

Neutral Citation Number: [2024] EWFC 18 (B)

Case No: BS23C50187

IN THE FAMILY COURT

Gloucestershire Family and County Court

Date: 02/02/2024

Before :

District Judge Tait

Between :

Gloucestershire County Council

Applicant

- and -

A

First

- And -

Respondent

- B

Second

- And -

Respondent

- C (A child)

Third

Respondent

K Atanga for the Applicant **Local Authority**

H Shipp (instructed by Gwyn James Solicitors) for the **First Respondent**

A Rodriguez (instructed by Langley Wellington LLP Solicitors) for the **Second Respondent**

M Brown (instructed by Henriques Griffiths) for the **Child**

Hearing dates: 02 February 2024

Judgment Approved by the court

District Judge Tait:

1. This is an ex-tempore judgment, given when I am making an order by consent. I am sitting in the Family Drugs and Alcohol Court (FDAC) where I am concerned with C who is a boy born on 22 June 2023. He is the son of the first and second respondents. The Applicant Local Authority issued care proceedings shortly after his birth. They sought and I made, an interim care order on 23 June 2023, authorising his separation from the parents into a foster placement.

Background

2. Both parents have a long history of substance misuse. Mother's three older children could not remain in her care due to her drug use and involvement in abusive relationships. Mother accepts using crack cocaine while she was pregnant with C. Father has a history of cocaine and alcohol misuse. He has an extensive criminal history. The parents, at the time of C's birth, were making efforts to deal with these issues, but struggled to engage on a consistent basis with support services and found it difficult to be open with and trusting of professionals.
3. C could not leave hospital immediately and is reported to have suffered with the impact of mother's drug use during pregnancy for the first six weeks of his life.
4. The "Turn Around for Children Service" (TACS) identified some hope for change with the parents and recommended their acceptance into the FDAC programme in July 2023. It has to be said that the parents, much to the delight of all concerned, have not looked back since. The FDAC programme is an opportunity for parents to gain the support they require, with the skilled expertise of a variety of professionals and other sources of support. It is intense and extremely demanding, particularly for parents who have a long history of avoiding and hiding from authority figures. These parents have grasped this opportunity with both hands.
5. As a result, they have benefited from a comprehensive package of support and service in respect of their substance misuse, their mental health needs, the safety of their relationship with each other and their parenting of C.
6. They successfully achieved abstinence from non-prescription drugs in this time. Therefore, I extended these proceedings to enable them to receive further support and assessment in relation to caring for C. C moved home in a planned way and has lived with his parents since 11 December 2023. He settled in much faster than expected and is happy and thriving in their attentive and loving care.

Parties' Positions

7. In the light of the progress that the parents have made, the Local Authority invites the court to make a Supervision Order for a period of 12 months, with C remaining in the care of his parents. This order will include a support plan, with the current social worker from the TACS team remaining as the allocated social worker and further informal reviews at court. The parents will receive continued support from the same professionals to ensure that the recovery they have started is maintained and built upon.

8. The parents are in full agreement with this plan. Not surprisingly, they are delighted that C will remain with them. They are committed to continuing the work to break the cycle of the past and move forward in their recoveries. The Guardian, who has stepped in at the end of these proceedings, is also supportive.

The Law

9. The requirements under section 31(2) of the Children Act 1989 for the making of a care or supervision order are met by agreement. An agreed threshold document has been filed and it reflects the background as I have set out above.
10. C's welfare is my paramount concern and I remind myself the order I make is about his wellbeing, rather than rewarding the parents for their efforts. The work that has been done is aimed at improving his childhood by ensuring if possible that he can live safely with his parents and equipping them to provide good enough care.
11. I must also ensure that any order is necessary and a proportionate response to the risks to which C would be exposed if no order, or a less interventionist order was made. The Article 8 rights of C and his parents to respect for a private and family life are fully engaged.

Welfare

12. C is too young to fully express his wishes and feelings, however it is evident that he is happy and settled in the care of his parents. Children belong with their parents, and he has an emotional need to be brought up within his birth family but his safety and wellbeing throughout his childhood is of over-riding importance.
13. He is still very young and will require ongoing tests and observations to assess the impact of his in-utero exposure to substances. C is also due for further Hepatitis testing in future. He is however, a well and happy boy.
14. C was moved to a foster placement shortly after birth. In December 2023 he transitioned to the care of his parents and is thriving. Despite their past experiences and behaviours, the parents have achieved and maintained abstinence from illicit substances, they have engaged in therapeutic work to address their past trauma and have engaged in painful safer relationships work. They have been open and fully reflective and are able to articulate the benefits of this and how they have put the learning into practice. They have attended court every fortnight and in every non-lawyer review, have been very open with me about the challenges of the process. Since C has been in their care, they have shown that they are able to provide a safe, healthy and stable environment in which he can live. They are attuned to C's needs and are working together to meet them. They still have a long way to go with many challenges ahead and they will need to show the same determination and resilience, as well as the confidence to seek support when needed. This, in my judgment is why a Supervision Order is necessary. It will ensure that there is a "soft landing" after the FDAC process, where C is supported in his family by the same people who have built up a solid, open relationship with the parents. However, C is safe and happy and nothing more than this order is required or would be proportionate.

Order

15. I therefore make a Supervision Order for 12 months to the LA in respect of C and endorse the supervision support plan.

Conclusion

16. This is an example of why FDAC is so vital to the family justice system. It is built upon the ethos that no family wants their child to suffer and that every family in difficulty wants to make things better. People can change if they are offered the right support. Children belong with their parents if that can be safely achieved.
17. The pioneering FDAC judge Nicholas Crichton said: *“What is it that family courts are there to do? Just take children away? Or are we there to provide part of the whole construct of support around families to try to enable children to remain within their family? If we are looking to remove the 8th, 9th or 10th child, the family courts can’t be doing very well by this family.”* Statistics show that one in four people who lose a child in care proceedings return because the underlying issues have not been dealt with.
18. These parents who have a long history of substance misuse, poor mental health and many other complex needs, have been treated with dignity and given a fair opportunity to engage. They have responded to this. Some parents require more help than others yet with a team of skilled professionals, providing targeted, intensive treatment and support, can still break their harmful patterns of behaviour. In this case, I have reviewed the progress with these parents every two weeks, always keeping an eye on the timescale for C. These parents have received encouragement, praise and challenge throughout and have learnt, despite their history, to trust in a system and professionals that will give them a voice and work with them.
19. I wish to record my thanks to all the professionals that have enabled the parents to achieve this outcome for C and to the legal representatives and advocates for all parties who have ensured that this process has moved swiftly and in line with C’s welfare. I wish the family well for the future.