

IN THE FAMILY COURT AT BLACKBURN

Blackburn County Court and Family Court
64 Victoria Street
Blackburn
BB1 6DJ

BEFORE:

HIS HONOUR JUDGE BOOTH
(sitting as a High Court judge)

BETWEEN:

A COUNCIL

APPLICANT

- and -

M

B

D

RESPONDENTS

C (THE CHILDREN VIA THEIR GUARDIAN)

Legal Representation

Miss Bowcock KC and Miss Perplus (Counsel) on behalf of the Applicant Local Authority
Miss Worsley KC and Miss Goodman (Counsel) on behalf of the Respondent (M)
Miss Hargreaves and Miss Wilson (Counsel) on behalf of the Respondent (B)
Miss Irving KC and Mr Durham Hall (Counsel) on behalf of the Respondent (D)
Miss Watkinson (Counsel) on behalf of the Respondent A, (a child separately represented)
Miss Korol (Counsel) on behalf of the Respondent Children (via the Guardian)

Approved Judgment

Judgment date: 31.05.2023

“This judgment was delivered in private. The judge has given leave 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 just be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court.”

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His Honour Judge Booth:

1. These are proceedings under part IV of the Children Act 1989. I have been conducting a fact finding and welfare exercise in a composite hearing concerning four children, A (aged 15), X (aged 14), Y (aged 13), and Z (aged 12 months).
2. The mother of all four children is M. The father of A, X and Y is B. The father of Z is D. There is an older child within the household, E, who was originally part of these proceedings but is no longer part of the case. His status is as a witness.

Representation

3. The Local Authority has been represented by Miss Bowcock KC and Miss Perplus. The mother has been represented by Miss Worsley KC and Miss Goodman. The father of the three older children has been represented by Miss Hargreaves and Miss Wilson. The father of Z has been represented by Miss Irving KC and Mr Durham Hall. A has been represented by Miss Watkinson. The three younger children have been represented by Miss Korol, through their Guardian, Lauren Bates.
4. I am grateful to all the advocates in this case for their diligent preparatory work, the moderate and sensible way in which the trial has been conducted, and the comprehensive and helpful nature of their written submissions to me.

The hearing

5. The case lasted four weeks. At the end of that period, I had insufficient time to prepare and deliver a judgment. In any event, I wanted further time to think about the issues raised in this case.
6. I heard live evidence, including from police officers, social workers, and a nursery worker. In circumstances I will describe in more detail I heard evidence from A, from her older brother, E, and from E's friend, G. I heard from the two paternal grandmothers, and from the mother and Z's father. Finally, I heard from the allocated social worker and from the Children's Guardian.
7. The case raised some practical difficulties about its conduct. Firstly, M was breastfeeding Z and now operates a single parent household, and had the care of three children, plus E, at home. She was at her solicitor's offices observing the proceedings via video link, on all bar the days when she gave her evidence. When she gave her evidence, I allowed her breaks so that she could check up on and look after Z as necessary. Fortunately, the solicitor's office was but a short distance from the court building.
8. At the start of the proceedings, D, Z's father, was residing in a psychiatric unit in another county. He was discharged during the hearing and watched the proceedings by video link from the unit and thereafter a conference room in the court building, save when he gave evidence himself.

9. I had conducted a *Re W* exercise in respect of A, E and G. All three, by virtue of their ages, were vulnerable witnesses, and all three had additional difficulties requiring support.
10. What was agreed by counsel, in my view correctly, and adopted, was that the evidence of those three witnesses should be given by live link but at a remote location, with support as advised in respect of each of them, and in the presence of me and one female advocate asking questions agreed in advance and vetted by me, but on behalf of all of the advocates. Given that the most serious matters under investigation concerned D it was agreed that Miss Irving should be the advocate to ask those questions.
11. The witnesses were made aware that everybody else in the case would be watching them give their evidence via the video link, but in front of them they had a blank screen, save for a small image of themselves. I am satisfied that that was a sensible and practical way of those witnesses giving their best evidence.
12. When the mother and D gave evidence in the courtroom, the number of people in the room was limited to those with questions to ask, or who were assisting by taking a note. Again, I am satisfied that the measures put in place allowed each of them an opportunity to give their best evidence.
13. During the course of the hearing, the Local Authority took the very sensible decision to reduce the findings that it sought from the Court. In any event, it is simply not appropriate, nor necessary, nor proportionate, for me to decide every issue or fact that has arisen in this case.
14. I have a substantial volume of written material. This is a family who have been involved with social services and the courts for many years. There were two sets of private law proceedings between the mother and the father of the three older children. The second set of those proceedings continued to run once the care proceedings were issued.
15. The police investigation generated a substantial volume of paperwork but, despite that, has been criticised by the Local Authority for its inadequacy. For example, there was plainly an inadequate investigation of potentially relevant mobile phone material, although the material I am going to refer to the most was, in fact, secured by the police.

Introduction

16. Let me say a few introductory words about what this case is concerned with. This is a case about sex and lies. The children's mother has worked as a sex worker, predominantly online, throughout the children's childhood. It was a feature of her life when her relationship with the three older children's father broke down in 2012. It continued right up until the day of the police involvement with the family when it appears, both from the way she dressed and what she said, that she was due to go online at that moment. She conducted her work both from the family home and externally.

17. One of the issues I will have to look at and weigh up in this case is the impact of pornography on the lives of these children in particular, taking notice of the ubiquity of pornography and the ready access to it for any child who has a smartphone.
18. The assessment of the evidence in this case, and of the witnesses, has been made more difficult by the dishonesty, first and foremost, of the children's mother. Again, I do not need to make findings of fact in relation to every issue that has arisen suggesting she has been untruthful, but the reality is that she has encouraged her children to be untruthful, to tell people what she wanted to be heard, and that has inevitably made an assessment of things said by the children challenging.

Chronology

19. The incident that started the investigation by the police and by social services occurred on 26 July 2021. A was found on the porch roof in the front of the house by an employee of a business situated next door to the family's home. A told her that her "stepdad" had been touching her. A told the worker that her mother's response to what A had said was to call A a liar, and to say that she would have to go and live elsewhere.
20. The worker called the police. The 999 call was recorded. It ended when the police arrived at the family home, by which time A was down off the roof. Her mother had come out and grabbed her arm and appeared to be dragging her back into the house.
21. When the police arrived, they were wearing body cameras, and I have bodycam footage of what ensued. It shows A curled up in a chair, completely distraught, whilst her mother calmly explained to the police that A told lies, was emotionally unwell, that she, her mother, was a teacher, and that her partner, the man being accused by A, was an emergency services worker and the mother's carer. The police arrested D, and A was taken to her paternal grandparents' home, relatives she had not seen for three years as her mother had stopped contact to the paternal side of the family.
22. D was bailed to live at his mother's address and was interviewed the following day, 27 July 2021. He gave a no comment interview, and a pre-prepared statement was read out on his behalf in which he asserted that A was "over familiar" with him and had to be told to stop by him and her mother. He said that the mother and he were going through a process of "adopting" a 16-year-old child called G and, as a result of that, he believed A had become jealous.
23. D was interviewed again on 8 December 2021 because of allegations made by a girl called K, and about what appeared to be a sexually inappropriate message exchanged between him and G. He again made no comment to the questions asked of him. A further pre-prepared statement was read in which he denied the new allegations and asserted, in relation to the first allegations, that A had admitted to her mother and to E that she had lied about the allegations.
24. In relation to K, he asserted that she was also over familiar and indeed infatuated with him. He denied spending time alone with A or K, and he asserted that the messages with G were only banter. Having completed their investigation, the police decided not to press charges against D.

25. The Local Authority seek findings in respect of sexual abuse and sexual boundaries, the mother's response to A's allegations, the emotional harm to A, and the emotional harm to the other children. I will conclude this judgment with a schedule of the findings that I make and identifying those that I do not make.

The law

26. Let me deal next with the law applicable to fact finding. Some of the points I need to consider can be dealt with shortly:
- a) The burden of proving the allegations they make, lies with the local authority.
 - b) The standard of proof is the simple balance of probabilities. What is more likely than not to have happened?
 - c) The Court must take into account the inherent probabilities of an event occurring or not.
 - d) Findings of fact must be based on evidence and inferences that can properly be drawn from the evidence but not on speculation.
 - e) The Court must look at the broad canvas of the evidence and put each part of the evidence in the context of all of the rest of the evidence.
 - f) The evidence of those who were there when the events in question occurred is of the utmost importance, and the Court should form a clear view of their credibility and reliability.
 - g) There is no burden on those who were there to come up with an explanation, and the absence of an explanation does not necessarily mean that the real explanation must be sinister.
 - h) Where lies are told during an investigation, and to the Court, the Court must give itself a *R v Lucas* direction, remembering that lies are told for all sorts of different reasons, and the fact that a witness has lied about one thing does not mean they have necessarily lied about everything. This aspect of the law was comprehensively considered by McFarlane LJ in *Re H-C (Children)* [2016] EWCA Civ 163 onwards.
27. The law in cases of sexual abuse of children was considered in a comprehensive judgment of McDonald J, *Re P (Sexual Abuse: Finding of Fact Hearing)* [2019] EWFC 27, which was affirmed by the Court of Appeal in *Re JB (A Child) (Sexual Abuse Allegations)* [2021] EWCA Civ 46. I adopt the presentation of the law as set out therein for my purposes. Miss Irving and Mr Durham Hall have quoted extensively from the judgment of McDonald J in a number of respects. I was reminded of the passages at the beginning of his judgment where McDonald J set out some of the difficulties that frequently confront the Court:

5. Where sexual abuse has occurred, it is not commonly witnessed by an independent third party. Beyond issues of social stigma, perpetrating adults are often reluctant to make admissions in the context of family proceedings in circumstances where they face, or may face, criminal prosecution. The alleged

victims of sexual abuse are often vulnerable children with other difficulties that can affect the credibility of their allegations, which allegations often emerge a considerable time after the alleged abuse has taken place, and therefore long after any physical evidence that may have existed has disappeared. The allegations may emerge in a piecemeal fashion, with children often not reporting events in a linear history, reporting them in a partial way and revisiting topics more than once. Such children may, whether by reason of their age, or the impact of the alleged sexual abuse or other difficulties, be idiosyncratic, inconsistent or unreliable historians. The age, psychological state and/or views of the child may mean, as in this case, that the court does not hear their accounts challenged forensically in cross examination and, accordingly, is deprived of one of the key forensic tools for testing the truth of a disputed account before the law. The child may suffer from psychological sequelae that may or may not be the product of sexual abuse but which, in any event, makes the assessment of their reliability even more difficult. It is not unknown for children to lie about having experienced sexual abuse or to fabricate allegations of the same.

6. More generally, human memory is not a single, simple system. What is remembered of an experience by a child or young person will not be a complete picture akin to a photograph or CCTV recording and will vary depending on the age at which the experience took place. What an adult may consider to be a key element of a remembered experience, and therefore key to assessing the reliability of the memory, may not be significant from a child's perspective. The physiological processes involved in the encoding, storage and retrieval of memories are susceptible to internal and external influences. Within this context, children's accounts can be affected by their level of functioning, their emotional state and their levels of suggestibility. It is also possible for a child to "remember" an event that has not in fact occurred, or which has not occurred precisely in the way remembered. The child's recollection of past experiences can be influenced by the process of questioning the child. I deal with this issue in detail at paragraphs [571] to [587] below.

7. This means that, within the context of other already considerable forensic challenges, and of particular significance in this case for reasons that will become apparent, the ill-considered reaction of well-meaning adults to children making allegations of sexual abuse, or a failure by professionals to apply rigorously long-established guidance and good practice in dealing with such allegations, can have a deleterious, and sometimes fatal impact on the reliability of the allegations when they come to be considered by the court. In cases of alleged sexual abuse, there is a significant forensic tension between the need to provide understanding, support and care for children who may have been sexually abused, where the presence of a supportive non-abusing adult who listens without judgment and takes seriously what the child is saying is essential to that child's current and future wellbeing, and the requirements of the legal process for establishing the truth or otherwise of those allegations in a court of law. That difficult forensic tension falls to be addressed in this jurisdiction by the careful, rigorous and diligent application of comprehensive statutory guidance and good practice principles born out of long experience. The gravity of the consequences of a failure to apply with rigor these clear and long-established principles when dealing with allegations of sexual abuse was set out with pellucid clarity by Wall J (as he then was) in *B v B (Child Abuse: Contact)* [1994] 2 F.L.R. 713, in which he observed that:

“... by muddying the waters it frequently renders impossible the task of the court in deciding whether or not there has been abuse. Thus it may not be possible to make a finding against an alleged perpetrator who is in truth guilty”.

8. *Finally, the possibility of much easier access to pornographic material on social media and the Internet means that concepts such as age-appropriate sexual knowledge, and conclusions as to the source of detailed knowledge of specific sexual acts must be treated with far greater care than in the past. Medical evidence in cases of alleged child sexual abuse is rarely definitive and very often non-specific, ambiguous, equivocal or, on occasion, controversial. Within this context, experienced medical professionals and experts in the field may reasonably reach different conclusions on a given physical presentation. Research and practice as between jurisdictions may differ in this regard.*

9. *The consequences of the court reaching the wrong conclusion in respect of an allegation of child sexual abuse include a child being returned to a position of danger or, conversely, a child being deprived of a family that is, in fact, perfectly safe. In the circumstances, when determining whether sexual abuse has taken place and, if so, who is responsible for perpetrating that abuse, it is vital that the court remain acutely conscious of the forensic difficulties outlined above. As Holman J observed in Leeds City Council v YX & ZX (Assessment of Sexual Abuse) [2008 EWHC 802 \(Fam\)](#) the task of the court in cases of this nature is not so much akin to putting together a single jigsaw puzzle in which all the pieces are present, but rather:*

“If the jigsaw metaphor is helpful at all, then, in my view, it is important to think of a pile of jigsaw pieces in which pieces from more than one jigsaw have been muddled up. There may be pieces which, on examination, do not fit the jigsaw under construction at all, but which require to be discarded or placed on one side.”

28. It was on 18 January 2022 that the Local Authority issued public law proceedings in respect of A, E, and the two younger children. On 13 April 2022 the mother gave birth to Z, and the Local Authority issued care proceedings in respect of him on 29 April 2022. The case was initially case managed by other judges but subsequently came to me when the full complexities were recognised, and I was authorised to hear the case sitting as a High Court judge.

Social services

29. Let me next set out a little bit more of the history of the family and the involvement of social services. The mother and father of A and her younger two siblings married in October 2012 but separated within a matter of days. Each made allegations against the other. The mother alleged that the children's father was harassing her, and he alleged that she was selling sexual services online. She denied those allegations, but accepted she had contact with men online, and by post, who had foot fetishes. The Local Authority took no action.
30. In November 2012 a further referral was made to the Local Authority of the mother making allegations of domestic abuse against the children's father. In May 2013 the children's father contacted the Local Authority and alleged that A had informed his sister that her mother's new partner, D, had “showed her his tinkle” on two occasions,

and that he had hurt her brothers using his muscles. The conclusion of the Local Authority investigation was that the allegations were not substantiated.

31. The children were the subject of private law proceedings in 2013 which concluded with a Child Arrangements Order, providing for the children to live with their mother and spend regular time with their father. Throughout this period the mother was living with her partner, D, a man she had met prior to her marriage to the children's father, but who moved in shortly after the father had moved out.
32. In 2017 the contact arrangements broke down following allegations made by the mother to the NSPCC that one of the boys had been assaulted by his father, and that he had pushed into the back of the children's spines and hit them around the back of the head. A child protection medical was undertaken, and a strategy discussion took place, and a section 47 investigation was carried out, which concluded that the allegations were not substantiated. Irrespective of that outcome, the mother stopped the children seeing their father, and the children had not had contact with him until it was reinstated within these proceedings.
33. In April 2019 the Local Authority were again involved when they received a referral from Barnardo's Young Carers to the effect that A was a young carer for her mother. The case was closed.
34. Between January 2019 and early 2021, A had 42 sessions of therapy with Dr K. The mother asserted that A had suffered abuse and witnessed abuse from her father. It was alleged by the mother that A was defecating and urinating uncontrollably in the house as a consequence. When the younger children were spoken to, that was not something they were able to confirm.
35. The therapy sessions involved the mother giving an oral update to the therapist before every session. In many of the sessions, the mother was sitting in. The span of the therapy included lockdown where the therapy was conducted online. Following the Barnardo's referral, social workers went to see the children, but the mother refused to allow the social workers to see them alone.
36. In February 2020 the mother made a referral herself to the Local Authority, requesting support for A's behaviour. Concerns were raised by the professionals involved with the family about whether the mother was being truthful in her description of ailments she attributed to the children, and to herself, as these were not corroborated by the family GP or observed in school. That led, in May 2020, to the children being made the subject of child protection plans under the category of emotional abuse.
37. Chronologies were prepared by medical professionals at the time in relation to their concerns, and the Local Authority prepared schedules of the medical records. But ultimately the Local Authority conclusion was that there was insufficient evidence to substantiate an allegation of fabricated or induced illness, and the case was de-escalated in December 2020.
38. By that time, on 26 October 2020, the children's father had applied for a Child Arrangements Order. Within those proceedings the mother raised, again, allegations of domestic abuse against him but did not pursue them. He in turn raised allegations that the mother had alienated him from the children.

39. Within those proceedings the mother, and indeed the whole family, were assessed by a psychologist, Dr Y, who concluded that there were indicators of parental alienation, and of the mother influencing the children in terms of their perception of family and of their father in particular.
40. On 27 April 2021 the police made a referral to the Local Authority as a result of A making allegations against another pupil at her school who had assaulted her, including groping her breasts. The boy in question denied touching A sexually but admitted pushing her to the chest. It is noteworthy that the original report to the police was by the children's mother. A, when she gave evidence, made clear that all that had happened was that she had been pushed to the chest, and that the other allegations of a sexual nature emanated from her mother. I believe A on that point.

A's allegations

41. Miss Irving and Mr Durham Hall have very helpfully set out in tabular form the allegations that A made. What happened was this, that sometime on either 23, 24 or 25 July 2021, A told her brother E that D had touched her and that it had been going on since she was ten years old. E told her that she must tell their mother.
42. On 26 July she told her mother that D had touched her. It is clear from her mother's reaction later that day that her mother did not believe her. Indeed, that is what A said to the worker from the business next door later that afternoon. When she spoke to the police on 26 July 2021, A said that D had been sexually abusing her from the age of ten years old. She said he got into her bed and digitally penetrated her, and that she had pretended to be asleep.
43. She said that D had orally raped her and ejaculated in her mouth. She could not remember when this happened or where in the house it happened. She alleged that he had ejaculated on her chest as she had challenged him about ejaculating on her face. She alleged she had been vaginally raped and said it had caused her to bleed. She was not able to say where the vaginal rape had taken place or what she had been wearing. What then follows, in relation to the questioning of A, has been the subject of detailed criticism and submissions to me.

ABE guidance

44. It was clear, when they gave their evidence, that the police officers who were running the investigation into A's complaints, and indeed the officer who interviewed her, had no working knowledge of the Guidance for Achieving Best Evidence. In his judgment in *Re P*, McDonald J traces the ABE guidance back to its starting point with the Cleveland Inquiry, which is again something about which none of the witnesses in the case were aware. It inevitably follows that the Achieving Best Evidence guidance was not followed. What impact does that have?
45. I would like the Chief Constable of the Lancashire Constabulary to be made aware of the lack of knowledge of Achieving Best Evidence. In this case it has made the assessment of the evidence far more difficult than it need have been. There will inevitably be cases in which that lack of knowledge will result in the wrong conclusions being reached with all the harm that will follow to children and/or their

parents and others. This is not the first case where this problem has arisen nor is it the last. More effective training is essential.

46. The first thing to state is that the Achieving Best Evidence guidance is there for a reason. It is there to ensure that the Court, whether the Family Court or the Criminal Court, has the best evidence available to make decisions about what has or has not happened, so that when the Court is invited to look at questions of consistency or inconsistency, or when the Court is invited to look at the detail given by a complainant, or to look at how details emerged during the course of questioning, all the information to make a reliable assessment is there.
47. The legal effect of a breach of the guidance is to affect the value of that evidence, or the weight that can be given to it. In an extreme case it may mean that no weight can be given to the evidence. Compliance with the guidance does not absolve the Court from the need to examine the evidence and weigh it carefully. What it may mean, however, is that the weight that can be given to it might be diminished because of failures to follow the guidance.
48. What was also clear was that the social workers had no idea about Achieving Best Evidence, or anything to do with the guidance.
49. On 26 and 27 July, the social workers were presented with a case of a teenage girl being sent away from her family home by her mother to live with grandparents she had not seen for three years. This was also a child who had had previous involvement with social services, where her mother had made referrals seeking support for her, and where clearly some sympathetic and empathetic social work was needed.
50. Inevitably, part of the discussion taking place with social workers from the very start was to find out from A what had happened, and to identify the help and support she might need.
51. Miss Irving characterised the impact of social services' intervention as "trampling all over" the evidence. That is not a fair assessment, but clearly it would be of help for social workers to have at least a basic understanding of what is required of everybody involved in an investigation into criminal offences, and particularly those of a sexual nature.
52. On 27 July 2021, A was collected by her mother from her grandmother's home and taken back to the family home so that she could be spoken to by social workers and the police. With the benefit of hindsight that should not have been allowed to happen. During that journey in the car alone with her mother, something happened for A to change her story.
53. A, in evidence, said her mother told her to say she had been exaggerating. Her mother put forward that it was A who suggested she had exaggerated. When asked what bits she had exaggerated, A said "the amount of times he touched me with his penis."
54. In circumstances where there had been previous concerns about the mother influencing the children in what they said, it was very unfortunate that A should have been allowed time alone with her mother in the car ahead of her being spoken to, to

elicit a fuller account of what she had to say. I am left in no doubt that this was an attempt by the mother to influence A and to undermine her credibility.

55. A, too, was in a dilemma. Of all the reactions she had expected to saying what she did to her mother, she had clearly not envisaged the reaction she got, namely, to find herself excluded from the family and branded a liar by her mother, although she may have anticipated that her mother might have been reluctant to believe her.
56. It is clear that from the start, A wanted to be reintegrated into her family, and was concerned about what she had done to blow the family apart. Despite that, when spoken to by the police on 27 July, she reiterated the gist of her story. Namely, that it had started when she was ten, that he touched her breasts regularly, and he touched her vagina with his hands and once or twice with his penis. She said it happened in his room, and the most recent time was two weeks ago. She said he had touched her when she was in the kitchen, in her room, and the front room, but he had only touched her with his penis in his room. She said his penis touched her mouth and her vagina.
57. During the early part of August 2021, A was spoken to by social workers on several occasions. No proper note taking occurred in compliance with the ABE guidance.
58. On 11 August when she spoke to a social worker, A said that she had told her brother first but that her mother knew and had said to her that “If it was the way he hugged [her], we would sort it out.”
59. She made a reference to G, who by that stage was living at the house, and said that “When G came, they forgot I was there, and they forgot to feed me.”
60. On 13 August, a joint interview was conducted between social services and the police. A gave a further account of the history of the matter and described how sexual things would happen whilst she was making packed lunches. She described D putting his penis in her mouth every day of Year 6. She described how by Year 9 it had got worse and he was putting his penis inside her.
61. On the ABE1, which is a form filled in by the police ahead of a formal Achieving Best Evidence interview, a police officer had recorded that A had said she was ten when her stepdad abused her. He went into her room and digitally penetrated her. This progressed to oral rape and then he ejaculated in her mouth. He ejaculated on her chest when she challenged him for ejaculating on her face. He vaginally raped her, and this made her bleed.
62. On 20 August 2021, A was spoken to by a social worker but there are no notes, and it has not been established who the social worker was.
63. On 23 August 2021, the Achieving Best Evidence interview with A took place. She alleged that D had penetrated her vagina with his penis sometime in either June or July 2021 in his bedroom. She described digital penetration in his room. She said that just before she turned 11, he made her engage in oral sex, and on one occasion he took a photograph of her doing so. She went on to allege that she was blindfolded, and from the age of 11 he would vaginally rape her. She described that when it was his birthday he would ejaculate on her chest.

64. The following day she was seen by a social worker. On 23 September 2021, A spoke to Dr Y, who was preparing her psychological assessment of the family within the private law proceedings.
65. Miss Irving and Mr Durham-Hall observe that of all the people who spoke to A the only one who made any attempt to comply with the ABE guidance was PC R who she told she had exaggerated when spoken to on 27 July 2021 following the car journey with her mother.

A's evidence

66. What do I make of those events and its effect on A's evidence? Miss Irving and Mr Durham Hall put it this way:

“There can be no doubt that A is a young woman who has a history of not telling the truth. She is a young woman who has been brought up within a dysfunctional household, with a mother who has been dishonest with a multiplicity of public bodies, and who has learned the power of making allegations.

It is clear that she hoped that making the allegations would result in her mother providing her with the attention that she craved. Within these proceedings she threatened to make allegations against her father if he made her go to school. It is a dysfunctional way to obtain what she wants and is learned behaviour from her mother.”

67. One of the things that was lacking in the questions asked of A in her ABE interview was any attempt to elicit detail from her. By that I mean the kind of detail that would assist with differentiating between something she had experienced herself, and something she might have been told about or seen on a screen. That was remedied when A gave her evidence.
68. When she described the smell and the taste of semen, when she described how having a penis inserted into her vagina hurt, there was little doubt that she was describing things that had happened to her. Does that mean that the allegations she makes are necessarily true? That is one of the questions I will have to weigh up.

D

69. What do I know about D? Firstly, that he is a man of good character who held a responsible job in the emergency services and about whom no concerns or worries had been expressed by anybody, least of all the children, during the ten years or so he had lived with them. His role in the family home involved him providing a great deal of care for the children. Whilst the children's mother was working either online or away from home, as she did from time to time, he would be there to care for the children.
70. His work meant he spent a lot of time at home. He had a van which was used for transporting the children to and from school when needed. He took the children for walks and played with them. He told me that he had never wanted children of his own but had enjoyed his relationship with his partner's children. He is younger than their mother.

71. It was part of his case that the allegations made by A against him could not be true, simply because of the lack of opportunity. The family lived in a small house. The eldest child, E, was something of a recluse, spending much of his time in his room on his computer. With two adults and four children in a three-bed semidetached, modest, rented home, space was at a premium. For several months in 2018 the children's maternal grandmother had lived with him. The family had two large dogs and other smaller pets.
72. In his interviews with the police, when he gave his pre-prepared written statement, D painted himself as an innocent figure. Unfortunately for him the text message exchanges he was having with K, a friend of E's, paint a very different picture. Over a number of months, he systematically groomed K towards a sexual relationship with him. She was 15 at the time.

K

73. As E, A, and the children's mother thought, K may well have had a crush on him. But no sensible reading of the exchanges between the two can lead to any other conclusion but that he gave her every encouragement, suggesting that feelings of affection were reciprocated, and attempting to obtain from her, sexual responses such as photographs and other images, and arranging meetings in secret between the two of them that he plainly hoped might lead to sex.
74. When he was cross-examined the context of some of the exchanges was explored and supported in its entirety the interview that K had given to the police in which she set out what he had done to her. She described him touching her breasts and her bottom on numerous occasions at the family home when she was 15. She described an occasion where D stroked her thigh under a blanket when he, herself, G and E were watching a film in a bedroom.
75. It was possible to identify in the text messages, and he conceded this in evidence, that he had kissed her upstairs in the family home.
76. The activity only came to an end when K herself stopped it. Despite that, D kept open the channel of communication, and subsequently again started the process of grooming.
77. What inferences can I properly draw from that evidence without speculating? Firstly, it showed an adult male taking a sexual interest in a teenage girl. Secondly, it showed persistence and skill in the process of grooming. Thirdly, it showed that he was prepared to take sexual risks, firstly, in the presence of others, and secondly, in a busy crowded house.
78. Even when he gave his evidence, D sought to blame all this activity, or at least 50% of it, on K. He failed to accept that, as the adult, he was the one responsible and that he should have behaved differently. Even when confronted with the unambiguous evidence of the messages, he tried to exculpate himself and refused to accept responsibility. At the very least, he lied about what had been going on with K.

79. What is the relevance, if any, of what happened with K to my assessment of the allegations made by A? Can it amount to corroboration? Where do his lies about what happened to K fit into the overall picture?

G

80. The third strand of sexual allegations against D emerged late in the proceedings. The initial investigation of D's telephone revealed an exchange with G which appeared to be a reference to oral sex. D at the time, and G ever since, including when he gave evidence, said that it was not in fact a reference to oral sex but something from TikTok. Given that G now alleges that D involved him in a relationship that became sexual and involved oral sex, that is a surprising stance to have maintained if it were not true.
81. What do I know about G? G has been described throughout these proceedings as “a vulnerable adolescent.” G was born a girl and retains the body of a girl. He has lived for seven years as a boy and has adopted a boy's name. He was, in 2021, E's best friend. He, along with K, was a very regular visitor at the family home.
82. When asked at the time of the police interrogation of his phone when the police revealed the apparently sexual messages between him and D, he maintained that there had been no inappropriate relationship with D and provided the explanation I have given to the messages.
83. In the build up to A's allegations at the end of June 2021, G had moved to live at the family home, and he did that on his 16th birthday when he left his own family, as he was unhappy with his parents' responses to his sexuality. He was welcomed. He stayed in E's room but spent a great deal of time with D. He had been at the house for four weeks when A made her allegations. His presence in the house is said, by Miss Irving and Mr Durham Hall, to provide the key as to why it was that A made her allegations.
84. A had had a difficult relationship with her mother. This was a repeat of her mother's relationship with her own mother. A had experienced her mother being critical of her and seeking help to deal with her behaviour, behaviour not witnessed by anybody else, in circumstances where A craved nothing more than to have a close and positive relationship with her mother. A had clearly been conscious for a long time of being the only girl in the family.
85. The arrival of G at the house coincided with the mother spending, what appeared to be, longer periods of time away from the family home pursuing her online sexual work.
86. In the days leading up to 26 July 2021, the children's mother had spent the longest period away from home engaged in these activities. She was away for five or five and a half days. A felt the loss of her mother keenly. I have no difficulty in concluding that in combination, the absence of her mother, and the arrival at the house of G, left A feeling unwanted, unloved, and may well have been the immediate catalyst leading to her making her allegations at the time that she did. Does that necessarily mean that the allegations were false claims, or is it merely that the timing of her making those allegations was dictated by the rejection she was feeling?

87. What of G? After A made her allegations, G was advised to leave the family home, and eventually found his way into supported accommodation where he has remained. He explained in evidence that it was only when he had settled in his supported accommodation, and he was talking to the people there, that he felt he had the confidence to say what he alleges happened with D.
88. He described two particular incidents whilst out of the home where D, applying a little force, pushed his head towards his penis so that G could fellate him. He also described D choking him, and on one occasion to the extent that he fell backwards. Both these incidents occurred before he moved to live with the family
89. What emerged at the end of G's evidence, when he was asked to allow his mobile phone to be looked at, was that he and E had been in regular contact with one another throughout the time from June 2021 up to the date of giving evidence. E had denied that that was the case, and G had denied that was the case.

E

90. Where does that take things? E made no allegations of a sexual nature against D. He had changed his story about D when suggesting that D had been harsh and violently abusive to the younger children. He made no allegations of harm to himself. All that could be said was that E had sided with his mother, as might be expected. As I will deal with in due course, she had, by the time of the final hearing, distanced herself from D despite having his child, and despite having maintained a close relationship in the aftermath of A's allegations.
91. Was E encouraging G to make false allegations against D in support of the position now taken by his mother? There was nothing in the messages to suggest that that was the case. In any event, it was the children's mother's case that it was only when she saw and heard A giving evidence describing in detail what had happened to her, that the scales fell from her eyes, and she believed that what A was saying was true. Up until then she had, she said, been hoping that what A had said had not happened.
92. The fact that, according to G, he had performed oral sex on D, was consistent with the allegations made by A. But, perhaps more significantly, the suggestion of choking was something that had been discussed with D in his sexual messages with K.

The children's mother

93. What of the children's mother? I have, throughout the history so far, set out several things about her. She accepts that she has historically had an interest in fetishes and bondage and sadomasochistic sexual practices. Despite many denials it is undoubtedly the case that she was broadcasting on the internet from her office.
94. E and A clearly knew what their mother did to earn an income. Given the size of the house that is hardly surprising. It is inconceivable that D did not know, right from the outset, both the mother's sexual proclivities and the way in which she generated income. As the mother saw it, this was a liberal, liberated household, which allowed the family to explore their sexuality. She had discussed with A, that being the only way in which A could have acquired this knowledge, that she wanted to have a polyamorous relationship.

95. Another individual entered the household, someone called I, who was to be shared for sexual purposes between the mother and D together. That came to an end when the mother caught D in a state of undress with I. That was not what the mother had had in mind.
96. G, as I have already described, was a teenage boy with the body of a teenage girl. E had questioned whether he himself was gay. A is said to have wondered whether she had an interest in girls and had a girlfriend. At a time when the mother was increasing the amount of the internet work she did, D was grooming a 15-year-old girl visiting the house.
97. The Court is not a court of morals, and there seems no end to the different ways in which people express their sexuality, but the important point here is the atmosphere that the mother operated within her house. The lack of rules extended to E and K and G smoking cannabis and getting high at the house or away from the house. The text messages between D and K clearly point to D supplying cannabis for the children's use, and the mother imported cannabis products from America. Does any of that shed any light on to the way in which this household was run and how people thought and behaved?
98. As I have already mentioned, the mother explained in her evidence that the scales had fallen from her eyes when she saw and heard A give evidence. She expressed contrition and deep regret. She said she will never forgive herself for the way she behaved towards A when A told her what she says had been happening to her. She acknowledges that she has caused immense suffering and harm to her daughter and accepts that A cannot live with her for the foreseeable future.
99. She was asked about her relationship with D in the aftermath of A's allegations. She discovered her pregnancy with Z approximately a week after A made her allegations. Initially she said she struggled to believe that what A was saying could be true and accepted that in the months that followed she was a regular visitor to see D at his mother's home to where he was bailed.
100. D described regular visits, as did his mother. He described sexual intercourse taking place. The children's mother denied that that was so, but said she was visiting and had some of her antenatal appointments at D's mother's home so as to make him feel involved with the pregnancy as it progressed. Ultimately, however, the relationship cooled, and she stopped going round. That appears not to be because she had a slowly dawning realisation that A's allegations might be true, but for reasons that were not entirely apparent. She now joins the Local Authority in inviting me to make findings against D that he has abused A, K and G, as each of them alleges.
101. The mother was an unimpressive witness. She is a woman of some intelligence. I struggled to understand in full her academic history. It appears she has never achieved the qualifications that she thought she was capable of, but has, nonetheless, been able to secure from time-to-time teaching roles of one sort or another and has done some tutoring.
102. The Guardian remained concerned that a lot of what the mother was saying about her change of mind and her remorse, and her guilt may turn out to be window dressing. By way of a small example, it turned out that in very recent weeks the mother had

asked the allocated social worker to assist her in filling out a form to claim benefits, in respect of Z, on the basis that he was conceived as a result of coercive control from D. Never has the mother suggested that the conception of Z, which she dates to D's birthday, was the result of anything other than consensual sex.

D

103. What did I make of D? His physical presentation in the witness box was most unusual. He physically shook throughout the time he gave his evidence. His evidence was, throughout, self-serving and self-justificatory. He made only limited concessions, and only then in circumstances where he was given absolutely no choice. He still sought to blame K for his involvement with her. He maintained a flat denial that anything had happened between him and A, or him and G. He suggested that all he had ever done was try to help people.
104. He was taken to passages in reports, generated during his recent stays in psychiatric units, where he had painted a picture of his childhood that was plainly untrue. He purported to remember things from the days when he was in a pram, and his description of his father and his father's behaviour towards him was described by his own mother as "nonsense." Throughout he has painted a picture of himself as a victim.
105. He explained that he had stayed in psychiatric units because he had been making repeated attempts to kill himself. He said he could not face the prospect of being wrongly accused, convicted, and placed on some sort of register.

Impression of A

106. What did I make of A's evidence? She gave a coherent and restrained account of what she said had happened to her. I place little store on the demeanour of witnesses in the witness box. I am very conscious of the limitations of witnesses to remember things accurately. Nor am I persuaded that the convincing witness is necessarily the one telling the truth. There is now a body of authority referred to by McDonald J in his judgment and set out extensively by the advocates in their closing submissions, about the way in which the Court needs to be acutely aware of the limitations of the reliability of oral evidence. However, the giving of evidence might have been an opportunity for A to over-elaborate and/or exaggerate, but she did not take that opportunity. When she was asked questions that had not previously been asked of her about the physical sensations involved in what she alleged, her answers were simple, to the point, and gave every appearance of being likely to be accurate.

Impression of G

107. G's evidence had, again, to be measured against what is known about him. A vulnerable individual who had maintained that nothing had happened to him until the point at which distance had been put between him and D and the family, but then in circumstances where he lied about maintaining a relationship and communication with E.

Conclusions and findings

108. Where do I ground my findings? The most reliable source of information is the phone evidence of the communications between K and D. Those were real time communications. They are unambiguous. They demonstrate the grooming process and, in more than one instance, evidenced what happened. K chose not to give evidence and could not be cross-examined, but given the power contained within those messages that seems to me to make no material difference.
109. There I have D grooming a 15-year-old girl for the purposes of sex and, insofar as the opportunity arose, within the home, pursuing his thoughts.
110. What about that home? A sexually liberated home where, given mother's online work and her interest in fetishes and bondage and the like, much of the life in the home would be dominated by sex. Certainly, it is inconceivable that D could have stayed there, without knowing what was going on and being affected by it.
111. I cannot say whether he entered this home because he was attracted by the sexual atmosphere, or whether, having joined the household, he became affected by the sexual atmosphere, but it seems to me inevitable that there was a connection between the two. This was not investigated by the psychologist, Dr Y, in her reports in the private law proceedings, as none of this was accepted by the mother or by D.
112. That is the context in which I must look at A's allegations. Was this a cry for help by a 14-year-old girl who felt abandoned by her mother and pushed out by the arrival of G and so made false allegations? Are these allegations the product of her knowledge of sexual matters, gleaned from her mother and her mother's behaviour, or possibly from the internet, or possibly from her school friends?
113. I found her answers to the questions that had not previously been asked about what she said happened to her, her physical descriptions, compelling. The possibility was canvassed with her that she might have had sexual experiences elsewhere. That would not be unusual amongst teenagers. She was adamant that the only sexual experience she had had was with D.
114. A had had many opportunities to say to other people what she now says was happening to her. She had 42 sessions of counselling. She had spoken to health professionals and social workers. She was going to school save when lockdown closed things down. There were reasons why she might have said nothing. A was well aware of some of the consequences of saying anything about abuse. She knew there was a risk it would break up her family. She wanted her mother to be happy as she perhaps thought that a happy mother might allow her relationship with her mother to develop and thrive. She has said she was scared.
115. She had what has been described as a fractured relationship with her mother. Her mother was not meeting her emotional needs. She had described to her therapist, social workers and others that her mother spent more time with her brothers than with her and she complained frequently of physical and emotional neglect by her mother.
116. A's accounts of what she says was happening to her have not been consistent. I would be more concerned if she had given an entirely consistent account as that would be more likely to be a child parroting a script, even a script of her own making. Was she inconsistent because she was making things up as she went along,

not remembering what she had said previously? Was she saying things that she thought the person she was speaking to might want to hear? She is an intelligent child. Was she saying different things as she remembered them, and perhaps not always reliably, given the inconsistent way that memory works?

117. Dishonesty has pervaded every aspect of this case. It stems from the children's mother who is thoroughly dishonest about almost every aspect of her life. She has encouraged her children to lie, and they have done so. They have followed their mother's lead, not least in the false allegations they made and maintained against their father. The influence of her mother on A continued after she had made her allegations when she was driven back home from her grandmother's home in the car with her mother alone following which she said she had exaggerated. A said that she gave that different account at the prompting of her mother.
118. What impact does the wholesale failure to follow the ABE guidance have on what I make of A's evidence? At paragraphs 589 to 604 and 853 to 860 MacDonald J in *Re P* sets out in comprehensive fashion what is needed at different stages of the investigation from the initial contact with a child alleging abuse, record keeping, social work interventions and assessments, and how the analysis of how the guidance was or was not followed applies to the facts of the particular case.
119. When I look at the evidence of any child witness, whether that be the recorded ABE interview or other statement or their evidence to the court I must keep in mind all the following:
 - i) *Children, and especially young children, are suggestible.*
 - ii) *Memory is prone to error and easily influenced by the environment in which recall is invited.*
 - iii) *Memories can be confabulated from imagined experiences, it is possible to induce false memories and children can speak sincerely and emotionally about events that did not in fact occur.*
 - iv) *Allegations made by children may emerge in a piecemeal fashion, with children often not reporting events in a linear history, reporting them in a partial way and revisiting topics.*
 - v) *The wider circumstances of the child's life may influence, explain or colour what the child is saying.*
 - vi) *Factors affecting when a child says something will include their capacity to understand their world and their role within it, requiring caution when interpreting children's references to behaviour or parts of the body through the prism of adult learning or reading.*
 - vii) *Accounts given by children are susceptible to influence by leading or otherwise suggestive questions, repetition, pressure, threats, negative stereotyping and encouragement, reward or praise.*
 - viii) *Accounts given by children are susceptible to influence as the result of bias or preconceived ideas on the part of the interviewer.*

ix) Accounts given by children are susceptible to contamination by the statements of others, which contamination may influence a child's responses.

x) Children may embellish or overlay a general theme with apparently convincing detail which can appear highly credible and be very difficult to detect, even for those who are experienced in dealing with children.

xi) Delay between an event recounted and the allegation made with respect to that event may influence the accuracy of the account given.

xii) Within this context, the way, and the stage at which a child is interviewed will have a profound effect on the accuracy of the child's testimony.

120. I must evaluate the different accounts given by A. Is there sufficient consistency to suggest she can be relied on in adopting the gist of what she says or is her inconsistency such that I should reject all her evidence? Has her evidence been contaminated by the intervention of multiple professionals as set out above? I can be certain that her evidence was contaminated by her mother's intervention in the car journey, but is that different?
121. I have already said that I start from the unambiguous messages sent by D to K and his actions that followed. Can that be treated as evidence that corroborates A's accounts of what happened to her? The test is whether it has the character of corroborating evidence. It demonstrates a sexual interest in an underage girl. It demonstrates that he was prepared to engage in sexual behaviour in the home with others present. The messages demonstrate his wide sexual interests.
122. Plainly it is not the same as what A alleges but then K's circumstances were different. She was a little older and a visitor to the house. His relationship with A was different, living with her as a de facto stepfather. The opportunity to abuse A was more readily available to him and because of the way her mother behaved towards her she was particularly vulnerable, something of which he would have been aware.
123. This is where I must put the different bits of the evidence into the context of the whole of the evidence. If I adopt the jigsaw analogy, there will inevitably be bits of the jigsaw missing, bits that seem not to fit and bits that seem to belong to a different jigsaw. That is the reality of these complex and subtle cases, and this case is no different.
124. I am persuaded that what A was describing was something that happened. D behaved towards her in precisely the way she has described, and her mother is right to believe her.
125. What about G's allegations? Miss Irving and Mr Durham Hall rely heavily on the lengthy period of support that G gave to D following A's allegations. Although the matter was disputed as to detail, there was no doubt that G had visited D when he was living with his mother. At some point that stopped.
126. Is G making allegations now because he has been rejected by D, someone he saw as an ally? Is he making allegations to support his best friend, E? The difficulty with that theorem is that E does not believe A. E remains of the view that A lies. If G and

E have got together to persuade G to make allegations against D, that sits ill with E's attitude towards his sister's allegations.

127. Insofar as G he describes oral sex with D, that is consistent with A's description. Insofar as he describes choking, that is consistent with the exchanges of messages between D and K, which included references to choking. G's evidence, although fraught with more difficulty than that of A and K, fits the picture.
128. I have tried to ground my conclusions in facts that are incontrovertible. Some evidence is of no help at all. For example, A was the subject of a medical examination. That nothing was found leaves open several possibilities. Firstly, that she is not telling the truth, and nothing has happened. Secondly, things have happened, but no damage was done. Thirdly, things happened, and any damage that was done has healed. That evidence provides me with no assistance.
129. Can I rely on D's lies and his refusal to make admissions in relation to the grooming of K, even when faced with overwhelming evidence? I place little store on the fact that he has lied. It is an almost inevitable instinct to not want to have to face the effects of one's actions when those actions might lead to serious consequences. I make nothing of his threats to harm himself. Those threats will be entirely consistent with either his innocence or him being utterly ashamed of his behaviour.
130. I make the findings as set out in the schedule to this judgment.
131. The legal effect of those findings is that the threshold for the making of public law orders is crossed. At the time of the issue of proceedings the children were suffering or were likely to suffer significant harm and that harm or likelihood of harm was attributable to the care given to the children by their mother.

Welfare

132. Let me move to welfare. It is agreed that A should live with her father. She is currently having contact with her mother. A long period of time passed when her mother declined to see her, but now that they have started to see one another the reports I have are that both are gaining benefit from that process. This mother will be forever in debt to her daughter for the appalling way in which she behaved towards her when A made her allegations. She told me in a handwritten note, supplied at the end of the case, that she wants nothing more than to make it up to A. She will have to work very hard. I hope she means what she says.
133. It is agreed that the younger three boys should continue to live with their mother and with E. The three younger boys will need an agreed narrative as to what has happened that has led to their estrangement from A, and for them to understand why D is no longer part of their lives. The reports I have are that the children's living conditions are much improved from how they were back in the summer of 2021. I am told that the three younger boys are thriving in their mother's care.
134. Now the concern expressed to a greater extent by the Children's Guardian, but also by the allocated social worker, is that there may be an element of mother's behaviour being influenced by the fact that these proceedings have lasted as long as they have, and where she knew there would be a day of reckoning where she would have to answer in court. The concern is that once the proceedings end, she will begin to

revert to some of the dishonest behaviours that have been evident in the past, and which are exemplified by the financial claim for benefits for Z on an entirely false premise.

135. The issue that arises is whether, in respect of the boys, I should be making Care Orders on the basis that they live at home with their mother. The Local Authority's care plan proposes Supervision Orders. The Guardian promoted the need for Care Orders. The services available to the family under a Care order and a Supervision order are exactly the same. There are two differences. Firstly, a Supervision Order is limited in time, although it can be extended. Secondly, that there is no independent reviewing officer as there would be with a Care Order, although it is possible for the local authority to make provision for an independent reviewing officer to be appointed to the case under a supervision order.
136. The role of the independent reviewing officer is to ensure that the care plan is carried into effect or amended, and the amended version carried into effect. There is no one with oversight of a Supervision Order. The concern is that a Supervision Order would go to the bottom of the pile of cases being worked by the Local Authority, given the intolerable pressures currently upon them, and the limited resources available to try to meet those pressures.
137. The Court of Appeal has recently restated that a Care Order with a child at home should be a very rare beast. The unusual facts of this case may be sufficient to justify it, but I am not persuaded that it is necessary in this case. I must of course, as a matter of principle, impose the least interventionist order that properly meets the welfare needs of the children.
138. There is work to be done with this family. Miss V, the allocated social worker, told me that the plan is that under the Supervision Order it would remain with her team. Although she would not be working the Supervision Order, she would have responsibility for it. So, to that extent, she would have the role that might otherwise fall to the independent reviewing officer under a Care Order, although clearly it is not the same.
139. In my judgment this is a case for a Supervision Order. It will be limited in time, but it may well be that it will require extension, depending on how things develop. I anticipate the work with the children will be complex, and the work with the mother will be difficult, given her propensity to distance herself from the truth and to run a narrative that is not the truth but is adopted by her children. I think there would be considerable merit in the local authority appointing an independent reviewing officer to this case.
140. As far as A is concerned, again there is work to be done and a Supervision Order is appropriate for her. One of the ironies of this case is that although he is no longer part of the case, by reason of his age, E will qualify as a care leaver which opens the door to support for several years to come. Given her age, A does not qualify but she is the one who needs it the most. I am pleased that the Local Authority have agreed, and that there is appropriate authority in place to ensure it happens, that A will be treated as a care leaver, and that she will have available to her the support of the Local Authority, should she need it, as she goes through further education and on into adulthood. She is a bright girl, and I hope she is able to achieve her academic potential. There will undoubtedly be psychological consequences flowing from what

has happened to her and her life experiences to date. They should not be underestimated.

141. I propose to release this judgment in draft and will invite the advocates to appraise me of any matters that require correction, or amplification, or any matters on which they require further clarification.
142. That is the end of the judgment.

**RE-REVISED FINAL THRESHOLD DOCUMENT PREPARED AT THE
CONCLUSION OF THE EVIDENCE AT THE FINAL HEARING**

1. The children are A and her three younger brothers. The mother is M. The father of A and her two full siblings is B. He has parental responsibility for them.
2. The father of Z is D. He does not have parental responsibility for him.
3. The children have an elder sibling, E, who is no longer the subject of these proceedings and in respect of whom there is no public law order. E's father is DR. His whereabouts are unknown and he does not have parental responsibility for him. An order was made in previous private law proceedings granting parental responsibility for E to B. That order has now been discharged.
4. A resided with her paternal grandparents since 26th July 2021 before being placed with her father. The remaining children reside with their mother.
5. For the purposes of the threshold criteria the date of intervention for A and her two full siblings is 18th January 2022 when the Local Authority applied for interim care orders in respect of them. The date of intervention for Z is 29th April 2022 when the Local Authority applied for an interim care order in respect of him.
6. As at the date of intervention A and her two full siblings had suffered and all of the children were likely to suffer significant harm owing to the care afforded to them by their parents.
7. The Local Authority relies on the following facts in satisfaction of the threshold criteria:

Sexual Abuse and Sexual Boundaries:

- a. D poses a risk of significant sexual harm to the children in that he has sexually abused children/ vulnerable young people in his home as follows:

A:

- b. D has sexually abused A since she was aged 10 years old. Such abuse included, but was not limited to:
- a) Touching A's vagina and penetrating (and attempting to penetrate) her with his fingers on a regular basis since she was 10 years old;
 - b) On an occasion when A was almost 11 years old, showing her his penis and forcing her to suck it;
 - c) Repeatedly orally raping A from the age of 11 years old and ejaculating inside her mouth;
 - d) On an occasion when A was 11 years old, taking a photograph of her performing oral sex on him;
 - e) Since A turned 11/12 years old, attempting to penetrate A's vagina with his penis and, on numerous occasions, vaginally raping her;
 - f) Since A turned 11/12 years old, attempting to put his penis in her bottom and, on around 5 to 10 occasions, anally raping her;
 - g) Each year on or around his birthday since A was 13 years old, D lifted A's shirt up and ejaculated on her chest;
 - h) On an occasion in June/July 2021 D pulled A into his room, touched and sucked her breasts and raped her vaginally.

Proved: a), b), c), e), g) and h). Taking a photograph was not established. Attempted anal rape is established but I cannot find as to the number of occasions.

K:

- c. K, was a friend of E's and a regular visitor to the family home, including overnight stays. D sexually abused K by:
- i. Sexually and intentionally touching her breasts and bottom on numerous occasions at the family home when she was 15 years old;
 - ii. On one occasion when K, G, E and D were watching a movie in the younger boys' bedroom, D stroked K's thigh under the blanket in the presence of those other children [G844];
 - iii. On one occasion, when K was 15 years old, shortly before taking her exams at school, D kissed her aggressively upstairs in the family home [G863];
 - iv. D sent K numerous messages of an inappropriate and sexual nature which amounted to him grooming her for sex.

All proved

G:

- d. G, is a vulnerable young person who was a friend of E's and who was a regular visitor to the home. G spent a period of time living with the family

at their home between 15th July 2021 and 12th October 2021 when he was aged 16.

- e. D has encouraged a sexual relationship with G.
- f. ~~D groomed G by purchasing him a ring which G wears around his neck [F36].~~
- g. ~~D has engaged in sexually explicit text communication with G [G377].~~
- h. D has touched/groped G's body in a sexually motivated way over and under his clothes on multiple occasions both before and after he attained the age of 16. He touched G's face, neck, chest, thighs and buttocks.
- i. D has choked G in a sexually motivated way. On one occasion he caused G to pass out momentarily. On a further one or two occasions he caused G to feel as though he was about to pass out.
- j. G has fellated D on multiple occasions. The first time was at the family home before G had attained the age of 16. Another occasion was outdoors in a forest. On some of the occasions D would use minor force to push G's mouth towards his penis.

Proved: e), h), i) (the first 2 sentences), j) "on at least 2 occasions one of which was in a forest and some minor force was used"

The Mother's Response to A's Allegations:

- k. The mother's response to the allegations made by A was emotionally harmful to her daughter. The mother refused to contemplate any possibility that the allegations may be true, called A a liar, and was unwilling or unable to consider A's emotional needs or demonstrate any empathy towards her. The mother's immediate response to the allegations was to prioritise her own relationship with and dependency on D and to require her daughter to leave the family home.
- l. The mother responded to A's allegations by misleading the police concerning her absences from home undertaking online sex work/streaming. She lied to the police that she had been working as an academic teacher at the relevant time to portray herself and the regulation of the family home in a more favourable light.
- m. The mother's ability to protect the children from the risk of sexual harm has been hampered by her inability (at the time the proceedings were instigated) to accept that the allegations made by her daughter against D may be true.

Proved

Inappropriate Sexual Boundaries:

- n. The children have been exposed to inappropriate sexual boundaries within the home in that:

- i. Bondage and Discipline Sado-Masochism equipment was kept within the mother's bedroom which the children were aware of and/or were able to access.
- ii. The children have an inappropriate knowledge of their mother's intimate relationships. A was aware of her mother and D's consideration of a "polyamorous relationship" and had detailed discussions with her mother about this despite only being aged 13 at the time.
- iii. A is aware of her mother undertaking sex work on websites such as "only fans".

Proved

Physical Abuse

- No longer pursued by the local authority. -

Drug Use:

- o. The mother has used the cannabis by-product, CBD, on a regular basis in the family home.
- p. The mother had knowledge of the children E, G and K smoking cannabis and condoned the same.
- q. D permitted and encouraged the use of illicit substances by G, K and E in the family home by providing them with cannabis and allowing them to smoke it in the home, including when the other children were present [G836, G852, G854-5].

Proved

Emotional Harm in respect of A:

- r. As a result of her mother's response to the allegations, A has felt hurt, and abandoned by her mother. She has also felt abandoned by her brother, E, who has refused to see her.
- s. A has felt ostracised by the family due to the fact that the mother altered sleeping arrangements within the home such that A no longer had a bedroom. Further, the mother did not have contact with A between October 2021 and late January 2022. As a consequence of her mother's response to the allegations, A has suffered significant emotional harm [para 6.2.1 and 6.2.2, Y addendum dated 20.12.21].
- t. -As a result of her experiences A has felt anxious and low in mood and this has increased her vulnerability to low self-esteem and confidence and to future problems within her own relationships [para 6.3.1 Dr Y addendum dated 20.12.21].

Proved

Emotional Harm in respect of all of the Children:

- u. -The children have been socially isolated in the care of their mother who, by reason of her own emotional needs, has been unwilling or unable to support them to develop independent friendships, interactions or activities outside the family home. One of the boys, at the age of ten, attended a birthday party for the first time shortly prior to the commencement of these proceedings.

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Proved

This Transcript has been approved by the Judge.

The Transcription Agency hereby certifies that the above is an accurate and complete recording of the proceedings or part thereof.

The Transcription Agency, 24-28 High Street, Hythe, Kent, CT21 5AT

Tel: 01303 230038

Email: court@thetranscriptionagency.com
