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**IN THE FAMILY COURT AT BARNET  
IN THE MATTER OF THE CHILDREN ACT 1989  
AND IN THE MATTER OF A and B :**

**Case No ZW20C00288**

**Date: 14 January 2022**

**Before:**

**HHJ McKINNELL**

**Re A & B (Parental Alienation by the Non-Resident Parent)**

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**Ms Charlotte Georges (instructed by the Local Authority's solicitor) for the Applicant Local Authority**

**Ms June Rodgers (instructed by Dawson Cornwell) for the Respondent Mother**

**Mr Femi Ogunlende (instructed by Eskinazi & Co) for the Respondent Father**

**Ms Angela Gaff (of Covent Garden Family Law solicitors) for the Respondent Children A & B by their Children's Guardian.**

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**Evidence: 22 November – 9 December 2021 (9 days)**

**Final Submissions: received by 20 December 2021**

**Draft Judgment circulated on 7 January 2022**

**Judgment handed down on 14 January 2022**

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**JUDGMENT**

**HHJ McKinnell:**

**Introduction**

1. This is my judgment at the final hearing of care proceedings concerning A and B.

2. At this final hearing, issues of fact, threshold and welfare have been considered. There was no agreed final threshold document. An “Amended Final Threshold Document” [SB1, A143] and a “Threshold Facts Not Accepted” [SB1, A147] document were prepared during the final hearing on 28 November 2021 and I have amended those documents to reflect the s.31 threshold findings I make having considered all the written and oral evidence and submissions.
3. There are three attachments to this judgment:
  - (1) Attachment No.1 – the draft letter to A and B, which Ms Gill has agreed to consider before it is finalised. I also invite the advocates to consider it. It is an important document and if there are any proposed amendments to the wording, I will consider them;
  - (2) Attachment No.2 – my threshold findings (following the format of the Local Authority’s “Amended Final Threshold Document”);
  - (3) Attachment No.3 – my threshold findings (following the format of the Local Authority’s “Threshold Facts Not Accepted Document”).

### **The Parties**

4. The children are A and B. Their parents are M (the mother) and F (the father). The father was not born in the UK but has lived and worked in England for many years. He speaks fluent English.
5. The Children’s Guardian is CG. That has been helpful because CG speaks the same language as the father and is familiar with the words and phrases used by the father and the children.
6. The Applicant is the London Borough of X (“the Local Authority”).
7. The Local Authority is represented by Ms Charlotte Georges (instructed by the Local Authority). The mother is represented by Ms June Rodgers (instructed by Dawson Cornwell). The father is represented by Mr Femi Ogunlende (instructed by Eskinazi & Co). The Guardian is represented by Ms Angela Gaff (of Covent Garden Family Law solicitors).

### **Background**

8. The Local Authority issued care proceedings because of the high level of concern about the children’s emotional and psychological safety in the care of the parents. The Local Authority’s case summary at **A50** sets out the background to this case.
9. There is no doubt that the mother and the father love their children very much but they have drawn the children into their difficult relationship, to the extent that the children have clearly suffered, and continue to suffer, significant emotional and psychological harm. More recently, the children, particularly A, have posed a risk of physical harm to the mother.

10. Dr Bourne assessed both children's capacity to instruct solicitors and concluded that neither of them has capacity. The children's wishes and feelings have been made clear to me in their correspondence, diary entries and by both the Guardian and Ms Gaff.
11. Until recently, the children were living with the mother and spending time (including overnights) with the father. On 26 March 2020, the children ran away to the father's home and did not see the mother for 27 days.
12. The children have become increasingly hostile towards the mother. They now say that they want nothing to do with her. They say that they hate her. A speaks about burning the mother to death when she is asleep. A fantasises about attacking her with a knife. A has threatened her with a screwdriver, pushed and shoved her and punched her in the face. B has also been physical towards the mother but has not yet displayed the same degree of anger and aggression towards the mother that A has. Both of the children are rude about, and to, the mother. They call her names such as idiot, donkey, makak and mongrel. Their behaviour and attitude towards the mother is not normal. All the experts are clear that the children have been influenced by the father. They all say that the children have aligned themselves with the father, are compliant with him, mirror his views and feelings and have been alienated from the mother. There is no doubt whatsoever that that is correct. The children repeat words and phrases used by the father. They speak of "15:15" contact arrangements. A described Melanie Gill as having "xxxx" hair without knowing what that meant. It is a phrase used in the father's language and undoubtedly came from the father. There are other words, phrases and concepts that the children use which have undoubtedly come from the father including (a) the use of the word "incompatible" [E219] (which is a word usually used to describe partners rather than parents), (b) the use of the word "influence" [E627] (which is an adult concept, more likely than not overheard by A when the father used it), (c) the reference to the mother not losing her tax credits (which A later denied the father had said and attributed it to the mother instead), (d) the reference to "15:15" contact (an unusual description used by the father – see E111 - and later repeated by A -see E554) and (e) the reference to asking for three weeks and getting 9 days said by the father at a Child in Need ("CIN") meeting and repeated 3 weeks later by B in Dr Bourne's assessment of B's competency to instruct solicitors report [E602, E605]. The experts are in no doubt whatsoever that the children are parroting the father's beliefs and words. Having considered all the evidence, I entirely agree with them. It is clear and obvious. The language and phrases used by the children clearly come from the father. They have either overheard him saying those things or he has spoken to them, using those words and phrases or he has told them what to say and write. The language, phrases and words do not all come from children of their age.
13. The experts and all the parties (except the father) became so concerned about the risks to the mother that an application for removal, and separation of the children from each other, was made on 3 November 2021. I granted that application because I considered the risks to the children and to the mother were too high and I did not agree with the father that the children should live with him. The children have been

in foster care under an interim care order since then.

14. The experts' recommendation was that the children should not have contact with either parent whilst they settled in foster care and started therapy. The children needed a psychological break from the chaos, conflict and fear in their lives. The mother was able to see that that was in the children's best interests even though it meant that they would not live with, see or have contact with her. The father opposed the application. He was, and remains, unable to separate his own needs from those of his children. He was, and remains, unable to see the significant harm his behaviour has had, and continues to have, on his children. That needs to change. The father will only be able to bring about change through acceptance of this judgment and long term therapy. The children's welfare is the Court's paramount consideration. The children come first. The father's insight has been, and remains, extremely poor.
  
15. The children seemed to settle in foster care. I made orders preventing the parents from having contact with the children. Despite appearing to settle, A sent a very concerning email [L80] to the Court and to others on 16 November 2021. Fortunately, Ms Gaff forwarded that email to me on the day it was sent. That was the day that I was due to meet the children. Having seen that email, I postponed my meeting with the children. When the expert, Melanie Gill, gave evidence on 23 November 2021 she was clear that the decision to postpone the meeting was the right decision. Her recommendation was to write to the children after the hearing but not to meet them face to face or remotely. She considered that a meeting would be harmful to the children. This judgment does require detail. I have written it in terms that the children will be able to understand when they are older. It will be for the Local Authority, in consultation with the children's therapists, to decide when that will be. I have written a letter to the children for them to read now. It was agreed that Ms Gill would read my draft letter to the children before it is given to them. I will consider any suggested amendments from the advocates and Ms Gill to assist the children. The draft letter is attached to this judgment marked "Attachment No.1". **I make it clear that the mother and the father must not show the children a copy of this judgment or share its contents with them until the Local Authority (in consultation with the therapists) consider it appropriate.** The children, particularly A, already know far too much about these proceedings and far more than it is healthy for them to know. It is clear to me that the father is responsible for most of the children's difficulties, their broken relationship with the mother and the psychological harm they have suffered and continue to suffer. The father does not agree. He blames the mother, the social worker and the Court. He is pitted against everyone and he has drawn the children into his feeling and belief that it is him and the children against the rest of the world. He is unable to see the harm he is causing to the children and how distorted his view is.

### **Parties' positions**

16. The Local Authority's care plan is for the children to remain in long term foster care. The plan is for the children and the parents to have therapy so that the children can

be safely returned to the mother and spend time with the father. The Guardian agrees with the Local Authority's care plan including the plan for rehabilitation in the future. The Guardian is, however, concerned about the children's access to electronic devices and the arrangement around school and religious attendance.

17. The mother agrees that the children should remain in foster care whilst therapy takes place but she wants the children to be returned to her care in a few months' time. She wants the proceedings to continue so that the Court has oversight and the plan for rehabilitation can be achieved within these proceedings. She accepts the expert evidence in this case. She says that the father has been controlling and abusive towards her both during the marriage and after it ended. She says that the father has waged a war against her and has turned the children against her. She will do anything for her children. All she wants is for them to recover and heal through therapy and space. She wants the children to be safe and to have a loving and healthy relationship with her and with the father, providing it is emotionally and psychologically safe for them. She said that it was the hardest decision for her to make to support the recent application to remove the children and place them in foster care but she was very concerned for the children's and her safety. She agrees with a period of no contact. She will be guided by professionals. She wants the best for her children. She would like to be involved in B's special celebration but understands if that cannot happen. She would rather B went ahead with it with B's friends and without her than B not having the celebration at all. She wants the children to be rehabilitated to her care within a year if possible.
18. The father wants the children to live with him now, whilst therapy is undertaken. At the final hearing he said that they can return to live with the mother or him. In his written closing submissions, he seeks for both children to be placed in his care while he participates in the family therapy recommended by Melanie Gill. He invites the court to continue to monitor the progress of the Local Authority's care plan by continuing the interim care order already in place. He would like to return to a 50:50 arrangement of shared care but if the children want to live with him, he would agree to that. The father does not accept the expert evidence. He blames the mother for all the problems. He says that had the mother not stopped contact in January 2020, they would still be in a 50:50 shared care arrangement. He says that he is not to blame for the mother's inability to set boundaries and manage the children whilst they were in her care. He says that he can care for the children and meet their needs. He says that the children are happy when they are with him, that they have exciting holidays with him, that the observations of contact with him are very positive (that is not disputed), that the problems lie with the mother and that the experts are all wrong. He says that he is the non-resident parent and this is not a case of parental alienation.
19. All parties say that findings of fact are important to provide a factual basis from which therapy can start and continue. Therapy is unlikely to work, and would therefore be a waste of money, if the findings are not accepted.

## Decision

20. Having considered the written and oral evidence and submissions, I have decided that it is the children's best interests that proceedings end now with a final care order and with the children remaining in long term foster care. Whilst the aim is for rehabilitation, whether that happens or not will be dependent on progress in therapy and the best interests of the children at the time. At this stage, it seems that rehabilitation is likely to be to the mother's care because the timescales for her and the children's therapy are far shorter, her insight is far greater than the father's and she is better able to meet the children's needs. However, matters will have to be assessed in the future if an application to discharge the care order is made. It is by no means clear to me that the father will properly engage with the recommended therapy. He has no insight whatsoever into the difficulties and harm he has caused to the children and to the mother. He has a very long way to go before he can be considered to be an emotionally and psychologically safe parent. I am sure he can keep the children physically safe but that is just one part of the picture and it is absolutely clear to me that he does not get the whole picture even after reading the detailed experts' reports and hearing the experts' clear and unanimous views. Regrettably, the father remains firmly in denial. I hope that changes because he clearly has a lot to offer the children but only when he is able to meet the children's emotional and psychological needs. His secret communications with the children and damaging influence over them has to stop. He is setting the children on a road to significant mental health issues, which are likely to have long lasting effects on their ability to function on a day to day basis, both as children and as adults. The content of A's emails and A's concerning behaviour and A's inability to manage A's responses and emotions are a real concern. The way in which A mirrors the father's distorted views and treatment of people they disagree with is very concerning, as is A's control and influence over B. The father must give the children peace and space to recover.
21. Whether the father will abide by the direction not to have contact with the children remains to be seen. He has blatantly breached the order he agreed to by passing on a gift and message to B via another child in B's school after the children had been removed. The father knew the reason behind the children having no contact with him and the mother. He appears to have no respect for Court orders. He does not accept the clear and unanimous' views of the experts and all the professionals involved in this case. He seems to be determined to do as he pleases whatever the consequences. As far as he is concerned, he is right and everyone else is wrong. The Local Authority should consider making a DOLS application if there is any further evidence of the father communicating with the children whilst the no contact orders are in place. If the father continues to secretly communicate with the children (and that includes passing gifts and messages via other people) despite Ms Gill's expert evidence that just one phone call or contact could set the children's therapy back, the Local Authority may have to consider moving the children out of the area and changing and managing their internet, phone and social media use in order to keep them safe from the father. The risk of harm to the children from the father is

significant and ongoing and the father currently shows no indication of changing his behaviour.

22. An application can be made in the future to discharge the care orders once the recommended therapy has progressed far enough to ensure that it is safe for the children to return home. These proceedings have lasted considerably longer than the statutory 26 weeks. A final decision is needed for the children and these proceedings need to end now. An adjournment of the final hearing to ensure the Court's continuing oversight/review of progress is not necessary, proportionate or justified. Whilst the Guardian will no longer be involved once proceedings conclude, there will be an Independent Reviewing Officer ("IRO"), Looked After Child ("LAC") reviews and the ability to apply to discharge the care orders in the future. The proceedings need to end now. A decision has to be made. The family needs to focus on therapy to repair the damage done and reset the family dynamics. That is better done with the father's involvement but whether he does meaningfully engage remains to be seen. I hope he does but change must come from him.

### **The Law**

23. In care proceedings there are two main questions. Firstly, are the threshold criteria for making a care order under section 31 of the Children Act 1989 satisfied. Secondly, what order, if any, should the Court make. The second question is the welfare question.
24. When looking at the welfare question, the Court has to decide what order is in each of the children's best interests and whether that outcome is necessary and proportionate to the problem. The risk of harm is an important part of the welfare decision. When looking at the risk of future harm, the following questions must be considered:
- (1) what is the type of harm that might arise;
  - (2) what is the likelihood of it arising;
  - (3) what consequences would there be for the child if it arose;
  - (4) what steps could be taken to reduce the likelihood of harm arising or to mitigate the effects on the child if it did.
25. The following legal principles apply.
- (1) The Local Authority must prove any fact it wants to rely on.
  - (2) In proving any fact, the legal test is the balance of probabilities. In other words, "more likely than not."
  - (3) Where there is a dispute of facts, it is either proven or it is not. The court cannot sit on the fence and say it might have happened.
  - (4) Any findings must be based on evidence. Findings must not be made on suspicion or speculation.

- (5) The court has to consider the evidence in the context of all other evidence. The court should not consider a piece of evidence on its own.
- (6) All the evidence is admissible notwithstanding its hearsay nature, including Local Authority case records or social worker chronologies, which are often second or third hand hearsay. However, the court should bear in mind that such evidence is hearsay and give it the weight it considers appropriate.
- (7) The court can consider written evidence even if the person who writes that evidence does not come to court. However, the court has to remember that if someone does not come to court, that person cannot be asked questions if their written evidence is disputed. Also, the court cannot see that person to assess and decide whether they are telling the truth or not. The court has to decide how much importance they will give to that sort of written evidence.
- (8) If a fact is in dispute, the best evidence is primary evidence.
- (9) The expert's job is to provide an opinion. The court's job is different. The court decides the case. The expert does not decide the case.
- (10) The evidence of the parties is important. When a party or witness gives oral evidence in court, the court has a chance to assess whether that person is telling the truth. The oral evidence has to be considered against all the evidence and I remind myself of the fallibility of memories and/or oral evidence. The content, consistency and probability of oral evidence has to be considered against all the other evidence. As Peter Jackson LJ recently said (20 September 2021), although *"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"*, in family cases *"a witness's demeanour may offer important information to the court about what sort of person the witness truly is, and consequently whether an account of past events or future intentions is likely to be reliable"*: **Re B-M (Children: Findings of Fact [2021] EWCA Civ. 1371.**
- (11) The court has to remember that if a witness lies about one thing, it does not mean that they lie about everything. People lie for lots of different reasons. They might be embarrassed, they might think it makes them or their case look or sound better and so on.
- (12) The Local Authority has to show that significant harm, or the risk of significant harm, is caused by the parent's care of the child or that the child is beyond parental control.
- (13) Any delay in a decision is likely to be against the best interests of a child.
- (14) The child's welfare is the court's paramount consideration.
- (15) The court should not make an order unless it is better for the child to make an order than to not make an order.



- (16) Any order should be the least interventionist order that meets the child's welfare needs.
- (17) The court must apply the welfare checklist set out in section 1(3) of the Children Act 1989. The children's wishes and feelings must be considered but they are not determinative.
- (18) Where the court is looking at the different options for the child, the court must not knock out any options and see which one is left standing. The court has to consider all the realistic options side by side. The court has to balance them against each other. The court has to look at the advantages and disadvantages in each realistic option and decide which option is best for the child.
- (19) Parents and children have Article 8 rights to a private and family life. The court can only interfere with those rights if it is necessary, proportionate and in the best interests of the child. The need to safeguard a child's welfare justifies interfering with the parents' and the child's Article 8 rights.
- (20) In respect of an application for an adjournment of the final hearing/final decision, the guidance is set out in *Re S A Child [2014] EWCC B44 (Fam)*. Commitment to making necessary changes, ability to maintain that commitment and ability to make the necessary changes within the child's timescales have to be considered.
- (21) Care proceedings should conclude within 26 weeks. That statutory period can be extended but any extension must be justified and the length and effect of delay must be considered from the child's perspective.

### The evidence

26. The written evidence is contained in four electronic bundles. The main care bundle contains 1986 pages (in old terms, filling 5 lever arch files). The non-molestation order ("NMO") bundle contains 625 pages (1.5 lever arch files). Two supplemental bundles ("SB1" and "SB2") containing 114 pages and 70 pages respectively were prepared to include the various documents provided during the course of the final hearing. The index to each bundle lists all the documents contained in the respective bundles. I have read and re-read all the documents including the various experts' reports, assessments, therapy recommendations, witness statements from the Local Authority, mother and father (final witness statements dated 29 October 2021, 19 November 2021 and 8 November 2021 respectively) and the Guardian's final analysis dated 18 November 2021. I have also re-read my notes of the evidence and the parties' written closing submissions.
27. In this judgment, I am not able to refer to everything that I have read and heard. I have, however, considered all of the written and oral evidence and submissions (including final/closing submissions). This judgment must be read as a whole. The fact that certain matters appear under one particular heading does not mean that they have not been considered in other parts of my judgment or indeed in the

overall decision.

28. I heard evidence from seven witnesses. They were:

- (1) Melanie Gill (on 22 and 23 November 2021), expert psychologist who assessed the parents and the children;
- (2) Dr Malcolm Bourne (on 23 and 24 November 2021), expert psychiatrist who assessed the parents and the children;
- (3) Judi Lyons (on 25 November 2021), independent social worker, who assessed the mother's and the father's parenting capacity;
- (4) VK (on 25 and 26 November 2021 and recalled on 3 December 2021 to deal with the gift and place of worship incidents on 24 November and 27 November 2021 respectively), the allocated social worker;
- (5) the mother (on 26 November and 1 December 2021);
- (6) the father (on 2 and 3 December 2021);
- (7) the Guardian (on 9 December 2021). This was an additional trial day (Day 9).

29. I adjourned the trial on 9 December (Day 9) for written closing submissions to be prepared and to enable me to consider and prepare my judgment. I told the parties that I proposed to write a short letter to each of the children, which I suggested should be seen by Ms Gill to ensure that it did not contain anything that might make the children's situation more difficult. The parties agreed with that approach.

### **Final hearing format**

30. It was agreed that the final hearing would be fully remote (during the ongoing covid 19 pandemic) except when the father gave his evidence. The father wanted to be in Court when he gave his evidence and there was a Court room available to accommodate his request. He did so and attended Barnet Family Court with Mr Ogunlende on 29 November 2021. Unfortunately, there were problems with the technology when the hearing moved to a hybrid hearing on 29 November, resulting in the father and Mr Ogunlende having to return to attending remotely, as everyone else was doing. Remote attendance worked well. I do not consider that anything was lost in this case by the parties attending remotely. The mother attended from her solicitors' offices. The father attended from his home on the first day (22 November 2021) but having had some internet problems at home, he moved to his solicitors' offices on the other days except for 29 November when he attended Barnet Family Court with Mr Ogunlende. The arrangements have worked well. All hearings, including this final hearing, have been Article 6 compliant. This final hearing has been fair to all the parties.

### **The Witnesses**

#### **Melanie Gill**

31. Melanie Gill is a specialist psychologist and is undoubtedly an expert in her field. She is accredited by the Academy of Experts (full practicing member), vetted as an expert witness practising in psychology. The Society regulates members through their disciplinary procedure. She does not provide therapy but she identifies therapy

needed, finds the appropriate therapist and monitors the therapy.

32. Ms Gill was very concerned about the children's psychological functioning. She saw clear signs of significant psychological problems in the children. She was particularly concerned by the contents of A's email dated 16 November 2021 [L80], which she described as extremely antagonistic, hostile and containing a veiled threat (the reference to 007 being licensed to kill). She believed that A was mirroring the father's view that everyone who did not agree with them was the enemy. She was troubled by the high level of antagonism, distrust and paranoia in A in particular. She was clear that both children needed to rest psychologically and said that they could not do that whilst they lived, or were in communication, with either the mother or the father. Ms Gill said that even a single email or phone call from the father could set the children back.
33. Ms Gill was in no doubt whatsoever that the father had influenced the children and alienated them from the mother. She described how embedded and ingrained the children's attachment with the mother was and how that could not just be switched off. She was clear that the children are compliant with the father, likely out of fear, and that the positive observations of contact between the father and the children were just one part of the overall picture. Ms Gill recorded the children's contact with their parents and viewed it frame by frame. She was not surprised that the contact supervisor reported positive contact between the father and the children. That is what she expected to see in circumstances where the children were aligned with the father and completely compliant with him. She described their relationship as "*close to Stockholm syndrome.*" Ms Gill did not consider it appropriate that the contact supervisor and her daughter attended A's recent party as a guest of the father. She believed that blurred boundaries. I agree with that.
34. Ms Gill spoke of how the children totally idolise the father and have repudiated the mother. She was clear that the children should not be led to believe that, whilst they are children with developing brains and functioning, they are in control of their future or can control or be responsible for the outcome of these proceedings. She stressed that they are still children, with children's brains and not neurologically capable of looking behind, to the side and to the future. Their parents should be psychologically stable and their parents should be dealing with adult matters, leaving them to behave as children.
35. Ms Gill was clear in her opinion that the father has caused, and continues to cause, the children psychological harm. She could see that harm progressing to bipolar disorder or schizophrenia in A because of A's inability to manage the psychological splitting. She said that the children have children's brains, not adult brains. They are still developing and their current psychological experiences are harmful.
36. Ms Gill did not believe that the children are scared of the mother. In her view, they are scared of the father even if that is not seen by the untrained eye.

37. Ms Gill was fair to the father. She readily agreed that the father cooperated with the assessment. She described him as open with her, very cooperative and very welcoming. She said that the father genuinely feels that the children are being seriously harmed by the mother and by the system and he believes that only he can save them. The father draws the children into keeping secrets and that triangulates them into the conspiracy. She said that the father's belief and behaviour comes from his own unresolved trauma. She believed the father has a combination of his entrenched personality traits and unresolved trauma. He lacks insight and will only get insight through therapy. However, it will take months for the father to trust any therapist and engage and, once he does, his therapy is likely to take one to two years. Ms Gill also saw traits of a narcissistic personality in the father but did not diagnose a personality disorder. That would have to fall within rigid criteria. She was clear that narcissistic parenting harms children. She said that there has to be an improvement in the father's overall personality functioning. She did not see a bar to the father parenting in the future but work was needed. She described the father's psychological issues as fairly severe. She also considered the father to be very well defended, managing through denial but affected constantly by his own unresolved trauma, posing a risk to everyone, not just the children. Ms Gill's evidence was that the children have been alienated from the mother, have repudiated the mother, and show emotions that are associated with being alienated, with one parent idolised and the other denigrated. In her view, the father has overtly alienated the children against the mother. Her evidence was : *"He has portrayed the mother as dangerous. When the children have taken on a perception of the mother as dangerous, he has sympathised with the children. All of this has contributed to the children's repudiation of the mother. It is part and parcel of the father's personality functioning and unresolved trauma. He sees the situation with the mother as highly dangerous. That is how he sees it due to his projective identification."* Ms Gill's view was that the father has a highly complicated psychological profile, with traits of narcissism, elements of grandiosity and superiority but is actually a fragile and damaged man with little insight and entrenched avoidance strategies and denial. The children have become enmeshed and highly compliant with the father and he is unable to separate his own needs from his children's.
38. Ms Gill said that both the mother and the father needed to be psychologically stable before the children could have contact with them. She believed that the mother could achieve that through EMDR within a few months. She recommended no contact between the parents and the children for 90 days from removal (assuming that they had no contact with either parent from the date of removal) into a psychologically stable foster carer's home.
39. Ms Gill did not agree that the children's difficulties were caused by contact with the father stopping and starting or because the children were not getting what they wanted. She knew that the children want to see the father more, to live with him and have nothing to do with the mother. She was clear that if the parents had managed the contact arrangements and the difficulties in their relationship with each other, the children would not now be in the psychologically harmful position they are now in. She said it all depended on how things were explained to the

children. If a parent was reassuring, the situation could be fine and calm.

40. Ms Gill was clear that the split in this case, where one parent (the father) is all good and the other parent (the mother) is all bad, has happened because there is an external influence on the children, namely the father. She said that repudiation of the engrained attachment relationship with the mother is not in any way normal. Ms Gill's evidence was that abused children learn to adapt. They become compliant. They adjust their behaviour so that they do not attract abuse. They do not repudiate. Alienated children repudiate. Compliant children adapt because their brain is frightened. The children are compliant with the father. They are not compliant with the mother. They are not frightened of the mother. They disdain and have contempt for the mother. The mother is not abusive. The father is. That explained the children's alignment with the father and repudiation of the mother.
41. Ms Gill's evidence was that there was no way that the therapy would work for the children if they lived with either parent. She recommended that the Court retained oversight of the therapy and rehabilitation plan, which was likely to take at least a year. She agreed, however, that the Local Authority could monitor the therapy and she was willing to be involved in monitoring the therapy, resetting the family dynamic and working towards the children returning to live within the family. She agreed that if proceedings came to an end now, if an issue arose in the future that required a Court order, an application could be made. An interim care order was not needed for that to happen.
42. Ms Gill's reports and recommendations include a together and apart assessment. She recommended that both children are placed in foster care and in separate placements. She agreed that the children need to see each other but was clear that their contact must be closely supervised to ensure that B is not influenced by A
43. Ms Gill's assessment of the mother was unchallenged and is set out in her reports.
44. Ms Gill therapeutic plan is set out at **E560-E561**. She recommends:
  - (1) For the father, 2-3 years of therapy with XX, a schema therapist who speaks the father's language, at a cost of 120 Euros for 45 minutes;
  - (2) For both parents in the future, but not now, Video Interaction Guidance ("VIG") with both parents, at a cost of approximately £2,500 per parent;
  - (3) For the whole family, 6 months – 1 year of specialist family therapy with MM, a therapist who speaks the father's language, at a cost of £85 per hour;
  - (4) For the mother, EMDR therapy with YY, at a cost of £135 per hour;
  - (5) For the children, child and adolescent psychotherapy with ZZ at an approximate cost of £85 per hour.
45. Ms Gill has agreed to monitor and co-ordinate the therapy and has agreed reduced rates with the Local Authority. The costs are considerable. The Local Authority has generously committed to funding that therapy and that is now reflected in the

revised Final Care Plan.

46. Save for her recommendation that the Court should monitor the therapy and that the proceedings should continue, I have no hesitation in accepting Ms Gill's evidence. She was fair, balanced, measured, straightforward, child focused and clear in her evidence. She is clearly an expert in her field. Her views are backed by research. She has considered the complete picture, including the positive observations of contact. Her analysis goes deeper than the contact notes. She has undoubtedly identified the cause of the children's complete rejection of the mother and idolisation of the father. Dr Bourne reached the same conclusions from a psychiatric perspective. Ms Gill has provided clear recommendations and identified a clear way forward. She has agreed to monitor the therapy and work with the Local Authority towards reunification of the children. I have been greatly assisted by Ms Gill's evidence.

#### **Dr Malcolm Bourne**

47. There is no doubting Dr Bourne's expertise. In his field of expertise, he conducts clinical assessments and does not use questionnaires. He does not use the same approach as Ms Gill but that does not undermine either of their approaches. They work in different fields and their areas of expertise are different. He was clear that he did not determine the facts but said that sometimes the clinical evidence supports one fact over the alternative fact. He said that he could not do his job without forming opinions. He asked questions to elicit the information he needed to write his report. Sometimes he used open questions; sometimes less so. He said that on one occasion (involving the transcript of a meeting with the social worker), the father's own evidence showed that the father's account was not accurate.
48. Dr Bourne was even-handed in his evidence. He agreed that when the mother stopped contact between the father and the children in January 2020, that was likely to be confusing for the children. He described it as a very important experience for them and agreed that it was likely to affect their relationship with the mother. He agreed that the way the mother behaved towards the children was relevant. He agreed that A was clearly very cross about contact being stopped and that A described difficult experiences at home. Dr Bourne acknowledged that his report did not refer to the children's allegations of physical abuse (including the police report dated 17 April 2020 at H10). He said that his report was framed by the questions contained in his letter of instruction. He explained that he did not seek to argue that there were no problems in the way the mother was with the children. He was alive to the difficulties in the mother's relationship with A and the fact that the mother was having to deal with a teenage child who was as tall as A. Dr Bourne did not agree that the relationship between A and the mother explained the children's presentation. He said that it was the relationship between the mother, the father and the children that needed to be explored, not any particular incident. Dr Bourne accepted that he was more inclined to believe the mother's allegations against A than A's allegations against the mother but said that it was all part of the bigger picture. He described the relationship between the mother and A as seriously disturbed and that any physical confrontation between them was a reflection of the

difficulty in their relationship. When he asked A why A hated the mother, A said *“just in general, she’s very annoying, we’re not compatible.”* [E219]. Dr Bourne considered that there was a mismatch between A’s strength of feeling and A’s justification for those feelings. A did not say that A hates the mother because she hit them on a particular occasion. Dr Bourne found the use of the word *“compatible”* unusual. It was more suited to describe a partner relationship than a mother child relationship. Dr Bourne’s approach to the disputed facts was an approach he had used on other cases. I saw no difficulty in it. There was no suggestion that Dr Bourne was trying to take the Court’s place as the arbiter of the facts. Dr Bourne was well aware of the different roles between the Court and the expert. I do not consider his approach was flawed as the father suggests in his written closing submissions. In any event, the findings of fact in this judgment are the Court’s findings based on all the evidence read and heard at this final hearing. As I set out in this judgment, I do not accept that A has suffered the abuse he alleges. There have been incidents such as soap being rubbed in A’s mouth that should not have happened but it is clear to me that A has exaggerated A’s accounts and that A has been heavily influenced by the father to do so.

49. Dr Bourne’s reading of the Domestic Violence Support Group’s letter [G13] was that the children’s presentation declined after they spent almost 4 weeks with the father. That letter states: *“After returning from their father’s house, our therapists noticed that the children’s mind set and behaviour had completely changed. [B] especially was closed, no longer wanting to engage and looked sullen. [B] looked unhappy, [B] no longer smiled and the only thing [B] shared within the check-in calls was [B’s] consistency in painting [the] mother in a bad light which [B] never used to do.”*
50. Dr Bourne described how the children had hardened in the time between his first report (December 2020) and his competency reports (November 2021). A had become more intense in A’s feelings and A’s anger towards the mother was worsening. Whereas B had taken a more balanced position before (wanting to live with the father but open to repairing B’s relationship with and spending time with the mother), by November 2021 B had also moved to a more entrenched position. B had moved more towards A’s position. Dr Bourne noted that A spoke about B and A as if they were not different people, referring to *“we did this, we did that.”*
51. Dr Bourne’s view of A’s email dated 16 November 2021 [L80] was that it showed that A had a tendency to tar with the same brush any professional who did not take the same view as them. A engaged in character assassination which Dr Bourne found worrying because it was what the father does. A was repeating the harmful dynamics seen in the father. Dr Bourne described B as totally bewildered and upset. Dr Bourne said that it was hard for B to have an opinion that was not the same as A’s. He described A as the dominant sibling, who talks very possessively about B.
52. Dr Bourne believed that the breakdown in the children’s relationship with the social worker is a symptom of other dynamics in this case. Dr Bourne said that whenever the father was describing anything to do with the social worker, VK, the father was unremittingly critical and negative about the social worker to the extent that Dr

Bourne considered that the father was making things up that were not true. He believed that the children were heavily influenced by the way the father speaks about VK. In the early days, B had confided in the social worker. Dr Bourne's evidence was that he had never come across children who had adopted siege mentality on their own and he believed that the children had become enveloped in the father's viewpoint of the world in which none of the professionals could be trusted. Those that disagreed with the father were written off as rubbish, invalid and not to be trusted. Dr Bourne was in no doubt that the children were heavily influenced by the father. He did not agree with the suggestion that it was more difficult for a non-resident parent to negatively influence children and said it depended on the way everyone behaved and the power of the influencer. Dr Bourne saw the 27 days spent with the father in March/April 2020 as a *"tremendous opportunity for [the father's] detrimental influence to have been powerfully put into place."* He did not agree with the father's counsel's suggestion that that 3-4 week period was insignificant. Dr Bourne characterised the way the father influenced the children as emotionally abusive and said that it would not have taken too long to have an impact. Dr Bourne saw the father's powerful influence as key. He did not say that the mother had no responsibility for the difficulties the children have but he was clear in his view that the father's powerful influence over the children is key. Dr Bourne described how the father's personality profile matched his view of the way the father behaved towards the children and that matched his experience of the children.

53. Dr Bourne shared Ms Gill's view that it was damaging and unsafe for the children to live with either parent and that there could be no change in the children whilst the children were exposed to their parents. He agreed that the children needed to be removed from the family for therapy to take place and that the children should be placed in separate foster care homes even though it would be emotionally distressing for them. He said that it was emotionally difficult and upsetting for the children to be placed in foster care, to be in separate foster carer homes and to not see their parents but he did not consider that it was necessarily harmful. He did not equate distress with harm. The children's relationships with their parents were harmful and were harming them. He described how the father enveloped the children in his ideas in a way that they cannot think for themselves. He said that the message the children were getting from the father was about how wonderful the father is and how great the father is and how, if they lived with the father, it would be alright. Dr Bourne did not agree. Dr Bourne also said that it was unsafe for the children to live with the mother, mainly because of the risk of physical harm from A. Both children's level of anger against the mother presented risks to the mother and to the children.
54. Dr Bourne described the powerful influence of the father who had quite overtly denigrated the mother, encouraged the children to put the mother down and to hate her and had warped the children's feelings against the mother. He said that when he first met the children and asked them to justify their wishes and hatred of her, all they said was that she was quite annoying. He said that any clinician would wonder where the extreme negative feelings towards the mother (including A's wish



to kill the mother) comes from. B had gone from a child who was affectionate towards, and cuddled, the mother to one who was now also very disparaging towards the mother and had been physical with the mother. Dr Bourne considered the father's "XXXX Faction" attitude and approach as unusual and being about the father's self-importance. He said it drew a clear line between the father, A and B on the one side and the mother on the other. He also considered the online video content (including of the children's bedrooms, A lying on top of B and the father on the bed next to the children) to be inappropriate and showed a lack of understanding on the father's part. Dr Bourne's view was that the father was unable to distinguish between his own needs and those of his children. Publishing the various videos on the internet showed a lack of judgment on the father's part. Dr Bourne readily agreed that the positive observations of contact between the children and the father, and the contact notes, were a useful tool. He described them as a useful piece of evidence, consistent with what he observed and a positive snapshot.

55. Dr Bourne described the father as very disparaging towards the mother, extremely grandiose about himself and very intense. He said that almost every sentence the father spoke was about how he was a world champion, the best father, the best person in the world and so on. I note B also speaks of the father being the "*best father*" in B's email dated 8 February 2021 [L22] and in the supervised contact notes dated 20 September 2020 [K11]. The father has repeatedly described himself to professionals as a "*perfect father*". Dr Bourne's evidence was that "*grandiosity was the flavour in which [the father] presents himself.*" The father tried to give the impression that he is very powerful and important. The father dropped names of famous people who may help him to get his own way. He said that the father's statements about knowing (and naming) people in high places, and referring to his ability to have dinner with Boris Johnson every night if he wanted to [E206], were not relevant to the children's best interests and were brought up by the father as "*impression management.*" The fact that the father dropped those matters into a conversation with a child psychiatrist and carried on doing that was relevant to Dr Bourne, not whether the father had those connections. It was abundantly clear to me throughout the father's evidence that he continued to refer to people he knew, their occupations and position in society. During this final hearing, I have seen for myself the father's grandiosity and impression management.
56. Dr Bourne was worried that the children will feel that they have to live up to the father's hyperbolic statements about A being a giant and the best swimmer and about B being the best gymnast. Dr Bourne considered that that could be harmful for the children. It was part of the father's pattern of grandiosity and may instil unreasonable expectations in the children. It could also affect their behaviour towards the mother if she is seen as stopping them from becoming the Olympic champions the father says they can be.
57. Dr Bourne questioned some of the children's language and ideas including A's description of the mother being treated "*like she deserved*" [E220]. A did not recall saying that but did say that the mother "*doesn't deserve to have such a nice person*

*like my dad.*” Dr Bourne wondered what child conceptualises what a parent deserves. He questioned A’s reference to tax credits in the context of contact and said that it showed very adult orientated thinking. He also considered A’s use of the word “*influence*” [E627] to be an adult concept and said that none of these sentences could be considered in isolation. Dr Bourne considered that A was reflecting the way the father talks about the mother and described A’s statement about what the mother deserved to be striking for a child. Dr Bourne was concerned by A’s extreme feelings and the severity of some of the statements attributed to A, including the wish to set the mother on fire, hit her with a machete and so on. In A’s email dated 7 April 2021 [L43], A expressed A’s hatred for the mother, the schools, the local authority, the doctors, the judges, the police, the Guardian and said that if they all “*get out forever from our life ... it will be fine.*” Those views fitted in with Dr Bourne’s assessment of A absorbing the father’s viewpoint and polarised view of the world.

58. Dr Bourne described how the father told him in interview that he had recorded and transcribed a meeting with the social worker and that when Dr Bourne read it, he would see the truth. The father alleged that the social worker had been untruthful. In his interview with Dr Bourne, the father said that the allocated social worker, “*has an intellectual problem and is insane and a liar.*” [E205]. When Dr Bourne read the transcript provided by the father, it did not support the father’s story. Dr Bourne’s evidence was that he had never come across a social worker who had falsified a whole report and the father’s evidence in support of that allegation did not support what the father alleged. Dr Bourne said: “*if you tell a doctor that you have got proof and are going to send it to them, surely you check that the proof is there. The father’s description of life does not bear any reference to reality.*” Dr Bourne’s view was that the longer the children were influenced by the father, the more the splitting happens. The children are having to make a choice. Dr Bourne described how A is going along with the father’s world view, whilst B feels trapped in a world A has not made. That would continue if the children went to live with the father. Dr Bourne said that the children were hardening, more entrenched and he could not see another explanation for this other than parental alienation by the father. The children were rehashing the father’s viewpoint. They had to pick a side. He said that not picking a side was not an option for the children.
59. Dr Bourne described how the father pulling the strings increased the children’s feelings of distress and continued to feed the idea that it was the fault of other people. It made the children feel powerless because the father had encouraged them to think that they should have more power. He spoke of the father “*feeding the beast*” that the whole world was against them.
60. Dr Bourne was clear that it was not the children’s responsibility that they were acting out the emotional chaos that was going on around them. He said that to give the children the idea that if they behaved well there would be a different outcome goes against the source of/reason for their behaviour. The children should not be placed with the responsibility of the outcome of these proceedings. He did not agree with Ms Lyons’ suggestion of placing the children in a placement outside the

UK. He thought that would be hiding the problem and not addressing the dynamic issues going on.

61. Dr Bourne described the children as emotionally damaged by their experience of the parents. It was very harmful to them. They were torn between reality and their father's view. A was absorbed into the father's thinking. B is an emotional wreck. Therapy is needed to help them get past that and change the impact on them. They need history to be rewritten so that their understanding reflects reality and they need help with the emotional repercussions. They need to be in a safe environment, away from both parents, to get the therapy they need. Dr Bourne said that therapy was like drawing a bath and it would not work when the taps were on regarding emotional damage. Without therapy, A will become more entrenched and more risky to others including the mother. B will become more emotionally distressed and disturbed and will turn it in. B is scared of her sibling, A, and disassociated after one contact. There is evidence of emotional trauma. Dr Bourne's view was that a lot of the mother's problems have probably arisen because of the impact of the father on the family system. Dr Bourne's view was that the father's psychological make-up is that he cannot or will not see himself as the cause of the problems for the children.
62. Dr Bourne's independent reports on A's and B's competency to instruct solicitors are evidence based, reasoned and clear. He clearly researched the relevant questions and approached the assessment with an open mind and with knowledge of the children and the family dynamics. I have no hesitation in accepting them. Dr Bourne's evidence was that A's emotional maturity was not higher than expected for a child of A's age and it was compromised by the influence of the father. Dr Bourne was concerned by A's insistence that it would not be a problem if A had access to the full bundle. He said that there was something about A's general narrative that deviated so far from reality that it indicated that it was compromised. B was clearly not competent. B was confused, withdrawn and in an emotional mess. Dr Bourne was struck by the clarity in what B said about contact (repeating the father's words) compared with B's confusion about other matters. Dr Bourne's view was that neither of the children's executive functioning was developed. If A instructed A's own solicitor but did not get what A wants, it would be more damaging for A because whilst A would get the power, A would not get the result. If A does not get the result, A will say that the Court is wrong and will adopt the father's attitude. Dr Bourne considered that to be more harmful to A. It was important that A got the message that it was for the adult professionals to make decisions in A's best interests.
63. Dr Bourne deferred to Ms Gill's expertise on the question of the recommended therapy. He considered that the therapeutic work should be a collaborative piece of work with the Local Authority taking responsibility for monitoring the safety of the children.
64. Dr Bourne was cross examined on his approach to disputed facts. His approach is one which he has adopted in other cases and I saw no difficulty in it. The findings in this judgment are the findings of the Court not the experts.

65. I have no hesitation in accepting Dr Bourne's evidence. His written and oral evidence was considered, balanced, fair and insightful. He is undoubtedly an expert in his field. I do not accept the father's criticism of Dr Bourne's approach.

### Judi Lyons

66. Ms Lyons is an experienced and straight speaking independent social worker. It is regrettable that she had not read the updating documents, including the parents' final witness statements and the Guardian's final analysis, before she gave her evidence. A list of updating documents (with the documents attached) should be provided to all professional witnesses before they give evidence so that court time is not wasted.

67. Ms Lyons spoke about the cultural differences between the parents' backgrounds. She was clear about what the father had told her about his origins.

68. Ms Lyons' evidence was that when she assessed the parents almost a year ago and saw the family, the children were not as hardened and their position not as entrenched as now. She said that it was very sad that things had deteriorated so much since her parenting capacity assessment. Ms Lyons deferred to Ms Gill on the proposed therapeutic plan. She described the proposed therapy as "*Rolls Royce therapy*" and said that if the father signs up to it for the children's sake, it was in with a chance.

69. All that Ms Lyons reported about the father is consistent with the other experts' views and experiences. She described both parents as co-operative and "*lovely*." She described the father as a charming man but was in no doubt, based on her own observations, that there was parental alienation by him. She said that in a contact session: "*I could see it – parental alienation – it was absolutely clear, straight in front of my eyes.*"

70. Ms Lyons described the father as a highly intelligent man but said that there seems to be a gap between his intelligence and his emotional intelligence. She was very concerned that he had not taken on board the clear message in her report at **E46** where she stated that the father's "*behaviour has been to express incredulity at any of the possible accusations or implications of his input on the children, in relation to their mother. He certainly does not "rate" the professionals from the social worker to the Judge and expresses disbelief that he would be "labelled" by them as having what might be considered a malign influence over [A and B]. He blames their mother totally. I find this lack of self-reflection disappointing in a man of such intellectual and emotional ability.*" Ms Lyons' evidence was that Ms Gill's report may explain why the father had not taken on board her message.

71. Throughout Ms Lyons' evidence the father made it clear that he disagreed with Ms Lyons' evidence and analysis by shaking his head, wagging his finger at the screen and turning his video off when I asked him to stop gesticulating and sit down. The father behaved in the same way during some of the social worker's evidence on Day

4. Ms Lyons described Ms Gill's report dated 31 October 2021 as very exciting because it turned the issues on their head and looked at it from the other way round. She said that it explained a lot about the father and his functioning. Despite that, the father's views remained unchanged. During Ms Lyons' evidence, it was clear that the father continues to blame the mother for everything, as he did when Ms Lyons assessed him a year ago.
72. Ms Lyons believed that if the children did not have therapy, the situation would become worse and worse for them. They would not know the right way forward, they would have difficulties with their adult mental health and it would be a disaster. She agreed that the children currently need space and no contact. She was clear that the parents need to follow advice about no contact and stand back otherwise it would be disastrous for the children. Ms Lyons' view was that the parents need to take some responsibility for what has happened to the children. She clearly hoped that the father's love for his children would mean that he stands alongside the family to ensure that the therapy works. Ms Lyons described the father as liking projects and liking to show that he can be successful. She hoped that he channelled that same energy into therapy.
73. In her report prepared over a year ago, the father said that he wanted "15:15" [E111]. This unusual way of describing his preferred 50/50 contact arrangement was exactly the same description used by the children months later. I am sure that Ms Lyons correctly recorded "15:15" at the time when she wrote her report a year ago. It is a phrase that the father used four times in the private law proceedings [NMO bundle at pages 197, 200, 201, 206].
74. Ms Lyons' evidence was that the children were probably having to please the father in what they said and did. She said that the mother has lost her status in her own right in the family and that that was unacceptable. She described the father's attitude to "trust no-one" [E111] as very sad and was concerned that the children would follow in the father's path.
75. Ms Lyons believed that the mother was willing and able to take on board the recommendations. She said that the mother would do anything to help her children. She described the mother as "an expert in living with [the father]." That was very insightful. Having considered all of the evidence, I could not agree more.
76. Ms Lyons gave a balanced view of each parent. She was critical of the mother's earlier refusal to let the children have supervised contact with the father and described the mother as quite forceful at times. She said that when she assessed the parents, there were quite a lot of similarities in the way the mother and the father approached professionals. She described the father as very competent and a fun dad involving the children in exciting holidays, whilst the mother was involved in the basis day to day grind. She readily agreed that the children enjoyed spending time with the father. She described him as a very interesting dad and said that he had lots to offer the children. She was clear, however, that the situation had deteriorated and her previous recommendation of overnight staying contact no

longer applied. She said that the prospects of the children living with the father were a long way off. Ms Lyons was clear that the children need a decision now and that proceedings could not drag on for the children. There was a risk that the children would see the adults as unable to make up their minds, which would feed into the father's view that *"we are a bunch of losers."* She did not recommend continuing court oversight. She said that the parents could apply to discharge the care order if matters progressed positively. She did not see long term foster care lasting until the children were 18 and agreed with the Local Authority's plan of rehabilitation.

77. In my judgment, Ms Lyons' proposed approach of sitting down with the children and explaining what would happen if they did not stop being horrible to the mother did not take account of the father's unrelenting antagonism and deprecation of the mother and anyone he disagreed with. Whilst Ms Lyons' proposed approach may have worked in some cases, it is unlikely to have worked in this case because of the father's influence over the children. Ms Lyons described Ms Gill's report as very helpful and said that *"unless and until the father stops influencing the children as he has been assessed as doing, you can't expect the children to change."* She described the picture as much clearer now that Ms Gill's report is available. She agreed that Ms Gill's assessment includes a together and apart assessment of the children. It sets out why the children should be placed in separate foster carers' homes.
78. Ms Lyons considered the risk of A absconding to be slim because A was so disciplined, the children were placed in the area they knew and they were in foster families that were a good fit. I hope the children and the father understand that if the children abscond, not only will it put them at risk of significant harm but it will not result in them being placed with the father.
79. Ms Lyons recommended that the children be given a plan for the next few months so that they know when they are likely to see each other and their parents. She said that there needed to be monitoring of any fall out after the children see each other.
80. Like all the other professionals I heard from, Ms Lyons did not consider it appropriate that the contact supervisor attended A's special celebration as the father's guest. She considered it crossed professional boundaries. I agree. It was inappropriate.
81. I accept Ms Lyons' assessment of the parents. I also accept that Ms Lyons' record of what she was told is accurate. Ms Lyons is an experienced and trained professional who knows the importance of accurately recording what she is told at the time. She accurately recorded the *"15:15"* phrase used by the father long before the children spoke about it. The father's inability to provide an accurate record of conversations and meetings was illustrated by Dr Bourne's experience when he checked the transcript provided by the father and found that it did not say what the father said it would say. Ms Lyons has no reason to make things up, including the father telling her about his connection with a certain preacher. The father telling Ms Lyons about

his connection to the preacher is entirely consistent with the father's grandiose attitude and impression management seen by all the professionals.

## VK

82. VK is clearly a highly experienced, highly professional and highly competent social worker. His evidence was measured, fair and honest. He accepted that the final care plan should include details about the rehabilitation plan and therapy. He did not seek to argue points but rather to give his evidence in a straightforward and balanced way. The father's allegation that VK "*has an intellectual problem and is insane and a liar*" is baseless and wrong. It says more about the father than it does about VK. I entirely reject the father's attempted character assassination of VK and am certain that the children's refusal to work with VK has been brought about by the father effectively poisoning their minds against him. That is a real shame because VK is obviously an experienced, child focused and practical social worker. The speed with which VK looked into the proposed foster carers put forward by a member of the local community, rather than wait for the placement team to identify placements, illustrates his focused determination to do the best for the children and his practical professionalism. He accepted that his directions regarding A's religious attendance should have been clearer. He readily accepted that that was a mistake on his part. His views on not applying for a DOLS order to restrict the children's access to mobile phones are understandable but the issue should be kept under review if there is evidence that the father continues to communicate with the children, undoing the benefit of the therapeutic work. VK considered that the onus should be on the father, not on the children, to ensure that there is a period of no contact as recommended by Ms Gill. He agreed that the email correspondence between A and the father, including A's email dated 18 November 2021 (which, out of the blue, takes up the father's theme, in the father's email dated 16 November 2021, of the paternal grandmother not killing the grandmother) indicates that the father cannot be relied on to have no contact with the children.
83. VK said that he could not understand why the children's relationship with him changed very suddenly in the middle of 2020, with the children suddenly not wanting to talk to him or interact with him. At around the same time, in July 2020, the children told VK that the father wanted to bring his new partner to attend contact sessions. One of the children told VK that the mother's days were numbered because they were getting a new mother. When VK pointed out that that was hurtful to the mother, the children said that they did not care.
84. VK's evidence was that when he first spoke to the father about his plans, the father said that he intended to return to live in his native country. A year later, the father was saying the same thing. VK was struck by that and wondered whether the father's 15:15 / 50-50 proposal was based on his plan to live in his native country. VK did not detect any consideration by the father of the impact of a move to his native country on the children.

85. Once the children refused to speak to VK, he arranged for another social worker not involved in the court proceedings to do direct work with them. The children also have an advocate from Action for Children.
86. Like other professionals, VK also saw A developing the same traits as the father. When A arrived at A's first foster care placement, A told the foster carers that A was a top class tennis player at a top class tennis club. The foster carers told VK that the club was a run-of-the-mill tennis club.
87. VK described taking A to A's first bridging foster placement. He said that after 30-40 minutes of explaining, A went to the placement without the need for any security or police attendance. When VK returned to school nine days later and spent time with A at school, in the car on the way to the new placement and at the placement, VK was surprised by the difference in A. When A was taken to the first foster placement, A was angry in the car and did not want to talk to VK. When A was taken to A's second foster placement, VK said that A "*presented as a completely different child.*" A was very relaxed, open, chatty and initiated conversations. A was interested in A's pocket money, data on A's phone and whether A could ask for more food if A was not given enough. VK was clear that A was chatty, inquisitive and relaxed before A knew whose foster carer home A was going to. VK said that when A got to the second foster placement, A realised that A knew the older son in the placement, shook hands and was very respectful. They all sat together and chatted for 30-40 minutes until it was time for the family and A to eat. VK could not correlate A's emails dated 16 and 18 November 2021 to court with what he saw in front of him. VK believed that the email was probably mostly written by the father rather than by A. He said that its contents did not reflect what VK saw on the ground. The foster carer had not reported any issues. A was spending a lot of time talking to the foster carers' son and VK described A as "*extremely comfortable*" in the second foster carers' home.
88. VK was not involved in B's placement because B did not want him to be. He was, however, told by the social worker involved, Ms BK, that B has "*slipped right into the family lifestyle and routine.*" VK said that there is another child in the placement who is at the same school and they have the same group of friends. There are knocks on the door, inviting B to take part in activities and B has attended other children's parties. VK said that B seems to be enjoying the placement.
89. VK told the Court about a gift, air pods and message that the father had passed to B in foster care via the child of a friend. The verbal message was that B "*needed to write in [B's] diary like [B's sibling] has asked [B] to.*" The email confirming VK's conversation with the school is in the second supplementary bundle at **SB2, G8**. The gifts and messages were passed on despite the non-molestation order made against the father in Court attended by him on 3 November 2021 [**B188**]. The father did not wish to call the teacher to give/challenge her evidence about her conversation with M, the child who passed the items and message to B at the father's request. As far as VK was concerned, the father's actions in passing on the items and the message via another child were a blatant breach of the Court order and appalling. He saw it



as not only interfering with therapy but also with the placement (which VK described as “almost perfect”) and denying B the space and time away from the family that everyone agreed B should be given. Instead, B was being brought back into the conflict and being told to write the diary as A has asked B to.

90. In his evidence, VK accepted that the final care plans need to be revised to include details of the rehabilitation plan and therapeutic plan including the Local Authority’s commitment to funding therapy as long as the children needed it. He also explained that Ms Gill will continue to work with the family and coordinate the therapy to the end. He explained why the Local Authority considered that proceedings should now end. He said that the children expected an ending and would benefit from having one less organisation to deal with. The Local Authority would be the corporate parent with the resources and manpower to manage the therapy properly and apply to court if the parents jeopardise the work done, for example by continuing to contact the children secretly. If there was any indication that the parents were not adhering to the non-molestation order, VK was clear that the police would become involved.
91. VK was in no doubt that both parents have caused the children significant emotional harm. He confirmed that whilst the Local Authority’s care plan is for long term foster care, with no plan for reunification at this time, reunification will remain on the agenda, as it does for every looked after child.
92. VK believed that the children faked their stated hatred for the mother. He said that when he saw the children, there were times when they dropped their guard and there was genuine affection towards the mother. However, those flashes were short lived. He believed that the children were putting on an act and that it has now become normal for them to behave as they do towards the mother. He pointed out that until recently, B would sleep with the mother when B needed comforting. B would not do that if B genuinely hated the mother.
93. VK agreed that the children would have been upset when they went from seeing the father a lot to supervised contact once a month. He readily accepted that it would have caused them further anxiety. Whilst the mother gave reasons for stopping contact (she was concerned about the impact of the father’s behaviour on the children), VK said that the children did not have a full understanding of why contact stopped. He agreed that the incident involving B being pulled in different directions by the mother and A would have been distressing for all involved. He saw why the mother tried to stop A dragging B out of the flat by B’s legs. He looked at the context and at the whole picture. He believed that the children were goading the mother and he believed that A was trying to make professionals believe that A was being mistreated by the mother. VK explained that that the family support worker, school and support worker were all involved in seeing the children but did not see any evidence of the children being mistreated. Further, A was unable to give the time or context around the alleged incidents of mistreatment, which VK would have expected A to be able to do. VK’s assessment was that the children were providing negative information about the mother to persuade professionals that they should

live with the father. During the s.47 investigation, despite making the allegations against the mother, the children wanted to remain living with her.

94. VK's evidence was that the Local Authority funded five supervised contact sessions for the purposes of the s.47 investigation. The Local Authority was not going to fund further sessions in the private law dispute between the parents. VK tried to engage the father in discussions about contact after the fifth and final session funded by the Local Authority but the father did not respond at the time. The father later criticised the Local Authority for not facilitating contact but the parties were in private law proceedings at the time and it was for the parents to make and fund the arrangements. VK's approach was entirely understandable and reasonable. VK explained why he had to negotiate with A about contact within these proceedings. After A pushed the mother over the sofa, VK told A that if A's behaviour towards the mother did not change, it may be necessary to stop contact with the father. Bearing in mind the concerns that A's behaviour was being influenced by the father, I do not criticise VK for this approach. Clearly something needed to change. In his evidence, VK said that he was impressed with the father's response when he agreed to speak to A about A's violence towards the mother.
95. In his statement [C143], VK clearly set out his assessment of the father. He said that on occasion he found the father's presence to be menacing and suffocating. VK is a seasoned social worker and said that on the occasion he met the father at his home, VK felt the environment to be quite dangerous and unpredictable. The father did not agree with that but, as VK rightly said in his evidence, those were VK's feelings whether the father accepted them or not. VK's written account of his visit to the father's flat on 11<sup>th</sup> June 2020 [C29-32] and oral evidence about that visit was credible and I believed it. VK made a number of concessions in his evidence, including that the arrangements he made around A's religious attendance whilst in foster care could have been clearer. I do not believe that VK made up his evidence up about what he said happened at the father's flat. I believed VK's evidence that the father told him that he had over 1,200 recordings of the children with their mother and many more of professionals involved with the family. I also believe that the father told VK about his secret recording devices. The mother found a recording pen in A's possession in April 2020 [C46]. The father was clearly trying to intimidate VK and make him feel uncomfortable. It is consistent with the father's grandiose manner, exaggerated claims and impression management. Whether the father actually has that number of videos or not is a separate matter. I am satisfied that he told VK that he had them.
96. VK accepted that the father had been able to work with other professionals. However, he said that both he and the children's schools had different experiences of working with the father. He said that the father had made numerous complaints to B's schools and had used meetings as a forum to verbally attack the teaching staff. A had only started at A's new school in September 2021 but A's school was already feeling bombarded and was getting dragged into the dispute by the father.

97. Like all the other professionals involved in this case, VK did not consider it appropriate that the contact supervisor attended A's celebration. He had emailed the agency about it.
98. VK was recalled on 3 December 2021 (Day 8) to deal with the gift/message incident on 24 November 2020 and the place of worship incident on 27 November 2020. I deal with those incidents more fully below. VK readily accepted that the arrangements regarding the place of worship A attended could have been clearer. He said that it had now been made clear to the foster carer and to A that A must not attend the father's place of worship. Y, the foster carer's son, no longer wished to be involved in the foster carer's arrangements and had been unwilling to provide a statement about the place of worship incident. Both incidents involved the father breaching court orders, which he apologised for in his evidence and assured the court would not happen again.
99. VK is clearly an experienced and hardworking social worker. His evidence was balanced, fair, practical and child focused. He readily accepted that the Local Authority's final care plan needed more detail and provided an amended care plan during the hearing. He has experienced a difficult working relationship with the father and, more recently, with the children. I am in no doubt that his relationship with the children deteriorated because of the father's influence on them. The difficulties come from the father not from VK. I have no hesitation in accepting VK's oral and written evidence.

### **The mother**

100. The mother described how her relationship with the father changed after A was born. A was born in 2008. She spoke about how the father became very angry with her older child, R, and would shout and scream at R and wreck R's bedroom. She described how she went along with what the father said (including after they separated). She said she did not report the father to the police because she knew that if she did, he would refuse to give her a divorce. She went along with the father's holiday plans because she did not want to jeopardise her chances of getting a divorce. The father moved out of the family home in January 2019, decree nisi was obtained on 29 August 2019, and decree absolute was obtained on 11 November 2019 [SB G128]. The mother's evidence was that when the divorce petition and acknowledgement of service were served on the father, he tore them up. The mother's (then) solicitors' email dated 22 February 2019 supports that evidence [SB p.216]. The mother said that she first asked for a divorce in 2018 and after that she had to be compliant in the hope that the father would give her a divorce. She went to the police in November 2019, shortly after her divorce. The mother described being scared of the father. She once asked him why they rented rather than bought a property and the response he gave (including throwing a hand mirror at her, shouting at her and calling her an idiot) made her never ask that question again. She said that if she disagreed with him or had a different opinion to him, he would scream, shout, pick things up and throw them. She described how she froze in response. She said that the father would tell her that she was wrong and did not understand. The mother said that even after the divorce, she agreed to "*shared*

*custody*" [H16] because the father would scream at her with the calendar in her face. She said she had no voice in the abusive relationship. She said that she was unable to challenge the father when he went "*ballistic*". She had no lawyers advising her in respect of the children's living/time spent arrangements.

101. The mother spoke about the father's explosive rages and about how they made her shut up. She was clear that the relationship was abusive, that they were not equal partners and that everything revolved around the father's needs. She described how the father would return home and inspect the house, going from room to room to inspect the mess and fly into a rage if anywhere was untidy. She described the father picking on, belittling and name calling R. She said that on one occasion when R was 12 years old, the father went into R's room, picked up R's possessions and started to smash them up, including jumping up and down on a PlayStation control and smashing it. She said that the father put his hand through R's door when R was in the room. In his evidence, the father admitted standing on R's PlayStation control in anger. The mother told me that she asked the father to attend family therapy to help R, but the father refused to do so. She described the father turning her against R.
102. The mother said the father became angry about many things including the water not being mopped up in the bathroom and about the smell of moussaka. She described not knowing when the next explosion would happen. She described a household filled with fear. She said that she was hypervigilant at all times. She described a number of incidents including one when she was travelling with the father and children through France. A comment was made about some wreckage in the road and the father "*exploded and went mad, screaming and bashing his hand on the steering wheel at 80 mph.*" She said that she thought they were all going to die and that after that she never travelled in the car with him again. When she joined the father and the children for a holiday in 2019, she made her own way there. She would not travel in the car with the father. She said that she went on that holiday to make sure that the children were safe, particularly B who would otherwise have been expected to go down hard cycling trails with the father and A. The mother was also worried about the father's mental health and wanted to be there to monitor the children. She described how, on the first day, the father had shouted and screamed at A in front of a friend because A had fallen from A's bike and damaged A's cycling helmet.
103. The mother also said that the father once screamed at A that he wanted to bury A in a grave. She said that the father screamed "*motherfucker*" at B after B missed a gym session at the end of 2019. She said that B would shake and cry when the father did maths homework with B and that the father often used the word "*donkey*" in a derogatory manner. She described it as the father's "*famous line.*" It is a word that A has adopted. She described the children as being "*absolutely petrified*" of the father in 2019. She said that B told her that when the children went off to do activities with the father (such as rollerblading and cycling), B reported that the father shouted at A. The mother described the father as being "*always passive aggressive towards the children.*" The mother said she felt unable to challenge the

father because of his reactions. The children were also unable to challenge the father. She said that: *"if he told them to do anything, they would do it straight away."* The children even looked to the father before giving R a kiss goodbye. That was the level of control the father had over the children. The mother said that the videos produced by the father of home life with the children bouncing in with joy from school, ready to do their homework, are contrived snapshots and a false reality. The mother believes that although the children love the father and he loves them, the children are scared of the father. She said that although the children went out and had fun with the father, they were always guarded and feared the father. That did not stop them doing activities with him. When the mother was taken to some of the numerous photographs in the bundles showing the children and adults smiling, the mother said that there was a story behind each picture. The father was often in a rage over parking or something else that upset him and it took time for everyone to calm down. She did not agree that the photos represented the reality.

104. The mother described several incidents when they were married when the father lost control including when he punched through the wall in frustration over the alarm, when he became angry over a parking machine when they were on holiday and when he started throwing and smashing plastic garden chairs when they were on holiday with others.

105. When he gave his evidence, the father admitted that some of the incidents occurred but he downplayed his loss of control and anger and sought to justify and explain them. I found the mother's evidence more credible than the father's. The father minimised his behaviour and the effect on others throughout the final hearing, particularly when it did not fit with (I find) his distorted narrative.

106. The mother told me that in 2019, after the parents separated, she invited the father to dinner after he attended a place of worship with A. She wanted them to be amicable as parents. She said that after the divorce, the father made two vicious threats to her – one on the phone and one to her face. He became increasingly abusive and angry towards her, including in front of the children. She spoke about how unsettled, upset and withdrawn the children were after contact with the father. A spent more time with the father than B did and A began to speak about wanting to die. The mother said that after she obtained a non-molestation order, the father stopped being abusive to her but continued the abuse through the children.

107. The mother said that when she told the father that she was going to apply for a child arrangements order: *"he basically declared war on me."* She told the children that she was reducing contact because they needed to be more settled during the week. She said that she stopped contact because she wanted to protect the children. The children became angry when contact was reduced. A became more aggressive, whilst B became more quiet and withdrawn. The mother said that she and the children all lived in fear of the father. She said that they all lived with a tyrant. The mother told me that the last time she visited the father's flat for A's birthday, B took her into B's room, sat on the bed and looked really frightened. The mother asked B if B was ok and B whispered that B felt really scared. That

concerned the mother because she knew what it was like being alone with the father.

108. The mother accepted that she had been physical with A on occasions when she tried to push A away, hoist A up to A's room or stop A doing things that A should not be doing. She said that A began to throw and smash things. A fought more with B. A swore at and insulted B and the mother, calling them a "*bitch*", a "*mongrel*" and other derogatory terms. Astonishingly, A called the mother a "XXXX". The mother said that the father also called her a "XXXX" in front of the children, although she said that the father did not use that word to her on a regular basis. It was clear to me that the mother was not embellishing or exaggerating her evidence. The mother believed that the word "XXXX" was being used when she was not around. A started calling the mother a "XXXX" after the father moved out. The mother said that it was horrific to be called a "XXXX". I find it difficult to think of a worse thing to call a person of the mother's ethnicity. A lot of the language A used was also used by the father against the mother, including the word "*bitch*." The father used to talk about "*nuking*" the world. A told the mother that he wanted to "*nuke*" her.
109. The mother openly admitted that on a couple of occasions she put soap on A's lips when A swore at her in the bathroom. Clearly, whatever A said, putting soap on a child's lips is not an appropriate response. It would have been very unpleasant for A. The mother was clearly struggling to manage the increasingly hostile and distressing home life, which became more difficult and challenging after the children's 27 day stay with the father in March/April 2020. The mother denied hitting A on the shoulder with an open palm and other allegations made by A. She said that A was exaggerating or embellishing A's account to get her into trouble. She denied being able to lock the children in the flat because the door had modern locks which could not be locked from the inside. That evidence was not challenged by the father and I accept it as truthful. It is an illustration of A making up allegations against the mother. The mother said that neither of the children mention any of the nice things they did together including attending extended family events, seeing friends, going to the park and so on. She said that everything about her is portrayed in a really negative light and when she tried to discipline them, they embellished it.
110. The mother has always accepted the incident in which B was pulled in different directions by her and A. She said that A was lying on B in B's bedroom and B called for the mother to get A off. The mother ended up holding B by the hands whilst A was holding B by the ankles. The mother readily accepted that it was a distressing incident but said that B was not crying. The mother's evidence was that she lost any kind of influence over the children because of the father's influence over them.
111. Having considered all of the evidence, I am in no doubt whatsoever that both the father and A used the language and displayed the behaviour that the mother described. The mother did not accuse the father of using the "c" word but she said that he used lots of other words including slang in the father's language which she asked her friends of the same nationality about and they were shocked that the

father had used that language. I find that B was less abusive and violent than A was towards the mother but there were still occasions when B was also verbally abusive towards the mother and was physical with her. The home environment has clearly been very difficult for some time and there is no doubt that the children needed to be removed for the safety of the children and the mother. The mother said that she tried to speak to the father about the children's behaviour but he would not listen to her. The mother described how she became increasingly concerned and frightened at the control and influence the father was having on A in particular. She approached the Tavistock, who advised her not to let the children have contact with the father until his mental health was assessed. She also became involved with Women's Aid which provided the children with one-to-one play therapy. Women's Aid noted a significant change in the children following their 27 day stay with the father in March/April 2020 [G13]. The mother believed that the father's abusive and intimidating behaviour stems from his desire to regain control following separation. She described his underlying character as one who wants to be in control. She described him as "*an irrational explosive man.*"

112. The mother said that in February 2020, she found secret notes from the father to the children in the underground car park and in B's bed. She said that the father and A had a secret code (the father's tyre being flat) which meant that the father had left a secret note for the children. She also found a small phone and a note on how to use it in the father's handwriting hidden in a sock in A's school bag after they returned from the 27 day stay with the father in March/April 2020 [SB1, G78]. She found that soon after the father made the referral to the NSPCC. The mother described how A would run and jump on A's knees on purpose saying that A would do anything to get the mother arrested. The mother also provided a screen shot of a message from A to the father in 2019 (but more likely 2020) in which A tells the father: "*I deleted the police emails*" [SB1, G79]. I find it astonishing that A had access to police emails. The mother was clear that she did not provide them. She said: "*The connivance between the father and A horrified, concerned and shocked me. I couldn't believe that the father was doing this to his child.*" A was less than 12 years old at the time (in 2020). The mother believed that there were more communications between the father and A that she has not seen. I agree and find that what the mother has seen and found is likely to be the tip of the iceberg. The father's behaviour is extraordinary and very concerning.

113. The mother insisted that she is a perfectly good mother to the children. She said that she had been able to parent them successfully before the father began his campaign against her. She said that her complex trauma developed into PTSD because of the intense stress she was living under in the last few years. She blamed the father for that. She said: "*if the father had not turned the children against me, this wouldn't have happened.*" She described how the good times became less and less as A became more aggressive and angry with her and B became more withdrawn. She said that when the children calmed down and forgot what was going on, it was good but the situation at home continued to deteriorate. At other times, when she asked them to do simple tasks like tidy their desks, she was met with a barrage of extreme insults. She said that she was not a threatening person,

that she had never threatened the children, that she does not scream and shout but she accepted that she has sometimes raised her voice. She said that she did not speak badly about the father to the children and did not put him down.

114. The mother told me about how, after the children started to see the father again in September 2020, A told her that the father was getting married and that she would be replaced by a better mother who was more attractive and spoke more languages than the mother. A quoted the mother's statement prepared for court proceedings back to her. A did not get that court statement from the mother. The children began to physically fight with each other more and the mother said that she had to step in to separate them. She said that she did not deliberately hurt them and that she loved them more than anyone else in the world including herself. She denied that R had deliberately hurt A but accepted that there had been an argument between them, that they had had a scuffle and that A had a bump on A's head as a result. At A's recent party, R played table tennis with all the children including A and as A was leaving, R gave A a big bear hug. The mother told me that R and A remain in contact with each other via WhatsApp.

115. The mother said that R had moved out of the home when R was 17 (some years ago) because of the father's increasingly threatening behaviour towards R. She accepted that R had some behavioural problems and ADD but said that R's behaviour became worse when the father started to be abusive towards R. The mother was insistent that R did not come home late at night with different friends. She did not accept the social worker's record at **I33** as accurate. The mother's concerns about R are recorded in emails dated 18 and 24 July 2017 and in the CAMHS letter dated 6 January 2017 [**NMO Bundle p.353-355, 361-363**]. Whilst the mother suggested that the emails may have been doctored by the father, I felt that the mother was downplaying the difficulties she was experiencing with R at the time and do not find that the father doctored those emails. In 2017, the parents were still living together. The mother accepted that R did go through "*a rebellious phase*" but said that it was because R was under extreme pressure living with the father who was belittling R, picking on R and being nasty to R. She described a family under pressure. The Royal Free Hospital's medical record in 2017 [**G3-4**] supports the mother's evidence about the difficulties she was experiencing with the father in 2017. It also records the treating medical team's assessment of the father's angry and challenging presentation and attitude. The parties were very much together at the time.

116. The mother spoke about the disconnect between the father's grandiose statements and the family's life. The children had been on pupil premium since 2015 when they had moved into social housing. The father found it hard to keep a job, having had eight in twelve years. He had had six or seven different companies. She said that his assertion that he had spent £1.9 million net on the children in 14 years was untrue. He had not brought his children up to speak his language because he did not have the patience to teach them. She said of the father "*he has to be understood immediately in the language otherwise he gets frustrated.*" She was not surprised that the Guardian had been unable to engage the children in the father's



language.

117. The mother said that her decision to support removal was *“the hardest decision I had to make in my life and the most difficult.”* She said that she wants the children to heal and she wants to be able to love and care for her children once again as she always used to. She said that she will do anything for her children and absolutely supports them and her having therapy.
118. The mother clearly knows her child, A. She clearly knows the father. She told me that the words used by A in A’s emails to the Court and to others, including the expressions “XXXX”, “XXXX” and the reference to not smacking the children’s faces, are not A’s words and phrases but the father’s. She said that the words and phrases (*“I’m on my nerves”, “all monsters”, “high degrees”, “destroying us”, “tens of sports”, “all against me”* and others) are all the father’s not A’s. She said that she knows the father so well and it was so obvious to her that the father was writing the emails for A. She said that A is not capable of writing detailed emails like that. A hates writing. A would not be able to write the long emails. She believes that the father has constructed those emails. She has no confidence in the father following court orders. She said that the longer the father continues to have covert communications with the children, the longer she is unable to see her children. She was clear that she will follow the orders made. I have no doubt that she will.
119. The mother’s evidence about seeing the father and A together on Saturday 27 November 2021, whilst this trial was ongoing, was credible and I accept it. She described her disbelief when she saw the father walking along the street with A and the foster carer’s child, Y, near to the father’s place of worship. She said that when the father spotted her, he leaned over to A, said something and then walked off in the other direction. The mother had been walking along XXXX Road, walking towards the father and A, who were on the opposite side of the road. She was clear that A was walking between the father and Y. She did not see Y trying to stop the father. She said that they were chatting when she saw them. She described them as *“three people walking down the road quite relaxed.”* She said that she saw them for about a minute before they saw her. The mother was in the area because she had a long-standing lunch engagement. It was clear that she only saw them in the street together by pure chance. Had she not been there, no-one would have been any the wiser. The mother had not expected to see the father with A. No-one expected this. It was in clear breach of the orders I made on 3 November 2021. The mother described how upset she was because she had abided by the rules for the children’s own good even though she was missing the children deeply, whilst the father was disregarding anything the professionals were saying. She did not try to speak to A because she knew that she was not supposed to. The mother described how it ruined her weekend because she did not know who to speak to as she was still under oath, mid-way through her evidence. The mother said that the father thinks he can do whatever he wants and that he is right and everyone else is wrong. She said that she knows him inside out. Seeing him with A that day, despite all that had been said in these proceedings, made her feel *“absolutely hopeless, upset and angry.”*

120. When the mother was asked about what her concerns were if matters continued as they had, she said : *“my children will never have the space to recover emotionally and they will grow up being mentally unstable adults and not be able to form healthy relationships and engage and have a full life.”* She clearly has insight. I could not say the same for the father.
121. The mother accepted the experts’ evidence, including Ms Gill’s. She accepted that her psychological functioning impacted her relationships with her children. She agreed with the recommended therapy.
122. It was clear to me that the mother was speaking the truth. Her evidence was compelling and it had the ring of truth. Her description of the father, his rages, anger and his unpredictable behaviour, matched the experience of other professionals involved with the family. When the mother gave examples of occasions when the father lost control and became extremely angry, she was clearly describing lived experiences. She was not making it up. I accept the mother’s evidence as truthful. Her desire to do the best for her children is genuine. She did not say that life at home with her and the children was perfect. She clearly tried to manage the increasingly hostile behaviour towards her. She clearly wants the children to have a good and safe relationship with both parents. She clearly has insight into the emotional and psychological harm suffered by the children. I cannot say the same about the father.

### **The father**

123. I gave the father a section 98 warning before he gave his evidence. The wording of the warning was agreed by all parties. Throughout his evidence and in considering this judgment, I have taken into account the fact that English is not the father’s first language. He speaks English fluently and he is clearly an intelligent man. He was able to express himself well throughout this trial. He did not ask for an interpreter to assist him.
124. The father began his evidence by explaining how he had come to breach the Court orders made on 3 November 2021 in his presence and when he was represented. He said that A had turned up unexpectedly at his place of worship and spoke about how hard it had been to not see his children for 30 days. The father described how hard it was for him when A turned up. He said it was *“hard for me to reject my child.”* He focused on how hard it was for him, not on why it was necessary for A. He described walking with A and the foster carer’s son, Y, in the street but said that he talked to Y not A. In his witness statement he said that A was walking a little distance away and was not immediately next to the father. I did not believe that evidence. The father had not distanced himself from A in the place of worship. He did not know that the mother had spotted him in the street until about a minute after the mother had first seen them walking and talking together with A between the father and Y. I do not believe that A would have walked *“a little distance away”* from the father as he said. The mother’s evidence that A was walking between the father and Y at a time when they were not aware that the mother had seen them was far more credible. The father said that he would find it difficult to see his

children but not speak to them. He asked that A did not come to his place of worship. He said that it was impossible to walk away from A. He described it as “*provoking*” if A attended his place of worship. It has now been made clear to A and to A’s foster carer that A must not attend the father’s place of worship. A should attend a place of worship further away from the father’s.

125. In his explanation for passing a gift, air pods and a message to B via another (BK’s) child, the father said that he first met BK at a dinner on 14 October 2021 when “*tens of people were there.*” The father’s use of the phrase “*tens of*” was notable. Mr K runs a charity to support divorcing/divorced parents. In his statement the father said that he met Mr K about 2 ½ months later when he realised that Mr K had a child who was in B’s class. The father had not met Mr K’s child by this time. It was on the third occasion that he met Mr K that he passed the gift and air pods/earphones to Mr K’s child to give to B. He told Mr K’s child, M, that B should continue to write in B’s diary. The father was clearly passing on a message and gifts in breach of the order. He had clearly attended the K’s house with the gifts intending to give them to the child of Mr K to pass on to B. Why else would they be in his possession when he attended the K’s house? When cross examined by the mother’s advocate about why he went against the experts’ view and the Court’s order, the father said: “*it never would have happened if I’d never met Mr K.*” The father was clearly responsible for his own actions. The father had no regard to the orders made. The terms had been clearly explained to him. I do not accept his suggestion that he did not know that what he was doing was a breach of the orders made. Both events were clear breaches of the court orders. The father should have left when he saw A at his place of worship. He should not have handed over any gifts or passed on any messages to B. He was in clear breach of the orders made. He spoke about how hard it was for him not to have contact with his children. He made no mention of the reason why the orders had been made. He focused on his needs, not his children’s.

126. The father did not accept the mother’s description of their marriage or his behaviour towards her. He denied being abusive towards the mother. He denied shouting at the children and making them scared. He said that the idea of writing a diary came from the contact supervisor. Only B has written a diary. A has written emails. The father suggested that A’s emails are A’s diary. They are clearly not. They are a series of demands, complaints and attempts to set the record straight. The father denied being involved in composing A’s emails. I did not believe his evidence on this. He denied tearing up the divorce documents. I did not believe his evidence on that either. Other than his admissions about the incidents described by the mother, I did not believe the father’s evidence. He was not a truthful or credible witness.

127. The father accepted that there had been some arguments but said that the mother sometimes screamed quite loud. He accepted that he had been “*angry but not extremely angry*” when the mother asked about buying a property rather than renting. He described himself as a tidy and clean person and agreed that he “*liked the home to be kept in a certain way.*” He agreed that on one occasion he had

become very distressed by the mess and started shouting and throwing things in front of the children. He said that it happened during a period of time when he was very stressed. He agreed that the children witnessed him getting angry with the mess in the house on other occasions but said that it was not every week, more like a few times a year and not in the extreme way the mother described. He admitted that he shouted and threw toys a few times. He denied stamping his feet but said that he trod on R's PlayStation because he disagreed with the game, R was playing it all the time and it was a bad example to A. He later admitted that he trod on it in anger but did not think that the children were in the same room when he did that. On further questioning he admitted that R was in the same room and said that R was under 16 years of age at the time. That evidence was not forthcoming from the father. The father said that the mother never told him to calm down. I did not believe that.

128. The father denied punching through R's door. He admitted punching the alarm system because it was not working. He said that he punched it to make it work. He spoke about things around the flat not working and about the landlord not fixing things. He said that he had sent many emails about things not working. He admitted that he punched through the plaster but said that he re-plastered it *"because I am a very handy man."* He said the children were not there and that he was *"not that angry."* I am sure he punched it in anger. He told me that he is a handy man. I did not believe that, as a handy man, he thought that he would make the equipment work by punching it so hard that he went through plaster. He was clearly minimising and seeking to excuse his actions. He eventually accepted that his response had been *"a bit excessive"* but went on to say that he had not seen the mother scared by that.

129. When the father was asked about the incident with the parking meter in France, at first he said that he did not remember the incident at all. He then said *"maybe the machine was not working and I expressed my upset. I was not hysterical. It was very exaggerated."* He went on to say that once or twice a year if a ticket machine did not work, it would be upsetting but he would not express his upset more than normal. He could not recall getting angry and throwing the garden furniture around on a holiday in France in front of the maternal family. Instead he referred to the nice villa, lots of photos and the good time they had there. He later said that he did not throw the furniture but *"maybe I pushed it."* He then said *"it is possible I pushed stuff because I was upset. I don't remember during those holidays"*. It was clear to me that the father was not being straightforward or honest in his evidence.

130. Throughout his evidence, the father often brought matters back to himself. When he was asked about the mother feeling that she needed to agree to his requests to make sure that he agreed to her having a divorce, he disagreed and began to speak about when he lost his job in November 2019 and about his father passing away and the deep shock it had been to him because his father was his best friend.

131. The father was unable to explain the Royal Free Hospital's medical note at **G3- G4** which records that on 30 April 2017, long before private or public law proceedings began, the father was noted to be "*irritable, grandiose and proud of his achievement at work.*" He was recorded as rebuking the member of the psychiatric team who had been called down to see him and accused the medical officer of not understanding him. He was recorded as getting angry. The mother is recorded as being supportive but complaining about the father's behavioural problems. That was on 30 April 2017. The medical note records that the mother finds the father "*self-centred, proud of himself and looks down on others. He does this to his wife. She finds it difficult to manage.*" That record is telling because it records the father's presentation and the mother's account long before court proceedings were in the parties' minds and at a time when they were very much together. The father's only answer to this was that he was in hospital for a fall, he did not ask to see the psychiatrist, the mother was not supposed to be there and "*my ex-wife managed this.*" I accept that medical record as an accurate picture at the time (30 April 2017). The father's GP's letter dated 27 May 2020 also refers to this incident [**G10**]. In the GP's letter it is recorded that the father has "*presented with significant anxiety and anger in regard to the divorce and considerable animosity to his ex-wife.*" The GP encouraged the father to seek psychological support in the letter dated 27 May 2020 [**G11**]. In his evidence, the father agreed that he did not accept the conclusion that he needed psychological support and he has not received any. This was clearly another example of the father thinking that he knew better than the medical professionals. He has now agreed to take part in the recommended therapy. His engagement and commitment has not yet been seen or tested.
132. During cross examination by the Local Authority's advocate, the father agreed that the children have suffered and are suffering significant harm. However, he said that it was not as a result of anything that he had done. He considered that the harm was caused by him not seeing the children in 2020 and 2021. He said that out of 730 days in 2020 and 2021, he had had the children for 34 nights in 2020 and 24 nights in 2021. He said: "*58 nights out of 730 is very harmful and very damaging*" and that the only emotional harm suffered was caused by the children not seeing him as much as they wanted to. Whilst he admitted being angry, shouting, throwing things, pushing furniture and thumping the alarm wall, he said that he always showed his love to his children and they always showed their love to him. He had an alarming lack of insight into the impact of his behaviour on the children and the mother.
133. The father accepted that using threatening and abusive language could cause emotional harm. He accepted that encouraging and inciting abusive behaviour towards the other parent could cause emotional harm. When he was referred to the language he used in the secret note dated 28 January 2020 (and others) to the children, including "*prisoners*", "*torturing you psychologically*", "*pathetic*", "*monstrous*", and telling the children "*you are in such a distress, such in pain, so sad*" [**J31**], he accepted that it could affect the children emotionally. He agreed that it was wrong to use those words but said that the children were very harmed at that time. He said that what the mother did (stopping contact, his allegation of her

bruising the children, calling the police) was more harmful. Having made a number of concessions, the father then denied that the secret notes harmed the children. He denied leaving notes in the underground car park and said that he left them at the bottom of trees outside school, gave them to other parents and boys and left them behind the mother's car at school. I found his behaviour and his attempts to justify his behaviour extraordinary. I did not believe his denial that he left messages in the underground car park. I find, more likely than not, that he did leave messages in the underground car park. He has no regard for orders or undertakings. He does as he wishes. He was not a credible or truthful witness.

134. In his evidence, the father told me about one occasion when he had apologised to A. On a trip abroad, A had commented that a friend's Mercedes car looked like a taxi. The father told A that A should not say that. The father told me that he later apologized to A because he could see that A was upset by the father's words. In contrast, the father saw nothing wrong with leaving secret notes for the children, in the midst of a contact dispute, in which he wrote about how "*pathetic*" and "*monstrous*" the mother is and tells the children about how they have been "*totally under your mother's will*", that the mother has "*been torturing you psychologically for weeks now*" and about how they are "*in such a distress, such in pain, so sad.*" [J31 – secret note dated 28 January 2020]. The secret notes seen at J31-J33 are completely unacceptable. The language used by the father to denigrate the mother and draw the children into his dispute with the mother is shameful. It is no wonder that the children call the mother terrible names, including a "XXXX". They have seen, heard and learned from the father. Whilst the father denied speaking badly about the mother in front of the children, I did not believe his evidence. He has used every opportunity to put the mother down. He has spoken negatively about the mother in front of professionals, including the social worker (whose evidence I preferred to the father) and I am in no doubt whatsoever that the father's vilification of the mother has continued in front of the children behind closed doors. A snapshot is seen in the secret notes, which the father instructed the children to destroy. The father's evidence that he did not denigrate the mother in front of the children lacks credibility and I did not believe it. The father's response to the mother's difficulties in managing A's increasingly challenging behaviour has been to blame the mother for stopping contact and not imposing boundaries. The clear reality is that the father has encouraged and influenced the children to behave in the terrible way that they have towards the mother.

135. In his oral evidence, the father maintained that the allocated social worker, VK, fabricated his evidence [C29-C32] about what happened when the social worker visited the father and the children at the father's home on 11 June 2021. Having heard the evidence of the father and the social worker, I found the social worker to be more credible than the father and I accept the social worker's evidence about that visit as accurate. During that meeting, the father told the children to tell the social worker about the mother and about how she lies and mistreats them. The father referred to the mother as a "*bitch*" and he was aggressive and intimidating towards the social worker. In his oral evidence, the father was unable to accept that he made the social worker feel uncomfortable. He referred to 98 inaccuracies in the

social worker's statement. In his statement, the allocated social worker, VK, described B as being almost "*catatonic*" after that visit. The father said that B was upset by the social worker's behaviour. He did not believe that B was almost catatonic after the meeting, even though he was not present when A told the social worker that "*this is what [A] does when things get too much for [A].*" Dr Bourne has also recorded B as being in an emotional mess. The father accepted no responsibility for any of this. He blamed everyone but himself. He did not accept that A's anxiety, stress and abdominal pains had anything to do with him. He described his time with the children as "*very happy, very relaxed, never screaming, only perfect.*" I do not accept that as an accurate or honest picture of his time with his children.

136. The father was asked why, when the children turned up at his home on the three occasions that they left the mother without telling her where they were going or that they were going, he did not call the mother, take the children home and reinforce the message that they should not leave the mother without telling her. The father's answer was that he could not use the phone. When I asked him whether that stopped him from walking the children the short distance back to the mother's flat, he said that it did not. The father was clearly unhelpful, unsupportive, irresponsible and inconsiderate in his actions. It was clearly unsafe for the children to be walking around on their own, particularly at night. The father showed no concern about that. In my judgment, it is clear that the father has encouraged and enticed the children to go to his flat whenever they want to and without telling the mother where they were going. It is consistent with his secretive behaviour and attempts to undermine the mother and create anxiety for her once she realised that the children had left her care without telling her. It was part and parcel of his campaign against the mother that he clearly drew the children into. The father was disingenuous and evasive in his evidence, including when he said that he could not phone the mother. He could have walked the children back. He said that once the children were at his home, he did "*not have the heart to send them away.*" He focused on his own feelings. More likely than not, when they turned up on his doorstep, he was delighted that they were there and made no attempt to return them home or let the mother know that they were safe with him. When the father told me that he did not discuss the mother when the children were with him, I did not believe him. When the father told me that he has never spoken badly about the mother, I did not believe him. His secret notes show that evidence to be untrue. Most of the time, the father blamed the mother for everything. Sometimes he blamed her for most things. He clearly sees her as the person who has ruined years of his life when he has not seen the children. He counts each and every day that he has not seen the children. He has written secret notes describing the mother in terrible terms and instructed the children to destroy those notes. What the Court has seen is, I am sure, the tip of the iceberg. It is simply not credible that the father does not speak to the children about the mother or that he does not speak badly about the mother.

137. When crossed-examined by the Guardian's advocate about the contents of A's emails, the father said that everywhere he goes in England he hears the word

“XXXX”. I have never heard it used in England. The father was clearly trying to hide the fact that he put that word into A’s email. A did not know what the word meant when the Guardian asked him about it. When he was asked about the use of the word “*missed*” in the context of suicide (in the father’s language “*missed*” in that context means “*failed*”), the father suggested that A heard his mistakes and that influenced him. I do not believe that A would adopt a clumsy interpretation of a word from his father’s language when his spoken and first language is English and the word “*failed*” is an obvious alternative to “*missed*” in the context of suicide. When he was asked about A’s use of the phrase “XXXX” to mean shock or disappointment, he said that he (the father) uses the expression a lot and A would have repeated what he heard. I do not accept that as truthful. There are plenty of more natural expressions or words that A could have used if the words came from A. When the father was asked about the coincidence in him referring to his father not killing his mother (father’s email dated 16 November 2021) and then just two days later A referring to the same thing out of the blue, the father denied that there was any connection. There clearly was. This was at a time when A was in foster care and there was an order for no contact between the father and A. The father was obviously not telling the truth about that. I did not believe his evidence that there had been no communication between him and A between the father’s email dated 16 November 2021 and A’s email dated 18 November 2021. The father denied previously (before the children were removed and when he was having contact with the children) speaking to A about the contents of the bundle including the Cafcass “How it looks to me” document. It is clear to me that the only way in which A knew that that document was not in a previous bundle was because the father told him that it was not in the bundle. The Local Authority, mother and Guardian confirmed that they did not discuss the documents or the bundle with A. How else would A have known what was in the bundle?

138. When the father was asked in evidence what it was in the children’s wishes and feelings that the Court has not already been told, the father was not able to identify anything that the Court had not been told. It was clear to me that the father and the children are unable to understand that there is a difference between the children’s wishes and feelings and what the children need/what is best for the children. The father clearly cannot distinguish between his needs and those of the children. He spoke about “*us in the family*” when it was clear that “*us*” included the father, A and B but not the mother. The mother’s exclusion from the father’s vision and description of the family (“*the XXXX Faction*”) is clear from the photo album the father produced for A. The mother is seen in a few photos. There are no photos of the mother’s family. There are photos of the father’s family and photos of the father, including when he was a child with his parents and family.

139. In his oral evidence the father confirmed that he agrees to engage in the therapeutic process (including his own therapy) recommended by Ms Gill. He was still not sure that it was in the children’s best interests to be in foster care and in separate placements. When the reason behind that was set out again for him, the father said that he understood why the children needed to be away from everything, having a psychological break with no contact with either parent for three months.



He apologised for breaking the no contact order. He said that it was hard for him to have no contact. It is, of course, also hard for the mother. Unfortunately, later on in his evidence, the father said that he did not need to see a psychologist because he did not need it and he had enough support around him. On a number of occasions, the father seemed to go back on his evidence (including around his admissions about his angry behaviour and the harmful impact of the secret notes).

140. The father described how shocked he was by the Court's decision made on 3 November 2021 to remove the children to foster care. He said that he is still shocked and believes that it is damaging to the children and a threat to their life. I was surprised to hear the father say that on Day 8 (3 December 2021) of this final hearing. I wondered whether the father really accepts the experts' evidence including the need for him to meaningfully engage in therapy. The father complained about the way in which he has been treated by professionals. He said that he has been slandered, libelled and insulted by professionals and intends to take matters further. That is a matter for him but I would encourage him to pause, take a step back and reflect on the experts' evidence (which is unanimous), on his own behaviour and on the need to separate his own needs from his children's. Throughout these proceedings, the father has been treated with courtesy and respect. He may not like what the experts are saying but it is their job to give the Court their evidence including their expert opinions.

141. On a number of occasions during his oral evidence, the father had to be stopped to bring him back to the question he was asked. He has an impressive recollection of dates and details but he found it difficult to focus on relevant matters or the question that he was asked. He named dropped at almost every opportunity. His grandiose attitude and impression management seen by the experts who assessed him was on full show throughout his oral evidence. That does not mean that he was untruthful. However, having considered all of the evidence I found the mother's evidence more credible than the father's and I believed her evidence over the father's. The father is hampered by lack of insight. He is either unable or unwilling to see the harm caused by his behaviour. His perspective is distorted. He sees what he wants to see. He rejects anything and anyone he disagrees with. He was not a reliable or honest witness. He moved from blaming the mother for everything to accepting responsibility for some of the harm. He accepted that the secret notes could be harmful, then denied that they were but later accepted again that they could have harmed the children. He was not consistent in what he said.

142. My overall assessment of the father is that he is a complex person, harmed by his childhood experiences, unable to accept anyone or anything that he does not agree with or which challenges him and he has been determined to turn the children against the mother to get what he wants. He wants to return to the 50/50 (or 15:15) arrangement he had before but in his efforts to get there he has caused the children significant harm. He is unpredictable, angry, intimidating and controlling in his nature and behaviour. He dismisses anyone who challenges him as wrong or idiots. He has not been honest or straightforward in his evidence. He has a grandiose attitude and tries to impress and manage people by suggesting that his important

contacts (whether he has them or not) will in some way get him what he wants. He clearly loves his children and he has a lot to offer them in terms of activities and adventures. However, until he makes significant progress with the recommended therapy, he is a risk of significant harm to his children and he has clearly caused them significant harm in the past. He has influenced and controlled them to turn against their mother. He has caused them real and significant emotional and psychological harm and he needs to stop. The father told me that he put videos and pictures of the children on the internet to advance his case in these proceedings. Now that these proceedings are ending, he should take them down and give the children the privacy they deserve and need. If the children want to publish photographs of their bedroom and private moments, safeguarding issues need to be seriously considered and whether or not the children post them should be a decision for them, not the father. The videos and pictures do not need to be on the internet for the children to enjoy viewing them (as the father suggested). They present a safeguarding concern, placing the children at risk of significant harm. All the experts, and I, agree that the videos and photos could place the children at risk. They should be removed.

### **The Children's Guardian**

143. The Guardian is an experienced and respected Children's Guardian. The Guardian speaks the same language as the father and has been able to provide a valuable insight into phrases, language and translation. Until the hearing on 3 November 2021, the Guardian had opposed the children being removed from the mother's care. The Guardian's recommendation changed in the light of the increasingly aggressive behaviour of A, in particular towards the mother. The Guardian was appointed the Guardian in July 2020. The Guardian has informed the Court about the children's wishes and feelings throughout the Guardian's involvement in this case. The Guardian said that there is nothing that the Court does not know about the children's wishes and feelings. I agree. The Guardian's detailed and considered final analysis [E645] is dated 18 November 2021.
144. The Guardian described how, when the Guardian had last seen A at school, A had been concerned that the Cafcass "How it looks to me" documents [NMO Bundle D5 for B , D 19 for A] had not been included in the bundle. The Guardian said that A was critical of the Judge and had said that the Judge was not very good. The Guardian explained that the Guardian had not spoken to A about the Judge and the Guardian did not know where A was getting this information from. It is clear to me that A was getting it from the father. The Guardian said that A continued to remind the Guardian that the "How it looks to me" document was still not in the bundle. The Guardian had not told A what was in the bundle.
145. The Guardian explained that the "How it looks to me" document was not supposed to be completed as if it was a piece of homework. It was supposed to be used by professionals whilst having a conversation with the child completing it. It was a tool to start a conversation not an end in itself. The Guardian did not use it as a tool in this case because A was able to express themselves and the Guardian used the circle of trust tool with B.

146. The Guardian wanted to ensure that the children had the 90 day period of no contact with either parent. Without that period of no contact, and even with the smallest amount of contact, the children would be taken right back and the therapeutic package would not work. The Guardian was concerned about the father continuing to have contact with the children, particularly after the admitted breaches of the Court order during the trial itself and over the weekend whilst the mother was still under oath giving her evidence. The Guardian said that A's foster carer believed that the father and A remain in contact with each other. The Guardian was concerned that if the father remained in contact with the children, the recommended therapy would not work. The point of therapy was to rehabilitate the children. If contact continued, rehabilitation was unlikely. The Guardian wanted the father to understand and see the consequences to the children if therapy did not work.

147. The Guardian said that the Local Authority could take the children's phones away as a corporate parent with parental responsibility. The Guardian believed that a Deprivation of Liberty ("DOLS") order was needed to control the children's access to electronic devices and electronic communications and has been encouraging the Local Authority to make a DOLS application to the High Court. Ms Gill also recommended a DOLS application. The Guardian's view was that even if it was hard to monitor, it was an important step and one which is used in sexual exploitation cases when children's contact with people that were harming them had to be stopped. The Guardian said that the Local Authority could not rely on the father to stop communicating with the children. The Guardian referred to the father's evidence that he just could not walk away from A when A turned up at the father's place of worship. The Guardian said that the father has not had the benefit of therapy and he breached the orders during this trial. The Guardian believed that the boundaries needed to be external because the father did not have the internal motivation to respect the Court orders. The Guardian agreed that a DOLS order would not remove the risk of communication between the father and the children entirely but it would reduce it. The Guardian was confident that the mother had and would respect the no contact order, however hard it was for the mother. The Local Authority knows the Guardian's and Ms Gill's view and, as a corporate parent, will need to consider those recommendations carefully if there is evidence of continued communication between the father and either of the children.

148. The Guardian was not consulted about the children's foster care placements. The Guardian said it was good practice to consult the Children's Guardian if possible. However, the Guardian believed that A's foster care home was a good match. The foster carer is a good cultural match and A was pleased with that. The Guardian recognised that families were likely to be aware of each other within the relatively small community and believed that the issue of which place of worship A could attend should have been better explained to the foster carer. When the allocated social worker, VK, was recalled, the social worker accepted that. The Guardian could see further difficulties arising because the foster carer's place of worship is so close to the father's. The Guardian considered it highly likely that the father and A would

bump into each other again and believed that A should attend a place of worship further away from the father's. The Guardian said that B was not keen to talk to the Guardian since B moved to B's current foster carer's home. The Guardian said that B seemed anxious and sad but believed that B was coping. The Guardian said that it would be much better if therapy could start as soon as possible but for that to happen there needed to be no contact with the parents.

149. The Guardian was concerned about A's emails. When A wrote in April 2021 that A hated the Judge, the police and CG as the Guardian, the Guardian said that the Guardian opposed removal at that stage. The Guardian believed that A's hatred came from A's difficulty as a child in differentiating what A was asking for from what others decided. The Guardian said that the father struggled to differentiate his own needs and what he wants (to have the children in his life) from what his children needed. The Guardian fairly recognised that the father's inability to separate his needs from his children's was a consequence of the father's own trauma. However, the Guardian was clear that the idea behind removal was to give the children the psychological space they needed. The Guardian was concerned that the father's continued contact with the children was preventing that from happening and said that that had an impact on the plan for therapy and reunification following therapy.

150. The Guardian said that the Guardian tried to speak to the children in the language that the Guardian shared with the father but that they did not respond. They may know the odd word but they could not speak their father's language. The Guardian said that when the Guardian asked A about the word "XXXX" used in A's email [L82], A did not know what it meant even when looking at the context (red hair). The Guardian said that it was a common term in the father's language but having asked A about it, the Guardian was clear that A did not know what it meant. When the Guardian asked A about it, the Guardian said that A was "*highly uncomfortable, became quite anxious.*" The Guardian explained that the phrase "*missed a few suicides*" used in A's email [L81] comes from translating direct from the father's language. The word used in English is "*attempted*" whereas in the father's language it is "*missed*". The phrase "XXXX XXXX" used by A is a common expression used in the father's language to mean big disappointment. The Guardian said it was hard to see how A could write like that because the father's language was not A's language and A did not speak like that. The Guardian's evidence was that A did not speak in the manner A wrote in A's emails. The Guardian has been involved with this family since July 2020 and has spoken to A on a number of occasions. The Guardian said that the Guardian did not know if the father had written A's emails or strongly influenced them. The Guardian believed that they looked more like emails written by a speaker of the father's language than an English speaker and the Guardian was clear that A did not speak like that. She could not see how A could put a word ("XXXX") in A's email if A did not understand what it meant. The Guardian said that the use of the words "XXXX" and "XXXX XXXX" were really striking to the Guardian. They clearly are. The father's hand in those emails is, in my judgment, unmistakable.

151. The Guardian did not accept that A's emails were a diary (as the father suggested). The Guardian pointed out that A's emails did not reflect on A's situation. They expressed A's strong views and asked people to do things. The Guardian said that they were "*absolutely not a diary.*" The Guardian did not consider them helpful as a therapeutic device. The Guardian was clear that the children have already been given too much information about these proceedings. The Guardian said that A should not have seen the mother's statement and A should not know what is/is not in the bundle. The Guardian believed that the children's continuing involvement in these proceedings was causing the children anxiety and stress. They needed to focus on therapy.
152. The Guardian agreed with the experts' evidence particularly Ms Gill's. The Guardian said that the risks to the children without psychological space, therapy and a chance to exist separately from the father was that as adults they would experience difficulties in their personalities and in their relationships. The Guardian agreed with Ms Gill's view that the children were at risk of a form of delusional disorder and being vulnerable to developing some narcissistic personality traits due to their unhealthy relationship with the father [E656]. The Guardian was in no doubt about the significant harm suffered by the children and the ongoing risk of significant harm to them. The Guardian said that whilst the mother was able to see that removal was in the best interests of the children even though it broke her heart, the father was unable to see beyond the pain he felt at removal. The father did not accept the difficulties in his relationship with the children and so could not see the need to remove the children or change. The Guardian did not see the father's lack of insight and understanding as an IQ issue but rather one of emotional intelligence. The Guardian believed that if the father engaged in therapy, even though it would be difficult for the father, it would result in a better relationship with the children and the family. The Guardian was not sure that the father would engage with therapy but said that the Guardian hoped he did for his and the children's sake.
153. The Guardian's view was that the mother was the only one who understood what she went through in her marriage to the father. The father had admitted to punching a wall, throwing things and standing on a PlayStation control in anger. The Guardian considered that the father's loss of control would have been frightening for the children. They would have been scared and if it happened again it would be traumatic for the children. The Guardian considered that the incidents when the mother put soap on A's mouth and was physical with A when she tried to manage/control A's behaviour were part of the deteriorating family dynamics. The Guardian did not believe that they could be considered in isolation. The Guardian said that the escalation of the situation at home was the result of the entrenched conflict between the parents and the children were triangulated in that. The Guardian believed that the children had suffered and were unhappy but the Guardian was more concerned about the psychological dynamics that were harming the children. If the parents had not been in conflict, the Guardian considered it unlikely that there would have been the incident with the screwdriver or the pulling of B in different directions. The Guardian did not say that the mother's behaviour on these occasions was acceptable. The Guardian said that the children's behaviour

towards the mother was becoming more and more aggressive and the mother was struggling to manage it. The children were triangulated into a relationship they did not belong to and were being harmed by that.

154. The Guardian considered it *“very rare”* for children to have a very negative view of a parent as the children in this case have of the mother. The Guardian said that even abused children see qualities in their abusive parent. The Guardian said that the children’s views were too polarised to be genuine. The children saw nothing wrong with the father and nothing positive about the mother. If home life with the mother was awful, the Guardian would expect the children to be critical but to reject the mother in the way they have was, in the Guardian’s experience, *“highly unusual.”*
155. The Guardian had not met R (and had no reason to) but said that if R had witnessed the father’s outbursts and destruction inside the home, R’s behaviour would have been impacted and R would have displayed challenging behaviour.
156. The Guardian did not agree with the Court making interim (as opposed to final) orders. The Guardian considered that it was not the Court’s role to monitor the Local Authority’s care plan or therapy. The Guardian said that Ms Gill’s model was based on an American model with the Court monitoring the process. The Guardian did not consider it necessary for proceedings to continue. The Guardian said that there was an IRO to review the care plan. Ms Gill would be overseeing the therapeutic package, which could last two to three years. If the allocated social worker was busy, a manager could be spoken to. The Guardian’s firm recommendation was that proceedings should now conclude with final care orders approving the Local Authority’s care plan for long term foster care. Rehabilitation would remain on the agenda but would be dependent on progress in therapy. The children needed to focus on therapy outside these proceedings. The Guardian explained that if public law proceedings were issued in the future, Cafcass would try to allocate the same Guardian. Whilst the Guardian was leaving Cafcass, the Guardian would be working as an independent Guardian and had no plans to retire from practice. The Guardian’s view was that if the Local Authority needed further orders, it could apply in the usual way as and when they were necessary.
157. Like every other professional, the Guardian considered the contact supervisor attending A’s celebration was crossing the boundary.
158. The Guardian was fair and measured in the Guardian’s evidence. The Guardian agreed that the children had been frustrated by their lack of contact with the father. The Guardian accepted that to someone who was not a Guardian, the Cafcass *“How it looks to me”* document may be seen as a way of the children communicating with the Guardian. The Guardian said that the suggestion (made by the mother’s counsel in cross examination) that the father showed a *“total lack of common sense and judgment”* in putting videos and pictures of the children on the internet was a bit strong. The Guardian had had no difficulty in engaging with the father or the mother. The Guardian agreed that the contact notes were very

positive. In the Guardian's oral evidence, the Guardian encouraged the father to take the videos and pictures off the internet/YouTube because they could be used in a negative way by others. The Guardian acknowledged the difficulties the father had had as a result of his own trauma and lack of therapy but the Guardian's focus rightly remained on the children's welfare. The Guardian agreed that at times the children's wish to live with the father did not reflect the father's desire for shared care. However, the Guardian thought it odd that A would speak about the mother not losing her child tax credit. The Guardian was not unduly critical of the father but the Guardian was concerned by his influence, behaviour and inability to comply with the order for no contact with the children. The Guardian said that the mother behaved as the Guardian would expect a parent to behave – the mother made the difficult but child focused decision to support removal, she abided by court orders regarding no contact and she was willing to engage with therapy.

159. Having considered all the evidence, I have no hesitation in accepting the Guardian's evidence and I agree with the Guardian's written and oral analysis. I deal with the Guardian's written closing submissions regarding the Local Authority's care plan being inchoate below. I agree that proceedings need to end now with responsibility for the implementation of the care plan (including therapy aimed at reunification) remaining with the Local Authority, including the IRO, the therapists and (if this has any chance of working to benefit the children and lead to reunification) the parents.

### **Findings of Fact**

160. All my findings of fact are made on the balance of probabilities, namely more likely than not. I have made a number of findings above which I do not repeat here. This judgment is already too long. I incorporate the findings I have made above into this section of my judgment. As I said before, this judgment must be read as a whole.

### **Was the father abusive towards the mother during their marriage?**

161. I find that he was. The father has a strong and domineering personality. He is a controlling person and finds it difficult to accept any view that is different to his own. He tries to manage situations and people and, no doubt, has been successful in doing so on many occasions. He undoubtedly has a temper. The paternal uncle was a referee for the father in Ms Lyons' parenting assessment. He described how he had tried to advise the father to be less "aggressive" with the mother [E117], had given the father advice not to "attack" the mother and to be less "aggressive" with her and knew that the father can get "mad" but tries to calm him down [E118]. During the hearing I had to tell the father several times to stop wagging his finger when he disagreed with what a professional witness was saying. He clearly cannot accept that anyone else could be right and he could be wrong. He has grandiose ideas. He has to be on top. He has to be the best. He sees himself as better than anyone else. He clearly has narcissistic traits.

162. The mother described his abusive behaviour during and after their marriage. I am sure she was describing her lived experience when she described the father's

volatility, unpredictability and aggression. The medical reports from the Royal Free Hospital [G3-G4] and from the father's GP [G10] support and corroborate the mother's evidence about the difficulties she was experiencing in her marriage in April 2017 when the parties were still together and long before proceedings had begun. The father was seen by a member of the Royal Free Hospital's psychiatric team and was seen to be irritable, grandiose, proud, angry, challenging, rebuking, accusatory and difficult to manage. The mother's description in 2017 of the father's behaviour and presentation is consistent with the experience of others then and in these proceedings. The stress of proceedings cannot explain the father's presentation and behaviour. Many parents are stressed in proceedings. Few display the behaviour seen in the father throughout these proceedings, including in the assessments. The father was advised in the past to engage in counselling but refused to do so. The mother asked him to take part in counselling but he refused to do so. At times during this final hearing the father seemed to question the need for counselling/therapy.

163. In her evidence the mother described how she had no voice and how the father's responses meant that she changed her own behaviour to try to avoid the father exploding with rage and fury. The father denied almost all of it. He made limited concessions. I found the mother's evidence to be far more credible than the father's. I believed her evidence. Save for his concessions, I did not believe the father's evidence. The mother's description of life at home with the father was credible, persuasive and had the ring of truth. She was clearly describing lived experiences. She is an expert on life with the father and she described seeing B scared in the father's home. The father is a perfectionist. His house has to be tidy. The mother described how he would return home and inspect the rooms. She described how he would get angry if he smelt certain spices and foods including moussaka. She described him as volatile and unpredictable. The mother's evidence about the father's abusive behaviour is consistent with professionals' assessment of the father's abusive behaviour towards the children.

164. In his oral evidence, the father accepted that he had shouted, thrown things, broken things and punched a hole in the wall in anger and frustration. He accepted that the children would have been frightened by his behaviour but he was unable to accept that his behaviour was abusive when it clearly was. The father's admissions correlated to a number of accounts given by the mother. The mother has not made her evidence up. The father recognised the incidents but sought to minimise his behaviour and was unable to see the impact of it on the mother and the children. Whilst he cannot accept that he has been abusive towards the mother and the children, he clearly has and I accept the mother's evidence in its entirety (save for the suggestion that the father may have doctored the emails about R). The mother did not seek to embellish her evidence. She fairly said that the father did not often use certain words (such as "XXXX") but she said that he did use them. I accept and find that he did. The mother's evidence was accurate and an honest account. I am certain that the father called the mother the terrible names she said he did, both in English and in his own language. The children have used the same words to verbally



abuse the mother.

165. The father is still unable to see the abusive nature of his behaviour towards his children, including the emotional harm caused by drawing them into his distorted view of the world and providing them with details about these proceedings. Having considered all the written and oral evidence, there is no doubt in my mind that the father is an abusive and controlling man as the mother described. He has been emotionally abusive towards the mother since 2008 (after A was born) and he has been emotionally abusive towards the children throughout their lives. He has exposed the children to his explosive, unpredictable and aggressive behaviour and has caused them significant emotional and psychological harm. I also find that his behaviour towards R was aggressive, undermining and damaging. More likely than not, R's challenging behaviour before R finally left home in 2017 was caused by the way R was treated (and mistreated) by the father. The whole family has clearly suffered at the hands of the father's unpredictable, aggressive and abusive behaviour. Unless the father accepts that, he is unlikely to change and, sadly, the therapy is unlikely to result in any change in him.

#### **Has the mother physically abused the children?**

166. I find that she has not. There have been occasions when the mother and the children have pushed and shoved each other but that has been as a result of the difficult and challenging atmosphere in the home created by the father undermining the mother, speaking about her in disparaging and negative terms and turning the children against her. The father's campaign has been so successful that the children have come to believe that the mother is abusive. The mother should not have put soap on A's mouth when A called her terrible names. The mother has not been physically abusive towards the children as alleged. When A was asked by Dr Bourne why A hated the mother, A did not say that it was because the mother hits and abuses A. A said it was because the mother was annoying. The mother accepts that there have been occasions when she has pushed and shoved A when she was being pushed and shoved by A. I accept the mother's evidence about what happened. The father was not there. The father would believe A over the mother anyway. He has believed A over the school in relation to the report of A fighting and being racially abusive at school. The allegations of physical abuse could have come from the father. He has a difficult relationship with the truth.

167. The police report dated 17 April 2020 [H10] was made when the children had run away from the mother and were staying with the father for 27 days. I find that during that time, the father influenced the children to make allegations against the mother. Whilst there were undoubtedly problems at home between the mother and the children, no doubt with some physical contact when the mother tried to manage the children's behaviour, I do not believe that the mother assaulted the children as they reported. More likely than not, they were encouraged by the father to exaggerate the difficulties at home. In her evidence the mother accepted that she put a bar of soap against A's lips when A swore at her in the bathroom. She admitted to pushing A off her when A was confrontational towards her. She admitted the incident that led to the s.37 investigation when she and A were each

pulling B in different directions. She admitted that there was an incident (described by A and the father, who was not present, as headbutting) between A and R and that A had a bump on A's head as a result of it. She said that A and the father have exaggerated the incident. I accept the mother's evidence about her care of the children and about the alleged headbutting incident. I believed her evidence. The father was not there. He has clearly encouraged the children to misbehave and disrespect the mother. He has undermined her ability to parent the children on every level. A's allegation that R headbutted A on 24 January 2020 was made three months after the alleged incident and at a time when the father was clearly influencing the children. There is no doubt whatsoever that the father has drawn the children into his campaign against the mother. The findings that I make in respect of the alleged headbutting incident are that there was clearly an incident involving a struggle between R and A and that A ended up with a bump on A's head as a result. In the following three month period, no one raised any concern about it. A's school did not report any injury to A or concerns about A's welfare. A visiting (and assessing) social worker (RR) saw and spoke to A at home on 6 February 2020 [F8] and did not record seeing any injuries on A's head. When the father and the police saw A when the children ran away on 7 February 2020, there was no mention of any injury seen on A's head. I do not accept that the bump from the 24 January 2020 incident between R and A was still present three months later when the police attended the father's home on 17 April 2020 [H10]. The children were with the father from 26 March 2020. More likely than not, the bump seen occurred whilst A was in the father's care. The suggestion that R caused the bump seen on A's head on 17 April 2020 is more likely than not a false allegation and one made to discredit the mother and R. The father has drawn the children into making false allegations, one of which is regarding the bump to A's head seen on 17 April 2020.

**Has the father told the children what to say or influenced them in respect of what they say and do?**

168. I find that he has. A and B have both repeated words and phrases which clearly come from the father, including "15:15" contact, asking for three weeks but getting nine days, not being "compatible" with the mother, Ms Gill (the psychological expert) having "XXXX" hair, talking about the mother's tax credits in the context of contact, saying that the father is trying to "influence" A to see the mother and speaking about what the mother "deserves". The use of the phrase "XXXX XXXX" to describe disappointment at going into foster care, Ms Gill's hair as "XXXX" (a word which A used but did not know what it meant), and the reference to the father never smacking the children's faces are all expressions which clearly come from the father, not from A. A's email to the Court and others on 16 November 2021 was very concerning. It did not match what the foster carers and the social workers were seeing on the ground. They said that the children were settling in their separate foster placements. The father's input into that and other emails is clear. Dr Bourne described B as being a complete emotional mess when he conducted the recent assessment of their capacity to instruct solicitors. However, the one thing that B was able to say clearly was what the father had said about asking for three weeks and getting nine days [E602]. That is not the way children speak. They do not speak in numbers. The father does. He did so repeatedly during his oral evidence. The

teacher who accompanied B to the recent interview with Dr Bourne told Dr Bourne that B repeated word for word what the father had said in a recent meeting. Dr Bourne's evidence was that "*the words of the father were ringing out loud and clear.*" During the social worker's visit to the father's flat, the father clearly told the children what to say to the social worker. He was clearly coaching the children on what to say and it is not surprising that the social worker was so concerned during that visit and brought it to an end. I accept the social worker's evidence about what the father said during the visit to the father's flat on 11 June 2020, why it was cut short and the children's presentation after they left the father's flat. I did not believe the father's evidence about what happened during that visit and I place no weight on the father's transcript or recording. The father is a man who will say and do anything to get what he wants. He is not a reliable witness and I have no confidence that his transcript or recording is accurate or complete. It is clear and obvious that the father has told the children what to say and do and has spoken openly about these proceedings in their presence. There is no doubt whatsoever that he has influenced them. The harm that he has caused them is clear to everyone except the father. That is very concerning. He has a long way to go before he can be seen as emotionally and psychologically safe around them.

**Has the father influenced the children in their behaviour towards the mother?**

169. I find that he has. The father's reaction towards the mother stopping contact in January 2020 was to do all that he could to turn the children against the mother. He secretly left messages for the children along their school route and in the mother's underground car park in which he spoke about the mother in derogatory terms, told them that she was torturing them psychologically, encouraged them to be secretive around her and reinforced the idea that the three of them were part of a team which the mother was not part of. The mother found some of those notes. The father secretly met A on the bus to school. He was photographed doing so. He has been photographed talking to A in the street when the mother was not aware that they were meeting. A's Oyster card has shown gaps in A's journey and periods when A's whereabouts have not been known. More likely than not, A was with the father. The children ran away to the father's home on several occasions. They spent 27 days at the father's home after they ran away on 26 March 2020. During that time, the father was able to significantly influence the children. When they returned home to the mother, their attitude towards the mother had hardened. The father has made the children feel that the mother is dangerous. He has encouraged the children to make allegations against the mother. There were occasions involving pushing and shoving between the mother and the children, no doubt because the father had encouraged the children to misbehave at home. The father encouraged the children to report those allegations and involve the police. When Dr Bourne asked A why A hated the mother, all A could say was that she was annoying.
170. The mother and the social worker spoke about times when the children let their guard down and appeared to forget what is going on around them. On those occasions the children were affectionate and warm towards the mother. However, the moments were short lived.

171. The father's YouTube videos go beyond a parent being proud of their children. The father has drawn a clear line between himself, A and B on the one hand and the mother on the other. The children have had to pick a side and they have picked the father's side, more likely than not through fear and appeasement. A's violent responses, and both children's hostility, towards the mother, are disproportionate to anything the mother is alleged to have done to them. The father has clearly influenced the children in their behaviour towards the mother.

**Has the father influenced the children in their dealings with professionals?**

172. I find that he has. The father believes that it is him against the rest of the world. He lost his mother at a young age. He has a driving need to be the best at everything he touches. He has grandiose ideas about himself. All the professionals have reported that and it is clearly true. It was clear in his evidence. He is unable to accept that there may be different opinions. Instead he dismisses those who do not agree with him as rubbish, idiots or beneath him. He has no insight whatsoever into his own behaviour, responses and shortcomings. He has clearly exposed the children to his own distorted views. They have refused to work with the allocated social worker, VK, and there was no reason for their change in attitude towards VK. A is rude and disparaging about the Guardian, despite the Guardian not having supported separation until recently. A complained that documents were not included in a court bundle. I am certain A got that from the father. A's level of distrust, expressed hatred and anger towards professionals is clearly set out in A's email dated 7 April 2021 at **L43**. Without the recommended psychological break and effective therapy, A is on a clear path towards significant adult mental health difficulties and an inability to properly engage with the outside world, authorities, professionals and anyone who takes a different view to A's. A will become A's father. I am certain that the father was behind the efforts to get separate representation for the children. It was the father who discussed this with CM (see paragraph 173 below). The father was driving the children to keep writing emails and keep writing a diary so that everyone knew what they wanted. Even during this final hearing, and in breach of the Court order, the father passed a verbal message to B via another child to keep writing B's diaries. The father tells the children what to do and they do it.

173. I am in no doubt that the father has either written most of, or had a hand in, the emails written by A. The contents reflect the father's thoughts, views, language and own emails. The reference to the paternal grandfather not killing the paternal grandmother is included in the father's email dated 16 November 2021 [**SB2, L94**] and within two days is repeated by A in A's email dated 18 November 2021 [**SB2,L110**] That is not a coincidence. It is clear that the father has been in communication with A and that A's reference to the paternal grandfather was a response to the father raising it. There is clear communication between A and the father about the contents of A's emails. I accept the mother's evidence that many of the words and phrases in A's emails come from the father, including those derived from the father's language ("XXXX XXXX", "XXXX", not smacking the children's faces). A's emails are obviously not a diary as the father sought to suggest. They are a series of complaints and demands. There is no therapeutic benefit in them and A

should get a clear and consistent message from everyone (including the father when contact resumes) that the emails must stop. The number and tone of the emails is concerning to everyone except, it seems, the father. The father's hand in them is clear and obvious. The father has encouraged the children to feel that they are not being listened to. That is why A insisted on the Cafcass "How it looks to me" document being included in the bundle. That is why the children were so keen to get their own representation. The father asked his neighbour, CM a former Cafcass Guardian, about separate representation and both the father and A gave an inaccurate account of what CM had said. CM said in the email that CM spoke to the father not the children [SB2, G129]. A and the father said that CM spoke to "us" including the children. It is clear that the father hears and says what he wants to hear and say and he says what he thinks will benefit his case/cause. He has clearly influenced the children in their dealings with professionals including the social worker and the Guardian (who, until recently, always opposed removal).

**Has the father given A access to documents and information that A should not have seen/known about?**

174. I find that he has. The 2020 screenshot clearly shows a conversation between the father and A in which A tells the father that A has deleted the police emails. A should not have seen police emails. A is a child. A has complained about documents not having been included in the bundle. A has seen the mother's statement in the NMO proceedings. A has either been shown the documents by the father or the father has left them lying around for the children to see or the father has told A about them. Whichever it is, it is not appropriate for a child (and A is still a child) to see these documents or know about what is/is not included in the court bundle. More likely than not, the father has shown A the mother's statement and has told A about documents "missing" from the bundle. The father's inability to see the harm he is causing to A and B by sharing details about these proceedings is staggering.

**Has the father passed secret messages and items to the children when he should not have?**

175. I find that he has. He left secret messages for the children along their school route and in the mother's underground car park when there was clearly an issue about contact. I accept the mother's evidence that she found a note by the wheel of her car in the underground car park. That was a breach of the undertaking given by the father to Court on 16 December 2019 [NMO B8]. The father met A on the bus and en route between home and school. He has been photographed secretly meeting A on the bus and in the street. He has sent phone messages and documents to A which A has deleted and told the father that they have been deleted. He has hidden a mobile phone in a sock for A with a handwritten message about how to use it [G78]. He has told A to tell the mother that the father wants to speak to A. He has told the children to call him when the mother is out. He has passed a gift, air pods and a message to B in foster care despite the non-molestation order made in Court on 3 November 2021 when the father was present and represented and despite the terms of the order (and reason behind it) having been clearly explained to the father. The father has shown no regard for court orders/undertakings or for

professional assessments of the undoubted harm he is causing to his children and the need for the children to have a period of no contact with him and the mother. The secret notes were clearly harmful to the children. In his oral evidence the father accepted that he incited secret behaviour (conversations, notes and phone calls) in the children. The language used by the father in the secret notes clearly denigrated the mother and encouraged the children to see themselves as the victims of torture and ill-treatment at the hands of a “*pathetic*” and “*monstrous*” mother. The secret notes gave the children the clear message that they and the father were part of a team that the mother was not part of. The secret notes contributed to the father alienating the children from the mother. The secret notes were obviously emotionally harmful to the children. The father said that the children were happy to have them and not affected by them. His lack of insight is remarkable. The fact that the mother stopped his contact with the children appeared to be the father’s justification for writing the secret notes. There was no justification for those notes.

176. I accept the mother’s evidence that notes were placed by the tyre of her car in the underground car park rather than at school as the father alleged. I did not believe the father’s evidence on this issue. The mother’s evidence was credible and I accept it. In entering the underground car park, the father was in breach of the 16 December 2019 undertaking [NMO B8] he gave not to come within 100 metres of the mother’s home. The father showed the same regard for the Court orders made on 3 November 2021. The father did not respect or comply with the undertaking. As far as he was concerned, he could do what he wanted because he was right and everyone else was wrong.

#### **Has A influenced B?**

177. I find that A has. A is older, taller, stronger and more forceful in A’s views than B. At times, B has spoken about being scared of A. Dr Bourne noted that in the year between his assessments of the children, B had moved towards A’s position. The school’s report of the recent gift incident includes another child passing on a message to B to write the diaries as A told B to. A writes and speaks about hating the mother. B is beginning to mirror A’s behaviour and views. A idolises the father and wants to be like him. A is clearly influencing B’s views and outlook. Whether the children understand or accept it now, it is clear that they needed to be placed separately and their contact needs to be closely monitored.

#### **Do the numerous photos provided by the father in these proceedings show the entire picture?**

178. They clearly do not. I accept the mother’s evidence that the photos are a snapshot in time and do not represent what was actually going on. The father is keen to present a happy image to the world. It clearly means a great deal to him. The fact that the children and parents are smiling in the photos (but not in all – see for example J84 where the mother does not look happy in the August 2019 holiday) does not mean that all is well behind the scenes. It is not uncommon for abusive parents/partners to get their children/partners to smile for the camera. Many victims/survivors of domestic abuse go on holiday with their abusive and controlling partners. In August 2019, the mother was waiting for her divorce. It would be naïve

to think that the photos tell the whole story and, having considered all the evidence, I am sure that they do not tell the whole story. I am well aware of the difficulties that preceded A's celebration. There was a Court hearing to resolve the arrangements. The father was refusing to attend any of the XXXX parts involved in A's celebration. The photos do not reflect that. There are hardly any photos of the mother and her family who are, after all, one half of A. The photos do not reflect the mother's undoubted sadness that B would not sit next to her. They do not reflect the very troubled emails sent by A. The photos clearly do not show the entire picture or tell the whole story.

**Are either of the children competent to instruct their own solicitors?**

179. I find that they are not. Neither of them has the level of emotional maturity needed to instruct their own solicitors. They do not understand how the court process works. They are solely focused on their wishes and feelings and do not understand that those wishes and feelings are part of the overall picture and have been communicated loud and clear to the Court. They do not understand that their wishes and feelings may not be the same as what is best for them. I accept Dr Bourne's assessment on this issue.

180. Both of the children are heavily influenced by the father. They cannot think for themselves. Their views, wishes and feelings have been influenced and distorted by the father. The children have been properly represented by the Guardian and by Ms Gaff. The Guardian and Ms Gaff have both informed the court about the children's wishes and feelings. The Court is in no doubt whatsoever about the children's wishes and feelings. There is nothing more that the Court could be told that it does not already know about the children's wishes and feelings. The father accepted that in his oral evidence. Instructing another solicitor would have added nothing. It would not have given the children what they want because what they want is clearly not in their best interests. Neither of the children is competent to instruct their own solicitors. Even if they were, the outcome would be the same. Giving the children what they want is not the same as giving the children what they need.

**What can the father now do to help his children?**

181. If the father wants to help his children to become well rounded people, able to manage their emotions and have healthy relationships with others (including each other, the mother and the father) he needs to do a number of things. He needs to reflect on the evidence. Not just reject it because he does not agree with it but reflect on it. He needs to take a step back and recognise that the experts' view is unanimous and it is a view which the Court also agrees with. He must stop the campaign he has clearly waged against the mother, which the children are now well and truly embroiled in. He must give the children time and space to recover. He must comply with court orders including orders that he has no contact with the children for specified periods of time. Those orders have not been made lightly. They were made for a reason and in the children's best interests, even if the father and the children cannot see that. He needs to accept the Court's findings and decision. He needs to engage with therapy and he needs to do so in a meaningful

way. He has a lot to offer the children but there must be a change in his behaviour. That can only come with therapy. He will need to demonstrate change. He also needs to stop emailing/bombarding people with his misguided and inaccurate portrayal of the truth as he sees it. There is a lot that the father needs to do. If he puts his mind to it, he can do it. He is a determined and driven man. He needs to separate his own needs from the needs of his children. He needs to put his children's needs ahead of his own. He has not done that and his behaviour is very harmful and very damaging. I am sure that the children would benefit from knowing that both of their parents support them remaining in foster care so that they can benefit from therapy and start to recover. The father is at a crossroad. It is up to him to choose the right road ahead. He has all the information he needs to make the right choices and decisions. No-one can do that for him.

### **Threshold**

182. In the light of my findings, the s.31 threshold is clearly crossed. All parties, including the father in his oral evidence on Day 7 (2 December 2021), accepted that the s.31 threshold has been crossed, although the father said that it was crossed as a result of the mother's decision to restrict contact. I do not agree with or accept the father's assertion that threshold is crossed as a result of the mother's decision to restrict contact. Threshold is crossed. The father's actions and the impact of those actions on the children alone have crossed the s.31 threshold firmly. The threshold findings that I make having considered all the oral and written evidence and submissions are set out in the attached documents marked "Attachment No.2" and "Attachment No.3."

### **Welfare findings**

183. A and B clearly want to live with their father. They do not want to live with their mother and they do not want to see her. Their wishes and feelings have been made absolutely clear to the Court through the Guardian, their solicitor, their emails, B's diary entries and their father. I am in no doubt whatsoever that they want to live with their father and that they see nothing wrong with him or with his parenting. Their wishes and feelings are important but they are not determinative. No doubt they will feel angry, disappointed, ignored and failed by the decision I make but I am guided by their welfare. They are not adults. They cannot see the wider picture. They are in the middle of a harmful experience and they cannot see what is best for them. All the professionals, including independent experts, agree that they have suffered significant harm caused mainly by their father and that they must live away from their parents and each other to give therapy the best chance to repair the harm they have suffered and experienced. They have been influenced by their father and their repudiation of their mother is very concerning. It is not a proportionate response to anything that the mother has said or done.

184. The emails sent by A are very concerning in terms of the content, the language used, the views expressed and the sheer number of them. A is a very troubled young person. A expresses themselves in extreme terms. A's behaviour towards the mother had become increasingly challenging and dangerous. A is a tall and strong young person and A was physically threatening towards the mother. B



also expresses themselves in concerning terms in B's diary. B has been encouraged by the father and by A to write a diary and I have no doubt that B has been encouraged to record negative matters about the mother and the court process. B is struggling emotionally. B shuts down emotionally. B has also been physically aggressive towards the mother, but not to the same extent as A has been. Both children's schools are concerned about their presentation. They are both bright children but their childhood experiences, including school, are being blighted by the psychological and emotional turmoil created by their father. They both need a high level of attuned, focused and reparative care. They need space and time to recover. They need to benefit from therapy. They need both of their parents to respect their need for no contact as recommended by the experts and endorsed by the Court.

185. Placing A and B in foster care under an interim care order was a significant change for them. They have always lived with their mother and previously with both their mother and their father. They have always been able to spend time with their father. He has encouraged them to go to his flat whenever they wanted to. On three occasions (7 February, 7 March and 26 March 2020), they left their home to go to the father's flat without telling the mother, including once in the dark, which was clearly unsafe. B was frightened by the experience of walking in the dark between the two homes. The father said that B was so frightened on 7 February that B arrived having wet themselves. The father should have brought them back to the mother on the first and every other occasion and he should have told them that it was not safe to leave home alone, without the mother knowing, particularly in the dark. Remaining in foster care will continue to be a significant change from their previous lived experience. However, they could not continue to live as they have done. It was not safe for them in many ways. They were at risk of further significant harm. They were putting the mother at risk of harm by their increasingly aggressive behaviour towards her. A was heading towards possible involvement with the police because his behaviour was becoming more and more extreme. If they returned to the mother's care, they would return to the same situation. Nothing will have changed. If they moved to live with their father, they would continue to be alienated. They would have no relationship whatsoever with their mother. A would continue to mirror the father's views of the world. A would continue to develop a distorted view of others, reject any opinion that did not match A's own and A would continue to develop into a person who is unable to regulate their emotions, unable to reason, only able to reject and, more likely than not, use their physical presence to intimidate others. B would continue to be drawn into the father and A's world. B would become increasingly withdrawn, anxious, disturbed and distressed. B would continue to be trapped in B's current emotional turmoil with no one around B to help B to recover. The children would suffer ongoing emotional and psychological harm if they returned to either the mother or (and in particular) the father's care. The experts' view on the risks of returning home now is clear and unanimous. I agree with it.

186. There is no doubt whatsoever that both A and B have suffered significant harm in their parents' care. There is no doubt that the father's campaign against the mother and against anyone who does not share his views has affected his children.

They have been drawn into his world and they mirror his views. He has a great deal of influence and control over them. A and B are both emotionally and psychologically damaged and they both need focused therapy to repair. They cannot get the help they clearly need whilst in their parents' care. The mother has no influence over them. The father has a strong but detrimental influence over them which he is either unwilling or unable to give up. Even after the reason for the no contact order was clearly explained to the father, he breached that order by passing gifts and a message including an instruction to B via another child and by talking to A at his place of worship and then walking along the street with him and talking with him after the service had ended and they left the place of worship together.

187. There is a risk that if A and B remain in foster care, they may run away. If they know that their parents agree with and support them remaining in foster care so that they can benefit from therapy and repair, they are less likely to run away. They are old enough to understand why they need to remain in foster care. They have been placed with culturally appropriate foster carers and their cultural and religious needs are being met. They have not had to change schools. I hope they do not run away but, if they do, the LA will have a care order and can make any applications that are necessary to keep the children safe. The risk of absconding has to be balanced against the risks if the children returned to the mother or the father. The risk of harm if the children are returned to either of their parents is greater than the harm likely to be caused if the children abscond.
188. The mother has to undergo therapy to manage her depression and to re-establish her place within the family. She has been abused and controlled by the father. She has been physically hurt by A and B and she has been insulted, taunted and rejected by them. The mother understands the need for therapy. She understands the need for no contact whilst the children have a psychological break and settle in their foster carers' homes. She took the difficult decision to support the Local Authority's application for an interim care order. She has insight. She will do anything she can to help her children. She wants the best for them. She puts their needs above her own. She has been able to care for the children before and without the undermining and harmful influence of the father when they were together. At this stage, it seems likely that with therapy for her and the children, she will be able to care for the children again. However, that will have to be assessed on any future application to discharge the care order.
189. The father has no insight. He cannot separate his children's needs from his own. He is a damaged person and he is damaging his children. He has only recently agreed to take part in therapy. Whether he does so or not, and whether he completes the recommended therapy, remains to be seen. If he does not accept my findings and the expert evidence we have all read and heard, he is unlikely to get anything out of therapy and there will be no change. If there is no change, he will continue to be an emotional and psychological risk and danger to his children. He needs to be able to work with professionals in the future, including the local authority. He is unable to accept professional's opinions if they differ from his own. He has grandiose ideas. He is placing huge expectations on his children by

encouraging them to think that they can be world class athletes and the best at everything. For some reason he thought it necessary to include in the bundle photos of him as a young man completing ski jumps. What that had to do with decisions about his children's welfare in 2021 is not clear. It feeds his sense of self-importance and his view that he knows best and everyone else is an idiot. It is a shame because in many ways the father has a lot to offer the children. He has a clear sense of adventure. His holidays and activities are action packed and fun filled. The many photos included in the bundle show that. However, on an emotional and psychological level, he is a clear and significant risk to the children and to the mother. He is intellectually intelligent. However, his emotional and psychological intelligence is lacking. Long term therapy should be able to address that, providing he is committed to it and engages with it, channelling the drive and enthusiasm he has shown in other areas of his life. The father clearly has deep seated trauma and has undoubtedly had a difficult and traumatic childhood. However, my focus is not on him or on the mother. It is on the children. It is very concerning that at the final hearing, and having had ample opportunity to consider the detailed experts' reports and evidence, he still does not agree with or accept them. As far as he is concerned, they are all wrong and he is right. He could not be more wrong.

190. The father's lack of insight has also been illustrated by his inability to accept that threshold was crossed as pleaded and his repeated assertion that the children should live with him. I do not accept his argument that he could not have alienated the children because they spent most of their time with the mother. The experts are well aware that the mother was the primary carer and that the father was the non-resident parent. It is the impact of his behaviour that has led to the difficulties in this case not the number of days he has spent with the children. The father has clearly influenced the children even when they have not been with him, including in his appalling secret notes. The father clearly finds it difficult when he is not in control of the situation. Even when I decided to place the children in foster care, he asked through his solicitor whether he could put forward possible foster carers. His desire to control the situation has been clear throughout. He was unable to listen to expert witnesses without wagging his finger at them and despite me telling him several times to stop doing that. At one point in Ms Lyons' evidence, when I asked the father to stop wagging his finger and sit down otherwise his video would be switched off, he switched his video off himself for a couple of minutes. He seemed unable to control and contain himself even at the remote final hearing. Unless there is a seismic shift in the father's thinking and functioning, he is unlikely to be assessed as an emotionally and psychologically safe parent to his children. He continues to pass messages and items to the children in secret despite Court orders and despite the reasons behind those orders being clearly explained to him. He appears to want to win the battle (as he sees it) at any cost. He has drawn the children into his secrecy and his distorted view of the world. The children are at risk of significant mental health and personality difficulties if the father does not stop. I hope he is able to turn a corner and meaningfully commit to the therapy identified by Ms Gill and generously funded by the Local Authority. The children cannot return to the harmful situation they have experienced mainly as a result of the father's influence and clear parental alienation, particularly over the last two years when the co-

parenting relationship between the parents broke down. If the father does not change through therapy, I find it difficult to see how he can provide the children with emotionally safe care or meet their needs.

### **The Realistic Options**

191. There are 5 options before the Court.

192. The first is to return the children to live with the mother. The second is to move the children to live with the father. The third is to let the children spend half of their time with the mother and half of their time with the father. I will deal with those three options under the heading of "Returning home." The fourth is to keep the children in foster care under an interim care order, adjourn the final decision and retain oversight over the therapy and rehabilitation plan. The fifth is make final care orders now, approving the Local Authority's final care plans for long term foster care and bring the proceedings to an end now.

### **Returning home**

193. Returning the children to live with their mother, father or both will mean that they return to live within the family. Their cultural needs will be met. They will be together as siblings. They want to live with their father. They enjoy their time with their father. The father's contact notes are very positive. Based on their expressed wishes and feelings, they would prefer to live with their father (and probably even their mother) over foster care. If they move to live with their father, they will feel listened to. They will get what they want. The father will get what he wants and what he thinks is best for the children. The mother would love to have the children home but recognises that that cannot happen at this time. She does not agree that the children should live with the father.

194. All the experts say that returning the children to live with the mother, the father or both parents under a shared care/living arrangement will be extremely harmful for the children. The therapy would not work. The children are in an emotional and psychological minefield and returning them home now would be a disaster for them. They need a psychological break from their parents and they need therapy to start and work before they can return home. The Local Authority, the independent experts and the Guardian all agree that the children cannot return home to either parent at this time. Without the therapy, the risk of significant harm remains and the children are likely to end up with significant mental health and personality difficulties, as well as grandiose ideas and the personality traits seen in the father. The children, particularly A, pose a risk of physical harm to the mother. If A assaults the mother and the police are called, A will become involved in the Criminal Justice System. That is a path no one wants for A because it is likely to have significant negative implications for A, affecting employment, education, opportunities, relationships and potentially A's freedom. Placing the children with the father now would be against all the professional recommendations and would be a significant risk in the light of all the evidence and the findings made. The father poses a significant risk of significant emotional and psychological harm to the children. He will continue to influence the children against the mother, against the

professionals and against anyone who disagrees with him. The children will become more hardened towards the mother. If the children are placed with the father, the father and/or the children may not take part in the therapy because they will have got what they wanted and do not see the need for change.

### **Long term foster care**

195. The children will have a psychological break, providing the parents give them that space and do not contact or pass messages/gifts to them without the Local Authority's knowledge and agreement. They are placed in long term homes with attuned and experienced families, enabling them to continue to attend their current schools. Even if they have to move, the Local Authority will look for good cultural matches hopefully in the same area. They will not experience the harmful and damaging parenting provided by the father. They will have the chance to think for themselves and take a step back from the enmeshed relationship they have with their father. They will be able to benefit from therapy and that will help them to repair and reset their relationship with their parents. They will be able to see the mother as an important part of their lives and a part of them. The Local Authority will be a guiding corporate parent, able to fund therapy and manage it with the benefit of Melanie Gill's oversight. The IRO will be involved. There will be LAC reviews. Rehabilitation will continue to be considered. If a DOLS or any other order is necessary, the Local Authority can apply to the Court for orders based on the evidence, and any assessment of risk, at the time. Any DOLS application must be made to the High Court. The Local Authority, the independent experts and the Guardian all agree that long term foster care is in the children's best interests. The mother agrees that the children need to remain in foster care whilst therapy takes place. Rehabilitation is an express part of the Local Authority's amended final care plans dated 27 November 2021.

196. The children do not want to be in foster care. They want to live with their father and A says that they miss the father. The mother does not want the children to remain in foster care in the long term. The father does not want the children to be, or remain, in foster care. He wants them to live with him now. Whilst the children are in foster care, the Local Authority will continue to be involved in the children's lives. The children will be subject to Looked After Child reviews. Everyday events such as sleepovers will have to be risk assessed by the Local Authority. The children may feel embarrassed because they are in foster care and not living within the family. They may feel that they are being punished or have done something wrong to be put into foster care. They have done nothing wrong. They have had very damaging experiences and influences, mainly from their father despite all they feel about him and all that he says to them. There is no guarantee that the children will be able to stay in their current foster carers' homes. If they have to move, it will be upsetting for them. They may not find a cultural match. They may not remain in the area. They are not living together as siblings. They will be missing each other and wanting to see each other. They will miss living at home, with the father and within their family. The Local Authority is working on a plan for the children to spend time together with their foster carer families. If they remain in foster care,

the mother and the father will continue to miss them.

### **Final Care Order now or Adjournment**

197. A final care order now will bring these extended proceedings to an end. The children and parents will be able to turn a corner, having had a decision. They will be able to focus on the therapy without looking towards the next hearing date. Care proceedings should conclude within 26 weeks. This case has lasted far longer than the statutory 26 week period. The Local Authority issued its application on 14 July 2020, 18 months ago. Delaying the decision is likely to prejudice the children's welfare. It will feed into A's view that the adults are unable to made decisions. It will encourage A to write more emails to the Court, believing that they may influence the decision and that they can control the outcome. They are likely to continue to argue for separate legal representation in the hope that that will give them what they want, when the real question is what is best for them. They are unable to see the whole picture because they are children and because they are under the father's suffocating influence. They need to understand that the responsibility for decisions lies with the adults and is based on all the evidence available, not just what they and the father repeatedly say. Prolonging these proceedings will prolong the children's determination to get what they want. The children will remain in a state of limbo, not knowing when they will get a final decision and what it will be. A will undoubtedly continue to write emails to professionals involved in the Court process. They will not be able to settle into the understanding that the decision has been made and the way forward identified. Separate legal representation will not change the outcome. They need space and therapy and they need to be left alone by the father to give the therapy a chance of undoing the damage done. They do not need the court process to be even longer and even more drawn out. The Court's role is not to oversee or manage therapy. It is to make decisions within the children's timescales. An application to discharge final care orders can be made in the future and a Guardian (CG if available) could be appointed on any such application. The Local Authority and the Guardian in their evidence both say that the proceedings should now end with a final care order and the Court's approval of the final care plans for long term separate foster care placements. The Local Authority's final care plans have been revised to include the plan for rehabilitation and they now reflect the Local Authority's commitment to Ms Gill's recommended therapy.

198. The Court's continuing involvement may prevent drift. It is what Ms Gill recommended however her model is based on a USA model. It may ensure that the therapy continues, and is funded by the Local Authority, as planned. However, there is now a commitment to that in the revised final care plans. Court dates and continuing Court involvement may provide an incentive (if one is needed) for the parents to engage in therapy. I hope that no incentive is needed beyond the need for the parents to do whatever it takes to help their children and promote their welfare. The Guardian will continue to be appointed and could make applications on the children's behalf if necessary. CG is a careful and experienced Children's Guardian. CG does not see the need for the Guardian's continued involvement. The parents want the Court to continue to be involved under an interim care order,

which would involve adjourning the final hearing. I have considered the arguments for interim care orders raised in the parents' written closing submissions and do not propose to set them out here.

199. In his written closing submissions, the father argued that the Court is not in a position to approve the Local Authority's final care plans. In the Guardian's written closing submissions, the Guardian stated that whilst the Guardian supports the Local Authority's care plans, the Guardian would regard them as inchoate if the children's telephones and electronic devices are not removed, if the children are not taken to and from school by taxi (or by one of the foster carers) and if the children are not accompanied to place of worship by an accountable adult. I disagree with the father's and the Guardian's submissions that the Local Authority's care plans are inchoate. The Court considers the permanency provisions. The way in which the Local Authority exercises its parental responsibility is a matter for the Local Authority. The care plans which the Court is being asked to approve are ones of long term foster care. Rehabilitation will be considered by the Local Authority in the light of the progress with therapy. An IRO will be involved. There will be LAC reviews. An application to discharge the care orders can be made in the future. Removal of the children's devices, taxis to and from school, arrangements for an accountable person to accompany A to A's place of worship are all details for the LA to consider and put in place if necessary as part of its role as a corporate parent. The Court has no jurisdiction to direct the Local Authority to arrange/pay for taxis or to ensure that an accountable person accompanies A to A's place of worship. The Local Authority will need to carefully consider the place of worship arrangements to avoid the father and A coming into contact with each other in the future. Their places of worship are very close to each other. The Local Authority's position that the father has to comply with orders for this to work is understandable. If he does not, he knows that the children may have to be moved or more draconian measures taken. I also understand the Local Authority's reluctance to take steps that may further alienate the children from the Local Authority or from the mother or be seen as punitive, unreasonable or unnecessarily restrictive. Cooperation and recognition of the harm caused lies at the heart of the Local Authority's final care plan. If matters deteriorate, the Local Authority, as a corporate parent with parental responsibility, will have to consider what other steps need to be taken and whether further applications need to be made including any application to the High Court for a DOLS order. The father needs to understand that his actions have consequences, not just for him but also for the children.

200. The plan for individual and family therapy will need to be firmed up with dates and availability in the light of this judgment. The contact arrangements (both now in respect of inter-sibling contact and in the future with the parents following the recommended psychological break) will have to be considered by the Local Authority, the parents, the IRO and the therapists (under the coordination/supervision/oversight of Ms Gill) in the light of the children's presentation and best interests at the time. A contact order would not be appropriate and no-one has sought one. The Court cannot prescribe what those contact arrangements should be or when they should come into place because the

contact arrangements depend on the father's ability to comply with the no contact order, the children's progress, therapy and so on. The uncertainty involved in those arrangements does not prevent the Court from approving the permanence provisions if long term foster care is in the children's best interests. Contact arrangements must focus on the children's best interests. The Local Authority as a corporate parent is well aware of its duties in respect of contact. The father needs to focus on ensuring that the no contact period, which is the start of the therapeutic process, is effective.

201. Having considered all the evidence and submissions, I find that it is in each of the children's best interests that proceedings now come to an end with final care orders in respect of A and B. I approve the Local Authority's care plans for long term foster care. Judicial oversight, the possibility that orders may be needed in the future and the continuation of legal aid do not justify the continuation of these proceedings, which already considerably exceed 26 weeks. Continuing judicial oversight is not necessary, proportionate or in the children's best interests. The final care plans for separate long term foster care placements is in the children's best interests. I invite the Local Authority to further amend its care plan to update the details about therapy, including when it will start.

#### **Other necessary orders**

202. I extend the non-molestation orders relating to the parents having no contact with the children to ensure that the children have the necessary peace, space and psychological break for the therapy to be effective. I extend the orders made on 3 November 2021 for a further three months from the date when this Judgment is handed down, to expire at 6:00pm on 14 April 2022.

203. I make it clear to the father that the Court has the power to commit him to prison if a committal application is made in the future and the allegations of breach of a Family Court order is proven. The recent case of ***MGJ v Jason Rees Evans [2021] EWFC 99*** illustrates the course the Court can take on a committal application where breach is proven. In that case, the Judge noted that (at paragraph 22): "*Using somebody else's child to convey a message to his son is manipulative and emotionally damaging.*" The father has admitted, and apologised for, two breaches during the course of this final hearing, including one involving passing gifts and a verbal message via another child to B. The father cannot be in any doubt now about the need for no contact (direct or indirect including via other people of any age) with either of his children for the period ordered. Any further breaches are likely to have significant consequences for the father and/or the children. Whether those consequences have a greater impact on the children because they have to be moved from their current placement, moved to a different part(s) of the country, made the subject of Deprivation of Liberty Orders or whether they have a greater impact on the father because the police are involved or an application for committal is made are matters for the Local Authority to consider in deciding what steps it wishes to take as a corporate parent. A link to the above case is here for ease of reference: <https://www.bailii.org/Guardiani->



204. There is no application for a DOLS order. Any application would have to be issued in the High Court.
205. I invite the advocates to consider what orders need to be made in the private law (ZW20P00155) and Family Law Act (W120F00032) proceedings. The orders dated 27 September 2021 [**B172 – public law**] and 17 June 2021 [**NMO, page 39/625**] refer. It would clearly benefit the parties for any necessary orders to be made now as these proceedings conclude and whilst the parents have the benefit of legal representation. I invite the Local Authority to submit agreed draft orders in all three sets of proceedings in advance of the judgment hand down hearing listed at 10am on 14 January 2022. That will be a remote hearing via MS Teams.
206. I invited the trial advocates to submit their list of factual corrections/requests for clarification/nil returns to me by email, which they did within the time agreed. This judgment takes the trial advocates' responses into account. It can now be sent to the parties, **subject to the usual rules of confidentiality**. I make it clear to the parties, and to the father in particular, that the no contact orders continue and they apply to this judgment and to the proposed letter to the children. I will formally hand judgment down at the remote hearing listed at 10am on 14 January 2022. I authorised release of the draft judgment to Ms Gill so that she could assist with the proposed letter to the children. The final wording of that letter will be addressed at the hearing on 14 January 2022 if not before. The issue of when the 90 day period of no contact should start will also be addressed at the hearing on 14 January 2022 and I agree that Ms Gill should be asked the additional question identified by Ms Gaff in her email dated 10 January 2022 responding to my draft judgment.
207. I invite the father to agree/undertake to now remove the videos and pictures of the children placed on YouTube or elsewhere on the internet. They place the children at risk of significant harm, particularly the video of A lying on A's bed.
208. I am grateful to the professionals, including the independent experts and the Guardian, for their hard work and commitment in this case. I ask that the Local Authority sends a copy of the final version of this judgment to the experts but only after it is formally handed down on 14 January 2022. Ms Gill has already seen the draft judgment with my permission. The usual rules of confidentiality apply. If the parties consider that this judgment should be published on Bailli, I would be grateful for their advocates' assistance in redaction. A word version can be provided to the advocates for that purpose after the judgment is formally handed down.
209. I have been greatly assisted by all the advocates' hard work and professionalism in this case. The findings I have made and the decision I have reached is based on all the evidence and submissions. I agree with the independent experts' views, particularly those of Dr Bourne and Melanie Gill. Of course, the findings of fact have been for the Court not the experts. If any further applications are made, every effort should be made to re-instruct CG who has been an excellent

Guardian. CG also has the advantage of speaking the father's language. CG's insight into the language used by A has been particularly helpful. The baton now passes to the family and to the father in particular to see whether he can accept my findings and turn his attention and focus towards therapy and repairing the family. That has to come from him. He owes it to his children to make it work.

210. Finally, I wish the family well and hope that the therapy brings about the changes needed. The parents clearly love their children and I sincerely hope that that love brings commitment to therapy and change (particularly on the part of the father) for the sake of A and B, as well as for the parents' themselves.

HHJ McKinnell  
Barnet Family Court  
14 January 2022

## ATTACHMENT No.1

### **Draft letter to A and B (observations invited from trial advocates and Ms Gill).**

Dear A and B,

I write this letter to both of you because I want you to know that I am saying the same thing to both of you.

As you know, I have been reading and listening to a great deal of evidence and information about you, your mother and your father. It is clear that you have both had very difficult experiences since your parents separated. You both need time and space to recover. Your family needs to rebuild. Being part of a family means having a healthy and proper relationship with both your mother and your father. At the moment, neither of you have that. All the adults, including your mother and father, want that to change.

You have wanted me to know what your wishes and feelings are. I promise you that I know what they are. Several people, including [the Guardian], Ms Gaff, your mother and your father, have told me what they are. You have also told me what they are through your emails A, your diary B and through your "How it looks to me" Cafcass documents (I read them both). At this hearing, your father told me that I know everything there is to know about your wishes and feelings. I have listened to them and taken them into account and I have listened to you through others. Your voices have been heard.

It is important for you to understand that because you are still children, it is not fair or right for you to be making decisions that have really important lifelong consequences for you. That is why adults have to take responsibility for those decisions. You probably know that what a child wants is not always what a child needs. My job is to look at what you need and what is best for you. I have to decide what is best for you even if that is not what you want.

I am now sure about what is best for you. That is for you to stay living where you are, with your foster carers, away from your parents and not having contact with them for a while. That is so that you have a break from all that has been going on. Once you have had a break, you and your parents are going to start therapy but not all together at first. I have explained to your parents what I think should happen and why. They both agree that for a while they should leave you alone and in peace. They both agree that for a while they should have no contact with you and you should have no contact with them. That is important to give you a break and a chance to settle where you are. That does not mean that they are not thinking about you or that they do not love you. They are doing this because they know that it is best for you and they want family life with all five of you to be better. They both want you to go back to being children and to not worry about the problems between them. They are going to try to sort those problems out so that life can be better for all of you.

The court case has now come to an end. Once you have had some space and time to settle down where you are, your therapy will start. I hope it goes well for you. Everyone wants it to. A – it is a good idea if you now stop emailing people about this case, especially because it has now ended. B – you do not need to carry on writing your diary as you have been told to do. You both need to concentrate on feeling better about yourselves, about your mother, your father and your family as a whole. You are a family of five and both of your parents are part of your family and part of who you are. The adults (including your social worker, your foster carers and your therapists) are going to look after you and help to make things better for you.

I enjoyed seeing the photos of you all and I wish you both the very best in the future.

Yours sincerely,

HHJ McKinnell  
Circuit Judge  
Barnet Family Court

## ATTACHMENT No.2

### FINAL THRESHOLD DOCUMENT – FINDINGS MADE BY THE COURT IN HHJ McKINNELLS JUDGMENT DATED 14 JANUARY 2022

1. The Applicant Local Authority is making an application for Care Order in respect of A and B. The Local Authority make such application on the basis that there are grounds to believe that the Threshold Criteria under Section 31(2) are met.
2. The children's mother is XXXX hereafter 'the mother'. The father, hereafter 'the father,' is XXXX. The father has parental responsibility for the children.
3. The relevant date for determination of the threshold is the date the protective measures were taken; in this case that was when the local authority issued proceedings for A and B, that being 14 July 2020.
4. The local authority further relies on its right to refer to events that have occurred since the relevant date which are capable of proving threshold at the date of intervention ***(Re G (Care Proceedings: Threshold Conditions) [2001] 2 FLR 1111***
5. The Local Authority asserts that the threshold criteria pursuant to s.31(2) of the Children Act 1989 is met, namely that there are reasonable grounds to believe that, at the relevant date, A and B were suffering, or were likely to suffer, significant harm and that the harm or likelihood of harm is attributable to the care given to them by their parents, not being what it would be reasonable to expect a parent to give. Further, the Local Authority assert that threshold pursuant to s.31 (2) is met on the basis of both children being beyond parental control.
6. The facts relied upon by the Local Authority in respect of the threshold are as follows:
7. The parents' relationship was abusive and argumentative; with such abuse stemming back to 2007 (findings set out in Attachment No.3)

#### ***"Suffering or at risk of suffering harm":***

8. The children are at continuing risk of emotional harm due to being exposed to the ongoing conflict between the parents.
  - (a) The children have absconded from their home on at least one occasion in the early hours of the morning and on one occasion have gone to stay with their father for 27 days. The children's actions placed themselves at risk of significant harm.
9. The children are showing signs of emotional harm:-
  - (a) During a social work visit on 06.02.2020, A talked about "*wanting to kill [themselves]*";
  - (b) The school have reported that A suffers from abdominal pain and makes frequent visits to the toilet, because of the stress and A's current situation,

due to the present circumstances, the GP has also confirmed that the abdominal pain reported by A is because of anxieties and stress.

- (c) School describe B as withdrawn and quiet.
- (d) A admitted to the social worker that A is unable to manage A's emotions or actions when A is around A's mother and A says that A will kill A's mother or set fire to A's mother whilst she is asleep.
- (e) On 11.06.2020, during a social work visit with father, B was completely overwhelmed and distressed. B presented as so upset that B was unable to speak or show any physical reaction, other than to freeze. A reported " *this is what [B] does when things get too much for [B]*".

10. There are concerns about the father using coercive behaviour towards the children causing them emotional harm:-

- a) Findings made as set out in Attachment No.3 (paragraph 5)
- b) On 04.02.2020, B's therapist reported that both B and A talked about running away, because they are upset that they are not having contact with their father. B told B's therapist that B's father would question B about the information B shares during the sessions.
- c) On 11.07.20 during a visit, the social worker observed the father to say to the children "tell [the social worker] how happy you were when you lived with me for 27 days." The father held on to the children and said to them, "tell [the social worker] about your mother and how she lies and mistreats you". A and B were visibly distressed and father kept saying things such as "do you see what they are doing to us".
- d) Findings made as set out in Attachment No.3 (paragraph 6)

***"Beyond Parental control":***

11. The children are showing signs of harmful and dangerous behaviour :-

A and B have assaulted their mother on more than one occasion and the severity of the attacks against the mother are escalating.

- a) On 13.03.2020, the mother reported that B punched her in her tummy and A made insulting comments, calling her an '*idiot, donkey, makak, mongrel*', and throwing a metal hanger at her. A also threatened A's mother by picking up the bread knife and saying '*[A] would get a Machete and smash it over her head*'. A threatened to '*smash*' her if she touches anything on A's desk. The social worker reports that A admits to all of these incidents and shows no remorse for A's comments or actions.
- b) In April 2020, the mother reported that A pointed to a tree of fire and said that A wished that was A's mother. A has also told A's mother that A is "*going to set fire to her in her sleep and that if she was dead then [A] and [B] could live with their father*".
- c) On 16.06.2020, the Mother reported that A had pushed her, causing her to fall over the arm of the sofa and land on the small of her back. B was present at the time. Mother says that A was furious and was shouting and swearing, calling her "*a [XXXX], idiot and a donkey*". The mother had to call a neighbour

to try and diffuse the situation. The children report that they *“hate”* their mother and they *“wish she was dead”*.

- d) A in particular, has full control of what happens within the family home and A’s physical and overpowering presence is such, that it is difficult for B or the mother to challenge A without the situation spiralling out of control.
- e) On 19th October 2021 Mother had to spend over an hour convincing A to take a shower after 11 days of not showering. A slapped Mother on the forehead, hit her arm hard when she was sitting at the table eating dinner. A went to do a slow-motion fake punch in the mother’s face and ended up giving a light punch on the mother’s mouth. A also called her a *“bitch”* [C132].
- f) Both children argue and fight, causing injury to each other, by way of scratch marks and bruising, the mother is unable to stop the children from fighting or injuring one another. [C133]
- g) When the mother attempted to discipline A by removing A’s game console, for fighting with B, A retaliated by aggressively pushing the mother and man-handling her; holding onto her ankles.
- h) On 27.10.21, A lost A’s temper after being asked to take the rubbish out, A swore at the mother and called her vulgarities. A pushed the mother causing her to lose her footing. A then became angry, alleging the mother interrupted the game A was playing on A’s phone and went into the hallway, picked up a screwdriver and started poking it into the Mother’s upper legs.[C134]

### ATTACHMENT No.3

#### **Threshold Findings also made by the Court in HHJ McKinnell's Judgment dated 14 January 2022:**

1. The parents' relationship was abusive and argumentative; with such abuse stemming back to 2008.

#### ***"Suffering or at risk of suffering harm":***

1. In January and February 2020, and during a contact dispute between the parents, the father left secret notes in hidden places along the school route and by the rear tyre of the mother's car in the underground car park for the children to pick up. The father told the children where to find the notes. The notes referred to the mother in derogatory terms ("*pathetic*", "*monstrous*"), accused her of lying to the children and abusing them, sought to impress upon the children that they and the father were "*a Team, the XXXX Faction!*" which the mother was not part of, told the children that the mother was torturing them psychologically, told the children how they were feeling and encouraged the children to act secretly, including instructing them to destroy the secret notes. Further, the father provided A with a mobile phone which he told A to hide from the mother and instructed the children to communicate with him when the mother was not around. The father's actions and the contents of the secret notes caused the children significant emotional harm.
2. The father left secret notes in the underground car park where the mother lived, which was a breach of the undertaking given by the father to Court on 16 December 2019 not to come within 100 metres of the mother's home.
3. The father has informed the social worker that he has over 1200 recordings of the children with their mother and many more recordings of professionals involved with the family. He says that he has secret devices which people are not able to see to enable him to do this. He gave an example of a pair of glasses with a recording device built in.
4. In May 2020, the father began to upload videos of himself and the children to YouTube. A and B also loaded videos of themselves with their father and they notified the social worker by text that they had done so. By 06.07.2020, the number of videos that had been uploaded amount to 45. There is at least one of the videos of A lying on A's bed in A's father's home. The videos are available to anyone who wishes to see them. The father does not understand how this makes A vulnerable and the risks they pose to the children in keeping them on YouTube.
5. The father exerts significant influence over the children and that he entices the children to abscond from home, and to misbehave and provoke negative responses from their mother. This involves A and B threatening harm to their mother and physically assaulting her.



6. The Father has sought to influence the children's reported wishes and feelings causing A on 27.10.21, to send blanket emails to the social worker, Guardian, school, other professionals including government officials and the children's advocate that A seeks a 15:15 arrangement, a plan the Father at the time was seeking and in contrast to their consistent wishes throughout the proceedings to live solely with the father.[C135]