



Neutral Citation Number: [2025] EWFC 29 (B)

Case Number: RG24C50135

IN THE FAMILY COURT AT SLOUGH

The Law Courts  
Windsor Road  
Slough  
SL1 2HE

Date: 14 February 2025

Before

HIS HONOUR JUDGE RICHARD CASE

Re CA, CB and CC (Fact Finding: Coercion and Sexual Abuse)

Between

THE ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

Applicant

and

MOTHER (1)

FATHER (2)

CA, CB and CC (THE CHILDREN) (3-5)

Respondents

Representation

For the Applicant:

Isabelle Watson, counsel instructed by the Applicant Council

For the Respondents:

Sian Cox, counsel instructed by the First Respondent Mother

David Josty, counsel instructed by the Second Respondent Father

Andrew Leong, counsel instructed by the Third to Fifth Respondent children by their Children's Guardian, Jennifer Arnold

Hearing dates: 20-23, 27-30 January 2025 and 7 February 2025

This judgment was delivered in private. The judge has given permission for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media and legal bloggers, must ensure that this condition is strictly complied with. Failure to do so may be a contempt of court.

## APPROVED JUDGMENT

This judgment was handed down remotely at 9am on 14 February 2025 by circulation to the parties representatives by email.

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## Summary

1. The Mother and Father lived together with their three children until 30 July 2024 when the Father was arrested. Thereafter the Mother and Children left the family home for a confidential address. The Children are subject to Interim Care Orders but remain in the Mother's care. This hearing has been listed to consider various allegations of abuse, principally by the Father against the Mother and including very serious allegations of physical and sexual abuse of the Mother by the Father and coercion by him, and whether any findings I make meet the threshold for making Care or Supervision Orders. I have made the following findings.

### Allegation 1

2. On 19, 23, 27 and 30 July 2024 in the presence of some or all of the Children the Father verbally abused the Mother including calling her a "psycho", "narcissistic" and a "thief", telling her to "go back to hell and burn". The parents argued in front of the Children. The Father's verbally abusive behaviour is likely to have been emotionally harmful to the Children who witnessed it.

### Allegation 3

3. The Father socially isolated the Mother by only allowing her to leave the home with his permission.

### Allegation 4

4. The Father had control of the family finances and restricted the Mother's access to money.

### Allegation 5

5. The Father's behaviour on 8 May 2024 (calling the Mother a thief and a con-artist and accusing her of drinking CA's morphine and going mental) and 19, 23, 27 and 30 July 2024 (as above) was denigrating of the Mother in the presence of the Children and likely to have caused emotional harm to them.

6. From 7 May 2024 the Father controlled the Mother by restricting her care of CA.

### Allegation 6

7. The Father coerced the Mother to take cocaine from 2023 as a means of facilitating non-consensual sexual activity including vaginal rape and oral, vaginal and anal penetration by him of her with sex toys. The non-consensual sexual activity occurred between fortnightly and weekly from a point in 2023. The Children were present in the home at the time although not in the same room.

8. The Father attempted to coerce the Mother by threatening to disclose photos he had taken of the Mother using cocaine or threatening to take such photos and disclose them.

#### Allegation 7

9. The Father has physically abused the Mother. On or around 19 July 2013 the Father non-fatally strangled the Mother and she lost consciousness. In February 2023 the Father dragged the Mother off a bed and non-fatally strangled her. On an unknown date the Father punched the Mother to the lip causing a scar and on a separate unknown date threw a computer at her head leaving a small scar to her right ear.

#### Allegation 8

10. On 31 July 2024 the Father sent 2 emails to the Mother which were designed to coerce the Mother into returning to him with the Children. The content of the emails was emotionally coercive.

#### Allegation 9

11. The parents have neglected the Children's school attendance:-

- a) CA's attendance at school was 47% at July 2024.
- b) CB's attendance at school was 70% at May 2024.
- c) CC's attendance at pre-school was 63% at July 2024.

Non-attendance at school is likely to have been educationally and emotionally harmful to the Children.

12. The Father did not permit CA to return to school after 12 June 2024 contrary to the recommendations of professionals. Non-attendance at school is likely to have been educationally and emotionally harmful to CA.

#### Allegation 12

13. On 22 April 2024 the Father was abusive to a member of CA's school staff telling him to "go suck balls"; he received a final written warning from the school.

14. The Father was abusive to the social worker on 7 May 2024 telling her to "get the fucking away from me and my family", that she "will be destroyed" and that "Satan is looking to destroy your children". The Father was aggressive to police on 8 May 2024. The Father was abusive to the social worker on 16 May 2024 saying "I have never seen such a cynical person and never met anyone as bad as she is in my life...you have an evil smile on" and abusive to the social worker on 11 July 2024 saying he had to record her because she tells lies. These findings demonstrate the Father's lack of engagement with professionals seeking to support the Children risking harm to the Children.

#### Allegation 13

15. The Father did not attend the Core Group meeting on 16 June and 19 July 2024 nor the Review Child Protection Conference on 23 July 2024. This finding demonstrates the Father's lack of engagement with professionals seeking to support the Children risking harm to the Children.

#### Allegation 14

16. The Father failed to attend Hospital A on 7 May 2024 to collect the Mother and CA and failed to take CB and CC to school. Non-attendance at school is likely to have been educationally and emotionally harmful to CB and CC.

17. After CA's discharge from hospital on 7 May 2024 the Father refused to use CA's hoist in the family home contrary to the advice of professionals and presenting a risk to CA.

#### Allegation 18

18. The Father tested positive for medium level cannabis and cocaine use and chronic excessive alcohol use in June, July and August 2024. The Mother admits fortnightly use of cocaine to June 2024 and tested positive for chronic excessive alcohol use from mid-June to mid-September 2024 and excessive alcohol use from mid-September to mid-October. Parental drug and alcohol misuse is likely to present a risk of harm to the Children.

#### Allegation 19

19. The Father had a diagnosis of anxiety on 16 June 2024, but denied ongoing mental health concerns on 16 September 2024.

#### Further findings

20. The Father's evidence lacked credibility in many significant respects. In relation to important matters I find he lied:-

- d) He lied on oath when telling me that the Mother had hit the Children a lot;
- e) He lied in denying the accuracy of the social worker's note of 16 May 2024 where it recorded that he had said she had an "evil smile";
- f) He attempted to mislead the court when asserting through counsel that a photograph of CA's chest was taken on 15 July 2024 when in fact it was taken in 2020;
- g) By his own admission he lied in a position statement in relation to drug use;
- h) By his own admission he lied in a declaration made to a hair strand testing company;
- i) By his own admission he lied in a document prepared in response to threshold which was signed with a statement of truth; and

- j) He admitted he lied on oath in oral evidence when confirming he had read his witness statement the day before.

21. The Father has engaged in coercive and/or controlling behaviour over a period from 2023 (at the latest) to 30 July 2024 as evidenced by my findings on allegations 1 and 3-8 above.

22. The threshold test in section 31(2) Children Act 1989 is met.

## Parties

23. For reasons of anonymity I have referred to the Children with whom I am concerned as CA, CB and CC. They are a full sibling group ranging in age from early teen to pre-school age. I refer to their parents as the Mother and Father and mean no disrespect in doing so.

24. The Mother has been assisted by an intermediary during the hearing.

## Background

### Chronology

25. The family lived in another European country (Country X) between approximately 2013 and 2017.

26. CA was born in the UK before the family moved to Country X; he suffered a birth injury and he has a diagnosis of cerebral palsy. CB was born in Country X. CC was born in the UK.

27. This Local Authority have been involved with the family since 2020 but there was local authority involvement in 2013 and apparently in Country X. The following is taken from the Local Authority case summary and I do not understand it to be in dispute:

3. On 13 December 2022 a School Attendance Order was made: the parents did not comply with it. On 22 August 2022 the children were made the subjects of child protection plans under the category of neglect: the parents did not comply with statutory visits or attend any child protection conferences or Core Group meetings. On 5 November 2022 a Child Assessment Order was made to enable professionals to gain access to the children for assessment [my order in RG22C50192]. The parents did not co-operate with the order, and care proceedings were commenced in February 2023 [RG23C50013]. Interim care orders (ICOs) were made on 3 February 2023, in the absence of the parents, but the order could not be given effect because the parents would not respond to attempts to serve them. On 7 February the court authorised the removal of the children under the ICOs [this was pursuant to a Recovery Order made by me and it was necessary for the police to attend the home to assist Children's Social Care], however, on 10 February the children were returned to the parents' care as the risk of harm caused by the potential duration of the separation was considered to be disproportionate in the circumstances...

4...On 16 November 2023 the proceedings concluded before this court, with the court finding threshold to be met [F1-3]; no order under s31 Children Act 1989 was sought, and the children were instead placed on child in need plans.

...



6. Following the conclusion of the last proceedings, the parents co-operated with the child in need plans and services in place to support the family...The children were accessing education, but in February 2024 an issue was raised at a CIN review meeting about low school attendance. At the next meeting on 12 March professionals were positive about the family's engagement and progress [C58]. On 30 March [in fact April] CA was admitted to Hospital A for his right hip reconstruction surgery. A plan was agreed that the mother would remain with CA at hospital and the father would remain at the home to care for the children. CA was discharged home on 7 April [in fact May] but had to be returned by hospital transport...

7. In late April an incident occurred between the father and staff at CA's school...A strategy meeting took place on 9 May to review mounting concerns about the family, and the decision was taken to initiate a s47 inquiry. The inquiry concluded that an initial child protection conference (ICPC) should be convened, and this took place on 28 May with the outcome that the children would be made the subject of child protection plans under the category of neglect. Following the ICPC the father ceased to attend meetings and was considered to co-operate in only a superficial way with professionals.

8. On 6 June Ms Chioko, a senior social worker, undertook a child protection statutory visit...[concerns were raised forming the basis of allegations in these proceedings]...

9. On 28 June at another home visit the father presented with [alleged] bizarre behaviour...CA was not taken to an important appointment at Hospital A on 15 July because [it is alleged] the father would not co-operate with the transport that attended at the home to take him.... Both ambulance crew describe a tense situation in the home, led by the father...

...

12. On 16 July an initial meeting was arranged between the mother and Fiona Mee, domestic abuse support worker. The meeting had to be arranged under the pretext of the mother attending a pre-planned health visitor appointment with Ms Obodoagu in order not to arouse suspicion on the part of the father [C123]....In short, beginning on 16 July, the mother has made a series of allegations of physical and sexual violence and controlling and coercive behaviour towards her by the father over more than 10 years...

13. On 23 July a review CPC took place: the children remained subject to CP plans. On 26 July 2024, the mother made significant allegations to Fiona Mee. In summary, she told Ms Mee that

the father would force/coerce her to take cocaine in order for her to be compliant while having sexual intercourse with her "at least once a week". There was some ambivalence on the part of the mother as to whether she considered this was consensual or not [C6].

14. As a result of the mother's allegations, a plan was devised with professionals for the mother and the children to move to a place of safety. The father was arrested on 30 July in relation to alleged offences perpetrated against the mother, including non-fatal strangulation. Police Officers had attended the family home in response to a report of a domestic incident. The Officers spoke with the parents separately, and the mother made allegations in a similar vein to those made to Ms Mee to PC Madeleine Dudley and PC McKee [see I59-61]. The father was taken to the police station and interviewed under caution. The father gave a "no comment" interview. He was released on Police bail, with contact with the children to be arranged through children's services [I51]. On 31 July the mother and the children left the family home and moved to their confidential address.

...

16. Care proceedings were issued on an ex-parte basis on 30 July. The application was considered by HHJ Tolson KC, who determined that the urgency was not made out and directed that the matter should be dealt with on notice in the usual manner. [A revised C110A at [B1] records it was issued on 9 August 2024].

...

19. A CMH took place before this court on 29 August 2024, when the court granted interim care orders in respect of all 3 children. The care plans for the children were for them to remain placed with the mother at the safe house. The father's contact was to be subject to a risk assessment.

20. A FCMH took place before this court on 8 Oct 2024 [B159]. The court made directions to progress the matter to a fact-finding hearing in January 2025. The court also considered assessments to inform the welfare decisions. The case was listed for an IRH on 2 July 2025 with directions for assessments and final evidence.

By the October hearing, the LA had completed a risk assessment in respect of the children's direct and indirect contact with the father [C71-C74, C96-C99]. The father did not engage with assessments [C73]. The arrangement has been for twice monthly letterbox contact facilitated by the LA.

### Current living arrangement

28. The Children are subject to Interim Care Orders granted on 29 August 2024 and are placed in the care of the Mother at a confidential address.

### Parental responsibility

29. Parental responsibility is shared with the Local Authority under the Interim Care Orders.

## Positions

### Local Authority

30. The Local Authority invite findings in accordance with the document at [A139] revised as noted below.

### Mother

31. The Mother supports the Local Authority allegations against the Father. I have set out her response to other allegations below.

### Father

32. Broadly the Father denies the allegations with some exceptions set out below.

### Children's Guardian

33. At the close of submissions the Guardian confirmed having considered all the evidence she supported findings sought by the Local Authority as they related to the Father's interaction with professionals but remained neutral in relation to the Mother's allegations against the Father as they are dependent upon the court's evaluation of their credibility.

## Evidence Summary

34. I have particularly considered the following documents:

- a) [A139-172] Composite schedule of findings;
- b) [C1-69] Lola Ashama (initial social work statement);
- c) [F4-34] Single Assessment for Children (for Initial Child Protection Conference May 2024);
- d) [F53-87] Single Assessment for Children (for Review Child Protection Conference July 2024);
- e) [C144-146] statement of Holly Gardner (hospital occupational therapist working with CA);
- f) [Z4:21] statement of Sophie Pitfield (community occupational therapist working with CA)
- g) [C134] statement of Mr Alpesh Kothari (consultant paediatric orthopaedic surgeon) CA's operation and treatment at Hospital A 30.4-7.5.2024;
- h) [F90-91] email from Florence Obodoagu health visitor (12.7.2024);
- i) [F89-90] email from Nicki Gray re home visit (15.7.2024);

- j) [C135-137] statement of Nicki Gray (ambulance crew visit 15 July 2024);
- k) [C169-170] statement of Gemma Warr (ambulance crew visit 15 July 2024);
- l) [F44-52] Ms Obodoagu's report for initial child protection conference (July 2024);
- m) [F31-34] School report for CA (July 2024);
- n) [F35-38] School report for CC (July 2024);
- o) [F39-43] School report for CB (July 2024);
- p) [F88] email from Fiona Mee;
- q) [I56-58] statement of PC Kerrie McKee (arrest of father 30 July 2024);
- r) [I59-61] statement of PC Madeleine Dudley (conversation with mother 30 July 2024);
- s) [I62-63] statement of SPC Thomas Brough (arrest of father 30 July 2024);
- t) [I1] Body Worn Video (BWV) footage of Father 8 May 2024;
- u) [Z4:33] to [Z4:35] BWV footage of Mother 30 July 2024;
- v) [C195-197] statement of Jennifer Arnold (Children's Guardian) home visit on 28 August 2024;
- w) [C105-121] statement of Florence Obodoagu (health visitor);
- x) [C122-133] statement of Fiona Mee (domestic abuse specialist worker involved with mother) and audio WhatsApp notes in section [Z2];
- y) [C138-140] emails from Father to Mother (31 July and 1 August 2024);
- z) [C100-105] statement of the Father (20.9.2024);
- aa) [C155-168] statement of the Mother (28.10.2024);
- bb) Section [Z2] being Ms Mees records; and
- cc) Section [Z4] being various documents disclosed during the course of the hearing but in particular Local Authority contemporaneous documentation and various emails between the parents.

35. I heard oral evidence from:

- a) Florence Obodoagu, health visitor;
- b) Fiona Mee, domestic abuse worker;
- c) Nicki Gray, ambulance care assistant;
- d) Gemma Warr, ambulance care assistant;
- e) Holly Gardner, hospital occupational therapist;
- f) Sophie Pitfield, community occupational therapist;
- g) Lola Ashama, social worker;
- h) PC Madeleine Dudley;
- i) Mother; and

j) Father.

## Law

### Threshold

36. I must consider if the Local Authority has proved that the threshold test set out in section 31(2) Children Act 1989 is met. It provides:

- (2) A court may only make a care order or supervision order if it is satisfied –
  - (a) that the child concerned is suffering, or is likely to suffer, significant harm; and
  - (b) that the harm, or likelihood of harm, is attributable to –
    - (i) the care given to the child, or likely to be given to him if the order were not made, not being what it would be reasonable to expect a parent to give to him; or
    - (ii) the child's being beyond parental control.

37. I remind myself that the relevant date for the purposes of making the assessment is the date on which the Local Authority initiated the procedure (*Re M (Care Order: Threshold Conditions)* [1994] 2 FLR 577) but subsequent events and behaviour are capable of providing relevant evidence about the position before the relevant date (*Re L (Care: Threshold Criteria)* [2007] 1 FLR 2050).

38. I also consider Hedley J in the same case at para 49

"...society must be willing to tolerate very diverse standards of parenting, including the eccentric, the barely adequate and the inconsistent. It follows too that children will inevitably have both very different experiences of parenting and very unequal consequences flowing from it. It means that some children will experience disadvantage and harm, while others flourish in atmospheres of loving security and emotional stability. These are the consequences of our fallible humanity and it is not the provenance of the state to spare children all the consequences of defective parenting. In any event, it simply could not be done."

39. In relation to threshold I refer to the summary of the principles set out by Sir James Munby (then the President of the Family Division) in *Re A (a Child)* [2015] EWFC 11 which was given by Aikens LJ in *Re J (a Child)* [2015] EWCA Civ 222:

"56. The fundamental principles underlined by the President in *Re A*, which, as I say, are not new and are based on statute or the highest authority or both, can, I think, be summarised thus:

...

ii) If the local authority's case on a factual issue is challenged, the local authority must adduce proper evidence to establish the fact it seeks to prove. If a local authority asserts that a parent "does not admit, recognise or acknowledge" that a matter of concern to the authority is the case, then if that matter of concern is put in issue, it is for the local authority to prove it is the case and, furthermore, that the matter of concern "has the significance attributed to it by the local authority".

iii) Hearsay evidence about issues that appear in reports produced on behalf of the local authority, although admissible, has strict limitations if a parent challenges that hearsay evidence by giving contrary oral evidence at a hearing. If the local authority is unwilling or unable to produce a witness who can speak to the relevant matter by first hand evidence, it may find itself in "great, or indeed insuperable" difficulties in proving the fact or matter alleged by the local authority but which is challenged.

...

v) It is for the local authority to prove that there is the necessary link between the facts upon which it relies and its case on Threshold. The local authority must demonstrate why certain facts, if proved, "justify the conclusion that the child has suffered or is at the risk of suffering significant harm" of the type asserted by the local authority." The local authority's evidence and submissions must set out the arguments and explain explicitly why it is said that, in the particular case, the conclusion [that the child has suffered or is at the risk of suffering significant harm] indeed follows from the facts [proved]".

vi) It is vital that local authorities, and, even more importantly, judges, bear in mind that nearly all parents will be imperfect in some way or other. The State will not take away the children of "those who commit crimes, abuse alcohol or drugs or suffer from physical or mental illness or disability, or who espouse antisocial, political or religious beliefs" simply because those facts are established. It must be demonstrated by the local authority, in the first place, that by reason of one or more of those facts, the child has suffered or is at risk of suffering significant harm [my emphasis]. Even if that is demonstrated, adoption will not be ordered unless it is demonstrated by the local authority that "nothing else will do" when having regard to the overriding requirements of the child's welfare. The court must guard against "social engineering".

vii) When a judge considers the evidence, he must take all of it into account and consider each piece of evidence in the context of all the other evidence, and, to use a metaphor, examine the canvas overall.

### Fact Finding

40. I remind myself of the fact-finding self-directions that I must give myself adapted from the helpful summary of Munby P in *Re X (Children) (No 3)* [2015] EWHC 3651:

20. ...The principles are conveniently set out in the judgment of Baker J in *Re L and M (Children)* [2013] EWHC 1569 (Fam), to which I was taken. So far as material for present purposes what Baker J said (and I respectfully agree) was this:

“First, the burden of proof lies at all times with the local authority.

Secondly, the standard of proof is the balance of probabilities.

Third, findings of fact in these cases must be based on evidence, including inferences that can properly be drawn from the evidence and not on suspicion or speculation ...

Fourthly, when considering cases of suspected child abuse the court must take into account all the evidence and furthermore consider each piece of evidence in the context of all the other evidence. The court invariably surveys a wide canvas. A judge in these difficult cases must have regard to the relevance of each piece of evidence to other evidence and to exercise an overview of the totality of the evidence in order to come to the conclusion whether the case put forward by the local authority has been made out to the appropriate standard of proof.

...

Seventh, the evidence of the parents and any other carers is of the utmost importance. It is essential that the court forms a clear assessment of their credibility and reliability.

Eighth, it is common for witnesses in these cases to tell lies in the course of the investigation and the hearing. The court must be careful to bear in mind that a witness may lie for many reasons, such as shame, misplaced loyalty, panic, fear and distress, and the fact that a witness has lied about some matters does not mean that he or she has lied about everything (see *R v Lucas* [1981] QB 720 ).” [I address this further below]

41. Munby P continued:

21. To this admirable summary I add three further points.

22. First, that the legal concept of proof on a balance of probabilities “must be applied with common sense”, as Lord Brandon of Oakbrook said in *The Popi M, Rhesa Shipping Co SA v Edmunds*, *Rhesa Shipping Co SA v Fenton Insurance Co Ltd* [1985] 1 WLR 948, 956.

23. Secondly, that the court can have regard to the inherent probabilities: see Lady Hale in *In re B (Children) (Care Proceedings: Standard of Proof) (CAFCASS intervening)* [2008] UKHL 35, [2009] 1 AC 11, para 31. But this does *not* affect the legal standard of proof, as Lord Hoffmann emphasised in the same case (para 15):

“There is only one rule of law, namely that the occurrence of the fact in issue must be proved to have been more probable than not. Common sense, not law, requires that in deciding this question, regard should be had, to whatever extent appropriate, to inherent probabilities. If a child alleges sexual abuse by a parent, it is common sense to start with the assumption that most parents do not abuse their children. But this assumption may be swiftly dispelled by other compelling evidence of the relationship between parent and child or parent and other children. It would be absurd to suggest that the tribunal must in all cases assume that serious conduct is unlikely to have occurred. In many cases, the other evidence will show that it was all too likely.”

24. Thirdly, that the fact, if fact it be, that the respondent ... fails to prove on a balance of probabilities an affirmative case that she has chosen to set up by way of defence, does *not* of itself establish the local authority’s case. As His Honour Judge Clifford Bellamy recently said in *Re FM (A Child: fractures: bone density)* [2015] EWFC B26, para 122, and I respectfully agree:

“It is the local authority that seeks a finding that FM’s injuries are non-accidental. It is for the local authority to prove its case. It is not for the mother to disprove it. In particular it is not for the mother to disprove it by proving how the injuries were in fact sustained. Neither is it for the court to determine how the injuries were sustained. The court’s task is to determine whether the local authority has proved its case on the balance of probability. Where, as here, there is a degree of medical uncertainty and credible evidence of a possible alternative explanation to that contended for by the local authority, the question for the court is not ‘has that possible alternative explanation been proved’ but rather it should ask itself, ‘in the light of that possible alternative explanation can the court be satisfied that the local authority has proved its case on the simple balance of probability’.”



42. In his President's Memorandum on Witness Statements dated 10 November 2021 McFarlane P said:

14. Parties should understand that the court's approach to witness evidence based on human memory will be in accordance with CPR PD 57AC, Appendix para 1.3.

This states that human memory:

- a. is not a simple mental record of a witnessed event that is fixed at the time of the experience and fades over time, but
- b. is a fluid and malleable state of perception concerning an individual's past experiences, and therefore
- c. is vulnerable to being altered by a range of influences, such that the individual may or may not be conscious of the alteration.

43. I also direct myself to the judgment of Peter Jackson J (as he was) in *Lancashire County Council v The Children* [2014] EWHC 3 (Fam):

9. To these matters I would only add that in cases where repeated accounts are given of events surrounding injury and death the court must think carefully about the significance or otherwise of any reported discrepancies. They may arise for a number of reasons. One possibility is of course that they are lies designed to hide culpability. Another is that they are lies told for other reasons. Further possibilities include faulty recollection or confusion at times of stress or when the importance of accuracy is not fully appreciated, or there may be inaccuracy or mistake in the record keeping or recollection of the person hearing and relaying the account. The possible effects of delay and questioning upon memory should also be considered, as should the effect on one person of hearing accounts given by others. As memory fades, a desire to iron out wrinkles may not be unnatural – a process which might inelegantly be described as “story creep” – may occur without any inference of bad faith.

44. That should be borne in mind when considering perceived differences between accounts over time and generally when considering a witness' recall.

45. As regards demeanour I have regard to Peter Jackson LJ in *B-M (Children: Findings of Fact)* [2021] EWCA Civ 1371:

25. No judge would consider it proper to reach a conclusion about a witness's credibility based solely on the way that he or she gives evidence, at least in any normal circumstances. The

ordinary process of reasoning will draw the judge to consider a number of other matters, such as the consistency of the account with known facts, with previous accounts given by the witness, with other evidence, and with the overall probabilities. However, in a case where the facts are not likely to be primarily found in contemporaneous documents the assessment of credibility can quite properly include the impression made upon the court by the witness, with due allowance being made for the pressures that may arise from the process of giving evidence. Indeed in family cases, where the question is not only ‘what happened in the past?’ but also ‘what may happen in the future?’, a witness’s demeanour may offer important information to the court about what sort of a person the witness truly is, and consequently whether an account of past events or future intentions is likely to be reliable.

26. I therefore respectfully agree with what Macur LJ said in *Re M (Children)* at [12], with emphasis on the word ‘solely’:

“It is obviously a counsel of perfection but seems to me advisable that any judge appraising witnesses in the emotionally charged atmosphere of a contested family dispute should warn themselves to guard against an assessment solely by virtue of their behaviour in the witness box and to expressly indicate that they have done so.”

...

28...There will be cases where the manner in which evidence is given about such personal matters will properly assume prominence. As Munby LJ said in *Re A (A Child) (No. 2)* [2011] EWCA Civ. 12 said at [104] in a passage described by the Judge as of considerable assistance in the present case:

“Any judge who has had to conduct a fact-finding hearing such as this is likely to have had experience of a witness - as here a woman deposing to serious domestic violence and grave sexual abuse - whose evidence, although shot through with unreliability as to details, with gross exaggeration and even with lies, is nonetheless compelling and convincing as to the central core... Yet through all the lies, as experience teaches, one may nonetheless be left with a powerful conviction that on the essentials the witness is telling the truth, perhaps because of the way in which she gives her evidence, perhaps because of a number of small points which, although trivial in themselves, nonetheless suddenly illuminate the underlying realities.”

29. Still further, demeanour is likely to be of real importance when the court is assessing the recorded interviews or live evidence of children. Here, it is not only entitled but expected to consider the child’s demeanour as part of the process of assessing credibility, and the

accumulated experience of listening to children's accounts sensitises the decision-maker to the many indicators of sound and unsound allegations.

## Lying

46. I remind myself of the *Lucas* direction from *R v Lucas* [1981] QB 720, elaborated on by Macur LJ in *Re A* [2021] EWCA Civ 451:

54. That a witness's dishonesty may be irrelevant in determining an issue of fact is commonly acknowledged in judgments...in formulaic terms:

"that people lie for all sorts of reasons, including shame, humiliation, misplaced loyalty, panic, fear, distress, confusion and emotional pressure and the fact that somebody lies about one thing does not mean it actually did or did not happen and/or that they have lied about everything".

But this formulation leaves open the question: how and when is a witness's lack of credibility to be factored into the equation of determining an issue of fact? In my view, the answer is provided by the terms of the entire 'Lucas' direction as given, when necessary, in criminal trials.

55. Chapter 16-3, paragraphs 1 and 2 of the December 2020 Crown Court Compendium, provides a useful legal summary:

"1. A defendant's lie, whether made before the trial or in the course of evidence or both, may be probative of guilt. A lie is only capable of supporting other evidence against D if the jury are sure that:

(1) it is shown, by other evidence in the case, to be a deliberate untruth; i.e. it did not arise from confusion or mistake;

(2) it relates to a significant issue;

(3) it was not told for a reason advanced by or on behalf of D, or for some other reason arising from the evidence, which does not point to D's guilt.

2. The direction should be tailored to the circumstances of the case, but the jury must be directed that only if they are sure that these criteria are satisfied can D's lie be used as some support for the prosecution case, but that the lie itself cannot prove guilt. ..."

47. What I have said above in relation to memory applies to a consideration of whether a person is, in fact, lying; that is to say, whether they are dishonestly not telling the truth.

## Sexual Abuse

48. The Crown Court Compendium (Part 1: Jury and Trial Management and Summing Up, June 2023) provides the following guidance in relation to directions to juries and I remind myself of them in my role as the arbiter of facts in this case:

20-7

Just because W has not given a consistent account does not necessarily mean that W's evidence is untrue. Experience has shown that inconsistencies in accounts can happen whether a person is telling the truth or not.

20-8

Just because a person gives a consistent account about an event does not necessarily mean that account must be true, any more than inconsistent accounts must be untrue.

When you consider the emotional state of W you need to bear in mind two things. First, there is no 'normal' reaction to a [rape or sexual assault]. Some people will show emotion or distress and may cry. But other people will seem very calm or unemotional. Second, it is possible for someone to put on an act if they choose to.

You should not assume that the way W gave evidence is an indication of whether or not the allegation is true. Witnesses react to giving evidence about allegations of rape/sexual assault in a variety of ways. Some people will show emotion or distress and may cry. But other people will seem very calm or unemotional. The presence or absence of emotion or distress when giving evidence is not a good indication of whether the person is telling the truth or not.

20-10

But it is important for you to know that just because D did not use or threatened to use any force on W, and W did nothing to prevent D from having sexual intercourse with him/her and was not injured, this does not mean that W consented to what took place or that what W said happened cannot be true.

20-11

Experience has shown that different people can respond to unwanted sexual activity ... in different ways. Some may protest and physically resist throughout the event. But others may

be unable to protest or physically resist. This may be out of fear or because they are not a very forceful person.

## Domestic Abuse

49. Section 1 of the Domestic Abuse Act 2021 defines domestic abuse in the following way:

(2) Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if—

(a) they are, or have been, personally connected to each other;

(b) The behaviour is abusive.

(3) Behaviour is “abusive” if it consists of any of the following—

(a) physical or sexual abuse;

(b) violent or threatening behaviour;

(c) controlling or coercive behaviour;

(d) economic abuse (see subsection (4));

(e) psychological, emotional or other abuse;

and it does not matter whether the behaviour consists of a single incident or a course of conduct.

(4) “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to—

(a) acquire, use or maintain money or other property, or

(b) obtain goods or services.

(5) For the purposes of this Act A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child)

50. Practice Direction 12J adds the following at paragraph 3:

‘coercive behaviour’ means an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten the victim;

‘controlling behaviour’ means an act or pattern of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour;

51. In *F v M* [2021] EWFC 4 Hayden J set out a list of “paradigm behaviours” which may be coercive or controlling. The list at paragraph 60 was quoted with approval in *Re H-N and Others (Children)(Domestic Abuse: find of fact hearings)* [2021] EWCA Civ 448:

- Isolating a person from their friends and family
- Depriving them of their basic needs
- Monitoring their time
- ...
- Taking control over aspects of their everyday life, such as where they can go, who they can see, what to wear and when they can sleep
- Depriving them access to support services, such as specialist support or medical services
- Repeatedly putting them down such as telling them they are worthless
- Enforcing rules and activity which humiliate, degrade or dehumanise the victim
- Forcing the victim to take part in criminal activity such as shoplifting, neglect or abuse of children to encourage self-blame and prevent disclosure to authorities
- Financial abuse including control of finances, such as only allowing a person a punitive allowance
- Control ability to go to school or place of study
- ...
- Assault
- ...
- Preventing a person from having access to transport or from working
- Preventing a person from being able to attend school, college or University
- ...
- Limiting access to family, friends and finances

52. The Court of Appeal emphasised that criminal law principles or concepts are not relevant to fact finding.

53. The Court of Appeal in *Re H-N* however noted that:

32. It is equally important to be clear that not all directive, assertive, stubborn or selfish behaviour, will be ‘abuse’ in the context of proceedings concerning the welfare of a child; much will turn on the intention of the perpetrator of the alleged abuse and on the harmful impact of the behaviour. We would endorse the approach taken by Peter Jackson LJ in *Re L (Relocation: Second Appeal)* [2017] EWCA Civ 2121 (paragraph 61):

“Few relationships lack instances of bad behaviour on the part of one or both parties at some time and it is a rare family case that does not contain complaints by one party against the other, and often complaints are made by both. Yet not all such behaviour will amount to ‘domestic abuse’, where ‘coercive behaviour’ is defined as behaviour that is ‘used to harm, punish, or frighten the victim...’ and ‘controlling behaviour’ as behaviour ‘designed to make a person subordinate...’ In cases where the alleged behaviour does not have this character it is likely to be unnecessary and disproportionate for detailed findings of fact to be made about the complaints; indeed, in such cases it will not be in the interests of the child or of justice for the court to allow itself to become another battleground for adult conflict.”

54. In terms of harm to Children the Court of Appeal in *Re H-N* noted the ways in which a child may be harmed by domestic abuse at paragraph 31:

- i) Is directed against, or witnessed by, the child;
- ii) Causes the victim of the abuse to be so frightened of provoking an outburst or reaction from the perpetrator that she/he is unable to give priority to the needs of her/his child;
- iii) Creates an atmosphere of fear and anxiety in the home which is inimical to the welfare of the child;
- iv) Risks inculcating, particularly in boys, a set of values which involve treating women as being inferior to men.

55. That is clearly relevant to threshold findings.

## Findings/Threshold

56. Whilst the threshold document makes a very significant number of allegations at [A68-A80] I have attempted to group them together under nineteen umbrella headings below. Before addressing them I will consider the parents’ credibility generally.

## Credibility

57. General observations of demeanour should never form the sole basis of any finding of fact but they are part of the broad canvas of assessment of credibility and they feed into the assessment of the allegations.

## Mother

### *Delayed reporting*

58. I note that at the first meeting with Ms Mee, the domestic abuse worker, on 16 July 2024 the Mother did not make any allegations of domestic abuse save for saying “she was not “allowed to speak

to her family” due to her fleeing to [Country X] whilst escaping Domestic Abuse from Father in 2014” [Z2:3-Z2:4]. Nor was it reported on the subsequent call on 19 July 2024 save that there was noted to have been a discussion about “reporting historic and the ongoing DA to the police- Mother seemed more comfortable with this idea that [sic] she had originally presented when I met with her on Tuesday” [Z2:8]. There was a silent call from Mother on 19 July 2024 when the Father could be heard in the background [Z2:9].

59. It follows from this that, whilst domestic abuse was alluded to, except for one allegation of socially isolating the Mother, no specifics were given to Ms Mee until 26 July 2024. I will examine why that might have been in more detail below but there is quite a long history of allegations of domestic abuse prior to Ms Mee’s involvement. This starts with an email between London local authorities about an incident on 19 July 2013. I consider this in more detail below when considering the Father’s credibility but the allegation recorded was of the Father pushing the Mother [Z4:54-55].

60. Next, the Mother sought to rely upon an email said to have been sent by her to the Father on 23 July 2013 in rebuttal of a case that her allegations were fabricated after pressure (implicit or explicit) was put on her by the professionals involved with the Children. The email said (my emphasis):

[Z4:60]

I thought you said my face disgust you and you wanted me out the house, that im the reason why you are depressed and stressed the reason why you use to drink so heavily and the reason why you are smoking weed.

...

You are the HARM for CA. You seem to not realise what you have been doing to me and I have been so foolish to just brush it under the carpet believing its me, when its not.

...

You have spat on my face, you have made me pass out by strangling me, you have slapped me on my face and head and more...and not to start on all the verball abuse, even when i was pregnant with CA you were telling me that im only good for sex.

...

...I have stuck with you for the past four years manipulating me and putting me down.

...

You in his life will only teach him [CA] how to disrespect women and especially his mother.

You really need to sort out whatever issues you have with women and seek professional help for your temper. [sic]



61. The email is clear evidence of ongoing earlier abuse. It would also be consistent with the flight to Country X. However, when the Mother was cross-examined she said this was in fact a draft (which is why there is no email address in the "To" field) but she did subsequently send it. She said the evidence of this was that Father responded although that email was not disclosed, as I understand it she was unable to find either the actual sent message or the reply.

62. The Father's case is that the move to Country X was not in fact to escape his domestically abusive behaviour but to give birth to CB, CA having suffered birth injuries in the care of the NHS in the United Kingdom. In the single assessment of 24 May 2024 there is this recording:

[F18]

Your parents said CA was born in the UK and then your family moved to [Country X], where your mother grew up. CB was born in [Country X] because your family did not trust the UK hospital anymore because of what happened to CA at the hospital when he was born.

63. The social worker's evidence was that she had been told this; it tends to support the Father's case. The Father also disclosed a series of emails from June 2024 relating to Mother's application for leave to remain under the EU settlement scheme in which she said "I went back to Country X to give birth 2014, because I didn't trust the hospital here in UK because of my first born". That said, even if the Father is correct it does not in fact undermine the evidence in the Mother's email of 23 July 2013 i.e. allegations of domestic abuse and I note there may have been more than one reason for the return to Country X.

64. Importantly, the Mother did not make allegations of domestic abuse in the previous care proceedings and in particular to the Independent Social Worker (ISW) who prepared the parenting assessment. There may be 2 explanations for this, first, all the interviews with the Mother were with the Father present and the Mother's evidence was that if she had told the ISW the Father "wouldn't be happy about it". Second the Mother said it was to make the ISW "believe that everything was good" and she was "hoping he would change" and was worried if the ISW was told about the abuse the Children would be taken away.

65. There had been some other reports of domestic abuse prior to 26 July 2024:

66. On 16 May 2024, after a home visit, the social worker recorded (my emphasis):

[F22]

Your mother said she has been sleeping on the sofa in the lounge as your father will not allow her into the bedroom...Your mother said your father is often telling CA she is not able to care for him and that he is the one to care for CA. Your mother said CA has therefore been refusing for your mother to care for him sometimes.

67. And before 24 May 2024 (although there is some uncertainty about exactly when, but certainly on or after 7 May 2024 as it appears in the single assessment of that date)(my emphasis):

[F25]

-I am very worried that your mother told me that your father has been violent towards her in the past when she was pregnant with CB, he pushed her, dragged her off the bed and held her by the neck in February 2023, he was violent towards her at other times.

68. In a single assessment dated 24 May 2024 the social worker recorded (my emphasis):

[F19]

Recently, on 22nd of May, 2024, your mother shared that they are struggling in terms of money and your Auntie advised they see a benefit specialist. Your mother said she does not know how much money is paid to them monthly as the interim payment. She said your father controls all the money and does not tell her much. Your mother said he has refused to give her any money for her to renew her Passport/visa. Your mother said when your father gave her some money to get some items from the shop, he was shouting at her asking for the small change of two pounds that was left. Your mother said your father was speaking to her in the "African way", being crude and loud when he was demanding the change from her.

[F18]

Your mother recently, May 2024, shared that your father had been directing scary adult behaviours (domestic abuse) from your father towards her...

69. When the social worker was cross-examined she said that the Mother started to open up voluntarily in May 2024, it was after the Father had failed to collect her and CB from the hospital on 7 May 2024 after CA's hip surgery, the social worker said "we were having a conversation and because of how the Father was presenting it appeared as if the Mother had had enough".

70. For a Review Child Protection Conference the health visitor reported that on 10 June 2024 (my emphasis):

[F47]

During contact on 10/06/24, mother stated that "nothing has changed" and father's behaviour remains the same, as he continues to blame her for their problems. She eventually broke down in tears, disclosing financial abuse and stating, "I am stuck, feeling trapped" with no money for personal expenses or to renew her passport.

71. That said, the Mother is also recorded by the health visitor to have said she did not feel fearful because they "barely spoke" (see her witness statement [C106/i]).

72. There was a similar complaint of straitened financial circumstances from the Mother at the core group meeting on 16 June 2024 [C62]. On 21 June 2024 a social worker and family support worker carried out a statutory visit, Mother appeared tired and withdrawn and spoke of wanting Father to go to counselling [C63].

73. As to the lack of complaint on 16 July 2024, when Ms Mee gave evidence she said at the first meeting the Mother would not respond "other than shaking her head and crying" but I do note this was not a meeting the Mother was expecting. It was arranged between the social worker, health visitor and Ms Mee to coincide with a health visitor appointment for CC so that there was no risk of the Father becoming aware of it.

74. To the extent it is suggested that the absence of allegations on 16 July 2024 undermines the Mother's subsequent allegations I have set out below the reasons the Mother may have been reluctant to disclose abuse in a general sense. Specifically in relation to this meeting in the circumstances of meeting a domestic abuse adviser unexpectedly it is perhaps not surprising the Mother responded as she did. That hypothesis is consistent with Ms Mee's oral evidence that the Mother's trust in her grew, on 16 July 2024 "she didn't know who I was or that I was coming" but since that day "the communication was overwhelming". I also note, as was put to Ms Mee in cross-examination and with which she agreed, the Mother did not say it was unnecessary to speak with her about domestic abuse and there was a small disclosure made which is apparent from [Z2:3], Ms Mee's contemporaneous note, in which it is recorded that when Ms Mee asked if there was anyone in her family overseas who could support her she shook her head and said she was not "allowed to speak to her family".

75. Quite properly, my attention is drawn to the Mother's failure to report the most serious allegations earlier. I am entitled to place weight on the Mother's presentation in the BWV of 30 July 2024. It is consistent with PC Dudley's witness statement. Initially Mother was very reluctant to speak

with her. To start with she was in the presence of the Father which may explain this. The Mother and Father were separated with the Mother taken into the garden; she denied she had been “touched” by the Father but that may have been in the context of being asked what had happened “today” by PC Dudley. She did say there had been threats. She then called Ms Mee who encouraged her to be honest with the police about what had been happening or let her tell the police and Mother “back me up” confirming what was reported was accurate. Ms Mee said otherwise there was a risk of the police being unable to take action leaving Mother and the Children at home with the Father.

76. From the course of the footage it appears that Ms Mee called 101 following a discussion with Mother earlier that day. That is consistent with the police log for 14.27 on 30 July 2024 [I17-I18]. That led to their attendance at the home.

77. Mother appeared extremely distressed saying “she can’t do it” which in context appears to be repeating the allegations made to Ms Mee to PC Dudley. At times the Mother needed to be prompted by Ms Mee who was on speaker phone whilst the conversation was taking place with PC Dudley, the Mother was quite obviously highly distressed.

78. The first recordings of the allegations that form the basis of this fact finding hearing were on 26 July 2024 which are recorded in a case note from Ms Mee at [Z2:20]:

Mum made some very significant disclosure during this call.

I have not added to this as yet, so to summarise:

Mother stated that Father forces/coerces her to take Cocaine in order for her to be compliant whilst Father has sexual intercourse with her "at least once a week"

I asked Mother outright if Father rapes her. Mother stated "well I don't know because I just say OK"

Mother stated she does not want intercourse with Father.

I asked Mother where the non consensual intercourse takes place, Mother stated in the lounge as that's where she sleeps.

I did not ask Mother at what stage in the day or night this happens.

Mother also stated that CA does not eat breakfast until Father wakes up.. usually around midday as CA won't take food from Mother.

79. I remind myself that victims of domestic abuse and sexual abuse may delay reporting for many reasons, a sense of fear (in this case perhaps of the Children being removed again but also fear of the consequences if the alleged perpetrator is not removed) or embarrassment (at not protecting the

Children, living with the abuse, a sense they may have submitted to sexual abuse). The earlier reluctance is consistent with my assessment of the Mother's presentation on 30 July 2024 noted above, apparent fear and distress.

80. It is suggested by the Father that the Mother's demeanour on 30 July 2024 may be evidence of the Mother lying about the allegations but these are not allegations out of the blue, there is historic evidence of domestic abuse noted above and one might have thought that if a party was setting out to fabricate allegations of domestic abuse they would have been made in a more forthright manner than the Mother's presentation on 16 July and 30 July 2024.

81. My conclusion is that there is sufficient prior evidence of suggestions of domestic abuse for me to determine these were not allegations which came suddenly out of the blue. There was certainly a delay in reporting them in full but that is not such as to undermine the Mother's credibility in the context of what was going on.

#### *External influences*

82. Ms Mee was asked if her view of the Mother's presentation had been influenced by the audio recording of the Initial Child Protection Conference that Ms Mee had listened to. She denied this. Her evidence was that she would describe the Mother as "broken" at the first meeting on 16 July 2024, from her experience she would have expected the Mother to say "out of politeness, I didn't know you were coming" but the Mother "was almost catatonic".

83. It was also suggested to Ms Mee that the Mother may have been influenced to make allegations of domestic abuse by Ms Mee saying to her she "had concerns that she and her boys were victims of domestic abuse" [Z2:4]. I find this suggestion, whilst properly made and no doubt on instruction, somewhat far fetched. The extent of the Mother's subsequent allegations is out of all proportion to a small prompt along the lines of "I think you are a victim of domestic abuse".

84. It was also suggested the Mother may have been motivated by a fear that the Children would be removed from her care if she did not make allegations against the Father. I note they had been removed previously pursuant to my Recovery Order and the removal involved the police and was no doubt traumatic for the Children and the Mother even though the period of removal was short, allowing for assessments of the Children.

85. When Ms Mee gave oral evidence she said:

Q Did she mention any fear she might have of CSC removing if she didn't do something
--

A She was always fearful, that's always at the back of her mind, not any in depth discussion, she has expressed a concern that the Children would be removed again but it was part of the traumatic experience when they were removed, it was always in the back of her mind  
Biggest fear was of Children going to Father

86. When the Mother gave evidence she said that she started to make her allegations on 7 May 2024 because she "had just had enough", she had tried for some time to get help from the paternal family but on 7 May 2024, when the Father failed to collect her and CA from hospital and was blaming her "that's what took in my head, how can he behave in that way, he had said enough, no". She said Ms Mee did not put pressure on her to say the Father was abusive (and of course the meeting with Ms Mee was not until 16 July 2024 in any event, after some allegations had been made) and Ms Mee did not say the Children may be removed, nor was the Mother worried they might be if she did not tell Ms Mee the Father was abusive.

87. To some extent there is an inconsistency between Ms Mee's evidence and the Mother's in respect of her worry (or not) that the Children might be removed and when the Mother was cross-examined it was put to her she had told the police on 30 July 2024 "what you thought they and the Local Authority needed to hear to make sure that the Children stayed with you" to which she agreed. That of course does not mean what she said was untrue but it does contradict her evidence she was not worried the Local Authority would remove the Children.

88. When the social worker gave evidence she was asked about it, she denied telling the Mother that the Children may be taken away if she did not co-operate and at no point in 2024 was it part of the Local Authority's planning; there is no documentary evidence to contradict this save for the reference at [F75] (in the single assessment which records a home visit on 11 July 2024):

[F75]

I explained that we expect your mother to make choices that show she can protect you from your father's behaviour or it may be that the Local Authority will need to take further action to protect the three of you.

89. When cross-examined the social worker conceded it would have been reasonable for the Mother to infer a risk of removal but she did not tell her that and when asked what the choices were she said "It's basically, she must be making sure the Children are not exposed to that behaviour, ranging from Children being in school, healthcare for the Children...healthy relationship work".

90. In the social worker's contemporaneous note of 7 May 2024 she set out a number of actions and whilst they include her speaking with her manager to decide if a strategy meeting is required none of the actions include the possibility of a removal of the Children [Z4:67].

91. Again, the assertion that the Mother has fabricated the allegations because of a fear of the Children's removal lacks credibility given the extent and scope of allegations made by the Mother. I also take account of the timing of the first allegations on 7 May 2024 which coincided with an incident involving the Father (his non-attendance at hospital). Both factors suggest genuineness not fabrication.

92. It was suggested that Ms Mee fed a false narrative of domestic abuse by sending the Mother a YouTube link to a video about domestic abuse. I asked Ms Mee to send me the link. I have been sent two links; they are not directly about domestic abuse.

93. The first is 1.5 hours and summarised by the creator:

'Surviving Narcissists and Psychopaths,' documentary about Narcissistic Abuse, 2019 This documentary focusses on the survivors of narcissists and psychopaths, and what it is like to be in a relationship with them. It discusses confusion, gaslighting, health issues because of the trauma, and why it is so difficult to pull away from these type of relationships.

94. The second is an almost 2 hour interview with a clinical psychologist and is summarised by the content creator in this way:

On today's episode of The Dhru Purohit Show, Dhru engages in a profound discussion with clinical psychologist Dr. Ramani Durvasula, delving into the intricate topic of narcissism. Dr. Ramani offers clear definitions of narcissism, dispelling misconceptions, and highlights the telltale signs to identify a narcissist. Additionally, she dissects the underlying wounds, childhood traumas, and relationship dynamics that may predispose individuals to narcissism, shedding light on how their behaviors can ensnare others into a cycle of blame. This episode delivers profound insights into these toxic relationships, elucidating their detrimental effects on survivors' daily functioning and the resulting health challenges.

95. I have not watched either in full but they do not appear to be an exhortation to report domestic abuse.

96. Ms Mee was also challenged on her negative view of the Father. At one point in the BWV of 30 July 2024 Ms Mee can be heard saying words to the effect she would not have been surprised if the Father had used the sex toys found in his bathroom to abuse CA. When this was put to her in cross-examination she said this was a heightened situation (i.e. the Father being arrested by police in the presence of the Children whilst the Mother was making the most serious of allegations against him in the back of a police car at the home). I concur with her assessment. She then immediately apologised for what she had said saying “that was completely out of order, I agree, wholly inappropriate”. She did not need to be prompted, she expressed what appeared to be genuine remorse, but she was asked whether that obviously negative view of the Father might have influenced the Mother (I think what was being suggested was influenced the Mother to make the allegations against the Father). The implication of her answer was that she disagreed and tellingly she said there was a 100% turn around in the Mother’s demeanour by which I took her to mean from 16 July up to 26 July when the allegations were being made to Ms Mee. I also wonder about the premise of the question. There was very little information on which Ms Mee could form an extreme, negative, view of the Father until the Mother made the very serious allegations to Ms Mee on 26 July 2024. Ms Mee’s negative view of the Father was drawn from the Mother’s allegations, i.e. it post-dated them rather than pre-dated them so it is hard to see how they may have influenced the Mother to fabricate the allegations.

97. Counsel for the Father also relied upon elements of what Ms Mee said to the Mother in the course of the BWV of 30 July 2024. I note that the exchanges would not come close to satisfying the Achieving Best Evidence Guidance but I also note that all of what was alleged in the course of the BWV, with two exceptions, had previously been alleged in various different forms from as early as 2013 and more substantively from 7 May 2024 onwards. The exceptions identified by counsel for the Father is the Mother’s allegation the Father “throws my phone” (19.11:45) and makes threats to kill (19.12:00). The former is quite trivial in the context of the other allegations and the latter not inconsistent with the allegations of non-fatal strangulation.

#### *Inconsistency*

98. I note the Mother’s change of case in relation to the taking of photos of her using cocaine. Initially she supported the Local Authority allegation (based on her original allegation) of the Father taking photos of her using cocaine and threatening to disclose them [A110]. At the outset of the fact finding hearing this became a threat to take photos but when giving evidence she said the Father did take photos and “showed them on the phone”. I have considered this in more detail below.

99. I have also been referred to a file note from another local authority that records her complaint of domestic abuse to police which resulted in the Father’s arrest on 19 July 2013 [Z4:53]. The Father has



produced an email from the Mother dated 3 December 2014 (I note approximately 18 months later) in which she said:

[Z4:62]

“Im writing this email because i feel like i need to apologise for getting you arrested on the night of 18th of July 2013, based on lies that i told the police.

It was wrong of me to get you arrested for something that didn’t happened and i regret doing so...”

100. When she gave oral evidence she said she was told by the Father to write the email to “get everything off his record”. At the time she was in Country X and, as I understand it, there was some involvement with children’s services. I will consider this further below as well.

101. Finally, I was pointed to an inconsistency in the report of Mother’s comment to the social worker on 7 May 2024 at [Z4:64] in which the social worker records, “Your mother said she is not aware if your father is using drugs”. On her own account now that was incorrect although I do note that consistent with the potential explanation for delayed reporting the Mother may not have been prepared to make full and detailed allegations against the Father at that stage.

102. Accordingly, I note the inconsistencies identified but they are relatively minor.

### *Conclusions*

103. In terms of general demeanour I found the Mother appeared an honest witness, she made concessions where it seemed appropriate, she reflected before answering on occasion. She was occasionally hesitant but generally consistent.

104. Essentially, I have to ask myself if the Mother has made up some or all of her allegations. I will consider them individually below but broadly she appeared to be a witness of truth and in the course of cross-examination of the Father it was put to him that if the Father had done none of the things that the Mother was alleging at 30 July 2024 when he was arrested, if the Mother had made them up, his response in the emails of 31 July 2024, begging her to have him back would just make no sense. They would not be the expected response of a rational partner falsely accused of rape and strangulation. That is a very powerful point in favour of the Mother’s credibility.

### *Father*

#### *Allegation 19 July 2013*

105. At [Z4:54] there is an email to the duty team at a London local authority from another London local authority which says that a police referral was received on 19 July 2013 of an argument between

the Mother and Father in which the Father pushed the Mother and the police were called. The Father was arrested. When the Father was asked about this in cross-examination he said that he did not know why they had been called, despite the fact he was arrested. That in itself is rather difficult to credit given his evidence it was only the second time in his life he had been arrested. He was asked why the Mother had called the police and said it was because of him “talking” to the Mother about her previous marriage. I asked if it was his case that it was no more than a verbal argument and nothing to justify calling the police, he agreed, I asked if his case was the Mother had done it out of spite, he agreed. There is no reference to that in any of the documents concerning the incident.

106. He claimed the argument started because he had received information about the previous marriage with his name on it and had not known previously about the marriage. He said it was upsetting but he did not shout, he gave a “general expression of concern”, he agreed it was a conversation, a disagreement. He then said, slightly contrarily, that he “confronted” the Mother and when she would not explain why his name was on the papers he “kept on questioning her” and then out of the blue the police arrived and arrested him. That does not sound a very credible description of likely events.

107. It was possible to obtain the notice of issue and postal service of the divorce petition (form D9H) from the court’s record. There were two important points contradicting the Father’s account. First, the petition was not issued until 20 August 2013 and not posted until 2 September 2013; this post-dated the incident. Second, it did not name the Father as Co-Respondent. Whilst the Father was insistent he received something with his name on it about the divorce it is rather difficult to imagine what it might have been. I was left with the impression he had made his evidence up and the D9H supported this view.

#### *Mother’s travel to Country X in August 2013*

108. The Mother travelled to Country X in August 2013. The Mother’s case is this was in the aftermath of an incident in July 2013. The Father’s case is it was to give birth to CB having lost faith in the NHS after CA sustained birth injuries in their care. The Father accepted he did not go to Country X until November 2014 during which time CB had been born and was by then several months old and the Mother, CA and CB did not visit the UK in that time. That does not appear consistent with the Father’s case; it was a lengthy separation without any apparent cause on the Father’s case and given the ease with which he accepted he could have travelled to see them I found his explanation for the 15 months separation lacked credibility. He said it was because his mother died and then he was depressed, he was not happy the Mother had had him, in his view unfairly, arrested after the July 2013 incident and “time just passed”.

109. After the incident in July 2013 the Mother said she wrote an email [Z4:60] which I will consider further below. She also wrote a follow up on 3 December 2014 [Z4:61-62] in which she asked the Father to forgive her for “getting you arrested on the night of 18th of July 2013, based on lies that I told the police”. Her case is the Father forced her to write it. It was put to him that if he was by then back living with her in Country X there would have been no reason for her to write it (except under coercion from him). He re-iterated she did and said “I’ve always been kind and loved Mother”. I found that juxtaposed with his evidence they had been apart for 15 months somewhat incredible. His response was “In my heart I loved” her. He seemed to be making his evidence up as he went along as he was presented with various other evidence.

#### *Social work attendance in Country X*

110. In oral evidence the Father agreed social workers had attended the family home. He was asked why and said he did not know. He was pressed and what it eventually came to, after some evasion, was that he had asked the Mother why and “she told me they’ve just come” and he “went along with the Mother’s instruction” he accepted he was not curious in any way why they had visited his family. I find this lacks believability.

#### *Referral to Children’s Social Care in 2022*

111. The Child Assessment Order application made in 2022 arose because of a referral from the medico-legal experts for the Defendant NHS trust in clinical negligence litigation involving CA. The Father’s evidence was the referral was malicious because he and the Mother had refused any further assessments of CA in those proceedings. I remind myself the referral was via the NHS Trust’s solicitors from “some of the experts the Trust has instructed...about CA’s failure to access education, therapy, educational support, social care etc” [C16] and was supported by experts in care, paediatric neurology, physiotherapy and educational psychology [C17]. I find it manifestly unlikely that those experts would have conspired together to make a malicious referral.

#### *Drug use*

112. One of the allegations against the Father is of cannabis and cocaine use. In his statement dated 20 September 2024 he said “I have not taken drugs and I dispute my recent hair strand test results” [C105/18]. As noted below he now accepts medium levels of cannabis and cocaine use in June, July and August 2024. It follows his witness statement was inaccurate. I found his evidence on the point unconvincing. He said “there is an updated version” of the statement and that he disputed the hair strand test because “it said the levels are high”. That is inaccurate, at the date of the statement the results indicated medium use of cannabis and cocaine [E72]. Further, this was a key plank of the Local Authority case, his statement was only five and half pages long so it is difficult to see how the mistake was not spotted. Further, in his response to threshold dated 25 November 2024 he did not in fact

dispute the levels of drugs detected [A98]. I asked him why he had agreed that document was accurate at the outset of his oral evidence and he said "It's a good question, I don't have an answer to it".

113. In his position statement for the case management hearing on 29 August 2024 his instructions to counsel were recorded as "he does not take drugs" [A21]. It was put to him that was a lie. He spent some time evading answering the question before eventually agreeing it was a lie.

114. The Cansford Labs hair strand test report recorded the Father having made a declaration he "had not used any substances" [E7]. There followed this extraordinary exchange in oral evidence (my emphasis):

Q That's a lie
A <u>It looks like it</u>
JQ Did you declare that
A <u>I can't remember</u>
JQ No reason to think it's inaccurate
A No
<u>I didn't lie</u> , I said I'm not taking any substances
JQ That's a different answer
A <u>Obviously I did lie</u>
JQ Now you accept you did lie
A Yes

115. I found the Father's evidence on the point evasive.

116. I also found his evidence in relation to why he was taking drugs troubling. In the course of cross-examination of the Mother by Father's counsel it was put to her "cocaine was something that you and he talked about to make your sex lives more interesting". That was never foreshadowed in his written evidence notwithstanding the clear allegation that he coerced the Mother to use cocaine in order to rape her. His written response was "The father did not force the mother to take cocaine. All sex they had was always consensual" [A87]. No explanation has been given for this lack of candour, nor that it is obviously inconsistent with the various denials of drug use above. In the course of cross-examination he went further and said that it was the Mother who had suggested trying cocaine. Again, this was not foreshadowed in any of his written documents.

117. When he was cross-examined about the source of the cannabis he again sought to involve the mother, a position not foreshadowed in his written responses or evidence. He said "we got it from a friend in town". I asked who got it and he said "I got it". When I asked why he had initially said "we"

he said “Mother asked to smoke it as well, I got it”. When I asked why he did not give that initial answer he mumbled “this is peculiar”. I think he found the questions peculiar. I asked again and he said “at the time I got it the Mother was with me”. When I pointed out his evidence kept changing he said “I meant I got it, the Mother was with me”. It was wholly unsatisfactory.

118.It was pointed out the Mother has not tested positive for cannabis use [E53] which is inconsistent with the Father’s evidence. He said she dyed her hair, that appears to have been known to the testing lab [E48] but it is not suggested that would have undermined the cannabis result and they have not been asked Part 25 questions.

119.Related to that, his response to the allegation of “using sex toys on her” was, as above, all sex was consensual. There was no assertion he and the Mother “sat down and ordered sex toys” because it was what they both wanted which is what was put in cross-examination of the Mother.

120.Finally, in his evidence in chief the Father had said he “smoked marijuana for pains in legs”. When cross-examined he was taken to the position statement filed on his behalf for the hearing on 29 August 2024 which recorded him taking cannabis “for his anxiety” [A21], there was no mention of leg pain. His oral evidence was it was for both. That does not explain why both were not mentioned on either occasion.

121.In short the Father’s evidence of drug use was muddled and evasive.

#### *Abuse at school*

122.I have commented on the Father’s evidence on allegation 12 (in part that he was abusive to a member of school staff) below. In short I found his evidence that him saying “go suck balls” meant no more than “leave me alone” lacked credibility.

#### *Police attendance on 8 May 2024*

123.It was put to the Father that he did not like professionals in his life. He declared that to be untrue. That does not sit easily with his behaviour on the BWV for 8 May 2024 when he did his very best to prevent the police making their welfare enquiries (for instance around 00.05:50 when he indicated he was not giving the police permission to come in to the home and around 00.11:25 when the Father repeatedly and aggressively challenged the police why they were checking on him and who sent them including coming up close saying “I’m looking in your eyes to see the truth”).

124.The BWV also records the Father accusing the Mother of “trying something” and trying to drink CA’s morphine (at 00.08:45) (allegation 8 below). It was put to the Father this was to get the Mother into trouble. He denied that. He was asked why else he would have said it. He said “I don’t know”. It

is hard to understand how he does not know unless he was suffering from the effects of having consumed drugs that day or he was lying. Certainly him saying it to get her in to trouble is consistent with him also telling the police “she’s trying to destroy me” (at 00.12:15) and “she’s a [Country Y] con artist”.

#### *Car seat*

125. In relation to allegation 14 below and in the course of cross-examination of Ms Gardner a case was put on behalf of the Father that he had taken a car seat to the hospital during the period CA was an in-patient from 30 April 2024 to 7 May 2024 and was told it was not suitable for him to be discharged home in. Ms Gardner’s evidence was that as the “only OT working in the hospital at that time” (I assume in relation to paediatric orthopaedics rather than generally) she was never informed and she had a good working relationship with the paediatric nurses. This was a case that was put for the first time in cross-examination by the Father and I think was intended to explain why he did not collect Mother and CA on 7 May 2024. The fact it was a newly advanced case left the distinct impression it was fabricated in response to the evidence.

126. Similarly in cross-examination of Ms Gardner it was alleged that, in support of his case that he did not delay CA’s return to school (allegation 9 and 16 below), CA suffered from contractures that would have inhibited his ability to sit up post-surgery. That was not an explanation the Father had previously given for CA not returning to school for the rest of the summer term.

#### *Social worker’s evidence*

127. The social worker’s evidence from 16 May 2024 [Z4:69] was put to the Father (see below under allegations 12 and 14). In that note the social worker records him saying, amongst other things, that she had an “evil smile”. Immediately preceding that the social worker said “He got his phone out and started recording me”. He denied what the social worker recorded and said it did not happen. I asked whether he could think of a reason she would make it up, he could not. I invited him to comment on my observation that she knew he was recording and it seems unlikely she would therefore fabricate what he said. He could give no credible explanation.

128. I prefer the social worker’s account; I cannot begin to imagine why the social worker would make it up, particularly in the circumstances of her knowing the Father might be collecting evidence of her behaviour. Accordingly, I find the Father’s denial was a lie.

#### *Mother’s audio recordings*

129. There is a dispute about the date of them but the Mother relies upon 4 audio recordings of the Father said to have been from July 2024. I set them out in more detail in relation to allegation 1 below but there came a point in the Father’s evidence when he seemed to be suggesting the Mother had

entrapped him into behaving as he does in the recordings. I asked him if he was suggesting the Mother tricked him or provoked him into that behaviour so she could record him. He said that was his case. It would have to have been quite an undertaking on the four separate occasions because the Father seems to engage in quite lengthy rants and as I explored above there does not seem to be a credible reason why the Mother would behave in that way on the evidence before me.

#### *CA's hives*

130. In relation to allegation 15 below (Father not permitting CA to attend a hospital appointment on 15 July 2024) I note the Father cross-examined Ms Gray on the basis CA was wearing a blue shirt when she attended on 15 July 2024. Having alleged CA developed hives at that visit and having exhibited a photo of that to his second statement addressing what happened that day I would have expected him to have mentioned the blue shirt being worn in his statement. This would be a possible explanation why Ms Gray and Ms Warr did not see it, yet no reference was made to it. To my knowledge, the assertion CA was wearing a blue shirt was made for the first time in cross-examination of Ms Gray.

131. Having heard Ms Gray's evidence I asked the Father, through counsel, what his case was on when the photo was taken and was told it was taken on 15 July 2024, when the ambulance attended with Ms Gray and Ms Warr intending to take CA to a hospital appointment. I asked to see the metadata for the photo. Over the course of the weekend the Father located this information and although I was not provided with it he conceded that it revealed it was taken in June 2020 i.e. 4 years before and the Father had assumed it was taken on the date in question. I found that explanation quite staggering. Not only was that not his case the previous week but there was no hint of uncertainty as to the date and in his statement at [Z4:16], signed with a statement of truth he asserted "I exhibit a photograph of CA's hives which I refer to in my response to the Local Authority's schedule of allegations at paragraph 14(v)" i.e. "CA was so upset it caused hives to appear on his chest" [A165] not, "and this is a photo showing a rash he developed on another occasion".

132. In evidence in chief he attempted an explanation; he said there were multiple images of CA with hives on his chest area, eventually he settled on around 5 or 6 plus a similar number of videos; he would take them "when he becomes sick" and they all looked the same, a close up of his chest; he had looked on his computer where the photos are "not really organised" and "just went to a picture with hives" that he believed was the correct one and submitted it. I struggle to conclude other than that this was an attempt to mislead me. If he knew there were multiple photos that looked the same it is quite staggering that he did not check the date of the photo he was actually relying upon in support of his response to an allegation on 15 July 2024 or express some uncertainty about the date when I asked him to confirm his case through counsel.

### *Response to threshold*

133.I have touched on elements of this above. At [A27] the Father responded to an allegation of lack of engagement with the Child Protection Plan in this way (my emphasis):

[A27]

Father's Response: Accepted in so far the Father did not engage with the Child Protection Plan. However, the Father apportions the non-compliance on needing to care for CA and not understanding the importance of these meetings. The family were also engaged in lengthy clinical negligence litigation that consumed lots of the Father's free time.

134.It was put to him he had by then gone through one set of care proceedings (in 2023) in which the Children had been removed for a short period and it was suggested he could not really say he did not understand the importance of the Child Protection Plan meetings. He agreed. It was suggested his response was therefore not true. There was some attempt to not answer before he agreed it was "nonsense" but when it was then put again by counsel it was a lie he said it was not. I asked him if he agreed it was a lie and then, finally, he did.

135.His answers attempted to evade and obfuscate. Ultimately he accepted lying in a document signed with a statement of truth.

### *Witness statement*

136.At the outset of the Father's evidence he was asked to confirm the truth of his first witness statement. There were some amendments he wished to make. Having done so he said he believed it was true. I was not entirely satisfied by his answer and there was this exchange:

Q Apart from those amendments is the rest true
A I believe so
JQ When did you last read the witness statement
A Yesterday
JQ When you read it did you see anything else that was wrong
A No

137.The following day, whilst being cross-examined by the Local Authority and taken to a comment that CA "was often non-responsive" to professionals, there was this exchange:

JQ This was your witness statement that you confirmed yesterday, I don't understand your answer
A It was typed up by lawyer



JQ I don't understand why you are now saying it's not true given you confirmed it yesterday

A [long pause]

JQ Can you give me an explanation

A When I signed I didn't read through it at all when I signed

JQ That doesn't explain why you told me yesterday you'd read it the day before and it was true, can you explain

A I only read part of it

JQ You said you'd read it, not parts of it, was that answer incorrect

A Yes

JQ Before you started evidence you promised to tell the truth, when you told me you'd read the statement that was not true

A Correct

138.I acknowledge this may have been an oversight but it demonstrated the Father's loose understanding of telling the "whole truth and nothing but the truth" as he had sworn to do.

#### *Allegations against Mother*

139.At no point prior to giving oral evidence did the Father make allegations of abuse against the Mother. In the course of cross-examination, having listened to the audio recordings referred to below, he said "the things she has done are not far off being a psycho" and then after a very long pause and saying he could not bring himself to say what it was he said she "hits the Children, hits them a lot". In circumstances where he professes to care for the Children and when he faces the most serious of allegations including rape and non-fatal strangulation it lacks credibility he would not have mentioned this previously. Nor is it consistent with the reports from the Children (see below) or any professional in the case. Whilst I acknowledge the Mother could be covering up physical abuse by her by making serious allegations against the Father it would require the most ruthless and calculating behaviour and would run the very obvious risk of being found out by the court if the Father chose to make the allegations. At no point did I form the view of the Mother that she was of that character. Her allegations are supported by contemporaneous reports over an extended period to multiple people. They are consistent with audio and video recordings of the Father. None of that can be said of the Father's allegations. I regret I formed the view this was a lie. It was consistent with blaming the Mother for suggesting trying cocaine and implicating the Mother in collecting cannabis.

#### *Conclusions*

140.By way of general observation, there were several examples of the Father initially evading giving answers to questions (by apparently answering a different question), as cross-examination progressed

there were several long pauses in his evidence. He seemed to be struggling to formulate consistent answers to questions.

141.I summarise the above analysis as follows:

**The Father's evidence lacked credibility in many significant respects. In relation to important matters I find he lied:-**

- a) He lied on oath when telling me that the Mother had hit the Children a lot;**
- b) He lied in denying the accuracy of the social worker's note of 16 May 2024 where it recorded that he had said she had an "evil smile";**
- c) He attempted to mislead the court when asserting through counsel that a photograph of CA's chest was taken on 15 July 2024 when in fact it was taken in 2020;**
- d) By his own admission he lied in a position statement in relation to drug use;**
- e) By his own admission he lied in a declaration made to a hair strand testing company;**
- f) By his own admission he lied in a document prepared in response to threshold which was signed with a statement of truth; and**
- g) He admitted he lied on oath in oral evidence when confirming he had read his witness statement the day before.**

142.I have come to the conclusion that there is no credible explanation for the Father's lies set out above. His evidence at times lacked all plausibility. Some of his assertions were fanciful. I must bear that in mind when considering what he says about the specific allegations but remind myself that just because he has lied about some things it does not mean he has lied about everything.

[1: Father harangued Mother and parents argued including in the presence of Children](#)

143.Mother accepts the allegation.

144.Father accepts the parents had disagreements but not arguments.

145.The social worker records that on 7 May 2024 the Father was generally aggressive (telling the social worker not to disturb his life [C58], to "get the fucking away from me", being loud [C59], telling the social worker Jesus "will judge you for all you are breaking families...you will be destroyed, Satan is looking to destroy your children" [C60]). Specific to this allegation she reported "he got louder and made a mean face", did not want to listen to the Mother and said "Why are you crying, it is all your fault...you better not let me tell them about you" [C59]. When the social worker gave oral evidence she confirmed this record, which appears in the social work chronology, was lifted directly from her contemporaneous file note. When the Mother gave evidence she agreed the Father had said "get the

fucking away”, asked her why she was crying and told her it was all her fault and “you better not let me tell them about you”.

146.The domestic abuse worker, Ms Mee, recorded the Mother sending WhatsApp voice notes described as recording the Father “berating the Mother in a very loud, aggressive voice” with the Children to be heard in the background [C125/11]. I have listened to these. I also note that in the DASH form at [Z2:43] Ms Mee recorded the Mother alleging the Father had made a threat to kill.

147.In the recordings of 19 July 2024 [Z4:3 and 4] the Father says, apparently to the Mother, “you are a psycho, I know that for if I swear to God on my children’s life...they don’t know that but they will if they do a good analysis and there’s no cure for psychos”. When he gave oral evidence he accepted it was to her.

148.At [Z2:13] (said to be 23 July 2024) there is a recording in which the Father asks aggressively why the Mother stayed in his life, making his life hard and made him look after her when she had cancer rather than going to her mother’s, he said “God is going to expose all of you...your treachery”, “you know how to work the system” and what appears to be “drunk and damn right egotistical, that’s what you are...narcissistic”. The children can clearly be heard in the background.

149.At [Z2:21] (said to be 27 July 2024), again with the voices of children in the background the Father appears to say “she’s just a screwer [?], she used to go down the pub when she was a kid drinking alcohol...she be having her brain dead head back...brain dead...brain dead”.

150.At [Z2:22] (said to be 27 July 2024) “Where is my lighter, it was in my pocket, give it back you thief, why are you going in my pockets and stealing things huh” and then says he has no relations with her, she is a thief (said repeatedly); all of this was said in front of what sounds like CC.

151.At [Z2:25] (said to be 30 July 2024) “go back to hell and burn”, “everybody lying, everybody, you, everybody lying, only person telling the truth them kids, they the only people telling the truth, them three, and me”, “it’s coming to an end, your time is short, it’s running out” although the latter appears to be a reference to the second coming of Jesus rather than a threat to the Mother.

152.When the Mother gave evidence she said she made the recordings “to show how he behaves” and when asked if that was unusual said “that’s how he is, that’s how he behaved”. That would be consistent with the apparent lack of distress from the Children who variously can be heard in the background.

153. When the Father gave evidence he said he had no idea the Mother was in the room and suggested she may have left the phone there to make the recordings and “what I was saying was about her but not directed at her”. I find that hard to accept. The recording at [Z2:13] starts with what sounds like the Mother’s voice (“very nice”) then someone putting the recording device down; what the Father says appears as if it is directed at Mother: he talks about fake marriage licenses and says “[that?] you’re hiding” (at 00:17), “you think your house is so clean” (00:44) “they’ll be coming after you” (01:35) and “I don’t know why you did that” (01:47). Whilst the Father may have been ranting to himself it sounds more like it was indeed directed at the Mother.

154. I accept the audio at [Z2:21] may not have been directed at the Mother.

155. From the audio at [Z2:22] it sounds as if the person recording is present as noise close to the microphone can be heard (around 00:45) and one of the children, perhaps CC, calls “mommy” at 00:53 and appears to get an acknowledgement as he stops calling. At 01:09 the Father says “you thief”. This can only realistically have been directed at the Mother. On balance that audio appears to have been in the Mother’s presence and therefore the Father directing what he says at her.

156. The audio at [Z2:25] starts with the sound of someone holding the recording device which suggests the Mother was present. She is plainly present at 01:50 as her voice can be heard. Again, on balance I consider she was present and what the Father was saying was therefore directed at her.

157. In the course of the BWV of 30 July 2024 the Mother agreed the Father had threatened to kill her a lot (19.12). That is consistent with her report to Ms Mee (DASH risk checklist [Z2:40]); she also said “when he wakes up he say some bad things” and she mimed drawing a hand across her throat (19.12). There is a text message from the Mother to Ms Mee dated 25 July 2024 recording:

[Z2:15]

Yesterday..He saying stupid sick things still but quietly when I'm close to him in the kitchen "my cancer will come back and kill me".. - he saying.

158. The Guardian has given hearsay evidence (not challenged by the Father) of meeting the Children on 28 August 2024 (after they had left the family home) and CB saying “It's been peaceful. There's been no arguments. Mum and Dad argued every morning. I know they were arguing because of how Dad behaved. I could feel it. I would stay completely silent. It happened every week. They never stop arguing.” She recorded CA saying “Sometimes Daddy started arguments. Not very good for me” notwithstanding he also said that he wanted to “be with Daddy” and CC saying “He be angry. Daddy pushed Mummy. I saw it. When Daddy pushed Mummy I cried” [C196]. There is some corroboration

of this in the social worker's evidence that CB said "I heard lots of arguments when daddy was there" [C203].

159. On balance I am perfectly satisfied the allegation against the Father is made out on the audio recordings alone. The Mother admits to arguing in front of the Children:

**On 19, 23, 27 and 30 July 2024 in the presence of some or all of the Children the Father verbally abused the Mother including calling her a "psycho", "narcissistic" and a "thief", telling her to "go back to hell and burn". The parents argued in front of the Children. The Father's verbally abusive behaviour is likely to have been emotionally harmful to the Children who witnessed it.**

## [2: Father shouted at CC in relation to a paddling pool \(26 July 2024\)](#)

160. Mother supports the allegation.

161. Father agrees he had to raise his voice "as he was stood afar" [A143] and due to safety concerns with the children "leaning over the pool" which was 3.5 feet deep not a paddling pool. He has exhibited a picture of a paddling pool perhaps 2 feet deep and a more substantial pool that may well be 3.5 feet deep in the garden [Z4:18]. Interestingly the larger pool is not visible in the BWV of 30 July 2024.

162. Ms Mee records a silent call from Mother on this date and she "could hear the Father shouting in the background at CC...shouting at CC and his friend to stop splashing about in the pool" [C125-CA26]. That does not sound entirely consistent with what Father says, Ms Mee does not recall him warning them to be careful but in cross-examination she admitted she was not there and she could not comment on whether the Father's explanation was possible.

163. In the circumstances I am not satisfied the allegation is made out on the balance of probabilities.

## [3: Father socially isolated Mother](#)

164. The Mother says she was not allowed to leave the house or make friends and if she spoke with friends the Father would become angry. The Mother says she was sent out by Father "with the minimum amount required for shopping and with time limits imposed for her return" [A146].

165. The Father accepts the Mother did not have friends, "she was not a social person" but "was free to do whatever she wanted" [A145] [A146].

166. In the psychological report of Dr Allam dated 14 May 2023, in the previous proceedings, she records the Mother saying she had friends in Country X and "no problems making friends when younger" [G142].

167.As noted above, the Mother is reported to have told Ms Mee on 16 July 2024 that she was not allowed to speak to her overseas family [Z2:3].

168.In her statement Mother says “I indicated that I was not allowed to leave the house unless I was sent out on an errand by Father” [C156]; that is also reported to have been said by her to Ms Mee [C127/20] and was the report to police when they visited on 30 July 2024, the police record indicates her saying:

[I19]

She is not allowed to leave the property without his permission, the only occasions where he will let her leave is when they need something from the shop and he has sent her to do this. She cannot go out the house on her own accord or do simple things like go for a walk without a consequence.

169.In PC Dudley’s statement she said of this visit:

[I60]

Mother also went on to explain that she is controlled by Father, Mother cannot leave the address at all, the only time she can leave is when he sends her to do something which is a very rare occasion. Mother explained that if she was to try and go out without his permission he would become very angry, scream and shout and accuse her of being unfaithful to him.... Mother explained that she cannot eat certain foods in the house and on some days Father will stop her eating all together, or she would be banned from the kitchen...

170.In the BWV the Mother said the Father “recently” sold the family car [C156/10]. PC Dudley recorded her saying “Father had sold the family car a few weeks ago with the promise of replacing it. He has not done this, this has left Mother with no way of fleeing, she cannot leave with the children as one son, CA is unable to walk unassisted. This meant with no vehicle Mother was unable to flee from Father and was left completely isolated” [I60].

171.Ms Mee reported that the Mother had told her that historically:

[C124/7]

she confirmed that Father had isolated her, and had refused to allow her to have contact with her family in [Country X]. This was as a result of her attempt to flee from her relationship in 2014, whereby she went to [Country X] for refuge. However, Father found her and went to [Country X] and insisted on her return, which is what unfortunately happened.

172. There is no corroborative evidence, just the Mother's word against the Father's, but in light of my assessment of the parents' respective credibility I prefer the Mother's account and am satisfied on balance that:

**The Father socially isolated the Mother by only allowing her to leave the home with his permission.**

173. In relation to the allegation that the Father sold the family car thereby further isolating the Mother the Father's oral evidence was that he "sold it to get another vehicle that was wheelchair accessible" and he had planned to get the replacement in August. Of course by then the Mother had left the family home with the Children. On this evidence I cannot find that him selling the car was to isolate the Mother.

#### 4: Father financially controlled Mother

174. Mother says she was only allowed limited access to money [A145], the Father would not allow her to eat on certain days, restricted the food she could eat, would only allow her to eat food he had bought and she had to resort to a food bank but the Father refused that support [A146-A147].

175. Father denies the allegation and by way of example says in the clinical negligence proceedings for CA when asked where the interim payments should be paid the Mother "insisted the money went to the father as she did not want the responsibility of household bills" [A145] and he gave her £500 per month [A146]. He says that he would always cook [A147]. He accepts that he did not allow the Mother "to eat the treats he had bought for himself" and refused support from the food bank as it was not required [A147].

176. When the Mother gave oral evidence she said that the only time the Father gave her money was "when I had to go to the shop", it was not a regular amount and it was not to buy things she wanted, if she needed money for herself she used her previous savings (at least in part from interim payments made to her in the clinical negligence proceedings before, she says, these were transferred to the Father) but when that ran out, before CC was born, she had no resources to draw on. If she needed something she would have to ask the Father for money and, depending on what it was, he would provide her with it or not.

177. The health visitor records that on 10 June 2024 the Mother said that the Father "did not give her money...having no money, being able to buy anything for herself and being unable to afford to renew her passport" [C106]; that is reflected in the health visitor's report for the Review Child Protection Conference at [F47] which recorded that on 10 June 2024 "She eventually broke down in tears,

disclosing financial abuse and stating, “I am stuck, feeling trapped” with no money for personal expenses or to renew her passport”.

178.The police record of the visit on 30 July records:

[I19]

AGG [aggrieved] explained how she is not allowed access to her money, any benefits they claim are no longer sent to her and he has taken her off the credit account. She has no money/ access to money, he has complete control over her finances and will not allow her money unless he sends her to do a task. AGG further disclosed that she is not allowed to eat on some days as he will not let her or he will only allow her to eat certain food.

179.In her statement PC Dudley recorded:

[I60]

Mother explained that she has no access to any money, her account is currently on minus £500. She does not have access to the benefits from the children and family and is unable to have any of this money unless Father was to send some over, but he will only do this when he needs something...she does not know what the money Father receives gets spent on.

180.The Mother says:

[C157/10]

I have been struggling with finances in the past because Father maintains complete control over them. The rent on the property was being paid by the Lawyers dealing with the clinical negligence case in relation to CA and in addition they paid and continue to pay I believe £1,600.00 per month directly to Father. He removed my name from the proceedings [as litigation friend] when I was in Country X and I am not receiving any notifications / updates so far as the case is concerned. I was given the bare minimum from Father to go shopping who imposed a time limit on me to do the shopping and return home.

...

13. I did agree to be supported by the Health Visitor for food to be delivered from a food bank however the food when they came to deliver was rejected by Father he became aggressive towards them in the presence of the children.



181. In relation to the food bank the Mother's evidence is corroborated by an email at [F91] from the manager of the bank which recorded "Our volunteers delivered to this lady today and the door was answered by a male who said he was the ladies partner. He seemed quite angry and said he [was] embarrassed to be getting this food as it was piling up and that they already spend around £200 a week on food."

182. Ms Mee reported the same allegations from the Mother [C127/21]. She also reported the Mother telling her that the Father restricted her access to food, only allowing her to eat food he bought [C127/20], she made a similar allegation to police on 30 July 2024 ("explained that she cannot eat certain foods in the house and on some days Father will stop her eating all together, or she would be banned from the kitchen" [I60] and also on the BWV at 19.18).

183. Counsel for the Father reminded me it was for the Local Authority to prove their case and noted that no bank statements have been provided by the Mother. None were provided by the Father showing the alleged transfer of £500 per month either although as noted it is not for him to prove a contrary case. On balance I prefer the Mother's evidence on financial control. As above, I generally found her evidence more credible and the allegation was repeated to different people at different times and corroborated by the email from the food bank. Accordingly I find:

**The Father had control of the family finances and restricted the Mother's access to money.**

184. In relation to the restriction on access to food there is limited evidence of the nature and extent of control and I am not satisfied this allegation is made out on the balance of probabilities.

#### 5: Father controlled the care of CA

185. Mother says she was forced to sleep on the sofa [C157/11] and was not allowed to make food for CA or enter his bedroom.

186. Father says she chose to sleep on the sofa [A148] and says there was no door to CA's bedroom and Mother has entered it [A154].

187. Mother says Father scared CA into thinking that if he was left alone with her she would beat him and told him she was not fit to care for him such that he was "fearful of her and cried if she came into his room" [A154]. Father denies this but says he was CA's main carer and "as a result formed a strong attachment with him" [A155].

188.Mother says that CA would not accept food from her and only ate when Father woke up and fed him, often around midday. Father partly accepts this but says CA woke late between May and July 2024 whilst recovering from surgery [A155]. He says Mother has cooked for CA.

189.The social worker's note of the visit on 7 May 2024 records (my emphasis):

[Z4:65]

He said, I am the one looking after CA and you better not let me tell them about you". Your father went to CA's room and told him that he was the one to care for him. Soon after, CA was refusing for your mother to do anything for him.

190.The allegation would be consistent with the Father's assertion in response to the schedule of allegations that "The mother was responsible for the school run for CC and CB as the father was preoccupied caring for CA" [A158] and "The father accepts he has not been able to attend all professional meetings due to having to care for CA" [A162].

191.The Mother is reported to have made the allegation about being forced to sleep on the sofa to the social worker on 16 May 2024 [F22], Ms Mee between 16 and 30 July 2024 [C127/20] and to PC Dudley on 30 July 2024 [I60]. In the BWV PC Dudley informed Mother that Ms Mee had told her that and the Mother confirmed the Father did not let her sleep in the bedroom.

192.In her statement the Mother said:

[C157/12]

He did not allow me to care for CA such as to make food for him or allow me to enter his room. He told CA that if he were to be left alone with me, I would beat him which is not true. This resulted in CA becoming scared of me whenever I was nearby.

193.That evidence reflects what she is said to have told the social worker on 16 May 2024 [F22] and in an email dated 26 July 2024 Ms McKee informed the social worker the Mother had told her that day "CA does not eat breakfast until Father wakes up...usually around midday as CA won't take food from Mother" [F88].

194.That evidence is mirrored by PC McKee's note of 31 July 2024 at [I23-I24].

195.When the Mother gave evidence she said that she was only made to sleep on the sofa after CA returned from hospital on 7 May 2024 and it was put to her the Father did not stop her from being with CA or playing a significant role with him, she initially said she could not answer and then said she

did not know how to answer the question, the answer was no. This was a curious piece of evidence but consistent either with the allegation being entirely untrue or alternatively only partially true in that the Father was restricting some care of CA.

196.The Guardian reported the hearsay evidence of CA (not challenged by Father) that “I would's talk to you before because Daddy was around [sic]” [C196].

197.More generally, when Ms Pitfield gave evidence she said that when she visited it was the Father who was mainly leading conversations, she would go and seek out the Mother “but the majority of time she was usually in a different room doing household chores”.

198.By contrast I note that it was the Mother who provided care to CA when he was admitted for surgery on 30 April to 7 May 2024. However, when the social worker gave evidence she said her hypothesis was that the Mother did not drive a car so would not have been able to visit CA if the Father had been in hospital with him; even if that is right (noting the Mother could have used a taxi although I expect it would have been very expensive) it seriously undermines the argument that the Father was seeking to control CA's care to the exclusion of the Mother. On that basis I do not find the allegation that the Father excluded the Mother from care of CA prior to 7 May 2024 proved on the balance of probabilities.

199.It is not entirely clear to me why the Mother slept on the sofa after 7 May but it may be as consistent with the Father telling her she must as with her choosing to do so and the latter would be consistent with her report to the health visitor that by 10 June 2024 they were barely speaking [C106/(i)]. Again, I am not satisfied that allegation is proved either.

200.As to the allegations that the Father alienated CA from the Mother with threats she would beat him and a “negative depiction of the Mother” [A154] those are consistent with the audio recordings referred to above. I found many of the demeaning comments were made in the presence of the Children. Further, in the BWV of 8 May 2024 the Father is recorded accusing the Mother of “trying something” and said she “tried to bring morphine” and “tried to drink it all” in reference to CA's medication. This was explained in a very agitated way in front of CB and CC. He asked CB if “Daddy been good or bad” to which CB gave a thumbs up and the Father said “Thank you” and then accused the Mother of marrying people for money (which was a theme of one of the audio recorded WhatsApp notes). He later said CA's morphine went missing and “I know she likes to take morphine and I took it and hid it and from then on she went mental”, this last comment was made in front of all 3 children who he then asked if anything had happened “apart from me look after my son”. He then told the police she was a thief, a con artist and a liar. The Children were still present and he seemed to be

actively trying to involve them. He continued in front of CA saying the Mother was trying to take CA's clinical negligence compensation.

201. On the balance of probabilities I find that:

**The Father's behaviour on 8 May 2024 (calling the Mother a thief and a con-artist and accusing her of drinking CA's morphine and going mental) and 19, 23, 27 and 30 July 2024 (as above) was denigrating of the Mother in the presence of the Children and likely to have caused emotional harm to them.**

202. In relation to the Father excluding the Mother from the care of CA after 7 May 2024 whilst it is not consistent with the Mother being the primary carer whilst he was in hospital from 30 April to 7 May there is consistent evidence from the Father in response to the schedule of allegations and what the social worker observed him to say and consistent evidence in the audio recordings. When I take account of the view I formed of the Father's credibility and other findings about how he treated the Mother I conclude on the balance of probabilities that:

**From 7 May 2024 the Father controlled the Mother by restricting her care of CA.**

#### [6: Father sexually abused Mother and coerced her to use cocaine](#)

203. Mother says that Father coerced her into taking cocaine in order for him to have non-consensual sex with her at a time when the Children were present in the home. The Local Authority allegation is that the non-consensual sexual activity took the form of vaginal intercourse and vaginal, oral and anal penetration by sex toys [A148].

204. The Mother said the Father took or threatened to take photos of her using cocaine and threatened to use them to portray her unfavourably to professionals.

205. When the Mother gave oral evidence she said that the Father made her start using cocaine in 2023. The allegations that he had threatened to take photos of cocaine use (or threatened to disclose photos that had been taken) is consistent with the account given by the social worker and Mother of him saying "you better not let me tell them about you" [C59].

206. Father denies forcing the Mother to engage in sexual activity without consent, taking cocaine or threatening disclosure of photographs. When consensual sexual activity took place the children were asleep [A149].

207. Ms Mee recorded the Mother's allegations as follows:

[C128]

24. Sexual abuse: as reported by Mother, this includes rape – Mother disclosed that Father would coerce Mother to take substances (cocaine) in order make her more compliant to the rapes and sexual assaults. Using various sex toys on Mother both orally, vaginally and anally. Mother reports that Father would also take photos on his phone of Mother taking substances in order to have “evidence” for reasons that are unknown, however, it is my belief that he would use the pictures to further coerce Mother to comply with his demands out of fear that he would share the photographs with the other agencies such as police and Children’s Services as this is what Mother claimed.

208.Ms Mee continued (my emphasis):

25. I asked Mother if the intercourse was consensual, Mother stated “I suppose so I didn’t say yes, he’d just do it.” I asked Mother if she wanted to have sexual activity with Father, Mother stated “No.” Mother stated that if she resisted Father’s advances to engage in sexual activity with Father, Mother stated “he would make my life hell”.

26. These sexual assaults would reportedly take place in the lounge just feet away from where the children slept.

209.Ms Mee’s file note of a phone call on 26 July 2024 records the Mother volunteering “but what about the drugs”, a new issue; Ms Mee asked her to explain what she meant (my emphasis):

[Z4:5]

Mother stated that Father used to make her take drugs to have sex with her. I asked Mother what drugs? Mother advised it was Cocaine. I asked how she took the drugs and Mother stated “up my nose”. I asked Mother how often this happened Mother replied “once a week” I asked Mother where these incidents happen. Mother stated it was always in the lounge on the sofa as that is her “bedroom” as she isn’t allowed to sleep in the bedroom. I asked Mother if the sex was consensual - Mother replied “No” I asked Mother bluntly if Father rapes her - Mother stated “I don’t know, I don’t say yes, I say ok and he just does it but he knows I don’t want it” she stated that if she says no he “makes my life hell”.

Mother also went on to speak of sexual assaults with sex toys I asked if this was consensual, Mother stated “no” I asked where he would use this on her and she stated “everywhere”. I asked if she meant in her vagina, anus and mouth. Mother stated “yes”. [sic]

210. In the course of closing submissions my attention was drawn to the inconsistency between that and what Ms Mee can be heard saying to PC Dudley over the phone on 30 July 2024. At 19.33 Ms Mee is asked if the Mother has ever mentioned using toys...like sex toys" and Ms Mee responds "no she hasn't". Counsel suggested this calls into question the reliability of Ms Mee's evidence. I do not accept that. An alternative explanation is that Ms Mee had forgotten what had been said in the course of the call on 26 July. That is far more plausible than her having completely mis-recorded what the Mother told her in relation to sex toys, effectively making it up. That assessment becomes more plausible when one remembers the context of Ms Mee's involvement on 30 July 2024. She had made a report to 101, the police decided to attend and Ms Mee was called. There is no evidence she was expecting them to call her or even to attend that day.

211. That evidence of rape is consistent with Ms Mee's email to the social worker on 26 July 2024:

[F88]

Mother stated that Father forces/coerces her to take Cocaine in order for her to be compliant whilst Father has sexual intercourse with her "at least once a week" I asked Mother outright if Father rapes her. Mother stated "well I dont know because I just say OK" Mother stated she does not want intercourse with Father. I asked Mother where the non consensual intercourse takes place, Mother stated in the lounge as thats where she sleeps. [sic]

212. The Mother repeated the allegation as reported by PC Dudley:

[I60]

I asked Mother what Father has done to which she has explained that Father will make her take cocaine in order to make her sleep with him. She does not want to have sex with Father but cannot say no as he will accuse her of cheating and betraying him. She explained that this happens on a weekly basis and it always happens on the sofa. Mother was extremely upset when trying to explain this and got [believed to be Ms Mee] to explain this on her behalf. Mother explained that Father has his own bathroom that is locked from the outside, in this he hides the drugs he uses [].

213. In the BWV (at around 18.58) PC Dudley asked if Father physically forced the Mother to have sexual intercourse which she denied but said if she has "said no, no and then he start arguing and going mad". She agreed with PC Dudley's suggestion she had no choice; Ms Mee, who was on speaker phone, then told Mother it was important to tell the police "what he makes you do" and the Mother

says “he makes me take drugs”. The Mother agreed Ms Mee should tell PC Dudley and Ms Mee reported the Mother had “told me last week that he forces her to take cocaine in order for her to be more compliant to have sex with him” and the Mother nodded in agreement. The officer and Mother moved inside the house and the Mother confirmed the last time it happened was “a week ago” and she appears to say it was “in the toilet” although later says it was where she slept (in the sitting room) so she may have been referring to the toilet as being the location that cocaine was taken.

214. She agreed with Ms Mee she had phoned Ms Mee the evening before and he had demanded sex but she refused and he got very angry. Another officer asked if there would be anything on his phone and she said “yeah probably...taking pictures, me taking cocaine”. PC Dudley asked does he take pictures of you taking cocaine and she replied “yeah he said had pictures he gonna get yeah”. PC Dudley confirms “You’ve said he’s taken photos of you taking cocaine” and Mother nods. I note that whilst that was the initial allegation it was varied to him having threatened to do so before reverting to actually having taken photos. I do accept the Mother was very distressed throughout and this exchange with police was somewhat confused. She said if she refuses to take cocaine he starts “shouting, arguing, that I’m having sex with somebody else”. She said it was happening every week or every 2 weeks.

215. At approximately 19.11 on the BWV PC Dudley asked if “he makes you do anything orally, like with your mouth” and the Mother shook her head but it is difficult to hear what she said. When the police searched the bathroom used by the Father a number of sex toys were found and seized [157-158]. PC Dudley asked the Mother if “has he ever used those on you” and the Mother nodded in agreement.

216. When the Mother gave oral evidence she explained the non-consensual sexual activity as “It’s if I say no he gets upset, the way start talking is making me think there is nothing I can do, have to have sex, how can I say no” and more directly she was asked whether, whenever the Father tried to have sex, she said no and she agreed she did.

217. In relation to the use of sex toys the Mother was asked if she had been advised a further pregnancy would be medically problematic, she agreed she was. It was put to her that was part of the reason for introducing sex toys, she disagreed. She said the Father introduced them and did so after cocaine started to be used regularly i.e. after 2023.

218. As noted above the Father’s evidence on the use of cocaine at the time of sexual activity was troubling. In short, his evidence on the use of drugs changed and the evidence that cocaine was used to make their sex lives more interesting and they ordered sex toys together only came out when his

case was put in cross-examination of the Mother; similarly the suggestion their use was because of a medical risk from pregnancy was not a case the Father had previously advanced.

219. Almost invariably allegations such as these are uncorroborated save by reports of the alleged victim. I have considered the reasons the Mother may have delayed reporting abuse, including sexual abuse, above when considering her credibility. I concluded it was not such as to undermine the Mother's credibility. Given the Father's evasive and dishonest evidence in relation to drug use it is difficult to attach much weight to his evidence cocaine use by the Mother was consensual rather than the result of his coercion. If coerced I have to ask why. The Mother's case is consistent: to make her more compliant with his demands. The Father does not advance an alternative case, he simply says cocaine use and sexual activity was consensual.

220. When I further take account of my findings of other abusive behaviour by the Father and my assessment of his credibility I am drawn to the conclusion the Mother's evidence is more credible. In relation to whether the sexual activity was consensual I note the Mother's evidence underlined above. Criminal law principles do not apply in family proceedings. Rape should be given its everyday meaning, non-consensual sexual penetration. What is clear from Mother's evidence is she did not actually consent and even if she did not actively decline the Father was aware she was not consenting freely. Accordingly, and on balance I make the following findings:

**The Father coerced the Mother to take cocaine from 2023 as a means of facilitating non-consensual sexual activity including vaginal rape and oral, vaginal and anal penetration by him of her with sex toys. The non-consensual sexual activity occurred between fortnightly and weekly from a point in 2023. The Children were present in the home at the time although not in the same room.**

221. I find it difficult to form a clear view in relation to threats to photograph or threats to use photographs but very little turns on the distinction in circumstances of a threat being made at all. Whilst the Mother has been unclear whether photos were taken or not she has been clear of the Father's threats. I find him making threats is consistent with the social worker's report of him saying "you better not let me tell them about you" to the Mother [C59] and the audio recording at [Z2:13] in which the Father says "these British people would love to know that" (around 00.20) in relation to his allegation the Mother had entered a fake marriage previously and "if they really knew what dirtiness was walking around inside of you they would not be coming after me" (around 01.28). The coercion appears to be in relation to the Mother's response to these care proceedings, implicitly that she must not make allegations against him as he had evidence against her.



222. On balance therefore I further find:

**The Father attempted to coerce the Mother by threatening to disclose photos he had taken of the Mother using cocaine or threatening to take such photos and disclose them.**

#### 7: Father physically abused Mother

223. Mother says that:

- a) On one occasion Father placed both hands around her neck and she lost consciousness;
- b) In February 2023 he dragged her off a bed and put both hands around her neck causing her to stop breathing;
- c) He punched, hit and grabbed her on numerous occasions;
- d) He pushed her when CC was present on one occasion making CC cry;
- e) He threw a computer at her head causing a laceration to her ear; and
- f) He punched her face causing a laceration to the left of her lips.

224. Father denies the allegations.

225. I remind myself of the historical allegation of physical abuse on 19 July 2013 (followed by the Mother's email of 23 July 2013) which I have set out above when considering the Mother's credibility. In particular the allegation made in the email of 23 July 2013 of "strangling me" [Z4:60]. Whilst the Father denies receiving the email and the Mother accepts what she has produced was a draft there is no evidence to suggest it has been fabricated more recently to bolster any allegation in these proceedings. Indeed it would be bizarre to do so; I would expect a fabricated document to be more current. Accordingly, I accept it is evidence of the Mother contemporaneously documenting abuse and it is consistent with the inter-authority correspondence of the police attending on an allegation of the Father pushing the Mother.

226. In the social worker's contemporaneous telephone note of 9 May 2024 she recorded:

[Z4:72]

I asked your mother if your father has been like this in the past. Your mother said he has, she said he was violent towards her when you were removed from home by Social Care and the Police in February 2023 [pursuant to my Recovery Order]. Your mother said your father was dragging her off the bed, and blaming her for what happened. She said he also held her by the neck at a point. I asked that your mother has never shared any of this information with any of the professionals working with your family. Your mother said, you don't understand what it is

like when your children have been taken away, I was worried about losing the children! I asked if your father has been violent towards your mother at any other time. Your mother said your father has been like this in the past and she went to her family in Country X.

227.This was the first report to another person of strangulation.

228.Ms Mee reported the Mother telling her:

[C129]

27. Non Fatal Strangulation: Mother has disclosed that Father has strangled her on at least two occasions. The most recently reported incident, February 2023, Father had dragged Mother off the bed and put both hands around her neck which caused her to stop breathing. On another occasion Mother reported that Father placed both hands around Mother's neck resulting in her losing consciousness.

229.In part PC Dudley reported this on 30 July 2024:

[I60]

I asked Mother if there has been any violence from Father before, she explained that Father has hit her, punched her and grabbed her on multiple occasions leaving scars, one on her face by her lip from a punch. She explained that Father has thrown a computer at her head following an argument, this has left a small scar to her right ear. Mother went on to explain that Father has strangled her on two occasions, on one of these occasions this has caused her to pass out.

230.In the BWV PC Dudley asked M "does he grab you" (18.44:54), a leading question, at which point Mother alleges Father has grabbed her but then volunteers Father has choked her stopping her breathing and causing her to pass out, she denies losing control of her bladder. She was asked if it was more than 10 times but says "two times and that was last year" and only one occasion made her pass out. When PC Dudley asked "what did he do to your mouth" (Mother having pointed out a scar) she said he had punched her. There is reported to be physical evidence of scars to the lip and ear which seem to have been observed by PC Dudley at around 18.46.

231.In relation to strangulation there is a consistency with it being on 2 occasions but an inconsistency whether both were in 2023 or one in 2023 and one in 2013. It might be that the more recent allegation is of twice in 2023 but the Mother was not recalling (or not thinking it relevant to recall) a previous occasion in 2013.

232.The Guardian reported CC saying he saw Father push Mother [C196]. I remind myself C is a pre-schooler and very little weight can be attached to his recollection.

233.In light of the view I have formed of the parents' respective credibility, the other findings I have made against the Father, the contemporaneous recording of strangulation on 23 July 2013 and the reported physical evidence of scars I consider that on balance the Mother's evidence is more likely correct:

**The Father has physically abused the Mother. On or around 19 July 2013 the Father non-fatally strangled the Mother and she lost consciousness. In February 2023 the Father dragged the Mother off a bed and non-fatally strangled her. On an unknown date the Father punched the Mother to the lip causing a scar and on a separate unknown date threw a computer at her head leaving a small scar to her right ear.**

#### [8: Father emotionally abused Mother \(31 July 2024 emails\)](#)

234.Mother says that on 31 July 2024 Father sent 2 emails "designed to exert emotional pressure on her to return to the family home" [A153].

235.Father accepts sending them but says "it was an expression of love with no intention to exert emotional pressure" [A153]. The Father's response to the allegation includes the phrase "the police described them as 'love bombing'" [A153]. He seemed to adopt that in oral evidence. I do not believe he has done so understanding the coercive connotations of that phrase but it does give an indication of his intention in sending them.

236.The emails need to be read against that background. The first is dated 31 July 2024 at 19.25 and to understand its full context needs to be set out almost in full:

[C138]

Please [Mother], please. Please I beg of you please come home with boys. PLease please please. Whatever you want I will do it, I need the boys and you to home please please, please.

My Family please come home. [Mother] please sweetheart, please. I beg you please. PLease, please, please.

[Mother] I love you, I love my boys. I need my family. [Mother] I will do whatever you ask. I promise. PLease, PLease. I will talk soft, I will do whatever you ask of me. PLease, please please.

...

I beg you sweetheart, I will marry you, Please Be my wife and lets raise our Sons together.  
Please [Mother] I am begging you. Please sweet heart.

Why is this happening? why is our family going through this. Please [Mother], please feel my heart it is breaking so bad. Please please please come home please. Please come home, please bring the boys home.. Please, you win ok, you win, ok. I will do anything please, please. Please find in your heart, please. [Mother] I beg you. this hurts so much I cant live without my family. Please [Mother]. I been have angry at the wrong person. Please accept my appologies. please sweetheart. I should have listened to you. I am so sorry. please, please.

Please [Mother], Please, please please. I beg of you. I beg of you.

My family is the most imortant thing in this world. I will marry you. Please marry me. [sic]

237.The Father accepted the emails were sent in breach of his bail conditions (not to contact the Mother [152]). He did seem to be trying to suggest he was not aware of the conditions at the time but I find that hard to accept; the conditions would have been explained to him when he was released from custody.

238.I find it very hard to believe this was an expression of love with no emotional pressure in the context of what the Father said to the police about the Mother on 8 May 2024 and the abuse directed at her in the audio recordings. By the repetition of “begging” and “please” it is an emotionally pressured email. It draws the Children in and makes the extravagant offer to marry the Mother.

239.Later that evening he sent the following email:

[C139]

I know the boys are hurting inside, I can feel their pain and they don't deserve any of this. They are good boys, the best any parent can ask for. This is too much for one being to handle, I have given all I have to give you. I would die for all of you. you lot are my everything and always have been...

...

Please let the boys know I am always thinking and praying for them. I miss them so much, their laugh and their jokes. Their smell their touch...

240.The reference to the Children “hurting inside” is particularly emotionally manipulative.

241.He continued:

I have put you on a pedalstool so high, and am sorry if I can not put you any higher.

...

I have had your back every day since we met. [sic]

242.Again, in light of what was said to the police in May and the audio recordings I find it difficult to accept this was an expression of love without emotional pressure. On balance therefore I find:

**On 31 July 2024 the Father sent 2 emails to the Mother which were designed to coerce the Mother into returning to him with the Children. The content of the emails was emotionally coercive.**

### 9: Parents neglected Children's education

243.The parents accept that since the conclusion of previous proceedings in November 2023 the Children's school attendance has been inconsistent and for periods of time has been low.

244.The Local Authority also allege CA's attendance at school was 47% in July 2024 because CA did not return to school for the rest of the academic year after his hip operation on 30 April 2024 despite his consultant and therapist saying he should be back in school after 6 weeks. Mother says the Father refused to allow the return.

245.Father denies the allegation and relies upon CA "recovering from his operation" [A157] but accepts he was not in school. In the Father's witness statement he said after the 6 week recovery period ended "it was the school holidays" [C103/11]. 6 weeks would have elapsed around 11 June 2024, in fact CA's post-operative brace was removed on 12 June 2024. On that date Ms Gardner, the hospital occupational therapist, said that she was contacted by CA's school on 4 June 2024 and she did not know if there was suitable seating for him at school as Father had failed to attend with his wheelchair "for me to review despite us asking him" and she continued "I asked Dad about CA returning to school and he was adamant this would not be happening yet. I would, however, deem CA well enough to return to school" [C145]. She continued:

[C145]

CA attended the hospital with Father for the brace removal on 12/06/2024, at which time I reviewed CA. While with Father and CA, I asked Father about CA returning to school - Father informed me that it was not important for CA to return to school, that the most important thing was that CA was happy.

246.The Father appears to rely upon the lack of a suitable wheelchair as the explanation for non-attendance thereafter. Ms Gardner’s evidence was (my emphasis):

[C146]

I received an email from [] on 13/06/2024 regarding CA’s mum asking for help to arrange school transport for CA, which I replied to on 17/06/2024. Within this reply I stated “CA would benefit from a wheelchair review, but dad told me that this is already arranged - the wheelchair is suitable in the short term though...”

247.When she gave oral evidence she said she “completed some adjustments” to the wheelchair, “it would have been suitable but it wasn’t a good fit for CA” and later said “The wheelchair after brace removed was safe, he fitted in it, leg supports he could rest legs on but not a good fit but no acute concerns he’d come to harm in it”.

248.It was put to her that contractures post-surgery would have hampered a return to school by reason of an impact on CA’s ability to sit. She disagreed saying the contractures were to the knees, this would most likely have impacted CA’s ability to lie flat but would not have impacted his ability to sit.

249.It was also put to her that the travel time to school of 30-40 minutes was “a significant period of time for a child who was not spending significant periods of time sitting up”. She asked for the question to be clarified because she had understood the Father to have said CA was sitting for much longer periods, this was accepted in the question (in fact, in closing submissions counsel for the Father agreed the Father’s case is that CA was able to sit for long periods but that was only on a cushioned sofa). It was put to her it was a long time to be sitting up in the car to school and then at school. Her answer was that CA would not have been expected to sit the whole day at school, the school would facilitate a change of posture. She said that she emailed the school on 17 June 2024 saying that “he would be ready to return to school as soon as this is appropriate from your end” [C146]. In answer to questions from the Guardian she said there was nothing in her view that would have prevented CA returning to school, she had been told by the Father CA could sit for many hours and there were no concerns about sitting for the duration of the journey to school.

250.The Local Authority allege CC’s school attendance as at July 2024 was 63%. Mother accepts this saying Father insisted on home schooling. Father says she “was responsible for the school run...as the father was preoccupied caring for CA” [A158].

251.The Local Authority allege CB's school attendance as at May 2024 was 70% and he did not attend school after CA's operation in April 2024. Mother has not responded to the allegation. Father says he was "unable to drop CB to school" whilst CA was in hospital and I presume says in relation to attendance thereafter that it was Mother's responsibility, as above.

252.In relation to attendance levels these are not seriously challenged by the parents and I find:

**The parents have neglected the Children's school attendance:**

**CA's attendance at school was 47% at July 2024.**

**CB's attendance at school was 70% at May 2024.**

**CC's attendance at pre-school was 63% at July 2024.**

**Non-attendance at school is likely to have been educationally and emotionally harmful to the Children.**

253.In relation to CA's attendance after June 2024 I prefer the evidence of Ms Gardner and accept her evidence of the Father saying his attendance at school was not important. Accordingly I find:

**The Father did not permit CA to return to school after 12 June 2024 contrary to the recommendations of professionals. Non-attendance at school is likely to have been educationally and emotionally harmful to CA.**

#### [10: Parents neglected Children's nutrition and basic care needs](#)

254.The Local Authority allege CB told school staff there was no food at home and on 11 June 2024 told the social worker that if his parents were angry he might not get food and has said that he often did not have breakfast. Mother says she was only allowed to purchase food in accordance with Father's instructions. Father says the cupboards were always "fully stocked" and CB "never went hungry" [A159].

255.There is direct evidence of CB's report from his school. On 11 June 2024 he is reported to have said "He felt that if his parents were angry [about grades] he might not get food. CB said at home he feels hungry" [F40] and "CB has said on more than one occasion that he feels hungry at home and states that he often doesn't have breakfast and still feels hungry after meals" [F41]. Father does not challenge that as an accurate report of what CB said.

256.The Mother's evidence was that the Children "often went hungry" [C157/13].

257.The Mother says that food she prepared for CB and CC when CA was in hospital from 30 April 2024 to 7 May 2024 was not eaten [C158/13]. Father says “it would have gone off” and he gave them eggs in the morning, nuggets, chips and sandwiches at lunch and a takeaway dinner.

258.There is insufficiently clear or cogent evidence in support of this allegation.

#### 11: Parents failed to support CB’s hearing needs

259.CB is reported to have had difficulty hearing because his hearing aid batteries had run out on 20 May 2024 [F40].

260.The Mother has not responded to the allegation.

261.The Father says the school were given spare batteries but could not fit them and he attended and did so [A161].

262.There is insufficient evidence to find the parents have failed to support CB’s hearing needs. Batteries run out and need replacing. There is no evidence of a delay in replacing them.

#### 12: Father behaved confrontationally to school and children’s social care staff

263.The Local Authority allege that in April 2024 CA’s school complained about the Father’s abusive behaviour and he was banned from the school; part way through the hearing the Local Authority conceded it was a final warning and the allegation was limited to one occasion. The Father denied being banned or being rude but accepted receiving a warning letter from the school “due to a misunderstanding” [A162]. When he gave his oral evidence he conceded that at the time he did not think he had been rude or inappropriate but having reflected on it he said “it might have been construed that way”. I asked him what he said as he did not appear to be about to volunteer that information. He said he had told a school parking attendant he could tell his colleague to “go suck balls”. I was surprised the Father had thought that was appropriate at any time but he said “It’s something I say in my culture and not considered to be inappropriate or rude” and that in his culture it means “Just leave me alone”. In the context I found that lacked credibility. The Father’s evidence was he felt he had been verbally abused by the colleague, the whole point of speaking to the recipient of his words was to pass on a message to the alleged abuser; it seems unlikely it was as measured as “please tell your colleague to leave me alone”.

264.The single assessment of 24 May 2024 recorded CA’s school having reported:

[F13]

As observed by multiple staff members, Father’s behaviour has become increasingly erratic over



the past few months. He can be confrontational and argumentative with male members of staff and condescending or inappropriate with females. It has reached a point whereby some members of staff have voiced to the school Leadership Team that they do not feel comfortable around him.

Due to a verbal altercation with a member of our Facilities staff where Father was abusive, he had been given a first and final warning from our Head Teacher regarding his conduct on our school site.

265.The warning letter is at [Z4:63] and is consistent with the allegation.

266.On this evidence I find:

**On 22 April 2024 the Father was abusive to a member of CA's school staff telling him to "go suck balls"; he received a final written warning from the school.**

267.The Local Authority allege that "on occasions" the Father has been abusive and aggressive to professionals and encouraged the Children to not speak to professionals and in mid 2024 began to record and film conversations claiming they had lied.

268.It is not clear if the Father accepts abusive and aggressive behaviour but he says the Children did not want to speak with professionals. He accepts recording professionals.

269.The health visitor attended on 7 May 2024 and recorded:

[C107]

During the interaction, Father exhibited aggression at times, questioning my presence with a raised voice and ran his hands through his hair in what appeared to be frustration.

270.The social worker records a follow up visit that day:

[C58]

Your father said, "I am not a child and I don't need to be queried". He said, "I don't need you coming here to disturb my life and my family, leave us alone". Your father presented as very hyperactive and was walking away from me talking loudly and telling me to go away.

[C59]

Your father continued to be very loud, swearing "Get the fucking away from me and my family".

...

I told your father that I may call the police as I am worried about his behaviour and the impact on his children. He brought his phone out and started recording me. Your father said he would make a complaint against me using the video.

[C60]

Your father continued speaking loudly and said “I don’t need help, I don’t believe in GP, I believe in Jesus” He will judge you for all you are breaking families and doing to my family”. Your father said “You will be destroyed, Satan is looking to destroy your children, go home to look after your children.

271.The police attended after midnight that evening because of a safeguarding report from Hospital A (they reported Father could be heard “kicking off and screaming” and “going beserk” in the background when the Mother had called asking for a repeat prescription for CA’s morphine [I38]). When the police attended the Father accused the social worker of lying and “when I bring her to court she’s going to lose her job, just know that, just know that, because she’s harbouring a criminal”. He later became aggressive to the officer saying he was looking into his eyes to see if he was a man or a liar. The Children were all present.

272.That is consistent with the social worker’s account of a visit on 16 May 2024. The record appears in the single assessment and is addressed as if written to CA:

[F21]

You could hear your father saying I have come to distress you and you kept muttering under your breath but I could not make out exactly what you were saying. You would not speak with me when I asked you if you could let me know how you are feeling and so on. I had to leave the room as your father was recording me, saying negative things about me and telling you and your siblings that I have come to distress you.

273.This replicates the contemporaneous note at [Z4:69] which records the Father having said “I have never seen such a cynical person and never met anyone as bad as she is in my life...you have an evil smile on and I do not want to speak with you”.

274.On 21 June 2024 there is a note of attendance by a different social worker and a family worker:

[C62-C63]

He presents as having a bipolar or a schizophrenic type of presentation (happy one moment, angry/negative/low the next) in the space of only an hour and a half's visit he appeared to change mood and presentation several times.

275. On 28 June 2024 there is the following note:

[C64]

I found Father's attitude towards me and my colleague to be stifling to the intended visit and not to be putting his children at the centre. I also asked if Father had challenged the decision of the current Child Protection process. It was difficult to hold a meaningful conversation with him because he insisted on either us leaving the property and proof of the children being on a CP plan (some documentation to prove that).

276. Then on 11 July 2024:

[F74]

Your father kept saying I have come to distress you and you kept muttering under your breath but I could not make out exactly what you were saying.

...

I had to leave the room as your father was recording me, saying negative things about me and telling you that I did not know how to speak with you....

277. And on the same day in relation to CB:

[F74]

Your father asked if you had washed your hands and told you to wash your hands of germs. Your father came to me and whispered "Should you still be here". I said I was talking to you when he interrupted the conversation and I was waiting for you to continue my conversation with you. Your father had the camera on me all the time I was speaking with you and he said, I have to record these people as they tell lies.

278. The Father's presentation in the BWV of 8 May 2024 and the audio recordings sent to Ms Mee are consistent with the social worker's evidence. Having viewed the BWV of 8 May 2024 in full on balance and in light of the view I formed of the Father's credibility as set out above I am satisfied on the balance of probabilities that:

**The Father was abusive to the social worker on 7 May 2024 telling her to “get the fucking away from me and my family”, that she “will be destroyed” and that “Satan is looking to destroy your children”. The Father was aggressive to police on 8 May 2024. The Father was abusive to the social worker on 16 May 2024 saying “I have never seen such a cynical person and never met anyone as bad as she is in my life...you have an evil smile on” and abusive to the social worker on 11 July 2024 saying he had to record her because she tells lies. These findings demonstrate the Father’s lack of engagement with professionals seeking to support the Children risking harm to the Children.**

### [13: Father failed to engage with child protection planning](#)

279.The Local Authority allege the Father did not attend core group meetings, declined support and did not attend the Review Child Protection Conference on 23 July 2024.

280.He accepts he has not been able to attend all meetings because of caring for CA. He denies declining support.

281.The social worker’s evidence is that he did not attend any Core Group meeting (on 16 June, 19 July) nor the Review Child Protection Conference on 23 July 2024 [C5][C24][C62][C65] and accordingly it is alleged he has declined support.

282.On the Father’s admissions I find:

**The Father did not attend the Core Group meeting on 16 June and 19 July 2024 nor the Review Child Protection Conference on 23 July 2024. This finding demonstrates the Father’s lack of engagement with professionals seeking to support the Children risking harm to the Children.**

283.I make no finding on his reasons for not attending. I acknowledge the family had significant caring responsibilities for CA and certainly after 7 May 2024 that was principally by the Father as found above (allegation 5).

### [14: Father failed to engage appropriately with CA’s medical needs \(7 May 2024 hoist and discharge\)](#)

284.The Local Authority and Mother allege the Father did not attend Hospital A on 7 May 2024 to collect the Mother and CA after CA’s hip surgery and he refused to use a hoist for CA which was due to be demonstrated to him that day.

285.The social worker’s evidence is that the Father was due to collect CA and the Mother on 7 May 2024 but did not attend [C15]. The Mother says the same (although the date given is erroneously 27

May 2024) [C158/15]). She says the hoist was not used because the Father claimed he was capable of lifting CA [C158/15].

286.The Mother's oral evidence was that the Father never gave her a reason for failing to attend hospital on 7 May 2024. The Father's case, in his response to the allegations, is that "CA went home with the mother in an ambulance as planned by the hospital for his safety as it would be too much discomfort for him to sit in a car" [A164] but the social worker's evidence was that she was given no satisfactory explanation for why the Father did not collect CA from hospital, "He just said he's had things to do here and there". In her contemporaneous note of 7 May 2024 she recorded CB saying they had done "Nothing, just in the house" that morning [Z4:66]. In the BWV for 8 May 2024 when asked about going to the hospital on 7 May 2024 the Father did not say he failed to collect CA because it had been planned an ambulance would bring him home (around 09.30). That would have been the obvious answer if true.

287.The health visitor, Ms Obodoagu, attended the home on 7 May 2024; she described being contacted by the Mother who was concerned about CB and CC's welfare because the Father had not arrived to collect CA and she says when she attended he "appeared disoriented, as if awakening from sleep, and was visibly confused by our visit" and "exhibited aggression at times" [C107]. She has not described the Father giving any explanation and certainly not the one that is now given.

288.When Ms Gardner, the hospital occupational therapist, gave oral evidence it was put to her that the Father had attended the ward with the car seat at some point in the preceding days and was told it was not suitable for use with CA's post-operative brace, the implication being he could not have collected CA from hospital. That was a case that was not in any way foreshadowed by his written evidence (save as noted above). She said she was the only occupational therapist working on the ward and did not recall ever being told he had visited with the seat or that someone else had said it was not suitable.

289.There is no documentary evidence of a prior arrangement for an ambulance to transport CA home on 7 May 2024 and there is absolutely no corroboration of the Father's assertion that was what was planned.

290.The Father does not disagree with the assertion CB and CC were not taken to school by him that day and has not provided any credible explanation.

291.I am satisfied the allegation is made out:

**The Father failed to attend Hospital A on 7 May 2024 to collect the Mother and CA and failed to take CB and CC to school. Non-attendance at school is likely to have been educationally and emotionally harmful to CB and CC.**

292. In relation to the hoist there is some contemporaneous documentary evidence:

293. The social worker recorded that in a telephone call on 9 May 2024 the Mother said that the Father was “hoisting CA by himself although he has not been shown how to do it properly” [Z4:73] and in a home visit on 16 May 2024 “your mother said your aunty [] has spoken to your father and he is helping with the hoisting” [Z4:68]. When the Mother was cross-examined she could not remember if the Father used the hoist but did agree that is what she told the social worker on 9 May 2024.

294. Ms Gardner said whilst the Mother was competent at following the techniques for using the hoist, so implicitly could have shown the Father, she asked Ms Pitfield, the community occupational therapist, to visit to support the Father to gain competence. Ms Gardner described the Father not being present on the ward during CA’s post-operative admission. He had informed her pre-operatively that he would lift CA into the car [C144/3] but trial car transfers were not possible before discharge [C145].

295. As to the health visitor’s visit on 7 May 2024 the Father denies being disorientated or angry but was confused as the Mother should have been demonstrating her ability to use the hoist and he “was not happy she declined” to do so.

296. The Father says he used the hoist at home and this was witnessed by the community occupational therapist, Ms Pitfield [A163]. That is directly contradicted by the evidence of Ms Pitfield who described visiting on 3 occasions post-discharge during which she “did not witness Father using the equipment that had been provided” [Z4:22]. On the first visit she said she told him that using the hoist “is the recommended transfer method to reduce the risk [of?] any moving and handling injuries to CA and his parents” [Z4:22]. When she later attended it was evident it was not in use as there was “no clear pathway” to move the hoist to CA’s room [Z4:22] and “Father did not comply with this method...From a professional perspective, Father was not engaging with using the recommended equipment in the property that was prescribed to reduce the risk of injuries and assist CA during his recovery period” [Z4:23].

297. Although the case put to Ms Pitfield was that the Father did not attempt to manual handle CA whilst he had his brace on from 7 May 2024 to 12 June 2024 when it was removed Ms Pitfield’s written evidence was that:

[Z4:22]

On the initial review visit I completed, I had offered Father demonstration of how to position and hoist CA into his wheelchair from his bed using the equipment however he declined. Father had stated to me that he is fit and healthy and therefore whilst he has his strength is still able to lift CA out of bed.

298. In her oral evidence she confirmed this was the day after discharge (8 May 2024) and CA was still in his brace. Again, there is a direct contradiction between the Father's case and Ms Pitfield's evidence.

299. It was suggested to her that the treating surgeon had agreed the Father could manually handle CA from his bed to the Father's bed which was positioned alongside. She was asked if the Father had ever told her that and said he had not and she would have remembered it "because it would be part of a medical recommendation from a consultant" and it would have been inconsistent with her view of the importance of using a hoist. This was a third inconsistency.

300. It was also put to Ms Pitfield that the reason the hoist was in the hallway and there was no clear pathway to the bedroom as she described it was because the Father would move CA's bed across the doorway of the bedroom and move the hoist to the doorway on the hallway side and use it in that manner. This case had never been put previously; Ms Pitfield said when she was having difficulty moving the hoist into CA's room to use it on 10 July 2024 she did not recall the Father making the suggestion above and "would have remembered that because I had difficulty getting the hoist into the room". This amounts to a fourth inconsistency with the Father's evidence.

301. There is corroborative evidence from the social worker who reported that on 11 July 2024 (wrongly recorded as 11 May 2024 in her witness statement):

[C17]

The Physiotherapists asked if Father uses the hoist provided for CA and Father replied "I don't, I lift him, that's for when I am not here, if something happens to me. Father said he was told at the hospital that he can lift CA.

302. What the balance of this evidence tends to suggest is that the Father did not use the hoist when CA was in his brace or after. The only contradictory evidence, except from the Father, is the social worker's note of what the Mother said on 9 May 2024. The social worker may have mixed up lifting CA and hoisting CA although the context of the note makes this unlikely (she had asked if Father had

been helping with hoisting CA) or the Mother made a mistake or was telling the social worker what she thought the social worker may want to hear.

303. In light of the concerns I have as to the Father's credibility I prefer the clear recollections of Ms Pitfield and find:

**After CA's discharge from hospital on 7 May 2024 the Father refused to use CA's hoist in the family home contrary to the advice of professionals and presenting a risk to CA.**

#### 15: Father failed to engage appropriately with CA's medical needs (15 July 2024 health check)

304. The Local Authority allege the Father frustrated an attempt to take CA to an appointment at Hospital A and was obstructive to professionals. The Father says CA "became very distressed and upset" and could not be forced to attend [A165]. He asserts CA came out in "hives". That assertion is consistent with the evidence of Ms Gray and Ms Warr who report the Father saying that but neither could see evidence of it ([C135] and [C169] respectively). Father is reported to have said CA should not go and became "very agitated and raising his voice" [C135].

305. The Father has produced a photograph which he alleged showed the hives [Z4:20]. When Ms Gray gave oral evidence she was shown the photo and denied seeing that, she also said that CA's upper torso was not clothed, contrary to the Father's assertion in cross-examination that he was wearing a blue shirt (a fact not mentioned in his second witness statement to which he exhibited the photo of CA allegedly showing hives and in which it would therefore have been expected he would have mentioned the blue shirt).

306. The social worker records the Father did not take CA to his appointment on 15 May 2024 (presumably an error as to date) [C15].

307. I note both Ms Gray and Ms Warr refer to CA crying on their arrival ([C135] and [C169]) and when Ms Gray gave oral evidence she said "He was just upset the whole time we were there". However, she also said she did not see Father trying to persuade CA to attend hospital but said "we stepped outside and I can't honestly remember what he said".

308. I cannot be satisfied on this evidence that the allegation the Father deliberately frustrated CA's attendance at hospital is made out on the balance of probabilities. All the witnesses agree CA was distressed, there is no evidence the Father actively encouraged that.



16: Father failed to engage appropriately with CA's medical needs (wheelchair)

309.The Local Authority allege the Father obstructed the provision of a new wheelchair for CA, the Mother says he refused one. The Father says he “went to all the appointments to ensure CA had the right wheelchair” and “contacted the wheelchair providers” [A165-6].

310.The Local Authority say the consequence was that CA's ability to mobilise and access education was compromised. I have addressed the non-attendance at school above.

311.The Father's evidence is:

[C103/12]

I did raise issues with three of the NHS wheelchairs. Initially, a wheelchair was provided by the NHS that we were immensely grateful for them providing. However, after CA's reconstructive surgery, the wheelchair was no longer fit for purpose. The second wheelchair came and was unsuitable as the foot holds did not hold CA's foot in place. The wheelchair did not consider the different sizes of CA's legs and meant one foot would often fall off the footrest causing him discomfort. The third wheelchair did not have appropriate bi-lateral support for CA's spine. The wheelchair caused CA's spine to be unsupported and he would twist in the chair. The NHS agreed that these chairs were unsatisfactory and have subsequently organised for a specified chair to be made that is moulded to the shape of CA's back.

312.The Mother said “He also did not approve the numerous wheelchairs provided for CA claiming them to be unsuitable for his use” [C157/13].

313.Ms Gardner reported (my emphasis):

[C146/3]

I followed-up by speaking to the wheelchair service on 15/07/2024 and 17/07/2024 - they explained that they had not yet provided a new wheelchair as Father had informed them that CA's spine and hips were continuing to change post-operatively and they were therefore concerned that a wheelchair assessed for now would not meet CA's needs in the near future. I explained that we would not expect any change to wheelchair or postural needs beyond those associated with childhood growth and development at this stage following CA's operation...

314.This evidence differs from the Father's.

315.There is a reported email from her to the social worker on 15 July 2024:

[F63]

I have just spoken to wheelchair services, as I am concerned that after the length of time that has passed since the original wheelchair problems without CA having a suitable wheelchair. From their notes, it sounds as though dad has not been giving them quite the handover that I would have(!) about CA's recovery and general needs. The wheelchair service have just received delivery of CA's new wheelchair however they thought that they can't provide a long-term wheelchair for CA currently, as the shape of his pelvis and spine will continue to change as a result of the hip surgery. I have explained this is not the case, and expressed concern that not having a suitable wheelchair is being used as an excuse for CA not being able to attend school and generally access the community.

316. I am not satisfied the Father deliberately obstructed the provision of a new wheelchair for CA. His behaviour is equally consistent with him ensuring CA was provided with what he understood (perhaps erroneously) was required for his needs.

#### 17: Father failed to acknowledge CA's medical progress

317. The Father denies the allegation saying that he "made a video diary every day to show how CA was progressing" [A166].

318. The Local Authority rely upon a report from CA's school:

[C12]

... School has observed that Father minimises any improvement CA is supported to make, regarding his disability and independence.

[C16]

I am also very worried that Father has made CA's condition appear worse to try and strengthen his case against the NHS. Father takes over CA's appointment and attempts to tell the Professionals what to do. He does not allow CA to speak for himself.

319. I do not find this allegation made out on this very limited evidence.

#### 18: Parental drug and alcohol misuse

320. The Father admits testing positive for medium level use of cannabis and cocaine in June, July and August 2024 and chronic excessive alcohol use in the same period.

321.The Mother admits testing positive for cocaine use, it does not appear to be in dispute that, as she admitted, she was using up to twice a week every other week with the last usage being in June 2024. She admits chronic excessive alcohol use from mid-June to Mid September 2024 and excessive use from mid-September to mid-October.

322.Accordingly I find:

**The Father tested positive for medium level cannabis and cocaine use and chronic excessive alcohol use in June, July and August 2024. The Mother admits fortnightly use of cocaine to June 2024 and tested positive for chronic excessive alcohol use from mid-June to mid-September 2024 and excessive alcohol use from mid-September to mid-October. Parental drug and alcohol misuse is likely to present a risk of harm to the Children.**

323.There is a further allegation that on 7 May 2024 the home smelled of cannabis with the Father, CB and CC present and the Father appearing disorientated, erratic and aggressive and appearing to be drinking beer from a wine glass (see also in relation to allegation 19). The Father denies this save that he was drinking Red Bull [A168]. The Local Authority rely upon the health visitor's evidence that she "detected a smell of cannabis from the family home" and the Father's eyes appeared red and he was initially disorientated [C107]. That said, the police record of the strategy meeting records the other health visitor did not smell cannabis [I33].

324.The same record records the social worker (who attended later) "observed father drinking what looked like beer from a wine glass. He also smelt of alcohol when he squared up to Social Worker. Father was very hiethed [heightened?]"

325.In light of the difference of opinion between the health visitors and the limited impression evidence I do not find on balance that the home smelled of cannabis on 7 May 2024.

### 19: Father's mental health

326.The Local Authority allege the Father was previously diagnosed with depression. He denies it but admits suffering panic attacks and anxiety for which he was prescribed sertraline which he stopped taking as it was not assisting and he "declined support on 2 July 2024 as he did not require it" [A171]. The Local Authority says he hung up on his GP, he does not address that allegation. The Local Authority says he denied mental health issues to his GP on 16 September 2024, he does not address that allegation.

327.The Local Authority allege he self-harmed by lacerating his wrist. The Father says he “does not have any lacerations on his wrist”. I am not sure if that is strictly a denial of past lacerations.

328.The Local Authority case is in part based on a GP report recorded in the single assessment at [F62] in these terms:

Problems on record: Previous self inflicted lacerations to wrist, previous depression, previous anxiety.

329.It is also based on a letter sent to Father’s solicitor from his GP which records the other allegations [E30].

330.On the basis of the GP letter I find on balance that:

**The Father had a diagnosis of anxiety on 16 June 2024, but denied ongoing mental health concerns on 16 September 2024.**

## Conclusions

331.My findings on allegations 1 (verbal abuse), 3 (social isolation), 4 (financial control), 5 (verbal abuse and control of CA’s care), 6 (coercion to take drugs/disclose photos and sexual abuse), (physical abuse) and 8 (emotionally abusive emails) fit the definition of coercive and/or controlling behaviour. I make a further finding that:

**The Father has engaged in coercive and/or controlling behaviour over a period from 2023 (at the latest) to 30 July 2024 as evidence by my findings on allegations 1 and 3-8 above.**

332.In light of these extensive findings, principally against the Father, I find that the threshold test in section 31(2) Children Act 1989 is met. I have set out where findings have specifically impacted on the Children above. More generally, on the balance of probabilities, the coercive and controlling behaviour of the Father has caused harm to the Children in the way summarised by the Court of Appeal in *Re H-N* paragraph 31 noted above (witnessing abuse, causing the Mother to be unable to prioritise the Children’s needs and creating an atmosphere in the home inimical to the welfare of the Children).

