Neutral Citation Number: [2024] EWHC 657 (Fam)

Case No: SE22C50343 / SE24C70033

IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION
SITTING IN SHEFFIELD

Combined Court Centre
West Barr
Sheffield

Date: 21/03/2024

Before :

THE HONOURABLE MR JUSTICE COBB

- -

Between :

BARNSLEY METROPOLITAN BOROUGH COUNCIL	**Applicant**
- and -	
EM & Others	**Respondent**

- -
- -

Penelope Stanistreet-Keen (instructed by **Local Authority solicitor**) for the Applicant
EM was neither present nor represented.
Kim Noble (of **Ridley and Hall, solicitors** *pro bono*) for T's mother
Josephine Chu (instructed by **Howard & Co., solicitors**) for T

Hearing dates: 21 March 2024

- -

Approved Judgment

This judgment was handed down by circulation to the parties or their representatives by e-mail and by release to the National Archives.

....

THE HONOURABLE MR JUSTICE COBB

This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court.

The Honourable Mr Justice Cobb :

Overview

1. In December 2023, care proceedings brought under Part IV of the Children Act 1989 concluded with a care order being made in favour of Barnsley Metropolitan Borough Council (hereafter 'the Applicant') in relation to a young person, T, who is now aged 12. The Applicant now brings before the court two further applications, both issued on 16 January 2024, seeking the following orders against T's father, EM (hereafter 'the Respondent'[1]):

   i) An order under section 91(14) Children Act 1989 ('CA 1989') prohibiting further applications under the CA 1989 by the Respondent, save with the permission of the Court;

   ii) An Extended Civil Restraint Order ('ECRO') under rule 4.8 and PD4B of the Family Procedure Rules 2010 ('FPR 2010').

2. By case management order made by Poole J on 15 February 2024, the court of its own motion has directed that at this hearing I shall further consider:

   i) Prohibiting the Respondent until further order from telephoning or sending any e-mail to any office, judge, or member of staff whether personally or through his servants or agents;

   ii) Continuing, or otherwise, an interim order made by Poole J dated 14 February 2024 which prescribed the manner in which the Respondent's communications with the court should be managed and reviewed pending this hearing.

3. At the hearing of these applications, the Applicant is represented by Ms Stanistreet-Keen. The Respondent is neither present nor is he represented; I address his absence in the next section of the judgment. T's mother is represented by Ms Noble, who has generously acted *pro bono*, and T's Children's Guardian is represented by Ms Chu.

4. For the purposes of determining these applications, the Applicant has filed a large bundle of material relevant only to this hearing, helpfully including a chronology of the multiple applications which have been made by the Respondent during the course of the proceedings (which I have reproduced in **Appendix A**). I have been provided with

[1] Although there are formally other respondents to this application, he is the only effective respondent, and shall be identified in this judgment in this way,

the exceptionally large trial bundle which had been prepared for the care proceedings. I have had the chance to read a small sample of the applications issued by the Respondent in recent months, which are all in the same tone and with similar content (which I discuss below). I have also received a statement from the Cluster Manager for the Humberside and South Yorkshire, HMCTS North East Region, which I reference more fully at §17 and §18 below.

5. This judgment is being published in an anonymised form. I had been tempted to name the Respondent in this judgment, but am conscious of the adverse impact or potential impact on T of naming their father publicly. Were it not for that dominant factor, I would have concluded that the Respondent himself should not be allowed to avail himself of the protection of anonymity which is commonly ascribed to parties in judgments published from the Family Court and Family Division of the High Court. The Respondent is injuncted separately from publishing details of this case, breach of which would occasion separate punishment; should he make any attempt at publication of information in the public domain arising from these proceedings, his conduct should be capable of being countered promptly by the facts recorded here. The anonymity which I have afforded the Respondent in this case at this stage is therefore capable of review should circumstances change.

Absence of the Respondent

6. The Respondent did not attend the hearing. He had been directed to file a statement of evidence in response to the applications identified in §1(i) and (ii) above. He did not do so.

7. Over a week ago, on 13 March 2024, the Respondent wrote to the court advising that he had been "admitted to hospital" on the previous day with "possible meningitis"; he indicated that he did not consider that he would be well enough to participate in the hearing on 21 March 2024. This was one of at least two e-mails sent to the court at or about the same time on that day; in the other e-mail he made a characteristically wide range of allegations against professionals and the court service including that social services were abusing T in care. I caused a reply to be sent to the Respondent, expressing my concern at his stated condition and requesting a medical certificate in order to inform my decision as to whether to vacate the hearing.

8. On 15 March he replied:

> "I thank Mr Justice Cobb for his concerns over my ill health … I will not obtain a medical note, won't be attending court 21/03/2024, but will appeal any decision that does not involve the immediate return of my [child]."

9. On 20 March 2024, the Respondent sent through an e-mail to the court continuing to complain of ill-health and requesting an adjournment. On the same day, he sent to the court by e-mail (under the subject header: 'Kidnapping') a TikTok video; I have deliberately not opened the video file, but have been advised by a member of the court office that it is a 'a clip of a self-made documentary (sic.) by an unknown individual on how forcing children from their families, and court ordered adoptions are a money making scheme'.

10. On 20 March 2024, he sent a further e-mail advising that he had visited the doctor "who did tests and found I had high blood pressure, I am suffering from stress, tension and anxiety", and requesting that the hearing of the applications for injunctions be vacated as he has "not been given time to obtain legal representation" and insufficient time to 'prepare a defence'.

11. At 02:58hs this morning, the Respondent sent a further e-mail to the court which contained the following:

> "… as previously stated I can not attend the hearing 21/03/2024 due to the viral and bacterial infection, brought on by stress tension and anxiety that the local authority are causing by illegally putting my [child] in care".

12. I am satisfied that the Respondent is aware of the hearing having been served with notices of the relevant hearing; he has referenced the hearing date in his e-mails. Over a week ago, I asked for a medical certificate, and was told by the Respondent that he would not obtain one and that he "won't be attending court". The Respondent has not had legal representation since November 2022, and has not instructed lawyers since that time notwithstanding the explicit encouragement to do so by the many judges who have presided over hearings in the case; I have seen recordings on orders to that effect. I am told that whenever the local authority lawyer has written to the Respondent she has provided him with a list of children panel solicitors.

13. I am wholly unpersuaded that the Respondent intends, or has ever intended, to attend this hearing. He has deployed a variety of explanations for not attending today, none of which withstand scrutiny. Having had regard to the provisions of rule 27(2)/(3) FPR 2010, I am satisfied that the Respondent has had proper notice of the hearing, and that the circumstances of the case justify proceeding in his absence.

Background facts

14. The Respondent is the father of a young person (T), now aged 12. T is now the subject of a care order which was made in December 2023. T was removed into the care of the Applicant in September 2022 under interim protective measures; proceedings under Part IV of the Children Act 1989 were commenced. Assessments were undertaken during those proceedings, which led to a final hearing in December 2023. The judge conducting the final hearing found that the section 31 'threshold criteria' had been established on the evidence by reference to a number of serious findings (including findings against the Respondent) concerning T's care. It is not necessary for me to rehearse those findings here.

15. T is placed away from their family; they have been the subject of an order depriving them of their liberty. The Respondent now has limited contact with T. The Respondent sought permission from the Court of Appeal to appeal the final care order. In his Grounds of Appeal he requested that a number of people, including the Designated Family Judge for Sheffield and the judge who had conducted the final hearing should be "referred to the police and the CPS for conspiring to pervert the course of justice, child abuse, false incrimination, blackmail…" and various other alleged offences. Peter Jackson LJ refused permission to appeal in these terms:

> "An appeal would be hopeless. The judge fairly and carefully considered all relevant matters and made an order that was sadly necessary to protect [T] and that had the unanimous support of the professional witnesses."

Peter Jackson LJ marked the application 'totally without merit', adding:

> "I have certified the application as totally without merit because your arguments are legally incoherent and abusive. You have an established history of making baseless and indiscriminate allegations that distract from the real issues and you have already been the subject of a civil restraint order."

16. During the care proceedings, the Respondent had filed numerous unfounded and in some respects offensive applications; accordingly, on 6th February 2023 the court made a limited Civil Restraint Order until the conclusion of the proceedings in the usual terms. Notwithstanding the making of that order, the Respondent made further applications, and appears (on occasions at least) to have obtained fee remissions to do so. I return to this later (see §45).

17. Following the making of the care order, the Respondent has continued to inundate the court with email correspondence and formal applications, to such an extent that it has interfered and continues to interfere with other court business, and with the interests of other litigants. The Cluster Manager at the Humberside and South Yorkshire, HMCTS North East Region has filed a statement which reveals that in the period between 1 September 2023 and 29 February 2024 (the dates selected by Poole J in order to give a measure of the Respondent's recent activity) the Respondent has corresponded with the court at least 760 times (though it is almost certainly more than this). On some days there were multiple e-mails. The tone of this correspondence (extracts are quoted in the statement of evidence) is highly abusive and threatening.

18. The Cluster Manager says this:

> "The contents of [EM]'s emails consist of complaints about a Judge and their conduct, the judicial system, complaints about the administration and the system, a refusal to communicate with the courts or Judge and copies of complaints to ministers and media organisations".

He continues:

> "There was a direction by a previous Judge not to respond to such emails being received. Despite not replying to some of these emails it's having an impact on staff time, some emails contain applications which may need to be dealt with, some correspondence received might be for an ongoing hearing. All this takes time for admin to read and to understand the contents, adding additional pressure on staff and risk for something to be potentially overlooked. Also, as staff are spending time reading the emails, it's distracting their time and support to other users. The comments made can be

> draining on the staff and their welfare could be affected. It's challenging, time-consuming and having an impact on staff, and third-party resources".

19. It appears that the Respondent is determined to challenge the lawfulness of the final care order. I have read some of his correspondence and, as mentioned above, his applications; each contains offensive content, the tone is extremely aggressive, inflammatory and belligerent. Some of the correspondence and applications contain explicit threats to the professionals involved in T's case and to the judiciary. The proper means of challenge to the final order is, of course, by way of appeal; the Respondent has exercised his right to seek permission and this has failed (see §15 above).

20. On 11 January 2024, the Respondent issued purported applications for 'an emergency protection order, care order and supervision order', effectively for the discharge of the recently made care order. On 16 January 2024, the Applicant countered this by issuing applications for (a) an order under section 91(14) CA 1989 and (b) an Extended Civil Restraint Order. On 17 January 2024 HHJ Pemberton case managed the Applicant's application; having regard to the guidance offered in *Re H (A Child) (Recusal)* [2023] EWCA Civ 860 she refused the Respondent's application for her to recuse herself.

21. On 14 February 2024, Poole J dismissed the Respondent's various applications referred to above and certified them as totally without merit. He gave various further case management directions and specifically made orders designed to limit, or avoid, continued disruption to the functioning of the family court at Sheffield as a result of the Respondent's persistent correspondence, contact and filing of applications. In making his order, Poole J recited:

> "[The Respondent] has inundated the court with email correspondence and applications to such an extent as to interfere with other court business and the interests of other litigants, as well as making the proceedings herein extremely difficult to manage. The amount of communications and applications from [the Respondent] to the court is exceptionally excessive even allowing for the strong feelings the care proceedings will have generated".

Section 91(14)

22. Section 91(14) CA 1989 provides:

> "(14) On disposing of any application for an order under this Act, the court may (whether or not it makes any other order in response to the application) order that no application for an order under this Act of any specified kind may be made with respect to the child concerned by any person named in the order without leave of the court".

23. A section 91(14) order may be made on the application of those identified in section 91A(5) CA 1989 or of the court's own motion (ibid.). When the application for the section 91(14) order was issued by the Applicant there were at least two 'live'

substantive applications (by the Respondent) before the court. These were all in fact been dismissed by Poole J on 14 February 2024. In the circumstances, there are no 'live' applications within the CA 1989 proceedings for me to 'dispose of' at this hearing to which I could attach a section 91(14) order. However, as I say, section 91A(5)(b) of the CA 1989 makes clear that the court can nonetheless make this order 'of its own motion'. Having discussed this with counsel, and mindful that no party is prejudiced by the change of jurisdictional peg on which to hang the order, I have concluded that this is the route by which I can reach a point where I may exercise my discretion whether to make the order or not.

24. Section 91(14) is supplemented by section 91A which provides, inter alia, that:

> "(2) The circumstances in which the court may make a section 91(14) order include, among others, where the court is satisfied that the making of an application for an order under this Act of a specified kind by any person who is to be named in the section 91(14) order would put—
>
> (a) the child concerned, or
>
> (b) another individual ("the relevant individual"),
>
> at risk of harm".

25. The starting point is the decision of the Court of Appeal in *Re P (A Minor) (Residence Order: Child's Welfare)* [2000] Fam 15. In her judgment Butler Sloss LJ makes a number of important 'guideline' points, including, crucially, that section 91(14) should be read in conjunction with section 1(1) – the welfare of the child is the paramount consideration. The guidelines offered by Butler Sloss LJ have to some extent been eclipsed (but not in that regard: see below §26) by the introduction of section 91A, (above). This establishes a new, lower, statutory threshold for the deployment of a s 91(14) prohibition by which the power may be exercised when the court is satisfied that the making of an application for a CA 1989 order of a specified kind would put the child concerned or another individual at risk of harm.

26. The application of section 91A is further explained by Practice Direction 12Q from which I draw out the following passages of relevance to the instant case:

> "[2.2] The court has a discretion to determine the circumstances in which an order would be appropriate. These circumstances may be <u>many and varied</u>. They include circumstances where an application would put the child concerned, or another individual, at risk of harm (as provided in section 91A), such as <u>psychological or emotional harm</u>. <u>The welfare of the child is paramount</u>.
>
> [2.3] These circumstances can also include where one party <u>has made repeated and unreasonable applications</u>; where a period of respite is needed following litigation; where a period of time is needed for certain actions to be taken for the protection of the child or other person; or where a person's

> conduct overall is such that an order is merited to protect the welfare of the child directly, or indirectly due to damaging effects on a parent carer. Such conduct could include harassment, or other oppressive or distressing behaviour beyond or within the proceedings including via social media and e-mail, and via third parties. Such conduct might also constitute domestic abuse.
>
> [3.6] If the court decides to make a section 91(14) order, the court should give consideration as to the following matters:
>
> (a) the duration of the order (see section 4);
> (b) whether the order should cover all or only certain types of application under the 1989 Act;…
>
> [4.1] Any time limit imposed should be proportionate to the harm it is seeking to avoid. If the court decides to make a section 91(14) order, the court should explain its reasons for the duration ordered.

27. More recent judicial commentary on this provision includes *F v M* [2023] EWFC 5 where Hayden J said:

> "[Section 91A] strikes me as properly recognising the very significant toll protracted litigation can take on children and individuals who may already have become vulnerable for a variety of reasons".

28. There is no need for me to reproduce in this judgment the current jurisprudence in relation to these orders given that this is in fact an uncontested application; I am nonetheless aware of and have had regard to *Re A (A child) (Supervised contact)* [2021] EWCA Civ 1749, [2022] 1 FLR 1019, and *A Local Authority v F and others* [2022] EWFC 127. The judicial views expressed in those judgments, with which I agree, is that section 91A(2) gives greater latitude to the court to make section 91(14) orders than the previous guidance. Although the circumstances of this case are in many respects exceptional, this would not be a necessary finding before making such an order. In relation to duration, I am clear that any term imposed should be proportionate to the harm which I am seeking to avoid.

ECRO

29. An extended civil restraint order may be made where a party has persistently issued claims or made applications which are totally without merit (PD4B, para.3.1 FPR 2010). Unless the court otherwise orders, the party against whom such an order is made is restrained from making applications in any court "concerning any matter involving or relating to or touching upon or leading to the proceedings in which the order was made without first obtaining the permission of the judge identified in the order" [Practice Direction 4B, paragraph 3.2(a)]. Three unmeritorious claims or applications have been described as the bare minimum needed to constitute persistence (see *In the matter of Ludlum (a bankrupt)* [2009] EWHC 2067 (Ch), and see Gwynneth Knowles J in *AEY v AL* [2018] EWHC 3253 at [66]).

30. Leggatt J (as he then was) in *Nowak v The Nursing and Midwifery Council* [2013] EWHC 1932 (QB) explained the 'rationale for civil restraint orders' thus:

> "[58] As explained by the Court of Appeal in the leading case of *Bhamjee v Forsdick* [2004] 1 WLR 88, the rationale for the regime of civil restraint orders is that a litigant who <u>makes claims or applications which have absolutely no merit harms the administration of justice by wasting the limited time and resources of the courts</u>. Such claims and applications <u>consume public funds and divert the courts from dealing with cases which have real merit</u>. Litigants who repeatedly make hopeless claims or applications impose costs on others for no good purpose and usually at little or no cost to themselves. Typically such litigants have time on their hands and no means of paying any costs of litigation – so they are entitled to remission of court fees and the prospect of an order for costs against them is no deterrent. In these circumstances <u>there is a strong public interest in protecting the court system from abuse by imposing an additional restraint on their use of the court's resources</u>.
>
> [59] It is important to note that a civil restraint order does not prohibit access to the courts. It merely requires a person who has repeatedly made wholly unmeritorious claims or applications to have any new claim or application which falls within the scope of the order reviewed by a judge at the outset to determine whether it should be permitted to proceed. The purpose of a civil restraint order is simply to protect the court's process from abuse, and not to shut out claims or applications which are properly arguable." (Emphasis by underlining added).

Injunction; communications with the court office

31. By his order dated 15 February 2024 Poole J has directed that I should also consider making an order prohibiting the Respondent from contacting the court office. In a case with some similar characteristics, I made such an order under the Mental Capacity Act 2005 and associated rules in *Re TA* [2021] EWCOP 3. In *Re TA* I relied on the comments in a postscript to the judgment of King LJ in *Agarwala v Agarwala* [2016] EWCA Civ 1252, in which she said this ([71]/[72]):

> "It has taken up countless court and judge hours as both parties, incapable of compromise, have bombarded the court with endless applications, such that [counsel for the appellant] now tells the court the judge has had to make orders that neither party may make an application without the leave of the court. The refusal of either party to accept any ruling or decision of the court has meant that the court staff and judge have been inundated with emails, which they have had to deal with as best they could, with limited time and even more limited resources. The inevitable consequence has

> been that matters have been dealt with "on the hoof" on occasion without formal applications or subsequent decisions being converted into formal rulings or orders."

She added:

> "Whilst every judge is sympathetic to the challenges faced by litigants in person, justice simply cannot be done through a torrent of informal, unfocussed emails, often sent directly to the judge and not to the other parties. Neither the judge nor the court staff can, or should, be expected to field communications of this type. In my view judges must be entitled, as part of their general case management powers, to put in place, where they feel it to be appropriate, strict directions regulating communications with the court and litigants should understand that failure to comply with such directions will mean that communications that they choose to send, notwithstanding those directions, will be neither responded to nor acted upon." (emphasis added).

32. In *Re TA,* I continued:

> "… I can and should adopt here the approach suggested by King LJ, by making orders specifically designed to protect the administrative processes of the Court of Protection generally and to prevent its procedure from being abused. Support for this course is further located in the Court of Appeal's judgment in *Attorney-General v Ebert* [2002] 2 All ER 789 where Brooke LJ made the following observations as to the scope of this jurisdiction at [35]:
>
> > "…the court's supervisory role now extends beyond the mere regulation of litigation and of litigants who have submitted themselves to the compulsory jurisdiction of the court. It includes the regulation of the manner in which the court process may in general be utilised. It is of course well established that the High Court may, in appropriate circumstances, grant an injunction to restrain an anticipated interference with the administration of justice, amounting to a contempt (*Attorney-General v Times Newspapers Ltd* [1974] AC 273, 293G-294A, 306B). The advent of the Civil Procedure Rules only serves to bolster the principle that in the exercise of its inherent jurisdiction the court has the power to restrain litigants from wasting the time of court staff and disturbing the orderly conduct of court processes in a completely obsessive pursuit of their own litigation, taking it forward by one unmeritorious application after another and insisting

> that they should be afforded priority over other litigants."

33. In this case, I am satisfied that similar considerations apply, and that there is a powerful case indeed to protect our court staff from the Respondent's actions.

Arguments

34. I can summarise the arguments briefly.

35. It is the Applicant's case that the facts in this case speak for themselves; Ms Stanistreet-Keen presents an overwhelming case for injunctive relief, and the other respondents to the application agree.

36. Ms Stanistreet-Keen argues that it is both necessary, and proportionate, and in T's best interests that I should make a section 91(14) order which prohibits any application for contact, prohibited steps, specific issue orders or to discharge the care order. She makes clear that the impact on T of any interaction with the Respondent is profound. Their placement has recently broken down and the Local Authority has made further applications which are to be considered by Poole J tomorrow in that respect. Continued court proceedings are deeply unsettling to T.

37. It is pointed out that the Respondent has now made thirty-five applications to the court since September 2022. They have all been dismissed, many (including most recently by Poole J on 14 February 2024) as totally without merit. It is in those circumstances, that I am asked by the Applicant to make an ECRO for the maximum period of 2 years.

38. The Applicant seeks a further recording on the order that the social worker shall only be required to email the Respondent an update in relation to T on a fortnightly basis. In the event of an emergency, the social worker will telephone the Respondent but in the event the Respondent is abusive over the telephone the social worker will be at liberty to end the call.

39. The mother and Children's Guardian unequivocally support the application.

40. Although the Respondent has not attended court, he has filed a number of documents and sent e-mails to the court which make it clear that he does not accept the care order which was made after full enquiry in December 2023. In fact he does not accept the validity of any order made in these proceedings nor the findings or protective measures which have been put in place. He seeks the immediate return of T to his care and has bombarded the court with communications in apparent pursuit of this goal. He alleges that all of the professionals, including the judiciary, who have been involved in this case are lying and corrupt and he will make complaints and bring private prosecutions against them.

Conclusion

41. There is no doubt in my mind that the Respondent has made, and continues to make, an extraordinary number of repetitive, inflammatory, vexatious, disruptive and harmful applications in respect of T. Although there was a lull in his activity after the making of the limited civil restraint order in February 2023, he appears to have been able to

continue to make these applications notwithstanding the imposition of a civil restraint order made in February 2023. I am deeply sorry that the hard-pressed and greatly valued court staff employed by HMCTS in this Family Court have been subjected over a prolonged period to the wholly unwarranted interference with their working lives by the repeat correspondence from the Respondent, and the appalling invective which has characterised many of his communications.

42. In his correspondence and in the applications, the Respondent continues to make inappropriate comments and threats in respect of professionals involved in safeguarding T and legal professionals. I am conscious that this behaviour is highly upsetting for them too and equally unacceptable.

43. I am told that T is profoundly unsettled; their placement has recently broken down, and their situation is fragile. They cannot withstand any influence or interference which would have the effect of undermining their limited stability. In all the circumstances of this case, I am satisfied that it is right to make the order under section 91(14) and propose to make that order until T attains the age of 16. T is entitled to that level of protection from the inevitable harm caused by the Respondent's dogged and unrelenting, but wholly misguided, attempt to destabilise their placement.

44. In this case I am satisfied that the Respondent has persistently issued claims or made applications which are totally without merit, and that it is appropriate to make the ECRO for the full period of two years. I propose to make the order to restrain the Respondent from making applications in the High Court, the Family Court, or the County Court, concerning any matter involving or relating to or touching upon or leading to the proceedings in which this order is made (care proceedings concerning T) without first obtaining the permission of Mr Justice Poole or, if unavailable Mr Justice Cobb. I propose to make this order until 4pm on 20th March 2026. Naturally if the Respondent wishes to apply for permission to make an application in these proceedings or to make an application to amend or discharge this order, he must first serve notice of his application on the other parties.

45. I would like to add one final important point about the ECRO. I note that the in or about September 2023 the Respondent resumed making applications to the court after the civil restraint order had been made in February 2023; in that regard it appears he also obtained a fee remission of the application fee through the 'Help with Fees' scheme. It should be made clear here for future reference that a person against whom a civil restraint order has been made *cannot* apply for help with fees; if they need to apply for permission to make an application to the court, they must pay the full court fee. If successful, they can then apply for a refund by completing and submitting form EX160 to the court within three months of the decision.

46. In the exercise of my inherent jurisdiction, and in light of all that I have said here, I propose to make an injunction, in the terms set out in **Appendix B**, to restrain the Respondent hereafter from communicating with the court office by e-mail and telephone. While this is undoubtedly an exceptional order, it is in my judgment entirely justified by the facts of the case; there is a substantial risk that the process of the court will continue to be seriously abused, and that the proper administration of justice in the future will be seriously impeded by the Respondent unless I intervene now with appropriate injunctive relief.

47. In my judgment these orders represent a proportionate restriction on the Respondent's ability to communicate with the court office; he *may* continue (should he have the *need* to do so) by sending letters to the court office through the agency of Royal Mail. The Respondent should note, however, my direction that he cannot expect a response from anyone in the court office (which may in fact be by e-mail *from* the court office if they choose) to his correspondence, if his correspondence with the court office is abusive.

48. In light of the order under the inherent jurisdiction, I propose to discharge the interim order which Poole J made on 14 February 2024, which has, in the intervening weeks, served well to place some structure around the processing and filing of the voluminous correspondence from the Respondent with the court office.

[End]

Appendix A Schedule of applications

C2 to remove A & N solicitors from the record	30.9.22
Appeal application against order to refuse contact	12.12.22
C2 application for the mother to be refused contact	15.12.22
C2 application to dismiss the case and for T to return home.	18.12.22
C2 application for case to be dismissed, T to return home and for BMBC to be charged with contempt of court.	18.12.22
C2 for BMBC and the mother to be made in contempt of court	19.12.22
C2 for the case to be dismissed and the judge to be charged with corruption	19.12.22
N244 application to dismiss the case	20.12.22
C2 application to dismiss the case and the judge replaced with another Judge	22.12.22
C2 application to dismiss the case and the judge is accused of being biased	22.12.22
C2 application for more contact	22.12.22
C2 application to dismiss the case and to publish his risk assessment	24.12.22
C2 application for the case to be dismissed and for telephone evidence to be deemed admissible	25.12.22
C2 application to dismiss the case and to transfer the case to the Crown Court and for BMBC to be charged with criminal offences	26.12.22
Application for an EPO	04.09.23
Order of Poole J dismissing the Respondent's application to issue a witness summons against HHJ Pemberton be set aside	21.9.23
C2 application for an emergency hearing because the judge is biased etc.	16.10.23
C2 application repeating the above and for T to give evidence	16.10.23
C2 application for the order of the 11.10.23 to be struck out	16.10.23
C2 application for the case to be stayed pending an appeal	17.10.23
C2 application for a mistrial	20.10.23
C2 application to replace the judge	29.10.23
C2 application for the cases to be replaced	3.11.23
C2 application for the Civil Restraint Order to be dismissed	3.11.23

C2 application by the Respondent and his father for a mistrial to be declared.	5.11.23
C2 application for a mistrial and production of documents	6.11.23
C2 application for a mistrial	9.11.23
Application for an EPO post the final care order	8.1.24
Application for a care order, a supervision order, and an emergency protection order	11.1.24
Application for T to give evidence, and for the application for the section 91(14) order to be dismissed	19.1.24
Application: Care order to be discharged	28.1.24
Application: For T to be returned to live with father and for more contact	9.2.24
Application: Order of 14 February to be "quashed"; T to be retuned to their father immediately: BMBC to be referred [to the police] for obstructing the course of justice	27.2.24
Application for 'case stayed, care order discharged / BMBC dismissed'	15.3.24
Application for emergency protection order / discharge of care order / return to father immediately	18.3.24

Appendix B

Re EM

21 March 2024

IF YOU, THE WITHIN NAMED [EM], DO NOT COMPLY WITH THIS ORDER YOU MAY BE HELD IN CONTEMPT OF COURT AND IMPRISONED OR FINED, OR YOUR ASSETS MAY BE SEIZED

O R D E R

UPON hearing Ms Stanistreet-Keen, counsel for the Applicant, Ms Noble, solicitor-advocate for the mother, and Ms Chu counsel for the Children's Guardian, and on [EM] (hereafter 'the Respondent') having notice of this application, but having not attended.

And on considering the evidence filed by the Cluster Manager, from the Humberside and South Yorkshire, HMCTS North East Region, and the bundle of documents filed in these proceedings.

IT IS HEREBY ORDERED THAT:

1. The Respondent is hereby prohibited until further order from telephoning or sending any e-mail to any office, member of staff or judge, of the High Court, the Family Court or County Court whether personally or through his servants or agents.

2. If the Respondent, whether by himself his servants or agents, sends a letter by stamped Royal Mail, containing abuse of any member of staff or judge to any office, member of staff or judge, of the High Court or of the Family Court or County Court,

then that letter together with any enclosures or attachments, may be filed, destroyed, or deleted without being read and without any acknowledgment or reply being sent.

3. For the avoidance of doubt, any application for permission to make an application whether under section 91(14) and/or under the terms of the ECRO shall be made in writing and posted to the court office in Sheffield, and shall then be referred to a judge in accordance with the terms of the section 91(14) order and/or the ECRO.

4. For the avoidance of doubt, this order does not prevent emails being sent to the Respondent by the court office of the High Court or of the Family Court or County Court.

5. This order may be served on the Respondent by email sent to XXX@XXX but must also be served personally.

6. Any application for this order to be set aside, varied, or discharged must be made by application or letter and will be heard by Mr Justice Poole or Mr Justice Cobb if available. Such hearing shall be arranged by the court office in Sheffield, in consultation with the clerk to Mr Justice Poole or Mr Justice Cobb.

7. The order of Mr Justice Poole of 14 February 2024 is discharged.

REASONS:

8. The full reasons for this Order are set out in the judgment delivered on 21 March 2024 which is reported as [2024] EWHC 657 Fam.

9. Abuse of the judiciary and of the court staff will not be tolerated.

10. This order is required to protect the court staff and judges from the Respondent's persistent and voluminous correspondence and to prevent him from sending intemperate and abusive emails. He will be able to communicate with the Court, but only by stamped letter sent by Royal Mail. Should he, however, send an abusive letter, he has no right to expect that any response will be given to it.

10. This order shall be personally served on the Respondent.