

This judgment was delivered in private. The Judge has given leave for this judgment to be published. The anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court.

IN THE FAMILY COURT

Case Number: WD20C00117

2nd February 2021

Before His Honour Judge Middleton-Roy

Between:

A Local Authority

Applicant

- and -

‘M’

1st Respondent

‘FE’

2nd Respondent

‘FSY’

3rd Respondent

**The Children ‘E’, ‘S’ and ‘Y’
through their Children’s Guardian**

4th, 5th and 6th
Respondents

Miss Thain, Counsel, instructed by the Local Authority
Dr Proudman, Counsel for the First Respondent
Miss Carpenter, Counsel for the Second Respondent
Miss Gasparro, Counsel for the Third Respondent
Miss Mitropoulos, Counsel for the Fourth to Sixth Respondents

Hearing dates: 10th, 11th, 14th to 18th December 2020 and to 7th and 8th January 2021

JUDGMENT

Crown Copyright ©

His Honour Judge Middleton-Roy:

Anonymity

1. In line with the Practice Guidance of the President of the Family Division issued in December 2018, the names of the children and the adult parties in this judgment have been anonymised, having regard to the implications for the children of placing personal details and information in the public domain. The anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of Court and may result in a sentence of imprisonment.

The Parties

2. The Court is concerned with three children, 'E', 'S' and 'Y'. 'E' is a 4-year-old boy. His father is 'FE'. 'S' is a boy who is almost 2 years old. 'Y' is a girl who is almost 1 year old. Their father is 'FSY'. 'M' is the mother of all the children. The children are all parties to the proceedings through their Children's Guardian.
3. The Applicant is the Local Authority. Local Authorities owe a duty in law to safeguard and promote the welfare of all children within their area who are in need. In carrying out that duty in law, the Local Authority must promote the upbringing of children by their families and must provide services appropriate to the needs of children who are children in need.

The Application

4. The Local Authority applied on 27th January 2020 for a Care Order in respect of 'E' and 'S'. In short, the Local Authority is concerned that the child, 'E,' has experienced physical abuse in the care of his mother and 'FSY' wherein the child sustained bruising, swelling and cuts to the face. The Local Authority seeks a finding that these injuries were non-accidental and were caused either by the mother or 'FSY'. Further, the Local Authority is concerned that 'E' suffered bruises, marks and cuts to his body due to a lack of supervision and further that he experienced emotional abuse. The Local Authority asserts that oldest two children have been exposed to parental domestic abuse and neglect and that all three children are at risk of significant harm in the care of any of their parents.
5. There has been a disheartening absence of judicial continuity in this case. I am the fifth Judge to be involved. On 31st January 2020, the Court made an Interim Care Order endorsing an interim care plan that 'E' and 'S' be placed in the care of 'S's Paternal Grandmother, following a positive viability assessment. Directions for expert evidence included the appointment of Dr Parsons, Psychologist to undertake an independent assessment of the mother.
6. Thirteen days later, following an incident when the police were called to the Paternal Grandmother's home, the Court approved an amendment to the Local Authority interim care plan for 'E' and 'S' to be placed in Local Authority foster care. The Order of 13th February 2020 records that the father, 'FSY', had become 'upset and threatened to harm himself with a knife' resulting in the attendance of the police at the Paternal Grandmother's home, where the children were residing. The Order also records as a recital that the Paternal Grandmother and her partner informed the Local Authority that, 'they are no longer able to care for ['E' and 'S'] due to the effect it is having on their own son.'
7. The proceedings were then allocated to another Judge who gave directions through to a Final Hearing listed in July 2020, being within the 26-week period within which the Local Authority application was to have been disposed of. Those directions included the appointment of another expert psychologist, Dr Farhy, to undertake an independent assessment of 'FSY'. The Local Authority was directed to undertake parenting assessments of the mother and 'FSY' as sole carers.
8. On 18th March 2020, the Local Authority issued proceedings in respect of 'Y' following her birth. A different Judge made an Interim Care Order in respect of 'Y', endorsing her placement in foster care together with her older two siblings. The Local Authority's applications were consolidated and the Order recorded the need for judicial continuity for future hearings.

However, further continuity was not achieved and another Judge gave case management directions in relation to the consolidated applications, including a direction for an intermediary assessment of the mother. The Court approved the appointment of an Independent Social Worker, Miss Centeno, to complete a PAMS-based parenting assessment of the mother. Further, the Court approved the appointment of a third psychologist, Dr Laulik, to complete an assessment of 'FE'. The consolidated action was then allocated to a District Judge for Issues Resolution Hearing and for a five-day Final Hearing in July 2020.

9. At the Issues Resolution Hearing in June 2020, the District Judge vacated the Final Hearing dates, listed an eight-day Final Hearing before a Circuit Judge in December 2020, extended the proceedings by a further five months and directed an intermediary assessment of 'FE'. On 13th July 2020 the District Judge directed an Independent Social Work assessment of 'FSY' by a different Independent Social Worker, Miss Morrissey. The District Judge then vacated the eight-day Final Hearing dates and directed that the Final Hearing be listed before me for seven days commencing 7th December 2020. The Order records that, in addition to the three parents and the Children's Guardian, eleven witness were required, including the three different independent psychologists and both Independent Social Workers. Additionally, the Order recorded the need for the intermediary's attendance to support the mother at the Final Hearing.
10. The matter came before me for the first time at an adjourned Issues Resolution Hearing and Ground Rules Hearing on 16th November 2020 in week 42 of the timetable in the proceedings. It was plain to all parties and the Court at the point of the Issues Resolution Hearing that the seven days allowed for the Final Hearing was not likely to be adequate. In the event, despite the best efforts of the advocates and the Court to limit the number of factual and expert witnesses at Final Hearing, it was necessary to list two additional days for Final Hearing on 7th and 8th January 2021 to conclude the evidence, followed by written submissions and a reserved judgment.
11. The Local Authority seeks a Care Order and a Placement Order for all three children, with the plan that the children are placed for adoption together as siblings. The Local Authority submits that no Order save adoption is in the best interests of the children. The Children's Guardian is of the same view.
12. The Local Authority applications are strongly opposed by the mother and by 'FSY.' The mother seeks the return of all three children to her care. 'FSY' seeks 'S' and 'Y' to be placed in his care, in the home of the Paternal Grandparents, supported by them. He does not put himself forward to care for 'E', who is not his biological son. Very shortly before the commencement of the Final Hearing, FSY's sister put herself forward to care for 'E'.
13. To his credit, 'FE' acknowledges that he is not in a position to care for his child, 'E'. He has taken the difficult, child-focussed decision to support the Local Authority applications for a Care Order and a Placement Order for 'E' with the plan of adoption. He does not support the child living with the mother, or with FSY's wider family.
14. Having regard to the ongoing national public health emergency, the Court determined that the Final Hearing was suitable for a hybrid hearing, the parents being permitted to attend the Court building physically with Counsel, all others attending remotely by video link. In the event, the mother chose to attend and give evidence remotely throughout, assisted by her intermediary. 'FE' did not attend the Final Hearing but was represented by Counsel throughout. 'FSY' attended Court physically with Counsel on the days he gave evidence, attending remotely at other times.
15. At the Final Hearing, the Court heard evidence from fifteen people namely the Local Authority Team Manager, the Senior Family Support Worker, the Health Visitor, the Nursery Leader, the Neighbourhood Officer, the Police Officer, the psychologist Dr Farhy, the Independent Social Workers Miss Centeno and Miss Morrissey, the Paternal Grandmother, the Paternal Aunt, the Maternal Grandfather, the mother, 'FSY' and the Children's Guardian. Additionally, the Court considered documentary evidence amounting to more than 2800 pages, equivalent to four full lever-arch files, together with evidence in the form of ten separate videos and audio recordings from police body-worn camera footage and emergency telephone calls. The Court has

considered all the evidence, whether or not referred to specifically in this judgment. Having regard to the extensive amount of evidence and the limited time available, it is not possible to address every piece of evidence nor every submission made on behalf of each party. Nevertheless, I wish to express my thanks to all advocates for the professional way in which this case has been presented and argued by each of them, including their thorough and helpful written submissions.

The law

16. In any application for a Care Order the Court must apply section 31 of the Children Act 1989 to each relevant child.
17. Section 31(2) of the Children Act 1989 provides that a Court may only make a Care Order if it is satisfied that the child concerned is suffering or is likely to suffer significant harm and that the harm or likelihood of harm is attributable to the care given to the child or likely to be given to the child if the order were not made, not being what it would be reasonable to expect a parent to give. These provisions are commonly called the threshold criteria.
18. Section 31(9) and section 105 of the Children Act 1989 define "*harm*" as meaning ill-treatment or the impairment of health and development including, for example, impairment suffered from seeing or hearing the ill-treatment of another. "*Development*" is defined as meaning physical, intellectual, emotional, social or behavioural development. "*Health*" is defined as meaning physical or mental health.
19. Practice Direction 12J at paragraph 3 defines domestic abuse as, "*any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 years or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, psychological, physical, sexual, financial or emotional abuse.*"
20. "*Controlling behaviour*" is defined in PD12J as meaning, "*an act or pattern of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.*"
21. "*Coercive behaviour*" is defined in PD12J as meaning, "*an act or pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten the victim*".
22. In *JH v MH (Rev 2)* [2020] EWHC 86 Russell J set out further guidance on the Court's approach to addressing domestic abuse by reference to PD12J: "*Domestic abuse can inflict lasting trauma on victims and their extended families, especially children and young people who either witness the abuse or are aware of it having occurred. Domestic abuse is rarely a one-off incident and it is the cumulative and interlinked physical, psychological, sexual, emotional or financial abuse that has a particularly damaging effect on the victims and those around them.*" This Court is fully cognisant of the relevant guidance and this Court explicitly bears that guidance in mind.
23. The purpose of the Family Court in proceedings of this nature is not to establish guilt or innocence or to punish or criticise parents but to establish the facts as far as they are relevant to inform welfare decisions about the children. To prove the fact asserted, that fact must be established on the civil standard, that is, on the simple balance of probabilities. (*Re B* [2008] UKHL 35). There is only one civil standard of proof, namely that the occurrence of the fact in issue must be proved to have been more probable than not. The burden of proof lies upon the person or body that makes the allegations.
24. Findings of fact must be based on evidence and not speculation (*Re A (A Child)(Fact Finding Hearing: Speculation)* [2011] EWCA Civ 12. Evidence must not be looked at in separate compartments and a Judge 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 as to whether the allegations are made out to the appropriate standard of proof (*Re T* [2004] EWCA Civ 558). The decision on whether the facts in issue have been proved to

the requisite standard must be based on all the available evidence and should have regard to the wide context of social, emotional, ethical and moral factors. The Court must not evaluate and assess the available evidence in separate compartments. Rather, regard must be had 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 on the balance of probabilities. In assessing whether the evidence is sufficient to lead to a finding, it is not necessary to dispel all doubts or uncertainty. Failure to find a fact proved on the balance of probabilities does not equate, without more, to a finding that the allegation is false.

25. 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, requires that in deciding this question, regard should be had, to whatever extent appropriate, to inherent probabilities. Having regard to inherent probabilities does not mean that where a serious allegation is in issue, the standard of proof required is higher. The inherent probabilities are simply something to be taken into account, where relevant, in deciding where the truth lies. The evidence of the parents is of the utmost import and to this end the Court will make a clear assessment of their credibility and reliability. The Court is likely to place considerable weight on the evidence and the impression it forms of the parents.
26. It is in the public interest for those who have caused non-accidental injuries to be identified. The Court should not, however, 'strain' the evidence before it to identify on the simple balance of probabilities the individual who inflicted the injuries. If it is clear that it is not possible on the evidence before the Court for the Court to conclude on the balance of probabilities who the perpetrator of the injuries is and the Court remains genuinely uncertain, then the court should reach that conclusion. Where there are two possible perpetrators, the Court must first assess whether there is sufficient evidence to identify a single perpetrator on the balance of probabilities. If there is not, the Court must then consider in relation to each possible perpetrator whether there is a real possibility that they might have caused the injury and exclude those of which this cannot be said. The question is not 'who is the more likely perpetrator?' but 'does the evidence establish that this individual probably caused this injury?' In 'uncertain perpetrator' cases, the correct approach is for the case to proceed at the welfare stage on the basis that each of the possible perpetrators is treated as such. To talk of 'excluding' an individual from the pool of possible perpetrators risks reversing the burden of proof. If a perpetrator could not be identified on the balance of probabilities, the established test of whether there was a 'likelihood or real possibility' that an individual was a perpetrator should be applied to everyone on the list to determine whether they should be placed in the pool: Re B (Children: Uncertain Perpetrators) [2019] 4 WLUK 64.
27. It is common for witnesses in cases to tell lies in the course of the investigation and the hearing. The court must be careful to bear in mind at all times that a witness may lie for many reasons, such as shame, misplaced loyalty, panic, fear, and distress. The fact that a witness has lied about some matters does not mean that he or she has lied about everything (R v Lucas [1981] QB 720). It is essential that the Court weighs any lies told by a person against any evidence that points away from them having been responsible for harm to a child (H v City and Council of Swansea and Others [2011] EWCA Civ 195). The Family Court should also take care to ensure that it does not rely upon the conclusion that an individual has lied on a material issue as direct proof of guilt. A lie is capable of amounting to corroboration if it is deliberate, relates to a material issue, and is motivated by a realisation of guilt and a fear of the truth (Re H-C (Children) [2016] EWCA Civ 136 at paragraphs 97-100). The more pertinent matter for the purpose of this Court concerns lies in the context of welfare. Lies, however disgraceful and dispiriting, must be strictly assessed for their likely effect on the child, and the same can be said for disobedience to authority. In some cases, the conclusion will simply be that the child unfortunately has dishonest or disobedient parents. In others, parental dishonesty and inability to co-operate with authority may decisively affect the welfare assessment. In all cases, the link between lies and welfare must be spelled out. Lies are significant only to the extent that they affect the welfare of the child, and in particular to the extent that they undermine systems of protection designed to keep the child safe. As noted by Macur LJ in Re Y (A Child) [2013] EWCA Civ 1337, lies cannot be allowed to hijack the case.

28. In Lancashire County Council v C, M and F (Children; Fact Finding Hearing) [2014] EWFC 3, Peter Jackson J (as he then was) stated, " *To these matters, I would only add that in cases where repeated accounts are given of events surrounding injury and death, 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 times of stress or when 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 effects of delay and repeated questioning upon memory should also be considered, as should the effect on one person of hearing accounts given by others. As memory fades, a desire to iron out wrinkles may not be unnatural – a process that might inelegantly be described as "story-creep" may occur without any necessary inference of bad faith". These words echo the words of Leggatt J in Gestmin SGPS v Credit Suisse (UK) Ltd [2013] EWHC 3560 as to the fallibility of human recollection, and the limitations of memory.*"
29. If satisfied that the threshold criteria are made out, the Court must proceed to consider section 1 of the Children Act 1989. At this second stage, the welfare of the child is the Court's paramount consideration.
30. When considering whether or not to make a Placement Order, the court's paramount consideration under section 1(2) of the Adoption and Children Act 2002 is the welfare of the children throughout their lives. The court must at all times bear in mind pursuant to section 1(3) of the 2002 Act that, in general, any delay in coming to the decision is likely to prejudice the child's welfare.
31. The court must take into account all the matters set out in the welfare checklist at section 1(4) of the 2002 Act and consider the whole range of powers under that Act and the Children Act 1989. Section 1(4) of the 2002 Act provides that the court must have regard to the following matters (among others):
- (a) the child's ascertainable wishes and feelings regarding the decision (considered in the light of the child's age and understanding);
 - (b) the child's particular needs;
 - (c) the likely effect on the child (throughout his life) of having ceased to be a member of the original family and become an adopted person;
 - (d) the child's age, sex, background and any of the child's characteristics which the court or agency considers relevant,
 - (e) any harm (within the meaning of the Children Act 1989 (c. 41)) which the child has suffered or is at risk of suffering,
 - (f) the relationship which the child has with relatives, with any person who is a prospective adopter with whom the child is placed, and with any other person in relation to whom the court or agency considers the relationship to be relevant, including:
 - (i) the likelihood of any such relationship continuing and the value to the child of its doing so,
 - (ii) the ability and willingness of any of the child's relatives, or of any such person, to provide the child with a secure environment in which the child can develop, and otherwise to meet the child's needs,
 - (iii) the wishes and feelings of any of the child's relatives, or of any such person, regarding the child.
32. A care plan for the adoption of a child must be an option of last resort and will not be ordered unless it is demonstrated that nothing else will do, when having regard to the overriding requirements of a child's welfare. There is a need to ensure that this is a proportionate response to the harm identified. The Court must be satisfied that there is no practical way of the authorities providing requisite assistance and support (Re B [2013] UKSC 33; [2013] 2 FLR 1075).

33. The Court must grapple with all the realistic competing options and give them proper, focussed attention (*Re B-S (Children) (Adoption Order: Leave to Oppose)* [2013] EWCA Civ 1146. 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 (*YC v United Kingdom* 92120 55 EHRR 967)
34. It is not enough to show that a child could be placed in a more beneficial environment for his upbringing. In deciding issues in respect of the welfare of the children, the Court's task is not to improve on nature or even to secure that every child has a happy and fulfilled life but to be satisfied that the statutory threshold has been crossed. The best person to bring up a child is the natural parent, provided the child's moral and physical health are not in danger. The Court recognises also that there are very diverse standards of parenting. Children will inevitably have very different experiences of parenting and very unequal consequences flowing from it. Some children will experience disadvantage and harm, while others flourish in atmospheres of loving security and emotional stability. The State does not take away the children of all the people who abuse alcohol or drugs, who suffer from physical or mental ill health. The Court's assessment of the parents' ability to discharge their responsibilities towards the child must take into account the practical assistance and support which the authorities or others would offer.
35. That being said, the Court of Appeal made clear in *Re R (A Child) (Adoption: Judicial Approach)* [2014] EWCA Civ 1625, [2015] 1 WLR 3273 that, "*Where adoption is in the child's best interests, local authorities must not shy away from seeking, nor courts from making, care orders with a plan for adoption, placement orders and adoption orders. The fact is that there are occasions when nothing but adoption will do, and it is essential in such cases that a child's welfare should not be compromised by keeping them within their family at all costs.*" The Court's paramount consideration remains the children's welfare.
36. Section 52(1)(b) of the 2002 Act makes clear that the court cannot dispense with the consent of any parent of a child to the child being placed for adoption or to the making of an adoption order in respect of the child unless the court is satisfied that the welfare of the child requires the consent to be dispensed with.
37. The Human Rights Act 1998 applies to these proceedings. Under Article 8, everyone has the right to respect for private and family life, home and correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society. Each individual family member in this case has that right, including the child, the mother, the father and the wider family. These rights must be balanced. Any interference with the right to private and family life must be a necessary interference and must be proportionate, having regard to the risks.

Threshold

38. The parties agree that relevant date for determining the threshold criteria in respect of 'E' and 'S' is 27th January 2020 and for 'Y', 18th March 2020, when the Local Authority issued proceedings.
39. The Local Authority asserts that on the relevant dates, 'E' and 'S' were suffering and 'Y' was at risk of suffering significant harm in the form of physical and emotional harm and neglect attributable to the care given and/or likely to be given to the children by their parents, not being what it would be reasonable to expect a parent to give to a child.
40. There is no dispute by any of the three parents that threshold criteria are met for the making of public law orders. Both 'FSY' and the mother accept that there were several incidents of verbal arguments and shouting, that the children were present at those times and that those arguments may have been upsetting for them. 'FSY' described the relationship with the mother as 'toxic' when he gave evidence and was able to describe the effect that this would have on the children if they witnessed the same. 'FSY' acknowledged a number of specific occasions when the children were present when an incident of domestic abuse occurred, specifically 22nd June 2019, 25th July 2019, 24th September 2019 and 2nd January 2020. He does not substantially challenge the police material regarding those incidents, save that he does challenge the

allegations that he physically harmed the mother or 'E' on any occasion. He concedes punching a wall and punching the TV causing damage when the children were present in the property. He concedes being drunk on 2nd January 2020. He also accepts that he was a regular user of cannabis at this time but asserts he has been abstinent since the commencement of the proceedings. There remain, however, a significant number of factual disputes, which it is necessary for the Court to determine.

41. In making findings in respect of those disputed factual matters, in addition to adopting the principles and following the approach identified by the authorities referred to earlier in this judgment, the Court has taken into consideration fully each of the parents' cognitive difficulties identified by the relevant independent experts, set out more fully later in this judgment.
42. I deal first with the Local Authority's allegations of physical abuse and failure to protect. The Local Authority asserts that:
 - i. 'E' experienced physical abuse in the care of his mother and 'FSY'. On 24.09.2019 'E' sustained bruising, swelling and cuts to the face. The Child Protection medical undertaken on 24.09.2019 suggests this was a non-accidental injury. The injuries were caused by either 'FSY' or the mother;
 - ii. The Child Protection medical undertaken on 24.09.2019 documents bruises and marks/cuts to 'E's body in addition to the inflicted injuries allegedly caused by 'FSY' on this date. These bruises have occurred whilst in the mother's care and are, at the least, due to a lack of supervision; and
 - iii. The mother, whilst initially blaming 'FSY' for the physical abuse to 'E' on 24.9.2019, subsequently allowed 'FSY' back into the home and to have contact with 'E' before bail conditions were lifted, putting 'E' at further risk of physical harm.
43. There is no dispute between the mother and 'FSY' that the child, 'E,' sustained significant facial injuries on 24th September 2019 whilst at the mother's home that were caused non-accidentally. There is no dispute that at the relevant time, the mother and 'FSY' were the only adults present in the home. The only other people present in the home were the child 'E' and the child 'S', who was approximately 6 months old. Dr Patel, Paediatric Registrar records the injuries in a Child Protection medical report as follows:
 1. One bruise with swelling just above the left eye measuring 3cm in length. It was non-tender;
 2. One bruise with swelling just below the left eye measuring 2cm in length;
 3. 1cm scratch above the left nipple;
 4. 1.5cm bruise just above the left side of the lips;
 5. 8mm bruise with 5mm laceration on the lips;
 6. 1cm linear bruise on the right side of the chin;
 7. 2cm scratch with 2 small surrounding bruises on left upper arm;
 8. 2cm scratch on left elbow;
 9. 5cm scratch above left buttock;
 10. 1cm round bruise over right shoulder;
 11. 6cm scratch with bruise over lateral aspect of the right chest; and
 12. 2cm square bruise right upper leg that occurred at school (according to mother).
44. Dr Patel concluded that the injuries sustained by 'E' were non-accidental in nature. Neither the mother nor 'FSY' dispute the injuries sustained nor do they dispute that the injuries are non-accidental.
45. The mother and 'FSY' both agree that on the relevant early evening, at around 17:30, they ordered takeaway pizza. The mother asserts that 'E' was assaulted by 'FSY'. Her assertion has remained broadly similar throughout, from the time of the initial police visit immediately following the incident, to date, including her accounts given during the Child Protection medical and to the professionals in the case. Whilst the detail of the account has varied, she has held firm to the core aspect of the account. In broad terms the mother describes 'FSY' as requiring 'E' to eat his food in his bedroom, whilst the rest of the family ate in the main living room. By all accounts, the property is small. Both the mother and 'FSY' appear to accept that 'E's bedroom had a child safety gate at the entrance

to the room, which prevented 'E' from leaving his room. Furthermore, both the mother and 'FSY' appear to be consistent in their account that 'E' was generally required to eat food in his bedroom alone, although their reasons for 'E' eating alone differed. The mother told the Court that this was due to 'FSY' treating 'E' differently from 'S,' as 'E' was not his biological child. In her first statement to the Court, she described how 'E' preferred to eat in his bedroom alone as he has a small TV in his room. In her oral evidence she denied he had a TV in his room, stating that it was an iPad. 'FSY' told the Court that the mother did not want 'E' to eat in the living room, as she had recently laid a new carpet. In my judgement, both parents treated 'E' differently from 'S' by isolating him in his room, locked behind a stairgate and requiring him to eat alone, circumstances that no child should have to endure.

46. The mother told the Court that on the evening of 24th September 2019, she was feeding the child 'S' in the living room, whilst 'FSY' took over responsibility for 'E'. She described 'FSY' becoming frustrated that 'E' would not eat his food. She described 'FSY' as becoming, *"extremely agitated and angry."* The mother described 'FSY' force-feeding 'E' with pizza, causing him to choke. The mother told the Court that 'FSY' went to 'E's bedroom, whereupon she heard a bang and scream. She described 'FSY' pulling 'E' off the bed and punching and kicking 'E'. She described going to 'E's bedroom and finding 'E' on the floor with an injury to his face. She then described 'FSY' punching the TV and throwing things around the home before leaving the address. She described calling the police who arrived at the property after 'FSY' had left.
47. The Court has the real benefit of an audio recording and transcript of the mother's 999 emergency call to the police of 24th September 2019 in which the mother tells the police operator, *"my ex-partner, he's just literally smashed everything up, because he's basically assaulting my child...basically he pulled him out of bed, he is kicking him, he's punching him and now he's just left and now he's broken all of my TV...He's just kicked my three-year-old...he's kicked him, he punched him out of bed, he's done everything to him...he's threw all of his pizza everywhere, because my child was being naughty, he's smashed all of my TV, he's done everything."* When asked if the child has any injury, she told the police operator, *"He's got a bleeding nose."*
48. Further the Court also has the real benefit of police body worn video footage taken on the arrival of the police at the property at around 18:40. This captures the initial discussion between the investigating officer and the mother on arrival at the property and the officer's discussions with the child, 'E'. The mother told the police, *"My ex-partner, because he [the child] was shouting whilst eating his dinner, he literally kicked him, punched him."*
49. When the police officer asked the child, *"why are you crying,"* the child replied, *"['FSY'] just took my pizza."* When asked by the officer about the scratches to his front and back, the child, pointing to his back, said *"that was ['FSY]."* Later, the child pointed to his right shoulder and said *"that was ['FSY]...and he smashed that [pointing to the TV.]...['FSY'] smashed that...the TV."* The child used a pet name for 'FSY' when identifying him. All parties accept that this pet name was the name the child commonly used for 'FSY' in conversation.
50. The police officer examined the child's mouth, noting a cut to the lip with a small amount of blood. The officer asked the mother separately, away from child, what had happened. The mother told the police officer, *"basically he [the child] was eating his dinner in his room. I said to him because he'd had a big fry up for breakfast, he's not going to eat six slices of pizza. There's no possible way. What are you doing? And he replied, 'don't tell me what to do, if I want to give him six slices of pizza I fucking can'...I said you moan that he's not your child...you want to look after ['S'] but you decide to take responsibility for ['E']... and all he does is literally mistreat him telling him, no you can't do this and can't do that."*
51. The mother continued to tell the police officer, *"['E'] was sitting in his own room at the table...because he's not allowed to eat in the front room. ['FSY'] told him to sit at the table and eat his dinner so I was like, OK I ain't got a problem with that. Then all of a sudden, he said ['E'] go to the toilet...all of a sudden ['FSY'] literally dragged him off the bed saying you're not having your pizza ...I don't know how he dragged him off. ['E'] said he grabbed him on the floor. He was laying on his pillow. ['FSY'] grabbed the pillow. ['E'] said he kicked and punched him...all I saw was literally ['E'] laying on the floor covered in blood and he was like, 'mummy help'."*

52. When asked by the police officer, the mother clarified what she meant by, 'covered in blood,' confirming that she saw the same amount of blood on as the police officer saw, namely a small cut to the lip, "*and a little bit was on [FSY].*" The mother continued to tell the police officer, "*[FSY] then got his bike and just left.*" She clarified that she saw with her own eyes, 'E' lying on the floor. She told the police officer, "*I didn't see him drag him off the bed...[E's] eyes were not normal, his throat was not normal and he was reaching [retching] not normally and there was blood all along his lips...The minute [FSY] found out I was calling you, he was gone.*"
53. Later during the same police visit to the property, the mother asked 'E,' in the presence of the officer to explain what had happened. The child, without prompting, stated "*[FSY] smacked me [pointing to his mouth] on the lip ...where the blood.*"
54. In the Local Authority Child and Family Assessment, the previous Social Worker is noted to have recorded, following her visit to the property on the day after the incident, "*After the incident, and collecting [E] from hospital, [E]...started to Hoover the pizza that was on the floor and in the carpet...E was keen to clean up the flat and did not want to play with his toys. When walking up the stairs to the flat, E was holding my hand and was speaking to me saying [FSY] smashed the TV...[E] said he was angry.*" 'E' again used 'FSY's' pet name when identifying him.
55. In her oral evidence to the Court, the mother confirmed that she had not directly witnessed the incident, as the events took place in 'E's bedroom, at a time when she was in the living room. In her oral evidence, the mother accepted that she had not seen 'FSY' kick or punch 'E' nor had she seen him drag 'E' off the bed. She told the Court that when she had raised the emergency call to the police, she told the 999 operator that 'FSY' had kicked and punched 'E' and pulled him off the bed, "*as that's what [E] was saying to me.*"
56. The mother gave a formal witness statement to the police dated 24th September 2019. In that statement she gave the following account: "*FSY was trying to give [E] more pizza. I said [E] wouldn't be able to eat anymore pizza because he's only three years old. We started arguing about this. [FSY] got really agitated for no reason. It was excessive anger. [FSY] told [E] to go to bed because he hadn't finished all his pizza. He then tried to push the pizza down [E's] throat. Then I suddenly heard [E] choking and screaming 'mummy, mummy.' I screamed, 'everyone just needs to start calming down.' [FSY] and [E] we're in [E's] bedroom. I then ran into the lounge room because [S] was lying on the couch and I wanted to tend to him. I then heard a smack sound. I ran back into the bedroom and [E] was on the floor and that's when I saw the blood. The blood was on [E's] lip. [E] was literally hysterical ...[E] said [FSY] hit me. Mummy, [FSY] smacked me'...I said to [FSY] 'get out. Get your bike and go.' I called 999. [FSY] was kicking off big time. [FSY] tipped a chest of drawers over in the bedroom. He then punched a hole in my television set. [FSY] knew that police officers were on their way to me. He suddenly fled the address. He didn't even bother to put his trainers on. I then checked [E] over and I could see he had a cut to his lip.*"
57. A short police ABE interview took place with the child six weeks later. The child said that 'FSY' makes him happy and when asked whether 'FSY' had ever hurt him, he answered in the negative. He described having a little bruise on his face and remembered the police coming to visit the home. He said that he did not remember going to hospital. The interview was terminated after the child stopped answering questions, covered his face and began rolling around on the floor growling. No criminal charges were brought against 'FSY.'
58. In a statement dated 22nd June 2020, the Social Worker recorded details of her direct work with 'E'. The statement records that she spoke with 'E' at the foster carer's address on 1st June 2020, some eight months after the relevant incident. The Social Worker records that 'E' was able to express some of his feelings. The statement records that 'E' told her, "*I don't like it when mummy pokes me on the head...She don't like me when she does that ...[poking his face while telling me]. I poke her back she doesn't like it.*" The Social Worker's statement records that 'E' then went on to say, "*she used to poke his head with a block. ...he said about five times on different days it was just bleeding a lot...she poked me on my head...[FSY] poked his head a million times too...[FSY] bumped him out of bed...just for nothing...he didn't like him.*" The Social Worker's statement records also that 'E's foster care separately said that 'E,' "*told her that his mummy used to squeeze the top of his head hard ...like a claw.*"

59. On 2nd June 2020 the social worker spoke to 'E' again. The statement records that 'E' told the social worker, *"he was not going back to mummy's again because she pokes him in the head and he did not like it. It made him cross. He said, 'she punches me and it hurts."* The Social Worker's statement records that, as he was telling the Social Worker this, 'E' was using his fists to punch himself in the stomach. 'E' then asked, *"if she does that, will you come check me again?"* The statement records that 'E' told the social worker that 'FSY,' *"bumped him out of the bed...he just bumped me and I fell because ['FSY'] didn't like me."* The Social Worker records, *"when asked if he was okay, he said, no I wasn't OK coz ['FSY'] fought me out of my bed and I runned everywhere."* Asked if 'FSY' hurt anyone else, the Social Worker reported, *"'E' said, 'no he didn't hurt mummy,' then he paused and said he did hurt mummy, 'all of a suddenly..."*
60. On 6th June 2020 the Social Worker records that 'E' went on to say to his foster carers that 'FSY' *"broke the walls. He broke the shelves and it all came down and hurt mummy's leg and she was bleeding ...['FSY'] pulled me out of bed."*
61. The Local Authority suggests that 'E's comments may have come about as a result of 'E' feeling safe and secure enough to reveal more about his experiences at home.
62. 'FSY' does not challenge the injuries observed to 'E' and he does not challenge the medical evidence. He gives no explanation as to how the injuries might have occurred. His evidence is that the injuries were not present when he left the family home that day. He speculates that the mother may have caused these intentionally, given she was in an emotional and angry state when he left. In his written statement to the Court dated 24th March 2020, 'FSY' told the Court in respect of the September 2019 incident, *"[The mother] and I ordered a pizza. We started our meal and [the mother] started to pick an argument with me. I threw my pizza down. [The mother] continued to argue. I punched the TV and decided to leave and [the mother] was continuing to argue."* The written statement contains very little detail about this significant incident of non-accidental injury to the child. Indeed, the incident is covered in a single short paragraph which focusses on the parental argument and contains scant detail about the interactions between 'FSY' and the child. The only reference to the child in this paragraph was *"['E'] was still eating his pizza. ['E'] was fine. I did not cause any injury to 'E'."*
63. 'FSY' elaborated a little further in his oral evidence. He reiterated that he punched the TV. He told the Court that, whilst he, the mother and 'S' were in the living room, 'E' was eating pizza in his bedroom at a table. He told the Court that he and the mother argued as she had wanted to order pizza but he, *"didn't fancy pizza,"* and he wanted to cook food. He told the Court that they continued arguing for around thirty minutes to one hour until he punched the TV. He said he got up to leave but she, *"carried on arguing. It gets to a point where I can't take it anymore if she keeps arguing with me."* When it was put to him why he did not just leave the property rather than punching the TV, he told the Court, *"the anger built up inside me."* He accepts that 'E' would have heard the argument and heard him punch the TV. He told the Court that when he left the property, after punching the TV, 'E' was *"just sitting eating, concentrating on his food as I walked past...he was sitting happily enjoying his food."* Further, he told the Court that the stairgate to 'E's bedroom remained closed with 'E' inside the bedroom. He accepted in his oral evidence that, prior to punching the TV, 'E' had shouted to 'FSY' from his bedroom that he did not want any more pizza. 'FSY' accepted in cross-examination that he then went in to 'E's bedroom, told him to get into bed, and then returned to the living room. He told the Court that it was around twenty minutes later that he punched the TV and that he left prior to the mother contacting the police. He asserted that the mother must have told 'E' to tell the police that 'FSY' had assaulted him.
64. I have considered carefully all the evidence before me, having had the benefit as the fact-finder of seeing and hearing the witnesses of fact. I have also treated the hearsay evidence with appropriate caution. I take note also that 'FSY' co-operated fully with the police investigation. The mother, however, was uncooperative, failing to ensure that 'E' attended his second child protection medical on the 27th September 2019 and also failing to attend her police interview.
65. In my judgement, the evidence of 'FSY' in respect of the incident on 24th September 2019 was not reliable. I find it implausible that during an argument lasting up to one hour, which escalated to the point of the anger building up inside him, resulting in him punching a television, in a small property

with the child in a room adjacent to where the parents were arguing, that a child of 'E's' age would continue to sit in his room, happily eating his food. In my judgement, the suggestion by 'FSY' that the mother fabricated an account of an assault on 'E' in order to deflect blame from herself as the true perpetrator of the injuries is similarly implausible. In my judgement, the mother's actions in contacting the police by emergency telephone call and immediately reporting the assault on her child are not the likely actions of a perpetrator of an assault. The injuries may not have been seen by any professional had she not made the emergency call to the police.

66. 'FSY' does not positively assert that he witnessed the mother assault the child. On his account, the child suffered no injury prior to 'FSY' leaving the property after his punched the television. In my judgement, it is implausible that, following 'FSY' deliberately smashing the television, the mother would then have assaulted the child and called the police, in the knowledge that the police would arrive at the property in a very short period of time thereafter and see the injury to the child. The mother had nothing to gain by acting in the manner 'FSY' supposes.
67. Furthermore, I have considered all the relevant background evidence taking note of all the documentary evidence including the reports from the police and the complaints and reports of others, in addition to concentrating on the evidence of the parties, noting and taking into account all the relevant material which forms part of the overall picture of the parties' relationship. It is plain from the documentary evidence that the mother has been involved in a number of relationships where there have been allegations of domestic abuse, including the mother's relationship with 'FE' where police reports record that she had been witnessed hitting 'FE' with the baby in her hands on 24th July 2016 and the parents 'throwing the baby to each other'. There is a report on 16th October 2017 from the service manager at the mother's previous address, of the mother shouting followed by a 'loud slap sound' and a child crying. The mother is reported to have said she was "very angry because [E] was about to throw her phone in the bath." She is reported to have accepted that she shouted at 'E' but denied slapping him.
68. I also take note of the fact that 'FSY' had no prior convictions for violence and no reported history of domestic abuse in previous relationships or against any other child. It is clear from the evidence that 'FSY' has used cannabis consistently since the age of around 14 years and that such cannabis use continued during his relationship with the mother, in addition to his use of alcohol. The mother gave consistent evidence that 'FSY' was, "unbearable" when he consumed cannabis. 'FSY' gave evidence to the Court that if the mother did not give him money for cannabis, he would find cannabis elsewhere even if it meant travelling up to one hour away to access it.
69. Both the mother and 'FSY' have engaged in volatile, explosive and unrestrained behaviour as evidenced throughout the documents, leading to the events of 24th September 2019 and subsequently. Police reports record an argument in the street outside the mother's property on 22nd June 2019 between the mother and 'FSY'. Neighbours reported both parents shouting and screaming and heard the mother say, "your son will die as I'm not coming back. Your baby is going to die." The neighbour reported being worried for the child.
70. The mother was asked about that incident in her oral evidence. She told the Court that she and 'FSY' were "having a big argument...no not big...over something quite small. Then we took it outside. He tried to leave. I said no, let's talk. We don't want the neighbours involved." The mother strongly denied saying her son would die. She also stated that she could not fully remember the incident.
71. 'FSY's' evidence to the Court on that issue was that he and the mother, "had a little argument. I went to leave, she followed me down. She said, 'if you leave, the baby's going to die.' She forced me to go back up every time I tried to leave. As soon as I walked out, she followed me down. The children were upstairs. I went back inside, she followed me up."
72. The police investigation summary in respect of this incident records, "on Police attendance officers could hear the two parents screaming at each other and the infant crying loudly and being ignored. Police entered property...it appears that the mother is struggling with raising the children. She has said that she has stress and anxiety and that she can't cope without the father ['FSY'] although they argue a lot. ['FSY'] said that [the mother] goes mental and for this incident the mother shouted at him to leave the address and he gladly left to get away from her. The mother then chased him

down the street leaving the two children in the house on their own, demanding that [FSY] return to her address. The caller says that the mother said, "your son will die because I'm not going back." I find that both parents were engaged in a heated argument in public, having left the children unaccompanied in the property.

73. A further incident is reported in the police records of 25th July 2019, following an anonymous report that a male and female were fighting in their property. The female could be heard screaming and crying for help. The male [FSY] 'just jumped out of the window of the property.' Police officers attended and found the parents had been arguing because 'FSY' tried to take the baby. He also got angry and threw furniture.
74. On 2nd August 2019 a further police incident is recorded. A neighbour reported that the mother came to the neighbour's property crying and asked for them to call the police and then returned to her own property. The neighbour reported hearing a big bang just before the mother came to the neighbour's property. 'FSY' was reported to have become irate and began smashing things up in the property causing the mother to flee the property.
75. Further, there is evidence of 'FSY' engaging in an impetuous and volatile manner when under the influence of substances. On 2nd January 2020, which is the subject also of paragraph b(iv) of the Local Authority threshold statement, he damaged the mother's property, fled the property in the late hours of the night whilst heavily intoxicated, carrying the child 'S' without any suitable warm clothing for the child in the middle of winter and was found by strangers wandering the street. I address this specific incident when considering paragraph b(iv) of the threshold statement.
76. Furthermore, one month later on 9th February 2020, when the child 'S' was in his care at the Paternal Grandmother's home, 'FSY' left the home with a knife, threatening to harm himself, following a trivial argument with his mother about 'S's' food. The incident is the subject of a further police report following the Maternal Grandmother's report that 'FSY,' "*Had left the address with a knife and threatened to kill himself.*" The grandmother explained that 'FSY,' "*opened a jar of baby food and was told to use a different jar. For no reason, he became angry, shouted and left the address.*" He was noted to have scratch marks to his wrists. In his oral evidence to the Court, 'FSY' told the Court, "*I was not thinking straight...something was triggering me.*"
77. Having regard to the incident on 24th September 2019, in my judgement, the mother's evidence as to the circumstances of the incident were consistent on the core issue. There are many examples throughout the totality of the evidence generally of the mother giving statements that are inconsistent, including in respect of trivial issues. Some of her evidence generally was prone to exaggeration but not, I find, in respect of the events of 24th September 2019, fabrication. I reject the suggestion on behalf of 'FSY' that the mother claimed not to have seen the assault in an attempt to avoid criticism for failing to protect 'E'.
78. I take very much into consideration both parties' cognitive limitations when assessing the reliability of their respective accounts. Set against the background of the various contemporaneous reports, I prefer the evidence of the mother as to the circumstances of this incident on 24th September 2019. The mother's account of 'FSY' entering 'E's' bedroom, becoming agitated and angry with 'E', in the context of the ongoing parental argument and 'FSY's' own acceptance that the anger had 'built up inside' him, the mother hearing a bang, the mother hearing the child call out for her, 'FSY' punching the television and then immediately leaving the property in a hurry, without his shoes, has an essential consistency that I prefer to that of the account given by FSY. The mother's contemporaneous narrative given to the police during the emergency telephone call was maintained when she gave essentially the same narrative to the police officers on their arrival at the property. That same core account was largely maintained when speaking with the doctor at the child protection medical examination a few short hours after the incident and was further maintained in her written statements to the Court and in her oral evidence. Further, it is an account that is largely consistent with that given by the child to the police when they arrived at the property immediately following the incident, when he told the police that 'FSY' hit him. I take care, given the child's age, not to place too much reliance on his account. I also recognise that the child later denied during the ABE interview some months later, that he had been hurt by either 'FSY' or by his mother.

79. I take note that on 24th November 2019 the police officer informed the Local Authority that having contacted the mother to inform her that she too would need to be interviewed in respect of the assault on 'E' as a possible suspect, the mother's reactions, 'struck her as strange,' as the mother, 'did not show any emotion or reaction to this information.' In my judgement, having regard to the mother's cognitive difficulties and her presentation generally, observed throughout the Final Hearing and in the police video footage, I do not consider that the mother's perceived lack of reaction is a factor to weigh in the balance when evaluating the evidence as a whole.
80. I reject the submission that 'E' told the police that 'FSY' had hurt him because he was coached by the mother. I take into consideration the child's young age. He was 3 years old at the time of the assault in September 2019 and his later comments to the Social Worker in June 2020. Whilst 'E' would have been present and in close proximity to the mother when she made the emergency telephone call to the police and would likely have heard the description she gave of the assault, in my judgement, having regard to his age and level of understanding, it is unlikely that 'E' would have remembered the need to repeat this to the Social Worker and his foster carers, had he been coached by his mother some eight months earlier. There was no suggestion by the police officer that he considered 'E' to have been coached by his mother to give a particular account of events. In my judgement, the description given by the child to the police was based upon his direct and lived experience of the assault.
81. There is a plain background of clear evidence before the Court as to the difficulties 'FSY' has in controlling his anger, that cannot sensibly be ignored. 'FSY' claims that he would walk away when he reached 'boiling point'. On his own account, before leaving the mother's property on 24th September 2019, he had argued with the mother over a trivial matter relating to pizza, he thrown the pizza down in anger and had punched a TV causing damage. I find that he had clearly reached boiling point whilst still in the property.
82. I take into consideration the mother's own temperament which has been described as volatile. There are reports of the mother having slapped her former partner, 'FE' and complaints had been made previously by neighbours who were concerned about the sound of a slap to a child. The Social Worker's evidence records 'E's account of the mother poking him repeatedly in the head with her finger and with a toy brick and his account of the mother squeezing his head with her hands, 'like a claw.'
83. The documents also record a clear background of the mother having a volatile temperament, noted in her childhood and adolescence, which included in September 2013 a report of the mother being violent and threatening towards her older sister, in the presence of her two-year old niece. The documents record that the Paternal Grandfather did not want her to return to the family home on account of her prolific lying and her violent and threatening behaviour towards family members.
84. I take into consideration also that at this hearing, both the mother and 'FSY' were being required to remember events that had taken place around fifteen months beforehand. No doubt the effect of being asked to recollect matters on more than one occasion and reading earlier descriptions and the descriptions of others will have blurred the lines between what actually happened and what they remember. I have the unique benefit not only of hearing and seeing the parents' live evidence but also of considering the very large number of contemporaneous records including those compiled by the police, including the call out records, statements and interviews and the invaluable police audio and video recordings. In my judgement, there is an overall consistency to the mother's core evidence. This does not mean that she has been consistent about everything or in her descriptions of every incident. I think it is not realistic to expect this of either party. However, in my judgement, she has been consistent over time with respect to the core incident of 24th September 2019. I accept that she will have remembered some things at sometimes and forgotten others. I accept that she will also have harboured some worries about the Local Authority's involvement. However, such documentary evidence as there is, appears to me to be corroborative of the mother's core evidence, albeit there is a limit to the weight that I can place on the accounts of witnesses who have not given evidence to me or whose words are reported in the police records. Even making allowances for the anxiety 'FSY' must feel about the allegations against him, his accounts do not have the same level of consistency as the mother and in some respects have been directly contradicted by the documentary evidence. Surveying the evidence

as a whole, I find that the mother's evidence about the 'FSY's' actions on 24th September 2019 to be broadly reliable.

85. Applying the appropriate civil standard of proof, on all the available evidence before the Court, having regard to the relevance of each piece of evidence to other evidence and exercising an overview of the totality of the evidence, the Court concludes and finds that the child, 'E,' experienced physical abuse whilst in the care of his mother and 'FSY'. The Court finds that on 24th September 2019, the child 'E' sustained bruising, swelling and cuts to his face, specifically, one bruise with swelling just above the left eye measuring 3cm in length, one bruise with swelling just below the left eye measuring 2cm in length, a 1.5cm bruise just above the left side of the lips, one 8mm bruise with 5mm laceration on the lips and a 1cm linear bruise on the right side of the chin. The Court finds that the injuries were non-accidental. Further, the Court finds that these injuries were caused by 'FSY'. The Court reaches that conclusion in respect of 'FSY,' being satisfied that the evidence establishes that 'FSY' probably caused the injuries. The Court is satisfied there is sufficient evidence to identify 'FSY' as the single perpetrator, on the balance of probabilities. The Court finds that paragraph a(i) of the Local Authority threshold statement is proved. In respect of the final sentence of the Local Authority threshold statement, I find 'FSY' to be the person who inflicted the injuries on 24th September 2019.
86. In respect of paragraph a(ii) of the Local Authority threshold statement, I find that the Child Protection medical undertaken on 24th September 2019 documents bruises, marks and cuts to 'E's' body additional to those set out in the preceding paragraph, including a 1cm scratch above the left nipple, a 2cm scratch with 2 small surrounding bruises on left upper arm, a 2cm scratch on left elbow, a 5cm scratch above left buttock, a 1cm round bruise over right shoulder and a 6cm scratch with bruise over lateral aspect of the right chest. Dr Patel identifies each of these injuries to 'E' as being non-accidental in nature. I find the Local Authority assertion proved, namely that these specific injuries occurred whilst 'E' was in the care of his mother and are, at the least, due to a lack of supervision. In respect of the 2cm square bruise to the right upper leg, Dr Patel records the mother's explanation that this occurred at school. Dr Patel appears to record that this bruise was consistent with the history given. I find no reason to depart from Dr Patel's conclusion.
87. In respect of paragraph a(iii) of the Local Authority threshold statement, I find that the allegation is proved. The mother, whilst blaming 'FSY' for the physical abuse to 'E' on 24th September 2019, subsequently allowed 'FSY' back into the home and to have contact with 'E' before bail conditions were lifted, putting 'E' at further risk of physical harm. The Social Worker's evidence records that on 7th November 2019, the mother contacted the Social Worker indicating that she was thinking of resuming contact with 'FSY'. The Social Worker records that the Local Authority became aware that 'FSY' was already at the mother's property when she was making this enquiry, despite 'FSY's' bail conditions not having been discharged. The Paternal Grandmother had also informed the Local Authority that 'FSY' had returned to the mother's property and that contact was already taking place. This resulted in the Local Authority contacting the police. The bail conditions were subsequently removed the following day, when 'FSY' was cautioned for criminal damage to the mother's television. No further police action was taken in respect of the assault on 'E'. On 8th November 2019, the Local Authority initiated a further section 47 investigation after the mother resumed contact with 'FSY'. The Social Worker's statement records the Local Authority's concern that the mother allowed 'FSY' back in the home, not only whilst bail conditions were in place but also having regard to the mother's accusation that 'FSY' had perpetrated a significant assault on her son.
88. In my judgement, the evidence plainly leads to the conclusion that the mother failed to protect 'E' by allowing 'FSY' back into her property after 24th September 2019, despite having accused him of causing the injuries, reporting those injuries to the police and maintaining throughout this Final Hearing that 'FSY' was the perpetrator of the injuries. The Court is able to reach that conclusion whether or not 'FSY' or the mother or both of them believed that he was no longer subject to bail conditions when the mother allowed him back to the property. In so doing, the mother gave little or no thought to the impact on 'E' of being exposed to the risk of further emotional and physical harm.
89. I turn to consider the Local Authority threshold allegations in respect of emotional abuse and the risk of physical harm. On the evidence, I find that 'E' has been exposed to unsafe adults during

the period between 17th December 2019 to 30th December 2019 at the home of 'FE'. 'E' described being screamed at and feeling frightened. I find on the evidence that there were significant risks associated with the address. Further, I find that the mother was not truthful about her whereabouts. Further, I find that she had left 'E' at the address when she was not present.

90. In this regard, the Social Work evidence, which I find to be reliable, records that, following 16th December 2019 the mother became increasingly difficult to engage and all attempted social work visits to see 'E' at his mother's home were unsuccessful. The mother informed the Social Worker that she was staying out all day and returning in the evening. The Social Worker was concerned that it was unclear where the mother was during this time. The mother was informed that if she did not make 'E' available to be seen at home on 18th December 2019, 'E' would be recorded as a missing child. The mother agreed to a home visit on 19th December 2019 but when the Social Worker arrived at to complete this visit, the mother did not open the door and there were no signs that she was in. The Social Worker was unable to gain access to 'E' until 31st January 2020 due to the mother's non-engagement. The mother would not tell professionals where she was during the day. 'E' disclosed on 31st December 2019 that he had been staying with his "father." The mother then accepted that she and 'E' had been at the address of 'FE,' despite previously stating she had had no contact with him or his family. The mother stated to the Social Worker that she did not leave 'E' alone in the property. However, there was a call to police at 5am on 29th December 2019, following a dispute in a cab where the mother was present with two other adults. When challenged on this information, the mother later accepted that she had left 'E' alone at the property.
91. The police reports record references to multiple police calls outs to 'FE's' address over a number of years. The Court did not have the benefit of 'FE's' direct participation at the final hearing. There are police reports relating to 'FE' arising from the mother's complaints that he made threats to kill her whilst pregnant with 'E', that he had come to her property and caused damage to her door and that further threats were made via social media which led to the mother withdrawing her willingness to pursue a prosecution. The Local Authority is concerned that the mother knew or ought to have known that there were risks associated with 'FE' and his address, given their history, and that the relationship 'E' had with 'FE' and 'FE's' wider family was new and unfamiliar, further highlighting the mother's lack of insight into the risks to her son. The Local Authority is concerned as to reports made by 'E' that, whilst at 'FE's' home during that period, 'FE' screamed at him and made him feel frightened. The mother reports that there was a traumatic death at 'FE's' home during that period. She reports leaving 'E' alone, shut in a room, rather than taking the decision to remove 'E' from the environment immediately to shield him from the emotional distress. The Local Authority is concerned that the mother's failure to prioritise 'E's' emotional wellbeing goes to the heart of mother's decision-making, failing to meet his emotional needs and failing to respond in an appropriate way. On all the evidence, I find the Local Authority threshold statement proved.
92. I turn to consider paragraphs b(ii) and b(vi) of the Local Authority threshold statement together. The Local Authority asserts that the nursery reported that 'E' rarely sought out his mother for his needs, that little emotional warmth was witnessed between 'E' and his mother and that 'E' shied away from his mother on arrival. Further the Local Authority asserts that the mother struggles to provide 'E' with emotional warmth and appropriate interaction. 'E' appears watchful of his mother and is often observed to be alone in his bedroom. It is reported by nursery staff that he can be disinterested at drop-off and collection.
93. The allegations are denied by the mother who tells the Court that she has a loving relationship with 'E'. She accepts that at times she finds it difficult to manage 'E'. In my judgement, the Local Authority assertions are based on clear, well documented evidence and I find the assertions proved. The nursery leader reported that 'E' very rarely shows emotion when with his mother. He often, 'just stands next to her' until staff greet him. He was observed to appear to enjoy being at school and seemed reluctant to put his coat on at home time.
94. 'E's' response to his mother has been a cause of professional concern throughout, including concern to the nursery staff who got to know 'E' well and had ample opportunity on different occasions to observe interactions between 'E' and his mother. The nursery leader, whose evidence I found to be reliable, described 'E' arriving at nursery with his mother not appropriately dressed for the weather, such that the staff kept spare clothes for 'E' to put extra layers on for warmth. He is reported to have arrived in a coat which was unclean and smelly, necessitating staff

to take the coat home twice to wash it. There were many reports of the mother arriving late to collect 'E,' being uncontactable and giving different accounts to different people of where she had been.

95. On one occasion when 'E' wet himself prior to arriving at nursery, the mother sent him to the toilet area at nursery to change himself, the mother not helping until prompted. On 25th October 2019, staff noticed a bump on 'E's' head. When the mother was asked about this, she said he had fallen over on the way to nursery, however 'E' informed staff he had fallen down stairs. On 23rd January 2020, 'E' told staff at the nursery that "*mummy is scary and brakes his cars.*"
96. The Social Worker in her evidence notes reports from the nursery that 'E,' "*shies away from his mum on arrival and home time. It appears that mum and ['E'] do not have a strong emotional connection. He often goes straight into nursery without saying goodbye or hugging mum and there is no reaction or excitement to see mum at the end of the sessions.*"
97. The Social Worker's statement records that she directly observed 'E' eating his dinner alone in his bedroom. When asked about this, the mother reported that 'E' eats better at his 'little table'. The Social Worker observed, however, that the table is easily portable and could be set up in the living room, so mealtimes are a shared experience to enable 'E' to learn and develop his social skills. The Social Worker records 'FSY's' report that 'E' was made to eat in his bedroom as the mother did not want the living room carpet to get dirty.
98. Further, the Social Worker's evidence records that on 28th October 2019, 'E' was, "*watchful of his mother, especially when being asked questions about what he had been doing or where he has been. In my opinion he can seem unsure about what he should and should not say.*"
99. Furthermore, the Social Worker's statement records, "*at the hospital on the 03/1/2020, hospital staff observed that 'E' rarely sought out his mother to meet his needs and would happily go to any staff member to help him, including to wipe his bottom. Limited emotional warmth was observed.*"
100. The Court was told by the neighbourhood officer that 'E' was observed on 12th November 2019 to be, "*left to walk along the pavement, quite far behind*" the mother whilst the mother was walking ahead with the pram. The neighbourhood officer told the Court that she and her colleague felt that the distance between the mother and 'E' was too far, that 'E' was close to a roundabout on a busy road without supervision and that 'E' was in danger, being too far away for his mother to take any action, without his mother's support or reassurance. The Court was told that the mother eventually stopped and turned around to see 'E' "after maybe 2-3 minutes."
101. The Local Authority documents note evidence of some warm interaction between 'E' and his mother at times. Further, the Local Authority accepts that there have been no concerns during contact regarding the mother's emotional availability to 'E.' It is clear from all the evidence that the mother is not emotionally available to 'E' on a consistent basis. In my judgement, on the plain evidence before the Court, the Court must conclude that paragraphs b(ii) and b(vi) of the Local Authority threshold statement are proved.
102. At paragraph b(iii) of the threshold statement, the Local Authority asserts that both 'E' and 'S' have been exposed to domestic abuse, shouting, arguing, physical assault and inconsistency in care as a result. This will impact on 'E' and 'S's' emotional wellbeing and sense of safety. The many incidents of parental arguments and volatility are well documented in the evidence before the Court. It is clear from the evidence that each parent has a different account of their interactions with each other and both parents dispute who was responsible for the abuse, violence, conflict and volatility. The mother and 'FSY' both accept that the children 'E' and 'S' have been exposed to their arguments and volatility and both parents acknowledge that this would have been detrimental to the emotional welfare of the children. I find the Local Authority threshold statement to be proved.
103. A separate list of allegations of domestic abuse perpetrated by 'FSY' has been presented on behalf of the mother. The Local Authority does not adopt the mother's allegations. Miss Thain on behalf of the Local Authority submits, and I accept, that it has not been possible for the Local Authority to adopt the allegations of one parent as factually accurate and pursue those as findings

at this final hearing. It was submitted that the Local Authority does not prefer or seek to prove one specific account. The Local Authority merely seeks to prove, as is set out in the threshold document and accepted by the parents, that there were numerous incidents of serious domestic abuse, which were witnessed by the children, and which are likely to have caused them significant emotional harm. In my judgement, in the circumstances of the case, it is neither necessary nor proportionate for the Court to make findings as to the perpetrator of each and every incident of domestic abuse. The Local Authority Social Work evidence records, "*Arguments were said to be roughly every 1-2 weeks and reports of a female screaming and items being thrown around making other properties' windows and lights shake.*" There are differing and inconsistent accounts from both parents. I find no reliable evidence of the mother being subjected to coercive or controlling behaviour perpetrated by 'FSY'. In my judgement, the totality of the evidence points to both parents being involved in numerous incidents of domestic abuse towards each other, in the presence of the children. I accept the Local Authority submission that the extensive volume of evidence serves to highlight the true horror of the children's lived experiences and that the parents' focus on the children was lost. The overwhelming evidence reflects the extent of the harm the children were exposed to including parental violence, shouting and screaming.

104. At paragraph b(iv) of the threshold statement, the Local Authority asserts that the child 'S' was taken out of his mother's home in the early hours of the morning by 'FSY' in inappropriate clothing. 'FSY' admitted to having drunk a bottle of brandy and smoked 2 joints of cannabis, the police described 'FSY' as intoxicated.
105. The father admits to leaving the mother's house with 'S' as described by the Local Authority. He asserts that the mother had started to argue with him. He asserts that he did not feel it was safe to leave 'S' in the mother's care. He asserts that the child had been in his care in the three weeks immediately preceding the incident. He accepts he had "a beer, two small glasses of spirits and two joints." He asserts that when he was stopped by the police, he was worried that the police might return 'S' to the mother, which he did not consider would be safe for 'S'. He asserts that, although he had been drinking, he considers the way he presented was as a result of being agitated about 'S' being handed back to his mother, not due to the effect of alcohol.
106. The incident took place on 2nd January 2020. On the totality of the evidence, I find that 'FSY' damaged the mother's property, fled the property in the late hours of the night whilst heavily intoxicated, carrying the child 'S', without any suitable warm clothing for the child, in the middle of winter and was found by strangers wandering the street. The strangers were so concerned that they called the police and took 'FSY' and the child in their car to a petrol station where they were met by the police. The Court heard an audio recording of the mother's emergency telephone call to the police and has seen police body worn video footage of 'FSY's' arrest at the petrol station. 'FSY' was plainly heavily intoxicated. The police officer who gave evidence to this Court described 'FSY' as having been drinking heavily, "*he was heavily intoxicated...he was definitely drunk...clearly drunk.*" Having had the benefit of watching the police body camera video footage of the arrest, I find no reason to disagree with the police officer's description of 'FSY's' state of intoxication. The father's evidence to the Court was that he was, "*quite drunk, not proper drunk drunk. I knew what I was doing.*" The evidence of the police video footage is compelling and is entirely consistent with the police officer's conclusion that 'FSY' was heavily intoxicated. This is also consistent with the mother's evidence.
107. The Social Work evidence records that, earlier the same day, Children's Services received a call from the Paternal Grandmother, to say that 'FSY' had left her address with 'S' the previous day to visit a friend but had not returned. The Paternal Grandmother was concerned that 'FSY' may have taken 'S' back to his mother's address. 'FSY' was not answering his phone or responding to messages. The Social Worker contacted the mother who confirmed that 'S' was with her and that 'FSY' had brought him to see her the day before. The mother reported that 'FSY' had agreed she could have, 'some extended contact' as she wanted to have 'S' overnight. 'S' was reported to have cough. The Social Worker reports, "*while I was at the address they managed to get a doctor's appointment and ['FSY'] confirmed he would then take 'S' back to his mother's address.*" He did not do so. The Social Worker's evidence records, "*Later that evening between 10pm – 11:30pm there was a dispute between [the mother] and ['FSY']. [The mother] called the police and alleged that ['FSY'] had damaged property within the home i.e. TV and assaulted her by punching her in the stomach. She later stated she needed to use the kitchen door as protection which also got*

pushed into her stomach. Her account later changed and she said the struggle took place by the front door and not the kitchen door.”

108. The Social Work evidence records that ‘FSY’, *“fled the property with [‘S’]. He was under the influence after consuming alcohol and smoking cannabis. In discussion with [‘FSY’] on 07/1/2020...[‘FSY’] informed that he had 2–3 brandies and approximately 2 -3 cannabis joints. He said that alcohol and cannabis does not have an effect on him and he does not get feelings of being ‘stoned’ or intoxicated. However, the investigating officer...informed that [‘FSY’] was clearly intoxicated when police had arrived at the scene. Police and Ambulance Services attended the home address and [the mother] was taken to hospital along with [‘E’]. [‘FSY’] was picked up by police in a distressed state at a local petrol station with [‘S’] at approximately 00:30. [‘S’] was wrapped in [‘FSY’s’] coat as [‘FSY’] had left the property without appropriate outdoor clothing for [‘S’]. [‘FSY’] was arrested...and [‘S’] was later transported to...hospital as staff wanted to check him over as [the mother] had alleged she had been assaulted while holding him...Hospital staff reported both children were so grubby that they had to bath them at the hospital.”*
109. The Social Work evidence records, *“Upon discharge from hospital on 03/01/2020...[the] duty social worker, completed a home visit...[and] observed an overwhelming terrible smell in the flat along with a strong damp smell in the lounge...There was a crack to the top right hand corner of the TV but the glass was not shattered. [The mother] stated that [‘FSY’] did this by throwing his phone at the TV. The mobile phone was observed on the floor by the TV...[the duty Social Worker’s] impression was that the damage to the phone was more than it being thrown at a TV and appeared like it had been stamped on as it was in pieces. [‘E’] reported to nursery on 06/01/20 that the TV fell and there was loads of glass. When asked how it fell, he said ‘mummy kicked it, she was naughty’.”*
110. The Court has the benefit of considering an audio recording of the mother’s 999 emergency telephone call to the police on 2nd January 2020. The mother tells the operator, *“Basically my ex-partner’s basically kidnapping my son and he smashed all my TV, and Social Services are involved as well... he’s smashing things up right now... yeah, because he’s smashing things up.”* She then shouts, *“Police are on their way. Police are on their way. Police are on their way to come and get you. Can I have police, please, can I have police now.”* She is then heard to scream loudly before saying to the operator, *“I’ve literally just locked myself out.”* When asked why she was screaming, the mother goes on to say, *“Basically he’s just smashing things,”* before repeating, *“I’ve just literally locked myself out.”* The mother tells the operator that she is six months’ pregnant and, *“heavily bleeding now... he’s punched me...he’s punched me in the stomach...and I’ve just locked myself out and my three-year-old’s there...(Crying). He’s just punched me in the stomach.”*
111. The operator asked the mother, *“Are you outside?”* The mother replied, *“Yeah, I’ve just locked myself out, I can’t get back in...He’s literally gone with my baby...my baby’s only in a onesie. He literally snatched him, he’s only in a onesie...He’s nine months old...he’s literally just threw me basically down the stairs and I’ve left my three-year-old in bed.”* The operator sought to clarify whether the 3-year-old was in the house alone, to which the mother replied, *“Yes, and I can’t get in. He’s literally smashed the whole flat.”* The mother is then heard to speak on the intercom to request a neighbour to let her into the building.
112. The emergency call continued with the mother back inside the building. The operator asked the mother what had caused the problem. The mother replied, *“Yeah, he’d basically been drinking. Basically, we’re not together ...like, we’re just talking and civil for our son...Basically Social Services are involved as well...but they don’t have no concerns for him to be at the address...Basically someone messaged him and said - obviously where we’re not together, apparently I messaged another boy and that’s what kicked it off...I was holding the door...saying, like, ‘No, don’t go out’ and he literally just punched me but now I’m bleeding like nothing...He’s smashed all of his phone up... the TV’s got smashed...I was just standing but he just pushed me in front of the wall... the baby was in my arms...and he literally snatched - he snatched the baby...he smashed the TV.”*
113. It was put to the mother in cross-examination that she had ran out of the property chasing after ‘FSY’, locking herself out. The mother denied she had been locked out of the property. She also denied that the child, ‘E’ had been left alone in the property. She told the Court that ‘E’ was not on

his own, as a neighbour stayed with him. It was put to her that she had pursued 'FSY' out of the property down the stairs, leaving 'E' in the flat. The mother again told the Court that 'E' was not alone. It was put to the mother that she had repeatedly given different accounts to different professionals and was not able to give a consistent story. The mother told the Court, "*I've told stories, yes. Some were different because of gaps and controllings.*"

114. In his oral evidence, 'FSY' denied any physical altercation. He accepts that he took the child, 'S,' from the mother, "*because I was worried about ['S'] in [the mother's] care.*" He told the Court that he took 'S' from his cot. He denied breaking a phone, the television or any furniture. He told the Court that he opened the door to the property, with 'S' in his arms and the mother, "*pushed herself behind the door.*"
115. The evidence of the events of 2nd January 2021 is of a deeply worrying set of circumstances beginning with the father taking the child from the Paternal Grandmother's address without telling her, such that the Paternal Grandmother was concerned as to the child's whereabouts, the father then taking the child to the address of the mother and the mother allowing the father into the property, notwithstanding the previous events of 24th September 2019 when the mother claimed that the father had assaulted 'E'. Having allowed 'FSY' back into the property, I find that an argument developed. I find that 'FSY', under the influence of alcohol and cannabis, took the child in the late hours of the night leading to the early hours of the morning, whilst the child was dressed in inappropriate clothing given the time of year and late hour, the child having only a few hours earlier being noted to have had a cough necessitating medical advice. Those actions by the father were wholly irresponsible, reckless and dangerous. In my judgement, 'FSY' was so intoxicated as to have been in no position to adequately look after a child of that age. Further, I find that in the course of the argument between the parents, the mother was the subject of physical harm, whereby, whilst heavily pregnant, she suffered a blow to the abdomen, sufficient to result in vaginal bleeding. It is not possible on the evidence to make a finding as to the precise mechanism of the blow, whether she was directly punched in the stomach as she claims or whether the father opened a door onto her, causing the door to come into contact with her abdomen. I find that the father's recollection of events is unreliable, having regard, amongst other things, to his level of intoxication. I find the mother's account also to lack reliability. Her oral evidence to the Court that the child, 'E' was not alone in the house when she ran out into the street was plainly wrong and wholly inconsistent with the information she gave to the emergency telephone operator.
116. Miss Thain submits on behalf of the Local Authority that 'FSY's' reasons for removing the child are highly questionable, given that the child, on his account, was sleeping at the time, was not in any immediate danger and the older child, 'E' remained in the property. I endorse that submission. 'FSY' took no steps to contact professionals to assist him, if he had genuine concern about an imminent risk of harm. The Local Authority submits, and I accept, that 'FSY' failed to consider the risks and the available options and he failed to prioritise and protect the welfare of 'S'. I find that 'FSY' placed 'S' at significant risk of harm.
117. The Local Authority asserts at paragraph b(v) of the threshold statement that the children 'E' and 'S' were further exposed to physical injury as a result of hazards in the home, including medicines and cleaning products being within reach, the bath being full to the brim with water, glass in 'S's' cot, an unsafe stairgate and shelves and a hammer being left lying around. The Local Authority assertion is partially accepted by the mother who suggests that any hazards would have been temporary due to ongoing refurbishment. In her oral evidence, the mother asserted that she simply had no routines in place and things got on top of her. On the reliable evidence of the Social Worker, I find the Local Authority assertion proved.
118. The Local Authority asserts at paragraph b(vii) of the threshold statement that on 16th December 2019 it was noted that the mother had been feeding 'S' cow's milk from approximately seven months of age, which is inappropriate for a baby of this age and has the potential to cause him physical harm. In her Reply to threshold the mother accepted the Local Authority assertion. The mother told the Court in that Reply that she had come to realise that it is not healthy to have fed 'S' cow's milk at seven months, "*and would do more breast feeding where possible.*" In her subsequent evidence, the mother told the Court that she had become confused by the advice given by the Health Visitor or the G.P. regarding 'S' being able to tolerate some cow's milk with cereal. In her oral evidence, the mother's position changed, the mother telling the Court that she

had not introduced cow's milk into 'S's diet. She laid the blame on 'FSY's' family whom she said introduced cow's milk to 'S' over the Christmas period in 2019. The mother told the Court that she knew it was inappropriate and asserted that she had been the one to seek advice to ensure that 'S' reverted to powdered milk. In response, 'FSY's' account was that cow's milk had been introduced by the mother when she could not be 'bothered' to go to the shops to buy formula milk. I find the mother's later evidence regarding the issue to be inconsistent and unreliable. I find her earlier acceptance of the Local Authority assertion to be a more reliable reflection of the true position. I find the Local Authority assertion proved.

119. At paragraph b(viii) of the Local Authority threshold statement, the Local Authority asserted that the mother has referred to the child 'E' as, 'horrible boy' whilst he was present. The Local Authority asserts that 'E' is often seen in his bedroom behind a stairgate either having been given his dinner to eat in there alone, his mother says in order not to ruin the carpet in the dining area, or left in there, his mother says to dress himself after having had a bath. The mother denies the allegation. In her Reply to threshold, the mother asserts that it is a coincidence that 'E' has been seen in his bedroom by the Social Worker 'on a few occasions.' The mother asserts that 'E' is not always in his bedroom. The mother asserts that she and the children eat together in the dining room. She asserts that she has been, 'in the process of training 'E' on age-related independent skills such as feeding himself, toilet training, personal hygiene and how to dress himself.'
120. The Social Worker's evidence records that the mother was directly observed by the Social Worker on 2nd December 2019 to describe 'E' as a 'horrible boy'. When challenged by the Social Worker about how 'E' may feel when he hears things like that, as he was present in the room at the time, the mother told the Social Worker that 'E' knew he was a horrible boy, "*as he says this himself.*" The mother told the Social Worker that 'E' seemed to be fine in nursery and when the Maternal Grandfather visits, "*but just plays up at home.*" The conversation is clearly recorded in the statement of the Social Worker and I find the Social Worker's evidence to be reliable. I find the mother's assertion that this was a misunderstanding or an unreliable recollection by the Social Worker to have no merit. She asserts that she referred to 'E's behaviour at the time to be horrible. That version of events is not consistent with the Social Worker's account that, when challenged about her comment, the mother responded by saying that 'E' knows he is a horrible boy as he says this himself. I prefer the evidence of the Social Worker.
121. In her written response the mother denied that 'E' was often left in his room alone. In her oral evidence, the mother asserted that 'E' was made to stay in his room by 'FSY', who didn't want 'E' to be around. In her threshold response, the mother asserted that 'E' ate with the family in the dining room. In her oral evidence, she told the Court variously that 'E' would eat in his own room because he preferred being at his own table or because he wanted to watch his TV or iPad or that 'FSY' made him eat in there. 'FSY' told the Court that the mother wished to protect her new carpets and so made 'E' eat away from the rest of the family in isolation. I find the mother's various accounts to be inconsistent and unreliable. I find the Local Authority threshold statement to be proved.
122. I turn to consider the Local Authority's pleaded threshold allegations in respect of neglect. At paragraph c(i) the Local Authority asserts that 'E' and 'S's' needs are neglected in their mother's care. The children often present as unkempt and grubby, in dirty nappies, bedding has been observed to be wet and home conditions poor. 'S' has had periods of nappy rash and the mother has to be reminded to change 'S' more regularly. Persistent nappy rash was also a feature in 'E's Health Visitor records. At paragraph c(ii) the Local Authority asserts that the nursery reported that they have provided 'E' with a coat, jumpers and trousers and have observed 'E' to wear the same clothes for several days in a row.
123. The mother accepts that she could have done more with the children's appearance but asserts that her volatile relationship with 'FSY' made her unsettled such that she did not have enough time for herself and the children. The mother accepts that the children often presented as unkempt and grubby, suggesting that the pressure of the relationship of abuse and of feeling overwhelmed and without routines led to her neglecting the children's needs in this area. 'FSY's' evidence was that the general home conditions improved when he was present. This does not appear to be disputed by the mother. The mother also accepts the reports from the nursery that 'E' repeatedly wore the same clothes, albeit she asserts this was not for more than two days in a row. I have addressed

some of the evidence from the nursery and the Social Worker earlier in this judgment. I find on the clear evidence before the Court that the Local Authority's threshold assertions at paragraphs c(i) and (ii) are proved.

124. The Local Authority asserts as paragraph c(iii) that 'S' was frequently observed by the Social Worker to be awake and strapped in his buggy in the home and that this has the potential to curtail his physical and emotional development. The mother denies the allegation. She asserts that when 'S' has been observed by the Social Worker to be in his buggy, he and the mother have just arrived home. I find the Social Worker's evidence to be reliable. I find the Local Authority threshold assertion to be proved.
125. The Local Authority asserts at paragraph C(iv) that 'S's' cot was often seen by the Health Visitor without appropriate bedding. This concern was highlighted in reports from the Health Visitor and the Family Support Worker on different occasions. The mother asserts that she knew how to change the bedding on the cot and that there was appropriate bedding but at the times of the professionals' recorded visits, she was coincidentally between changes of bedding, hence the cot was seen bare. I find the evidence of the professionals' observations to be reliable. I find the Local Authority threshold assertion to be proved.
126. The Local Authority asserts at paragraph c(v) of the threshold statement that the mother does not work openly and honestly with professionals, which makes it difficult to offer her support in caring for the children and that this lack of engagement and defensiveness heightens the concerns and increases the level of risk for the children. The Local Authority assertion is partially accepted by the mother. She asserts she was going through a difficult time being in a volatile relationship with 'FSY', whilst pregnant. The mother asserts that she felt she was lacking support. Her written response records that she would have "*felt appreciated if she had been commended for a being single parenting*" but she felt "*condemned for all she did and hence became defensive.*"
127. In her oral evidence the mother accepted that she had disengaged from professional support. On the evidence, there were two notable periods when the mother disengaged from professionals and attempted to hide matters from professionals. The first is when the mother stayed with 'FE' over the Christmas 2019 period and failed to respond to numerous attempts by the Social Worker and the Family Support Worker to contact her. The second notable period is after the mother left a mother and baby foster care placement with 'Y' in April 2020. She failed to engage with professionals, including the Independent Social Worker who was tasked with undertaking a PAMS based parenting assessment. That period coincides with the same period when 'FSY' left his home address. The documents evidence police call outs which record that the mother and 'FSY' were seen together on two occasions.
128. The Local Authority submits that during both these periods, the mother was deliberately seeking to hide a relationship from the Local Authority, telling the professionals and the Court that she and 'FSY' were no longer in a relationship. In my judgement, the Local Authority's submission carries real weight. 'FSY's' family, including the Paternal Grandmother and Paternal Aunt both believed that the father went to the mother's home when he left his family home following an argument with his sister on 12th April 2020, just days after the mother left the mother and baby foster care placement on 9th April 2020. Further, the Local Authority identifies other examples of the mother's refusal to work openly and honestly with professionals, including a failure to engage with the Housing Support Worker, failing to engage with police in respect of the investigation into 'E's' injuries, failing to work with the Family Support Worker or to allow regular visits. I find the Local Authority assertion at paragraph c(v) of the threshold statement to be proved.
129. The Local Authority asserts at C(vi) of its threshold statement that there is a lack of supervision and failure to seek prompt medical attention for the children by the mother. The Local Authority asserts that, on or around 1st October 2020, 'E' suffered a cut to his head, which the mother claimed to know nothing about despite 'FSY' informing the Social Worker that it was bleeding profusely, having to use a nappy to stem the bleeding and that he had advised the mother to seek medical treatment but she said it would be 'fine' and tried to wipe it with a baby wipe.
130. The mother accepts that 'E' suffered a cut to his head. She asserts that she misjudged the size of the cut and further suggests that 'FSY' exaggerated the cut. 'FSY' asserts that 'E' fell over whilst

he and the mother were out with the children. He asserts that 'E's head was bleeding and he told the mother that she needed to take 'E' to hospital. He asserts that the mother did not want to go.

131. On the evidence before the Court, I find that the cut to the head was accidental. However, given the site of the injury, the mother's failure to seek appropriate medical attention for 'E' is significant. The description given by 'FSY' of using a wet wipe and a nappy to stem the blood suggests more than a mere superficial cut and is consistent with the cut still being clearly visible to nursery workers and the Family Support Worker one week later on 8th January 2020. Further, the Local Authority evidence, which I find reliable, is that, when the mother was questioned by the nursery about the cut, she said she was not aware of it and repeated the same to the Family Support Worker. Her denial to professionals of any knowledge of the cut was contradicted by the mother in her oral evidence when she gave an account of how the injury was sustained. I accept the Local Authority's submission that this raises concerns about the mother's insight, her ability to supervise and prioritise her children and her ability to engage honestly and openly with professionals. I find the Local Authority assertion at paragraph c(vi) of the threshold statement to be proved.
132. At paragraph c(vii) of the threshold statement, the Local Authority asserts that the Social Worker noticed on 02/01/20 that 'E' was suffering very sore blisters on his feet. The mother said that this was a result of not wearing socks with his wellies. The Local Authority asserts that the mother failed to recognise that 'E' may have needed some help with putting his socks on. This is accepted by the mother. I find the Local Authority statement to be proved.
133. At paragraph c(viii) of the threshold statement, the Local Authority asserts that 'E's health needs are neglected. The mother failed to take 'E' to a hospital appointment with the urology clinic in July 2018 for a review of 'E's testicular hydrocele. This is accepted by the mother, who submits this was an oversight and that alternative arrangements were made. I find the Local Authority statement to be proved.
134. At paragraph c(ix) of the threshold statement, the Local Authority asserts that the home conditions are at times unhygienic, dirty and smelly. The bathroom and toilet have been observed to be dirty and the bedroom carpet to need vacuuming. The mother struggles to stay on top of the washing up and laundry. There is often a strong odour in the flat from rotting food and nappies from rubbish which has not been taken outside.
135. The mother did not respond formally to the allegation in her response to threshold. In her oral evidence, the mother acknowledged that she had struggled to keep on top of the housework and care for the children due to a lack of routine. The Court recognises that the pressures of caring for young children mean that household chores may not always be attended to. The evidence in this case, however, is of significant concerns in respect of hygiene. The Local Authority records that on 3rd August 2019 a referral was received from the Hospital as the mother had presented at A&E with 'S' who was 4 months old at the time and did not follow medical advice for him to be admitted to the ward for observation due to reports he had been coughing up blood. This was reported as being the fourth attendance for the same issue. Records also show that despite the mother calling an ambulance she did not answer the door to the ambulance crew for 20 minutes, which resulted in them calling the fire services to enter the property. After 20 minutes the mother eventually let them in and then apparently minimised 'S's health needs. The Local Authority evidence records, "*Once the crew entered the home, they were concerned for the living conditions as well as the children's presentation being described as unkempt.*"
136. The Social Worker's statement records that in December 2019, 'FSY' reported that when he returned to the mother's home address, he was, "*extremely concerned about the home conditions and the cleanliness of the flat. He said it smelt terrible and thought this was due to a mixture of sick and dog urine which was visible on the kitchen floor.*" The Social Worker evidence records that the mother had reported the previous week that, "*'E' had been sick and that she and ['S'] had also been sick later in the week.*"
137. The social work evidence records that the home conditions fluctuate quite considerably and that things appeared better when 'FSY' was living at the home address. The social work evidence records that the mother, "*does not have a bin and will fill up carrier bags and then leave them in the bedroom or hallway rather than taking them down to the communal bin. This results in the flat*

smelling of various strong odours from rotten food to soiled nappies etc...It is concerning that this is a repeated pattern of behaviour that has been observed when in the refuge and [her previous address]. [The mother] has had considerable support with this and appears to have effected little change which has not been maintained."

138. The Family Support Worker told the Court that she observed dried faeces on the toilet seat which 'E had his hand resting on, and dried faeces on the underside of the sink. The Family Support Worker observed a dirty nappy full of faeces on the floor. The Family Support Worker observed the children's clothes to be wet and soiled and the mother's clothes to be soiled and smelling strongly of body odour. She again observed the toilet seat and lid to be very dirty. On all the evidence, I find the Local Authority threshold statement at paragraph c(ix) to be proved.
139. I find each the witnesses of fact, the parents' excepted, to be reliable and truthful. Their evidence was given in a direct manner and they answered questions in thorough and proper cross-examination without evasion. Where relevant, their oral evidence was supported by the documentary evidence available. On the clear evidence before the Court, the facts undoubtedly disclose actual significant harm and a risk of significant harm that cannot sensibly be ignored. Asking myself whether the threshold was satisfied at the date proceedings were issued, there can only be one answer. In this case the threshold under section 31(2) of the Children Act 1989 is plainly met. I find that at the time when protective measures were put in place, the children were suffering and were likely to suffer significant harm attributable to the care given to them or likely to be given to them if an Order were not made, not being what it would be reasonable to expect a parent to give.
140. Having made those findings and applying the threshold test to them, I now proceed to consider welfare and proportionality evaluations as a separate exercise.

Welfare

141. There have been very many assessments in this case. A forensic psychology report of the mother was prepared by Dr Parsons, Consultant Forensic Psychologist dated 18th February 2020. Dr Parsons is of the opinion that the mother meets the criteria for a mild learning disability, with verbal reasoning, perceptual reasoning and ability to process simple or routine information all in the borderline range and working memory in the extremely low range. Dr Parsons is of the opinion that the mother is functioning overall in the extremely low range of adult intellectual ability. Aside from her learning disability, the mother shows no evidence of personality disorder. Dr Parsons is of the opinion that many of the concerns expressed by the Local Authority in terms of the mother's vulnerability in close interpersonal relationships and the concerns of neglect and the state of the family home may well have a basis in her mild learning disability. Dr Parsons noted that if the allegations are correct regarding her relationships, the mother does present with a very high level of denial and minimisation. This is in terms of her own self-reported history. Additionally, she showed a strong tendency to minimise the domestic violence within her relationships and she completely denies the concerns in relation to neglect of her children. In Dr Parsons' opinion, neither denial or minimisation in themselves increase risk but it does make it very difficult to work with an individual in an open honest and constructive way in order to manage and reduce risk in the future. Aside from her mild learning disability, the mother has no other gross psychological difficulties, and therapeutic intervention is not recommended.
142. In an addendum report of 24th March 2020, Dr Parsons noted that a learning disability had not previously been diagnosed in respect of the mother and was therefore a hidden problem. Many of the concerns in relation to the mother relate to her not following instructions or taking advice from the Local Authority and showing a lack of insight into her difficulties. In addition, there were concerns in relation to the mother's dependence on abusive relationships and her alleged failure to protect a child in her care from harm. In the absence of other gross psychological difficulties, Dr Parsons noted that all these factors could be explained wholly or in part by the presence of an undiagnosed learning disability. If information in relation to domestic violence or domestic abuse was presented to the mother in a way which she could not retain and process, she would be unlikely to be able to follow it. Another hypothesis Dr Parsons considered is that the mother would find it very difficult to fully function independently in society without everyday support that may be given by a partner. A further complicating factor in individuals with mild learning disabilities is a phenomenon called the 'cloak of competence', when an individual with a learning disability

recognises at some level that they struggle in many social contexts and through the course of a lifetime the individual learns to make adaptations which mask these difficulties.

143. In Dr Parsons' opinion, the mother presents as clearly failing to recognise relationships that may be abusive and the mother's assessment of what is required to undertake day-to-day parenting and assessment of her own shortcomings in parenting is incomplete. The mother shows a significant tendency to deny and minimise the concerns. Based upon the mother's past behaviour, without appropriate education and intervention there is a significant risk that she may enter another relationship and become highly dependent upon such a relationship, if the person with whom she formed a relationship posed any form of risk to a child in her care. Based upon the mother's past behaviour, she would not be able to protect a child in her care from the risks that a partner may pose. In addition, there are other concerns in relation to the mother's day-to-day care of children, which have not responded to intervention from the Local Authority to date, leading to the current proceedings. The addition of a third child, Dr Parsons considered, may place strain upon the mother. The cognitive load that results from an individual having to care for an additional child, especially a new born, is significant. The mother showed a poor understanding in the clinical interview with Dr Parsons as to the effect of domestic violence and the effect upon the children. She showed a significant level of denial and minimisation in relation to domestic abuse and domestic violence in her relationships. In clinical interview, the mother's understanding of the Local Authority's concerns was relatively superficial. The mother's ability to follow the advice of the Local Authority and other professionals has been limited and she has not been able in the past to effect change. In Dr Parsons' opinion, in the past the mother appears not to have been able to work with professionals or take on board the advice of professionals fully. I find no reason to depart from the independent expert evidence of Dr Parsons.
144. A PAMS-based Parenting Assessment of the mother was completed by Miss Centeno, Independent Social Worker, dated 27 May 2020. Miss Centeno concluded that the mother struggles putting the children's needs first, meeting their needs, providing consistent care and having routines in place. Further, she does not acknowledge the problems and has not demonstrated meaningful and continuous engagement with services. In Miss Centeno's opinion, the mother will struggle to be able to provide good enough care for the children as a sibling group, any one of them individually or in any pair without a lot of input, teaching and support from other family members and agencies. Miss Centeno concluded that it is questionable whether the mother would engage with the input, teaching and support for her to provide safe care to the children. I find no reason to depart from the expert Independent Social Work evidence.
145. A Psychological assessment of 'FSY' was completed by Dr Farhy, Consultant Counselling and Psychotherapeutic Psychologist of 13th April 2020. Dr Farhy noted that 'FSY' had a long-established history of depression, emotional and behavioural difficulties. The father acknowledged that he had used cannabis regularly but asserted he had not used for the four months preceding the assessment. Alcohol, he said, was not an issue. In respect of cognitive testing, results showed verbal comprehension to fall at the bottom of the borderline range with working memory and perceptual reasoning falling in the low average range, indicating that his ability to reason was normal, if a little low, while that of coding and modulating verbal information was distinctly below average, falling within the learning difficulties range. Dr Farhy was of the opinion that 'FSY' appears to function at the borderline to low average levels, within the range considered as normal, albeit somewhat low, but he appears to have a specific verbal reasoning deficit. It was clear, Dr Farhy said, that 'FSY' to some extent minimised issues, omitting to mention facts that may have seemed negative and gave an overly positive account of himself. Assessment did not indicate mental illness. In so far as effects on his parenting ability are concerned, Dr Farhy observed that, *"one has to think of the tripartite issue of a self-centred and at times volatile personality, possible acceptance of aggression as normal, and a denying approach to problems, a combination likely to taint his children's experiences on one hand and rob them of a sense of security on the other hand."*
146. Dr Farhy recommended that the Freedom Programme, parental skills training and drug counselling resources may assist, both the Freedom Programme and substance misuse help being accessible directly through his GP without charge. Apart from that, 'FSY' would need to persevere and show commitment, an issue by itself. In Dr Farhy's opinion, 'FSY' does not require help for a mental illness. It is his personality and skills that are the issue. In theory, he could benefit

from medium to long term therapy if he were to engage in it earnestly. In the long term, these problems could be addressed by the appropriate type of psychological therapy. Most commonly, treatment would take the form of psychodynamic therapy, cognitive analytical therapy or schema therapy. These therapies address deep-seated beliefs and structures in an attempt to help the individual shift their most basic beliefs about themselves, the world and how to operate in it. Timescales of such treatments are measured in many months and even years. This need for long-term work derives from the nature of 'FSY's' issues. In Dr Farhy's opinion, success chances for therapy are low. This is because the main issue affecting 'FSY's' parenting ability is a combination of a personality pattern and somewhat low verbal cognitive ability, which limits his chance to psychologically change, and the lack of a supportive social network.

147. Dr Farhy was of the professional opinion that 'FSY' is, "*self-centred, self-righteous and impulsive. He thinks there is nothing wrong with his parenting. This is not conducive to change. He appears to display self-centred and impulsive traits. He will react against the local authority pressure. He fails to see the risk he poses because he cares not for others' points of view and is both too young, inexperienced and self-important to harken to advice. He is dismissive of others' views and has limited sense of responsibility.*" As to his ability to prioritise his children's needs above his own needs and relationships, Dr Farhy was of the professional opinion that 'FSY's' psychological makeup, "*does not indicate that he is likely to be attuned to their needs, even though he states that he does care for them. He seems to be rather self-focused and somewhat reckless, acting on his urges rather than plan ahead. He lacks resources to meet both his and his children's needs and probably the mental finesse to clearly distinguish between the two. While not appearing to be able to place their needs first, this is not indicative of him not caring, rather of not being able to see the distinction between his children's good and his own.*"
148. Dr Farhy clarified that 'FSY's' borderline verbal IQ is "*not quite a learning disability rather a learning difficulty...Persons within this group have significant limitations in their effectiveness in meeting the standards of maturation, learning, personal independence and social responsibility that are expected for his or her age level. This is bound to negatively affect his capacity to parent effectively. In principle he could provide for a child, foresee its needs and respond to them, if these needs were tangible such as physical care and shelter, less so if these were more diffuse ie a suitable environment and balanced diet, and will be most affected if the needs were emotional and social ie not concrete and observable. Further areas of concern would be his ability to nurture those dependent on him and his psychological makeup would play a significant role in this respect. The effect of these factors is especially crucial on the function of someone whose basic ability is rather low to begin with since they have limited operational margins to rely upon. The role of support networks becomes central since an abler supportive partner or social support network can facilitate better care while a demanding and undermining one will lower them further.*"
149. In Dr Farhy's expert opinion, 'FSY,' "*indicated some understanding of the Local Authority concerns. On the other hand, he expressly stated he failed to see the need for full assessment. It is not that he doesn't understand the concerns, he simply doesn't seem to consider them as central to the same extent the Local Authority do, and is wilful/impulsive enough to disregard them when so inclined.*"
150. In an addendum report dated, 8th December 2020, on reading the updated evidence, Dr Farhy observed that there has been, "*some information giving glimmers of hope, regarding positive changes in [FSY's] presentation, but not a systematic body of evidence that would change my opinion fundamentally.*"
151. In his oral evidence, Dr Farhy told the Court, "*it appears that [FSY] has begun trying to take steps, for example by joining certain groups and working on his behaviour as parent, which is a good first sign, but we have not yet seen the shoots of his labour. I can't say if it will continue or not. There is a difference between registering for a programme and actually engaging with the programme. Joining is easy. Maintaining commitment is the crux of the matter.*" Dr Farhy told the Court, "*Changes he has shown give hope, but it is much too soon, beyond initial hope of change. It is not proof of change.*"
152. Dr Farhy told the Court that 'FSY,' "*lacks sophistication: he is not intellectually very able...[FSY] thought there was no problem with his parenting, which might be due to his low cognitive ability.*"

He could not see why others were so concerned about his behaviour, for example threatening to cut himself and leaving the house with a knife. He did not see it was not an acceptable way to show stress or frustration...that was a dramatic reaction. Parents can't afford to do those things...I can't say his psychological make up would make for an acceptable outcome." Dr Farhy went on to tell the Court, *"there is a difference between therapy and change. The chances for therapy are still low. Change is still possible...I don't think either one is very high."* I find no reason to depart from Dr Farhy's independent expert opinion.

153. A Parenting Assessment of 'FSY' was prepared by Ms McCauley Social Worker of 14th May 2020, which concluded negatively. The report records that 'FSY' attended only two of the six planned parenting sessions, as a consequence of which the assessment was limited. The assessment records that 'FSY' left his parents' address on 12th April 2020 stating he would be back in time to walk the dogs with his mother that evening, however, he never returned. He then became increasingly difficult to contact and did not respond to calls or texts from his family either. That same day the mother left the mother and baby foster placement with the child, 'Y' at approximately 21:45, without informing the foster carer or anyone else of her intentions. The report records that both parents were located by police at the mother's address the following morning. When asked why he had left his parents' address, the report records that 'FSY' had an argument with his sister and her boyfriend a couple of days prior to him leaving. He said his sister and her boyfriend visited his parent's house every weekend for dinner with her children and so he did not want to be around them, hence why he decided to leave. When asked what the argument was about, he is reported to have said to the Social Worker that he could not remember. The Social Worker reports, *"I found [this] very hard to believe given this was the reason he had given up his home and now found himself in a situation where he was apparently sofa-surfing."* On the issue of support networks, the assessment records that 'FSY' reported not having a specific support network: *"If he has any worries, he said he does not really share them and generally has always kept them inside. In the past he has used cannabis to cope with stress."*
154. The assessment records that 'FSY' reported having recently stopped using cannabis, *"due to the care proceedings but he has found this difficult at times as he has been unsure how to manage overwhelming feelings, an example of this being the argument with his mother over baby food on 9th February 2020 which resulted in him taking a knife from the kitchen and leaving the home stating he wanted to harm himself. [He] said he had found it hard being around his parents all the time"*. The assessment records, *"In discussion with his mother [the Paternal Grandmother] on 13/05/20 she informed me that she wanted to support [her son] with the care of ['S'], but given his recent behaviour and non-engagement with his family, his solicitor and other professionals, she did not feel this would be a viable realistic option for ['S'] or any of the children in the longer-term...she acknowledged [her son's] recent behaviour was not prioritising the children and accepted it highlighted his lack of insight into what was needed to demonstrate he was committed and able to care for ['S']."*
155. During the assessment, 'FSY' reported that the issues between himself and the mother related to verbal arguments. He denied ever being violent towards her and disputed the allegations that he had assaulted the child, 'E'. He did admit to punching the TV during the incident on 24th September 2019. 'FSY' reported that he stopped smoking cannabis as a result of the Court proceedings and only drinks alcohol occasionally at weekends. He did not feel he posed any risk to the children. Regarding the home conditions, he felt that the home conditions improved when he lived at the address and deteriorated when he was not there.
156. In conclusion, in the opinion of the Social Worker, 'FSY' would struggle to meet the basic care needs of ['S'] given the difficulties he appears to have in meeting his own basic care needs. Further, the Social Worker questioned 'FSY's' ability to offer safe care given that he had resumed contact with the mother despite claiming she has lied about him and fabricated stories that he physically assaulted 'E'. The Social Worker observed that it was evident that the situation between the mother and 'FSY' was hostile and unsafe for children to be around. *"It appears that this was also provoked by alcohol and cannabis use."*
157. An assessment of 'FSY' and the paternal family was completed by Miss Morrissey, Independent Social Worker dated 7th October 2020 and an addendum dated 27th November 2020. Within her assessment, Miss Morrissey identified concerns about 'FSY' apportioning most of the blame with

the mother for the Local Authority's involvement. Miss Morrissey noted that there was little motivation by 'FSY' to address the concerns raised by Dr Farhy or to access support. The lack of insight into his presentation and his responses, most notably the incident with the knife, was a cause of real concern for Miss Morrissey. Miss Morrissey was concerned about the stressors placed on the family should the children be returned to 'FSY's care. She identified a concerning dynamic in the family which she expanded on in her oral evidence. Miss Morrissey identified the positives in the family set up and the care that 'FSY' showed to the children during extended contact. In my judgement, her assessment was a thorough, balanced and considered one. She is the only professional who spoke to the Paternal Grandfather and has spent time in the paternal family home. Miss Morrissey set out clearly in her report that she made the father aware of online courses and resources but the father explained to her that the details for courses, 'got wet in the rain.' He appears to have taken no proactive measures in order to address the issues that have concerned professionals throughout these proceedings. Miss Morrissey was also able to identify a tension and resentment between the Paternal Grandmother and the father in the way in which she spoke to him and he responded. In both her written reports and her oral evidence, Miss Morrissey was of the firm and unshakable independent professional opinion that she could not support placement of the children with 'FSY'.

158. A cognitive assessment was completed in respect of 'FE' by Dr Laulik, Forensic Psychologist, dated 20th April 2020. Dr Laulik noted that 'FE' has a severe and significant speech impediment and is also reported to have learning difficulties. Nevertheless, he was noted generally to be able to articulate his views and opinions. He was noted to present as cooperative and focused. Dr Laulik assessed 'FE's' overall cognitive ability as falling within the extremely low range. He was noted to have only a rudimentary understanding of the concerns of the Local Authority. An intermediary was recommended to assist 'FE' in Court hearings. The Court directed an intermediary assessment. In the event, 'FE' did not attend the Final Hearing and did not avail himself of the assistance of an intermediary.
159. A sibling assessment of the children by the Social Worker on 10th June 2020. The sibling assessment strongly recommends that the three children remain together as a sibling group of three. The assessment identified the close bond that exists between them and the benefits to the children of continuing to share their life experiences together. That conclusion is not challenged by any party.
160. The realistic options before the court are placement of all three children with their mother, placement of the children 'S' and 'Y' with their father with 'E' being placed with his paternal aunt thereby separating the sibling group, or placement of all three children as a sibling group for adoption. 'FE' does not put himself forward to care for his son, 'E'.
161. The option of the children all returning to the care of their mother would ensure that all three children remain together as a sibling group. Their Article 8 rights, and those of the mother, the fathers and the wider family would be protected. It is plainly in the children's best interests for them to be placed together. Placement of the children with their mother would allow them to retain their sense of identity and belonging. The Local Authority's submission is that those benefits are overwhelmingly outweighed by the likely risks of significant harm to the children and the significant welfare disadvantages to them associated with such placement. Having regard to the Court's findings in respect of the threshold facts, the Court found that the mother has exposed the children to a domestically abusive relationship and to unsafe and risky adults, that she lacks insight into the risks of these relationships, that she failed to prioritise the need to protect her children as their needs become secondary to her own needs, that she has neglected the children's physical, health and emotional needs, that she cannot be honest and open with professionals and that she disengaged with professionals at crucial times.
162. The unanimous professional evidence from the Social Worker, the Independent Social Worker and the psychologist leads to an inevitable and firm conclusion that the mother would not be able to care safely for the children as a sibling group or any one of them individually. The mother continues to present with a very high level of denial and minimisation, including a strong tendency to minimise the domestic violence that has occurred within her most recent relationship and through each one of her documented relationships. She denies the concerns in relation to the neglect of her children. Whilst denial or minimisation in itself does not increase risk, as Dr Parsons

observed, it does make it very difficult to work with an individual in an open, honest and constructive way in order to manage and reduce risk in the future, having regard to the mother's consistent failure to work honestly with professionals in the past.

163. There has been a long history on the part of the mother of non-cooperation and avoidance of services and professionals support. In my judgement, the totality of the evidence before the Court leads to the inescapable conclusion that the mother has failed to demonstrate that she has made any change beyond the superficial, such that the Court cannot be confident that the children would not be exposed to the risk of future significant harm.
164. In my judgement, even with professional support and support from family members, the risks remain so great that the children could not be safeguarded. In my judgement, the Maternal Grandfather, who commendably supported the mother throughout the Final Hearing, in the course of the proceedings and at the Family Group Conferences, could not provide the level of support to the mother necessary to safeguard the children. On the evidence, his role historically in supporting the mother has been minimal. There is very limited evidence of the Maternal Grandfather being able to provide the type of practical and emotional support the mother actually needs to manage the care of the children and the home or emotional support to assist the mother to make safe decisions in her relationships and decisions which prioritise the welfare of the children and help to protect them. Whilst I accept that the Maternal Grandfather may have more time available to assist the mother since his retirement, the absence of genuine support in the past remains a concern.
165. The documentary evidence records that the mother has been known to statutory services and the police since around 2012. As a minor, she was known to statutory services due to her acrimonious relationships within her family, regular anti-social behaviour and abuse of alcohol. The police were called to the family home on 56 occasions between 2010-2013, it would appear, as a result of her behaviour. The dynamics of the relationship in the past does not provide a positive prognostic indicator of the necessary support being available in the future. Historically the relationship was of significant concern. The Maternal Grandfather told the Court that he was unaware that his daughter was known to professionals as a child under sixteen, with concerns about her behaviour associating with unknown men and he was unaware of reports that she had been using drugs and alcohol since the age of 13 years. He told the Court that when he went to work, he would expect his daughter to be at home and he did not know what she was doing when she went missing. I find it difficult to accept his evidence when he told the Court, "*if Social Services were involved [with his daughter as a child], they did not relay that to me.*" He told the Court that as an adult, his daughter has not called upon him to provide emotional support. When it was put to him that his daughter reported to Social Services as an adolescent that she did not feel safe at home because of her father, that her father was an alcoholic and that he did not care about her, he told the Court, "*I don't know why she said that. It's ridiculous.*" It was put to him that his daughter threatened suicide at the age of 17 years but he refused to collect her from the hospital, necessitating her being discharged into police care. He replied, "*I don't recall being contacted by anyone.*" It was put to him that his daughter alleged that he had been physically abusive to her in the past and that he had threatened her with a knife, to which he replied, "*not physical, never.*" It was put to him that the police were called following an allegation he had assaulted her by hitting her on the face, to which he replied, "*I don't remember the police attending.*" He told the Court that his daughter, "*tends to exaggerate and twists the truth a little bit.*" Further, when it was put to him that his daughter was violent and threatened his other daughter ["D"] in the presence of 'M's niece, he told the Court, "*I did not witness that. I was on holiday. 'D' would not lie.*" When the professionals' concerns about the unhygienic condition of the mother's property were put to him, he told the Court, "*I've never seen it like that.*" Having regard to the relationship between his daughter and 'FSY,' he told the Court, "*when I saw them together, they seemed OK.*"
166. In my judgement, it is inconceivable that if the Maternal Grandfather was visiting his daughter as regularly as claimed that he did not observe what was seen by all the other professionals. There is no evidence that the Maternal Grandfather helped to address the home conditions. He was unaware of his daughter's whereabouts over the Christmas 2019 when she took 'E' to 'FSE's' house. Further, he did not support the mother to ensure her engagement with the Court assessments and he was not aware of the most recent deterioration in the mother's mental health in October 2020. I accept the Local Authority's submission that the background history of dynamics

between members of the maternal extended family, as contained in the police and mental health reports, are concerning and that those concerns are not allayed by the claims of the Maternal Grandfather and the mother that they 'don't recall' the numerous police call outs and serious allegations raised by the mother. In my judgement, the Maternal Grandfather is minimising these significant concerns. The mother and her sister remain estranged, yet she lives with the Maternal Grandfather. I accept entirely the Local Authority submission that this will create an obvious and insurmountable barrier to the ability of the mother to 'drop round' to the home of the Maternal Grandfather if she needs support. I accept the Local Authority submission that the support offered from the Maternal Grandfather will not make any material difference to the mother's ability to parent, protect and meet the needs of the children, however well intentioned and that no amount of professional support could fill the gaps.

167. On the totality of the evidence, the Court must conclude that there is no solid evidence-based reason to believe that the mother is committed to making the necessary changes. There is no solid evidence-based reason to believe that the mother will be able to maintain such commitment. Further, there is no solid evidence-based reason to believe that the mother will be able to make the necessary changes within the children's timescales. In my judgement, the weight of evidence leads to an inevitable conclusion that the mother is not able to meet the needs of the children, with or without support, and that any placement of the children in her care would place them at significant risk of physical and emotional harm.
168. I turn to consider the option of placement of the children with 'FSY' and the wider paternal family. 'FSY's' position is that he would seek to be the primary carer for his children, 'S' and 'Y' within the home of his parents, the Paternal Grandparents, and that 'E', who has no biological link with his family, would be cared for by his sister, the paternal aunt. The evidence before the Court, which is not challenged, is that the paternal aunt lives a very short distance from the Paternal Grandparents' home and that the paternal aunt has a very close relationship with the Paternal Grandparents, visiting their home on a daily basis. Such option would plainly allow the siblings to be raised in a family setting and, although it would involve separation of the sibling group into two different households, it could provide an opportunity for them to spend significant amounts of time together.
169. The paternal aunt made plain that she is seeking to care for 'E', only in the event that 'S' and 'Y' are placed with their father, 'FSY.' I accept the Local Authority submission that the entire plan stands or falls on the ability of 'FSY' to meet their needs.
170. The overwhelming evidence before the Court leads to an inescapable conclusion that the children have suffered significant harm or are at risk of suffering as a result of 'FSY's' behaviour and actions. The Court has found 'FSY' to be the perpetrator of non-accidental injuries sustained by 'E'. 'FSY' has accepted that his anger reaches an uncontrollable boiling point which has resulted in him lashing out, punching walls and a television set. His lack of appropriate decision making has been highly concerning, resulting in his removal of 'S' at night, in winter, when ill, without appropriate clothing, whilst highly intoxicated. He has become involved in arguments with his sister, the paternal aunt, resulting in them being estranged for a period of time and with his mother, the Paternal Grandmother, over a trivial issue in respect of feeding his child, which resulted in him leaving the home with a knife threatening to harm himself.
171. Despite the fact that 'FSY' indicated that he was willing to participate on a 'Caring Dads' course and was only prevented from doing so by lockdown during the national public health emergency, the Children's Guardian identified a passivity in his approach to seeking help, which the Children's Guardian considered was indicative of his evidence that he did not really need professional assistance with substance misuse or alcohol. I accept that submission by the Children's Guardian. In my judgement, even taking into consideration the father's cognitive difficulties, on the totality of the evidence, the Court must conclude that there is no solid evidence-based reason to believe that 'FSY' is committed to making the necessary changes. There is no solid evidence-based reason to believe that he will be able to maintain such commitment. Further, there is no solid evidence-based reason to believe that he will be able to make the necessary changes within the children's timescales. In my judgement, the weight of evidence leads to an inevitable conclusion that he is not able to meet the needs of the children, with or without support, and that any

placement of the children in his care would place them at significant risk of physical and emotional harm.

172. The expert assessments by the psychologist Dr Farhy and the Independent Social Worker highlight significant concerns, as identified earlier in this judgment. 'FSY' was identified as having a self-centred, self-righteous, impulsive and volatile personality, that he sees aggression as normal and he has a denying approach to problems. Dr Farhy noted that 'FSY' thinks there is nothing wrong so there is no need to change. Dr Farhy did accept that a strong, stable and supportive family placement might be able to offer the sort of protection and learning environment which would enable the 'FSY' to make progress. In my judgement, whilst the evidence before the Court is of the paternal family being tight-knit, I cannot conclude on the evidence that the environment in the paternal family home could provide the strength of support necessary to allay the unanimous concerns of the professionals should the children be placed with 'FSY.' I accept the Local Authority submission that the evidence points to a worrying dynamic.
173. A previous placement of 'S' with him in the Paternal Grandparents' home was attempted at the outset of the proceedings. It failed within days. 'FSY' ran out of the Paternal Grandparents' family in February 2020 over a trivial argument regarding feeding the child, resulting in him taking a knife and threatening to harm himself. I accept the Local Authority's concern that his extreme reaction was prompted by the sort of everyday dispute that is likely to arise on a regular basis, given that 'FSY' would be looking to his parents for guidance in raising the children. 'S's presence in the family home did not have the effect on 'FSY' of containing his reaction or response. I accept the Local Authority submission that brandishing a weapon and threatening to cause self-harm as a reaction is likely to have caused significant distress for all those present. I regret forming a conclusion that the Paternal Grandmother and the paternal aunt both minimised the incident significantly. In my judgement, the Paternal Grandmother's evidence lacked candour. It appeared to me that her evidence was intended to protect her son and obtain the outcome he sought. In my judgement, the Paternal Grandmother sought to minimise the clear difficulties that existed at the time when 'E' and 'S' were last placed in the paternal family home. Further, she sought to imply in her evidence that 'E' was responsible for the placement breakdown. Furthermore, as the Children's Guardian also notes, the Paternal Grandmother failed to protect 'E' in the past when she observed the mother 'pinching' 'E' but she did not say anything about it as she felt she did not know the mother well and did not know 'E', despite describing what she saw as horrific. The accounts given by 'FSY,' the Paternal Grandmother and the paternal aunt regarding the incident differ significantly as to whether the incident was overheard by 'FSY's' younger nine-year-old brother ("B"), who is below the age of ten, and who was present in the family home at the time. In my judgement, the family members have not been open with the Court regarding those events.
174. Similarly, 'FSY' and the paternal aunt's argument in April 2020 arose from a trivial matter, when the paternal aunt sought for 'FSY' to leave her home as she was pregnant, tired and wanted to sleep. The reasonable request resulted in 'FSY' leaving his family home, where he was living, and either becoming of no-fixed-abode, as he suggests, or returning to live with the mother, as the Paternal Grandparents suggest. He became estranged from his sister for several months, shedding further light on the troubling family dynamics.
175. The evidence from the family members is that 'FSY's' younger nine-year-old brother, 'B' keeps to himself in his bedroom within the family home. I accept the Local Authority submission that this type of behaviour in a child of this young age is a concern in itself. I accept the Local Authority submission that 'B' is of an age where he will require support and reassurance from his adult carers. The evidence from the family members suggests was that when 'E' was present in the home, 'B' felt excluded. I accept also the Local Authority submission that this creates a difficult family dynamic, with the potential for resentment and conflict. This difficult dynamic was attributed as responsible for the breakdown in the first placement.
176. Sadly, the Paternal Grandmother suffered a heart attack in August 2020. 'FSY' suggests that this changed the dynamics in the family home. The evidence suggests however, that 'FSY' continues to be argumentative. The Paternal Grandfather informed the Independent Social Worker in October 2020 that 'FSY,' "*needs to sort out his anger.*" The Independent Social Worker was further concerned about the resentment held by 'FSY' towards his mother and the attitude he displayed in October 2020 about the knife incident of February 2020.

177. Whilst I do not doubt that a significant event such as the Paternal Grandmother's heart attack must have impacted on the family substantially and ought to have been a 'wake-up call' for 'FSY,' there is no reliable evidence before me to lead me to conclude that the long-standing concerns in respect of 'FSY's' deep-rooted personality traits and functioning have dissipated or reduced to a level that would make it safe for the children to be placed with him, without risk or where the risk could be managed. I find no reliable evidence to support the bare assertion by the Paternal Grandmother and paternal aunt that 'FSY' has changed. I accept the Local Authority submission that the tentative optimism expressed by Dr Farhy in his oral evidence is not founded on any solid evidential basis. Further, I accept the unanimous professional view that to endorse a plan in which 'FSY' would be guided and supported by his family as to his parenting abilities, when the evidence leads to the inescapable conclusion that he has failed to accept guidance, support or parenting advice from his family in the past and has reacted in an extreme manner to trivial disagreements, will inevitably result in significant emotional or physical harm to the children or a combination of both and a high risk of placement breakdown with the inevitable instability and emotional damage arising from it.
178. The Local Authority and the Children's Guardian are both concerned that placement of 'E' separately from his siblings, contrary to the recommendation in the sibling assessment, carries a real risk of 'E' feeling further ostracised. The paternal aunt, who was the subject of a positive viability assessment, has her own three children, including a new born. I accept the submission that, even if there is contact each day, this is likely to be fleeting, given that 'E' is at school full time, and the need for the paternal aunt to attend to the needs of her own children and partner. The Local Authority and Children's Guardian are concerned about the impact on 'E' of feeling that he has been deliberately separated from his siblings. The Local Authority submits, and I accept, that the evidence that 'E' was excluded from the family whilst in the care of the mother would effectively be repeated under this proposed plan. The sibling assessment, which is not challenged, evidences a close relationship between 'E', 'S' and 'Y'. I accept the Local Authority submission that such placement carries the risk that 'E' will feel he has been singled out to be placed apart from his siblings, whilst they remain together, with the real potential for emotional distress and harm. This concern is heightened by the paternal aunt considering a move of location away from the family home, which would provide a further obstacle to the sibling bond being maintained. Yet further, 'E' has reported to the Social Worker that he was hurt by 'FSY' and not liked.
179. The paternal family plan was advanced at a very late stage of the proceedings, at the doorstep of the Court at the Final Hearing. The evidence before the Court is plain that the Local Authority invited the paternal aunt to participate in a kinship assessment at an early stage in the proceedings but the paternal aunt took the decision not to pursue that. The Social Worker was informed at the relevant time that this was due to the paternal aunt and 'FSY' falling out. The evidence from the paternal aunt to the Court that she was waiting for a response from the Social Worker was plainly wrong and is contradicted by the evidence of the text message from the Social Worker to the paternal aunt, disclosed in response to the aunt's oral evidence. Furthermore, in her statement prepared only days prior to the Final Hearing, the paternal aunt told the Court that she was not in a position to offer a placement for any of the children, given the demands of her own family. Whilst I accept that the paternal family have endeavoured commendably to put forward a plan to ensure that the children remain in a family placement, in my judgement, the plan has been given little thought, practically or financially. The evidence was that the plan has not been discussed between them. The Court did not have the benefit of a statement from the Paternal Grandfather setting out his support for the proposal or setting out the support that he could offer, having regard also to the support he would be providing his partner following her heart attack. Furthermore, the Children's Guardian and the Independent Social Worker, Miss Morrissey, are concerned that the paternal family are minimising the issue of the relationship dynamics within the family and how conflictual they can be, which remains unresolved.
180. I am not satisfied that any further assessments of the parents or any other family member is necessary. There is a unanimous professional view that resultant delay for the children's future placements is not in the best interests of these children who have already experienced disruption, delay and lack of certainty in their lives. The professionals are each of the opinion that the children require a decision now so that their long-term placement needs can be finalised. Furthermore, I find no reason to depart from the professional consensus that the need for a decision is all the

more pressing for 'E' having regard to the care plan of adoption of all the siblings, as 'E' is approaching the age at which such placement becomes more difficult to find.

181. The Children's Guardian acknowledges that each parent loves their child. The Children's Guardian also acknowledges that the mother and 'FSY' have attended contact with the children regularly and, on the whole, contact has been good and that the children were happy to see their parents. The Children's Guardian also notes that at times, the children did not want to see their mother or father. The Children's Guardian concludes that there are serious concerns regarding the capacity of the parents to meet the needs of the children. I do not share the criticisms of the Children's Guardian's evidence advanced on behalf of the parents. In my judgement, the independent analysis of the Children's Guardian is balanced and fair and I find no reason to depart from his conclusions.
182. I have considered whether too much emphasis has been placed by the professionals on the lies told by the parents to the extent that the professionals regarded this feature alone as determinative of the case. I have considered whether there was, as a consequence, a failure properly to set those undoubted and serious concerns against any progress made by the parents. In my judgement, it cannot be said on the evidence that the mother or the father, 'FSY,' have made any progress that is genuine and significant. I have considered whether, if the parents' progress was maintained, the parents' likely future level of honesty and openness could be assessed in the context in particular of the father's recent abstinence from cannabis use and a developing understanding, maturity and insight. I cannot conclude reasonably that it could.
183. In my judgement, we are nowhere near where we need to be to see changes in the parents' behaviour, with no evidence of any meaningful change over an extensive period covering a period from the inception of Local Authority involvement. The timescales for the children are incompatible with the time needed for the parents to effect change.
184. I can do little better than respectfully adopt the detailed and balanced analysis of the Children's Guardian having regard to each of the factors contained in his analysis under section 1(4) of the 2002 Act.
185. Having regard to all the evidence, I find no reason to depart from the consensus amongst all the professionals that safe reunification of the children into the care of their mother, together as a sibling group, or reunification of any of the children into her care is not safe nor in their best interests. I find no reason to depart from the consensus amongst all the professionals that placement of 'S' and 'Y' in the care of their father, even with the support of the paternal family, either now or in the near future, is not a realistic or safe option. I find that placement of 'E' with his siblings' paternal aunt, separate from his sibling group, is not in 'E's best interest.
186. No family member has been assessed positively to be the primary carer of any of the children. 'S' and 'Y's Paternal Grandparents were the subject of a positive viability assessment but they later withdrew from the full Special Guardianship assessment. 'E's' Paternal Grandmother was the subject of a negative assessment which has not been challenged.
187. No party proposes that permanent long-term foster care is in the best interests of the children together or individually, having regard to their respective ages. Nevertheless, the Court has considered whether long-term foster care could meet the welfare needs of the children. The Court takes into account the general advantages and disadvantages of both of adoption and of long-term fostering. As must obviously be the case, it is the advantages and disadvantages for the individual child which are the significant ones. A disadvantage of a long-term foster placement is that the children may grow up without that sense of secure attachment that adoption may offer, and at 18 years of age, the 'contractual' care provided under the foster care arrangement ceases for the foster carer. Placement in an adoptive family, however, allows the potential for a life without intervention of social work, with secure attachments with parents, or a parent, who will see the child into young adulthood and beyond. Further, routine life is different for the adopted child in that, once he is adopted, ordinarily, the Local Authority have no further role in his life, with no Local Authority medicals, reviews or consultations with Social Workers about school trips abroad, for example.

188. Adoption has the potential for the child to be a permanent part of the adoptive family to which he or she fully belongs. To the child, it is likely therefore to 'feel' different from fostering. Adoptions do, of course, fail but the commitment of the adoptive family ordinarily is of a different nature to that of a Local Authority foster carer whose circumstances may change, however devoted the foster carer is, and who is free to determine the caring arrangement. Further, whereas a parent may apply for the discharge of a Care Order with the aim of seeking the return of the child to living with them, once an Adoption Order is made, it is made for all time.
189. Contact in the adoption context is also a different matter from contact in the context of a fostering arrangement. Where a child is in the care of a Local Authority, the starting point is that the Local Authority is obliged to allow the child reasonable contact with his parents (section 34(1) of the Children Act 1989). The contact position can, of course, be regulated by alternative Orders under section 34 but the situation still contrasts markedly with that of an adopted child. There are open adoptions, where the child has the potential for direct contact with his natural parent. However, open adoption placements are a very small percentage of the overall numbers of potential adoption placements available in England and Wales.
190. If a foster care placement were to break down for any reason, the opportunities for 'E' to find a future suitable adoptive placement will decrease considerably and the opportunity for 'E' to have permanency via adoption either alone or as part of a sibling group will have passed. Making an Adoption Order now would maximise the opportunities for 'E' of finding a suitable adoption placement.
191. The advantages for these three children of adoption are that, given their young ages, needs and profile, adoption has a strong likelihood of providing them each with stable, secure attachment relationships throughout their minority into adulthood. Adoption offers them each a permanency option without the Local Authority being involved in the whole of their childhood. Such a plan is also in line with the expressed wishes and feelings of 'E' who has informed the Social Worker and the foster care that he does not wish to return to the care of his mother.
192. The plain disadvantages of adoption for the children include the severing of the parental relationship, along with a severance of all ties to the extended birth family, including with aunts, grandparents and cousins, the significance of which cannot be underestimated. Whilst adoption would offer the children a sense of belonging that a long-term foster placement may not, an adoptive parent having 'claimed' the children to be part of their family, this must be balanced against the very real negative impact of ceasing to be part of their birth-family, with the knowledge that the adoption was without the consent of their mother and, in the case of 'S' and 'Y', of their father.
193. On the facts of this case, I find no reason to depart from the consensus of professional opinion that the balance falls firmly in favour of each child being adopted. Notwithstanding the size of this sibling group, whilst there is inevitably a degree of uncertainty, the Local Authority is cautiously optimistic based on the evidence from the Family Finding Social Worker of finding a single adoptive placement for all three siblings together. The Local Authority is particularly mindful of the need to preserve this important sibling relationship, in an adoptive placement with suitable, matched adopters who are committed and assessed as being able to provide safe and consistent care for each of the siblings together.
194. I find no reason to depart from the consensus amongst all the professionals that the best option for each of the children, individually and collectively is that they should be placed for adoption. Having independently scrutinised all the evidence, I find no reason to reach a different conclusion to that of each of the professionals. In my independent judgement, this is a case where adoption is the only option that would meet the children's needs and no lesser Order will do. In my judgement, the conclusion reached by each of the professionals is clear and convincing. Any Judge hearing public law proceedings of this nature in which the care plan is for permanent separation of children from their birth family will inevitably be sympathetic to the plight of parents facing the loss of their children. It is essential, however, that in reaching my decision I maintain focused on the children's welfare as the paramount consideration. In the judgement of this Court, the welfare needs of each of the children demands the remedy of a Placement Order, leading to adoption. On the specific facts of this case, there is no other suitable course available which is in

the best interests of each of the children individually and collectively motivated by the overriding requirements pertaining to the children's welfare. Furthermore, the high degree of justification necessary under Article 8 is established. That interference is necessary and is a proportionate response, having regard to the risks and having regard to the welfare evaluation.

195. Looking at the type of harm that might arise, the likelihood of it arising, the consequences (that is, what would be the likely severity of the harm to the children if it did come to pass), whether there can be adequate risk reduction or mitigation (that is, would the chances of harm happening be reduced or mitigated by the support services that are or could be made available) and the comparative evaluation (that is, in light of all of that, how the welfare advantages and disadvantages of the children growing up with their mother or father compare with those of adoption), for the reasons also given by the Local Authority and the Children's Guardian, I am satisfied that a Care Order is necessary for each child, that a Placement Order is necessary for each child, that the Orders are in the best interests of each child individually and that the Orders are proportionate to the risks. Despite the draconian nature of the Orders and what it will mean in terms of breaking the ties with their natural family, in my judgement, adoption is really the only Order that will bring the children the security and stability they require. It is clear that the welfare of the children throughout their lives requires adoption. Accordingly, I dispense with the consent of each of her parents pursuant to section 52(1)(b) of the 2002 Act. I make an Order authorising the Local Authority to place the children for adoption.

Conclusion

196. For the reasons given, the Court makes the following Orders:
- (a) A Care Order in respect of each child;
 - (b) A Placement Order in respect of each child;
 - (c) The Court dispenses with the consent of the mother and the fathers to the children being placed for adoption.

HHJ Middleton-Roy
2 February 2021