

MISS RECORDER HENLEY

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Before:

MISS RECORDER HENLEY

IN THE FAMILY COURT

Case No. NE17C00886

SITTING AT NEWCASTLE UPON TYNE

In the matter of the Children Act 1989

Date: 02 August 2018

**In the matter of
L (born in the month of December 2017)**

BETWEEN:

LA

Applicant

-and-

(1) M

(2) L

(A Minor, acting through his Children’s Guardian, Gerard Hennessey)

Respondents

JUDGMENT

Representation

Applicant Local Authority– Miss Marshall (counsel)

Respondent Mother – Miss Dawson (counsel)

Respondent Child – Charlotte Hall (solicitor)

Introduction

1. This is an application for care and placement orders brought by the local authority, LA (LA).
2. The Court is concerned with L (born in the month of December 2017) now aged almost 8 months old. L has been accommodated in local authority foster care since he was discharged from hospital following his birth, on 16th December 2017. The Mother consented to him being placed in foster care pursuant to s.20 Children Act 1989.
3. The Mother is M, (born in the month of November 1991) now aged 27 years old.
4. The Father is F (born in the month of March 1985) now aged 33 years old; he does not hold Parental Responsibility for L. I sought clarification from the local authority in respect of whether he had been served with notice of these proceedings. The Court orders from earlier hearings are contradictory about this issue. I was informed at an IRH on 12th June 2018 that he had been served (the first time I saw the case) but that was far less certain on 19th June 2018 at an adjourned IRH that I heard. I directed that he be personally served with notice of final hearing and that a statement be filed by the LA to clarify what steps had been taken earlier in proceedings to serve him. On the first day of the hearing I remained unclear about the issue and directed that further efforts be made to ascertain whether he had been served with notice of the proceedings. Further information was given and statements filed during the course of the final hearing, none of which satisfactorily answered the question as to whether the Father had been properly served with notice of these proceedings and whether he was aware of the local authority's plan to adopt

his son. In the circumstances I was left with no choice but to adjourn the making of a final decision in this matter until I could be satisfied that the Father had been given notice.

5. This matter came before the Court for a Final Hearing in public law proceedings with a time estimate of 2 days on 28th and 29th June 2018. The local authority issued its application for a Care Order on 20th December 2017 and applied for a Placement Order on 9th April 2018. The 26-week timetable for the conclusion of these proceedings expired on 20th June 2018.
6. I took the view, with the agreement of the parties, that the hearing could proceed to deal with the Mother's claim to care for L given that Mr Dean, the Independent Social Worker had attended to give evidence and that the hearing had been specifically listed around his limited availability but on the basis that the hearing may need to be adjourned part heard if the Father had not been served. The Mother's case is quite separate and distinct from any case the Father may wish to put and the assessments were conducted of her as a sole carer. Once it became clear that the local authority could not provide evidence of service, I made a direction against the Department of Work and Pensions for disclosure of the Father's address to enable him to be served with notice of these proceedings. I therefore adjourned the final hearing, after hearing evidence and submissions in respect of the Mother's case to enable an opportunity for the Father to be served and to ascertain whether he sought to engage in these proceedings against a background of him failing to attend or engage in the final hearing in respect of his son F in 2017 and in respect of his daughter B.
7. Following the conclusion of evidence and submissions, I therefore adjourned the case until 19th July 2018 to permit the local authority a further opportunity to locate the Father and serve him. I gave directions in respect of that issue.

8. On 19th July 2018 the local authority had obtained an address for F from Gateshead Children's Services, which matched the address disclosed by the DWP pursuant to my order. Attempts to locate him at that address had not been successful but evidence of occupation was apparent. The Police indicated that he had been found sleeping rough and was bailed to attend a Magistrates Court hearing in respect of a criminal matter on 25th July 2018. I took the view that this gave the local authority a good opportunity to attend that Court building and serve him there. I indicated my expectation that the social worker be present to ascertain his views. I listed the matter on 2nd August 2018 to review the position. I also directed that the case papers from the previous proceedings concerning F be provided to me so that if I were to be satisfied that all reasonable steps had by then been taken to serve the Father to no avail, I could make determinations about the prospects of the Father or any member of his family caring for L on the basis of the information I had.

9. On 25th July 2018 at North Tyneside Magistrates Court F was served with notice of these proceedings and notice of the hearing date of 2nd August 2018. He was advised in writing to obtain legal representation and informed that if he wished to challenge the care plan and orders proposed in respect of L he would need to attend the hearing. A statement from the process server who effected service has been provided. Also in attendance that day was AR, local authority social worker, who has also provided a witness statement. He discussed these proceedings with F and asked him whether he sought to be assessed to care for L. F declined and indicated that he wanted nothing to do with L or these proceedings. He has not contacted the LA since that time himself nor has any legal representative been appointed to act on his behalf. F has previously instructed solicitors in respect of his older children.

10. Yesterday F's Probation officer (01.08.2018) contacted the social worker informing her that he intended to attend today's hearing, that he was not seeking to put himself forward to care for the child but would be seeking to put his father forward to care for him. Neither F nor his father PGF has attended today's hearing.

11. I am accordingly satisfied that the Father has had notice of these proceedings, is aware of today's hearing and has chosen not to attend.

12. In so far as PGF is concerned, AB, social worker attended his address on 28th June 2018 to attempt to locate the Father as he was understood to be living there. Prior to her visit, a process server had attended his property to attempt to effect service upon the Father. He indicated that PGF was very uncooperative and unhappy about attempts made to locate the Father at his address. AB's statement is dated 28th June 2018, she states "PGF was informed that the plan for F's child is adoption, it was reiterated that this is why it was important for F to get in touch... Brian stated that F wants nothing to do with M. PGF was unhappy about this visit being undertaken to this home address." At no stage after being notified of the plan of adoption did PGF contact the LA to seek to challenge the plan, put himself forward as a prospective carer for the child or seek contact with him. I am satisfied based upon AB's statement that PGF is aware of the adoption plan for Land has not sought an assessment or to put himself forward as a carer for him.

13. The local authority invited me to proceed to make final orders today; this position was supported by the Children's Guardian.

14. I am satisfied in the circumstances that the Father does not intend to challenge the care plan or the making of final orders and has no other kinship carers that he would wish to advance. I note that in the proceedings concerning the parents' older child E that concluded last year, the Court approved an adoption plan on the basis that there was no other realistic family or kinship placement available. I am satisfied that it is not in L's best interests to further delay these proceedings given the history of non engagement of the Father and the lack of viable family placements in the paternal family as recently as last year for F.

15. It is a matter of considerable concern that these proceedings have been delayed by over a month due to the failure of the LA to serve the Father with notice of them.

This is a basic and fundamental requirement, which should be carried out at the very outset of proceedings. It is of even greater concern that the series of checks and balances in place which should ensure that this is done in any case where adoption is the care plan provided to the Court failed to ensure that this had occurred. Those checks and balances are the Children's Guardian, the Independent Reviewing Officer and the Agency Decision Maker. For this reason I direct that a copy of this judgment is sent to the IRO, ADM and to the Director of Children's Services.

16. The Mother has failed to attend today's hearing. She is represented and I am satisfied that she is aware of it and that the local authority has provided her with funds to attend. I am not invited to adjourn the giving of a judgment as a result of her non-attendance by her legal representative.

Background

17. These proceedings were issued against a background of the Mother being a vulnerable young woman who suffers from a global learning disability, autism and mental health difficulties, who has led a transient lifestyle and who professionals consider is unable to provide good enough, safe care to a baby. The parents had a domestically abusive relationship. The Mother has the benefit of a non-molestation order against the Father, which the Father breached on 5th March 2018.
18. The Mother's pregnancy with L was not confirmed until she was 31 weeks gestation; she had not had any antenatal care prior to that time. Her advanced pregnancy was discovered when she was found by the Police on 18th October 2017 living in a tent in the Pandon Bank area of Newcastle City Centre. She was found there alone with no money, food and without any way of contacting anyone. She said that she had been there about 8 weeks and thought she might be 5-6 weeks pregnant at the time. The tent was perilously close to a deep drop. She said that her partner, the Father had situated the tent there and threatened her most days that

- he would throw her over the edge. She said that he had assaulted her, taken her bankcard and mobile phone and had prevented her from accessing medical care. The Mother was taken to Castle Dene supported accommodation.
19. L was made the subject of a Child Protection Plan under the category of Neglect as an unborn child on 21st November 2017.
 20. The Mother's first child D (born in the month of November 2011) has been adopted having been made the subject of Care and Placement Orders at the conclusion of care proceedings brought by Birmingham Council.
 21. The Mother's second child, E (born in the month of December 2016) was made the subject of Care and Placement Orders in June 2017 at the conclusion of care proceedings brought by Gateshead Council. The Father of that child is F.
 22. The Father's child, B was the subject of care proceedings brought by Gateshead Council in 2010. B lives with her maternal grandparents under a Special Guardianship Order. A 12 month Supervision Order was granted to support the placement.
 23. L was born prematurely at 35 weeks gestation.
 24. During these proceedings, the Mother was living in supported accommodation at Castle Dene in Newcastle. She chose to leave that accommodation on 8th April 2018, presenting as homeless in the Darlington area. Whilst there she lived with a friend "A" before moving to Bed and Breakfast accommodation and then a hotel. She left Darlington two to three weeks' prior to this final hearing commencing and during the time I heard evidence was living in a privately rented property in Shildon, County Durham. She had a duty social worker but no allocated social worker at that time from Adult Services in that area.

25. The Mother attended contact with Lon 17th May 2018, 8th June 2018 and the week before this final hearing took place. Those are the only contact sessions she had attended since moving to Darlington on 8th April 2018, she has attended one further session of contact in between the conclusion of evidence and submissions and the giving of judgment.
26. The Mother has failed to keep appointments with her solicitors and failed to file final evidence in these proceedings on time. She has been given an extended period of time to file her evidence. On 30th April 2018 she was directed to file it by 14th May 2018. I permitted an extension of that filing date administratively at the request of her solicitors. I also listed an IRH before me on 12th June 2018. The Mother failed to attend that hearing despite being aware of it and failed to file final evidence in advance of that hearing. The Mother did however subsequently re engage and filed final evidence, attending an adjourned IRH on 19th June 2018 before me to confirm that she sought to contest these applications. She attended the final hearing on both days and was represented by counsel.
27. During these proceedings Dr Paul Ince carried out an assessment of the Mother's capacity to litigate. His report is dated 29th January 2018. He confirmed that she does have litigation capacity.
28. Mr Marc Dean, Independent Social Worker, was instructed to carry out a PAMS assessment of the Mother during these proceedings. His report reaches the conclusion that she would be unable to care for Las a consequence of her own exceptional vulnerability, which renders her incapable of keeping a child safe. In his opinion, the Mother's own very high level of need necessitates her being provided with extensive support in order to ensure that her own day to day care needs are met. He is unable to identify any assistance, which could be provided to the Mother in order to support her to safely parent L.

Positions of the parties

29. The local authority's final care plan is dated 29th March 2018. It provides for L to be adopted and for direct contact with his mother to reduce and then cease, with provision for annual indirect contact only thereafter via the letterbox system. The LA therefore seeks a Care Order and a Placement Order. The local authority's suggested reduction plan for the Mother's contact is that it reduce from once per week after two weeks to once per fortnight for a further four weeks before taking place on a monthly basis until an adoptive match is found.
30. The Mother opposes the LA's care plan for L and seeks to care for him. She also opposes the plan to reduce her contact and proposes that her contact takes place on a weekly basis until a match is found.
31. The Children's Guardian filed a composite final report dated 27th April 2018, within that report he indicates his support for the local authority's applications for Care and Placement Orders. In oral evidence he supported the local authority's proposal for the reduction of the Mother's contact.

Threshold Criteria

32. During proceedings concerning L's two older siblings, the Court was satisfied that the threshold criteria for the purposes of making final care orders pursuant to s.31 Children Act 1989 was crossed.
33. An agreed schedule of threshold concessions has been provided to the Court in which the Mother agrees the following:

34. The Mother suffered significant domestic abuse including rape and threats to kill, both immediately before and during her pregnancy with L.
35. The Mother failed to access antenatal care until she was around 32 weeks' pregnant.
36. The Mother was found to be living in a tent in undergrowth in October 2017, having been left alone there with no money, food or means of contacting anyone. The Mother was 8 months' pregnant at the time.
37. The Mother has learning difficulties and is extremely vulnerable to suffering further domestic abuse and exploitation.
38. The Mother smoked cannabis during her pregnancy.
39. The Mother assaulted her sister and nephew (when he was aged 4 years old).
40. The Mother has had her two previous children permanently removed from her care. D was removed from her care in 2011 and subsequently adopted. E (born in the month of December 2016) was made the subject of care and placement orders on 2nd June 2017. The threshold findings in respect of E were that he was likely to suffer significant harm in the form of neglect, emotional and physical harm, being attributable to the care being provided to him, not being what it would be reasonable to expect a parent to give a child:

- (a) Mother's volatile relationship with F, the Father of that child
- (b) Mother's conviction for physical abuse against a young child (her four year old nephew).

41. As a consequence of these concessions, I am satisfied that the threshold criteria pursuant to s.31 Children Act 1989 is crossed for the purposes of making final public law orders on the basis that I am satisfied that L is at risk of significant harm in the form of neglect, emotional harm and physical harm.

Legal Framework in respect of welfare decisions

42. I remind myself that L's welfare is my paramount consideration. That is section 1(1) of the Children Act 1989. In considering what orders to make I have regard to the Welfare Check List found in section 1(3) of the 1989 Act.

43. In relation to the threshold criteria of section 31(2) Children Act 1989 I have regard to whether I am satisfied that L has suffered or is at risk of suffering significant harm.

44. When considering which orders if any are in the best interests of L I start very clearly from the position that, wherever possible, children should be brought up by their natural parents and if not by other members of their family. The state should not interfere in family life so as to separate children from their families unless it has been demonstrated to be both necessary and proportionate and that no other less radical form of order would achieve the essential aim of promoting their welfare. In Re B [2013] UKSC 33 the Supreme Court emphasised this, reminding us such orders are "very extreme", and should only be made when "necessary" for the protection of the child's interests, "when nothing else will do". The court "must never lose sight of the fact that (the child's) interests include being brought up by her natural family, ideally her parents, or at least one of them".

45. It is not for the court to look for a better placement for a child; social engineering

is not permitted. In YC v United Kingdom [2012] 55 EHRR 967 it was said: "Family ties may only be severed in very exceptional circumstances and... everything must be done to preserve personal relations and, where appropriate, to 'rebuild' the family. It is not enough to show that a child could be placed in a more beneficial environment for his upbringing."

46. I have looked again at the words of the then President in Re B-S (Children) [2013] EWCA Civ 1146 as well as the judgments in Re B (supra) and reminded myself of the importance of addressing my mind to all the realistic options for the child, taking into account the assistance and support which the authorities or others would offer.
47. In considering making a Care Order I have had close regard to the Article 6 ECHR and Article 8 ECHR rights of each parent and of the child, but I remind myself that where there is tension between the Article 8 rights of the parent, on the one hand, and of the child, on the other, the rights of the child prevail; *Yousef v The Netherlands* [2003] 1 FLR 210.
48. When considering whether to make a placement order, it is trite law that I must be satisfied that any orders I make are a lawful, necessary, proportionate and a reasonable response to L's predicament. The granting of a placement order represents the most drastic curtailment of the right of these parents and of the child under Article 8 of the European Convention on Human Rights and Fundamental Freedoms, which can only be justified by pressing concerns for his welfare. However, in construing both the Convention and domestic law, I now have the assistance of the decision of the Supreme Court in *Re B (A Child)* [2013] UKSC 33 followed by the decisions of the Court of Appeal in *Re P* [2013] EWCA 963 and *Re G* [2013] EWCA 965. Those cases firmly re emphasise that a placement for adoption is a "very extreme thing" and "a last resort to be approved only when nothing else will do". Both domestic and Convention law do require a high degree of justification before adoption can be endorsed as "necessary", the term in the

Convention or "required", the term in the Adoption and Children Act.

49. I must apply the welfare checklist found in section 1(4) of the Adoption and Children Act 2002, and I must be satisfied that the making of a placement order accords with L's welfare throughout his life.
50. If I conclude that L's welfare throughout his life demands that such an order is made then the law requires me to dispense with the consent of the Mother to the making of a placement order in circumstances in which she opposes the application.

Evidence

51. During this hearing, I have heard from the legal representatives on behalf of each party. I have read the bundle of documents filed for these proceedings. I heard oral evidence over the course of two days from Mr Marc Dean, Independent Social Worker, the current social worker MR, the Mother and the Children's Guardian.
52. I heard oral evidence from Mr Marc Dean, who confirmed his report. He was an impressive, kind, balanced and compassionate expert witness who is clearly very experienced in not only working with adults with learning disabilities but also in carrying out PAMS assessments. His evidence was clear and fair. I am satisfied that he carried out the assessment of the Mother to the best of his ability, ensuring at all times that it was a fair process and that he was supporting her to perform at her very best. His conclusion did not change under cross-examination and he highlighted his view that the Mother is an adult who had 24/7 support in her own right. He said that he was shocked when she left Castle Dene and is very concerned for her safety in the community. In his view she is at risk of CSE (Child Sexual Exploitation) as her chronological age in no way matches her cognitive one and she cannot keep herself let alone a child safe from a potential abuser. There is no support package or course that could lower the risks presented to L if he was to live with the Mother as, in his words, no matter how frequently professionals visit it

only takes five minutes between visits for someone to seek her out who may wish to harm her or L. Quite apart from the risk posed by others, in his view she would not be able to parent L alone as she could not anticipate his developing needs – emotional and developmental – so for example if he were to have temper tantrums she would be likely to get stressed leading to the risk that she would react in the way she did with her sister and nephew, namely an assault. He reiterated that no course could assist her with that as due to her limited cognitive ability any variation to a theme she learned would not be recognised or understood. She would also struggle to meet his basic care needs because if there was any variation to a fixed pattern she could not respond to it appropriately. He confirmed that the Mother is a lovely friendly person, who undoubtedly loves her son. I accept his evidence.

53. I heard oral evidence from L's social worker, MR who has been allocated since before L was born. She confirmed that she relied upon the PAMS assessment as a specialist piece of work and that her conclusions were the same with regards to whether the Mother could safely care for L. It was her opinion that there was no support that could be offered to ameliorate the deficits in the parenting that the Mother could offer. She expressed her concerns about the Mother's current situation as a vulnerable adult in her own right, and explained the current lack of clarity around the circumstances in which the Mother is living, who she is living with and how she has met "A" the friend who collected her from Castle Dene and AW the friend she is currently in contact with. She confirmed that the Mother attended contact the week prior to the final hearing commencing but that since 8th April 2018 when she left Castle Dene her contact has been sporadic – attending just one session in early May, one in early June and then again the week before the hearing. She confirmed that the Mother is a lovely, likeable and friendly person who presents as more highly functioning than she is and for that reason that she is especially vulnerable to exploitation by others. On 29th June 2018 she served and confirmed the contents of a statement setting out enquiries made of the Mother's Facebook account which indicates that the Mother is now using the surname Watson – AW's surname – and in which she appears to be wearing an engagement

ring and describing herself as feeling “loved” with “someone special in her life”. She posted the comment “love you” on the Saturday prior to this hearing commencing.

54. The evidence of the Mother only served to heighten concerns about her own vulnerability and immediate personal safety. The Mother moved to a private tenancy in the Shildon area of County Durham two to three weeks’ before she gave evidence. She was already in rent arrears. She is paid her benefits on a monthly basis. When giving evidence on 29th June 2018 she confirmed that she had already spent all of the benefit money she received on 23rd June 2018 and would not receive any further money for three weeks. She had no money for food or to top up the credit on her mobile phone. She gave evidence that she had started delivering pizza on a night with her friend AW for £10 cash per night. She works from 5pm until 10pm. It seems to me from her description of this that she is already being financially exploited by receiving far below the minimum wage for this work. She gave troubling evidence about AW in that it appears that no safeguarding checks have been carried out in respect of him. She thinks he has a child but has not seen the child, save for in photographs. She said that AW has recently told her he loves her but that a social worker from Darlington told her he was in a relationship with another woman. Her explanation for her Facebook posts were that this was to keep the Father away by pretending that she was in a relationship when she was not. She said that the Father had attempted to contact her via Facebook two weeks prior to giving evidence. She accepted that she had not reported this to the Police or told anyone about it, as she “was too scared”. She clearly was unable to recognise that the actions she had taken in respect of her Facebook profile may serve to heighten the risks from the Father or that he could view this as provocation or become jealous. She has not taken steps to utilise the injunction that she has to protect herself from the Father. This is in stark contrast to the position she was in when he approached her via Facebook in March 2018. At that time she had the benefit of staff at Castle Dene to report her concerns to, they supported her to report the breach of the injunction to the Police and the matter was taken to Court. Castle Dene staff

escorted her in the community to ensure her safety, ensured that she was supported when cooking so that she was “safe from sharp knives and the hot cooker” and kept her money in a safe to make sure she did not spend it all. The Mother’s current circumstances are desperately worrying. It is strikingly apparent from her evidence that she cannot safely manage alone in a private tenancy. I consider that urgent safeguarding referrals need to be made about the Mother’s circumstances. At the conclusion of her evidence, at the invitation of her counsel, I gave permission for Mr Dean’s report to be shared with Durham County Council’s Adult Services Department to assist it in assessing the Mother’s entitlement to support. It is extremely sad that the Mother chose to leave Newcastle where I am satisfied she was supported to a very high degree by appropriate support services. She had an allocated social worker, was living in a residential placement with a dedicated team of staff that supported her 24 hours a day, 7 days a week. Her entitlement in Durham is not known, nor is it clear that she will remain there, given her tenancy arrears. She was assessed for support when living in Darlington but before any of the identified services could be supplied to her she left that area.

55. I heard evidence from the Guardian, Mr Hennessy who was also the Guardian for the parent’s older child E and the Father’s older child B. He confirmed that the Father had not engaged in either of those sets of proceedings save at their commencement and did not attend the final hearings in respect of those children. He confirmed his reports and that his recommendation had not changed. He supported the local authority’s care plan, including the plan for the reduction of the Mother’s contact and fully supports the making of Care and Placement Orders in respect of L.

Welfare analysis

56. The local authority wrote to the Maternal Grandmother on 7th February 2018, asking her to confirm whether she sought to be assessed to care for L by 16th February 2018. L’s Maternal Aunt, KT confirmed that neither she nor MGM are

putting themselves forward to care for L. I am satisfied that there are no other realistic family placements within the extended family.

57. There are two realistic placement options in respect of L: a placement with the Mother or an adoptive placement.

58. When contemplating which care option is in the best interests of the child, I must consider his needs now and in the future.

59. L is an almost eight-month-old baby who has been placed with the same foster carer since he was removed from the care of the Mother following his discharge from hospital at birth. L is generally a healthy baby who is making good developmental progress. He was born prematurely with a hole in his heart and is under the care of the Freeman Hospital in respect of this. He will be reviewed annually for this condition, which may resolve itself without the need for intervention. L has been referred to a Community Paediatrician in respect of a tremor in his arms. He presents as a settled, happy baby who is too young to express wishes and feelings. His primary attachment is to his foster carer. L requires a safe, stable home, which keeps him safe and meets all of his needs both now and for the rest of his minority. At this stage of his development he is dependent on his carers to meet all of his needs and keep him safe, which requires constant supervision.

The Mother

60. There are clear advantages to L being cared for by the Mother. She is his natural parent. A placement with her would offer the child an opportunity to be raised by his mother, retaining his natural identity and giving him the ability to maintain a link with the rest of his birth family.

61. The Mother undoubtedly loves L and he loves her.

62. When the Mother attends contact her interactions with him are warm and it is a positive experience for both of them.
63. The Mother is a very vulnerable adult she has been diagnosed with a global learning disability and autism. She has led a transient lifestyle with frequent house moves between local authority areas. Her relationships have been characterised by domestic abuse.
64. The Mother engaged in a PAMS assessment, which concluded that she is unable to meet L's needs either now or on a long-term basis.
65. The Mother's two older children were both removed from her care and Courts have concluded that nothing but adoption will do for them. The Mother fell pregnant with L during the care proceedings concerning her older child, F, last year.
66. The Mother states that she ended her relationship with the Father. He breached a non-molestation order in March 2018. The parents' relationship was an abusive one.
67. The Mother is exceptionally vulnerable to abuse and has a limited ability to be able to identify signs of domestic abuse or exploitation at an early stage in a relationship in order to keep herself and any child in her care safe.

68. The Mother has a conviction for assaulting her sister and nephew (then aged four years old) from 2016.

Adoption

69. Adoption provides the greatest sense of legal stability and permanence for a child who cannot be placed within the birth family. It is a placement of last resort because it results in the total severance of a child's ties with their family of origin, save for limited indirect contact via the post box system. The child is given a new family, and as a result there is a loss of previous identity and usually a loss of all direct contact with the family, as is proposed here for L.

70. Adoption offers L the greatest opportunity of a secure placement not only during his minority but also for the rest of his life, if the Court concludes that he cannot be safely cared for in his family of origin. Adoption would allow him to live his life free from the state intervention that long-term foster care would bring for him and would allow him to be permanently and securely claimed by a family.

Overall analysis and conclusion

71. In reaching a decision in this matter I have the benefit of the evidence of the local authority, the PAMS assessment of the Independent Social Worker and the reports of the Children's Guardian. I accept the unanimous views of the professionals involved in this case that L cannot be safely returned to the care of the Mother and that nothing but adoption will do for him.

72. Miss Dawson invites me to criticize the social worker in this case for failing to independently investigate and assess the support services that could be available to the Mother in this case. Whilst I agree that the local authority's final evidence and

balance sheet in particular should have contained greater inclusion of the potential services that could be offered to the Mother and an analysis of whether the Mother's deficits could be ameliorated by those support services, I am satisfied that the local authority has fully considered this issue and that in light of the PAMS assessment it is clear that there are simply no available services which could assist her to parent L safely given the nature of the risks involved.

73. This is a very sad case in which, through no fault of the Mother, she is simply unable to care for L as a consequence of her own vulnerabilities. During the time that she lived in Castle Dene, staff there considered her to be an exceptionally vulnerable young adult who required constant supervision to keep herself safe and meet her own care needs to an adequate standard. The Mother accepts that she requires help with almost all aspects of day to day life including cooking – the Mother stated during her PAMS assessment that she would burn herself if left unsupervised, budgeting – the Mother has a poor understanding of money and finance and is open to being manipulated and financially exploited and she is particularly vulnerable in relationships – staff would escort her at all times in the community to keep her safe. Her family live in the Birmingham area and relationships between the Mother and her parents are not positive, particularly since she assaulted her sister and nephew. She therefore has no familial support in the North East of England.

74. I have no doubt that the Mother loves L and would wish to be given an opportunity to care for him but am driven to the conclusion based upon the unanimous professional opinion that she is simply unable to do so safely even with the very highest level of professional support she could possibly be offered. There is no order or legal framework, no package of support or assistance that could be put in place which would adequately safeguard L in her care or meet the deficits in her parenting ability. L would need continual supervision and care from another or others whenever he was in the Mother's presence in order to protect him from other adults who may wish to harm him or exploit the Mother and to monitor his safety whilst his basic care was being provided. There is simply no one available to

perform that role. Even if a professional was able to undertake this task, I accept the Guardian's opinion that it would not be in L's best interests. Given that the Mother ultimately found constant professional supervision in Castle Dene too intrusive and restrictive I have no confidence that even if she could be offered continual professional assistance and care to meet her needs and those of L that she would not accept that support over time. That is not to say that the Mother is unwilling or unable to engage with services, at times she has demonstrated very high levels of co operation and engagement and clearly feels and accepts that she needs help; it is simply a sad reflection that her understandable desire for greater independence than she can manage is too tempting for her.

75. I am satisfied that the Mother cannot care for L and that it is highly unlikely that she would be able to do so in the future, within a timescale commensurate with L's needs. Her cognitive difficulties mean that courses designed to increase her awareness of risk and enhance her parenting skills are unlikely to meaningfully assist her with L's care as she is unable to put theory into practice should there be any slight deviation from what she has learned. Learning by rote and copying routines shown to her cannot possibly cater for all of the unexpected variations that life caring for a little boy is likely to throw at her and any slight variation would not be something she would be able to manage or respond to. She is unlikely to be able to anticipate and manage L's changing care needs over time for the same reason.

76. L would be at risk of significant harm in the form of neglect in the Mother's care. He would also be at risk of physical, emotional and sexual harm as the Mother is so vulnerable that she would be unable to protect him from other adults who may wish to harm him. The Mother is a very friendly and sociable woman who is sadly vulnerable to sexual exploitation in her own right. She is unable to identify and anticipate risks that others pose both to her and to a child in her care and so cannot protect L from those risks.

77. I am satisfied that the risks I have identified to L are particularly high whilst the Mother lives in the community, which she has chosen to do since April 2018. The Mother has the capacity to make decisions with regards to her care arrangements and therefore cannot be prevented from making these choices but I am satisfied that the choices that she has made over the course of the three months immediately preceding this final hearing have placed her at risk of harm, are not in her best interests let alone L's and have amply demonstrated that she is not able to make decisions that are in the best interests of L. She chose to leave a highly supported living environment to live in the community, moving to at least four different addresses in the last three months. Where she is actually living and with whom remains an outstanding concern, as does her ability to manage life in the community. I agree with Mr Dean that urgent safeguarding referrals should be made in respect of her; such is her vulnerability to being sexually and financially exploited and abused. Very sadly, for all of these reasons, I am satisfied that nothing but adoption will do for L.

78. Having considered the care plan I am content that the proposed contact reduction for L is appropriate and that annual two way indirect contact via the letter box service will allow him to maintain his sense of identity in future and understand his life story whilst permitting him to enjoy the full benefits of belonging to a new adoptive family without the intrusion that ongoing direct contact would provide. L is of an age where an adoptive placement should be found for him relatively quickly and has every chance of success. I accept the evidence of the social worker and the Guardian that a reduction in direct contact as is proposed will assist L to make the transition to an adoptive placement more smoothly. I do not consider that it is in L's best interests to continue to promote weekly direct contact to the Mother pending a match being found. The local authority is confident that a match could be found relatively quickly – perhaps as soon as eight weeks after the making of final orders. The Mother has only attended contact three times in the three months leading up to the final hearing. I am not confident that even if I were to sanction weekly contact for her until a match is found that she would attend all of those

sessions.

79. I must now turn to consider the local authority's application for a Placement Order.

80. In considering whether to make a Placement Order I must consider not only what is in L's best interests during his minority but also what is in his best interests throughout his life. Having already concluded that nothing but adoption will do for him, a Placement Order is the order which provides the local authority with the legal permission required to put the care plan that I have already approved into effect. I am clear that it is in L's best interests throughout his life to be adopted and thereby claimed not only throughout his childhood but also into adulthood.

81. There is a pressing need for plans to be implemented for L without delay – he has already been in foster care for the first almost eight months of his life. I have come to the firm conclusion that the only plan, which meets L's needs, is one of adoption and that that plan needs to be implemented without delay. Consequently, I have no hesitation in concluding that L's welfare requires me to dispense with his Mother's consent and I make a placement order in respect of him.