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Case No: ZC17P00039

IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 13th April 2022

Before :

MRS JUSTICE ARBUTHNOT

Between :

BEN JONAS ALCOTT

Applicant

- and -

KATY ELIZABETH ASHWORTH

1st Respondent

- and -

CHARLIE DANGER ALCOTT
(through his Children's Guardian, Ms Carr)

2nd Respondent

Henry Setright QC and Emma Spruce (instructed by Brethertons) for the Applicant
Edward Devereux QC and Jane Campbell (instructed by Goodman Ray) for the 1st
Respondent
Fiona Holloran and Anna White (instructed by AFG Law) for the 2nd Respondent

Hearing dates: 14th – 18th February, 21st February and 4th March 2022

JUDGMENT

Mrs Justice Arbuthnot:**Introduction**

1. The applicant Ben Alcott and the respondent Katy Ashworth are the separated parents of Charlie Danger Alcott, now aged eight. Charlie lives with his mother and his half-brother who is now aged three. The father lives in Australia with his partner S and their child Q, now aged three.
2. The nature of the relationship between S and the father has become significant in these proceedings and will be considered in some detail below.
3. The applicant father is a director of television programmes based in Australia but who travels extensively for work. The respondent mother is or was a television presenter on children's television. I trust the parties will not find it discourteous if I refer to them as "the father" and "the mother".

Application

4. The father applied for contact with Charlie on 6th October 2017 pursuant to the provisions of Article 21 of the 1980 Hague Convention on the Civil Aspects of International Child Abduction when Charlie was aged four. Since then, there have been continuous proceedings.

Issue

5. The hearing before me is for a fact-finding in relation to a number of allegations of domestic abuse raised by the mother against the father. My findings are likely to have a bearing on the future contact between the father and Charlie.

Earlier hearings

The 2016 Hague proceedings

6. In terms of earlier hearings there are two of note. The first in time, are the Hague Convention Proceedings in this Court which took place before the father's 2017 application. Brought by the father, he alleged that Charlie had been abducted from Australia by his mother. On 29th September 2016, Deputy High Court Judge Verdan QC found that Charlie had not established habitual residence after going to Australia with his mother to live with the father for less than a week.
7. Mr Verdan QC described the mother's evidence as "clear, consistent and supported by the documents" whilst the father's evidence was "inconsistent, unreliable and unconvincing". The father told this court that he had accepted this decision, but he had not paid the court ordered costs of £14,000.

The 2019 fact-finding

8. The next hearing of particular note was the fact-finding hearing that took place in these proceedings in front of HH Judge Jordan after 17 earlier hearings. Over three days between 17th and 19th July 2019 HH Judge Jordan heard from the parties and other witnesses before giving judgment on 15th August 2019. At that hearing HH Judge Jordan rejected the allegations made by the mother and described her as an unreliable witness. He said that of the two he found the father far more reliable (bundle B267).
9. During the fact finding, there was one allegation in relation to the father's behaviour towards other women in Australia. The Judge had the sixth statement of the mother dated 18th June 2019 which attached an email dated 13th May 2019 from Constable Kayla Borchert of the Australian Police to S's parents, telling them that S was set to

board a plan at 9pm Sydney time to return to her parents in the United States. The officer suggested the parents encourage her to cut off “ALL forms of contact with Ben” (C629).

10. The email was hearsay evidence and in the event the Judge said he did not understand the mother’s allegation that the father was a “wife beater” (B269) as he put it, as it was not being said that the mother had been treated in that way. He did not find that allegation proved although he was asked by the guardian to make a finding that S had spoken to a police officer in Australia in May 2019 and left the country with police assistance.

Events after the 2019 fact-finding

11. After the 2019 fact-finding the Judge refused the mother’s application for permission to appeal out of time.
12. The guardian’s report dated 10th December 2019, pointed out that neither the father nor S had explained what lay behind Constable Borchert’s email to S’s parents. This led to her recommendation that police disclosure be obtained from Australia.
13. The next hearing of note was one held on 16th December 2019 where the order says that during that morning (in fact it was the day before), the guardian had received an email from Constable Borchert as a result of this the guardian was of the view that disclosure was required in relation to police involvement with the father in 2019.
14. A contested contact dispute was listed on 20th December 2019 in relation to interim child arrangements. The questions for the court were whether the father could take the child to Australia for a holiday and whether S and their child Q should be present

during Charlie's time with his father. The guardian and the father gave evidence. The detail in the second email caused concern to the guardian who pointed out that it said that there had been an assault in England and that there was a suggestion of coercion.

15. At that hearing, the father was asked about the two emails of 13th May 2019 and 15th December 2019. He said that the information in the emails was untrue.
16. The guardian raised concerns that the new matter raised with her by the Australian police officer had not been investigated by the court and should be. A disclosure order opposed by the father was made on 20th December 2019 directed at the Australian authorities. The court refused to allow the father to take Charlie to Australia over the Christmas period.
17. Over the following two years or so, the slow process of obtaining disclosure from the Australian authorities has taken place. The information from the police and the family court in Australia is found in separate bundles of about 600 or so pages.
18. On 30th July 2021, the court ordered that the fact-finding be re-opened in the light of the Australian material. On 1st November 2021, the case was reallocated to the Family Division of the High Court.
19. As a result of the new information, the fact-finding that has come before me in February 2022 is very different in scope and emphasis to the one that came before HH Judge Jordan.

Law

20. The following is a distillation of the principles which the Court will apply:

- a. The burden of proof is on the mother who makes the allegations in this case. The mother must prove that she was abused in the various ways she sets out in the schedule of allegations she makes.
- b. The father does not have to prove that he did not abuse the mother (or indeed the various other ex-partners he is said to have abused). He does not have to prove an alternative case to the one put forward by the mother.
- c. The standard of proof is on the balance of probabilities. If the mother does not prove on the balance of probabilities that she and S (and others) were abused by the father then the court will disregard those allegations in the future.
- d. Findings must be based on evidence placed in the context of all the evidence. This is particularly apt in this case, where the mother relies on evidence of propensity found to a large extent in the police disclosure provided since the last fact-finding hearing in July 2019 brought up to date by S's evidence. Findings cannot be based on anything less than that. Inferences may be drawn from the evidence, but speculation, suspicion, surmise or assertion are not proof. The approach to the assessment of evidence was outlined by Butler-Sloss P in *Re T* [2004] 2 FLR 838 at paragraph 33 when she said:

"Evidence cannot be evaluated and assessed in separate compartments. A Judge in these difficult cases has to have regard to the relevance of each piece of evidence to the other evidence and to exercise an overview of the totality of the evidence in order to come to a conclusion whether the case put forward by the Local Authority has been made out to the appropriate standard of proof".

- e. Findings can be drawn from the account and demeanour of a party or a witness or an assessment of the family circumstances, but the court should bear in mind that memories fade and change with time, sometimes matters are remembered that were not remembered initially but the court should be careful that it is not imagination that is becoming more active or memory being affected by strong emotion or mental health challenges.

Another factor to consider with caution are the mother, the father and S's demeanours. I must bear in mind that a witness may come to honestly believe something happened when it bears either no or little relation to the events that occurred at the time.

I am reminded that in assessing and weighing, the impression which the Court forms of all the witnesses, the Court must also keep in mind the observations of Macur LJ in *Re M Children*. [2013] EWCA Civ 1147 at paragraphs 11 and 12:

“Any judge appraising witnesses in the emotionally charged atmosphere of a contested family dispute should warn themselves to guard against an assessment solely by virtue of their behaviour in the witness box, and to expressly indicate that they have done so”

- f. Hearsay evidence is admissible but the weight to be given to that evidence is a matter for the Court. The court will look to see for example if it is receiving multiple hearsay or whether the evidence is contemporaneous with the events it describes, whether there was a motive for the witness to falsify their evidence or whether from other evidence it is clear that the hearsay is or may be wrong or mistaken.

Rehearings

21. There are a number of authorities in which the principles to be applied to rehearings are considered. The most recent and the one I rely on is *Re CTD (A Child: Rehearing)* [2020] EWCA Civ 1316 Peter Jackson LJ set out the three-stage test when considering reopening findings of fact.
22. In this case, HH Judge Jordan considered that there were solid grounds for believing his previous findings needed revisiting (stage 1). In terms of how the hearing should be conducted, it was agreed that it should be before a High Court Judge, with evidence from the witnesses and the opportunity to consider the Australian material (stage 2).
23. The third stage suggested by Peter Jackson LJ, is the rehearing itself when the Court determines the issues. As to the third stage, Peter Jackson LJ said at paragraph 8:

“8. The third stage is the rehearing itself. At this stage the issues are determined on the basis of the whole of the evidence. The description of the event as a rehearing rather than a review is deliberate: once a decision has been taken to reopen the case the court approaches the task of fact-finding in the conventional way and reaches its own conclusions. It does not give presumptive weight to the earlier findings, as that would risk depriving the exercise of its fundamental purpose of doing justice and achieving the right outcome for the child. The burden of proof remains throughout on a party seeking findings of fact to prove them to the civil standard in the normal way. The court assesses the evidence on its merits, without privileging earlier evidence over later evidence, oral evidence over written evidence, or contentious evidence over uncontentious evidence. At all events, a rehearing is quite distinct from an appeal, in which findings stand unless they are shown to be wrong”.

Coercive and controlling behaviour

24. In this case, the mother has made allegations that the father was abusive in many different ways towards her, physically abusive and coercively controlling towards S and a number of earlier partners.

25. The court must follow the guidance in Practice Direction 12J and that given by the Court of Appeal in *Re H-N and others* [2021] EWCA Civ 448.

26. Turning first to PD12J, the definitions of various kinds of domestic abuse are set out at para. 3:

“‘domestic abuse’ includes any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, psychological, physical, sexual, financial, or emotional abuse. Domestic abuse also includes culturally specific forms of abuse including, but not limited to, forced marriage, honour-based violence, dowry-related abuse and transnational marriage abandonment”.

...

‘‘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.

‘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”.

27. The Court of Appeal set out the principles the court should apply in *Re H-N and others*. It said domestic abuse “includes any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members... This can encompass, but is not limited to, psychological, physical, sexual, financial, or emotional abuse.” (paragraph 26)

28. It defined coercive behaviour as “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”. (paragraph 26)

29. The Court of Appeal said controlling behaviour “means an act or a pattern of acts 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”. (paragraph 26)
30. The Court of Appeal set out the harm children can be caused by coercive and controlling behaviour. The Court then endorsed the judgment given by Hayden J in *F v M* [2021] EWFC 4 but emphasised that not all “directive, assertive, stubborn or selfish behaviour, will be ‘abuse’ in the context of proceedings concerning the welfare of the child; much will turn on the intention of the perpetrator of the alleged abuse and on the harmful impact of the behaviour.” (paragraph 32).
31. In *F v M* Hayden J highlighted the guidance given by the Home Office identifying paradigm behaviours. He had emphasised particular features of the guidance in a Court of Protection case but set the behaviour out as they were relevant to the parties in *F v M*. The check list of behaviours reads as follows:
- Isolating a person from their friends and family
 - Depriving them of their basic needs
 - Monitoring their time
 - Monitoring a person via online communication tools or using spyware
 - Taking control over aspects of their everyday life, such as where they can go, who they can see, what to wear and when they can sleep
 - Depriving them access to support services, such as specialist support or medical services
 - Repeatedly putting them down such as telling them they are worthless
 - Enforcing rules and activity which humiliate, degrade or dehumanise the victim
 - Forcing the victim to take part in criminal activity such as shoplifting, neglect or abuse of children to encourage self-blame and prevent disclosure to authorities
 - Financial abuse including control of finances, such as only allowing a person a punitive allowance

- Control ability to go to school or place of study
- Taking wages, benefits or allowances
- Threats to hurt or kill
- Threats to harm a child
- Threats to reveal or publish private information (e.g. threatening to 'out' someone)
- Threats to hurt or physically harming a family pet
- Assault
- Criminal damage (such as destruction of household goods)
- Preventing a person from having access to transport or from working
- Preventing a person from being able to attend school, college or University
- Family 'dishonour'
- Reputational damage
- Disclosure of sexual orientation
- Disclosure of HIV status or other medical condition without consent
- Limiting access to family, friends and finances”

32. The approach courts should take with allegations of domestic abuse suggested by the Court of Appeal in *Re H-N and Others* is set out at paragraph 37. There is no need to set that out in full; suffice it to say that there is no doubt that a fact-finding is necessary in this case. The procedure used in fact findings, was considered in *Re H-N and Others*:

“[46] ... serious thought is now needed to develop a different way of summarising and organising the matters that are to be tried at a fact-finding hearing so that the case that a respondent has to meet is clearly spelled out, but the process of organisation and summary does not so distort the focus of the court proceedings that the question of whether there has been a pattern of behaviour or a course of abusive conduct is not before the court when it should be.” Although of not the greatest of relevance in these proceedings, the Court of Appeal did not lay down strict guidelines as to how otherwise the courts might case manage and hear allegations of domestic abuse but at paragraph 58 it offered some “pointers”:

“a) PD12J (as its title demonstrates) is focused upon 'domestic violence and harm' in the context of 'child arrangements and contact orders'; it does not establish a free-standing jurisdiction to determine domestic abuse allegations which are not relevant to the determination of the child welfare issues that are before the court;

b) PD12J, paragraph 16 is plain that a fact-finding hearing on the issue of domestic abuse should be established when such a hearing is 'necessary' in order to:

- i) Provide a factual basis for any welfare report or other assessment;
 - ii) Provide a basis for an accurate assessment of risk;
 - iii) Consider any final welfare-based order(s) in relation to child arrangements; or
 - iv) Consider the need for a domestic abuse-related activity.
- c) Where a fact-finding hearing is 'necessary', only those allegations which are 'necessary' to support the above processes should be listed for determination;
- d) In every case where domestic abuse is alleged, both parents should be asked to describe in short terms (either in a written statement or orally at a preliminary hearing) the overall experience of being in a relationship with each other. Where one or both parents assert that a pattern of coercive and/or controlling behaviour existed, and where a fact-finding hearing is necessary in the context of PD12J, paragraph 16, that assertion should be the primary issue for determination at the fact-finding hearing. Any other, more specific, factual allegations should be selected for trial because of their potential probative relevance to the alleged pattern of behaviour, and not otherwise, unless any particular factual allegation is so serious that it justifies determination irrespective of any alleged pattern of coercive and/or controlling behaviour (a likely example being an allegation of rape).”

Similar Fact Evidence

33. In *R v P (Children: Similar Fact Evidence)* [2020] EWCA Civ 1088 the Court of Appeal considered similar fact evidence in the civil and criminal courts and how it should be approached in family cases. There were two questions to be addressed. Peter Jackson LJ said this at paragraph 24:

“There are two questions that the judge must address in a case where there is a dispute about the admission of evidence of this kind. Firstly, is the evidence relevant, as potentially making the matter requiring proof more or less probable? If so, it will be admissible. Secondly, is it in the interests of justice for the evidence to be admitted? This calls for a balancing of factors of the kind that Lord Bingham identifies at paragraphs 5 and 6 of O'Brien.”

And at paragraph 25:

“Where the similar fact evidence comprises an alleged pattern of behaviour, the assertion is that the core allegation is more likely to be true because of the character of the person accused, as shown by conduct on other occasions. To what extent do the facts relating to the other occasions have to be proved for propensity to be established? That question was considered by the Supreme Court in the criminal case of *R v Mitchell* [2016] UKSC 55 [2017] AC 571, where it was said that the defendant, who was charged with murder by stabbing, had used knives on a number of other occasions, none of which had led to a conviction but which on the prosecution's case showed propensity. Lord Kerr addressed this issue in the following way:

39. A distinction must be recognised between, on the one hand, proof of a propensity and, on the other, the individual underlying facts said to establish that a propensity exists. In a case where there are several incidents which are relied on by the prosecution to show a propensity on the part of the defendant, is it necessary to prove beyond reasonable doubt that each incident happened in precisely the way that it is alleged to have occurred? Must the facts of each individual incident be considered by the jury in isolation from each other? In my view, the answer to both these questions is "No".

43. The proper issue for the jury on the question of propensity... is whether they are sure that the propensity has been proved. ... That does not mean that in cases where there are several instances of misconduct, all tending to show a propensity, the jury has to be convinced of the truth and accuracy of all aspects of each of those. The jury is entitled to - and should - consider the evidence about propensity in the round. There are two interrelated reasons for this. First the improbability of a number of similar

incidents alleged against a defendant being false is a consideration which should naturally inform a jury's deliberations on whether propensity has been proved. Secondly, obvious similarities in various incidents may constitute mutual corroboration of those incidents. Each incident may thus inform another”.

At paragraph 26, Peter Jackson LJ said:

“26. Again, this analysis is applicable to civil and family cases, with appropriate adjustment to the standard of proof. In summary, the court must be satisfied on the basis of proven facts that propensity has been proven, in each case to the civil standard. The proven facts must form a sufficient basis to sustain a finding of propensity but each individual item of evidence does not have to be proved.”

Lies

34. The guidance in *R v Lucas* [1982] QB 720 and *R v Middleton* [2000] TLR 293 is that a conclusion that a person is lying or telling the truth about point (a) does not mean that he is lying about or telling the truth about point (b). There are many reasons why a person might lie including (as examples given by Lord Lane in *Lucas*) an attempt to bolster up a just cause; shame or an attempt to conceal disgraceful behaviour from their family.
35. As to the application of the *Lucas* direction in family proceedings, the Court of Appeal has been explicit that the Court must go beyond reminding itself of the principle and McFarlane LJ (as he then was) has set out in *Re H -C (Children)* [2016] EWCA Civ 139 and in particular at para [100 et seq] the way in which the Court must properly apply the principles in *Lucas*. In *Wakefield Metropolitan District Council v*

R & Others [2019] EWHC 3581 (Fam) at [109] Lieven J summarised the approach to be taken as follows:

‘The Court should first determine if the alleged perpetrator has deliberately lied. Then, if such a finding is made, consider why the party lied. The Court should caution itself that the mere fact an alleged perpetrator tells a lie is not evidence that they are culpable of the incident alleged. The Court should remind itself that a person may lie for many reasons, including ‘innocent’ explanations in the sense that they do not denote culpability of the incident alleged.’

36. The court must bear in mind that lies told by a witness can be told for a number of reasons. A witness may lie about one matter and be telling the truth about another.
37. This is a particularly apt direction in this case which I have borne in mind at all times when considering the evidence, I have heard not just from the parties but also from S and the father’s half-sister G.

The mother and the father’s positions

The mother’s case

38. The mother’s case set out in the schedule of allegations and in a number of statements is that the father has been controlling, abusive, manipulative and coercive in his behaviour towards her. This behaviour escalated over the years.
39. The mother alleges that the father controlled her work, he would be verbally abusive to her and accused her of being paranoid and crazy. He is said to have monitored the mother’s movements by installing spy software onto her computer and he was verbally and physically abusive to her at times including when she was pregnant with Charlie and when he had just been born. The mother alleges that the father assaulted

the mother's partner on two separate occasions. She says that the father persuaded the mother to move to Australia in April 2016 to live with the father on an erroneous basis.

40. The mother alleges that the father bullied and intimidated the mother in Australia in April 2016, that he threatened to have her arrested in Dubai on her way back to the United Kingdom, that the father told his sister the witness, G, to monitor the mother's search history on her computer and that the father went to the press to put pressure on the mother to return Charlie to Australia.
41. Other behaviour the mother complains about is that the father has regularly accused the mother of child abduction and bad parenting and that in November 2016 the father told Border Control the mother had abducted Charlie to England and they contacted mother to question her.
42. The mother says the father started a campaign within the media and ensured that Fathers For Justice ("F4J") worked to have the mother sacked by the BBC (she worked as a presenter for them at the time) and organised protests outside the BBC against her. Another threat the mother alleges, is that the father implied he was going to use naked photographs he had of her.
43. In the Scott Schedule is a new section of allegations which were not before HH Judge Jordan. These are in relation to the father's behaviour towards his current partner, S, the mother says he has assaulted S on a number of occasions over a period of two or three years. He has been abusive towards S's family and is coercive and controlling of S to the extent that he has somehow persuaded her into giving false evidence in statements provided to this court.

44. A further allegation made by the mother is that the father obstructed the obtaining of the Australian police disclosure and misled this court in not telling this court that S had made allegations of domestic abuse when he gave evidence in the fact finding in front of HH Judge Jordan. As part of the Australian disclosure the mother alleges that ex partners have been threatened by the father at the end of their relationships with him.

The father's case

45. The father denies all the allegations made by the mother. He points out the mother was disbelieved by HH Judge Jordan, that there was no evidence supporting the mother's allegations about his behaviour and so far as S is concerned he says all her complaints to the police and to her family are as a result of the relentless pressure placed on her by the mother.
46. The father denies contacting the press and F4J and the only tweets he tweeted about the mother's behaviour were on his private twitter account. He does not accept the allegation that he had disclosed his criminal record four months after being told to do so or withholding information from this court including allegations of domestic violence made against him in Australia.
47. The father denied assaulting earlier partners, saying they had either blamed the wrong man for an assault, or the complainant in question had mental health issues or wanted money from him.
48. The father says the evidence given by S to the court is the truth and her allegations of him abusing her to others are false. He says he is a good father and that this has been

lost sight of in these proceedings where the mother has been trying to prevent him from having extended contact with his son.

Evidence

49. I heard evidence in court from the mother Katy Ashworth, the paternal aunt G who was called by the mother, and gave evidence remotely from Australia, the father Ben Alcott, his current partner S and remotely from Z another witness of the father.
50. I had documentary evidence from other witnesses. The paternal uncle W, for example, gave a statement which attempted to undermine the credibility of his sister, G. The mother's solicitor, Janet Broadley, provided a statement in which she set out a note of a lengthy conversation she had with S when the latter outlined to her the abuse she said she had suffered at the hands of the father.
51. There is a mass of material in this case. I do not refer to all the statements and exhibits I have considered but in preparing this judgment I have re-read the bundle.
52. I was particularly grateful to have the assistance of very able and experienced counsel who explored the evidence for and against the allegations skilfully and sensitively and made cogent, fair and balanced submissions at the end of the case which I found extremely helpful.

Schedule of allegations

53. I was provided with a schedule of allegations along with the father's response to them. The schedule had been added to since the July 2019 hearing in front of HH Judge Jordan. I have inserted the schedule below and have added my findings in relation to each allegation.

54. The original allegations which were before HH Judge Jordan have been added to by three categories of material. First, allegations which concern S and her relationship with the father. Second, allegations of coercive and controlling behaviour and abuse made by a number of the father's previous partners and sometimes from their now current partners. Finally, there is an allegation that the father has tried to prevent this court obtaining the Australian material.

The mother

55. The mother in her evidence set out her relationship with the father in the ten statements provided in the bundle. The Deputy High Court Judge Mr Verdan QC described the relationship accurately when he said it was unstable and had problematic fault lines.
56. When the mother went to Australia in April 2016 with Charlie to try out living there, she found out that the father was having concurrent relationships with about three women. She also discovered that she had moved into a home which in fact was occupied by the father and his then partner R. As a consequence, the mother moved out within three days of her arrival in Australia.
57. The mother set out what she says about the father's behaviour during their relationship in her statements and in the Schedule of Allegations below. In summary, she says he was controlling, abusive, manipulative and coercive towards her. This was a continuation of the way he has behaved to his previous partners over 20 years. She says this behaviour continues in his most recent relationship, that with S. The mother says this behaviour has continued and worsened throughout these proceedings.

58. As can be seen from the Schedule of Allegations, the father did not physically abuse the mother although there were physical incidents between him and her partner but there are a number of allegations when put together, and if true, would amount to a pattern of coercive control. The mother's evidence no longer is to be seen in isolation. It is to be considered in the context of the Australian allegations and what happened or did not happen to S.
59. There was evidence that the mother had on various occasions been in touch with S and her parents. The mother was instrumental in attempting to persuade S to leave the father. Ms Broadley's evidence of a lengthy conversation with S when the latter set out the abuse she had suffered at the hands of the father was important.
60. The mother and her solicitor Ms Broadley's intentions towards S were criticised heavily by the father and even more so by S. A vulnerable young woman who was 21 when she met the father, an experienced womaniser, at various times S had turned to the mother for support. She felt betrayed when she found instead that her contact with the mother formed part of the evidence against the father. S felt she had been let down by the mother.
61. The mother said she had only wanted to protect S when she spoke to her on various occasions and tried to persuade her to separate from the father. She was concerned about S and Q's safety. The mother accepted, however, that a telephone conversation in 2018 was pressurising S to separate from the father and said that with the wisdom of hindsight that it was not the right thing to do.
62. S was very upset that the mother had obtained some of her medical records from the United States. The mother accepted in evidence that it was not appropriate or fair on

S of her to have done that. HH Judge Jordan had criticised the mother heavily for relying on the illegally obtained medical records in his judgment in 2019 and I concur with a number of his comments about this.

Observations on the mother's evidence

63. I am conscious that there is only limited support that can be gained from the observation of a witness' demeanour, but my overall impression of the mother was that she was honest, credible and trying to do her best to ensure the court had an accurate picture of the father to enable appropriate fully informed decisions to be taken about the father's contact with their son.
64. Her methods (obtaining private medical records) could be criticised, but I considered her motives were good. She is an intelligent woman and she decided to make every effort to find out about the father's behaviour towards other women in Australia. I found her approach understandable in the circumstances.
65. At various times, the father said the mother was trying to alienate Charlie from him. Charlie wants to see his father and go to Australia to visit him. There is no sign of the mother having discouraged those wishes. Parental alienation is seen by the court on a fairly frequent basis, and I saw no evidence of it in this case.
66. I did not consider this mother to be exaggerating or embellishing the type of relationship she described as having had with the father. A detailed consideration of the Australian police disclosure shows support in a number of respects for the complaints that the mother makes. I bear in mind too, that the mother's complaints predate the obtaining of information from Australia. It would be an extraordinary

coincidence if the very things the mother says the father did to her, happened to a previous or his present partner.

67. The Australian evidence makes what she says about the father more probable. For example, when the mother spoke about the father stopping the car on the German autobahn when she was eight months pregnant and telling her to get out. H alleged that he had done this to her on 28 September 2008 in Sydney and he did it again to S in December 2018 when he pushed her out of a taxi in New York, took her phone and she missed her flight as a result.
68. Over and over, there was a pattern seen in the way the father treated his partners. The mother relied on this pattern as support for what she said he had been like with her. Her allegations fitted into this pattern. Unlike in the fact-finding in July 2019, this Court was not considering the mother's evidence in a vacuum.
69. I found the mother to be credible, and her evidence in combination with the numerous complaints of abuse made to Australian police by the father's then current partners including those of S, became even more compelling.
70. Ms Broadley was the mother's solicitor and she had provided a lengthy statement setting out the numerous complaints of abuse made to her by S by telephone whilst living in a safe house provided by the police around 24th May 2020 (para 5 C701). She was criticised by S in her evidence.
71. I would make one observation about the mother's and Ms Broadley's evidence. I formed the strong impression that both the mother and Ms Broadley's actions in pursuing their investigations into the father were motivated not just because they wanted evidence against him but by their concern for the safety of S and Q.

72. It was in the context of S telling her parents that she had been abused by the father that the parents' concerns mounted about their child's relationship with the father. The mother took it upon herself to engage with them. In May 2019, shortly before the 2019 fact-finding, the email from the Australian police sent to S's parents on 13th May 2019 was shared the same day with Ms Broadley, the mother's solicitor. I accept that the mother should not have obtained S's medical records, but she was motivated to protect S and to try and get her away from the father.
73. I had a sense, drawn from the evidence, that some of the women who knew the father or thought they knew what he was like, women such as S, S's counsellor, Ms Borchert, the father's sister G, the mother and Ms Broadley were increasingly concerned about S's vulnerability and the risks the father posed to her.

The father's sister G

74. The mother called G who is the father's sister. She is a much older half-sister of the father and is a full sister of W whose statement was in the bundle.
75. G, the father and W gave evidence of a dysfunctional family where G did not speak to the father between about 2004 and 2016 and W for 19 years. The reason given by G for the breakdown in the relationship between her and the father was that he was disrespectful and manipulative towards her and he intimidated her so they stopped talking until they bumped into each other in 2016.
76. G had supported the mother in 2016 when the mother left the father's house with Charlie three days after arriving in Australia. The mother moved in with her temporarily before G asked her to leave.

77. G's evidence was undermined by the accounts she gave in her statement which contradicted her evidence in court. In evidence she said she asked the mother to leave because she was frightened the father would discover where the mother was living, and the mother would be in danger. In her statement however, she said she had asked the mother to leave because she was disrespectful to G.
78. More significantly, G also refused to admit that she had relished giving the father information about the mother's internet search history. In April 2016 when she was staying with G, the mother had used G's computer and she had left herself logged in. G therefore was able to see the mother's search history for nearly two years from about August 2016.
79. G shared the search history details with the father, so they were able to deduce the mother was pregnant and obtain other personal details which they would not have known otherwise.
80. The father first at no point stopped his sister or discouraged her from telling him about the mother's internet searches and second then he used this information. G said in cross examination that she had helped the father because he had told her that the mother was "crazy" and that she was trying to prevent him having contact with Charlie.
81. G was challenged about her interception of the mother's search history and denied that she was taking the lead. She said the father was persuading her to give him the details of the searches. She denied relishing what she was doing. G was asked extensively about whether she had been the one who had been contacting the newspapers about the mother. She denied this and said this was led by the father.

82. Having given the mother somewhere to stay in 2016 when she left the father three days after arriving in Australia, G also became involved in S's attempt to leave the father in Australia in May 2019. She helped her find a woman's support network and encouraged her to speak to her parents and leave Australia. She was also in contact with her in May 2020 when S went to a safe house after another assault.
83. Just before G gave evidence on 15th February 2022, S had telephoned her. A number of interesting pieces of information came from that call. She told G that the father is a good father and that Q and him love each other. She said that she was ringing her because Charlie had said that he wants to see his father.
84. G said she had asked S how she was, she told G that she knew the father would always be a cheat but that the physical abuse was less than it had been but that the other abuse was the same. S told G that the proceedings were unnecessary and G believed that S was trying to prevent G from giving evidence.

Observations on G's evidence

85. In terms of her credibility, Mr Setright QC relied on the evidence from the father and G's brother W(C807) who suggested in a statement that she had a significant number of mental health problems and behavioural issues.
86. W had not spoken to G for 20 years until 2019. There had been recent incidents when G stole some jewellery from a craft fair W's wife had taken her to. She had also borrowed money on two or three occasions from him which she had not paid it back.
87. W said that G was fixated on the father and that in his view she is providing evidence because she craves attention. He said she has lied to him time after time and in his

view, she does not know what is fact and what is fiction. Any evidence she would be offering in this case would be based on fiction and a desire to feel someone is listening to her.

88. I accepted that she has shoplifted in the past and that she, like the father, has had a number of Apprehended Violence Orders (“AVO”) taken out against her to prevent her from harassing others including her psychiatrist and a neighbour.
89. G clearly has had a number of issues over the years but the significant evidence she gave to this Court was corroborated elsewhere. The spying she undertook on the mother and her internet searches is confirmed by the multiple messages exchanged between G and the father which were exhibited.
90. Whatever G’s mental health struggles there is no doubt that she stepped in to help the mother and S. Her assistance although limited, was confirmed by the mother and S.
91. I found that G had lied to Mr Setright QC when she told him that at the time she was spying on the mother’s internet searches that she did not relish what she was doing. It was clear she really enjoyed the engagement she was having with her brother, the feeling she was helping him by providing the information she did. She felt at that time, possibly for the first and last time, she had an important role in his life. This was in the context of her having a dysfunctional relationship with her brother when often they were not in touch with each other. I considered W was right when he said she was fixated on the father.
92. I bear in mind that G’s spying took place at a time when she had been told by the father that the mother was alienating Charlie from his father and paternal family. I accept G changed her views about the father later and by 2019 she was helping S to

escape from the father's domestic abuse. When G gave evidence she regretted her involvement assisting the father and said she felt great remorse spying on the mother.

93. I have given myself a Lucas direction when considering the evidence of G. I have found that she lied when she said she did not relish spying on the mother's internet searches. She has lied about it to this court because she feels guilty about it now and regrets it. I find that G provided the father with private information from the mother's internet searches which he then used.

The Australian disclosure

94. Before I come onto the father's evidence, I will consider the disclosure from the Australian police and the courts. I bear in mind that the father gave reasons in evidence why each allegation made against him was false or misleading in one way or another. I bear in mind that just because one particular allegation is not proved that does not mean I cannot take it into account when looking at the pattern of the father's behaviour as a whole.
95. I considered therefore a good place to start was by examining the assault occasioning actual bodily harm ("ABH") which the father committed on D on 18th December 2013. He was convicted of this on 11th June 2015 and appealed that conviction unsuccessfully. It was instructive to see his approach to this conviction in his evidence before this Court.
96. In the chronology of allegations made by the mother, the assault on D took place after two incidents and before another. In August 2013 the mother says the father forced her out of the car in Germany when she was eight months pregnant; in November 2013 the father ordered the mother out of a hotel in London where the father was

staying. Post the ABH on D in April 2014 the mother says the father slammed on the brakes of a car he was driving causing a suitcase to fall on Charlie.

97. The trial of the ABH in Australia took place on 11th June 2015 and the appeal was about one year later. There were two charges, the ABH and the damage to a mobile telephone. I bear in mind that the magistrate heard evidence on oath from the father and D and as it was a criminal trial the burden of proof was on the prosecution and the standard was that of beyond reasonable doubt.
98. The magistrate said the following: he described the father and D's relationship as a non-exclusive relationship and when D had moved to Sydney about eight years ago "they saw each other more often". The father said they would each have other partners but "when they were not in a relationship they would see each other for sexual encounters".
99. The magistrate said that in October 2013, D started a relationship with another man "A". The father provided D with a new mobile telephone. He then monitored her messages and saw that she was sending messages and photographs to A. He became upset by this as he felt D was acting deceitfully. The father also had a phone application which allowed him to track her whereabouts. The relationship between the father and D stalled.
100. On 18th December 2013 the father attended D's address at her invitation. She handed him her telephone and it was agreed by both in evidence that he had checked her telephone to see if she had any messages from A. Although she had deleted them at that moment a message came through from A and D tried to get the telephone from the father. There was a struggle.

101. The father pushed her to the throat area sufficiently hard to cause her to fall to the floor hitting her arm. She kept asking for the telephone and the father then hit her to the chest area with a “swinging arm”. She fell to the floor again and scraped her arm on the wall. The father then rang A and following that call he grabbed D by the hair and pulled her to the kitchen area and pushed her head against the wall. The father tried to flush the telephone down the lavatory and then pushed D causing her to fall into the sink. D got to a convenience store and called the police who saw her distress and her injuries.
102. The father’s version to the Australian court was that at no time “did he push or hit the victim or grab her hair. At no time did she fall over. She did, however, stumble over her two dogs that were milling around her feet”. The only thing he did was raise his arm to keep her away from him.
103. The magistrate said this about the father at paragraph 30 (C77): “My view is that he attempted to underplay the nature of his obsessive behaviour surrounding the victim. His version was that the relationship was a casual one where both could have other partners. He denied that he was angry or upset with her, but merely bemused by her behaviour. However Alcott’s behaviour in monitoring her messages on his computer, tracking her movements on his phone, trying to get her passwords at various accounts (sic) and taking her phone and not returning it to her, despite numerous attempts, was more in keeping with the victim’s view that he was obsessive and manipulative”.
104. The magistrate then considered the credibility of D. He found her to be a truthful witness and her version of events was consistent with the distress and the injuries that the police had seen immediately after the incident.

105. The magistrate then rejected the father's submission that the injuries were transient in nature and did not amount to actual bodily harm. He said he was satisfied that she had suffered "grazes to the skin, and significant bruising" which amounted to actual bodily harm. He made it clear that the father's version did not explain the injuries that the police saw.
106. The sentence was a fine and he made an AVO for two years. The magistrate found the father was obsessive, manipulative and jealous and he had committed a physical assault amounting to ABH.
107. As the appeal was against conviction, a court heard again evidence on oath from D and the father. The appeal resulted in a finding of not guilty of the damage to the telephone (technically it was his own property which he had lent to D) and the conviction and sentence for the assault remained undisturbed.
108. The father suggested that the appeal court found the assault less serious than the court below. Sadly, there is no transcript of the judgment of the appeal court, but I noted that had the assault been deemed less serious, the father could have been convicted of a lesser charge or the fine would have been reduced. It would have been wrong in principle if the sentence had remained undisturbed.
109. In these proceedings the father's approach to the ABH on D was the following: the Cafcass officer Ms Moss reported speaking to him on 6th September 2017 about this conviction as set out in her report dated 9th October 2017 at F4 in the July 2019 fact-finding bundle. He had said that "during an argument with the female he attempted to grab his mobile phone back and in turn the female fell back and scraped their

elbow. He states the magistrates made it clear the assault was minor and the incident did not relate to domestic abuse”.

110. This was a clear downplaying of the incident which was proved to have happened. Nowhere in the judgment given by the magistrate in Australia does he say that the incident did not relate to domestic abuse, neither did he say the assault was minor. This was what the father wanted the Cafcass officer to believe.
111. The father took the same approach nine months later. Cafcass asked for further information regarding the conviction for ABH (F9 of the same bundle). On 2nd July 2018, the father sent an email to Ms Hearnshaw of Cafcass in which he sets out what he says about the ABH.
112. The email says: “In brief, the incident was in relation to a mobile phone of mine that had been taken; when I recovered the phone, the person who had taken it tried to grab it back off me; I pushed them away and they bruised their arm on a wall. Whilst the “assault” was proved (as I did indeed push the person away, which technically is an assault in Australia), the magistrate found it to be “on the lowest end of the scale” of assault. The fine was \$800 with no other penalty. As the phone was mine, the charge of “damage property” had a result of no conviction recorded....There are no cautions or convictions prior to 2015 that the Court should be aware of. I’m assuming you have seen the copy of my criminal record, and this outlines my complete history” (F13 of the 2019 bundle).
113. This explanation of 2nd July 2018 is dishonest. In my judgment, the father was trying to victim blame by suggesting that the argument was over a phone that had been taken from him by the victim. This was not true. He had lent the telephone to her but he

had taken it to check for messages from D's new boyfriend. The father would have known that would not have been an attractive explanation for Cafcass to hear. I also consider by using the words "the person" the father was trying to divert Cafcass from thinking that the victim was a woman and that it may have had a domestic abuse angle. Which of course it had.

114. The father then suggests that the conviction for ABH is "technically an assault" because he pushed the person away. He was not convicted of a technical assault. As the magistrate made clear it was an ABH with significant bruising seen by the police within minutes of the assault. The next lie is that the magistrate considered it to be at the lowest end of the scale of assault. The final lie is that he was fined and there was no other penalty. In fact he was given an AVO to protect D from him.
115. When the father gave evidence at the 2019 fact-finding the Australian court judgment was available. He was asked about what he had told Cafcass about the ABH and it was suggested to him that the assault had not been minor.
116. He said "Well the comments by the magistrates at the time was that this was on the very, very bottom of the scale and...I am only going on what he said at the time. It's a definition of this matter and the fact that there was a scrape to be found meant that it was actual bodily harm, but his statement was that it was on the very, very lowest end of the scale (transcript of father's evidence at the fact-finding of July 2019 core bundle F68).
117. It was suggested to the father that the ABH was more extensive than he was suggesting and he said "the magistrate accepted my version of what happened which

was that there was no – He didn't agree with what the other side...He agreed with my version of events" (F69).

118. Again, the father was lying, this time on oath to HH Judge Jordan. The father was able to say in the fact-finding hearing that the magistrate had accepted his version of what happened because there was a clear mistake in the transcript of the Australian judgment. The magistrate said he accepted the father's version of events but then went on to explain why he did not.
119. I considered it was unfortunate that in the 2019 fact-finding judgment, there was little or no reference to the transcript of the judgment given in Australia nor did HH Judge Jordan make any observations about the conviction, the only reference I was able to find in his judgment was the one at B266, where he says he has regard to all the evidence including the "extensive transcripts of historic hearing (sic)".
120. I accept of course that at this time the proved assault on D was thought to be an isolated incident and of some age although the Judge may have found it significant that it was between two allegations, admittedly of a different kind of domestic abuse, made by the mother.
121. The father's dishonest approach to the ABH continued in my Court. In cross-examination of the father, Mr Devereux QC asked him about the allegations made by D. The father denied much of what she had told the Australian court in evidence. He denied having had a lengthy relationship with D. He denied that he had underplayed the assault and said he had appealed. He denied monitoring her messages to a new boyfriend. He said what he had done was to take the telephone out of her hand.

122. He was re-examined about the assault, he said that on appeal his account was accepted. He said the finding remained but that the senior judge made different comments. The appeal judge had said the assault was not as serious. The father told this Court that he may not have expressed his regret that this occurred at the time but that it had given him a “strong opportunity” to reconsider how he relates to these sorts of circumstances. He said he would not put himself in a similar situation again.
123. The behaviour of the father found proved by the Australian court was part of a repeating pattern of allegations seen in not just the Australian material but also in the allegations made by the mother and on occasions by S.
124. In the Australian material there are other allegations of wide-ranging and repeated domestic abuse on the father’s current or ex-partners or their partners going back a number of years:
- a. By dragging a woman by her hair, punching her repeatedly, kicking her when she is on the floor (4.6.05 X), unspecified assaults (November 2001, January 2003 Y), assaults on S (see later).
 - b. By stalking trying to find out where a partner or previous partner now lives (20.8.03 Y; 27.3.10 X’s new partner says father can access X’s email/Facebook accounts) or to see who the partner or ex-partner was contacting (4.6.05 X),
 - c. By the breaking of telephones (4.6.05 X and 18.12.13 D), the mother (accepted by the father that with the help of G he was spying on her internet searches).
 - d. By obsessive and manipulative behaviour (5.8.04 Y - photographs left in ex-partner’s car; 24.8.07 X – now ex-partners, between 1am and 4am the father

sent numerous texts and next morning her car window was smashed, iPod and laptop screen in her home smashed; 20.1.10 male reports father giving aggressive verbal warnings when he is chatting with father's partner in a café; 9.3.10 X, he films her when she is filming a parade and has added her as a director to a company without her knowledge; 19.5.10 male says father is sending emails to his work colleagues to try to get him fired and to get his job).

125. As well as the downplaying of the assault on D, the father avoids responsibility for the allegations made by partners, ex-partners and ex-partners' new partners. He gives a variety of responses.
126. There is a particularly serious allegation of a nasty attack on X on 4th June 2005, it involves him checking her telephone then grabbing her by her hair, punching her, kicking her in the ribs, placing his hands on her neck and saying the chilling words "don't make me hurt you anymore". She arrived at the police station without her shoes on. She is so distressed she is sick at the police station. The police said she was extremely frightened and fearful of what the accused might do to her.
127. The father was charged with an offence, but the matter was either dismissed or withdrawn. The father said that X had named him but in fact it was another man who had assaulted her. If that was the case, then it would make it rather strange that the father was back in a relationship with her soon afterwards. Sadly, as it so often is with victims of abuse, X chose to go back to the father.
128. In relation to other complainants, the father explained that a number had mental health problems or were trying to blackmail him.

129. When considering the allegations found in the Australian material I take into account that the many allegations made by partners of the father did not result in convictions or prosecutions of the father. They are unsubstantiated allegations. That consideration must undermine the weight I give to them.
130. On the other hand, I give weight to the Australian evidence as it is mostly based on notes made by the police at the time and there are contemporaneous police reports. Although there is only one conviction the pattern of domestic abuse is clear. It would be unlucky if the father just happened to be blamed for a number of assaults which happened to be similar to the ones alleged by S (until she changed her accounts) and be blamed for manipulative stalking type behaviour of the type the mother complains of.
131. The next witness whose evidence I would like to consider before turning to the father's is S's.

S the father's partner

132. The father called S, his current partner. She is aged 26 and she had met the father when she was 21 and he was 43. He was her first serious relationship. She gave evidence and was extensively cross-examined by counsel. Her evidence was punctuated by pregnant pauses when in my judgment the witness was hesitating between telling the truth and telling lies. In the end she chose to tell this Court lies.
133. S felt very strongly that she had been pulled into these proceedings when she should not have been. She felt very strongly that her medical records should never have been provided to the mother nor should private conversations with the mother have been

recorded. She made it clear that she took the view that the father was a good father to Q and that he should be given the chance to be a good father to Charlie.

134. As she put it to Mr Setright QC in examination-in-chief, she was having nightmares about the mother and the mother's solicitor, "and it is all to take a father away from a son...he has never hurt Charlie and never would... Here we are in court proceedings...I am very emotional about it...My whole life has been consumed in this court case. It is not fair"... She said "my relationships with my family are still damaged and I don't know how repairable this is. I am constantly torn between both... I cannot explain how terrible it is".
135. There was no doubt from her evidence how difficult she was finding her involvement in the proceedings. She later said "I asked not to be involved in this. Nobody cares about this...I am the pawn in this court case...I was told by the police that none of the records would ever reach here". I noted she was blaming everyone else for being there except for the father who was calling her as a witness.
136. The striking feature about S's evidence was that she had made complaints to so many others that the father was abusing her in a number of ways with photographs on occasions. She had then changed her mind and provided statements accepting that she had made the complaints but denying that what she had said was true.
137. S sets out in her earlier statements made to the Australian police and others that the father hit her and he abused her physically, on occasions he was controlling her financially and he put great pressure on her.
138. In relation to an assault on 8th March 2018 which she said had taken place in the United Kingdom the day before they were going to see Charlie, S said originally that

she had hit the father playfully and he had responded by hitting her cheek so hard that she had to cover the bruise with make-up. She sent a text about this to the mother and included a photograph of her face.

139. Between February and May 2018 and again in the United Kingdom, S's original account was that the father had slammed the door on her big toe causing swelling and bruising. She had produced a photograph of her bruised big toe to the Australian police when she called them in May 2019.
140. S gave a rather piteous account in front of this Court when cross examined by Ms Holloran. She said that the father and she were arguing when the injury to her toe had occurred. She said it was an accident, she was crying with the pain but he did nothing to comfort her. She was not able to see that even on her most recent account, he showed no empathy for her injury and was lacking in kindness.
141. Another incident later that year on 17th September 2018, was when S said the father slammed a door on her foot. Again, she took a photograph of the injury. She had explained originally that the father was always remorseful, so she did not tell anyone. She said that he blamed her for the arguments they were having. This is something the father does.
142. On occasion the father would tell her not to tell anyone what had happened and acting immediately afterwards as if nothing had happened. An example of this was an assault when she was five months pregnant in October 2018. They were in the shower together at a hotel at Alton Towers and were arguing about another woman, a colleague of the father's, R. He hit her very hard on the top of her head with the showerhead. She fell to the floor and he hit her again. What he said was revealing:

he said “Do you think that it was a good idea to say that, with all the stress I am under. Don’t you ever mention R again. Do you hear me”. Another example of victim blaming. Of concern to the court was that Charlie was in the bedroom next to the bathroom and the risk is he may well have heard, if not witnessed, what was going on.

143. There were other incidents. The father damaged S’s computer by pouring hot water over it then forced her out of the home before only allowing her in if she told him where Q’s passport was. This incident was driven by jealousy after he found a message she had sent to a male friend. S was distressed by this as she lost a number of photographs (26th April 2019). S tells Baptist Care (domestic abuse support body) that the father does not give her money for the baby. She believes in May 2019 that he has hidden cameras in the home, has access to her mobile telephone and her iCloud account as he always knows where she is and when she had contacted her mother.
144. In evidence she denied the father had ever been violent towards her. Her complaints to the police and others were untrue. She said she had exaggerated events that had taken place. She blamed the mother and her solicitor and her fear and isolation for making up or exaggerating these allegations against the father. It was unfortunate for S then, that as regards her allegations there was much supporting evidence that she had provided for the type of behaviour she alleged. It is hard to see why S would have taken photographs of a number of these injuries if they were just accidents.
145. The police meet S on 11th May 2019, when the father is away in the United States. They have to meet in the park as S thinks the father is monitoring her in some way although in cross-examination she tells this Court that she met the police there as she did not want the neighbours to know the police were coming around.

146. She told the police on 11th May that the father had assaulted her over a number of weeks and he had gone to the United States with Q's passport. She told the police she had limited access to money. She said that the father had a court hearing in July 2019 (the fact finding in front of HH Judge Jordan) and "wants her to give evidence that he is a good dad and has never committed any form of violence against her". She said that the father was monitoring her movements in the home, tracking messages and emails and trying to separate her from her family. She gave examples of physical assault and coercive control perpetrated by the father.
147. On 12th May 2019, S provides a signed statement to the police. She provides the photographs of the injuries that the father caused in 2018. The police note that the father "appears to use Q as an emotional tool to keep S in his life and in the country".
148. On 13th May 2019, the father who is in the US contacts Australian police because he suspects S may be trying to get out of Australia. The police record that the father is monitoring her emails and an uber account. The father said he had got the information from a friend, but he was not able to remember who that was.
149. Ms Borchert is one of the police officers who took S's complaint and manages to ensure she gets out of Australia and back to her parents. Unfortunately, S is persuaded to return to the father. Before the return date for the AVO hearing that the father was served with, W (the father's brother) has persuaded S to drop the AVO which she does. The father and S speak and he says he will change and wants her back in the Australia. On 13th October 2019 S and Q return to the father.
150. An example of the father's attitude to those who he considers have attacked him is his attitude to Constable Borchert the Australia police officer who spoke to S in May

2019, emails her parents on 13th May 2019 and emails the guardian on 15th December 2019 five days before a contested interim contact hearing.

151. The transcript of the evidence given by the father on 20th December 2019 is at F32 of the bundle. He explains that he has contacted the Police Ombudsman, the Police Customer Assistance Unit, the appropriate Professionals Standards duty officers at two police stations and filed a complaint against the officer. In evidence on 20th December 2019, the father said he was “totally horrified that she would be making allegations like this” (F33). He said he had also contacted a lawyer specialising in police misconduct and universally he has been told that the officer has breached confidentiality and has “acted improperly to the point of criminal investigation” (F33).
152. The father made it clear that the information provided by the officer was untrue. He said she was making false allegations. He was not even sure that the emails were from a real person. When pressed he accepted that if they were true, allegations of domestic violence would be a concern to a court considering Charlie’s welfare (F35). In cross-examination by counsel for the mother asked the following “if that request were to be made to the New South Wales Police would anything be disclosed by them which would give cause for concern to this court”” the father said, “As far as I’m aware, absolutely not” (F39).
153. I noted that Constable Borchert ends up being disciplined for doing her job with a victim of domestic abuse.
154. Over the next few months, there is time when there is a short separation between S and the father. There is an example of the father’s dishonesty on 4th May 2020, when

he goes to court to ensure Q is on the Australian watch list (which would prevent them from leaving Australia without permission of the court). S does not attend the hearing. The father returns and tells her that Q has been removed from the watch list.

155. The next significant incident is on 6th May 2020, S and the father have a row about him cheating on her and not publicly acknowledging her as his partner on his social media account. They showered together and the father lightly shoved S, she did the same back, before he pushed her hard with two hands. She fell onto Q who fell over hitting their head.
156. S emailed her counsellor who called the police. The police arrived. S was reluctant to let them in and wanted an assurance that anything she said to them would not end up as evidence in the English proceedings. This assurance was given by two police officers who did not know better.
157. The officers then recorded S on a body worn video (“BWV”) as she told them what had happened and then took them into the bathroom to show where she was pushed by the father and where Q was at the time.
158. S had seen BWV before and she watched it again as she was in the witness box. From the recording it was clear she was upset by what she said was the father’s assault. In terms of the risks from the father, S told the officers towards the end of the footage that what scared her the most was that he snapped so quickly. The father knew Q was where they were and S said she was surprised it (the injury) was not worse. She said the father made her feel scared.

159. An ambulance was called and they noted that Q has a small swelling on their forehead. Later S is taken with Q by the police first to a motel and then to a refuge provided by the domestic violence service Bonnie Support Services.
160. On 9th May 2020, the mother and Q tried to leave Australia but were not able to as the father had placed Q on a watch list dated 4th May 2020.
161. On 18th May 2020, the father made a statement to the Australian police. He suggested that S has issues with her mental health, he said she had a history of being angry and aggressive towards him, she makes false allegations and has mood swings. He said that she swears at him, elbows him and pushes him. The father turns the tables on S by blaming her for his behaviour.
162. On 22nd May 2020, the father makes an application to have sole care of Q with the mother having contact. On 29th May 2020, S provides an affidavit to the Australian court with an account of their relationship. This is an important document and, if true, in my judgment it is an account of a seriously abusive relationship. In relation to the assault of 6th May 2020, S said that Q had a small lump on their forehead (para 10 E117). She says the incident on 6th May 2020 “really frightened me because he lost his temper and Q could easily have been hurt too”. She considered that the father’s time with Q should be supervised.
163. In May 2020, S left a voice message for the mother. She explained how the father was trying to get her to come back to him by sending her photographs of them when their relationship started and by telling her that he loves her. (C756)
164. S was cross examined at length. She was asked about the complaints she had made to the police and a number of others. At times there were pauses in her evidence when

she was being asked about what she had said and whether what she had said in the earlier statements was true.

165. In particular, when Mr Setright QC asked in relation to the May 2020 shower incident “did it happen or not”, there was this long silence and it was clear to the Court that no one could be sure of the answer, and then it came... “no it didn’t...I felt pressured to give the account by so many parties...I wanted to go home [to the United States] and I was told I could go home if I claimed domestic violence and I could not get away from the father otherwise”.
166. S went on to say that they had had a fight that evening, and it was too easy to exaggerate and it “spun out of control”. She did not call the police but someone else did. The police acted as if she was being abused.
167. To Mr Devereux QC, S said they had an argument and she had slipped on a bar of soap which caused her to fall in the shower and she emailed her therapist because she was angry that he was cheating on her again. S said she did not feel as if she was lying about it as she felt as if it could almost have happened but that it was her ticket out of there. S said she could use it against the father if ever she was in court against him and then she could have custody of Q which is all she wanted. It was not clear why she needed a “ticket out of there” if it was not an abusive relationship or that she was trapped in some way.
168. More generally, S said that she had made the allegations set out in the Australian police records but that they were false, and she did that to put them on record so they could be used against the father later. She said she was trying to escape a tumultuous

relationship as he was unfaithful to her, and it was not very pleasant. She maintained in evidence that the father was not an abusive person.

169. Without perhaps realising it, other matters mentioned by S shone a light on the type of relationship she has with the father. It was clear that it was not a relationship of equals and S accepted that she deferred to his “greater experience” and learned from him. Although she was studying when they met, she soon gave up her studies and followed him from country to country.
170. The evidence shows that the father constantly blamed her for raising matters she is right to be concerned about. At the very beginning of their relationship, she questions his relationship with R, he reacts by cold shouldering her and treating her like a child says he is disappointed by her raising this.
171. There are numerous examples of how the father controls S. He expects S to share her location so he knows where she is. The father’s attitude to the pregnancy was very unattractive.
172. S could not have an ultrasound unless the father is there. When she goes to the hospital with rectal bleeding she does not dare allow an ultrasound.
173. In the meanwhile, as her due date approaches, the father persuades S to travel to England potentially to give lying evidence for him. She is nine months pregnant and has to hide her pregnancy from the airline. She is taking long haul flights when she should not have done so and she was doing that for the father. The impression is that for the father, her wishes and what is best for her and the foetus is neither here nor there.

174. The mother is booked into a hospital in the United States to have the baby. The father says that if he is not present at the birth, then he will have nothing to do with the baby. He tries to ensure that she will be induced on a particular day so he can be present.
175. At the hospital, the father behaves badly, he tries to prevent her family from being at S's side and is told to leave. The father accepted that he called S a "stupid fucking bitch" when she was in labour. S is so concerned the father might take Q to be adopted that she made it clear in her hospital notes that this was not to happen. The lack of trust goes both ways. Despite denying it to S, the father ensures Q is on the watch list which means they cannot leave Australia without the permission of both of them.
176. Another example of the father's control over her was that S agreed that there had been hidden cameras in their house in Australia. She had thought they were to detect movement as part of a burglar alarm system, but they turned out to be video cameras. The father was able to watch what was going on. This explained why she had to meet the police in a park when she wanted to tell them what had happened to her in 2019.
177. S accepted in cross examination that she had lied one way or another, either she had lied to those she had made her complaints of abuse to or she had lied in her statements denying the abuse and in her evidence to this Court.
178. S said she was there because she felt the father is a good father and she was giving evidence for Charlie. She accepted that the father had cheated on her at least three times and although it made her feel depressed and angry, she put up with it because she loves him. When asked about the six women who had made allegations of domestic abuse against him (including her) she said that she now knows who the

father is and it no longer worries her. When asked about 60 events involving the father on a police list she said it was not the Ben she knew.

Observations on S's evidence

179. S had given accounts in writing and orally of the father's violence and abuse to the following: Her parents (and a domestic abuse agency in the US) and her brother, her Australian therapist, a number of Australian police officers in 2019 and 2020, G and to at least one woman's refuge in Australia, her own solicitor in Australia in an affidavit dated 29th May 2020 (E115), the mother and Ms Broadley (the mother's solicitor).
180. She told Ms Broadley in May 2020 (C701) that the father was controlling, intimidating and at times physically violent. She told her that the incident in the shower in May 2020 made her realise her need to keep Q safe. She told Ms Broadley she wanted to retract her statements of April and July 2019 (where she said the father had not abused her) as they were not true and she had been pressurised to sign them. She said she was concerned for the welfare of Charlie and Q.
181. The accounts S gave to the people whose names and occupations I have set out above were consistent. It was clear that her account of extensive abuse at the hands of the father was true. Her description in her affidavit to the court in Australia prepared by her lawyer and her conversation as recorded by Ms Broadley show the abuse she has suffered. She was even admitting it to G when she rang her just before G was due to give evidence to this Court. She told her that the physical abuse was not as bad as it had been.

182. Her explanations, furthermore, about why she had made what she said were false allegations of domestic abuse did not make sense. She tried to blame the mother for them, she said she was exaggerating them, and storing up complaints she could draw on if she needed to escape Australia with Q. In fact, her complaints were true. At the end of her evidence, I was struck by her isolation and vulnerability.
183. S had told lies whatever story I accepted. The Lucas direction applies to any lies admitted. I have found that the accounts she gave to her parents and the others listed above are true. I do not want to speculate but S may genuinely believe that the father is a good father, or her motivation may be that she loves the father and wants to help him or she may be frightened of him. I cannot say either way but what I can say on balance that her allegations of the father's abuse of her are true, they are not exaggerated or embellished but are a consistent account of what he did to her.

The father

184. The father gave evidence to the court and had provided a number of statements on which he relied. I have set out below in the Schedule of Allegations, the father's response to the mother's allegations.
185. In essence his case in relation to the domestic abuse alleged in the last 20 years was that the five ex-partners and one current partner who all had made complaints about his behaviour, had lied about what they said he had done. He was either acting in self-defence or the complainants had mental health problems, had blamed the wrong person, had greatly exaggerated what had occurred or they were motivated by money.
186. He said he was never violent, and he had never hit anyone with his fists. It appeared that he agreed he cheated on his partners but usually they knew he was not in a

committed relationship with them. He denied being jealous of his ex-partners' new partners and said any violent incidents that took place were as a result of him being attacked by them and not the other way around. Quite often he came out the worst in these incidents. He said he did not stalk his partners nor coercively control them.

Observations on the father's evidence

187. Overall, as a result of a combination of the mother's and S's evidence and the evidence found in the disclosure from the Australian police and courts, I found the father to be manipulative and controlling of his partners and suddenly violent at times.
188. S told the police on the video of 6th May 2020 that the father was unpredictable and certainly the disclosure is peppered with examples of the father becoming jealous, losing his temper and hitting out on occasions. There was an abundance of evidence in relation to his abusive approach to women.
189. In terms of the father's credibility, I have set out above what the father has said at various times in relation to the conviction for ABH of D. He is a liar and has lied repeatedly to the guardian and the courts about his violent attack on her and about his abuse of others. He has downplayed his own role in assaults and blames others always for his own behaviour.
190. I bear in mind that lies can be told for lots of different reasons, here I find that the father has lied because he knows the truth will show he is a bully and is a real risk to any partner he has. He is concerned that findings adverse to him may affect his contact with Charlie. One concern I have is that it is clear from the father's evidence that he believes he made a mistake not putting Charlie on the watch list which would

have prevented him from leaving Australia. He said he would not make that mistake again.

Other evidence

191. I heard from another witness of the father, Z, who said that the mother had planted an article in the Daily Mail before the father's position was taken up by other organisations. The witness Z had suggested that the father contact the Sun and Daily Mail as they believed the father should have a right to reply to the original article. The witness said the father was not keen on that happening.

Findings

Schedule of allegations, the evidence in response and the Court's findings

Alleg . No.	Date	Allegation	Response	Finding
1.	June 2011 to April 2016	The mother alleges that throughout their Relationship, the F was controlling, abusive, manipulative and coercive in his behaviour towards her, this increased in frequency and escalated.	These allegations were addressed in the previous Fact Finding. They are denied.	Proved. The father's approach to the mother and their relationship was similar to relationships he had had in the past and to his current one with S. He was less physically abusive with the mother than he had been with others, but he was coercive, controlling and he manipulated her. I have set out above the pattern of abuse in the father's relationships.
1(i)		F became heavily involved with and controlling of M's work, insisting on directing all her live shows and tours; this control increased when M fell pregnant and after she gave birth to Charlie and	These allegations were addressed in the previous Fact Finding. They are denied.	Proved. I have found mother to be an honest, credible and reliable witness. I do not doubt this evidence. It is of a piece with the father's behaviour towards any partner he has. He seeks to control his partners. In the exhibits is an odd email exchange when the father is trying to have a photograph of the mother removed from the BBC website as she is with a particular male.

		the control extended to who she could be with or photographed with		
1(ii)		F would be verbally abusive towards M calling her a whore/slut or paranoid/crazy and would denigrate her friends and family. F's behaviour towards M coupled with his control over her work and his chaotic lifestyle contributed to M being hospitalised following an anxiety attack and diagnosis of severe anxiety and depression in summer 2012.	These allegations were addressed in the previous fact-finding. They are denied. No evidence whatsoever has been presented of F calling M a "whore" or a "slut", nor of being verbally abusive. M was hospitalised 2 months after F broke their relationship off and ceasing all contact as he had discovered she had cheated with another man (being the 4th man she had cheated with at that time). M claimed at the time that she was hospitalised as she "couldn't live without" F.	Proved. I accept the mother's evidence and noted the father's evidence where he called every partner who went to the police, paranoid or crazy. The father swore at S when she was in labour and called her a "stupid fucking bitch". He uses this language when speaking to her and on balance I would expect him to use that sort of language to other women. I noted that in S's case he has managed to separate her from her family in the US and isolated her in Australia. She has now a strained contact with her family in the US, if any at all. The mother's hospitalisation had a number of causes not least of which was the relationship with the father.
1(iii)		F monitored M's movements by installing spy software on M's computer; knowing her passwords he could gain access to her computer remotely. In December 2015 F accepted he had put spy software on and took it off.	These allegations were addressed in the previous fact-finding. They are denied. M presented no evidence whatsoever of any kind of "spy software" being discovered at any time. F never accepted he had placed spy software on M's laptop, this is a lie.	Proved. The evidence that the father monitored previous or present partners is clear. Previous partners have recounted him looking for messages in their phones. He was accused of installing spy software on a previous partner's computer. He had cameras in his home to the extent that S had to speak to the police in a local park. He monitored S's Uber accounts and emails. From about August 2016, the father encouraged his sister Gto spy on the mother's internet searches. I find that he installed some sort of spyware on the mother's computer before December 2015.
2	Aug 2013	F's behaviour became increasingly intimidating and physical towards M: The F was verbally and physically abusive towards M when she was 8 months pregnant in Germany forcing her out of the car on the motorway	These allegations were addressed in the previous fact-finding. They are denied. The father says he was not violent towards S and although he asked H to get out of the car on 28.9.08 this was because she had some cocaine. He did not hurt her.	Proved. The mother's evidence on this point is credible. It is backed up by the evidence given by S who says that father stopped the car and asked her to get out. Another ex-partner H told the police that on 28.9.08 the father had dragged her out of the car in the early hours and caused her to fall and hit her head. Whether she had taken some cocaine or was in possession of some you do not drag a woman out of a car in the early hours and abandon her in a main street.

2(i)	Nov 2013	F ordered M and Charlie (4 weeks old) to leave a hotel where F was staying and to stay elsewhere after one night, at one point pushing and manhandling M and the buggy in to a lift to exit the hotel.	These allegations were addressed in the previous Fact Finding. They are denied. The father says that he had booked the suite of rooms for 20 of his colleagues and he needed the mother and Charlie to leave as it was a work event and not for family time.	Proved. Judging the father as I do by his past and present behaviour, I find that it is all too likely that he manhandled the mother into the lift along with Charlie. This may have had something to do with the on-off relationship the father has had with R, a colleague. The father seemed to be hiding the mother from R and did the same with S who reported she suspected he was continuing an affair with R whilst hiding or playing down his relationship with S.
2(ii)	April 2014	F lost his temper with M whilst driving in London when M asked for financial support for Charlie. F slammed on the brakes causing a heavy suitcase to fall on Charlie. He was verbally abusive to M and left M in the car with Charlie crying.	These allegations were addressed in the previous Fact Finding. They are denied. Given the construction of M's car at the time, it would have been physically impossible for a suitcase to fall on Charlie.	Proved. This is a credible allegation. On balance I do not find that the suitcase actually fell on Charlie just that by the father's behaviour in the car, he was at risk of being injured and would have been witnessing an upsetting argument. The father was likely to have been annoyed by a discussion about financial support for Charlie. His attitude to this is shown by the fact that he admits to having paid only £320 maintenance in the past eight years and not having paid the court ordered costs of his hopeless Hague Convention application.
2(iii)	7 March 2015	F physically assaulted M's partner in her own home. F locked himself in with Charlie causing M distress. F later admitted to M that he was going to kill Mark with a knife from her kitchen.	These allegations were addressed in the previous Fact Finding. They are denied. The father pointed out that he denied this and that he was acquitted by the court.	Proved. There is a pattern of the father becoming jealous and getting involved in physical altercations with new partners of ex-partners. Examples of his jealousy abound. With X on 24.9.07 he asked her to reassure him she would not get together with a new partner. On 20.1.10 a male reports that the father was aggressive with him and tells him to stay away from a former or current partner. On 18.12.13 D was attacked by the father who took her phone and contacted her new boyfriend "A". On 27.7.19 the father attended R's home to drop off some items (they had broken up some 9 months before). He pushed his way upstairs. He found the new partner and there was a physical altercation which became an allegation of assault.
r 2(iv)	April 2016	Between December 2015 and April 2016 F made M believe that he wanted them to live together as a family in Australia with Charlie so M agreed a 3 month trial period. It became evident	These allegations were addressed in the previous Fact Finding. They are denied. In evidence the father said that although he had a number of other girlfriends before the M flew out with Charlie, his intention	I do not make the finding in the terms set out by the mother. What I do find is that the father had lied to the mother or misled her into believing that he was in a committed relationship with her whilst in fact he was seeing at least three other women. The mother was coming out to Australia on a trial basis and the finding of his sexually explicit messages to other women brought that to an abrupt halt. The father said in

		within days of arrival that F had lied to M in order to get her to fly out to Australia with Charlie.	was for them to be a family and that his other relationships would not continue.	evidence that he would have changed his ways if she had remained in Australia, and they would have been a family. That seemed rather unlikely in my judgment
3		F was still co-habiting with his partner R	This is denied.	Proved. The father's relationship with R lasted many years and was on and off. He was still sharing a house with her when the father was partnered with S. I find he was with her when the mother came to Australia in April 2016.
3(i)		Having sexual relationships with 3 other women	This is denied and it has been explained in previous proceedings. M is trying to distract from the fact she had reignited a relationship with her new partner prior to coming to Australia to be with F.	Proved. The mother had stopped her relationship with her new partner to give her relationship with the father a chance. The mother discovered the extent of the father's behaviour when she found the exchanges of sexual messages on his computer about three days after her arrival in the country.
3(ii)		F was planning on kicking M out of the house almost as soon as she had arrived.	This is a statement based on no fact, as M didn't stay long enough to find out.	I do not make that finding. The father had given no thought as to how the mother and Charlie were going to live. It was only a matter of time before he was found out by the mother.
4	April 2016	F bullied and intimidated M in returning Charlie to Australia	M removed Charlie without the knowledge or permission of F. Charlie was "missing" for 5 days, and F only found out that they had both left Australia by making a report to the NSW Police. Wanting M to return Charlie wasn't "bullying" or "intimidating" - it was a natural response of a father whose child had disappeared.	Proved. The father wanted Charlie back in Australia and did what he could to ensure he returned. It was a natural response of a father but his approach was to try and intimidate etc the mother.
4(i)		F threatened to have M arrested in Dubai (stopover) and accused M of child abduction and threatening to make an application to court for his return and following through with that threat in May 2016	F made enquiries with the Dubai Police after discovering that M was returning via Dubai. However, when F was told that M and Charlie would be subject to Dubai law, he withdrew his request for assistance. It was only M's refusal to reasonable contact,	The father wanted to stop the mother <i>en route</i> to England. I accepted the father's account that when he discovered that the mother and Charlie would be subject to Dubai law, he withdrew his request for police assistance in that jurisdiction. He started soon after the Hague Convention proceedings on the basis of Charlie's abduction. The father did accuse the mother of child

			which left the F no choice other than to to commence proceedings.	abduction repeatedly. .
4(ii)		F instructs his sister G to monitor M's search history on her computer account and obtains personal information about M from his sister .	Denied. M logged into her Google account on G's computer whilst she was staying with her – unknown to F - before taking Charlie out of Australia. When she left G noticed that M had not logged off. F never instructed G to “monitor” M's accounts.	Proved. I find that the father encouraged G to continue monitoring remotely the mother's searches on her computer. G monitored the mother's searches with as Mr Setright QC said “relish”. At that stage G believed her brother when he said that the mother was alienating Charlie against his father.
4(iii)	Sept. 2016	F goes to the press to put M under pressure to return Charlie to Australia, the M alleges with the intention of irreparably damaging her career as a BBC children's presenter as F alleging child abduction. M had to seek an injunction against the press to prevent further harm, costing her further legal fees.	Denied. At no stage did F “go to the press” and there is no evidence to the contrary. No evidence has been presented of M obtaining an injunction, and this is the first time it's been raised.	Proved. There is no one else who would have been alleging that the mother had stolen the son. Over and over the father threatens to initiate an extensive media campaign “spearheaded by me” (C142) to get the contact he wants. This was despite a reasonable proposal for contact put forward by Ms Broadley in a letter dated 29.11.16. It is clear from the messages between Z and the father and G and the father that he was assisting the press in tracking down the mother so they could take photographs of her with her partner. .
4 (iv)	Sept. 2016	DHCJ Verdan makes an order that F pay the majority of M's legal costs of £14,800. F refusing to pay costs leaving M and her father financially impecunious.	F agrees he has not paid the costs but he said he had not realised that he could have paid less than the full amount or paid in instalments. He said he accepts the decision of the court and has not undermined it by for example removing Charlie from England.	Found. The costs are still not paid. The father has been ignoring all correspondence in relation to this. He was paying £150 per night at a Hyatt hotel in London during the hearing in front of me. I find he has the money to pay the costs if he had wanted to.
5		Since the Hague court hearing F's behaviour towards M has escalated further in that he regularly accuses M of child abduction, bad parenting, parental alienation, child abuse, and denying	M has refused F's reasonable requests for contact on numerous occasions. Considering this involves F flying from Australia, M's behaviour seems to indicate that she is “denying him contact”. No evidence has been	Proved that the father's regularly accuses the mother of child abduction etc. The relationship is one of continuing conflict. .

		him contact. This causes M worry and anxiety. The following are examples of F's bullying, coercive control and intimidation of M:	presented on where F "regularly" accuses M of this behaviour.	
5(i)	5 Nov. 2016	F informs Border Control that M has abducted his child to England. Border Control contact M to question her. F insists M has abducted Charlie, F not accepting the court's findings	F was asked by Border Control why he was coming to the UK so often and F replied that he had been involved in a Child Abduction Case. He did not ask them to contact M, nor did he state that she abducted Charlie. There is no evidence to suggest that F hasn't accepted the court's findings. That is why F commenced contact proceedings in a UK court; has never attempted to remove Charlie from the jurisdiction; nor has ever said anywhere nor to anyone that he doesn't accept the court's decision.	Proved. It seems that the father still believes the mother abducted Charlie when she returned to the UK. He has not accepted the DCHJ's findings. He has not paid for the costs of the Hague Convention case and has said in evidence before me that he will not allow what happened to Charlie happen to Q and that is why he holds on to their passport and they are on a watchlist. I find that he told Border Control that Charlie has been abducted which led to their enquiry of the mother. I accept he has never attempted to remove Charlie from the jurisdiction but I do not find that he accepts the Hague Convention decision of September 2016. See above.
5(ii)	5(i) Dec. 2016	F threatens M that he will start a media campaign against her accusing her of child abuse and parental alienation if she does not let him see Charlie when he can when work permits.	These allegations were addressed in the previous Fact Finding.	Proved. The father did threaten the mother in a letter to her solicitors.
5(iii)	Jan 2017	F starts to tweet about M making derogatory and untrue comments on social media and seeking the support of F4J that she is denying contact between F and Charlie. F seeks the help of his sister to	F tweeted about M's behaviour on his private Twitter account, but that account hasn't been used for years and he hasn't referred to M's behaviour since 2017. M was denying contact between F and Charlie, and F did	Proved. The father sought the support of F4J and had no hesitation in trying to ruin the mother's reputation to get the contact he wanted with Charlie. I accepted the evidence that F4J with its own aims and motives took the campaign further than perhaps the father anticipated at the beginning.

		track M's search history on her google account and to make negative remarks about M on social media.	contact F4J for advice - F never sought help of his sister to do anything	
5(i) Aug v) 2017 5(iv)		F threatens to use naked photos he has of M when outside a courtroom with M's solicitor when F was seeking to enforce an order requiring M to travel to Yateley from Manchester to drop Charlie off for contact.	These allegations were addressed in the previous Fact Finding. M's solicitor testified in court that F never threatened to use naked photos of M. The father implied that it was the mother's solicitor who raised the question of photographs.	Not proved. It seemed to have been accepted by the solicitor Mr Izod in the 2019 proceedings that he may have raised the question of photographs first. That allegation is not proved.
6	Feb. 2018	F disclosed his criminal record 4 months after being directed to do so. F deliberately withheld information about his criminal past and sought to minimize a domestic violence incident between him and an ex-girlfriend in December 2013. F denied there was anything further to disclose.	F provided National Police Check as soon as practical after direction to do so. NPC provided full criminal history. M claims that F has forged NPC document. As document shows, there was only one incident and this has been investigated at the previous Fact Finding.	Proved. As set out extensively in this Judgment above, the father minimised the ABH conviction and the extent of his violent behaviour towards D and others.
7	7 March 2018	F intimidates M at her home and behaves in a threatening way to her partner swearing in front of Charlie.	These allegations were addressed in the previous fact-finding. M refused contact for about 4 months. F flies to UK, and mother agrees very reluctantly for limited contact. As F travels to Manchester, M changes mind and refuses contact again. Solicitors negotiate contact, M insists that handover takes place	Proved. I accept the mother's account about this incident. The father is not a credible or honest witness. He has lied repeatedly to the court. His behaviour towards M's partner is typical of his jealous behaviour to his ex-partners new partners generally.

			at her house despite F's objections. F arrives as instructed to find M's partner standing waiting, and Charlie inside the house not dressed to leave. The partner attempts to intimidate F, including both the partner and M following F to car when he leaves with Charlie. F believes the situation was engineered to enable M to make police report, which she indeed then did do.	
8	Feb and March 2018	F went to the press/ social media following through with his threat ensuring private information was published causing reputational damage to M as a children's TV presenter:	Denied. Father never approached media.	Proved.
8(i)		F goes to Daily Mail with F4J falsely accusing M of denying contact for 4 months and F in concert with F4J organise a campaign/ march outside M's BBC offices calling for her suspension as a TV presenter, accusing her of child abuse, causing M to fear for her safety and requiring a security guard to escort her for a short period. The article published by the Daily Mail caused M professional embarrassment and anxiety and resulted in several	These allegations were addressed in the previous Fact Finding. Denied. Father never "went" to Daily Mail. F never instructed F4J to conduct any action, as is evidenced by statement from F's contact at F4J.	Proved. The father is in contact with the press and assisting them with information which would lead to them obtaining photographs of the mother with her partner.

		meetings with BBC's HR department. The M alleges the F deliberately tried to sabotage her career by coordinating movements of F4J.		
8(ii)	7 March 2018	F announces M's pregnancy (which was not in the public domain nor known by M's employers the BBC) on his twitter account copying in the BBC and Daily Mail that she is pregnant with her partner.	These allegations were addressed in the previous fact-finding. F knew of M's pregnancy because her partner told him during handover in item 7 above.	Proved. I find that the father discovered about the mother's pregnancy through G's monitoring of the mother's internet searches. He then communicated that information to the press.
8(iii)	March 2018	F provides personal information about M to F4J to send a public "letter of complaint" to the BBC accusing M of being a child abuser deliberately causing M professional embarrassment and humiliation as F4J place the letter of complaint on social media and BBC calling for her immediate suspension.	These allegations were addressed in the previous Fact Finding. The only information F provided to F4J was in the course of him obtaining legal advice from their advisory service. F didn't even know about letters being sent to BBC until after it had happened.	Although the father brought his argument with the mother to the attention of F4J and provided her personal information to them, they then went further for their own ends. He cannot have been naïve enough not to suspect they might do that.
8(iv)	March 2018	F in instigating F4J campaign to have her suspended and going to the press accusing her of denying contact and parental alienation is a demonstration of his coercive control over M causing her financial instability as is F's continued refusal to pay her legal costs for the Hague, wiping out her and her father's savings, and F's	These allegations were addressed in the previous fact-finding. F never instructed F4J to do anything. M has had the opportunity to cease these proceedings, just by agreeing to allow F contact with Charlie, which she has refused to do for over 5 years. Indeed, she seeks to continue proceedings by appealing and insisting proceedings are drawn out. Father	Although the father in his response to the allegation said that he had "regularly contributed" to Charlie's upbringing, it turned out that he had only paid the mother £320 in total of eight years. This is another misleading comment by the father. He is refusing to pay the costs of the Hague Convention application as he thinks the decision made by DHCJ Verdan QC was wrong.

		refusal to financially contribute to Charlie's upbringing deliberately causing M financial hardship.	has regularly contributed to Charlie's upbringing when requested by M and has receipts to prove it. This is just another lie in an attempt to colour the court's opinion of F.	
8(v)		F tells F4J that M and her partner are engaged to be married and F4J place hurtful information on the social media about M being a denier of contact.	Denied. F has never said anything like that to F4J.	Proved.
9		F has attempted to obstruct obtaining police disclosure first by asserting that his criminal record presented the extent of his involvement with the police and following the making of an order for police disclosure forced S to write an email to the police opposing any disclosure.	F has provided his criminal record as and when directed (albeit due to delays outside of his control) F's partner is horrified to be involved in these proceedings, and does not want her personal life to be on display, especially to M. S was, and remains, very strongly opposed to any disclosure of her personal records S told the court that she wrote to the Australian authorities saying she did not want her complaints to the police to be disclosed in these proceedings. S says this was not at the father's behest	Proved. I find that the father was trying to ensure that the complaints made by S about him were not disclosed into these proceedings. He obtained the email details of the Australian authorities which enabled S to contact them. I find it is more likely than not that he put pressure on S to write the emails which were to prevent the information about his assaults on her being disclosed into these proceedings.
10	March – Oct. 2018	The father is physically and emotionally abusive towards his partner S when in England and with Charlie:	These allegations were addressed in the previous fact-finding. Denied. S said that she had invented the allegations against the father to enable her to get away from Australia. She said she felt isolated and frightened in Australia	Proved. has lied repeatedly in her evidence to the court. I find she told her mother, father, brother, therapist, G, her own Australian lawyer, the mother, the mother's solicitor Ms Broadley, at least two domestic abuse charities and a number of police officers that she had been abused. That was the truth. The father's behaviour towards S is behaviour he has exhibited towards any number of partners going back to 2001.

				I find she currently believes that the father is a good father to Q and to Charlie. She does not understand the pervasive effect of abuse on children. I cannot say whether she has lied to the court because she is frightened of the father because he has told her he will remove Q from her care or whether it is because she has decided to stay with the father because she cannot get away from him or whether she loves him and is trying to make the best of a bad deal.
10(i)	March 2018	F punches her in the face causing her to use makeup to hide bruising; S refers to other physical assaults	These allegations were addressed in the previous fact-finding. Denied. Father has photos to prove this allegation is false	Proved. See above.
10(ii)	Oct. 2018	When in a hotel room in England F lost his temper and held S up by her throat against a window strangling her until she fell to the ground;	These allegations were addressed in the previous Fact Finding. Denied.	Proved. See above.
10 (iii)	Oct. 2018	When in a hotel bathroom F repeatedly hit S over the head with a showerhead until she fell to the floor whilst Charlie was in the hotel bedroom next door.	These allegations were addressed in the previous Fact Finding. Denied. Charlie has never said or done anything to indicate this happened.	Proved. See above. I accept that Charlie was not in the <i>en suite</i> shower room when this happened, but he was next door.
10 (iv)	Dec. 2018	The father coerces and pressures S into giving false evidence in a written statement confirming that F has never been abusive towards her and bringing her to court on a transatlantic flight when she was nearly 9 months pregnant	Denied. S provided statement to F's barrister, and confirmed information in statement to social services and Cafcass officer. M contacted S's M and had her obtain her personal medical records and other behaviour that has caused significant family problems for S. This is yet another example of M's singlemindedness in this case to the detriment of all others.	Proved. See above.

11	Jan. 2019	F is physically and verbally abusive towards S's maternal family and is removed from the hospital in the US when S later gives birth to their daughter.	Denied. At no stage was F abusive to anyone in any form. S's mother used information provided by M to create concern at the hospital when S was in labour. S was traumatised by this event, and neither F nor she will forgive M for creating this situation with S's family.	Proved. The father was escorted out of the hospital. He called S a "stupid fucking bitch" when she was in labour. That was not a kind thing to do.
12	March 2019	In March 2019, S reports to the police that F is physically and verbally abusive and is coercive and controlling by isolating her in Australia on a visitor's visa, holding Q's passport, monitoring S's movements with tracking devices and cameras in his house and attempting to prevent her and Q from leaving the country by making a court application.	The father denied doing these things and called S who denied her earlier allegations that the father had abused her.	Proved.
13	April 2019	F coerces S into giving false evidence in a statement dated 26th April 2019	Denied. S confirms that the statements she has provided have been written by her.	Proved
14	July 2019	F misleads this court in not informing the court (even when evidence had been filed by M to the contrary) that (i) S has made allegations of domestic abuse against him to the police in NSW (ii) that they have separated and She has left Australia	At no stage did F mislead the court. In July 2019 S and F had seen each other in person on a number of occasions (including directly prior to the FFH) and there were plans for her and Q to return to Australia permanently, where they remain.	Proved. The father failed to inform the court of these matters during the 2019 fact-finding. He was very careful to keep the true picture away from the English court proceedings. He told the court on 20 th December 2019 that he had raised a number of complaints against Constable Borchert.

		with the help of the NSW police (iii) that he was served with an AVO in May 2019.		
15	July 2019	F's ex partner X and her new partner make a complaint to the police about a confrontation with F in X's property where a fight broke out between F and her partner	F made a complaint to the NSW Police about being attacked by a drunk man when he dropped off material at a business partner's home. F ended up with serious injuries requiring hospitalisation, whilst the attacker had no injuries at all.	Proved. It is part of the father's pattern of behaviour which makes this something which is in character. He always deflects a complaint by making a complaint of his own. He has done this with a number of allegations raised against him in this case. It is interesting that he will not admit that X is an ex-partner and tries to de-personalise what happened by describing her as a "business" partner and her new partner as a "drunk man". This is to ensure it is not an allegation of domestic abuse.
16	Feb. 2020	An unnamed ex-partner reports to the NSW police that she has been in a relationship with F since August 2019 and has received an intimidating email from him following their separation.	F has no knowledge of such a report, and denies sending any threatening email.	It is not known where S is at the time of this complaint by an ex-partner to the NSW police, although likely Australia but Q would be just over a year old in February 2020 at the time the complaint was made. It is difficult therefore to say whom made this complaint whether S or another. Not proved.
17	May 2020	S in Australia, reports to her therapist that F has physically assaulted her in the shower by grabbing her by the shoulders and pushing her hard onto Q who is standing near the shower causing them to suffer an injury to their head. S alleges to the police that F has continued to be abusive and controlling towards her and has isolated her from her friends and family. She is placed in a safe house with C and an AVO served on F.	Denied. F has never physically assaulted S, and certainly not Q. No evidence to suggest this, no findings to support it. S gave evidence that she invented or at best embellished her account. What she says in fact happened is that she slipped on some soap and fell onto C. She then exaggerated what had happened to the police to enable her to leave Australia	Proved. The account given by S to the police recorded by them on the BWV is compelling. She says she and the father exchanged slight pushes before he pushes her hard with both hands on her torso and she falls out of the shower and onto Q who hits their face on the floor. The police arrive and interview her. Her first account within about two hours of the incident is as set out above. She describes a sudden loss of temper to the police. He told her afterwards and before the police arrived that she fell of her own accord. That again is typical of the father who victim blames. S was reluctant to speak to the police as she herself acknowledges in the video and is concerned that she does not want her allegation to come to this country and be part of these proceedings.

Conclusions

192. I have made the findings set out above. When considering the checklist of behaviours set out in *F v M* above, the following do NOT apply in this case. The father does not monitor his partner's time, he does not force the victim to take part in criminal activity such as shoplifting although I find he has encouraged S to lie to this court, there is no evidence that he has taken anyone's wages or benefits, he did not threaten to harm a family pet, there was no question of family 'dishonour', there was no suggestion he was going to disclose sexual orientation or HIV status etc. All the other types of abuse listed apply in this case.
193. The issue of particular concern for this court is that Q sustained a minor bruise when their mother was pushed out of the shower by the father in May 2020 and Charlie was in the next room when in October 2018 the father was battering S to the ground with a showerhead in an argument in the *en suite* when she was five months pregnant.
194. With domestic abuse at this level and with the number of incidents there have been over a 20 year period, there is a risk that the father's children will get caught in the crossfire or damaged emotionally by hearing violent arguments occurring between the father and whichever partner he happens to be with. In my view those issues explain the father's lies, he knows his past is littered with complaints of domestic abuse raised by his partners. I also consider that he is unable to accept he is ever in the wrong. He always blames others including the victims of his assaults for what he did to them. This is not a man who is just assertive, stubborn and plain selfish, this is a man who is an obvious and continuing risk to his partners.
195. Those are my findings.