

**IN THE FAMILY COURT AT BOURNEMOUTH**

Bournemouth Combined Court  
Courts of Justice  
Deansleigh Road  
Bournemouth  
BH7 7DS

BEFORE:

**HIS HONOUR JUDGE SIMMONDS**

BETWEEN:

**DORSET COUNCIL**

**APPLICANT**

**- and -**

**MOTHER**

**RESPONDENT**

**FATHER**

**RESPONDENT**

**CHILD A (VIA THEIR GUARDIAN)**

**RESPONDENT**

**Legal Representation**

Miss A Hand (Barrister) on behalf of the Applicant Local Authority  
Mr A Hodge (Barrister) on behalf of the Respondent Mother  
Miss K Hambleton (Barrister) on behalf of the Respondent Father  
R Carroll (Barrister) on behalf of the Respondent Child (via their Children's Guardian)

**Other Parties Present and their status**

The father was assisted by his advocate and intermediary present at Court but not named in the judgment

**Judgment**

Judgment date: 2 August 2024  
(start and end times cannot be noted due to audio format)

Reporting Restrictions Applied: Yes

*"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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## **His Honour Judge Simmonds:**

### Introduction

1. These proceedings concern Child A, who was born on [date of birth]. She is therefore seven months old. She has been the subject of proceedings since 15 December 2023. The Local Authority is Dorset, represented by Mr Hand. The Mother is represented by Mr R Hodge, and has been attending throughout and supported throughout by her father.
2. The Father is represented by Miss Hamilton. He has had the benefit of both the intermediary and Miss Evans, his advocate from Respond Advocacy. The Guardian is represented by Mr Carroll.

### The Parties Positions

3. The Local Authority say that the risks of A remaining with her parents are sadly too great. They say that A should go and live with her paternal grandparents under a Special Guardianship Order but with proper and frequent contact between A and her parents. They have put together a transition plan, but accept that, after a short while, contact will be at the discretion of the Special Guardians.
4. In support of that plan the Guardian has been instrumental in negotiating the contact arrangements and working with the grandparents to find a middle ground that is acceptable to them.
5. The mother and father have been separately represented, but their case is the same. They both propose A remain in their care and they would agree to any plan or order that would achieve this. If A cannot be in their fulltime care they would suggest a shared care arrangement with the grandparents, but if not, they would agree that A should be placed with the paternal grandparents, with whom she has a loving relationship.

### Background

6. A is the first child these parents have had together. They both have children from previous relationships who are not in their care. Due to that history, the plan of the Local Authority, when A was born, was for the parents to enter into a residential unit, immediately on discharge from hospital. Sadly no placement was found, but the paternal grandparents, by then, had been assessed as potential carers and agreed to the parents and A moving into their home, to supervise and for assessments to be ongoing at their home. They did have a holiday planned, and A and the parents were able to move for a short period to the maternal family, and then returning to the paternal grandparents when they returned from holiday.
7. The paternal grandparents were therefore responsible for the supervision of the parents time with A, for allowing assessments to be ongoing and, for the first few months of A's life, she stayed overnight in their bedroom, the rest of their care being undertaken with the parents. A remained at their home until 9 March 2024.

8. There is no doubt that there was good progress. A was able to move to the parent's bedroom in early February, by mid-February she was able to have a few hours a day unsupervised, and then on 9 March it was agreed that they (the parents and A) could move back to their home under the support of Aspire, undertaking a reversed residential assessment which meant constant supervision. That supervision was gradually reduced and by May it was limited to six hours a day. In early June, and after the expert report, full supervision was reinstated.
9. The mother's first child was subject to public law proceedings and placed with that child's paternal family. During those proceedings the mother was found to have used inappropriate force towards that child, on one occasion throwing her on the sofa, rough handling and using abusive and foul language towards her. The Guardian's report in those proceedings summarises as follows:

**“[B]’s care needs have been neglected at the most basic level. Limited interaction, poor stimulation, little emotional warmth and limited routine. A significant concern to me was [B]’s lack of reaction to her mum’s behaviour in the video, suggesting that this was a regular experience.”**
10. Father's two older children were also subject to public law proceedings that resulted in adoption orders being made. In respect of those proceedings, I have the Court's findings dated 27 July 2017 which included information that the relationship between the parents was domestically abusive. The father had damaged the door in the home, the parents had argued for hours, and the children were aware and indeed witnessed all of it. There had been a failure to engage with support, and a minimisation of the concerns that those children's needs were neglected and their basic needs were not met. The children themselves were dirty and the home conditions were unhygienic.
11. The Local Authority tell me that those children were made subject to emergency protection orders, and within a day or so of proceedings, the father set fire to a large number of cars, a Portaloo and a light aeroplane. He was later convicted of arson. He also has a significant criminal history.
12. Having set out that background, I do not lose sight of the fact that, in respect of the mother, those proceedings were five years ago, and in respect of the father, they were seven years ago.

#### Participation

13. Father has had an intermediary assessment and the recommendations of that were that he was supported by an intermediary throughout. He has been he has also had the benefit of his independent advocate. The recommendation was that he was given breaks every 90 minutes when listening to evidence and 45 minutes when giving evidence. I have ensured that those breaks have been far more frequent. His intermediary was next to him during his evidence, and I am satisfied that he has been able fully participate in the proceedings and the Court's duties have been fully engaged.

#### Child A

14. A lives with her mum and dad, and she has lived with her mum and dad as her primary carers throughout her life. She is currently being supervised by Aspire under the terms of their assessment. She was diagnosed with a heart murmur, but she is making really good progress.
15. A is thriving and she is meeting all of her milestones, and that is a direct result of the care that she is being given by these parents.

### Legal Principles

16. A's welfare is my paramount consideration. In considering her welfare I remind myself of the following:
  - a) Any delay is likely to be harmful to her
  - b) Unless the contrary is shown, that the parent's involvement in her life will further her welfare.

I have full regard to section 1(3) and in particular, the ascertainable wishes and feelings of A, her physical, emotional and educational needs, the likely effect on her of any change in her circumstances, her age, sex, background and any other characteristics which I consider relevant, any harm that she has suffered or any risk of suffering, my assessment of the capability of both the parents and also the paternal grandparents in meeting her needs, and the full range of powers available to me under the Act.

17. Any interference in this family's life must be a proportionate response to the harm identified. I remind myself of A and the parents' right to family life, pursuant to Article 8. I must grapple with competing options, I need to give them proper, focussed attention. I need to consider the positive and negative factors and then look at each option to ensure that every option is fully explored, focussing at all times on A's welfare, and then come to a decision which is most able to meet A's welfare needs.
18. In respect of the application for a Special Guardianship Order, I am invited to do this even though no formal application has been made, and of course, I am able to do that pursuant to section 14a [6](b) of the Act. Under section 14(a) of the Children Act 1989 the Court may make a Special Guardianship Order appointing one or more individuals to be a child's special guardian pursuant to section 14(c). The effect of a special guardian is to permit a special guardian to exercise parental responsibility for the subject child, to the exclusion of all other persons holding parental responsibility. I cannot make a Special Guardianship Order unless I have a report and support plan which I do.
19. In respect of the application for a Supervision Order, before I can make an order I must be satisfied that the threshold criteria pursuant to section 31 [2] of the Act is made out.

### Threshold

20. The parties have agreed threshold pursuant to section 31 Children Act 1989 and I endorse the schedule As such, the door for making a Supervision Order is open,

whether one is both necessary and proportionate is dependent on whether it is in A's welfare.

### Summary of the Evidence

21. The fact that I do not mention something in this judgment does not mean I have not fully considered it, but it is impossible in this judgement or, indeed, any judgment, to set out everything that I have heard or read.
22. I will set out matters that are relevant to my assessment and enable the parents and parties to understand why I have come to the decision that I have. This is an oral judgment, given at the conclusion of submissions.
23. I know that I will make some findings as a go along. I do so having considered the evidence in its totality and make findings at certain points to assist the parents in understanding why I consider that evidence relevant.
24. I have heard evidence from the expert, the parenting assessor, and the social work team manager (as the social worker has been unwell all week), the parents, and their support network which has included the mother's brother and his partner, the maternal grandfather, the maternal grandfather's former partner, and a close friend of the mother.
25. I have heard from the paternal grandparents, the proposed Special Guardians, and also the Guardian.

### The Expert

26. The Expert is a consultant clinical psychologist, and he reported on 12 June 2024. Before reporting, he had the benefit of seeing the papers, meeting the parents, and speak to the parenting assessor.
27. He told me the mother has insecure attachments, and will use coercive anger to regulate her feelings of vulnerability and need for care. He was of a view that the mother had limited insight, will present as obdurate and defensive, and will deflect responsibilities. Any change via therapy will be limited and in evidence he told me that the prognosis was poor. She has a deep mistrust of others and few strategies for coping when depressed or angry. He said that both Mother and Father need to take a very deep look at themselves to develop an understanding of where they are at and how they move forward.
28. He said that, when this mother is stressed, depressed or anxious, a child in her care will be exposed to that anger. He accepted that the care to date had been good, but told me his job was to look at risk in respect of the parents, and that included the history of abuse towards another child. He was clear that as A got older, and as her needs got more challenging, the risks would increase.
29. Looking at what has happened in the past, and what has changed since, he said this:

**“Whilst there have been some changes in Mother’s situation, there was less evidence of any internal change. She remains staunchly defensive, and this could present professionals as a stubbornness that will prevent her thinking more reflectively about her own emotional states necessary to identify any escalating feelings of stress when caring for A.”**

30. In respect of Father, he said he also had insecure attachments. He will withdraw to regulate his emotions, but that also means that A is left unprotected. He is less able to problem solve in relationships and is not empathetic.
31. The Expert was of the view that, as stresses and strains in the relationship became more as the needs of A became more, the risk of impulsive acts of anger would increase. He said he had limited insight and ability to reflect and would not be a protective factor in his home life, describing his history as one of poor self-regulation, associated with relatively extreme outbursts of anger and aggression, either directly or through assaultive behaviours, or indirectly, through acts of arson.
32. He said that the parents’ relationship itself, and their own individual needs, means that it was much harder for them to maintain equilibrium at times of difficulty. He repeated to me that, standing back at the moment, their ability to change was relatively poor and that stemmed from their attachment issues, the individual ways they have of managing their emotions, their ability to move to temper and their struggles with their mental health, including in his report this:

**“In sum, both Father and Mother present significant potential risk factors that will predict that their parenting of A will fluctuate across the threshold of good enough parenting over time. At times they would be likely to be able to parent A adequately, whilst at times of situational or relational stress, they would present greater risks as parents.”**

33. He accepted all the positives, that the practical day to day care has been good, that in the main the day to day notes are positive, but he said the risks will increase, and the risks were there.

#### The Parenting Assessment

34. Before I turn to the report I should highlight the in-depth nature of this assessment, and perhaps the easiest way is to do it by the hours. Whilst at the home of the paternal grandparents, the family practitioner time with this family was 487 hours. Between 8 March and 24 May, the family practitioner time with this family was 1,175.5 hours. From 25 May, up to early June, it would have been six hours a day, and then from early June to date, it would be near constant supervision. This is therefore an in-depth and detailed assessment in my Judgment pulling together many hours of observation and support.
35. Turning to the chronology for this assessment from the 15 January to 8 March, A was at the home of the paternal grandparents. By 3 February, A was able to move to the care of her parents overnight, and by 17 February contact started to be unsupervised for two hours a day. By 8 March, we have the move back to the family home, but

with constant supervision. Between March and early May, that supervision was reduced, eventually getting to six hours of observation per day by early June. On the 7 June, the Local Authority took the view that there should be no further reduction in supervision. Shortly after the report of the Expert and the risk assessment full supervision was reinstated.

36. What I note from the report, and from the notes that go with it, is that the basic care, the day to day care of A, is good. The parents love A. They are devoted to her and there is a good bond between these parents and their child. It is a loving environment. The parents have engaged. They do have a guarded approach when addressing concerns, but they have engaged.
37. The assessor tells me that the final assessment is that they do have problems in managing their stress and disagreements. This will happen when A is there.
38. Throughout her evidence the parenting assessor was at pains to highlight the positives, the good relationship with A, but she told me that, even with all of those positives, that did not mitigate the risk, and she told me that she was really concerned about A's future. She said her concerns were the ability of the parents to be quick to temper, become angry and frustrated, the inability of the father to step in, the lack of insight, and the risk as A got older.
39. The parents rightly point to the draft letter she wrote to A in her report. This of course was written before she had the Expert's report, and I am clear, written at a time when she was leaving Aspire for other employment. But that letter is clear, that her view then, without the Expert's report, was that A should remain with her parents, as the risks as she saw it, were manageable. At the same time, I am clear that she recommended the need for a psychological assessment of the parents and identified that that risk assessment was outside her expertise.
40. The Guardian told me that the writing of the draft letter at that stage, was an error. It was done with good intention but without the full picture and the benefit of considering the expert assessment.
41. She told me it wasn't just about one parent but the combination, and it is not in this case that one parent can somehow balance out the issues with the other. She accepted that, for the majority of time, care will be good, but it is that window when things go bad that things will go, in her view, really bad.
42. She was asked, "How serious is the risk?" She said it was real, and high. The risk was of both emotional and physical harm and, again, she reiterated, it would get worse and the risk higher as A gets older and tests boundaries.
43. Her worry is that when A is challenging, when she will not do as she is told as she gets older, when she touches things that she should not, and when her behaviour is just generally difficult as toddlers all are, that will cause stress, and it is that stress that these parents will not manage.
44. She supported these parents engaging in all the help recommended both by the Expert, herself and the Guardian, couples intervention, individual therapy and DBT for the mother. When the parents have undertaken that work, and there is positive feedback, you would then move to the second stage, which is the parenting work

including A, looking at a therapeutic approach to the parents learning about age appropriate behaviour management.

#### Social Worker

45. The Social Worker was unwell, but the Team Manager who has been in court throughout, stepped in and I am enormously grateful to her.
46. The parents rightly wanted to question the Social Worker. I am clear, though, that the Team Manager in giving evidence gave no disadvantage whatsoever to the parents. I was struck when the Team Manager gave evidence to me was of number of things. Firstly, she knew this case exceptionally well. Secondly, she had met A. Thirdly, she had met these parents on numerous occasions, but more importantly, she had an in-depth knowledge of the decision making process on behalf of the Local Authority. There was no unfairness in being unable to ask questions of the allocated Social Worker. Indeed, I cannot think of any questions that you could possibly put to the Social Worker that you did not put to the Team Manager and she was able to answer.
47. I found the Team Manager a very measured and carefully considered witness. I say that because she was very open to looking again at the plan of contact, considering what the Guardian was saying, considering what the proposed Special Guardians were suggesting, reflecting and changing the plans of the local authority. She was very worried about the reaction of these parents if A was no longer in their care. They will be “heartbroken” and considers that at this difficult time the local authority need to offer a “buffer zone” between them and the grandparents.
48. She was very clear that the Local Authority have full trust and confidence in the grandparents. She agreed with all the recommended ongoing support for the parents and the local authority will support this. She is willing to take the funding of couple therapy to a panel, she told me that they rarely say “no.” The local authority are willing to continue to work with the parents. She accepted that the parents have tried hard and again, like all the professional witnesses, has not shied away from all the positives.
49. At the same time, she said the Local Authority accepted the opinions of the Parenting Assessor and the Expert. It is all about the fundamental response to risk. Her professional opinion was also that as A gets older, the risks become higher.
50. She accepted that the support network that has been put forward by the parents has been impressive but said that she was worried about the geography and the realistic ability of some of them to step in, that the harm identified would not be protected by that support plan, because it would be very instantaneous, and what the Expert says is that these parents will not, in fact, reach out. Again, like the Parenting Assessor and the Expert she said the risks were too high.

#### Parenting support

51. Before looking at the parents I look at their support plan, because it is clear to me that there have been a lot of people that are willing to support the parents. I heard evidence from the mother’s brother and his partner, the maternal grandfather, his former partner, and a close friend of the mothers. They are just a few of the people who are willing to step forward, and of course if A was not in the care of the paternal



grandparents, they would also be a very supportive part of that network. I have the benefit of the family group conference and the family plan that came out of that. Again, it is impressive.

52. A lot of the supporters live a distance away from the parents, at least an hour's drive. A lot of them work. They will offer support over the telephone, and other forms of indirect contact. An example would be the maternal grandfather's former partner who saw herself very much as a listening ear on the phone but not a person that would attend the home. In contrast the maternal grandfather would visit the parents and A three or four times a week.
53. I listened carefully to the family support network. I was struck by how they had all come together, and I give full credit to that. But I was also struck by the fact that the majority of them were around when the mother's older child suffered harm in the past. She never told them, at any stage, that there were any problems. They never identified that there were any problems. It would have been a time, on any reading, that this mother was constantly struggling, and it is important to stop and reflect about what the Guardian said about that child, that her care needs had been neglected at the most basic level. Limited interaction, poor stimulation, little emotional warmth. Limited routine, and a lack of reaction when this was happening and observed, physical harm and a constant belittling with abusive names. Not one of them picked it up, indeed they all thought that she was a really good Mum who was trapped in an abusive relationship.
54. What also struck me was their total loyalty to the mother. Their focus was on the parents, and the parents' welfare.
55. The problems with the support network are threefold. You cannot protect, unless you know what you are protecting against. You cannot protect unless there is an ability of the parent to be honest and seek help at times of crisis, and you cannot protect if you are not willing/able to put the child first or the child is not your primary focus..
56. What became clear to me in their evidence was that their focus was very much on the welfare of, in particular, the mother, and not so much on the welfare of A. The plan was very much about supporting them, not protecting A.
57. On that issue of the ability to be truthful, the brother, even now, clearly did not know what had gone on in respect of the mother's oldest child. He did not know what names she had been called or the harm she has suffered. This is not in dispute but hadn't been fully shared with him by the mother. His assessment of her is that she would not and could not have acted in that way.
58. The Expert told me that you can do work with the extended family but this is not a substitute for the work needed to address the parent's risk. In his view, what they offer is practical support, but that is not what is required, because of course when a parent is in a high emotional state, there is a high chance they will not be there. Further, his assessment of the parents is that they would not seek the help.
59. I accept that the family could undertake some kind of safety type work, and that would be of enormous benefit, but I am told that would take six months and the

fundamentals would first need to be addressed, namely that any risk presented by the parents had been addressed and this was then support around them.

### The Parents

60. The parents themselves are both vulnerable. The mother is diagnosed with PTSD and poor mental health, and the father is diagnosed with PTSD, ADHD and autistic spectrum disorder. He also has a mild learning disability.
61. It is clear to me that they have tried very hard, within the assessments. It cannot have been easy for them. They are desperate to care for their daughter and their love for her is obvious. In respect of the mother, she accepts that she rejected her older child, that she would become frustrated, that she would call her abusive names. She was unable to accept the reports of both the foster carer and the Guardian in the previous proceedings, about her continued treatment of that child. She accepts that her emotions can escalate quickly. She very much blames her older child's father, although what became clear to me was that it was in fact him who instigated protective measures.
62. I was struck when both parents gave evidence to me about their lack of insight. The mother could not see that it was her becoming frustrated and angry that led to the problems with her other child and the harm caused. That very much fitted with the evidence in the report of the Expert when he said that it was not clear whether she would be able to develop a greater capacity for reflection through counselling, which she has recently embarked on. Her strategies remain limited, and to her enormous credit she accepts that she is a work in progress.
63. Whereas the mother has some acceptance to be able to gain more insight, the father had none as the Expert said. He disassociates himself from the past and any harm or responsibility. What the Expert says is that he really needed to take on those problems and make sense of them to be able to then move forward. He does not accept that he committed arson. He accepts that, when he was arrested, he had footage of one of the fires, he had an empty petrol can, he had numerous lighters, and that a friend gave evidence against him about his intentions, but everything was "wrong." He was wrongly convicted and although he pleaded guilty it was because he was advised to do so. There were care proceedings in respect of his other children which eventually led to adoption, but he took no, or little, responsibility for what happened. The findings of the Court were all wrong. The relationship was not abusive. He did not damage the door, though he later accepts that he did damage the door in the communal area, but that was not the same. There were no extensive arguments, even though the social worker witnessed them.
64. Social services had been involved for over two years before proceedings, but he had no idea of that, even though he was a regular visitor to the children's home, staying overnight at the property, and indeed from the social worker's records on some occasions he was in the property but in a bedroom and said to be asleep. He accepts the home conditions got to a point where they were not suitable for a child and that over a very long period of time, little was done.
65. The Expert's assessment of him is wrong. He is not quick to anger, or aggression. There are no problems in the relationship.

66. What the Expert says is that the history of the father is that he has a forensic history of poor self-regulation, associated with relatively extreme outbursts of anger and aggression, either directly through assaultive behaviours, or indirectly through acts of arson. The father would say again, that is all wrong.
67. I was also struck by the father's evidence that, in respect of the familial support plan, he saw little reason for it. It was nice to have support if something went wrong, but he did not have any insight about what the real concerns were, and the realities, because he does not accept them.

#### The Parental Relationship

68. I accept that it must be very difficult to be constantly observed. They have had professionals in their life since A was born. They have had professionals living in their home, and that must be very stressful. I accept the submission on behalf of the Local Authority that, from the notes, what is clear is that as supervision was reduced, the cracks in the relationship started to emerge, and that the stresses and the frustrations developed. That was the observation of multiple workers coming in.
69. The mother told me that as supervision reduced, they had their own time to discuss and reflect. What is clear, though, is that their interactions seem to have got worse. The mother will say it was misinterpreted or really that what is banter has been misconstrued, but in my judgment, what you actually see in the main is a marked change and both their stress levels, anxiety and defensiveness increasing.

#### Special Guardianship Assessment

70. The paternal grandparents are the proposed Special Guardians. They live in XXX. A has lived with them from 18 December to 9 March with her parents. For a great part of that they have also had her overnight. Even when A left their care, they have been very much hands on. They see her most weekends, they see her during the week, I believe they have had her overnight, and they are very much part of her care network.
71. When this hearing started on Monday both the Local Authority and Guardian were clear that I should place A in their care under a Final Order and the parents raised no concerns whatsoever about them. Of course, they accepted they were very much a backup. As the week has gone on the ability to make a final order now has troubled me.
72. They both gave evidence to me yesterday. I found them impressive. They were forthright, they found sometimes being told what to do very annoying and they reacted, but they were, as both the Social Worker and the Guardian tell me, exceptionally committed to A. They understood the problem of contact, they understood their role and the need for A, and they understood their need to protect.
73. Having heard from the grandparents I am reassured. I am reassured both in respect of their deep relationship with A, their commitment to work with the Local Authority, and their ability to be protective.
74. I accept that they would not rush to unsupervised contact without first consulting with the Local Authority, and I am also clear that they would expect the parents to

undertake the work identified. As the grandmother told me at the end, “A would be our responsibility,” and it was obvious the heavy burden that meant.

75. They accepted that contact may, at the start, be difficult for the parents, and they accepted readily the need for supervisors in their home. They would agree to contact, this Saturday and Sunday from 4:00 to 8:30, contact on Monday and Tuesday, and for there to be a review. They accepted that there needed to be a high level of contact with A moving to their care, because A needed to transition to their care and the parents needed to be a full part of that; they were ready and willing. They are fully committed to promoting a relationship between A and her parents. They see how important that relationship is, but at the same time understand the need for A to have security and stability.
76. These are the grandparents who have attended court at every stage, opened their door to A, the parents and assessors, attended meetings and really put their lives on hold at the earlier part of this year.
77. Finally they have their daughter in the wings, who is there to support them as well, and they had clearly thought through A being with them.

#### The Guardian

78. The Guardian was the final a witness. Like all the professionals she is very sympathetic towards the parents, noting the progress and the level of care, and she accepts it was good parenting, but like all other witnesses she focussed very much on risk. She accepted on behalf of A, the report of the Expert and the parenting assessor. She was of the opinion that the changes in the parent relationship in May was a direct result of the reduction in supervision; she saw supervision as an inhibitor. It makes the parents manage their thoughts and when supervision reduces, in fact, you start seeing more of the reality. She encouraged me to make a Final Special Guardianship Order to the grandparents, if that was what I thought was in A’s welfare and not to delay the matter for a further few months to test the placement out. She said I had all the evidence that I needed.
79. She said also that this entire family just needed to get on with things and not have the friction of proceedings, or feel that they are still under scrutiny.
80. She was very clear to me that the risks to A got higher as A gets older. She accepted that 90% of the time things would be okay, good enough, but she said that in that 10% A is at risk of suffering significant harm.
81. In that issue, about as A gets older, she said that with A now, you could put her in a cot and you could walk away and have a break. With a toddler chasing you to the loo and not allowing you a minute’s peace, you cannot, and therefore the risk gets worse. She took nothing away from the hard work of the parents, the emotional bond that the parents have with A, but she said that just did not reduce the risk, or at least in her view, even with support of the family.

#### Discussion

82. The key in this case is future risk. From any parent's point of view this must be a very difficult matter to consider, both intellectually and also emotionally, and I fully understand why. For seven months they have cared for A to a good enough standard. They have worked hard with professionals. They have done all that they possibly could. A has not suffered harm, and so from their point of view A is getting removed due to guesswork by professionals that do not really know them or A. To them that seems totally unfair. From a human point of view I fully understand that and completely accept why they may feel as they do.
83. Future risk of significant harm must be based on a finding of a real possibility, a possibility that cannot sensibly be ignored having regard to the gravity of the feared harm on the particular case. The questions I need to ask myself, were set out by Jackson LJ in *Re: K (Children and Placement Orders)* [2020] EWCA (Civ) 1503, and of course, asking myself those questions does not in any way mean I have not surveyed a wide canvas, but they help to focus on the issues. .
84. What is the type of harm that might arise? It is in this case, both emotional and physical. It is when the parents become dysregulated, and very quickly dysregulated, A being at the centre of it. It means that, on a day to day basis, A will not know what to expect from her caregiver, whether her care will be very interactive and loving or whether it will have no warmth or interaction and she will have to manage her emotions accordingly. If a parent becomes dysregulated the risk also of physical harm.
85. What is the likelihood of it arising? The entire professional evidence to me is that the likelihood is both significant and high. That was the combined evidence of the Expert, the parenting assessor, the Team Manager and of course the Guardian pulling that all together. As A gets older and more challenging in terms of boundaries then that risk increases, and indeed, she will be pushing all the buttons of the mother and the father will go into retreat. The parents have still to work through their past behaviours and at this time the risks of the repeating the same pattern are high.
86. What are the consequences? For A, it is twofold. Firstly it is the unpredictability of her parents meeting her needs. She will develop her own coping strategies and those will follow her throughout her life. Second, it is the inability to control anger, which leads to physical harm. The Guardian put it perhaps more vividly when she says that, if a child is dealing with frightening parents they become more compliant because they seek to keep the parent happy, i.e. they seek to meet the needs of the parent, rather than the parent meeting the needs of the child. That leads to sublimation of their sense of self, and it is harmful because it means the child itself does not identify their own identity. It makes them vulnerable to exploitation, abuse and unhealthy and unsafe relationships.
87. A would have to navigate her own parent's problems. She will develop her own protective measures to navigate them, and I accept that what the Expert told me is supported by all of the professionals, which is that will, as I have said, impact on her long term emotional welfare.
88. What steps can be taken to reduce the likelihood of harm, or indeed, mitigate it? There is a very supportive family and there is work that could be undertaken. The difficulty is that everybody tells me that the risk is unpredictable. It is sudden outbursts of anger, it is a sudden reduction in mood, and the support network is not

able to guard against that. The family's ability to protect is only good enough when they are there. It is when they are not there, that all the professionals are worried about and that is the evidence of all the professionals before me. Further it would require them to focus on A and not the needs of the parents.

89. The real protection is the parents developing a greater understanding of themselves and the parents themselves reducing the risk. That requires them to take a very deep look at themselves, to develop insight and therefore develop change. Everybody told me that was not in A's timescales, and that sadly, the protection in the interim is not there.

#### Separation

90. I agree with the parents that A has bonded with them, that they are her primary carers, and I agree that the separation of A from them is harmful to her. A's wishes and feelings would be to remain with her primary carers.

#### Delay

91. The parents say that if the Court accepts the Expert's evidence then they should be allowed time to undertake couple therapy, individual therapy and parenting work and that proceedings should be delayed for them to undertake it. These proceedings of course have been ongoing since 15 December 2023, and therefore for seven months. The parents have been assessed for that entire time. I accept that they want to engage with professionals, I accept that they would be likely to engage with professionals. The parents complain that the recommendations of the Expert were only received six weeks ago. They have therefore been denied the ability to start some of that work.
92. I accept that the Local Authority applied for a psychological assessment of the parents at the end of January 2024. That was refused by HHJ Williams at that stage but he gave liberty to restore.
93. By the time of the interim report by Aspire dated 20 February 2024, there was a clear recommendation for a psychological assessment to understand risks and triggers and at that stage such an assessment became necessary. The Court ordered an assessment of both parents on the 8 March. That assessment was due to be filed on 3 May, but eventually was filed on 12 June.
94. I ask myself whether I should delay to allow the parents to undertake this work, but in my judgment the answer is plainly "no", for a number of reasons. Firstly, I have a very detailed assessment of these parents. It is one of the most detailed assessments I think I have ever seen, standing back and looking at the process, and the amount of time that has been spent with them. I have a very clear expert assessment that identifies future risk. More importantly, I have a clear professional view about how long the work will take; 12 months.
95. As the Expert said in his report, the prognosis for change is limited at this stage and the outcome of more meaningful intervention to address the overriding problems remains uncertain.
96. For A to live with her parents during this time would require supervision throughout. The costs of that would be completely and utterly disproportionate.

97. I have in my judgment all the information I need to make a decision on A's welfare, any delay is neither necessary or proportionate. I encourage the parents to undertake the work, but if the risk assessment is right, that cannot be done with A in their care.

#### Shared Care

98. The parents say if A cannot remain in their care all the time what about shared care with the grandparents? In my judgment the risks of this are the same if it is two days a week or seven days a week. It is the suddenness that is the issue.

#### Decision

99. I have gone through the evidence in more detail than I would normally and concentrated on future risk. I need to look at all the options available to me, with A's welfare being my paramount consideration and asking myself, what option available to me is the best one to meet A's needs, staying with her parents, a shared care arrangement or being placed with the grandparents?
100. I accept that her parents are her primary carers and I accept that separating A from them will be harmful. I accept that care, at the moment, is good enough. I accept that A would want to remain with them and not have change. At the same time, I accept the evidence of the Expert, the parenting assessor, the team manager and the Guardian that the future risks are real, and the risks, for the reasons I have set out, will only increase as A gets older. I accept that those risks cannot sensibly be ignored and the harm is significant.
101. I accept that harm to A if removed can be mitigated in some way by a transition plan and proper levels of contact, which are clearly on offer. I also accept that the harm of separation can be mitigated because of the grandparents' very close and loving relationship with A. In my judgment all the evidence tells me that A needs stability and security. She is at a very formative time in her life, and she needs very safe and secure adult responses.
102. I have found the combined professional evidence impressive. I accept the evidence of the Expert and specifically I accept the risk assessment of the parents. I specifically accept that as A gets older the risks will increase. Sadly in my Judgment this risk is that history for both parents without further intervention will repeat itself.
103. I accept all the positives about the parents. I accept the care of A to-date as a non-mobile baby has been good enough but when balanced with the future risks it is not enough. In the balance, what I have to do is to balance where she will be best placed and, in my judgment, it is sadly not with these parents.
104. I accept the assessment of the grandparents. I accept they are committed. I accept they will offer both stability and security and I accept they will promote the relationship between A and her parents and A's identity. They are able to meet her global needs and have a strong connection with her.
105. In light of my assessment of risk shared care is not an option.

106. I have considered carefully whether or not today I can make a Special Guardianship Order to the grandparents, as sought. I have considered carefully whether I should adjourn the proceedings and make an Interim Order to test out the placement but I am satisfied by their evidence and also the evidence of the Local Authority and the Guardian that these grandparents have already been tested. They have had the care of A with the parents for the first three months of her life. They know her very well. In my judgment I have a robust evidence based assessment of them. I have a support plan and I know the quality of care they offer. In my judgment they have been fully tested and that is the firm opinion of both the social worker Team Manager and the Guardian. Further that delay will hinder this family moving forward. Accordingly, for A, I am clear that the only option in fact is placement with her grandparents and that option must be under a Special Guardianship Order because they need to make the day-to-day decisions. I am satisfied that in making that order that they will promote proper contact between A and the parents and an order for contact is not necessary.
107. The Local Authority asked me, if I make a Special Guardianship Order, to also make a Supervision Order. That is not because they have concerns about the grandparents, but they believe that the grandparents need a buffer zone to the parents, and they wish to support the grandparents and A for a period of time, both with contact but also to support and assist the parents in undertaking the work identified.
108. I am mindful that the Public Law Working Group made a recommendation in June 2020 that the making of a Supervision Order with a Special Guardianship Order should be seen as unnecessary or that a Special Guardianship Order in those circumstances is not the right order.
109. I am clear, though, that this is one of those exceptional cases where it is. These grandparents will need a buffer zone. They will need support. There are going to be very difficult steps ahead about negotiating contact, for contact to move hopefully to unsupervised. For work to continue to assist the parents in continuing to make improvements and for all those reasons I accept the recommendations of the Local Authority and the Guardian and make a Supervision Order as sought for a period of 12 months in what are unusual circumstances. A's welfare needs such an order to be made.
110. This case is a very sad one. I have enormous sympathy for these parents. I commend their hard work, I commend their devotion and I am personally very sorry for them that this is the outcome but, at the moment, it is the right outcome for A.

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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.

The Transcription Agency, 24-28 High Street, Hythe, Kent, CT21 5AT

Tel: 01303 230038

Email: [court@thetranscriptionagency.com](mailto:court@thetranscriptionagency.com)

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