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Case No: BH24C50055

Neutral Citation Number: [2024] EWFC 308 (B)

IN THE FAMILY COURT AT BOURNEMOUTH

Deansleigh Road,
Bournemouth,
BH7 7DS

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Before:

HIS HONOUR JUDGE SIMMONDS

Between:

A LOCAL AUTHORITY

- and -

(1) Mother

(2) Father

(3) THE CHILD

(Via his Children's Guardian)

(4) Grandparents

Applicant

Respondents

MS SARAH DINES (instructed by **The Local Authority**) for the **Applicant**

MR STEVEN HOWARD for the **First Respondent**

MS RACHEL TEMPLE for the **Second Respondent**

MS ELIZABETH HEPWORTH for the **Children's Guardian**

THE FOURTH RESPONDENT appeared **In Person**

JUDGMENT

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HIS HONOUR JUDGE SIMMONDS:

1. Ben (not the child's real name) was born on XXX. He is therefore three years and five months old.
2. These proceedings were commenced by the Local Authority on 5 April 2024 and Ben has been subject to an interim care order since 12 April 2024. At the time of this hearing he has been living with his paternal grandparents since 2 February 2024, initially by way of section 20 agreement and then under an interim care order.
3. The local authority are represented by Ms Dines. The mother is X represented by Mr Howard. The father is Y and is represented by Ms Temple. Both parents are under the age of 18 years old. The paternal grandparents are Mrs and Mrs Z. They are not represented. The grandfather has been present throughout and the grandmother has been caring for Ben. The guardian is represented by Ms Hepworth.

(1) The Background to the Proceedings.

4. These are the second set of proceedings in respect of Ben. The first concluded in August 2021 with Ben being placed with a maternal aunt and uncle under a special guardianship order but with the mother residing there also. The mother was made subject to a full care order and the aunt and uncle were her foster carers.
5. Concerns arose about the placement of Ben and the mother with the aunt and uncle. Ben attended nursery on 9 January 2024 with a burn on his hand. It is said that that occurred in the sole care of the mother. No medical treatment was sought. A medical examination was undertaken on 19 January and the burn was described as "a deep tissue burn". It was said, on balance, that the injury was "non-accidental" although now, it is accepted by all that it was accidental.
6. As a result of the medical evidence the police intervened and Ben was removed under police protection on 19 January 2024 to foster carers. The local authority said that the accounts of the mother and the aunt and uncle were not consistent. The aunt and uncle being special guardians agreed to Ben being placed with the paternal grandparents on 2 February 2024, where he has remained.
7. The mother left their care and went to stay with a friend's family who have now been assessed as her foster carers.
8. The mother has raised issues about the placement with the aunt and uncle. She says that she was assaulted by their son. That there were arguments between the aunt and uncle to include physical violence and that she was not treated well.
9. When these proceedings were commenced there was a period when the aunt and uncle were not sure whether or not they wished to relinquish their special guardianship order or what their position in respect of Ben was. They were both represented having parental responsibility and, on 22 May 2024, their position crystallised in that they did not seek his return to their care. I discharged their special guardianship order and, by agreement, discharged them as parties.

10. Supervised contact between Ben and his mother has taken place on three occasions per week. 90 minutes on a Tuesday and a Thursday from 16:30 until 18:00; and then each Saturday from 09:30 until 15:30.

(2) This Hearing

11. There was an issue on day one about the status of the grandparents and their wish to seek a special guardianship order. The fact that they sought such order was known at the IRH; they had been assessed and have the papers.
12. I dealt with their status on day 1 giving Judgment and making them parties and granting them leave to bring their application. Although this should have been dealt with at IRH this was not some new matter before the Court and no party was at a disadvantage.
13. Both parents are under 18. In their own ways they are vulnerable. I have to consider carefully their participation. Only the mother has needed to give evidence and my order of 22 July 2024 made clear that the parties must take into account the good practice guidance and that, when asking questions of her, it must be at a pace and consistent with her understanding: using simple common words and phrases; asking short questions; be slow to allow time to answer; allow breaks; and be sympathetic to the fact that she was young. I am clear that all that was done, save the breaks, because she was, as I will set out, clearly able to give her evidence.
14. Both parents have also had support at court. The mother has had her foster carer, XXX, with her throughout. The father, his father. I offered the parties any other special measures, to include the use of screens, but I was told that that was not necessary.
15. The father's case is very much that of the grandparents' and I am clear that his case has fully explored the position of the grandparents and, therefore, them not having legal representation, in my judgment, has not been a disadvantage.

(3) The Local Authority's Final Care Plan and the Position of the Parties.

16. The local authority say that Ben should be reunited with his mother. They take the view that she is a young mother that requires support and she should not be disadvantaged by her age. They believe that, in the medium to long term, that that would be in Ben's welfare. They are concerned that, even with good intentions, if Ben were in the care of the grandparents, the role of the mother would be marginalised and, in the long term, that would be detrimental to Ben.
17. The mother wants Ben to be placed with her. She has been his main carer throughout his life. She accepts she is young. She accepts that she has vulnerabilities. She accepts that she needs support. If Ben was with her, she would agree to frequent contact between Ben and the paternal family.
18. The father does not seek to be Ben's carer and he has never sought to be Ben's carer. What he wants is for Ben to be in the care of his parents. He is clear that they would provide security and stability; that only they could provide and that they are committed to Ben in the long term. That is very clear also from the grandparents who want the care of Ben and will, they say, promote a relationship between Ben and the mother.

19. The guardian supports Ben remaining with the grandparents under a special guardianship order. She says, given the history, given the mum's vulnerability, what Ben needs is stability and security, and that is now.

(4) Legal Principles

20. Ben's welfare is my paramount consideration. I remind myself that any delay is likely to be harmful to him. Unless the contrary is shown, the involvement of the parents in the life of the child will promote the child's welfare. I remind myself of the factors in section 1 subsection 3 of the Children Act 1989, namely the ascertainable wishes and feelings of Ben; his physical, emotional and educational needs; the likely affect on him of any change in circumstances; his age, sex, background and any characteristics of his which the court considers relevant; any harm which he has suffered or is at risk of suffering; how capable each of his parents and any other person so, in this case, the grandparents are, of meeting his needs; and the range of powers before me.
21. Any interference in family life must be a proportionate response to any harm identified, respecting the right to family life pursuant to Article 8.
22. I need to grapple with the competing options which, in this case, is either Ben in the care of the mother or in the care of the grandparents and undertake a global holistic evaluation of Ben's welfare given each option proper focus and attention. I need to look at the positives and the negatives; look at them against each other and fully consider, focussing at all times on Ben's welfare, asking myself what outcome is most able to meet Ben's needs.
23. In respect of the special guardianship application although I do not have any formal application, having granted leave I can make the order exercising my powers under section 14(a) paragraph 6, sub-paragraph (b). I, of course, cannot make an order unless I have a report and I duly have such a report.
24. In respect of the application for a care order by the local authority this engaged two principal questions; firstly are the threshold criteria for making a care order under section 31 of the Children Act 1989 satisfied? If so what Order if any will meet the welfare needs of Ben, Any order must be both proportionate and necessary for Ben's welfare. The fact that threshold is met does not mean that the Court is bound to make a care order.
25. Given the mother is under 18 years of age, given that she gave birth to Ben when she was a teenager, Mr Howard reminds me of the duty on the court not to somehow penalise the mother as a result of her age or lack of life experience. I must treat her equally and consider what support and assistance can be provided to her to enable her to parent. Saying that, there is no starting point as to placement. What I have to do is to undertake a holistic assessment; look at the advantages of a child living with each placement. The advantages of a child living with a parent as a main carer is just part of the balancing act, not a presumption; it is one of the factors in the case.

(5) Threshold

26. The mother accepts threshold is met as set out in A3 of the bundle. No party suggests to me that that is anything other than sufficient for the purposes of section 31 and I accept it.

(6) The Burn

27. The burn to Ben's hand happened on 1 January 2024. The mother thinks it was at about 09:00. She had the sole care of Ben. The aunt and uncle had left her overnight to go to London to see the New Year's fireworks. She was at home with a list of chores. One of those included the ironing. She gave Ben his breakfast, she put the iron down and left the room to empty the washing machine. When she was not there Ben touched the iron. She said he was not distressed but he might have been in shock. He ran to her and she put his hand under cold water. She was then frightened about what had happened. She told the aunt and uncle when they noticed it that it was caused on a radiator. They thought it was superficial although, clearly, both the nursery and the hospital took a different view and the hospital being clear it was a deep burn.
28. In evidence, the mother did not shy away from the fact that the burn happened, in her care, her responsibility for supervising Ben and that she was wrong to leave the iron as she did and for lying. She was scared how the aunt and uncle were going to react. She did her best with her knowledge but accepts she could and should have done more.
29. There is no evidence to suggest this was anything other than an accident as the mother says.
30. The burn is serious, but it is an accident. Accidents happen. A child falls out of a tree and breaks an arm; it does not make you a bad parent. Your child burns itself on the iron; you are not a bad parent. We all make mistakes.
31. She should have sought medical attention, and she should have told the truth from the start.
32. Before moving on to the other evidence, I should describe the mother's description of her care for the first 3 years of Ben's life. She went to a mother and baby placement. At her young age that must have been terribly scary. I cannot imagine actually what it would have been like. It was not a happy experience for her. She moved to family. That was meant to be supportive. I accept her evidence that it was not. On the evidence before me she was expected to look after Ben and a four-year-old cousin. She was clearly given a list of chores that does not seem to be challenged before me. She tells me that she was called names and judged.
33. She called the police in December 2023 because the arguments and aggression had increased to such a level that she was scared. She had to put the two youngest children upstairs. The police were called because a necklace was broken and a knife had been pulled and the shouting was continuous. Again this is not challenged.
34. So, "why did you stay?", she is asked. Well, she stayed because she wanted to keep the little boy that she loved so much in her care. How many times has this court heard that from victims of domestic abuse, much older and much wiser than this young mother? I

found her evidence in this regard compelling told me about her devotion to Ben. “Why did you stay?”. “Because I love my little boy so much”. It also places into context why she acted as she did over the burn.

35. In my judgment it would be wrong to judge this young woman because of the failures of others. In my Judgment she tried to protect her little boy the best way she could. Rather than criticise her, I am giving her full credit for that.

(7) The Working Mum

36. There was some suggestion that the future of this mother is unknown at her age and that was a factor the Court should weigh in the balance in that it could cause instability for Ben. She may go to university, she may work. She may need to arrange care for Ben. These are factors faced by most parents. She has the right to dream. She has the right to pursue education and a career as a single mother.
37. Should the mother’s youth and instability, in the sense that we do not know if she is going to work, we do not know if she is going to go, that the future should be a concern and a factor that weighs against Ben in her care? I am clear it is not.
38. I make the above findings at the start of my Judgment but I make clear I do so having considered all the evidence holistically, because they are important in assessing then the evidence in its totality.

(8) The Mother’s Current Placement

39. I appreciate that the mother’s current placement is assessed solely for her. It is an unassessed placement as a mother and baby placement. As such, it may be that the mother will have to move. I hope that does not happen but, if she does, then on the local authority’s plan, it would be with Ben. The mother, of course, is subject to a care order.
40. The plans of the local authority though, in my judgment, are clear. The placement is Ben with the mother. Whether that is in this placement or another, it matters not. The permanency provision is mother and Ben together. It is therefore, in my judgment, wrong for this court to somehow scrutinise the proposed foster carers. Indeed, it goes beyond in my judgment, the powers of the court under the permanency provisions of section 31 (3B).
41. The fact that the court knows about the foster carers does not somehow mean that we need to scrutinise them. The plan is child lives with mother. That is the plan of the local authority, in a supportive placement. Who the foster carers are is a matter for the State, not for this court and, to do otherwise, would go beyond the court’s role.

(9) The Evidence

42. The fact that I do not mention something in this judgment does not mean that I have not fully considered it but, it is impossible to set out everything that I have heard and read. I will concentrate only on the matters that I consider relevant to my assessment to enable the parties to understand how I have come to my decision.

43. I have heard evidence from the social worker, the mother, the grandfather, the guardian and the parenting assessor.

(10) The Paternal Grandparents

44. I am so sorry that you are in the position that you are in. I have nothing but sympathy for the paternal grandparents who seem, to me, to be very decent, honest and honourable people. They have developed a loving bond with Ben. They have turned their lives upside down and they have provided Ben with a very high level of care.

(11) Ben

45. Ben is a delightful little boy. I can understand why everybody wants to care for him. He has had a lot of upheaval in his short life. He has been in a parent and child foster placement and then been with his aunt and uncle; then in foster care; then in the care of the grandparents. That must be very disruptive for him. It is a great deal of moves although until the move to foster care, the moves have always been with his mother. Everybody tells me he desperately requires stability and security but, at the same time, on everything I have read, he is thriving. It must follow therefore that the level of care he has had to date has been to a very good standard. He has been well cared for. He is meeting his milestones.

(12) The Mother

46. I found her an extremely impressive and realistic witness. She knows that she needs support with the care of Ben. She knows that she has made mistakes. She thinks she has learnt from them but she knows that she has got a lot to learn. She wants to care for Ben and she wants to do it with support. The fact that she recognises that is a positive, in my judgment. She came across as a proud, loving parent. I felt she was very attuned to Ben and Ben's needs. All of her answers were very much about Ben and Ben focussed.
47. She was supportive of the paternal family. She is really worried that they are not going to involve her. Her relationship with the father does not exist and her impression is that the paternal family do not like her. She said that when Ben went to the grandparents for contact, there was never an issue. He loved the time with them and he came back very settled.
48. She spoke about her own parents not getting on; the impact that had on her and not wanting it for Ben. There was a theme of her evidence which was Ben. I can care for him but I need support. What is best for Ben? At no time did she place any restrictions on the father or the paternal family. For contact she is very straightforward: every other weekend; during the week; Facetime; contact really as much as is possible being realistic.
49. The parenting assessment of her is positive. There was an earlier assessment when she was in her early teens but, little or no weight can/should be placed on that. In the earlier assessment it was obvious what she needed, which was support. The hope was that she was going to get it. The more up-to-date assessment by RP is positive. She says that this mother "has got the knowledge to meet Ben's needs". There are some gaps, such as shopping, chores and things like that, but that is because she has not yet lived

independently. There is a close and positive attachment and that this was a mother that was attuned to Ben's needs. During the assessment process she ensured Ben's safety. She told me also that she was able to allow Ben to take age-appropriate risks. She is able to provide his food and a balanced diet.

50. The mother has been Ben's main carer throughout most of his life.
51. What it came down to is that this mother could not meet the needs of Ben on her own because she is in care, she does not have her own accommodation and that she needs some support in her own right because she is moving on to being an adult. In evidence, the parenting assessment told me that this mother was bright, learnt quickly and there was nothing in her assessment that said that Ben could not be placed with the mother along with support.
52. She had a good understanding of the harm that domestic abuse. She understood about child development and she was clear that the mother could, in time, move to independent living. She thought the mother had learnt from her mistakes. She was open and honest. Her concerns, therefore, were very much that this is a young mum that really needs help. With support, now the mother can care for Ben and, with support, in time, she can move into the community and care for Ben throughout his minority.

(13) Placement with the Paternal Grandparents

53. Ben is thriving in their care. He is meeting all of his milestones. They stepped in when it was an emergency. They turned their life upside down. They have a loving and caring relationship with Ben. They have put in place childcare arrangements when they are at work and I am clear that there is no concern about the grandparents in respect of the day-to-day care of Ben. He would thrive in their care.
54. The father lives with them. He has not had a parenting assessment and, indeed, he has, in my judgment, flown very much under the radar but, that is because he is not putting himself forward as a carer. He does not want to be a young carer. He will take Ben out for a few hours. He might take him to his nursery and back but that really is his role and, in time, he will move out and live his life. He is part of the household but not a main carer.
55. The concern in respect of the grandparents is that, although they will meet Ben's physical needs, they will not meet his emotional needs in the sense that they will not promote the relationship between Ben and his mother.
56. The concerns of the local authority and the mother are based on a number of factors. Firstly, their view of contact at the time of the SGO assessment. Three times per week was too much. That Ben himself was over-tired and required a lot of input to settle after contact. That contact impacted on the ability to undertake normal family events and activities and therefore, their proposal was once per week after school 15:00 until 18:00, and then once per month 09:00 until 18:00. Their view was that contact needed to be supervised. They think that they need to be safeguarded against this mother because they are worried about allegations that she will make. They say that she has made allegations against the aunt, uncle and cousin and there was concern about a TikTok

film in 2022 and, as such, they would not be prepared to supervise contact because of potential false allegations. Those risks of safeguarding are still very much there to them; that she is somehow a risk.

57. The mother says that in the first month of Ben being in the care of the grandparents, Ben required a serious operation. He was going to go to be under anaesthetic for 4 hours and likely afterwards to be in discomfort and pain. She feels that their decision-making process by the grandparents was to excluded her and the view was that she should not be there in hospital. The grandparents say they listened to professionals and the guardian thinks that, perhaps, people have blown this out of proportion. When looking objectively at that situation, there is merit in what the mother says. By this time in Ben's life the only long-term carer, throughout his short life, was his mother. There was clearly a very good, stable relationship and bond between them and that Ben would have wanted the comfort and presence of his mother at this time. I am sorry that neither the grandparents, nor indeed, the guardian, could see that. I agree with Mr Howard, on behalf of the mother, that the decision-making in that respect was wrong.

58. When you look at the SGO report the views of the mother are clear. The father;

“I think Ben seeing his mum three times per week is too much and it is hard fitting this around mum and dads' work. He, Ben, needs to settle down. I do not feel comfortable with her having unsupervised contact. I think it should be once per week and supervised. I feel uneasy her looking after him. If she gets unsupervised contact, I wouldn't want to risk it as something might happen to Ben, as it already has.”

He had an accident in the care of a mother. Nothing more. What did the grandparents say? Their views are very similar:

“Mr and Mrs XX ideally would like Ben to have contact with his mother at a family resource centre. However, they are willing to manage and organise contact direct with (the foster carer's) in the community ensuring Ben's safety is utmost. However, due to Ben going to nursery and the current levels of contact with the mother, the applicants relay how this is very tiring for Ben and I have discussed previously in the report how his behaviours change after contact with his mother by him lashing out and becoming aggressive later in the report.”

The grandparents say that Ben post-contact becomes aggressive, bears his teeth with the intention of biting and can lash out to his carers. This was not seen when Ben was going from the mother to them for contact.

59. When I stand back and I hear the grandparents “well, no, this is all professionals telling us”, I disagree. This was their view and you have expressed them to the professionals, not the professionals telling you.

60. They consider the mother influenced their son. He was besotted with her and, all of a sudden, he changed; not accepting boundaries. They put the onus on her and not on him. They were at the time of Ben's birth in their very early teens. It takes two to create a child.

61. In the previous proceedings the paternal family where that Ben should not be in the care of the mother.
62. The mother is not invited to anything that Ben would be part of that involved the paternal family.
63. So, when the mother says “I feel worried about the attitude of the grandparents”, there is, in my judgment, evidence to support her concern and that there will be marginalisation of her role in Ben’s life. No matter how nice they are, no matter how good and willing they are, there is an underlying concern. That will impact on Ben’s emotional development and also mean he will lose this important relationship.
64. The social worker says that the mother “needs support”. She says that “she has had real adversity but is able to be a good parent”. She says “she has been the main carer of Ben and that it does not matter if it is under a care order, the mother can provide stability”. She thinks the mother has learnt a lot about the burn and that the local authority believes their assessment is that Ben deserves the opportunity to be cared for by his birth mother and that, in fact, denying the mother the ability to care for Ben without support really is detrimental to Ben’s both medium and long-term welfare. They are very complimentary about the grandparents because they have not been supported by the local authority but, the local authority are very complimentary about them. They say that they have provided a “high level of care” but, at the same time, they think that there is a risk that the mother will be side-lined, either intentionally or not. She was pressed about the local authority’s failure to engage in restorative work but she told me, well, “that is what they had all agreed and, in fact, of course may be better”.
65. The bottom line of the social work assessment was that the mother had, for the majority of Ben’s life, been the main carer and it was now safe for Ben to be cared for by the mother.
66. The guardian has clearly agonised over this case. It is clear to me that she has really struggled with the options available. It is clearly a very difficult case and I am very grateful to her for the steps she has taken. She considers that the move of Ben from the grandparents to the mother would not be in Ben’s interests. It would cause too much confusion. He is at a critical developmental point. She thinks that the grandparents have been mis-interpreted and thinks the local authority are wrong. The guardian is a very experienced social worker. Whilst she is new to being a guardian, she is clearly very hard-working and conscientious and also very empathetic. You can tell by the enormous work that she has undertaken on this case.
67. The local authority and the mother say that her report lacks balance and analysis and in evidence she conceded many of their points. They say that she has failed to balance all of the issues that I must. She has made the accidental injury into a risk that it is not. She has not considered properly the views or analysed the views of the grandparents of the mother and the impact on Ben both of those views and restrictions. She has taken the grandparents at face value rather than scrutinising what they have done; as Mr Howard called it, it’s the “walk the walk, not talk the talk”. The fact that the mother is the primary secure attachment. The too much weight has unfairly been placed on potential uncertainties of the mother’s future.

68. I have to consider and evaluate all the options available to me with Ben's welfare as my paramount consideration I must ask myself what option best meets the needs of Ben; his mother or his grandparents?
69. Ben will want security and stability. He is 3. That is what all 3-year-olds want. He has a close relationship with his grandparents, his mother and his father. It seems to me that the relationship with his mother has been his primary attachment. I was concerned by the account of how Ben returns from contact. That is a worry. It is not seen in the care of the mother but is seen in the care of the grandparents. That, perhaps, highlights what is said by the local authority about the strong bond and attachment between Ben and his mother.
70. His mother has been a constant presence throughout his life. The social worker tells me that Ben adores his mother and this is evidenced through positive contact.
71. What Ben wants is he wants to be cared for by the person that he is closest to and he has the greatest bond with. He wants stability and security but also, he wants to have a relationship with everybody and he wants everybody to be positive about the other.
72. His physical, emotional and educational needs. He is thriving. He is well-loved. In my judgment, the evidence before me of both the special guardianship assessment, which I accept; the parenting assessment of the mother, which I accept; the social worker and the guardian all tell me that the grandparents and the mother, will be able to support his physical and educational needs.
73. The problem is with regard to the emotional needs. The guardian consider that they would be better met by the grandparents. The local authority consider that they would be better met by the mother for the reasons I have set out.

(14) Change

74. Ben has, in the main, been in the care of his mother. Indeed, with hindsight, one may question whether it was the right decision, in January, to separate him from her. There have been very challenging circumstances but the mother cannot be blamed for all of that. That the removal of Ben from his mother was a significant change. Until that time she had always been his carer. I accept that the move from the grandparents back to the mother would be, also, a significant change. Keeping him with the grandparents would mean that his relationship with his mother would be very different and would reduce; she would not be his main carer. In the care of the mother the relationship with the paternal family would be fully promoted.
75. With regard to age, sex and background, there is nothing I need to set out that I already have.
76. In respect of harm, the real risk in this case is Ben being brought up in an environment where he does not have a proper relationship with both sides of his family. Despite their good intentions, I agree with the social worker that the grandparents will, either intentionally or unintentionally, reduce the role of the mother. I cannot see a time when they would possibly permit her to have unsupervised contact, apart from a few minutes. I cannot see a time when they would possibly allow Ben to go to her home but, I can see a time when his time and relationship with his mother would be reduced.

77. As such, for the grandparents, I am clear that Ben would receive his physical needs being met and, to a greater standard I suspect that this young mother but, his emotional needs would not be. I agree with the social worker when she says in her report:

“If Ben were to remain in the care of his paternal grandparents under a special guardianship order, his relationship with his mother, would, it is suspected, not be promoted and in the longer term would be emotionally and psychologically harmful to Ben and, in turn, his identity and sense of self”.

I appreciate that the guardian disagreed with that and that the grandparents had been mis-represented but, in my judgment, the social worker’s assessment of risk, is the one I prefer for the reasons I have set out. Also, you need to factor in the voice of the father.

78. There is risk from the proposed different orders. It is accepted that if Ben were to live with the grandparents it would be under a special guardianship order. If Ben lived with the mother it would be under a care order. Care placements do break down. Ben would be subject to reviews and the local could remove Ben from the care of the mother exercising their parental responsibility.

79. Although I also appreciate foster placements breakdown the plan is placement with the mother (who herself is subject to a care order) and then in time transition with the mother into the community.

80. The fact that the mother requires parenting support; and she has got insight into it, in my judgment, is a positive, not a negative. The mother’s care is, in my judgment, for all I have read, good enough.

81. There is a real worry in cases like this that far too much weight is placed on the fact that these grandparents will be the better practical carers. They are more mature. They are financially stable. They have got a lot more experience and, therefore, they would offer much better circumstances for a child but, if that was the case, no child would ever be in the care of a young parent and all children would be placed with their grandparents, all things being equal.

82. How capable are each of the parents and the other person in relation to whom the court considers the question of relevant of meeting the needs? I accept the evidence of the special guardianship assessment that the grandparents are able to meet Ben’s needs. I accept the evidence of the social worker and the parenting assessment that the mother can care with support. I accept also the assessment of the social worker about the risks of the grandparents’ placement and specifically that the mother would be the better carer in promoting Ben’s emotional welfare.

(15) Conclusion

83. This has been a very difficult and a very sad case but, standing back and looking at what is in the best interests of Ben and bringing together all the factors and findings I make, I come to the very clear and firm view that Ben should be in the care of the mother and I am very sorry that he cannot be in the care of the grandparents.

84. That will have to be under a care order and, having found the threshold met, I make the care order to the local authority.
85. In an ideal world, this would be a case where in fact the mother would move into the paternal grandparents' home and that they would care together and that Ben would grow up in a loving household with the people that love him most. I do not have that magic wand.
86. Ben should have an ongoing relationship with the grandparents and father and that contact should be regular. It should be on alternate weekends. It should be during the week. Ben should be able to continue with the swimming lessons they currently arrange. They should be able to take Ben on holiday. Ben should be with them at Christmas, Easter and other special occasions. I will give the parties time to agree those arrangements but in default I will hear the respective arguments.

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