

BETWEEN

A LOCAL AUTHORITY

Applicant

and

MARY BROWN
(Mother)

1st Respondent

and

LILY & PETER JONES
(Maternal Grandmother & Step Grandfather)

2nd Respondents

and

DARREN BROWN
(born 1st June 2008)
and
JADE BROWN
(born 8th May 2011)
(By their Guardian Rachel Galvin)

3rd Respondents

CASE SUMMARY
SETTLEMENT CONFERENCE
30TH MARCH 2017

1. Children

1.1 The proceedings concern two children, Darren Brown who was born on 1st June 2008 and who is now 8 years old and Jade Brown (born on 8th May 2011) and who is now 5.

2. Parties

2.1 The Applicant is A City Council. The Local Authority is represented by Mr Jonathan Taylor (Counsel). The key social worker is Mr Andrew Loveridge.

- 2.2 The mother of the children is Mary Brown (born 30th December 1986). The mother is represented by Ms Debbie Gosling, Counsel.
- 2.3 The father of both children is Edward Mace. Mr Mace is deceased (having died on 10th May 2012). He has played no active involvement in the lives of either child and did not have parental responsibility.
- 2.4 The maternal grandmother and maternal step grandfather are Lily and Peter Jones. Lily Jones is 52 years old and Peter Jones is 56 years old. They married on 12th September 2005. This is a second marriage for both parties. Both parties were previously divorced. They are represented by Mr Mark Steward.
- 2.5 The children's guardian is Rachel Galvin. The children are represented by Mr Paul Wright (Counsel).

3. Applications

- 3.1 The application before the court is the Local Authority's application for a Care Order (including Interim Care Orders) which is dated 29th October 2016.

4. Previous or Concurrent Proceedings

- 4.1 There are no previous or concurrent proceedings in relation to these children.

5. Chronology of Proceedings

- 5.1 Allocation: The proceedings are today allocated to HHJ de Haas Q.C. for settlement conference only. A final hearing has been listed before HHJ White on 10th, 11th and 12th April 2017 (3 days).
- 5.2 Timetable: The proceedings are allocated to the standard track of 26 weeks which means that the proceedings shall conclude within the 26 weeks timetable.
- 5.3 Hearings to date: This is the fourth hearing in the matter.
- 5.4 Advocates meeting: An advocates meeting was held on 21st March 2017.
- 5.5 Proceedings are listed today for – settlement conference.

6. Key Issues in the Case

- 6.1 The Local Authority identifies the following as the key issues in the case:-
 - 6.1.1 The mother's drug misuse;
 - 6.1.2 The mother's unavailability to meet the children's needs due to 6.1.1 above;
 - 6.1.3 The mother's involvement in drug culture, which has involved raids on the family home by the police (and the discovery of 22 cannabis plants) and two occasions when the family home has been fire bombed due to drug debts not being paid;
 - 6.1.4 The child, Jade, has alleged that she has been inappropriately touched by her brother and cousin(s);
 - 6.1.5 The mother's failure to adhere to agreements implemented by the Local Authority to safeguard the children;
 - 6.1.6 The mother's relationships with inappropriate males, including a 15 year old male who has criminal convictions for drugs offences and who was arrested for possession of an offensive weapon and drugs at the time of the raid on the mother's address (referred to at 6.1.3 above);
 - 6.1.7 A lack of supervision of the children, who have, at times, been left to wander around the housing estate;
 - 6.1.8 The children have had numerous unexplained injuries;
 - 6.1.9 Neglect of the children, including:
 - 6.1.9.1 The children have regularly been observed to be unkempt and dirty and to smell;
 - 6.1.9.2 In February 2016, the child, Darren, underwent a medical and the apparent bruises were deemed to have been likely caused by itching to his skin not being clean;
 - 6.1.9.3 The child, Jade, has had constant head lice for over six months, which has resulted in head sores that became infected and her hair becoming matted;
 - 6.1.9.4 The children have missed health appointments, immunisations and there was considerable delay in registering them with a dentist;

- 6.1.10 The child, Darren, has reported being frightened and not wanting to be at home with the mother and the child, Jade, has reported being scared when she was being chased by a man;
- 6.1.11 On the 15th September 2016, the child, Jade, suffered serious facial injuries when the mother rode a bike with her resting on the handle bars;
- 6.1.12 The children are working below academic expected levels at school and are reported to present as hungry at school. The child, Darren, has been seen wearing ill-fitting and dirty clothing; and
- 6.1.13 The mother's inability to achieve and maintain change despite considerable support from the Local Authority.
- 6.1.14 The children both have behavioural issues. Darren has an inability to concentrate and at night still suffers from disturbed sleep and nightmares. Jade is a very nervous child who clings to the foster mother and finds separation from her extremely difficult. She also suffers from disturbed sleep and nightmares.
- 6.2 The court is respectfully referred to the Local Authority's initial statement of evidence dated 20th October 2016 and its final social work evidence template document dated 9th March 2017 for a full analysis of the harm suffered by the children, an analysis of the parenting and an analysis as to how future risk of harm could be managed having regard to their welfare interests.
- 6.3 The court is also referred to the statement of the social worker who has observed contact dated 7th March 2017 who considers that the current contact at three times per week has been damaging to the children causing them considerable upset in that the mother is unable to supervise the children adequately even during supervised contact and the children show real distress when coming to contact and leaving contact. There is little affection between the mother and children.
- 6.4 The Local Authority's final care plans dated 9th March 2017 propose that the children be placed in their current placements in Local Authority foster care (Care Orders).

7. Summary of Events Leading to Proceedings

- 7.1 The court is respectfully referred to the Local Authority's initial statement of evidence dated 20th October 2016 for summary of the events leading to proceedings. The trigger of the event was the report of the school on 11th October 2016 that the children had presented as crying and fearful of returning home to the

mother. Jade had reported being scared that she was being chased by a man. The mother refused to accept any concerns.

7.2 Initially, on 11th October, (with mother's consent) the children were placed with the maternal grandmother and maternal step grandfather. However, the Local Authority, having completed a viability assessment on them concluded that the children should not be placed with them. They did not recommend progression to a full assessment.

8. Maternal Grandmother and Maternal Step Grandfather

8.1 At the further case management hearing on 21st November 2016, the Local Authority supported by the Guardian applied to remove the children from the maternal grandparents to foster care. The viability assessment had concluded and the identified concerns were as follows:-

8.1.1 Mr Peter Jones' criminal history, including having served a custodial sentence for stabbing.

8.1.2 Peter Jones' mental health.

8.1.3 Lily Jones' physical health (severe osteoarthritis).

8.1.4 Lily Jones' reluctance to share concerns in relation to mother's care of children which has continued to place the children at risk of harm.

8.1.5 A lack of space within the family home (there is only one bedroom for the children to share).

8.1.6 During a visit to speak to the children in late October 2016 Lily Jones informed the social worker that she allowed Jade Brown to go to a neighbour's home to stay overnight but could not provide any details about the family including their names.

8.1.7 The grandmother would not countenance removal of step grandfather from the home as he was too vulnerable.

8.1.8 The court, on 21st November 2016, indicated that safety demanded removal in the context of the evidence before it. The court made the children subject to Interim Care Order and sanctioned removal to foster care.

8.1.9 The court made the maternal grandparents parties to the proceedings.

9. The Mother

- 9.1 At the initial hearing the Local Authority applied for Interim Care Orders in relation to both children and for the children to be placed in foster care pending resolution of the proceedings.
- 9.2 The mother accepted that she was not in a position currently to care for the children but supported the children remaining with the maternal grandmother and step grandfather where they had been living since they had been removed from her in October 2016. She approved their removal to foster care on 21st November 2016.

10. Expert Evidence

- 10.1 The court has sanctioned the following experts' reports.
- 10.2 There is an expert psychiatric assessment of the maternal step grandfather, Mr Peter Jones by Dr Page. That report was filed on 20th February 2017.
- 10.3 The court also ordered hair strand analysis of the mother in relation to drugs (specifically cannabis and cocaine).
- 10.4 The mother's drug tests are dated 5th December 2016 and 7th March 2017.
- 10.5 They cover the period for the preceding three months in each case.
- 10.6 The first of the drug tests showed that the mother has tested positive for two constituents of cannabis and two metabolites of cannabis in each of the three samples analysed. The presence indicated high use of cannabis by the mother. She also tested positive for high level of cocaine.
- 10.7 The mother has also tested positive for cocaine and cannabis in the later test of 7th March 2017. In particular, there is a high use of cocaine during the tested period.

11. Psychiatric Report of Maternal Step Grandfather

- 11.1 The report of Dr Page dated 20th February 2017 is summarised as follows:-

Summarised Opinion

"Peter Jones appears to have a convincing history of significant mental ill health, learning disability, personality issues and offending behaviour. It is perhaps unsurprising that social

services have highlighted this combination as being potentially problematic. His illness is characterised by a relapsing and remitting pattern. His presentation is complicated by his learning difficulty which was readily evidence at interview.

Whilst he is able to demonstrate a period of stability – this is very recent and is coupled with a slight resentfulness towards statutory services. This is mirrored in his response to childcare proceedings.”

“Without meeting Lily Jones, I am unable to comment as to the quality of their marriage. Whilst the relationship appears to have stabilised Peter Jones’ behaviour, he has perhaps rather a naïve optimism about their future together.

Were the relationship to fail, I would be genuinely concerned regarding his welfare, and that of any children they shared the care of.”

Response to Questions

“Additionally the pattern of Peter Jones’ life is one where relapse is perhaps inevitable at some stage. Failure to comply with care, non-concordance with medication, use of drugs or alcohol or stress (including ongoing childcare proceedings); all increase the likelihood of this happening. However he demonstrated reasonably good insight and understood the need to maintain close contact with services, and this was reassuring. Thankfully the indeterminate sentence he received, will prove helpful in this regard – although inevitably, this was not something he welcomed.”

Medico-Legal Opinion

“Regarding diagnosis, were Peter Jones’ case to be presented at a Psychiatric Case Conference, I am sure there would be a consensus that he is suffering from symptoms consistent with a diagnosis of borderline learning disability, likely recurrent psychosis – probably paranoid schizophrenia, complicated by historical substance abuse and antisocial personality traits.”

“Regarding prognosis, I am sure there would be a consensus that Peter Jones was being prescribed an effective treatment regime, but that he was at risk of relapse in the future.”

“For optimal treatment of his mental illness, it s likely to be agreed that Peter Jones is likely to require ongoing medication for many years, if not lifelong treatment.”

12. Social Worker Assessment of Maternal Grandparents

12.1 The report of the key social worker, Mr Loveridge, concludes:-

“Lily and Peter Jones have a committed relationship and on no account are prepared to separate. Mr Peter Jones presents a considerable responsibility for Lily Jones. I am not confident that Mrs Jones could cater for any difficulties which may emerge simultaneously for Mr Jones and the children if she were to have full time care of her grandchildren. There is a considerable concern as to any relapse for Peter Jones and he has only recently had a period of stability. Peter Jones shows little insight into the needs of stability for the children and Lily Jones’ priority is for her husband, not her grandchildren. Apart from any others Lily Jones would wish to have the full involvement of her daughter in the care of her children and does not fully understand the risks which her daughter presented to the children by her lack of care of them.

Apart from this she is very crippled now by osteoarthritis and the children are young and active. At contact, she shows considerable difficulty in presenting boundaries for the children and whilst she undoubtedly loves them and they love her, contact can be very chaotic.”

13. Social Worker Assessment of Mother

13.1 The social worker has analysed all the key issues in this case as they reflect on the mother’s capacity to provide “good enough” and safe parenting. He has concluded that mother now accepts all the issues (threshold criteria is not disputed). However, she has no thought as to how this has impacted on the children and has no capacity to change or sustain change (see drug tests which are accepted). Mother has only attended six out of twelve of the appointments for her assessment. She attends all contact sessions with the children but is frequently late by 30 minutes, and is ill prepared (never brings any of the items of food for the children) and is often distracted by her mobile telephone.

14. Final Care Plan

- 14.1 The Local Authority’s final care plan is for foster care subject to Care Orders. Contact is currently arranged at a contact centre for the mother and is supervised three times a week for two hours on each occasion.
- 14.2 The mother loves to see the children but they present as distressed and she has difficulties managing their behaviour. It is felt that contact is undermining the stability of their routine, as frequently they do not wish to go to contact. The foster carer considers that their nightmares and lack of sleep is related to the upset which they suffer at contact.

- 14.3 The Local Authority propose contact twice per annum for two hours on each occasion, supervised at a contact centre for the mother. Contact with the grandmother is proposed at once per annum.
- 14.4 The grandmother currently has contact once per week and finds the contact difficult to supervise and it is frequently chaotic. The children have a good bond with her.
- 14.5 The children's Guardian considers that the contact with the mother should be once per month and for the grandmother six times per year (but to be shared with the mother). Contact should be a minimum of two hours on each occasion and supervised in the community.

15. Response of Mother

- 15.1 The mother seeks the return of both children to her care.
- 15.2 If they cannot be returned to her care she seeks that they should be placed with the maternal grandmother and step grandfather.
- 15.3 In the alternative, if they remain in their current foster placement, she seeks weekly contact. She does not want this to be supervised.

16. Position of Maternal Grandmother and Step Grandfather

- 16.1 They seek for the children to be placed in their care under a Care Order but if not successful, they wish to have weekly contact. Only the maternal grandmother will attend today as she and the step grandfather agree that her decision on all matters is appropriate and acceptable for the both.
- 16.2 They now do not support rehabilitation to the mother.

17. The Guardian

- 17.1 The Guardian supports the Local Authority's care plan save as to contact (see above).

18. Issue for Determination at Settlement Conference

- 18.1 The issues for determination are:-
- a) Should there be rehabilitation to the mother.
 - b) Should there be placement of the children with the maternal grandmother and step grandfather.

- c) Should the children be placed in foster care. (Care Order).
- d) What should be the level of contact.
- e) Should the Local Authority's care plans be approved.

Dated this 27th day of March 2017

A Local Authority