



Neutral Citation Number: [2025] EWHC 2836 (Fam)

Case No: FD24P00406

IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 30 October 2025

Before:

MRS JUSTICE THEIS DBE

Between:

S
(Through his litigation friend, James Netto)

Applicant

- and -

(1) F
(2) M

Respondents

Deirdre Fottrell KC and Andrew Powell (instructed by The International Family Law Group LLP) for the Applicant
Rebecca Foulkes and Charlotte Baker (instructed by Dawson Cornwell) acting pro bono for the First Respondent
Michael Gration KC (instructed by Goodman Ray) acting pro bono for the Second Respondent

Hearing date: 13-14th October 2025
Judgment date: 30th October 2025

Approved Judgment

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This judgment was delivered in private. The judge has given leave for this version of the judgment to be published. Nobody may be identified by name or location. The anonymity of everyone other than the lawyers or anyone identified in this judgment must be strictly preserved. All persons, including representatives of the media and legal bloggers, must

ensure that this condition is strictly complied with. Failure to do so may be a contempt of court.

Mrs Justice Theis DBE:

Introduction

1. These proceedings concern S, who is now 14 years old. He is the applicant in wardship proceedings, seeking orders that would result in him returning here from the Republic of Ghana where he currently lives. In March 2024 S was taken by his parents, together with an older sibling, from their home in England to visit relatives in Ghana. After a short time the parents and S' sibling returned to England, leaving S in Ghana in the care of other family members and enrolled him in a boarding school there. S was unaware of this plan. S' parents said they took this action due to what they considered was the high level of risk to S if he remained living with them.
2. In September 2024, with the assistance of solicitors who accepted S' direct instructions, S issued wardship proceedings in the High Court seeking orders for his parents to return him to this jurisdiction from Ghana.
3. Following a 3 day hearing before Hayden J he handed down a judgment on 27 February 2025 refusing S' application and discharging the wardship ([2025] EWHC 439 (Fam)). S appealed Hayden J's decision. At the conclusion of the appeal hearing on 12 June 2025, the court announced the appeal was allowed and the matter remitted for hearing before another judge of the Family Division. The appeal judgment was handed down on 29 July 2025 ([2025] EWCA Civ 1011).
4. The matter was listed before me on 30 June 2025 when I gave directions leading to this hearing. Those directions included directions for a jointly instructed psychologist, Dr Willemsen, and an independent social worker, Mr Jeary.
5. On the ground S very recently started attending a new boarding school, he has been there about a month. His father has just returned from Ghana where he had spent a month with S.
6. S' parents still oppose the application for S to return to live in this jurisdiction due to the risk of harm they consider he would be exposed to.
7. I heard oral evidence from the jointly instructed experts Dr Willemsen and Mr Jeary and both parents.
8. I had the pleasure of meeting S together with his solicitor during one of his lunchbreaks at school. We spoke for about half an hour and, fortunately, the link remained stable. A note of our discussion has been circulated to the parties. We agreed I would ask questions first and then he followed. S described his routine at school, and what a typical day involves. He brought his day to day experience at the school to life as to how it is for him. Over the recent half term holiday he had attended a football course/tournament and told me about that. We then discussed sport more generally, in particular the most recent World Cup qualifying matches. Both Ghana and England had qualified and S explained how he was torn which team to support. S was able to explain things clearly and with great thought, he understood we could not discuss the case details but we were able to discuss many other aspects of his life. At

the end of the meeting I informed him of the timetable when I would be making the decision.

Background

9. The detailed background is already set out in the previous judgments.
10. In summary, S was born in England. He is the youngest of three siblings. His parents, originally from Ghana moved to the UK in the early 2000s. S holds both British and Ghanaian citizenship.
11. During 2023 and early 2024 S' parents became increasingly concerned for his safety as a result of a disinterest in school and a growing number of incidents which indicated to S' parents that S was becoming involved in the gang culture which was prevalent in the area in which the family lived.
12. The Court of Appeal summarised the findings made by Hayden J as follows:

"5. Hayden J heard evidence from S' father. He measured that evidence against NSPCC guidance on 'Criminal Exploitation and Gangs', which he found to be a helpful and forensically useful document. S did not give evidence or otherwise directly engage in the hearing, but in written statements he sought to explain away the seriousness of some of the behaviour that had been of concern to his parents. Hayden J nevertheless accepted the evidence of a social worker that a 'striking number' of the signs and behaviours cited in the NSPCC guidance could be identified in the evidence of S' behaviour in the period prior to his removal to Ghana. The judge 'broadly adopt[ed the social worker's] identification of the factual matrix' and he listed some 21 individual findings of fact [paragraph 27]. These can be summarised as follows:

a) Deteriorating behaviour at school and poor school attendance: increasingly being recorded as late, a 2-day internal exclusion in 2023 for fighting, incomplete homework on multiple dates in 2023/24 and investigation for possession of an expensive jacket;

b) At home his parents struggled to manage S' behaviour, especially his anger and defiance, which became more aggressive in 2024. Physical force was reportedly used by both sides during conflicts. S often had angry outbursts, swore, slammed doors, and was aggressive. His parents were distressed when S stayed out late or was unreachable. S would lie to his parents and sneak out at night, often misleading them about his whereabouts.

c) S's behaviour was influenced by peer pressure and a desire to fit in. S was described as withdrawn and sullen at school, which was uncharacteristic.

d) In July 2023 there was a GP referral to children's services after S alleged physical discipline by his mother.

e) In November 2023, S punched his father to avoid going to school and, later that month, the parents called police when S had not returned home by 11pm.

f) In February 2024, S returned home with a swollen eyebrow after being punched by a peer. He downplayed the incident, but it aligned with earlier concerns about peer intimidation.

g) In March 2024, S stayed out until 1:30am and was unreachable on his phone during that time. The parents reported that he had become secretive and dishonest about his whereabouts and possessions.

h) S received an iPhone 11 (apparently from a friend) and his parents could not control its use. Conflicting accounts given by S about the phone's ownership suggested dishonesty. He was then found with a second phone and refused to disclose its source.

i) In March 2024, S was accused of stealing phones and advertising them on social media. His parents found troubling social media messages suggesting involvement in theft.

j) In July 2024 (after S had gone to Ghana), police reported that S had obtained an indecent image from a girl which he then shared with others.

k) In August 2024, the parents, who had before the move to Ghana found videos and photographs on S' phone showing S and friends with knives, found a hidden kitchen knife at their home.

l) S shared his bank account details with a stranger and participated in suspicious money transfers. Messages suggested involvement in fraudulent activity (S' explanation was inconsistent and deemed unreliable by the court)..”

13. In allowing the appeal, the Court of Appeal judgment made clear that the detailed findings made by Hayden J at paragraph 27 of his judgment, summarised above, remained in place.
14. S has had a number of moves during his time in Ghana. Between July 2024 to August 2025 he has had six moves to stay with different relatives. S describes how he has found those moves unsettling, particularly when they have happened at short notice.
15. Whilst initially placed in a boarding school in April 2024, he left that school and moved to online tutoring and did not re-start attending school again until this academic term when he started as a boarder at Y school in September 2025. He has now completed half a term there.
16. Since his parents first left him in Ghana in April 2024 he has only seen his father when he has visited Ghana to see him. His father has visited three times, each visit for about a month. His relationship with his mother was difficult after the events in April 2024 and they had no contact for a number of months. More recently they have resumed being in contact by telephone which has gone well. In oral evidence the mother said she has tickets booked to go out to visit S for four weeks in mid-December. S has not seen his siblings since April 2024 although maintains contact with them via social media. There are no plans for S' siblings to visit Ghana. S' father returned from Ghana just before this hearing. He had been out there for about four weeks and was there to oversee S starting at his new school. S' father told me that there is now a settled arrangement for S to stay with an uncle during each school holiday. He reported that S gets on well with his uncle's wife, so going forward, if S remains in Ghana, there will be more stability when S is not at school.

The evidence

17. S filed an updating statement in which he confirms his wish to return to live here. He describes how he still doesn't feel integrated in Ghana or part of the community

stating *'My feelings about returning are just as strong as they have always been; I just want to be with my family again'*. He describes he has not settled and is doing the best he can, he doesn't want to live there on his own. He found the repeated moves very unsettling and feels a burden to everyone. This has affected his sleep, he has had a panic attack and felt like he couldn't breathe. He describes this resulted in him being admitted to hospital for a few days and understands the doctors told him he had developed a stomach ulcer which could have been caused by stress or the spicy food he had been given.

18. S sets out how hard it has been to make friends in Ghana, he is not able to speak Twi and that has made him feel socially anxious.
19. At his school there are six children in each dorm, in two separate rooms per dorm. He reports that he gets on with most of the students at the school and has made friends with one of the boys in his dorm. They have a common background as his friend's parents brought him to Ghana from the United Kingdom. He reports he is now sleeping better but feels when he is stressed or angry he has nowhere to turn. He gets on well with one of the senior students who has been supportive to S as he has experienced many moves but his family live nearby and as S observes he wasn't *'tricked into coming here'*. Whilst he is doing a similar course to the GCSEs he would have done here, he is concerned that they may not easily transition back to do A levels here and his wish to go to university. If he moved now he feels there is more likely to be a smoother transition. S considers he is more mature and this is reflected in the fact that he has not had any detentions or similar.
20. As regards contact with his family he speaks to his father most days and he enjoyed seeing him when he recently came to Ghana. He speaks to his mother less regularly, he recognises they are getting on better and likes speaking to her. He misses his sisters and being part of the family unit, he feels excluded from the family, missing family celebrations and feels physically and emotionally distant from them. Whilst he welcomes the plan for the family to visit each holiday if he does remain in Ghana he recognises the financial strain that puts on the family and that, in turn, increases his feelings of being a burden.
21. He understands the concern about his safety in London. He sets out that he realises he put his parents through a lot of stress, feels bad about that and apologises. He states *'I know I did some bad things, but I do not think they were a matter of life and death; in any event, my bad decisions are dictating my life now.'* He states he will listen to his mother, he feels he has changed but feel he can't show or prove this unless he is in London and can show how he has changed. He feels his experience has taught him a lot. He agrees with the description of how he feels abandoned and says that feeling has not gone away. He has matured and been taught a lesson. He denies ever using or carrying a knife but could see by hanging around with the wrong people that was a risk. He says he understands the risk that he may return to his previous behaviours but he realises now that it is not worth it for him, he says he *'cannot express that enough'*. He says he would welcome family therapy and how it would help them move forward as a family.
22. In his most recent statement S' father confirms his position that he considers S should remain in Ghana. He has visited Ghana three times this year, each time for a month,

and outlines the plans to support S if he remains in Ghana through the involvement of the wider family and visits by S' parents during the longer school holidays. He hopes these arrangements will reduce the feelings of abandonment S has. Attached to his statement is a video and photos of them together. He confirms he is happy to attend any therapy and sees the value of it. He recognised that S has done his best to get on at school and that this is a stressful situation. He considers S is happy about some things in Ghana.

23. From what he saw during his recent visit the father believes S has settled well at school, and joined in with after school activities. He agrees that S could potentially return to England in the future to complete his A levels, which is something the parents will keep under active review. Although there had been a tentative plan that S could live with his father, he confirms that is no longer an option as he works fulltime, and would feel unable to manage the risks S would be exposed to. S' mother has stated she would not care for S if he returned due to what she considers are the high risks he would be exposed to. In those circumstances the father confirms in his statement if he returned S would be placed in foster care. There are no other wider family members who can assist.
24. The father considers that if S returned here he would be exposed to the same risks. He is aware S still speaks to his friends here and if he returned feels he would be drawn to spend time with them again. When he has challenged S about why he remains in contact with them, he reports S tells his father they are his friends.
25. He concludes his statement stating *'I love [S] very much and I am deeply concerned for his well-being. However, as previously stated, I do not believe I can ensure [S]' safety if he remains in England. My primary concern is that [S] remains safe and protected, which I firmly believe it can only be achieved by [S] staying in Ghana. This is not a reflection of a lack of love or care but rather a realistic assessment of the risks involved. Ensuring [S]' safety and allowing him to thrive in a stable environment is the utmost priority, and for these reasons, Ghana is currently the safest and most suitable place for him'*. In his oral evidence he was clear that S was not taken to Ghana by his parents as punishment, it was to protect him.
26. S' mother confirms her position in her most recent statement and oral evidence; she does not support S returning to live here. In her oral evidence she did not rule out the prospect of S returning here to do his A levels but considers it would need to be looked at nearer the time. She states *'I agree we should work towards [S] coming home after he has sat his GCSEs.'* She describes her parenting style in her statement and feels that S did not see the consequences of his actions. She expresses very real fear for the risks S was exposed to and she feels he would continue to be exposed to if he returned. She states *'I do not think I can keep [S] safe and therefore am not prepared for him to come back now. I am not prepared for [S] to return to the risks he was at in London'*. She feels S has become more settled at school and sets out the plans for she and her husband to spend time with S during the main school holidays in Ghana.
27. She would like S to be supported by an organisation who can help him recognise the risks associated with his life in London and agrees to take part in that work as well as any family therapy. As she said in oral evidence *'It will help [S] understand more*

about the risk and support us to understand how to manage this situation'. She concludes her statement saying how much she 'loves [S]. I know he is capable of achieving great things and only want the best for him. It is really hard to be away from him, I would not have done what I did if I did not genuinely believe he was placing himself at significant risk. I feared and continue to fear if he were to come back now, that he could end up dead. I know he does not see it like that... '.

28. The evidence from the Local Authority sets out what could be available in terms of support services if S is a child in need or a looked after child. If S returned to this jurisdiction S *'could be considered either a child in need, a child subject to a child protection plan, or a looked after child'*.

Expert evidence

29. Dr Willemsen completed his report after four interviews with S over a two week period just prior to S starting at his new school in September 2025. He did not have any contact with the parents.

30. He sets out in his report that S is carrying the psychological burden, that he feels blamed and rejected by his family and notes in his report:

"51. [S] considers he feels his behaviour is the central focus and, in that way, he feels blamed and abandoned by his family. The feelings of abandonment were reinforced by his move to Ghana.

52. Harm may be suffered by not feeling integrated in his family and his parents not being able to deal with, and understand, his behaviour, and the effects of their behaviour on his development.

53. Harm may be caused by his stay in Ghana because the underlying family dynamics cannot be addressed. Harm can be caused, should he return to the UK, due to a risk of reengagement with people on the periphery of or in gang culture."

31. In his analysis Dr Willemsen considers factors at play include the difficulties in the parents' own relationship which led to the involvement of social services in 2007, 2012, 2016 and 2017 caused by the conflict in the parents' own relationship and the use of physical chastisement by the mother. S told him he *'felt a lot was blamed on me because things were tricky at home'*. Dr Willemsen considers the wider context needs to be considered.

32. As regards the impact on S if he remains in Ghana is *'he will remain abandoned, feel unloved, particularly by his mother, and the fractious relationship with his mother may not be repaired. [S] is then asked to carry the shame of his mother's difficulties to make [S] feel loved. His parents can stay together at the costs of [S] not having a more continuous relationship with them'*. Later in his report he refers to the *'...risk that the experience of abandonment remains and is reinforced, that he accepts he cannot rely on his parents, and that his anger with his parents particularly his mother remains'*.

33. In his report he considers S' attachment to his parents. In his view the attachment with his father appears to be *'characterised by a relationship in which [S] feels he can rely on and feel dependent in. He has been upset with his father for not standing up to his mother, for not protecting him. His father seems supportive to [S] and he was often [S]' first port of call'*. In respect of his mother the attachment is *'...probably more insecure. He raised considerable concerns about his mother's behaviour which suggests he feels he cannot adequately rely on her'*.
34. Whatever the court's decision, Dr Willemsen recommends that S receive some form of individual psychotherapy along with courses focussed on criminality, gang culture and adolescence and the family should engage in family therapy. In oral evidence he considered the reflection in S' most recent statement regarding his behaviour are important first steps. He also considered it important for the parents to recognise the important steps S has taken in managing the situation he is in and what he is saying about his experience of the conflict in the family. He did not consider the plan for visiting for the longer school holidays equated with living together as a family. In his view the family require systemic family therapy to support providing a shared narrative, which is better taking place in circumstances where there is not the prospect of too much change.
35. The very experienced Independent Social Worker, Mr Jeary, spoke with S on nine occasions via video links totalling over four hours between mid-July and early September 2025. He also visited the family on two occasions and spoke to both parents and S' two older siblings.
36. Mr Jeary observed that in their discussions S showed some insight into the conclusions reached by Hayden J and was clear that he did not want to go into the care system. Mr Jeary notes the binary options for the court are either for S to remain in Ghana or return to the parents' care. He considers the instability S has experienced since being removed to Ghana and remarks on the fact that S still regards himself as an outsider in Ghana despite his parents' heritage, he identifies as Black British.
37. In his report Mr Jeary analyses the risks for S if he remains in Ghana are *'...primary emotional, as noted by Dr Willemsen. The separation has left him distressed, feeling abandoned, isolated, and socially anxious. His emotional state might not improve if he stays, potentially affecting his school performance and overall development. He could also develop resentment toward his family. Rebuilding trust, especially with his mother, is essential should he remain in Ghana. Regardless of the court's decision, this experience will have a significant emotional impact, and [S] will need support.'*
38. Mr Jeary carefully considers the different positions of the parents and concludes in his report:
- "43. [S] is originally from London and finds adapting to life in Ghana challenging due to cultural differences. If the court determines that he should continue living in Ghana, he will eventually adapt. In such a case, it will be important for his parents to communicate plans regarding his education after age 16. They may wish to consider the possibility of [S] returning to London to pursue his A-levels. If he remains in Ghana, support as recommended by Dr Willensem should be provided to assist him*

emotionally. Similarly, if he returns to London and is under his parents' care, a support plan will also be necessary. The funding arrangements for these support packages, whether in Ghana or the UK, remain unclear.

44. I am of the view that the parents have the capacity to care and protect [S] if he were to return to their home. The parents are clear that although they understand [S'] wishes they do not support this option. If [S] were to return, I am concerned that there would not be the right level of support for the family as they would not reach threshold for support from Children Services and or CAMHS. I am therefore worried about how realistic this option is. Despite it being what [S] wishes."

...

"48. It seems the most realistic option now appears to be Ghana which is not what [S] wants".

39. In his oral evidence Mr Jeary considered the risks to S to be high if S returned without any of the required work being undertaken, not just with S but also the wider family, including S' parents. Whilst some of the children Mr Jeary had worked with were more involved in gangs he understood the fear felt by the parents and that it was very real for them. He considered work would need to be undertaken with them to help them understand the risks, which included understanding the judgment to be made about not imposing too rigid restrictions which can have the consequences of increasing the risks they are trying to protect S from. It is work that, in his view, cannot be rushed, although it could start before the end of this term.
40. In his oral evidence Mr Jeary identified a resource called 'Be Heard As One' (BHAO) whom he had recently heard talk about their work which had relevance to the issues raised in this case. They are a community based organisation with a focus on mentoring and outreach, particularly young people exposed to risks such as S is in this case. More information was provided about this and other organisations during the hearing and are in the supplemental email correspondence bundle. BHAO confirmed in a detailed email they have capacity to make an assessment in this case which would involve first a planning meeting to ascertain points of risk and then to put a plan of action in place. They confirmed they undertake sessions remotely and work with families in what they term their wrap around service. They believe for any intervention to work it is important that the young person's immediate circle is involved. They measure their work through writing up sessional reports which act as a tool to map out their journey and operate a RAG rating method to be able to ascertain risk at the beginning of any journey and see how that risk may move over time. They have a therapist that works with their organisation.

Relevant legal framework

41. There is no real dispute between the parties. The court's paramount consideration is S' welfare and in considering his welfare the court must adopt a holistic approach (see *Re G (A Child)(Care Order: Proportionality)* [2013] EWCA Civ 965 [49]-[51] and [54]).
42. As the then President, Sir James Munby, in *Re B-S* [2013] EWCA Civ 1147 at [44] observed

‘We emphasise the words ‘global, holistic evaluation’. This point is crucial. The judicial task is to evaluate all the options, undertaking a global, holistic and (see Re G para 51) multi-faceted evaluation of the child’s welfare which take into account all the negatives and the positions, all the pros and cons, of each option’

43. Whilst technically the welfare checklist is not applicable to these wardship proceedings, the court can consider the facts in the Children Act’s list by analogy and as a useful analysis tool: *Re NY (Abduction: Inherent Jurisdiction)* [2019] UKSC 49.

Submissions

S

44. Ms Fottrell KC and Mr Powell emphasise that S does not wish to be in litigation with his parents but he considers that is the only way he feels his wish to return to live here can be achieved.
45. His primary position is to return to the family home in January 2026 to be reunited with his parents at the start of the school term. He is committed to working with BHAO or similar and requests that work starts as soon as possible with both him and his parents. In the alternative he seeks to return in summer 2026 to allow him to commence year 11 in September 2026 at a new school. The second alternative, which he does not support, is to return after his GCSEs, in the summer of 2027, to start his A levels here.
46. Ms Fottrell submits that at the conclusion of the oral evidence there was common ground *‘that if the risk to [S] in England can be reduced, managed and ultimately ameliorated, the optimum outcome is for him to return to live with his family in London.’* The evidence from Dr Willemsen, she submits, concludes that S has experienced emotional harm from the move to Ghana and he is at risk of further emotional and psychological harm in the short and long term if he remains there. She submits *‘Essentially this case requires an evaluation of the risk to [S] from the competing options’* recognising there is no perfect solution however the reparative work is needed as a matter of urgency for S, his parents and the wider family.
47. In her analysis of the risk if S returns Ms Fottrell draws on Mr Jeary’s evidence that S is not only insightful and intelligent but also, in Mr Jeary’s view, *‘quite genuine and remorseful’*. He considered S had maturity and was able to listen and answer his questions. Mr Jeary took S through Hayden J’s findings and noted, in his view, that S *“...is very much on the periphery, he may have got involved but I don’t think he did get drawn in enough to really damage him and I really think by contacting Mr. Netto shows a sign of intelligence that I think if he did come back there is a good possibility he wouldn’t be further drawn into it but there’s lots of issues that are still outstanding and that’s the worry seeing what [the local authority] said, he’s likely not to reach threshold but his parents are capable of taking care and I think if he behaved how they wanted him to behave it would be a success”*. He felt S wanted a chance to prove himself and had a level of recognition in the part he had played in what had happened. Mr Jeary acknowledged there were lots of issues to address in the family and supported family therapy. Ms Fottrell relies on Mr Jeary’s assessment that if the court

considered S should return to England that the parents would make that work and would not shut the door on him. Mr Jeary, she submits has significant experience in working with young people and weight should be placed on his assessment.

48. Ms Fottrell submits Dr Willemsen's evidence was clear that S' sense of abandonment was likely to continue, coupled with a sense of guilt and feeling lonely in Ghana. He considered S was working hard to survive in Ghana and he did not consider S was exaggerating the upset he felt about what had happened and his situation. He supported therapeutic work with S and his family.
49. Turning to consider the parents' evidence Ms Fottrell submitted there was a rigidity in their position, not being able to properly reflect on the changes made by S or fully comprehend the harm caused to S by remaining in Ghana. She recognised the parents' willingness to work with BHAO and the outcomes outlined by BHAO aligned with what they wanted to achieve for S.
50. Ms Fottrell submits that in assessing the evidence there was an acceptance in the expert evidence that S had moved on and matured, he was genuine in his commitment to work to make changes and would continue to suffer emotional harm if he remained in Ghana. If S remains in Ghana the issues with him and his parents will not be properly addressed and his parents have expressed a willingness to undertake that work. She submits the optimum outcome is for S to return to his family and there is now a roadmap which facilitates S' safe return.
51. That road map, she submits, includes the willingness by the local authority for there to be a Family Assistance Order that they would be *'willing to cooperate in principle, provided the order is clearly defined in scope and duration'*. The local authority have looked at the proposal regarding involvement by BHAO and they consider it falls within the remit of the *'Adolescent and Exploitation Service already embedded within [the local authority]'*. *That service routinely provides interventions for young people affected by extra-familial harm, exploitation and gang association, including: i. contextual safeguarding assessments. ii. Mentoring and diversionary work through commissioned partners; and iii. Family-based therapeutic and practical support. Accordingly, the Local Authority is not proposing to commission BHAO at this stage, as equivalent intervention and clinical oversight can be delivered in-house or via existing pathways...should the court nonetheless direct that BHAO involvement is necessary, the Local Authority would of course comply with that direction and would review funding implications once a fully costed proposals is received.'* The Local Authority recognise that a Family Assistance Order could potentially assist to provide short term structured support to help the family re-build relationships and communication, offer a bridge ensuring that a reintegration plan is monitored and adjustments made if difficulties arise and allow an appointed officer to signpost and coordinate services across education, mental health, and youth support.

Parents

52. S' parents remain opposed to his return to this jurisdiction although both are committed to keeping the option of him returning after his GCSE's under active review. Ms Foulkes and Ms Baker on behalf of the father submit Mr Jeary maintained his recommendation within his report that the most realistic option is for S to remain

in Ghana. Mr Jeary accepts the parents genuinely want to protect S and concluded that the risks to S of an unplanned and unsupported return are far greater than him remaining in Ghana, as he stated *'There is simply more risks involved with him coming back now'*.

53. Ms Foulkes submits the assessment undertaken by Dr Willemsen needs to be considered in the context that he only spoke to S in undertaking his assessment, it was done prior to S starting school and did not discuss with S the father's evidence that he remains in contact with friends based here. She submits the parents are committed to working with the specialist support services identified during this hearing and that work should take place first before consideration is given to S returning to live here. The evidence demonstrates that despite the physical distance the father and S have been able to maintain a close and loving relationship and she submits the father recognises remaining in Ghana is not what S wants but he considers it avoids the harm he would be exposed to here and further disruption to his education.
54. Ms Foulkes submits that whilst S has demonstrated maturity he still does not accept many of the findings made by Hayden J of the risks he was exposed to, which is demonstrated by S remaining in contact with friends who were associated with the findings made. The father recognises that it is not just S who requires the specialist work but also the parents to help them better manage what they see are the risks to S. The work needs to be undertaken without acute pressure of a deadline. The father repeats his commitment to work towards aiming to a return after S' GCSEs and Ms Foulkes invites the court to discharge the wardship and, if possible, for the court to make a Family Assistance Order.
55. Mr Gration KC submits on behalf of the mother that she considers S' welfare needs are met by remaining in Ghana until he completes his GCSE's there and does not support S returning to the parents' care before then. Mr Gration submits the mother is *'prepared to commit to working towards [S] returning to England once he has completed his GCSE's, at which point she hopes he will enter into a school or other suitable educational establishment to study for his A levels'*. She is willing to engage in the therapy and other support and does not consider they should be rushed. Any earlier return risks S' education.
56. Mr Gration's written submissions emphasise a number of points including the love and devotion that both parents have for S, they are very proud of S, they want S to be safe and that has driven their decisions. The findings made by Hayden J are serious and found her analysis of the risk S could be exposed to if he returned too soon. The mother recognises the steps S has taken and his understanding of that risk is developing over time, his conversations with Mr Jeary and his most recent statement are important steps but he continues to deny the more significant findings about his behaviour. Mr Gration submits Mr Jeary's assessment was correct, the fears the mother has are very real. The parents need to find a way to differentiate, within the family, between criminal and other risky behaviour and normal teenage behaviour. Until all these issues are addressed Mr Gration submits any return would be *'fragile and precarious. The risks of further emotional harm to [S] of expecting to return to the family home and not being permitted to, or returning to the family home but then being required to leave because further issues either have or are perceived to have arisen are enormous. The protective factor against that is proper engagement by the*

family in therapy or some other work to assist them individually and collectively to understand and ameliorate these risks....this process can't be rushed, or pushed into an artificial timeframe, because of a desire for [S] to return before everyone ([S] included) is ready for that to happen.' Mr Gration submits in her oral evidence the mother confirmed she would not permit S to return home. Both parents want S to come back when it safe to do so and the mother is looking forward to seeing S in December. Any return before the completion of S' GCSEs risks disrupting S' education.

57. Mr Gration submits the proceedings should come to an end subject to confirmation that therapy/further work can be funded and that there is a structure in place.

Discussion and decision

58. The foundation of any decision about the options for S have to be secured on a careful holistic analysis of S' welfare needs, with his welfare being the court's paramount consideration. Although the parties seek different outcomes there is common ground that the optimum outcome for S is to return to live with his family in London. The rationale for the different outcomes is based on their differences regarding the assessment of risk and the impact of that on an evaluation of S' welfare needs.
59. There is no dispute that S' wishes are to return to live with his family in London. Those wishes have remained consistent since April 2024 when his family returned to London without him. It was because of the strength of those wishes that he instructed his solicitor and these proceedings were issued as a means of securing that outcome.
60. S was 13 years old when he went to Ghana, he is now nearly 15 years old. The evidence demonstrates increasing maturity by S, whilst, understandably, feeling he had been abandoned in Ghana in circumstances where he has experienced a number of moves, some unplanned. In the more recent evidence, particularly the expert evidence, there are signs of S being more reflective of how and why his current circumstances arose. He has started to show more of an understanding of why his parents took the steps they did, his part in that and the wider complexities in the family dynamics. The current situation is far from straightforward.
61. There are important signs in the evidence of S' understanding and recognition of the risks he was exposed to in London. Mr Jeary's evidence details his discussion with S about the findings made by Hayden J. That is a positive step but it is of note that S falls short of acknowledging the more serious risks that were found, in particular concerning the knives, and the concern that, according to his father, S remains in contact with those who were involved in the risky behaviour here was not disputed or explored.
62. As regards S' physical, emotional and educational needs the instability in placements since April 2024 have had an impact on him, increasing his feelings of feeling a burden. Going forward there is now a stable more consistent plan through the combination of being at boarding school with one paternal uncle being able to care for him during each school holiday, with the support of his wife. That is likely to reduce the impact of anxiety and the stress he felt previously. The evidence from Dr Willemsen needs to be carefully considered that if S remains in Ghana he will

continue to feel a sense of abandonment, feel punished, continue to experience a lack of sense of belonging and miss living with his family. The emotional consequences for S of those feelings cannot be underestimated. The family plan for regular trips to Ghana during the longer school holidays, together with regular phone and video contact, which will help mitigate the risks of emotional harm but they are regarded by S as a poor substitute. Although there has been a gap in his education in Ghana he has now been in his current school since September 2025. Not detracting from his wish to return here, there are signs that he is beginning to settle and integrate in the school. His statement identifies friendships he has made there, how they have helped him and his father has been able to witness first hand his first few weeks there. The GCSE course is similar to what S would undertake here.

63. If S returned here in accordance with his wishes, either in January 2026 or summer 2026, it would, on the current evidence, be against the wishes of his parents, who are the only realistic option to care for S if he returned. There would be uncertainty as to whether they would change their mind. Mr Jeary's assessment is they would not shut the door on S but there has been no sign from the parents of any change in their position, and such a plan would involve, in my judgment, a significant risk of breakdown. As a consequence there remains a real uncertainty, at the most basic level, whether S could return to live at home in a planned way. No-one supports S being placed in foster care, although that could be an outcome if S' return to live at home did not have the support of his parents. That risks further emotional harm to S by placement with his parents being unsuccessful with consequent feelings of abandonment in circumstances where he could be exposed to even greater risks than he was prior to being taken to Ghana.
64. There is no evidence of any school place that would be available for S in January 2026, the logistics of how that could be done if the parents continued to oppose his return remain uncertain. This carries the real risk of his education being disrupted at such a critical time. A return in the summer of 2026 could be more easily planned in terms of S' education but would have the disadvantage of a change of school in the middle of his GCSE course where the GCSE courses may not be readily compatible mid-way through.
65. The impact on S of any change in circumstances requires careful consideration. If S remains in Ghana that would be against his wishes with the emotional and psychological consequences of that, in particular being away from living with his family and his previous life in London. If he returned to London the support for him and his family through therapy and engagement with the specialist support services, such as BHAO would be more readily available and likely to be of more value with everyone in the same place. However it appears from the evidence, in particular from BHAO, that work with S remaining in Ghana is possible.
66. S was born and brought up in London. Whilst he has extended family ties in Ghana, he does not regard it as his home. If he returned to live with his family in London he would have the real time support of his family, school and friends and would be able to better equip himself to manage any risks with specialist support that could be accessed in person.

67. Dr Willemsen's evidence described the emotional harm S continues to suffer if he remains in Ghana through the circumstances in which he was taken to Ghana, the instability he has experienced there through the number of moves, lack of consistent education and the absence of his family and friends. This has been very real emotional and psychological harm experienced by S and has manifested in the way he describes, including loss of sleep and physical pain. Going forward if he remains living in Ghana that harm will still be present but now needs to be seen in the context of more stable care arrangements, more settled educational arrangements and concrete plans for regular visits by the family including, importantly, his mother. If he returned to live in London the risk of future harm caused by the physical distance from his family and social and educational network would be ameliorated, and he and the family would more readily be able to access the family therapy and support available but it would expose S to the serious risks that Hayden J identified which have not properly been addressed. It would place considerable strain on the family relationships and dynamics which were part of the complex picture that lay behind S' harmful behaviour in the first place and is opposed as a plan by both parents. Whilst S has matured and begun to reflect he still rejects the more serious risks. His GCSE course would be disrupted by a change of school, which results in further instability.
68. There is no doubt that both his parents love S and on a practical level would be able to care for S but that is not something they support at this time. The expert evidence demonstrates that there is a more complex picture behind the risks S was exposed to relating to the dynamics of the parents' relationship which have not been addressed. S has only recently started to have telephone and video contact with his mother after an extended period of no contact. They will see each other for the first time in a few weeks after a period of over 18 months. The parents remain deeply fearful of the risks that S would be exposed to if he returned to live as he wishes, whether in January 2026 or the summer 2026. They are committed to undertake the work that has been recommended, including family therapy and working with organisations such as BHAO which will help give them a deeper understanding of the risks involved. Whilst it would be better if everyone was in the same place for the work to take place that needs to be considered in the light of the wider welfare landscape. I agree with Mr Jeary there are lots of '*moving parts*' in this situation and weighed in the balance needs to be that the longer S does not live in the family home the more detached from family life he becomes.
69. This case is unusual in many respects, including where the court is being asked to make orders for a young person to return to live with his parents in circumstances where they remain wholly opposed to that at this time, due to the level of risk they consider he would be placed at. Whilst neither parent has said that course can't be done, those stark facts underscore the complexity of the welfare picture. As Mr Jeary observed there is work that needs to be done with the parents, in particular the mother, to understand and manage the level of risk they consider S would be exposed to if he returned here. Mr Jeary recognises the fear the parents have is very real for them. Whilst Mr Jeary considers S may have been on the periphery of gangs and criminality that was and is not how the parents' perceive it.
70. In considering the holistic welfare balance between the two realistic options I have reached the conclusion that S should remain living in Ghana with the aim of setting out a road map and taking the necessary steps for S to return here after completing his

GCSEs. Whether that would take place will need to be reviewed nearer the time. I have reached that conclusion for the following reasons:

- (1) I have carefully considered S' wishes and feelings. They have remained consistent. He wants to return to live in England with his family. This is where he was born and brought up. He was tricked into going to Ghana and abandoned there without his knowledge by his parents. They have explained their reasons for taking that step to protect him due to what they considered was the seriousness of the harm he was exposed to if he remained here. They did that out of love and to protect him. From S's perspective it remains to him an abandonment and the instability in carers only exacerbated those feelings as he felt an increasing burden on others. He is now nearly 15 years old. The evidence shows a growing maturity by S about events, an understanding of his part in them and that he has taken steps to instruct his own solicitors to make and pursue this application all carries considerable weight in any welfare analysis. Any conclusion that does not accord with those wishes needs very serious consideration. However, wishes and feelings cannot be viewed in isolation of the other considerations.
- (2) The arrangements for S' future care if he remains in Ghana is now more settled with the structure of school, school holidays with his uncle and regular visits by the family to see him in Ghana. I recognise they are a poor substitute for living full time within the family. If S returned here either in January or the summer 2026 that is likely to remain against the wishes of his parents. Mr Jeary may be right they would not close the door on S but it would hardly provide the stability of care arrangements S' welfare requires, in particular to protect him from the risks that were so evident when he last lived with his parents and further instability. The risk of breakdown in those circumstances would, in my judgment, be very high which would compound the risks of emotional harm, with the consequent likelihood of S being exposed to the very serious risks found by Hayden J. In my judgment a successful transition is best supported with the agreement and active involvement of S' parents, with them having undertaken some family therapy beforehand. I recognise the challenges that may present if S remains in Ghana, but that does not mean S' welfare needs will be met by returning here before any work has been done and against their expressed wishes.
- (3) The evidence of the extent to which S will be exposed to emotional and psychological harm by remaining in Ghana is one of the most difficult aspects of this case. Remaining there against his wishes in circumstances where he feels abandoned, a burden and how it may impact on his attachment with his parents and wider family is of very real concern. The evidence from S about how he feels he is missing out on family events and family life is powerful. However, the evidence demonstrates a developing maturity in S, in particular in his most recent statement, being able to describe the positive aspects of his school and taking steps to re-establish contact with his mother. There may be a growing recognition by him that the conclusion the court has reached may happen and he is beginning to manage the consequences of that in his day to day life. The ongoing uncertainty caused by these proceedings will have impacted on all the family, in particular S.
- (4) During this hearing there has been informed agreement and understanding by S and his parents of the work that needs to be undertaken by them going forward, what is available and the local authority are aware of the situation the family is in. Family therapy is required and creative exploration is essential to ensure that can take place, possibly with the assistance of BHAO, in the circumstances this family are in. The information given during this hearing about BHAO was extremely

useful, what they offer would be invaluable in supporting a solution to this difficult family situation. The local authority have a detailed knowledge of this family, have been very helpful and made clear they have the capacity, expertise and commitment to deliver the support and therapeutic input proposed within their own resources. The family need to proactively work together with the local authority to see how their specialist services (with or without BHAO) can best be utilised to provide the road map and plan to support S and the family for them to achieve what they all want, namely, for the family to be reunited.

- (5) Stability for S' education is an important part of his welfare landscape. If he remains in Ghana the plan is for him to remain at his current school. The early signs are that he is settling there, has made friends and is working hard. S is an able and intelligent young person. Limiting the disruption in his education is most likely to make an important positive contribution in any plan for S to return to live here. The inherent risks in disrupting his education by changing school either in January or the summer 2026 carries with it risks on many levels (even if it is fulfilling S' wish to return here), including to his education (as there may be differences in the respective GCSE courses) with the inevitable difficulties in settling into a new school, particularly half way through the GCSE course.

71. I am acutely aware that the conclusion I have reached does not accord with S' wishes and how that will feel for him. I hope in time he will come to understand the wider reasons why I reached this decision in looking at and weighing up the many facets of this difficult and complex welfare decision. S has the talent, ability and intelligence to make this work together with his family. It will be difficult but they all have the common aim for S to return to live with his family. What is important now is to focus on liaising with the local authority and having a clear family plan that sets out what needs to be done for that common aim to be achieved in the 12 – 18 months that lay ahead.