



Neutral Citation Number: [2018] EWHC 2056 (Fam)

IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 22/06/2018

Before :

THE HONOURABLE MRS JUSTICE KNOWLES

**A LOCAL AUTHORITY v A MOTHER and OTHERS (RADICALISATION:
WELFARE)**

Between :

A LOCAL AUTHORITY
- and -
A MOTHER
and
A FATHER
and
J (A Child)
(by her child's guardian)

Applicant

Respondents

Ms Grief QC and Mr Barnes for the Applicant local authority
Mr Nuvoloni and Ms Nouri for the First Respondent mother
Ms Perry for the Third Respondent child.

Hearing date: 22nd June 2018

Approved Judgment

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

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THE HONOURABLE MRS JUSTICE KNOWLES

This judgment was delivered in private. The Judge has given permission for this anonymised version of the judgment (and any of the facts and matters contained in it) to be published on condition always that the names and addresses of the parties and the children must not be published. For the avoidance of doubt, the strict prohibition on publishing the names and addresses of the parties and the children will continue to apply where that information has been obtained by using the contents of this judgment to discover information already in the public domain. All persons, including representatives of the media, must ensure these conditions are strictly complied with. Failure to do so will be a contempt of court.

MRS JUSTICE GWYNNETH KNOWLES:

1. I am concerned with a little girl called J who was born in late 2016 and is thus 18 months old. J is subject to an interim care order and has been placed with foster carers since her arrival in this jurisdiction from Turkey.
2. The parties to the proceedings are the mother, the paternal grandmother and the child through her child's Guardian. At my invitation, the paternal grandmother has attended and been represented at the final hearing. The father is presently in detention in another jurisdiction whilst criminal proceedings there are ongoing. The local authority made extensive efforts to engage the father with the proceedings which met with a very limited response from him. He has not been represented at all during the proceedings. Mindful of the difficulties in guaranteeing the safe transmission of information about these proceedings to the father and mindful of his own safety and well-being, I directed that no further information should be sent to him about the substance of my findings made in March 2018 but that he should be informed of future hearing dates as indeed he has been. No party sought to delay the resolution of proceedings for J in consequence of the father's inability to participate. I am satisfied that I should proceed to make decisions about J's welfare in these circumstances.
3. In February 2018 I conducted a fact-finding hearing (reported as *A Local Authority v A Mother and Others (Fact-Finding)* [2018]) to establish whether the criteria for the making of a public law order – the s.31(2) criteria – were met in this case. At the conclusion of that hearing I made findings about the parents and found that the threshold criteria were met in this case. In summary, my findings were that J had been exposed to the risk of significant harm by her parents who had travelled to Syria and lived in a warzone. Her father had been radicalised and held Islamist extremist beliefs and had travelled to Syria to fight for ISIL and to engage in terrorism related activity. Her mother shared the same extremist ideology and had travelled with the father to Syria to live in ISIL controlled territory. Furthermore, there was a risk that the mother would radicalise her daughter and inculcate an extremist ideology; a risk that she would seek to remove the child from the jurisdiction to an unsafe location in pursuit of her extremist ideology; and a risk that she would behave in this jurisdiction in ways consistent with her extremist ideology. Finally, the mother did not have any real insight into the risk of significant physical and emotional harm which the father posed to J and in consequence was unable to act protectively.
4. The findings I made were extremely serious and made after the most careful thought and deliberation. I found the mother's evidence at the fact-finding hearing to be both inadequate and dishonest and considered that she had withheld information from the court just as she had done from the professionals working with her. Her ongoing failure to provide a complete and honest account was, I found, indicative of a continuing desire to conceal her true belief system and her motivation for travelling to Syria. My judgment has not been the subject of an application for permission to appeal and I was not asked to revisit my findings during the welfare hearing.
5. My fact-finding judgment is made available alongside this judgment and both have been carefully redacted in order that J and those who care for her and have contact with her are not identified.

6. It is within that context that I now must make decisions about J's welfare. The crucial issue which I must determine is whether J can return to the care of her mother or whether she should be placed with her paternal grandmother. I must also consider the framework of orders that would best promote J's welfare.

The Parties' Positions

7. The local authority [Local authority A] invited me to place J with her paternal grandmother and to make a special guardianship order to reinforce that placement. It submitted that J was at risk from both her mother and her father and that my findings established a high level of serious risk in consequence of the parents' shared extremist beliefs. Although the mother had belatedly acknowledged that many of the findings I made about her were accurate, local authority A submitted that there remained a significant gap between those findings and the matters which she had now admitted. Some of her admissions were extremely recent and might simply reflect forensic compliance rather than a genuine and open account of what had happened. Even if the mother had made some progress she was nevertheless at a very early stage in the process of change and her continued lack of candour did not assist the court in seeking to manage the risk I had identified to a significant degree. It thus opposed J's return to the care of her mother.
8. Local authority A invited me to make a twelve month supervision order alongside the Special Guardianship Order in favour of Local Authority B in whose area the paternal grandmother was resident. In parallel with its proposals for J's placement, local authority A recommended a significant reduction in the frequency of contact between J and her mother so that it occurred once every calendar month. This was to reflect the fact that the placement with her paternal grandmother was intended to be permanent and to achieve a workable level of contact which was not detrimental to J's broader need to have stability with her primary carer.
9. Local authority B in whose area the paternal grandmother resided had been consulted and provided with information about this case and had prepared a short care plan, supporting the recommendations made by the local authority A. It was, of necessity, heavily reliant on information provided to it by local authority A. Local authority B was represented by counsel on the first day of the hearing - 15 June 2018 – though, in the interests of saving the public purse, I then gave permission for it not to be present during the remainder of the hearing unless an issue arose which required its input.
10. The mother opposed the local authority's application and sought the return of J to her care. She submitted that she had reflected on her position since my earlier judgment and believed that she was making progress in developing her insight into the risks I identified. She was clear that she no longer held the radical views which I ascribed to her earlier this year. She was willing to continue with work to address her past behaviour and would abide by any orders deemed necessary by the court. If J could not return to her care, she initially favoured J's continued placement with her current foster carers who she asserted would put themselves forward to be J's permanent carers and who would be able to provide J with a Muslim upbringing. She did not oppose placement with the paternal grandmother but had reservations about the paternal grandmother's commitment to bring J up as a Muslim child. She sought a level of contact greater than monthly whichever placement away from her the court determined to be appropriate.

11. The paternal grandmother supported the applications made by local authority A. Her position was that she could not commit to bringing J up as a Muslim child but that she would do her best to promote a positive image of the Muslim faith and would inform and permit J to learn about it.
12. The child's Guardian supported J being placed with her paternal grandmother pursuant to a special guardianship order with a twelve month supervision order made in the first instance to bolster that placement. The child's Guardian supported the proposal that the mother should have supervised contact with J once a month after a phased reduction from the current level of three times a week. The child's Guardian sought further detail about the care plan and the special guardianship support plan.

The Hearing: General

13. The hearing took place over the course of five days which included time for the preparation of my judgment. I have read the three files of court papers available to me, the written position statements of the parties at the start of the proceedings, all the written material which emerged during the course of the proceedings and the written submissions provided by the child's Guardian. I heard oral evidence from the social worker who assessed the paternal grandmother, J's allocated social worker, a senior manager from local authority A, the mother, the paternal grandmother, and the child's Guardian.
14. I record my thanks to the advocates who appeared before me at this hearing. They have assisted me greatly in grappling with the issues in this difficult case.

Update Following Fact Finding

15. Following my judgment handed down on 8 March 2018, the mother filed a statement in response dated 21 March 2018. She accepted many of the findings that I made about her, in particular that her Twitter account demonstrated an interest in ISIL with evidence of an acknowledgement of ISIL's declared caliphate and an extremist mindset. When she left the UK, she acknowledged that she had extremist beliefs though she continued to deny that she was aware of the father's ideology, activities and interests prior to their departure. She gave some brief information about the person who had introduced her to the father so that they might be married but said that she was not aware she was being introduced to a young man who had extremist views and wished to join ISIL to fight on their behalf. She maintained that when she left UK she did not realise that the father intended to travel to Syria and she also gave further details about the couple's time in Syria. She accepted she had not been straightforward with the court because she had been afraid she might go to prison for admitting her desire to live under sharia law. Above all, she denied the full extent of the risks to J as I had found. Her statement finished with a request for assistance to disengage from her extremist beliefs.
16. At a hearing on 23 March 2018 I refused an application by the mother for an expert risk assessment of her. I was unpersuaded of the credentials of the expert to be instructed and, more pertinently, I took the view that the assessment of risk in the particular circumstances of this case was one which I, rather than an expert, was best placed to undertake.

17. Local authority A undertook a parenting assessment of the mother which concluded that she was able to provide good care which met J's needs for physical care and affection. However, the local authority's assessment concluded that the risk of significant harm had not diminished given what it perceived to be the mother's lack of transparency and honesty. Though the mother had, as I have indicated, acknowledged some of the concerns raised in my judgment she had not been forthcoming with further details about (a) what she meant when she said she was radicalised, (b) her activity on social media, (c) by whom and how she had been radicalised, (d) her relationship with the father, and (e) details as to how the journey to Syria was planned and carried out. The mother remained adamant she was not aware she was travelling to Syria when she left the UK and that the father was not engaged in fighting activities on behalf of ISIL when they were in Syria. The conclusion of the parenting assessment was that J remained at continuing risk because of her mother's beliefs particularly given the lack of clarity from the mother about those with whom she associated and those who had assisted in organising and funding her travel to territory controlled by ISIL.
18. Alongside the parenting assessment, the mother continued to engage in individual specialist therapeutic work each week. It was apparent from the correspondence that the mother found this therapeutically useful and that she was said to have made useful links between events in her childhood and her development particularly "*in relation to her vulnerabilities to enter a more radicalised state of mind and a tendency towards feeling dependent on her faith to make sense of her experiences and identity*" [letter dated 14 June 2018]. Additionally, the mother was receiving support via the Home Office's Desistance and Disengagement Programme [DDP] and had been meeting with an intervention provider since late March 2018. The DDP is a program which has been developed to assist individuals who are already engaged in terrorism or who it is suspected have engaged in terrorism to disengage and reintegrate safely back into society. As a returner from Syria, the mother met the threshold to receive support via the programme. Reports on the mother's engagement with the DDP were made available to the local authority, the parties and the Court.
19. I have read the individual session reports provided by the DDP therapist together with her report dated 11 May 2018 and make the following observations. To date the mother has completed six sessions of work, of which the first three concerned themselves with her anxieties about accommodation, the court process and the parenting assessment rather than matters of substance. In her report dated 11 May 2018, the therapist noted that, at the outset of the DDP intervention, the mother felt that her case had been handled wrongly by the authorities. Since her March 2018 statement, the mother had apparently accepted the local authority was right to be concerned about her radicalisation and she acknowledged to the therapist that she had been radicalised prior to travelling to Syria. She was very keen to be a good role model for her daughter and keen to have an ongoing relationship with her. During the session in mid-May 2018, the mother told the therapist that her husband had suggested whilst they were on honeymoon that they should travel to Syria in order to live there. A fortnight later, during another session which took place by telephone, the mother told the therapist that she knew from the start - that is from the time that she was in the UK - that her husband wanted to travel to Syria. This was in marked contrast to what she had said a fortnight earlier and in marked contrast to both the contents of her March 2018 statement and the oral evidence she gave to me during the

fact-finding hearing. The mother told the therapist that she wished she had been honest from the start of the proceedings and accepted that she had lied up till now. The final session for which I have a report took place on in early June 2018 during which the mother discussed her understanding of extremism/terrorism. She said that she understood she was extreme in her beliefs but said that she did not think she would have done anything to harm anyone at that time. She stressed that, having done some personal research, she no longer believed in ISIL and what it stood for. The therapist formed the view that the mother was very vulnerable since she had a limited understanding of her faith and needed support with developing her theological and political critical thinking skills.

20. In tandem with the assessment of the mother, the local authority undertook assessments of the paternal and maternal family. Two viability assessments of the maternal great uncle and his wife and of the maternal great aunt and her husband were negative (the maternal grandparents were subject to a viability assessment prior to the mother and J returning to the UK which was also negative). A viability assessment of the paternal grandmother was positive and the local authority then undertook a comprehensive special guardianship assessment of her. The outcome of that assessment was likewise positive. I record that the local authority also commenced a viability assessment of the paternal grandfather but he decided, following discussions with his legal advisors, that he no longer wished to proceed with that assessment.
21. I have read the detailed and thorough assessment undertaken by the local authority of the paternal grandmother. It is a most impressive piece of work. One of the most difficult issues the paternal grandmother had to confront was an acceptance of her son's responsibility for being involved in supporting and fighting on behalf of ISIL. She struggled with this given her memories of her son as a caring loving person who, she said, would stand up to a bully. The assessor acknowledged that the paternal grandmother was an ordinary person who had been placed in extraordinary circumstances given her son's behaviour and given the reality of both J's existence and potential need for care during the remainder of her childhood. At the conclusion of this assessment in April 2018, the assessor recommended that J should be placed with her paternal grandmother pursuant to a special guardianship order.
22. The local authority met with the paternal grandmother at the end of May 2018 to discuss the plans for J's future. During that meeting the paternal grandmother explained how stressful and depressing her involvement with the local authority had been and said that she was unsure whether removing J from her current foster carers was the best plan. The paternal grandmother emailed the local authority that evening, the contents of that communication reinforcing the ambivalence she had discussed earlier the same day. Understandably concerned, the local authority wrote to the paternal grandmother about its concerns given the matters she had raised and invited her to seek legal advice. As matters would have it, the paternal grandmother consulted solicitors within a day and they wrote to the local authority at the beginning of June 2018 to confirm the paternal grandmother did still wish to provide a permanent home for J. The contents of that letter made plain that the paternal grandmother's doubts arose following a recent conversation with the mother who had expressed concern about moving J from her current foster placement. The mother reportedly told the paternal grandmother she did not wish her child to be "*brought up by a childminder*" on the basis that the paternal grandmother would require assistance with childcare so

that she could continue to work. The mother also indicated she thought it best for J to be cared for by her current foster carers as she was well established in their care and had bonded with their children. Understandably, that conversation caused a great deal of distress to the paternal grandmother and caused her to question whether she was doing the right thing in putting herself forward as a carer for J.

23. Following these difficulties, the paternal grandmother filed a statement in the proceedings which made clear her commitment to providing a permanent home for her granddaughter. That document also clarified her intentions as to how she would meet J's religious and cultural needs. She explained that, at the time the assessment was conducted, she thought that the mother would be more involved with J's care. She had come to realise this could not be the case and had therefore revised her position on J's future religious upbringing. Not being a Muslim herself, she felt ill-equipped to bring J up in the Muslim faith but would be happy to inform her about her Muslim faith and her dual cultural heritage. She stressed that she would not impose any religious beliefs on J and would let her make her own choices as she got older, having given her the access to the information to be able to do so.

The Witnesses

24. I record my evaluation of the pertinent oral evidence I heard. The allocated social worker gave evidence about her parenting assessment of the mother. It was plain, from the very personal matters revealed to her by the mother, that she was a sympathetic and careful assessor. It was suggested to her in court that the mother found her approach to the assessment patronising. That came as something of a surprise to the social worker as the mother had never indicated any criticism of that nature during the parenting assessment. The rather more crucial issue in my view was whether the mother had demonstrated sufficient change to reassure the local authority and the court that she was a safe and protective carer for J. The social worker indicated that, on the basis of her work with the mother, she had little confidence this change had occurred given the mother's lack of frankness and the ongoing modifications to the mother's evidence on crucial issues, for example what she knew about the destination of travel prior to leaving UK. I accept that evidence as will become clear during the remainder of this judgment.
25. I found the evidence of the paternal grandmother's assessor to be robust and insightful. It demonstrated the depth of her knowledge about this case and her understanding of the paternal grandmother and the difficult situation in which she found herself.
26. I agree with counsel for the local authority that the mother's pain and distress was palpable at times during her evidence. She spoke movingly of her love for her daughter and of her desire to provide a home for her. She stressed that she would never harm her child and that she did not want to lose her daughter to a lie. She acknowledged she had provided important information relevant to any assessment of risk at a very late stage in the proceedings but, in my view, provided no cogent reason for misleading the local authority, the children's Guardian, and those working with her over an extended period of time.
27. It was striking that new information about her departure with the father from the UK in April 2015 was only forthcoming in the witness box. Furthermore, the mother

admitted in evidence being untruthful with the social worker during the parenting assessment and appeared to accept that this would enhance professional concerns about the risk she posed to her daughter. I was concerned that, though the mother's statement dated 6 June 2018 recorded that she accepted my findings about the father and told me that their relationship was over, her evidence on this particular issue was distinctly equivocal. When put to her that the father had been found by me to have been involved in fighting for ISIL whilst in Syria, the mother said she did not know whether this was the truth because he had never told her that he had been an ISIL fighter. She told me that he had been treated badly whilst in Syria and recounted what he had done to help them survive, echoing the contents of her written statement. The impression she gave me was of loyalty and affection for the father which belied an honest acceptance of the findings I made about his behaviour.

28. The paternal grandmother gave clear and thoughtful evidence to me which dispelled many of the anxieties I might have had about her commitment to caring for J. If anything, the struggle she had undergone during the assessment process to come to terms with her son's behaviour gave her a realistic awareness of the scale of the task she would be taking on as J's carer. Her honest evidence about the limitations in her ability to meet J's religious and cultural needs reassured me that when she said she would do something, she would commit to that wholeheartedly. Her struggle with the involvement of the local authority was unsurprising given what can only be described as a process of grieving for her son and for the ways in which his behaviour had wholly altered her family and her plans for the future.
29. The child's Guardian's evidence noted the lack of certainty about the mother's motivation for the concessions that she had made. If anything, she considered that the mother's evidence that she had remembered new details about the issues which concerned me the night before she gave her oral evidence at this welfare hearing was extremely worrying. The child's Guardian struggled with her concerns about the mother's honesty and the extraordinary difficulty of adequately managing the risk inherent in a rehabilitation of J to the care of her mother.
30. I also heard evidence from a senior manager in local authority A. She explained to me why that local authority believed that, if I were to make a supervision order coupled with a special guardianship order in favour of the paternal grandmother, the supervision order should designate local authority B notwithstanding the ongoing services which would be provided by local authority A under the auspices of the special guardianship support plan. She made it clear however, that if I considered that J's welfare would be best promoted by the designation of local authority A, local authority A would agree to be so designated.

The Law

31. The legal framework I must apply is clear. J's welfare must be my paramount consideration according to s.1(1) of the Children Act 1989 and I must have regard to the welfare checklist set out in s.1(3). Further, I must not make any order unless I consider that doing so would be better for J than making no order at all – that exercise requires, in my view, consideration of both the necessity and the proportionality of making an order. My assessment of the realistic options for J's placement must be a holistic one, avoiding the linear approach which sequentially excludes possibilities. Whilst I was not invited to consider any option which involved J's placement away

from family, her permanent placement away from her mother was nevertheless a highly significant step which must only be taken if it would be in her overriding welfare interest. I note that, once threshold is crossed, there is no presumption in favour of a natural parent and the court must determine the case on its own facts and in accordance with the approach it determines to be proportionate [see paragraph 94 of H (A Child) [2015] EWCA Civ 1284]. It is also self-evident that the Article 8 rights of J and her parents to respect for their private and family life are engaged in this process of judicial determination. Where those rights are in conflict, J's rights as a child must prevail.

32. I was referred to the recent case of P-S (Children) [2018] EWCA Civ 1407 which provides guidance in respect of the proportionality of a care order when grandparents – or other family members - have been positively assessed as special guardians. Ryder LJ disapproved of the concept of a short-term care order as a justification for making full care orders rather than special guardianship orders since there was no mechanism for a care order to be discharged on the happening of a fixed event or otherwise to be limited in time. The exercise of parental responsibility by a local authority cannot be constrained once a full care order is made other than on public law principles of unlawfulness, unreasonableness and irrationality. Likewise, he emphasised that the statutory schemes for the making of an adoption order and a special guardianship order are different for the obvious reason that special guardianship was introduced to provide permanence for the care of children who cannot return to their birth families but for whom adoption was not appropriate. Special guardianship orders do not extinguish the parental responsibility of a child's parents or terminate their legal relationship with the child. Those orders can be varied or discharged and come to an end when the child reaches the age of 18.
33. Finally, I have also borne in mind that article 9 of the European Convention on Human Rights is engaged in the circumstances of this case given that I am being asked to consider a placement in which J's identity as a Muslim child will not be given full expression. Article 9(1) provides that "*everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance*". Article 9(2) makes plain that the freedom to manifest one's religion or beliefs should be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals or for the protection of the rights and freedoms of others. Re M (Children) [2017] EWCA Civ 2164 makes plain that it is open to the court to make orders with respect to children even if those orders do not fully respect the religious beliefs, practices and observances of the community of which the children are members. Such orders must not restrict the rights of children and parents to any greater extent than that which is permitted by article 9(2). By analogy with the reasoning set out in paragraph 134 of Re M, if I were to conclude that an order placing J with her paternal grandmother was appropriate, that would have been after the most careful consideration that such a course was in the best interests of J. If that involved any interference with J's rights to manifest her religious beliefs, the restriction of her rights in that one respect would be proportionate given the paramountcy of her overall welfare. As the President held in Re G [2012] EWCA Civ

1233, in matters of religion, as in all other aspects of a child's upbringing, the interests of the child are the paramount consideration.

The Welfare Checklist

34. I have had regard to the ascertainable wishes and feelings of J considered in the light of her age and understanding. J is of course too young to express in words her wishes and feelings about the momentous decision which I must take. In so far as I can gauge those wishes and feelings, I have assumed that J would wish to be cared for by her mother with whom she has a close and loving relationship as evidenced by the contact sessions which take place three times each week.
35. J's physical, emotional and educational needs as a young child are self-evident. She is now 18 months old and is a healthy little girl who is developing well. J is a lively and alert toddler who enjoys playing with other children and generally being the centre of attention. She is more settled since the reduction in her contact to her mother which I approved in March 2018.
36. J has a unique heritage and background. She was born in Syria to a British-born mother of Asian heritage and a British-born father of [redacted] heritage. Both her parents are Muslim and J's early upbringing was informed by Islamic values. She lived with both her parents in a war zone after her birth and arrived in the UK at the age of 10 months. She has lived with foster carers since this time. Both her parents speak English; her mother also speaks [redacted]; and her paternal family speak [redacted].
37. When considering the likely effect on J of any change in her circumstances, I note that J has been able to settle well with her foster carers despite the loss of her father and the loss of her mother as her primary carer. There is no doubt that J will be unsettled by a move from her foster carers either to her mother's care or to the care of her paternal grandmother though I am optimistic that, with support, J will be able to weather that transition successfully.
38. The starting point for any harm which J has suffered or is at risk of suffering are the findings I made in my judgment earlier this year. I spell out, for the avoidance of doubt, why the facts that I found justified the conclusion that J was at risk of suffering significant physical and emotional harm when these proceedings began in September 2017. I found that the mother's extremist ideology placed J at risk of being radicalised and of developing a similarly extremist ideology. In furtherance of her extremist ideology, the mother left the United Kingdom as part of a joint plan to live in a war zone where on her own admission she was supported by ISIL with travel and accommodation and food. Her past behaviour in that regard – characterised by deception of the authorities and untruthfulness - justified a finding that J was at risk of being removed by her mother from this jurisdiction to an unsafe location in pursuit of the mother's extremist ideology. Finally, given the findings I made about the parents' shared mindset and the motivation for their journey to Syria, I could not sensibly ignore the risk that the mother would behave in this jurisdiction in ways consistent with her extremist ideology thereby placing J at risk of future significant harm.
39. There remains in my view a risk of physical and emotional harm to J because the mother does not and did not at the relevant date have any real insight into the risk of

significant physical and emotional harm which the father poses to J. My assessment is that, at the date of this hearing, she is likely to be unable to act protectively given the ambivalence of her feelings about the father evident in what she said to me during the hearing.

40. J's young age does not mean that the risks of such harm are mitigated – on the contrary, J's evident vulnerability by reason of her age only heightens the concerns about the risks to which she would be exposed in the mother's care. It might be thought that some of those risks could be managed, as the mother suggested, by injunctive orders prohibiting the removal of J from the jurisdiction. I reject that submission. On any view, the mother acted deceptively when she travelled abroad to avoid detection and, until the end of May 2018, she maintained that she did not know Syria was the true destination of travel for her and the father. That was, given what she told the DDP therapist, a lie. In the circumstances of this particular case, injunctive measures prohibiting J's removal from the jurisdiction struck me as insufficiently protective given the profound dishonesty with which the mother conducted herself as far as the authorities were concerned.
41. Turning to the capabilities of J's parents, her father is facing criminal proceedings in another jurisdiction which have yet to be resolved. Her mother is, I accept, more than capable of providing good basic physical care for her daughter. It is clear to me that she loves her child deeply and wishes the best for her. The mother has conceded that some of her evidence about matters of significance was dishonest. Her revelation that she knew prior to leaving the UK the destination of travel with the father was Syria and not simply for a honeymoon elsewhere underlines her deception and makes it extremely difficult to believe her protestations that her views have substantially changed and that she is now capable of being trusted to care for her daughter. She appeared to have accepted some of the findings which I made though I have formed the view that her acceptance was limited and insufficient. Her oral evidence was suggestive of an acceptance more for the sake of forensic advantage rather than because she truly accepted what had been found against her. I simply do not believe that the most recent information she has given represents a final full and honest account of what occurred in 2015 and thereafter. Had she given a fuller and more convincingly honest account of the matters discussed in my judgment, rather than making piecemeal and late revelations, there might have been more scope for optimism about her potential as a carer for her daughter. Though I accept that the mother's engagement with therapy is positive and that she deserves some credit for the limited concessions she has made, she is merely at the start of a lengthy process of personal change. J cannot wait for that process to be complete in circumstances where, at this moment in time, the risks to J if she were to be returned to her mother's care cannot be safely managed.

My Assessment

42. The realistic options for J's placement are, firstly, placement with her mother and, secondly, placement with her paternal grandmother. I observe that, at the conclusion of the hearing, the mother no longer sought to argue that J should be placed with her current foster carers. If J could not be placed with her, the mother supported her placement with her paternal grandmother.

43. J's reunification with the mother, either with or without a supervision order in favour of one of the two local authorities, is the mother's wish. The mother says she will agree to any supervision requirements and proposes injunctive relief so as, for example, to prevent her from travelling abroad. She also agrees to continue her involvement with therapy and with the DDP.
44. The advantages to J are that she will remain with her birth mother who is best placed to meet her identity, cultural and religious needs. There is a strong bond between mother and daughter that has been supported by continued and regular contact throughout the proceedings. J will grow up knowing her extended maternal family and the mother will ensure she has contact with her paternal family. This option would represent the least intrusive intervention in J's family life. Services would need to be provided such as accommodation, childcare and continued input from a specialist therapeutic resource. A twelve month supervision order, which could be extended, would give the local authority a clear mandate for its continued involvement through announced and unannounced visits and J would also be the subject of a multidisciplinary Child in Need plan.
45. The disadvantages to J are that she risks suffering significant emotional and physical harm arising from the continued concerns about her mother's behaviour. There is no evidence that these concerns have significantly diminished and there is, at best, limited evidence of the mother's meaningful engagement with the DDP. The mother has not been open and honest with professionals who would struggle to manage the risks involved with little confidence that the mother was being honest in her dealings with them. Though the mother has made some admissions about her behaviour and has given further information, this was partial and has come at a very late stage in these proceedings.
46. If J cannot return to her mother's care, the alternative is for her to live with her paternal grandmother under the auspices of a special guardianship order. It is proposed in addition that there be a twelve month supervision order in favour of either local authority A or B. The paternal grandmother will also have access to services outlined in the special guardianship support plan as well as support from specialist therapeutic resources.
47. The advantages to J are that she will be in a permanent and secure family placement which will endure for the rest of her minority. It would allow J to have a normal life with limited initial involvement from the local authority who would no longer share parental responsibility with the paternal grandmother. Although the paternal grandmother would continue to share parental responsibility with both J's parents, she would be able to exercise that parental responsibility to the exclusion of both parents and J would be able to live within her paternal family as part of a permanent legal arrangement. A special guardianship order would preserve a link between J and her parents and would not sever the legal ties between them. The paternal grandmother and J would have access to practical support in managing some of the very difficult issues, such as life story work, which will need to be addressed as J grows older. Additionally, the paternal grandmother will have access to a degree of financial support from the local authority though this will be subject to reassessment from time to time and as circumstances change.

48. The disadvantage to J is that she will not be living with her mother. Furthermore, a special guardianship order is one which could potentially be revoked if the court gave permission for this to happen. Any further application to court would be unsettling for both J and the placement. The special guardianship order expires when J is 18 and has no legal effect on this date. The mother and father would retain parental responsibility and would need to be consulted about significant decisions affecting J which could potentially lead to friction between the adults.
49. Finally, it is clear that J will not be brought up as a Muslim child if she lives with her paternal grandmother. That is a limitation on her right to manifest her religious beliefs. This disadvantage is mitigated by the paternal grandmother's willingness to educate and inform J about her religious and cultural heritage so that in due course she can make her own choices. The paternal grandmother is also willing to give J halal food in accordance with the Muslim faith. I note that the mother has been reassured by the paternal grandmother's evidence on this issue and recognises that the limitations on J's manifestation of her religious beliefs are proportionate in that a placement with the paternal grandmother ensures that J remains within her birth family.
50. It is important that I record that there has been some discussion during this hearing as to whether the making of a care order with placement to the paternal grandmother would be an appropriate outcome for J. I raised that possibility with the parties at the prehearing review at the end of May 2018 because it seemed to me that the court should, in the circumstances of this difficult case, have available to it a range of placement options to best secure J's welfare. At the conclusion of the hearing no party suggested that this option met J's welfare needs and was proportionate. I agree, particularly in the light of the observations made in P-S [see above] which caution against the use of a care orders as a short-term means of regulating and supporting placements with relatives who have been positively assessed as special guardianship carers.
51. Standing back and taking a holistic view of the options realistically available to me, I am satisfied that J's welfare requires her placement with the paternal grandmother under the auspices of a special guardianship order. Such a placement is a proportionate interference with the article 8 rights of both J and her parents. Her right to a safe and loving home with her paternal grandmother must prevail over a return to the care of her mother who is, on the basis of my findings and my assessment within this hearing, an ongoing risk to her child.

Support for the Placement

52. Local authority A filed a special guardianship support plan which was manifestly inadequate, as I observed at the start of the hearing. For example, there was no agreement about the financial support which was to be provided and the arrangements for contact between J and her family were opaque to say the least. Local authority B had filed a care/supervision plan which was scanty in content and wholly uncertain about contact arrangements, in large part because local authority B was reliant on information provided by local authority A.
53. I am pleased to say that, during the course of the hearing, local authority A accepted the need to revise the special guardianship support plan. It has produced an addendum

special guardianship support plan dated 20 June 2018 which provided greater clarity about matters such as the contact arrangements between J and her family. Insofar as clarity was required with respect to financial support, that the addendum support plan remained something of a work in progress. I am happy to report that agreement has now been reached between the local authority and the paternal grandmother as to the financial support payable to the maternal grandmother pursuant to the plan.

54. These developments during the hearing have opened the way for me to make a special guardianship order in favour of the paternal grandmother rather than adjourning for further information to be provided by local authority A. It is, however, important in my view that there be one special guardianship support plan so that the grandmother and the social workers allocated to this case can have absolute clarity about what is to be provided to support J's placement. I have directed that local authority A produce one document within 7 days of this judgment and circulate this to the parties. It need not contain details of the financial agreement between the local authority and the paternal grandmother though that agreement should be recorded in writing, given to the paternal grandmother, and lodged on the local authority's file for the avoidance of doubt.

Designation: Supervision Order

55. The local authority designated in a supervision order is either the local authority in whose area the child lives or will live or the local authority who has agreed to be so designated [paragraph 9 of Schedule 3 to the Children Act 1989]. Local authority A contended that local authority B should be so designated as J would be living in their area and there were clear benefits to J from the local provision of services. Additionally, the local authority likely to be responsible in the event of any possible child protection issue should be fully engaged in the support for J.
56. With the exception of the paternal grandmother who took a neutral stance, no other party expressed support for that submission, all preferring that local authority A be designated by reason of its involvement and detailed knowledge of this unusual and complex case. Local authority B was at a clear disadvantage in comparison. All the parties were agreed that a supervision order was necessary in this case.
57. In the circumstances of this unusual case, I am more than satisfied that the making of a supervision order is justified. It will provide a structure within which the local authority can monitor J's care and support her placement with the paternal grandmother.
58. In her evidence, the allocated social worker in local authority A told me that she believed that her local authority should be designated given the depth of knowledge it had about this case and because it would be providing the greater proportion of the services available to support the placement pursuant to the special guardianship support plan. Her senior manager disagreed on the basis that it was better for J to access services such as health and education in the area where she lived and for any child protection issues to be addressed by the local authority in that area. It was made plain that designation in this particular case - which had absorbed a substantial amount of local authority resources - impacted on the ability of local authority A to respond to other cases. Notwithstanding that position, the senior manager confirmed

that, if I determined that J's welfare was best met by designation to local authority A, it would agree to be so designated.

59. I have thought about this issue carefully and recognise the pressures on local authorities to prioritise services to those who are resident in their own area. That primary responsibility is, however, extended in the case of J by local authority A's agreement that it will provide special guardianship support services – including the provision of financial support - to J and the paternal grandmother even though they are living outside their area. Some of the services to be provided are specialist services which have already been involved in assessing the paternal grandmother and which are not easily capable of replication in another local authority area. Additionally, I note that local authority A has given a commitment under the special guardianship support plan to provide both practical and financial support in order that J can obtain a British passport and a consular birth registration document. That is a vital matter for J who has no identity documents and whose birth was not registered in the UK given that she was born in Syria.
60. Mindful of the complexities in this case, the detailed working knowledge possessed by local authority A together with its commitment to provide support services pursuant to the special guardianship support order, I have come to the conclusion that J's welfare would be best promoted by the designation of local authority A as the authority responsible for the supervision order. I am not persuaded that the possibility of child protection involvement with respect to this placement justifies the designation of local authority B or that designating local authority B would assist the paternal grandmother in accessing services such as health and education [to which she would be entitled in her area whether or not local authority B was so designated]. I am grateful to local authority A for its agreement that it would agree to be designated if I determined this best promoted J's welfare.

Contact: Orders

61. It struck me that, in the circumstances of this case, there was real benefit to the making of a child arrangements order defining the ambit of the mother's contact. No party dissented from that view.
62. First, I should consider the scope of the mother's contact with J once she is placed with the paternal grandmother. The mother invited me to make a more generous order for contact than the monthly frequency recommended by local authority A and supported by the children's guardian.
63. Though I understand the mother's desire to see J as often as she now does, her contact in future must support a permanent placement away from her. The purpose of her contact is to ensure that J retains a link with her, that she knows who she is and so that the mother might assist, if appropriate, with J's ongoing life story work and in answering questions about J's maternal family. Such contact would reassure J that her mother has not abandoned her and that she supports her placement with the paternal grandmother. Contact at a greater frequency runs the risk of unsettling J who, as the children's guardian said, must undergo a difficult process of putting down new roots in her paternal grandmother's home. All these matters support a reduction in contact to a monthly frequency. I approve that proposal as consistent with J's welfare going forward.

64. Making an order in this case would be better than making no order at all since it would give both the mother and the paternal grandmother clarity about what is expected of them. That order for contact should also contain a provision for such other contact as may be agreed to cover unexpected events or developments. I stress however that this latter provision should not be seen by the mother as a green light to press for more contact once J is settled.
65. I had considered whether making a child arrangements order for no contact between J and her father was warranted. Having heard submissions, I have decided for the following reasons that it is not necessary for me to regulate the father's contact at this stage by the making of an order. This is because I am satisfied that the paternal grandmother will not facilitate any contact between J and her father until the father has been the subject of a risk assessment by the local authority. Given the findings I have made about the father, a thorough risk assessment is a vital precursor to any consideration of contact. As a special guardian, there is no obligation on the paternal grandmother to promote contact between J and her father. I observe that it may well be appropriate for the father, on his return to this jurisdiction, to apply for a child arrangements order so that the court can satisfy itself that contact with him will further J's welfare.

Conclusion

66. I am satisfied that J's welfare requires me to make a special guardianship order placing her in the care of her paternal grandmother. That outcome to these proceedings will not have been what the mother desired and I recognise the distress my decision will cause her. I urge her to support J's placement and to continue with the therapeutic support on offer to her.
67. Finally, I want to pay tribute to local authority A. Local authorities often find themselves the butt of judicial criticism but, leaving to one side the comments I have made in this judgment about the contents of the special guardianship support plan, this local authority has acted impeccably in its conduct of this unusual and difficult case.
68. That is my decision.