

Neutral Citation: [2015] EW Misc B47 (CC)

Case Number : CM15P00735

IN THE COUNTY COURT AT CHELMSFORD

Chelmsford County Court
Priory Place
New London Road
Chelmsford
Essex
CM2 0PP
11th December 2015

Before:

HIS HONOUR JUDGE LOCHRANE

BETWEEN:

W

Applicant

- and -

G

Respondent

Transcribed from the official tape recording by
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HTML VERSION OF JUDGMENT

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HIS HONOUR JUDGE LOCHRANE:

1. This is the judgment in the application made by M W for Child Arrangements Orders in relation to two children, C W, born on 29th September 2010, now five, and G D W, born on 1st January 2012 and so soon to be four. The boys have an older half-sibling, R, who was born on 27th September 2007 and is now eight. The boy's father, as I have said, is M W, now 45, and their mother, S G, 41.
2. It is this father's application to change the residence or living with arrangements in relation to the children. There was a previous order made by me on 5th November

2014, after a very lengthy process, which is contained in the bundle in the "Old Proceedings" section at Page B136. In those proceedings, a children's guardian was appointed to represent the interests of the children given the concerns which were then current as to the mother's ability to foster a proper relationship with the children's father. At the conclusion of those proceedings, I delivered a judgment, which is also contained at the beginning of the "Previous Proceedings" section of the bundle, and I adopt that judgment for the purposes of this judgment.

3. Consequent upon some of the findings made in respect of the mother's conduct in the previous proceedings, I referred the papers in this case to the Director of Public Prosecutions and, ultimately, the prosecution service and the police have taken the decision to prosecute the mother, S G, for perjury and an attempt to pervert the course of justice. As I understand it this relates to behaviours of the mother during the previous proceedings in respect of the boys and her case is now listed for Plea and Case Management on 22nd February in the Crown Court, with a trial to follow fairly soon thereafter.
4. I had hoped that the order I made in November last year should have settled the situation for the longer term for both these boys. The conclusion which I reached, which is apparent from the judgment and the order, is that there should be a shared care arrangement, in order to mitigate the possibility that the mother should continue, as I found she had in those proceedings, to seek to distance the children from their father and to diminish him as part of their lives. I made a Shared Care Order in those circumstances and I made it clear in my judgment that the important message to deliver to the mother was that she was no longer solely in the driving seat in respect of the exercise of parental responsibility.
5. Unfortunately, Mr W clearly took the view that the mother's ability to take on board those messages, and to amend and adjust her behaviour so as to promote the children's relationship with their father, was not affected by the judgment, and that the behaviours and attitudes adversely impacting on the boys continued. He issued his application for a change of the children's "living with" arrangements, to come and live with him and "spend time" with their mother, in March of this year, and a children's guardian was, once again, appointed, unfortunately a different children's guardian, because the children's guardian in the previous proceedings had, by then, departed the service.
6. The father now seeks, as I have said, an order that the children live with him, with time spent with the mother. The children's guardian supports that case and the mother, who appears in person, seeks, now, a continuation of the shared care arrangement, along the more or less 50/50 division of the children's time. I remind myself at the outset that it is the father who makes this application and it is for the father to satisfy me on the balance of probabilities that the evidence supports the orders which he seeks.
7. As I said, in the previous judgment I expressed my concerns about the mother's ability to support the children's relationship with their father and made a Shared Care Order, with a relatively detailed order as to the exercise of certain aspects of the parties' parental responsibility. I described in that judgment how I thought that the father's then recently renewed application for the children to live with him was premature and,

as I have said, I sought to achieve some measure of finality in respect of the arrangements for the children. It is clear from that order that I made some fairly explicit orders in relation to the party's dealings with the children's schools and holidays and, in particular, phone contact. It is clearly set out in the order what the expectation is on both sides.

8. The concerns raised then by the father and the children's guardian are that despite that order, and despite having gone through the processes which we did to get to that order and the contents of the detailed judgment, the mother has not complied with the order and does not promote, they say, a relationship of the children with their father. I have heard, for purposes of this hearing, evidence from the father himself, the mother, and the children's guardian and, of course, I have read the statements and reports, which the parties have put before me.
9. The mother, in contradiction to the father's case, suggests that, in fact, the order has been and is working more or less okay. Any problems which have arisen in relation to the operation of the order she attributes to the father's inflexibility. I am afraid that, having considered the evidence and listened carefully to the parties in the witness box, it is clear to me that the evidence shows that this mother is still being dishonest and disingenuous and is still putting obstacles in the way of the father's relationship with the boys.
10. There are several examples, I will take them in no particular order. The children's phone contact with their father, which was ordered in clear detail in my judgment and in the previous order, has effectively not taken place and, in my judgment, has been frustrated by the mother. There was an order that the children, effectively, should speak to their father at least once a week on the telephone. From the time when that order was made in November in fact what occurred was that there was one telephone call, as I understand it, at Christmas and then there were no telephone calls until October this year. The mother's suggestion is that the reason why that did not occur is because she did not have a telephone number to call and that, I am afraid, is quite evidently not true. She had, in fact, two telephone numbers for some of the time, and certainly all the time, on the evidence, she had at least one which she knew to be working. I reject her explanation and, in particular, she has a difficulty in that she was being chased for a significant period of the time by the father's solicitors and failed to alert them to her alleged inability to obtain a contact telephone number. In my judgment, the evidence clearly shows that she did have a telephone number for him, and if she really genuinely thought she did not it would have been very simple for her to have asked either the father or his solicitors for a telephone number in order to promote the telephone contact which I had ordered and which it was her obligation, under the terms of the order, to facilitate.
11. In my judgment, this is a clear example of the mother's continuing attempt to frustrate the children's proper relationship with their father. Indeed, even since October, when the telephone contact has, in fact, been taking place on some level at least, she has put further barriers in the way of the children's proper contact with their father, by insisting on the timing of the calls at inconvenient moments for the father, or indeed leaving it until the children themselves supposedly choose when they want to talk to their father. Of course, that is plainly not the point. The point is that there should be some structure to this to ensure that it actually takes place, and I do not believe for a

moment, I am afraid, that she did not understand that to be the point. It is not for the children to choose. It is for her to abide by her obligations under the terms of the order, to ensure that the children's contact with their father is taking place, as ordered by the court.

12. A further example is the question of the selection of the children's schools. It is absolutely clear in the order that the parents' parental responsibility in respect of the choice of the children's schools, whether it be by way of a main school or a nursery school, was expected to be exercised consensually and collaboratively between these parents, as they shared a Residence Order, and it is very apparent from the evidence that this mother has, in fact, acted quite unilaterally in making those decisions, further to diminish the father's responsibility and to adversely affect the relationship between him and the children.
13. It is clear that, as far as C is concerned, the father was presented with a *fait accompli* in relation to his change of school and it is to the father's credit, to some extent, that, reluctantly somewhat but nonetheless without a fuss which would impact on C, he has accepted the situation with which he had been presented. It is also apparent, on the evidence, that the registration of G with a nursery was something which the mother undertook without any reference to the father at all. There is, contained in the bundle at p. C68, the application filed by the mother for the registration of G at the nursery. This was a document on which the mother apparently suggests that the date, 5th February, is not accurate. She has signed the form, but suggests it was signed later. Nonetheless, this is very clearly a document which was filled in and signed by the mother, comfortably after the order made in November last year. Under the section which requires the filing with the school of the names of those who have legal parental responsibility, the mother has failed to put in the father's details. The children's guardian, in her report, describes the mother as "continuing to be contemptuous of the father and devaluing his role in the children's lives" and it is apparent from the information and the evidence that assessment is, in my judgment, accurate.
14. In addition, there have been incidents surrounding the arrangements for the father to collect the children from school as recently as September and October this year. For reasons which she was completely unable to explain to me, other than to suggest that it was the children's decision themselves once again, the mother insisted that she and R were both present at the time when the father came to collect the children from school. There is usually a perfectly good reason why handover arrangements are put in place at school and that is so that the parents do not come into contact with each other and the children are not thereby exposed to the impact of the adults' agenda. The children's wishes apparently, so the mother says, were that she should be there to say goodbye to them. Even if that is true, and I have to say I have a very considerable doubt about that, in the exercise of her parental responsibility it was clearly a wrong decision to be there with R, in order to interrupt, and possibly even disrupt, the collection of the boys by their father.
15. In my judgment, particularly when set against the background, this is yet another example of a clear and calculated attempt to disrupt the contact between the children and their father. The mother, additionally, has felt it is appropriate to, what I can only describe as, play games with the children's clothing. She has turned up at the school,

parading the children's dirty laundry, apparently, as an example of the father's inability to care for the children. She was unable to explain why it was that she felt it necessary to do so, save, of course, to denigrate the father in the eyes of those to whom she broadcast the complaint and, of course, there is no real confidence that, in fact, it was true. The father certainly suggests that he sent the children back with clean and dry clothing, and the fact that the mother turned up at the school the next morning with something other than a bag full of clean and dry clothing does not necessarily mean that the father was responsible for it.

16. It is interesting to note, in the context of the mother's parading of the children's laundry, that when she felt she had grounds to complain about the state of the children's clothing she was keen to make an appointment to visit Chelmsford, in order to show it to the Cafcass officer. This can be contrasted with fact that the children's guardian said that on a number of other occasions, apparently, the mother had found herself too busy to make appointments in Chelmsford with the children's guardian for the purposes of the latter's proper investigations in respect of these applications. It seems to me there is a clear example of the mother clearly finding time when she wants to, to go to some lengths to denigrate the father, but not find the time in identical circumstances to assist the children's guardian in the proper exercise of her duties to the court.
17. The problem, partly, of course, in relation to this issue of parading the dirty laundry, figuratively and practically, in front of the school, is that the children themselves could not fail to have been aware of it, the mother going, effectively, out of her way to ensure that the children are aware of the lack of value that their father has to them, in her view.
18. There is another smaller example, but nonetheless important, surrounding the father's failure on one occasion to return one of the children with some fancy dress trousers, which were supposedly needed for a fancy dress school event. It is a fine example of the mother making a crisis out of what need not to have been more than a small drama. Had the mother wished to act in a way that was child focused and addressed the children's needs, it would have been very simple for her to pick up the telephone to the father and ask him to put the trousers in the post. They would then have arrived well in time for them to be used for the relevant event; instead of which, the mother waited until it was too late and then made a crisis, involving explicit criticism of the father, out of this comparatively small drama. Another example, albeit a somewhat smaller example, of the mother's inability to promote the children's relationship with their father.
19. On a more significant level, it is apparent, too, that the mother has attempted to interfere with the arrangements which the father makes for the contact with the children, to address her own agenda. It is very clear from the terms of the order I made in November last year that it was for Mr W to select the times when he saw the children for the holidays. The purpose of that order was to address the difficulties which had arisen in the past, and the comparative likelihood that the mother would make difficulties if it was left to be dealt with by simple agreement between the parties. Accordingly, the order states, in explicit terms, that it is for the father to elect when he sees the children. The father, having elected when he wanted to see the

children, in February, the mother acted at the last minute to change and defeat the father's plans.

20. She produced, supposedly, a section of what she alleges is the contact notebook, in which, she suggests she had written down the agreement which she said she had reached with the father and which he flatly denies. It is apparent on the evidence, and, in particular, from the statement of Marie Crisp the solicitor, that there was no such entry in the contact notebook. The mother has not produced the original and she has not produced the book. In my judgment, particularly given the findings in respect of the mother's history of altering documents, I am quite satisfied that the mother is not being truthful when she produces this page from the alleged contact notebook. She has done it in an attempt to cover her tracks in relation to a deliberate disruption of the father's arrangements for the children in February, which can only have been done by her, with the purpose, once again, of diminishing the father's role in the children's lives.
21. I have described this mother as behaving reprehensibly in the past and, in my judgment, the evidence shows that she continues to do so. It is very apparent that she does not, for one reason or another, recognise the importance of this father in these boys' lives. There was a considerable build up to the order that was made in November of last year and the judgment that I gave at that time included some fairly unhappy findings about the mother's activities that led up to making that order. Nonetheless, the order that was made, and the conclusion of that judgment, could and should have been regarded as a second chance offered to this mother to make this work; particularly given the findings I had made that she had, in fact, been abusing these children, and G in particular by denying him a father by her deliberate actions.
22. Despite that chance being offered in November 2014, the order that was made and the warnings that were given in that judgment, the evidence shows that this mother has continued to obstruct and disrupt the father's proper relationship with the children. I am afraid I share, in the circumstances, the children's guardian's lack of confidence that this will change within any reasonable, foreseeable future.
23. In my judgment in the previous proceedings, at paragraph 16 on page E (iv), I said this: "As I have said, the root of this process is currently a fundamental failure of communication. I have significant sympathy for Mr W in his position. He has, in my judgment, an entirely justifiable concern that the mother will not conduct herself in accordance with the spirit of the arrangements with the children to have proper contact and a proper relationship with their father. I understand his concerns and, to a not insignificant extent, I share his concerns. Nonetheless, we must be conscious of the fact that this is an ongoing process and one in which Miss G has engaged, at least more recently. Through her Counsel, she advances at least her current intention to be supportive of the children's relationship with their father. For the moment, at least, I accept from her the assertion that she will foster that relationship and, in the circumstances, it seems to me that a proposal for the change of the children's residence, to live with their father and to visit their mother, is at the very least premature."
24. It is apparent to me that my guarded confidence that the apparent engagement by Miss G at the late stage of those last proceedings was unfounded. The mother has continued

to act in ways calculated to denigrate the father and to reduce his role in the children's lives.

25. The children's guardian, in her first report full report in these proceedings, recommended that the father should move to Essex for the purposes of increasing his availability to the children. Subsequent to the last proceedings, both these boys have now settled in school or nursery, chosen for them by their mother and acquiesced in, as I have said, sensibly though somewhat reluctantly by their father. In addition, of course, there is a complication presented by R. R, of course, is not a child before me for the purposes of these applications, but nonetheless, she is a very significant feature in this picture. She is the little boys' half sister and they have clearly spent, hitherto, all of their lives living in the same household and under the same roof. They clearly have a very positive relationship.
26. I turn now to the Welfare Checklist. The wishes and feelings of these children, in my judgment, are for a proper relationship with both their parents. The boys have, luckily, still a good and positive relationship with their father. Clearly they have a positive relationship, from their point of view, with their mother, but the requirement to consider their wishes and feelings, of course, is dependent upon their age and understanding, and it is hardly surprising, I think, to conclude that, given the comparative subtlety of their mother's efforts to distance them from their father, it is not something they would necessarily appreciate when considering their own wishes and feelings as to where they wish to stay. They clearly would like to spend time on both sides and they can, objectively, be considered to require and desire an environment in which they can achieve their full potential without distractions from the adults' agendas. They, too, of course have this significant relationship with R which I am sure they would wish to ensure, as far as possible, continues and is fostered.
27. In terms of the children's needs, they have both now started school and/or nursery and it is clear from the guardian's reports that the change of school, if the children were to move to live in Basingstoke where their father currently resides, would be a difficult adjustment, which would compound the problems of the physical move that would involve.
28. The ability of either of these parents to meet the physical needs of the children is clearly more or less the same, and whilst there are clearly differences and always will be differences in the styles of parenting, it is certainly none of my business to micro-manage what people feed their children, what the children wear or, indeed, what games they play. These are an exercise of parental responsibility which must be, in the normal course of events, exercised responsibly, and absent evidence that the children are suffering harm as a result of different styles of practical and physical parenting, I certainly have no intention to interfere.
29. In relation to their emotional needs, of course, there is a significant problem which has arisen over some considerable period of time. The father has shown himself sensible and capable of addressing, adequately and appropriately, the children's emotional needs and, in particular, I raise the example of his acquiescence in the mother's wrongful and indeed harmful interference with the exercise of collective parental responsibilities in selection of school and nursery. The mother, on the other

hand, in my judgment has shown herself incapable of appropriately addressing these children's proper emotional needs. An important aspect of their emotional needs is the fostering of a proper relationship with their father, which she has not only failed to do, she has actually interfered with over a considerable period of time, and until extremely recently, at least, has continued to do so.

30. Turning to the change of circumstances, which would be involved in the orders which I propose to make. If the change results in the children moving with their father, in my judgment that would be a positive thing from the children's point of view. I am entirely confident that the father has shown himself capable, despite severe provocations from the children's mother, of promoting a positive relationship on both sides. In my judgment, too, that will put them in an environment in which their emotional needs are better dealt with by their father, but any move to live with their father in Basingstoke would involve, clearly, some significant disruption; in particular in relation to the change of schools, which, on the evidence, as I said, particularly from the children's guardian, would at least be a difficult move for them, particularly in the context of the other changes that they face, but would also inevitably result in a significant diminution in the time that they will be able to spend with their sister R, which would, again, be a significant negative. Of course, it would also involve a reduction in the time they spend with their mother and that they will, I am sure, find a confusing process, which would need to be explained delicately.
31. The children's guardian, in her report, describes the problems in this family being exacerbated by the physical distance between the parties. Mr W has indicated that he is attempting to obtain housing in the Essex area so that at least the children may continue to attend their schools and will have a greater potential access, at least, to their sister R. I commend him for that and I have taken that into account in the orders I propose to make. Another potential complication is that the mother has said, though I do not think there has been any documentary evidence to support what she suggests, that her own housing situation is somewhat precarious. She told the guardian that she was to be evicted this year and then more recently that, for reasons which are sketchily explained, that has now been put off, but it remains a threat in the New Year. As I have said, I do not have any details as to why that would be the case or, indeed, the basis upon which the eviction, or apparent eviction, has been delayed. This is clearly an issue which these parents will have to bear in mind in the future, it will have an influence upon the stability of any accommodation which the mother is able to provide for all the children.
32. Dealing with their age, sex and other matters, required by the checklist, there is nothing, it seems to me, that is particularly outstanding in respect of those issues. They are both still very young, of course, but with the orders that I propose to make, they will still continue to spend significant amounts of time with both of their parents, but I emphasise once again the importance to this journey of the relationship ongoing with their sister R.
33. Turning to the harm which the children have suffered, I made it plain in my previous judgments that these children, G in particular, although C as well, have been subjected to emotional abuse by their mother. She has deliberately and willfully and, in certain respects, maliciously set about damaging their relationship with their father. Indeed,

in G's case, she put in quite a lot of effort to ensure that he did not have a relationship at all, until she was found out.

34. It is clear that she continues to have a derogatory attitude towards this father and she continues to attempt in small ways, presenting as I described in my previous judgment "slips and trips", to frustrate the development of the father's relationship with these children. She continues to lie and she continues to forge documents to support the lies which she tells. I note further that one of the allegations she made is the subject of an email which the father has produced from the [name of kindergarten] at page C86 in which it is apparent, yet again, that the incident in July as described by the mother to the father's disadvantage, was not remotely as she painted it.
35. She has, in my judgment, sought to evade and indeed circumvent the orders I have made. She has continued to choose to exercise the parental responsibility which both parties share, in a unilateral way, in my judgment to the children's disadvantage. She has gone ahead and chosen the schools without any reference to the father, despite the orders that the court has made, and as I have said, she has interfered with the process of the father's time spent with the children, despite the clear requirements of the orders I had previously made.
36. The mother currently protests that, although she accepts much of what has been said, although perhaps not in some of the detail, she has recently come to understand the importance of contact to the children. She protests that she has now changed and she will, in the future, foster the children's relationship with their father. Sadly, we have heard that before. That is exactly what she told me in November last year and the intervening time has shown that she plainly has not abided by those promises which she made.
37. The children's guardian makes certain comments which I think are worth recording into this judgment. At paragraph 42 on page D16 of the bundle, she says, "Despite HHJ Lochrane's emphasis on the need for a shared care arrangement for the boys, which emphasises that both parents are equal in responsibilities, there is evidence to suggest that Miss G has continued to have a rather contemptuous attitude towards Mr W and a devaluing of his parental work, of his paternal role. I am not optimistic that Miss G has the ability to change her perception of the situation and I am concerned that as the children get older, they will become more aware of their mother's attitude, and this will inevitably cause some emotional harm to the boys and is likely to disrupt their relationship with their father and have a negative impact on their own sense of identity." I share the guardian's concerns.
38. At D47, at paragraph 46, she says, "In my view, Miss G has frustrated my efforts to work with her and complete my report due to her seeming priority of wanting to control their environment. I accept there is risk that there will be further problems in the future if concerns I have raised about the boys have not been taken on board. Ms G is of the view that she has adhered to the recent court orders, despite the evidence to the contrary." In her most recent report at D26, at paragraph 31, she says, "In my judgment, it is Ms G's continued negative intentions towards Mr W, and her determination to dominate, and her inability to fundamentally accept his paternal role that has meant that the shared care arrangement has continued to be fraught with difficulties and, in my view, is not a viable long term option for the boys." At

paragraph 33, she says, "I do not believe that Ms G has the ability to change her perception of the situation without therapeutic mental health intervention and I have considered recommending a psychological assessment regarding Ms G's. However, I am mindful of the need to bring this matter to a close." I agree with all those comments from the children's guardian.

39. I am afraid, as I have already indicated, I have very little confidence that without considerable input, Ms G is likely to change for the better and within any sensible timeframe from the children's point of view. The chances, in my judgment, remain very high, that, as in November, once the spotlight of this litigation is turned off, the mother will revert to her agenda of diminishing the children's relationship with their father. She, as I have said, protests both to me and to the guardian that she was, in fact, okay and that she is abiding by the court orders, at least in their spirit. I am afraid that draws only two possible explanations. One is that she believes that to be true and the other is that she is deliberately lying about it. I am afraid neither of them presents a particularly happy picture from the children's point of view.
40. Turning, then, to the capability of the parents to care for these children, in my judgment, the father has shown himself capable both practically and physically and much more capable emotionally. The mother has shown herself incapable of addressing appropriately the children's emotional needs and, in my judgment, she has shown herself capable of twisting and misusing the parental responsibility which she is meant to share with the father to frustrate his relationship and, as I have said, I have little confidence that will change anytime soon.
41. Turning to the exercise of the powers which I have, the children's guardian, at the conclusion of her evidence, accepted that she would not counsel me against the order which I indicated I was inclined to make. The order I make is that the children will live with their father and, until such time as he is able to move home to one where the children can continue to attend the same school and nursery, they will live with him on alternate weekends and for half the school holidays. Once he is able to move to accommodation in Essex, which will allow him to ensure the children continue to attend the school and nursery where they currently are studying, the situation will reverse. The children will spend the bulk of their time with him and will spend alternate weekends and half the school holidays by arrangement with their mother.
42. Clearly, in my judgment, it is vitally important from these little boys' point of view that everybody understands it is now the father who is firmly in the driving seat. The time spent with their mother will change when the father gives notice. There will be no argument about it. When the father is satisfied that he has appropriate accommodation within the area of the children's school, he will inform the mother and they will, I hope consensually, undertake discussions in order to arrange for the transfer of the children's primary residence to their father's home, to be undertaken with the minimum of fuss and the minimum of further emotional damage to the children themselves. Ultimately, it is the decision of the father. He will decide when the children move if there is no agreement between the two. That decision, I am confident at least from the father's point of view, will be taken in a child focused and sensible way.

43. The boys will in the future spend approximately half of the school holidays with each of their parents and that will need to be organised at the start of each school year. Once again, in the absence of proper agreement between these parents, it is for the father to decide when that takes place. I emphasise that the children's school holiday time should be divided approximately equally between the parents and, furthermore, that Christmas arrangements should, I think as reflected in the previous order, be an alternating arrangement with the children in 2015 spending Christmas Day with their father. I think that was the previous order.
44. It is also apparent that, hitherto, the father has borne by far the greater burden of travelling to and from Basingstoke. The mother indicated in the course of the hearing that she was, in future, content to share some of the travelling to Basingstoke and I can see no reason why she should not. In the circumstances, it is a matter for the parents, I think, how they organise it, but my suggestion would be that the father collects the children at the beginning of any period of time they are spending with him and the mother collects them from Basingstoke at its conclusion. That way, there cannot be any argument that people are not turning up on time.
45. I appreciate, as Mr Taylor, appearing for Mr W today, reminds me there is no certainty about the father's ability to move physically from the Basingstoke area to accommodation within striking distance of the children's schools, although I hope the orders that I make will assist him in that. Of course, there is no guarantee. In my judgment, that is a process which clearly needs to have some measure of finality about it. It is important that the children's schooling is disrupted as little as possible. It may be the case in due course they need to move to Basingstoke and, in my judgment, if the father has failed to find appropriate accommodation by the conclusion of the school year, in the summer of 2016, that will then be the moment for the father to decide whether or not it is appropriate to move the children to Basingstoke. He would then take such steps as are necessary to ensure that they continue their education in that area.
46. As I have already indicated, in my judgment the mother has shown herself capable of misusing parental responsibility to frustrate the father's relationship and, accordingly it is appropriate in the children's welfare interests to curtail further the exercise of the mother's parental responsibility in the future. Accordingly, I will make an order that the mother should not cause or permit the children to be examined or interviewed by any professional, medical or otherwise, or any child protection agent, without the father's permission, save in an emergency, and that includes routine medical and dental examinations. Furthermore, I will make an order that the mother will not enroll the children in any extracurricular course or activity without the father's position. Furthermore, I will make an order that the mother will notify the father in advance of any appointments or meetings that she has with any teacher or administrator at any school which the children attend, and its purpose, and, in future, I order that the father will be responsible for selecting any schools which the children attend, in consultation with the mother.
47. I hope, too, that R will be encouraged to spend as much time as possible with her brothers. The father has indicated that he is entirely happy for R to come with the boys to spend time with him and them, as and when she feels able to do so, and as is felt appropriate. Clearly, if it is possible for the children to spend time together, at the

times at the weekends in particular when the boys are with Mr W, that seems to me to be entirely appropriate. It may or may not be capable of organisation, and it may or may not be on every occasion. I certainly cannot make an orders in respect of R, but it seems to me that if we are addressing all the children's welfare interests, including R's, it is important an effort is made, as far as possible, for the children to spend as much time as is practicable in each other's company, wherever they happen to be at a particular time.

48. I also am acutely aware that if the mother is convicted of the offences with which she is charged, there must be a significant risk that she will be sentenced to a term of imprisonment. If the mother is sentenced to a term of imprisonment before the father has obtained local accommodation near to the children's school, I would expect the mother to arrange for the father to look after the children in their home and, clearly, that may or may not include R whatever arrangements the mother makes for her. It would be entirely inappropriate if the mother is convicted, and if the mother is sentenced to a term of imprisonment, if the boys had to be moved at short notice to Basingstoke because their father could not provide accommodation for them, despite the seeming availability of the mother's home, if there is one, in Essex.
49. I appreciate that this order, or these orders, may be regarded as an interference with the family rights of the maternal family. All rights under the Convention, however, apply to all family members and must, in my judgment, be balanced. For reasons which I hope have become apparent in the course of this judgment, I regard it as necessary and proportionate in these two boys' welfare interests to interfere to the extent that I have done with the maternal family's rights. They are entitled, in my judgment, if possible, to a safe and secure environment, in which they have the best prospects of achieving their potential, without the distracting burden of the irrelevant and destructive adult agendas. In my judgment, they would find that more obviously in their father's home than in their mother's.
50. Finally, the solicitors for the father shall inform the children's school and nursery that the court has ordered that the change is now in effect, so that the father is to be regarded as the principle primary carer and the first point of contact for any issues which the school may have in respect of the children. The order, when drawn, should be drawn to the attention of the Crown Prosecution Service and should then be available, obviously, to the sentencing judge if a sentencing exercise is to be carried out. I will order that a transcript of this judgment should be prepared at the public expense.