

IN THE ROMFORD COUNTY COURT

B01RM748

2a Oaklands Avenue,
Romford,
Essex RM1 4DP

Monday, 11 January 2016

Before:

DISTRICT JUDGE DODSWORTH

Between:

LONDON BOROUGH OF HAVERING

Claimant

and

ABIGAIL SHILLITO

Defendant

MISS PIERROT (instructed by Director Legal & Governance, OneSource Legal Services, 1000 Dockside Road, London E16 2QU) appeared on behalf of the Claimant.

MR McLEAN-WATT (instructed by Paul Martin & Co, 10 Western Road, Romford RM1 3JT) appeared on behalf of the Defendant.

APPROVED JUDGMENT

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Monday, 11 January 2016

JUDGMENT

DISTRICT JUDGE DODSWORTH:

- 1 This is my ruling in case number B01RM748, in the matter of London Borough of Havering and Abigail Shillito.
- 2 The background to this matter is that the London Borough of Havering took care proceedings in relation to Miss Shillito's children, Tia and George. This has resulted in those two children being taken into foster care. Mr and Mrs David and Pauline Hanlon are the foster carers of Tia and George, and have been for some 3 years. The defendant has a sense of grievance relating to the care proceedings, and clearly believes, rightly or wrongly, that the children should not have been taken into care. Decisions in those care proceedings are matters for the Family Courts to determine. If the defendant thinks that orders have been made which should not have been made and with which she disagrees, there is a mechanism for challenging orders and/or appealing any orders made. It is not for this court to look into the rights and wrongs of decisions taken in the care proceedings.
- 3 The defendant's sense of grievance had led to her becoming involved in a number of campaign groups which campaign around the issue of children being taken into care. The extent of her activities meant that the London Borough of Havering considered that it was appropriate to apply for an injunction to protect the Hanlons, as the foster carers of Tia and George, and also employees of the Council, to protect them from the defendant's activities.

- 4 The matter came before Deputy District Judge Oldham on 20 July 2015. He made an injunction on that date. The matter came back before him on 30 July 2015, when he made an order that deemed the injunction served on 21 July 2015 on the defendant. It was clear from correspondence from the defendant that was on the court file that she had received the order of 20 July 2015.
- 5 The matter was further adjourned to 21 August 2015, when it came before District Judge Goodchild. The defendant did not attend that hearing, and District Judge Goodchild continued the injunction in force. It is an injunction which does not have an end date on it.
- 6 On 16 December 2015 the defendant was produced from custody before me, there having been allegations of two breaches of the injunction. On that date Miss Shillito was unrepresented and did not accept that she had breached the injunction. She indicated that she wished to seek legal advice. The court informed her of the availability of legal aid in connection with these breach proceedings, and the matter was adjourned to today's date, with directions made for the service of a written note of the alledged breaches and of the evidence. Miss Shillito appears by counsel today, having taken legal advice.
- 7 The relevant terms of the injunction of 20 July are as follows.
- “1. Miss Shillito is forbidden from making statements which are (a) offensive, (b) abusive, or (c) defamatory concerning any officer or employee of the Claimant Council, Mr David Hanlon and Mrs Pauline Hanlon or member [sic] of

their family in any communication, text, email, letters, Facebook posts, Twitter posts or other form of social media.

2. The Defendant must herself remove or ask the service provider of Facebook or other social media to remove, delete the names and images of past and present foster carers of Tia and George Shillito from her Facebook page, posts and any form of social media within 7 days.

3. The Defendant must not use Facebook or other social media as a means of pursuing any grievance, complaints or remedy she may have against the Claimant, or Mr and Mrs Hanlon.

6. The Defendant must not contact or attempt to contact her children through Facebook or other social media or post any information alleging that her children are being abused on Facebook or other form of social media.

7. The Defendant is forbidden from using Facebook or other forms of social media to threaten violence or pursue a course of conduct that causes alarm, distress or harassment to her children, past or present foster carers of Tia and George Shillito or any officer or employee of the Claimant.”

8 The evidence of the alleged breaches is contained in witness statements of Pauline and David Hanlon. Today, by counsel, Miss Shillito has accepted that she breached the injunction in relation to the two matters which were being complained of on 16 December 2015 and, in addition, in relation to two further posts following the hearing on 16 December 2015. There are additional posts which took place more recently, and those have not been formally admitted.

9 In relation to the post of 30 October 2015, that was in the following terms:

“To my George and Tia Shillito. Not Hanlon David.. maybe I will steal Emma’s baby.”

By way of explanation, the Emma there referred to is Mr and Mrs Hanlon's daughter, who was at that time and is still pregnant. It is alleged that that is a breach of paragraphs 1, 2, 6 and 7 and I find that it is a breach of paragraphs 6 and 7.

10 In relation to the post of 7 December 2015, it is in these terms:

"Tia and George before they were stolen... really abused and neglect."

That was posted next to an old video of the children. That is alleged to be a breach of paragraphs 1, 3 and 6 of the injunction and I find that it is a breach of paragraphs 3 and 6.

11 In relation to the post of 18 December 2015, that is in these terms:

"Im not allowed to mention my children apparently on here. So would all my Facebook friends wish my daughter a happy 15th birthday. It is her birthday on Monday. THANKS IN ADVANCE (TIA) LOVE YOU XXX."

That is alleged to be a breach of paragraph 6 of the injunction and I find it is such a breach.

12 In relation to the post of 21 December 2015, it is in these terms:

"Happy Birthday TIA love you xx tell Pauline her time hads well run out."

That is alleged to be a breach of paragraphs 2, 6 and 7 of the injunction and I find that it is a breach of paragraphs 6 and 7.

13 In relation to the correct disposal as a result of the admitted breaches, I have had regard to the Sentencing Guidelines in relation to Anti-Social Behaviour. It was suggested on behalf of Miss Shillito that the appropriate guidelines were those which relate to the breach of non-molestation orders under the Family Law Act 1996. I am not persuaded by that submission. It seems to me that this is an injunction where the Anti-Social Behaviour Guidance is the correct one for me to follow. Accordingly, I must identify a starting point for considering the disposal. It seems to me that this is a case which falls into the middle of the 3 brackets identified in the Guidance. It is a case which is described as being one of a lesser degree of harassment, alarm or distress. I am quite satisfied that Miss Shillito intended to cause some harassment, distress or alarm to the Hanlons. She posted on Facebook knowing that the Hanlons checked that post, and it must have been obvious to her what she was doing and who would read it. Accordingly, the starting point for the disposal process is 6 weeks of immediate custody.

14 I then have to look as to whether there are any aggravating factors in this case. There are. Posts continued up to and including 7 January 2016 and, in particular, occurred after the hearing on 16 December 2015, when I made it crystal clear to Miss Shillito that her campaign of posting had to stop. That shows a serious disregard for court orders and is an aggravating factor. In mitigation, counsel for Miss Shillito has made the point that she is in fact venting her frustrations, and is not intending to cause the Hanlons serious harm, or necessarily intending that they read the posts. I accept that there is some degree of venting, but, as I say, I do not accept that she was not

intending the Hanlons to read the posts. I also have regard to the fact that Miss Shillito is, in some senses, vulnerable, and has clearly been deeply affected by the loss of her children, whether that removal of them was justified or not. I also take into account that Miss Shillito accepted that she breached the injunction today, and did not seek to challenge any of the evidence presented against her.

- 15 Having looked at the matter in the round, this seems to me to be a case where I do not need to impose a period of immediate custody. This was a case which was near the borderline for an immediate custodial sentence, but I think that the appropriate disposal is a 56-day period of imprisonment, suspended for 6 months. That means, Miss Shillito, that if there are any further breaches you can be brought back before the court and that sentence can be activated; indeed a different sentence can be imposed. If you are in any doubt that your course of conduct needs to stop, then you need to be disabused of that now. If this matter comes back before the court and further posts of the nature that has been seen to date are found to have taken place, be in no doubt that you will be spending a period of time in prison. The Hanlons are entitled to go about their business of being foster carers to Tia and George without this level of harassment. They are doing a valuable public service in being foster parents and they are entitled to this court's protection, and they have this court's protection.

- 16 I have also considered whether it would be appropriate to make a costs order in this case, but I do not do so on this occasion.
