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Case No: LS24C50472/73

Neutral Citation Number: [2024] EWFC 346 (B)

IN THE FAMILY COURT AT LEEDS

Leeds Family and Magistrates Court
Westgate
Leeds LS1 3JP

Date: 23rd July 2024

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Before:

HER HONOUR TROTTER-JACKSON

Between:

A LOCAL AUTHORITY

Applicant

- and -

B 1st Respondent

G 2nd Respondent

B 3rd Respondent

B 4th Respondent

C 5th Respondent

THE CHILDREN 6th Respondents

(By their Children's Guardian

Mr Hutchinson of counsel for the Applicant
Mr Stone, for the First Respondent
Mr Lord of counsel for the Second Respondent
Ms Shaikh of counsel for the Third Respondent

**Mrs Devall of counsel for the Fourth Respondent
Mr Styles of counsel for the Fifth Respondent
Ms Mason of counsel for the Sixth – Eleventh Respondents**

Approved Judgment

This judgment was handed down remotely at 10.30am on [date] by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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HER HONOUR JUDGE TROTTER-JACKSON

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HER HONOUR JUDGE TROTTER-JACKSON:

1. Today, I am concerned with four of the seven subject children in these proceedings. W, who is aged fourteen years old, X who is aged twelve years old, Y who is aged nine years old and Z who is aged eight years old. They are four of the seven subject children in this case. A, who is aged sixteen years old, is the fifth subject child and B (one year old) and C (ten months old) are the sixth and seventh.
2. We are here today to resolve the issue of placement for W, X, Y and Z. Removal from their parents was effected some months ago, with the relevant subject children moving to the care of M, their adult sibling. That removal took place in the context of the substantive proceedings. Those proceedings were brought because of an unexplained skull fracture to the youngest subject child, sustained whilst apparently in the care of some or all of the adult lay parties to these proceedings. It does not appear that timely medical attention was sought in respect of that injury. The Court has yet to determine how that skull fracture was sustained and, if it was inflicted, by whom. Those matters are fundamental to these proceedings and determination of the same is one of the Court's key duties.
3. No challenge was made in respect of that removal, either at the time or today and it seems to me that all of the parents, to their credit, accept that at this stage it would not be appropriate for the subject children to be in their direct care while these proceedings continue.
4. Matters leading to this hearing came to pass last week. In the days before Wednesday 17th July 2024, the local authority were informed by third party professionals that there were plans to remove those four children from the jurisdiction. At that time, they were in M's care. When the local authority explored the removal concerns with M, she confirmed that she wanted to take the children to either Romania or Cyprus. There was some lack of clarity about whether flights had been booked or not, but what was clear was that permission had not been sought or granted by the local authority for any travel outside the jurisdiction. The children do not have settled status and so removal from the jurisdiction would bring obvious problems with it in terms of these proceedings and the children's residence here.
5. Passports were requested from M as the children's carer. She told the local authority that their parents had the passports. I am told (and I await a full statement from the relevant parents as to this issue – accordingly, I give this judgment on that basis) that there was a refusal by the parents to hand the passports over on 17th July 2024. They said that they were going to go to the Embassy, and became distressed, but the passports were not produced. Accordingly, an application was made on an urgent basis by the local authority for this matter to be resolved because of the clear potential flight risk that the situation presented.
6. The matter came to court on Thursday 18th July 2024, again before me, with that judicial continuity proving helpful in this case. The instructions that those parents gave through their representatives was that the four relevant subject children's passports were in a bag which had been taken to Romania by their son-in-law, M's husband. M's children had travelled with him and they were all currently in Romania. M was clear with the local authority that she herself needed to leave the jurisdiction to enable her children's return to the same. In light of her caring responsibilities for the

relevant subject children, this is consistent with the local authority concerns that the subject children would also be removed. At that hearing, the offer of a FaceTime call with M's husband in Romania was made to the Court, so that the Court could see the passports were with him in that country.

7. The Court made it clear to the parties that the familial placement could not endure with an unresolved flight risk and that steps would have to be taken to reduce that risk. The Court invited the parents to reflect again on the location of the passports in the hope that the reflection would bear fruit. Upon reflection, and apparently after a phone call to M, the parents' instructions changed and the Court was informed that the passports were said to be in the UK in a car. That then raised further concerns as to the openness and honesty of the parents, and M, around this issue and about the family's apparent attempts to circumvent the involvement of local authority. Accordingly, the local authority made an emergency application for removal of the four subject children from that family placement to an emergency foster care placement.
8. That application was granted on a holding position without prejudice. It was made clear to the parties that no *status quo* would be established and that matters would be returned to court today, at the earliest opportunity, and aired again. Widespread public disorder then resulted in Harehills, Leeds, as a result of the Court decision to change the children's placement on the evening of Thursday 18th July 2024. The children were removed in the midst of that, and police assistance was required in that removal process.
9. At this stage, the Court is not seized of that disorder, but it was clearly deeply unfortunate - and the very opposite of child-centred behaviour. Any individual who takes the view that such disorder will persuade the Court to adopt their preferred course of action is woefully mistaken. As the Court has reiterated on a number of occasions within these proceedings, the subject children's welfare is the Court's paramount consideration and any attempts to dissuade or divert the Court from that consideration will be entirely fruitless.
10. A great deal of work has been done by the local authority over the weekend and yesterday, for which I am grateful, and a familial placement for the four subject children in question has been identified with the paternal great-uncle and his partner. Everyone supports that placement save for the guardian.
11. The guardian is concerned about proximity of the placement to the home of the parents, although the local authority tell me today that in fact there is approximately a 20 minute walk between the two homes. There has been an agreement today for a written safety plan to be produced and signed at court today and that will then be signed by the paternal great-uncle and his partner. There has been an agreement today for port alerts to remain in place, and for the passports of the four relevant children (which were produced at the conclusion of the hearing on 18th July 2024) to continue to be held by the local authority. The paternal great-uncle and his partner have been interviewed, and are clear that they do not condone the violence that erupted on Thursday night. They had no part in it, because they themselves were out of the jurisdiction. They are parents who have raised a number of children with no involvement from local authority individuals and their police checks have raised no issues.

12. The guardian is also concerned about different accounts given by family members, not simply in respect of the index injury to A, a skull fracture when he was a non-mobile infant, but also in respect of the events of last week and I have made it clear that I expect proper witness statements to be filed and served in respect of those issues.
13. The positives of this placement are, as I say, that the putative carers proposed have had no local authority involvement whilst bringing up their own children, and have no history of no police involvement. They are committed to these children. It is a culturally matched placement and the carers are known to the children. The parents support the placement and that, it seems to me, is important in giving these children emotional permission to settle into this interim placement while these proceedings continue.
14. I have been referred to *Re C* [2019] EWCA Civ 1998. Whilst it seems to me that *Re C* has some relevance, around the principles of interim separation, it is a slightly different situation that we face today. The principle of ongoing separation from the parents is not challenged, it is simply the identity of the placement, and whether it is familial or professional. What I do bear in mind is that any placement on an interim order is made at a stage where the evidence is incomplete and it regulates only those matters that cannot wait until the final hearing. I must be alert to the right to respect for family life under Article 8, for both parents and children. The proposed placement must satisfy the welfare checklist, with which we are all familiar.
15. The alternative, if this family placement is not endorsed by the court, is, in all likelihood, a professional placement. There is no guarantee that placement will be culturally appropriate. There is no guarantee that all four children will be kept together. There is no doubt that that will cause additional distress to them, over and above that caused by continued separation from their parents.
16. I am alive to the concerns that the guardian has raised, but it seems to me some of them have been resolved in this hearing alone and others will be resolved, one anticipates, as the proceedings continue. For example, information is being sought by the local authority to ensure that there are no alternative travel documents for any of the subject children.
17. It seems to me when I look at the welfare checklist, the ascertainable wishes and feelings of the children concerned are likely to be a wish to be in a family placement as opposed to a professional one. Their physical, emotional and educational needs are likely to be better served in a family placement if that family placement is able to prioritise their welfare and their safety. In respect of the effect on them of any change in their circumstances, it would clearly be distressing and detrimental to them to be split as a sibling group, and to live in a culturally non-matched placement is not ideal. In respect of any harm they have suffered or are at risk of suffering, there is the substantive harm that these proceedings centre around, in respect of the index injury and that harm is protected from by the fact of separation. In respect of the harm which potentially arose in recent days, steps have already been taken to mitigate that in respect of travel documents, around assurances given by the paternal great-uncle and his partner, and around the safety plans that will be put in place today. In respect of how capable the court considers the relatives to be of meeting the children's needs -

quite clearly, these carers have been competent parents to their own children and I see no reason that they will not be competent parents to the relevant subject children.

18. It does seem to me, looking at this matter in the round and bearing in mind the children's welfare, which is my paramount consideration, that the family placement that is proposed is the best option in terms of serving these children's welfare in the interim and so I endorse the local authority proposals supported by all parties but the guardian for family placement with the paternal great-uncle and his partner.
