

NICOLA MCILROY EXTRACTS FROM DOCUMENTS HELD BY SCRA

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Re: Child LR

2015-08-31 Court document

Form 60 Rule 3.45(1) Form of application to sheriff under section 93(2)(a) or 94(2)(a) of the Children's Hearings (Scotland) Act 2011

Court ref. no.: SHERIFF COURT AT GLASGOW

Application to sheriff under section *93(2)(a) and/or 94(2)(a) of the Children's Hearings (Scotland) Act 2011 by The Principal Reporter in the case of (child LR), 01/08/11, Flat 1/1, 6 Kilvaxter Drive, Glasgow, G46 8AR

5. (a) The said mother Nicola McIlroy, Flat 1/1, 6 Kilvaxter Drive, Glasgow, G46 8AR did not accept section 67(2)(a) and supporting facts, paragraphs 5, 6, 7, 8, 9(a), (d), (e), and (f) as annotated on the statement of grounds.

6. The Principal Reporter applies to the sheriff to determine whether the section 67 ground(s) not accepted by the said mother Nicola McIlroy...

2015-08-12 Statutory Statement of Grounds – Reporter

'Section 67 Ground

The children's reporter has arranged a children's hearing for HR (0108.11), Flat 1/1, 6 Kilvaxter Drive, Thornliebank, Glasgow, G46 8AR because the reporter believes the following ground(s) apply:

that in terms of section 67(2)(a) of the Children's Hearings (Scotland) Act 2011, he is likely to suffer unnecessarily or his health or development is likely to be seriously impaired, due to a lack of parental care.

that in terms of Section 67(2)(b) of the Children's Hearings (Scotland) Act 2011, a schedule 1 offence has been committed in respect of him.'

(The children) 'normally reside with their mother Nicola McIlroy, at Flat 1/1, 6 Kilvaxter Drive, Thornliebank, Glasgow, G46 BAR.'

'Ms McIlroy and [] have attained the age of sixteen years of age and at all material times, had the charge care and control of (the children)'

'...Ms McIlroy and [] failed to treat the head lice infestation and scabies infection appropriately and failed to seek appropriate medical attention for her. They failed to attend two doctor appointments for her on 5th and 12th May 2015.'

'Ms McIlroy and [] failed to treat the head lice infestation and scabies infection appropriately and failed to seek appropriate medical attention for him.'

' (two children) had head lice eggs in hair. This was left untreated by Ms McIlroy and [].'

'On 2nd June 2015, police attended the family home and noted that the family home was unhygienic, extremely untidy and in a state of disrepair. The bedrooms were extremely untidy and there was no appropriate bedding on the children's beds. The mattresses were in a poor condition, (two children's) mattresses were saturated in urine. The carpets were dirty. Blood and scabs were on (one child's) pillows. There were blood stained tissues lying beside the bed. There were several bin bags of waste in the master bedroom. There was little food within the fridge and cupboards.'

'... an offence of wilful neglect of a child under the age of 16 in a manner likely to cause unnecessary suffering or injury to health has been committed by Ms McIlroy and [] in relation to (the children); this is an offence contrary to section 12 of the Children and Young Persons (Scotland) Act 1937 as amended and is an offence mentioned in Schedule One to the Criminal Procedure (Scotland) Act 1995.'

'Ms McIlroy and [] have failed to meet the children's basic care needs and their engagement with health and education has been poor, all to the detriment of the children. For example:-

(a) Ms McIlroy and [] have been unable to maintain the family home to an acceptable level of hygiene ...

(b) (Two children's) school attendance is poor and they often attend school late. Ms McIlroy and [] have failed to engage with education in their efforts to improve the children's attendance. Ms McIlroy and [] fail to provide (two children) with support at home to ensure homework is completed to an acceptable standard. This has impacted on (two children's) educational and emotional development.

(c) One child's attendance at nursery is poor and nursery have been unable to contact Ms McIlroy and [] regarding his poor attendance.

(d) On 2nd June 2014, during a home visit undertaken by social work and health, Ms McIlroy was verbally and physically aggressive towards (one child), in that she shouted at and threw clothing forcibly in her lap demanding that she put it away.

(e) Ms McIlroy and [] have failed to attend health appointments for (two children) and have failed to engage with health visitors.

(f) Ms McIlroy and [] present as hostile to professional staff tasked with ensuring the welfare of the children.'

2015-08-27 Statutory Record of Proceedings – Hearing

Nicola McIlroy – present

Decision of Pre-Hearing Panel/Children's Hearing

Decision 2 To direct the reporter to make an application to the sheriff for a determination on whether a ground not accepted/ not understood is established s.93(2)(a) /s.94(2)(a)

Decision 4 To not make an interim compulsory supervision order

Reasons for Decision(s)

The hearing made these decisions for the following reason(s):

Decision 1: The family requested that the children were excused from the grounds being read out due to the nature of them...

Decision 2: The parents denied the grounds in part and therefore the panel decided that as the children were so young and because the grounds were denied that the grounds needed to go to the Sheriff for proof.

Decision 3: The hearing was open and honest from all parties with the parents being open about the reasons why the children were accommodated and therefore the panel decided that they had enough information to be able to make a decision today.

Decision 4: The parents are working very well with the social work department and also the current carers. Because of this social work said that they did not wish an order to be made as this would mean that the children and family did not need to attend further hearings and that they would work with the family to sort out effective contact. The panel heard a request from the carers and family to recommend that the children are moved to a local school as the travelling to school was tiring for the children and also the standard of schooling was better where the carers lived...

2016-01-25 Statutory Statement of Grounds – Court

‘ESTABLISHED AT GLASGOW SHERIFF COURT ON 25th JANUARY 2016
STATEMENT OF GROUNDS’

‘Section 67 Ground

The Children’s reporter has arranged a Children’s hearing for (child HR) (01.08.11), Flat 1/1, 6 Kilvaxter Drive, Thornliebank, Glasgow, G46 8AR because the reporter believes the following ground(s) apply:

that in terms of section 67(2)(a) of the Children’s Hearings (Scotland) Act 2011, he is likely to suffer unnecessarily or his health or development is likely to be seriously impaired, due to a lack of parental care.’

‘Supporting Facts

1. (The children) normally reside with their mother Nicola McIlroy, at Flat 1/1, 6 Kilvaxter Drive, Thornliebank, Glasgow, G46 8AR.
3. Ms McIlroy and [] have attained the age of sixteen years of age and at all material times, had the charge care and control of (the children).
4. ... Ms McIlroy and [] attempts to treat the head lice infestation were unsuccessful and they failed to treat the scabies infection. They failed to attend two doctor appointments for her on 5th and 12th May 2015.
- 5... Ms McIlroy and [] attempts to treat the head lice infestation were unsuccessful and they failed to treat the scabies infection.
6. (Two children) had head lice eggs in hair. Ms McIlroy and [] attempts to treat the head lice infestation were unsuccessful.
7. On 2 June 2015, police attended the family home and noted that the family home was extremely untidy and in a state of disrepair. The bedrooms were extremely untidy. The mattresses were in a poor condition. Blood and scabs were on (one child’s) pillows. There were blood stained tissues lying beside the bed. There was little food within the fridge and cupboards although Mrs McIlroy advised the police that she intended to purchase food that day.
8. Ms McIlroy and [] have failed to meet the children’s basic care needs. For example:
(a) Ms McIlroy and [] have been unable to maintain the family home to an acceptable standard as demonstrated by statement of fact 7.
(b) (Two children’s) school attendance is poor and they often attend school late. This has impacted on (Two children’s) educational and emotional development.

(c) (One child's) attendance at nursery is poor.

(d) Ms McIlroy and [] have failed on occasion to attend health appointments for (two children) and have failed to engage with health visitors.'

2016-02-23 Statutory Record of Proceedings – Hearing

Decision of Pre-Hearing Panel/Children's Hearing

Decision 5 To include in the order that (the child) shall have contact with Nicola McIlroy, mother,...a minimum of four times per week for a minimum of two hours to be supervised by the social work department.

Reasons for Decision(s)

The hearing made these decisions for the following reason(s):

Decision 4: Both Panel members were satisfied that neither of (child's) parents were currently in a position to provide him with a consistently stable and nurturing environment. Whilst it was acknowledged that both parents have made excellent progress, they have still to meaningfully address and improve their parenting capacity. The minority decision was that ..in view of ... the improvements made by the parents, eliminating risk in the home environment, this panel member felt that it would be better to allow (the child) to return to his parents' care with supports in place.

2016-03-15 Statutory Record of Proceedings – Hearing

Decision of Pre-Hearing Panel/Children's Hearing

Decision 5 to include in the Order a measure that the child shall have contact with Ms Nicola Mcilroy mother ... a minimum of twice per week for a minimum of two hours to be supervised by the Social Work department

Reasons for Decision(s)

The hearing made these decisions for the following reason(s):

Decision 4: At present no objective GIFT assessment has been made on his parents parenting skills or their ability to address his physical emotional needs Until this is addressed the parents are not in a position to offer a nuturing stable home for (child).
Decision 5: Contact with mum ... was previously set at a minimum of 4 times a week for 2 hours each time which takes place in school after school and is supervised by social work. It was recommended that social work would guarantee that contact would remain at 4 times a week but that the conditional of contact should varied to a minimum of 2 individual contacts per week for 2 hours with parents...

2016-04-04 Statutory Record of Proceedings – Hearing

Decision of Pre-Hearing Panel/Children's Hearing

Decision 5 To include in the order that (child) shall have contact with his parents Nicola Mcilroy (mother) ... a minimum of twice per week for a minimum of 2 hours to be supervised by social work department.

Reasons for Decision(s)

The hearing made these decisions for the following reason(s):

Decision 2: The Hearing heard that the position of Ms McIlroy was that she wished for (child) to be returned to her care... There was also discussion about the behaviour of (child) and there is no evidence of how Ms McIlroy and [] would manage this.

Decision 3: Although it was acknowledged that there has been some progress, particularly in respect of the housing conditions, there needs to be a clear assessment of the parenting capacity of both mum ... and how they meet the specific needs of (child)...

Decision 4: (Child) requires a place of safety at this time as there is not the evidence that Ms McIlroy and [] can provide what he needs. Their circumstances have changed and they are back together and this is a significant change. (Child) needs a safe and secure home base and there is not evidence that Ms McIlroy and [] can meet this need.

Decision 5: No concerns were expressed about the level of contact between (child) and his mum and dad. The contact sessions were reported to be going well. It was acknowledged by all parties (mum and dad and Social Work) that they need to review the Friday contact...

Decision 7: ...it was felt that for his emotional welfare and the fact that his views are already known that he could be excused from the next Hearing. Mum was in agreement with this.

2016-04-25 Statutory Record of Proceedings – Hearing

Decision of Pre-Hearing Panel/Children's Hearing

Decision 5 To include in the order that (child) shall have contact with his parents Nicola McIlroy ... a minimum of twice per week for a minimum of 2 hours to be supervised by Social work.

Reasons for Decision(s)

The hearing made these decisions for the following reason(s):

Decision 2: ...The panel weighed the very real risks of this disruption against the risks of returning (child) home without sufficient information given the significant grounds and the fact that legal proceedings against his parents are still due to proceed in May. (Child's) parents both argued he should be returned home now, rather than remain in insecure foster placements which they have ceased to regard as 'places of safety' for (child), although they were complimentary about individual foster carers.

On balance the panel felt a further ICSO would allow for an update from the Gift team working with (child's) parents...

2016-05-16 Statutory Record of Proceedings – Hearing

Decision of Pre-Hearing Panel/Children's Hearing

Decision 5 To include in the order a measure that the child shall have contact with his parents Nicola McIlroy ... a minimum of twice per week, for a minimum of 2 hours to be supervised by Social Work.

2016-06-06 Statutory Record of Proceedings – Hearing

Decision of Pre-Hearing Panel/Children's Hearing

Decision 3 To discharge the referral s.91 (3)(b) / s.93(2)(b) / s.94(2)(a)

Reasons for Decision(s)

The hearing made these decisions for the following reason(s):

Decision 3: and Decision 4: ...All parties present, including (child's) parents, were in agreement that this placement was meeting (child's) needs and this is where he should stay until he is in a position to move back home, which is the ultimate plan for (child). The social worker advised that the parenting assessment was due to be completed mid-June and that there would be a meeting and treatment plan decided upon with (child's) parents thereafter. (Siblings) are already accommodated on a voluntary basis and his parents were of the view that this could be the same for (child), as they have co-operated throughout with the social work team and have made significant improvements since the grounds were first brought to the Children's Hearing system in June of last year.

The panel ascertained that the social worker and safeguarder were in agreement that (child's) parents would work on a voluntary basis, ...