



Neutral Citation Number: [2023] EWHC 2040 (Fam)

Case No: FD23P00264

IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 4/08/2023

Before :

MRS JUSTICE THEIS DBE

Between :

	A Local Authority	<u>Applicant</u>
	- and -	
	Y	<u>1st Respondent</u>
	- and -	
	X (By His Children Guardian Gillian France)	<u>2nd Respondent</u>

Ms Reagan Persaud (instructed by **A Local Authority**) for the **Applicant**
Mrs Sara Anning (instructed by **Ramsdens Solicitors**) for the **1st Respondent**
Mr Christopher Styles (instructed by **Lumb and Macgill Solicitors**) for the **2nd Respondent**

Hearing date: 31st July 2023
Judgment: 4th August 2023

Approved Judgment

This judgment was handed down remotely at 10.30am on 4th August 2023 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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MRS JUSTICE THEIS DBE

This judgment was delivered in private. The judge has given leave for this version of the judgment to be published. The anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court.

Mrs Justice Theis DBE :

Introduction

1. The court is concerned with an application by the local authority under Part 19 Family Procedure Rules 2010 ('FPR 2010') seeking a declaration that they are not required to undertake any further steps to notify the maternal and paternal family regarding X, a child now age 5 months. X's father and the paternal family are unaware of X's birth. Prior to and at the time of X's birth, X's mother made clear to the local authority that she was not going to be able to care for X, she relinquished him at birth so he was placed immediately with foster carers, where he remains.
2. The other parties to the application are X's mother and X, through his Children's Guardian. They both support the local authority application.
3. This application has lifelong consequences for X. The local authority are seeking permission to make no further enquiries of the maternal or paternal family regarding future placement of X, which will inevitably lead to X being adopted.
4. The leading case providing guidance about how these cases should be considered is *A, B and C (Adoption: Notification of Fathers and Relatives)* [2020] EWCA Civ 41.
5. Applications such as in this case should be promptly made. At paragraph 88 of *A, B and C (ibid)* Peter Jackson LJ stated:

88. In cases where an application to the court is issued, the court should be equally alert to the need for urgency, bearing in mind that time has already passed in preparation for the application and the hearing. The following matters will require attention:

1. Identity of judge: If the application is under Part 19, it must be heard in the High Court and appropriate listing arrangements must be made. Upon issue, the application should immediately be referred to the DFJ for consultation with the FDLJ as to whether the application should be allocated to a High Court Judge or a section 9 Deputy High Court judge.

2. Identity of parties: (a) It is not mandatory for a respondent to be named in the application, although it will usually be appropriate for the mother to be identified as a respondent; (b) directions should be given on issue joining the child as a party and appointing a CAFCASS officer to act as Children's Guardian in the application; (c) neither a father (with or without parental responsibility) nor members of the wider maternal/paternal family are to be served with or notified of the application or provided with any of the evidence filed in support of an application.

3. Case management: The application should be listed for an urgent CMH, ideally attended by the CAFCASS officer. At the hearing, consideration should be given to the need for any further evidence, the filing of the Guardian's analysis and recommendations, the filing of written submissions and the fixing of an early date for the court to make a decision.

4. Receiving the mother's account: It is a matter for the court as to whether it should require written or oral evidence from the mother. Given the importance of the issue, the court will normally be assisted by a statement from the mother, whether or not she gives oral evidence, rather than relying entirely upon evidence from the local authority at second hand.

5. The listing of the hearing of the application should allow time for whatever evidence and argument may be necessary, and for a reasoned judgment to be given. Even allowing for the pressure on court lists, these decisions require prioritisation.

6. Regrettably in this case, the court was not alerted to the urgency. The application was submitted on 26 April 2023, it was not marked as urgent. Chasing emails were sent by the local authority to the court on nine occasions by the applicant over the intervening six weeks before the parties were notified by the court on 8 June 2023 that the matter was listed on 22 June 2023. Bearing in mind the child is now only five months, that 'lost' six weeks was important.
7. I would therefore add to the helpful list above the need for the applicant local authority, when submitting the application, to clearly highlight to the court the nature of the application, that it requires urgent reference to a judge for directions and prompt listing for directions to avoid any delay.
8. The court has had the benefit at this hearing of excellent written and oral submissions from all counsel, for which the court is very grateful.

Relevant background

9. The mother and father were in a relationship between early 2019 and October 2022. They had two children together. In October 2022 the father removed the children from the mother's care, the police had to be involved to return the children to their mother and for the father to leave the home.
10. As a result of the police involvement at the time of separation a referral was made to the local authority. A child and family assessment was undertaken and reported in December 2022 that no further action was required as the parents were living separately and the mother was able to protect the children. A safety plan was agreed to enable the father to see the children when they were with the paternal grandmother. That has happened on about six occasions since the parties separated in October 2022.
11. The relationship when the parents lived together was a volatile and abusive relationship where the mother made allegations of physical and verbal abuse against the father, and stalking and controlling behaviour. The alleged behaviour was often in circumstances where the father had drunk excess alcohol and included physical assaults when the mother was pregnant, which resulted in the father punching her face causing a black eye.
12. Between June to December 2022 the police records detail seven occasions when they were called out by the mother, or on her behalf, as a result of the father's abusive behaviour towards her. There remains an ongoing police investigation arising from

these allegations. The father was on police bail until late June 2023 which gave the mother a level of protection, although the mother alleges the father breached the bail conditions on five or six occasions which included calls to the mother, turning up at her property and waiting outside it. Each of these events the mother reported to the police.

13. The mother discovered she was pregnant with X in early 2023. She informed the local authority she wished to relinquish care of the baby at birth as she was not in a position to care for the child, she feared the consequences of the father finding out, he would not be able to care for X and she did not consider any wider family members would be able to care for X. A social worker was allocated who saw the mother on two occasions prior to X's birth and had other contact with the mother during this time, when her decision was discussed as to what the options were regarding placement of X with the wider maternal and paternal family. The mother was clear there were no realistic options in the wider family.
14. Following X's birth the mother remained in hospital to care for him before being discharged and X was placed with foster carers pursuant to a section 20 agreement.
15. The mother recently sought a non-molestation injunction, which has been granted for twelve months. The evidence she filed in support of that application included photographs of injuries she alleged had been caused by the father and messages from the father that are abusive, threatening and inciting suicide.
16. The mother has three children living with her, two children, F and G, both under school age who are full siblings to X and one, H, who is a half sibling to X. H has no contact with her father, who lives abroad.
17. The mother had a fourth child, D, who was born after H, but the mother relinquished the care of D. His father was not known, the mother had become pregnant after a short relationship and D has since been adopted. The maternal grandmother was aware of this and did not put herself forward to care for D and the mother's sister was unable to care for D due to her own commitments to her children.
18. As regards the knowledge of X's birth within the wider family the father and his family do not know. The mother discovered she was pregnant after they had separated. Her mother knows, as does her close friend and the headmistress of the oldest child's school. No other wider maternal family members know.
19. The records and evidence from the local authority provide details of the previous relationships the father has had, which can be summarised as follows:
 - (i) Child A: the mother of the child reported physical and verbal abuse together with controlling behaviour and harassment by the father between 2012 and 2015. The police records note twenty one call outs over that period by them in response to allegations concerning this behaviour by the father to the mother. Contemporaneous social services records raise concerns in respect of the father's ADHD and describe his presentation as '*erratic, unpredictable and emotionally unstable*'. The father struggled to

provide responsive care during any contact with the child and required constant supervision. The father ceased attending contact with the child.

- (ii) Child B: there were care proceedings in relation to this child. During the course of those proceedings the father accepted that due to his severe ADHD and his own care needs he was unable to provide safe care for that child. The father had put forward his mother as a possible carer but she did not pursue that as she advised she was the father's carer and due to her own personal circumstances. Child B was adopted and the father did not engage with letter box contact. I was told at the hearing he had recently contacted the local authority about this but did not follow it through. The adopters objected in any event to any contact.
 - (iii) Partner C: In early 2016 there was a report from a woman who alleged the father had punched her to the face, thrown her to the floor and threatened family members with a glass bottle.
 - (iv) Paternal grandmother: The paternal grandmother has reported aggression and physical abuse against her by the father. The police records disclose call outs in respect of these allegations on nine occasions between 2008 and 2019.
20. As regards the father's own police records they are headed with warning markers in respect of ADHD, self-harm by cutting, strangulation and overdose. The father's police record has 28 prior crime offender records, 44 prior occurrence records and 64 prior safeguarding entries.
21. As regards the information known about the wider family the evidence from the local authority confirms much of the information provided about them by the mother, and does not disclose anyone who would be in a position to care for X.
22. At the hearing the court was provided with updated information regarding the placement options for X. He was placed at birth with his current foster carers, they are not able to keep him long term. The local authority have made initial contact with Child B and Child D's adopters, they have both indicated they would like to be considered for X to be placed with them. The mother has not signed the adoption consent. The court was informed that could take place without delay, and the Children's Guardian could witness that document. X's future placement will remain managed by the current social work team. X's placement options will in due course be considered by the relevant local authority Panel and, if the Panel decision is approved by the Assistant Director, X would be placed for adoption. In due course, the adopters would make an application for adoption with the support of the local authority.

Relevant legal framework

23. *A, B and C (ibid)* concerned appeals relating to three separate cases where the mothers had concealed the pregnancies from the fathers and relatives. The question before the court in each case was whether the local authorities should notify the fathers before the plans to place the children for the adoption went ahead. The case recognised that the decision regarding notification has life changing implications for the child as it may impact on whether the adoption happens at all, noting that even if it does 'a

sound adoption has its foundations in the integrity of the process by which it is achieved'.

24. At paragraphs 28 – 80 the court in *A, B and C* undertook a comprehensive review of the authorities regarding the issues raised in this case. It is essentially a balancing exercise of the rights and interests of all those concerned that is inevitably fact dependant on the particular circumstances of each case
25. At paragraph 89 in *A, B and C* Peter Jackson LJ summarised the principles governing decisions as to whether a putative father or relative should be informed of the existence of a child who might be adopted:

89....

1. The law allows for 'fast-track' adoption with the consent of all those with parental responsibility, so in some cases the mother alone. Where she opposes notification being given to the child's father or relatives her right to respect for her private life is engaged and can only be infringed where it is necessary to do so to protect the interests of others.

2. The profound importance of the adoption decision for the child and potentially for other family members is clearly capable of supplying a justification for overriding the mother's request. Whether it does so will depend upon the individual circumstances of the case.

3. The decision should be prioritised and the process characterised by urgency and thoroughness.

4. The decision-maker's first task is to establish the facts as clearly as possible, mindful of the often limited and one-sided nature of the information available. The confidential relinquishment of a child for adoption is an unusual event and the reasons for it must be respectfully scrutinised so that the interests of others are protected. In fairness to those other individuals, the account that is given by the person seeking confidentiality cannot be taken at face value. All information that can be discovered without compromising confidentiality should therefore be gathered and a first-hand account from the person seeking confidentiality will normally be sought. The investigation should enable broad conclusions to be drawn about the relative weight to be given to the factors that must inform the decision.

5. Once the facts have been investigated the task is to strike a fair balance between the various interests involved. The welfare of the child is an important factor but it is not the paramount consideration.

6. There is no single test for distinguishing between cases in which notification should and should not be given but the case law shows that these factors will be relevant when reaching a decision:

(1) Parental responsibility. The fact that a father has parental responsibility by marriage or otherwise entitles him to give or withhold consent to adoption and gives him automatic party status in any proceedings that might lead to adoption. Compelling reasons are therefore required before the withholding of notification can be justified.

(2) Article 8 rights. Whether the father, married or unmarried, or the relative have an established or potential family life with the mother or the child, the right to a fair hearing is engaged and strong reasons are required before the withholding of notification can be justified.

(3) The substance of the relationships. Aside from the presence or absence of parental responsibility and of family life rights, an assessment must be made of the substance of the relationship between the parents, the circumstances of the conception, and the significance of relatives. The purpose is to ensure that those who are necessarily silent are given a notional voice so as to identify the possible strengths and weaknesses of any argument that they might make. Put another way, with what degree of objective justification might such a person complain if they later discovered they had been excluded from the decision? The answer will differ as between a father with whom the mother has had a fleeting encounter and one with whom she has had a substantial relationship, and as between members of the extended family who are close to the parents and those who are more distant.

(4) The likelihood of a family placement being a realistic alternative to adoption. This is of particular importance to the child's lifelong welfare as it may determine whether or not adoption is necessary. An objective view, going beyond the say-so of the person seeking confidentiality, should be taken about whether a family member may or may not be a potential carer. Where a family placement is unlikely to be worth investigating or where notification may cause significant harm to those notified, this factor will speak in favour of maintaining confidentiality; anything less than that and it will point the other way.

(5) The physical, psychological or social impact on the mother or on others of notification being given. Where this would be severe, for example because of fear arising from rape or violence, or because of possible consequences such as ostracism or family breakdown, or because of significant mental health vulnerability, these must weigh heavily in the balancing exercise. On the other hand, excessive weight should not be given to short term difficulties and to less serious situations involving embarrassment or social unpleasantness, otherwise the mother's wish would always prevail at the expense of other interests.

(6) Cultural and religious factors. The conception and concealed pregnancy may give rise to particular difficulties in some cultural and religious contexts. These may enhance the risks of notification, but they may also mean that the possibility of maintaining the birth tie through a family placement is of particular importance for the child.

(7) The availability and durability of the confidential information. Notification can only take place if there is someone to notify. In cases where a mother declines to identify a father she may face persuasion, if that is thought appropriate, but she cannot be coerced. In some cases the available information may mean that the father is identifiable, and maternal relatives may also be identifiable. The extent to which identifying information is pursued is a matter of

judgement. Conversely, there will be cases where it is necessary to consider whether any confidentiality is likely to endure. In the modern world secrets are increasingly difficult to keep and the consequences, particularly for the child and any prospective adopters, of the child's existence being concealed but becoming known to family members later on, sometimes as a result of disclosure by the person seeking confidentiality, should be borne in mind.

(8) The impact of delay. A decision to apply to court and thereafter any decision to notify will inevitably postpone to some extent the time when the child's permanent placement can be confirmed. In most cases, the importance of the issues means that the delay cannot be a predominant factor. There may however be circumstances where delay would have particularly damaging consequences for the mother or for the child; for example, it would undoubtedly need to be taken into account if it would lead to the withdrawal of the child's established carers or to the loss of an especially suitable adoptive placement.

(9) Any other relevant matters. The list of relevant factors is not closed. Mothers may have many reasons for wishing to maintain confidentiality and there may be a wide range of implications for the child, the father and for other relatives. All relevant matters must be considered.

26. This provides a helpful framework within which these difficult cases should be considered.

Submissions

27. The local authority submits the father does not have parental responsibility as he is not named on the birth certificate. He does have parental responsibility for X's older siblings, but is not effectively exercising it. His relationship with them is described as sporadic and inconsistent. On the information available to the local authority, there is no evidence to suggest that his relationship with X would be any different and that would need to be considered in the wider balancing exercise.
28. Turning to the Article 8 rights of the father and X. The father's Article 8 rights with X are not engaged. It is noted he does have sporadic contact with X's older siblings in the presence of the paternal grandmother, although he has been inconsistent in maintaining that. He was inconsistent in his approach regarding child B, as a consequence that child was adopted. There is credible evidence the father has been abusive to the mother, that he would be likely to continue to do so and he is very unlikely to be able to offer a safe home for X, or be a consistent figure in X's life due to the difficulties with his mental health, substances and emotional dysregulation, and his history of abusive behaviour. The court needs to consider and weigh in the balance that there have been no findings made against the father but the detail in the local authority evidence and police disclosure is consistent with a chronic chaotic and unstable pattern of behaviour, which is inconsistent with meeting a young child's needs.

29. On behalf of the local authority, Ms Persaud submits that to the limited extent the father's Article 8 rights are established, or likely to be established, any restrictions on them as a result of this order is proportionate and necessary in the particular circumstances that exist here. They need to be balanced with the mother and X's Article 8 rights.
30. The local authority submit the evidence about the wider maternal and paternal family do not demonstrate any secure foundation for a potential placement within the wider family, in particular those who were unable to offer to be considered as future carers for Child B.
31. When viewed as a whole the local authority submits the impact on the mother of any notification on the father or wider family needs to be considered. She has a real fear of repercussions from the father, directly or indirectly, based on her own experience of his behaviour. It is, on the evidence, a credible and serious risk to the mother and to the older children in her care, and that any measures that could be put in place are unlikely to be sufficiently robust to provide the protection needed. This is based on the recent experience of the mother regarding the father's behaviour in relation to the bail conditions.
32. Finally, the local authority rely on the impact of delay. X is now five months of age, he will need to move from his current placement and any delay in that is inimical to his welfare. If the father and/or wider family are notified that is likely to lead to further delay which is unlikely, the local authority submit, to bring about any significant change to X's placement options within the birth family.
33. On behalf of the mother, Mrs Anning confirmed the mother's support for the application to be granted. She has reached the very difficult decision that she is not in a position to care for X and wants to ensure his future placement has the best possible chance of success.
34. Mrs Anning submits there is good third party evidence that independently supports her initial decision and what the mother states are her reasons for supporting the local authority application. Both the allocated social worker and the Children's Guardian consider and have assessed the mother to be child focussed in the decision she has reached. Her descriptions of the father's behaviour are supported by the police records. The information the mother was not aware of until recently, regarding the father's behaviour towards his previous partners and children demonstrate a striking similarity between that information and the way he has behaved towards her. These provide important objective views that should carry weight with the court. There is, Mrs Anning submits, no prospect of a realistic placement within either family.
35. The psychological risks to the mother and the children she cares for that would result from disclosure of X's birth to the father and extended family is an important consideration. The history as described by the mother, supported by the information the court has from the local authority and the police, enables the court to conclude that the father, in particular, is likely to act in an emotionally and physically abusive way to those he is emotionally involved with, primarily the mother. These risks are more than short term difficulties, they are likely to be long term due to the evidence about

the father's behaviour, his particular circumstances and the fact that his behaviour has not changed over many years. The police disclosure provides examples of the father's inability to manage his behaviour going back over many years, for example in 2009 when he became upset in his mother's home over what he considered to be actions taken by his girlfriend at the time with the result that his mother had to call the police. That pattern of behaviour has not changed and is magnified when the father has been drinking.

36. Mrs Anning confirmed the mother's position that if this application is granted she will consent to X's adoption and will fully participate in any life story work being undertaken by the local authority.
37. On behalf of X, through his Children's Guardian, Mr Styles stresses the importance of the objective information available to the Children's Guardian in the form of the history regarding the previous children, the detailed evidence in the mother's non-molestation statement with text messages and a photo attached to it, and the long term involvement of the police as disclosed by their records. He submits that the objective safeguarding information does not undermine the account given by the mother, it corroborates what she states about the father and the wider family. In her analysis of all the information the Children's Guardian concludes that neither the father nor the wider family can realistically provide a future family placement for X and there would be appreciable risks to the mother and X's siblings if notification was provided to them.
38. Mr Styles submits the combination of the assessment of the mother undertaken by the Children's Guardian, supported by the safeguarding information drives her analysis that there is no family option available and that the disclosure of information regarding X to the father and wider family will result in risk to the mother and children she cares for and unnecessary delay in decisions being made regarding X's future care. All these factors lead the Children's Guardian to support the application.

Discussion and decision

39. On any view the application made by the local authority requires careful consideration and scrutiny by the court, even if there is no effective opposition to it. This is because of the long term implications of any decision reached for the child and the application, by definition, does not involve the person(s) who the applicant seeks not to notify.
40. As has been emphasised in *A, B and C (ibid)*, it is necessary for the court to consider the evidence and balance the various competing considerations in reaching its decision, mindful of the serious consequences of any decision reached.
41. It is right to acknowledge one of the unusual features of this case is that the father does have an ongoing relationship with X's older siblings who live with the mother, albeit on a sporadic and erratic basis rather than through any established consistent regular arrangement. So, he is exercising his Article 8 rights in relation to those children and, on the information available to the court, is likely to continue to do so. This is in the context of the mother and father having been in a relationship for about three years. He has parental responsibility for those children, although does not

exercise that in any meaningful way other than see the children on an irregular basis supervised by his mother.

42. In relation to X he does not have parental responsibility, is not aware of X's existence and, as a consequence, is not exercising any Article 8 rights. His prospective Article 8 rights need to be balanced with those of X and the mother.
43. The evidence demonstrates in relation to X that if this application is granted X may lose the prospect of being able to maintain any relationship with his two older siblings. This has to be considered in the context of the other evidence regarding the likelihood of X being placed with the father or wider family. The local authority are actively considering the option of X being placed with one of his two half siblings who have been adopted, which is unlikely to take place if the father or wider family are notified of X's birth. More generally, X's right to family life includes there being limited further delay before long term decisions can be made about his future care. From the mother's perspective her Article 8 rights include being able to keep herself and the children she cares for safe and in a stable environment. Bearing in mind the history of her relationship with the father and the wider evidence about his behaviour, that is likely to be put at significant risk if he is notified of X's birth.
44. The reality of the evidence is that the father has not been able to offer any of his children safe and consistent care. From the long history, there is no evidence that is likely to change bearing in mind the chronic nature of his behaviour, his mental health difficulties and the risks he poses to others. In terms of the wider family the evidence demonstrates that they too are very unlikely to be in a position to care for X, with the added complication of the risk of the father finding out if other members of the wider family are contacted. The wider family have not previously put themselves forward to care for the older children on both the maternal and paternal side who have now been adopted.
45. The evidence regarding the mother is important for a number of reasons. First, there is no evidence to suggest that she has been other than entirely child focussed in her decision regarding X's future care. It is right that the local authority gave the mother sufficient time to consider her position. From the accounts given by the local authority and the Children's Guardian, which I accept, she reached her decision in a way that was supported by clear rationale. Second, the third party evidence that has been made available by the local authority and the police has corroborated what the mother has said about the father's behaviour, the position of the wider family and the impact on her and X if notification took place. It would involve her and her children being put at an unacceptable risk of harm, with no obvious benefit for X as neither the father nor the wider family are likely to be able to care for him in the future and the risks of notification are likely to lead to increased risks for both the mother and X. It would further delay any meaningful decisions being made about X's future care with no corresponding benefit of a real prospect of a change for X. Any delay also risks the option of X being placed with one of his half siblings who are currently in adoptive placements. The court also needs to consider the mother's position, which there is no basis upon not to be able to rely upon, that she will co-operate with any life story work that is undertaken for and with X.

46. Having stood back and balanced the relevant considerations and the evidence before the court I have reached the conclusion that, in the particular circumstances of this case, the application should be granted. This is for the following reasons:

(1) The court recognises the significant breach of an individual's Article 8 right to family and private life not to be informed of the existence of their child or a child they are related to. This is particularly so regarding the father in this case, but also extends to the members of the wider family who this application relates.

(2) This equally applies in relation to the child concerned who has a right to know their parent and wider birth family members.

(3) However, these two important considerations need to be balanced with the particular circumstances of the child, X, who is the focus of the application to withhold notice about.

(4) In this case the father does not hold parental responsibility for X and the evidence demonstrates that the father does not exercise the parental responsibility he has relating to his older two children in the mother's care, other than attending for contact on a sporadic basis when they spend time with his mother.

(5) Neither the father nor the wider family currently exercise any Article 8 rights in relation to X.

(6) The evidence demonstrates that the father's involvement with his older children has been sporadic and unreliable. He accepted he was unable to care for child B and has had no contact with him since his placement for adoption. In relation to the two children in the mother's care the father's contact has been erratic.

(7) Bearing in mind the background and the father's particular difficulties with his history of abusive behaviour, his mental health and emotional dysregulation he is very unlikely to be able to care for X or have consistent and reliable continuing contact with him.

(8) The same applies regarding the wider paternal and maternal family bearing in mind the history and the evidence the court has seen regarding their particular circumstances and their involvement with the older children.

(9) Whilst it is right the father has an established relationship with X's mother, that relationship has featured abusive behaviour by the father towards the mother such that the police have been involved on repeated occasions, he has been subject to police bail which the mother alleges he has breached and the court has made a non-molestation order against the father based on the corroborated evidence provided by the mother. There is a real risk, in my judgment, that if he is notified either directly or indirectly his behaviour is likely to increase the risk of harm to the mother and the children she cares for based on the evidence from the mother, corroborated by the evidence from the police and the local authority regarding the father's behaviour towards the mother during their relationship, his previous partners and his own mother. It is also an important feature of this case that due to the history it is unlikely that any measures put in place will mitigate the level of risk of harm to the mother and the children who live with her resulting from the father's behaviour.

(10) The evidence the court has about the mother, supported by the assessments of the local authority and Children's Guardian, is that her decision was reached with X's interests being her primary focus. The evidence she relies upon regarding the father's behaviour is supported by third-party material and covers an extended period of time.

(11) There is a real risk that notification to the father and/or the wider family will cause considerable delay in decisions being made for X in circumstances where there has already been delay and the evidence demonstrates limited benefit to X in terms of future care within the family. The risks of and incidental to notification are outweighed by any benefits for X. The local authority and the mother are committed to life story work for X, so he will have that important information available to him. Whilst it is recognised that this order will impact

on X's ability to be able to have any relationship with his older siblings in the care of the mother, the local authority are actively looking at the option of him being placed with either of his half siblings who are currently in separate adoptive placements. Any further delay may risk that option being considered.

(12) I accept the evidence of the Children's Guardian, who has undertaken her own careful assessment of the mother and then considered it against the objective third party safeguarding information. Her reasoned and realistic analysis of the placement options for X within the family, the risks to the mother and the children she cares for if notification is given and the impact on X of the inevitable delay if the application was not granted is compelling. It is a careful and well-reasoned analysis that provides a secure foundation for reaching the conclusion I have in this case.

47. For those reasons the application is granted and a declaration made that the local authority is not required to notify the father or wider maternal and paternal family of X.
48. I agree with the Children's Guardian that there may come a time when X will have questions about the decision made now about him, in particular any decision made not to notify his father and many family members of his existence. X will learn through life story work about his family, that he had siblings living with his mother and she was unable to care for him. The Children's Guardian notes in her report *'This could have a tremendous impact upon [X's] emotional and psychological wellbeing but that can also be addressed and mitigated against in terms of the quality of his life story work which will be crucial. I assess that [X] is a much-loved baby whose mother is trying to make the right decision for [X] to give him the best life now and in the future in very difficult circumstances. That message should be set out with crystal clear clarity within [X's] life story work, such is the value in that message'*. I agree with those observations, they emphasise the importance of the life story work which the court was informed the mother will support and the current social work team will be involved in undertaking.