

The short judgment was read to the parties at a hearing on 13 December 2024 and circulated to the parties' representatives by email the same day. The draft of the long judgment was sent to the parties' representatives by email on 18 December 2024, thereafter the approved judgment was sent by email on 23 December 2024.

Neutral Citation Number: [2024] EWFC 385

IN THE FAMILY COURT SITTING AT OXFORD

**IN THE MATTER OF THE CHILDREN ACT 1989 AND IN THE MATTER OF
CHILD A, CHILD B, CHILD C, AND CHILD D**

Date: 23 December 2024

Before: HHJ Vincent sitting as a s9 Deputy High Court Judge

Between:

OXFORDSHIRE COUNTY COUNCIL

Applicant

and

THE MOTHER

First Respondent mother

and

THE FATHER

Second Respondent father

and

**CHILD A, CHILD B, CHILD C, AND CHILD D
(by their Children's Guardian, SARAH GWYNNE)**

Third to sixth respondent children

Matthew Brookes-Baker instructed by the Applicant local authority
Mavis Amonoo-Acquah instructed by Dawson Cornwell solicitors for the respondent mother
Malcolm Macdonald, instructed by Brethertons solicitors, for the second respondent father
Mai-Ling Savage, instructed by Cafcass Legal, solicitors for the children

Hearing dates: 4, 5, 6, 9, 10, 13 December 2024

Approved judgment

Short judgment

[Read to the parties at Court on Friday 13 December 2024.]

1. This judgment is about four children; [Child A] who is nearly twelve, and his sisters [Child B], aged nine, [Child C], aged eight, and [Child D] aged six.
2. Their mum and dad were married in April 2012. At that time their dad was forty and their mum was seventeen.
3. After they were married, their dad lived mostly in England, and their mum lived mostly in Pakistan, with their dad's family. [Child A] was born in Pakistan in December 2012. [Child B] and [Child C] were also born in Pakistan. [Child B] was born in July 2015 and [Child C] was born in June 2016. Their mum looked after [Child A], [Child B] and [Child C] when they were little. Their dad came to visit once or twice a year.
4. When [Child A] was nearly three, he went to live in England with his dad.
5. In July 2017, around the time [Child A] finished reception class at school, their mum, [Child B] and [Child C] came to live in England. At that time [Child A] was five, [Child B] was two, and [Child C] was one.
6. [Child D] was born in England a year later, in June 2018.
7. When they were in England the father was working, and the children's mother was at home looking after the children, and doing all the jobs in the house. She took [Child A] to school. When the girls started school, she took them to school. She made sure the children had everything they needed. She cooked for them. She played games with her children. She gave them hugs and cuddles. The children knew that she loved them, and they loved her too.
8. Sometimes when the children were misbehaving the mother used her hands to discipline the children. The mother is loving and caring and would not hurt her children.
9. In 2021, the family went to Pakistan. The children's mother thought this was a short visit, but the father said he thought it might be good to try living in Pakistan, so they stayed for longer.
10. The very good thing that came out of the parents' marriage was their four wonderful children. But the bad thing that was in the marriage was that there

were arguments. The children's mother is much younger than the father. Lots of times the father was angry with the mother. Sometimes he got so angry that he hit her or slapped her or dragged her on the floor. This made her very sad and frightened. She did not know what to do. She did not want to leave the father, because she was a wife and a mother, and she wanted her children to grow up in their family. So, she tried not to make the father angry, and hoped that he would not hurt her.

11. In February 2023 the father told the mother that he was taking the children to the beach. This was not true. He had made a secret plan to take the children to England. He took the children to the airport and he left their mum behind in Pakistan.
12. The mother was heartbroken. She wanted to come to England to find the children, but she could not travel because she did not have a passport or visa. And the father had threatened to kill her if she left. The mother believed the threats and so she stayed. She tried not to annoy the father and hoped he would take her back and let her see the children.
13. But the father had decided that he didn't want the mother to be in his life or in the children's lives any more.
14. He has told the children that the mother does not love her children. He has told the children that she is not a good mother. He has told them that she cannot take good care of her children.
15. This is not true. The mother loves her children. She can keep them safe. She can give them everything they need, just like she did when they were little, in Pakistan and in England.
16. The father's actions have hurt the mother. He hurt the mother by taking her identity cards and passport away. He stopped her from being a wife by cancelling her spousal visa and sending her divorce papers by WhatsApp.
17. When he separated her from her children, he hurt her even more. He tried to stop her from being a mother to the children she loves more than anything.
18. He hurt the children too, because they loved their mother, and they needed their mother in their lives. He told the children that their mother did not love them, and she wanted them to go to England without her, but that was not true.

19. The father loves his children and they love him. But he has hurt his children because he has separated them from their mother. He has tried to take away her identity. He has stopped her from being a wife and a mother. He has not told the truth to his children about what he has done. He has allowed his children to believe that their mother is bad. He has allowed and encouraged his children to act as though they are not her children, to act as though they do not love her, and to act as though she does not deserve the love, affection and respect that children have for their mother.
20. The children's father does not accept he has done anything wrong. He continues to say that the children's mother is bad. If the children continue to live with him, they will never mend the relationship with their mother.
21. If the children continue to live with their father, they will have to behave the way he wants them to, and to believe what he wants them to believe, even if it is not the truth. The children will not be allowed to be their true selves. They will not be allowed to see the world through their own eyes.
22. The children need and deserve to have their mother back. The children need to know that she loves them and that she can take care of them. The children need to know they are allowed to love their mother, and have her look after them, as she did before.
23. It will take time for the children to learn to trust their mother again, and to let her take care of them as a mother does. For this reason, the court supports the local authority plan to take things in stages.
24. [Child B] and [Child D] will move to live with their mother in a house which has members of staff also present. The staff can help the mother to learn how to care for the children again. The staff can help the children feel safe and learn how to trust their mother again.
25. [Child C] and [Child A] will move to live with a foster family who will take care of them. The family is Muslim. They speak English and Urdu, as the children are used to doing at home. [Child C] and [Child A] will visit [Child B], [Child D] and their mum very often, and they too can learn how to trust their mother again.
26. If all goes well, the children will soon all be living together again, with their mother.
27. The children have said many times that they want to stay living with their father and they do not want to live with their mother. They will find it hard to

understand why they have to leave. I know this, and I know that it will be very hard to leave their father's home. He looks after their day to day needs very well, makes sure they go to school on time and that they have everything they need. It will make them sad and worried. They will miss him, and they will miss living together in one home.

28. Even though I know it will be very hard for the children to leave their father, I believe it is the best decision for the children. This is because I do not trust the children's father to take care of the children in the way they need and deserve to be cared for.
29. The harm they will suffer if they continue to live with the father is greater than the harm they will suffer if they leave him.
30. The children will stay at their own schools.
31. The children will see their dad regularly.
32. The local authority asked the court to keep the case going so that in a few months time we could check on how things were going for the children, and make changes to the plan if needed.
33. I do care very much what happens to the children, and would like them to have as much support as possible from the court, their guardian and others. However, I can only keep a case going if it is necessary.
34. I have decided it would be for the best for the family court case to finish now. I intend to make final care orders to the local authority for all four children.
35. My reasons for bringing the case to an end now are as follows:
 - there will be many challenges to make the plan work, but the plan is clear and simple; for the children to leave their father's care, and the children and mother to be supported to restore their relationship;
 - The court has all the information it needs to make the decision now. There is no need to delay the case for the purpose of getting more information;
 - It is not the court's job to monitor or review the plan. If changes need to be made to the plan, the local authority can make those changes without needing to come back to the Court;

- The father will want to spend more time with the children, or even for them to come back and live with him. That could only happen if he changed the way he thinks about the mother, changes the way he talks about her, changes the way he treats her, accepts that he has not been truthful with the children, and starts helping them to mend their relationship. The father is not able or willing to make any changes right now. So, there is no further assessment or information that could be obtained now, which would justify keeping the case open for longer;
- If at any time in the future the situation changes so that the local authority needs to consider placing any of the children with the father, they can and must consider that. Or the father could apply to the court. This case does not need to stay open for that to happen;
- If the father and the children know the court case is continuing they may think that if the children carry on behaving in the same way to their mother, the judge will let them go back to their father. But the court has made a clear decision that the children need to leave their father, and to have help to restore their relationship with their mother. Continuing the proceedings could therefore be confusing for the children, as they may be unsure what decisions have been made. It could also mean it was harder to make the plan work for the children to rebuild their relationship with the mother;
- The case may still need to come back to court in the future. This might happen if the plan works, and the local authority applies to the court to discharge the care order. It might happen if the plan does not work and one of the other parties applies to discharge the care order. Ideally there would not be another court case, but:
 - (i) After this case has finished, the chance of having a future hearing is not reduced by extending these proceedings;
 - (ii) If this case continues now, there is a good chance that there would be another multi-day court hearing which is likely to go over many of the same arguments that the court has already heard. That is not necessary, and is likely to be harmful to the welfare of mother and children, all of whom are victims of domestic abuse.
- The family court proceedings have been going for more than a year. Delays and uncertainty are not in the best interests of the children;

- The mother has been the victim of a sustained attack on her person, her identity and her status as a wife and mother. That attack has continued through these proceedings. She is entitled now for these proceedings to stop, to be supported to regain herself through the implementation of a clear plan with a clear objective; for the children to be restored to her care.

Other matters

36. Contact between the children and their father will be supervised.

37. The father is not to be told the address of [Child A] and [Child C]'s foster care placement, nor is he to be told the name or address of the residential assessment placement where the mother is to live with [Child B] and [Child D].

38. I wish all parties the best for the future.

HHJ Joanna Vincent
Family Court, Oxford
13 December 2024

Long judgment

Introduction

Events leading to, and including, the private law proceedings

1. This is the final hearing in care proceedings brought by the local authority on 9 July 2024, following private law proceedings which started in the High Court in September 2023. There was a fact-finding hearing in those proceedings in December 2023, following which Ms Justice Henke gave a judgment on 1 February 2024. I have drawn on that judgment, as well as having regard to the evidence of the parties, the local authority and the guardian, in summarising the background, which provides the context for the issues which I am asked to determine in these proceedings.
2. I am concerned with four children, [Child A], who will be twelve in a couple of weeks, and his three younger sisters; [Child B], aged nine, [Child C], aged eight, and [Child D], aged six.
3. Their father is [*name redacted*], aged fifty-three. Their mother is [*name redacted*], who has recently turned thirty.
4. The father and all four children have dual British and Pakistani nationality. The mother is a Pakistani national.
5. The father has lived in England since 1994. He was previously married and has one adult child with his first wife, who lives in England, but who he does not see. He was divorced from his first wife on 3 April 2012.
6. The mother and father became engaged in January 2012 and were married in Pakistan on 7 April 2012. At that time the husband was forty and the wife was seventeen. After the marriage, she remained living at the paternal family home in Pakistan for five years, while she was awaiting a visa to enable her to join the father in England. In May 2012 the father returned to England to work. He would return to Pakistan once or twice a year thereafter, usually staying for about a month at a time.
7. [Child A] was born in Pakistan in December 2012. [Child B] and [Child C] were also born in Pakistan, in July 2015 and June 2016 respectively.
8. In October 2015, [Child A] travelled with his father to England, where he started primary school in September 2016. They returned to Pakistan in January 2017, for a visit of one month's duration.
9. In July 2017, once the mother's spousal visa was granted, she, [Child B], and [Child C] joined the father and [Child A] in England.

10. [Child D] was born in England a year later, in June 2018.
11. In his evidence within the private law proceedings, the father said that the mother did little for the children. However, Ms Justice Henke found that the father had sought to paint a false picture of the role the mother played in the children's lives. She found that the mother played an active role in caring for the children, including taking them to and from school.
12. On 18 August 2021 the family travelled to Pakistan. There is a dispute about the reasons for them staying in Pakistan for such a long time. The mother says she understood they were going for a holiday. The father says they left England with the intention of settling in Pakistan if they liked it there. The father enrolled the children in a local school in [place name redacted] so that they could learn Urdu, but they did not settle so well, and from January 2022 were not in school at all. The father did not tell the children's school in England that they were not planning to return, rather he said that they were detained in Pakistan due to family illness, and he would be in touch.
13. On 8 October 2021 the father emailed the home office and told them that the relationship had ended, he wished to cancel his wife's spousal visa, and that she was in Pakistan. He did not mention that he too was in Pakistan at the time.
14. By December 2022 the mother and children were living in a flat upstairs in the paternal family home. She says the father was not engaging with her at all.
15. On 13 February 2023 the father took the children without the mother's knowledge and flew to England with them, stranding their mother in Pakistan. When he left Pakistan, he took her British Residence card, her Pakistani passport and her ID card. This prevented her from leaving Pakistan.
16. The mother stayed living with the paternal family until June 2023, when the father served a deed of divorce upon her by WhatsApp. Ms Justice Henke notes first that the mother's father was worried that if she moved to live with her own family, *'the father would divorce her, the implication being that would be shameful and should be avoided'*. The Court found as a fact that the father had threatened to kill her if she left. In her judgment, Ms Justice Henke said:

'I accept the mother's evidence that she waited approximately 4 months in the paternal family home before taking steps to regain contact with her children. I find that she did so firstly because she is passive, secondly because she believed the threats, and thirdly because she genuinely believed that by imploring him to take her back and doing nothing in the meanwhile to aggravate him, she had the best chance of regaining her relationship with her children. The catalyst for a change in her attitude and approach was the realisation that her methods were not working, and that her

hopes would not be fulfilled. I find that after the WhatsApp service of the divorce, she had nothing to lose by fighting to regain contact with her children.'

17. Once he had brought the children to England, the father cut off all contact between them and their mother. He gave the children's school only his details as a point of contact. On 27 May 2023 he told the police that it was too difficult to maintain contact with the time difference, but he had made no efforts to allow the children to speak with their mother.
18. On 14 June 2023 the mother reported her concerns to the Multi-Agency Safeguarding hub. She reported that the children had been kidnapped by their father and he had told her that if she made contact with the police or children's social care, he would kill her. A strategy discussion was held on 16 June 2023, but professionals concluded that, *'the threshold was not met for a further assessment to be completed due to there being no current safeguarding concerns for the children, or the care that the children were receiving.'* A referral was made through Interpol for a welfare visit to be made to the mother in Pakistan.
19. On 20 June 2023, the school has a record that [Child B] said there was no contact because of the time difference, and because their mother could not look after them. The same day, [Child A] had told school that he had spoken to his mother on the phone, but this was not true. The school records note both [Child A] and [Child B] appeared sad when they spoke about their mother. On 21 June 2023 [Child D] is recorded as having told the school that her mother had, *'hit the children lots when they were in Pakistan. She described her mother putting her brother and sister out of the door because they were kicking.'*
20. Having moved to live with an aunt in [*place name redacted*] in June 2023, the mother eventually found help and applied to the High Court for orders in respect of the children. The children were made wards of court by Mrs Justice Lieven on 21 September 2023. The father was ordered to make the children available for video contact with their mother. Lieven J urged the Home Office and UK Visas and Immigration to take urgent steps to assist the mother in returning to the UK.
21. The mother had a video call with the children on 28 September 2023, the first time they had been in touch since February.
22. On 16 October 2023, [Child A] told a teacher that he had nightmares when he spoke to his mum on the phone, and that she used to hit him with a hammer and with wooden planks, that she had locked them out of their bedrooms. He said there was a time when they were eating food with their cousins and mum hit them. On 7 November 2023, [Child D] and [Child C] told the social worker that their mum used to hit them and locked them out of the home. In November [Child B] told her teacher that she left Pakistan so that her father could protect the children from their mother, and another

time she told her teacher she had not managed to complete her reading because she had a bad evening and had had to pretend to be nice to her mother over a video.

23. On 28 November 2023 the local authority completed a Children and Families assessment. The report concluded that the children *'did not raise any concerns that would suggest that they were unsafe in their father's care, or that they were at risk of emotional or physical harm from their father.'* They did however make allegations of being victims of physical and emotional harm while previously being in their mother's care. The local authority concluded there was no need for further investigation, nor to be involved with the family. It asked the school to offer emotional support to the children.

24. The finding of fact hearing took place before Ms Justice Henke in December 2023. At that time the mother was still in Pakistan. She gave her evidence by video link. The judge heard evidence from the father, and from his brother and sister. In her judgment, handed down on 1 February 2024, Ms Justice Henke made findings that the father had perpetrated physical and emotional abuse against the mother throughout the relationship. At paragraph 85:

'I consider that the mother gave a vivid and credible account of an assault when [Child A] was about 5 months old and the father hit or slapped her in the face and loosened her teeth. I find that the father did physically abuse her in the manner she alleges when she was pregnant with [Child D] and that on one occasion he punched or pushed her causing her to burn her hand on a grill. I further find that the father continued to be physically abusive to the mother after that date. I specifically find the assaulted her in the, paternal family home in Pakistan in August 2021.'

25. The court accepted the mother's account of the assault when she was pregnant with [Child D]. The father slapped the mother, held her by the neck, and pulled her towards a door causing the mother to be bruised.

26. When he assaulted the mother in the family home in Pakistan in August 2021, the father pulled the mother down the stairs, dragged her to the living room and pushed, kicked and slapped her.

27. With respect to the allegations made that the mother had physically abused the children, the judge rejected findings of abuse, but did find there had been physical chastisement. The judgment reads as follows:

'Standing back and looking at the evidence as whole, and in particular considering what the children have said in the context of the evidence as a whole, I find that it is likely that the mother did discipline the children when they were in Pakistan. What [Child D] told the school in June 2023 is unlikely to be precipitated or coloured by these proceedings (which had not then been initiated), or by the contact the court had

directed and which the father, I find, regarded as an intrusion into home life. That discipline is likely to have included excluding them from a room, removing their toys and physically chastising them when they were naughty. That is a common theme amongst the children. However, I do not accept the allegation that she hit [Child A] with a hammer or wooden planks. I find that account by [Child A] is likely to be an exaggeration which I find is likely to be influenced by his father's negative attitude to the mother and the children's contact with her.'

28. The finding is that the mother disciplined the children, by means which included excluding them from a room, removing their toys and physically chastising them when they were naughty. It is unclear whether the finding extends to an acceptance of [Child D]'s allegation that the mother 'hit the children lots'. At paragraph 101, the judge said:

'I accept the submission that the father has wrongly involved the children in these proceedings and in his dispute with the mother. Although the first contact between the children and their mother was of good quality, subsequent contact has been negative. They have said that their mother's crying is fake crying, and they believe she is only pretending to be nice to them when on the phone. When they spoke to the guardian, they only said positive things about their father and only negative things about their mother. In my judgment this polarization is a result of the father's influence on the children. It has caused what they say about their mother's treatment of them to be exaggerated. However, that influence is unlikely to have influenced [Child D]'s first allegations in June 2023 given where they sit in the chronology.'

29. So, it seems that the judge did accept an account from [Child D] that physical chastisement included hitting.

Events following the private law proceedings, leading to the public law proceedings

30. Following the fact-finding hearing, the children's guardian shared the court's findings with the local authority, and asked them to consider whether a section 47 investigation was required. The local authority did then investigate. The outcome of that assessment was to support the family under a Child in Need plan.
31. The Court had also directed the local authority to file a section 37 report, which required them to consider whether or not to apply to the Court for public law orders.
32. The father has consistently made clear his position that while he has not sought to appeal the court's findings against him, he does not accept any of them. He has maintained this position in his witness statements, in discussions with professionals and in his oral evidence to the Court.

33. The mother has said that she agrees with all the findings made by the judge, except that she does not accept that she has ever hit the children. She repeated this in her witness evidence, in Court, and she told Dr Williams that she did physically separate them if they were fighting, but has never raised a hand to any of her children.
34. Following the fact-finding hearing, the children continued to have video contact with their mother, but continued to be hostile to her, saying that they hated her, at other times they were silent and refused to engage at all. The mother reported that [Child A] told her she was not his mother, and that he said she only brought her case so that she could come to England to get money. The children met with the guardian and in her words, *'did not hold back'* in speaking about their mother in extremely negative terms. [Child B] was adamant that her mother had said while they were in Pakistan that she did not want to go to England and wanted the children to go without her. The children were worried that if the mother came over she would *'hit them again'*, saying, *'she hits us so much'*. [Child A] was worried that he might never see his dad. The guardian's note records:

'I tried to reassure them that we wanted them to feel safe when they are able to see their mum – and then tried to explore what they might need to be in place for that to happen – however they were all closed to this idea and were adamant that there was no good way for them to see their mum.'

35. The local authority's initial section 37 report, dated 17 April 2024, described *'concerns raised by [the mother] around [the father's] emotionally and physically abusive behaviour towards the children'*, as *'not apparent'* and *'unable to be substantiated'*. It was noted that the mother had raised worries about the father's controlling behaviour, but that, *'[the father] also made the same accusation against [the mother]'*. It was noted that the mother, *'continued to insist throughout this process that [the father] has alienated the children against her.'* Notwithstanding that a fact-finding had occurred, and the report does set out the findings in exactly those terms, the report continually refers to the parents as having made numerous allegations against the other. The concluding analysis is that, *'due to both parents disagreeing with one another, as well as [the mother's] fear of [the father], this has prevented open communication between parents'*, leaving the children *'uncomfortable'* and *'stuck in the middle'*.
36. Within the report, the father is described as a very capable parent, whereas it is noted that in the one video contact observed, the children did not listen or engage with the mother at all. The conclusion is that parenting the children would therefore be very difficult for her. The author of the report concludes that the father's care of the children is very good, they appear to be well loved by him, and she notes the children's strongly expressed negative views of their mother. While a concern is raised that the children's views of their mother might *'possibly'* have been influenced by their father, the children are described as doing *'remarkably well'* in his care. It is noted that the

children are all very bright, well-rounded, and there are no worries regarding their educational achievement.

37. It is noted that the mother said that she would be prepared to live in the same household as the father if that meant she could be with her children, and this is noted as a concern that she has little insight into how this might expose them to domestic abuse in the future. The reasons that the mother had stayed in the marriage, and contemplated staying with the father, notwithstanding the abuse she had received at his hands, were considered in the private law judgment. To suggest that it was down to a straightforward lack of insight does not acknowledge the complex and conflicting issues at hand, likely to be similar to the reasons the mother stayed in Pakistan after the father left with the children, as found by Ms Justice Henke. She found the mother was passive, took the father's treats seriously, and thought that appeasing the father might be the best way of being with her children again. If there was also lack of insight, then there was an opportunity to support the mother to see the risks to herself and the children of adopting this position.
38. At that time, the local authority did not consider that the threshold for further intervention was crossed. The report does not set out any particular actions for the local authority other than the father to be told not to speak negatively of the mother, to encourage contact between the mother and the children, some life story work to be completed with each child, and support to be given in school.
39. In response to this report, the children's guardian raised a number of questions, challenging the local authority to justify its conclusion that the threshold for bringing care proceedings was not met.
40. At a hearing on 10 May 2024 the court directed that a covering letter should be sent to all professionals receiving the fact-finding judgment, '*that the findings of the court are binding to provide a factual matrix as to what happened and are not indicative or open to interpretation*'. The local authority was directed to file an updated section 37 report.
41. The father maintained at the hearing that he could not afford to fund the cost of the mother's return flight from Pakistan to the UK, and should not be ordered to pay. However, after the hearing he did agree to pay up to £500. The mother returned to England later that month. Since then, the mother has been having regular contact with the children in a contact centre, facilitated by the local authority, but it has been extremely challenging, and the children's highly negative feelings towards her have been clearly on display.
42. I am not sure whether the further section 37 report was ever completed, but following the hearing in May 2024, the author of the original section 37 report read the fact-finding judgment, and carried out parenting assessments of each of the parents. The

local authority supervised six sessions of contact between the children and their mother.

43. Thereafter there was a change of approach. The local authority brought these care proceedings on 9 July 2024.
44. The first case management hearing was on 30 July 2024. At the initial hearing the local authority did not seek the removal of the children from their father's care, but did seek interim supervision orders. This position was supported by the guardian and not opposed by the mother. In the event, the children remained wards of court, and interim supervision orders were not made.
45. The court directed viability assessments of paternal aunt and maternal grandmother and sister-in-law to be carried out. Permission was given for Dr Bryn Williams, clinical psychologist, to carry out an assessment of the family. The local authority was directed to file its final evidence and care plans by 22 October 2024, to include updated parenting assessments.
46. Dr Williams' report was filed on 14 October 2024. He recommended that the children be removed from their father's care. On 21 October 2024 the local authority made an application to discharge the direction to file final evidence. It sought interim care orders. The local authority's proposed interim care plan was for the children to be removed from their father's care. The local authority proposed at that stage two bridging foster placements, but following the IRH on 7 November 2024, the plan was amended for [Child A] and [Child C] to be placed with foster carers, and that [Child B] and [Child D] to be placed with their mother in a residential placement, designed to provide a therapeutic and supportive environment to enable her to repair and rebuild her relationship with all four of her children. [Child A] and [Child B] were to be regular visitors to the centre. The local authority then proposed that, having reviewed the success or otherwise of this plan, the local authority could then formulate a final care plan for the children.
47. At the IRH on 7 November 2024, Ms Justice Henke refused the application for interim care orders. The court directed that the local authority file final evidence and a final care plan by 15 November 2024, for the parents and guardian to respond, and for the matter to be set down for a final hearing before me, commencing 4 December 2024.

Parties' positions at the final hearing

48. The local authority maintains its position that final orders cannot be made within these proceedings at this time. It seeks interim care orders for all our children, seeking to remove them from their father's care. In her final statement, the children's social worker [Ms P] says:

'The local authority seeks to provide the family with additional opportunities for therapeutic interventions, support [the mother] in demonstrating her capacity as a sole carer and enable the children to mend and strengthen their relationship with their mother under interim plans and court supervision to ensure appropriate intervention and involvement. Interim planning will also afford [the father] the opportunity to participate in ongoing interventions that will help him comprehend the broader effects of emotional and psychological harm on the children.'

The local authority believes that continuing care proceedings will aid in reaching conclusive care decision for the children after further evaluations of [the father]'s capacity for change have been completed. This includes opportunities for direct engagement with [the mother] and the children to promote and assess the positive developments in their relationship, particularly once the children are no longer experiencing significant harm under [the father]'s care. Additionally, [the mother]'s parenting capacity can be further assessed and evaluated to determine her ability to meet the children's needs as their primary carer. Without these essential interventions and assessments, the local authority feels it cannot formulate informed and balanced final care plans for the children.'

49. On behalf of the local authority, Mr Brookes-Baker submits that final care orders are not appropriate and an extension to the proceedings is necessary, because the local authority has been unable to produce a final parenting assessment of the mother. This gap, it is submitted, will prevent the court from carrying out a holistic welfare analysis of all realistic options, and ensuring that any orders made are proportionate.
50. The local authority's position is supported by the mother and by the children's guardian.
51. The interim care plans are for [Child B] and [Child D] to move with their mother into a residential assessment home, and for [Child C] and [Child A] to be placed in a foster placement, which is to act as a bridging placement. The local authority proposes that the placement carries out an assessment which will take between twelve and sixteen weeks, and meanwhile there will be therapeutic support put in place for the mother and all four children. [Child C] and [Child A] will visit frequently and ultimately the goal is for the children to be reunited and living together with their mother in the assessment home, before then being supported to live independently.
52. Save that the father does accept the findings of fact that the mother physically chastised the children, he does not accept any of the findings of fact that relate to him. He maintains that he has not provided a false narrative to the children about their mother, and that their responses to her are founded in their own experiences of her parenting.

53. He opposes the local authority's plan to remove the children from his care, and asserts that separation from him would cause them physical and emotional harm, for which there is no justification.
54. On his behalf it is said that the father would be willing to engage with the clinical team and ATTACH in relation to interventions for himself, the children and their mother.
55. He does not agree with the contact plans for him and the children if they were to be removed from his care, but in oral evidence he said that if such orders were made, he would accept supervised contact.
56. In the event that the court endorses the local authority's interim care plan, the father takes issue with the local authority's position, that he should not be told the name of the assessment centre or its location. In principle, he does not object to the mother's application for protective orders being made, that would prevent him from going to places where the mother or children may be, including the residential assessment centre. However, he says if he doesn't know the location of the places he is prevented from going to, it would be unfair to place him at risk of criminal sanctions should he find himself inadvertently going there. He works as a taxi driver.
57. Further, it is submitted that he would be disadvantaged if he was not able to find out basic information about the residential assessment centre in which it is proposed two of his children would live, and the other two would visit regularly, and which it is suggested would be doing therapeutic interventions with all of the children. He would not be able to make his own assessment of whether or not this was a suitable placement.

The law

58. In every care case the Court must ask two questions; (i) is the threshold for making public law orders crossed; and (ii) if so, what, if any orders should be made to meet the children's welfare?
59. The Court may only consider whether to make a care or supervision order if satisfied that the threshold test is passed, as set out at section 31(2) of the Children Act 1989:
- (a) *that the child concerned is suffering, or is likely to suffer, significant harm; and*
- (b) *that the harm, or likelihood of harm, is attributable to –*
- (i) *the care given to the child, or likely to be given to him if the order were not made, not being what it would be reasonable to expect a parent to give him; or*
- (ii) *the child's being beyond parental control.*

60. It was conceded at the IRH that the threshold for making public law orders is crossed on the basis of the findings made by Henke J in her judgment of 1 February 2024. I will address threshold later in the judgment.
61. When considering what, if any, orders I should make, I must have regard to all the circumstances, and in particular the factors set out at the welfare checklist at section 1(3) Children Act 1989, with the children’s welfare as my paramount consideration (section 1(1) Children Act 1989). There is a general principle that any delay in determining the question of their upbringing is likely to prejudice their welfare (section 1(2)).
62. I must be satisfied that there are no gaps in the evidence that would undermine the court’s ability to carry out a full and comparative analysis of all options which are available and realistically possible. I must weigh the arguments for and against each option and give reasons for the decision reached.
63. On behalf of the local authority, Mr Brookes-Baker refers me to *Re B (a child)(care order: proportionality: criterion for review)* [2013] UKSC 33, from which he draws out the following:
- although the child’s interests are paramount, a court must never lose sight of the fact that those interests include being brought up by the natural family, unless the overriding requirements of the child’s welfare make that not possible (§27);
 - the court must consider all of the available options before coming to a decision (§ 28); and
 - the court’s assessment of a parent’s ability to provide good enough care for a child must take into account the assistance and support which the authorities would offer (§29).
 - there must be proper evidence from the local authority and from the children’s guardian which addresses all the options which are realistically possible_and which contains an analysis of the arguments for and against each option, together with ‘a fully reasoned recommendation’ (§34-40); and
 - there must be an adequately reasoned judgment by the judge (§41-46).
64. Further, I am referred to *Re H-W (children)* [2022] UKSC 17, which endorsed the words of McFarlane LJ as he was then, now President of the Family Division, in *Re G* [2014] 1 FLR 1075:

[53] “..a process which acknowledges that long-term public care, and in particular adoption contrary to the will of a parent, is “the most draconian option”, yet does not

engage with the very detail of that option which renders it “draconian” cannot be a full or effective process of evaluation. ...

*Such descriptions are, of course, appropriate and correct, but there is a danger that these phrases may inadvertently become little more than formulaic judicial window-dressing if they are not backed up with a substantive consideration of what lies behind them and the impact of that on the individual child’s welfare in the particular case before the court. If there was any doubt about the importance of avoiding that danger, such doubt has been firmly swept away by the very clear emphasis in *Re B* on the duty of the court actively to evaluate proportionality in every case.’(added emphasis)*

Extension beyond twenty-six week statutory time-limit

65. The proceedings were timetabled to final hearing, with the expectation that they would conclude within the statutory time limit of twenty-six weeks, in this case by 7 January 2025. The local authority seeks an extension to the time to conclude the proceedings.
66. The time frame for concluding care proceedings is set out at section 32(1) of the Children Act 1989 as follows:

32(1) A court hearing an application for an order under this Part shall ...

- (a) draw up a timetable with a view to disposing of the application –
 - (i) without delay, and*
 - (ii) in any event within twenty-six weeks beginning with the day on which the application was issued; and**
- (b) give such directions as it considers appropriate for the purpose of ensuring, so far as is reasonably practicable, that that timetable is adhered to.*

67. The Court can only extend the proceedings beyond twenty-six weeks if it is satisfied that it is necessary to do so. Sub-sections 32(5), 32(6), 32(7) set out the circumstances where a the time limits at section 32(1) may be extended:

32(5) A court in which an application under this Part is proceeding may extend the period that is for the time being allowed under subsection (1)(a)(ii) in the case of the application, but may do so only if the court considers that the extension is necessary to enable the court to resolve the proceedings justly.

- (6) When deciding whether to grant an extension under subsection (5), a court must in particular have regard to –
 - (a) the impact which any ensuing timetable revision would have on the welfare of the child to whom the application relates, and**

(b) *the impact which any ensuing timetable revision would have on the duration and conduct of the proceedings; and here "ensuing timetable revision" means any revision, of the timetable under subsection (1)(a) for the proceedings, which the court considers may ensue from the extension.*

(7) *When deciding whether to grant an extension under subsection (5), a court is to take account of the following guidance: extensions are not to be granted routinely and are to be seen as requiring specific justification. ...*

68. In *Re S (a child)* [2014] EWCC B44 (Fam), Sir James Munby, then President of the Family Division, stressed that section 32(1) does not describe ‘*some mere aspiration or target, nor does it prescribe an average. It defines, subject only to the qualification in section 32(5) and compliance with the requirements of sections 32(6) and (7), a mandatory limit which applies to all cases.*’

69. Considering the circumstances in which the Court might grant an extension under section 32(5), the President referred to the judgment of the court which he gave in *Re B-S (children)(adoption order: leave to oppose)* [2013] EWCA Civ 1146:

‘If, despite all, the court does not have the kind of evidence we have identified, and is therefore not properly equipped to decide these issues, then an adjournment must be directed, even if this takes the case over 26 weeks. Where the proposal before the court is for non-consensual adoption, the issues are too grave, the stakes for all are too high, for the outcome to be determined by rigorous adherence to an inflexible timetable and justice thereby potentially denied.’

70. The President identified three categories of cases where extensions to the twenty-six week timetable may be ‘necessary’. First, those cases in which it is clear from the outset will need longer than twenty-six weeks to be resolved justly. Those cases would include a) ‘heavy’ cases involving the most complex medical evidence where a separate fact finding is directed; b) FDAC/problem-solving cases, where a decision in principle is made about the capability of the parents to care for their child within twenty-six weeks, but a longer period of time is needed for implementation of a plan involving multi-disciplinary support for the family; c) cases with an international element where investigations or assessments have to be carried out abroad, and (d) cases where the parents’ disabilities require recourse to special assessments or measures.

71. The President’s second category of case is where something unexpected happens that changes the nature of the proceedings too late in the day to enable the case to be concluded justly within twenty-six weeks. Examples given are fresh allegations of abuse surfacing which need to be investigated, or an event happens that derails the

proposed plan, for example the death or serious illness of a proposed carer, or a family member who might be a realistic alternative carer for the child emerges late in the day.

72. The third category of cases is where litigation failure on the part or one or more of the parties makes it impossible to complete the case justly within twenty-six weeks.

Final care plan vs interim care plan: the role of the court

73. In *Re S and others, Re W and others (conjoined appeals)* [2002] UKHL 10, the House of Lords considered the boundaries of responsibility between court and local authority created by the Children Act 1989. Giving the leading judgment of the Court, Lord Nicholls said at paragraph 23:

23. Two preliminary points can be made at the outset. First, a cardinal principle of the Children Act is that when the court makes a care order it becomes the duty of the local authority designated by the order to receive the child into its care while the order remains in force. So long as the care order is in force the authority has parental responsibility for the child. The authority also has power to decide the extent to which a parent of the child may meet his responsibility for him: section 33. An authority might, for instance, not permit parents to change the school of a child living at home. While a care order is in force the court's powers, under its inherent jurisdiction, are expressly excluded: section 100(2)(c) and (d). Further, the court may not make a contact order, a prohibited steps order or a specific issue order: section 9(1).

24. There are limited exceptions to this principle of non-intervention by the court in the authority's discharge of its parental responsibility for a child in its care under a care order. The court retains jurisdiction to decide disputes about contact with children in care: section 34. The court may discharge a care order, either on an application made for the purpose under section 39 or as a consequence of making a residence order (sections 9(1) and 91(1)). The High Court's judicial review jurisdiction also remains available.

25. These exceptions do not detract significantly from the basic principle. The Act delineated the boundary of responsibility with complete clarity. Where a care order is made the responsibility for the child's care is with the authority rather than the court. The court retains no supervisory role, monitoring the authority's discharge of its responsibilities. That was the intention of Parliament.

*26. Consistently with this, in Kent County Council v C [1993] Fam 57 Ewbank J decided that the court has no power to add to a care order a direction to the authority that the child's guardian ad litem should be allowed to have a continuing involvement, with a view to his applying to the court in due course if thought appropriate. In *In re T (A Minor)(Care Order: Conditions)* [1994] 2 FLR 423 the Court of Appeal rightly approved this decision and held that the court has no power to impose conditions in a*

care order. There the condition sought by the child's guardian was that the child should reside at home.

74. In that judgment, the House of Lords considered the idea that in some exceptional cases, a care plan could remain open to review by the court. It had been posited by the Court of Appeal that a court review could be triggered by failure to implement 'starred' key factors in the care plan within specified time-scales. This approach was roundly rejected by Lord Nicholls:

'On this, I have to say at once, respectfully but emphatically, that I part company with the Court of Appeal. I am unable to agree that the court's introduction of a 'starring system' can be justified as a legitimate exercise in interpretation of the Children Act in accordance with section 3 of the Human Rights Act.'

75. No party in this case is advocating the use of a 'starring system'. However, it has been repeated a number of times in the evidence and in the submissions I have heard, that a significant reason for inviting the court to make interim, and not final, care orders, is that the parties (save for the father who opposes any form of care order being made) consider that the court's continuing 'oversight' of the local authority's proposed next steps can be maintained. Referring to Dr Williams' evidence, Mr Brookes-Baker on behalf of the local authority submitted, *'if the court focuses on the welfare of the children there are simply better outcomes for children in cases such as these if judicial oversight is maintained.'* On behalf of the guardian it is said, *'the guardian's opinion is that it would be premature to make final orders when there remains uncertainty in a number of key areas, including and most importantly the outcome of the assessment and interventions with the family and the long-term placements for the children. The guardian's recommendation is that the court's involvement should continue so it can have oversight of the professional network so that stability is maintained in what is likely to be a very challenging period of the parents and the children.'*

76. I will need to consider whether to accept the local authority's submission that the circumstances are indeed too uncertain at this stage for final care plans to be formulated. I must consider for what purpose the court's continuing oversight of proceedings may be required. I must guard against overstepping the clearly delineated boundaries set by the Children Act 1989, described in *Re S and Re W* above. The court's continuing involvement can only be while the care proceedings are ongoing, and while they need to continue. The court process cannot be used as a means of engineering a higher level of support than would otherwise be available to the parties under a final care order, for example the continued involvement of the guardian and the parties' legal representatives, the perceived benefit of 'judicial oversight', or the provision of support and services.

77. At the same time, I will need to ensure that there are no gaps in the evidence; there must be proper evidence from the local authority and from the children's guardian which addresses all the options which are realistically possible, and which contains an

analysis of the arguments for and against each option, together with a fully reasoned recommendation.

Family Justice Council guidance on responding to a child's unexplained reluctance, resistance or refusal to spend time with a parent, and allegations of alienating behaviour

78. The Family Justice Council's guidance was published after I had heard evidence and submissions, but before I prepared judgment. I have read and considered it.

79. The guidance defines 'Alienating Behaviours' as, '*psychologically manipulative behaviours, intended or otherwise, by a parent towards a child, which have resulted in the child's reluctance, resistance or refusal to spend time with the other parent.*'

80. It is acknowledged that behaviours indicating reluctance, resistance or refusal from a child concerning their relationship with, or spending time with, a parent, may have a variety of causes. This was stressed by Mr Macdonald in submissions and throughout his cross-examination of the witnesses. For the avoidance of doubt, I fully accept that evidence of a child indicating reluctance, resistance or refusal to spending time with or having a relationship with a parent, is not of itself evidence that the child is being manipulated by the other parent, and I direct myself accordingly. The guidance stresses that there may be a number of reasons behind a child's reluctance, resistance or refusal, which the court should explore.

81. The guidance refers to *Re C ('Parental Alienation; instruction of Expert)* [2023] EWHC 345 (Fam) para 103, in which Sir Andrew McFarlane, President of the Family Division, reiterated that 'parental alienation' is not a syndrome capable of being diagnosed, but a process of manipulation of children perpetrated by one parent against the other through what are termed as alienating behaviours. The President observed that what is important is the particular behaviour that is found to have taken place within the individual family before the court, and the impact that that behaviour may have had on the relationship of a child with either or both of his/her parents.

82. A court would need to be satisfied that three elements are established before it could conclude that alienating behaviours had occurred:

- 1) *The child is reluctant, resisting or refusing to engage in, a relationship with a parent or carer; and*
- 2) *The reluctance, resistance or refusal is not consequent on the actions of that parent towards the child or the other parent, which may therefore be an appropriate justified rejection by the child, or is not caused by any other factor such as the child's alignment, affinity or attachment; and*

- 3) *the other parent has engaged in behaviours that have directly or indirectly impacted on the child, leading to the child's reluctance, resistance or refusal to engage in a relationship with that parent.*

The evidence

83. I have read all the documents in the bundles for the care proceedings and the private law proceedings.

84. I heard evidence from the following witnesses:

- Dr Bryn Williams, clinical psychologist;
- the current social worker, [Ms P];
- the previously assigned social work team manager [Ms S];
- the mother;
- the father; and
- the children's guardian.

85. The parents were ably assisted by interpreters; Mr Sahid Saqib for the mother and Mr Mohammad Khan for the father. I thank them both for their attention, focus, patience and skill, which was appreciated.

Dr Williams

86. Dr Williams has prepared a lengthy report. He has carried out psychological assessments of the mother and father and of each of the children. He acknowledged that elements of the assessment had been challenging. He described the arrangements with the interpreters as chaotic. He chose not to use the standardised psychological tools for the assessment of cognitive ability, personality, and mental health needs for the adults '*because of the language and cultural specificity of the tools*'. He noted that the school had not been able to complete mental health tools with the children due to lack of resources. Notwithstanding all these difficulties, Dr Williams explained when giving his evidence that he was satisfied none of these issues affected his ability to form '*as solid a psychological opinion about the children and their parents as was possible*'. I agree. It was put to him, on behalf of the father, that his report was unreliable because it lacked a full cultural understanding, but it was not clear to me in what way Dr Williams' report was said to be deficient as a result of his lack of appreciation of any particular factor. Dr Williams defended himself well.

87. The conversations that Dr Williams had with the mother, father and the children, and his observations of the children with their father and with their mother, produced evidence which was consistent, even strikingly similar, to the records prepared by the social work professionals, contact supervisors, teachers and by the guardian, and reflected in the evidence given by the parents to the Court.

88. Dr Williams articulated clearly the impact of domestic abuse and the risk of emotional harm caused to the children as a result of their family circumstances. He maintained those clear explanations when giving oral evidence. It was Dr Williams' recommendation that removal of the children from their father's care was likely to present as the only realistic chance of bringing about change in the children's relationship with their mother, and to protect them from emotional harm. Having received his report in October 2024, the local authority made its application to the Court to defer filing final evidence and for interim care orders to be made, with a plan of separation of the children from their father's care.

89. He was challenged in cross-examination on behalf of the father, about concepts of 'parental alienation', but robustly defended his opinion and his recommendations as deriving, not from any assertion that the children were suffering from 'parental alienation syndrome', but from his assessment of the emotional harm that the children had suffered, and continued to suffer as a consequence of the father's treatment of their mother, clearly established in the facts found by the Court, and seen in the father's continued denigration of the mother. Dr Williams said of the father, *'his lack of insight into leaving the children responsible for denigrating their mother whilst he claims to be a neutral bystander is from a psychological point of view emotionally harmful. It represents a gross failure in one of the primary responsibilities of the father to protect the emotional well-being of their children.'*

90. I accept Dr Williams' opinions as reliable. They are founded on a sound evidence base, and his own professional experience and expertise.

[Ms S]

91. Ms S was involved in the case in the four months from April to July 2024, because she was [Ms M's] team manager. [Ms M] is currently on maternity leave and was not available to give oral evidence. Ms S did her best in the circumstances to speak to events during that time, which followed the initial section 37 report in March 2024. During that time the local authority was invited to revisit the section 37 report, to carry out parenting assessments of each of the parents, and ultimately then made its application to the court for public law orders.

[Ms P]

92. I was impressed by [Ms P] – both as a witness, and for the quality of the social work she has carried out. She took over this case at a difficult juncture, in July 2024, very shortly after the care proceedings had been issued. In a short time she has been able to build up good working relationships with each of the children, all of whom regularly spend time talking to her at contact or at school. She has engaged with the father and with the mother. She did a full handover from the previous social worker, so that she

had a good understanding of the issues in the case, but she has formed her own professional opinions. In evidence, she articulated and defended those opinions with confidence and clarity.

93. For example, where her predecessor had thought it might be helpful for a social worker to sit with the father and the children in an attempt to guide a more positive narrative about the children's mother, [Ms P] explained that she had formed a different view.
94. She said that while the children continued to live with their father, who was unable or unwilling to convey any positive message to the children about their mother, she feared that if a social work professional were to sit in on such a session with the children and their father, the children may well perceive, or later be told, that the father was only saying positive things about their mother at the behest of the social worker. This would both achieve nothing in terms of improving the children's view of their mother, as it would be undone as soon as the children were alone with their father, and it could have the effect of undermining the children's relationship with their social worker, who they would see as having an agenda that conflicted with their father's.
95. The evidence from the social work professionals describing the parents' and children's words, actions, and interactions resonates strongly with the notes made by contact supervisors, by Dr Williams, and the guardian, as well as with the direct evidence of the parents.
96. I considered [Ms P] to have a clear understanding of the parents' respective strengths and weaknesses as parents, of the impact of domestic abuse upon the mother and on the children, and to have carried out a balanced, clear-sighted and thoughtful analysis of the realistic options for the children now, factoring in all relevant factors including the risks of harm to them, impact of change, and the children's wishes and feelings.

The mother

97. The guardian described the mother as a person who appeared to have 'found her voice' somewhat since the fact-finding hearing a year ago, when she was still stranded in Pakistan and was giving evidence remotely.
98. She had a good recollection for details of conversations or events. I found her to be a credible and reliable witness. She was emotional at times, but did speak with confidence, and answered all questions put to her directly and clearly. She has shown exceptional patience and resilience in the contact sessions, in which the children have repeatedly and unwaveringly behaved in ways that are hurtful, rejecting, disrespectful and rude. They have accused her of lying when she says she cares for them, or saying that her love for them is 'fake love'. They have turned away from her, refused to talk to her or play with her, snarled at her, talked back, criticised her, belittled her, denied the memories she has tried to recall with them, and whenever they have had the

chance, they have told teachers or social workers that she is all bad, that their father is all good, and that their only worries in life are being made to see her and a fear of being removed from their father's care.

99. The mother has shown a good ability to engage with professionals, to take advice, to reflect when she has misjudged what to say, and to change her approach. She accepted that she did once say something to the children to the effect that they should speak to her or the judge would say they couldn't live with their father. She accepted this was ill-advised. She has not repeated such comments.

The father

100. The father stated explicitly in his witness statement and to the Court that he does not accept the findings of the Court. This is a position he made clear back in March, and he has not shifted in any way from that.

101. As a witness he presented as described by Ms Justice Henke, and by the guardian and Dr Williams in their reports. He gave lengthy answers to straightforward questions, which avoided answering the question, and invariably ended up with a complaint about, or an attack on, the mother, her family, or the children's school, social workers or the family court. Even when he was asked a direct question two or three times, he did not answer, but focused on his own agenda. He was, as Dr Williams described, *'defiant'*. Dr Williams said of the father, *'his insistence that the court had misjudged him and was wrong about the facts made it very difficult for him to move into a more insightful and psychologically minded position.'* Dr Williams described the father's preoccupation with his perception of the behaviour of the wife and her family as a barrier to psychological assessment. Dr Williams found the father's engagement to be *'defensive, and his thinking inflexible, or even manipulative. He was cognitively and emetically wedded to his own narrative and thoughts. He provided me with a somewhat closed and idealised view of himself.'*

102. This description resonates with my impressions of the father. Within the proceedings he has defended his actions in stranding the mother in Pakistan as justified by a fear that she was going to abduct the children. He has continued to allege that the mother has repeatedly hit and hurt the children, that she is incapable as a parent and did not love her children. It was put to the mother that she was isolated and had no network of support in England. The mother described how it was the father who had isolated her from family members and friends, and prevented her from travelling to England to be with her children.

103. The father was relentlessly negative about the mother. I find that he has spoken negatively about her to professionals, to the court, and to the children. I accept Mr Brookes-Baker's submission that the father's denials of speaking to the children negatively about the mother were not credible in the face of the strength and depth of

his views, and the continued repetition by the children of his narrative. I accept [Ms P]'s evidence that it is not just what the father actively says, but the complete absence of any evidence of him finding a way to give the children permission to spend time with their mother, or to encourage them to be kind and to enjoy themselves with her, that is also of significance. He has done nothing to reassure the children that they are safe and have nothing to fear from their mother.

104. I am satisfied to the standard of a balance of probabilities, and having regard to the whole canvass of the evidence, that the father has continued to speak to the children about the proceedings, about the risk of them being removed from his care, and implanting a fear in them of going to live with their mother or foster carers.

105. The father was asked if he could think of any positive thing to say about the mother. He said that she was the children's mother. He said that while he identified a mother as a person who represented love and affection for her children, he would not say that about the mother of his children.

Ms Sarah Gwynne, children's guardian

106. Ms Gwynne has been the children's guardian since September 2023.

107. She has advocated for the children throughout, and was the one who pressed the local authority to revisit their initial decision not to intervene in this family's life.

108. She has a good understanding of each of the children. Her analysis of their wishes and feelings was insightful. She illustrated her headline observations with specific factual examples that described well what she was intending to convey, particularly about the juxtaposition between what the children said, and their body language and emotional affect. Again, this is something noticed and described clearly by all the professionals. Ms Gwynne articulated clearly the concern she has for the burden upon the children of having to please their father, and of having to please him by rejecting their mother so demonstratively, where she has identified that at an instinctive level, they betray a lack of fear, and more than that, on occasions, a natural warmth and connection to their mother that Ms Gwynne considers must be stressful to keep at bay.

109. Ms Gwynne's report is based on a sound evidence base, her conclusions in respect of the different options for the children at this time were well reasoned, and were reinforced by the oral evidence that she gave.

Analysis

A. Threshold

110. The final threshold document is annexed to the judgment. It is divided into two sections, ‘alienating behaviours’, and ‘domestic abuse’, and largely rehearses the findings from the private law proceedings, although the threats to kill are omitted. There is no dispute that each of the matters on the threshold document is proved.
111. The section described ‘alienating behaviours’ implies that the impact upon the children is merely the loss or disruption to the relationship they have with their mother. The need to restore her relationship with her children is of course the mother’s guiding and pressing concern. However, by simply listing a number of ‘alienating behaviours’, and then the list of findings of domestic abuse, the threshold document does not accurately describe the harm suffered and the risk of harm suffered as a consequence of the domestic abuse perpetrated on the mother by the father.
112. Using the framework provided by the Family Justice Council guidance, I am satisfied that the necessary three elements have been established in this case so as to enable the court to make a finding of alienating behaviours:
- a) *The child is reluctant, resisting or refusing to engage in, a relations with a parent or carer; and*
 - b) *The reluctance, resistance or refusal is not consequent on the actions of that parent towards the child or the other parent, which may therefore be an appropriate justified rejection by the child, or is not caused by any other factor such as the child’s alignment, affinity or attachment; and*
 - c) *the other parent has engaged in behaviours that have directly or indirectly impacted on the child, leading to the child’s reluctance, resistance or refusal to engage in a relationship with that parent.*
113. There is overwhelming evidence of the children’s reluctance, resistance and refusal to engage in their relationship with their mother.
114. A finding was made that the mother had physically chastised the children in the past, but there was no specific finding in relation to a particular event. [Ms P] in her evidence was clear that she has no evidence of the mother behaving in a way that was physically or emotionally abusive towards the children, and further, that she has no concerns that the mother would use any form of physical chastisement in the future. The mother has been observed to spend time with the children in difficult circumstances in contact when they are defiant, rude, do not listen to her, and do not show her any respect, and she has not shown anger or impatience towards them. The account from the children that Ms Justice Henke accepted was that the mother picked the children up when they were naughty. Having regard to all the evidence I have heard and read, I do not regard the children’s wholesale rejection of their mother as an appropriate justified reaction. I find that the children are aligned and attached to their

father, but I find that he has engaged in behaviours that have directly or indirectly impacted upon the children, leading to their reluctance, resistance or refusal to engage in a relationship with their mother.

115. I find that the father has continued to exert such influence upon the children throughout the proceedings. The children have continually given a narrative to fit with his. I accept the guardian's analysis in respect of the evidence that came from an attendance note from the 'ELSA' support worker at school:

'Whilst [the father] continues to deny that he has deliberately manipulated the children, the report from the ELSA worker provides a firm indication as to what professionals have long suspected. There has been a pattern observed by the local authority whereby if one of the children is more receptive to their mother during a contact session this is not replicated in the next session. For instance, [Child D] was reported as smiling at her mother during the first session of 14/06/2024 but then to be snarling and showing her teeth at her at the next session they shared together on 19/06/2024. I am concerned that the children are aware that if their father receives positive feedback, they will then feel that they must demonstrate a negative position in respect of their mother at the subsequent visit. It is significant that Dr Williams considers that 'the children are caught in this invidious position where they would risk the rejection and possible anger of their father if they were to align themselves with their mother's narrative or even on that is neutral. I would suggest the children do not have permission to have a relationship with their mother.'

116. An extract from the ELSA worker's email reads as follows:

'[Child D] was first and whilst we did our craft activity she was extremely chatty. She told me that she hated seeing mum as she doesn't want to play with her. I queried why and encouraged her to consider the positives of playing with mum. She told me mum cried when she wouldn't let her play but she knows they are fake tears. She said mum just wants us to feel sorry for her. She told me that she wasn't going to play with mum as she doesn't want to end up living with her or foster parents. I queried why she thought that might happen and she told me dad had said it. She told me that dad has said he gets a report that the SW write after each visit. She mentioned her cousin had told her that [Child B] was talking to mum more. I said that was nice if she was and she said well we will know once dad gets his report.'

117. The children are suffering significant emotional harm as a result of the continuing conflict and separation they are experiencing from their mother, and which has been brought about by their father. They are at risk of continuing and significant emotional harm while they live with the person who has perpetrated significant domestic abuse against their mother and who denies it, and insists that his children also are raised in a household where the truth of their life experiences is denied, and they are required to be agents of the continued abuse of their mother.

118. The court found as a fact that the father threatened to kill the mother. This does not appear on the threshold document. It should do. The court found that this threat was one of the reasons that the mother found herself staying in Pakistan with the paternal family for four months after the father stranded her there. The court found that the mother believed the father may act on this threat. The threat caused emotional harm to her in this way because she was put in fear of the father. Secondly, it caused emotional harm to her and the children, because it prevented her from taking steps to try and find a way to be reunited with the children. She did not contact police or social services. Instead she followed a strategy of trying to appease the father in the hope that he might let her see the children.
119. The father stranded the mother in Pakistan. This was more than merely an ‘alienating behaviour’. He had cancelled her visa eighteen months beforehand. The stranding was premeditated. The mother spoke movingly to me in her evidence of the impact upon her of having had her passport, and all her identity documents stolen from her. She told me the father had *‘managed to eradicate my identity from over there and is still attempting to eradicate me from here’*. She told me it was not just the limit to her ability to travel that the loss of documents meant, she said *‘I really lost my identity’* she said she had been to the Pakistan embassy twice in the UK and they said her identity card had been blocked, and she had not been able to get any assistance in Pakistan.
120. The mother spoke of the bond that she had with her children, she said both in Pakistan and in England, *‘they couldn’t spend a minute without me and I couldn’t spend a minute without them’*. She is certain that they love her, but she and they have been prohibited from having a relationship, as a result of the actions of the father. This was found as a fact in the previous hearing.
121. In his continued actions towards the mother and within the proceedings, the father has continually sought to deny the mother’s existence as a citizen of her own country, her entitlement to live in this country as his spouse, and, more importantly than all this, as a mother. He gives her the fact of being a mother, but denies that she has what he describes as the basic and essential qualities of a mother; the ability to love and show genuine affection for her children.
122. He invites, encourages, and effectively demands, that his children do the same, by showing his disapproval when they make a connection to or show warmth to their mother, by effectively giving them a script to follow (that the mother is faking love, that the mother did not want to come to England with the children, that the mother has only brought the case to get money), and by showing approval when the children say something negative about their mother. There is a substantial body of evidence to support these findings within the contact notes, Dr Williams’ report, [Ms P]’s statements, the parenting assessments and the guardian’s report.

123. The findings in respect of domestic abuse are serious. As is pleaded, the children have not just been at risk of physical harm by ‘being caught in the cross-fire of domestic abuse’, they have been emotionally harmed by exposure to domestic abuse within the household. The findings are repeated:

- a) When [Child A] was about 5 months old, the father hit or slapped her in the face and loosened her teeth; [A1]
- b) The father assaulted the mother when she was pregnant with [Child D], the father slapped her, held her by the neck and pulled her towards a door causing the mother to be bruised; [A1]
- c) On one occasion the father punched or pushed the mother causing her to burn her hand on a grill; [A1]
- d) The father assaulted the mother in the paternal family home in Pakistan in August 2021. The father pulled the mother down the stairs, and dragged the mother to the living room and pushed, kicked and slapped her. [A1]

124. Domestic abuse is a serious and significant failure in parenting because it is a failure to protect the children’s carer. If the domestic abuse is not acknowledged and steps taken to repair the situation, it is a failure to protect the children emotionally.

125. The father is only able to see things from his own perspective and appears to need his children to be fully aligned with his viewpoint. At this time his children are so far aligned with his way of seeing the world that they have frequently been seen to say things which are demonstrably not true (in respect of the day of their abduction from Pakistan, we were going to the beach and we were going to the airport) in order to fit in with his narrative. The children are at risk of harm from their father as a result. They carry the burden of adopting his views and opinions in everything, which the guardian, Dr Williams and the social work professionals are significantly concerned will take a significant toll upon them emotionally.

126. As they get older the children may attempt to challenge the father. He has shown no acceptance of the findings, and no ability to take responsibility for his actions. He is not prepared to engage with any course in respect of domestic abuse that would require him to accept responsibility for his actions, and to accept a need for change. In the circumstances, there can be no confidence that these behaviours will not be repeated in the future. The inference must be that any family member from whom he expects to adopt his viewpoint is at risk of abusive behaviour from the father if he perceived them to be challenging him.

B. Welfare checklist

127. I have had regard to all the circumstances of the case and each of the factors on the welfare checklist.

128. Turning first to **the children's wishes and feelings**. There is a great deal of evidence in this case which both records what the children have repeatedly said their wishes and feelings are, but which identifies difficulties in taking those wishes and feelings at face value. This is most clearly articulated by Dr Williams, by the guardian, and by the children's social worker. In her final statement, [Ms P] says:

'The children's perspectives appear unchanged, as they continue to express a preference for staying with their father and show little interest in mending their relationship with their mother. While it is essential to acknowledge the views, wishes, and feelings of each child, the local authority recognizes the complexities surrounding emotional and psychological harm.'

129. An essential part of the local authority's plan is to *'facilitate clearer expressions of the [children's] views, free from the negative and misleading narratives they have been subjected to.'*

130. Dr Williams said of [Child A], *'his voice must be heard, however I would suggest that the emotional harm done to him has compromised his capacity to know, let alone speak, the truth.'*

131. In the circumstances, while the children's strongly expressed wishes and feelings must of course be acknowledged, they cannot be regarded as determinative of the application. I have found that they are substantially informed by the actions of their father, and I have found that their rejection of their mother cannot be regarded as justified by any action on her part.

132. The children's **physical and educational needs** are broadly the same as for other children of their age and stage of development. The children have dual citizenship, have lived in two countries, speak two languages, go to a Church of England primary school, but practice the Muslim faith at home. They are bright, articulate children who still need the adult carers in their lives to provide for all their daily needs, to manage their routine, prepare meals, help them live in a healthy routine and develop healthy habits, support them in their education, to develop interests outside school, to make friends, and to develop their independence.

133. The children need support to meet their **emotional needs**. Again, there is a significant body of evidence from Dr Williams, [Ms P], and from the guardian about the continuing and significant emotional distress they are experiencing. Overwhelmingly the children have reacted negatively towards their mother. However,

these professionals describe a dissonance in the lack of emotion and the *'breezy and matter of fact way'* they describe quite extreme criticisms and allegations about their mother compared to what one might reasonably expect of a child who has experienced the treatment described from her, and in some of the interactions they have observed. There have been moments where the children appear to be instinctively warm towards their mother, not in any way phased by being close to her, able to talk to her and have smiled at her.

134. The guardian describes the contact sessions as exhausting to facilitate, and expressed concern in her report about the emotional toll for the children of *'keeping in role through these sessions with their mother and acting entirely negatively towards her and the pressure they are under to continue to do so.'* She has given many examples within her report, and there are many more in the contact notes, and within the social worker's and mother's statements. The guardian describes a time when [Child A] was persuaded to join in the 'shopping list' game with his mother and sisters. He gave a big smile in his mother's direction during the game, the guardian says it seemed to indicate the *'latent genuine emotion he felt for his mother'*, but when she spoke to him afterwards to say it had been good to see him play with his mother, *'he hung his head low and looked to the floor and it was my assessment that he felt emotionally conflicted at that point. It was during my next observation of contact .. that I observed [Child A] was entirely shut down to any attempts to interact with his mother. He kept his winter coat on, despite the room being very warm, and was guarded throughout.'*

135. The children do not just need to be supported to rebuild and repair the relationship with their mother, but to be able to identify and understand their own feelings and emotions, to be able to articulate them, and not to be subject to pressure to act, think or speak in accordance with their father's wishes. They need to be permitted to develop their own sense of self, to see the world through their own eyes and to develop their skills in making sense of the world for themselves. In order to build trusting relationships with friends, family, teachers, people in authority, they need to be able to be honest in their communications with them. A part of that is a freedom to respond instinctively in any given situation, not to be second guessing what their father might regard as an appropriate response, or to be waiting to find out in what way he expects them to respond. To feel a sense of self-worth, they need to be able to present as their authentic selves, to be liked for who they are, not for being what someone else wants them to be.

136. In some ways it could be said that [Child A] is in a different position to his sisters, because he has lived with his father the longest, and has been perhaps the quickest to find fault with the mother and to challenge her. He will feel perhaps the most strongly the need for his wishes and feelings to be listened to, and heeded. Dr Williams described him as 'omnipotent' over sisters and mother. He may find it

particularly difficult to accept a plan that removes him from his father, and breaks up the sibling group.

137. However, [Child A] is in no less need than his sisters of stability, of freedom from the responsibility of pleasing his father, and to have permission to restore and repair his relationship with his mother.
138. With regard to any **additional particular characteristics** which are relevant to the decision on welfare. Wherever they live it will be important for these children to be raised in the Islamic faith, pray within the home, attend Sunday school at their local mosque and celebrate Islamic festivals. They children use English as their first language but also speak Urdu. They need to be supported to sustain relationships with members of their extended family. They have spent significant periods of their lives in Pakistan but at the moment are fearful that if they travel there they will not return. They need to be reassured that their home is to remain in England, but to be encouraged to learn more about Pakistan and its heritage, and in time, to contemplate visiting again.
139. Considering the **impact of any change of circumstances**. If the children are removed from the care of their father, separated into two sibling groups, one placed in foster care and the other directly with their mother, they are almost certain to be distressed, confused, angry, not listened to, frightened and apprehensive. They will miss their father and they will miss living together as a sibling group together with him. Although they will be at school together, their daily routines will change, and everything they have known for the past two years will be changed.
140. They will miss the adult cousins who they live with, as well as the cousins who live across the road from them.
141. However, if the children do not move, then there is little or no real prospect of them restoring their relationship with their mother. Any further attempts by professionals will continue to be undermined by the father, which I find has already happened. The children will continue to be exposed to the harmful influence of their father, which is not just limited to his negative views of their mother, but to his need for them to adopt his views as their own.
142. With respect to the **risk of harm**. For the reasons given above in the discussion around threshold findings, and having regard to the careful analysis of the children's social worker, the guardian and Dr Williams, I find that the children have suffered, and continue to be at risk of significant harm as a consequence of the parenting they have received from their father.
143. The harm is not just the fact of their separation physically and emotionally from their mother due to the father's alienating behaviours, as set out in the threshold

document. The risks arise from the fact of their father being a perpetrator of significant domestic abuse against their mother, and continuing to perpetrate that abuse against her, by denigrating her to and in front of the children, and by using them as his agents to continue that abuse. There is a significant risk of harm to the children arising from his need for the children to see and interpret the world in the way that he does. The children may become unable to form their own opinions or to make their own sense of the world. If they cannot be their authentic selves they will not be able to build meaningful relationships with friends, teachers, family in their lives.

144. Where there is a history of physical violence and emotional abuse towards their mother, there is a continuing risk for the children as they grow and head towards adolescence. If he perceives they are challenging him, he may not have the ability or skills to avoid using physical or emotional abuse as a response. He has not shown any willingness to take responsibility for his actions in the past, to explore the extent to which this remains a problem, and whether he has the facility to make changes so as to act protect his children in the future.

145. I accept the guardian's analysis that the children do not have a healthy line of communication with either parent because they are intent on pleasing their father.

146. I find that the children's current situation is causing them to be conflicted emotionally, is putting pressure on them which is taking its toll, and, without intervention, is storing up significant difficulties for them as they head towards adolescence. Accepting Dr Williams' analysis, I am particularly concerned that the children are being used by their father to perpetrate emotional abuse against their mother. This is damaging for them and for her.

147. For the reasons given, I do not find the children to have suffered or to be at risk of significant harm from their mother. The local authority has not sought any threshold findings against her within these proceedings.

148. The evidence in this case is overwhelming, that the children's rejection of their mother is not justified. She has been a loving and kind parent to her children. She has been fully involved in their care both in Pakistan and when they were living together in the UK. The findings of physical chastisement made against her are not such to justify the children rejecting her parenting and coming to believe that her love for them is pretend or fake.

149. [Ms P]'s analysis of the parents' respective **parenting capacity** is based on her own professional involvement with the children, the two initial parenting assessments of the parents, together with the addendums completed shortly before the final hearing. Added to that there is Dr Williams' evidence contained in two reports, and the guardian's analysis. This amounts to a substantial body of evidence that gives the court a clear picture.

150. [Ms P]'s evidence is balanced and fair. She acknowledges the father's strengths in getting the children to school on time, in meeting all their daily needs to a high standard, and for the warm and affectionate relationship he has with them. He has brought the children to all the contact sessions he has been asked to.
151. However, he has caused, and continues to cause, emotional harm to his children, as a consequence of the domestic abuse that he has perpetrated and continues to perpetrate against their mother.
152. He takes no responsibility for the situation the children and their mother are in, says that Dr Williams is a liar, that the proposed care plans are the result of favouritism towards the mother from the local authority. He has blamed the school and the family court, but most of all he blames the mother.
153. When considering parental capacity, the court must consider any measures of support that could be put in place to overcome any deficit. However, where the father is unable to work constructively with professionals, and continues to deny any responsibility for his actions, or show any indication that he would be willing to make changes in the way he parents his children, there can be no realistic prospect of him being able to change at this the way that he parents his children.
154. The mother has evident strengths as a parent, but she will face significant challenges in repairing her relationships with her children, because they are so resistant to her, and because they will not want to be disloyal to their father by even entertaining the possibility of a relationship with their mother. She will need significant support, as will the children, if they are to be successfully rehabilitated to her care.
155. The challenge she faces is hard, but there is some reason to have confidence in the mother. In difficult and painful circumstances, she has shown exceptional resilience, patience, and understanding. She has shown unwavering commitment to her children. She has worked well with professionals, been reflective, listened to advice and where a change has suggested, or the impact of something she has said has been pointed out to her, she has made a change. She was the children's sole parent for the early years of their lives, met all their needs and supported them in their education. Although the contact sessions have been difficult, she has demonstrated her abilities to engage with her children in games, puzzles, trying to get them to recall memories of their times together, or to remind them of their likes and dislikes. She has responded to the moments of affection that have come her way with warmth. She has learned to govern her own emotions so as not to put pressure on the children, and to prioritise their welfare by trying to protect them from her distress.
156. When it was put to her on behalf of the father that she did not have a network of support in this country, she defended herself well, and said that in a short time she had

built up a good relationship with the social work team, she had found a community here and was receiving a lot of support. She goes to a class at a multicultural centre, where she has met women who she has become friends with and who are supporting her.

157. I am required to consider the capacity of other persons who may be relevant. The initial viability assessment of the paternal aunt was negative. She was found to have shown affection and care for the children, but struggled to express her own perspectives, frequently referencing the father's beliefs and viewpoints. She was described as having downplayed the issues raised by the mother, suggesting that such issues were relatively commonplace and the mother should not have 'made such a big deal' of this. The aunt wrote a letter in response, taking issue with parts of the assessment, but has not made a formal application to the Court to challenge it, even though she was made aware that if she wished to do so, she would be required to attend Court on the first day of the hearing.

158. I consider **the range of powers available to the court.**

159. Again, I have been assisted by the careful and insightful analysis of the children's social worker and of the guardian. The evidence they have put forward to the court is based on thorough investigation of the facts, sensitive and insightful analysis, and full consideration of the realistic options for the children in this case. They have both considered the pros and cons of all realistic placement options for the children now, and they have considered the situation for each of the children separately. Their evidence is endorsed and underpinned by the report of Dr Williams whose conclusions align with their professional opinions.

160. Having regard to all the circumstances, and each of the factors on the welfare checklist, I support the local authority's plan for removal from the father's care. I regard this as necessary, a proportionate step to protect the children from further harm, and urgent.

161. I have considered the emotional harm that will inevitably be caused to the children as a result of being separated from their father, and I am aware that each of the children has strongly expressed a wish to stay with their father, and that they are fearful of living either with their mother or in foster care.

162. However, the harm that the children would continue to suffer if they remain in their father's care, is in my judgement greater than the harm they will experience from the separation.

163. There is no effective package of support that could be put in place to enable the children to stay with their father at this time. It was said on his behalf that he would be prepared to do some work with ATTACH or other professionals. However, I agree

with [Ms P]'s analysis that while the children live with their father, any work done would be undermined, because he so wholeheartedly rejects the court's findings, cannot take responsibility for his actions, and has not demonstrated any interest in the notion that a change in his approach is needed.

164. The children's mother has an established relationship with them, albeit at the moment it has been severely ruptured. She has demonstrated that she has the parenting skills and abilities needed to care for her children, albeit she will need a lot of support.

165. I endorse the approach advanced by the local authority, and supported by the guardian, which cautions against placing all four children together with their mother straight away. Evidence shows that the contact sessions have gone better when the mother did not have to contend with all four children together. The social worker and guardian have some confidence that [Child D] may adapt relatively smoothly to a return to her mother's care, where they will both be supported. The advantage of the residential placement is that it potentially takes away the need for a bridging placement for these two children; they can be with their mother straightaway. But at the same time, she and the children will have the benefit of a significant amount of support. The plan is for [Child B] to move with [Child D], and for [Child A] and [Child C] to go into the bridging placement. The guardian considers that both [Child A] and [Child C] are likely to benefit the most from the group from a therapeutic foster placement. I agree.

166. The impact of separation from the father and from each other will be mitigated to an extent by the children being able to remain at the same school, through the support they will receive from professionals, from being cared for in a therapeutic environment, and by having regular contact with their father.

167. Further, with their separation from their father comes the potential for significant benefits. They will have the opportunity to repair and restore their relationship with their mother. They will be supported and encouraged to express their own feelings and thoughts.

168. There is no other family member who can look after the children.

169. The mother is not currently in a position to care for all four of her children together, nor can she care for them without significant support from the local authority. The local authority must share parental responsibility with her, and provide the specialist support she needs in order that their relationship may in due course be repaired.

170. In all the circumstances of the case, the local authority's plan for removal of the children from their father into the care of the local authority, with a view to providing a

package of support that will eventually enable all four children to be rehabilitated to their mother's care, represents the only realistic option to safeguard their welfare.

C. Care plans

171. The professionals are understandably concerned about whether the plan will work. The mother has lost all authority with her children, through no fault of her own. The father is unable or unwilling to give any support to assist the children in repairing their relationship with her.
172. The placement will need a huge amount of support and monitoring, and there will be a need for reflection and flexibility.
173. The local authority and the guardian, supported by the mother, submit that the care proceedings should not come to an end at this stage, and ask the Court to make interim care orders and to extend the proceedings. The guardian identifies that the children's care plans need to be underpinned by therapeutic work and says that *'there is a great deal still to be coordinated by the local authority in the event that the court makes the proposed orders.'* The guardian highlights the complexity of the children's individual circumstances, and the unknowns and untested areas. She says that information about the Dyadic Developmental Psychotherapy (DDP) recommended by Dr Williams is still awaited. She also says that it is her expectation that the local authority continues to provide the father with an opportunity to engage with a domestic abuse perpetrator service and demonstrate a 'meaningful willingness' to address his shortcomings.
174. Having considered carefully, I have departed company from the local authority, guardian and mother, by concluding that I should make final care orders to the local authority in respect of each of the children, and bring the proceedings to an end now.
175. I do not depart from the recommendations of the guardian lightly, and have valued the experience, insight and tenacity that she has brought to the case. Similarly, I have been impressed by the social worker's contribution and her analysis, and Dr Williams' clear psychological formulations and his recommendations. However, I must have regard not just to the clinical perspective, but to the powers of the court more broadly, and to the legal framework I must apply in reaching my conclusions. The Court can only extend the proceedings where it is necessary, not just where it might be desirable or helpful to do so.
176. The reasons I consider that final care orders rather than interim care orders should be made are as follows:

- (i) The care plan is clear and straightforward. It is for all four children to be removed from the care of their father, placed in the care of the local authority with a view to being rehabilitated to their mother's care;
- (ii) The care plan is likely to be difficult to implement, and the challenges may be easily anticipated. But that does not make the care plan unclear or not yet formed;
- (iii) There is no gap in the evidence. Although the local authority has said it was unable to complete the mother's parenting assessment, I am satisfied that the court has sufficient evidence. That is contained in the initial parenting assessments of each of the parents, addendums, the comprehensive psychological assessment of the parents and children, careful and considered social work evidence, and a final analysis from the guardian. This case does not obviously fall within any of the *Re S* categories set out above, of cases needing longer than twenty-six weeks to be resolved;
- (iv) There is no part 25 application before the Court for the residential assessment placement to provide an 'assessment report'. Further information from the residential placement to inform the progress of the care plan will be helpful, even required, as the children's responses to their mother are noted and the professionals work together to implement the plan. However, this is not properly classified as an updated parenting assessment, nor would it likely be an expert report. It is not clear who the expert reporting to the court would be, who would be instructing them, and on what terms. In any event, while such a report may be helpful and interesting, and will inform the local authority as it proceeds to implement its care plan, it is not necessary for the proceedings to be resolved, nor is it necessary to obtain such a report before the local authority can formulate a care plan for these children;
- (v) There is a sound evidential basis upon which to reach a conclusion that rehabilitation to the mother's care over time is a realistic option. There is a parenting assessment (albeit the local authority assert it is not complete) and a full psychological assessment, and detailed and comprehensive social work evidence from the social worker and guardian. The local authority has not sought threshold findings against the mother, and has no concerns that she poses any risk to her children. The difficulties that will no doubt arise are as a result of the position that she has been placed in, but they are foreseen, and a programme of support has been identified to assist her and the children;
- (vi) Similarly, there is no gap in the evidence in respect of the father. Given the findings made and the father's response to them, it is not likely that an extension of time of a few months to the proceedings would be a purposeful delay. The children need decisions to be made now. The court has the benefit of

a full parenting assessment and psychological analysis. There has been no indication from the father at this time that he is able or willing to accept the need to make any changes in his parenting or his behaviour towards the mother. In the circumstances, there is no evidence that extending the proceedings beyond twenty-six weeks in order to obtain further information or for him to have a change of perspective would achieve anything. The father did face the prospect of his children being removed from his care at the IRH, but this did not cause him to reflect or alter his position;

- (vii) in any event, the local authority has a continuing duty to consider rehabilitation to either parent when it holds a care order, so the father would not be prejudiced by the making of final care orders now. If at any time in the future the situation changes so that the local authority needs to consider placing any of the children with the father, they can and must consider it. Or the father could apply to the court. The case does not need to continue for that to happen;
- (viii) in the event that the rehabilitation plan does not work, the local authority will need to review its care plan. This can be done within the children we care for process. I do not doubt the views of Dr Williams, relied upon by the local authority, mother and guardian, that in his experience there are better outcomes for children where the court retains oversight. However, it is not necessary, and it is against the fundamental principles set out in the Children Act, for the Court to keep proceedings open in order to retain oversight of a care plan. That is work for the IRO, who oversees implementation of the care plan, in consultation with the professionals and with the parents at the Children We Care for Reviews.;
- (ix) the parties will no longer have lawyers representing them and the children will not have their guardian. I will not meet the children, nor will I review updated care plans or commission further assessments. All those things may well benefit the children and the parents, but none of them is required before the proceedings can be resolved;
- (x) The evidence submitted to the court shows careful thought given by the local authority and the guardian to the question of which siblings should be placed where. It may be that as the plan develops, that thinking needs to be reviewed. The local authority may need to commission a 'together and apart' sibling assessment to inform its thinking at that time. However, it is not necessary nor desirable for the Court to keep proceedings open in order for this work to be done;
- (xi) it is foreseeable that if care orders were made in respect of all four siblings, they may not all remain in the placements in which they were placed at the end

of proceedings. But that in itself is not a reason to extend proceedings beyond the time set for them;

- (xii) In order to ease the children's transition to their mother's care it is arguable there may be some benefit in telling them that the plan is only temporary, just a try-out. This was an argument put to me by their social worker [Ms P]. However, while I see the argument, with respect to her, I would be troubled if the message given to the children was that their placement with the mother was not settled now. Uncertainty is likely to cause them confusion. Further, the plan may be undermined from the outset, as the children and father may understand that if the children continue to behave as they have been towards their mother, then the judge will let them go back to their father within a few months. The mother urgently needs to have her authority restored. The children have had the benefit of storyboard work from the guardian who is a skilled communicator, and work can be done to make sure the messages given to the children prepare them for the change as much as is possible;
- (xiii) Making interim care orders and extending the proceedings would delay proceedings, which is against the children's welfare. The extension of time sought is said to be a few months to enable the further 'parenting assessment' of the mother, and then potentially a together and apart assessment, the local authority's final evidence, parents' responses, and a further report from the guardian. This would replicate much of the work that has already been done, create significant delay, and uncertainty. It is unlikely that a final hearing could be listed much sooner than five or six months away;
- (xiv) If this case continues now, there is a good chance that there would be another multi-day court hearing which is likely to go over many of the same arguments that the court has already heard. That is not necessary, and is likely to be harmful to the welfare of mother and children, all of whom are victims of domestic abuse.
- (xv) There is a prospect that final care orders may not bring about finality for the family, because an application may be made to the court in future to discharge the care order. However, this is not unusual where the care plan is for rehabilitation to a parent or family member. The risk of future litigation would not be lessened if the proceedings are extended for months;
- (xvi) The mother has been the victim of a sustained attack on her person, her identity and her status as a wife and mother. That attack has continued through these proceedings. She is entitled now for these proceedings to stop, to be supported to regain herself through the implementation of a clear plan with a clear objective; for the children to be restored to her care.

177. For all these reasons, having found the threshold for making public law orders to be crossed, and having had regard to all the circumstances, with particular regard to the welfare checklist factors, and the children's welfare my paramount consideration, I approve all the elements of the local authority's care plan, save that, for the reasons given, I consider that the children's welfare needs would not be met by these proceedings continuing. I therefore refuse to extend the case beyond twenty-six weeks. I intend to make final care orders to the local authority in respect of all four children.

178. The question of whether to grant an extension to the proceedings or whether to make final care orders was raised with the parties at IRH by Ms Justice Henke, the question was dealt with in the final evidence and in submissions. Having now concluded that it is in the children's welfare interests for final orders to be made, notwithstanding this is not the local authority's care plan, I have not heard full submissions on the question of next steps.

179. I have helpfully been referred to the case of *Re T* [2018] EWCA Civ 650.

180. In the first instance I invite the local authority to amend its care plans to reflect the decision that I have made. If that invitation is not accepted, I will hear submissions and consider the way forward.

Contact

181. I agree that contact between the children and their father will need to be supervised and closely monitored. There may need to be some discussion about the information that is given to the contact supervisors so that they are aware of the particular issues in this case and the need to be vigilant about the conversations that are taking place between father and the children.

182. In my judgment it would be appropriate for the address of the children's foster placement and of the residential assessment placement to be kept confidential from the father. I do not regard this as a significant infringement of his rights, in the context of the findings of domestic abuse, including threats to kill, and of abducting the children from Pakistan.

183. At the hearing on 13 December 2024 when the summary judgment was handed down, the father gave an undertaking to the Court not to go to or contact the foster placement or the residential assessment centre should he discover where they were.

184. I shall write letters to the children.

Family Court, Oxford

18 December 2024