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Case No: CM04A02164

IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 08/08/2005

Before :

THE HON. MRS JUSTICE PAUFFLEY

Between :

Essex County Council

- and -

X and Y

-and-

A and B

(by their guardian ad litem, Ms K)

Applicant

Respondents

John Waters for Essex County Council
David Vavrecka for the mother
Martin Wright for the father
Alison White for the children's guardian

Hearing dates: 4th and 5th August 2005

Judgment Approved by the court
(subject to editorial corrections)

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Mrs Justice Pauffley:

1. It is a fundamental principle underpinning the operation of the family justice system of this country, that wherever possible children are brought up by their natural parents. The state may not interfere in family life so as to separate children from their families unless it has been demonstrated to be both necessary and proportionate and that no other less radical form of order would achieve the essential aim of promoting the welfare of children. Care orders on the basis that children are to be placed for adoption are orders of last resort. No judge would make such an order unless satisfied the risks to the child were so great that his welfare positively demanded alternative provision away from his natural family.
2. It is also material to mention that before any court may entertain the making of a care order (or indeed a supervision order), the statutory threshold criteria must have been established. The court has to be satisfied that the child concerned is suffering or is likely to suffer significant harm attributable to a lack of reasonable care. It is not necessary that there should be culpability on the part of a parent who may be trying his hardest yet failing to meet the needs of the child and causing significant harm.
3. In this case, care orders upon the basis of care plans for adoption or alternative placement within the wider family were made in October 2004 by His Honour Judge Hayward Smith QC. The older child, a girl “A” is a little over 4 years old. The younger child, “B”, a boy is 14 months. As is self evident from the judgment he gave at the end of the three-day hearing, those principles to which I have referred were at the forefront of Judge Hayward Smith’s mind. The decisions to which he came caused him great anxiety, conscious as he was that the orders sought as against decent law abiding parents who had done nothing intentionally wrong were as serious as any the court could make. But he reflected that his feelings in the matter were as nothing compared to the strong sense of lasting anguish the parents would suffer if orders were made. The judgment is as compassionate as any that could have been devised. It is thorough, balanced and entirely fair. It came at the end of a hearing during which all of the issues had been fully ventilated and considered. I had contemplated incorporating extracts but, on reflection, have decided- with the explicit approval of Judge Hayward Smith- to append an anonymised version to this my judgment so that there is no room for doubt as to his reasons for concluding as he did.
4. The critical findings made by the learned judge were that A had suffered significant emotional harm as the result of the parents’, particularly the mother’s, lack of responsiveness and warmth towards her. Neither the mother nor the father had been able to demonstrate an ability consistently to provide A with stimulation. There was a likelihood of emotional harm to A and B resulting from the parents’ inability to provide appropriate guidance, consistent boundaries or routines and because of the mother’s rejection of her daughter, A. He found there was a risk of physical harm to B as the result of rough and careless handling and poor coordination; a likelihood of physical harm to B from A because of the mother’s inability to control and manage her behaviour and the inability of both parents to impose boundaries so as to ensure the children’s safety; and a likelihood of physical harm arising from the parents inability to recognise the children’s health needs or respond appropriately when they were unwell.

5. Judge Hayward Smith also found that the local authority had deployed very substantial resources in its genuine and sustained effort to keep the family together. Increasingly, that aim had become unattainable because of insufficient indication that alteration in the parents' functioning could be effected. The father was resistant to change, had difficulty in managing anger and stress, though the problem was at the lower end of the spectrum, and had poor impulse control. The mother herself admitted she was unable to look after the children on her own but felt she could with the help of the father. Active consideration was given to further specialist assessment and support services, requiring adjournment for a period of six months or so. The learned judge's conclusion was that were he to accede to that suggestion he would be going against the weight of the evidence, acting out of sympathy for the parents and not in the best interests of the children. He considered any such assessment would represent a forlorn attempt to keep the children with their parents though he would have wished it otherwise.
6. Judge Hayward Smith expressly approved an amendment to the care plan providing for there to be a further family group conference. In the event that members of the extended family put themselves forward to look after the children they would be evaluated, as an alternative to the plan for adoption.
7. He made an order authorising the local authority to withhold contact as a corollary to the care plan for adoption and although there was to be consideration of a placement within the wider family. It was thought possible that the parents might become so distressed as the result of the children's removal that contact would be contrary to their welfare needs. The learned judge urged the local authority to exercise particular care when exercising its permissive power and to do so only "if events prove that contact is not in the children's interests."

The Application: Parties' Positions

8. Essex County Council, supported by the children's guardian Ms K, asks the court to make orders freeing the children, A and B, for adoption. It is said the making of those orders would safeguard and promote the children's welfare throughout their minority and that the court can and should find the parents are unreasonably withholding their consent to adoption.
9. The parents are united in their vehement opposition to adoption or indeed to any plan which would result in their children remaining separated from them. Their obvious, almost palpable, desire is for the children to be reunited with them and as soon as possible. They remain bewildered and confused about the catastrophic events of last October when the children were removed from home. Their legal teams submit that the children's best interests require full consideration and assessment of the plans recently formulated by the family to support the parents in their parenting of the children. An adjournment of four months is sought together with a discharge of the s. 34(4) order enabling the local authority to withhold contact. It is said that contact should resume initially every three weeks. I am urged to permit an assessment by a specialist organisation, skilled in working with parents who have learning difficulties, of the viability of the family's support plan. I am asked to require the local authority to convene a further family group conference and to list the matter for final hearing in about December.

The Decision to Withhold Contact

10. Since October 2004, the children have been with foster parents. Until early November 2004 there was regular contact between them and their parents. But, following upon an incident on 3rd November, decisions were taken to first suspend and then withhold contact.
11. The local authority's care plan at the conclusion of the care proceedings had been to reduce the children's contact, by stages, and to bring it to an end shortly before introductions to prospective adopters occurred. On 3rd November during a contact visit at which both children were present the mother behaved in a way that Mr Waters, on behalf of Essex, described as "out of character". According to the note made by one of the supervisors, the mother's mood had suddenly changed; she became very aggressive and attacked a family support worker, grabbing her by the hair and shaking her. She also knocked her spectacles to one side. The worker was unable to defend herself because the mother had thrown B onto the sofa directly behind her. Throughout the incident the mother was shouting and swearing repeatedly and despite attempts to pacify her, took several minutes to calm down. She was seemingly oblivious to the effects upon the children of her actions. They were both said to be very distressed. A was particularly adversely affected.
12. The mother gave evidence about events that day, saying she had felt bullied; she had felt blamed because B had started to cry; she had taken some photographs, an activity which the workers had not liked; she says that the worker had verbally abused her at some stage; and that the reason A had been upset was because she had not been able to find a tissue to wipe the mother's tears. The father said it had not been an assault; all that the mother had done was to pull the worker's hair. The mother had not thrown B onto the sofa but she had become distressed because she was being criticised for the way in which she was looking after B. A had cried, he said, because she did not like to see her Mum unhappy. At home she had always either wiped away her Mum's tears with her hand or found her a tissue.
13. Mr Vavrecka, on behalf of the mother, makes a number of points in support of his submission that the termination of contact after the events of 3rd November was premature and a disproportionate response to the incident. He complains that no follow up work was done with the parents to establish whether or not contact could be re-started, that the children's distress could have been managed and was an insufficient reason to prevent further visits. I am afraid I cannot agree. The incident was viewed seriously enough by the police to cause them to caution the mother. The worker who was attacked is said to have been so adversely affected that she has not yet felt able to return to her employment. Judge Hayward Smith had concurred with the suggestion that the parents might well become so distressed after the children's removal that contact would be contraindicated. On any version of events that day, that prediction was proved correct. The incident, so it seems to me, reflects the extent of the mother's pain and frustration resulting from the children's removal and of her inability to express those strong feelings in any other less physical way. It may be that she has apologised. I am sure that she regrets what happened. But the local authority was surely right not to take the risk that there would be a further explosive episode of

physical assault to which the children would be exposed against a background of considerable and continuing hostility from the parents.

14. For it was not just the episode of 3rd November which informed the decision arrived at in late December to withhold contact. It was also material that the father had made threats towards social workers since the October hearing. He told the court there was firstly a threat to put a bomb underneath a car and then a second which had involved a contract killer who would strike as individual workers left the office. He said he regretted making those threats. But it must surely have been the case that he intended to and was successful to an extent in frightening the individuals concerned. It also demonstrated, for me, the extent of the father's enduring anger at what he perceives to be a terrible injustice for which he holds the local authority responsible. The decision was properly made that to further expose the children to visits at which their parents' good behaviour could not be relied upon was against their best interests.

The Family Group Conference of 18th October 2004 and Assessment of the Paternal Grandparents

15. Soon after the conclusion of the proceedings before Judge Hayward Smith, there was a family group conference. It was convened on 18th October. The parents and no fewer than ten of their close relatives attended. As the Minutes reveal, the meeting was chaired by an independent co-ordinator; the family was asked to consider if any member could provide a permanent home for the children, taking decisions for day to day decisions including the organisation and supervision of any contact between the children and their parents. The paternal grandmother and her husband put themselves forward. The extended family members offered to support the proposal by baby sitting, providing weekend or holiday breaks and extra support if the paternal grandparents were to be unwell. Under the heading "Issues raised by the Family", it is recorded that the family felt it had devised a substantial plan but in the event the court considered it to be inadequate in any way, the family would be grateful for the opportunity to revise the plan with suggestions from the court, in order to meet the necessary requirements. It may though be significant to observe that there were no other relatives members offering to provide the children with a permanent home and that the parents, throughout the currency of the care proceedings, had been resistant to any consultation with family members.
16. At all events, an independent assessment of the paternal grandparents was commissioned and completed by 7th December. The author, Ms K, an independent social worker met with the grandparents together on six occasions and separately once. She observed contact between them and the children and she interviewed the parents and the referees. In her concluding remarks, Ms K observed that the grandparents had cooperated with her and been largely willing to assist with the preparation of the report. However, they had not appeared to have enjoyed the assessment and had often been angry and hostile about Social Services to the extent of focussing upon that issue rather than the children. Their persistent negative and blaming attitude towards local authority personnel had prevented them from considering their own actions in the events that had led to their grandchildren being made the subjects of care orders. They were sometimes difficult to engage especially on matters relating to emotions. Ms K felt they lacked enthusiasm for the assessment.

Although she believed they had many excellent qualities which the children could benefit from and that they were hard working and honest people, Ms K had reason to doubt their enthusiasm for the role proposed. She had not detected any strong desire on the part of the paternal grandmother and when she spoke to another family member, she had been told that they had not expected to be accepted as permanent carers. It had seemed to her as if they were going through the motions.

17. In addition, there was an absence of evidence said Ms K that the paternal grandparents had taken an active part in their grandchildren's lives. When they had contact on 2nd December, A did not approach her grandmother once during the hour of the visit, had appeared frightened on entering the room and had not shown any attachment to her. There was no demonstration of warmth save at the end when the grandmother kissed the children goodbye. Although the children's father supported the application of the grandparents the mother did not. She had told Ms K she had been turned away from the grandmother's door in the past, something the grandmother denies. It did not appear to Ms K that there had been a close and supportive relationship between the grandparents and the parents. Neither did she believe there was a good prospect of the grandparents working together with Social Services. Her conclusion was against a placement for the children believing it to be contrary to their best interests.
18. The grandparents have complained that the assessment process was very rushed. The grandmother agrees she was hostile to Ms K because of the assertions made that her son had been violent with the mother and that he had a learning difficulty, something she described as "a load of rubbish". Even although dissatisfied with the outcome of the report the grandparents were very clear in saying they do not wish for a second opinion or evaluation. The grandfather described the first process as a trauma which he would not wish to undergo again.
19. There is substantial criticism of the local authority on behalf of the parents for its failure to convene another family group conference in the wake of the unfavourable report from Ms K. It is said that the family clearly indicated it would welcome further discussion if the grandparents' offer were considered insufficient. Criticism is levelled at the allocated social worker in that she had not read the minutes of the conference on 18th October and therefore had no idea as to what the discussions had comprised. However, I observe that between 7th December when the independent assessment of the grandparents was signed and early July when a new family plan was advanced, there was no overture in the direction of the local authority for any discussion of fresh / revised plans. There was complete silence even although the parents albeit with slight interruptions have had the benefit of legal advice throughout. And in any event, the sole purpose of a family group conference, as emerges clearly from the judgment of last October, was for consideration of any other extended member of the family as a permanent alternative carer. If there had been another relative prepared to put himself forward then one would have expected that to have emerged either last October, when so many members of the two sides of the family were gathered, or almost immediately following the unsuccessful outcome of the grandparents' assessment. In the event, there is no such candidate so there would have been no purpose, as I see it, in a further Family Group Conference.

Media Interest

20. The precise route by which there came to be interest from the media in this case is obscure. But by late April or early May 2005 there was a deal of press coverage. There were articles in national and local newspapers. There was also an interview with the parents, together with comment about the case, which appeared on a national television news programme. There have been items on the radio. The father told the court initially that he had had nothing to do with the media. Then he said that a Councillor arranged for ITN to come to his house and interview the mother and him. Their names had been changed he said and they'd done nothing wrong. He denies saying to the allocated social worker in June that the purpose of the media coverage was to put pressure on any interested adoptive parents so that the children would be difficult to place and returned home. But he admits saying that "the case would go on and on"; and that although he would leave handling the media to the councillor concerned he was prepared "to do whatever it takes". I am quite sure having seen him give evidence that part of his and the mother's purpose in participating with the media was indeed to frustrate and undermine the local authority's efforts to find a family for the children, believing as they do that the children will then be returned home.
21. The core themes of the media's reporting would suggest that the parents have been dealt a cruel injustice; that the local authority without justification has built a case against them upon the basis of false and misleading evidence; and that the mistakes made by social services have been hidden from public scrutiny by the secrecy surrounding the family justice system.
22. There can be no doubt but that the parents and those members of the wider family who have given evidence subscribe in varying degrees to those sentiments. The paternal grand parents' distaste for the local authority Social Services department was manifest. Although the grandmother denied having had anything to do with the media, she accepts she has written letters of complaint for the parents and in her own right. In addition to the contact with media organisations, the parents have been in touch with their MP and made complaint to the police about the physical care B has received whilst in care. There is an ongoing investigation in relation to the possibility, as I understand it, of him having sustained a head injury whilst in the foster home.
23. It is relevant that one prospective adoptive family withdrew from the process of assessment in part because of the media coverage relating to the case.

The Children's Medical Condition: Viability of Placement for Adoption

24. There has been an added complication in the local authority's search for a permanent alternative placement for the children arising from B's medical condition. It has been discovered since he has been with foster parents that he has an enlarged head and there is a likelihood of developmental delay. Currently he is said to be about 4 months behind. The reports from his doctors speak of him having hydrocephalus. It is impossible for them to comment on the cause but, from the CT scans, it is said there is definitely no sign of injury. In her very recent discussions with the paediatrician, the guardian has learned that B's head circumference has increased in recent weeks; that it is not unusual for such an expansion; that B is being closely monitored; and that

because there is no increase in intracranial pressure, the fluid draining into B's system rather than being trapped in his cranium, no medical intervention is required.

25. It is in relation to a prognosis, there is uncertainty. B's developmental delay in combination with the hydrocephalus could be an indicator of future learning difficulties. For the moment, the extent is unknown. Only time and monitoring at each stage of his development will bring greater clarity. The adoption team, aware of the position, is now focussing its efforts at finding a family which is able to manage children with medical uncertainty, special needs and /or disability.
26. There is also a very small possibility that A may suffer from a similar condition. Her foster mother has apparently come to suspect it, in recent times, and mentioned her belief to potential adoptive parents who have now withdrawn their interest. The local authority and the guardian are sceptical considering as they do that if A's condition were the same as B's then it would surely have been identified before now. For A has been medically examined not just as part of the adoption process but also on several occasions by paediatricians at a London teaching hospital in connection with a heart murmur.
27. Clearly, there is a pressing need for the position to be established one way or the other because of its significance for the future. But the adoption team is optimistic that even with the medical and developmental uncertainties there is good reason to be optimistic about identifying a family for A and B. Within the last few days a couple who had expressed an interest two or three months ago but then withdrew at the time of fairly intense media coverage, have resurfaced and met once more with the adoption worker. In the event that they decide to proceed, it is envisaged there would be a Linking Panel in late September and, subject to approval of the match, a placement in late September or early October.
28. If that couple were to withdraw then the expectation of the adoption team is that so soon as a suitable family has been found, the timescales for placement would be short. On the Essex register of prospective adopters there are 4 other families who have indicated an interest in children where there is medical or developmental uncertainty. In the event that none was found appropriate for A and B, then the local authority would widen its search first to the East Anglian Consortium and then the National Register. Preliminary inquiries of the latter suggest there are some 50 couples who would consider children where there is medical uncertainty.
29. The guardian's view is that the process of finding a family has been set back by a number of factors since last October. First, there was the need to parallel plan and for the grandparents to be assessed. Then there was uncertainty about the diagnosis of B's condition. One cannot sideline, she said, the impact of media coverage, the involvement of a county councillor and the MP. In combination those matters have led to family finding being placed almost on hold. But she is highly optimistic that in the near future an adoptive family will be found. Ms K points to the good record of the family finding team in locating families for children of these ages and she considers that so soon as this court hearing is concluded the team will become ever more active. It would be a reasonable expectation, in Ms K's opinion, that adoptive parents will have been identified within six months.

30. The parents' submissions are to the effect that the medical uncertainty impacts upon the likelihood and timescale of the search for an adoptive family; that the placement proposals are in disarray and that fuller assessment of the family's plans is not just worthwhile, it has become essential. I am bound to say I do not view the local authority's placement strategy as being in any state of disorder. The team has been hampered in its efforts by a number of matters over which it could have had no control. Certainly it will be more difficult to locate prospective adopters who will be able to manage medical and developmental uncertainty but, like Ms K, I am very confident that within six months or so a family will have been found. Miss WB of the adoption team impressed me as an enthusiastic, diligent and focussed young woman who is determined to energetically pursue her task for A and B. So soon as these proceedings are concluded, the process can go forward without impediment. I reject the suggestion that by reason alone of the problems in finding an adoptive home it has become essential to assess the family's proposal.

The Family's Care Plan of July 2005

31. The parents' fundamental response to the freeing application is that there is now a need for further assessment of fresh proposals, advanced by the family since the beginning of July. The plans which define the roles of each contributor in implementing the strategy are set out in two documents, the first dated 3rd July, the second 22nd July, drawn up following a meeting at the mother's solicitors' offices. The participants are the parents, the paternal grandparents and the mother's sister all of whom gave evidence. The key themes to emerge are that the father will give up his employment to assist the mother with the children until B starts school. He is prepared to consider anger management counselling so long as it is not in the context of domestic violence. It would be hoped that at least 16 hours support would be forthcoming from the Learning Disabilities Team to assist the mother. She would work with professionals who are specialists in dealing with parents with learning difficulties and she would attend at a family centre other than the one which carried out assessments in the past and also at a Home Start project. For her part, the paternal grandmother would be the main support to the parents, living as she does only 150 yards from their home. The grandparents would be on hand to help as soon as a problem arises. The parents indicate their acceptance of the grandmother taking a proactive and assertive role in offering advice whenever she sees the need for it. The maternal aunt who lives a little further away from the parents- 10 minutes by bus- with children of her own would offer support at short notice on most days, though she would have difficulties in doing so when her children were at home, save over the telephone. But she would help by taking the mother to the Family Centre and also to the organisation which provides support for parents and children where there is special need or disability.
32. The family's plan does not find favour with the local authority or the guardian. It is perceived as an inadequate reaction to the needs of the children. Doubt is expressed as to the father's commitment in fact to give up his employment. Attendance by the mother at the family centre is not viable it is said, because of some earlier difficulties in the relationship between the manager there and the mother. And, perhaps most importantly of all, it is argued that within the previous proceedings a judgment was made that, even with extensive support from outside agencies, the parents were found

to be unable to protect the children from significant harm or to meet their welfare needs.

33. It seems to me that Ms K correctly and altogether appropriately identified the fundamental flaw in the family's plan when she referred to emotional harm and an inability to provide for the emotional needs of the children as the fundamental concern running through the care proceedings. She said there were major problems of attachment between A and her mother. A had been lacking the spontaneity and love she needed and although Ms K would not necessarily attribute any blame to the mother, A was a little girl who had been desperate for love and attention. There was more spontaneity as between the father and A but, from her observations, he too was oblivious at times to the needs of his daughter. As Ms K observed, the skills required so as to satisfy the emotional needs of a child are very difficult to learn. They are innate in the sense that they cannot be acquired.
34. I have looked anxiously at what is proposed by the family to see whether there could be any prospect of safely returning the children within the family home. Would the situation be markedly improved such that the children should once more be entrusted to their parents if the family's support package were to be in place? I do not believe it would. Sadly, I do not consider there is any prospect of the family's plan meeting the needs of the children either now or in the longer term. Whether or not the father gave up work seems to me to be immaterial. The parents whether together or separately and even when assisted by extraordinarily high levels of outside help and support are incapable of providing for the needs of their children.
35. If it were to be followed through to implementation, the plan would be in essence a return to the position, albeit with modifications, that existed prior to the making of full care orders last October. It was Judge Hayward Smith's decision that within their parents' care, A had suffered significant emotional harm and there was a likelihood of emotional and physical harm for both children if a care order was not made. He gave careful consideration to the children's welfare needs and concluded there was no possibility of the parents being in a position even with extensive support to provide for them. The only viable alternatives were placement within the wider family, if relatives were to come forward and be favourably assessed, or an adoptive home.
36. I am wholly unpersuaded that it would be appropriate to approve a process under which the family's plan was assessed either by the local authority or, as was suggested during the hearing, by a specialist organisation such as Symbol, skilled in working with parents who have learning difficulties. Judge Hayward Smith gave careful thought to the suggestion of further perhaps residential assessment and rejected it. There would be no purpose at this juncture in referring the family's plan for assessment when it represents little more than a return to the situation as it was before the care order was made, namely the children being looked after by their parents supported by others. I cannot bring myself to agree to further evaluation when as I see it the prospects of safely returning the children to the parents are non-existent.

Conclusions as to the Children's Welfare Needs

37. The tragedy in this case, so it seems to me, is that the parents are unable, even when the most concentrated and intensive support is deployed to assist them, to adequately manage the day to day care of their children. Neither is blameworthy. But each has limitations which cannot be set to one side when considering the children's needs. There is a naivety and innocence about them, the mother in particular, which I found disarming. But she was quite unable to focus her answers for the most part upon the question she had been asked, concentrating as she did upon the issues which bothered her most. The father found it impossible to provide an answer to the question as to how he would feel if he gave up work. I suspect the issue is too problematic for him to be able to confront his associated emotions. They are as Judge Hayward Smith said decent people but they are not capable of managing the intricate anticipatory process of parenting.
38. I am convinced that the only proper response to the children's needs is for them to be placed within an adoptive family. A is now making progress in all areas of her development. Since she has been in care her pronounced speech delay has improved considerably; she is able to run, jump and has become very active no longer needing physiotherapy; and her social skills have improved dramatically. There is, as Ms K says, a marked difference in A's presentation after 10 months with a foster family. Before the October hearing, A was a subdued child who was unable to show warmth and affection. She tended to isolate herself and needed a great deal of positive encouragement to go to adults for attention. Now she is appropriately shy with relative strangers but appears relaxed and comfortable in the foster home and has a close and affectionate relationship with her foster mother. She is thriving.
39. In the light of the decisions I have made as to the lack of any prospect of the children's return to their parents and against the background of there being no family member offering to provide them with a permanent home, there is no alternative to adoption for A and B. I am entirely satisfied that the order sought, leading as it will do to placement with prospective adopters within a relatively short timescale, will safeguard and promote the welfare of A and B throughout their minority.

Dispensing with Parental Consent

40. The only remaining substantive issue is as to whether I may dispense with the agreements of the parents to adoption on the ground that they are being unreasonably withheld. Reasonableness is to be evaluated as at the date of the hearing and in the light of all the evidence. I must take account of all the circumstances of the case. The test is an objective one. It is reasonableness and not anything else. The child's welfare is not the paramount consideration. But it may be useful to consider whether having regard to the evidence and the current values of our society the advantages of adoption for the welfare of the child appear sufficiently strong to justify overriding the views and interests of the objecting parent.
41. It was altogether unnecessary for the parents to be expressly asked about the issue of their consent to adoption in the event that I did not sanction the children's return home. They have a rooted and profound objection to the notion that A and B should

be brought up anywhere other than with them. It is evident in everything they have said that they would not and could not bring themselves to consent. They continue to believe that the children's removal represented a great injustice and should never have occurred. Both have been shocked and devastated by the departure from their home of much loved children.

42. In the result I am driven to the conclusion that in their decisions to withhold their agreement the parents are indeed unreasonable. There are a number of matters which, in my judgment, when viewed objectively and dispassionately would impel a reasonable parent in the position of this mother and this father to agree to adoption.
43. Last October a decision was made after a full and fair hearing that the children either had suffered or were at risk of suffering significant harm and could not be safely entrusted to the parents' care. The basis upon which the care orders were made was either for an adoptive or wider family placement
44. There was, as had been anticipated, a thorough and impartial assessment of members of the extended family which, unfortunately, was not favourable. It is regrettable that the freeing application was issued on 23rd November before the assessment process was complete. It may be, I know not, that Ms K's likely conclusions had been made known to the local authority and there was a wish to press on without delay. But, to the extent that it is suggested there was never real commitment to the assessment process, I exonerate the local authority.
45. The family's support package could never represent an answer to the manifold difficulties which the learned judge found established last October. It is immaterial, as I see it, that there was no reconvened Family Group Conference. There was no other relative prepared to offer the children a home in the wake of the unfavourable assessment of the paternal grandparents.
46. Insofar as it is said, on behalf of the mother, that her objection is reasonable because the local authority has taken no step to discuss or evaluate the family's support package, I observe that the court has had the fullest opportunity to consider the plans and found them wanting.
47. It could not constitute a sustainable reason for withholding consent that the local authority has been unable, thus far, to identify prospective adopters. There have been many factors outside the control of the adoption team which have conspired to frustrate the process.
48. I reject the assertion that placement for adoption is unlikely within 12 months and that therefore the parents are to be viewed as reasonable in withholding their consents.
49. Nor do I subscribe to the view that in circumstances where there is developmental uncertainty and an ongoing police investigation in relation to B's medical condition it would be right to desist from adjudicating upon the question of consent. Delaying a decision so as to await medical certainty would be to render the process almost interminable: something no judge could sanction. The police investigation generated, as I understand it, solely as the result of a complaint made by the parents and without any vestige of supportive medical or other evidence, is immaterial to the issue of whether or not agreement is unreasonably withheld.

50. In my judgment the welfare of the children demands that they be placed for adoption as soon as possible. A reasonable parent would recognise that his / her child's welfare was the decisive factor in the equation and would put to one side self interest and desire. The advantages of adoption for these children are overwhelmingly strong. I have no doubt but that the right thing to do is to override the parents' objections. Their anguish of mind is altogether understandable. But their wish to have the children restored to them is wholly unrealistic and their decisions to withhold consent I find, in all the circumstances, are unreasonable.