

11th April, 1986.

Representation of Her Majesty's Attorney General

re D , L and E V.

**Before the Deputy Bailiff assisted by
Jurats Picot and Misson.**

DEPUTY BAILIFF: We are going to make the order which is sought. We do so with regret because we feel very sorry indeed for Mrs. V who we consider is more sinned against than sinning but we have regard to the requirement that it is the interest of the children that have to be considered and not those of the parents, where there is any conflict. The interests of the children are paramount. In B et uxor -v- The Education Committee, 6th January, 1986 - as yet unreported - the Court of Appeal decided that a child may be in need of care, protection or control because of what some evidence shows is likely to happen to it in the future. The language "he is not receiving such care, protection and guidance" must also be read as applying to the case in which the child, if in the care of its parents, would not be receiving such care, protection and guidance. It follows that all the evidence relating to the children C and J is relevant and has been fully taken into account by the Court. In both cases, as well as in the case of D , there has been a pattern of truancy. J , we are told, is of above average intelligence and yet has been unable to cope with the pressure of the family situation. The reports relating to C are disturbing to say the least. The evidence relating to D , the eldest of the children concerned in the present application, is also disturbing. Mr. V , whose attitude to the present proceedings we deplore, was prosecuted regarding D's lack of attendance at school and indicated his inability to control the boy. We are satisfied that D was permitted to work excessive hours and we think it is vital that he should remain in care. He is clearly out of control. We note that he has been admitted to care on no less than 5 occasions - 4 of these being for non-attendance at school. L , the second of the three children concerned in the present application, already has a very poor attendance record at school, which undoubtedly is hindering his proper development. All the indications are that history would repeat itself in the case of the third child E . We do not consider Mrs. V to be a bad mother. The children are generally well nourished, clean and reasonably clothed, we do think however, that she is unable to cope with

the demands made upon her and that she will find it even more difficult in the future having regard to the fact that she is again pregnant and receives virtually no support other than financial from her husband. It is a tribute to the schools and the teachers of the present day that almost all children are happy at school. Where irregular attendance persists, it may be taken as an indication that there is something wrong with the parents and the home or that the child is unhappy, handicapped or mal-adjusted in some way. We consider that the proper development of these children is being avoidably prevented or neglected and that they are in need of care, protection or control. We therefore declare them to be in need of care, protection or control and we make a Fit Person Order in favour of The Education Committee. In reaching our decision we have had particular regard to the statement by Mr. Coomer that L and E would be left with Mrs. V and that a programme of rehabilitation with intensive supervision would be undertaken. We wish that to happen because our sympathies lie with Mrs. V. We want it to be known therefore, that L and E should only be removed as a last resort. So far as the Contribution Order is concerned we think the amounts asked for are perfectly reasonable, therefore we make Contribution Orders in the sum of £9.00 for D ; £6.75 for L and £4.50 for E making a total of £20.25, but of course the Contribution Order for any one or two of the children will not be implemented whilst they remain with their mother. The only other thing that we are required by the Law to include in the Order is the religious persuasion of the children and we have not been told what it is.....
Very well, Church of England.