directed the Local Authority to produce a statement to address the cultural appropriateness of the foster care placement.
9. That statement was filed. The allegations made against the foster carers are disputed by the local authority.
10. The child's Guardian has undertaken enquiries and visited the child in the current foster carer's home and spoken to the child alone. The Guardian has no concerns as to the child's welfare and she reports that the child is settled and well cared for by the foster carer
11. The mother has today confirmed further concerns in respect of the foster carers. The Court today directed a further statement from the local authority to address those concerns.
12. The mother applied for the child to be placed in the care of the maternal grandmother at the hearing on 27th June 2017. The Court refused that application, as at that time the full assessment of the grandmother as a safe and appropriate carer was not yet available. The Child's Guardian also considered the application to be premature at that stage. There was no other family member or friend assessed as a suitable carer at the time.
13. The mother has at no stage applied to the court for a change of foster carer
14. On 27th June the court listed the case for further hearing on 29th August 2017. The current foster care placement (which was a respite placement while the original foster carer went on holiday) was due to end today.
15. The assessment of the grandmother as a Special Guardian for the child is now available. It is positive and recommends her as a suitable carer. The

grandmother has changed her position now to say that she wishes to return to her country of origin and care for the child there. This will require steps to be taken to obtain appropriate orders in the courts in the grandmother's country of origin.

16. Documents including the assessment of the maternal grandparents state that they are of a Muslim background but are non practising. The child's mother says they are of Christian heritage.
17. On 15.08.17 the local authority proposed a change in its care plan to enable the child to be placed with the maternal grandmother today. All parties are in agreement. The placement will be subject to a written agreement with the grandmother and the mother in order to safeguard the welfare of the child. The court has today approved the new care plan as it considers this to be in the child's best interests, the welfare of the child being the courts paramount consideration.
18. The local authority's proposal is that the child remains in the care of the grandmother long term. The mother opposes this. The mother will continue to have supervised contact with the child. All necessary evidence has yet to be filed. The arrangements for where and with whom the child shall live and what contact she should have with other family members will be decided by the court at a later stage at a final hearing.
19. For the avoidance of doubt, the Court makes it clear that the decision to approve the new care arrangements for the child to live with the grandmother under an interim care order is as a result of the application of the relevant law to the evidence now available to the court and not as a result of any influence arising out of media reports.
20. The mother has confirmed that she did not disclose documents, confidential to these proceedings, to the press.
21. The court expresses its concern that photographs of the child and foster carer have been published in the press.
22. The court has reminded everyone that the general reporting restrictions on reporting public law family cases apply to this case. It is imperative that no information should be published which may, even by way of "jigsaw" information, lead to the identity of the child being disclosed directly or indirectly.
23. In order to allow this case to progress expeditiously, the names of the mother's solicitor, the child's solicitor, the Child's Guardian, the currently allocated social workers should not be identified in any publication.

AND UPON the local authority agreeing to provide assistance to the maternal grandmother to enable her to remain in this country beyond her currently permitted stay in order to provide ongoing care to AB, until the finalisation of these proceedings.

AND UPON the court directing the local authority to obtain the health and DBS checks (or as a last resort police checks), in respect of the maternal grandparents prior to any listed final hearing.

AND UPON the local authority agreeing to consider facilitate the Mother's contact at the X contact centre, the court approving such arrangements

AND UPON a written agreement being signed at court by the Mother

THE COURT ORDERS THAT:

1. The media shall not publish:
 - a. Any information which will identify the child, the community in which the child lives or the child's school
 - b. Any image of the child
 - c. Any image of the foster carers or any information which will identify them
 - d. The identity of the child's solicitor, the Mother's solicitor, the child's Guardian or the allocated social workers.
2. The local authority shall respond to the additional allegations confirmed by the mother at court today, and shall by 4pm on 08.09.17 file and serve a statement addressing the allegations therein that have not been previously dealt with in their statement dated 04.07.17. Any evidence relied upon in completing this statement must be also be filed and served.
3. Time for the mother to file and serve her final statement is extended until 4pm on 08.09.17
4. The mother is directed to obtain and disclose into these proceedings the documents from the private law proceedings relating to her older child as soon as her solicitors are able to obtain those documents from Guildford Family Court
5. The local authority shall, upon receipt thereof, translate the mother's final statement and this order into the language spoken by the maternal grandmother and shall serve these on the maternal grandmother by no later than 15.09.17.
6. The local authority shall forthwith translate the available documents accompanying the previous wardship application into English and serve on the parties.
7. The local authority is to obtain, with the assistance of all parties, all documents filed in the wardship proceedings and those documents are to be disclosed within these proceedings by 4pm on 26.09.17.
8. The mother's solicitors are permitted to file and serve segmented hair strand test results, to test for cocaine covering the last three months to the date of testing, by 4pm on 08.09.17. The costs of the hair strand test shall be met

equally between the Local Authority, and the legal aid certificates of the mother and child (i.e., 1/3 each party). The court deems the same necessary, reasonable and proportionate disbursement upon the mother and the child's public funding certificates.

9. The mother's solicitors are permitted to file and serve segmented hair strand and liver function test results, in respect of alcohol, covering the last six months to the date of testing, by 4pm on 08.09.17. The costs of the hair strand and liver function tests shall be met equally between the Local Authority, and the legal aid certificates of the mother and child (i.e., 1/3 each party). The court deems the same necessary, reasonable and proportionate disbursement upon the mother and the child's public funding certificates.
10. The Commissioner for the Metropolitan Police shall by 4pm on 08.09.17 disclose to the local authority all papers relating to the criminal proceedings in respect of mother, and to include any notes of sentence and pre-sentence reports. If there is failure to comply with this direction then the matter will be listed for an urgent hearing, where a representative from the Metropolitan Police will need to attend to explain this non-compliance. The local authority is permitted to forthwith serve this order on the Commissioner for the Metropolitan Police.
11. The maternal grandmother shall file and serve a statement responding to the final statement of the Mother, addressing the role she has played in the child's life, any application that she has made to any court in respect of the child in the past and her future plan for the child by 4pm on 22.09.17. This statement is to be translated.
12. It is expected that the local authority will provide all necessary support to ensure that this direction is complied with including consideration to paying reasonable legal fees if necessary.
13. Time for the Children's Guardian to file and serve her final analysis and recommendations is extended until 4pm on 29.09.17;
14. There shall be an advocates' meeting by telephone to be convened by the local authority by 5pm on 29.09.17.
15. The next hearing is the Adjourned IRH on 02.10.17 at 2pm, with a time estimate of one hour, before HHJ Sapnara sitting at East London Family Court. Parties to attend at 1pm for the purposes of discussions.

15. COMPLIANCE

No document other than a document specified in this order or filed in accordance with the Rules or any Practice Direction shall be filed by any party without the court's permission.

16. Any application to vary this order or for any other order is to be made to the allocated judge on notice to all parties.

17. All parties must immediately inform the Case Progression Officer on eastlondonnoncomp@hmcts.gsi.gov.uk if any party or person fails to comply with any part of this order.

Please ensure you quote the case name and number, the case manager and clearly explain the non-compliance issue.

Preliminary documents must be filed in accordance with FPR PD27A 6.4 by 11.00am the working day before the hearing. If not included in the bundle, they should be filed electronically at eastlondonfamilypd@judiciary.gsi.gov.uk .

THESE INBOXES ARE NOT FOR GENERAL QUERIES.