No. BT13C00013

IN THE BARNET FAMILY COURT

St. Marys Court, Regents Park Rd.,
Finchley Central, N3 1BQ
Friday, 25th July, 2014

Before:

HER HONOUR JUDGE MAYER

(**In Private**)

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B E T W E E N :

LONDON BOROUGH OF BARNET — Applicant

- and -

M/F — Respondent

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MISS H. MARKHAM (instructed by HB Public Law) appeared on behalf of the Applicant.

MR. S. CHIPPECK (instructed by Pearsons Solicitors) appeared on behalf of the Respondent Mother.

MR. C. LARIZADEH (instructed by Dawson Cornwell Solicitors) appeared on behalf of the Respondent Father.

MS. P. RAY appeared on behalf of the Child

MISS C. LITTLE, (Solicitor, Hanne & Co) appeared on behalf of the Child's Guardian.

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J U D G M E N T

JUDGE MAYER:

1 Parties and Issues

2 C is now 14 years and three months old and at this final hearing he is represented by his solicitor, Peggy Ray. The other parties are, as before, the local authority, the London Borough of Barnet, C's parents and the children's guardian, from whom he is represented separately.

3 My three earlier judgments in this case dated 28 September, 7 November and 16 December, all of 2013, deal with complex matters arising in the context of C's welfare. These judgments, for reasons explained later, are not currently published on Bailli. Should any future issue arise in respect of C, the judgments are available and easily accessible through this court.

4 Everybody agrees that this case, which started in April 2013, thus occupying this court for some 15 months, should come to an end. The dispute today is what orders, if any, this court should make.

5 An additional issue I have to determine is whether, following the President's guidance, all, or some of my judgments, should be published on Bailli.

6 Chronological update

Miss Markham, representing the local authority, and the allocated social worker, Rachel Bray, each prepared a chronology of events since my last judgment in this case. I incorporate the chronologies into this judgment and intend to deal with salient events only .

(a) Although the mother has agreed prior to November 2013 to be seen by an experienced adult psychiatrist, she subsequently withdrew her agreement. She agreed, eventually, on 12 March 2014, to see a psychiatrist of her choice, on condition that the papers in this case, my judgments and my findings, are not to be made available to this expert. The futility of this exercise does not need elaboration. Her prevarication caused delay in the resolution of this case. The result is that I do not have an expert opinion on the mother's mental health and particularly on the risk of her relapsing into earlier patterns of dysfunctional behaviour. I have to proceed the best I can on the basis of available information.

(b) Despite the mother agreeing that C should engage in therapy, and despite the significant efforts his solicitor made to find a therapist who would comply with C's sometimes absurd requirements, C has refused to engage in therapy. This window of

opportunity has now been closed. Should he ever consider engaging in therapy, he, or realistically his mother, will have to organise the same.

(c) Despite the expressions of hope about progressing the relationship between C and his father, little has happened in real terms, especially in terms of C altering his sometimes contentious, and somewhat arrogant and belittling, attitude towards his father. Direct contact has been minimal. There has been none this year until 29 June. The one contact arranged for April was cancelled by the father who, having regard to C's attitude towards him as expressed in his sporadic emails, did not want to pressurise his son, and considered that coming to the UK without firm commitment to contact actually taking place would be a wasted trip.

(d)I was told that a face to face contact took place on 29 June, the day before this hearing. It lasted about six hours and was, by the accounts both of the father and C to his solicitor, good, with warm moments. Having regard to the history of this case, I have questioned the effect of the proximity of this hearing (in the light of C's wishes as expressed to the social worker and the guardian and in his statements) on the quality of contact. I hope I am wrong in thinking that there may be a causal connection between the two.

(e) On the positive side, C's school attendance in the academic year of 2013/2014 was 99 per cent. There is one unauthorised attendance which is in dispute. I place no weight on it.

(f) On current available information, C has not attended any medical appointments since July of last year. All his extensive ailments and conditions have "spontaneously" resolved. There has been no indication from the school that C was unable to participate in sports or any other physical activities organised in the course of his curriculum. He has joined a three-week school trip from which he returned some three to four days ago. Despite some earlier concerns about his eating habits, the trip was, according to the assistant deputy head, a real success for C, who integrated well with adults and other children and enjoyed the trip greatly. The assistant deputy head commented on how much C developed from the time he joined the school.

(g) For the first time since C started school at the age of five (and with the exception of one year), there have been no allegations of bullying, be it physical, verbal or cyber. Such fantasy he engaged in when making the allegations of November 2012 has not been repeated. Bearing in mind the history of this case, the last year was almost unique in there not being any complaints by the mother against teachers, headmasters, doctors, police or indeed anybody other than social services.

(h) Some four months out of date, on 11 May 2014, the mother finally submitted her grounds for an application for permission to appeal my judgments. I have not read the

grounds, except for glancing at the first two to three pages. I am told that the application was contained in a 100 page document. I take from that that the mother did not accept any of my findings. Her application was dismissed by Lady Justice Macur as being totally without merit on 19 May 2014. The learned Lady Justice said *inter alia* that:

> "The grounds of appeal are subjective criticism from one who cannot conceive any interpretation of the available evidence which does not accord with her own."

(i)The mother did not deal with the dismissal of her application for permission to appeal, and/or acceptance of my findings, in her most recent statement. Although the dismissal of her application means that the mother can no longer argue with any of my findings, I am satisfied that she still does not accept them.

(j)By an order of the court, Dr. Asen spent two sessions in January of this year going through the findings with C. He reported that, whilst C was prepared to sit and hear what Dr. Asen was saying, he did not necessarily listen, and was unwilling to enter into any discussion in respect of the issues the findings raised. C displayed no emotion and offered no reaction, save for asking Dr. Asen to move on from providing detail. I assume C too does not accept any of my findings. Miss Ray told me that he just wants to put the history behind him or, as he says in his statement, he wishes not to be forced to relive his past.

(k)The cooperation between C and his allocated social workers was perfunctory, as was the cooperation between his mother and the social workers. His original good cooperation with the guardian was, in her words, replaced by hostility and suspicion. She said that never before has she been the subject of such sustained contempt as expressed by him throughout the time between December of last year and June of this year. I have seen emails from C to the Guardian, which support her views. She did say in her final analysis that the last meeting was not as hostile as previous meetings have been. Again, without wanting to be suspicious, C may well have had the date of the final hearing in mind.

7 <u>The respective positions of the parties</u>

8 The local authority's position, which underlies and underpins their approach to this case, is that C continues to be at risk of significant harm. It is their view that the only reason for the substantial changes in C's health and school attendance was the intervention and continuing scrutiny of this court. Since they are unable to exercise their duties under s.31, due to the mother's and C's non-cooperation, they wish for the proceedings under s.31 to be discharged and substituted by wardship. They argue that this is an exceptional case and making C of ward of

court would not fall foul of the provisions of s.100(4) of the Children Act (see below). They apply for leave to issue wardship proceedings and become plaintiffs therein.

9 The local authority's position is supported by the guardian and the father. The father wishes for there to be a child arrangements order, with defined minimum contact, and a series of prohibitions, as well as mandatory provisions against the mother, the school and C's GP. His view is that, without wardship, the mother and C are likely to revert to the position before these proceedings were commenced.

10 In his own statement, C makes it clear that he does not wish for there to be any orders. He does not wish to have the local authority or the court to have any involvement in his life. He does not wish for there to be a contact order. Nevertheless, in the skeleton argument filed on his behalf, it is argued that he would agree to a series of s.8 orders which would have the advantage of having been made with his consent.

11 The mother, who did not file a position statement, relies on the legal arguments advanced on behalf of C. She originally said that there is no need for orders and proposed a family assistance order to, in my view, appease the court. The irony of this, in the light of her conduct, and having regard to the wording of s.16 of the Children Act, has not escaped me. In his oral submissions, her counsel told me that although she is resistant to wardship she would subscribe to s.8 orders.

12 Save for the framework of wardship, the orders proposed by the local authority, the guardian and the father on the one hand and the mother and C on the other, as well as the preambles, are virtually identical. The decision therefore I have to make is whether this court should exercise its inherent jurisdiction within wardship proceedings or whether orders this court can make without exercising its inherent jurisdiction would provide an adequate and sufficient framework to protect C from significant harm.

13 <u>The Law</u>

14 C's welfare is my paramount consideration. The welfare checklist in s.1(3) applies and, in reviewing the evidence in this case, I would be touching on each of the factors without necessarily referring to them by numbers.

15 The use of the court's inherent jurisdiction in the form of wardship was significantly circumscribed by the coming into force of the Children Act 1989. S.100 of the Children Act 1989 provides the statutory scheme which, in the first

instance, regulates the use of wardship in public law proceedings. I deal here with the parts of the section which are relevant to this case. S.100(3):

> "No application for any exercise of the court's inherent jurisdiction with respect to children may be made by a local authority unless the authority has obtained the leave of the court.
>
> (4) The court may only grant leave if it is satisfied that (a) the result which the authority wished to achieve could not be achieved through the making of any order of the kind to which subsection (5) applies and (b) there is reasonable cause to believe that, if the court's inherent jurisdiction is not exercised with respect to the child, he is likely to suffer significant harm.
>
> (5) applies to any order (a) made otherwise than in the exercise of the court's inherent jurisdiction and (b) which the local authority is entitled to apply for assuming, in the case of any application which may only be made with leave, the leave is granted."

16 It follows therefore that, in the event that the court is to give leave to invoke its inherent jurisdiction under s.1(3) of the Children Act, the court has to be satisfied that "the result which the authority wishes to achieve" could not be achieved through the making of any order of the kind to which subsection (5) applies. Although the local authority cannot apply for s.8 orders, such orders can be applied for by the father or be made of the court's own motion.

17 I have been referred to a number of cases in which the court exercised its inherent jurisdiction by warding children in preference to making public or private law orders. They are unique in their facts, and easily distinguished from the facts in this case. Miss Ray, in paras.10, 11 and 12 of her written submissions, analysed them. I accept her analysis, adopt it, and do not copy it into this judgment.

18 A child arrangements order which became part of the law on 22 April of this year can regulate the relationship between C and his parents. There are a number of ways to apply for an enforcement order. The current statutory scheme for enforcement orders sits alongside the court's general contempt powers and, in an appropriate case, it remains open to the court to consider imposing a fine or a custodial sentence for any breach of the child's arrangements order which relates to regulating the relationship between the parents.

19 A prerequisite for an application for proceedings for contempt of court is that the alleged contemptor is given notice of the consequences of a breach of the order. A warning notice can be attached to any part of the order. It reads thus:

"You must obey the instructions contained in the above paragraph. If you do not, you will be guilty of contempt of court and you may be sent to prison or find or your assets may be seized. The courts have jurisdiction to punish a breach of any order by way of a fine up to £2,500 or a committal to prison for up to two years in contempt proceedings."

20 Evidence and Submissions

21 I read all the documents in the two bundles. They include the social worker's last statement, Dr. Asen's last report dated 8 July 2014, written without him having spoken to the mother or C since |December 2013, the guardian's succinct, informative and helpful final analysis, and a statement from each of the parents and C.

22 Although there were some apparent disagreements between the social worker and the mother and C, the parties agreed that I did not need to hear oral evidence. I too agreed. I read written position statements from all parties save for the mother, written submissions on behalf of C and heard submissions from all the advocates.

23 I propose to deal with the submissions, then the application of the law and finally discuss the merits of the two alternative proposals.

24 The Local Authority

25 The local authority's view is that C continues to suffer significant harm. Dr. Asen considers that C needs to access insight-orientated weekly therapy. Without it, said Dr. Asen, C will continue to have distorted views about himself and about each of his parents. This will affect his psychological development adversely. Dr. Asen also opined that, so long as C remains living with his mother and so long as he is exposed to her negative views of the father, he is unlikely to shift his position about contact. It is the local authority's view, supported by Dr. Asen, that improvement in C's school attendance and his "spontaneous" recovery from all his ailments have been brought about by this case being in the domain of this court. I pause to say that I am prepared to accept this. The counterargument - namely, that all C's problems stopped when he transferred to a new school - is much less persuasive, in the light of the full history of this case.

26 Since a risk assessment of the mother is not available, it is not possible to know whether the mother is likely to revert to her former patterns of behaviour, which have been a virtually persistent feature since C started school at the age of five. It is the local authority's view that the mother has not shown any acceptance of their concerns. Or those of Dr. Asen, or this court. She has channelled her

energy into not complying with orders, complaining to, and about, the local authority, as well as into drafting 100 pages of grounds for appeal. Consequently, say the local authority, little is known about the mother and C outside the time the latter spends at school or both spend pursuing C's hobbies. The local authority accept that, despite their views about the present and future harm, removing C now is not an option. They accept that the harm of removing him would be greater than the harm he may suffer in his mother's care. This premise is agreed by the father and the guardian.

27 The mother's and C's uncompromising non-cooperation with the interim care order I made on 18 November 2014 has made the local authority realise that having any orders pursuant to s.31 would be futile. The local authority could neither share parental responsibility with the mother in any meaningful way, nor hold a supervision order which they could exercise adequately. They are however prepared to allocate a social worker, who would collate and coordinate information from the school and the general practitioners, and bring the matter to court if and when there is concern about s.31 threshold being crossed. They will not allocate a social worker if C is not a ward of court.

28 The local authority maintains that.8 orders are insufficient to ensure the mother's cooperation with, or obeying of, orders. The mother cannot be trusted. She has flouted orders before, breached undertakings, is manipulative and secretive, and the local authority will not have a way of knowing whether she has breached either any of her undertakings or any orders of the court. They consequently apply to the court for leave to issue wardship proceedings and make C a ward of court. The local authority submits that this is an unusual and unique case. It is unique because there have been far reaching findings about the way in which C has suffered significant harm. If allowed to be parented by his mother alone with no court oversight, the local authority submits that his psychological development would be further harmed. His relationship with his father requires protection and wardship should achieve that protection. They also submit that the father finds it difficult to exercise his parental responsibility from afar and that he needs to tread carefully in respect of contact so as not to be blamed for consequences which may impact on the mother.

29 These submissions are adopted by the father, who fears that unless this court monitors C's welfare and his relationship with his father C may well slip back to be under the full control of his mother, which in turn may mean repetition of previous patterns of behaviour and a cessation of his contact with his son.

30 The father applies for his contact to be defined within the child arrangement order. He is of the view that his email contact with C has improved and was

encouraged by the contact of 29 June. He is aware that under his parental responsibility he can regularly access the school and C's GP.

31 The local authority's proposal is supported also by the guardian, who filed a comprehensive and well argued final analysis. She argues that the contact between C and his father should be supported by a child arrangement order. She too worries that, without ongoing overseeing of this case by the court, C will slip back to where he was at the outset of these proceedings. She considers that wardship, in which the local authority's part is clearly delineated, is a proportionate order in this case and is the only realistic order that will sustain the improvements that C achieved in the past year.

32 The proposal is opposed by the mother who argues that, in the light of the improvements in C's attendance at school and his excellent health, there is no need for an order. In her statement, she said that there is no need for any orders, save for the family assistance order above, but at the hearing Mr. Chippeck, who has been very helpful to this court since the time he started representing the mother in March of this year, told me that she would nevertheless subscribe - her words - to a series of s.8 orders.

33 On behalf of C, Miss Ray submitted a comprehensive position statement and written submissions. She submitted that C does not want any further involvement with social services. He does not want to become a ward of court. He loves his school. He is achieving well and has a group of friends. He believes that he should be given credit for the changes which took place in the last year and wishes to reassure the court that he is now older than he was when the concerns in respect of him arose and he would not jeopardise his school placement, whatever pressure his mother may put on him, which he does not accept she would. He is aware that he could access counselling through his school.

34 Miss Ray submitted that, since the local authority proposed that their function under a wardship is one of monitoring alone, wardship is not the appropriate vehicle for this. She has identified a system under Working Together to Safeguard Children, 2013, detailed in para.8 of her position statement. Under this system, to which Barnet Social Services subscribe, they retain a duty to maintain their safeguarding practices as set out in their multi-agency safeguarding hub, which is their single point of entry for all referrals regarding concerns for a child. It is a screening, information and coordinating process.

35 In any event, her submission goes on to say that all local authorities have a statutory obligation to investigate referrals of concerns, either under s.17 or s.47 of the Children Act, in accordance with Working Together 2013. This duty would also apply to any other local authority area into which C were to move, if

notified by the London Borough of Barnet. Concerns would therefore be received within Barnet or elsewhere by the duty team, or some other initial assessment team. That information, past and current, should also be co-ordinated. The local authority did not dispute this part of Miss Ray's submission.

36 C does not object to contact, or to the school sharing information about him with his father. He objects to specifying arrangements for him to see his father, but is prepared to commit himself to seeing his father once a year, emailing him once a month and Skyping once a month. C, in a short statement which deals with a number of aspects of his personality and views, wishes for all involvement of everybody in this case, including this court, to cease forthwith. It is C's wish for my judgments not to be published on Bailli. He is concerned that, despite anonymisation, he will be recognised. He wishes to put history behind him and move on.

37 The application about publication of my judgments is supported by the mother and by the children's guardian. The father is neutral. The local authority seeks for the judgments to be published.

38 <u>The Proposed Orders</u>

39 Other than the wardship framework, the orders, agreements and expression of hope on behalf of all the parties are the same. I do not copy them in full into this judgment. They include agreements by the mother to encourage contact, not to repeat the false allegations I found she made in respect of the father, to encourage C to attend therapy and an agreement that the school notifies the father, in addition to sharing termly information with him, if C's attendance falls below 90 per cent.

40 The proposed orders include an expression of hope by the father in respect of his contact with C. He hopes for an increase in both direct and indirect contact, including C visiting [his country of residence]. It includes mandatory orders in respect of the mother, making C available for both direct and indirect contact and by far the most important part of the proposed order is the prohibitive part which contains the following provisions:

> "Without written consent of the father, the mother would be prohibited from changing C school, changing his primary address, removing him from the jurisdiction, applying to change his nationality, applying for a passport or any other identifying document in this jurisdiction or abroad."

41 I have dealt with the sanctions in respect of breaches of prohibitive orders in the law section of this judgment.

42 Finally, it is proposed that both the mother and C are to be prohibited from disclosing any information from this case without leave of the court.

43 Discussion

44 C is now 14 years old. The immediate concerns which caused the local authority to commence these proceedings have abated. Since last July, he has had no medical appointments. He has not somatised any stress. He has not missed any time at school. He has not been late. His performance at school has been very good. He is clearly an intelligent young man. This appears to be the first year when he has been able to devote himself to studying without being engaged in allegations about bullying or any medical procedures.

45 I cannot emphasise enough how different this picture of C is from the picture of him this time last year. On re-reading my judgments, in particular the medical judgment dated 7 November 2013, I have been reminded of the extent of the dysfunctional and disturbed conduct of the mother and C, reaching a crescendo in the 18 months preceding these proceedings, but in reality throughout C's schooldays. One only needs to read paragraphs 163 to 240 of that judgment, dealing with events between July 2012 and the admission to hospital and events of June 2013, in respect of the head MRI for an injury which was not there, to realise that C has come a long way.

46 I do not have a psychiatric report in respect of the mother. I really do not know whether she is likely to relapse into previous patterns of behaviour once the energy she has channelled into battling with social services and the court (writing 100 pages of grounds for permission to appeal must have been a demanding task) is no longer required. There is no assessment of the risk she poses to C. However, because her behaviour particularly in the 18 months prior to last July was so bizarre and disturbing, I am satisfied on current evidence that the possibility of C suffering significant harm as a result of her parenting is real.

47 At the same time, and although I have no evidence that the mother has changed, there is some information which suggests to me that C has changed. I said before in paragraphs 2 and 49 of my judgments of 7 November that C seemed to me to want to be healthy and enjoy a semblance of normal life. Miss Ray, to whom I am particularly grateful for her patience and assistance with C, told me that C has changed even in the six months she has been representing him. He is more mature. The views he expresses are more his own and, although she accepts that he is still under the influence of his mother, she told me that he loves his school, wants to continue attending it and wants to continue building up a relationship with his father.

48 On current available information, I find C's relationship with his father is on the mend. I would be most surprised and concerned to find after this hearing that there has been a change for the worse. I cannot say how manipulative C is now and how much of that which Miss Ray has observed has been a show put up for her. However, if I combine what she told me with the information from the school, then I am prepared on balance to accept that C has a degree of independence, even though he is still living with his mother. It may well be that the contact of 29 June was the beginning of an improved relationship between him and his father. Time will tell.

49 I do not trust the mother's honesty. Nor do I have a reason to trust her to comply with orders. She has flouted orders in the past. She has disseminated untruthful information. She has breached undertakings. She was prepared to sacrifice C's recent school trip by arguing with social services about his passport. Even at this hearing, having agreed not to remove C from the jurisdiction without getting permission from the father, she sought not to disclose that she was hoping for him to remain abroad for another week or two after the end of the 3 week school trip, for which, and only for which, I have given him permission.

50 Is the risk to C going to reduce if he is a ward of court? Whether I make C a ward of court or not, orders are the same. The difference between the contrasting position of the parties is in respect of monitoring the compliance with the orders, and the deterrent knowledge, for this mother in particular, that this court is still involved in her son's life.

51 I digress to say that the local authority did not clear with the school whether they would be prepared to not only send the information to the father, as he is entitled to by virtue of parental responsibility, but also to the local authority in the event that there are concerns about C. It is now school holidays and it may not be possible to contact the school. I am however satisfied that the school is aware of the concerns about this case, as was evident by the phone call of the assistant head teacher to the social worker in the course of the school trip. I am satisfied that they will cooperate with the spirit of my orders.

52 I will order for my judgments to be disclosed to the assistant head teacher or another appropriate member of the school staff. Equally, I am satisfied that C's GPs, , who should have read my medical judgment by now, will raise any concerns with the father and the local authority. Both issues will be reflected in my order.

53 I propose to release this judgment to both the school and the GP. The private law orders are going to be monitored by the father. The court does not have an

independent mechanism to monitor orders. The sources of information for compliance are the same for the father and the court. Although the father lives abroad, he has solicitors in this country. He is familiar with the process of the court. I appreciate the father's concerns about him being the force behind returning matters of concern to court and I accept that he has had to tread carefully with this mother throughout C's life. The reality is, in my judgment, that if it is his concern which returns the case to court, whether in wardship or under a child arrangement order, C will be aware that he was the force behind it.

54 The local authority will be informed under the system of the multiagency safeguarding hub above of any real concerns in respect of C. It will be a matter for them whether they carry out a s.47 investigation or, if they are sufficiently concerned about C suffering significant harm, they commence care proceedings again. The orders in wardship will not remove the need for the local authority to bring the case back to court if concerns arise.

55 I accept that orders in wardship do not secure C's investment in the network of the orders, since he does not wish for the court to continue being involved in his life. In my judgment, wardship does not secure the mother's cooperation with professionals. She will either obey the orders to which she subscribes voluntarily - they are going to be marked by consent - or will not, whether they are made in wardship or not. Wardship of itself does not restrain the mother from taking C for medical appointments. Wardship in itself does not guarantee C's contact with his father. In this case, sanctions in wardship are not of themselves different from sanctions available under the child arrangement order.

56 It is argued by the local authority that this is a unique case. I cannot accept it. It is a complex case, but the medical aspect of it is not unique. Similarly, parental alienation is a concept known to the courts and the mother's behaviour, her deception and her manipulation, however abhorrent, are, sadly, not unique either. The one unusual feature is that I do not have a psychiatric assessment of her. I would have expected, in a case of this nature, to have one by the time of the final hearing.

57 It is my view that in the course of these proceedings C has been empowered, both by the mother and, through her, by the process. He has learned that treating the guardian and the social worker with contempt does not carry with it sanctions. He has learned that lying about doctors and teachers is not only accepted, but welcomed by his mother. Despite his behaviour, he has not been removed from her.

58 Although I am pleased that his attitude to persons in authority in this case has not been translated to his conduct at the school, for he is described as polite and co-

operative, it seems to me that placing C in a position where he might be encouraged to push boundaries, and expend energy on notionally battling with the court, may be counter-productive. C should know that, so long as he goes to school, does not make up tales about his peers, does not fabricate illness and is true to his word about wanting to maintain contact with his father, nobody involved with this case would maintain an interest in him.

59 In my judgements, the mother should now assume responsibility for her behaviour. I am satisfied that she managed to control her behaviour for a year. Whatever her condition, if any, is, she seems to have been able to control her dragging C to medical appointments and keeping him off school. Since she is prepared to consent to s.8 orders, she must understand the risks if she breaches them.

60 I would not like C or his mother to think that the risk of removal has disappeared for good. If progress achieved in the course of the past year continues and C develops the contact with his father as it is hoped by the latter and supported by the mother, there is no reason for this case to ever come back to court. If, on the other hand, there is a reason for the local authority to issue proceedings again, the chances are that removal would be very much an issue. The current balance of harm is not static. C must understand that by not making him a ward of court I accept his promise to participate in the contact orders I intend to make.

61 The contact orders - I hope I will be forgiven for using the old terminology - involve his mother too, for she is to make him available for contact as per her agreement. C must also understand that I have considered his wishes and feelings and given significant weight to them. This does not mean that I will hesitate in dealing with any breach of any of the orders I make with a firm hand.

62 In all the circumstances, I have come to the conclusion that the use of wardship as a controlling mechanism for the mother's behaviour to ensure that she does not present a risk of further significant harm to C is not an appropriate use of the court's inherent jurisdiction, when private law orders can achieve the same result. This is clearly what Parliament intended in enacting s.100. I do not think that using the inherent jurisdiction in this case is either necessary or proportionate. I therefore refuse the local authority's application for leave.

63 I will deal with the drafting of the order at the end of this judgment. I do however mention here that I will make the prohibitive orders as I have outlined earlier. A warning notice will attached to each and every one of them. It must be made clear to the mother that the breach of any of these may end with a custodial sentence or at least with a heavy fine. I would also consider the costs of any enforcement hearings, should they involve the father in spending any money.

64 I turn finally to the question of publishing of my judgments on Bailli. The reason I considered it in the first place was to deal with the mother's outrageous behaviour as described in my earlier judgments. The President's guidance about transparency was given on 19 January of this year. If anything, it contained a positive encouragement for the publishing of my judgments.

65 I understand C's concerns about his life being exposed on the internet. I have regard to his age, his wishes and feelings and the identifying features in the two fact-finding judgments. I do not wish to visit his mother's sins upon him. I have therefore decided to hold off the placing of my first three judgments on Bailli. Both C and the mother should know that, should I have the slightest indication that either has discussed this case in any social, medical or any forum without referring to my findings and to the judgment of the Court of Appeal, my judgments, which have been anonymised, will be published on Bailli forthwith.

66 I have adopted a different approach to this judgment. Not only are there fewer identifying features; there is in my judgment an element of public interest. I have been told that C has been searching through the internet to find information about mistakes or malpractice by the London Borough of Barnet. The mother has been researching information about Dr. Asen, seeking to prove that he was incompetent. Indeed, C has refused to have therapy with a therapist who was considered by his solicitor to be eminently suitable, because she trained years ago at the Tavistock Institute, where Dr. Asen practised at one time.

67 In case there is another C somewhere, who is searching for negative information about the London Borough of Barnet, it is right that he should know that I have found the conduct of this local authority in this case beyond reproach. The social workers concerned with this case - Sarah O'Donovan, Claire Montgomery and Rachel Bray - tried in vain to do their best in the face of the mother's and C's non-cooperation. The assistance of Jane Powell, the children's guardian, has been significant. She was fair, sensible, compassionate and concerned throughout for C's welfare.

68 Dr. Asen needs no introduction or accolades from me. I have found his assistance in this case invaluable, both in the implementation of my early orders for contact and in respect of the analysis of harm and how best to deal with it. In my judgement, C could not have had a more sympathetic child and adolescent psychiatrist to deal with his case. It is regrettable that he was not able to avail himself of Dr. Asen's skills and expertise.

69 For the above reasons, I order that today's judgment, anonymised, be published on Bailli forthwith.

70 One final word. All things being equal, I shall be sitting in this court until C attains majority. All applications for enforcement orders should be made to me, if available, and if they are not urgent should await my return, if I am away from this court. In my absence, urgent applications should be made in the first instance to Her Honour Judge Levy, who is familiar with this case.