



Neutral Citation Number: [2025] EWFC 140

Case No: [XX]24C00011

IN THE FAMILY COURT
SITTING AT THE ROYAL COURTS OF JUSTICE

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 20 May 2025

Before:

MRS JUSTICE THEIS DBE

Between:

A Local Authority
- and -

Applicant

(1) X

(2) Y

Respondents

**(3) B (4) C (by their Children's Guardian, Faye
Robertson)**

A

Intervenor

Mark Twomey KC and William Dean (instructed by **Hugh James**) for the **Applicant**
Richard Jones KC and Jonathan Adler (instructed by **Brethertons LLP**) for the **First
Respondent**

Jonathan Sampson KC and Victoria Flowers (instructed by **MSB Solicitors**) for the **Second
Respondent**

Jo Delahunty KC, Fiona Holloran and James Nottage (instructed by **Lord, Cox and Salt
Solicitors**) for the **Third and Fourth Respondents**

Sam King KC and Callum Brook (instructed by **Hogans Solicitors**) for the **Intervenor**
Press representatives: Hannah Summers; Dominic Casciani; Nina Massey; Louise Tickle

Judgment date: 20 May 2025

Approved Judgment

.....
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.

These proceedings are subject to a Transparency Order dated 20 May 2025.

Mrs Justice Theis DBE:

Background

1. This short judgment is to determine an application that was issued late yesterday, 19 May 2025, by Y, one of the parents in ongoing care proceedings I have been dealing with. The court is very grateful to the parties and the press for dealing with this application in such a limited timeframe to minimise any further delay for the children.
2. The matter was last listed in court on the 9 May 2025 to hand down a judgment (the May judgment). This judgment followed a two day hearing on 14 and 15 April 2025 to determine a number of issues, the main one being the extent of the anonymisation of the judgments and the terms of the Transparency Order. That judgment is reported at [2025] EWFC 126.
3. This is the fifth judgment I have given in these proceedings. I do not propose to set out the background, which is set out in some detail in the May judgment and refer to that. In summary, these are care proceedings involving B, 15 years, and C, 10 years. Their parents are X and Y. In December 2024 the court made serious findings of physical and psychological abuse caused to the children by X, and that Y failed to protect the children. On 9 May 2025 the court made final care orders and determined issues regarding reporting of the proceedings, including the anonymisation of the judgments and the terms of the Transparency Order.
4. Following the hearing on 9 May 2025 two orders were approved by the court on 13 May 2025, including a Transparency Order. The main care order included a timetable for the parties to liaise, agree the anonymisation of the judgments in the light of the decision made and submit them to the court for approval on 16 May 2025. Then the anonymised judgments, approved by the court, would be sent to the parties by 4pm 19 May 2025, with the plan for them to be published on 20 May 2025. That timetable had been conveyed to the children after the 9 May 2025 hearing.
5. The court was informed on the morning of 19 May 2025 that issues had been raised by the parents over the weekend about further amendment required to the Transparency Order. I made directions first thing on 19 May 2025 requiring written representations by 1pm. Following a request on behalf of the BBC, the time was extended to 5pm. At 4.30 pm the court received an email from the local authority with the representations from the press and the parties, save for the parents. In a separate email at 4.35 the court was sent a joint position statement, unissued C2 application and a copy of the Transparency Order on behalf of the parents.
6. I considered the other parties should have the opportunity to respond to the parents application, made directions for them to do so by 6pm with the court to give a decision by 7pm. The local authority, the Guardian and Ms Tickle were able to respond. The BBC requested more time. The court informed the parties at 7.15pm that further time would be given for responses until 12 noon 20 May 2025, the court would then send the parties a written decision by 4pm that day and the publication of the judgments would be delayed until 21 May 2025.

The issues and submissions

7. The two points outlined on behalf of X in the email sent to the court on X's behalf at 7.50 am 19 May 2025 were (i) that X is identified in the Skeleton Arguments as a candidate for the Reform/Brexit Party, and (ii) the reference in the Skeleton Arguments/Judgments to the children being the biological children of X's sister. It was submitted by the parents that these matters need to be specifically prohibited in the Transparency Order to help prevent jigsaw identification of them and the children. In their position statement sent to the court at 4.35 they sought more extensive amendments to paragraph 12 of the Transparency Order, which had been agreed between the parties and approved by the court on 13 May 2025. As set out above I gave the parties a further short period to respond to these further submissions, which was then extended until today.
8. In relation to the issue that the children are the children of X's sister the local authority object to this being specifically prohibited due to the extent of the other matters than can't be reported. They submit identification would be unlikely due to the listed prohibitions already in place. Ms Summers doesn't take a view in relation to the fact that one of the parents is related to the children. Ms Tickle agrees to it being redacted. The BBC does not accept the children's biological history would lead to identification of the parents and the children to the public at large, although they state it is not their intention to report this. On behalf of the children it is submitted this fact should remain in the judgment, it is integral to the children's identities and provides a context in which the abuse occurred. On behalf of the children it is submitted *'The children have lost not just their adoptive but, unlike many adopted children, also their birth family as a result of their parents abuse which continued after they fled their home.'*
9. Turning to the issue of X standing for a political party. The LA submit removal of any geographical link and the year would suffice, alternatively permission could be given to report X ran for political office. The local authority does not consider identification of the political party would identify X due to the extent of the listed prohibitions. That view is supported by Ms Summers and Ms Tickle. The BBC submit reporting X stood for election for the Reform/Brexit party would not lead to the parents or children being identified due to the other restrictions in the Transparency Order and the pool of possible individuals is wide. They submit there is a powerful public interest in them being able to report X's candidacy. They submit this issue should have been raised earlier when the parties had the opportunity to raise these issues, it had been clearly flagged in the written submissions on behalf of the BBC. On behalf of the children it is submitted that this fact should remain in the written documentation, namely that X stood 3 times for local and national elections.
10. In their written position statement submitted in support of the C2 application to amend paragraph 12 of the Transparency Order sent to the court and the parties at 4.35 pm on 19 May 2025, the parents set out the additions they sought as follows:

Proposed additional terms of paragraph 12 of the TPO (i.e. prohibition on publication):

- i. *Children's history:*
 - a. *The fact that [C] was the subject of care proceedings taken by the London Borough of Wandsworth.*
 - b. *The names, locations and addresses of any of the children's current or former foster carers.*
 - c. *The fact that the children are the biological children of [X's] sister.*
 - d. *The fact the children were adopted via Barnardo's*
 - e. *The names of the family pets.*
 - f. *That the parents appeared in a newspaper article and that [X] appeared in a radio interview relating to their adoption of a number of children*
- ii. *Police: The involvement of [Z Place] Police as the investigating police force, to include a prohibition on the name and area of the police force and individuals within it.*
- iii. *Children's schools: The identity of school staff members to whom the children (or any of them) spoke and the names and addresses of the schools attended by the children.*
- iv. *Medical professionals: The identity of the children's' and parents' GPs / doctors, including those to whom the parents spoke about their mental states.*
- v. *Assessing social workers: The names of the independent social workers approached (Sarah Thomas Britton and Becky Clark).*
- vi. *Reference to geography-specific location regarding [Z place], including but not limited to [a legislative provision].*
- vii. *[Y's] professional practice:*
 - a. *The name and address of [Y's] chambers – namely [T Chambers] and the fact that X was the head of the family team.*
 - b. *[Y's] legal activities, outside Y's role both appearing in and sitting as a part-time judge in family cases, including but not limited to X's quoted role as "one of the national facilitators for the Vulnerable Witnesses training programme" and "co-chair of [an organisation]".*
 - c. *The fact that [Y] was a Band 1 Barrister in Chambers and Partners and Legal 500 and references to [Y] being shortlisted for Family Law Junior Barrister of the Year.*
 - d. *The identity of the family presider for the [Z place].*
 - e. *Reference to [Y's professional regulator] by title.*
- viii. *[X's] profession:*

- a. *The name and address of any school at which [X] has taught and any reference to the [employer].*
 - b. *Any reference to [X] being an educational advisor and consultant.*
 - ix. *[X's] political activity: The fact that [X] stood as a candidate for the Brexit Party, the Reform Party and (mistakenly stated in the advocates' documents), for UKIP.*
 - x. *The fact that the parents owned and rented out holiday cottages.*
 - xi. *The fact the parents have links/neighbours in Italy and Eastbourne.*
11. The only explanation for making the application so late is said to be following a review of the documents provided to the press '*by dint of the order made following the hearing on 9 May 2025*' which in turn led to a '*thorough check of the contents of the advocates documents (Position Statements and Skeleton Arguments) previously disclosed.*' Having done that they submit there are factual matters, not currently covered by the Transparency Order which if disclosed '*will inevitably lead to jigsaw identification of the children. None of those matters set out below alters the thrust of the existing terms of the TPO or matters ventilated in court. All of them are further examples of fact-specific material which, if disclosed, will vitiate the aim of the TPO (identification via general and specific geography and details of professional practices which make piecemeal identification easy with a brief internet search).*' The parents submit the amendments they seek will reduce the risk of jigsaw identification and is consistent with the focus that needs to be on the children's welfare.
12. In their response to these submissions all parties and the press speak with one voice and submit these issues should have been raised earlier. The draft judgment was circulated on 29 April 2025, it was handed down on 9 May 2025 with a clear timetable of the way forward and the decisions made leading to publication of the judgments on 20 May 2025. Save for the most recent Guardian's report the material now referred to has been with the press for many weeks. The parents representatives didn't raise these issues with the parties until 5pm on Sunday 18 May 2025. The local authority submits many of the further prohibitions sought by the parents are covered by the existing prohibitions. For example, the existing restrictions on reporting the address and other geographical information will have the effect of prohibiting mention of the police force, the children's schools (and members of staff at those schools), the medical professionals (and practices/hospitals), social workers and identity of the leadership judge. They submit there is no justification for generic or isolated details being prohibited. Any prohibition of the parents being mentioned as appearing in a newspaper article or radio interview concerns information too remote to identify them.
13. On behalf of the Guardian they strongly object to these issues being raised so late in the day and refer to it as '*self-interested abuse of process*', the stage at which the application is made as being '*further control of the boys through the misuse of the litigation machinery*' which mirrors the way the parents have behaved previously in the proceedings. Much of what the parents seek is already covered by the existing terms of the order. Turning to the specifics it is submitted:

Specifically in response the additional matters that the [parents] seek to excise from the agreed history:

- *[C's] birth place and therefore his identity, as a boy with two parents once who he hopes loved him, is important and should not be rubbed-out.*
- *The names and addresses of the foster carers can be redacted, but not their locations.*
- *The children are the nephews of [X] and therefore have a wider biological family. The CG has further reflected on her initial response sent at 17:00 and would say that the children would be saddened beyond measure if this was simplified to "relative"; to remove "nephew" would remove "grandson" and everything they have known throughout their lives.*
- *Only [D] and [E] were adopted via Barnardo's and there is no reason to remove that fact. They are adults; they are not subject to proceedings and they have been identified by initial only.*
- *Family pets: they are one of the few positives of the children's past lives with their parents, which the boys cling onto. Should stay reportable.*
- *The fact of the newspaper coverage of the [parents] should remain reportable and was the subject of specific submissions in the hearing.*
- *The name of Y's chambers and the name of [Y's] leadership judge can come out; the other matters in respect of Y's role have been the subject of specific submissions, are matters of record, and form part of the control that the [parents] were able to exercise over the children to silence them, which has been the silence of substantial written and oral submissions already.*
- *The fact that [X] was an educational consultant was the subject of submissions and should stay in.*
- *The renting-out of holiday cottages shows the extent of affluence and influence in their area that they used as a shield to any accusations of abuse. Should remain in.*
- *Links to neighbours in Italy and Eastbourne: these were part of the children's lifestyle and therefore part of the ring of affluence and influence the [parents] successfully hid their abuse behind. Should remain in.*

In the CG's view, looking at this application in the round, the [parents'] requests seek to erase from the boys a substantial part of their history. It is neither necessary or proportionate for these further additions to be made to the TPO.'

14. Ms Tickle sought to be able to identify the regulator for Y and that the parents had employed the media to promote adoption.
15. In their submissions the BBC recognised the difficult balance undertaken in the May judgment with the delicate balance of the Article 10 rights with the need to protect the Article 8 rights, particularly those of the children. They allied themselves with the submissions by the other parties that many of the issues raised by the parents are already covered by the existing Transparent Order. The BBC submits '*Any amendment to the Existing Order must be proportionate, justifiable and directed solely at the protection of the Children's Article 8 rights. I would draw the court's attention to several additions sought by the [parents] which seem incongruous with this objective and as such would represent an unjustified interference with the media's Article 10 rights. The court already has the BBC's submissions on the importance of there being transparency in relation to [X's] candidacy for political office. Similarly, the BBC submits that [X's] former engagement with the media should be reportable. Given the court has been informed by the [parents] that they*

have taken steps to remove pre-existing online material (and this weighed as a factor in the balancing exercise) it is unclear how jigsaw identification of the children could take place.

Additionally, the details of [X] and [Y's] professional lives should be reportable. For example, given the fact finding by the court, it is clearly squarely in the public interest to report that [Y] was "one of the national facilitators for the Vulnerable Witnesses training programme" (5(vii)(b)), and it is unclear how including this detail could lead to jigsaw identification of the children. Similarly it has not been set out how reporting that [Y] was a "educational advisor and consultant" (5(viii)(b)) could lead to identification of the children.

Discussion and decision

16. Paragraph 12 of the Transparency Order approved by the court on 13 May 2025 provided as follows:

12. No person may publish any information relating to the proceedings to the public or a section of it where that information includes:

- a. The name or date of birth of any subject child in the case.*
- b. The name of any parent or family member who is a party or who is mentioned in the case, or publication of whose name may lead to the children being identified;*
- c. The sex and sexual orientation of each of the parents;*
- d. The name of any person who is a party to, or intervening in, the proceedings;*
- e. The address of any subject child or family member;*
- f. The name or address of any foster carer of one or more subject child(ren);*
- g. The school/hospital/placement name or address, or any identifying features of a school of the subject child(ren);*
- h. Photographs or images of the subject child(ren), their parents, carer or any other identifying person, or any of the locations specified above in conjunction with other information relating to the proceedings;*
- i. The names of any medical professional who is or has been treating any of the children or family member;*
- j. Any information which would identify the family as living or having lived in [Z Place], including the name of the local authority and any social worker involved with the subject children or intervenor and including the first two characters ['XX'] of the case number (because they link the case to the [X Town] hearing centre); or*
- k. the locale or constituent country of the jurisdiction in which the parents lived at the time of the precipitating events.*

17. By their application the parents seek to amend that paragraph to include the matters set out in paragraph 9 above. They submit that this is required to reduce the risk of jigsaw identification of the children.

18. I agree with the submissions that many of the matters sought to be included by the parents are already covered by the existing terms of the order, for example the limitations on any information that would identify the family as living or having

lived in [Z Place]. In relation to the other matters that the parents seek to include such as the nature of the relationship between X and the children, location of holidays, a historical local authority, the agency used to place the older children for adoption and the identity of the political party X stood for are all, in my judgment, too remote when viewed in the context of the existing prohibitions in paragraph 12 of the Transparency Order. I accept the submissions on behalf of the BBC regarding the wider public interest in reporting matters relating to the parents professions which there is no cogent basis demonstrated that that information could lead to jigsaw identification of the children. I also accept the BBC's submission in relation to reporting X standing as a candidate that due to the existing prohibitions it will not risk identification of the children as the pool is wide even with the political party being identified such that the risks of identification are too remote. I also agree with the submissions on behalf of the children regarding the importance for them of certain facts remaining in the public domain. Having considered and balanced the Article 8 and 10 rights engaged such risks as are relied upon by the parents are either too remote or would not lead to jigsaw identification in the light of the extensive prohibitions already in place. The further amendments sought are, in my judgment, neither necessary, proportionate or justified.

19. I therefore refuse the application by the parents for any further amendment to the Transparency Order.
20. The issue raised by Ms Tickle regarding identifying the regulatory body for Y was determined at the hearing on 9 May 2025 following submissions from the parties. The Transparency Order will be amended to specifically prohibit that body being identified.
21. The court wholly deprecates the way this application has been made so late in this process. The other parties, the press and the court have had to manage at very short notice the issues raised. It has been known by the parents for weeks that many of the documents were disclosed to the press in the middle of February 2025, the only additional document was the April 2025 Guardian's report and the skeleton arguments for the hearing on 14 and 15 April 2025. The parents have each had experienced legal teams in place since March 2025. The court heard full submissions from all the parties during the two day hearing on 14 and 15 April 2025, circulated the draft judgment on 29 April 2025, heard further full submissions on 9 May 2025 when the judgment was handed down. The court approved agreed draft orders submitted by the parties on 13 May 2025, which included the Transparency Order that the parents now seek to amend.
22. Those timescales were clearly understood. The children were informed of the timetable and the date when the judgments were going to be published, namely today. Due to the way this application has been made, the limited time available for the parties and the press to respond the court was left with no option but to re-timetable the matter in a way that gave sufficient time for representations to be made, the court to consider them and provide this judgment. Inevitably the date for publication of the judgments had to be delayed by a day. Once again the actions taken by the parents have had an adverse impact on the children by this delay and further period of uncertainty for them. I agree with the characterisation on behalf of the Guardian of this being *'further control of the boys through the misuse of the*

litigation machinery'. Once again the proper and timely management of this difficult case has been hijacked by the actions of the parents to the detriment of the children.