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IN THE CENTRAL FAMILY COURT

Neutral citation: [2023] EWFC 282 (B)
No. ZC20P00695

First Avenue House

42-49 High Holborn

London, WC1V 6NP

Tuesday 24 January 2023

Before:

HIS HONOUR JUDGE TALBOTT

(In Private)

B E T W E E N :

B (a father)

- and -

M (a mother)

ANONYMISATION APPLIES

MS MADELEINE WHELAN appeared on behalf of the Applicant.

THE FIRST RESPONDENT appeared In Person.

JUDGMENT

HIS HONOUR JUDGE TALBOTT:

Introduction

1. In this case I am concerned with P. P's mother is M who is present in court and who has been representing herself in these proceedings before me. The mother has previously been represented by a number of different solicitors throughout proceedings, but for various reasons those relationships have all come to an end. P's father is B, who is represented at this hearing by Ms Whelan.
2. This hearing was listed before me for three days. It commenced yesterday on 23 January 2023. Day one was listed as the fact-finding part of the hearing and it is at the end of the fact-finding aspect that I deliver this judgment. The fact-finding hearing relates to two allegations made by the mother. I will refer to M as “the mother” and B as “the father” during the course of this judgment. The two allegations the mother made is that in both May and then October 2022, the father sexually abused P.

The Law

3. Turning at this stage to the law that I must apply in determining the allegations, I make the following points clear. In determining the two allegations in this case, and any other disputed facts which I decide it is necessary to determine, I must apply the civil burden of proof and the standard of proof applicable in civil cases. It is the mother who makes the allegations and so the burden of proving them falls on her. The only way the allegations are proved is if I am satisfied on the balance of probabilities that they occurred.
4. I can only be persuaded that on the balance of probabilities an allegation - or both allegations - are proved by taking into account evidence, not merely assertions or speculation. If having applied that standard of proof I find that an allegation is proved then it is deemed to have occurred, and if I find an allegation has not been proved then it did not occur. That is what is referred to by lawyers in the Family Court as the binary system; either something happened or it did not. During this judgment I will explain what my findings are and why.
5. When considering the evidence before me I am entitled to draw inferences. That means I can draw common sense conclusions from the facts that I find to have been proved, but I must guard against speculating or guessing. I must consider the evidence I have rather than speculating, for example, about what other evidence not before me or may not have said. In assessing the evidence I am entitled, where appropriate, to consider the inherent plausibility or implausibility of the evidence given and of the allegations that are made.
6. I have heard during the course of the evidence what is known as “hearsay” evidence; that is evidence that one person gives about what someone else says. For example, what is said by the mother to have been said by P and that which is contained within some of the documentary evidence is also hearsay. For example, some of the contents of the police investigation logs, the records provided to me of the medical

examination undertaken by P, and the child protection conferences which have occurred.

7. Within those records, and indeed within the course of the oral evidence, I have heard what other people, particularly P, are said to have said to other people. Of course, in determining the weight that I attach to hearsay evidence I must consider if there is any other supporting evidence and I must bear in mind that hearsay evidence has not been tested by cross-examination, and I bear all of that in mind in determining what weight, if any, should be given to a particular piece of hearsay evidence.
8. It is important that I direct myself that it is common for witnesses to tell untruths or lies within court proceedings and that they do so for many reasons. This is a direction which lawyers refer to as a Lucas Direction. People lie in court proceedings for many reasons; shame, embarrassment, loyalty - misplaced or otherwise - fear, distress, anxiety about losing a certain type of relationship with a child, anger. These are just some of the examples of reasons that people do tell lies. It does not follow that because someone has lied about one matter they have lied about anything else, or indeed everything else that they have said.
9. This case involves two allegations of a sexual nature. I remind myself that it is the experience of this court that such allegations can and indeed do arise in all walks of life between all sorts of people. There is no stereotypical victim or perpetrator of sexual abuse. Victims of such behaviour can and do react in quite different ways, whether that is disclosing that things have happened soon after the event, of a long time after the event. Of course, some sadly never feel able to talk of what has happened to them. I remind myself of the need to avoid applying any stereotypes as to how it is somebody has reacted, whether that be the person against whom an allegation is made or the person who is said to be the victim. I must focus on the evidence in this case rather than applying any external stereotypes or myths.
10. In focussing on the evidence I must consider all of the evidence before me. I have considered every document helpfully provided to me within the bundle, that I will summarise in a moment. I must consider each piece of the evidence before me in the wider context and in the context of each other piece of evidence before the court. I have surveyed a wide landscape of evidence. I must avoid artificially compartmentalising or separating off a certain piece of the evidence and giving it any unjust weight. What is important is that I consider all of the evidence; its internal consistencies and inconsistencies and how consistent, or otherwise, it is with the other evidence available to me.
11. The evidence of the parents themselves is of the utmost importance and I must make a clear assessment of their credibility and reliability in determining where, in my judgment, the truth lies. The assessments of the parents' credibility and reliability is fundamental in a case of this nature.

Relevant History of Proceedings

12. I pause to note at this stage that within these proceedings in respect of P, this is the second fact-finding hearing to have been conducted. I have within the bundle before me, from p.B52 onwards, the fact-finding judgment of Mr Recorder Lofthouse dated

8 April 2021, which was delivered by the Recorder following a three-day fact-finding hearing. In summary, the Recorder heard evidence from both parents and considered five allegations made by the mother against the father. One of those allegations - Allegation No. 5 as it was at the time - was that the father, had sexually abused the mother's elder daughter, his stepdaughter, X. Having considered all the evidence before the court, Mr Recorder Lofthouse concluded that the allegation in that regard made by the mother was false. To quote the Recorder at para.68 of his judgment, he said:

“Having rejected the mother's account I have to consider whether or not this was a malicious allegation on her part. Having regard to all the matters I have already addressed I am satisfied it was. It follows almost unavoidably this is not a case of cross wires. Not only did the mother deliberately raise this false allegation in response to the father's parents having police attend her home, she tried to coax X to repeat it and then resurrected it in June in response to the father's application for contact.”

13. I raise the previous fact-finding judgment at this point to make the following point clear. Whilst of course it is unavoidable that I am aware of, and have considered, the fact-finding judgment of Mr Recorder Lofthouse, it is not in my judgment part of the evidence to which I give significant weight in determining where the truth lies in respect of these new allegations made by the mother. What I must do is focus on the evidence before me in respect of the two allegations pursued by the mother against the father. That being that in both May and October 2022 he sexually abused P.
14. The last hearing in this matter took place before me on 6 October 2022 when the case was listed for a final hearing. Just a few days before the hearing, the new allegations of sexual abuse of P were made to the police by the mother. The way they came about appeared to me, quite clearly, to be that a phone call was made to 111, or similar non-emergency number, for medical advice and that as a result of what the mother said during that call, referrals were made to the police and subsequently to the local authority. The local authority has been involved for quite some time with this family and so were already aware of the ongoing proceedings.
15. As a result of what has been alleged just a few days before that hearing on 6 October, I felt it necessary to adjourn the final hearing until today in order to obtain police disclosure in respect of the allegations, and I have that before me. I also ordered that statements were served by the mother setting out what was said to be the supporting evidence. During that hearing on 6 October I was shown a video by the mother of P. In it, P was naked, with her vagina exposed, and whilst being filmed by her mother she is asked repeatedly who she wanted to go to prison. But at this stage it can be described as the video in which the child, P, is asked about who she wants to go to prison. I will go on to describe the multiple videos of P that the mother now places reliance on, but in any event, I was shown just a short extract from one of those videos at the hearing on 6 th October 2022.
16. At that point it was clear to this court that the allegation that was being made was an allegation of sexual abuse of P a few days before that final hearing, this was confirmed by the mother herself. By the time we got to this fact-finding hearing, in

fact the allegations that are made are twofold. That there was sexual abuse on 1 October 2022 and also on 7 May 2022.

The Evidence

17. Turning to the evidence I have considered. Beginning with the written evidence I have been provided with well prepared and full bundles in this case. The evidence contained within them includes the statements of both parents dating back to before the fact-finding judgment of Mr Recorder Lofthouse. I make clear that it is the decision of Mr Recorder Lofthouse that is the factual basis from that point onwards on which this court conducts any analysis as necessary. The judgment of Mr Recorder Lofthouse was not appealed on behalf of the mother and, as I have made clear through the course of the hearing, in the absence of any cogent or good reasons to depart from them, the findings stand. In my judgment there have been nowhere near a cogent reason to do anything other than adopt Mr Recorder Lofthouse's findings; so that is what I do. As I have made clear, they have little bearing on my analysis of the evidence in respect of the two allegations which I must determine.
18. Within the bundle I have considered all of the statements from both parents. I have an abundance of material within section D of the bundle from Social Services and some, to a more limited extent, from CAFCASS. Because of the extensive involvement of the local authority there has not been as much CAFCASS input as there otherwise may have been. But as part of the Social Services material I have Minutes of the Child and Family Assessments. I have more than one helpful statement from the social worker, from whom I also heard. I have Minutes of Family Group Conferences, a s.7 report and indeed an addendum s.7 report, and I have also been provided out with the bundle the most recent notes from the latest Child Protection Conference, as well as the latest Child Protection Plan for P.
19. I have had disclosure which has been provided in respect of the school, albeit that predates Mr Recorder Lofthouse's judgment. I also have within the bundle the police disclosure related to the most recent allegation made in respect of the alleged sexual abuse of P. I have in terms of medical disclosure the disclosure from the Haven NHS Team which details the medical examination of P they conducted following the most recent allegations. Whilst there are a great deal of other crime reports and police disclosure, and indeed a GP report and a hospital record in respect of P, these predate Mr Recorder Lofthouse's judgment and so on that basis very little, if any, play any part in my deliberations.
20. Turning to the live evidence before me, I start in fact with the evidence of the mother. The mother's allegations are based on two aspects of the evidence in my judgment; what it is that P said to her, and also what it is that she says she saw when she examined P's vagina on two occasions in May and October 2022. I make clear from the outset that I give the mother every allowance in respect of her representing herself, in respect of any difficulties she may have in expressing herself in the English language. Albeit I must say that her evidence was, in my view, largely clear as to what it was that she was saying. However, having considered the mother's evidence as a

whole I found her evidence to be inconsistent and at many key points fundamentally dishonest.

21. There are a number of points in which the mother's evidence contradicted other evidence in the case. By way of example, the mother says that she told the social worker in May 2022 that she thought that P had been sexually abused and had told her that she had noted bleeding from P's vagina and the other injuries that occurred but that the social worker showed very little interest in the allegations. The mother was unable to provide any supporting evidence as to how this was done and having heard directly from The social worker is what it is that the mother says she told her, in May I am entirely satisfied that the mother was lying when she claimed to have told the allocated social worker that P had returned from contact with the father with a torn and bleeding vagina.
22. The social worker was a careful and measured witness whose evidence was supported by the contemporaneous notes. Her evidence was that those conversations simply did not occur and that the first time that she was aware of any sexual abuse allegations being made by the mother, was when shortly prior to the last hearing she was made aware by way of a referral. She was made aware via a referral from the police that such an allegation had been made. The social worker was clear that in fact she was not aware that there was an allegation of any sexual assault in May until shortly before this hearing.
23. I am entirely satisfied that it is the social worker's evidence that is the more reliable than the mother's on this point. The social worker was, in my judgment, a straightforward, measured and honest witness who was very clear that she had notes of a great many of the conversations that had taken place with the mother. She was a party, of course as she should have been, to discussions that took place at the hearing on 6 October before me, and that at no point did the mother either at that hearing or prior to it mention to her any suggestion that P had been sexually abuse by her father in May.
24. Having heard the social worker give evidence and it being clear to me the efforts she had made in trying to engage the mother in respect of doing what is best for P and the lack of any response to her clear efforts, it is very clear to me that The social worker is telling the truth about the communications that there have and have not been between her and the mother. The mother's evidence on this point was plainly untrue.
25. There are many other points that lead me to the conclusion that the mother's evidence was simply unsupported by all of the other evidence and fundamentally dishonest at points. For example, in respect of what the doctor said at the Child Protection Conference in November 2022 - that being the doctor who conducted the Haven medical examination of P - the mother's case in her evidence was that the doctor was clear, during that Child Protection Conference when questioned by the mother, that she had in fact seen scarring on P's vagina, which the mother said is the clearest evidence that there had been a previous sexual assault.
26. Of course, I have the benefit of the Dr's notes from the examination of P which took place in October, shortly after the allegation was made. Within the detailed report there was no mention at all of any scarring on P's vagina. Further, the social worker's

recollection of that Child Protection Conference, and indeed her notes and the official notes of the conference, make no reference at all to Dr B saying that there was any scarring on P's vagina. So once more the mother's account of what was said is entirely at odds with both the documentary evidence and the evidence of professionals that were in the room at that meeting. Had the doctor have said that, contrary to her own report, she had seen scarring of P's vagina during her examination in October then I am in no doubt that it would have been recorded and acted upon. It was not for the simple reason that it was never said. The mother was once more entirely dishonest in saying that it was.

27. I again have no hesitation in rejecting the mother's account entirely as dishonest that the doctor said, despite having not noticed it within the medical and despite the clear recollection of the social worker, that there was scarring. I reject entirely the fact that it was said. It is once again an example of the mother being dishonest about what other people have said and done in a deliberate attempt to further her own false narrative and to distract from the truth.
28. There is also at the heart of the mother's evidence a clear discrepancy between what she describes as happening on the videos she has submitted and what is actually shown within them. For example, the videos that relate to May 2022 both show P lying on her back. One is 19 seconds long and shows the mother visually inspecting P's vagina, and the second, which is slightly shorter at 11 seconds long, is a closer video, which following the mother's evidence, I conclude was filmed by the mother's sister with either the mother or the mother's sister moving P's vagina with their fingers and opening it up to show what is said to be an alleged injury to it.
29. The mother's evidence to me was very clearly that she saw blood oozing from P's vagina on her return from contact with her father in May 2022, that it was incredibly worrying and incredibly distressing. The mother told me that the video was then taken straight away before any such blood was wiped away or that there had been any interference whatsoever with P's vagina. The videos, having viewed them again, do not show any blood whatsoever, nor any obvious injury. They do not show anything like what the mother describes them as showing.
30. It is abundantly clear to me that either the mother is being deliberately dishonest about what those videos show in the face of the clearest of evidence themselves, or the mother genuinely believes despite the clearest of evidence that those videos show something they simply do not. Whichever one it is, I am entirely satisfied it is another example of the mother's evidence being entirely at odds with the abundance of all of the other evidence in the case.
31. Turning to the videos on which the mother relies, there are seven in total. Two relate to 7 May 2022; these for the record are those with file numbers 2022/0507_181634 and 2022/0507_182238. One video relates to 3 September 2022; that being file name 2022/0903_104315. Two relate to 1 October 2022, that being the date it is said that P was sexually abused for the second time, their file names being 2022/1001_190121 and 2022/1001_191428. Two further videos which both date on 8 October 2022 so two days after the adjourned hearing before me in October; the filenames are 2022/1008_210253 and 2022/1008_210730.

32. I have watched all of those videos on numerous occasions. In summary the following is clear to me. The videos from 7 May 2022 do not on any view show what it is that the mother says they do. They show no bleeding from, nor obvious injury or tear to P's vagina. They show nothing like the injuries that she described. What they do show in my judgment is a young child being put through a traumatic ordeal, much to her obvious discomfort and distress. P was being filmed by their mother in the presence at one point her aunt, whilst she was naked with a rather intrusive digital examination of their vagina taking place. That would on any view have been very distressing for P.
33. The 3 September 2022 video is filmed on the platform of an underground station. It is clearly filmed at a point shortly before P was due to have contact with her father. The mother's witness statement described that video showing P "begging her" not to go to contact. In fact, it shows nothing of the sort. What it shows is a video being filmed by X, mother's elder daughter at the mother's request. In the video, both the mother and X promise P that when she returns from contact she will be able to have cotton candy. The mother promises to set up a drinks station. At no point does P say she does not want to go to contact, nor that she does not want to see her father.
34. Significantly one has to question why it was this video was filmed in the first place. I am led to the inescapable conclusion that it was an attempt to fabricate a piece of evidence which was simply not reflective of the reality of this situation. The video that I have seen, which is one minute and 23 seconds long, does not show a three-year-old child distressed at the prospect of contact with her father on any view. What it shows, in my judgment, is a mother who has deliberately engaged her nine-year-old daughter- as I believe X to be at the time - in filming a situation aimed at creating a false impression to this court. In any event P is not distressed at the prospect of contact with her father. But is clearly, bearing in mind her age, very excited about the prospect of getting the cotton candy, a decision repeatedly promised to her by her mother and sister.
35. The next two videos are dated 1 October 2022. These are the videos that the mother describes to me as being filmed very soon after P returned to her care after the last occasion in which she saw her father at a contact session. The mother's descriptions of the video are effectively that P on her return from contact would usually have been unsettled, but that on this occasion immediately on coming through the front door P repeatedly said that she wanted her mother to telephone the police.
36. The mother's evidence was this:

"Before I started filming all P was saying repeatedly was that she wanted me to call the police and so I investigated her vagina. I can't recall everything that P said and it was not until this date in October that I knew that P used the word 'bum bum' to describe her vagina. I have not heard her use this before."

I am entirely clear that, once more, this was another dishonest piece of evidence on behalf of the mother. Mother herself described P as using the phrase "bum bum" in May and so clearly it is not true that that was the first time it had been heard in October. But in any event, what is said is that P herself repeatedly asked her mother to telephone the police and her mother kept asking her why and could not get an answer.

37. That led, on the mother's account, to her once again removing all of P's clothes and making her lay naked on her back. The mother then proceeded to inspect three-year-old P's vagina with her fingers, filming it whilst she probed and asking a number of questions. For example, asking why she must call the police, asking what daddy and Uncle Ravi have done, and asking, "What do you want? Why do you want to lock up daddy and Uncle Y?" Uncle Y being the father's brother who lives with the father's parents at the address at which contact with the father takes place.
38. Once again what is striking in respect of these videos is that not at any point does P say anything which could conceivably amount to an allegation of sexual abuse against her father or anyone else. She does not say "I have been sexually abused by my father", that "daddy has touched me," or indeed any combination of words between those two notions which could on any reasonable view trigger a rational belief that she was making an allegation of sexual abuse. What these videos once again in my judgment show is a deliberate and conceited attempt by a mother determined to ensure that her daughter P said what she wanted her to say, namely that she had been sexually abused by her father. Despite mother's clear determination to make P make the allegation she desperately wants her to make, P does not such thing.
39. Turning to the sixth and seventh videos, these both relate to 8 October 2022; that being two days after the hearing listed before me on the last occasion. The first of those videos lasts for over four minutes and in it P is visibly upset. She is crying. She is fully clothed and is clearly in her bedroom, X her older sister is there as well as the mother. The mother is holding P and asks repeatedly, around 20 times, "Who hurt you and who are you scared of?" In that video at no point did P actually say she was scared of anybody, nor give any reasons as to why she is upset.
40. Although of course I pause to note at this point - and I will discuss this further in due course - that one of the reasons P was so upset was likely that she had a fused labia which was diagnosed within the medical examination to which she was subjected at the Havens Centre just a couple of days before. This "acute case of labial fusion" would likely have been causing her discomfort for some time. In her evidence, the mother described how she did not accept this finding of labial fusion and has refused to treat it with the oestrogen cream prescribe to her. As a result, it is highly likely that P's discomfort was caused by her diagnosed labial fusion and her mother's repeated and determined questioning of her in pursuance of her mother's own desires and wants. P's upset and discomfort is said to be, on behalf of the mother, evidence of P being upset as a result of sexual abuse she has suffered at the hand of her father. Mother is entirely unable to consider that there may be any other cause of P's upset and distress.
41. What is abundantly clear in this video is that, rather than comforting P, rather than trying to make her feel better and actually give her the opportunity to express what is wrong, the mother decided to repeatedly question and film her three-year-old daughter for over four minutes. P had expressed to her mother on numerous occasions through the videos I have seen that she did not like being filmed and asked her mother to stop doing so. In the videos from 1 st and 8 th October 2022, despite clearly knowing that P did not want to be filmed the mother continued and persisted and repeatedly interrogated her three year old daughter, saying "Who hurt you and who are you scared of?" over and over again despite P having not said at any point that she had

been hurt by anyone, nor that she was scared of anyone. This shows in my judgment in the clearest of ways how focussed and determined this mother is, how fixated she is on the idea that P had been sexually abused, despite the fact that P at no point, in my judgment, has made such an allegation herself and the entirety of all other evidence demonstrating that she has not been.

42. The second video dating from 8 October 2022 lasts nearly two minutes. There is a quiet conversation between P and her mother during which there is some conversation about a turtle, but it is unclear to me and I was not assisted in any way by the mother's evidence as to what she said that actually relates to it.
43. In respect of the 8 th October videos, the mother was asked if she could think of any other reason at all that her three-year-old daughter might be upset or crying other than the fact that she had been sexually abused and the mother said this:

“There was no other reason I could think of why P might be upset. The only reason I could think of why P had any discomfort at all in her genital area was that she had been sexually abused. There could not be any other cause of her vaginal discomfort.”

As I have previously detailed, this was just a matter of days after Dr B at the Haven had made clear that P had acute labial fusion that required medicated cream to treat it. It acute and had clearly been troubling her for some time. Despite the clearest of indications from a doctor as to what had been causing P this physical discomfort and upset, the mother was on her own account unable to consider that there was any possible explanation for P being upset or experiencing any discomfort in her vaginal area, other than she had been sexually abused by her father. This demonstrates once more the entirely blinkered view the mother has of the allegations she makes. Regardless of the evidence, she pursues them wholeheartedly and is unable at any point to step back and even consider the possibility that she is wrong or mistaken.

44. The mother went on to say in her evidence that the doctor at the Havens Centre had noted that there was scarring on P's vagina, which must have come from the May allegation when the mother alleges that the father had sexually abused P causing her vagina to tear and bleed. That is, in my judgment, another lie from the mother for a number of reasons. Firstly that the mother herself has said earlier in her evidence that one of the reasons she did not report the May incident to the police or medical professionals was that it fully healed within three weeks. Further, having considered the medical evidence from the Havens - from p.G27 onwards of the bundle - it is abundantly clear to me that there was no such scarring. In fact turning to the report the following was actually noted:

“P is a well, [pre] pubescent girl. She had labial fusion which is chronic, which is a very small genital finding.”

The word “small” being underlined by the doctor.

45. The reason that, in my judgment, less than a week later the mother was unable to, even at this stage, contemplate that there could have been any cause of upset in P other than the fact that she had been sexually abused by her father, is that she is

entirely fixated on the idea that the father has sexually abused both X - which he has been found by Mr Recorder Lofthouse not to have done - and now P.

46. Before I move from the subject of the videos, whilst of course the predominant focus for me must be on the videos that date from 7 May and indeed 1 October last year, bearing in mind that they coincide precisely with the date of the allegations that are now made, in respect of the September 2022 video the mother's evidence was that before X or the mother started filming, P was begging her not to make her go to contact. As a result, she asked her elder daughter to start filming a video. That is extremely worrying in my judgment because it is, on her own account, a deliberate decision made by the mother to involve another of her children in creating a video which was, in my judgment, produced purely to create a false and fabricated picture of what was happening. This showed no regard for either of her daughter's welfare.
47. Moving away from the videos to the medical evidence, what is abundantly clear as I have indicated is that following the examination by the Havens Centre, there is a note of what the mother was told by the doctor, namely:

“Mum should contact the GP for a prescription for oestrogen cream for labial fusion and the police and social care will investigate the concerns.”

I have noted the labial fusion from the Havens medical examination and significantly, as I have already indicated, the doctor noted as follows:

“The child is a well child, developmentally normal and the concern is that there are family proceedings that are ongoing, and the mother has made allegations of child sexual abuse of her older child in respect of this man. The relevant findings on physical examination is that P is a well [pre] pubescent girl with labial fusions which is a very small genital finding.”

48. Of course, I remind myself importantly that the lack of any injury and indeed the lack of any medical evidence found to support the allegations of sexual abuse does not mean it did not happen. Often sexual abuse does not cause injury. So therefore, I do not regard the lack of any injury in the medical as determinative by any stretch of the imagination, but it is relevant that no injuries were noted. Indeed, most significantly no scarring on the vagina was noted by the doctor despite the fact, falsely as I have found it to be, the mother claims that it was. Had there been scarring, I am satisfied that the doctor would have noted it.
49. Turning to the police investigation, which is before me by way of extensive police documentation but significantly from p.F124 of the bundle. That contains the first account given by the mother to the police on 2 October 2022. It says as follows:

“P is three years of age. For a three-year-old she has reasonably good communication skills. She spent the day with her father from 1100 hours at Tottenham Hale Station and he returned her to Finchley Park tube station at 1800 hours. P was collected by her mother and was taken home where P states to her mother, 'Call the police.' The mother had probed as to why she wanted the police to be called but she kept on repeating the same thing, 'Call the police.’”

Then it says this:

“It got to bedtime where the mother stated she helped P wash but she started to cover herself up and did not her mother to help her shower and was covering her private parts. The mother has stated she had then seen P's private area was red, sore and was open and so called 111.”

That led to, on any view, a change of events that led to the police and Children Services being notified.

50. The London Ambulance Team attended the family home to check P and said that she was medically fine. From what the mother was describing it sounded out of the ordinary and did not present as a typical urinary tract infection and that P should therefore be checked at the Havens Centre, that that would be the best place for her.
51. The police note at p.F125 within the crime report and said as follows:

“The mother stated just before officers left that there were two other incidents involving P, which she did not report to the police, at the beginning of May. She could not remember the dates but she stated that P appeared to have blood around her private parts on one occasion after spending the day with B, and on another occasion stated her private parts looked 'inside out,' again after spending the day with B.”

Officers questioned why P was not taken to hospital for this and the mother did not give the officers a straight answer and seemed to change the topic, stating that her lawyer told her a change of her address would make her lose her kids. That is the account that the mother gave to the police, according to the police notes which I accept as an accurate picture of what was said at the time.

52. The father was interviewed as part of that police investigation, as he was of course in respect of the police investigation in respect of the allegations made against him on behalf of X. The police having heard his denial in the interview and having considered the evidence that was provided to them by the mother, including the videos which I have seen, concluded that there was not sufficient evidence on which to bring a criminal charge and the case was closed.
53. Returning to the mother's evidence, on a number of the points that I have just discussed as covered by the medical evidence, the police evidence and the videos themselves the mother's case was a complete misrepresentation of what actually happened on both 7 May 2022 and 1 October 2022. One only has to look at the mother's own evidence to see how it is the mother herself is fixated upon the allegations she makes of sexual abuse and has herself been significantly affected by her story that P has been sexually abused. Tellingly, the police described the mother as being unavailable to support P through her intimate examination at the Havens Centre because she was so traumatised herself.
54. The mother's evidence was this:

“When I was in the examination room I nearly passed out on the support person next to me. I found it very distressing. I forced P to go to contact when she was begging me not to go.”

The mother was asked how she thought P might have felt being put through the examination. The mother's evidence was this:

“P was cooperative for the doctors. She did whatever they wanted. I cannot say how she felt. I was trying to hold my emotions together. I cannot answer how P felt about the physical examination. I think she assumed it was a check-up about her Chicken Pox, because that is what I told her. I just cannot say how she felt.”

That passage of evidence demonstrated a complete inability on the mother's behalf to mentalise how it was that P may have been feeling having put through an invasive medical examination by strangers, just days after she had been filmed and intimately examined by her mother and aunt.

55. Overall, for all of the reasons I have given, the mother's evidence is contradictory to both the medical evidence, the very clear social work reports, the evidence in person from the social worker; and entirely at odds with what is actually shown in the very videos on which she relies.
56. I have considered the father's evidence such as it was in respect of the two allegations that were made. I found the father to be an entirely straightforward and honest witness. With respect to 7 May, in my judgment entirely understandably, said he cannot remember specifically what occurred on that date but has outlined to me in a very clear way what usually happens during his time spent with P. I entirely accept his account that that is what happened on 7 May. Regardless of what happened I am entirely satisfied in light of the findings I have made in respect of the mother's account that he did not sexually abuse P on either occasion.
57. Looking at the evidence as a whole as I must, I note very clearly that there are a number of reasons why I make the following findings.
58. The findings that I make are that:
 - a. P was not sexually abused by her father on either 7 May or 1 October 2022;
 - b. The allegations were made maliciously by the mother in order to unjustifiably prevent P spending time with her father.
59. As I have already indicated through the course of my judgment there are many reasons for me reaching the conclusions I have on the evidence before me. But in summary I make the following points:
 - a. Within the videos themselves there are clear, deliberate and concerted attempts by the mother to make P say things about her father, which in fact P never does. The videos themselves were filmed by the mother to create a false evidential picture. I reject entirely the notion that the mother was attempting in any way to help or assist P in filming those videos. She was instead putting P through embarrassing, invasive and distressing physical

examinations. It being abundantly clear to her that P was asking her to stop repeatedly, and the discomfort that P was in that she did not want to be filmed. But in any event not only did the mother continue to film but she also got her sister to assist.

b. In filming the videos, which I have seen, I am entirely satisfied that the mother's focus was on pursuing her own false allegations rather than thinking at any point what was best for P. So the videos themselves not only undermine the mother's allegations but also clearly show, in my judgment, evidence of the mother attempting to coach P as to what to say, desperate to try and make her say something which in fact she never actually does.

c. Further, in respect of the allegation on 7 May, following what was said to be by the mother an incident of P returning home with blood oozing from her vagina and a clear vaginal injury, no report at all was made to the police or to medical services. That is fundamentally undermining of the mother's account. It is clear the mother is able to, when she wishes to, report matters to medical services and the police as she did in October. Had what she alleges occurred in May actually happened, I am in no doubt she would have done so. I also reject entirely for the reasons that I have given the suggestion that the mother have in fact reported the May incident to the social worker, she did not and I accept the social worker's evidence on that front. So, undermining the May allegation made by the mother significantly is the fact that it was not reported to any medical professional, or the police, or the social work team.

d. Further still, following the 7 May allegation, the mother accepts that she continued to allow, despite what she said she found, P to have regular contact with her father for some time. That again entirely undermines in my judgment the allegations that were made. It simply would not have happened, had what the mother alleges happened in May actually happened.

e. Further still, in respect of 7 May incident, that allegation was not mentioned before the hearing in front of me on 6 October 2022. Had it been the case that it was a genuine and true allegation made by the mother, I am in no doubt that it would have been mentioned to me during that hearing. Of course, I know that there were videos made by the mother in May and it is extremely worrying that those videos were made and seemingly kept by the mother but not shown to police, medical services or indeed the social work team until after the hearing in October.

f. Further still, undermining of the mother's evidence and allegations is the medical evidence from the Haven. It is abundantly clear for the reasons that I have given no scarring was noted and I reject entirely the mother's account that during the Child Protection Conference on 3 November the doctor who conducted the medical said that in fact, despite the report, she had noted scarring on P's vagina. I am in no doubt whatsoever that had it been noted it would have been within the report before me.

g. Undermining further of the mother's allegations is the fact that within the police disclosure before me the mother who is noted to be very anxious and in fact was physically sick whilst P was being physically examined. But P herself in fact made no allegations against her father despite being given in the proper way the opportunity to do so.

h. Undermining further the mother's allegations in my judgment is the timing of the allegations. Both allegations were made following the last contact between P and her father before I was due to make a final determination as to what was best for P at a final hearing. In

my judgment, bearing in mind the repeated dishonesty that the mother has demonstrated in her evidence, bearing in mind the fact that on each point at which the mother's evidence contradicts with the extensive evidence from other independent sources, that was a cynical and deliberate attempt by the mother to try and prevent the court making a decision for P at that October hearing. Indeed, of course, by virtue of me having to adjourn the matter until today it in part succeeded.

60. The mother is, in my judgment, entirely fixated upon doing anything possible in order to prevent this father playing any part in his daughter's life. The mother was clear in her evidence that whatever findings I make and whatever orders I ultimately make in respect of P, she would not allow any contact between P and her father in any form at all. She felt it best that P never have any contact with her father ever again until she was 18 years old when she can "make up her own mind".
61. In light of the findings I have already made in respect of the mother's inability to mentalise how P would have felt being put through those invasive medical examinations, being filmed against her will, being coached to make allegations which are simply untrue, it is very clear to me the mother is unable to focus on what it is that is best for P. Instead, she has prioritised her own determination to use false allegations against the father to unjustifiably prevent him from having any form of relationship with his daughter. The impact that that has on P, whose welfare of course is my focus, is on any view significant in a number of ways, not least that it would lead to a real risk that P would be unable to develop the important relationship with her father that she needs to have but also that this little girl will grow up believing falsely that she has been sexually abused by her father. I make it abundantly clear no such thing has occurred.
62. The mother's inability to think of any reason whatsoever that her daughter might have been upset and crying on 8 October 2022, despite the fact that just six days before the doctor had told her that P had a fused labia that required the application of oestrogen cream to resolve itself within a few weeks, is the clearest indication to me that the mother does not listen to, and chooses to ignore what professionals say unless she agrees with it and it fits her false narrative.
63. The decision to put P through the repeated filming in the context that I have described is one which is clearly, and was clearly, not focussed on what was best for P but on furthering a false and vindictive agenda once more, in my judgment.
64. I make abundantly clear, the allegations that the mother makes against the father in this case are malicious and are false. Once more this father has been falsely accused of sexually abusing a child, this time his own three-year-old daughter. In light of the chronology of this case, and indeed the previous findings of Mr Recorder Lofthouse that the false allegations made by the mother in respect of the sexual abuse of X, I am entirely satisfied that this is now a pattern of behaviour on behalf of this mother which is aimed at preventing P - with whom I am concerned - from seeing her father without justification. It is a pattern of behaviour which has exposed P to significant harm through both unjustified and unwarranted intimate examination, informal filmed intimate examinations by her own mother despite her own discomfort and protestations and puts her at significant risk of having these false allegations

repeatedly and continually forced upon her which would cause her significant emotional and psychological harm.

65. The significant harm for which P is exposed, and indeed in my judgment has been caused already, is clear. Not only as I have indicated of her being unjustifiably prevented from seeing her father, a prevention which I am told by the mother will continue regardless of what I order, but also being coached and groomed to believe wrongly that she has been sexually abused. It has the potential to cause P an immense amount of harm psychologically and emotionally now and in the future. The long-term detrimental effects on P's mental and physical health from being subjected to repeated false assertions that she has been sexually abused by her father and being forced to go through both amateur and professional examinations of her genital area, are very likely in my judgment to result in life long significant harm to P, physically and emotionally were it to continue.
 66. In light of the mother's cynical timing of these allegations made most recently, I am entirely satisfied in fact that false allegations are very likely to continue to be made in this case. It really is therefore likely in the circumstances to continue to cause significant harm as a result were that to happen. Everything I have heard in respect of the mother's evidence and particularly the way in which she gave her evidence, leave me firmly to the conclusion that these false allegations will continue to be made against the father in this case and the grooming and coaching of P will continue, much as it has with X.
 67. In light of that I will now hear submissions from the parties, and will hear from the social workers as to what the correct course is to take. I am minded, as I have already indicated, in the circumstances to direct a s.37 report is completed and to consider making an interim care order in order to prevent, in the interim, P continuing to be caused significant harm as a result of the care being afforded to her by her mother.
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