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# England and Wales Family Court Decisions (other Judges)

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No. IP14P00054

**IN THE FAMILY COURT  
(Sitting at Norwich)**

22nd March 2017

B e f o r e :

**HER HONOUR JUDGE GORDON-SAKER  
(In Private)**

**DB**

**Applicant**

**-and-**

**HB**

**IB (through her children's guardian)**

**Respondents**

**MR JACKSON** appeared on behalf of the Applicant.  
**MS CATTON-NEWELL** appeared on behalf of the Respondent.  
**MS BAILEY** appeared on behalf of the child through her guardian.

**HTML VERSION OF JUDGMENT**

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Her Honour Judge Gordon-Saker:-

1. This case concerns IB. It is an extremely sad case. She was born on 22<sup>nd</sup> February 2008, so she is just nine years old. She has been the subject of proceedings for over three years and I am told she is not a happy child. Her parents are DB and HB. Until September 2013, they all lived together and IB's older sisters also lived with them.
2. By agreement, Mr. B was given parental responsibility for them. That tells me Mrs. B had a positive view of him as a parent. It was clear from his evidence that Mr. B is fond of them and he would welcome them into his home if they wish to come. They had a perception that he treated IB differently to them and their mother has not disabused them of that.
3. The older children had some contact with Mr. B after he and their mother separated and he included them in his application in January 2014 for shared care. Respecting their wishes during these proceedings, he has not pursued that and he no longer has parental responsibility for them.
4. Mr. B now seeks an order under which IB lives with him. Mrs. B seeks an order that she continues to live with her and has no contact with her father. At the end of this hearing, she proposed some contact; but, in effect, her proposals show that she has not really changed a great deal. Mrs. B was also seeking an order under s.91(14).
5. IB is represented through her children's Guardian, Nicola Miller. She is a very experienced Guardian and she obviously has not found this an easy case. In her last written analysis, she was suggesting there be no contact. She referred to that as a "counsel of despair" option. She was reluctant to see this as a mother preventing contact, but my conclusion is that Mrs. B preventing contact as at the heart of this case and I cannot take the "no contact" option if that is not in IB's interests.
6. I have to decide what is in IB's best interests. Her welfare is the court's paramount consideration. I have regard to the welfare checklist in the Children Act 1989 and that is:
  - (a) the ascertainable wishes and feelings of the child concerned (considered in the light of her age and understanding);
  - (b) her physical, emotional and educational needs;
  - (c) the likely effect on her of any change in her circumstances;
  - (d) her age, sex, background and any characteristics of her which the court considers relevant;
  - (e) any harm which she has suffered or is at risk of suffering;
  - (f) how capable each of her parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting her needs;
  - (g) the range of powers available to the court under this Act in the proceedings in question.
7. I am very aware that delay is generally prejudicial to the welfare of children and there has been too much delay in this case.
8. I know it is easy with the benefit of hindsight to say this, but there was a lack of active case management and analysis of the issues in some of the early hearings. There was not sufficient control on the filing of witness statements or letters to the court or supporting letters from friends and family, and most of those have not assisted the court.

9. Mrs. B was cross examined about the letter from the Fs and she suggested they became involved because they wanted the court to know what Mr. B was like rather than because she asked them. Then she accepted that it was a response to a character reference letter provided by a friend of Mr. B. The letter from the Fs makes general allegations unsupported by evidence.
10. I have read the bundles and all the additional materials provided on the first day of this hearing, but much of the materials filed by and on behalf of the parents is not of assistance on the real issues.
11. Of greater assistance is the quality of the relationship between IB and her father when her parents separated and not long after. It was good. There should have been staying contact not two hours a fortnight in a contact centre. The reports of contact were positive; but Mrs. B wanted to stop contact, although Mrs. Miller as the welfare officer at that time recommended contact continue as being in IB's best interests.
12. All the recommendations, including about her sisters, were accepted by Mr. B.
13. In March 2015 Mrs. Miller was appointed as the children's Guardian (I will come on to some more detail on that) and she observed positive contact sessions at CM and in the community, but according to the order (A63) IB had some reservations about seeing him. Mrs. Miller said rightly that, if contact was stopped, it would be difficult to get it going again. But she also thought, probably wrongly with the benefit of hindsight, that increasing contact might increase IB's resistance to future contact.
14. The Guardian has tried extremely hard in this case to make contact work for IB, but I think she has been hampered in her efforts by Mrs. B. Looking back now, staying contact with her father would have reminded IB of all the positives in her relationship with him whereas the two hours a fortnight was too little and it was surrounded by her mother's negativity.
15. The Guardian applied for an expert assessment by a psychologist, Darren Spooner, and that was granted and I have his report. While that assessment was taking place, contact was reduced to four weekly at the contact centre, albeit not supervised. IB was taken there by a member of her maternal family and I have seen their attitude to the father. All of this was reinforcing the idea that a contact centre was necessary.
16. There was an acceptance of IB's apparent reluctance to go to contact. On 24<sup>th</sup> July (at what I note was the tenth hearing), an order was made for gradual increases in contact building up to overnight in September "if IB wishes to do so". That burden of decision making should not have been placed on IB. Needless to say, overnight contact did not take place.
17. On 1<sup>st</sup> October 2015, the case was transferred to this court. There was to be a final hearing on 22<sup>nd</sup> and 23<sup>rd</sup> December before Judge Richards, but it could not take place because of the number of cases in his list. Mr. Spooner was at court and the parties had some discussions with him about the way forward. I have a note of that meeting, which is broadly agreed, and his follow up letter.
18. The final hearing was re-listed for 25<sup>th</sup> and 26<sup>th</sup> January and, on that date, it was agreed there would be a Family Assistance Order to CAFCASS and Mrs. Miller drew up a plan. The parties agreed to be led by the Guardian in relation to contact. Sadly, the end result was that there has been no contact for fourteen months. For some time no one brought the matter back to court.
19. Mr. B, not surprisingly, feels let down by CAFCASS and the system. Mrs. Miller understands that and I gained the impression that she feels, with hindsight, she might have taken a different approach. The difficulty is that Mrs. B is intelligent and plausible and gives the impression of wanting to make contact work when she is doing the opposite. My decision has to be made about what is in IB's interests now and going forward, so too much analysis of the court process is not going to help.

20. In July of last year, Mrs. B applied for a s.91(14) order to stop Mr. B making repeated applications for contact or residence. She complains the proceedings have been prolonged and says that has been detrimental to IB's wellbeing. I have not set out the entire history of every application or hearing, but I say now that Mr. B has not made repeated applications. He has been remarkably patient and put his faith in the system.
21. On 1<sup>st</sup> August, having lost faith, he applied for a change of residence and in his application (A156) he quotes Mr. Spooner's report that the mother is the cause of alienation and psychological harm in IB. He did not seem to me to seek a change in residence lightly.
22. At this hearing, I have to decide on the future arrangements for the care of IB. I am not going to make a s.91(14) order and, to be fair, that has not been actively pursued.
23. I have considered *Re P*, but I am going to fix a further hearing. It is now agreed that, whatever order I make, the parents will seek the help of an organisation recommended by Mr. Spooner, so the matter will have to return to court. Further, the contact arrangements will have to be reviewed. Sadly for IB, the Guardian is retiring next week but I will ask CAFCASS to appoint a new Guardian and I hope that Mrs. Bailey will continue to be IB's solicitor.
24. I have been referred to a number of authorities by the advocates. They are helpful reminders of the difficult decisions that have to be made in cases such as this and they also remind me that the court should be reluctant not to order contact where it would be in a child's best interests if it could be made to work. Mr. Spooner rightly said that every case is different and I have to decide this case on what is in IB's best interests.
25. I do not wish to oversimplify the cases that have been referred to me, but, *Re Q* and *Re C*, for example, tell me that in one case all avenues had been explored and in the other one they had not. Other cases tell me that sometimes a transfer of residence has been successful; in other cases, it has not been. Each case has to be decided on its own facts. But I do find Mrs. Justice Bracewell's approach to the wishes and feelings of the children in *V v. V* relevant to this case.
26. In this case, when I look at the welfare checklist, the most relevant factors are IB's emotional needs and the harm she has suffered or is at risk of suffering and whether her parents are capable of meeting her emotional needs.
27. Each of her parents is able to meet her physical and educational needs, although a move to her father's care would involve a change in school. A change in her home, school and main carer will have an effect on her in the short term but it is likely to be in her interests in the longer term if that results in her having a relationship with both of her parents and her wider family and if I find that that cannot be achieved whilst her mother remains her main carer.
28. IB's expressed wishes and feelings have been ascertained and her behaviour in attempts at contact suggest she does not want contact with her father. But the background and what has happened since her parents separated have affected her understanding. At her young age her positive experiences of her father are being eroded by her mother, so I have to look at the background and wider picture to ascertain her true wishes and feelings. In my judgment, if she had the true picture of her father and was allowed by her mother to enjoy contact, she would wish to spend time with him. She has become entrenched in her mother's views, but her anxiety continues. She knows from her own memory that her father is not the bad man he is portrayed as.
29. Although I have read the bundles and considered all the evidence, I only deal with that which is relevant to the issues. In addition to the written evidence, I have heard oral evidence from each parent, from the mother's sister, from the paternal grandmother, from Mr. Spooner and from the Guardian.

30. I come back to the background prior to the parents' separation because that is relevant. Mr. and Mrs. B lived together from 2004. They married in October 2006. By agreement, Mr. B acquired parental responsibility. Both parents agree there were difficulties in the marriage following Mr. B's redundancy. There was an argument in the summer of 2013. It is agreed that Mrs. B hit Mr. B, but it is not agreed whether that was in self-defence. The relevant factor for these proceedings is that the children overheard the argument and saw their parents upset afterwards.
31. Moving on by a few months, Mrs. B had decided she wanted to divorce Mr. B and she told him that. However, she then claims that (in her words) "him assaulting IB" was the catalyst for the marriage breaking down. I do not think that is right. I think that was an excuse. She already wanted a divorce.
32. That assault is said to have taken place on Friday 13<sup>th</sup> September 2013. IB got up, went into her parents' room at about 6am. She wanted her father to read or play with her. He asked her to go back to bed. She stamped her feet, so he picked her up and put her into bed. She struggled and, at some point, her leg was scratched.
33. Mrs. B came in in response to IB shouting and she wanted Mr. B to leave the room. Mr. B said she shouted at him and he called her a horrible woman. Mrs. B says he was angry, that IB was cowering, that he gripped her (Mrs. B) arms and was shouting at her. She said she felt scared for her own and IB's safety. She said he continued the argument in the kitchen. Mr. B said he went to work and, when he got home, Mrs. B and the children had left.
34. Mr. and Mrs. B had a meeting at a friend's house on 21<sup>st</sup> September 2013 and wrote out a short agreement, including that the girls would spend all day Sunday with him. He agreed to move out, but he later changed his mind. He did move out voluntarily on 5<sup>th</sup> October and Mrs. B and the children moved back in.
35. It is rare in family cases and where parents separate for one parent to be blameless; as Mr. Spooner said, it takes two to tango. Both parents argued and the children were aware of it. Mr. B said he would move out and then he went back on the agreement and that plainly was not helpful. He accepts that. After that, Mrs. B went back on the agreement for contact.
36. Thereafter, I do not think Mr. B is to blame for what has happened. I am not asked to make any findings about the breakdown of the marriage and I know, as well as Mr. Spooner, that it takes two people to make or break a marriage. But I have read the parents' statements and I have seen and heard them give evidence and I cannot accept the picture Mrs. B paints of Mr. B using controlling and abusive behaviour towards her and the children throughout the marriage or of him talking down to her and making her feel worthless for years. I note she said all of this and then she complained he chose to spend time away from the family at weekends and, even when he did spend time with them, she claims he rarely took part in activities.
37. I cannot accept Mrs. B's account of 13<sup>th</sup> September 2013 not least because she begins by saying IB went into their room to get permission to go and read quietly, which seems unlikely and is contradicted by IB's account. She herself gave a different account to Mr. Spooner. She also accepts that Mr. B would get up when IB awoke in the early hours of the morning and spend time reading with her, which is not the mark of a father who is not interested. It seems to me he has also been very patient during these proceedings and accepted her proposals for years, and I do not see evidence of a man who is controlling or abusive.
38. Mrs. B says that IB was hesitant about contact from the start. She decided it had to be supervised because Mr. B had harmed IB. The injury on 13<sup>th</sup> September 2013 was plainly an accident. She says that IB was having nightmares about contact from October 2013.

39. My reading of her statements is that she wanted to control every detail of the contact and she created the idea in IB's mind that it needed supervision. She describes an incident in March 2014 where she claimed she froze because she wondered whether Mr. B had come to the swimming pool to intimidate her or might shout at her in front of everybody and she transferred this supposed fear or anxiety on her part on to IB.
40. Mrs. B has also worked hard to bring professionals, such as the school nurse, into her view of things and has used them to help IB to cope with her worries. In my judgment, though, the worries were created by Mrs. B and that is emotionally harmful to IB. It must be confusing for a child to be put in that position.
41. I do not want to set out large parts of the parents' statements in this judgment. They do not change a great deal in their view of the problem. Mrs. B portrays herself as doing all she can to promote contact, while saying it is detrimental. Mr. B says she is not and that her behaviour is harmful to IB. They both give examples to support their case. I find the independent evidence of greater assistance.
42. Mrs. Miller's first involvement was as the CAFCASS officer in the Spring of 2014. IB was confused about the events of 13<sup>th</sup> September 2013, but her account is similar to her father's. She continued to be worried and her mother has not allayed her worries. For a child of six, IB was giving precise views on the right level of contact which are unlikely to be spontaneous. Importantly, she was happy to see her dad and she was not refusing to go. She was also doing well at school and there were no concerns about her presentation apart from the girls being unsettled when they were away from home for those few weeks after the separation.
43. Mrs. Miller referred to IB being traumatised by the incident of 13<sup>th</sup> September and her parents' separation, which necessitated on her moving on a temporary basis to her grandparents' address.
44. Of course, it was six months since all of that had happened and it is not easy to see how much influence the actual events had had on IB compared to Mrs. B's handling of it in IB's mind. I now know that she was not traumatised. The children and their mother had given the impression that Mr. B was the only parent who lost control of his temper and posed a risk, but I now know from Mr. Spooner's report that Mrs. B had at times suffered from depression and that she too had lost her temper in front of the children. I also know that her present partner loses his temper and has to go outside to calm down. But that complete picture was not presented to Mrs. Miller. All she was presented with was the picture of the father being the difficult parent in this household.
45. Mrs. Miller recommended a contact centre for six weeks. She said the reliance on the maternal family would be reduced and it would provide a safe space for IB and her father to reconnect with each other and a safe platform for them to spend time together.
46. I have read the reports of those contact sessions and they are good. In the first one, IB was subdued. She was fairly talkative and responsive to the father. Partway through she became less responsive and played with the sandpit. I have to say, she may just have been happy playing in the sandpit. In the next session, she was more at ease and enjoyed the activities. She gave her dad a hug and kissed him twice. She was relaxed and receptive towards him and they appeared to get along really well.
47. When Mrs. Miller observed contact IB said she had not enjoyed it, but that did not concur with her demeanour in contact. Mrs. B was saying IB was unsettled by contact, having nightmares and being withdrawn. She said IB was scared her father would lose his temper and shout at her again and IB seemed to have the impression she would be taken away from her mother and that was distressing her. I now know that her mother had told her that her dad was trying to take her to get back at her mum. She also told Mrs. Miller that she would feel safe in contact if her mother was there, but that her mother would not feel safe. So Mrs. B was giving IB the idea that her father was a threat to her safety.

48. At C32, para.13 onwards of Mrs. Miller's report of 1<sup>st</sup> August 2014, she said this:

"(13) Clearly there is something going on that is causing this little girl to feel very anxious about having contact with her father. It would seem that her mother is also extremely anxious about this, enquiring as to what age her daughter has to be for her views in relation to not wishing to see her father to take precedence.

(14) There is no evidence from my earlier analysis, or recent observation of contact, to suggest that contact for IB with Mr. B is not safe. IB however remains adamant that she does not want contact and seems to retain negative memories of her father which cause her, and her mother, to feel afraid. This anxiety and IB's reactive behaviour to the notion of contact with her father would seem disproportionate to the risk identified. Her view of her father is entirely negative and she demonstrates no concern for her father or paternal grandparents' feelings, which are indicators of unsafe contact according to Sturge and Glaser. There are, however, beneficial indicators which, in my opinion, offset these aspects, such as there being a clear purpose to contact to repair the relationship and safe arrangements are in place.

(15) From IB's comments it is clear that she is receiving messages from her mother which relate to his father and his reason for wanting to see her. Such parental conflict is identified by the impact of parental conflict tool as emotionally harmful to children whose parents are separated. IB needs to receive positive messages about both of her parents and it is not helpful for her to become involved in the adults' agenda.

(16) The information from Mrs. B and IB relating to IB's feelings about her father is not supported by the observations with her father at C.A. This suggests that IB may be reflecting her mother's feelings and anxieties in relation to Mr. B."

She goes on to advise Mrs. B what she should be doing.

49. That was August 2014. It is now March 2017. Mrs. B was made well aware of what she was doing and the effects on her daughter. She was being told very clearly that the contact was positive. My view is that she set about of continuing to prevent her daughter from enjoying the contact.
50. Mrs. Miller went on to recommend contact supported by a family member until IB built up her confidence. I regret that the family were not supportive. She said IB would need positive messages in relation to the father. She did not get them. She was subdued in the presence of the mother's family at contact and there was no encouragement. IB was made aware of the ongoing dispute by her mother and her fears of her father were being perpetuated.
51. Mrs. Miller has said more than once that there were no safeguarding concerns and she has said more than once that there was a risk of emotional harm if IB did not have the permission of the maternal family to see and spend time with her father. She said there was no reason why more normalised contact should not take place. But it did not.
52. In October 2014, she suggested they move towards day visits in the community. I note though that the contact visits from September tell me that IB was ignoring her father when he asked for a hug at the end of contact and that, when he mentioned the next contact, the mother's sister said that would depend on IB's mother. No, it would not, is my view of that; her sister had no business saying that. The contact was beginning to go backwards and IB knew how her mother and aunt expected her to behave whereas, on 27<sup>th</sup> September, for example, she enjoyed herself and she was happy and relaxed apart from the beginning and end. So the contact did not progress.

53. By January 2015, Mrs. Miller was so concerned about the distress associated with the contact arrangements that she recommended a psychological assessment and she recommended that she be appointed as a Guardian and that was done.
54. The school nurse was accepting the mother's narrative and thought IB may have some form of post-traumatic stress disorder. Darren Spooner reported in June 2015. He reported that IB does not have PTSD. He said Mrs. B presented as a plausible woman. She took every opportunity to tell him why IB allegedly did not want to see her dad, how many nightmares she has because her father allegedly hurt them both and she took every opportunity to criticise Mr. B. Mr. Spooner saw through it.
55. IB was not traumatised; she felt rejected by her father. Her attachment with him was ruptured without her having any opportunity to talk to him about it and repair the rupture.
56. There has been no challenge to the factual content of Mr. Spooner's report and I do not propose to set it out here. His assessment of the parents was borne out by the way they presented to this court. Mrs. B has experienced depression in the past and she said she had been snappy with the children and (in her words) "turned into a bit of a monster, shouting or crying and nothing in between". He said that may be why IB developed challenging behaviours. It tells me that there were difficulties in the home that were not all due to Mr. B, as has been suggested.
57. The picture of IB's relationship with her father though before the separation was positive and Mr. Spooner said nothing stood out in Mr. B's background as a risk factor. Of IB, Mr. Spooner had this to say at paras.125-127:

"My firm opinion about IB is that the emotional burden and distress that she is carrying has resulted from everything that has happened since 13<sup>th</sup> September 2013 and not as a result of it. I will comment on this further below, but I will say early in this report that I have significant concerns about IB's mental health and the unbearable situation in which she has found herself amidst the conflict between the parents about her."

"This poor child is split in half and I think she is not far from taking the step of fully detaching from and rejecting her father and fully aligning herself with her mother because of the unbearable angst of a conflict of loyalty. The consequences of this are that she is now in a very precarious position and unless this is resolved for her by the adults in her life, she will soon find herself on a ghastly psycho-developmental trajectory which will put her at risk of later psycho-pathology (i.e. mental illness, personality disorder and a very poor level of socialisation) and possibly a rejection of her mother."

He goes on to say:

"My opinion is that the distress and emotional disturbance that this child is experiencing as a result of having a relationship, and I suspect secure attachment, with her father eroded away and finding herself in a situation in which she feels she has no choice but to reject him and align herself with her mother."

58. A mother reading that could go one of two ways in my view. She could either think "I've got to do something to repair this" or she could think "If I carry on damaging this relationship, there will be no contact at all". I regret that it is the second route that has been gone down by Mrs. B.
59. Mr. Spooner goes on in his report to set out some of the tests he has done. I do not think it is going to help for me to go into all of those, but he does give me a rather sad picture at para.143 about IB. He says:

"The only other noteworthy aspect of one of her stories was that K [mother's present partner] went off to work and her mother stayed in bed and said 'I have to wake her up

sometimes, she can't get up. It's what mummies are like'. I asked IB if she had to wake her mummy sometimes and she said she did."

Mr. Spooner goes on to say:

"I wonder if IB's previous routine of waking early and reading and having her breakfast with her father has now been replaced by a new routine. That is, getting up early on her own and having to then get her mum up".

I find that a very sad picture.

60. Mr. Spooner says that IB had to take sides to please her mother and she is carrying the burden of that. I note that her school report already says that she is performing slightly less well than her peers and is somewhat less happy. She likes school and she likes learning. She is showing signs of emotional and social disturbance.

61. There are obviously some positives in this report about her memories of her father. At para.169 (C103),

"IB said she could not remember very much about all living together with dad, but she did say he used to get up and read with her and have breakfast together every day. Mrs. B would argue that this was perfunctory and not a meaningful experience for IB and she said it was not every morning anyway. Mr. B would argue it was a special morning ritual where there was mutual closeness."

I think I would prefer Mr. B's description of the matter.

62. At para.171, Mr. Spooner asked IB what she would wish for if she had three wishes "and she said for contact once a year. I asked her why only once a year and she said, 'Because mummy thinks I should see him once each year, but mummy says it's what I think should happen'." That speaks volumes.

63. Mr. Spooner describes contact between IB and her father. At para.176, he says: "The contact session I observed between IB and her father was one of the saddest things I've seen in over 15 years of clinical practice and in over 1500 public and private law cases and I have never seen a child ever go to such lengths to avoid interacting with a parent. I felt quite upset afterwards in a way I seldom do when I am doing this sort of work anymore, and so what on earth must it have been like for this child and her dad?"

"I have seen countless children who have been abused and neglected in every way imaginable, yet they will more often than not engage with their parents in a supervised contact setting, enjoy their company, seek physical proximity and attention and respond to the parents' overtures. I have observed contact in prisons where parents have been incarcerated for their abuse and neglect, yet children still generally engage with them".

"IB made every effort to avoid interacting with her father largely the whole time I observed them."

64. Mr. B had obviously behaved wholly appropriately. It transpires that this contact in the school was taking place extremely close to the family home. That may, it seems to me and to Mr. Spooner, have had something to do with IB's reaction. But it tells me, obviously, the way she was feeling having previously had that positive relationship where they had breakfast together, for example, in the mornings.

65. At para.193, Mr. Spooner says:

"I think IB has been thrust into a position where she has felt she had no choice, probably with the avid support/encouragement/influence of her other family members, but to reject

her father and align herself with her mother because of the intolerable anguish of divided loyalty."

"It is very telling reading the contact records, which suggest this child is so bewildered about how she should and should not behave when she is with her father that she oscillates between extremes. The pictures and videos of her with her father, and several direct observations by CAF/CASS, show a child who is at ease with her father and who clearly adores him and his company at times. We would not see this in a child who was traumatised by that parent. That I am quite sure of."

He goes on to say:

"IB presents with features of an alienated child."

He gives a description of an alienated child, one who expresses freely and persistently unreasonable and negative feelings and beliefs towards a parent that is significantly disproportionate to a child's actual experience with that parent. He goes on to describe their behaviour and, in an appendix to his report, he warns of some of the risks in later life to a child.

66. I agree with Mr. Spooner's assessment and he is also right when he said that the supervised contact makes it worse. IB could not be seen to have a nice time. She was there with family members who were supporters of her mother. Mr. Spooner is right that there is no evidence to suggest that her relationship with her father before 13<sup>th</sup> September 2013 was anything but positive and I cannot accept Mrs. B's descriptions of it.

67. In answer to some of the questions, Mr. Spooner says this at para.212:

"The best outcome for IB will be had by enjoying close, loving and meaningful relationships with both parents and for this litigation and hostility between the parents to end.

Really, the resolution to this problem rests squarely with Mrs. B, not with any work that needs doing with IB. No amount of work will help IB if she is not fully, properly and unconditionally helped by her mother to enjoy a proper relationship with her father again. For as long as there is such a conflicted gulf between the positions of these two parents, all therapy or intervention would do for IB is to continue to put her in the spotlight regarding her feelings and wishes and I suspect her position would become increasingly strident.

What needs to shift here is the position of Mrs. B, because unless she does understand and accept just how much distress IB is in as a result of the conflict dispute and the precarious position that puts her in, and makes a significant sea change in her own position, then IB will remain on her perilous psycho-developmental trajectory.

From a psychological perspective there is no reason why Mr. B would not be able to meet IB's needs. I would therefore say that unless Mrs. B does demonstrate a dramatic sea change and start meeting IB's needs by properly supporting her in re-establishing a proper relationship with her father then I would have no hesitation in suggesting and supporting a change of residence to the father or making a referral myself to the Local Authority.

IB needs the opportunity and support now to re-establish her relationship with her father, and this will not be achievable with brief slivers of contact as a reward to Mr. B by Mrs. B for his good behaviour."

68. It has been said during the course of these proceedings that Mrs. B sees this as a wake-up call. Frankly, it could not have been clearer from Mr. Spooner's report what she needed to do because of the harm to her daughter and that should have been a wake-up call.
69. Following that report, Mrs. B appeared to make some proposals for contact. But then she continued to manage it and she continued to find problems. She told the Guardian IB did not want to see her father. She continued to try to bring professionals, such as the Guardian and Family Support Practitioner, into her narrative. She set the pace for the progress of contact. She appeared to be co-operative and in agreement to move forward but, in my judgment, it was not a real change in Mrs. B. She was paying lip service to it and she had no intention of making the contact work.
70. Moving on to December 2015, Mrs. Miller prepared her report for the final hearing. She appeared to consider Mrs. B genuine. She looked at her concerns for IB's wellbeing if she were pushed into contact with her father when she is resistant. With hindsight again, I am not sure there was enough analysis of the pressure Mrs. B was likely to be placing on IB or how the proposed monthly contact could really lead to a proper relationship between father and daughter.
71. When the parties came to court on 22<sup>nd</sup> December 2015, they had a discussion outside court with Mr. Spooner since he was here and he was considering the pros and cons of the status quo. He was asked about the impact of removing IB as against her remaining in the care of her mother. He felt that it would be a massive upheaval for her to move, cause her considerable distress with a significant chance of it not working, and he also thought it would not end any future litigation with Mrs. B wanting continuing professional involvement. So he appeared to be stepping back from the recommendation in his report.
72. I have a letter from him dated 19<sup>th</sup> January 2016 in which he sets out some further thoughts (C159). He was asked about what harm would IB suffer under each of the three options available with those being:
- "IB remaining resident with her mother and spending time with her father.
- IB being resident with her father and spending time with her mother.
- IB not having direct contact with her father."
73. In relation to option one, he could not see a way forward with that now because her mother had closed all the doors. He went on to say he entirely agreed with Mr. B's disbelief at how this matter could have arrived at the point where IB would not even sign a birthday card for him. He reiterated that Mr. B does not present a risk to IB and that they have a right to see each other, but he said he was afraid that he had no further suggestions of how to move it forward without causing IB considerable distress.
74. In relation to option two, he said it would cause IB considerable upheaval and distress and it would not stop her being influenced by her mother because she would be aware of how distressed her mother was.
75. In relation to option three, he said it might bring IB instant relief in the short term but he was very concerned about the consequences in the long term. As sure as night follows day, there would come a time when IB could think more rationally and clearly for herself and she would want to see her father. He went on to say there will be a storm brewing on the horizon with option three.
76. He was asked which option would provide the least amount of harm in the short, medium and long term but he had largely answered that above. He said, in the short term, the least harmful option would be for Mr. B to take the ultimate child-focused step and step back from contact for the time being. It would give IB the message he is acting selflessly, putting his needs to one side to relieve her of her distress. In the longer term, though, he reiterated his concerns.

77. What could Mr. B do? He was a caring loving father. He was trusting the professionals, so he stepped back.
78. Mr. Spooner was asked, and I find this helpful for me today: "In the event a change of residence is ordered, how can that move be managed and what support for IB would be needed if any?" He said this:
- "As brutal as it sounds, if residence is changed to the father, it just needs to be gotten on with. IB will be kicking and screaming no matter when this takes place and no matter how much preparation there is with her. This would need professional support and I suspect it would leave Ms. Miller with the unenviable responsibility for engineering and facilitating this."
- He was quite sure that IB would need professional emotional support.
79. I think he is right. I can see it was a very difficult situation on which to advise and I can see for Mr. B he was in an impossible position. Mr. B, as I say, stepped back. The end result of that is there has been no contact for about fourteen months now.
80. Bringing matters completely up to date by way of outside evidence, there is some information from the school. First, an email of 7<sup>th</sup> March tells me that IB is still suffering from anxiety and that Mrs. B is still letting her know about these proceedings and not protecting her from the distress or her own feelings as an adult; and, secondly, the school nurse has reported that IB feels her parents splitting up is all her fault. So the break in contact has not actually helped to settle this poor girl's anxiety.
81. In her position statement for this final hearing, the Guardian did not think that the mother was preventing contact. My view is she was. The Guardian has now heard all the evidence and her view now is that it is not in IB's interests to end this case with no contact, although as I said at the beginning she was considering that as an option.
82. I have set out that background in some detail because it is relevant not just to set out the whole of the past, but the expert view has taken into account the background and, in my judgment, it is all evidence based and therefore it is important to set out the evidence on which it is based. But also it is important to look at how the situation has developed and to look at the likelihood of the mother changing now when she has not done so before.
83. It seems to me there will be harm continuing for IB in her mother's care from the distorted narrative that she has been given by her mother and that distorted narrative, from those pieces of information via the school, is continuing. The lack of contact, which it was hoped would bring about change, has not changed. Sadly, IB appears to know deep down that the story her mother is giving her is not true and I simply cannot leave her in that situation.
84. Moving on to look at the oral evidence that I have heard in this court. Mr. Spooner had not been involved for some time, so he was brought up to date and he was asked about his thinking in some of his options just over a year ago. He said that IB was under pressure and it was making her unwell and he thought then that she needed breathing space.
85. On the father's application now for a change of residence, he said it would be a massive upheaval and he said the uncertainty might cause her considerable distress. I say "might".
86. On the behavioural problems that IB has, he was asked if it would really be worse to move her than not move her. He said no one can give a definitive view. He has seen some remarkable outcomes including one case where a child's only response was to ask dad if he was cross with them. I have seen cases where the decision to change residence has come as a relief to a child.

87. He was asked about IB having to perform to a script so that it might be more natural for her to be comfortable at home, but he said that that does not mean that she is happy and content at home. He said her comments to him that she used to hit her mum do not show an entirely happy child and she also said her mum used to hit her. She did not say that her dad hit her apart from the incident in September 2013 and both parents say the only injury that day was accidental.
88. He reiterated that Mrs. B has the key to making this work and that she has had too much influence over the arrangements, and I would agree. He was asked about his descriptions of the emotional damage and he said that IB is still being harmed right now. It was put to him that all of her other needs were met by living with her mother, but he was also asked about the amount of contact and he said that it needs quantity for it to be quality. I mention that because Mrs. B has heard that evidence, but she is still not proposing quantity of contact. He said that if the mother's aim was to sever the relationship between the father and child then she would have won.
89. He went on to say that there is no evidence that the father and IB had anything other than a loving relationship, a good relationship before. He said there is no reason she should reject her father and he repeated what he had said before about some public law cases.
90. He was asked to look at F108, which is the confidential case log where IB thinks her dad was trying to take her to get back at mum. He said he cannot think that a child could hear that and not be damaged by it. She is being given the picture of a despotic man using her to get at her mother. He said, if he had seen that, that would have supported the conclusions he drew at the time. He referred to the maternal grandparents as willing disciples of Mrs. B and they painted a picture that is highly disparate to the picture IB and her mother were taking.
91. He said that it is difficult to see that this is anything other than an extended attempt to prevent the relationship between Mr. B and his daughter. He said the best way forward was for the maternal family to promote the relationship with her father, but he does not see that happening without a sea change and I am afraid I do not see any such change. He did not think the relationship with the mother's current partner would help IB to feel more secure.
92. It was put to him that the mother's care of her daughter was good apart from the contact issue and Mr. Spooner said "Well, how can IB be truly satisfied with her life with this hole?" He said, "The failure to support contact to move the matter forward has caused IB a great deal of emotional harm and that was evidenced by the teacher's report of worrying behaviours". He said, "If everything is well at home, this lack of contact is likely to be the only cause of IB's upset".
93. He was asked to consider balancing the risk of harm between IB moving to live with her father against not seeing him now because mother's position is that she will never recover from the trauma if she is removed from her mother. He said that is not necessarily the case and she may not recover from the trauma of not seeing her father.
94. He said that, if residence is changed, he is not saying that IB will never see her mother or her sisters. He does not think Mr. B would prevent that and, on the timing of a move, he said there is no science to it. There are grounds for a gentle process and grounds for getting on with it.
95. He did offer some help to us because he said there is a clinic in London called the Family Separation Clinic, which, in a recent case he did, has repaired relationships. He, of course, had not been asked to advise on some of the nuts and bolts. The parents have both looked up that clinic on the internet and expressed interest in it.
96. The mother's case is that IB would be harmed by being forced to move against her wishes and Mr. Spooner said that she has been wholly disempowered by this and he does not think that these are her true

wishes and feelings. She is carrying a significant emotional burden and it is affecting her at school and her life.

97. Mrs. B's position as it was put to Mr. Spooner is that there was a problem in the father/daughter relationship to start with, but that is not how Mr. Spooner saw it and that is not how I see it. There is no evidence that the relationship between father and daughter was anything other than good enough and it did not then need to be rebuilt.
98. He was asked on behalf of Mrs. B about the fact that she had made detailed contact proposals and that the Guardian did not think she had been preventing contact. He said that it represents a change in the mechanics of contact, but it did not necessarily demonstrate the child had the mother's blessing. There can, of course, be a form of disguised compliance because what really matters is what goes on before the attempt to get the child out of the car that is important.
99. Mr. Spooner accepted in his evidence that we cannot predict for IB whether it would be an easy move to her father or not, but his experience of cases he has been involved in is that it has worked. He accepts it could make things worse. All of the options entail risk and he has not positively recommended a move to her father.
100. He was clear that a move to foster care as a halfway house was a ghastly option for this child. She has a significant attachment to her mother and a significant positive history with her father and he said she would also have memories of him and a sensory memory of him.
101. He was not positively recommending a change of residence, but he was rightly identifying the ongoing harm being caused to IB; and, in the absence of any change in the maternal family, there will be no change in that harm and the consequences for IB could be lifelong. I therefore note from his evidence that there will not be any change, in his view.
102. His assessment of Mr. B was that he could meet all of IB's needs, including a relationship with the maternal family. A move would entail risk, but she has the positive history and the memories to build on.
103. I accept Mr. Spooner's evidence and assessment of this family and the harm that has been caused to IB. His opinion was evidenced based, carefully thought out and, having seen and heard these parents, I find his conclusions accurate.
104. Of the parents, Mr. B gave evidence first and he was asked how he would arrange a change of residence. He had plainly been giving it some thought. He appreciates it might be difficult for IB. He has a room ready, clothes, he would let her sisters come along, he has spoken to a local school and they have a place for her. On the practicalities, he would want IB to know he is not taking her away from her mother. He is still willing to work with her mother and he would be happy to seek guidance from an external agency. He thinks that IB would happily go back to him after contact with the mother because she would have rebuilt the bond with him. He said he could not predict how long that would take.
105. It was suggested to him that he did not know enough about IB's likes or dislikes. That is not an attractive argument when you have stopped him having a relationship to find these things out, but he actually dealt with it very well. He said that he would go shopping and children vary in the food they like, in any event, and there are plenty of programmes on the television she can choose what she likes.
106. He accepted there may be some tears and he is willing to have the sisters come and stay if they want to come. He would tell IB that she will benefit from seeing the rest of the family. He was quite sensitive and said he would not give her too much detail, but will say that people who know better than him have decided it is better she lives with him and sees all of her family. It seems to me that that is just the sort of thing he would have to say. He would take advice from experts and it seemed to me that he had thought about it.

107. He did have a possible contingency plan of taking her on holiday to Powys with his girlfriend. I can see why that might sound positive, but my view is that what she needs at the moment is settling in with him and his parents who she knows and that the girlfriend should be introduced later on. She could then be in the safe surroundings of the grandparents' home and she could move schools next term rather than next week.
108. He was asked about the contact orders and it was put to him that Mrs. B has done what was ordered. He thinks she was obstructive and that is the impression I have from the statements too. She was very controlling about the arrangements and she just was not giving it a chance for them to have a free relationship.
109. Mr. B made some criticisms of the Guardian in his last position statement and he was cross examined about some of those. He felt she has hindered this case because (as he put it) she would flip from one opinion to another, she called in an expert and then she went against him and he feels let down.
110. Mrs. Miller, to her credit, accepts and understands how he feels. But it seems to me that she was hampered by Mrs. B; I can understand why she had difficulties and I think Mr. B can also.
111. I found Mr. B very focused on IB's welfare. Even now he seemed to me a little over-optimistic about Mrs. B working with him, but I hope he is right and that she will.
112. I also heard evidence from his mother, Mrs. B senior. She plainly has some opinions about Mrs. B junior, she must keep those to herself. She also took too many photographs in the past, I think that can be dealt with by telling her to put the camera away. She did though try in her evidence, I thought, not to be too critical of Mrs. B junior. She wants to help IB settle down and she said that she thinks that she will settle down. She will have her room and her toys. She said much the same as the father and she thinks that she would get professional advice if IB is not happy. She thinks it might be a traumatic start, but it would benefit IB in the future. She thinks it will be worse for IB if a move does not happen and I agree with her.
113. I found her child focused. I think she may have been a little optimistic about how quickly IB would settle in, but she may be right, it does happen.
114. Mrs. HB gave her evidence next. She has not shifted one iota, I am afraid. She thinks IB does not want to see her father because she is remembering the events of that morning, by which she meant 13<sup>th</sup> September 2013, and it plays heavily on her mind. She said the contact sessions being more frequent had upset her greatly. She was enjoying contact at the start. It was frequently once a fortnight. She could not cope with that whereas she could cope with once a month and, if things had stayed at that level, they would have progressed by now.
115. Of the school nurse's involvement, she said she was involved initially and then that was stopped on Mr. Spooner's advice. But she (the mother) was struggling to get her to school, so they suggested another referral to the school nurse. She said that IB still gets anxious and unsettled. She said the proceedings had been very stressful for IB, but it seems to me that that is the way her mother has involved her in the proceedings. IB has not needed to see a professional or be involved in this for a long time now.
116. When asked what she wants, Mrs. B said she wants IB to have a good relationship with her father and be happy; she has never tried to stop that. I cannot think she really believes that, perhaps she does. Hopefully at some point in the future, she said, they could rectify the broken relationship and IB could have time with her father. She did not seem to have any actual proposals for how that could happen. She said she cannot see a move to her father's home could happen willingly and she referred to the time it took to get IB out of the car. She said she did not tell IB that her daddy wanted to get back at her mother.

I am afraid I do not believe her. I have seen the log and those are the words of a child who understands exactly what is being said to her. My view is that that came from the mother.

117. She was asked why contact would be stressful and she said she did not know because she has always encouraged her to go to contact and have a nice time, but the events of 13<sup>th</sup> September are still at the forefront of her mind. It seems to me that she (the mother) has put it there and she has given IB the wrong narrative about that day. If IB had really been encouraged to go to contact, she would have been staying with her father without restrictions from the start. But the mother was controlling the arrangements from day one. It plainly is not true that she has encouraged contact.
118. She was asked about the comment IB made to Mr. Spooner about "Mummy thinks I should see him once a year, but mummy says it's what I think should happen". Mrs. B said she does not know why IB said that. It seems to me that it is very obvious IB said that because she was relaying to Mr. Spooner what her mother had said.
119. It was put to Mrs. B that she has not done anything to facilitate contact and she maintains that she has.
120. She was asked about the argument which IB had relayed (C101) about K and Mr. Spooner was concerned about this. Mrs. B said, "Well, it was late. All the children were in bed and K was upset about a message from his ex-wife saying his son was not coming. He got understandably upset about that, swore and went outside and IB happened to get up and she misunderstood". I have to say it is clear to me that IB picks up on more things than her mother likes to accept. I also note the irony of the situation that K was entitled to get upset about not having contact with his son.
121. The problem I have with Mrs. B's claim that she never stopped contact is that the application had to be made because she was not allowing contact and, as soon as the application was made, she started bringing other people in with allegations. She said she was concerned about IB, but she has not put IB first. She agreed that IB was in a bad way from not having contact and said she wanted IB to have it, but she has not done anything to make it work. She claims that she put the events of 13<sup>th</sup> September in context for IB, but, her account, frankly, was not convincing. She was suggesting that she has talked to IB about seeing daddy and building on the positive times, such as horse riding. She did not sound convincing.
122. Mrs. B's approach to this court was to hide behind IB rather than to accept that she had created the concerns in IB's mind. Her whole body language and her answers were of somebody who simply did not want contact.
123. I heard from her sister, KR. She does not want contact either. She said she is concerned about her niece's emotional and psychological wellbeing. She said she did not know what Mr. Spooner had said, even in general. I have my doubts about that. She agreed that, in an ideal world, the child would have contact with her father, but she said IB had been upset on the visits and her sister had encouraged her to go. She said IB was withdrawn and quiet as they approached the venue. She wanted to make a speech about how much her sister has encouraged contact rather than answering the questions.
124. She was asked what positive things she had said to IB. There was a hesitation, but then she said she had mentioned seeing the animals. When asked what she had said about her father, there was another hesitation and the best she could come up with was she had not said anything 'un-nice' about him. She said she did not know what had changed in IB not wanting to go and she trotted out all the same things as Mrs. B about a starting point and building on it and she said that IB was struggling to cope with contact. It seems to me it was much more about her mother struggling.
125. Mrs. R was determined to be negative about Mr. B. She talks of being nervous for her safety and that of IB when she took her to the pantomime in January 2015. I think she is exaggerating. There was a short

disagreement at the end of contact and I do not suppose either adult handled it over well. But she described getting in the car and locking the doors and IB asking if they were locked and if anyone could get in, so she said "no". If that is right, the impression it will have given IB is that she needed to be fearful of her father.

126. Mrs. R's attitude and demeanour was anti-contact. She could not hide her view and her support for her sister and it was clear from her descriptions of the contact in 2015 that IB had not been allowed to enjoy her father's company. She was expected to be anti-contact as well. Independent evidence when her aunt was not present was that IB was able to enjoy her time with her father.
127. Mrs. R talked of the mother encouraging contact and hiding her distress and upset from IB, but there was nothing for her to be distressed about. Mrs. R said the upset and distress was because of the proceedings. The proceedings were because her sister did not want contact. It became rather circuitous. Any distress was as a result of her own thoughts and then it was conveyed to IB. She did not want the contact to progress, so the arrival and departures in July to September 2015 were protracted and the notes do not show Mrs. R helping at all. I asked her what she had said to be encouraging and she said she just stepped away, she did not offer any encouragement and that speaks volumes.
128. It seems to me that there would be no change at all in the maternal family if IB stays where she is.
129. The Guardian gave her evidence last. She is an experienced children's Guardian and she has been involved in this case since 2014. She knows the case very well and I think it has got to her (if I can put it like that) because she has obviously found it very difficult to make a recommendation at the end of this case.
130. She responded to some of the criticisms of Mr. B in his position statement. She said she has given considerable time and support to this case and tried to unpick it and move it forward and she has endeavoured to do her best. I think Mr. B knows that and I do not think the fault here lies with the Guardian.
131. The logs of her meetings with IB under the Family Assistance Order though tell me how difficult it was to get very far with IB. There is a sad description of IB wanting to reject the cards, probably because she knew she was not meant to have them, but in fact she spent a long time looking at the photographs and then showing the card from her dad to the dog. It shows me that there are positive views of her father in IB's mind, but, of course, she gets the Guardian telling her the truth about things and then her mother undoes it all.
132. The Guardian's views have changed over time and that is because the case has changed and become in many ways more complex and because she hoped, as probably did Mr. Spooner, that, by taking a step back (Mr. B did that), they would then move forward. The trouble is that Mrs. Miller has now seen that, despite that no contact period and Mr. B stepping back, the anxiety in IB is still there. She has considerable anxieties and she questions what is being said at home. At least she knows, through the indirect contact and the Guardian, that her father is still out there and cares about her.
133. The Guardian was asked about a move to the father and she said she cannot predict how IB would react. She could be traumatised or it could be a huge relief. She thinks Mr. B's ultimate shared care package is very attractive for IB, but the difficulty is how you get there.
134. She looked up the agency identified by Mr. Spooner and had an idea of the prices and it seems to me that the parents should explore that option. They have both said they are willing to and will look at the funding and I think this case will have to come back in a short time to see where we go next. IB will still need a Guardian, it seems to me, even when Mrs. Miller retires and hopefully one can be re-appointed.

135. Mrs. Miller considered the potential impact on IB of moving because she was asked by various advocates and she said she just does not know, but she does know it is damaging for her now to have to reject the father. She is sure that Mr. B poses no safeguarding risks that she has picked up and IB has the right to grow up knowing her paternal family in the same way as she knows the maternal family.
136. On biting the bullet and making the move, she said "If we wait, it could be difficult and may add to her anxieties". The alternative route of seeing if Mrs. B does come on board may be worth trying under a suspended order, but then she highlighted the lack of change bearing in mind how long all of this has been going on. She agreed that IB will have picked up on things that were said to her and she has had to adopt an agenda to please her mother.
137. Mrs. Miller was very clear that it is not in IB's interests for her to have no contact with her father. She thinks IB is still thinking about him and she might welcome a change of residence. There might be the reverse, but the glimmers are that she has enjoyed the time she spent with her father. There were times when she could not enjoy being close in contact and she was obviously confused at times. But there was an occasion when Mrs. Miller was present when she leant on her father's shoulder, which is positive if rather sad.
138. In hindsight, she thinks the plan for Mr. B to step back was not helpful. I think she is right about that. She thinks the incident of 2013 is not relevant and I agree with her about that.
139. She was asked on behalf of one of the parties about struggling with making a recommendation and she acknowledged that. She said that, based on her experience of moving children who have been in an estranged situation, IB could find it difficult. Mr. B, it might be thought, was being a bit unrealistic and she does not know how well she will cope. She thinks his mother can assist and they have a previous relationship to build on. She also referred to the Family Separation Clinic.
140. She was cross examined on behalf of the mother in (with all due respect) a rather unattractive way. I do not mean that against counsel, I mean that in relation to the case she had to put. Much of the thrust of the mother's case is she has done so much harm to IB that now a move would be impossible; that is not an attractive case to put.
141. The Guardian, it seems to me, has seen that the mother cannot change. She has seen that the school still says that IB is not happy, despite not seeing her father. She is still anxious, she suffers from tummy ache. Therefore, in her oral evidence, the Guardian saw the risks of harm between the competing options before the court now as more finely balanced. She said that IB knows too much about these proceedings and she does not need to know as much as she does and, if she is anxious, that comes from the mother. Of course, if these proceedings are not the cause of the anxiety and unhappiness, then it could be because she has lost her father. There have been no other reasons put forward.
142. The Guardian said she would be willing to help if an arrangement for a move to her father was put in place.
143. I have summarised that evidence in some detail and it will be clear from the evidence that I cannot take the "do nothing" option in this case and the Guardian agrees with that.
144. This child is continuing to suffer harm in her mother's care. If I leave her in her mother's care with no contact that will not change. She will continue to suffer harm. She knows her mother's story is not right and the outcomes of parental alienation identified by Mr. Spooner will come to pass. It seems to me there has to be change.
145. The mother says there has been a reality check and perhaps the Sword of Damocles of a suspended change of residence order would help, so I asked for her contact proposals. They showed me there has been no change at all. What she was proposing was Saturday 25<sup>th</sup> March, go to CM from 10am until

1pm, have a play and lunch and the mother would sit out of the way. Two weeks later, 8<sup>th</sup> April, much the same at S Leisure Centre and then perhaps the grandparents could join in. The next time the father would be allowed to choose an activity and, by then, they might have heard from the Family Separation Clinic and move on or the contact could be 10am to 3pm.

146. It is quite clear to everybody that that would not work. IB would not be able to relax and build a relationship with her father with her mother hanging around and, in the gaps in between, she would be subjected to the mother's narrative. Mrs. B is an intelligent woman and she knows that. In my judgment, her position is still to feign compliance and then she will say why the order has not worked.
147. I have thought about a suspended change of residence order, though, a great deal. But I just have seen no evidence of change in Mrs. B and, of course, she is supported by her family. One feature I noticed was that Mrs. B relies on the Guardian having found it hard to move the case forward as if to say "Well, if a professional cannot move it forward, how could she?" But, of course, she was the obstacle preventing the Guardian from moving it forward and that has not changed. She has had Mr. Spooner's report and advice for a long time. She has not supported the work that has been done.
148. The risks of harm from IB not seeing her father are very clear. She will not be allowed a meaningful relationship if she stays with her mother. She is not a happy child and her mother has not put her welfare first. Therefore, she simply will not change. On either of the options that involves having her main home with her mother, this child will continue to suffer harm. Her mother has shown she does not have the ability or willingness to put her daughter's needs first.
149. I move on to consider a move to the father. There may be an argument this judgment is linear, but that is because I have had to address the move in the way that the parties have considered some of the options before the court. I have weighed up all the evidence on all of the options. I simply address them in turn for convenience.
150. There are risks in a move to the father. It is possible it will not work. But IB, in my judgment, deserves a chance to be happy again and to have a relationship with her father. All of the evidence tells me he can meet her needs, including the need for a relationship with her mother. I know she will suffer harm if she stays where she is. Knowing there was a positive relationship and positive memories, my view is she may well cope with the move and she will not have to live a lie.
151. Any move should be straightaway, in my judgment. I agree with Mr. Spooner when he says it may seem rather brutal, but I agree it has to be gotten on with. She can move to her father and her grandparents who she knows. Any delay would just entrench matters and lead to further harm. The grandmother can stop taking the photographs, I hope.
152. In my judgment, though, there should not be a change of school until the end of term which I gather is the end of next week and her father would agree to that. Her school is next door to her mother's home and it would not be in IB's interests for her mother to go to the school. Therefore, there will be a prohibited steps order preventing her mother from going to the school until the end of term. Next term, IB will move to a new school.
153. IB must have contact with her mother once she is settled. She needs to repair her relationship with her father first, though, and her mother must not undermine that. I asked Mr. B for his proposals for contact. He said that short time spots did not work for him, so he would propose alternate weekends for four hours on Saturday supervised by Mrs. B senior. He suggested that they have lunch together as part of that, so they can eat socially. I found that in itself helpful because it was a proposal to put IB in a "normal" social situation rather than having one adult just standing around watching over the other one.

154. I have been helped in my decision by the Guardian. She has given this a great deal of thought for IB. She reminded me in her submissions that it is without a shadow of a doubt that both parents love IB a great deal and I agree with that. But IB's welfare is my paramount consideration and, despite her love for her daughter, Mrs. B has sadly not put that first.
155. The Guardian has said that the outcome is not known, but, if there is to be a change, it should take place now. Her professional opinion was that the father would need to take a week off work - I have made an assumption that he will arrange that - to settle IB into his care and limited contact with her mother may destabilise her settling in. She would suggest in week 1 a teatime visit with mum and dad present and they should show a united front. Week 2, perhaps a day time walk in the park with the family. Then she said, if the father is right, we could start to build up to an activity and in the future overnight stays, but it cannot be too prescriptive. I agree.
156. In my judgment, the first contact should not be until the end of next week. She needs time to settle. If she plays up, Mr. B must stand firm. She will be playing up because she knows that is what her mother would expect. Contact for the moment cannot be unsupervised.
157. I agree that this Family Separation Clinic may be a good resource. It will not be plain sailing as the Guardian said. My view is that this case should come back in a few weeks' time to see what that service could offer and to look at contact, but I take the view that there will be a change of residence as of today. I am conscious it is now quarter to two and this has been a long judgment.
158. The Guardian had kindly offered to sit down and to help draw up a plan. Unfortunately, she is unwell. But Mrs. Bailey, I hope, is going to be able to talk to her. My view is there will be a prohibited steps order preventing the mother going to the school. I make it plain to the mother now that breach of court orders can result in a period of imprisonment. This child is to go to live with her father today.
159. As a postscript, IB managed the move to her father and by the next hearing on 3<sup>rd</sup> May, she was also having contact with her mother.

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