

Neutral Citation: [2021] EWFC 114

IN THE LIVERPOOL FAMILY COURT

Case No: LV20C00673

Courtroom No. 25

35 Vernon Street
Liverpool
L2 2BX

Tuesday, 6th July 2021

Before:
HIS HONOUR JUDGE PARKER

B E T W E E N:

THE LOCAL AUTHORITY

and

D and E

MISS CRACKNELL appeared on behalf of the Applicant
MISS LIDGERWOOD appeared on behalf of the Respondent Mother
THE RESPONDENT INTERVENOR appeared In Person
Mr Carlen appeared on behalf of the children through their Guardian

JUDGMENT
(For Approval)

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This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is

strictly complied with. Failure to do so will be a contempt of court.

HHJ PARKER:

1. I am dealing with two children, A and B, who were born on [redacted]. They appear through the Children's Guardian, C, and are represented by Mr Carlen.
2. The Local Authority are represented by Miss Cracknell. They apply for care orders in respect of each of the boys. Their care plan is for the boys to remain in their current foster placement.
3. The mother is D. She is represented by Miss Lidgerwood. The intervenor is E. He appears in person from Nigeria with the benefit of the interpreter, F.

The issues in the case

4. The Local Authority case is that the boys have suffered significant physical and emotional harm as the result of the care, or lack of care, that they have received from their mother and also from the actions of the intervenor, who has been their stepfather since 2016. The Local Authority say that the boys were regularly disciplined using physical chastisement by way of beatings, not only with the hand but also using belts and other implements and, in addition, were subjected to forms of what amounted to torture by forcing the boys to perform the 'frog', which is essentially to perform continual squats whilst keeping arms folded and/or holding onto ears, and also to adopt stress positions such as kneeling with arms in the air.
5. In addition, the boys were provided with living conditions that were sparse, that were devoid of age-appropriate toys and activities, and where the boys were deprived of normal social contact outside of school with their peers. Furthermore, they were made to wear ill-fitting clothes that exposed them to a risk of ridicule at school and were deprived of the normal emotional succour that they might expect from their mother and stepfather.
6. The case advanced on behalf of the mother and the stepfather is a polar opposite to that of the Local Authority, which is based on the children's accounts. The mother and the intervenor deny that the boys have ever been physically chastised by either the mother or the stepfather.
7. The accounts could not be more diametrically opposed. There is the clearest binary choice for the Court between the two accounts, recognising, of course, that at all times the burden of proof rests with the Local Authority to satisfy the Court on a balance of probability. There is no burden on the mother or the stepfather to prove anything.
8. The mother's case is that the regime of discipline described by the boys was not representative of life at home. She concedes that disruptive and antagonistic behaviours in the home environment and in the school environment resulted in disciplinary measures and guidance involving the removal of privileges for finite periods. She also accepts attempting to involve

them in teaching of the Bible in order to guide them and help them reflect on how properly to conduct themselves. However, the boys did not engage with this with any enthusiasm.

9. The mother refutes that the boys did not have access to stimulating or entertaining personal or family chattels. She says they had access to televisions both in the lounge and in their bedroom. They had access to electronic tablets and mobile phones. They could access the Exemplar Educational programme.
10. She suggests that having moved into their home less than three months before, the house may have appeared bare because they still had many belongings in boxes which were not unpacked. She says that the Local Authority came to assumptions without checking properly.
11. As a result of the current situation with the intervenor, the mother says that she has reflected back at a similar situation that arose in 2012 when the boys were six years of age and made allegations against her former partner, G. In the closing submissions of Miss Lidgerwood, the mother's case is advanced that she had believed that for the majority of the time the family were cohesive and close. She had not perceived that the boys' relationship with the intervenor was something that caused them unhappiness.
12. Having reflected, she now accepts that perhaps this had not been the case and has indicated a willingness to separate from her husband in the hope that this will encourage the boys to have more contact with her. She is sceptical about the reported wishes of the boys and wishes to have a face-to-face meeting. This scepticism is based on her experience, she says, of not being properly supported by professionals when she raised issues of concern such as bullying.
13. If the boys' own decision is to remain in foster care, then she will respect that but wants it recognised that she has fought for them to come home because that is her duty as a mother. The case of the intervenor is on all fours with the mother.

The law

14. The burden of proof lies at all times with the Local Authority. The standard of proof is the balance of probabilities. Findings of fact in these cases must be based on evidence including inferences that can properly be drawn from the evidence and not on suspicion or speculation.
15. When considering cases of suspected child abuse, the Court must take into account all of the evidence and, furthermore, consider each piece of evidence in the context of all of the other evidence. The Court invariably surveys a wide canvas.
16. A judge, in these difficult cases, must have regard to the relevance of each piece of evidence to other evidence, and to exercise an overview of the totality of the evidence in order to come to the conclusion whether the case put forward by the Local Authority has been made out to

the appropriate standard of proof. Whilst appropriate attention must be paid to the opinion of medical experts, those opinions need to be considered in the context of all of the other evidence.

17. The evidence of the parents is of the utmost importance. It is essential that the Court forms a clear assessment of their credibility and reliability.
18. It is common for witnesses in these cases to tell lies in the course of the investigation and the hearing. The Court must be careful to bear in mind that a witness may lie for many reasons, such as shame, misplaced loyalty, panic, fear and distress. The fact that witnesses lied about some matters does not mean that he or she has lied about everything.

My findings

19. At the time the Local Authority took protective measures, the children were suffering and were at risk of suffering significant harm attributable to the care given and likely to be given to the children by their mother and stepfather, not being what it would be reasonable to expect a parent to give to each of them.
20. On Sunday 2 February 2020, the intervenor struck A five times on each hand using a leather belt.
21. The mother and the first intervenor have physically assaulted the children on several occasions by using implements to strike them.
22. On one occasion in 2019, the intervenor struck A to his eye causing a swelling. On several occasions, the mother and the first intervenor have forced the children to perform the frog as a punishment, namely that each child would be forced to squat with arms crossed and holding each ear.
23. The mother and the intervenor have caused emotional harm to the children, telling them that the physical punishments they were inflicting upon them were in line with God's words, and that, "If you beat him with the rod, you will save him his life from Sheol". The mother was aware that the intervenor physically assaulted A and B and failed to protect them from the same.

My reasons

24. I have found the ABE interviews conducted in 2012 and 2020 in respect of each boy to be compelling evidence. In my judgment, each ABE interview consisted of the requisite four main phases: establishing rapport, initiating and supporting a free narrative account, questioning and closure. The boys were advised that they should give a truthful and accurate account of any incident that they described, and questions were asked to demonstrate that

each child was aware of the importance of telling the truth and what the truth meant.

25. The interviewer on each occasion initiated an uninterrupted free narrative account of incidents by open-ended invitation. When, during the free narrative phase of an interview, one of the boys was not able to recall everything relevant that was in their memory, the interviewer asked appropriate questions that assisted further recall.
26. The interviewers demonstrated an awareness of the various types of question and how they vary in how directive they are. The questioning was, wherever possible, commenced with open-ended questions and then proceeded, if necessary, to specific closed questions. Forced-choice questions and leading questions were used only as a last resort.
27. When closing the interviews, the interviewers did briefly summarise what each child had said, which allowed the boys to check the interviewers recall for accuracy. Even the mother in her interview with the police at F135 described the ABE interviews in 2020 as compelling.
28. During the boys' accounts, there were small indicators that they were telling the truth. They displayed the sort of fine detail and consistency of fine detail that you would not expect in fabricated accounts of boys of this age. These small indicators are far too numerous to set out all of them, and it is not necessary and proportionate that I do so, but I will, however, highlight several examples.

F201

29. When B was describing his mother hitting him with a wooden spoon and corrected the police officer saying that it was not the handle bit of the wooden spoon but the spoon bit that was used.

F202

30. When he described how, whatever his mother beat him with, whether it was a belt or a spoon or a slipper, she always said:

“Hold out your hand, but if you hold out your hand and I go to hit you, but you get scared or I miss or you move your hand away, I’ll hit you again two more times. When I’m beating, you never cry”.

31. He says:

“She’s beating me and then I start crying, she goes ‘Ah, if I hear even a bit of noise, I will beat you even more’. That made me feel sad and then because, like, there’s been times when she’s been beating me really bad and I just feel like crying so bad, but I can’t because I know for a fact if I cry, I’m just going to get beat even worse”.

F206

“Most of the time she uses her hands. If she gets really, really angry,

she beats us with a belt and if she's really, really angry and she doesn't have the belt, she won't go upstairs and get the belt. She will be, like, 'Oh, H, go and get the belt' and then H will go and get the belt and bring it down and then we get beat".

F207

32. Questions from the police officer: "So, when you say her nails hurt you, how was she hitting you with her nails?"

Answer:

"She will go on. It's not like when people go like that and slap you [and he motioned a smack]. She will kind of, like, go [and he arched his fingers just slightly] then hit me like that [mimes being clawed and hit]".

F210

"Yeah, because I'm always saying why. Why are you beating me? And there was a time where I was, like, I literally said to her, why do you beat me? In England, you are not allowed to. You are not allowed to beat your kid. There is a law against it. And then she went, 'There is a law against it? Oh, I see what's happening'. And I went, what's happening? And then she went, 'It's because you're in England that you're thinking that it will be same, that you're not allowed to beat your children'".

F215

33. "I get hit by my mum and my stepdad, but usually our mum will beat us often, but when our stepdad hits us, it hurts worse than when Mum hits us, even though Mum does it more often".

F225

"That's actually one of the reason why I don't believe in God because I said to my mum, why do you think it's okay to beat your child just because it says that in a book? And then she says, 'Don't disrespect the Bible, child'".

F227

34. Police officer asks a question:

"So, what happens when you get hit with the belt then? What kind of things do you do wrong to get hit with the belt?"

Answer:

"We take food up to our room. Sometimes we take cups or spoons or sometimes we come late from school, and she gets angry at us, or we don't do our Bible readings and things like that".

F229

35. Questions from the police officer: "So, it is normally your hand you get beaten on?"

Answer: “Yeah, normally the hands but sometimes she beats me across my face or my legs”.

Police question: “And what kind of things do they do on the legs?”

Answer:

“Usually, if it’s my legs, she will usually beat me with the belt because there were times when she’d be getting really angry with me and then I’d say something that she wouldn’t like, and then she’d start beating me across my hands, but then I’d move my hand away and she’d hit me across the leg”.

F230

36. Questions from the police officer: “And how hard does that feel when she hits you on the shins with the belt?”

Answer: “It fucking hurts, I’m not going to lie”.

F159

37. In A’s ABE interview at F159:

“Her view is beating is the answer. Beating is like if you beat your kid, they’ll be good, and even I’ve said to her, obviously it doesn’t work because you’ve been beating since we were little kids, and it hasn’t done anything accept literally just make me hate you. It hasn’t worked at all. She just uses it as an excuse to take it out on us because it says, I think it says in the Bible, it’s only a cane or a rod that will take the madness out of the kid. I don’t even think it means you can beat your kid. They probably mean something else, but she just took it out of context, like, oh, it means you can beat your kid because it says in the Bible. It’s in like Proverbs or something. I can’t remember what chapter because this was Finch Lane and we had to read through the whole of Proverbs because we were getting on our Mum’s nerves”.

38. Police officer question:

“You say she’s been beating you, your Mum’s been beating you since you were little. Can you tell me a little bit about that?”

Answer:

“I remember because in Nigeria you see how you have little normal brooms with long wooden things and then, like, the bristles at the bottom? The ones we have in Nigeria are different. It’s like palm leaves where you dry strips into little pieces, so it’s like the broom, but it’s, like, sections of little wood type looking things and then you just tie them together, and I remember her beating me a lot with that when I was little, like in Rosen Road I’d have to run and jump down the stairs and hide so she wouldn’t hit me”.

F160

39. “She doesn’t beat me with the belt anymore, perhaps just like now when we still lived with

her just, like, hands”.

Police officer: “What would she do with the belt?”

Answer:

“She’d hit me across the palms with it. Most of time she’d end up hitting me on, like, my thumb or on my wrist just there”.

F161

40. Police officer: “What belt would she use?”

Answer:

“She had lots of belts but the one I most remember was like, what’s them little plastic like crystal whatever, the plastic fake gems? It had a horse on, like, you know, with the belt, where you clip it on. It had a horse on that, was like a metal horse thing. She’d never hit me with the horse because she’d hold the horse in her hand when she hit me with the other bit”.

Police officer: “So, it would always be with the leather bit?”

Answer: “Yeah”.

F163

41. “She’d be like, ‘ah, if I hear you cry then I’ll hit you even more’ and I didn’t say it out loud because I knew she, but I was like, if you’re beating me, how do you expect me not to cry?”

Police officer: “So, if you did cry would she hit you even more?”

Answer: “Uh huh”.

Police officer: “Right, and what kind of reasons would she use that would make her hit you?”

Answer:

“She’d be like, ‘You’re not allowed to take books up to your room’ and she’d tie the book in our room or she’d, like, buy something and be, like, ‘Don’t take these’ and we’d take, like, a packet or she’d be, like, ‘If you make food in the kitchen always clean up after yourselves’ and then we’d make, like, a sandwich and there’d be breadcrumbs on the thing and she’d, like, lash out and hit us because of that. Or, if we got a detention or something, she’d beat us because of that”.

F173

42. Police officer: “So, would he ever hit you?”

Answer:

“Yeah, like, when I told you my eyes was bruised and that, well, after I got hit, I was sitting on a little black chest of drawers. It wasn’t ours, and I was sitting there because my mum went to get chips, and he was standing there looking at me smiling. And I was, like, I got a sore ankle and I just want to fricking push him down the stairs”.

F174

43. Police officer: "So, what happened when he hit you in the eye? Tell me about that".

Answer:

"Oh, because he was angry at me for hitting him. He was 39 at the time. The 39-year-old man hitting a 12-year-old boy. You think that's okay? But a 12-year-old boy to slap a 39-year-old man on his arm, he's not going to feel that you think. That's only, I'm going to be cursed and that and then I was, like, he's going to do that to me, and you don't do anything, but I slap him on the arm, and you start raging at me. That's not fair. And then he dragged me onto the bed and started hitting me and I just curled up and then I was like, oh, I can't lift my eye, just so he'd get off. And then I was just sitting on the desk because I had no energy because the top of my eye was swollen, and my eye was cut".

Police officer: "So, what was he hitting you with?"

Answer: "His hands. I don't know if they were in fists or not".

Police officer: "So, what made him drag you onto the bed?"

Answer: "Because he's just, like, oh, you're so disrespectful and then he's just dragging me onto the bed".

Police officer: "Why does he think you're being disrespectful?"

Answer: "Because I was giving cheek to my mum even though I was just literally saying it's not fair for him to hit me".

F177

44. "I don't do my Bible readings and I get beat, and then after the service I got beat, and I just stayed in my room for like an hour under the duvet".

Police officer: "So, after the service who beat you?"

Answer: "Stepdad".

Police officer: "And what did he do to beat you?"

Answer: "Belt across my hands".

45. It is significant, in my judgment, that neither the mother nor the stepfather asked for the boys to be cross-examined.

46. The account of J, the attendance and safeguarding manager at the boys' school at F26 is hugely significant in my judgment:

"Both A and B were arguing with each other across the table. A then said something along the lines of, 'I don't want to go home. This is why I self-harm'. On hearing this disclosure, I took A into a separate room and asked him what he meant. A told me that he had taken a serrated knife and he had cut the palm of his hand, indicating his left

hand.

I asked him why and A told me he was struggling at home. I asked him why this was, and A said he would get beaten. I asked him what he meant by this, and A went to explain that if he was naughty he would get beaten with a belt on his hands.

A told me about an incident when he was upstairs in his bedroom and his dad found his timetable and a cup on the bedroom floor, and his dad had physically beaten him with fists and punched his face causing redness to his eye. He said the cup was there from the night before because he had been ill, so had taken it with him. A said he didn't get any treatment for his eye. It was just left.

I have asked A if there has been any other times and he said lots of times. A went on to explain about the belt being used five times on each hand.

I then went to speak to B in the other room keeping both boys separate. I explained to B about A being upset and not wanting to go home and his comment about the self-harming and asked him what was happening. B said, 'Do you really want to know Miss?' I said, 'Yes, I do. I want to help you'.

B explained that A was beaten with the belt on Sunday 2 February because he didn't get his reading right five times on each palm, and he was made to do the frog. He showed me this was like doing the squats. B said that because A hadn't done the frog properly, he got the belt against the back of his legs. He also mentioned about the incident with the timetable on the floor and A being beaten and getting the injury to his eye.

I explained to A and B separately about calling Social Services and initially neither of them wanted them involved as Social Services had been involved before after a disclosure from B as after he had felt isolated from the family. I explained to them that Social Services were there to help, and they both agreed it was the best way forward. I have then made a call to Careline and Social Services, and the police attended the school.

Both boys say that their mum chastises them as this is what happens in Nigeria, but they both know it is wrong. Both boys, while in separate rooms, have quoted the same line from the Bible, 'If you beat him with a rod, you will save his life from Sheol'.

Since the boys being in care, they have both been coming to me for reassurance that their mum isn't coming to school as they are scared that their mum is going to take them from school. They have been doing this nearly every day, so I think they are in fear of their mum taking them back. Their behaviour has improved drastically since coming back to school after being in care, both in and out of lessons. It has been noted that B's outbursts have subsided, and he appears to be less frustrated".

47. This is devastating evidence for the mother and stepfather in my judgment. There was clearly no opportunity for the boys to foresee that they would be separated and taken into individual

rooms and asked to give an account of life at home. The consistency of detail is striking. In addition to that, the safeguarding manager's perception, that the boys fear their mother, corroborates their accounts. In addition, so too does the fact that their behaviour has improved drastically since being in care.

48. It is also significant that the boys did not want Social Services to be notified at first. That would be inconsistent with the mother's case that these are false allegations or designed to separate the mother and the stepfather.
49. Furthermore, at C11, the social worker records that A had initially shown some interest in returning home. However, B advised that he did not want to. A stated that they just wanted to be treated like boys their age and they feel that their life is unfair.
50. The way that the mother has dealt with the allegations that were made in 2012 is also significant in my judgment. In her oral evidence, she maintained that her then partner, G, was violent to her, but denied knowing anything of any violence perpetrated by him towards the children, even though they complained of it.
51. The children made allegations of physical chastisement against the mother as well in 2012, which she denied. She has, in my judgment, stopped short of suggesting that G was violent to the children because she wishes to keep open her line of argument that one reason why the boys are, according to her, telling lies is because they do not like it when the mother has a male partner, hence, the common theme of making false allegations against a partner.
52. The mother maintains that she has never used physical chastisement. In her friends and family assessment, the boys' sibling, K, is reported as saying:

“In terms of physical chastisement, K states that she can remember when she was naughty her mother used to discipline her and her sisters. K states that she would have to sit in the corner and face the wall. K states that she can remember that she would have had to place her hands up in the air for a period of five or 10 minutes. K states that she remembers that her arms would have got sore. K states that this was her mother's approach to discipline and on reflection she does not think that this was appropriate. K states that when she was younger, she would have received the occasional slap from her mother”.

53. There is also evidence of conversations had by the boys during unguarded moments which, in my judgment, are consistent with them telling the truth. At I41 in the foster carer records:

“Week ending 5 April 2020

A and his brother engaged in a conversation over the dinner table about Nigeria. What started out as a ‘do you remember’ conversation between the two, soon turned to talk of their stepfather's violent behaviour towards relatives and members of a compound they stayed in in Nigeria.

A man was severely beaten because he could not fix a generator. A toddler was beaten for a minor infraction, and a young boy had a stone smashed across his back for smashing a window.

A and his brother spoke of a time during a religious service at their home where their stepfather had them kneel down to have holy water splashed across their face. The holy water was then poured onto a cloth and held against their faces covering their noses and mouth while their stepfather prayed for them. Both boys said that this went on for many minutes and they could not breathe.

Week ending 19 April 2020

At the dinner table, A and his brother had a conversation about some money they had stolen from their sister when they lived at their home in Liverpool, and how they planned to repay her using their saved pocket money. During the conversation, they revealed that their sister had punished them for stealing by making them kneel. This punishment would consist of kneeling with arms raised in the air until the punisher decided it was over. They said it was very painful on their knees and hurt their arms.

Both boys revealed that all their sisters, being older than them, had the authority to punish them as their mother and stepfather do, and that the mother would tell their sister in Liverpool to beat them if they did not behave while the adults were at work”.

54. There is medical evidence from L from Alder Hey. At G3, she says this:
- “B describes long-standing systemic emotional and physical abuse verging on torture from both mother and stepfather. Despite the lack of physical injuries, I am significantly concerned by the consistent history given by both boys, along with the history given from previous social care assessments where Mum appears to have little insight into the nature and consequence of her actions”.
55. Following the allegations being made, the boys remained under section 20 until the mother threatened to withdraw her consent. The boys were then made subject of interim care orders on 24 February 2020. Seven days later, the mother and the intervenor left the UK for their planned trip to Nigeria. I agree with the observations of Mr Carlen, on behalf of the Guardian, that the lack of insight, empathy and complete lack of sensitivity shown by the mother is stark.
56. The boys complained that their room was sparse and that they were not allowed food or books in their room. The first social worker visiting the family home, once the allegations had been made, confirmed that the boys’ room was sparse and that there were no age-appropriate activities in the room and no sign of books.
57. The mother seeks to blame that on a house move three months before and possessions still being in boxes. I found that excuse singularly unconvincing, and I do not believe it.

58. The mother gave two possible motivations for the boys' allegations. The first was that they did not like the intervenor and secondly, that they have been manipulated. She is right in one respect and that I am absolutely satisfied that the boys do not like E.
59. However, that is not because they have taken against him simply because he has married their mother and seeks to impose reasonable guidance and boundaries in pursuit of appropriate child discipline, it is because he has physically beaten them and forced them to adopt stress positions as a form of punishment. These boys have not been manipulated. They are simply giving a truthful account of their life experiences.

The evidence of the mother

60. The mother was a deeply unimpressive witness. I am absolutely satisfied that during her oral evidence she consistently told lies. In her oral evidence, she said that when the boys discovered that the intervenor was not their biological father, and he asked them to read the Bible and would take away privileges if they misbehaved, this created resentment and they rebelled.
61. She was asked why they rebelled against her. She replied that the intervenor was her husband and that the boys had made similar allegations before; that they know the consequences of such allegations. They know that the first allegations they made in London ended her relationship with G, and they know what another allegation will cause, and that it is against the law to physically chastise.
62. This was, in my judgment, a deeply disingenuous reference to the previous allegations that the boys had made in 2012. It seemed to set up a case that the boys had engineered a termination of her previous relationship, when I paused to note they were six, and now she was suggesting that they were doing the same again.
63. At I84, during the safeguarding medical, the mother is reported as saying that there was no history of domestic violence. Yet, in her oral evidence, the mother made clear that there was domestic violence perpetrated upon her by her previous partner. In her oral evidence, she said she could not remember saying that there was no history of domestic violence, although she accepted that it would be untruthful if she had said that. I am satisfied that she did say it. I did not believe her when she said she could not remember it.
64. The mother suggested that the children were telling lies in 2012. She was asked about the police record at F102, which states, "H also stated that as a way of punishment her mother has also made her and her brothers kneel on her bedroom floor with their hands raised above their head". The mother suggested that that was not true. The mother was lying.

65. She also suggested that K's account at I68 was not true. The mother was lying.
66. The mother was asked about her plan for B to go to Nigeria to boarding school. She sought to suggest that he was happy and wanted to go. I did not believe her. That was inherently unlikely in my judgment.
67. Shortly after, she accepted that she had said to him that if he did not start behaving, he would go to Nigeria, which is utterly inconsistent with him wanting to go there. If he wanted to go, why would she then use it as a threat?
68. The mother was asked about the sayings in the Book of Proverbs cited by the boys. In dealing with this she was evasive and dishonest. She maintained that the intervenor followed what the Bible says but not in respect of those individual sayings.
69. She maintained that she had never come across the sayings until looking them up on Google. Yet, it was clear from her evidence that the Book of Proverbs was used to correct the boys' behaviour. She was lying.
70. The mother was asked about the fact that school say that they provided B with uniform, E7, because his uniform was so ill-fitting. The mother denied that. In my judgment, she was lying.
71. She was asked about the fact that the boys were not allowed out to meet their friends. Astonishingly, the mother said that she did not know any of the children's friends and that they had never wanted to go out and visit their friends. She agreed that she would not let them go out unless she was with them, but they had never said that they wanted to go out to see a friend.
72. She maintained that she was trying to protect the boys. When it was suggested that this was a form of unhealthy control exercised by her, she said that she could not just let her children go out onto the streets. She demonstrated a complete lack of child-focused understanding on the needs of boys of that age to socialise with their peers. It is positively breathtaking that she cannot name a single friend that the boys have.
73. The mother maintained that the boys would not get beaten for not reading the Bible. She said that they may be punished by removing their tablets. Yet, she had earlier said that if the intervenor said that the boys should not read the Bible and the boys said no, she would support them.
74. These were some examples of the mother giving a dishonest account. Overall, I simply did not believe her evidence on key issues. I have reminded myself of the *Lucas* direction, seen now in light of subsequent Court of Appeal and High Court authorities, on how the Family

Court should treat lies.

75. I have scrutinised what the mother has said and all the possible reasons why she may have said what she has said. In my judgment, she has said what she has said because in reality there is a binary choice in this case, either the boys are telling the truth, or the mother and the stepfather are telling the truth. She is lying. The boys are telling the truth.

The evidence of the intervenor

76. The intervenor was an equally deeply unimpressive witness. He said that the mother had told him that the children had made allegations against G that she had never witnessed and that he should be careful. He said when she told him that, he thought that when he started living with the children, he would find out whether they were true or not.
77. When living together, he was unable to establish the facts about whether it was true or not. He was observing their behaviour, the way they speak out and lie and he could not establish what happened. Yet, he said he did not speak to them about it. He said that whenever he spoke to them, he always liked the mother to be around.
78. He said that she knew that he could not beat the children because he is not that sort of person, but that he should be careful that they did not repeat the same allegations against him. He said that she was telling him that whenever he communicated with the children, he should have an eyewitness to have effective communication. This, in my judgment, was all utter nonsense. I did not believe a word of it.
79. The intervenor was asked about the incident in 2019 when A said that he had struck him. The intervenor denied it. It was put to him that K had given an account, set out at I68, that the intervenor had told her that A had hit the intervenor.
80. He denied having any such discussion with K. He maintained that she was lying. Again, in my judgment, the only person lying was the intervenor. The reason that he was not accepting that A had hit him was because he knew why A had lashed out and also what had happened after A lashed out.
81. The intervenor sought to portray a picture of harmonious family life before the allegations were made. He said he viewed the boys as his sons. They accepted him like their father. There were no difficulties between them.
82. He was asked why the boys would make allegations against the mother and him then. He said he did not understand it and it brought him heartache. In my judgment, the intervenor could not give any different answer other than he could not understand it because it is impossible to understand why the boys would be making false allegations if what he said was

true, but it is not true.

83. The foster carer's note at I41 was put to him. He maintained that that was all lies. It was put to him that this was natural conversation over the dinner table with the boys during an unguarded moment. He suggested it was all lies. The intervenor was lying in my judgment. The sort of detail that the boys gave is not the sort of detail that boys of that age would think of.
84. The intervenor gave dishonest evidence about his knowledge of the frog. He was utterly evasive in giving his answers about this issue. At one point, he gave some convoluted account about becoming aware of it through a neighbour, but his evidence again amounted to general dishonesty. Not only I am satisfied that he knows all about the frog, I am also satisfied that he employs it as a punishment technique.
85. He was asked why in his one and only written statement at C104, he asked for forgiveness if he had been too hard on the boys. Again, he sought to evade answering the question and then gave a convoluted explanation for what he meant, which I reject. In my judgment, his asking for forgiveness shines a light on where the truth lies in this case.
86. The Guardian made it very clear in her oral evidence that the boys are very clear that they do not want to see their mother virtually or face-to-face. A major reason for that was because the mother has not taken responsibility for the way that she has treated them. In her professional judgment, these boys require professional help in moving forwards with their relationship with their mother.
87. She described that A does not want to take part in telephone contact anymore. She had observed the telephone contact with B. The contact was strained. At one point, B said he had a hospital appointment, but the mother did not even ask about it. This was an opportunity for her to show that she was interested in his well-being.

Welfare

88. I turn now to the provisions of section 1 of the Children Act 1989. I remind myself that my paramount consideration, when determining any question with respect to the upbringing of each of the children, is their welfare. I also remind myself that in general any delay in determining that question is likely to prejudice the children's welfare.
89. I turn now to the Welfare Checklist set out in section 1(3):

(a) the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding)

90. There is clear evidence from the professionals in this case that each boy is expressing very

strong views that they do not want to live with the mother. In fact, it goes further. At the moment, they do not want any form of face-to-face contact with the mother or even contact by video platform. B is presently having limited telephone contact with his mother, but A is refusing to have any contact at all.

91. This is hardly surprising. As I have found, these boys have suffered physical and emotional abuse as a result of the actions of the mother and the stepfather. The mother does not acknowledge that has happened, in fact, she denies it, so does the stepfather.
92. This is significantly exacerbating the harmful effect of that significant emotional and physical abuse upon the boys and, in my judgment, causing immeasurable harm to the relationship that the mother has with her sons. Unless she finds the strength, the independent will, the insight, the sense of decency to recognise what she has done and what she has failed to do then, in my judgment, her ongoing denial is likely to cause fatal harm to that relationship. It may already be mortally wounded.

(b) their physical, emotional and educational needs

93. These boys have an absolute need to be brought up in a warm, loving, safe environment where they feel that they can behave like children of their age, enjoying the company of their peers and the freedom to engage in age-appropriate play without being punished. Put simply, they need to be able to do the things that boys of their age do.
94. The evidence from the professionals about their improvement, both in terms of their emotional well-being and their behaviour in and out of school, once placed in foster care is striking. I am satisfied on the evidence that these boys are thriving in their current foster placement, and the Local Authority should do everything to ensure that that placement is maintained. It is vital for these boys' physical, emotional and educational needs that that placement is maintained.
95. The Children's Guardian expressed disquiet through Mr Carlen about the fact that the Local Authority have not absolutely committed to maintaining that placement, saying that they would want to see what the Court's decision is first. Let me send out this clear message to the Local Authority, moving these boys from their current placement would be to fail them.

(c) the likely effect on the children of any change in their circumstances

96. A move from their current placement, as I have already indicated, would be catastrophic for these boys. They have suffered enough already. They have now achieved an equilibrium in their lives, albeit as looked after children, and the evidence is that they are currently moving from strength to strength. Nothing must happen, in my judgment, to derail that process if it

is under the control of the Local Authority.

97. A move back to the mother's care would, in my judgment, expose them to unacceptable risk of significant physical and emotional harm. The mother and the stepfather are dishonestly denying the physical and emotional abuse that has taken place. They have shown no insight at all. They could not be trusted to change their ways.

(d) the age, sex, background and any characteristics which the court considers relevant

98. These are 14-year-old boys who are at a critical stage in their development. These are hugely formative years for them as they are now moving swiftly towards adulthood. They have excellent role models in the foster carers, who are, I am satisfied, providing an excellent standard of care for them and the positive impact of that is being seen both in and out of school by professionals including school teachers.

(e) any harm which the children have suffered or is at risk of suffering

99. I have dealt with this in my findings section. In my judgment, if the children were returned to their mother's care, they would be likely to suffer significant physical and emotional harm again. They will not suffer the physical and emotional harm if they remain in their current placement in foster care.

(f) how capable each of his parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting his needs

100. Sadly, this mother is not capable of meeting the needs of these boys. In my judgment, she is somebody who puts her needs to be in a relationship with another man before the best interests of her boys. She has also lied to the boys in an attempt to dupe them into thinking that the intervenor was their birth father. That charade was cruelly exposed during an argument when M informed the boys that the intervenor was not their biological father.
101. Sadly, whilst I accept that the mother does love these boys and undoubtedly has fought to have them returned to her care, she cannot provide good enough, safe enough care for the children and the harsh reality is that they do not want her care. They would rather live with Local Authority foster carers and that speaks volumes.
102. Care orders in respect of each of the boys are necessary and proportionate and consistent with their welfare. In reaching this decision, I have taken into account the Article 8 rights to family life of all the relevant parties. That concludes this judgment.

End of Judgment

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