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Host	Ben Mak
Workspace	Justice Minds Forensic Intelligence Ltd
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Participants (2)

DD JUDGE

Ben Mak

Transcription

DD JUDGE [0:00](#)

Get that.

Ben Mak [0:02](#)

So is there somewhere I need to sit or just. Yes, Mr. Matt, sit on the back row, sir.

Hello.

Okay.

DD JUDGE [0:52](#)

The father opposes the application and I just put just so that you know.

Speaker 3 [0:56](#)

As matter of information that's

it's. It's. It's.

Ben Mak [3:55](#)

In terms of

what?

Speaker 3 [5:03](#)

It's it,

it's.

DD JUDGE [6:33](#)

It.

Speaker 3 [7:03](#)

It's

it.

DD JUDGE [8:30](#)

Social workers

and she is represented today the second respondent father who is produced of course today he is represented by Mr. Mill of Council and the third respondent child in this matter was acted by a children's guardian Josephine Allen was present in court represented by Ms. Leaker also present in court the C2 application dated lodged in 63 in list of Ben

your subject to the board's better view a problem that dispute C2 application to be made at this stage it is assist the call to briefly summarize the parties respective positions. I have done to assist 2 minutes opposes his application for all the reasons within its statement

168 as the mother and son is mutual understanding the application the father proposes the application.

Thank you. Right. Mr. Matt, you need to understand first of all that everything you hear in this court is confidential and must be kept confidential. If you don't you can find a contempt of court. Your assets can be seen. Okay. These are family court proceedings and they are confidential. All right? Now I've read your application and I think your application says party status and intervener but I think it's an application party status, is that correct?

Ben Mak [10:45](#)

Intervene now. Yeah.

DD JUDGE [10:47](#)

Well, you want to be joined to the proceeding and interaction demeanor is usually when there is an allegation against you that you've done something there is no no. That forms part of threshold. So for example, if you have a child who's been injured and we don't know whether it's the parents, the grandparents or somebody else those people, the grandparents would be made into leaders. Okay. I'm not asked to determine anything in these proceedings by way of threshold so let's focus on party status for now. Okay, so why do you want party status? Why do you make your application?

Ben Mak [11:21](#)

Because my sister has asked for me to be her advocate and has not been allowed to have me as an advocate as per Emily Bailey on 14 November saying he can't be under section 67 of 68 of the Care Act Duty to provide advocacy. The local authority don't have that choice.

DD JUDGE [11:43](#)

But you know that your sister has an advocate. She has very experienced counsel.

Ben Mak [11:47](#)

So do I, your honour.

DD JUDGE [11:49](#)

Sorry.

Ben Mak [11:49](#)

So do I. You have experienced counsel as an advocate. Yeah.

DD JUDGE [11:56](#)

But you represent yourself today.

Ben Mak [11:58](#)

Yeah.

DD JUDGE [11:59](#)

Right. Okay. So you want to be able to speak up, you want to be able to speak on your sister's behalf in.

Ben Mak [12:09](#)

Court, not just support her as her advocate, like a Mackenzie friend, per se.

DD JUDGE [12:16](#)

Right. Well, these are all different things. Okay. A Mackenzie friend supports a person when they don't have representation. So Ms. MacLean has representation and in addition to that, she has the support of a very experienced intermediary as well.

Ben Mak [12:34](#)

But she wanted me prior, but was told she wasn't allowed.

DD JUDGE [12:37](#)

Right, but that wouldn't be a reason for me to make you a party.

Ben Mak [12:40](#)

To the proceedings, would it be because.

DD JUDGE [12:42](#)

A Mackenzie friend isn't a party to the proceedings, an intermediary isn't party to the proceedings. And if mum had come to court on her own and said she wanted a friend or a relative for emotional support, I would probably have allowed that. But you wouldn't be able to speak and you wouldn't be a party to the proceedings.

Ben Mak [12:59](#)

Okay.

DD JUDGE [13:00](#)

Okay.

Ben Mak [13:01](#)

Just a bit. Concerns of mums, my sister's wishes and her truth not being fairly deployed and psychology reports saying that reading retention was of a 13 year old and was getting no help with reading the paperwork or fully understanding what was going on.

I just wanted help and I was. I was happy to work with the local authorities, but they would never message me back and told me to stop messaging them.

DD JUDGE [13:33](#)

Well, the local authority is not obliged to provide you with any information because you don't have the focus of these proceedings. As difficult as this is to hear, and it is difficult for everyone to hear, the focus of these proceedings is able. It's not actually mum or dad. Now having said that, the court has a duty to do everything possible so that mum and dad can engage with fully in the proceedings. And that's why mum has the benefit of meeting. But in relation to the actual details of the proceedings, because you don't have something called parental responsibility because you're not able as a father or mother. Okay. The local authority are not to provide you with information.

Ben Mak [14:18](#)

But your honour, as I understand it, if there is safety concerns of a child and if you gave a certain amount of support and emotional educational matters to the child, that you stand in parenthesis locus according to case law, it does.

DD JUDGE [14:37](#)

Not when you've got two parents who have responsibilities.

Ben Mak [14:42](#)

But at the time, it's like the local authorities had taken Abel and they didn't inquire with me as his guardian. On what basis did you say your signed letter? But it was our start towards it. And the social worker, Marie Moore, Took our special guardianship papers and told family I was trying to take custody. Which was incorrect.

DD JUDGE [15:08](#)

Right, Mr. McLaughlin? Yeah, it's okay. Only a court can make a special guardianship order.

Ben Mak [15:15](#)

You have to fill in the form ourselves and send it off.

DD JUDGE [15:17](#)

But it still has to come before.

Ben Mak [15:19](#)

A judge and we gave it to them.

DD JUDGE [15:31](#)

But there is no special guard.

Ben Mak [15:33](#)

That's the issue. Because Maria Moore took the papers and we were under the assumption she was doing something with them and she wasn't.

DD JUDGE [15:39](#)

Right. But there isn't a special guard because of that matter. So that means you're not special guard.

Ben Mak [15:46](#)

Because of that matter.

DD JUDGE [15:49](#)

And to be a legal guardian. Mom and dad will be legal guardian in actual fact, usually in their rules. And if both of them died, you would become legal guardian.

Ben Mak [16:02](#)

But struggling to manage.

DD JUDGE [16:04](#)

He was just stepping in. He wasn't taking. He just wanted to step in. So I was going to judge. He wanted to step out and help with the official papers and documents get. And I'm not.

Ben Mak [16:18](#)

Your honor, the main.

DD JUDGE [16:19](#)

That's fine. That birth me. Okay. It's not for me to give you legal advice, but that would be a g attorney. All right.

Ben Mak [16:26](#)

I had that signed as well. We had a social worker do it.

DD JUDGE [16:29](#)

Let's focus on now because none of these things would give me a reason to make you a part of.

Ben Mak [16:38](#)

It's that due process is not being followed.

As we say, there's no guardianship around the child, whereas if there would have been, we wouldn't have had social workers taken into care because there'd be someone there to provide for them who was willing and able to. But I didn't even get the foster and viability assessment done on me despite the three years it spent with the family.

So ultimately that would have all saved the authorities time had they interacted with me and allowed me to cooperate with them, not have to take the burden of a full responsibility for a child and separate a child from his family unnecessarily.

And I don't. And I know it's been complex and I think they have tried, but I think the situation's been more complex than people have understood. And I've not been considered as any cooperative in that.

And I think it's because of the grievance file that I submitted. It was not well received.

DD JUDGE [17:46](#)

Okay. So I'm still not clear why you need to be a target to these procedures.

Ben Mak [17:53](#)

Because the prostitute process has not been followed adequately and the natural course of justice is being completely malaligned. That's not fair. Everybody involved, service providers are Picking up information that's not true and treating parties in particular ways which is unfair and unjust. I've been separated from Abel for two years and I got refused rationale by Emily. I understand allegations that were made, but they were dropped twice by the police.

DD JUDGE [18:25](#)

Okay, so why do you need. I'm not clear why you need to get.

Ben Mak [18:28](#)

Because my sister and Abel's interest need protecting because he is not with his family when he should be or if he's not meant to be with his family. The cooperation between the local authority and the family has caused severe harm where family bonds have not been paramount or Abel's interest.

Of course. Yeah, I totally agree. I have no qualms with the safety but not done. Not in line with the law.

DD JUDGE [19:03](#)

Look, if anybody on front bench thinks that something is not been done in.

Ben Mak [19:08](#)

One end of the war allegations were.

DD JUDGE [19:11](#)

Made about me within these proceedings, then they will advise their clients to any management appeal. But as far as I'm aware, no one's made by this.

Ben Mak [19:22](#)

And these are the parts of the process that are understood, I think by my sister to. To fully grasp what these things mean and say it in a language that is true to her nature. Especially with the psychology report saying but her trace was me. But she was told she couldn't and that's a truth that can't be made for her. She was told she couldn't vote have me as anything next to her or support for her at all. So extra help got brought in because that was not there, which was me.

DD JUDGE [19:54](#)

And I was told you couldn't appeal.

Right. So the focus of your application is to provide effectively emotional support system.

Ben Mak [20:08](#)

It's to ensure that it's done fair and just and that Able's interests and rights are protected. Able has a right as a guardian. It is with the time spent over the last three years, the 2,500 emails sorting out as EHCP. So an alter school that would qualify me as a guardian.

DD JUDGE [20:32](#)

There is two legal routes to becoming a guardian.

Ben Mak [20:37](#)

De facto parent it would be and.

DD JUDGE [20:39](#)

The second is the death of the parents and they are very much alive.

Ben Mak [20:42](#)

But de facto parents it would.

DD JUDGE [20:44](#)

There is no such thing as a de facto parent. Not in relation to mental responsibility, just.

Ben Mak [20:49](#)

To make sure the child needs them when they're not being met. It wouldn't. It was not. It's not about overruling anyone's position or anything of such. It was. That child was missing psychology appointments and it missed five pediatrician appointments and we gave six letters of consent and he rejected every single one. Of them.

But we wrote the letter to Garrett to do it because mum and dad had their personal issues and I was helping in that regard. So the child's needs got met regardless of personal issues.

Say again?

DD JUDGE [21:31](#)

Sorry, I know I have.

Ben Mak [21:35](#)

I've not been with the family for two years. This is the issue. I've wanted to help and I was happy to, but the local authorities made me sister sign a letter to say keep Ben away.

And I called and I said, can you just like tell me why there's no issues? And the person that divorced my sister to wait the letter to keep away. There was another person that was also said to keep away and they were allowed to see him. I'm the furthest away that lives. But as the most punitive measures put in place.

DD JUDGE [22:12](#)

You've seen the statement that the local authority.

Okay, well, Mr. Matt, one of the concerns. I mean there are various concerns of the local authority, but one of the concerns is that you have a desire to obtain papers and information about these proceedings.

Ben Mak [22:42](#)

That's incorrect, your honor.

DD JUDGE [22:43](#)

Well, there are numerous requests to the local farmer for information, request to the court for information. And there's a suggestion that you inscripted solicitors on the basis that you gave.

Ben Mak [22:55](#)

That's incorrect, your honour, my sister can actually vouch for that because she got sent a transcript from the call. I did not say that at all. I said that was the uncle. I had stated Ashley as my sister. And I actually called up and followed that up with the solicitors and she apologized. And this transcript is proves that. But what's more concerning is, is that under defamatory stance, it's like the local authority. No, I'm not the child's father. So to pass that on is actually knowing it's absolutely false to a third party gets to mum and dad and then they fall out with me. That's defamation.

DD JUDGE [23:29](#)

Well, I'm not dealing with defamation, but.

Ben Mak [23:32](#)

It stopped me from helping the family and Abel's best interest.

DD JUDGE [23:35](#)

Well, it didn't because it was, as I understand it, solicitor actually went as far as to file his notice of acting in the court, learn how to withdraw that because they realized that they couldn't be. You couldn't be a part of these proceedings without the court's commission because you didn't have rental responsibility.

Ben Mak [23:49](#)

But we're still trying to meet the child's needs, which is paramount.

DD JUDGE [23:53](#)

How you meet. This is where I'm not clear. How does you having all the paperwork meet the child's needs?

Ben Mak [24:01](#)

Because we don't know where his hcp is up to. We don't know what school he's in or if it's the correct school for him. When he was moved from Florence Melly into Evergreens, it's like they didn't have his documents or paperwork from nursery so I had to go to Three Bears and get them because they said they didn't exist.

DD JUDGE [24:17](#)

Well, I think you'll find that Mum and Dad do have a wine because.

Ben Mak [24:20](#)

I got them in

the initial documents, such as Three Bears reports that were said that didn't exist. So Abel was in school and no one knew his milestones. So they didn't know what level he was at. Which is quite dangerous because he. If they were not giving him the level he was at, that might have been the reason why he didn't develop the way he should. But that's just the speculation. But the reports existed. But we told he didn't. I apologize if you think I'm being difficult. I'm not. I just want Abel's best interest and I assume. Yeah.

DD JUDGE [24:55](#)

Do you understand? As part of these proceedings.

Ben Mak [24:59](#)

But even under that, should they not be inquiring with me if I've got any information pertaining to the child? None of such has happened. I've begged the local authorities to take paperworks off me in observation reports of the child. No one will be in touch and it's all as ladies up to July this year. But I've been told to stay away from. I've been on my own for just three Christmases on the run. You've been on your own because of being not allowed to come to the family. Because. For no rationale whatsoever. And when I did see Abel after the time away, he ran over to me and was like clutched to me neck and then was. We told Emily on the 14th of November he was pulling his hair out, threatened for his Uncle Ben. That's not reported and that wasn't followed up. But Emily stated she acts on information. I think the time very fast.

DD JUDGE [26:01](#)

You got that statement?

Well, you can either point it to me or Mr. Mac can have alluded it. But I have to say Mr. Mac, irrespectively what the local authority statement states,

I'm not clear that any of the issues that you raise.

It's not for me to determine whether you and your sister are in contact or not.

Ben Mak [26:33](#)

No. But the due process being followed and Able's best interests and rights being met.

DD JUDGE [26:38](#)

Yeah, but you're not the Able have a cafe guardian within these proceedings and the Catholic guardian will give her view as to what has Been able to.

Ben Mak [26:51](#)

Estimate but they are missing critical input. But I've got all those reports.

But that's what, that's what the issue is when you say you just want.

DD JUDGE [27:03](#)

To be able to provide reports.

Ben Mak [27:05](#)

I just want to be able to meet Abel's needs and make sure his rights are upheld.

DD JUDGE [27:09](#)

Well, that's not your role.

Ben Mak [27:10](#)

Everyone's role is to protect and keep. Safeguard the children. But the proceedings and party aren't doing it effectively, sadly. Cuz if they would, surely they would be looking at who spent the most time with the child, who's got documents to the child and getting that information and perspective. But they're not and there's no justification for that.

And like even like this documents, I've got lots of things being said about me. I'm no right to defend it and that's really not. Not good. That's not a fair trial at all. But my name is flying around the courts with allegations. It is. It is.

DD JUDGE [27:58](#)

What makes you think that?

Ben Mak [27:59](#)

Because I've been told,

Minister, and understanding that it is, there needs to be.

DD JUDGE [28:07](#)

Some advice to mother as to what information from this procedure.

Ben Mak [28:11](#)

Well, no, because. But if able's at risk. If able's at risk and there's processes within the court not going due process, it would be advised to seek out counsel.

But child safety is faced and you.

DD JUDGE [28:30](#)

Are not illegal representative.

Ben Mak [28:32](#)

The child safety is first and the.

DD JUDGE [28:34](#)

Child is living at the moment under the investigator or the downside of an interim and shouldn't be engaged in these proceedings and are represented by solicitors and their council and the child has catastrophe.

Ben Mak [28:49](#)

But the child's out of handle with his parents, albeit there was some safety concerns, but there was no contact with me who was more than able to be a support which meant that family bonds were sacrificed over him not getting taken away and I wasn't considered at all. And that's. It's like Italy. Nothing else will do. Did not apply there. He was taken.

DD JUDGE [29:13](#)

This is not adoption.

Ben Mak [29:16](#)

That's fine, but in, in principle it's. It stands with moral and ethics. It's like you don't remove a child if there is viability. He can remain with family, with someone willing, capable, has qualifications and special educational needs, safeguards him and has also the same condition as Abel, which makes that bond something unique. And given that he got all his appointments sorted out of school, got his ehcp. None of this is taken into account or seen as anything. It's not even acknowledged. That's a. That's a real tarnish of my character.

DD JUDGE [30:12](#)

Let's stay with the initial statement. C2 and indeed C92 sets out the.

Ben Mak [30:22](#)

Allegations which were investigated.

But your honor, when an allegations are made, you have to.

DD JUDGE [30:53](#)

So Mr. Mac, what would be the benefit of you being joined to these procedures?

Ben Mak [30:58](#)

The process will be done fair and just.

DD JUDGE [31:00](#)

Well, that's not your job. That's my job.

Ben Mak [31:02](#)

Well, Abel's rights are mine to uphold to keep them safe when they're not being upheld. When there's steps missed that cause grave harm and upset between families. Something has to change. When allegations are made about someone and not followed up. And then I get attacked with knives because said allegations weren't satisfied. There is a major procedural mix up. There.

DD JUDGE [31:30](#)

Was. The teachers got into his head to say that Uncle Ben, uncle child face was a. Was getting ready to go to the police. And then I was P24 hour high level management.

Ben Mak [31:44](#)

But you're honor, regardless of that, local authorities should have chased that up and, and, and, and, and investigated those allegations, which they did not. So they left them open. Which meant I did not the right to defend or the right to reply. So my, my, my, my bonds with my family was deteriorating because no one was investigating these allegations. That's, that's a major procedural side step. It's like if a child makes allegation you there is protocols that must be adhered to and that's part of the due process. And why it relates to me saying I want them to support.

DD JUDGE [32:25](#)

You're a little confused about the due process. Okay. Because I'm not concerned with allegations against you.

Ben Mak [32:29](#)

I am. Because it's tarnished me character.

DD JUDGE [32:31](#)

You may very well be. But these, these proceedings are not about you.

Ben Mak [32:34](#)

But it stopped me seeing Abel when I was a great benefit to the child's life.

I taught him how to communicate through color. I taught him how to be gentle when he was being too rough. I said, I told him what to cook his own little pizza. The teacher said, is he Spanish? Because the kids were saying he's able from a different country because I was teaching them Spanish.

The pediatricians thanked me for sending footage of him because they'd never seen him. There was four appointments missed and he couldn't speak. He didn't know what his mannerisms were, what his body motions was, what his triggers were. So I filmed his interactions, showed the family it was all great. And that amazing step forward to Abel's needs got misconstrued and backfired.

Yes, it would have been.

DD JUDGE [33:33](#)

So Harold is sending video of an extremely vulnerable child naked.

Ben Mak [33:38](#)

It wasn't naked. The Other vessel on and he was in his age appropriate attire for 2 seconds. 2 seconds.

DD JUDGE [33:45](#)

How is sending that to the mayor of any benefit to a child who is extremely vulnerable and has no control?

Ben Mak [33:54](#)

Because she said thinking about two seconds of the video and not the setting the child was in, which absolutely defeats the object of the purpose of reaching out for help.

DD JUDGE [34:03](#)

It may have been benefits to the nutrition I'd help see in any way, shape or form.

Ben Mak [34:07](#)

But that's what happens. That's what happens when. But that's when. That's what happens when local authorities don't respond to you. It is desperation. When you're in a crisis, you're doing whatever you can to do the best you can. We reached out to the local authority endless times. I'm talking like over 50 emails begging for help. I asked her to give all the forms and documents away. I was like, I'll go away. If that's what it takes to get used to party, I'll go away. Here's the documents. But no one would message me back. And I was like, he's got pediatrician appointments coming up. I've got all the emails.

DD JUDGE [34:48](#)

Why didn't you support me to take you to.

Ben Mak [34:50](#)

I did. I took them because we needed help with doing that. Because mum and I were both run down. Because Abel's needs were very demanding. Because when she first moved into the house, a van drove away with a van of his stuff. So she moved into the house on her own while she was open to e hat with a child that's got challenging behavior. So it's like, how do you tend to the child, move into the house and all at once.

Speaker 3 [35:49](#)

It.

DD JUDGE 36:40

And that's why I say it's not met. But I say example

in relation to this statement. Just bear with me.

Okay. Historic concerns that are going to be difficult to wear. Yeah.

Concerns within these proceedings. Okay.

Oak page seven concerns ability to meet needs. Over to page nine. Concerns relating to mother. Ms. Howard, are you contempt that that information provided? Pardon? Yes.

Speaker 3 37:35

Yeah.

DD JUDGE 37:36

Okay. And then over page the bottom of page 12 it says there are. And it continues over to page 13, escalating concerns around her mental health. I've written that on the bottom of page 12 because page 13 and 14 are updates in respect of able and systematically not a part of these proceedings. And that information should. Shouldn't go to. Because it's an update simply to finish off the statement in. In actual fact. So I'm not going to provide that. So that those 1, 2, 3, 4, 5 words, 6 words. Escalated concerns around mental health, which concludes section two. I've written on the bottom, but I'm not going to provide pages 39 and segregation.

Ben Mak 38:27

But, you, Honor, due process on transparency and fairness. If I've stated very big and critical steps being missed by the local authority. Where's the right to withhold information from someone who actually has got his best interests

and can prove and show every single effort, inch and decision has been for his best interest and it's actually been proven successful.

DD JUDGE 38:54

Okay. This is an application by Ben Mack, who is the maternal uncle of the child Abel Macklin Daly, who's now seven years old, who was born on 28 February 2017. I say for the sake of completeness that Abel's mother is Ashley Macklin. His father is Customer Daily. I am partway through dealing with an application by Mr. Mack for party status. I'll turn to that application later. However, an issue has arisen partway through because the local authority had filed a statement in response to Mr. Mack's application. It's of note that the local authority opposed the application. And so the statement sets out historic concerns about its to map concerns from within these proceedings and concerns in relation to mother and mother's mental health which mother does not oppose Mr. Mack becoming aware of. However, the last two pages of the statement are an update in relation to able. Mr. Mack does not have clinical responsibility for Able and he is not yet a party to these proceedings. But I'm determined that Furness says that Mr. Mack should have the benefit of of the local authority's statement. However, the additional update regarding ABLE has absolutely nothing to do with Mr. Mack's application. It is purely focused on able, it's document filed within care proceedings of which of course able is the focus. Mr. Mack says that due process says that there isn't a right to withhold information from someone who's actually got Able to best interest at heart. Now there is a right to withhold information in particular because Mr. Mack does not have mental responsibility and is not as yet a party to these proceedings and therefore he does not need to read the additional update regarding cable which is not relevant to the reason why the local authority opposed his application. And therefore I'm not going to provide this Mac with the date regarding able, but I will provide him with the statement which is in response to his application to these proceedings. So on that basis that can be given to Mr. Mack. Mr. Mac, if you can just leave the courtroom and you can take the time to read that.

Ben Mak 41:14

Thank you.

DD JUDGE [41:14](#)

Yeah, it looks long.

Ben Mak [41:16](#)

I like reads and it's okay.

DD JUDGE [41:18](#)

It's not. In actual fact, a large chunk of it is what's contained within your application. It's been replicated, so. Right,

switch off

because all city council Macron and David on the second floor.

Ben Mak [43:09](#)

I didn't even know you were here,

Bob. Yes, and if I hear them not being upheld, I will.

And I understand he's being misconstrued, but I've got you good.

That

when we all come back together.

But this is why it's important for the due process being followed. Do you know what I mean? And if we would have had it from the uk never one.

When did you last come see.

Get off. Run it.

Speaker 3 [46:59](#)

It's

SA.

Ben Mak [48:41](#)

Here.

DD JUDGE [49:17](#)

All right. Mr. Mac, have you had an opportunity to read that statement? So is there anything you want to add to what you told me earlier? You don't have to, but I've given you the opportunity to read the statement.

Ben Mak [49:27](#)

I've read the statement, yeah. And I've got concerns, but I'm out of reading.

DD JUDGE [49:46](#)

These are public law proceedings related to Abel Macklin Daly. Abel's now 7 years old. He was born on 28th February 2017. His mother is Ashley Macklin. His father is Christopher D. This application which I deal with now, is brought by Abel's maternal uncle, Ben Ma. He seeks an order that he be joined as a party to these public law proceedings or be allowed to intervene. The application is by the guardian. The mother takes a neutral stance. The focus of this application seem to be on the paper application that he considers that he's Able. He's provided documents signed by himself and by Able's mother, in which it's purported that mother authorised him to serve as her advocate and representative in all matters regarding her family's involvement with social services and her child Able. In another document, it appears that she's given full consent and authority to Mr. Mack to speak requests on behalf of her and her son Abel. And the document states that the family and services must cooperate fully. The document goes on to say that Mr. Mack has the authority to speak and act instruct decisions, including any request for data on behalf of Ms. Macklin and her son Ables, for the purposes of what he knows and feel best in deciding what is in her Ms. Maclean and her son's best interest as an advocate and as a legal guardian of her son Abel Macklin. I deal firstly with the point about Mr. Mackley, Abel's legal guardian and I'm.

Speaker 3 [51:30](#)

Satisfied he's not everybody's law.

DD JUDGE [51:33](#)

A parent can appoint a legal guardian for A child that this would only take effect if that parent write Alec not choose two parents with parental responsibility. It would not be affected until the death of the second parent. Both of Abel's parents are alive and have mental responsibility for the second route to Mr. Mack being able Darby of will do if he has been appointed special guardian for Able by a court order and he has not. Mr. Mack says that the documents were being completed but the local authority blocked him. To the best of my knowledge he no application has ever been made to the court. And of course if one were made.

Speaker 3 [52:09](#)

To the court it would have to.

DD JUDGE [52:10](#)

Be on notice to local authorities who would have to prepare the proper assessment. But it is clear that documents which Mr. Mack is Annette to his application. He is not Able's legal guardian and does not have parental responsibility for him. Mr. Mack has appeared before the court today and I actually asked him why he required party status. He told me his sister had asked him so that her views could be heard. He wants to be her advocate and in particular he was worried about mother's understanding of the proceedings. He was happy to advocate on her behalf and considered himself experienced council. I explained to Mr. Mack that mother has the benefit of his sister and experience back in council and importantly she is supported by an intermediate. Mr. Mac then explains that he believes that he stands in locus parentis for Abel and mother. As I set out, I explained that he does not have mental responsibility for Abel nor does the fact that he was involved in Abel's life for three years give him parental responsibility. Mr. Mack of the view that if he had been able to guard him they would maintain into care. If the local authority has worked with him then Able would not need to have been removed from the care of his family. And in his view the test of nothing else will do was not met. Mr. Mack considers that the situation is far more complicated than people think. Another basis of Mr. Mack's application is also that he considers that the process has been unjust and in his view Abel and his sister so that's Abel's mum and their interest need protecting and this would be his role within these proceedings. He views his role as making sure that Abel's needs are met and protected because he is his guardian. When I pointed out that Abel has a care plan appointed by the court, he considers that bargain should speak to him. That the local authority have told his family that they must not engage with him. Mr. Mack is of the view that a lot of things have been said about him which are untrue. He feels he was more than able to support his sister and the family is now broken and that did not need to be the case. He tells me that he has the same condition as Abel, autism, and he was more than capable of meeting Able's needs and was doing so, but the local authority did not agree with this. Mr. Mac feels that unless he's joined as a party to the proceedings, the process will not be done properly. Able's rights will not be protected. There are allegations against him and he's not been allowed to defend those allegations. And this is a major procedural side step. He tells me that he knows Able and has helped carefully and has met his needs. He proved

this by videoing Abel and filming his interactions and sending this to the paediatrician. He accepted. He also said this video in which Abel is only wearing the best to the Mayor of London. When I suggested this was not in Able's best interest, he told me it was a crisis. And this is what happens when you're ignorant by the local authority. Mr. Mack requires the court's permission to bring this application. I therefore look to section 10 of the Children Act 1989 and in particular section 10. 9. This states where the person applying the lead to make an application for a Section 8 order is not the child concerned. The court shall, in deciding whether or not to grant the have particular regarding the nature of the proposed application for the section. This is actually an application to be joined as a party, but there is authority that says I should still go to section 10, 9, the applicant's connection to the child, any risk there might be of the proposed application disrupting the child's life to such an extent he would be harmed by it. Where the child is being attacked by a local authority, the authority's plans for the child's future and the wishes and feelings of the child's parents. In this case, Mr. Mack is the child's maternal uncle and it's clear, for the reasons I'm about to set out, that he has in the past had a relationship at some level with Abel. The local authority, as I said, oppose the application. They say there are a number of concerns about Mr. Mac's motivation. He has for a number of years made extensive efforts to attempt to gain access to information about Able. This has been throughout children's services and involvement. Although Mr. Mack has only contacted the allocated social worker once and she's been allocated since 2022, so she's been a constant in these proceedings. He has made attempts through other professionals who are not directly involved in Able's care, including specialists at Alderhay Children's Hospital, MP representatives and by copying in his communications to law lecturers at the University of Law where he's studying. Mr. Mac's involvement in Mother and Abel's life is also of concern to the local authorities and they consider that he presents as controlling the mother. In October 2021, mother's whereabouts were not known to the local authority. Able was in the care of Mr. Mack. The local authorities say Mr. Mack provided inconsistent, vague information regarding Mother's whereabouts and well being. And during this period he installed video cappers in Mother's Day home. I understand it was these video cameras that ultimately formed the basis of the video that Mr. Mack produced. He also obtained another signature on the documents I'd identified purporting to appoint himself as Abel's legal guardian. The local authority say there's no evidence.

In November 2021, Mr. Daly reports that Ben came into his bedroom and asked him to sign a form. He was told it was a PIT form for agent, but father believed it was actually an SGO application form and he refused to sign him. On that same day, Mr. Mac had a discussion with the social worker and he expressed a view that he needed clinical responsibility because Mother and Father couldn't pledge a consent form if Able needed treatment or education assessment. The simp. The social worker told him he didn't need a special barbecue boiler to help Mother to ensure that Abel's health and educational needs were met. Mr. Mac then asked the social worker if she knew what Abel's needs were and she said to live in a safe and nurturing environment where all of his needs were met. Mr. Mac didn't agree with this response and said that Abel needed a desk and a chair. Mr. Mac also told the social worker that he made a video of Mother and her struggles due to the lack of support and how this impacted on Abel and he'd sent the video to the Mayor of London. This footage has not been viewed by the court but has been viewed by the local authority who are concerned as there are images on the video of Abel naked from the waste stair. After this incident, Mother reported that she didn't want Esther Mack to be involved in Able or her lies. Mother herself has made a number of allegations against Mr. Ma, although during this court hearing she has suggested she was being drugged and influenced. But in the past she said it's a dangerous man who sexually harmed Abel as he patted his book and said it hurt. She's alleged in the past that he's drugged her and in July 2022 there is a police report which details that mother attended her mother's home to find Mr. Ma present with Able. She threatened her brother with knives, shouting FEMA file and she removed Able from the home. Able was exposed to this incident. Mother has alleged in the past that Mr. Mack has gained access to her account. Stolen information and the local authority are concerned that mother is influenced by Mr. Mack and when he's in her life she's hostile to the local authority and tells them that he is her advocate. The local Authority clear that Mr. Mac's motivation seems to be obtaining information. During the maternal vampire liability assessment in December 22, he unexpectedly visited the home and then consumed the visit by asking questions and making intents to obtain information. These concerns. The hack has contacted a local foreigner requesting information but when told it will not be provided because he has no involvement in these proceedings, his response was that he considered the local against him and related to the history. On the 4th of December last year he contacted Caroline wishing to understand why Abel was removed from his mother's care. And later that month he attended a parenting assessment session with mother which was not considered appropriate. In January 2024 the local authority became aware that Mr. Mat had instructed solicitors on the basis that he should be a party to the proceeding. The local authorities say he's identity with Abel's father. That's denied by Mr. Mack and I make no signs in relation to that. On the 4th of January the local authority

received an enquiry from an MP whom Mr. Mack contact is concerned. Mr. Mack is attempted to email myself the judge by contacting the full county court directly. The local Authorities say that Mr. Mack also pens the year from mind speaking about various issues around Able and the local authority says that this highlights Mr. Ma's lack of understanding of the confidentiality of these procedures and the importance of protecting Able's private life from public. I say to the avoidance of doubt I made it very clear at the start of this hearing that these proceedings are confidential. Mr. M is correct and that he's not been assessed care for Able. The reasoning or the local authority's reasoning is detailed at C25 and they say that he's demonstrated controlling and concerning behaviors child protection P He's documented Abel and Ashley's lives and placed revealing photographs of Able online. There have been concerns raised with respect to his mental health and allegations of drug misuse. The local authority has significant concerns about Mr. Macklin's Mr. Matt behaviors in life and the local authority does not consider Mr. Ma as safe placement option for Abel. He would not recommend any further assessment of him at this stage.

It's of note that neither parent has challenged that determination nor have they put Mr. Mac forward to care for Able. The local authority now have a final care plan and that is the Able remains in a specialist residential unit. He's resided there for a number of months and it is meeting all of his needs. The local authorities say, and this may be dispute at a later date, that he is safe from receiving appropriate care rem

for some time and Able now needs a conclusion. He needs a decision of further delay. Simply not invol as I've set out. Mr. Mac does not have central responsibility for Abel. He has not gained bloodline for ages. Because he is involved in Abel's wife, he is not able to guard him nor is he a special guardian. The basis of his application, he told me, is she has the benefit of legal representation and an intermediary to assist her in understanding the process and the document. And she works very well with her interview. If she requires his emotional support, then this is a matter for mother and Mr. Mack. But it's not a reason for him to be made a party to these decisions. Mr. Ma seeks to defend the allegations made against him. I'm not asked by any party in this case to conduct fact finding. It will not be in any way proportionate to join Mr. Mack to the proceeding and focus upon the allegation against him. It has to be said that without the allegation involved in the video that was sent to me, a threshold the local authority in the guardians say is more than met even if that allegation is removed. Finally, Mr. Mack seeks to ensure that due process is followed and that Able's rights are protected. Able is a party to these proceedings. He has the benefit of cap as gargi and more particularly this court must have Abel's welfare as its paramount concern when considering what is Any or both parents have the benefit of legal representation. And it's not for Mr. Max who's brought into these procedures to ensure that the process is followed. The local authority had a clear plan for Herodel, which is supported by the Garden Barber opposes Mr. Mac's application. Mother is neutral, but as I say, neither care is the best of the my knowledge has ever suggested that Mr. Mac should spend time with a nor has the visit to request main support. Importantly, the concerns in this case are one standard. They include Able's needs not being met, her conditions being poor, Able being exposed, violence both home and online and sexual content Mother's poor mental health, her dependence on cannabis and cursing struggles with their physical health and conflict between mother and her family. Physical chastisement for school attendance. And Mr. Matt admits that he may be able to subject to fulfillment that he bear critique. All of these issues are detailed in record and that threshold was prepared at the start of each proceeding. Mr. Mack tells me that he was involved in the care of a It's a huge concern to this court that he's of the opinion that Abel's best interest were being met at that time. And finally I say to the avoidance declare that Mr. MacReady is your family and not parting the family. I am fully aware that Abel and his parents are slave rights are engaged. But of course if the Article 8 rights of a parent who claims with the Article 8 rights of Abel then his rights to them. So for all of those reasons I refuse Mr. Mack's application to pass the status and dismiss the application. And so, Mr. Mack, that concludes your involvement in today's hearing. All right. I set out the reasons why I've not granted your application. I know that you've sat in, you've listened to that. So you can leave the courtroom now. Okay. Whether you wait to provide emotional support for long is entirely matter to you. That's got nothing to do with him. But you're not a part of the and so it's appropriate for you to leave the court.

Ben Mak 1:06:24

May I ask where does it stand with Abel's best interest on having a relationship with his uncle who he has one with?

DD JUDGE 1:06:32

That would be part of care planning, but it's flawed.

Ben Mak 1:06:37

So who do we dispute that with?

DD JUDGE 1:06:42

Well, I think it's something that you have to raise.

Ben Mak 1:06:48

Okay,

one more question. What if the lawyer won't but mum's instructed them to.

Thank you very much. It was actually nice to be here. So I'm really grateful for this. It's been very helpful.

Okay, consum.

Speaker 3 1:07:50

It's.

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