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Neutral Citation Number: [2024] EWFC 53 (B)

Case No: BH23P00462

IN THE FAMILY COURT SITTING AT BOURNEMOUTH AND POOLE

Courts of Justice

Deansleigh Road

Bournemouth

BH7 7DS

Date: 11 March 2024

Before:

RECORDER VEAL

B E T W E E N:

A Mother

Applicant

- and -

A Father

Respondent

Emma Harman (instructed by Ellis Jones LLP) for the Applicant

The Respondent appeared in person

Hearing dates: 20 – 23 February 2024

JUDGMENT

RE A, B, C AND D (FINDING OF FACT)

Recorder Veal:

Introduction

- 1) The court is concerned with A, who... is now 14 years old, B, who... is 13 years old, C, who... is 12 years old, and D, who... is now 6 years old.
- 2) The children's mother is M, and their father is F. I will refer to them as "mother" and "father" respectively.
- 3) It is relevant to the issues before the court that the mother is a British national, whereas the father is from [his native country]. The children have dual nationality.
- 4) The mother commenced these proceedings on 11 September 2023, at which time she sought a child arrangements order that the children live with her and have supervised contact with the father. She also sought orders to prevent the father from removing the children from her care and from the jurisdiction (case number BH23P00462).
- 5) At the same time, the mother issued an application for a non molestation order (case number BH23F00343).
- 6) On 11 September 2023, a non molestation order was made without notice to the father. That order is due to expire on 10 September 2024. On the same day, the court made the prohibited steps orders requested without notice to the father. The court gave brief reasons for doing so, namely that the children had lived with the mother since 2019; the mother's evidence was that the father had been communicating with B secretly and the messages exhibited tended to suggest that the father is intending to remove B from the mother's care and from the jurisdiction; the father's Article 6 right to a fair hearing was addressed by the listing of an urgent hearing.
- 7) Accordingly, the matter came before the court on 13 September 2023 for that urgent hearing. The father agreed to the prohibited steps orders remaining in place and the court also made a port alert order. The application referred to the children's [non-British] passports having expired and [the father's native country] is not a signatory to the Hague Convention. It was apparent that the father did not accept the allegations made by the mother, and so the court directed evidence and disclosure.
- 8) On 22 November 2023, the court determined that a fact finding hearing was necessary and proportionate and gave further directions. That was contrary to the recommendations of the child impact report dated 7 November 2023 (this being a Practice Direction 36Z case), which said this:

"I do not believe a fact-finding hearing is necessary despite [the father]'s denial of the allegations made about his abusive and violent conduct within the relationship between him and [the mother]. The evidence against [the father] appears to be comprehensive and compelling."

The court was critical of that recommendation at the time, which it seemed to me rode roughshod over the father's Article 6 rights.

9) This is a case in which there are a number of allegations made by the mother, characterised as physical abuse, emotional abuse, and coercive and controlling behaviour. Although the father made allegations against the mother of abuse of him and the children, about the mother's mental health and alcohol misuse, his position at the hearing on 22 November 2023 was for her to have care of two of the children. The court therefore determined that it was neither necessary nor proportionate to determine his allegations except for those which were the mirror image of the mother's although, as will become clear, the fact that he made the allegations at all has been explored within the hearing.

10) It is helpful to have in mind that the child impact report also makes these recommendations:

"I support [the mother]'s application for the children to live with her and for a Prohibited Steps Order to set out that [the father] is not to remove the children from her care or any educational facility. I further support the Non-Molestation Order that was ordered on 11/09/2023 to remain in place.

"I do not support any contact, either direct or indirect, between [the father] and A, C, B or D currently.

"Should [the father] oppose this position I would recommend a comprehensive risk assessment by an independent expert is completed as well as substance misuse testing before an order can be made for direct or indirect contact with any of the children..."

11) Given the range of potential outcomes, and given that the court was concerned to ensure that the father's right to a fair hearing was upheld, as I have said the fact finding hearing was directed. The court directed that a Qualified Legal Representative ("QLR") be appointed to assist the father at the fact finding hearing, an automatic prohibition on cross examination having arisen.

12) The case was listed for the fact finding hearing on 20 February 2024 with a time estimate of four days.

13) Somewhat exceptionally in my experience to date, a QLR had successfully been appointed. However, on the first day of the hearing, the QLR then notified the court that they had been taken ill and could not attend. Even before the decision from the President of the Family Division in *Re Z (Prohibition on cross examination: no QLR)* [2024] EWFC 22, I had given directions for the father to file questions to be asked of the mother and her family members within the order of 22 November 2023. However, understandably, he needed time in order to put those together because he had thought until the start of the hearing that a QLR would be assisting him. With his Article 6 rights in mind, I therefore gave a ruling about the issue and the father had the rest of first day of the hearing to prepare written questions which the court could ask of the mother and her other witnesses in case the QLR did not make a recovery. As it was, the QLR did not recover by the second day of the hearing and the court proceeded without her.

14) I have read an extremely full bundle of evidence, which has been carefully prepared by the mother's solicitors. I have been assisted during the course of the hearing by

counsel for the mother and the father who appeared in person, and I have heard evidence across three days from the parties, together with the maternal grandmother and a maternal aunt.

- 15) The fact that I do not mention something in this judgment does not mean that I have not fully considered it, but it is impossible to refer in this judgment to absolutely everything I have heard and read.
- 16) There is no dispute in relation to the jurisdiction of this court. I am satisfied that, because the children are habitually resident in England and Wales, this court has jurisdiction to deal with the issues in this case.
- 17) It is also undisputed that both the mother and the father have parental responsibility for the children.

Legal framework

- 18) In this case, domestic abuse has been raised as an issue. That engages Practice Direction 12J to the Family Procedure Rules. Guidance has also been given by the court, and particular consideration to cases involving allegations of domestic abuse was given by the Court of Appeal in particular in *Re H-N & Ors (Children) (Domestic Abuse: Finding of Fact Hearings)* [2021] EWCA Civ 448 and in the more recent case of *Re K* [2022] EWCA Civ 468.
- 19) An examination of principles applicable during fact finding hearings has also been helpfully set out by Cobb J in the decision of the High Court in *Re B-B* [2022] EWHC 108 (Fam), in particular at paragraph 26 of his judgment. The allegations in this case are wide ranging, but I will come to consider them in clusters.
- 20) Section 1 of the Domestic Abuse Act 2021 confirms that behaviour is “abusive” if it consists of any physical or sexual abuse; violent or threatening behaviour; controlling or coercive behaviour; economic abuse; psychological, emotional or other abuse. It does not matter whether the behaviour consists of a single incident or a course of conduct.
- 21) That definition has been incorporated into Practice Direction 12J to the Family Procedure Rules at paragraph 2A. Practice Direction 12J provides further assistance, at paragraph 3, with what coercive or controlling behaviour is. It says:

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

““controlling behaviour” means an act or pattern of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.”
- 22) Those definitions, and domestic abuse in more general terms, were further considered in *Re H-N*, and I have in mind that which is said by the Court of Appeal, in particular at paragraphs 25 – 34 of the judgment. Within those paragraphs is a reference to the

judgment in *Re L (Relocation: Second Appeal)* [2017] EWCA Civ 2121, in which Peter Jackson LJ made the point that:

“Few relationships lack instances of bad behaviour on the part of one or both parties at some time and it is a rare family case that does not contain complaints by one party against the other, and often complaints are made by both. Yet not all such behaviour will amount to ‘domestic abuse’...”

- 23) Indeed, in a decision of the Family Court at Birmingham called *DS v AC* [2023] EWFC 46, Lieven J made similar points in the context of an injunction application under the Family Law Act 1996.
- 24) Pursuant to paragraph 29 of Practice Direction 12J, the purpose of a fact finding hearing is to permit the court, wherever practicable, to make findings of fact as to the nature and degree of any domestic abuse which is established, and its effect on the child, the child's parents and any other relevant person.
- 25) It is helpful to have firmly in mind why that is important, and how the findings fit into the overall task that the court is to perform in these proceedings.
- 26) The issues for this court focus primarily on the children and their needs. In determining questions about their upbringing, it is the children's welfare throughout their childhood that is of paramount consideration: Section 1(1) of the Children Act 1989.
- 27) The concept that domestic abuse is harmful to children speaks to a great extent for itself. If any explanation were needed, it can be found in paragraph 4 of Practice Direction 12J and paragraph 31 of *Re H-N*, to which I will return.
- 28) Other fundamental principles to which the court will have regard include that any questions about the children's upbringing are ones that the court should try to resolve without delay, because delay is likely to prejudice their welfare: Section 1(2) of the Children Act 1989. The court will not make any order unless it concludes that it would be better for the children than not making an order: Section 1(5) of the Children Act 1989.
- 29) And, importantly, subject to any questions about risk of harm, the presumption is that the involvement of both of their parents in the lives of the children will further their welfare: Sections 1(2A) and (6) of the Children Act 1989. When parents live separately, it follows from that that the starting point is that children should remain in contact with the parent that does not administer their day to day care. That starting point is, of course, always subject to the children's welfare. Making an order for no direct contact is a serious and draconian order. The court should not do so unless it is satisfied that it is both necessary and proportionate to do so, and that no other less radical form of order will achieve the essential end goal of being in the children's welfare interests whilst also promoting the involvement of each parent in their lives.
- 30) When coming to its ultimate conclusions, the court will have regard to the considerations referred to in Section 1(3) of the Children Act 1989. That will be the subject of further exploration in due course.

- 31) For present purposes, however, it is helpful if I further identify that, if domestic abuse is found in a case, paragraphs 35 – 37 of Practice Direction 12J deal with additional factors which need to be considered at the welfare stage. Those include the physical and emotional welfare of the parent with whom the children live, before, during and after contact.
- 32) Given that this hearing has been listed for a dual purpose, I remind myself also that Section 42 of the Family Law Act 1996 empowers the court to make a non molestation order: an injunction prohibiting a person from molesting another associated person. There is no dispute that the parties in this case are associated persons.
- 33) The law has recently been helpfully set out by Lieven J in the case of *DS v AC*, to which I have already referred, and I direct myself in accordance with it.
- 34) I have to decide whether and, if so, in what manner to make such a non molestation order, having regard to all the circumstances including the need to secure the health, safety and wellbeing of the applicant and any relevant child: Section 42(5). An order may be made for a specified period or until further order: Section 42(7).
- 35) There must be evidence of molestation. There is no definition of molestation in the Family Law Act 1996, but there are a number of sources the court can look to for assistance. See, for example, paragraphs 19 – 21 of *DS v AC*.
- 36) Additionally, it is relevant that Section 42 comes within Part IV of the Act which deals with domestic violence. However, molestation can include conduct which does not amount to violent behaviour. Molesting has been held to be synonymous with pestering, so causing trouble, to vex, annoy or put to inconvenience: *Vaughan v Vaughan* [1973] 1 WLR 1159.
- 37) I have in mind the separate test of harassment in the Protection from Harassment Act 1997 which further informs what molestation might include, but have in mind that a course of conduct is not required in the context of a Family Law Act 1996 application. Indeed, conduct falling within the scope of domestic abuse properly falls to be considered by the court in the context of molestation. I have already addressed the test in that respect.
- 38) If the court is to make an order, it must be the case that the applicant needs protection and that, on the balance of probabilities, it must require the intervention of the court to control the behaviour complained of: *C v C* [2001] EWCA Civ 1625; *DS v AC*.
- 39) Article 8 of the European Convention on Human Rights is engaged, and so any order the court makes is weighed against the right of those affected to respect for their private and family life, and their home.

Evidence

- 40) In resolving disputed issues of evidence in this court, where a person asserts a particular fact, it is that person who must prove it. Because the mother makes the allegations which I am to determine, she bears the burden of proving them. At no stage does the burden reverse. The father has to prove nothing.

- 41) The standard of proof is the balance of probabilities. In other words, if it is shown that any particular fact is more likely than not to be true, then it is treated as having happened; if it is not proved, then the fact is treated as not having happened. This is sometimes referred to as the binary effect. The court is entitled to take into account inherent probabilities and improbabilities in deciding whether a fact is proved, but must base its findings on evidence, including reasonable inferences, and not speculation: *Re B* [2008] UKHL 35.
- 42) The court has regard to the totality of the evidence and does not compartmentalise it. My role is to survey the evidence on a wide canvas, considering each piece of evidence in the context of all the other evidence. It is in that way that I come to the conclusion whether the case put forward by each party has been made out to the appropriate standard of proof: *Re B-B*.
- 43) I remind myself that it is common for witnesses to lie in the course of an investigation or a hearing. They may do so for a variety of reasons, for example, shame, misplaced loyalty, fear or distress. It does not follow that, because they have lied about one thing, they have lied about everything: *R v Lucas* [1981] QB 720.
- 44) Witnesses may also be fallible, which goes to the reliability of their testimony rather than their credibility. I have in mind that a witness' recollection of events is a process of fallible reconstruction which may be affected by external influences and supervening events, moulded perhaps also by the process of litigation, with past beliefs being reconstructed to make them more consistent with present beliefs and motivated by a desire to give a good impression: *Gestmin SGPS SA v Credit Suisse (UK) Limited & another* [2013] EWHC 3560 (Comm).
- 45) It is also important to consider whether discrepancies in the evidence arise because of lies designed to hide culpability, lies for other reasons or from faulty recollection or confusion at times of stress or when the importance of accuracy is not fully appreciated. The possible effects of delay and repeated questioning upon memory and hearing the accounts of others should also be considered. A desire to iron out wrinkles may lead to a process of what Peter Jackson J (as he then was) described as "story creep," without any necessary inference of bad faith: *Lancashire County Council v C, M & F (Children – fact finding)* [2014] EWHC 3 (Fam).
- 46) In general terms, I have in mind that the court room is an alien environment for most witnesses, and in particular in the emotionally charged atmosphere of a contested family dispute, I do not make the assessment of their evidence solely by virtue of their behaviour in the witness box: *Re M (Children)* [2013] EWCA Civ 1147.
- 47) It is often unreliable to draw a conclusion from a witness' demeanour as to whether they are telling the truth. Such an approach may reflect conscious or unconscious bias and prejudice. The objective and reliable approach I adopt is to focus on such matters as the internal consistency of the evidence, its logicity and plausibility, details given or not given and consistency against other sources of evidence (including what the witnesses have said on other occasions) and other probable or known facts. However, where facts are not likely to be primarily found in contemporaneous documents, my assessment of credibility does include the impression made upon the court by the witness, with due allowance being made for the pressures that may arise from the

process of giving evidence: *Re B-M (Children: Findings of Fact)* [2021] EWCA Civ 1371.

- 48) I have heard direct evidence from witnesses during the hearing, of things that that they have said, done and experienced themselves. There has also been original evidence, for example evidence of things said which are relied upon for the fact that they were said, rather than necessarily for the truth of what was said. I have also been taken to hearsay evidence, matters not experienced by the relevant witnesses directly but which are relied upon for the truth of their contents, to which the court will generally speaking attach less weight, in particular when hearsay is in competition with direct evidence.
- 49) The mother’s allegations include allegations of parental alienation. I remind myself of the helpful way in which Peter Jackson LJ expressed the current state of the law in paragraphs 7 – 13 of *Re S (Parental Alienation: Cult)* [2020] EWCA Civ 568 and direct myself accordingly. Fundamentally, the court’s determination is a question of fact: see, for example, *Re C (Parental Alienation: Instruction of Expert)* [2023] EWHC 345 (Fam).
- 50) It was submitted on behalf of the mother that some of the allegations were proved by reference to similar facts being proved on other occasions. The court approaches propensity evidence with some care. However, if evidence is relevant and admissible, in circumstances in which there is a pattern of behaviour, conduct on one occasion may be taken into account in going to show that conduct, of “striking similarity,” is more likely to be true on other occasions: *R v P (Children: Similar Fact Evidence)* [2020] EWCA Civ 1088.
- 51) In the context of Practice Direction 12J, and as confirmed in cases such as *Re R (Children)* [2018] EWCA Civ 198, *F v M* [2019] EWHC 3177 as well as *Re H-N*, the parties need to appreciate that the purpose of the family tribunal is not to establish guilt or innocence but to establish the facts so far as they are relevant to inform welfare decisions about the children.
- 52) In overall terms, then, when considering whether the case has been proved to the requisite standard there is an overarching importance in the court standing back from the case to consider the whole picture and ask itself the ultimate question whether that which is alleged is more likely than not to be true, avoiding in the case of multiple allegations capitulating to suspicion and what MacDonald J in *Re P (Sexual Abuse: Finding of Fact Hearing)* [2019] EWFC 27 described as the “beguiling adage” that there is “no smoke without fire.”
- 53) Failure to find a fact proved does not equate, without more, to a finding that an allegation is false: the court may conclude that it is unsure whether it is more probable than not that the event occurred and that the burden of proof has not been discharged. I have already referred to the binary effect. That said, MacDonald J pointed out in *Re P* that, in a case where there is much suspicion and speculation on some matters, as well as satisfactory proof on others, it would be artificial and misleading to suppress all reference to the one while giving prominence to the other.
- 54) In this context, MacDonald J referred to the observations of Munby LJ (as he then was) in *Re A (A Child) (No 2)* [2011] EWCA Civ 12, in which he said:

“... it may be relevant at the subsequent 'welfare' hearing to know, and thus for the judge as part of his fact-finding to record, whether a particular matter was not found proved because the judge was satisfied as a matter of fact that it did not happen or whether it was not found proved (and therefore in law is deemed not to have happened) because the party making the assertion failed to establish it to the relevant standard of proof but in circumstances where there is nonetheless continuing suspicion. It is of course a cardinal principle that at the 'welfare' or 'disposal' stage, as at any preceding fact-finding hearing, the court must act on facts, not on suspicions or doubts; for unproven allegations are no more than that... But this is not, of itself, a reason for excluding from the fact-finding judgment material of the kind to which Ms Crowley takes objection.”

Issues of fact and the evidence

- 55) In this case, I have had regard to the following evidence:
- a) Statements made by the mother;
 - b) A statement made by J, the maternal grandmother;
 - c) A statement made by K, maternal aunt; and
 - d) Statements made by the father.
- 56) I heard oral evidence from all of these witnesses.
- 57) A schedule of allegations has been prepared, which appears within the hearing bundle from page 1740. In this judgment, I refer to the numbered allegations in square brackets.
- 58) My overall impression of both parties' evidence was that they clearly love their children. The mother has, in practice, been the children's primary carer since the parties' separation in 2020. I do not know whether it was simply an impression, perhaps borne of his expression of the idea that he care for A and B and the mother C and D, the children's relative ages, or the text messages dated 21 May 2023, but I got the sense that the father felt more closely aligned to the older two children than the younger two.
- 59) Both parties expressed themselves easily, and that was notwithstanding that the father was originally from [the father's native country]. Both were articulate and tended to give answers which were fairly wordy. Where the parties differed when giving their evidence was that, whereas the mother answered every question asked of her, plus a number of questions which she was not asked in addition, the father had a greater tendency to deflect by interrupting questions when they were being asked, by answering with another question, or by answering a question which he had not been asked *instead* of the one which he had been asked.
- 60) The court is alive to the idea that third party witnesses may be more aligned to the party by whom they were called, and the father advances a positive case that the mother, the maternal grandmother and the maternal aunt have colluded. In fact, I did not form the impression that either the maternal grandmother or the maternal aunt was anything other than a witness of truth. Each expressed concerns in different ways, in ways which were well thought through, and having clearly reached their own conclusions in different ways, drawing on their separate experiences.

- 61) The parties first met online in 2007. At the time, the mother lived in Dorset and the father in London.
- 62) Two months after meeting, the mother alleges that the father persuaded her to move from Dorset (away from her family) to London by telling her that, if she did not, he would get rid of her.
- 63) The father provides an altogether different account. He says that the mother would travel from Dorset to London to see him. He said that he told the mother that they could not continue the relationship when he discovered that she was still living with her first husband, and was being unfaithful to him.
- 64) The father then says that, in January 2008, he travelled to Dorset for the first time and met the maternal family. He states that the mother ended the parties' relationship during that visit and that he did not then hear from her for three months. She then contacted him, crying on the telephone, and they started seeing each other again in July 2008.
- 65) I do not need to make findings about these matters, but I have set out the parties' positions, firstly, to give an illustration of how divergent the parties' evidence has been within this hearing. Secondly, it explains why there is a discrepancy specifically about the timing of when the mother moved to London and started to look for work.
- 66) The latter is relevant to the mother's allegation that the father attended a job interview with her, and insisted that he entered the interview room with mother, but only did not do so when the interviewer refused him access. After the interview, she says that the father was angry and screamed and shouted at the mother in the car, telling her that she should have forced the interviewer to let him in to the interview. The mother goes on to say that the mother received a call from the company a few days later. The father took the telephone from the mother, shouting at the caller, "*The only one that hires and fires is me, not you,*" and that she "*did not need his job.*"
- 67) The father's account is that he took the mother to the interview because it was in London and she was unfamiliar with the city. He said he was in the waiting room with the mother and, when the mother was called into the interview, he stood up with the mother and, when he was asked by the interviewer, he sat down again. I did not understand his evidence of why he had thought he should go into the interview room at all. He referred to it being important that "*we*" got a job, although he did not accept that he was trying to control the situation.
- 68) When he asked the mother about the interview afterwards, he says that the mother told him that she felt uncomfortable and that the job was not right for her. Whilst he accepts subsequently taking the telephone call from the prospective employer, his account is that the mother asked him to tell the caller that she did not want the job, because she did not want to have to explain why. He said that she passed the telephone to him, and that he did what the mother asked. He denied saying the words attributed to him.
- 69) On 1 September 2008, the parties married in the United Kingdom under Islamic law.
- 70) The mother alleges that, after they were married, the father controlled every aspect of her life [2A].

- 71) She says that she was not permitted to see the maternal grandmother on her own and had to obtain the father's permission to allow the maternal grandmother to visit. The father denies that, saying that the mother and her mother had a poor relationship at one stage and that he had encouraged the mother to reconcile with the maternal grandmother.
- 72) The mother alleges that the father forced her to lose her job as a NHS administrator, saying that he would turn up to her workplace, call the ward multiple times per day and followed her to work.
- 73) The father states that he did not know which ward she worked on because she floated between wards. He accepted that there would be a lot of calls during the day, but it was about five times rather than 50 times per day as she states. He did not consider calls five times during the day excessive: he said that the parties loved each other and wanted to communicate to that extent. He says that the mother left the job voluntarily in 2015, among other reasons, because of maternity leave and because it barely covered the cost of C's nursery fees. He said that the mother had returned to the job part time in order to not to have to repay maternity pay.
- 74) The mother alleges that the father would remove her bank card, for example when he was upset with her. She said that sometimes he did so without her knowledge. If she asked for it back, he would ask her questions about why she wanted it and would sometimes refuse. She said that he would tell her that there was no money in his account, but she would not know because he did not provide any information.
- 75) The father said they would both use the same account, and that money was tight. That was at odds with his later evidence when he said that he was paid into his own bank account and that some of the bills were paid from the mother's account. He accepted that he did take the mother's card, but he says with her consent and in order to try and budget. He says her account was not overdrawn until 2020. He said that he would use his own account to pay some of the family's outgoings too, and that he would take the mother's card if money was short in his own account. He denied taking her bank card when he was angry with her or as a means of control.
- 76) Whilst the mother alleges that he removed her car keys, the father's evidence was simply that he took her car key if he needed to use her car.
- 77) The mother alleges that the father insisted on her wearing a hijab, and controlled what she wore. The father told the court that wearing the hijab was the mother's own idea. He accepted that she did not wear it before he met her, that he liked it when the mother wore the hijab, and that he told her it looked nice. He said that the mother researched Islam and that she chose to dress conservatively. He agreed that he liked it when she did dress in that way.
- 78) The mother alleges that she was forbidden by the father to talk to men or look at men. His position is that it was the other way around: that the mother did not like it when he spoke to women.
- 79) The mother alleges that she was only permitted to leave the house to collect the children from school or collect groceries. The father told the court that those were the only things that she wanted to go out for. He said that the maternal grandmother had

fabricated that which she set out in a letter dated 2 June 2020 about her having witnessed the father refusing to let the mother go out with the father and the children to the park on the basis that she had already been out once that day, or that he would follow the mother to see who she spoke to when out of the house.

- 80) The mother alleges also [2B] that she was isolated from friends and family. He would tell her she had too much to do at home, would not allow her to develop pastimes away from the home, would tell her that she was not good at making friends, or made things awkward when people visited so that she did not invite them again. She alleges that she was prevented from spending time with family and attending special occasions. She was threatened with death if she attended.
- 81) The father denies these allegations, and denies making any death threats. He said that the reason the mother missed her grandfather's funeral was the fault of the maternal grandmother, and that the mother used to go to family occasions without him because he was not invited.
- 82) When she was pregnant with A in 2009, the mother alleges that the father's violence escalated. She said she felt trapped, because the father had control over every aspect of her life, and having children increased the control he had. The first time she says he physically assaulted her was during her pregnancy, when he punched her in the stomach repeatedly.
- 83) She did not provide any additional context. The father denies the allegation, saying that he never, ever punched the mother. He says that he had not planned to have children but was happy when they arrived. He said that he asked the mother to have a gap of two years after A was born, but she became pregnant again quickly and he was happy with that.
- 84) A was born on 22 June 2009, and B on 13 June 2010.
- 85) On 18 July 2011, the mother alleges [1D] that the father forcefully pushed the front door open onto the mother, knowing that she was behind the door, causing injuries to her side and back. She states that she was in significant pain, and the force had caused the door to fall off its hinges.
- 86) Although she does not say so in her statement dated 8 September 2023, at the time she told the police that the father also slapped her:
- “Front wooden door forced open causing lock to break off and frame around it to splinter... Suspect forced door damaging lock... causing an injury to [the mother]'s arm before slapping her around the face and spitting on her.”*
- 87) In the account she gave to the police on the day in question, she described the father having become angry when she did not like the soup that he had made. The father left the house and she shouted for him to stay away, and locked the door behind him. The father then shouted at her to open the door and she said that she would not until he calmed down. The door then crashed open when she was stood behind it. The father, she said, spat in her face and told her to get upstairs, which she did. She picked up B, who was crying. She told the father that she would leave with the children, at which he told her that he would kill her if she were to take the children. He told her that he

would push her out of the window which she was stood next to, and so she put B down and left the room, fearing for her safety. She then telephoned the police, who described her as “*very shaken up and... crying.*”

- 88) In his statement in these proceedings (made before the police disclosure was received), the father admitted forcing the door open, but says it was because he thought there was something wrong. He said that he had found her in the bathroom on the floor holding 20 tablets on a previous occasion, and said that he thought she was trying to commit suicide. That was a position which he maintained in cross examination. He said in his oral evidence also that he did not seek outside support for the mother at that stage, because she was already receiving counselling. He denied slapping the mother, but told the court that he moved her out of the way with his hand on the side of her face.
- 89) In his police interview on 18 July 2011, when the father had legal representation, the following is described:
- “He fully admitted knocking the door in and causing the damage. He stated it was not his intention to do so but admitted that he was reckless... He stated he had pushed the wife away when he got in... [and] accepted it was probably the face and as such the push could have been interpreted as a slap... He admitted this was a deliberate use of force and stated he was angry and upset.”*
- 90) The father received cautions for battery and criminal damage. Although, in his oral evidence, he appeared to equate battery with the breaking open of the door, he was represented at the time that the caution was administered, as I have said.
- 91) This appears to have been the first occasion on which any report was made to the police, and the police in turn referred the matter to Brent Children’s Social Services, which took no further action.
- 92) On 7 February 2012, C was born.
- 93) In 2013, the mother alleges [1B] that the father pinned her to the bed after an argument, repeatedly punched and kicked her in the face, and stamped on her chest. The mother says that she was left almost unconscious. B, then aged three years old, came into the room and intervened to try to get the father to stop. B was in a state of distress.
- 94) The mother says that she did not leave the house for four days due to the injuries, the father having told her that she could not leave the house because of the marks. However, the father did go out, and the mother alleges that the father asked, when he returned, what she had done to herself, referring to the bruising as there was bruising. The mother states that she did not report the incident at the time because she was scared of the repercussions, but she told the maternal aunt and the police about it in June and July 2017.
- 95) The father simply denies all of this, saying that the allegation is untrue and that it never happened. His response to the schedule of allegations states that the mother has fabricated allegations like this in order to get what she wants and alienate the children

from him, and his statement focuses on the fact that B loves the father. He said that, if it had happened, the police would have been called at the time.

- 96) On 12 November 2013, there was a referral from Ealing Hospital to Brent Children's Services because A is asthmatic and her room was cold, damp and had mould. It was also noted that the home was untidy, dirty and cluttered, that neither parent was employed, and that the mother suffered from depression. A history of domestic violence was noted, but it is unclear whether that was limited to the referral in respect of the incident on 18 July 2011. The local authority concluded that there were no direct safeguarding concerns and stepped services down to Early Help.
- 97) On 18 December 2013, the mother alleges [1C, 2F] that she took B to the doctor because he was unwell, and he was then taken by ambulance to hospital. The mother alleges that the father hit her around the back of her head for liaising with a male doctor. A passer by called the police. When father, the mother and the children got in the car to go home, the father became angry with the mother and grabbed her neck and started to choke her.
- 98) The maternal grandmother, who lived in Dorset at all relevant times, states that she went to the hospital on the following day and, when she arrived, she heard the father saying to the mother, "*How dare you speak to a man without me being there! You should have asked him to call you back when I was there.*"
- 99) The father accepts that the mother was crying and a passer by came to her assistance and took the mother inside the hospital. However, he says that the mother was crying as a result of a discussion whereby he had queried why she had not told him sooner about B's medical issues, because he had been worried about B. Her response had been that he would have been upset that she had been talking to a male doctor. He said he asked her why she would say something like that, and she started to cry. The father seems to accept that this escalated into an argument, and that there was something wrong with the parties' behaviour (although I was unclear precisely what he accepted was wrong with it). The father denies hitting the mother or attempting to choke her.
- 100) In early 2014, the maternal grandmother states that the mother called her in a panicked state. The maternal grandmother told the mother to get to a hotel with the children whilst the father was out, which the mother then did. However, the mother then told the maternal grandmother that she and the father had sorted things out and that she was returning to the father. She refers to her having tried to help the mother to leave several times, but that the mother never felt safe and that the father's threats would draw her back.
- 101) On 17 January 2014, the mother alleges [1A] that the father chased her around the house, and threatened to hit her. The mother says that she locked herself in the bathroom and called the police.
- 102) The father's position is that he did not remember chasing the mother around the house. He said that the mother had locked herself in the bathroom for about an hour during or after an argument. He appeared to accept that the mother had previously locked herself in the bathroom to get away from him, but did not go so far as to accept that she was frightened of him.

103) The father said in his statement that he tried talking to the mother through the door but that, when she did not respond, he opened the door and discovered her trying to commit suicide by taking an overdose of medication. He says she was holding about 20 tablets in her hand. I have reminded myself that he said something remarkably similar when talking about an occasion which preceded that in July 2011 [1D]. The father also says that the police were not involved, although it is right to say that, when the allegation was first made, the mother had said that the events took place between 2010 and 2012.

104) As it was, the police disclosure sets out that the mother had made an abandoned call to the police, during which she was heard to whisper, *“Please help me. Come quick.”* When the police arrived, the mother was described as *“very very upset,”* with the following being recorded:

“[The mother] was clearly terrified and appeared too frightened to make any allegations... when asked if there has been violence in the past she said he had once hit her a few months ago, police were called and he was arrested for common assault and given a caution. She stated that since that time, things have been the same but that he had been very angry with her for telling police that he had hit her.

“When police put it to her that perhaps there HAD been violence and that they did not believe that there hadn’t, she became very upset and whispered ‘please help me’. Police told her that they would not leave her there and she was grateful. She still refused to make any allegations but said she just wanted help in order to leave him...

“The whole time that police were with her, [the father] continually rang and texted [the mother]. She was advised not to answer or return messages... However, police saw at one point that she text him saying, ‘I DIDN’T TELL THEM ANYTHING. I PROMISE.’

“Police who attended have concerns for [the mother’s] safety and believe that she will return to him as he appears to be so controlling of her... However, without her willing to make any allegations of any kind against her husband, believed out of fear rather than anything else, there is very little that attending officers can do...”

105) The father did not accept that the mother was terrified of him. He told the court that, whilst he did not want to blame everything on the mother’s mental health, people like her would have hallucinations. He said that she would turn into a different person at a moment’s notice. He was frightened of having any arguments with her in case she left. He said that she would exaggerate, and that he had not been aggressive. He asked rhetorically why she would have stayed with him until 2020 if she was terrified of him.

106) The father also relies on an exhibit in support of the mother taking an overdose of paracetamol. However, that is dated 2008 and, on the face of it, therefore bears no relation to the allegation before the court. The father accepted that he did not report the concerns about the mother’s mental health for which he contends to Children’s Social Care or the police at the time; in fact, the police described the father as

uncooperative and unhappy with the situation. He told the court that he has only come to realise what the problem was when these proceedings began: that the mother's mental health issues were not merely depression. I have not found any evidence to support that she had any pre-existing conditions within the bundle.

- 107) He did not accept that the mother had sent the text to the father described by the police out of fear of repercussions. I did not understand what other explanation he offered. He denied making all of the threats alleged against him, including the threat that he would throw acid in the face of the mother's brother.
- 108) It is common ground that the mother left the family home with the children and went to Dorset to stay with the maternal grandmother. The father suggests that the mother was trying to manipulate him by leaving, to show him that he would lose his children if he were to argue with her. The maternal grandmother states that the father was incessantly calling the mother and, a few days later, the mother returned to the father.
- 109) On 20 January 2014, the mother told the police that she had returned to the father, that they had resolved their differences and things had improved. The police recorded that she told them that *"her husband has promised not to do 'those things' to her again."* The police expressed concern for the mother's welfare and their belief that she was being regularly abused by the father.
- 110) On 22 January 2014, the police made a referral to Brent Children's Services, who undertook a child and family assessment. The mother was told the next day that the reason for the assessment was due to concerns about domestic abuse.
- 111) On 4 February 2014, Brent Children's Social Care undertook a home visit. A and B reported no worries, and the mother said she did not know why she had recently called the police, that it had been a spur of the moment action.
- 112) On 18 February 2014, both told Brent social workers that they did not want the child and family assessment to continue, but the local authority determined, on the following day, that it would complete it anyway despite the parents' expressed wishes. The conclusion of the assessment, dated 5 March 2014, includes the following:

"To conclusion, A and B have expressed no concerns at home and both parents state there is no physical domestic abuse between them. Both police referrals were discussed in detail, especially the recent one with parents to explore any aspect of physical domestic violence... It is unfortunate parents decided not to continue the assessment process... With no disclosure from mother about physical domestic violence or any disclosure from A and B witnessing it, I recommend this case to close to social services."

- 113) On 16 March 2014, the maternal grandmother emailed her brother, L, who is married to K, from whom I heard evidence and whom I refer to in this judgment as the maternal aunt. The email is in evidence. The maternal grandmother told her brother about her concerns that the mother has been in a controlling and abusive relationship for five years, that she had thought that she had helped the mother to get away twice after the father threatened to beat her, but that the father had got her back. She said

that the mother planned to leave the father again the next day by pretending to take the children to school but catch the train instead.

- 114) On 17 March 2014, the maternal grandmother states that the mother did leave the father, but then returned a few days later.
- 115) On 2 April 2017, there was a telephone call between the maternal grandmother and the maternal uncle and aunt. It is relevant that the maternal aunt is a former mental health social worker and employee of the Lucy Faithfull Foundation. She told the court that she went into “*work mode*” and made handwritten contemporaneous notes of things that she had been told. Whilst what she wrote was information received indirectly, I was not left in any doubt, having heard her evidence, that she made an accurate record of the matters discussed at the time. The notes are illuminating and, in broad terms, supportive of the allegations made prior to the date of the call.
- 116) On 25 April 2014, the maternal grandmother sent an email to maternal aunt and uncle to say she had spoken to the mother. The mother had said that the father had decided to try and address some of the things upsetting the mother and that she wanted to try to make it work. There was some concern on the part of the maternal grandmother that, if the mother were pushed at that time by her concerned family members, she would “*back away and refuse to open up when things go pear shaped again.*”
- 117) On 15 June 2014, the maternal grandmother had bought some presents on behalf of the mother, because she did not have access to her bank account, for the father for Father’s Day. As they were wrapping them, A got hold of some and started to unwrap them. When the father came home, he lost control and shouted at the mother in front of the children because of the state of the presents. Although the maternal grandmother tried to explain what had happened, she said that the father told her not to accuse the children of things, said that the mother had been too lazy to put the presents away, and then told the mother to throw the maternal grandmother out of the flat.
- 118) On 4 July 2014, there was a telephone call between Brent Children’s Services and the deputy head of [a] Primary School, which includes a report that, “*B’s teacher stated that dad has been following mum around the nursery since mum came back from [Dorset].*” In relation to that, the father said that the parties went to the school together to pick up the children. He said that he did not follow her; rather, that they were there with one another.
- 119) On 6 July 2014, A had an asthma attack. The mother alleges that the father refused to allow the mother to take A to the hospital, and refused to go to the hospital until he finished his cigarette and coffee. According to a contemporaneous letter from the hospital, the father was verbally aggressive towards the mother at the hospital. The hospital called the police, who recorded that they were called by the staff at the hospital because the parties were having a heated argument in the street. The police went on to say that:

“[The father] was at the hospital with their eldest child... [The mother] called the hospital to speak to her husband to get an update, but was put on to the treating doctor instead... While speaking to the doctor [the father] established that [the mother] had spoken to the doctor and hadn’t informed him of this. For

an unknown reason this angered [the father] and a verbal argument began. It ended when staff intervened, concerned for [the mother].”

- 120) The father did recollect that the police attended the hospital but, in his answers, he appeared again to be saying that the mother had said that the father would have been upset to have discovered that she had spoken to a male doctor. When asked why she would say that, he turned it on its head and said that the mother would be accusatory if he were to speak to women or even watch them on the television. I noted that he did identify that that sort of behaviour would be borne of jealousy.
- 121) Returning to the incident alleged, the father said he was not out of control, although that is what the hospital reported to Children’s Social Care on the following day. The father suggested that this report was based upon what the mother had reported to the hospital, although that is at odds with what the evidence itself says about the hospital staff having intervened.
- 122) Also in 2014, the mother alleges that the father threatened to throw her out of a first floor window. She says that the maternal grandmother was in the home because it was one of the children’s birthdays. If that is right, it must have been in either February or June and, given the terms of the maternal grandmother’s email referred to below, I consider the latter more likely. The maternal grandmother said that she was in the living room with the children, and she could hear the father shouting at the mother. The mother ran out of the kitchen and whispered to the maternal grandmother that the father had threatened to throw her out of the window.
- 123) The maternal grandmother states that she tried to speak to the father about this later. He told her not to interfere, and said of the mother, *“She makes me do it. She can’t learn to do what she is told.”*
- 124) The father accepts that he and the mother had had an argument, and that he said in the heat of the moment that he would throw her out of the window. He denied that the maternal grandmother was present, and said that the mother told her what he had said later by telephone. He said that the maternal grandmother came the next day. He also denied that the children could have overheard, saying that the children were at school, although he said in his statement that he was arrested on that day in front of the children.
- 125) In his oral evidence, the father accepted that it was abusive, and that it was neither acceptable nor normal, to have said what he did. He said that he said it without realising what he said, in anger. The parties were arguing and he said that the mother had provoked him, or would gaslight him. He accepted that his comment could have been seen as a threat, but that was not what he had intended.
- 126) On 9 July 2014, there was a meeting between Brent Children’s Services and both parents. Both parents reported being under a lot of stress as a result of A’s asthma, housing and fasting for Ramadan. The mother said that the father had not been violent towards her, and both said that they did not want any support.
- 127) On the same day, the maternal grandmother emailed a friend, saying:
“Things on the London front are horrible. [The mother] and the kids ended up here for a week after a particularly horrible visit to London. We ended up rushing away with the kids in a taxi to the station arriving at midnight. That

was after he told [the mother] to throw me out and threatened to hang himself if she left again! After a week here she decided to go back. [The father] listened into our phone call after and heard me ask if he was taking responsibility for his actions which caused her to leave in the first place... we are not even on speaking terms properly. I am banned, of course, though I simply couldn't face another minute with that controlling, paranoid idiot."

- 128) Perhaps because the parties had gone to [the father's native country] for a month, when the police tried calling the parties a few days later, they were unable to get through.
- 129) In October 2014, the mother alleges [2B] that she was prevented from attending her grandfather's funeral. The father said it was her choice not to go.
- 130) In December 2014, B told the father, at a time when the mother, maternal grandmother, A and C were also present, that a boy at school was doing ballet, to which the father responded to say, *"Ballet is for girls... you better stay away from him or you will turn into a girl."* The father is alleged to have told B to go to school and make fun of the boy. The father denied this, saying that B was not capable of bullying anyone and that he taught his children good values about respect for others.
- 131) On 19 June 2015, the mother alleges [1E] that the father put a knife to her throat and threatened to kill her. The circumstances were that she had told him that she was leaving. The children were in the next room, within earshot. She says that the father became angry and she called the maternal grandmother. The father grabbed the telephone and told the maternal grandmother not to come to London. The mother says that the father then put a sharp knife to her throat and said that, if the maternal grandmother were to come, he would take the children and she would never see them again.
- 132) By the time the maternal grandmother arrived, the father had left with the children. The mother and the maternal grandmother went to a police station but it was closed, and they then tried to go to another police station. The father then started to message the mother and they returned to home. The mother went inside but had agreed with maternal grandmother that she would call the police if she did not hear from the mother within a few minutes. The maternal grandmother did then call the police, as a result of which the father was arrested.
- 133) The police records confirmed that the maternal grandmother made her report at 0638 hours on 20 June 2015. It recorded that she had called the police after she believed that the father was holding a knife to the mother's neck. The maternal grandmother said she had been called by the mother earlier in the day and told to stay on the line where she heard arguing. The maternal grandmother refused to give the police any more details until she had spoken to her daughter and checked on her welfare, and she was shaking and crying when police arrived.
- 134) The mother would not say anything about what had happened.
- 135) When the father was spoken to by the police on their arrival, he said he and the mother had been arguing but:

"... was vague about the details... when the knife allegation was put to him he said he did not know. When asked again he said that when he had been arguing

with his wife he was in the kitchen chopping food and it had all been knocked over. When asked direct if he had held the knife to someone he said it was himself.”

- 136) The father said that the family had been fasting and this put pressure on them.
- 137) On 22 June 2015, the maternal grandmother made a referral to Brent Children’s Social Services. The maternal grandmother said she contacted the local authority because she was frightened. She said that the mother had been holding her telephone and she could hear the father talking to her.
- 138) The maternal grandmother said that the mother had told her that the father had put a knife to his own neck and then said, *“Maybe I should kill you instead,”* and then put the knife to her throat. They were in the kitchen, and he said, *“Either go with your mother now and you will never see the children again or you stay and keep your mouth shut and just do as you are told.”*
- 139) The mother left the father and went to the maternal grandmother’s home for a week. The mother alleges that the father threatened to kill her, or take the children from her, if she did not withdraw the complaint. She then returned to him. It was put to the mother in cross examination that that is at odds with what she told the police on 25 June 2015, when she stated that everything was calm. She told the court that that was something she would have said because she did not want to open up the case with the police. She said that she was put under pressure by father at the time to drop these things, and to tell the police and Children’s Social Services that, so that things would continue as they always had.
- 140) The maternal grandmother was cross examined extensively about this incident, and she accepted that she did not know first hand that the father had been holding a knife to the mother. However, she was told by the mother whilst she was on the telephone that the father had a knife and not to hang up, and she believed her. Later, the mother told the maternal grandmother that the father had told her to deny everything. The father said that the maternal grandmother was calculating, and over a number of years. It started with an allegation that a knife was used when it was not.
- 141) What was curious about that evidence was that the father, although he denied holding a knife to the mother’s throat, in another part of his oral evidence accepted that he was holding a knife because he was cooking. He accepted that there was an argument because he had found expired yoghurt in the fridge. The father agreed that it would not be reasonable to argue about an expired yoghurt if it were only to have happened once, but he seemed to say that it was different if it happened time and time again, because the children would help themselves to whatever was in the fridge. He told the court that he may have told the mother that he may hurt himself with the knife. He did not seem to think that that was extreme behaviour.
- 142) The father told the court that the maternal grandmother was manipulative of the mother, that she was what he described as a *“toxic grandmother,”* who put ideas about the abuse into the mother’s head. He told the court that the maternal grandmother’s plan was to exclude the father from the lives of the mother and the children because the maternal grandmother wanted the relationship to end.

- 143) When it was put to him that none of the members of the family wanted Children's Social Services in their lives, and that the plan he contended for made no sense, he agreed that none of them wanted the local authority's involvement. He thought that their involvement would have resulted in a loss of control but, in fact, his view was that the children would have been unlikely to have been taken into care straight away.
- 144) A concern was raised by the school on 30 June 2015 about A's school attendance and her homework not being done. The mother said that it was difficult at home and it was hard to get things done.
- 145) On 3 July 2015, Brent social workers visited the family. Children's Services raised concerns about mother refusing to make allegations and the levels of domestic violence happening within the home. They recorded that:
- "[The mother] M appeared to be nervous when [the father] was present, she would squeeze her fingers and cross her feet tightly. I asked [the father] to leave... [The mother] appeared to be relaxed after [the father] left the room and spoke freely. She accepted that there is a problem and that she is ready for any help available."*
- 146) The mother described the most recent incident as one whereby the father had held a knife to her. The mother described arguments as occurring more regularly and that they were becoming worse. A few days later, the mother was asked again about the knife incident, and it was recorded that:
- "At first she was quite [sic] for some time and her breathing was heavy. M mentioned that it is serious and that she is in need of immediate help. However she does not want her husband to know anything she has discussed with me."*
- 147) During interview with the father, it was said that it was difficult for him to listen, and instead he talked over the social workers with a loud voice. The father accepted that that is what Social Services had said, but that he was not trying to be controlling. The social workers recorded that the father did not accept that there was a problem. He blamed his mother in law for getting involved, housing and the mother's depression. The father said, when asked about that, that both parties were nervous to be talking to Children's Services.
- 148) The social workers concluded that the father would benefit from a support service targeted at his denial of, and insight into, domestic violence.
- 149) On 16 July 2015, Brent Children's Services went to the children's school. A said that, *"When daddy shouts it makes mummy sad... I make her feel better by making funny faces."* Of B, it was said that he *"worries when daddy covers his head he scares me."* In his oral evidence, the father did accept responsibility for that.
- 150) On 4 August 2015, Brent Children's Services recorded that the mother admitted that the incident with the knife took place.
- 151) The father was described as having presented as angry during the visit and minimised concerns. The father told the court that he did not know why they considered that he

was angry. In fact, at several points during his evidence, he appeared to take the view that what others perceive as his anger is misunderstood.

- 152) Children’s Services took the view that the father had very traditional views of things and the roles of men and women. The father said that, in his culture, they speak loudly. He expected his wife to do household chores and look after the children and, when those things were not done, he admitted to shouting at her and did not see much wrong in that. In his oral evidence, the father confirmed that, for example, when he perceived that B’s need were not being attended to, and he referred to things being left for, say, six hours, he described that he would be upset and take those matters up with the mother.
- 153) The children were reported to have been sad to see the mother upset, they said that the father can “*talk very, very loud,*” and that B would cry when the parents are locked in the bathroom but, when they open the bathroom again, he is happy again.
- 154) The local authority determined that the father’s “*attitude appears to be controlling – he does not allow her to have friends, would not allow a man to home grocery delivery, the only person she can talk to is her mother.*” It was said that the mother does not have friends and feels controlled by the father [2A]. The father told the court that that was based on what the mother told the social workers.
- 155) On 10 August 2015, the children were placed on a Child In Need plan. A Domestic Violence Intervention Project (“DVIP”) referral was made for the father and the mother. The mother chose not to attend, but the father agreed to do so. He was asked why he needed to attend if he did not think he was the perpetrator of domestic abuse, and he told the court that it was always good to learn more about anger management. He stated that he wanted to be the perfect husband. He said that he learnt a lot about domestic abuse as a result of the referral, although was somewhat unspecific, when pressed, about what he had learnt.
- 156) The mother was cross examined about a Child In Need visit on 7 September 2015, when Children’s Social Care noted that the mother was able to use the father’s bank card and that they were on good terms financially. The mother told the court that the father would tell her when she could use the card, and that she would tell the social workers things which were not true in order to keep the peace. Similarly, Social Services recorded that the mother had good contact with the maternal grandmother, and that the children did too. It was put to her that that was inconsistent with her allegation that the father stopped the maternal grandmother from having a relationship with the children. The mother’s response was that she said that everything was fine because, if she said otherwise, things would “*kick off at home.*”
- 157) In reference to an entry dated 16 September 2015, the mother confirmed that she was going back to work as a ward clerk at [a London] Hospital. She said [2C] that the father would call her hundreds of times per day, and he would turn up to her workplace on occasions. That harassment, she said, made it impossible for her to do her job, and that all her time was taken up by him. She described herself as a prisoner at home. If she left the house, the father would try and control that.
- 158) At a Child In Need visit on 30 October 2015, Brent Children’s Services reported an improvement in the home environment, that concerns about the father’s controlling

nature were being addressed in that the father was accepting advice and was willing to engage with the DVIP perpetrators' programme. Although both A and B raised concerns about the father's behaviour in the context of a Child In Need meeting on 12 November 2015, A, at least, thought that the father's shouting had ceased since she had started the new school year. Brent Children's Services, therefore closed the case with an action point that the father engage with the DVIP.

- 159) In 2016, the mother alleges [2B] that she was prevented from attending her cousin's wedding. The father says simply that it was her choice not to go.
- 160) On 6 June 2016, the mother alleges [1F] that the father threatened her with violence at home and, to de-escalate the situation, she left the home. She said that she ran to her GP's surgery and called the maternal grandmother, whom she met later in a hotel room. The maternal grandmother's evidence does not deal with this allegation. The GP's notes say that the mother:
- "... has come in off the street in floods of tears. Wishes to see a Dr; when asked why, 'Can I just stay here for a while?' ... Admits she wants to end her life, 'I don't want to be here anymore' – very upset... Has three children, denies any stress at home – good relationship with her husband..."*
- 161) In his statement, the father referred to the mother having a history of depression. The father, in his oral evidence, said that he could not remember an occasion such as this, and that if there were problems, the mother would call the police. He said that what is alleged is at odds with the GP record.
- 162) On 25 June 2016, the mother alleges [1G] that the father was angry, and broke the kitchen door, causing it to fall off its hinges. The mother called the maternal grandmother, who in turn called the maternal aunt. The maternal aunt then went to the mother's home, collected the mother and the children and drove them to the maternal grandmother's home in Dorset.
- 163) It appears that the mother did not tell the maternal aunt precisely what had happened, but the maternal aunt described her as looking exhausted, anxious and frightened, and the mother told her that she could not take any more. The maternal aunt said that, on the journey, the mother received a barrage of messages and phone calls from the father, and that he told the mother that he would kill himself if she did not return.
- 164) The father did not seem to remember the mother leaving him on this occasion at all. In his statement, he said simply that she left the home many times for small arguments, and that that was the mother's way of controlling him, of threatening that he would lose the children. He says that the only time he remembered removing the door from its hinges was when he was doing some painting.
- 165) The maternal aunt told the court that she remembered seeing the door off its hinges, but did not remember seeing any evidence of redecoration. The father said that, whilst the maternal aunt saw the door off its hinges, she did not see him break the door either, and that there is some evidence that the house was well decorated. He accepted that there was an argument between the parties but said it was no more than that. He suggested in his response in the schedule of allegations and in his oral evidence that the maternal aunt was influenced by the lies fabricated by the mother and/or the maternal grandmother, or that she is simply lying herself.

- 166) The mother returned to the father on 28 June 2016. On the following day, the maternal grandmother wrote an email to the maternal aunt and uncle, thanking them for all that they had done. The email says:

“Sadly she has again returned. We talked for hours and I’d arranged for her to get help with everything and she’d spoken several times to the Domestic Abuse helpline but in the end the constant harassment and threats to kill himself got to her. He even got to the kids... told them in [his native language] to tell mummy they needed their daddy and that the school would be cross.”

- 167) The father told the court that he has never spoken to the children about adult matters. He said that the children, save that they may have heard shouting which he regrets, have never been harmed by him. He also said that he would never threaten to kill himself because that is contrary to his religion. I asked him how that squared with what he told the police in June 2015 about holding a knife to himself, and his answer was to insist that to kill himself would be contrary to his religious beliefs.
- 168) On 29 May 2017, the mother alleges [1H] that the father pulled her backwards by her hair and dragged her across the floor by her ankles whilst she was pregnant. She states that the father shut the children in the garden, but that they could see the assault through the window, and were in hysterics, trying to get in. The father shouted at them to stay where they were.
- 169) The mother then went to stay with the maternal grandmother. She reported the incident to her GP on 1 June 2017, who recorded, *“Recent sudden arrival here after being assaulted by husband. Reports being dragged along the floor despite being 12w pregnant.”* The GP made a MASH referral, including reference to the children having heard the altercation and having been upset, and the mother later provided a photograph of an injury to her knee to the police.
- 170) On 5 June 2017, the mother told Brent Children’s Services that she had returned and things were calmer, and that she did not want to stop the children seeing their father. She said that she was hopeful it would not happen again.
- 171) The maternal grandmother said that she had understood that the father was not going to remain in the home when the mother returned, but that was not in fact the case. That is consistent with an email sent by the mother to Brent Children’s Services on 7 July 2017, which refers also to the father having agreed to seek advice in relation to his temper.
- 172) The maternal grandmother also contacted the local authority at the start of June 2017; she said she could not believe that the father had assaulted the mother whilst she was pregnant but, because she could not intervene herself for fear of doing the wrong thing, she asked Social Services for help out of concern for her daughter and the unborn baby.
- 173) The account given by the mother to the police on 8 June 2017 included the following:
- “... [the father] had been shouting at her about making dinner and telling her that she had messed up the cooking again... she went upstairs to the bathroom and started to cry, [the father] has then come in to the bathroom...verbally assault her... followed her downstairs and screamed and pushed her to the floor where her three children were present.. [the father] has then pulled her head back by her hair and said that he should never had kids with her... [the mother]*

... pleaded with him to let go which he did not... [the father] has then pulled her by her leg into the living room crying and screaming and he told her to stop crying or he would kill her... [the father] then shouted at the children and said they were not allowed to see her and said "if [you] don't go to [your] bedroom I will kill you"... [The mother] states... this incident is not unusual as he has made threats in the past 8 years... [the father] has hit her and left bruises and marks as well as threatened to tell social services that she is [redacted] in order that she would loose [sic] the children forever."

- 174) The mother said that she did go to the bedroom, but that was out of fear in the context of the incident in 2013 [1B].
- 175) The father's evidence was that the mother had made everything up, and that it was a hallucination. He says that an argument had started that day because the mother had taken issue with him talking to a woman on an IT course he was attending. The father relies on text messages in support of this, but those are dated February 2020.
- 176) In his oral evidence, he referred to the mother behaving aggressively, including smashing a plate. That is not referred to in his statement or the police records. He said that, if the incident had happened as alleged, the injuries shown in the photograph would be much worse. He explained that, by the time that he spoke to the police, the parties were on better terms and he did not want to throw mud at the mother. However, that is inconsistent with the record itself, in which he accused the mother of controlling behaviour in the sense that she had threatened to harm herself.
- 177) On 10 June 2017, an ABE interview was conducted of the mother by the police. She gave an account of the incident on 29 May 2017 [1H], that in 2013 [1B], and how the father would break things a year or two before, for example making holes in the wall, telephones, iPads, a camera lent to her by the maternal grandmother, and a laptop [2H].
- 178) In relation to the latter, the father said that he never broke any electronic devices, but that they would become damaged by the children, and that he would buy new ones. He did not remember the maternal grandmother buying any devices other than a camera, but he did not break it. He denied also [2I] setting the mother's phone to share her location with him. He said that he would sometimes use the mother's devices and would sometimes see messages which arrived, but he would not do so with the intention of monitoring her. He said she would be in contact with the maternal grandmother.
- 179) The mother told the police how she felt isolated [2B] and the subject of financial control [2A]. The father told the court that the mother is a naturally reserved person, and that he tried to encourage her to make friends.
- 180) In interview, the mother also referred to the father saying that he was entitled to ask her to do what he wanted because she was his wife. She referred to a large quantity of messages having been sent by the father to her and the maternal grandmother over the previous few days, including threats that he would tell the police that she was mentally sick and that that she could not look after the children. She told the police:

"My purpose is not to get him put in jail or to press charges or to have some kind of revenge. I am not after that. What I am really after is just safe, peace and to make sure that my kids are ok and that they are able to grow up in a safe environment... I just want him to understand that he can't do those things anymore... I would like the millions of messages and phone calls to stop to

myself, to my parents' phone... to stop all this kind of harassment and bullying to try and tell me that we have to do what he wants and what he says, otherwise he is not going to stop."

- 181) On 13 June 2017, the mother told the police that she did not want to pursue her complaint. The father told the police that the mother's allegations were untrue and down to her hormones during her pregnancy.
- 182) On the same day, the local authority recorded that the mother had told them that the father had said to the children that the mother is stupid. The father denied saying that. Brent Children's Services was concerned about the severity of the domestic abuse, the mother being "*terrified*" of the father and that, if the relationship were to continue, a Section 47 investigation would be undertaken.
- 183) On 21 June 2017, the mother was provided with a mobile panic alarm phone by the police.
- 184) A number of matters arise from records made by Brent Children's Services on 22 June 2017. The mother had told the maternal grandmother that the father had threatened to take the children to [the father's native country], and so concern had arisen that he would use the children as a weapon. The maternal grandmother said that he knew that the hardest thing for the mother would be to lose the children. The mother also told Social Services that she had attempted to talk with the father; however, he had made threats to kill and also threatened the children, telling them that they were to say that the mother was mad if any grown ups ask them anything.
- 185) The mother had also told a social worker that, were she to ask for help, the children would be adopted. When asked about that in his evidence, the father accepted that he had said that, but that it was at a time of stress and that he had told the mother that she and he needed to stick together. He said he wanted to keep the family together.
- 186) In his police interview on 23 June 2017, the father said, in relation to the incident on 29 May 2017, that there was a misunderstanding between him and the mother. She had been trying to provoke him, and threatening to harm herself by going to the bathroom and pulling a towel around her neck. He said that they had had a disagreement and the mother started to cry for no reason. He asked the mother to go to the bedroom to lay down, to rest. He denied pulling the mother's hair, dragging her by her ankle or throwing her on the bed. He said he did help her upstairs, and she accepted his help, she did not push him away, and he helped her to bed.
- 187) On 26 June 2017, the mother told Brent Children's Services that there was no domestic violence, and that the maternal grandmother was trying to cause marital problems because she did not like the father. The maternal grandmother was asked in cross examination why she disliked him. Her answer was that she did not initially, but then she saw the various incidents occurring. She said in another part of her evidence that she did not know about abuse for years, but could sense that something was wrong. She said she kept trying to do what the mother wanted her to do, which was to keep things calm and not say anything. The maternal grandmother wanted the marriage to succeed because the mother wanted it to. If anything, she said, she did not interfere enough. She wanted her daughter to work things through in the way she wanted to, but her fear of the father and of the unknown seemed to drive her back again and again.

- 188) At the end of June and start of July 2017, C's school reported concerns about her being quieter than usual, perhaps as a result of her having witnessed domestic abuse, and apparently frightened and asking staff for help if the father collected her from school. The father denied that C was afraid of him. He said that that C never got on at that particular school, and that she would burst into tears when he collected her from school because of the difficulties she had experienced during the day.
- 189) However, on 3 July 2017, the mother left the father again, against his wishes, with the help of the maternal grandmother, aunt and uncle, who took the mother and the children to Dorset. The mother complained to Brent Children's Services on 7 July 2017 about the lack of support that she had received from them in June.
- 190) The father accepts that the mother had left him and went to stay with the maternal grandmother. He told the court that the mother telephoned him, said that the parties' relationship was over, and that contact needed to be at a children's centre. The father told the court that he did not query with the mother why she was saying that contact needed to be in a contact centre. Given the whole context, I am bound to say that I did not believe that evidence.
- 191) On 13 July 2017, Brent Children's Services closed the case because the mother had moved out of the area.
- 192) On the following day, the mother made a withdrawal statement to the police. It said:
- "I have had some time to think and do not feel I am... strong enough at this time to see this through. I am pregnant with my fourth child and feel I need to focus on me and my children at this time.*
- "I have not been pressured into withdrawing my complaint...I have ended the relationship with [the father]... and want this to be a fresh start...*
- "There are parts to my previous allegations that I wish to now say aren't true. I have struggled with depression which has been worse through my pregnancy and on the day I said he pulled my hair I was having one of my bad day (sic). He didn't pull my hair...*
- "What has made the situation even more hard for me is the fact that my mother has been against my marriage since the beginning..."*
- 193) Within these proceedings, the mother says that the father had threatened to tell Children's Services that she was an unfit mother if she did not withdraw her police complaint. The police recorded that there was no realistic prospect of a conviction if the mother were not to support a prosecution.
- 194) The mother was asked in cross examination why she did not provide her medical history to the police given that, over the course of the relationship, the father had repeatedly said that she has mental health issues. She said that, whenever there was an incident at home, she was told by the father that that was because of her. She accepted that she has some history of depression in her medical notes. She went on to say that she did not want that to be brought up by the police as a way of detouring past the abuse that she had suffered, which is why the records were not provided to the police. That said, I have noted that the withdrawal statement refers expressly to her medical history in that respect, and it is not as if the mother was therefore dishonest about the matter, and it is right that her medical notes do refer to her having been prescribed Sertraline, for example.

- 195) The idea that Children's Services may remove the children was something of a recurring theme in the evidence. The maternal grandmother said that she had understood that the local authority had concerns primarily about violence in the home but, in addition, if they were constantly seeing the mother in a vulnerable position, how would it impact the children's emotional wellbeing? She said that she shared those concerns. She said that she understood that the mother had a fear that the local authority would take the children. It had been put in her mind by the father that she was an inadequate mother and that she had poor mental health. In order to address that, the maternal grandmother said that she confirmed to the local authority, which was true at the time, that she had given the mother and children somewhere to live.
- 196) However, what then happened, in or about August 2017, was that the father, the mother and the children all moved to [the father's native country].
- 197) The mother's evidence about this is that the father convinced mother to move to [the father's native country], in order to avoid the police and Children's Services. She said that he had promised her that he would change. The father said that it was all the mother's idea. He accepted that she had no support network in [the father's native country], but he appeared to say that it was she who wanted to avoid the involvement of Social Services. On one view, that is consistent with the idea that both parties saw the local authority could potentially remove the children from their care, and with the father's own evidence that the parties needed to stick together.
- 198) There seemed to be some dispute that the paternal family knew that the family would be moving to [the father's native country], and some dispute about living arrangements. I do not need to resolve those matters.
- 199) The father told the court, however, that he spent one month in [his native country], and one month in the UK, so that he could work as a delivery driver in England and support the family. That continued until the COVID-19 pandemic hit in 2020.
- 200) He was asked, that being the case, if he was so concerned about the mother's mental health, alcohol misuse, neglect, why he would leave the children in her care. The father said that he did not know about the extent of the mother's mental health problems until 2020. He also said that, when he raised issues with the mother, she would argue with him. Even now, he does not believe that the children are properly cared for, but he would never remove the children from the care of their mother. He told the court that the mother is a loving mother.
- 201) The father denied that he had lied about these matters in his first witness statement in these proceedings. He accepted that he had never raised his concerns, despite the involvement of Children's Social Care, before these proceedings were commenced. He said he was petrified of Social Services and had wanted a private life.
- 202) The mother alleges [2E] that she was only allowed in the bedroom, and occasionally in the kitchen when she was cooking for all of the family. She says that she was treated like a slave, forced to scrub the toilets and floors each day, and had to eat alone and only once father and the children had finished their own food. She said that she often ate leftovers.
- 203) The father said that he would do some of the household chores. He also said that, on many occasions, he was unhappy if dinner had not been made. He accepted that the parties would argue about this and told the court, "*I end up getting takeaway, or I end up making dinner.*" He said he preferred... food [from his native country] and liked

the mother to make... food [from that country], but also he liked it when she made lasagne. He did not think he shouted at her about making dinner, but sometimes he thought that the food needed to have been made differently and he asked her to make it again. He denied that the mother was not allowed to eat with the rest of the family and only eat after everyone else had finished, his account being that she often did not want to eat at the same time as the rest of the family.

- 204) On 24 December 2017, D was born in the UK. The mother says that she had been told that her and D's lives would be at risk if she gave birth in [the father's native country] due to how badly she had been beaten, how stressed and exhausted she was and that the hospitals in [the father's native country] did not have the equipment to deal with a complicated birth. She says that the father refused to allow the other children to travel to the UK with the mother. The father says that it was the mother's choice.
- 205) The mother alleges [1I] that, on multiple occasions, the father dragged the children out of their bedrooms and kicked them repeatedly on their bottoms to punish them for not opening the door. The father denied this. He was asked about his disciplining of the children, and told the court that they did not need discipline. If they did something wrong, he said he would tell them what they had done wrong and that they would then be compliant. On occasions, their electronic devices were taken away as a form of punishment.
- 206) The mother no longer seeks a finding in relation to the allegation [1J] that the father dropped C down the stairs and told the children not to tell the mother, who was in the UK, about it. The mother accepted she was not present and only heard about it much later, about three years ago, from C. She must have been either five or have just turned six years old at the time of the incident alleged.
- 207) The mother returned to [the father's native country] with D in March 2018. At some point during that year, the family moved to their own apartment.
- 208) The mother alleges [2C, 2D] that, when the father went to London for work, he would incessantly call and message her on a daily basis, interrogate her about what she had done that day, and verbally abuse her. The father says that he telephoned the mother out of concern because she was living in [the father's native country], a country foreign to her. He accepted that sometimes the parties argued about her failure to answer the phone because, he said, he was worried about her.
- 209) The context for the messages is unclear, but the mother exhibits a series of text messages, sent by the father one after the other in the early part of 2020, which read:

“Answer before I start saying bitch [the mother responded]. Dirty women... Every dog has got his day... U need to b fixed by doctor or by divorce... And ur day is coming... And u won't find escape this time...”

- 210) The mother said that she was a prisoner and felt scared. She needed to leave the father but the situation felt dangerous. She said she forwarded the messages to the maternal grandmother so that they were stored somewhere safe. On the same day, the mother says that the father sent a message to B, saying:

“By the way I just divorced your mum on the phone.”

- 211) The father said that the mother must have said something which started this argument. Although he said that the messages have been taken out of context, he did not provide any further context. He accepted that the words used were awful and wrong. He accepted that he was threatening the mother, and that was liable to have been frightening, intimidating to and controlling of the mother. He denied sending the message to B, and the court has not seen that.
- 212) The mother alleges [2F] that, when the father was in [the father's native country], he would not allow the mother outside the flat. His sister had to do the food shopping to prevent the mother from leaving the flat, which continued until the father assaulted his sister. The father would not allow the mother out on the balcony in case she was seen by a male neighbour.
- 213) The father said that his sister helped because everything was too much for the mother. He denied not letting her out on the balcony. He said that he would be away one month in two, and denied ringing her up to control her or being discontented if she spoke to men.
- 214) The mother alleges [2K] that the father ridiculed her when she tried to speak [his native language], which stopped her from trying, and that the father would isolate the mother by talking to the children in [his native language]. The father denied that he would speak to children in [his native language] for that purpose; he was speaking to them in [that language] to help the children to learn. He said that the mother learnt [his native language] as their relationship progressed. He did not mock her, he said, but would laugh with her when she got something wrong and would correct her.
- 215) It is also alleged [2D] that the father would lock C in her bedroom and scream at her and call her stupid. The mother tried to stop the situation, but the father pushed the mother away and threatened to push her through a window. The father insisted on sending C to a [father's native language] speaking school when she only spoke English. The father seemed to think that C was not learning at school, because it was an [...] school [in his native country] and she did not speak [his native language]. He said that he would spend ten minutes trying to get her to learn after school but that she would have enough after that much time.
- 216) The mother also alleges [2G] that the father forced the children to eat their meals, and screamed at them and threw crockery if they did not. His position was that he would force the children to eat by talking to them, saying, "*Have more.*" He confirmed that he insisted on them eating their food. They would be told to stay until the father considered that they had eaten a sufficient portion. When giving his answers, he again confirmed that he was worried about food being kept beyond its expiry date.
- 217) Also in 2018, the mother says [2B] that the father prevented her from attending her cousin's wedding. Again, the father said that that was her choice.
- 218) The mother says that, aside from when the baby's vaccinations were due, she did not return to England with all of the children until 2020, the retention of the children in [the father's native country] being an allegation of control on the occasion of D's birth. The mother seemed to think that she did not then return to England at all until 2020, which is something which the father disputes. The maternal grandmother did not remember the mother and children visiting. The father relies on photographs at the

end of 2018 and start of 2019, but what I note about those is that, whilst they show him and the children in London, the mother is not in any of the pictures.

- 219) In 2019 and the first half of 2020, the family remained living in [the father's native country]. The maternal grandmother gives evidence about her concerns about the abuse continuing, referring to messages that she and the mother would exchange secretly. She was asked why, if she thought the father was abusing the mother, she provided financial assistance to the family so that they could remain in [the father's native country]. She had sent £20,000 at the end of 2017, which must have been at about the time of D's birth. She told the court that she had received a photograph of the mother from the father in which the mother looked dishevelled. She sent the money to help. She realised afterwards that she was enabling the abuse to continue by doing so and, when the father asked for more money, she said no.
- 220) In 2020, the mother told the maternal grandmother that the father intended to bring her and the children back to England, as means to him securing social housing in England, before then sending the mother and children back to [the father's native country]. The father partially denies this, my understanding being that he denies ever claiming social housing to which he was not entitled, although he goes on to allege that the mother and maternal grandmother have. The maternal grandmother says that the reason for the father's desire to return was that the father did not like living in [the father's native country], and his family did not want him there. The plans did not unfold as soon as anticipated, due to the onset of the COVID-19 pandemic.
- 221) On 2 June 2020, the maternal grandmother says that she drafted a letter to the father, in which she set out her concerns about the physical and emotional abuse of the mother which she had seen over a ten year period. She said that it felt important to her that father knew how everything he had done had impacted the mother. It concluded with a request:
- "I am asking you to do one decent thing: leave us all alone. Let [the mother] and the kids heal and become happy."*
- 222) She said that she drafted it then, on a laptop, in anticipation of the mother's return to the UK, but did not send it straight away because she first needed to know that the mother was safe and with the maternal grandmother.
- 223) In July 2020, the mother told the maternal grandmother that she had witnessed the father abusing C on a daily basis due to her inability to engage at school. The mother said she had witnessed the father kicking the children when they refused to answer the door. The father simply denies these allegations in his statement, although I have already set out his oral evidence in relation to C's progress at school.
- 224) It appears that the father had arranged flights to the UK on 27 or 28 July 2020. The maternal grandmother describes a sequence of events at the airport whereby she looked after the children to enable the mother to end the relationship with the father in a public place, after which the mother and children travelled to Dorset with the maternal grandmother, telling the children that the father had to stay in London to work.

- 225) The maternal grandmother then says that she handwrote a letter to the father using the draft on her laptop, and sent it to the last address she had for him. She said that she handwrote it to make it more personal. The father alleges that the letter was fabricated and full of untruths, and likely put together in 2023 in order to support the mother's case against him.
- 226) Given that the chronology I have set out refers to multiple police reports, social services referrals and family members being involved, I asked the mother why she did not leave the father sooner. She said that, when she had tried to leave previously, she was made to feel that everything was her fault. She was scared for her safety, and that of the children, and what he would do. She could not see a way out. She said that she took some responsibility for that, but that she was afraid. She said that she never had a moment to think about how the future might look. She was constantly under the father's control, being monitored. He would tell her that her parents did not love her and she believed it. She genuinely thought that there was no life beyond the father, because she was told she was worth nothing. She said it took a lot of courage to leave.
- 227) After the end of the parties' relationship, the mother alleges that the father did not ask to see the children and had no contact with them. His position is that the mother maliciously severed the relationship between him and his children, whom he loves. He says that he did not know where the mother and children were living, although I have inferred that he knew where the maternal grandmother lived.
- 228) The mother says that indirect contact between the father and children did continue for a period of time, but father was telling the children things such as, "*Tell mummy that she cannot stop me from seeing you,*" and so the mother stopped indirect contact. She offered supervised contact, but father did not take that up, other than on two occasions. The father does not appear to have taken issue with the suggestion that contact needed to be supervised.
- 229) In August 2020, the mother asked her GP for counselling and reported having been in an abusive relationship for 11 – 12 years. She was referred to Steps 2 Wellbeing, and was subsequently diagnosed with PTSD. Dorset Health Care signposted the mother to a local charity's outreach service for domestic abuse and pattern changing course, which she undertook before progressing to the Freedom Programme. She then completed twelve sessions of cognitive behavioural therapy in 2021, and completed a 12 month course of EMDR in May 2023. She refers to suffering anxiety and depression, flash backs and panic attacks as a result of the abuse she has suffered.
- 230) In September 2021, there was a referral from [a] nursery to BCP Council. The mother had referred to leaving an abusive relationship and to struggling sometimes as the children all have complex needs. It appears that she was signposted to sources of support by the local authority, which then closed its file. The mother was asked about that. She said it was a struggle then to manage the children's competing needs, but now she understands the children's needs better, she does not have the same problems now.
- 231) A suffers with her mental health, specifically manic behaviour and episodes of low self esteem. The mother says that she has worked with A on her self confidence. She has become happier and has good banter with her siblings. Her teachers love her.

- 232) The mother says that B struggled with his feelings about what has gone on, which I will come to. Right now, he is doing really well and has become confident. He is doing well in school and, with the assistance of his teachers, his difficult and shut down behaviour has improved, and he is more open.
- 233) C suffers with selective mutism, and was diagnosed in June 2022 with an eating disorder called ARFID. She also suffers with extreme OCD and social anxiety. She is currently under CAMHS, a referral having been made in the latter part of 2022. CAMHS referred to her presentation as potentially being attributable to trauma or exposure to domestic abuse, presumably reported by the mother. She is doing very well academically, but does not like to socialise.
- 234) D was diagnosed with Autistic Spectrum Disorder in July 2022. She is non verbal and suffers developmental delay. She has an eating disorder called PICA and has an ECHP. She has friends, however, and does a variety of activities.
- 235) In November 2021, the mother met her current partner, O.
- 236) The mother was asked in cross examination how she prepared the children to introduce the children to her new partner. The mother explained that she and her partner discussed how they would go about it, because he had children too. She then mentioned him to the children first, to put their minds at ease. She was always present when her partner was with the children. She introduced B first, who seemed fine at the time. However, later, she said, B took a dislike to her new partner. He was having communications with his father, and had reservations about her new partner. She said that B struggled with the idea that he may be being disloyal to the father.
- 237) In February 2022, the mother alleges [2L] that the father has made a false allegation to police, saying that B had told him that the mother's partner had hit and tickled him. He told Dorset Police that B told him that he wanted to live with the father, and that he wanted to kill himself, and that the mother's partner:
- “... has hit him around the head and then told him off for crying like a girl... later on in the call the father then corrects himself and states that the son advised [O] was tickling him really hard and then when the son said no [O] laughed and said he was a girl.”*
- 238) The father also telephoned the out of hours service at BCP Council, raising the same concerns, including that the mother allowed her new partner to move into the family home too soon. That resulted in a MASH referral, but ultimately no further action was taken.
- 239) Police officers conducted a welfare check and spoke to B. B said he was feeling happy and then upset, but he did not know why. He said he had been tickled, not in a sexual manner and that it was playful.
- 240) The father said that B had contacted him via WhatsApp, but that he had lost the message because he had lost his phone. When he obtained a replacement telephone, this message was not backed up. The court has not seen the message.

- 241) In his statement, which the court received before the police disclosure, the father told the court that the mother's partner had wrestled with B and was physically abusive of him. He told the court that tickling a child was physically abusive if it went on longer than the child wanted.
- 242) The father said that he did not tell the police that the mother's partner had hit B, but that seems to me to be inconsistent with the police disclosure which records that the father did tell the police that the mother's partner did hit B, but that the father corrected himself. The father did not seem to think that calling the police about an alleged tickle, about which the police considered making a house call in the middle of the night, was disproportionate. He said it was serious that B said he wanted to kill himself.
- 243) In March 2022, the father moved to Dorset and asked to see the children. The mother considered that the father's contact needed to be supervised. She initially asked for it to be in public, but then agreed to contact at her home. She alleges that, on arrival, the father began arguing with the mother, followed her upstairs and said, "*You can't tell me to leave,*" and, "*You're going to pay for this.*"
- 244) The father's account is that this was in September 2021, and that the parties met with a hug and a kiss, and he felt like the nightmare was over. He says that, without giving a reason, the mother told him a few weeks later that he should never come to the house again.
- 245) In any event, this was the last direct contact that the father had with the children, except for the surreptitious meetings with B, which I will come to.
- 246) In July 2022, a police referral referred to the mother living in constant fear that the father will remove the children from her care. The level of contact he was having with them over the telephone had become more intense, and the content she said was manipulative and threatening. He would say things such as, "*I won't let this go... your mother will pay for this... I will get you back.*" The mother's mental health was reported as being very poor.
- 247) The mother was asked in cross examination whether her concerns were borne of reality, or her own anxieties. She was clear that the father would make threats to remove the children from her care. When asked how many times the father had removed the children from her care, she said numerous times, in London and in [the father's native country]. She did not accept that he had never done so. She did not accept that contact was stopped in order to upset the father.
- 248) She was asked why the children have never reported that the father had hurt them, to which the mother's response was that they do not like to talk about it. She imagined that they would talk about the things that they like to remember. She said that the father would shower them with gifts. She said that the children would try and block out the abuse going on in the home. She accepted that she did not have any "written proof of injury" caused by the father to the children, or photographs of any injuries. The mother did not take them to the doctor – it would have been difficult to take them to appointments and the father would have been suspicious. Similarly, she said that the threats to kill the mother and the other family members who helped her were made verbally and not in written form.

- 249) On 15 September 2022, the father alleges that B told him that he almost broke his neck due to the mother's partner throwing him in a shallow pool. That was not something which seems to have been reported to the police. The father referred to this as being, "*Rough play I guess,*" in his oral evidence.
- 250) In March 2023, A said to her GP that she is a bad person and a narcissist. The mother alleges that the father used to call the mother these things during the relationship.
- 251) On 2 May 2023, the father saw A and B in the street. From this date, the father started seeing B after school and at weekends, unbeknown to the mother. He says that A did not visit him. It transpired from answers he gave that the father saw B regularly until the school holidays started, and then when the autumn term commenced. I inferred that he did not see B over the summer because the opportunity did not arise. The mother alleges that the father showered B with gifts for his birthday but did not send anything to the girls for theirs.
- 252) Of the secret meetings, the father said that he was not in touch with the mother himself. He said that it was B who did not tell the mother; he said that B did not want to tell her for fear of losing contact with the father. The father did not see that it was wrong to have met with B, although he did not consider that it was good that it was happening behind the mother's back.
- 253) On 21 May 2023, there are text messages from the father to B, the father's number being saved in B's telephone under the name, "Connor." The messages start with a photograph of an airport check in desk, and the messages are:
- Father: "I wish you were here with me."*
- B: "I wish I was there too."*
- Father: "Soon."*
- B: "but inshallah the court will do everything... soon"*
- Father: "Direction Mecca... Don't worry it will be sorted... It's our rights... Your right to b with your dad... And my right to be with my son... Witchy bitchy have no chance..."*
- B: "LOL... for real."*
- Father: "Don't forget to delete."*
- 254) Although, at the first hearing in these proceedings and in his statement, the father admitted that "*witchy bitchy*" referred to the mother, during his oral evidence, he appeared to try and row back from that. He then told the court it did refer to the mother, but also the maternal grandmother. He accepted that it was harmful to B to have referred to the mother as "*witchy bitchy,*" but said he had never done so other times.
- 255) To save his number as "Connor," he says, was B's idea. However, the father also accepted having played video games with B under false names, and asking B to delete messages. He accepted that it was inappropriate to have communicated with B in

secret, and that he had not been open with the mother. Having said that, he referred on a number of occasions to his human rights to have a relationship with his son.

- 256) There are other messages, too, in which the father told B to, “*Watch your back.*” He gave two accounts of why he told his son that in his witness statements. He appeared to refer to the mother and her partner as “*wimps*” and “*cowards.*” The father denied that he was attempting to instil fear in B by telling him to be careful. Similarly, he does not appear to have told B that it was inappropriate for him to be referring to the mother’s partner as a “*prick.*” When asked about the impact on B, he said that he was just giving him the support he needed, by telling him to be careful. He did not accept that B would have divided loyalties in consequence. He told the court specifically that he still did not think that what he did was wrong.
- 257) The father said he told B that he would commence court proceedings, so that their communications no longer needed to be a secret. I did not understand why, if the father was so concerned, he delayed and did not issue proceedings. He told the court that he did not know how to go about it. He said that he did not want to be seen as abducting B. He said that he told B that he should tell the court that he wanted to be with the father.
- 258) On 5 June 2023, A went missing for a period of time. She also self-reported to the police for abusing her peers at school and her siblings by manipulating them. The mother accepted that A may have thought that the mother would be worried about her. She felt that A needed more support and help at school, but that the school had been a bit dismissive.
- 259) On 18 June 2023, B then ran away from home because the mother would not allow him to go to mosque unsupervised, and he had to do his homework (it was a school night). B told the mother that he hated living with her and was going to live elsewhere. The mother says that B is supported to practise his religion: he has a prayer mat, and the time and space to pray, and she asks him if he wants her to drop him at mosque.
- 260) On 22 June 2023, BCP Council (Early Help) identified concerns about the impact that parental alienation by the father was having on B and A. The local authority was concerned that the father had been speaking to the children without the mother’s knowledge, and queried what his motives were.
- 261) B told BCP Council that he felt that he could not speak to the mother. He said that he did not know why, that it was hard to tell her the truth and that he felt that he could not trust anyone. He wanted contact with the father, to live with him. He was reported as saying that he:
- “... can’t sleep... I feel completely unsafe I feel like something is going to happen and I get paranoid and anxious that someone will kill me... have a fear of being stalked...”*
- 262) A was more ambivalent about seeing the father, but wanted it to be okay to see him.
- 263) The mother was asked in cross examination if she had neglected B’s wishes and feelings about wanting a relationship with his father. She did not agree, and told the

court that she has expressed her concerns to B. She did not go into great detail with him but, for example, told B that she needs to know where B is, and that she worries about him if she does not. She said that B, whilst not completely happy about it, understands that the mother wants his contact with the father to be safe.

- 264) The mother issued the application on 11 September 2023.
- 265) In September and October 2023, B was said [2M] to have been continuing to struggle with getting to sleep. He told the mother that he has to recite a verse from the Quran every day, or the devil will sit and stare at him when he wakes. The father accepts he and B used to read the Quran when they were living together before going to sleep, but he denies making any comments about the devil. He said that that was not a belief that he had heard of before. B subsequently told the mother that A is unimportant to him because she is not a Muslim. A and B were previously very close.
- 266) In November 2023, after contact, A started to behave out of character. The maternal grandmother asked her to come to her house, and she asked A if something was upsetting her. A said she did not care, not that she was upset. The maternal grandmother invited A to write down what was bothering her, and she wrote a note:
- “All of this was for attention. I just want to hurt you. I’m doing this to be like daddy and I don’t want a solution. I’m trying to make the world bad so they can know how it felt.”*
- 267) One to one work has been undertaken by BCP Council with A and B which ended in the last month or two. That was undertaken at school. A report dated December 2023 records:
- “[B] your mum said you have been really good and a lot happier although she wanted to check your computer and you did get mad and said you cannot trust anyone not even your dad or your mum.”*
- 268) The mother accepted that B has not expressed where the idea that he cannot trust anybody has come from, but she considers that it comes from the father. The idea that, if you did not pray, you would go to hell, was something which the father would express. The mother did not think that B was experiencing problems at home, or that she had made him feel guilty for expressing a wish to live with his father or made him choose between his parents. She said she would reassure him when B expressed that he was scared.
- 269) The mother accepts that B wants a relationship with the father. The mother says that A seems to change her mind. She says that C has not voiced that she wants to see her the father, and D is non verbal. The mother accepted that there have been no times since the father moved to Dorset when he has contacted the mother, been to her home, been to the children’s schools or seen the children when they did not want to spend time with him.
- 270) The mother told the court that she does not object to the children having contact with the father in principle, provided that it is safe. What she does not agree is that contact with the father should be secret or shrouded in dishonesty.

- 271) The father accepted that he had been abusive, during arguments, either verbally or by text. However, he said, the context had been lost, and both parties were to blame. His position is that the mother, maternal grandmother and maternal aunt have colluded to fabricate the other allegations against him, in order that the mother can have the children all to herself.
- 272) In terms of the way forward, the father accepted that he had suggested at the last hearing that two of the children should live with him and two with the mother. During his evidence, he suggested it be the two older children. However, ultimately he wants to have whatever contact the children want.
- 273) He said that his offer to the mother was to cooperate for the good of the children, and not to make allegations on either side. He said that he would try to have positive communication with the mother. When I asked him what that would look like, he said he would teach himself and learn more, and that he would be open with the mother. I formed the impression that he had not thought about how it would work at all.

Analysis and findings

- 274) Standing back and looking at the evidence overall, and re-evaluating the provisional views expressed above, there are overarching conclusions that I reach. It is necessary for me to articulate my findings in a linear way. In reality, the strands of information which inform my decisions are intertwined and each of the answers I give is informed by the whole context.
- 275) The first of those overarching conclusions is in respect of the father's assertion that the mother's allegations have been fabricated retrospectively, and that the maternal grandmother and aunt have colluded with her in doing so. In my judgment, that is highly unlikely.
- 276) During her evidence, the mother accepted that she did not disclose details of the abuse to the maternal grandmother for the first few years of the marriage. She said that that was because she was ashamed and scared. She said that it was only when it became obvious that there was a problem and she could not keep it from her mother anymore that she started to share details with her. That was consistent with the maternal grandmother's evidence that, whilst she sensed that something was wrong, her daughter did not confide in her until about 2013.
- 277) The maternal grandmother's evidence is that she witnessed some of the abuse, and started to realise the seriousness of it. She experienced occasions when the mother tried to leave the father, but returned to him. She tried to speak to the father about his behaviour but got nowhere.
- 278) The evidence that the maternal grandmother gave about trying to do what the mother wanted and not interfering is consistent with the evidence in 2014, when the maternal aunt was first involved, that they did not want to cause the mother to shut down. It is consistent also with the evidence that the maternal grandmother, who was far from being a "*toxic grandmother*," did not know what to do for the best, which comes across also in the evidence of the maternal aunt and the local authority. They were trying to act sensitively, in order to ensure that they did not lose the mother's trust, and in consequence the opportunity to safeguard her and the children.

- 279) Although I have firmly in mind that all concerned were acting upon the narrative provided by the mother about things which she said happened behind closed doors, in my judgment the maternal grandmother and the maternal aunt were credible witnesses. The matters recorded by the police and Children's Services were consistent with the other contemporaneous evidence, and recorded concerns of professionals which naturally flowed from the mother's presentation rather than what she was actually saying to them, which was that everything was alright.
- 280) The way in which events unfolded, in my judgment, is inherently inconsistent with the notion that they were all fabricated at a much later date by the mother in order to control outcomes for herself. It would have required an enormous amount of forward planning and meticulous execution of that plan to create the paper trail, over a period of many years, which the court has before it. It is highly improbable that the mother and her family members would have been motivated to collude to the extent alleged on the off chance that, at some distant point in the future, it may be desirable to deploy a narrative about the father in order to paint him in a bad light in order to restrict contact, even if the complexity of that pretence were likely to ever be achievable. Even if it were possible to orchestrate all of that, it is more likely in my judgment that the mother would have made the allegations immediately post separation, instead of three years later.
- 281) The father must know that all of that is correct. His witness statements are undermined by the police disclosure subsequently received. His allegation of fabrication is fundamentally dishonest, in my judgment, and I am clear that, to have made it at all, is, in itself, abusive.
- 282) My conclusion in respect of that first overarching conclusion is informed by the second, which is that, taken as a cluster, the mother's allegations that she was the victim of coercion and controlling behaviour by the father are proven, although not every constituent part is proven.
- 283) The factors which feed into my conclusion are manifold.
- 284) I have set out the chronology because it is important. Looking at it holistically, it reveals, in my judgment, an escalating picture of abuse and the concern about that from third parties in the period to the summer of 2017. At that point, the scrutiny of the family by Children's Social Care, the police, the schools and the maternal family had reached its highest to date. The professionals and those who loved the mother were extremely worried about what life was like for the mother and for the children.
- 285) Both the father and the mother were concerned that matters were so bad that the local authority may make applications for public law orders and remove the children from their care. On the evidence before the court, it is more likely than not that that concern was held by the mother because the father made her believe it. The reality was that the maternal family knew, because the maternal aunt had raised it with the maternal grandmother during the first telephone call that she had about the abuse on 2 April 2014, that the local authority may question the mother's ability to protect the children if she kept returning to the father. However, their solution to that risk was to act protectively themselves: for example, the maternal grandmother provided a place of safety, the maternal aunt provided measured advice, and both assisted with means of

removing the mother and children from the abuse. They were a support network for the mother.

- 286) It is unlikely, in that context, that the mother would, but for the father's abuse, have chosen to isolate herself from that support network and moved to [the father's native country], where, and this is common ground, she did not speak the language, and where she knew very few people or no one at all. I am satisfied that the family moved there in the summer of 2017, and they moved suddenly, either because the father actively wanted to further isolate the mother from sources of support or because the spotlight being shone on the family was becoming too bright and he was losing control. On balance, the latter is more likely, although I do not need to resolve that issue, and it may be that a bit of both was true.
- 287) Although the father denies preventing the mother from attending family events or special occasions, he did not appear to take issue with the fact that he fell out with his sister when the family was living in [the father's native country] and stopped her from coming anymore. I do not need to determine whether, as the mother says, he abused her too. Although the father said that his sister helped out, he did not give evidence of any other real sources of support for the mother.
- 288) For all of those reasons, I prefer the mother's evidence that she was isolated from friends and family, including in respect of her cousin's wedding and grandfather's funeral. I therefore find the allegation of isolation [2B] proven.
- 289) Once the parties were in [the father's native country], however, the abuse perpetrated by the father continued. He accepted that he preferred... food [from his native country], that, if he did not like the food which the mother cooked, he would ask her to make it again, and that he would insist that the children ate their food even if they did not want to. He appeared to have very exacting standards which he expected the mother to adhere to, and he appeared to be annoyed when giving his evidence about occasions on which he would "end up" making food himself, and he responded disproportionately in my judgment to finding yoghurt in the fridge which had gone beyond its expiry date. There is also consistency with what the mother told the police on 8 June 2017 in the context of allegation [1H]. That was all part of his angry and controlling behaviour, in my judgment. What the father accepts is consistent with the mother's evidence about these matters, and I find allegations [2E and 2G] proven.
- 290) The father accepted laughing with the mother when she tried to speak [his native language], and talking to the children in [that language]. Although he said that he did those things in order to try and promote the learning of [his native language] in the household, he also said that C did not spend enough time with him after school, which she attended not knowing the language which everyone else must have been speaking, trying to improve her [use of his native language]. In my judgment, he showed no real sympathy for C's position when he gave his evidence. On balance, when considering whether he was as patient and light hearted as he contends for, or abusive as the mother alleges, on balance I prefer the mother's account and allegation [2K] is proven.
- 291) There is consistency between these matters and the father's evidence that he liked the mother to wear a hijab and to dress demurely. To that extent, allegation [2A] is proven. When I ask myself why the father preferred the mother to dress in that way,

on balance I accept what is alleged by the mother about the father being unhappy if she was seen by other men. The idea that the mother only *wanted* to go out of the house to collect groceries or undertake the school run seems to me to be inherently unlikely, but that the father says that she did not leave the house is consistent with her evidence that the father did not want her associating with men or being seen on the balcony. That, in my judgment, was jealous behaviour consistent with the events in December 2013 in allegation [1C], and not simply the more innocuous position for which the father contends. The incident in July 2014 when the police were called by hospital staff, because the father was out of control, provides further support. Allegation [2F] is therefore proven.

- 292) I am not satisfied that the financial abuse alleged [2A] is proven, however. No bank statements have been exhibited in support of the allegation. The father says simply that money was tight, and that he would use the mother's bank card when his account did not have enough money in it for whatever he needed. The evidence is that he asked the maternal grandmother for £20,000 at around the time of D's birth, and that he had to spend one month in two in the UK in order to supplement the family's income. I have inferred that he would not have done so had the family had plenty of income. I am therefore not satisfied that his control of the finances was abusive as opposed to a matter of day to day budgeting.
- 293) Similarly, I do not consider that the mother has discharged the burden of proving that the father would take her car keys as a means of control instead of, as he says, when he simply needed to borrow her car.
- 294) The father accepted that the parties argued. All other things being equal, I do not accept that arguments necessarily constitute abuse: in a non abusive relationship, people can disagree, say things which they later regret, and behave badly. I have already referred to *Re L*. However, looking at the evidence overall, in this case, I am not satisfied that all other things were equal and, in my judgment, the father was angry and abusive.
- 295) It was a theme during the father's evidence that things the mother did drove him to behave in the way that he then did. He was fairly non specific on each of those occasions about what it was that the mother was said to have done which he says provoked or justified his responses. In fact, the father accepted that he would have benefited from learning about anger management when the DVIP programme referral was made in 2015. The anger management issues are further informed by the findings I make below in relation to physical abuse. The father accepted that some of the words he used at different times in the relationship were abusive. I cannot conceive of circumstances in which saying, "*Answer before I start saying bitch,*" or, "*... ur day is coming... And you won't find escape this time,*" could be considered anything other than abusive, threatening and intimidating.
- 296) The fact that the father is then willing to be derogatory of the mother and her partner when speaking to B, for example, in my judgment not only undermines the mother's relationship with her son but also further illustrates the sort of imbalance in communication which, on balance, I conclude existed between the parties. The allegation of verbal abuse [2D] is therefore also proven.

- 297) I have considered the geographical separation of England from [the father's native country], and the fact that the father spent every other month away from the mother and children. On one view, that would have given the mother greater freedom to either behave as she wished or even to leave the father. There was a dispute between the parties as to whether the mother had travelled to England between 2017 and 2020 more often than she accepts she did. Had she done so, that may have given her more opportunity to tell someone of the abuse which she alleges. I do not need to resolve that issue.
- 298) That is because it is instructive, in my judgment, to consider how the mother behaved before the family moved to [the father's native country]. On multiple occasions, she reported abuse at the time it occurred but then, when an investigation was launched, retracted her allegations. The maternal grandmother offered the mother support to leave the father but, after a few days, she would return to him.
- 299) When I come to look at some of the specific incidents in due course, it will be seen that it was not as if there was nothing in them and that she simply had, as the father suggests, some sort of mental breakdown or was hormonal, and that she returned home to a warm and loving environment. In my judgment, the opposite was true. It was the father's threats, coercion and control which made it more difficult for her to separate from him permanently.
- 300) There was an obvious tension between the allegations made and the retractions, for example the report to the police on 8 June 2017 and the retraction statement of 14 July 2017. None of the professionals appeared to believe the mother when she withdrew her allegations, and understandably so in my judgment. The maternal grandmother says that the mother would receive a barrage of communications from the father in the immediate aftermath of an allegation having been reported, and that the mother would cave in and return to him. What the mother told the court is that the father made her think that she was to blame, that she was scared of what he would do and of losing the children, and that she could not see a way out. I accept that evidence. It is consistent with the other sources of evidence before the court.
- 301) The father's allegations about the mother's poor mental health are exaggerated. The mother accepts having a history of anxiety and depression. That is one thing. The GP records that the court has seen suggests that, during the parties' relationship, that was controlled in one the usual ways, namely a prescription for antidepressants. None of that provides an explanation for the events which did take place. That the father was prepared to go so far as to suggest that the mother was hallucinating speaks volumes.
- 302) In my judgment, the father was angry and threatening, and punished the mother as a form of coercion and control.
- 303) The father's account of the incident on 18 July 2011 is inconsistent with the account which he gave to the police at the time and, bearing in mind that he was legally represented, the acceptance by him of cautions for assault by beating and criminal damage. I have inferred that he would not have accepted the cautions, which are in themselves a form of admission, had nothing happened. His evidence has also become internally inconsistent, probably as a result of the mother amending the date of the allegation once the police disclosure was received, in that the reference to the mother

being in the bathroom holding 20 tablets in her hand was in 2014, and not prior to this incident.

- 304) The father, in his police interview, confirmed that he was angry and he admits pushing the mother in the face, although not a slap. That is in no way consistent with him being concerned about the mother potentially undergoing an emotional breakdown and liable to take her own life.
- 305) In my judgment, the mother's account is altogether more credible and provides relevant context. The father pushed open the door in anger, and injured the mother in the process before slapping her across the face. In my judgment, he lost control. He accepted that the mother was frightened. However, he did not seem to accept that the children had overheard at all, let alone being in a position to consider how it may have affected them. However, I prefer the mother's account, which was that B was right there and crying, and that the father's actions prevented her from giving him comfort. Allegation [1D] is proven.
- 306) The mother's allegation of being punched and kicked in the face in 2013 is not corroborated by any contemporaneous report to the police or Children's Social Care, for example. Whilst there was delay in saying anything about this incident even to the maternal family members, the court does not read anything into that. What is significant in my judgment is that the mother later mentioned the incident to the police and the maternal aunt, and that is recorded in the latter's handwritten notes of 3 July 2017. I have already set out my conclusions in relation to the father's allegation of collusion and fabrication, and on balance I consider it unlikely that the mother would have made the allegation up when speaking to the maternal aunt, when speaking about a host of other matters troubling her, on the off chance that it might be important to an application which she may issue six years later.
- 307) On balance, the mother's account of that incident has been consistent. The father denies that it happened, without providing any more context about what was happening at the time. The mother proves allegation [1B]. Not only was it a serious incident involving physical abuse, but the father then proceeded to gaslight her by suggesting that she had inflicted the injuries on herself. The father displayed no insight into the impact which it had on B, a three year old, who heard what happened and tried to intervene. He must, too, have been highly distressed.
- 308) Even on the father's account, the mother was resistant to telling him about B's illness in December 2013 because she was worried what the father would think of her speaking to a male doctor. This allegation is intertwined with what is alleged in the context of allegation [2F], as well as the events of July 2014. In my judgment, it is more probable that the mother was upset because the father struck her because he did not like her talking to male doctors than his explanation she had become upset because she thought he would be upset, and that is before I factor in the maternal grandmother's evidence that she overheard him telling the mother that she was wrong to have spoken to a man in his absence. That reinforces my finding that the mother speaking to males was a problem for the father.
- 309) The father accepts that an argument took place, which is more consistent with the mother's allegation than his response to it. His anger must, in my judgment, have been at high levels given that it was common ground that a total stranger intervened to

assist the mother who was crying, and in those circumstances I have inferred that the father's demeanour must have been domineering and frightening. Although the mother did not report that the father tried to choke her, nor did she any of the rest of the incident. This was before the mother started to confide in the maternal grandmother, whose evidence in relation to these events is about what she said and heard herself. In my judgment, the mother's evidence is to be preferred and I find this allegation [1C] proven.

- 310) The allegation of violence threatened by the father in January 2014 is supported by what the mother told the police at the time. The father accepts that she locked herself in the bathroom. What the police observed was that the mother was terrified and too frightened to make any allegations. She told them that the father had been angry with her for the events which led to the cautions being administered in July 2011. Nothing appears to have been said at the time about the mother attempting to overdose on tablets.
- 311) I find allegation [1A] proven. What this incident illustrates very clearly is, firstly, that the father would continually ring and text the mother when he wanted her to reply. The police independently noted that. Secondly, that the mother's fear of the father led to her retracting the allegation almost immediately after it was made to the police, which left the police remaining concerned for her welfare. That, in turn, informs the conclusion that I have already set out about why the mother found it so difficult to leave the father.
- 312) The father admits threatening to throw the mother out of the window on an occasion in 2014, which he accepts was abusive although he did not intend to actually see the threat through. I have considered whether the similar threat associated with the incident in July 2011 [1D] could be the same threat, but on balance I have concluded it was a different occasion because of the father's acceptance that the maternal grandmother was told about the 2014 threat shortly afterwards. It is a very unusual form of threat, which bears a striking similarity to what was alleged in the period between 2017 and 2020 when the family lived in [the father's native country] [2D]. I have concluded that the father had a propensity to threaten that he would throw the mother out of windows.
- 313) In the context of the June 2015 allegation, the mother says that she was trying to leave the father, and had the maternal grandmother on the telephone as a precaution. The father accepts that he was holding a knife, and in my judgment that the mother's account of him threatening her by holding it to her throat and saying he would take the children away and she would never see them again is entirely plausible.
- 314) In contrast, the father's evidence about the incident is internally inconsistent. On the one hand, he told the police that he held the knife to his own throat during an argument. I have already reached a provisional conclusion, which I maintain, that that was inconsistent with the father's religion. Equally, he told the police and the court that there was an argument. I simply do not believe that it was about expired yoghurt but, if it were, that would underline how disproportionate the father's responses were.
- 315) Allegation [1E] is proven. It is supported by a contemporaneous report to the police. It would have been terrifying for the mother to have been threatened with a knife held to her throat. I accept her evidence, too, that the father used the children as another

weapon in the context of their disagreement, and that the children were in the home at the time and liable to have heard what was going on.

- 316) The mother's report to the GP in June 2016 is, on one view, inconsistent with the idea that the floods of tears and thoughts of suicide were related to the father, with whom she described having a good relationship. However, on another view, that inconsistency may be attributable to the mixed messages which she was giving to others, such as the police and the local authority. Although I record a suspicion, per *Re A*, that the allegation is true, in my judgment the mother has not discharged the burden of proving allegation [1F].
- 317) Later in June 2016, the father's angry behaviour caused him to break a door off its hinges. The maternal aunt gave evidence, which I accept, that there was no evidence of the redecoration which the father contends for. The mother was so frightened that the maternal aunt helped the mother to leave with the children. She also described a large volume of texts and phone calls from the father. The father accepts that there was an argument but cannot remember any more than that. In my judgment, allegation [1G] is proven.
- 318) I have already referred to inconsistencies in the father's evidence about the events of 29 May 2017, which amount in my judgment to the father making mirror allegations against the mother. There is a degree of acceptance in his evidence about the sequence of events, although he minimised the gravity of his actions. I do not believe that what happened was as he described, or that the mother hallucinated it. She made reports to the GP and police amongst others, and provided photographs of her injuries.
- 319) What happened was a very serious assault on the mother, which caused her physical injuries at a stage when she was pregnant. It was witnessed by the parties' children and, as if that were not bad enough, the father then shouted at them. Both the mother and the children must have felt helpless in that moment, and in fear of what would happen next. The mother's account was explored by the police and Children's Services; I have set that out in some detail, and what she said has remained consistent. Allegation [1H] is proven.
- 320) It was this incident which culminated in the withdrawal statement about which I have already commented, and which in my judgment precipitated the high levels of police and local authority involvement which caused the sudden move to [the father's native country].
- 321) The allegation of abuse of the children refers to the period when the family was in [the father's native country]. The allegation is worrying because the sorts of behaviour which I have found was perpetrated by the father against the mother is of a real similarity to the behaviour which the mother alleges was also inflicted on the children. The court has no independent evidence upon which to base findings. The allegation is one which the father denies. None of the children have made allegations of the sort of physical abuse alleged, for example when spoken to by social workers after the return to the UK in 2020. On balance, in my judgment, allegation [1I] is not proven.
- 322) The findings I have made in relation to allegations [1A, 1G and 1H] have all involved evidence of the father sending large volumes of texts and making a lot of calls to the mother at times when he was losing control of situations. He did so, in my judgment,

with the aim of controlling outcomes for himself. His assertion that he would send lots of loving messages to the mother was not true of those occasions, if at all. The police recorded the mother's reply to the father in January 2014 that she had not told the police anything, which in my judgment is consistent with him having threatened her and her being frightened of him. Such is the striking similarity of his approach in those situations that I accept also that he would deploy the same approach during the family's time in [the father's native country], as the mother alleges. That is further supported by the text in early 2020, "*Answer before I start saying bitch...*" Allegation [2C] is therefore proven.

- 323) That sort of controlling behaviour, which features in the other findings I have made, is of a very similar type to that set out within allegations [2H and 2I], which was also specifically reported by the mother to the police in June 2017. At the time, she said that her aim was to achieve safety and peace. She was not vindictive. She just wanted the harassment to stop. I accept that evidence and prefer it to the father's evidence that things would simply get broken and that he did not monitor where the mother was.
- 324) The findings I have already made have included abuse in the presence of the children. Allegation [2J] is proven. On many of those occasions, the father's behaviour was extremely dysregulated and, in my judgment, liable to have caused the children significant and lasting emotional harm. The father showed almost no insight into the harm caused to either the children or the mother.
- 325) If it were not self-evident, paragraph 4 of Practice Direction 12J sets out that:

"Domestic abuse is harmful to children, and/or puts children at risk of harm, including where they are victims of domestic abuse for example by witnessing one of their parents being violent or abusive to the other parent, or living in a home in which domestic abuse is perpetrated (even if the child is too young to be conscious of the behaviour). Children may suffer direct physical, psychological and/or emotional harm from living with and being victims of domestic abuse, and may also suffer harm indirectly where the domestic abuse impairs the parenting capacity of either or both of their parents."

- 326) In paragraph 31, the court in *Re H-N* went on to say also that:

"It follows that the harm to a child in an abusive household is not limited to cases of actual violence to the child or to the parent. A pattern of abusive behaviour is as relevant to the child as to the adult victim. The child can be harmed in any one or a combination of ways for example where the abusive behaviour:

i) Is directed against, or witnessed by, the child;

ii) Causes the victim of the abuse to be so frightened of provoking an outburst or reaction from the perpetrator that she/he is unable to give priority to the needs of her/his child;

iii) Creates an atmosphere of fear and anxiety in the home which is inimical to the welfare of the child;

iv) Risks inculcating, particularly in boys, a set of values which involve treating women as being inferior to men.”

- 327) In my judgment, all of the risks set out in these paragraphs are applicable in the context of the abuse perpetrated by the father. The findings I have made illustrate how the mother’s capacity to prioritise the children was impacted by that abuse. She has given evidence about what she has done, post separation, to address that. That is to her credit.
- 328) The child impact report refers also to the impact on the children. In my judgment, what came across from the father’s evidence is that he does not have anything positive to say about the mother, despite his position being that she is able to care for the children. The acrimony which he harbours for the mother was not as evident in the mother’s evidence about him; indeed, she was willing to positively promote the relationship between the children and the father provided that their safety is secured. Because it was not a welfare hearing, the author of the report has not given evidence, but the court is often told by professional witnesses about the effects of parental conflict on children. That is, that children caught in the centre of their parents’ conflict, will often feel conflicted themselves and that may manifest itself in a number of ways and perhaps not immediately. For example, a child may give mixed messages, telling one parent one thing and then the other something else. On other occasions, a child may align with one parent.
- 329) I do not make any determination of those particular issues, but the point is made in order to identify one or more potential explanations for the position into which the father put B in particular from 2022. Again, the father showed no insight about that.
- 330) I expect that the introduction of the mother’s partner to B did cause B worry. The mother accepted that, and could see that he might be having feelings of his allegiances being split. What is of concern about the February 2022 events is that the father took what B, an 11 year old child, said at face value and without any thought of speaking to B’s other parent about it, made a report to the police and Children’s Social Care.
- 331) The police, in turn, concluded that there were no safeguarding concerns and took no further action. Of course, the police look at such matters with an eye on whether there is a realistic prospect of a conviction, per the Code for Crown Prosecutors, to the criminal standard of proof. I consider matters through a different lens, applying the civil standard of proof, and having had the benefit of hearing live evidence.
- 332) However, I reach the same conclusion. In my judgment, the mother’s partner’s tickling of B was not abuse. The physical striking of B did not happen at all. What the father should have done was to speak to the mother about the worries which B was expressing and to work the problem through as adults. I do not follow why the father was more concerned about the February 2022 events than the September 2022 allegation, not that I encourage him to make more of that latter matter than he has. Allegation [2L] is proven.
- 333) Allegations [2M and 2N] are admitted. The way in which the father seeks to deny the allegations, in my judgment, is borne of his lack of insight into the harm which his actions are likely to have. He admits the clandestine meetings with B, and he admits sending the secret messages in May 2023 which, on balance, demonstrate that he

intended that B leave the care of the mother and to live instead with him, potentially overseas.

- 334) Aside from undermining the mother, and being downright rude about her and her partner, the court is worried about what messages those communications actually send to his child, his only son. In my judgment, the father's expressed right to be with his son, and his son with his father, to the exclusion of the "*witchy bitchy*" mother is on all fours with the harmful values referred to in paragraph 31(iv) of *Re H-N*.
- 335) There is consistency also between the father's messages to B about not trusting anyone and the feelings of insecurity which B appears to be experiencing. As a matter of fact, there does not appear to be any dispute that the father sent the messages concerned, and I accept the mother's evidence that the idea that, if one were not to read from the Quran each day, something bad would happen, came from the father. I do not consider that I need to determine whether those matters were the sole cause of the changes in B's presentation, per allegation [2N] or allegation [2O], but from a factual perspective I do consider that there is a correlation on balance between the father's words and B's presentation such that I am satisfied that the former are likely to have contributed to the latter. This is perhaps an issue which needs to be revisited at the welfare stage.
- 336) Taking everything I have set out together, the court has made findings against the father of serious physical abuse of the mother, emotional abuse of both the mother and children, and coercive and controlling behaviour. The mother did not make him behave in that way, as he alleges. His actions were borne of his anger and his inability to exercise self control, and his responses to situations were grossly disproportionate.
- 337) As to the other matters set out in paragraph 31 of *Re H-N* and paragraph 4 of Practice Direction 12J, the court reminds itself that the local authority was sufficiently concerned that the children were subject to Child In Need planning and were facing the possibility of escalation to Child Protection Plans. I am satisfied that it was the father's abuse which caused that. What has been described about the children's current presentation causes the court real concern as to the effect that the father's abuse has had on them. At this stage in the proceedings, it is difficult to quantify the extent to which the latter has caused the former, but in my judgment the impact of the abuse on the children is likely to have been material.
- 338) The father has perpetrated his abuse over more than 12 years. More than that, however, in my judgment, his denial of the allegations on the basis that the mother, maternal grandmother and maternal aunt have colluded and fabricated them was itself abusive. His assertion of their dishonesty, or the mother having been mentally ill or hallucinated, was intended to deflect from his own abuse. In my judgment, he himself was dishonest in doing so. He has shown precious little insight into the harm he has caused, and zero capacity for introspection. I do not understand from his evidence that he has any intrinsic belief that he needs to make any changes at all.
- 339) For those reasons, I am satisfied that not only has the mother proved that there has been molestation, but that there was also a need for the court to control the behaviour of which she complains at the time the court made the non molestation order on 11 September 2023. On the evidence, that remains the position today.

- 340) I will hear submissions about the way forward in respect of the Children Act 1989 proceedings, but also in relation to other orders consequential to the Family Law Act 1996 application.
- 341) That concludes this judgment.