



## 2024-04-11 : Court pt 2

Host	Ben Mak
Workspace	Justice Minds Forensic Intelligence Ltd
Length	27m
Start Time	8:29 PM on Apr 11, 2024
Exported	2:17 AM on May 14, 2025
Highlights	1
Recording Link	<a href="https://grain.com/share/recording/08fd9b71-4dae-4974-a7c3-479e5691d741/CpHsw859tGtL4LXUqdGHAi7qXY8OxJ2RqLHP9BxH">https://grain.com/share/recording/08fd9b71-4dae-4974-a7c3-479e5691d741/CpHsw859tGtL4LXUqdGHAi7qXY8OxJ2RqLHP9BxH</a>

## Participants (0)

## Transcription

Judge [0:03](#)

What? You might hear me

that what we got everywhere? Yes.

Chris child father [0:52](#)

Council members.

Oh.

Ben Mak [1:29](#)

Yeah.

I didn't even know you were here.

I don't understand. These are being misconstrued. But I've got you.

Chris child father [2:37](#)

Saying able, but able to.

Ben Mak [4:04](#)

And if we would have had a family. Never.

Chris child father [4:07](#)

That's

got. And the sun never happened. And then what would say that

only

four years old.

Ben Mak [4:44](#)

When did you last come see me? When did you last.

Chris child father [4:55](#)

Kill the other.

Judge [4:57](#)

And.

Ben Mak [5:02](#)

Get off running.

Chris child father [5:49](#)

Like what you got?

I would say that I was only

dead, but I.

Judge [7:49](#)

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 [7:55](#)

I've read the statements, yeah, and I've got concerns, but I've read it.

Judge [8:15](#)

These are public law proceedings relating to Abel Macklin Daly. Abel is now seven years old. He was born on the 28 February 2017. His mother is Ashley Macklin, father is Christopher Dalis. This application, which I deal with now, is brought by Abel's maternal uncle, Ben Mack. He seeks an order that he be joined as a party to these public law proceedings or be allowed to intervene. The application is proposed by the father and by the guardian. The mother takes a neutral stance. The focus of Mister Mack's application seem to be on the paper application that he considers that he's able to. He's provided documents signed by himself and by Able's mother, in which it's purported that mother has 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 to law firm to Mister Mack to speak request 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 Mister Mack has the authority to speak and act instruct decisions, including any request for data on behalf of Miss Macklin and personal for the purposes of what he knows and feels best in response to what is in her, Miss Macklin and her son's best interest as an advocate and as a legal guardian of her son's able Matlab. I deal firstly with the point about Mister Mac being Able's legal guardian, and I'm satisfied he's not. A parent can appoint a legal guardian for a child that this would only take effect if that parent died. And if there are two with parental responsibility, it would not be effective until the death of the second parent. Both of abled counts are alive and have parental responsibility. The second route to Mister Mac Behavior's guardian would be if he has been appointed special guardian by a court order and he has not. Mister Mack state that the documents could be completed, but the local authority blocked them. To the best of my knowledge, no application has ever been made to the court. And of course, if one were made to court, you would have to be unnoticed to local authority, who would have to prepare the proper assessment. But it is clear that documents which Mister Mack is annexed to his application, he is not able to legal guardian and does not have federal responsibility for him. Mister Mack has appeared before the court today and I 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 counsel. I explained to Mister Mack that mother has the benefit of his sister and experienced family counsel. And importantly, she is supported by an intermediary. Mister Mack then explains that he believes that he stands in locust parent time for Abel and mother. As I set out, I explained that he does not have parental responsibility for Abel. Nor does the fact that he was involved in Abel's life for three years give him parental responsibility. Mister Max had the view that if he had been able to argue that he would maintain his care, if the local authority had worked with him,

then Abel 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. Mister Mack considers that the situation is far more complicated than people think. Another basis of Mister 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 interests 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 carer guardian 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. Mister Mack is of the view that a lot of things have been said about him which are true. 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 able 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. Mister Mack feels that unless he's joined as a party to the proceedings, the process will not be done properly. Abel's rights will not be protected. There are allegations against him and he's not been allowed to defend those allegations. This is a major procedural side step. He tells me that he knows Abel 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 a vest, to the mayor of London. When I suggested this was not in Abel's best interest, he told me it was a crisis. And this is what happens when you're ignored by the local authority. Mister Mack requires the court's permission to bring this application. I therefore look to section ten of the Children Act 1989, and in particular section ten nine. This states that where the person applying the leave to make an application for a section eight order is not the child concerned. The court shall, in deciding whether or not to grant leave, have particularly guaranteed the nature of the proposed application for the section eight order. And this is actually an application to be joined as a party. But there is authority that says I should still look to section ten nine, 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 will be harmed by it. Where the child is being attacked by a local authority, the authorities plans for the child's future, and the wishes and feelings of the child's parents. In this case, we're Mister Mack to is the child's going 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 able. The local authority, as I said, oppose the application. They say there are a number of concerns about Mister Mack'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 involvement. Although Mister Mac 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 care, including specialists at Alderhey Children's Hospital, MP representatives, and by copying in his communications to law lecturers at the University of Law, where he's studying Mister Mack's involvement, his mother enables life is also a concern to the local authority, and they consider that he presents us. Controlling the mother. In October 2021, Mother's whereabouts were not known to the local authority. Abel was in the care of Mister Mapp. The local authority say Mister Mapp provided inconsistent, vague information regarding mother's whereabouts and well being. And during this period, he installed video cameras in mother's home. I understand it was these video cameras that ultimately formed the basis of the video that Mister Mack produced. He also obtained another signature on the documents I've identified and purporting to appoint himself as Able's legal guardian. For local authorities say there's no evidence or required this guardian. In November 2021, Mister Daly reports that Ben came into his bedroom and asked him to sign a form. He was told it was a pit form for Abel, but father believed it was actually an SGO application form and he refused to sign it. On that same day, Mister Mack had a discussion with the social worker and he expressed a view that he needed parental responsibility because mother and father couldn't fill in consent form if able needed treatment or educational assessment. The social worker told him he didn't need a special garden for necessity to help mother to ensure that Abel's health and educational needs were met. Mister 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. Mister Mack didn't agree with this response and said that Abel needed a desk and a chair. Mister Mack also told the social worker that he made a video of mother and her struggles due to the lack of support and how this impact acted on able, 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 way stair. After this incident, Mother reported that she didn't want Mister Mack to be involved in able or her life. Mother herself has made a number of allegations against Mister Mack, although during this court hearing, she. She has suggested she was being drugged and influenced. But in the past, she said he's a dangerous man who sexually harmed Abel as he patted his bug 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 Mister Mac present with Abel. She threatened her brother with nice shouting. Penal violence. She removed Abel from the home. Abel was exposed to this incident. Mother has alleged in the past that Mister Mack has gained access to her account stone and information and the local authority are concerned that mother is influenced by Mister 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 Mister Mack's motivation seems to be obtaining information. During the maternal grandparents liability assessment in December 22, he unexpectedly visited the home and then consumed the visit by asking questions and making attempts to obtain information. These concerns

and when told it will not be provided because he has no involvement in these proceedings. His response was that he considered

here. He contacted hairline 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 Mister Matthew instructed solicitors on the basis that he should be a part of the proceedings. The local authorities say he was able to father that's denied by the and I make no charges in relation to that. On the 4 January, the local authority received an enquiry from an MP who Mister Mack had contacted. With his concern, Mister Mack is attempted to email Mansell. The judge might contact the Liverpool Centre Court directly. The local authorities say that Mister Mack also posts videos online speaking about various issues around cable and the local authority says that this highlights Mister Mac's lack of understanding of the confidentiality of these proceedings and the importance of protecting able to public health. I say to the avoidance of doubt, I made it very clear at the start of this hearing that these proceedings are confidential. Mister Mack is correct in that he's not been assessed to care for able. The reasoning or the local authorities reasoning is detailed at C 25 and they say that he's demonstrated controlling and concerning behaviours, child protection. He's documented Abel and Ashley's lives and placed revealing photographs of Abel online. There have been concerns raised in respect to his mental health and allegations of drug misuse. The local authority has significant concerns about Mister Macklin's Australia, Hades and Meinstaff and the local authority does not concern consider a safe placement option for Able, who does 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 Mister Mack forward to care for Abel. The local authority now have a final care plan and that is that Abel the nave and a specialist residential unit resided there for a number of months and it is meeting all of his needs. The local authorities say this may be disputed a later date that he escaped from receiving appropriate care and

Abel now he needs a decision further delay simply not involve their income. As I set out. Mister Mack does not have plenty responsibility fail. He has not blow type for ages because he was involved in Abel's wife. He is not able to guardian, nor is he his special guardian. The basis of his application, he told me, is his support mother. 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 interviewer. If she requires his emotional support, then this is a matter for mother and this and that. But it's not in the

mister Mack seeks to defend the allegations made against him. I've not asked by any party in this case to look for fact finding viewing. It will not be in any way proportionate to join Mister Mack to the proceedings and focus upon the allegation against him. It has to be said that without the allegation involved in the video that was sent to the mayor, brutal threshold, the local authority and the guardians say, is more than met, even if that allegation is removed. Finally, Mister Mack seeks to ensure that due process is followed, and that able's right to protect it. Abel is a party to these proceedings. He has the benefit of catastrophe. And more particularly, this court must have Abel's welfare as its paramount concern when considering mortal venue. Parents have the benefit of legal representation. And it's not the mister map to be brought into these procedures to ensure that the process is followed correctly. The local authority had a clear hand with aeronaut, which is supported by the garden. Father opposes this max application. Rubble is neutral. But as I say, neither carers, to the best of my knowledge, has ever suggested that this map should spend time with a law visiting situation names accordingly. The concerns in this case are one standing. They include able to need not being met, her conditions being poor, able being exposed violent both home and online, and sexual content, mother's poor mental health, her dependence on cannabis and her struggles with her physical health, and conflict between mother and her family physical trust. Mister Mack admits that he made a old subject fulfillment that he then could assign to all the people. All of these issues are detailed in threshold. And that threshold was prepared at the start of this proceeding. Mister Matt tells me that

he was involved in the care of Abel. It's a huge concern to this court that ease of the opinion that Abel's best interest were being met at that time. And finally, I say to the avoidance to doubt that Mister Mack raised the issue of family and not as part of the family. I am fully aware that Abel and his parents ask late rights are engaged. But of course, if the articulate rights of a parent who printed the arch laid rights of Abel, their kids rights prevails. So, for all of those reasons, I refuse. Mismatch application. Dismiss the application. And so, Mister Matt, that concludes your involvement in today's union. All right. I've set out the reasons why I've not granted your application. I know that you sat and you've listened to that. So you can leave the courtroom now. Okay. Whether you wait to provide emotional support for mom is entirely matter to you. That's got nothing to do with him. But you're not a partisan.

Ben Mak [24:52](#)

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

Judge [25:00](#)

That would be part of care planning.

Ben Mak [25:02](#)

But it's flawed. So who do we dispute that with? A military?

Judge [25:10](#)

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

Ben Mak [25:26](#)

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

Judge [25:34](#)

Very.

Ben Mak [25:38](#)

Thank you very much. It was actually nice to be here, so I'm very grateful for that. It's been very helpful. Yeah, no problem.

Okay, thank you.