Case No: RG21P01079

IN THE FAMILY COURT AT READING

160-163 Friar Street
Reading
RG1 1HE

Monday, 13 March 2023

BEFORE:

HER HONOUR JUDGE NOTT

BETWEEN:

M

Respondent/Applicant

- and -

S

Applicant/Respondent

DR PROUDMAN appeared on behalf of the Applicant
The Respondent appeared in person

JUDGMENT
(Approved)

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(Official Shorthand Writers to the Court)

This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment 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.

1. JUDGE NOTT: This is an application for permission to appeal a Child Arrangements Order that was made with the apparent agreement of the parties by a district judge sitting in private in the Oxford Family Court after a first hearing dispute resolution appointment on 8 November 2022.

2. The FHDRA (as they are known) was in respect of the Father's application to spend time with the parties' son L, who lives with his mother, and that application was issued in September 2021.

3. The FHDRA took place after a fact-finding hearing on 20-21 June 2022. At that fact-finding hearing it was established that the Mother had been the victim of domestic abuse perpetrated by the Father after L's birth in 2014 and that the domestic abuse involved physical abuse, emotional abuse, elements of controlling and coercive behaviour, and incidents of rape on more than one occasion, including post-separation and after contact with L. Some of the incidents of domestic abuse had taken place in L's presence. The post-separation rape was found to have occurred with L in the room next door and with Mother ultimately compliant in order not to risk upset to L.

4. The Child Arrangements Order directing contact between Father and L that was made at the FHDRA makes no mention of Practice Direction 12J, nor is there any mention of Part 3A FPR or Practice Direction 3AA in either the body of the order or in any recital. Pursuant to the direction of HHJ Owens on 3 February 2023, Mother obtained and filed a full transcript of the FHDRA hearing. The transcript confirms Mother's averment that there was no mention of any measures to aid her participation in that or in future hearings; there was no mention of PD12J – even in the context of Mother's argument, summarily dismissed, that initial contact between L and his Father should be supervised. Mother's application for permission to appeal the Child Arrangements Order is predicated on these omissions.

5. This Hearing is conducted via CVP. Dr Charlotte Proudman appears for the Applicant Mother who is present but not visible on the screen pursuant to a participation direction; the Respondent Father attends in person. I have considered Mother's written

submissions, amplified orally by Dr Proudman this morning. I have heard briefly from Father who confirmed that he chose not to make any written submissions in advance of this hearing; he did not wish to make any oral submissions this morning save to say that he still wishes to have contact with L but his circumstances have changed. He is now separated from his wife and living in single accommodation at army barracks.

6. I set out the background briefly; I take some of this from Mother's skeleton argument dated 26 November 2022 and some from the fact-finding hearing decision – a transcript of which was sent to me this morning, along with the Cafcass Section 7 report that was before the district judge at the FHDRA.

7. The Applicant Mother (the Applicant in this appeal) and the Respondent Father met in 2006, they married in 2010. L was born in 2014.

8. The parties separated in 2016. It would appear that there was a difference of opinion during the fact-finding hearing as to whether or not they reunited briefly, but certainly they were finally separated by 2017 and were divorced in 2018. In 2020 the Mother reported allegations of rape and sexual abuse against the Father to the police.

9. In 2020, there was a police referral to the local authority, which, as a result of that referral, undertook section 47 enquiries in respect of Father's contact with children in his care, which I believe included his stepson, but certainly included L. Direct contact between L and his Father ceased and a non-molestation order was granted to Mother in respect of Father.

10. In 2021 there was further local authority investigation in relation to concerns that Mother raised about Father's alleged inappropriate behaviour towards L. Mother stopped contact. No further action was taken as a result of the local authority investigation; these matters were considered at the fact-finding hearing in June 2022 and they were found not to have taken place.

11. Father issued an application for a Child Arrangements Order for L to spend time with him on 10 September 2021; in the course of the proceedings, the Father filed a witness statement exhibiting intimate photographs of the Mother that had been taken during their relationship. As a result of that, the court referred the matter to the police for investigation of a possible s.33 Criminal Justice and Courts Act 2015 offence.

12. It does not appear that police took any further action after investigating the disclosing of private intimate images, but a non-molestation order specific to those images was made prior to and then at the conclusion of the fact-finding hearing, which took place on 20-21 June 2022 and which resulted in the serious findings against the Father that I have shortly set out.

13. The transcript describes very clearly the nature and progression of the FHDRA court hearing on 8 November 2022. The judge started by addressing the Cafcass officer who was present, and he endorsed her Section 7 Report. He then criticised Mother's position statement for being an evidential statement and invited Mother's advocate to respond to Cafcass' recommendations. Mother's advocate sought to defend the position statement, and then orally set out Mother's position that the Cafcass report was not informed by any input from L's school, that it contained no risk assessment in light of the serious findings against Father, and that Mother's position was that, initially at least, contact should be supervised. The advocate's submissions, and the various judicial interjections are set out at pages 1-4 of the transcript, and conclude with the judge stating that "there is no need or justification for the supervision of L's time with Father". He does not give his reasons, beyond stating that he agrees with the Cafcass officer.

14. The judge then turned to progressing contact. He said that the parties needed to work out when the contact would take place "between the two of you" (p5 line 33). He then adjourned the hearing, inviting the parties to discuss "amongst yourselves" (p6 line 19) what the contact arrangements would be. He asked the Cafcass officer to facilitate this if necessary and she agreed. No consideration was given to special measures for Mother. It may be that since the hearing was via CVP and Mother had the benefit of an advocate the judge assumed that no Part 3A directions were required. After a break for

negotiations the hearing resumed and ultimately the Order that is subject of this application for permission to appeal was made.

15. This is a case ultimately about L, so a few words about him. L is approaching his ninth birthday. He has a diagnosis of an autistic spectrum condition. He attends a mainstream school, but there are significant accommodations in place to mitigate the symptoms of his condition and to aid his learning and his emotional development.

16. Before I turn to the grounds of appeal, I ought briefly to set out the legal framework of applications for permission to appeal. By the Family Procedure Rules 2010 rule 33(7) permission to appeal may only be given where the court considers that the appeal would have a real prospect of success or there is some other compelling reason why the appeal should be heard. I am invited to have in mind and I do have in mind the guidance given by Jackson LJ on the real prospect of success test from *Re R (A child) (Possible perpetrator)* [2019] EWCA 895 Civ: the case must be realistic rather than fanciful; this applies to all applications for permission to appeal to the Family Court or the Court of Appeal. Putting it shortly, there is no requirement that success on the substantive appeal should be probable or more likely than not.

17. If permission is granted, the case will proceed to a full substantive hearing as envisaged by HHJ Owen's directions on 3 February 2023. Pursuant to Family Procedure Rules 2010 rule 30.12, the appeal court (i.e. this court) will allow an appeal where the decision of the lower court is wrong or was unjust because of a serious procedural or other irregularity in the proceedings in the lower court. Mother in this case asks for permission to appeal on the basis that the order was unjust and likely wrong because of a serious procedural or other irregularity. Mother's seven grounds have been set out fully in writing. Taking them compendiously, Mother says that the failure to consider or implement FPR Part 3A and PD3AA – rather instead to require her to negotiate directly with her abuser – diminished her ability to participate and properly articulate and advance her position. This, she says amounts to serious procedural irregularity which, together with the court's failure to consider or apply PD12J when determining when and

how contact should take place, led to a Child Arrangements Order that was both unjust and wrong.

18. Applying the Family Procedure Rules and Practice Directions to the circumstances of this case, FPR Rule 3A.2A concerns any party who is – as Mother is – a victim of domestic abuse. The court must assume that such a party's ability to participate in proceedings is diminished and accordingly must consider whether it should make one or more participation directions, unless the party invites the court to disapply the assumption. By Rule 3A.7 the court must have regard to (a) the impact of the abuse on the Mother by the Father…(c) the nature and extent of information before the court…(d) the issues in the proceedings including but not limited to any concerns arising in relation to abuse…(e) whether a matter is contentious…(k) measures available to the court and (m) any matter set out in PD3AA. PD3AA gives further detailed guidance surrounding the availability and use of special measures to aid participation.

19. Recorder Hocking's findings that Father has abused Mother physically, emotionally and sexually mean that PD12J must apply to any decision surrounding child arrangements between L and his Father. I do not set the Practice Direction out in full, but paragraphs 33, 37 and 38 are of particular application.

20. By paragraph 33 – 'Following any determination of the nature and extent of domestic abuse, whether or not following a fact-finding hearing, the court must, if considering any form of contact or involvement of the parent in the child's life, consider-

(a) whether it would be assisted by any social work, psychiatric, psychological or other assessment (including an expert safety and risk assessment) of any party or the child and if so (subject to any necessary consent) make directions for such assessment to be undertaken and for the filing of any consequent report. Any such report should address the factors set out in paragraphs 36 and 37 below, unless the court directs otherwise;

(b) whether any party should seek advice, treatment or other intervention as a precondition to any child arrangements order being made, and may (with the consent of that party) give directions for such attendance.'

21. Para 34 provides for the court to direct completion by the abusive party of a domestic abuse perpetrators programme.

22. Para 36 requires the court to apply the matters set out in the welfare checklist 'with reference to the domestic abuse which has occurred and any risk assessment obtained' The court may only order contact if satisfied both that the physical and emotional safety of the child can be secured before, during and after contact, and if the parent with whom the child is living will not be subject to further domestic abuse by the other parent.

23. By para 37 once domestic abuse is established, the court must consider the impact of the parties conduct towards each other and towards the child, having particular regard to the effect of the domestic abuse on L, on his living arrangements and on his relationship with his parents. It must consider the Father's likely behaviour during contact and its effect on L, as well as the capacity of the Father to appreciate the effect of past domestic abuse and the potential for future domestic abuse. The court must also consider to what, if any, extent the Father may be using the process to continue a pattern of coercive control.

24. Para 38 sets out how contact should proceed if ordered and requires the court to consider whether the contact should be supervised, whether contact should be subject to conditions – for example engagement in any interventions – and the need for review.

25. Para 40 requires the court to give reasons. 'In particular, where the court has found domestic abuse proved but nonetheless makes an order which results in the child having future contact with the perpetrator of domestic abuse, the court must always explain, whether by way of reference to the welfare check-list, the factors in paragraphs 36 and 37 or otherwise, why it takes the view that the order which it has made will not expose the child to the risk of harm and is beneficial for the child.'

26. Turning then to the application for permission to appeal, I should set out very briefly the findings made by Recorder Hocking who determined the factual matrix on 21 June last year. The Recorder found that after L was born, Father would intimidate and belittle the Mother, would throw things, punch cupboards and doors, shout at and shove the Mother, sometimes in L's presence and L would see Mother being upset afterwards. She found that Father would sexually intimidate Mother and coerce her into sex during child contact. That happened on one occasion after contact, a specific occasion on 30 July 2016 and that was an occasion in which L was in the room next door. She further found that Father may have been stalking Mother in January 2017. I say "may have" because the Recorder found the conduct alleged proved; she said it would be a matter for a judge at final hearing to determine whether or not that conduct did in fact amount to stalking. I have already mentioned the intimate photographs that were submitted during this appeal.

27. Further detail of the findings are set out in the detailed application and summary that was filed by Mother ahead of these proceedings. I do not propose to read that into this judgment, but I have those matters fully in mind.

28. As stated, the appeal or the application for permission to appeal comes on a number of grounds; I will deal with them in turn. The first ground is that the district judge was wrong to order direct contact. Taking it shortly, that ground really boils down to the fact that the district judge did not have enough time to consider (as it was put in the application) and did not consider Practice Direction 12J. He did not consider the authority of *H-N and Others (Children) (Domestic Abuse: Fact-finding Hearings) [2021] EWCA Civ 448* in light of the findings of coercive control or the other authorities referred to by Mother in her skeleton argument. He did not consider the recent authority now relied on by Mother *CM v IP [2022] EWHC 2755(Fam).* It is fair to say that neither the Practice Direction nor the authorities were put in front of him, but I accept Dr Proudman's submission that it is for the court to consider and apply Practice Direction 12J and the guidance from *H-N* whether or not asked to specifically by counsel; the court certainly should be alive to the need to apply the Practice Direction, which is not simply

best practice: it is mandatory in cases where domestic abuse has been alleged and as in this case, in fact proved.

29. The second ground of appeal really follows on from that first ground, that no special measures were in place during the FHDRA hearing. I accept there were no special measures in place during the FHDRA hearing pursuant to specific participation directions.

30. On one hand, the hearing was remote and Mother was represented. She was represented **pro bono** by an advocate in court and did not at that time have the benefit of solicitors. She had the benefit of an IDSVA but not present at court. While she did not have the benefit of a court IDSVA, she did at least have the benefit of being able to speak to that support worker before and after the hearing. However that was not by reason of any participation direction that was made by the court. Indeed, there is no evidence that the court was aware that she even had that resource, and I am told that neither the Mother nor the IDSVA were aware that they might apply for a direction that the IDSVA be permitted to support Mother during the hearing.

31. Mother avers that because the cameras were on throughout that hearing and because, regrettably, at one point during the hearing she was directed to speak to Father directly to agree a regime for contact, she felt intimidated and distressed by that. I hasten to say at this stage that there is no suggestion, or if there is a suggestion, there is no finding by this court that the Father behaved inappropriately or in a deliberately intimidating way during the course of the hearing or in out-of-court discussions. I note that Mother had counsel with her while the negotiations were taking place.

32. But the fact that the Father was not behaving in any way in an intimidating manner and was not intending to intimidate the Mother, is not the point. The point of a participation direction, and they are called participation directions in this court rather than special measures, because that is exactly what they are there to do. They are there to aid the participation of parties in proceedings, recognising that vulnerable witnesses will need special measures directed in order to help them navigate difficult proceedings and in

recognition of the fact that witnesses who are vulnerable as victims of domestic abuse are likely to have heightened states of emotion and likely to find it more difficult than others who are not vulnerable through those experiences. I accept entirely Mother's statement that she was intimidated by and felt distressed by – and therefore felt she was not able properly to represent her views – her direct dealings with Father. I say again, those are Mother's feelings. They are valid feelings; they are not as a result of any deliberate actions of the Father during the course of that hearing. Nonetheless, they needed to be considered and it was inappropriate in my view for Mother to be directed to negotiate directly with Father about the issue of contact, particularly where she had filed a position statement setting out very clearly her concerns with aspects of the Cafcass officer's section 7 report, and particularly where she had counsel representing her and trying, unsuccessfully, to point out to the judge Mother's ongoing feelings of trauma.

33. The third ground of appeal deals with risk assessment and that is one of the reasons I was keen to see the section 7 report this morning because it was not part of the appeal bundle. I have now read the section 7 report and in many ways it is a very thorough document. It is clear that the Cafcass officer considers the issues that she is asked to consider with care and she spends a lot of time with L. She does make enquiries of L's school because she understands that he has an autistic spectrum condition, and she understands that this is something that is going to have to be taken into consideration and worked into any conduct plan. It is unfortunate that the school did not appear to get back to the writer of the report with any information prior to that report being completed. Again, I understand Mother's concerns in that regard.

34. As far as it went, this is a good and quite thorough report. There were a number of matters that the writer of the report was asked to consider and they are set out at paragraph 13 of that report: how often and for how long the child should see the Father; the wishes and feelings of the child; the suitability of accommodation of the Father; whether or not the child's physical, emotional or educational needs are capable of being met by the Father; the effect on the child of any change; whether or not the child has suffered or is at risk of suffering any harm, but without reopening or reconsidering any

of the matters resolved by the court in its fact-finding judgment delivered on 21 June 2022; the ability of both parents to cooperate in arrangements having regard to the facts found by the court as to their past relationship, and recommendations in respect of arrangements for the child, including stepped arrangements with a view to a final order if possible.

35. So a quite long checklist there, but notably absent from it is any formal risk assessment. The closest it gets to that is whether or not it appears that the child has suffered or is at risk of suffering any harm but without reopening or reconsidering any of the matters resolved by the court. I accept the submissions made by Mother in writing ahead of this hearing- and that she tried to make orally during and in writing ahead of the hearing on 8 November – that this is not a full risk assessment. Not reopening the findings of the court made at the fact-find in June, is not the same as acknowledging those findings and completing an assessment in the light of them, and that is not where this report has gone, otherwise comprehensive as it is. Father does not appear to have been asked, as he should have been, whether and to what extent he accepts the findings of the court. Had a short statement been directed from him, the Cafcass officer would have been able to consider any on-going risk arising from his attitude and, for example, the need for any Activity Direction per paragraph 34 PD12J.

36. The findings against Father are serious, including rape of the Mother post-separation and during/after contact with L. The court was not in a position to perform the balancing exercise required of it by paras 36 or 38 PD12J in the absence of a risk assessment. Although he made no reference to PD12J, the district judge did consider supervision of contact as he was required to do by para 38, but he did so fleetingly, in the absence of the risk assessment sought by Mother and without proper consideration of Mother's objections which he summarily dismissed. He did allow for review. He did not consider whether contact needed to be supported by the attendance by Father on any DVP programmes for example, but could not fairly consider this in the absence of a targeted and considered risk assessment or understanding of Father's acceptance or otherwise of the findings.

37. Para 37(c) PD12J required particularly careful consideration on the facts of this case. Notwithstanding the previously close relationship between L and Father, and the Cafcass' officers analysis that L is keen for direct contact to resume with Father, the court should have had regard to the fact that within these proceedings Father has submitted intimate images of Mother to the court – and was accordingly reported by the court to police in respect of a potential offence under s.33 Criminal Justice and Courts Act 2015. The court considered it necessary and proportionate to impose a non-molestation order as a result of this behaviour. It may well be that the balancing exercise ultimately favours the resumption of direct contact, but nonetheless it is an exercise that has carefully to be undertaken.

38. Ground four: Mother submits that the court wholly failed to address the impact of court ordered contact on the Mother's safety and wellbeing as a victim of rape by the Father. I am referred to *Griffiths v Griffiths (Guidance on Contact Costs)* [2022] EWHC 113 (Fam); this case underlines the rule that the court should in every case consider the harm which the child as a victim of domestic abuse and the parent with whom the child is living has suffered as a consequence of that domestic abuse.

39. I have to say that the Cafcass officer touches upon that element in her section 7 report, but it is not a full risk assessment. I do not have any evidence upon which I could conclude that the judge at the FHDRA had any information as to what, if any, parenting programmes or domestic violence perpetrator programmes the Father has attended or been afforded, if any, and that is the type of thing that really ought to feed into a proper risk assessment where the findings against him are so serious.

40. Ground five is that the court failed to address that the child is the victim of domestic abuse pursuant to section 3 of the Domestic Abuse Act 2021 and how contact might be safe and beneficial for the child. It is absolutely right that the Domestic Abuse Act recognises children as victims of domestic abuse and that is an important recognition because it means that safeguarding is in place. It means that first responders have to consider the needs of a child in any domestic abuse situation and it also requires the court

to consider the child as a victim of domestic abuse where, like L, he has witnessed the same.

41. The Cafcass officer who conducts the report does turn her mind to that aspect of things, albeit not referring to L specifically as a victim of domestic abuse. She has considered all of the section 47 enquiries and their outcomes. She has assessed the father in his accommodation. She has spoken to people who the Father at the time was in a familial situation with and so she did address that issue and ultimately decided that contact would be safe and beneficial for the child. What is lacking, of course, is her feeding into that assessment first of all the additional needs that L has through his ASC and secondly, looking at that issue again through the lens of the findings of Recording Hocking, because none of the section 47 investigations post-dated those findings and none of them therefore were made in light of those findings or factored in any of those findings.

42. Ground six is that there was no clear reasoning or judgment as to why contact should progress, no consideration given to PD12J. That is clear on the face of the transcript and on the face of the order.

43. Ground seven, I am less sure what ground seven specifically says that takes any of the other grounds any further. Really ground seven is a wraparound ground; it highlights the difficulties that this mother will have co-parenting with the father, who has been found to have raped her. On behalf of Mother Dr Proudman complains of an expectation of the court that the Mother is wholly responsible for preparing L for contact to resume and to facilitate and maintain it, and again Mother's mental wellbeing has not been considered in that expectation. So all of those grounds centre on PD12J and its application.

44. I have already stated that FPR 3A, PD3AA and PD12J do not describe best practice: they describe the law. Their mandatory nature is underlined by section 63 of the Domestic Abuse Act 2021 which provides the statutory basis for Rule 3A.2A – that the court must assume that both the quality of evidence of a victim of domestic abuse and her ability to participate in proceedings are likely to be diminished by reason of

vulnerability. This assumption needs to be recognised and addressed, and it needs to be addressed right at the outset.

45. Neither Mother's advocate nor the district judge made any reference to this assumption or the need to consider how best Mother, a victim of domestic abuse, including sexual abuse, might participate in proceedings brought by the perpetrator of that abuse, concerning L, their son, who witnessed some of that abuse and is therefore himself a victim of that abuse.

46. Mother's averment that in the result she felt under pressure to consent in arrangements that she did not feel were in her son's best interests and that she considers that both the arrangements and the manner in which they were put in place have emotionally harmed her, are not for this court to disagree with. The transcript of the FHDRA hearing reveals a court anxious, perhaps understandably so, to get through a busy list and to achieve a resolution that the court considered to be in the child's best interests. However, that determination of the court was heavily, if not solely, based on the contents of the Cafcass officer's section 7 report. It would appear that the judge had read that report, agreed in its contents and saw no reason why the recommendations in that report should not be implemented. The intervention of the judge at the outset was dismissive of Mother's position statement, describing it as a statement of evidence, where in fact the position statement really did set out her observations and concerns about some of the contents of the section 7 report; the judge's interventions went on to invite the Mother's advocate to accept and adopt the recommendations of the "very experienced Cafcass officer", and he moved very quickly to shut down explanation of where Mother did take issue with some of those recommendations. He shortly dismissed Mother's concerns. He did not give a reasoned judgment but he did determine that the supervised contact that Mother was contending for was not appropriate and, having made that determination, required Mother to work out with Father over the next 20 minutes or so, how that contact would be implemented.

47. During argument, Dr Proudman averred that the courts apply a ‘contact at any cost’ approach which causes them generally, and this district judge specifically, to fall into

error. I don't accept that this fairly characterises the approach of the courts generally – with which I am not concerned – nor the approach of the district judge in this case, which is for me to determine. It is right that section 1(2A) Children Act 1989 as amended by s.11 Children and Families Act 2014 sets out a presumption that a parent's involvement in a child's life will be in the child's welfare interests, but that is a presumption that may be overturned, and is far removed from a presumption of 'contact at any cost.' PD12J fills any perceived or actual safeguarding lacuna, clearly providing that where contact is not safe for the child, or for the parent with whom the child lives, it will not be ordered. It imports significant safeguards and recognises that a child's welfare interests will in certain circumstances be intrinsically linked to the welfare interests of their primary carer. If it is not applied when findings of domestic abuse have been made, any consequent order may not be safe.

48. In all of those circumstances, it seems to me that the hearing was not appropriately mindful of Mother's vulnerabilities. It may well have been that, even if Mother's other concerns about the way the district judge conducted the hearing, which she would say was peremptory, even if those fell away, just the fact that Rule 3A was not considered and participation directions were not considered, would in and of itself be enough to set aside the Child Arrangements Order on the ground that there was a material irregularity in the conduct of the hearing. However, by his failure to apply PD12J the judge fell into error when considering the substantive issue of whether, when and how contact between L and his Father should be directed.

49. The consent order cannot properly be described as a consent order. Mother did not give a free and informed consent to contact going ahead in the way in which it is set out in the Order. In the absence of application of the relevant legal principles as set out in PD12J, the Order is wrong. First of all, I grant Mother's application for permission to appeal. I also, for the reasons I have set out in this **ex tempore** and therefore untidy ruling, allow the appeal. I therefore dismiss the order that was made on 8 November and I now need to consider the way forward.

50. This is an almost nine year old boy with an autistic spectrum condition. He, I am told by the writer of the Cafcass report, wants to see his Father. His Father wants to see him. His Mother is the victim of significant and serious domestic abuse and violence, including sexual violence and therefore matters are much more complex than in the usual private law case. The wishes of the child, of course, are not paramount but this court is going to need expert help in how properly to assess the child's needs against the welfare checklist, and against the background of significant domestic abuse and violence and any consequent on-going risk posed by the father.

51. Therefore, what I propose to do is to appoint a children's guardian in this case. I am going to make the child a party pursuant to s.16(2) and I am going to appoint a children's guardian pursuant to 16(4) and have this matter back for directions in four to six weeks. I do not think it appropriate in the circumstances to make any further directions. It may be that once the children's guardian is in place there will be Part 25 applications for risk assessments. It may be that that is something that once the children's guardian is fully versed in this case they will be able to conduct themselves, so I am going to leave that until the court is able to have some guidance from the children's guardian.

Epiq Europe Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof.

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This transcript has been approved by the Judge