

**IN THE FAMILY COURT AT CANTERBURY**

Canterbury Combined Court Centre and Family Court Hearing Centre  
The Law Courts  
Chaucer Road  
Canterbury  
Kent  
CT1 1ZA

BEFORE:

**HER HONOUR JUDGE SARAH DAVIES**

BETWEEN:

**KENT COUNTY COUNCIL**

**APPLICANT**

**- and -**

**R and  
ADSETT**

**RESPONDENTS**

**Known Legal Representation**

Ms Mitchell (Counsel) on behalf of the Respondent Father

**Other Parties Present and their status**

None known

**Judgment**

Judgment date: 16 July 2024  
(start and end times cannot be noted due to audio format)

Reporting Restrictions Applied: **No**

*“This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment 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.”*

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Number of folios in transcript **26**  
Number of words in transcript **1,842**

## **Her Honour Judge Davies:**

1. This case relates to an application in respect of an undertaking made by Mr Adsett in respect of his daughter C. On 7 August 2023, the Local Authority made an application to the Court for an Interim Supervision Order in respect of C, following concerns of sexual harm towards C's sister R by Mr Adsett. There were concerns also in respect of home conditions and dishonesty with professionals.
2. It was proposed that supervised contact took place between Mr Adsett and C twice per week for 1½ hours each time after school, and Mr Adsett had agreed to leave the home so that C could remain with her mother. On 23 August there was an Interim Supervision Order made, and at that hearing in front of me Mr Adsett was legally represented and he gave an undertaking in the following terms. That he would not enter the family home, save the communal area in order to deliver shopping, that he would not have unsupervised contact with C.
3. I explained the effect of the undertaking, including that he may be sent to prison if it is breached, and Mr Adsett confirmed that he was willing to give that undertaking. That is reflected in the Court order date 23 August last year. Mr Adsett accepts that he gave that undertaking freely, it was explained to him, and that he understood the consequences of breaching that undertaking.
4. Since 23 August, Mr Adsett has breached the undertaking on numerous occasions, and he today accepts 14 breaches, both direct and indirect unsupervised contact with C. As a result of those breaches there was an application for an Interim Care Order and C was removed from the care of her mother and placed in foster care. I have read the affidavit of Sophie O'Reilly which was filed this morning, and I will go through the breaches that he accepts.
5. On 24 August 2023, C messaged Mr Adsett asking him to call her when he was on the bus. Mr Adsett responded:

**“OK.”**

On 1 September, Mr Adsett messaged C saying:

**“Are you coming out tonight and can you bring me some dog ends too?”**

On 3 September, Mr Adsett messaged C:

**“Is my bone nearly done yet?”**

To which C responded:

**“Not yet.”**

Mr Adsett then messaged

**“What's it on?”**

to which C replied:

**“75%”**

Mr Adsett then messaged:

**“OK.”**

6. On 7 September at approximately 7.20am Mr Adsett was observed by Hayley Cooper, social worker, having unsupervised contact with C, sitting on a bench. There was a photo taken of that meeting, and that was exhibited to the social worker Miss Wallen-Dunk's statement dated 11 September. On 8 September at approximately the same time, Mr Adsett was observed by the social workers, Amy Wallen-Dunk and Hayley Cooper, having unsupervised contact with C, sitting on a bench, and a third photograph was taken and exhibited to Ms Wallen-Dunk's statement.

7. On 10 September 2023, Mr Adsett sent C a message asking:

**“Can you make me a sandwich for when I get back with Mum please?”**

On 11 September at approximately 7.10, Ms Wallen-Dunk and Kerry Fuller social worker observed C walking towards the area where she was observed to be with Mr Adsett on 7 and 8 September. At 7.15 Kerry Fuller took a photograph of Mr Adsett and C sitting on a bench together, and both Ms Wallen-Dunk and Miss Fuller approached them. Photograph evidence was attached to Ms Wallen-Dunk's statement.

8. On 11 September at 7.25, C messaged Mr Adsett asking:

**“You OK DSG [I do not know what that means] Dad.”**

By which Mr Adsett responded:

**“Pick up the phone please.”**

This correspondence is exhibited in the social worker's statement.

9. On 13 September, Mr Adsett made a telephone call to C. On 14 September, C messaged her father:

**“You OK Dad?”**

Mr Adsett responded:

**“I'm fine, OK.”**

C then asked:

**“Are you sure?”**

To which Mr Adsett responded:

**“Yes, I love you.”**

10. On 14 September the following messages were exchanged between Mr Adsett and C:

**“Sorry, will see you at school later.”**

**“What Dad?”**

**“You’re going into care today x. Delete all messages too.”**

C says:

**“N”**

**“Now please”**

Mr Adsett says.

C says:

**“Hello.”**

Mr Adsett says:

**“We all love you.”**

C says:

**“Dad, what?”**

He says:

**“Please delete all messages now.”**

C says:

**“What, what?”**

Mr Adsett says:

**“They are on their way to school now.”**

**“Why Dad?”**

says C.

**“To take you into care.”**

C says:

**“No.”**

Mr Adsett says:

**“Yes, sorry.”**

C says:

**“No. QOC.”**

I do not know what that means. Mr Adsett says:

**“We’re on our way now.”**

C then says:

**“No. Nah.”**

Mr Adsett says:

**“Mimim sorry.”**

I do not know what that means. C says:

**“Dad, neo, no.”**

Mr Adsett says:

**“You need to delete all messages now as they will check your phone and I’m not meant to contact you.”**

C says:

**“No, no.”**

Mr Adsett says:

**“We’ll be at school soon.”**

And C says:

**“Where are you Dad?”**

and Mr Adsett says:

**“In a taxi on the way to school.”**

C then says:

**“OK.”**

11. On 19 December, Mr Adsett tried to Facetime call C. On 12 January Mr Adsett and C engaged in a further text conversation. C says:

**“Hi.”**

And then Mr Adsett says:

**“Just got your phone but can’t get yellow.”**

**“Oh sorry, what did you get me then?”**

Says C.

**“14, same colour as mine.”**

**“What colour?”**

**“Blue.”**

C says:

**“Oh.”**

Mr Adsett says:

**“You’re not at school.”**

C says:

**“I am at school.”**

Mr Adsett says:

**“OK will try to call you later.”**

**“OK goodbye.”**

Mr Adsett says:

**“Love you.”**

C says:

**“Hi, so I have a blue phone not yellow?”**

Mr Adsett says:

**“Yes.”**

C says:

**“OK.”**

Mr Adsett says:

**“Like mine.”**

C says:

**“Are you on the phone?”**

Mr Adsett says:

**“No I’m at work.”**

**“OK”**

C says.

**“What are you doing? OK, I love you.”**

Mr Adsett then sent a voice note lasting three minutes five seconds. The Local Authority is also concerned there may be further messages that have been deleted from C’s phone.

12. Mr Adsett today gives me an apology and it was said on his behalf that he did in fact accept everything at the first available opportunity. He did of course accept the breaches in September, although he says that it was simply coincidence that C had asked him where he was likely to be, and of course that was completely untrue as it was planned. After those breaches of course, once C was placed into care, he continued to make further breaches.
13. At the fact finding last month, I made serious findings against Mr Adsett that he had sexually abused R who is C’s sister. R been brought up by Mr Adsett since she was a very young child, when she was two or three, when he came into her life, and she regarded him as her father, and he had been in that role ever since. These findings were very serious indeed, and involved sexual assault against R. The reason that I asked for undertakings to be given was to protect C and to allow her to remain at home.
14. Despite the September breaches, Mr Adsett continued to try and breach this matter, and whilst of course he says today he is very sorry, I did not receive an apology at his trial, the fact finding. I understand that family cases are difficult, are very stressful for the parents involved, but in this case there were very clear reasons for asking for this undertaking. It was to protect his daughter from sexual harm.
15. These are serious breaches, the first one occurring the day after he gave the undertaking, and whilst he says he is sorry today, I am also aware of the fact that he was found in the home under a pile of clothes which I do not think is pleaded. There were other matters that have not been pleaded as well, so it was a wholesale disregard for his undertaking that he gave.
16. I have considered the case law in relation to this matter, and helpfully directed to *Wigan Borough Council v Lovett* [2022] EWCA Civ 1631 and *Hale v Tanner*

[2000] EWCA Civ 5570, and I have considered the harm that might have been caused in this case and the reasons why the undertaking was asked for originally.

17. Would you stand up Mr Adsett please. This is a very serious matter. You were found to have committed very serious assaults against R and you gave these undertakings to protect C. In my view, this is a serious breach of that, and the harm that could have occurred I think it very significant. On that basis, I am going to impose a prison sentence on you of 14 days. However, in view of the fact that you are working full time, that you have said sorry today, and there have not been any further breaches for some six months, I am going to suspend that for a period of 12 months.

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**This Transcript has been approved by the Judge.**

The Transcription Agency hereby certifies that the above is an accurate and complete recording of the proceedings or part thereof.

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