

IN THE FAMILY COURT AT EAST LONDON

Case No: ZE15C00418

11 Westferry Circus,
London
E14 4HD

Date: 4th March 2016

Before :

HER HONOUR JUDGE CAROL ATKINSON

Between :

London Borough of Newham

Applicant

- and -

KA (mother)

Respondents

MA (father)

M, T, A and L (children)(through their Guardian)

Ms Rao for the London Borough of Newham

Ms Hasan for the mother

Mr Jopling for the father

Ms Piccos for M, T, A and L (children)(through their Guardian, Clea Barry)

Hearing dates: 29 February – 4 March 2016

JUDGMENT

HER HONOUR JUDGE CAROL ATKINSON:

1. M, is a 6 year old boy (born 26.06.10), T, a 4 year old girl (born 04.07.11), A, a 2 year old girl (born 31.08.13) and L, a 7 months old baby boy (born 02.08.15). The children's mother is KA (the mother); their father is MA (the father).
2. It was the London Borough of Tower Hamlets (LBTH) that originally issued proceedings in respect of all four children on 11th August 2015. The children had been taken into police protection on 9th August when the police, who had been searching for them, found them with their mother who had given birth to L unassisted the week before. She had sought no medical treatment for herself or the new born baby since his birth. The children are represented by their solicitor Ms Piccos, through their Guardian, Ms Barry. An emergency protection order was made, followed by an interim care order and the children have remained in two separate foster homes ever since. On 7th September, I determined that the London Borough of Newham [LA] was the designated authority.
3. This is the final hearing in the LA's application. On 25th January last I considered some late-made allegations of domestic abuse, raised in Dec 2015 by the mother against the father. I concluded that the father had not behaved in the way she alleged and I handed down a Judgment on that issue on 25th January 2016 having given my decision at the conclusion of the hearing.
4. The case proceeded to this final hearing at the conclusion of which I have had to consider threshold and make a welfare decision. The facts which found the threshold are now agreed and the parties also agree that on the basis of those facts the threshold is crossed. It is my duty to consider whether that is so.
5. On welfare, the LA case is that I should make a child arrangements order in respect of all children to their father so that they can be placed into his care together with a supervision order to the local authority which will enable it to give him the support that will be necessary over the next 12 months.
6. The father supports the LA position, as does the children's Guardian. The mother opposes the application, seeking an adjournment of the proceedings in order that she might undergo some CBT with a view to the children ultimately being returned to her. I have joined as parties the maternal grandparents. They appear in person. They invite me to make orders that the children should live with them.

Decision

7. I do not expect everyone to wait for the end of this Judgment for me to announce the decision. In fact, I do not suppose the decision will be a surprise and that is because the evidence in this case has been overwhelming – certainly with regard to the respective abilities of the parents to care for their children.
8. In my Judgment the best interests of each of these children is served by making orders placing them into the care of their father. Their mother is, in my view, unable to offer them good enough care now and the evidence is clear that she will be unlikely to be

able to do so within a time frame that suits their needs. However, she is their mother and they love her and I can only hope that she will find the strength to embark upon the long therapeutic road to greater emotional stability necessary for her to be able to have more relaxed and more frequent contact to them in the future.

9. I do not agree that the maternal grandparents are not able to care for the children. I consider that with the appropriate guidance, of which they would be welcoming, they would be able to offer them a safe, happy and comfortable home. I have considered the allegations made against them by the mother to be completely unfounded. However, they realise that in circumstances in which I am satisfied that the children's father is able to care for them then without some good reason otherwise that is what is best for the children.
10. I endorse the proposal that the base line for contact between the mother and the children is once a month and that there should be a gradual tapering down to that level. Whether it increases or decreases or relaxes in its supervision requirements will depend upon the steps that she takes from here on. I applaud the arrangements that have been made between the father and the grandparents for contact and I am satisfied that going forward the father will be able to negotiate the best way forward for the children recognising the importance of keeping the grandparents in the he children's minds and in their hearts.
11. I will make the specific issue order with regard to the immunisations of the children feeling it necessary to make an order due to the tendency of the mother to change her position with regularity and without reason or warning.
12. Let me explain why I have come to these decisions starting with the essential background to the proceedings.

The precipitating event

13. The children were taken into police protection on 9th August 2015 after complaints by the father that the mother was pregnant and had received no ante natal care, that she was intending to leave with the children to travel to Egypt in order to have the baby there and had previously breached a prohibited steps order by taking the children out of the country. The mother and the children had left their accommodation in Newham and there was, what she now accepts, was an attempt made by her to book herself and then three children onto a flight to Egypt. When the police located the mother she had already given birth to her fourth child, L. The mother says that L was born a week before on 2nd August.
14. Mother had accessed no ante natal services and had given birth at home alone whilst the older three children, she says, were in the living room watching TV. The children saw L, she says, after he was born. However there are instances of M and T reporting to foster carers that they assisted with the birth. M has told of having to wash "dirty blood" from his hands. There is no doubt that they at the very least saw the bloody mess surrounding the birth.
15. Whilst the mother has previously suggested that she was taken by surprise by the birth and was reluctant to call an ambulance for fear the paramedic would be a man, her

reasons for not involving medics have constantly changed and she accepted finally in her evidence before me that her own estimate of her due date was mid-July, so by the time she gave birth she was more than 2 weeks beyond that date. Following the birth she accessed no health or post-natal services and so L was not taken for medical treatment until a week after his birth.

16. Those then are the precipitating events which led to the LA issuing its proceedings but there had already been extensive LA involvement with this family by the time it issued.

Earlier history

17. The mother is a white British woman who was born and grew up in Wales. She became a Muslim in about 2008. Both parents are in their mid 20s. The father is the youngest of an extensive group of 11 siblings. He is of Somalian and Yemeni parentage. He was born in Somalia but has lived in the UK, in the care of one of his sisters, since he was about 8 years old. Many of his siblings are in London. His parents live in Egypt.
18. The parents met online through a website called “singlemuslim.com”. This was in 2009. The mother had already been married to a man who I believe she had met through the same website. They were divorced after 2 months. Within weeks after meeting, the parents were married. They were married by an Imam over the phone and not in each other’s presence; they had not met before their marriage.
19. Their relationship has been rather on and off since the birth of T, their second child and it is difficult to be clear about when they were together and when apart. Doing the best I can it would seem that they were together until shortly after the birth of T when they separated and the father did not live with the family again after then. He did however return to the mother and they continued in a sexual relationship – hence there is no dispute that he is the father of A and L.
20. It is a matter of dispute between them why they separated and how they would come back together. The mother says that she was effectively abandoned by the father and left to care for the family alone and without any support and that he returned only to impregnate her. Having said that she has given differing accounts to others and on occasions has insisted that it was she who did not wish to have him return to the family. The father says that he left because they were arguing a lot and he did not want that to happen in front of the children. Thereafter, she would ask him to return to her and he would, but then within a short time the arguing would start again and he would withdraw. He is however frank enough to admit that he returned to her on occasions in order to fulfil his sexual needs.
21. The family has been on the radar of a number of different London authorities and possibly one authority in Wales for some time. The first records come with a couple of police referrals in 2010 and 2012 which I set out in my earlier Judgment and add nothing to this history.
22. During 2013 and 2014 whilst the mother was caring for the children alone there are a series of referrals made by neighbours who were concerned about the children. The

referrals are all of a similar nature – that they have heard a female voice shouting abuse at children and persistent crying and the children are never seen. Until the commencement of this hearing the mother denied these reports and blamed vindictive neighbours but as I pointed out to her the reports come from three different boroughs and therefore three different sources. Whenever the police or responsible LA sought to investigate the referrals or sought become involved with the family the mother presented as oppositional and refusing to engage.

23. The mother now concedes these matters. The details of the abusive behaviour towards the children are set out in the threshold at paragraphs 4, together with the lack of engagement at paragraphs 10 and 11. They are set out in bland terms but in order to understand the findings that I make about the mother's ability to care for the children and to properly demonstrate what the children have suffered whilst in her care I am afraid that I have to set this history out a little more fully here. The information that I am about to summarise comes from a social work chronology but in anticipation that these matters were to be in issue the source documents have been produced in relation to the key entries. I have checked the entries against the source information.
24. On 04/02/13 when M was 2 $\frac{3}{4}$ and T was 19 months [F74] police received a call from a neighbour reporting that the mother was screaming at her small baby and child. Both children were said to be screaming and the neighbour reported that it was "horrible to hear". The neighbour reported seeing the mother say to T "move your fucking head" as she put her into the car. The mother was spoken to by police as a result. She was described in the report as "highly charged and irrational", screaming and shouting and refusing to answer any questions. The complaint appears to have been made to police in Wales.
25. A year later, on 09/01/14, in the London Borough of Wandsworth, there came another report from a different source that the mother had been shouting at the children and "threatening violence" against them. The children were said to be heard crying excessively. A second referral in similar terms came a matter of days later adding that the children were crying for extensive periods. M was then 3 $\frac{3}{4}$, T was 2 $\frac{1}{2}$ and A was just 5 months old. A number of attempts were made to visit the family but were unsuccessful. Children's services initiated a s. 47 investigation due to the safeguarding concerns raised by the referrals, the failure to see the children and concerns that they were isolated in the community and not engaging with any of the usual children's services. A third referral was made on 19th February following which a text message was sent to the mother indicating that the social worker intended to visit in the company of the police. At about the same time the father had reported the children missing. On attendance the police forced entry and it appeared that the family had moved.
26. There then follows a period of confusion in the history but the family surface again in Newham on 07.09.14 when the police were called by concerned neighbours who heard a female voice shouting "you fucking little bastards, I hate you". At this time M was 4, T was 3 and A was just over a year old. The informant is noted to live in the flat below the mother and expresses concern for the safety of the children who she says she never sees leaving the home. On visiting, the police find the children quiet but well fed and nothing of concern is seen.

27. In May 2015 the family moved to Tower Hamlets. In June 2015 the father goes to the police again reporting his concerns that the mother is heavily pregnant, has received no ante natal care, is not booked into a hospital and is planning to leave for Egypt with the children. He also complained that the children were not registered with any nursery or GP. A social worker from Tower Hamlets failed to gain access to the children and by July 2015 the father was contacting children's services insisting that they should gain access to ascertain the welfare of his children. When the social worker finally gained access the mother was found to have moved. Enquiries confirmed that she had booked seats for herself and the children on a flight to Egypt but that these seats were not taken up. The family was finally found in the circumstances that I have already described.
28. The mother concedes that she has moved home frequently – listing 9 moves in 5 years in her own written evidence and she told Ms Adoul that she moved several times to escape social services and police “harassment” of her. In keeping with the concerns that these children were rarely “seen” is the fact that none of the children have been registered with a GP since 2013 and there is some doubt as to the extent to which M was registered at a nursery or school. Certainly it is now conceded that following the closure of the Islamic school that M was attending/ intending to attend (according to the mother) there were no attempts made to register him elsewhere.

History post-proceedings

29. Following the issue of proceedings various reports have been commissioned and in summary the assessments of the mother and the maternal family have been negative whilst the assessments of the father and the paternal family have been positive. The LA put together its final care plan which was for placement of the children with the father. This prompted an extreme response from the mother.
30. On 19th December there was an incident of violence which took place outside of the contact centre in full view of the children when the mother went there to confront the father. She did so by assaulting him. I refer to my earlier Judgment on this issue but should add that this assault on the father was largely admitted by the mother.
31. Two days later the mother made her call to the Guardian in which she made allegations against the father. I have found those allegations to be untrue. It was during this conversation that she also indicated that the allegations that she had made against her parents were exaggerated and untrue.
32. At the hearing before me on 25th January the mother confirmed that she had retracted her allegations against her parents when she saw the Guardian and confirmed that to be her position. On 31st January she said the same to Ms Adoul, the Independent Social Worker. On 11th February in a telephone conversation with the ISW she accepted that she had retracted them but insisted that they were true. On 12th February she filed evidence reviving those allegations, maintaining that she had never actually retracted them.

33. So it is that the mother has sought to rely upon those allegations as part of her case opposing the children being placed with her parents or even having contact with them. I deal with these issues in more detail below.

The proving of allegations

34. It is the LA that brings this case and so it is for the LA to prove it. The standard of proof is the simple balance of probabilities. What that means is that I must be satisfied that something is more likely than not to have happened before I can find it so.
35. Where an allegation is a serious one, there is no requirement that the evidence must be of a special quality. Nor does the seriousness of the consequences of a finding of fact affect the standard to which it must be proved.
36. I apply that standard throughout my decision making in this application and whenever I indicate that I am “satisfied” it is to that standard I refer. In relation to the allegations made against the grandparents, it is the mother who makes these allegations against them and so it is she who must prove them.
37. I remind myself again of the fundamentals set out by the President in the case of *Re A (A Child) [2015] EWFC 11*. In particular, findings of fact must be based on evidence and not on suspicion or speculation.
38. I make my decision having had regard to the whole of the evidence. The evidence comes before me in many forms. I have a core bundle of two lever arch files filled with documentation and access to five further files with yet more source material. I have not read it all nor have I been invited to. I have heard live evidence from the current social worker, the ISW Ms Adoul, Dr Dhumad, the ISW Ms Harris, the Children’s Guardian, the mother and the father and the grandparents. It is for me to assess them as witnesses of truth and form a view of their reliability and credibility. It is for me to decide whether I accept the opinion of an expert. Each piece of evidence must be considered in the context of the whole.
39. It is not uncommon for witnesses in these cases to tell lies in the course of the investigation and the hearing. The court must be careful to bear in mind that a witness may lie for many reasons, such as shame, misplaced loyalty, panic, fear and distress, and the fact that a witness has lied about some matters does not mean that he or she has lied about everything (see *R v Lucas [1981] QB 720*).
40. Let me start, as I must, with the threshold

Threshold

41. Before the LA can interfere in any family it has to cross what is referred to as the threshold. What that means is that it has to prove facts which when looked at together satisfy me that the children – each of them separately – have suffered, or are likely to suffer significant harm, and that significant harm is attributable to the care given to each of them by their parent/s.

42. In this case those facts are set out in the agreed document which will be appended to the order I make in this case. I have set out more detail regarding those facts in the history recounted above.
43. The parties are in agreement that as a result of these facts, which are directed entirely towards the mother and her behaviour, the statutory threshold is crossed. I agree. These children have been exposed to a very chaotic lifestyle and to the emotionally volatile and abusive behaviour of their mother. They have been subjected to verbal abuse from her. They have suffered what must have been dreadfully frightening experiences whilst in her care culminating in the terrifying bloody mess that was, I find, in evidence in her bedroom following the unassisted birth of L.
44. The father has been prepared to accept that whilst he was not the primary carer of these children it has been a failure on his part to allow them to remain in this chaos. There is no doubt that by mid-2015 he was becoming more assertive in his protection of his children. However, there were problems well before this and he should have been aware that to absent himself from the lives of these children periodically in circumstances in which he was aware of the irrationality and volatility of the mother and her failure to engage with ordinary services such as education and health was a failure on his part to protect them. That needs to be added to the threshold document.

Welfare

45. Once the threshold is crossed I am able to make a whole raft of orders in relation to the children, guided always by the following:
- a. The children's welfare, each of them separately, is paramount in my decision making meaning that I must make the order which is in their best interests;
 - b. I am guided in my assessment of their best interests by the welfare checklist to which I will shortly refer;
 - c. Any order I make must be the least interventionist – so if no order is needed I should not make one and if I can manage the outcomes through less intervention and control that is what I should do;
 - d. I must bear in mind that delay in making decisions is to be avoided as it is generally contrary to the interests of children and the timetable for any child must be examined with care at all stages of these proceedings – not least when an adjournment and a lengthening of the process is proposed;
 - e. Children are better off brought up within their natural family if at all possible and of course within the pool of natural family members they are better off brought up by their parents, again if possible.
46. I have already alluded to the evidence that I have heard and read. I do not intend to recite it all here. My obligation is to recite those parts that are necessary for an understanding of how I have come to this decision. However, that the mere fact that I do not recite any one part of the evidence does not mean that it has been disregarded. All evidence has been weighed carefully in the balance in coming to this decision.
47. Before I turn to the welfare checklist let me deal with the allegations made by the mother against her parents.

The allegations against the grandparents

48. The allegations made against the grandparents are to be found in the statement by the mother dated 7th October. They are said to be summarised in that statement and a fuller account produced in a second statement dated 9th October. However, although more background detail is produced in the later statement the allegations themselves are repeated almost verbatim. The allegations were set out in written form at my direction when the mother sought to persuade me that her parents should not be assessed as potential carers for her children. It is worth noting that in her November interviews with the ISW Ms Adoul she makes yet more detailed and serious allegations against them. These further details have never been put into a statement by the mother and have not been pursued in this hearing.
49. The grandparents were only joined a matter of weeks ago. They appear here in person. They have had no opportunity to go into print in response to these allegations focusing their evidence on the welfare decision and indeed for a time it appeared unnecessary because until recently the allegations had been retracted by the mother.
50. Doing the best that I could during this hearing I have distilled the allegations down. I am grateful to the mother's Counsel, Ms Hasan, for her acknowledgement that these four simple headings "encapsulate the essence" of her complaints. They are as follows:
- a. The grandparents have no respect for her religious views and are anti-Islamic/anti-Muslim referring to Muslims as "terrorists" for example;
 - b. The grandparents have made allegations that the mother was aggressive and mentally unwell to a variety of people;
 - c. One specific incident of abuse and violence took place between the grandfather and the mother set out in her statement at the final paragraph on C82;
 - d. The grandparents, and specifically the grandfather, have "forced" the children to eat pork knowing that it was contrary to their culture and beliefs. The allegation is that this has been done deliberately and maliciously.
51. What the grandparents say about these allegations can be summarised as follows:
- a. They have and do respect her choice of religion, they are not racists or anti-Islam and they have never called their grandchildren "terrorists";
 - b. The grandmother agrees that during her childhood/ teenage years when the mother's behaviour was, she says, erratic and aggressive, and as a result they took her to see a child psychologist, she did indeed discuss these matters with close members of her family for support – nothing more than that;
 - c. The incident set out at C82 of the Bundle is denied;
 - d. On one occasion the grandfather gave T a piece of ham from his ham sandwich, unthinkingly, and simply not making the connection between ham and pork. Other than that one occasion they have never made that mistake again and they have certainly never "forced" the children to eat pork products.
52. These allegations are made by the mother. It is for her to prove them on the balance of probabilities. She is the sole source of the allegations. There is no corroborating or

supporting evidence. As I have already said, I have not found any of these matters proven. Here is why.

53. In December 2015 the mother told the Guardian that these allegations were untrue. The Guardian stands by that. Indeed the mother herself confirmed to me from the witness box under oath that the Guardian's note of that conversation was correct and further that her position was that the allegations were untrue.
54. She now says to me that the Guardian has it wrong and that she never said that her allegations against her parents were untrue. That does not explain why she told me in January that the Guardian had it right. Nor does it explain why she told me herself in January that the allegations were untrue.
55. During her meeting with the ISW on 31st Jan she likewise confirmed that she had "made up the allegations of abuse against her parents". During the telephone call on 11th February with Ms Adoul she changed her position again. She told the ISW she had made her retraction in respect of her parents in order to demonstrate that she could have support from her extended family as the father did and that in fact her allegations against her parents were true. In other words it suited her case at that time not to make allegations against them.
56. The mother's credibility was badly shaken during the earlier hearing. My assessment of her was that she was untruthful but I remind myself that the mere fact that she has lied about the father does not mean that she has lied about her parents. Even so how on earth can I be satisfied that she is truthful in her claims that her parents are abusive, disrespectful, anti-Islamists when she retracts those allegations to the Guardian, the ISW and to me; seeks to suggest she never retracted them in conversation with the Guardian; tells the ISW that she lied about her parents not being abusive because it suited her cause? I consider the mother to be a wholly unreliable witness yet again and absent any corroborative support for her accounts I approach any allegation that she makes with caution.
57. The grandparents have parachuted into this hearing in a desperate attempt to try and secure the placement of their grandchildren with them. They have found themselves faced with what they consider to be an unfair assessment of their capabilities as parents, they have had to represent themselves and then at court they have had to face these allegations from their only daughter. Having seen them and heard what they have to say, I am quite satisfied that they have not acted in the malicious way that she suggests.
58. I have found the grandparents to be an extremely impressive couple. I cannot imagine how it must feel as a parent to be confronted with the dreadful account of her childhood that the mother has rehearsed in these proceedings. Nevertheless, they have conducted themselves during the hearing with restraint and great dignity, in spite of what has been thrown at them. The mother did not even want them in the room to hear her evidence. They are, in my assessment, decent, honest and hard-working people who only have the interests of their grandchildren and even now their daughter at heart. From start to finish they have demonstrated themselves to be committed to supporting their grandchildren, accepting of the courts decisions and the LA

interventions (now they have the facts), open to building bridges with the father, and just wanting to do the right thing.

59. I accept their responses on all four of these issues. They betray no prejudice or anti-Islamic feelings before me and there is no evidence to suggest otherwise. Such feelings would have been picked up by the ISW assessing them and it was not. On the contrary they demonstrated a commitment to learning about and promoting the children's Muslim identity. There is support in the mother's own evidence for the contention that she was indeed aggressive and badly behaved as a child. The parents did question her mental health and entirely appropriately. Why should the grandmother not discuss these things with others? There is not a shred of evidence that she did so in order to deride her daughter – she was looking for support.
60. I entirely accept that they might well have not connected pork with ham and mistakenly given T some ham. I consider that to be the one and only occasion. It was a mistake. People make mistakes. It was not some kind of malicious and warped attempt to undermine their Muslim identity. Nor is their tendency to call her by her given name rather than her Muslim name. As grandmother poignantly said in the witness box “she will always be K to me”; they did not even know she changed her name until these proceedings were issued and they had no understanding of the significance of it in terms of her identity until it was explained to them in this court by her Counsel. To suggest this is an example of their lack of respect for her choices says more about the extent of the mother's rather paranoid belief system than it does about them. For the sake of completeness I consider it highly unlikely that the incident set out at C82 happened.
61. The mother has undoubtedly got problems with her parents. They can't do right for doing wrong. She has opposed their involvement in these proceedings at every turn. Their relationship has the feel of a parent / teenager dynamic. The mother's almost truculent behaviour towards them and the very mention of them is the sort of behaviour one sees from a teenager. Ms Adoul, the ISW, very insightfully pointed out, that whether true or fabricated the accounts given regarding her parents indicate that she has very serious emotional difficulties with regard to her parents which do not appear to have been addressed and the impact of her parents real or perceived abuse is likely to impact upon her parenting and stability. This brings me to the mother's mental health.

The evidence regarding mother's mental health

Dr Dhumad

62. There have long been concerns regarding the mother's behaviour; her now admitted volatile and aggressive behaviour which forms the basis of the threshold and her oppositional and changeable behaviour during the course of these proceedings. As to her changeability, by way of example, we have seen her in these proceedings change her position quite fundamentally on a number of key matters – in relation to the father she moved from reluctant support to accusations of daily rape; her comprehensive denial of the threshold facts until the beginning of this hearing when she has conceded virtually all of them; her agreement that she had retracted the allegations regarding her mother to an assertion that she said no such thing; her giving of consent to immunisations and then withdrawing with no real explanation and putting forward objections that change with time; her insistence during this hearing that she could

only be uncovered to give her evidence before me if hidden from everyone else in the room behind a screen followed 2 days later by her unilateral decision to sit in court in full view of everyone from whom she had insisted she should be hidden without her face covered.

63. Accordingly it was decided early on that a psychiatric assessment was in order. I was reminded yesterday by Ms Piccos that the preference from all concerned had been to identify a peri-natal psychiatrist to assess the mother in the light of her recent birth experience. One was identified. A woman, but not a Muslim. The mother refused to be assessed by this psychiatrist opting instead for Dr Dhumad who had the advantage, as far as the mother was concerned, of being Muslim though not, obviously a female.
64. In circumstances in which the party to be examined and assessed refuses to go with any choice but their own there is little that can be done. Dr Dhumad's CV was not as impressive, experienced or arguably as relevant to the issues as the female peri-natal psychiatrist but he was at least an adult psychiatrist and it was hoped he could determine whether the mother was suffering from any mental health issues.
65. I am bound to say that I found his written evidence somewhat lacking in depth and analysis. Worse, his oral evidence before me completely undermined his credibility as an expert. Accordingly, I have found myself in difficulty accepting all of his evidence without question.
66. Dr Dhumad had a 5 hour interview with the mother at the conclusion of which he opined that she was suffering a moderate depressive episode and post-natal depression. She was, he said, of low mood and high stress and that would make her less tolerant of the children's behaviour and further explains, he says, the abuse directed towards the children and her fear/ avoidance of authority. He later clarifies that this diagnosis relates to the period when pregnant with L and the post-natal period following L's birth. Of course, the problem with this is that the mother's low tolerance and abuse of the children predates this post-natal period by several years. Likewise, her avoidance of authority. As the ISW, Ms Adoul, observes, the mother's behaviours appear long standing and we know that her aggressive behaviour was being reported when she was a child. Dr Dhumad knew that too but there is absolutely no analysis of how the whole history fits in with this.
67. Dr Dhumad was asked further questions in order to try and flush these matters out. He suggests that the mother may be susceptible to depression when stressed and then refers to the one piece of paper that he had setting out her engagement in ante natal care following the birth of T when she did not appear so stressed. This does not answer the point in my view. Indeed the mother's medical records were provided to him by the mother herself and from what he has said it would appear that they were not complete. That causes him no concern. His view was that her prognosis was "good" were she to complete 12 weeks of CBT.
68. During his oral evidence, when challenged with certain facts about which he should have been aware he opined that perhaps the mother had a borderline personality disorder. He certainly suggested that following the CBT there would need to be a further assessment of what else would be needed and if there was in fact a personality disorder here it would take more like 12 months of therapy to resolve.

69. So where does that leave me? It leaves me concerned that this mother does indeed have some undiagnosed problems over and above that which has been identified by Dr Dhumad in his written evidence. However, I cannot accept the “on the hoof” assessment given by Dr Dhumad during oral evidence. Many of the elements that he cited as adding to his view that there “may be a borderline personality disorder” here were evidenced in the case papers already making me concerned that he has not properly assessed the evidence that he was given in the first place.
70. I am quite prepared to accept that Dr Dhumad has it right that this mother is suffering from a moderate depressive episode but I am unable to accept, as he suggests, that this explains her behaviours or that her long-standing tendency to volatility and aggression, paranoid view of the world and avoidance of figures of authority can be successfully dealt with in 12 sessions of CBT. In fact that was not his evidence at the end of the hearing and whilst I am not prepared to accept the fresh diagnosis I am prepared to accept that the evidence put to him in cross examination woke him up to certain things that he had not until then properly considered causing him concern as to whether the 12 weeks CBT would be the panacea he earlier suggested it might be. What I am left with is evidence that at best after 12 weeks CBT – always assuming that it will be taken up – it may be possible to assess this mother further.
71. It will be convenient if I arrange the remainder of the evidence under the headings of the welfare checklist.

Welfare checklist

Wishes and feelings of the children

72. These children are really too young to be able to give clear expressions of their wishes and feelings. I accept that they love their mother and I think that in all probability they like to be with her when she is calm. T in particular has demonstrated an almost protective concern about her mother.
73. The Guardian has seen the children most recently. In her report she sets out that when talking to M and T they both expressed a wish to live “at Daddy’s house”. A has said that she loves her mummy and her daddy and has been noted to run to her father at the beginning of contact. At the outset of these proceedings, M in particular was expressing a fear of living with his father. It is testament to the progress that has been made by the father in the time that he has had contact – since late last year – that he has made up so much ground.

Age, sex, characteristics

74. M is an active child who appeared to Ms Adoul to be at times “angry and troubled”. He does not easily respond to boundaries, particularly his mother’s, and openly challenges her at times in a hostile and angry manner. The Guardian sets out in her report that he sometimes struggles to communicate his feelings and this spills out into aggression directed at times towards his sisters. M has suffered real deficits in his educational progress as a direct result of being kept out of education whilst in the care of his mother. He is assessed as being 2 years behind the other children in his class

and has already been overtaken by T in some areas. This has real consequences for M and his self-esteem.

75. T is quiet and placid, but also very bright. Ms Adoul considered that she has learned to be self-sufficient and does not seek the attention of her mother. Ms Adoul considers that she may have suffered emotional harm and distress. The Guardian considered that she had a greater loyalty to her mother.
76. A is a very lively girl. She is vocal and also self-sufficient. L has lived virtually his whole life in foster care. He is a healthy and happy little boy.

The children's needs

77. All of these children have a need for a loving home in which they are safe, secure and contained. They need to be loved, nurtured and stimulated. They need unfettered access to education and to be free to reach their full potential.
78. M will need very robust and nurturing parenting from someone who can offer a predictable and stable home. He needs to be contained by a parent who can impose boundaries at the same time as nurturing him so that he can recover the ground lost through lack of education and social interaction with other children.
79. The other children too need a reliable and emotionally stable carer who can deliver consistent and predictable parenting. They all have an urgent need for permanency.

Capability or otherwise of the parents and the GPs to offer these children full time care

80. Two independent social workers have assessed the respective capabilities of the parents and the grandparents. Ms Harris has assessed the grandparents and I will come to that in a moment. Ms Adoul has prepared a very full and detailed assessment of both the mother and the father, separately. In addition she has filed an addendum report to deal with the developments during December and January following the filing of her full report. Ms Adoul is an experienced social worker and Guardian and has extensive knowledge and experience of the cultural issues impacting upon this case. I have been hugely impressed with her report which is evidence based, comprehensive, analytical, detailed and well-reasoned.

The mother

81. The mother has been fortunate indeed in her representation at this hearing. Her Counsel, Ms Hasan, has considerable experience in public law cases and particular expertise and experience in the cultural aspects of the case so that the mother can be satisfied that no stone has been left unturned in the presentation of her arguments. However, the evidence from all sources is overwhelming that this mother is currently not able to provide these children with good enough care and further that there is no realistic possibility of her being able to do so in the foreseeable future; not, at any rate, within their timescales. Doing the best that I can to give order to the multitude of problems facing this mother, let me start with her inability to regulate her emotions.

82. The mother's emotionally volatile behaviour and quick resort to frustration, anger, aggression and (sometimes) abuse continues unabated. This can be directed at third parties, sometimes in front of the children or at the children themselves. Ms Adoul considers that there is clear evidence that she fails to consider the impact of this behaviour on the children's emotional welfare.
83. In the course of these proceedings examples of this continue to be seen: for example, when the mother has become visibly and audibly angry at the social work professionals, when she went to confront the father in December and assaulted him outside of the contact venue, sending the social worker a text message in February calling her a "nasty bitch" and telling her that she prays that she loses her own mother, when she left this court room on the first day of the hearing shouting abuse as she went, in her demand to me that I should tell her parents to "shut up".
84. Whilst there have been no further examples of her shouting abuse directly at the children there have been examples of her becoming angry and frustrated with them in contact. Ms Adoul witnessed her becoming angry with M: she "dragged M by the arm trying to get him out of the room". There are many other occasions set out in her report when her frustration is palpable. If Ms Adoul could see it then the children will feel it. If she is unable to contain her emotions in an observed setting then it is likely that she would be completely unrestrained in the privacy of her own home.
85. The mother argues that her acceptance of the threshold is a shift in this pattern of behaviour which is indicative of her ability and her willingness to change. In my assessment this is a minute and superficial shift and is not indicative of any real change in attitude as demonstrated by her other unchanged behaviours during the hearing this week - outbursts in the court room, reviving of the allegations against her parents demonstrating that the pattern continues, her insistence that her parents (and ex-husband) should not see her uncovered face or even hear her give her evidence. The Guardian said she felt that she was still at the "extreme end of not engaging". Ms Adoul concludes that the mother has "*limited insight into the concerns of professionals with a tendency to dismiss or rationalise her actions in a superficial way*"; I agree.
86. In Ms Adoul's view the mother is unable to provide emotional care and nurturing or even keep these children safe and she would not be able to provide a safe standard of parenting to her children without substantial changes to her parenting capacity and insight. "*If returned to Mrs A's care the children's safety and emotional welfare would be seriously compromised*" I agree. She has a pattern of poor parenting decisions which is well established – such as moving home frequently, choosing no education for M when the Islamic school of choice was no longer available - and her insight into the impact on the children of these choices is lacking. There can be no better example of this than her recent plans for the future outlined to Ms Adoul on 11th Feb. Mother disclosed that she has met a Muslim man over the internet. They have not met in person as she is not allowed to, due to her religious beliefs. This man lives in Saudi Arabia and he has a wife and two children. She told Ms Adoul that she planned to move and settle in Saudi Arabia and plans to marry him – she would be his second wife. Ms Adoul comments that:
"I remain extremely concerned about ...lack of insight...she clearly has very little understanding about her children's emotional needs, their need for stability and more

importantly their needs for safety.....I remain of the view that her parenting deficiencies are significant, substantial and longstanding... ”

87. Next, there is very clear evidence that she actually struggles to manage the children alone. Ms Adoul considers that she lacks basic parenting skills. For example – in relation to M she appeared frustrated with him and M in turn appeared angry and openly defiant of her. Her approach to him was at best inconsistent and confusing; she tries to put in boundaries but almost immediately gives in. She attempted to negotiate with the children by giving them too many sweets and lollipops and by the end of the 2 hour contact she appeared tired and overwhelmed. When L cried she appeared tense and agitated, and whilst she showed him warmth she also demonstrated high levels of anxiety around him and was visibly stressed and over-concerned when he would not sleep. Whilst there were some positive interactions with the older three – some of the interactions appeared mechanical, distant and forced so that Ms Adoul was left feeling that *“left on her own with 4 children on a daily basis she was unlikely to be able to manage their demands particularly when stressed tired or depressed...”*
88. The mother responds to these criticisms by pointing out that anyone would find 4 children under the age of 5 difficult to manage and yet she has been expected to manage these children alone whereas the plan is to put in huge amounts of support to assist the father. That is fair comment. However, one of the differences is that the father acknowledges the need for help and he willingly accepts the intrusion of social services into his life to deliver it. The mother by contrast does not in fact consider she needs help other than at the most basic level and entirely because of the number of children and their ages, and nothing else. What is more, in the past and, as I find, now, she is singularly unable to work with professionals.
89. Mother’s paranoid view of the world and her emotional volatility is such that if the children were returned to her care now I consider it highly likely that they would continue to be exposed to the same behaviour as led to the issue of the proceedings putting them at clear risk of further emotional harm and probably physical harm.
90. To a limited extent the mother accepts that she needs to undergo some changes before she can parent these children. Is there a case for putting off this decision for her to undergo her CBT and then reassess the situation in the light of that work to see if she has made changes? I think not. In the interests of these children, this decision should not be deferred. Ms Adoul says that the children’s permanency requires urgent resolution and that delay should not be tolerated unless there is a reasonable prospect of a good outcome. That must be right, especially for L who is at this very moment developing his first primary attachments. There is no evidence that delay would bring a good outcome so far as the mother is concerned; quite the contrary.
91. In the first place, I doubt that the mother will undergo her CBT – she has not done so until now even though the recommendation was made in November last. She told Ms Adoul she intended to pursue this in December and has not. She could have asked her GP to refer her. She is currently receiving support from an organisation called Solace and although I accept from her that they do not have therapists she told me that they were able to refer to culturally appropriate therapists. Yet she has not pursued that. Ms Adoul opines in February that she feels there is no evidence that the mother is

“close to a therapeutic pathway which would lead her to a successful outcome” and I agree.

92. Even if she does access CBT there is no evidence that upon completion it would place her in a position to be able to care for these children. I refer back to the comments that I have made about Dr Dhunad’s evidence. As Ms Adoul says *“whilst I do not disagree with the diagnosis, my engagement with her and the case history suggests that these issues are deep rooted and long standing and even if she were to engage with professionals ...the likelihood of her making demonstrable and significant progress in the children timescales is unrealistic”*

The father

93. He has let these children down. However, he has accepted his shortcomings. My sense of him is that his early approach to the mother and their relationship was very immature – perhaps typical of a young man who is the baby of the family – going back to his sisters’ care when things did not work out. Added to which I observe that perhaps his model of parenting was influenced by his sisters, all of whom, I believe, live as single parents when their partners live elsewhere. However, to his credit his position changed as time wore on and he became increasingly concerned for his children’s welfare.
94. In spite of his lack of experience the reports of Ms Adoul regarding his parenting and insight are glowing. Ms Adoul observed one contact. She reports that the *“children were extremely happy in the care of their father”* and it was *“evident that he was able to manage all four children extremely well and managed to focus on all the children without neglecting any of them...”*. She observed that he remained calm at all times and he was very skilled when M began to exhibit some challenges. He was able to divert M’s attention and engage his attention and focus him in play. He was able to demonstrate patience and emotional warmth, was emotionally and physically attuned to the children, attentive at all times, and the children were able to pick up on their father’s calm nature and his ability to focus on them with the result that they responded well and were generally more manageable, calmer and happier in his care. In discussions with the father he demonstrated insight into their needs – observing himself that M presented sometimes as angry and needing support, that T was quiet, and accepting he needed to regain their trust.
95. I note that there is evidence of his ability to listen and reflect in his response to my findings about the inappropriate nature of the threat he made to M, when cracking his knuckles. He states in his meeting with Ms Adoul that he now realises that this was *“inappropriate and harmful”* and he *“totally accepted that this would have frightened his young son.”* This is a good indicator for the future.
96. He is supported by three capable sisters, two of whom have met Ms Adoul. Ms Adoul has some residual concern regarding the risk of reconciliation and because he has never had to care for 4 children alone before but on balance she felt that he has demonstrated sufficient high level skills to persuade her that he can do it. The Guardian agrees. He offers the children the opportunity to be parented by an emotionally available and well attuned parent as soon as they can be in accommodation together.

97. He does lack accommodation currently but I have had put before me an extensive and impressive plan put together by the LA to assist him in pursuing accommodation, preferably in the borough in which his sisters reside – Southwark – and also maintain active and intensive support from Newham under the auspices of a supervision order and by keeping the child in need plans for the children within Newham.

The grandparents

98. The maternal grandparents have attended this court hearing every day for a week. They began the hearing with minimal information. They brought with them an understandable preference for the accounts of the history given by their daughter and a not unreasonable suspicion of the father who has previously joined forces with the mother against them and in opposition to their involvement in the lives of the children. They have been unsupported by a legal representative though greatly assisted by Ms Piccos, of which more later. It speaks volumes about the grandparents and the father that even in the emotionally charged atmosphere of this court building, they have been able to meet with each other, talk, and agree to turn their back on the past and look forward at a new relationship for the benefit of these children. This provides me with clear evidence that the father and the grandparents are willing and able to put the children first.

99. Ms Harris, the ISW, does not recommend placement of the children in their care. I distil the reasons down to two main issues. The first is that the 4 children will be difficult for even the most experienced parent to care for and that these grandparents have no experience of caring for 4 active children under 5. In my view this is a very superficial assessment of them. On this basis only carers with relevant experience of caring for 4 small children would pass the test. No proper account is taken of the fact that they have:

- a. an extensive support system in place in Wales;
- b. they have managed their son and grandson (who adores them) extremely well;
- c. whilst there were problems with the mother they appropriately sought help to deal with them.

100. Secondly and perhaps more importantly, Ms Harris is concerned at the impact the mother moving in and out of their lives has on the grandparents. Her observations were that it caused them emotional upset and that they failed to resist being drawn into the mother's "drama" in spite of her advice that they should not do so. Accordingly, she considers that this emotional response would be likely to continue and overflow to impact upon the children if they were placed in their care. Ms Harris based this assessment upon her own observations of the grandparents' reaction at being contacted by the mother in December 2015.

101. After months of no contact the mother made contact with the grandmother at the point at which she sought to withdraw her allegations against the grandparents and make her allegations against the father. The communication from the mother undoubtedly caused the grandmother in particular, emotional turmoil. She was at a loss initially what to do. The grandmother's immediate response was to contact Ms Harris and share the communication with her – this was just days before Christmas.

Ms Harris advised them not to be “drawn in” by her daughter and to effectively not respond. At about the same time the Guardian contacted the grandparents. She was extremely concerned for the welfare of the mother and asked them to consider inviting her to them for Christmas. This they did. This continued engagement with the mother has been taken by Ms Harris as evidence that they ignored her advice and continued to be drawn into the mother’s drama. That is simply not fair. The Guardian agrees that the advice they received was contradictory and confusing and the mere fact that they chose at that point and on her advice to continue communication with their daughter is not evidence that they are unable to resist her to the detriment of their grandchildren. It is little wonder that this decent couple have been deeply upset by this.

102. Whilst I have no doubt that they find communication from their daughter emotionally draining, my own assessment of them has been that they are unhesitatingly able to accept advice and their focus is always to put their grandchildren first. What I find of interest is the open and honest way in which they handled the communications from her. They referred them immediately to Ms Harris. They sought advice on what to do. They trusted the professionals to give them that advice. They were open about their preference at that time for their daughter’s version of events and yet they are also criticised for that in spite of an acknowledgement in the same breath that they had minimal information on which to form a proper assessment of her complaints against the father and the LA. What Ms Harris did not consider was how receptive the grandparents would be to support in this area. I am not prepared to accept that they are unable to care for these children.

Harm suffered or likely to be suffered

103. I have already dealt with the harm that these children have already suffered. I consider a return to the care of their mother would expose them to the same again.

Likely effect of a change in their circumstances

104. The children will inevitably experience a change in their circumstances following the conclusion of this hearing. A return to their mother would expose them to further harm but a move to their father will, in my view, be accepted by them.

Welfare balance

105. Given the matters set out above the balance in this case falls inevitably in favour of a placement with the father. The mother is not able to care for the children. Whilst I cannot rule out the grandparents as having potential to be carers, the fact is that the children’s father has the makings of a more than adequate father. The grandparents are sensitive enough to understand that they rank after the children’s father as carers for them. I think what they probably struggle with is the uncertainties they see in their future with him opposed to the certainties that they offer.

106. I can see that the grandparents have a lovely home in Wales which is ready and waiting to take all 4 children. They can make themselves available for the children and they can offer them immediately a family of two carers with experience of child rearing and an extended family to boot. They would, I am sure, bend over backwards to open their home to the father and the paternal family and by offering to be the primary carers of the children they probably see themselves as enabling the

father to continue working and developing himself. I am certain they would do everything in their power to promote the children's Muslim faith.

107. From their perspective a placement with the father is still beset with uncertainties. In the first place the father has no home at present and whatever is found for him in the near future will not be as comfortable as what they can offer. The children will have to travel long distances to school and the father will need the support of his sisters in order to cope. For the first year he will have to live with the intervention of the LA through the provision of a family support worker.
108. First and foremost these children need permanency. What that means is that they need to be in a safe and stable home in which they are able to stay for their minority, barring anything unexpected happening. The move that they make now should be their final move. In other words it should, if at all possible, be a move to the place that they will stay.
109. Secondly when looking at the father's shortcomings – for instance his lack of accommodation - I must be mindful of the support that can and must be given to him by the LA. Re W [2013] EWCA Civ 1146; [2014] 1 FLR 1035. The LA has a housing duty. First, Southwark has the duty to house him. Southwark awaits an order confirming the placement of the children in his care. Newham is the borough accepting the supervision order. That supervision order brings with it the duty to advise, assist and befriend the father. The LA is confident that housing issues will be addressed within weeks. The first offers of housing will not be the equivalent of the grandparent's home; indeed the best housing they get may fall well short of that level of comfort but that is the nature of life in London and in my Judgment the bricks and mortar are not the issue here. What is offered in London is the chance to be brought up by their father amongst their paternal extended family as part of an Islamic community whilst still having contact to their mother and grandparents.
110. Finally, these children know their father and want to be with him. He is a well attuned, emotionally available, stable and calming parent. So it is that I am satisfied that it is in the best interests of each of the children that they should be placed with their father pursuant to a child arrangements order.
111. For the sake of completeness I should add that there has been no real argument that these children should be separated. It is undoubtedly in their respective interests to remain together if possible and that is possible if I place them with their father.
112. I will make a supervision order to secure the support set out in the plan prepared by the LA. At this point I should mention the input of the Guardian whose reports have been insightful, balanced, sensitive and pro-active in their consideration in particular of the necessary support package for this father. Whilst I chose to mention the detail of her report and evidence here I have been assisted by her views at every stage of my deliberations. The Guardian has been very pro-active in ensuring that the package of support going into the family will be comprehensive and that all efforts have been made to further the father's housing application. I have heard evidence on the details of the support and anticipate that it will be committed to paper in due course so I do not need to repeat it here.

Contact

113. The LA proposes a gradual reduction in mother's contact to a frequency of once per month. The contact should be supervised. The mother seeks at least weekly contact and greater with L. She argues that without a higher level of contact the children will cease to know her. In the case of L she argues that she has been deprived of the opportunity to build an attachment with her son and she must be permitted to do so even if separated from him. That requires at least the level of contact that she currently has. It is clear that she is at least partly motivated by her longer term aim which will be to secure the return of these children to her care.
114. The Guardian's evidence on this was that the purpose of contact going forward will change. Once a decision is made as to the long term plans then contact needs to support those long term plans. Monthly contact supports the plans in the sense that it is at a sufficient level to permit the children to settle whilst maintaining their relationship with their mother. It may increase or decrease depending upon how the mother deals with the identified issues. I agree with that assessment and that is the approach that I therefore endorse as best meeting their needs. That includes L. It is not in L's best interests for him to have an intensive period of contact with his mother, designed to build an attachment of the sort that one would expect between a child and its carer in circumstances in which the mother will not be his carer. He needs to develop that attachment with his father.
115. The grandparents and the father have started to arrange contact between themselves. The plan will be to begin with Skype moving to face to face. The pace of that contact must be dictated by the children's need to settle into their new environment. For a time the grandparents need to accept that they must drop back to wait for the children to be ready. The father must accept, as the Guardian has said, that the grandparents are people who link these children with their Welsh heritage and are important.
116. I consider it unnecessary and indeed potentially counter-productive to make orders for contact. I trust that the father and grandparents will sort it out themselves, indeed they must be able to negotiate going forward. So far as the mother is concerned I consider that the LA will be able to give the father the necessary support with regard to contact for at least the first year, possibly longer. The LA will assist him gauge how it is progressing and whether it should increase, decrease or relax in supervision. That flexibility is necessary and will not come with an order.

Specific Issue

117. These children have a variety of outstanding immunisations. The mother has refused her consent on number of different bases; that the vaccines contain pork gelatine is the most recent objection. It transpires that the ones proposed do not. Having been shown that her fears are unwarranted she has agreed that the children can have the necessary vaccines. I am nevertheless asked to make an order on the basis that she is likely to change her position and withdraw her consent as has been the pattern in these proceedings and indeed in relation to this very issue.
118. I bear in mind that I should make no order unless an order is necessary. I note the mother's willingness to consent but I have seen her agree to a whole host of things

in these proceedings only to change her position later. Accordingly I intend to make an order. I will approve a draft once I see one.

The solicitor for the child

119. This case has gone beyond its 26 week timetable. There was unnecessary delay encountered at the outset by reason of a rather unnecessary and undignified disagreement as to which LA should be designated but having identified that it should be Newham we were then left having to find a new parenting assessor as the Tower Hamlets assessment facility was not being prepared to complete work for Newham. As it happens we have been well served by the alternative, Ms Adoul.

120. Whilst Newham has stepped up to the mark latterly in the history of this case there have been too many occasions when the LA has failed to comply with directions in a timely fashion or failed to file evidence etc. I have reprimanded Newham whenever it has fallen short of the appropriate standard. However, I have to remark that this case has been kept on track by the tenacity and sheer hard work of the solicitor acting for these children, Ms Piccos. There has been a wealth of confusing detail which has been on occasions beyond the grasp of any of the other parties in the case – I refer, I should add, to case management and directions hearings and not this hearing. On each occasion Ms Piccos has demonstrated an impressive grasp of every detail and every twist and turn in the case history - occasionally saving me from tripping myself up and certainly saving the case. She has worked tirelessly for these children and I want to offer my personal thanks and congratulate her on her excellent work.