

London Borough of Tower Hamlets v B [2015]

[2015] EWHC 2491 (Fam)

27/08/2015

Barristers

Chris Barnes

Court

High Court Family Division

Practice Areas

Public Children Law

Summary

Care proceedings brought by a local authority in respect of siblings who, it argued, were in danger of being radicalised.

Facts

The London Borough of Tower Hamlets sought to remove B and her siblings from the care of their parents. B, a female of 16 years, attempted to travel to Syria in order to join Islamic State. Mr Justice Hayden, determining this application, set out the context thus:

“This case comes before me consecutively with a number of other cases within the Borough of Tower Hamlets, each of which involves intelligent young girls, highly motivated academically, each of whom has, to some and greatly varying degrees, been either radicalised or exposed to extreme ideology promulgated by those subscribing to the values of the self-styled Islamic State.”

Citing from his previous judgment reported as *Tower Hamlets London BC v M & Ors* [2015] EWHC 869 (Fam), Hayden J states that cases of this nature “present a new facet of child protection where there is, as yet, limited professional experience or, for that matter, available training”. The judge goes on to state that “conventional safeguarding” principles still afford the best protection, and continue to apply in these cases.

On 6 December 2014, B’s mother reported her missing. It is said that one of B’s brothers alerted their mother to her plan to travel to Syria that day to join Islamic State. The Metropolitan Police Service Counter Terrorism Command were alerted, and they were able, operating on a narrow time margin, to intercept the flight only minutes before it was due to take off and B was removed.

At the outset of the proceedings, B was made a ward of court. Hayden J refused an application for her passport to be held by the Tipstaff. The family was permitted to deposit their passports including B’s with their solicitor. Further to their reassurances it was believed that the family was willing to engage and cooperate. However, following a search of their home a number of electronic devices were seized by the

Counter Terrorism Command. B was arrested on suspicion of terrorism offences. Her parents and siblings were arrested for “possessing information likely to be useful to a person committing or preparing an act of terrorism.”

The long list of ‘radicalising materials’ found are summarised at paragraphs 15 to 18 of the judgment. They were said to be powerful and alarming. Hayden J states that:

“It requires to be stated unambiguously, it is not merely theoretical or gratuitously shocking, it involves information of a practical nature designed to support and to perpetrate terrorist attacks. I have noted already but reemphasise that it provides advice as to how to avoid airport security, particularly for females (sic). In addition, the videos of beheadings and smiling corpses can only be profoundly damaging, particularly to these very young, and in my judgment, vulnerable individuals.”

B and her parents had chosen not to give evidence despite being aware of the adverse inferences that could be drawn. Hayden J concluded that the parents had deceived the local authority and the Police. The learned judge states:

“I am bound to say I do not recall seeing deception which is so consummately skilful as has been the case here.”

The local authority sought the removal of all the children of the family, including the male children on the basis that:

“So corrosive and insidious are the beliefs in this household, it is argued, so pervasive is the nature of the emotional abuse, so complete is the resistance to intervention, and so total the lack of co-operation, that the emotional safety of the boys, the Local Authority says, cannot be assured.”

Held

Mr Justice Hayden ordered a ‘comprehensive and thorough’ assessment before determining whether the boys ought to be removed on the basis that no radicalising material had been found on their devices; they were more integrated in society than their female siblings through their interests in sports; one of them had sounded the alarm following B’s attempted flight to Syria; and, they were about to start Sixth Form college which would expose them to greater professional scrutiny.

In relation to B, the learned judge concluded that she had suffered serious emotional harm and continued to be at risk in her parents’ care. He added “(the) farrago of sophisticated dishonesty displayed by her parents makes such a placement entirely unsustainable.” B had urged the judge to consider all options and had suggested that she be tagged and her access to the internet restricted. However, Hayden J considered that the risk to her was not primarily or indeed exclusively one of flight; it was of psychological and emotional harm from which tagging could not protect her.

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