

WARNING: This judgment was delivered in private. The Judge has given leave for this judgment to be published. The names of the children and the adult parties in this judgment have been anonymised pursuant to the Practice Guidance of the President of the Family Division issued in December 2018 having regard to the implications for the children of placing personal details and information in the public domain. The anonymity of the children and members of their family must be strictly preserved. All persons must ensure that this condition is strictly complied with. Failure to do so may be a contempt of Court.



IN THE CENTRAL FAMILY COURT

C (Child Abuse Survivor), Re
Neutral Citation number [2026] EWFC 256 (B)

Date: 24 August 2026

Before: His Honour Judge Middleton-Roy

Between:

The Local Authority

Applicant

- and -

The Mother

First Respondent

The Father

Second Respondent

**‘C’
(The child through her Guardian)**

Third Respondent

‘SF’

Intervenor

Mr Coutts, Solicitor for the Applicant
Ms Weston KC and Ms Meusz, Counsel for the First Respondent
Ms Lewis, Counsel for the Second Respondent
Ms Connell, Counsel for the Third Respondent
Ms King KC and Ms Rayson, Counsel for the Intervenor

Hearing dates: 13-24 July and 3-4 August 2026

APPROVED JUDGMENT

Crown Copyright ©

This judgment was handed down remotely by circulation to the parties by electronically. The time and date for hand-down is deemed to be 16:30 on 24 August 2026.

His Honour Judge Middleton-Roy:

The Background and Application

1. It has long been recognised that no case of alleged sexual abuse, where there is an absence of any probative medical or other direct physical evidence to support a finding, can be regarded as straightforward. Cases of alleged child sexual abuse create particularly acute forensic difficulties for the Family Court charged with determining whether sexual abuse has occurred and, if so, who has perpetrated that abuse. Within this context, the determination of those questions is one of the more difficult of the many challenging tasks given to these Courts.
2. Cases of alleged sexual abuse are highly emotive and can give rise to strong feelings and robustly expressed views and opinions. Notwithstanding the emotive subject matter, however, the task of the Court is to take an entirely objective and dispassionate approach to the process of determining whether on the evidence available, the facts alleged by the Local Authority are established on the balance of probability.
3. In *Re P (Sexual Abuse: Finding of Fact Hearing)* [2019] EWFC 27 MacDonald J observed that where sexual abuse has occurred, it is not commonly witnessed by an independent third party. Perpetrating adults are often reluctant to make admissions in the context of Family Court proceedings, in circumstances where they face, or may face, criminal prosecution. Further, MacDonald J observed:

“The allegations may emerge in a piecemeal fashion, with children often not reporting events in a linear history, reporting them in a partial way and revisiting topics more than once. Such children may, whether by reason of their age, or the impact of the alleged sexual abuse or other difficulties, be idiosyncratic, inconsistent or unreliable historians. The age, psychological state and/or views of the child may mean that the Court does not hear their accounts challenged forensically in cross-examination and, accordingly, is deprived of one of the key forensic tools for testing the truth of a disputed account before the law. The child may suffer from psychological sequelae that may or may not be the product of sexual abuse but which, in any event, makes the assessment of their reliability even more difficult. It is not unknown for children to lie about having experienced sexual abuse or to fabricate allegations of the same.

More generally, human memory is not a single, simple system. What is remembered of an experience by a child or young person will not be a complete picture akin to a photograph or CCTV recording and will vary depending on the age at which the experience took place. What an adult may consider to be a key element of a remembered experience, and therefore key to assessing the reliability of the memory, may not be significant from a child’s perspective. The physiological processes involved in the encoding, storage and retrieval of memories are susceptible to internal and external influences. Within this context, children’s accounts can be affected by their level of functioning, their emotional state and their levels of suggestibility. It is also possible for a child to ‘remember’ an event that has not in fact occurred, or which has not occurred precisely in the way remembered. The child’s recollection of past experiences can be influenced by the process of questioning the child.

Within the context of other already considerable forensic challenges...the ill-considered reaction of well-meaning adults to children making allegations of sexual abuse or a failure by professionals to apply rigorously long-established guidance and good practice in dealing with such allegations, can have a deleterious and sometimes fatal impact on the reliability of the allegations when they come to be considered by the Court. In cases of alleged sexual abuse, there is a significant forensic tension between the need to provide understanding, support and care for children who may have been sexually abused, where the presence of a supportive non-abusing adult who listens without judgement and takes seriously what the child is saying is essential to that child’s current and future wellbeing, and the requirements of the legal process for establishing the truth or otherwise of those allegations in a court of law. That difficult forensic tension falls to be addressed in this jurisdiction by the careful, rigorous and diligent application of comprehensive statutory guidance and good practice principles born out of long experience.

The gravity of the consequences of a failure to apply with rigor these clear and long-established principles when dealing with allegations of sexual abuse was set out with pellucid clarity by Wall J (as he then was) in *B v B (Child Abuse: Contact)* [1994] 2 F.L.R. 713, in which he observed that: "... by muddying the waters it frequently renders impossible the task of the Court in deciding whether or not there has been abuse. Thus, it may not be possible to make a finding against an alleged perpetrator who is in truth guilty."

The consequences of the Court reaching the wrong conclusion in respect of an allegation of child sexual abuse include a child being returned to a position of danger or, conversely, a child being deprived of a family that is, in fact, perfectly safe. In the circumstances, when determining whether sexual abuse has taken place and, if so, who is responsible for perpetrating that abuse, it is vital that the court remain acutely conscious of the forensic difficulties outlined."

4. The young person at the heart of this case, a girl, now 15 years old, alleges that she was the subject of sexual abuse by her stepfather. In this judgment, the young person's real name will not be used. This is to protect her identity. The initial 'C' will be used in place of her name.
5. The Local Authority applies to this Court for a Care Order, with the plan that 'C' remains in long term foster care. The application is made against a background of an extensive history of almost two decades of Local Authority Children's Services' involvement with the family across four different Local Authorities. In 2007, 'C's oldest sibling 'A' was removed from the care of her mother by another Local Authority. Most recently, from 2021, the Local Authority received six referrals relating to the family, which included concerns in respect of neglect, domestic violence, physical chastisement and allegations of rape made by the mother against her partner, 'SF'.
6. On 24 January 2024, 'C' made allegations of sexual abuse and rape by her mother's partner 'SF'. 'C' made the allegation initially by writing a note which she shared with school staff, reporting that she had been raped by her stepfather and that no one believed her. The alleged sexual abuse of 'C' is said to have taken place between 2021 and 2023. A Section 47 investigation was undertaken by the Local Authority and the police. 'SF' was arrested and released on bail.
7. On 7 March 2024, an incident took place between 'C' and her older sibling 'B', resulting in 'C' being arrested. 'C' was placed under police protection and was placed initially in a Local Authority foster care placement. The mother did not allow 'C' to return home, offering her consent to 'C' being accommodated under section 20 Children Act 1989. Bail conditions were put in place initially for 'C' to have no contact with her mother and her sister, 'B'. 'C' initially moved to live with her oldest sister, 'A', before moving to live with a Local Authority foster carer and then to her current carer in May 2025, where she remains under an Interim Care Order.
8. 'C's siblings, 'B', 'D' and 'E', remain living with their mother. They were the subject of a Child in Need plan until February 2026. A section 37 enquiry relating to 'B' was completed by the Local Authority, whereafter the Local Authority began separate Court proceedings relating to 'B', 'D' and 'E'. Those children are the subject of Interim Supervision Orders. The Court proceedings relating to those children run in parallel to these current proceedings.
9. In October 2024 'SF' was tried in the Crown Court on eleven counts, including allegations of rape, sexual abuse, inciting sexual activity and intentional strangulation. The complainants were 'C', 'B' and their mother. The jury returned not guilty verdicts on nine counts and 'SF' was acquitted. In respect of the remaining two counts, the jury was not able to reach a verdict. A retrial on those two counts is presently fixed for May 2027.

10. The action first came before me in May 2026. 'SF' as Intervenor, applied for 'C' and 'B' to give evidence at Final Hearing. The application by 'SF' was opposed by all other parties.
11. At a *Re W* hearing on 22 May 2026, this Court determined that neither 'C' nor 'B' should give evidence. In reaching that decision, this Court observed that 'C' had been the subject of these proceedings for a lengthy period. During that time, she had experienced multiple stressors, including repeated placement disruption, prolonged absence from mainstream education, trauma arising from the allegations of serious sexual abuse, police involvement and involvement in the criminal proceedings against 'SF'. 'C' had displayed significant emotional dysregulation, manifesting in self-harm and episodes of absconding. Both children, 'C' and 'B', participated fully in the criminal process. Each gave Achieving Best Evidence interviews to the police and each participated in pre-recorded cross-examination within the criminal proceedings in June 2025. The recordings and transcripts of that evidence are available to this Court. When determining whether 'C' or 'B' should be required to give evidence in these Family Court proceedings, this Court weighed carefully the evidential advantage that hearing directly from the children may bring to the determination of the truth and the damage that giving evidence may cause to their welfare. Having regard to the principle that a fair trial is a trial that is fair in the light of the particular issues to be determined and the context in which they arise, relevant factors for this Court included those identified in the Family Justice Council Guidelines and subsequent case law, namely the nature of the issues to which the child's evidence would relate, the quality and sufficiency of the existing evidence, the child's age, maturity, understanding and wishes, the likely impact on the child's welfare, the availability and adequacy of alternative evidential sources and the proportionality of requiring oral evidence. In reaching its decision, this Court took into consideration the principle that there is no presumption for or against a child giving evidence. The Court balanced the Article 6 rights of the Intervenor against the Article 8 rights and welfare interests of the children, with the overarching aim of securing a fair trial. The Court recognised that 'SF's Article 6 rights were plainly engaged. The allegations he faces are exceptionally serious. The consequences of adverse findings would be profound, both for him and for the children. It was also relevant that 'SF' had already been the subject of a full criminal trial and faces a retrial. The children's evidence had already been given and tested under the higher criminal standard of proof, in proceedings where rigorous cross-examination occurred. Further, this Court observed that the Family Court process is inquisitorial and routinely admits hearsay evidence. While the best evidence will often be the direct evidence of the child concerned, this Court observed that it did not follow that the absence of further oral evidence necessarily deprived the Court of the ability to reach fair and reliable findings. This Court noted that it has access to the video-recorded ABE interviews of the children, transcripts of their evidence in the criminal proceedings, their accounts to professionals and a substantial body of expert and professional evidence.
12. Against that backdrop, the Court considered carefully the likely welfare impact on both children were they to be required to give evidence again. Expert evidence by way of a psychological report from Dr Lane described 'C' as a young person who struggles to show or articulate vulnerability. Dr Lane's opinion was that forcing 'C' to give evidence would have a significant detrimental impact on her emotional wellbeing and functioning. 'C' has a history of self-harm, absconding and dysregulated behaviour. Her situation remains fragile. There was a real risk that requiring 'C' to give evidence against her wishes would retraumatise her and destabilise her placement and education, particularly in circumstances where she is not currently receiving therapeutic intervention.
13. Similar concerns arose in respect of 'B'. She too had endured the stress and trauma of the criminal investigation and trial and would face an additional emotional burden were she required to give evidence again in circumstances where she was approaching key educational milestones.

14. The Court placed weight on a *Re W* assessment undertaken by Ms Rowlands, Independent Social Worker, dated 19 January 2026. Ms Rowlands interviewed both children, assessed their developmental maturity and emotional resilience and reviewed their histories. Ms Rowlands noted that neither child wished to give evidence in these proceedings, whether with or without special measures. Both children were noted to be intelligent and articulate and able to understand the nature and seriousness of the proceedings. Both children were noted to be emotionally vulnerable. Compelling them to give evidence would carry a substantial risk of emotional harm, including destabilisation of placements and education.
15. The Court considered whether the deployment of special measures, including video-link evidence, early cross-examination, intermediaries or carefully regulated questioning could sufficiently mitigate the risk of harm. The Court determined that, while such measures can, in appropriate cases, reduce the stress associated with giving evidence, they would not eliminate the underlying emotional impact of the process itself. This Court was not satisfied that special measures would sufficiently neutralise the risk of significant harm to either child.
16. Asking itself whether the evidential gain that might be achieved by compelling the children to give further oral evidence outweighed the very real risk of harm to their welfare, in this Court's judgement, the evidential landscape was already rich and the Court was not persuaded that the absence of further oral evidence from 'C' or 'B' would materially impair this Court's ability to make fair and reliable findings. By contrast, the potential harm to the children was substantial. Noting further that an unwilling child should rarely, if ever, be compelled to give evidence, the Court concluded that neither 'C' nor 'B' should be required to give oral evidence in these Family Court proceedings. Weighing 'SF's concerns about the discrepancies in the evidence and his anxiety about the cogency and reliability of the evidence, this Court was satisfied that proceeding without requiring the children to give evidence represented a fair, proportionate, and welfare-focused balance of the competing Convention rights engaged.
17. Within the difficult and challenging forensic context identified at the outset of this judgment, this Court is concerned with a composite fact-finding and welfare Final Hearing under Part IV of the Children Act 1989, listed initially over 10 days, extended to 12 days. The Local Authority seeks findings in respect of the alleged sexual abuse of 'C' and 'B' by 'SF'. The Local Authority applies for a final Care Order for 'C'.
18. The mother supports findings being made in respect of the allegations of sexual abuse. Further, the mother asserts that she was not supported to deal with 'C's trauma responses. She has expressed a wish to be enabled to do so. The mother tells the Court that she has undertaken some work on domestic abuse, which has 'opened her eyes' to the impact of domestic abuse on her children. The mother engaged in two parenting assessments during these proceedings, which concluded negatively, in that they did not recommend that 'C' returns to her care. The mother acknowledges that she requires support on how to deal with traumatised behaviours in her children. Further, the mother seeks practical support in respect of her physical disabilities. She seeks an adult Care Act assessment to make sure that she is in receipt of support with her physical health needs, including epilepsy. The mother tells the Court that she accepts that she is not in a position currently to give 'C' the level of care and support she needs. The mother does not, at this Final Hearing, seek the immediate return of 'C' to her care, though she would like 'C' to return to her care as soon as possible. The mother tells the Court that she accepts that both she and 'C' require expert support relevant to their needs. 'C' continues to have regular, unsupervised contact with her mother and siblings in the community. Contact takes place on an informal basis.
19. The mother is a vulnerable party within the meaning of Family Procedure Rules PD 3A and 3AA. The mother has cognitive difficulties, with impairments in her working memory, long term memory, verbal comprehension and processing. She also has epilepsy, resulting in her experiencing absence or blank stare seizures. Her epilepsy medication causes drowsiness and

can cause cognitive slowing. Further, the mother experiences anxiety and depression. She has osteoarthritis which causes constant pain and discomfort, impacting on her ability to maintain concentration. Furthermore, the mother is hypersensitive to bright lights and extraneous noise, which may trigger seizures. The mother was permitted to attend each day of the Final Hearing remotely by way of appropriate adjustments. The mother attended remotely by video from Counsel's chambers, supported by her intermediary and Miss Meusz of Counsel, Miss Weston KC attending the Court building.

20. Having regard to the mother's vulnerabilities, the mother utilised the services of an intermediary throughout the Final Hearing. This Court has born closely in mind those vulnerabilities and needs throughout the course of these proceedings, both at the case management stage and during this Final Hearing.
21. Where a party to care proceedings is a vulnerable person, the Court must take, and has taken, steps to ensure that this party can participate effectively in the decisions that affect her life and to ensure that there are no barriers to justice within the proceedings themselves. In seeking to ensure that the mother, as a vulnerable party, could participate effectively in, and give evidence effectively during the proceedings, the Court has sought to give effect to FPR 2010 r1.1(2)(c), the requirement to ensure that all parties are on an equal footing and FPR 2010 Part 3A (Vulnerable Persons: Participation in Proceedings and Giving Evidence). In addition, the Court has had regard to the guidance set out in 'The Advocates' Gateway'. The vulnerable party has been provided with the services of an intermediary at Court to assist them to participate effectively in the proceedings and the Court has conducted one or more grounds rules hearings to identify the special measures and/or participation directions required to ensure the vulnerable party could give their evidence effectively.
22. The Court directed the use of a separate room linked by video link to the main courtroom, in which separate room the vulnerable party could give her evidence, in the presence of her intermediary, junior Counsel and her solicitor. The special measures adopted for the vulnerable party included the pre-preparation of sample questions in cross-examination to allow for input and guidance from the relevant intermediary. No party was given advanced notice of any question. Guidance from the intermediary on the use of language by the lawyers and the Court and regular breaks were utilised, amongst other special measures. During the hearing, the Court received regular updates from the intermediaries to ensure the continued efficacy of the special measures adopted.
23. The Court recognises the need to avoid a risk of a forensic imbalance developing between the mother, who had the benefit of special measures and those who did not. It is important that the Court acknowledges that the adoption of special measures does, of necessity, have an impact on the traditional format of the forensic court process. FPR r3A acknowledges the appropriateness of the adoption of such special measures where necessary to ensure, as far as possible, that a vulnerable party is put on an equal footing with other parties when it comes to giving complete, coherent and accurate evidence in answer to the questions put to the witness.
24. As MacDonald J observed in *Re P*, "Within this context, where special measures were adopted for a respondent or intervener giving evidence in these proceedings, they were adopted because the court had determined them to be necessary to discharge the obligations imposed upon it by FPR r 3A and PD 3AA. FPR r 3A and PD 3AA recognise that protected parties, or parties who are otherwise vulnerable, have characteristics potentially prejudicial to their participation in the judicial process that litigants who are not protected parties, or otherwise vulnerable do not. These characteristics must be acknowledged and accounted for if the protected or vulnerable party is to benefit fully from the cardinal principle of equal treatment for all before a court of law."
25. 'C's father and mother are no longer in a relationship, although they share Parental Responsibility for 'C'. Prior to the proceedings, the father had not been a part of 'C's life for some considerable time. He became involved again in March 2024. The relationship between 'C' and her father is being rebuilt through contact. He put himself forward to care for 'C' during these proceedings and engaged in two parenting assessments. Both assessments

concluded negatively, in that it was not recommended that 'C' live with her father. The father supports findings being made against 'SF'. He tells the Court that he believes the allegations made against 'SF' by 'C' and 'B'. He tells the Court that he accepts, with great sadness, that his current circumstances do not allow for 'C' to be placed in his care. He remains living in shared housing presently. He tells the Court that he supports the making of a Care Order and he firmly supports 'C' remaining in her current placement. He wishes for 'C's contact with him to remain at a frequency of fortnightly, unsupervised, for the time being. He expresses a wish for contact to develop eventually to include overnight stays, once he acquires suitable accommodation.

26. 'SF' was joined to these proceedings as an intervenor in October 2025. He and the mother have two children together, 'D' and 'E', who are the subject of separate, ongoing court proceedings. 'SF' and the mother lived together from around 2014 until 2024, when he was arrested following the allegations made by 'C', 'B' and the mother. 'SF' points to admissions made in the criminal proceedings that in 2019, the mother had fabricated an allegation against 'SF' of rape out of spite, as she believed he was cheating on her. 'SF' was permitted to attend remotely by video throughout the Final Hearing, save for when giving evidence, due to him experiencing back pain. Prior to giving oral evidence, and in addition to taking the oath, the intervenor was given a warning in the terms suggested by s 98 of the Children Act 1989 in circumstances where he faces a retrial in respect of two criminal charges.
27. 'C' is a party to these proceedings through her Children's Guardian. In respect of the Court's fact finding exercise, the Guardian adopts a position of neutrality. The Intervenor submits that the Guardian failed to maintain an appropriately open mind, approached the case on the assumption that abuse had occurred and was insufficiently independent in her analysis. The Court does not accept that criticism. Whilst the Court recognises that some of the language used by professionals throughout the history of this matter reflected a tendency to treat allegations as established facts before judicial determination, the Court is satisfied that the Guardian understood her duty to assist the court impartially.
28. The Guardian expressly told the Court that she recognises she must approach the case with 'intellectual rigour' and that the Guardian and her representative must strive to assist the Court, having regard to the general principle that the Guardian, and the solicitor instructed by the Guardian, have a proactive role to play in ensuring that a case is ready for hearing, that all the appropriate evidence has been assembled for the Guardian and the solicitor instructed to carefully to examine the factual sub-stratum of the case and to advise the Court what evidence is required to enable the Court to reach a just conclusion. The Guardian tells the Court that 'C' has a number of vulnerabilities which place her at increased risk of exploitation. The Guardian considers the most significant current risk to 'C' would arise from any disruption to the stability she has achieved or a return to circumstances where her emotional, developmental and safeguarding needs could not be consistently prioritised and met. Having considered the mother's parenting ability and 'C's welfare needs, the Guardian concludes that there is a significant gap between 'C's complex needs and her mother's current parenting capacity. 'C' has experienced a great deal of instability in the care system, with six placement moves. The relationship between 'C' and her current carer has been unsettled. On 9 May 2026, 'C' was reported missing from her placement. On 15 May 2026, her carer indicated that 'C' could not return to her care. The issue was resolved and 'C' returned to her care on 20 May 2026. The Guardian further tells the Court that 'C's wishes and feelings have evolved over the course of these proceedings. At the outset of the proceedings, 'C' expressed a strong wish to return to her mother's care. However, over the past year, 'C's position has become more settled and consistent. She has repeatedly expressed a wish to remain in her current placement until adulthood, whilst maintaining meaningful relationships with her parents and siblings. The Guardian tells the Court that she attaches significant weight to 'C's wishes, having regard to 'C's age, maturity and the consistency with which those wishes have been expressed.
29. The key issues for the Court to determine at this Final Hearing are:
 - (a) Did 'SF' sexually abuse 'C'?

- (b) Did 'SF' physically abuse 'C' on 25 December 2023 by strangling her?
 - (c) Did 'SF' sexually abuse 'B'?
 - (d) Did 'SF' and the mother physically abuse 'C' by slapping and hitting her?
 - (e) Are the s31 threshold criteria met?
 - (f) What are 'C's welfare needs and how are these best met?
30. At this Final Hearing, this Court has spent 12 days immersed in the evidence, having the unique benefit of hearing oral evidence from a series of former and current social workers, school staff, an independent psychologist, the mother, the father, 'SF' and the Guardian. This Court has had that unique advantage in the environment of the Court room of seeing and assessing each of those witnesses when giving evidence and being the subject of cross-examination. Their oral evidence has been of great importance.
31. Further, the Court has considered a very substantial quantity of material set out in six bundles of documents comprising 2,345 pages and a series of videos. At the conclusion of the evidence, the Court received comprehensive written submissions from Counsel for each party. The Court was assisted greatly throughout this Final Hearing by specialist, highly experienced advocates, who approached their task with great skill and diligence, for which this Court is particularly thankful. The Court attempts to meet the challenge, which arises in acute form in this case, of producing a judgment of manageable length. The Court has endeavoured to give its reasoned decision on those issues which the Court considers to be central, without dealing with every peripheral issue the resolution of which would not in any event impact on the outcome of the case. It is not necessary nor possible in this judgment for the Court to address each piece of evidence read or heard nor each submission made by the parties. Nevertheless, the Court has given all the evidence careful and anxious scrutiny.
32. At the conclusion of the Final Hearing on 4 August 2026, the Court reserved judgment. This written judgment is handed down on 24 August 2026.

The Relevant Law

33. The following established legal principles have each been taken into consideration and applied by this Court.
34. The burden of proving a fact is on the party asserting that fact. There is no burden on the respondent party to prove the contrary. There is no obligation on a respondent to provide, much less to prove, an alternative explanation for the allegations made. Further, where a respondent party does seek to assert and prove an alternative explanation for a given course of conduct but does not prove that alternative explanation, that failure does not, of itself, establish the Local Authority's case, which must still be proved to the requisite standard.
35. To prove the fact asserted, that fact must be established on the civil standard, that is, on the simple balance of probabilities. There is only one civil standard of proof, namely that the occurrence of the fact in issue must be proved to have been more probable than not. Neither the seriousness of the allegation nor the seriousness of the consequences makes any difference to the standard of proof to be applied in determining the facts. If the Court finds it more likely than not that something did take place, then it is treated as having taken place. If the Court finds it more likely than not that it did not take place, then it is treated as not having taken place. Where a fact is required to be proved, a 'fact in issue,' the Court must decide whether or not it happened. There is no room for a finding that it *might* have happened. The law operates a binary system. The fact either happened or it did not. If the Court is left in doubt, the doubt is resolved by a rule that one party or the other carries the burden of proof. If the party who bears the burden of proof fails to discharge it, the fact is treated as not having happened. If the party does discharge the burden of proof, it is treated as having happened.

36. Findings must be based on evidence, not suspicion or speculation. The Court must not evaluate and assess the available evidence in separate compartments. Rather, regard must be had to the relevance of each piece of evidence to other evidence and to exercise an overview of the totality of the evidence in order to come to the conclusion whether the case put forward has been made out on the balance of probabilities. If the evidence in respect of a particular finding sought is *equivocal* then the Court cannot make a finding on the balance of probabilities as neither the burden nor the standard of proof is discharged. The decision on whether the facts in issue have been proved to the requisite standard must be based on all the available evidence and should have regard to the wide context of social, emotional, ethical and moral factors. In assessing whether the evidence is sufficient to lead to a finding, it is not necessary to dispel all doubts or uncertainty. Failure to find a fact proved on the balance of probabilities does not equate, without more, to a finding that the allegation is false. An alleged fact not proven is not a fact in law. That is the effect of the binary system of proof. It is not a correct proposition of law that a rejection of evidence mandates a judge to find that something is false.
37. The evidence of a parent is of the utmost import and to this end the Court will make a clear assessment of their credibility and reliability. The Court is likely to place considerable weight on the evidence and the impression it forms of the parents. In assessing and weighing the impression which the Court forms of the parents, the 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.
38. It is common for witnesses in these cases to tell lies in the course of the investigation and the hearing. The Court must be careful to bear in mind that a witness may lie for many reasons, such as shame, misplaced loyalty, panic, fear and distress and the fact that a witness has lied about some matters does not mean that he or she has lied about everything. In cases where repeated accounts are given of events, the court must think carefully about the significance or otherwise of any reported discrepancies. They may arise for a number of reasons. One possibility is that they are lies designed to hide culpability. Another is that they are lies told for other reasons. Further possibilities include faulty recollection or confusion at times of stress or when the importance of accuracy is not fully appreciated, or there may be inaccuracy or mistake in the record-keeping or recollection of the person hearing and relaying the account. The possible effects of delay and repeated questioning upon memory should also be considered, as should the effect on one person of hearing accounts given by others. As memory fades, a desire to iron out wrinkles may not be unnatural may occur without any necessary inference of bad faith.
39. The court must acknowledge and carefully analyse material where there are numerous and substantial deviations from good or acceptable practice in ABE interviews or other procedures adopted for interviewing children and must consider whether or not flaws in the ABE process are so fundamental as to render the resulting interviews wholly unreliable.
40. A Court considering the hearsay evidence of a child must consider what the child has said, the circumstances in which it was said and the circumstances in which any alleged abuse might have occurred.
41. Practice Direction 12J to the Family Procedure Rules provides a reminder that domestic abuse is harmful to children, and/or puts children at risk of harm, including where they are victims of domestic abuse, for example, by witnessing one of their parents being violent or abusive to the other parent, or living in a home in which domestic abuse is perpetrated (even if the child is too young to be conscious of the behaviour). Children may suffer direct physical, psychological and/or emotional harm from living with and being victims of domestic abuse and may also suffer harm indirectly where the domestic abuse impairs the parenting capacity of either or both of their parents. Domestic abuse can inflict lasting trauma on victims and

their extended families, especially children and young people who either witness the abuse or are aware of it having occurred. Domestic abuse is rarely a one-off incident and it is the cumulative and interlinked physical, psychological, sexual, emotional or financial abuse that has a particularly damaging effect on the victims and those around them.

42. In any application for a Care Order, the Court must apply section 31, Children Act 1989. Section 31(2) provides that a Court may only make a Care Order if it is satisfied that the child concerned is suffering or is likely to suffer significant harm and that the harm or likelihood of harm is attributable to the care given to the child or likely to be given to the child if the Order were not made, not being what it would be reasonable to expect a parent to give. These provisions are commonly called the threshold criteria.
43. The Children Act 1989 provides a framework within which the Court assesses whether a child has suffered or is likely to suffer 'significant harm' for the purposes of the threshold for intervention and 'harm' for the purposes of the welfare assessment. Under section 31(9) Children Act 1989 "harm" is defined as meaning ill-treatment or the impairment of health or development including, for example, impairment suffered from seeing or hearing the ill-treatment of another; "development" means physical, intellectual, emotional, social or behavioural development; "health" means physical or mental health; and "ill-treatment" includes sexual abuse and forms of ill-treatment which are not physical.
44. If satisfied that the threshold criteria are established, the Court must proceed to consider section 1, Children Act 1989. At this second stage, the welfare of the child is the Court's paramount consideration.
45. Under s1(3) Children Act 1989, where the Court is considering whether to make an Order under Part IV Children Act 1989, the court shall have regard in particular to:
 - (a) the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding);
 - (b) his physical, emotional and educational needs;
 - (c) the likely effect on him of any change in his circumstances;
 - (d) his age, sex, background and any characteristics of his which the court considers relevant;
 - (e) any harm which he has suffered or is at risk of suffering;
 - (f) how capable each of his parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting his needs;
 - (g) the range of powers available to the court under this Act in the proceedings in question.
46. The Court must undertake a balancing exercise in which each option is evaluated to the degree of detail necessary to analyse and weigh its own internal positives and negatives and each option is then compared, side by side, against the competing option or options. Within this context, in determining which of the competing options in respect of the child's care is in their best interests, having identified the child's welfare needs, it is then necessary to undertake an evaluation of each of the options available for the child's future upbringing before deciding which of those options best discharges the duty to afford paramount consideration the child's welfare, having regard to the principle of proportionality under Article 8 Human Rights Act 1998, which gives effect to the rights set out in the European Convention on Human Rights. Under Article 8, everyone has the right to respect for private and family life, home and correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society. These rights must be balanced. Any interference with the right to private and family life must

be a necessary interference and must be proportionate, having regard to the risks. There is a need to ensure that this is a proportionate response to the harm identified. The Court must be satisfied that there is no practical way of the authorities providing requisite assistance and support. The Court should begin with a preference for the less interventionist rather than the more interventionist approach. This should be considered to be in the better interests of the children unless there are cogent reasons to the contrary.

Threshold

47. There have been several iterations of the Local Authority's pleaded case in respect of threshold. The Local Authority asserts that the relevant date is 14 June 2024 when care proceedings were issued. The Local Authority asserts that at the relevant date, the child 'C' was suffering and was likely to suffer significant harm, in the form of physical harm, emotional harm and neglect and that the harm or likelihood of harm is attributable to the care given to the child, not being what it would be reasonable to expect a parent to give.

48. In its revised final threshold statement dated 2 July 2026, the Local Authority seeks the following findings in support of the assertion that the s. 31 threshold is crossed. The Court adopts the same paragraph numbering as the Local Authority for ease of reference:

2. At the material time 'C' had suffered significant physical, psychological and emotional harm as a result of physical and sexual assaults by 'SF'.
3. The Local Authority relies on the facts and matters set out below to establish the threshold is met:
 - a. Until January 2024 'C' lived with her mother, her three siblings and her stepfather, 'SF'.
 - b. 'C' was sexually and physically assaulted and raped by 'SF' namely:

[The Court proceeded to set out the specific allegations of sexual abuse as pleaded by the Local Authority in its threshold statement at subparagraphs (1) to (13)]

(14) On 25 December 2023 'SF' intentionally strangled 'C';

(15) This incident occurred during the Christmas dinner when 'C' accidentally dropped a knife and picked it up. 'C' went to fetch another knife in the kitchen, 'SF' followed her into the kitchen, made a big noise and then approached 'C', put one hand around her throat and strangled her for approximately one and a half minutes;

(16) 'C' was regularly slapped and hit by mother and occasionally hit by 'SF' mainly for not doing her chores.

- c. In addition as pleaded at paragraph (16)... 'C' was physically chastised by her mother who would regularly slap her and occasionally by 'SF'.
- d. ...
- e. The sexual assault and physical assaults pleaded will have caused 'C' significant physical, sexual, psychological and emotional harm and upset.

Further or in the alternative 'C' has suffered significant physical, psychological and emotional harm either as a result of the abuse that was perpetrated on her by 'SF' or by her experience of care or by her being beyond the control of her parent as follows:

- f. On 28 February mother took 'C' to the GP after she had self-harmed.

- g. Police were called, 'C' was arrested and initially there were bail conditions affecting 'C' which were later withdrawn.
 - h. On 27 March 2024 'C' went missing with two other young people. They attended the house where a female associate was present threatening to stab and kill her.
 - i. On 28 March 2024 'C' and other young people 'jumped' a train to Manchester, evading payment of the rail fare.
 - j. Police took 'C' to an address in Manchester.
 - k. In mid-April 2024 'C' was reported missing and picked up by police. She was made subject to police protection.
 - l. On 19 April 2024 'C' attended her mother's home attempting to kick the door and pushed lighted paper through the letterbox.
 - m. On or about 25 April 2024 'C' brought a cigarette lighter to school and used it to set fire to school property.
 - n. 'C' has been exposed to a likelihood of contextual safeguarding risk and harm in the community when she has gone missing as pleaded above.
 - o. 'C' has suffered physical harm as a result of self-harming behaviour as pleaded above and has suffered emotional harm and upset connected to her self-harming.
49. The Court has scrutinised with great care the history of the allegations, including the circumstances in which allegations were made to school staff in January 2024 by 'C', an initial outright denial by 'B' to social workers that she or 'C' had been abused and 'B's subsequent allegations of abuse, made in the context of her accompanying the mother to the police station, where both asserted sexual abuse. The Court has also taken into consideration the involvement of the Lighthouse as relevant. Further, the status of 'SF' in the household as the parental figure who was responsible for maintaining boundaries for behaviour by the children is a relevant factor.
50. In considering the disputed allegations, the Court has considered the background facts which are not disputed. The mother and 'SF' first met in 2003. In 2009, the mother met the children's father. The children 'B' and 'C' were born to the mother and father thereafter. The mother alleged in 2014 that the father was violent to her. Later in 2014, the mother and 'SF' regained contact and entered into a relationship. 'SF' moved to her property later that year and they cohabited. The children 'D' and 'E' were born in the following years. In 2020, the children were home schooled as a consequence of the Covid pandemic. The younger children, 'D' and 'E' remained homeschooled.
51. It is not in dispute that on 23 February 2023 'C' cut herself on the inside of her wrist with a compass. This is the first record of her self-harming. On 28 February 2023 'C' reported not wanting to return home after school. She reported to the Social Worker, Ms K, that her mother and 'SF' hit or slap her regularly. 'C' also alleged that on 25 December 2022 'SF' strangled her after she had left a bread knife on a counter. She asserted that 'B' was also hit but not as often as 'C' is hit, as 'B' is older. 'C' asserted that 'SF' often shouts at all the children and at their mother. On 28 February 2023, 'C' was placed with her maternal aunt, as she did not want to return home.
52. A joint section 47 investigation was undertaken with the Local Authority and the police. It was recorded that 'SF' admitted using his hands to smack the children when they were younger. He denied physically chastising them when they were older. It was recorded that 'SF' accepted putting his hands around 'C's neck at Christmas. He asserted that he was

teaching her about self-defence. He asserted that occasionally he would play fight with the children. The mother is recorded as saying that she would never use physical chastisement but that she confiscates the children's devices as a punishment. The younger children did not allege any physical chastisement but said that sometimes 'SF' shouts at them. They are recorded as having said this was 'ok' as he, 'SF', wanted them to learn.

53. In March 2023, the maternal aunt indicated that she was no longer able to offer to care for 'C'. 'C' returned to the family home on 3 March 2023. On 10 March 2023, 'C's GP made a referral to CAMHS. In April 2023, the Local Authority completed a Child and Family Assessment. The children were placed on a Child In Need plan. On 25 May 2023, the mother withdrew her consent to the Child In Need plan.

54. In a letter dated 22 November 2023, 'C' wrote the following:

"School makes me feel sick like the teachers and some people I don't really talk to they come up to me and it just feels uncomfortable and also because of family and at home things happen and what happened from 2021 to now and last Christmas [sic] all with my...and I keep getting sharp pain in my tummy when I'm sleeping to I'm up all night and I walk around the house sometime or I talk to my cousin so I can ignore the pain because it feels like there is something moving inside of y tummy and I didn't come in because of my uncles funeral its because I couldn't get out of bed so like I was up and down sometimes to do stuff in the house and I went back to bed and when the three weeks I wasn't in was done my mum called my step dad and he was shouting and saying I need to get up and go to school so on Monday I didn't get up and my mum shouted at me so I can in late yesterday and today because I'm only getting 2 hours of sleep every night because of the pain and I don't know what's wrong and I don't want to tell my parents because they will take me to the doctors and I don't like going to doctors so I'm just having to deal with the pain and getting 3 hours of sleep every night and because I haven't been eating much and going to school to see people it just make me feel like throwing up and I don't like it...please don't tell my parents I said this."

55. On 24 January 2024, 'C' made an allegation that 'SF' had sexually abused her. 'C' asserted that the sexual abuse has happened over 2 years. The report was made by 'C' to a member of staff at her school by passing the staff member a written note. 'C' wrote:

"my step dad rapes me and no one believes me"

56. A joint section 47 investigation was carried out by the Local Authority and the police. During that investigation, the Designated Safeguarding Lead from 'C's school, Ms J, produced a handwritten letter said to have been written by 'C' two months previously in November 2023, which the Local Authority assert had not been shared with the Local Authority by the school previously. The letter records:

"So I told you when he did it and how old I was and some of what he did and then there was this one time when we went to a party and me and my Mum and ['B'] and my little brother and sister came home ['P', 'SF's nickname] stayed to help clean up and when he came home it was like 5 in the morning I think he came up stairs and he woke me up ['B'] was still asleep and then he held my hand because obviously I was still half asleep we went in the living room where he always does it then he put me on the bed and he did it to me then when it was morning everyone was awake he woke me up said why are you down here (as if he didn't bring me down and he was like oh (btw this was in 2022) and then the last time he did it was 2023 and it was when I was lying down on the bed in the living room because I always lie there when I'm tired and he did it again when everyone went up stairs and that was the last time he did it and he said don't tell anyone keep it between me and him then after that about two months later I started to feel pain in my stomach and I also felt on Wednesday in class it hurt like crazy I had to go to the toilet and stuff"

57. 'C' informed the Social Worker that the abuse took place in 2020-2021, during the COVID period. 'C' stated that it occurred in the living room, approximately once each week. She described the layout of the home to be a three-bedroom property and that all three bedrooms are upstairs. However, 'SF' had been sleeping in the living room for the last three years.
58. 'SF' was arrested on 24 January 2024. He was then released on bail with conditions not to return to the family home and not to have contact with the children.
59. On 7 March 2024 a fight took place between 'C' and 'B' in the family home. 'C' was arrested. 'C' spent one night in police custody before being placed in temporary Local Authority accommodation with foster carers, the mother offering her consent to voluntary accommodation under section 20, Children Act 1989.
60. On 25 and 27 March 2024, 'C' went missing from foster care. It is recorded that 'C' was with two other young people and threats were made to kill a third young person. 'C' was returned to her foster care placement by police.
61. On 28 March 2024, 'C' and two other young people travelled by train to Manchester. They were reported to be carrying knives.
62. On 9 April 2024, 'SF's bail conditions were removed. He returned to the family home.
63. On 17 April 2024, the police informed 'C' that the investigation into her allegations against 'SF' was closed.
64. On 18 April 2024, 'C' was reported missing. It was noted by the school that 'C' had been carrying a lighter around.
65. On 19 April 2024, the mother reported that 'C' had attempted to kick down the door of the family home and was putting lit paper through the letter box. On the same day, 'C's foster care placement broke down. 'C' was subsequently investigated by the police for arson. 'C's father took her to the address of her adult maternal half-sister, 'A' in Manchester. That placement broke down on 3 May 2024. 'C' moved to the care of her current carer, where she remains.
66. The Local Authority issued these Court proceedings on 14 June 2024.
67. On 6 January 2025, the mother made allegations to the Local Authority that she has been sexually abused by 'SF' and that she had been the subject of verbal abuse from him. The mother and children were placed in temporary accommodation in a hotel.
68. On 7 January 2025, the mother, 'B' and 'C' gave video recorded interviews to the police.
69. On 9 January 2025, 'SF' was arrested and interviewed by the police. He was charged on 10 January 2025. He was tried in the Crown Court on 3 October 2025.
70. In the criminal proceedings in the Crown Court, the following agreed facts were recorded:
 1. From 25 January 2024, 'SF' was on police bail with a condition not to live at the family home. This condition was not lifted until April 2024;
 2. Through the period of February-April 2024, police officers made several attempts to obtain a video recorded interview of 'C' with regard to the allegations she had made. She declined to be interviewed;
 3. On 14 February 2019, the mother was spoken to by police officers. She alleged that in December 2018 she and 'SF' [...redacted]";

4. On 26 February 2019, the mother told police that she wished to drop the allegations. Repeated attempts were made to arrange for her to be interviewed with regard to the allegations but she declined;
 5. Police records indicate that the mother later stated that she had made her allegations out of spite as 'SF' was cheating on her;
 6. On 13 March 2024, 'B' spoke to a Social Worker, Ms R. It was noted that 'B' denied that there was any form of sexual abuse in her home;
 7. On 19 March 2024, the Social Worker, Ms R, noted that 'C' stated that she had told 'B' about the alleged abuse 2 years previously;
 8. The records of the Social Worker and the police refer to 'C' complaining of having been strangled on Christmas Day 2022. There is no record of her complaining of being strangled on Christmas Day 2023;
 9. 'SF' has a caution for a minor public order offence in 2003 and possession of cannabis is 2011. He has no previous convictions.
71. Dealing first with the evidence of the mother, the Court expressly acknowledges and recognises the need to avoid a risk of a forensic imbalance developing between the mother, who had the benefit of special measures, and those who did not. The Court has been rigorous in accommodating the mother, including by adjourning her evidence part heard on more than one occasion, due to the mother appearing to show signs of hypo-arousal and absence seizures at various points on days 6, 9 and 10 of this Final Hearing, including when giving evidence, necessitating more frequent breaks, rest and recovery time. When the mother experienced these episodes, she did not respond to prompts from the intermediary. She experienced absences and it was observed that her eyes would roll to the back of her head. On each occasion, the Court stood the matter down. Medical assistance was obtained for her on day 6 and the case was adjourned overnight. On day 9, the Court suspended the mother's oral evidence and, with the helpful agreement of all parties, interposed evidence of another party, the father. On day 10, which was listed as the final day of the Final Hearing, within twenty minutes of the mother resuming her oral evidence, her situation deteriorated. Her presentation was noted to be worse than the previous day, when paramedics had attended. She was not able to respond to any questions about whether she was able to continue her evidence. The Court was told that she was not aware, on questioning, of where she was or who counsel or the first aider were.
72. The experienced intermediary told the Court of her observations, with the caveat that she is not medically trained, that in her experience, the mother is one of most complex vulnerable people she has worked with. The intermediary expressed a view to the Court that the mother appeared to go into a state of absence and at those times, the intermediary was concerned that the mother could not communicate properly and was not able to process what was being said nor respond cognitively. The mother needed time to come out of the suspected seizure before proceeding with any interaction. The intermediary told Court of her opinion that she that she could not see any way in which the mother could be enabled to further participate properly with live evidence. Consequently, Ms Weston KC applied for the mother to no longer give evidence and for there be no further attempts to cross-examine her.
73. The intervenor opposed that application. Ms King KC, who represents the intervenor, against whom significant allegations have been made, had by then completed some cross-examination of the mother. The Court was informed that Miss King had further proposed cross-examination relating to one topic. Ms Connell for the Guardian had not undertaken and cross-examination and there had been no opportunity for re-examination by Ms Weston KC.
74. The Court had before it no medical evidence or expert evidence specific to the issue of the mother's seizures. As Ms King KC observed, the participation directions the Court had put in place for the mother were exceptional.

75. The Court observed that if an important witness, *a fortiori*, if they are a party, is prevented by reason of vulnerability from giving evidence reliably, where the evidence is directly and seriously material and an injustice would be caused if that witness or party did not conclude their evidence, there is usually a good argument in favour of adjournment. The Court must be satisfied there would not be an injustice done to the other parties, which cannot be mitigated. The Court's overriding duty is to ensure a fair trial under Article 6 Human Rights Act 1998. Where the consequences of a decision to abandon live evidence of a witness or party are significant, the Court must be particularly careful not to cause an injustice to the parties and to ensure the result of the order is not to defeat the rights of the parties altogether. A litigant whose presence is needed for the fair trial of a case but who is unable to be present through no fault of their own, will usually be granted an adjournment granted, however inconvenient it may be to the Court or the other parties. All parties have the right to fair trial. Article 6 demands nothing else. However, the Court is entitled to be satisfied that the inability of the litigant to give evidence is genuine. The decision of the Court is discretionary and each case is fact sensitive. The governing principle is fairness.
76. The Court took into consideration the stage the case had reached in the evidence, the importance of the witness, the nature of the vulnerability, the impact of them continuing their evidence, the availability of alternative measures and the prejudice to the parties. In this case, on all the evidence, the Court concluded that the mother was no longer able to give evidence on day 10 of the Final Hearing, without it having a real impact on her health. The Court recognised that the Intervenor is a person against whom significant allegations have been made. He would face the greatest jeopardy if the mother's evidence was abandoned entirely. The mother had already given lengthy evidence. Much of her evidence had already been completed. The remaining proposed cross-examination was relatively short but would cover important topics. The mother's evidence was reasonably necessary to assist the Court. It was potentially central evidence, not peripheral. Credibility was a key issue. The Court recognised that the more incomplete the process, the greater the risk that reliance on the evidence will be unfair. The Court considered whether there was a reasonable prospect that the mother would be able to participate in an adjourned hearing at a specific, reasonable future date, without the same occurring. The Court had already put in place frequent breaks, reduced sitting time and all necessary adjustments for the mother's vulnerability. The Court had explored all reasonable adjustments and alternative methods of receiving the mother's evidence. No feasible alternatives could be implemented to ensure the mother could participate effectively on the final timetabled day of the Final Hearing. The Court determined that while the Final Hearing could not conclude on day 10, being 24 July 2026, there should be an opportunity to conclude the evidence at an adjourned Final Hearing, time limiting further evidence of the mother to enable her to complete her evidence and for the Court to hear evidence from the Guardian. With the exceptional assistance of the advocates, two additional days were identified on 3 and 4 August 2026. The Court is especially grateful to Ms King KC who attended notwithstanding pre-booked annual leave, to ensure her cross-examination of the mother could conclude.
77. Having regard to the mother's evidence generally, the Court takes into consideration her clear and complex vulnerabilities. The mother's cognitive functioning was assessed by Dr Hunkin as being 'mildly impaired'. The mother has not been assessed as having a learning disability. The Court notes that the mother gave a full police interview on 07 January 2025 of almost 90 minutes duration, without a break. In the criminal proceedings against 'SF', the mother gave oral evidence and responded to cross examination with apparent fluidity, without the benefit of an intermediary.
78. In these Family Court proceedings, there were clear aspects of the mother's evidence that were problematic. At times, her evidence was inconsistent and contradictory.

79. In respect of the assertion that she had physically abused the children, the mother had initially denied the Local Authority's allegation, expressly denying that she had ever smacked or hit 'C'. On day 8 of the Final Hearing, after hearing the evidence of the witness Mr O, the mother applied for permission to adduce a further statement to the Court. In that statement, the mother told the Court, "I want the court to know that there have been occasions when I have slapped ['C']. ['SF'] told me I had to do this. It was not something that I wanted to do and I am deeply ashamed of my actions. I have been too ashamed and frightened to admit this earlier. I find it difficult to explain why I obeyed him when I did not agree with it and would not do so myself. I have tried to explain the effect ['SF'] had on our family. I knew he would turn violent on me and beat me. ['SF'] believed in very harsh parenting like he had and he insisted I adopt his methods. That meant I should slap ['C'] if she was disobedient. I feared if I did not do it he would punish her worse. He put me and the children through so much and now I can see that I was not strong enough in the situation and let my children down. As with many things I just could not stand up to him at the time. ['SF'] took a wooden stick and wrote the words 'mums beating stick' on it. This was not something I agreed with and I did not hit ['C'] with the stick."
80. The mother added in her statement, that after Mr O. gave his evidence, "I effectively broke down and I was able to open up about this. It has been very hard to accept and I regret not being more open before but once I denied it was very hard to have the courage to explain." In oral evidence, the mother added, "When [Mr O] from school did his statement [meaning, when he gave oral evidence] I were very emotional...I thought I had to tell the truth and come and tell you that."
81. In her evidence-in-chief, the mother told the Court that her written statement and the admission of physical abuse of 'C' was true. She reiterated that 'SF', "forced me. He had a stick. He put my name on it to hit my child...when [Mr O.] gave evidence, I broke down and thought I would come out with the truth." The mother reiterated during cross-examination by Mr Coutts for the Local Authority that she slapped 'C'. Thereafter, under cross-examination by Ms King KC, when asked whether she had physically chastised the children, the mother told the Court, "I didn't touch none of them, I didn't." The mother told the Court that the children were not telling the truth regarding the allegations that they were hit by her. The mother proceeded to tell the Court, "The stick, he made me and put my name on it to beat my kids...I was upset what ['SF'] made me have to do...he put 'mummy's beating stick' on it cos he wanted the upper hand in the house." The mother proceeded to deny that she had assaulted any of the children with the 'beating stick'. Further, she expressly told the Court, "I didn't slap ['C']." She was referred to her written statement, filed the previous day, when she recorded that there had been occasions when she slapped 'C'. The mother responded in oral evidence, "I didn't slap ['C']." She told the Court that 'C' and 'B' were lying and that the allegations 'C' had made about being slapped by her mother were, "not true...I don't slap her."
82. There were other aspects of the mother's account that were problematic. The mother told the Court for the first time in oral evidence of an account given to her by 'B' of abuse, that 'B' had claimed her breast had been touched by 'SF' and that he made 'B' watch porn. Those matters appear not to have been mentioned at any time previously during her police interview, her evidence during the criminal trial nor in any of her written statements to this Court.
83. Further, the mother's evidence regarding her assertion that she had been prevented by 'SF' from keeping in contact with her family was problematic. In oral evidence, the mother accepted that there were frequent times when she visited her family. The mother also accepted in oral evidence that she had obtained an injunction against her sister, after that sister attacked her in her home. Moreover, whereas the mother had claimed that she was subject to financial control by 'SF' and that he held her bank cards, in oral evidence she told the Court that 'SF' had "one" of her bank cards. She accepted that she had access to online banking.

84. In respect of the allegation that 'SF' had choked 'C', the mother had previously denied witnessing such incident. In her written response to the Local Authority's schedule of allegations, the mother recorded that she, "does not have any recollection of this incident." In oral evidence, she told this Court that she had directly witnessed 'SF' trying to strangle 'C'. When asked if she was lying to the Court about seeing 'SF' strangle 'C', the mother responded, "I don't know." Pressed further under cross-examination by Ms Connell for the Guardian, the mother told the Court that she witnessed 'SF' strangle 'C', "in the kitchen." She proceeded to tell the Court, "I remember it was at the same time as the knife incident...The knife was on the side, the kitchen surface side or the table. He said [to 'C'], you shouldn't leave it there and he was shouting at her and she ended up dropping it..."["SF"] put his arms around her neck...He wouldn't stop. I was trying to stop him. It was hard seeing that...my child...seeing him do similar things to his bigger children in my house in the living room...its frightening seeing him do that."
85. Taking full account of the mother's vulnerabilities, her evidence was at times difficult to follow. The inconsistencies in her evidence must be approached with considerable caution. Not every discrepancy is indicative of dishonesty.
86. Equally, the mother's evidence should not be rejected wholesale. There were significant aspects of her evidence which appeared genuine and which were supported by other evidence. Most notably, the mother readily accepted matters adverse to her own interests, including that she had failed to believe 'C' when the allegations first emerged. The Court is inclined to accept her written evidence, filed part way through the Final Hearing, where she accepted having slapped 'C' on occasions, despite having historically denied physical chastisement. That admission was made in a written statement, after a period of reflection on the evidence from another witness, Mr O, and where the mother had time to carefully consider her evidence, outside the pressures of the witness box. The mother confirmed under cross-examination from the Local Authority her admission of slapping 'C'. Those admissions were contrary to her litigation interest and were consistent with the evidence of the children. Her later retraction of that admission may be explained by her feeling under pressure through cross-examination, notwithstanding that cross-examination being wholly proper and fair.
87. There were other aspects of her evidence where the mother's evidence was more consistent. Her evidence regarding 'SF' being a disciplinarian and creating an atmosphere in the home and a controlling presence had a quality of lived experience which was persuasive. The mother told the Court that 'SF', "shouted a lot...he has a loud voice...he'd boss everybody about...he would discipline them [the children]...he'd end up shouting at them," adding that he would shout at her and the children. The mother added, "He would make them stand with books on their heads and one leg up in the air for punishment. When we moved...the punishment he did was worse...it was never with his two younger ones, always with my ones ['B' and 'C']...he was shouting at them. It was just a constant, like, to me, living in that house was a nightmare...I couldn't stand it there...it was awful, it really was." There were elements of that account that were reflected in contemporaneous records and in the evidence of others.
88. Further, the mother gave evidence of 'SF' preventing the mother from speaking to the children's school, telling the Court, "He would always speak to them, stopping me speaking to them. It was mostly him speaking to them."
89. Furthermore, the mother's evidence concerning the disposal by 'SF' of a mattress and towel and the significance she came to attach to those events, offered as an explanation as to the point at which she began to reassess her disbelief about the allegations of abuse, was compelling. The mother told the Court that when 'C' first made her allegations of sexual abuse by 'SF' the mother did not believe 'C'. She told the Court that 'SF' convinced her that 'C's allegations were false, telling the Court, "He said, she's making things up. I would never touch

or harm her.” She told the Court there came a time when she believed ‘C’ about those allegations, telling the Court that ‘SF’, “did get mad at me for not throwing the mattress out...the way he was reacting towards me. There was nothing wrong with the mattress. He threw it out. He just kept telling me he must throw it out. He was quite mad at me that I didn’t throw it out. There was nothing wrong with the mattress in the first place...he wanted to get rid of the mattress and the towel...it was when he got bailed. He was mad at me.”

90. The Court’s overall conclusion is that the mother was neither an entirely reliable nor an entirely unreliable witness. The Court has taken fully into account the mother’s admitted false allegation made in 2019. It is plainly relevant to her credibility. However, the Court reminds itself that a demonstrated lie on one occasion does not establish that all later allegations are false. The weight the Court attaches to that incident is significant but not determinative. The Court evaluates the present allegations independently and by reference to the entirety of the evidence. On careful scrutiny, there are important parts of the mother’s evidence that are capable of acceptance. In reaching that conclusion, the Court reminds itself that a witness may be unreliable on some matters and reliable on others. The Court does not approach the mother’s evidence on an all-or-nothing basis. Rather, the Court has assessed each aspect separately against contemporaneous records, inherent probability and supporting evidence from other witnesses.
91. Turning to the evidence of the Intervenor, he sought to present himself as a devoted father figure, long-term carer and responsible adult who became the victim of a flawed investigation and false allegations. It is clear that he has played a significant role in the children’s lives.
92. A number of features of ‘SF’’s evidence gave cause for concern. There were repeated occasions where his explanations altered significantly over time. His accounts of the strangulation allegation developed markedly. ‘C’ had been consistent in maintaining the allegation that ‘SF’ put his hands around her neck at Christmas. On one occasion she said this happened at Christmas 2023. All other evidence points to the incident happening at Christmas 2022. ‘SF’ initially denied entirely that any such incident took place. He then accepted that there was an occasion when he put ‘C’’s head in his arm in a ‘chokehold’ to teach her about self-defence. Separately he suggested that the incident took place during playfighting. These explanations are difficult to reconcile. In his evidence-in-chief, he told the Court, “I deny all the allegations made against me. They’re not true.” When asked specifically about the allegation of strangling ‘C’, ‘SF’ gave an entirely different account. He told the Court, “I did not strangle [‘C’]. I was in the living room...I heard [the mother] scream at [‘C’]. I left it. I heard [the mother] scream again. I looked inside the kitchen. [‘C’] was standing. [The mother] was sitting. [‘C’] had her back to her mother and was not listening. I held the back of [‘C’]’s head and turned her head and I said, ‘pay attention to your mother when she talks to you’ and I left the kitchen.” ‘SF’ proceeded to tell the Court, “I teach the children how to defend themselves. I taught them the neck hold, if someone holds you in the neck, how to get out. At various times I would go over it and give them pointers.” In further cross-examination, ‘SF’ was asked why he would demonstrate a chokehold on a child. He told the Court, “They asked. They watch wrestling, UFC.”
93. ‘SF’’s evidence regarding physical chastisement was similarly inconsistent. Initially, ‘SF’ denied chastisement of the children. When challenged, he made limited concessions. In evidence-in-chief, ‘SF’ told the Court, “I’ve slapped all my children. I was told by Social Services when I first encountered them, about slapping and that it was not warranted. I had no knowledge before. After that, I never laid a hand on a child. I only slapped them when they were younger.” He proceeded to the Court, “I slapped [‘B’ and ‘C’] years ago.” When the inconsistency in his evidence was put to him, ‘SF’ told the Court, “When I was first asked about chastisement, I denied it because I did not understand the term.” ‘SF’ proceeded to tell the Court, “I would say one occasion, they got hit with slipper,” adding, “Slapping was never

a term I would use...when I grew up, we got beaten. I never used any weapon or instrument to beat a child with.”

94. ‘SF’ accepted that he had previously threatened to punch the children, adding, “our vocabulary is not to everyone’s comfort...I said to [the child ‘D’], stop your cries or I’ll punch you in the mouth...we banter.” ‘SF’ accepted also telling the children he would punch them in the jaw and ‘box them in the head’, telling the Court, “This was cultural slang...terms that we use to indicate we are not happy with what is being said to another person.”
95. ‘SF’ accepted that he would shout in the household, adding, “I’m a loud person...I will shout...I will raise my voice to get attention...I don’t need to raise my voice as long as I’ve got their attention...I can be firm...They do not tend to go overboard with me.”
96. Regarding an incident at hospital, ‘SF’ accepted being aggressive, telling the Court, “I lost my temper...I became aggressive when they said they’d make a referral to [the Local Authority]...I might seem a bit defiant in my demeanour. You might describe me as aggressive. I’m dealing with my children. I’m a dedicated, passionate father,” adding, “My delivery being aggressive? Another person may term it differently.” ‘SF’ told the Court that he would describe himself as, “loud, explosive, impatient but tolerant.” When asked to explain the description of himself as “explosive” he told the Court, “I could be playing music. I’m going to get excited, scream, jump up and down. I’m loud,” adding, “My kids are not scared of me.” ‘SF’ accepted that the children had asked him not to shout. He told the Court, “That does not mean they’re scared, frightened or intimidated.”
97. ‘SF’ was questioned at length regarding evidence of him having disposed of the mattress on which it is alleged he abused ‘C’ and ‘B’ and having disposed of the towel it is alleged he used immediately after abusing ‘B’. ‘SF’ accepted that at the material time, the living arrangements in the property involved him sleeping on a mattress in the downstairs living area, while the mother and children had bedrooms upstairs. ‘SF’ told the Court that, following his arrest, he was bailed on condition that he did not return to the property. Following his bail restrictions being removed, he then returned to the property, telling the Court, “I got rid of the mattress and my clothes and a dining chair...because the house smelled foul. I was embarrassed to be in the house...they smelled of mildew and damp...the mattress smelled of mildew. I took everything I was disgusted with and threw it away...I threw away everything...the house was in a state. I came home, tidied the whole house. I got rid of things that were dirty and unclean and destroyed them.” ‘SF’ added, “I don’t remember a towel in that pile.” Having stated that he did not remember disposing of a towel, he proceeded to tell the Court definitively, “I did not get rid of any towel.”
98. ‘SF’ proceeded to tell the Court, “I cut the mattress up and I broke the chair because there was a communal refuge downstairs.” He proceeded to tell the Court that the communal refuge area is used by drug users, adding, “I am superstitious. I did not want other people to use it [the chair and mattress]. Me and my son smashed the mattress.” ‘SF’ added that after cutting up the mattress he, “put it down the chute into the communal area for the bins.” He later described in cross-examination taking the mattress downstairs to the communal designated area, explaining the process in the accommodation for disposing of ‘bulky items.’ The inconsistency in his evidence regarding his description of placing the items in a disposal chute and his later description of taking the items to the designated disposal area was put to him. ‘SF’ replied, “When I said ‘chute’...there is no chute system in the block. ‘Chute’ was an incorrect term. There is not a chute in the flat. Sometimes my mouth might say a word slip.” The Court does not regard disposal of the mattress as evidence capable, of itself, of proving abuse. Its significance lies in the inconsistent explanations given regarding its disposal and the impact that inconsistency has upon the assessment of credibility.

99. 'SF' accepted that a previous partner had made an allegation of rape against him more than six years ago, which did not result in conviction. 'SF' also accepted that a former partner had made an allegation against him of physical abuse of a child, adding, "It did not meet the evidential threshold."
100. In this Court's judgement, the evidence of 'SF' was unsatisfactory in many core areas. He was frequently evasive when confronted with inconvenient propositions. Rather than answering directly, he often sought to reframe questions, challenge language or provide lengthy explanations that obscured rather than clarified the issue. He sought to minimise his behaviour. His evidence concerning the disposal of the mattress was plainly inconsistent and lacked credibility. His differing explanations adversely affect this Court's assessment of his general reliability as a witness of truth. His assertion that the children and the mother sought to concoct a narrative against him was not borne out by the facts.
101. This Court has taken great care before deciding that an obviously unsatisfactory explanation provided and pursued by a respondent to an allegation, or the failure to provide and pursue an explanation for a given allegation, is evidence of culpability. A blameless person may cast around for all manner of explanations simply as a means of seeking to understand the situation in which they find themselves but in respect of which they have no culpable knowledge. Likewise, the failure by a person to provide any explanation at all may be indicative of culpability where the situation in question would ordinarily admit of one, but it may also be indicative of no more than bare ignorance borne out of innocence. The burden is not upon him to prove innocence and the Court expressly notes once more that the burden of proof should not be reversed. Nevertheless, when assessing all the competing accounts, taking all matters together, having observed his evidence over a substantial period, the Court considers 'SF's evidence on the disputed allegations to be unreliable on the central issues, where it conflicts with the evidence of the children and the surrounding material.
102. Further, the Court has taken careful account of 'SF's acquittal in the criminal proceedings and the outstanding retrial on the remaining counts. It is axiomatic that the criminal proceedings determined different issues applying a different standard of proof. This Court regards the criminal outcome as relevant context but not as determinative of the findings required in these proceedings.
103. The children's father gave brief evidence. Prior to March 2024, he had not spent time with the children for ten years, telling the Court, "Their mother took them away from me...they have been locked away from me," adding, "they tried to cut them away from me." When put to him that the children were placed on a Child Protection Plan due to his violence against the mother, he told the Court, "That's rubbish...I'm not a violent person." In denying the mother's allegations against him of domestic abuse, he told the Court, "She's hard to understand sometimes. She hit me on the head when I was putting me shoes on, for no reason." The father told the Court, "She's not as simple as she makes out. She's not all that innocent."
104. The father told the Court that, "I had to clean up the mess," regarding 'C', adding, "They told me ['C'] had been arrested after a dispute with ['B']. I left there and thought that could not be the only thing." The father told the Court of a conversation 'C' had with him on a train journey when the father was taking 'C' to her new placement, during which 'C' told him, "I was upstairs sleeping in my bedroom. He ['SF'] woke me up and led me downstairs, pulled my shorts down and sexually abused me. [The mother] was asleep. ['SF'] told me no one would believe me." He described 'C' as having the demeanour, when giving her account to her father, of being "sad. She had been suffering a long time. No one else had listened to her. She lived with her mother but in her mind, she was on her own. She looked up to her mother for protection and guidance. Her mother failed her." The father told the Court that he was not told by 'B' of any abuse, adding, "She was not safe either."

105. This Court places weight upon the observations of the social workers. The social workers observations were made contemporaneously, often before the shape of the litigation had fully emerged. Further, the social workers revealed a consistent picture of the children's presentation over time.
106. Ms K told the Court that she worked for the Local Authority during the period from February to July 2023. Ms K recorded that on 28 February 2023, she received a telephone call from the family GP, reporting that the mother brought 'C' to see him as 'C' had self-harmed and the mother was worried about the wounds getting infected. Ms K spoke with 'C' in the GP surgery to ascertain 'C's reason for self-harming and her refusal to return home. It is recorded that 'C', "disclosed that she is regularly physically hit/slapped by her mother and stepfather. 'C' said that her mother slaps her with her hand and 'SF' with his slippers. It was recorded that the mother hit 'C' regularly and ['SF'] occasionally. The Social Worker recorded that the GP said that 'C' did not talk much and did not answer most of his questions, however she shook her head implying no, when he asked if he can send her home with her mother but again would not say why." Ms K added in her oral evidence that at the GP surgery, 'C' was clear she was scared and did not want to go home. She said she wanted to go to her aunt or to her sister in Manchester." Ms A described 'C' as being "a bit withdrawn, not maintaining a lot of eye contact." Ms K noted that after 'C' had made her allegations and her after the mother agreed to 'C' going to stay with her aunt, 'C', "ran to her mother's arms and gave her a hug. I noted an inconsistency. Her actions did not evidence that she was scared of her parent. The action was not convincing that she was scared of her mother." Ms K added, "At the GP surgery, she ['C'] was adamant she did not want to go home. When her mother gave the green light for ['C'] to go to her aunt, ['C'] relaxed and felt relieved." Ms K added in her oral evidence, "I felt I was not being told the whole story."
107. The Court expressly places little weight upon demeanour alone. The fact that 'C' smiled, hugged her mother, maintained contact with family members or presented in an apparently relaxed manner is not inconsistent with abuse having occurred. These matters form only part of the wider evidential picture.
108. It was further recorded in an entry in the Social Work records of 28 February 2023, that on 25 December 'SF' strangled her by putting his arm around her neck for leaving a bread knife on a counter. 'C' said that the abuse was mainly due to her not doing her chores. It is recorded that 'C' said her sister 'B' "gets hit too but not as often because she is older. 'C' is recorded has having said that 'SF' often shouts at all of them, including the mother." Ms K told the Court that 'C' described that 'SF' had put his arm around her neck, "She described being strangled." Ms A told the Court that during the s47 investigation, 'SF' admitted putting his hands around 'C's neck, while explaining that he was teaching her about self-defence." Ms A told the Court, "I did not think it was a plausible explanation." Ms A added that 'SF' also offered an explanation of play fighting, adding, "the children did not volunteer play fighting." Ms A added that 'SF' was "very animated. He is very loud when he is talking. His children tell him to lower his voice and calm down and close the window because he is loud when he speaks."
109. The Social Worker told the Court that 'B' described her relationship with 'C' and "on and off" noting that 'B' mentioned that 'C' "would always try to fight her for no reason," 'B' describing one occasion when 'C' "kicked and punched and slapped" 'B' after a dispute regarding a charger. 'B' was noted to have said, "these kinds of fights happen often. Mum and Dad will tell her to stop and ['C'] will start screaming at them and also try to attack them. They then try to confiscate her phone which sets ['C'] off even more and she becomes more aggressive. 'B' noted that 'C', "wasn't always like this and her behaviour became a lot worse before the start of secondary school." It was noted that 'B' stated that her mother, "does sometimes slap her on the hand to chastise her for doing something wrong but it is light and has never left any marks. When ['C'] tries to attack Mum, Mum has pushed her to get her

away.” The Social Worker further noted that ‘B’ referenced ‘C’ being influenced by her older sister ‘A’ attributing ‘C’s self-harming behaviour to that influence. Ms K acknowledged in her oral evidence that ‘C’ subsequently said she was regularly beaten with belts and sticks, which was not consistent with ‘C’s account to Ms K of being slapped and hit. Ms K added, “it was a different account she gave when I spoke to her in February in the GP office.”

110. Ms K told the Court further in oral evidence that when she spoke directly with the mother’s GP, the GP raised concerns that when the mother attended the GP surgery to discuss her own health needs, ‘SF’ would accompany the mother and ‘SF’ would, “tend to take over and speak on her behalf.” The Social Worker told the Court that the GP was concerned that the mother may have undiagnosed needs. The Social Worker told the Court that ‘SF’ attending the surgery with the mother and taking over was relevant in the context of the mother’s vulnerability, adding, “I had seen she was a victim of domestic abuse from the files and that she had made allegations against [‘SF’], which she retracted.” When it was put to her in cross-examination that ‘SF’s ‘taking over’ could be interpreted as him being controlling, the Social Worker told the Court, “I would agree but the other side of it is that he was being helpful and supporting [the mother]. I observed that she deferred to him a lot.” Ms K added, “I was thinking he was being supportive of his family, trying to protect them...I’m not able to say now whether it was controlling behaviour.”
111. In conducting her enquiries, Ms K told the Court that in undertaking the s47 investigation and Child and Family assessment, she spoke to the children independently of their parents and spoke to the mother and ‘SF’ independently of each other. Ms K told the Court that ‘SF’ accepted some physical chastisement of the children when they were younger, as this reflected his own experiences as a child. He told Ms K that culturally, this was more akin to his upbringing. Ms K told the Court that ‘SF’ was open to her advice that it was not acceptable for physical chastisement to continue.
112. Ms K told the Court that ‘B’, then age 12 years, described a positive relationship with her stepfather, although she described that he could be threatening. The Social Worker noted that ‘B’ said that ‘SF’ had never hit her, despite ‘SF’ accepting that he had hit ‘B’. The Social Worker told the Court that she considered that ‘B’ was not telling the truth and was trying to cover up for her mother or ‘SF’ or both. ‘B’ was noted to have said that the house they were living in at this time, “is her favourite house of the ones she has lived in and she doesn’t want to move from there because she likes living there and her friends would miss her.”
113. In this Court’s judgement, the evidence of the Social Worker Ms K was fair, balanced and reliable. The Court attaches weight to Ms K’s evidence that she felt she was not being told the whole story regarding ‘C’s fear, self-harm and presentation. The evidence of the Social Worker Ms K assumes particular significance because she became involved before the sexual abuse allegations emerged and therefore cannot readily be dismissed as hindsight reasoning. Her observations are largely free from the criticism that she interpreted events solely through the prism of later disclosures. It provides some support for the proposition that ‘C’s presentation was driven by factors not then understood by professionals. Ms K’s evidence demonstrates that, even at an earlier stage, she considered there to be aspects of ‘C’s presentation that were unexplained by the information then available. She repeatedly described a sense that she was “not being told the whole story.” That observation is significant. It was made long before the sexual abuse allegations became known. Her evidence concerning ‘C’s self-harm, intense fear regarding returning home and inconsistency between the apparent trigger for the self-harming behaviour and the explanations then available, all support the reasonable conclusion that deeper concerns existed within the family at that time.
114. The evidence of the social worker, Ms R, was illuminating. She was present when the allegations were first investigated and had direct opportunities to observe ‘C’ and members of her family. Although she accepted limitations in her ABE training and record keeping, this

Court found her evidence careful, balanced and reliable. She described 'C' as a child who gave minimal answers, struggled to verbalise her concerns and appeared extremely reserved. Such observations mirror those made independently by school staff. The consistency across multiple witnesses substantially strengthens the reliability of those observations.

115. Ms R gave evidence further regarding the wider family dynamics, after 'C' had reported her allegations. She observed that the mother's immediate response was characterised less by concern for 'C' than scepticism regarding the allegations. Ms R expressed concern regarding the likely emotional impact on a child who had made such serious allegations and was not believed by her primary caregiver. Ms R's evidence was also important as she documented 'C's increasing isolation, the withdrawal of family support and the effect that those developments had upon 'C's emotional wellbeing. She described a child who was effectively carrying the burden of maintaining serious allegations in circumstances where she was receiving little validation from those closest to her.
116. The Intervenor criticises Ms R for adopting an approach of belief rather than neutral investigation. The Court accepts that parts of Ms R's evidence revealed considerable sympathy towards 'C'. However, when viewed fairly, Ms R's central concern was not simply whether the allegations were true but whether 'C' was receiving emotional support. The Court does not regard that as evidence of contamination of the child's account.
117. The evidence of the Social Worker Ms A was important in relation to the child 'B'. She was the first professional witness to whom 'B' made allegations of abuse. Ms A described 'B' as hesitant and concerned about repercussions. Crucially, she did not describe a child eager to make allegations. Rather, she described a child who made reports of relevant matters when given an opportunity to speak and who expressed anxiety about how the allegations might affect her relationship with her mother and wider family. The Court found Ms A's evidence balanced and persuasive. She made appropriate concessions and resisted invitations to overstate matters. Her evidence substantially undermines the suggestion that 'B's allegations emerged as the result of suggestion or manipulation.
118. The Court heard evidence also from another Social Worker, Ms B, who worked with the family for a short period of time. The Social Worker recorded in her written statement, "We spoke with ['C'] about what rape is, and how this can mean different things to different people. ['C'] would not provide an explanation of what rape was for her, only saying 'I know'. ['C'] stated that she had not told her Mum at any point about the allegation but had told her sister ['B'] approximately two years prior (details unknown). ['C'] says that ['B'] told her to 'stop lying'. ['C'] stated that she had told a cousin...who lives in Manchester who provided advice to her to tell school. ['C'] says that she told a friend this year also but did not stipulate who this was or what she said."
119. Ms J gave evidence of her involvement in relation to 'C's allegations as they came about in the form of notes and the entries made on the Child Protection Online Monitoring System at school. Ms J had provided a statement to the Crown Prosecution Service in the criminal proceedings. She recalled being aware of the allegations made by 'B' in 2023 of physical chastisement.
120. Mr O gave evidence in his role as the pastoral care manager for the year in which 'C' was a pupil at the school. He was asked, amongst other matters, about the notes that 'C' had written in 2024 that then had led to s47 investigation by Local Authority Children's Services. He gave his views of 'C' as a pupil who found it quite hard to talk about how she was feeling, a student who was, "quiet. She kept herself to herself. ['C'] wanted to speak to me. [She] trusted me because of how I dealt with people in the year group." Mr O told the court that he vividly remembered 'C' providing a written note to him, adding, "She was in my office at the time. She did not want to say it out loud...she was very timid, a bit nervous...I gave her paper to

write down what she wanted to tell me. I read what she told me. I told her I had to tell the safeguarding officer. This is quite a serious thing she told me. She was a bit worried...she felt she would get into trouble...I had to reassure her she was not in trouble. She was quite nervous. She did not even want me to tell anyone...I was the first person to know.”

121. Mr O added that ‘C’ was a very quiet student who, “hardly spoke in school.” However, after the allegations were made by ‘C’ and the police came to the school, “Her behaviour kind of shifted. She did not want to be in the classroom. She would wander around school...she would not be in school as much...she did not want to go to lessons...when she did come to school, she wasn’t herself. She wasn’t really compliant. There were some issues with her behaviour. I would say, after the allegations, it spiked, it ramped up more.”
122. The child ‘C’ did not give evidence to this Court, for the reasons identified earlier in this judgment. The Court has the benefit of having observed the child in a video recorded police ABE interview and considered a transcript of the evidence the child gave during the criminal proceedings. In proceedings in the Family Court, evidence given in connection with the welfare of a child is admissible. The weight to be attached to a piece of hearsay evidence is a question for the Court to decide. The Court has at all times borne in mind that the Court is required to treat hearsay evidence anxiously and consider carefully the extent to which it can properly be relied upon.
123. In this case, these principles are thrown into particularly sharp relief in circumstances where neither of the children who have made allegations of sexual abuse have given oral evidence at this hearing or been cross-examined on behalf of the person against whom they make those allegations. The Court reminds itself that where the evidence of a child stands only as hearsay, the Court weighing up the evidence must consider the fact that it was not subject to cross-examination. This Court makes clear that it has done so. Further, the Court, when considering the hearsay evidence of the children has considered not only what the child has said but also the circumstances in which it was said.
124. The principal criticisms advanced by the Intervenor are that ‘C’s evidence became contaminated through professional failures, repeated discussions with others, delay in obtaining the ABE interview, contact with family members and what is described as a culture of unquestioning belief. The Court has considered those criticisms carefully.
125. There were undoubtedly imperfections in the investigation. Several of the social work professionals accepted they were not ABE-trained. Record keeping was not always as comprehensive as it should have been. There were some missed opportunities to create fuller contemporaneous records.
126. Notwithstanding the fact that the use of the term ‘disclosure’ to describe a statement or allegation of sexual abuse made by a child, rather than the word ‘allegation’ has been deprecated since the publication of the Cleveland Report in 1987, due to it precluding the notion that the abuse might *not* have occurred, nearly every professional who gave evidence in this case, including the social workers, used the term ‘disclosure’ to describe what the children had said or to describe what they understood the children to have said to others.
127. The Court recognises that any investigation into child sexual abuse that focuses attention on the statements of the child runs the risk of producing a false result if what the child says is unreliable or if the child’s primary caretaker is unreliable. Within this context, it is well recognised that it is important, forensically, in a case of alleged sexual abuse, to examine the first point in time at which a child gives an account or accounts of alleged sexual abuse, the precise circumstances in which the account or accounts arose and how those were treated subsequently by those to whom they were made. It is therefore necessary, as the Court has

noted, to consider not only what each of the children has said but also, and importantly, the circumstances in which they said it.

128. The proper practice to be applied when handling allegations of sexual abuse by children is well established. The courts have long stipulated, drawn from experience, that very great care is taken when dealing with allegations of sexual abuse made by children, both in the initial phases and at the ABE interview stage, having regard to the way a child registers, processes and recalls memories and the way in which a child may respond to figures perceived by the child to be in authority when questioned about such memories. Children may be poor historians. They may view interviewers as authority figures. Many children may be suggestible or may wish to please. They may not express themselves clearly or in adult terms, so that what they say can be misinterpreted if the listeners are not scrupulous to avoid jumping to conclusions. They may not have understood what was said or done to them or in their presence. There is a wide range of internal and external influences that can distort and undermine the reliability of child complainants. A child's accurate memories can be wholly usurped by a wide range of external and internal factors, such as suggestive questioning or confirmatory bias. Children finding themselves in such circumstances may embellish or overlay a general theme with apparently convincing detail that can be very difficult to detect, even by the most expert assessor.
129. Further, it has long been recognised that memory is prone to error and easily influenced by the environment in which recall is invited. Allegations may emerge in a piecemeal fashion, with the complainant often not reporting events in a linear history, reporting them in a partial way and revisiting topics. The wider circumstances of the complainant's life may influence, explain or colour what they are saying. Factors affecting when a complainant makes an allegation may include their capacity to understand their world and their role within it, requiring caution when interpreting children's references to behaviour or parts of the body through the prism of adult learning or reading. Accounts given by children may be susceptible to influence by leading or otherwise suggestive questions, repetition, pressure, threats, negative stereotyping and encouragement, reward or praise. Accounts given may be susceptible to contamination by the statements of others, which contamination may influence a complainant's responses. Allegations may be embellished or overlay a general theme with apparently convincing detail which can appear highly credible and be very difficult to detect, even for those who are experienced in dealing with children. Delay between an event recounted and the allegation made with respect to that event may influence the accuracy of the account given. Within this context, the way, and the stage at which a person is asked questions / interviewed may have a profound effect on the accuracy of the testimony.
130. The manifest dangers inherent in enquiries proceeding from the position that "the child is to be believed" has been clear for many years. Longstanding guidance has made plain that throughout the phase of the initial assessment and preliminary decision making, professionals should be conscious of the fact that the presumption that abuse has taken place can have damaging repercussions for the child and the family. Equally an abnormally low level of alertness to the possibility of child sexual abuse may deter children from subsequently trusting adults sufficiently to reveal the fact of abuse to them. Guidance has emphasised that all those involved in investigating allegations of child sexual abuse must keep an open mind and not fall into the trap of confusing the taking of what a child says seriously with believing what the child has said.
131. The preservation of an open mind requires a concentration in listening with care to what a child says, absorbing all that is said and weighing the child's words objectively. A mind coloured by suspicion or a mind already moving towards a diagnosis can readily undervalue or ignore material that does not fit with the preconceived picture. Similarly, material which does appear to fit may be over emphasised and highlighted in such a way as to distort the child's further account of the situation. As much care should be given to assessing a denial as

examining an allegation. Where allegations are made by a child regarding sexual abuse, those allegations should be treated seriously, they should not necessarily be accepted as true but should be examined and tested by whatever means are available before they are used for the basis of action.

132. The need to keep an open mind as to what may or may not have happened to the child, and not to seek only to elicit details that will prove a hypothesis about the child's experiences nor to simply believe from the outset what the child is saying has been repeatedly emphasised by the Courts. The existence of confirmation bias is what underpins the guidance for those investigating allegations of child sexual abuse to keep an open mind. The proper approach is likely to be one that combines listening to the child and taking them seriously whilst taking care not to prejudge the issue, an approach of neutrality but not indifference, coupled with the rigorous application of the Achieving Best Evidence Guidance on Interviewing Victims and Witnesses. Another key component of good practice with respect to accounts of sexual abuse given by children is effective record keeping by all professionals responsible for child protection, with emphasis on the importance of listening carefully to the initial presentation of information and making a clear and comprehensive record of what the child says as soon as possible after it has been said and in the terms used by the child. The Courts have emphasised the need for records of conversations with the alleged victim of sexual abuse to include a full note of the *questions* as well as the answers. The need for effective record keeping in the context of allegations of child sexual abuse extends to schools and social workers. Very great care must be taken by adults when speaking to children who have made allegations of sexual abuse, and when analysing and assessing the weight to be given to statements by those children.
133. Experience has demonstrated that adults speaking to children who have made allegations of sexual abuse must always be careful to guard against the development of bias or preconceived ideas. The child should be listened to and taken seriously whilst care is taken not to prejudge the issue. Adults speaking to a child who is alleging sexual abuse should not stop free recall of events and should ask no more questions than are necessary in the circumstances to take immediate action. Where it is necessary to ask questions, adults speaking to a child who is alleging sexual abuse should, as far as possible in the circumstances, ask only open-ended or specific closed questions, rather than forced-choice, leading or multiple questions. Any initial questioning by adults speaking to a child who is alleging sexual abuse should be intended to elicit a brief account of what is alleged, where and when the alleged incident took place and who was involved or otherwise present. A more detailed account should not be pursued and should be left to the ABE interview. As soon as possible thereafter the adult must make a comprehensive record of the conversation, which record should detail the timing, setting and people present, a full note of what the child said in the words used by the child, a full note of the actual questions asked, if any, and what was said by anybody else present. The record should also record the demeanour of the child and anything else that might be relevant. The adult should continue to record any comments made by the witness or events that might be relevant to the legal process up to the time of the ABE interview.
134. The standard expected by the Court remains a high one, albeit Courts have recognised that it would be unrealistic to expect perfection in an investigation. Complete adherence to 'guidelines' does not mean that an allegation is true. Conversely, wholesale failure to adhere to 'guidelines' does not mean that an allegation is false. It is important not to discount a child's testimony merely because that child has been exposed to suggestive questioning. Failures by professionals in the investigation of allegations of abuse must be taken into consideration when considering the weight that can be attached to the various strands of evidence. The fact of any such failure does not of itself preclude the possibility that those allegations are true. The relevant question for the Court is whether any omissions or errors made are forensically significant. It is for the Court to assess the extent to which any failures undermine the reliability of the evidence or undermine the credibility of what is being said.

135. In undertaking that assessment on the facts of this case, it was submitted on behalf of the Intervenor that there are three focal sets of allegations: February 2023, when 'C' made allegations against both the mother and 'SF'; January 2024, when 'C' made allegations of sexual abuse against 'SF'; and January 2025, when 'B' made allegations of sexual abuse against 'SF', following which 'C' gave a video recorded interview in respect of the January 2024 allegations. It was submitted on behalf of 'SF' that each of those phases has been contaminated by the various professionals with or failure to comply with process, guidance and procedures, which are in place to ensure that the integrity of the investigation was maintained. In addition, it was submitted that the allegations which the children have made have either been inconsistent with other claims they made personally made or as between them and others, including the other children. It was submitted on behalf of 'SF' that the cogency of the evidence has been undermined and infected by the investigation process.
136. In this Court's judgement, there can be no proper conclusion on the evidence that any of the professionals involved in the investigation acted inadvertently or deliberately to put words into the mouths of 'B' or 'C' by suggesting an answer to a given question. There can be no proper conclusion on the evidence that any of the professionals inadvertently or deliberately encouraged the children to exaggerate for reward. Further, there can be no proper conclusion that any of the professionals caused the recorded account to be inaccurate or unreliable. Several of the notes of 'C's allegations did not record the questions that were asked of 'C'. Further, it is clear that whilst many of the professionals told 'C' that they believed her, each of the professionals told this Court that they approach the allegations with an open mind. There is no solid evidence-based reason to conclude that any of the professionals acted in a way to assume an outcome nor that they failed to take account of the needs of the child such as to make what the child has said unreliable. In this Court's judgement, whilst there were departures from the good practice at times, the Court cannot conclude properly that reduced weight should be attached to the interviews or record keeping. This is not a case, on the facts, where the Court should reach a conclusion that the interviewing processes at each stage of the investigations are of no forensic value nor that the information provided by the children has been impeded or contaminated significantly. In this Court's judgement, the children were provided with opportunities to give accurate and reliable accounts in ways that were fair, in the child's interests and ultimately, acceptable to the Court. In this Court's judgement, evidential weight can be attached to the accounts given by both children 'B' and 'C' to the various professionals who have recorded their allegations, including the police, social workers and teachers. Important also in the Court's assessment of the accounts given by the children are their ages when the alleged abuse took place and when they made the allegations. Both children were older children, in their teens. The investigations by the professionals at each stage were completed in an age-appropriate way. Ultimately, whilst the Court must conclude that there were some investigative imperfections, the cumulative effect of the investigative shortcomings taken together, do not undermine confidence in the findings. This Court does not conclude that those imperfections automatically render the children's accounts unreliable.
137. The accounts provided by 'C' have retained some core consistency in substance over time. Her allegations have emerged gradually. They did not appear suddenly or in sensational form. The evidence demonstrates a progression from expressions of distress, written communications, providing limited information initially before fuller accounts were provided. In this Court's judgement, that progression is consistent with the evidence of numerous witnesses who described 'C' as very quiet, reluctant to speak and far more comfortable communicating in writing.
138. In assessing the evidence of both children, the Court has had careful regard to the Achieving Best Evidence guidance and to the criticisms advanced on behalf of the Intervenor. The Court has neither assumed that a child's account is true because it is an account of abuse, nor rejected it because imperfections can be identified in the investigative process. The task is to examine

whether the evidence, viewed holistically, remains sufficiently reliable notwithstanding any procedural shortcomings.

139. Many of the professionals repeatedly described 'C' as being 'brave', referred to her as a victim and said they believed her. The professional responses were not always framed in the neutral language regarded as preferable. However, the Court distinguishes between providing emotional support to a child reporting abuse and suggesting facts, supplying details or encouraging allegations. The Court has identified no reliable evidence that professionals suggested allegations to the child or pressured her to expand her account. Further, whilst the Guardian expressed concern for the children and accepted the possibility that abuse had occurred, the Court is not satisfied that the Guardian abandoned her obligation of objectivity. The Court found no reliable evidence that the Guardian sought to shape evidence, suppress contrary material or prevent alternative hypotheses from being examined.
140. A number of the professionals acknowledged that they were not ABE trained. Contemporaneous notes were not always complete. Questions posed to the children were not invariably recorded verbatim. Ideally, fuller records would have been maintained. However, those shortcomings do not lead this Court to conclude that the children's evidence was rendered unreliable. In particular, the Court bears in mind the distinction between imperfections in investigative practice and actual evidence of contamination. The former does not automatically justify a finding of the latter. The Court has considered whether the cumulative effect of the departures from best practice renders the resulting evidence unsafe. Having done so, the Court is not satisfied that the deficiencies identified resulted in the creation, embellishment or contamination of allegations that would not otherwise have been made. Whilst imperfections undoubtedly existed, the Court is satisfied that the core allegations remained substantially consistent over time and across different sources. The Court concludes that the shortcomings do not undermine the overall reliability of the evidence.
141. What is striking about 'C's presentation throughout is a consistency with the evidence of those adults who knew her best. Mr O, Ms J and Ms R each independently described a child who struggled to communicate verbally, who was reserved, reluctant and uncomfortable discussing matters of an intimate nature, and who repeatedly preferred to write rather than speak. Those characteristics are reflected in the ABE interview itself. Far from presenting as rehearsed or eager to make allegations, 'C' repeatedly demonstrated embarrassment, hesitation and reluctance. She required considerable encouragement merely to continue with her narrative and frequently expressed discomfort about describing the sexual conduct. Her use of substitute words and objects to describe intimate body parts was not suggestive of coaching but rather consistent with a reluctance to communicate those matters verbally. The Court rejects the submission that 'C's account bears the hallmarks of a fabricated narrative. This is not a case where 'C's account has become more polished and coherent over time. 'C's account retained the awkwardness, incompleteness and reluctance characteristic of a child describing matters she found deeply uncomfortable.
142. Mr O described 'C' as a child who struggled to communicate verbally and who needed encouragement even to approach him. When she did so, she preferred to write rather than speak. Ms J and Ms R described similar difficulties, including 'C' giving short answers to questions, hesitation and showing emotional distress. The significance of those observations is that they are inconsistent in this Court's judgement with a child seeking attention, eager to make allegations or determined to persuade adults of a false account. Instead, they depict a child who found making the allegations difficult and uncomfortable. That presentation was later replicated in her ABE interview. 'C's ABE interview is compelling evidence. 'C' also gave evidence via video link in the criminal trial in June 2025. Her evidence in those proceedings comprised cross-examination by Counsel for 'SF'. 'SF's denials were put to 'C'. 'C' maintained her allegations.

143. Different professionals, working independently and in different contexts, described remarkably similar features. School staff, social workers and police officers all observed that 'C' was quiet, reserved, reluctant and more comfortable communicating in writing. In this Court's judgement, the consistency of those descriptions assumes significance because they were made by different professionals at different points in time and before any ABE interview had taken place. Their observations provide independent confirmation of aspects of 'C's presentation which are later visible within the ABE material itself.
144. The witnesses from 'C's school, Ms J and Mr O described a significant deterioration in 'C's behaviour after allegations emerged. Behavioural deterioration does not establish that abuse occurred. It may, though, be capable of supporting the reliability of 'C's account in circumstances where professionals observed a marked change in 'C's functioning after she reported the abuse.
145. The professionals consistently described both 'C' and 'B' as speaking in their own language, often with difficulty, rather than delivering a polished narrative. In this Court's judgement, the children's accounts were not characterised by formulaic language, rehearsed explanations or attempts to embellish matters. Their difficulties in expression and, in 'C's case, resorting to substitute words and written communication, lead away from a conclusion that the narratives were rehearsed.
146. Similar observations broadly apply to 'B'. Her ABE interview was given in a matter-of-fact manner. She was able to distinguish between what she remembered and what she did not know. She did not appear eager to embellish. Significantly, she initially rejected her sister's allegations and maintained that position for a considerable period. That chronology is not consistent, in this Court's judgement, with the suggestion that the children were acting in concert. The evidence demonstrates repeated difficulties in obtaining information from 'C', despite supportive efforts by adults around her. There was a remarkable consistency in what the professionals observed: a quiet child, reluctant to speak, communicating by writing, becoming distressed when disclosures were made and exhibiting behavioural deterioration thereafter. Those observations arose independently and across different professionals and settings.
147. The Court has considered carefully the fact that, following 'C's allegations in January 2024, 'B' initially rejected them and on a number of occasions expressed the view that 'C' was lying. The Intervenor submits that this undermines both children's credibility. The Court is not satisfied that 'B's initial denial is determinative. Rather, it is one factor to be weighed in the broader assessment of reliability and credibility.
148. The Court has considered the motives suggested by 'SF' for 'C' and 'B' fabricating the allegations, including disputes about chores, discipline, influence from family members and a wish to leave the household. In this Court's judgement, none of those motives withstands proper scrutiny. In this Court's judgement, none of those ascribed motives, individually or collectively, provides a valid explanation for 'C' persisting with those allegations over years, resulting in conflict with her mother and sister, enter interim Local Authority care, experiencing placement disruptions, enduring having to give evidence in the criminal proceedings and continuing to maintain her account.
149. Further, the Court has considered carefully the suggestion that 'A's influence over 'C' provides an alternative explanation for the allegations. 'SF' contends that 'A's hostility towards the mother, together with 'C's stated wish at times to live with or near 'A', provides an alternative explanation for the allegations. The Court has considered that submission carefully. The Court accept that there is evidence of a close relationship between 'C' and 'A' and evidence capable of demonstrating hostility by 'A' towards the mother. The Court further accepts that professionals did not explore this issue in depth. However, the Court is not

persuaded that the evidence establishes that 'A' prompted, encouraged or orchestrated either the allegations of physical abuse made in 2023 or the sexual abuse allegations made in 2024. The hypothesis remains speculative. It does not adequately explain the evolution, persistence and detail of the allegations over time, nor the evidence from 'B'. The Court rejects the suggestion that the allegations are more likely than not the product of influence by 'A' rather than experiences genuinely described by the children

150. The Intervenor places particular emphasis on the fact that 'B' initially rejected 'C's allegations and only later made allegations of her own. 'SF' submits that this evolution in 'B's account fatally undermines her credibility. In this Court's judgement, had 'B' immediately echoed 'C's allegations, the suggestion of collusion might have carried greater force. Instead, the evidence demonstrates that 'B' initially expressed disbelief at 'C's allegations and defended 'SF'. That history does not lead this Court to a conclusion that 'C' and 'B' participated in a coordinated fabrication. The evidence of the Social Worker Ms A was noteworthy. Ms A described 'B' as worried about repercussions, concerned about the consequences of making allegations and that she was reluctant to speak. Ms A did not gain the impression that 'B' had been coached or prompted.
151. 'B's initial rejection of 'C's allegations and the subsequent argument between the sisters about the allegations, as reported by several professionals, and the sisters maintained that position for a considerable period, far from supporting a theory of collusion, tends to undermine it. Had the children been acting together from the outset one would have expected immediate support rather than opposition. The chronology instead suggests independent responses by two children who came forward at different stages.
152. In this Court's judgement, 'B's account, both in her allegations and ABE interview in January 2025, possessed an internal coherence and an age-appropriate quality. She provided a free-flowing narrative of sexual touching by 'SF'. She did not present as a child seeking to embellish. Like 'C', 'B' maintained her allegations when challenged. 'B' also gave evidence via video-link in the criminal trial in June 2025 and was asked questions by Counsel for 'SF' and by the Judge. 'B', like 'C', maintained her allegations.
153. When the social work evidence is viewed alongside the school evidence and the ABE interviews, an important feature emerges. Independent professionals over an extended period consistently observed in 'C' a child who struggled to speak and preferred writing, a child who was reluctant rather than eager to make allegations, a child who displayed significant emotional distress, behavioural deterioration following making the allegations, a child who feared not being believed, family conflict arising from the allegations and a second child, 'B', who initially defended the Intervenor before eventually making allegations of her own. Those observations are difficult to reconcile with the Intervenor's case that the allegations were fabricated. The Court is satisfied as to the core reliability of the children's accounts. The social work evidence does not undermine the allegations. Properly analysed, the professional evidence provides significant corroborative support.
154. Standing back and considering the evidence as a whole, the Court reaches the following conclusions in summary. The mother's evidence requires caution but contains some important and reliable evidence which this Court accepts. The evidence of 'SF' on the disputed allegations is unreliable and this Court does not accept that evidence where it conflicts with the evidence of the children and the supporting material. The evidence of the children 'C' and 'B' was largely credible and reliable. The professional and social work witnesses were reliable and provided significant support for the children's accounts. The criticisms advanced by the Intervenor, taken individually and collectively, do not undermine the essential reliability of the children's allegations or the broader evidential picture.

155. In this Court's judgement, the totality of the evidence provides a reliable picture of two children who were reluctant rather than eager to make allegations, whose accounts emerged gradually and whose behaviour and demeanour were repeatedly observed by independent professionals. The observations provide important support for the conclusion that the accounts given by both children were genuine accounts of lived experience rather than fabricated narratives.
156. Moreover, the evidence leads the Court to a conclusion that 'SF's behaviour involved an egregious abuse of power and breach of trust. He created an atmosphere in the family home of fear and punishment, categorised by shouting, threats of physical harm and actual physical harm, singling out his stepchildren 'C' and 'B'. He was able to use the opportunity afforded by his arrangements of sleeping downstairs on a mattress, out of sight of the mother, encouraging a habit of the two older girls, 'B' and 'C' of watching television with him, on the mattress, where he groomed 'C' and attempted to do the same with 'B'. He imposed himself as a figure of authority in the home who used shouting, aggression and the threat of physical chastisement to bolster his authority. He burdened 'C' in particular with their 'secret'. He encouraged the children's mother to physically hit them and place fear in them of being hit. In his capacity as a carer for their mother, he created an environment wherein he took charge of conversations with professionals including with the school and the mother's GP in circumstances where she was vulnerable to his influence. He drove a wedge between 'C' on the one hand and 'B' and the mother on the other. Faced with exposure, he turned on the children and their mother seeking to undermine their accounts.
157. Having regard to the disputed facts, considering the totality of the evidence, including the children's evidence, the evidence of the mother, the social workers, school staff and other professional witnesses, having surveyed the wide canvass of evidence, the Court finds that the Local Authority has proved each of its pleaded threshold allegations, applying the civil standard of proof.
158. In reaching those conclusions, the Court has endeavoured to undertake a dispassionate determination of issues of fact, avoiding the siren call of what has been termed 'the child protection imperative', expressly noting the need for caution in the context of the alleged sexual abuse. The Court has sought to avoid affording to unsatisfactory evidence a weight greater than it can properly bear. Further, the Court has expressly cautioned itself against relaxing either the forensic rigor it must necessarily bring to bear when deciding the disputed issues of fact or the rules of evidence that apply to that exercise.
159. There are three elements to the threshold conditions in s.31(2). The harm must be actual or likely; it must be significant; and it must be due to parenting that is not reasonable. Threshold allegations are separated out by Local Authorities for forensic purposes but there is only one threshold and the Court measures the effect of all its findings against it. Facts, which are minor or even trivial if considered in isolation, when taken together may suffice to satisfy the Court of the likelihood of future harm. The Court attaches to all the relevant facts the appropriate weight when coming to an overall conclusion on the crucial issue. Each piece of information affects the calculation of risk. The Court finds the s31 threshold criteria met. Having made these findings, the Court turns to the issue of welfare.

Welfare

160. In these proceedings, the only subject child is 'C'. Separate consideration will be given to the child 'B' and the other siblings who are the subject of separate proceedings before this Court.
161. The Court has considered and applied the welfare checklist under s1(3) Children Act 1989.
162. 'C's wishes and feelings have evolved during the proceedings. Earlier in the case she expressed a wish to return to her mother's care, if 'SF' was excluded from the family home.

Subsequently, she expressed a wish to live with her father. More recently she has consistently expressed a wish to remain with her current foster carer, whilst maintaining a significant relationship with her mother, siblings and wider family. The Court accepts the Guardian's evidence that 'C' has come a considerable distance from the highly distressed young person who entered interim Local Authority care and that 'C' values the stability offered by her present placement.

163. 'C's needs are highly complex. It follows from the Court's findings that 'C' is a child who has suffered prolonged sexual abuse, physical abuse and emotional harm. She has subsequently experienced significant instability, missing episodes, self-harm, emotional dysregulation, educational disruption and risks associated with exploitation. The evidence establishes that 'C' requires a stable and committed placement, therapeutic intervention addressing trauma, attachment difficulties and symptoms associated with post-traumatic stress, educational stability and support, support to maintain and repair important family relationships with her mother and siblings, skilled carers who understand trauma and attachment and careful management of the risks arising from missing episodes, peer influences and exploitation.
164. The Court has the benefit of expert evidence from Dr Lane, registered Clinical Psychologist. In Dr Lane's opinion, 'C' presented with psychological distress as a result of her traumatic life experiences. Dr Lane considered that 'C's experience of trauma has resulted in her experiencing significant anxiety, low self-esteem, low mood and subclinical post traumatic stress. Dr Lane concluded further that the attachment relationships between 'C', her mother and her father is likely to be insecure.
165. 'C' described to Dr Lane feeling very distressed in relation to what has happened to her, including the domestic abuse she had witnessed, her experience of rape, physical chastisement and then her experience of care. 'C' told Dr Lane that as a result of the abuse she had experienced, she sometimes has thoughts that 'pop' into her head, which are images of the abuse. She said that sometimes this would happen when she was not expecting it and happened more often when she was spending time with her mother or siblings. When asked, 'C' said she thought this was because they reminded her of where the abuse took place. 'C' described feeling as though she does not have anyone to speak to and cannot tell anyone how she feels. She reported she does not trust anyone and very rarely tells anyone how she feels.
166. Dr Lane told the Court, "I was of the view that ['C'] is presenting with the psychological and emotional impact of the traumatic events she experienced during her childhood. These traumatic events include the following: repeated and chronic exposure to domestic abuse between key adults in her life; physical chastisement and excessive punishment; alleged repeated sexual abuse from a close family member; ['C's] experience of feeling not believed about her disclosures...and experiencing changes and breakdowns in placements. ['C'] has also spoken about not feeling cared for and described feeling as though she has no one to speak to about her worries."
167. The impact of developmental trauma is multi-faceted and can lead to difficulties relating to adults and/or trusting them to meet their needs, hiding or concealing feelings from adults, limited emotional and behavioural regulation, that is, the child struggles to identify their feelings, express their feeling well and manage their feeling so that they start to feel calm, negative self-concept and identify development. Dr Lane told the Court of her opinion that 'C' has presented with significant emotional and behavioural dysregulation in the context of self-harm and going missing. 'C' also appeared to struggle to reflect on her inner world in detail and could not always identify emotions well or express them. She also expressed she could not identify anyone who she felt she could trust enough to tell her feelings to. Dr Lane considered that 'C's responses may be reflective of a learned strategy in which she manages feeling overwhelmed by minimising the existence of all those feelings and does not seek support from adults. Dr Lane told the Court, "Often, children who have this strategy of managing feelings present in externalising ways, i.e., they present as 'disruptive' challenging or go missing— this is often because they have no other way of communicating their feelings,

and often it “explodes” after a period of suppressing or avoiding it. This would be linked to the impact of repeated trauma over time causing significant overwhelm of feelings.”

168. In addition, ‘C’ was noted to be unable to identify any good things about herself and appeared very low in self-esteem. This, Dr Lane considered, is likely to be reflective of the experience of trauma in which some of the messages she has received from others or has internalised is that she is not worthy of care, for example.
169. Further, ‘C’ presented with what Dr Lane understood to be subclinical post-traumatic stress. This opinion was formed from ‘C’s descriptions of intrusive memories and high levels of avoidance of the trauma, causing her psychological distress.
170. ‘C’ discussed the experience of ‘hearing a voice’. Dr Lane told the Court that in her opinion, “for young people who have experienced repeatedly traumatising events, voice hearing can occur as a psychological way of coping or surviving the events, i.e., to provide comfort to a person who does not have any other forms of comfort in their worlds. The voice hearing is understood to be a trauma response and often reduces over time once the child feels nurtured, cared for and heard.”
171. Additionally, Dr Lane expressed the opinion that ‘C’ also met the DSM-V criteria for generalised anxiety. ‘Further, ‘C’ reported feeling low in mood at times and has stated at times she has wished she were dead. Historically she has self-harmed and attempted to overdose. These behaviours, Dr Lane considered, appear to be a way of regulating difficult and uncontained feelings and/or escaping a situation which ‘C’ feels she perceives she cannot get out of. Dr Lane expressed the opinion that some incidences, for example attempting to overdose on unknown medication, are highly concerning and indicate a high level of risk,
172. ‘C’s needs are complex. In Dr Lane’s opinion, any caregiver for ‘C’ would need to have support in understanding the impact of trauma and how to support ‘C’ with this. Dr Lane considered that ‘C’ would benefit from individual psychological therapy/support. Dr Lane noted that ‘C’ said she wants to speak with someone about her experiences. It was important, Dr Lane told the Court, not to repeat a pattern of asking ‘C’ what she wants, and it not being fulfilled. ‘C’s experience of adversity has meant she can less likely be open to adults about how she feels. She is much less likely to feel comfortable in trusting adults to communicate how she is feeling internally. Her feelings have been expressed through behaviour. The evidence is compelling that conventional short-term or standardised interventions are unlikely to meet her needs.
173. Dr Lane considered that it would also be helpful for ‘C’ and her long-term carers to engage in family work/therapy. Specifically, attachment informed Dyadic Developmental Psychotherapy (DDP) was recommended as being often more helpful and has an evidence base for traumatised young people. In oral evidence, Dr Lane clarified that ‘C’ would best benefit from very slow, flexible work that should be consistent. Trust is critical. Further, Dr Lane told the Court that it is of critical importance that ‘C’s placement is stable, to protect the permanence of the placement and to equip the foster carers with the necessary skills.
174. Dr Lane considered that caregivers and ‘C’s mother and father may be best supported by attending training in relation to supporting young people who have experienced trauma, including training which includes the P.A.C.E model (a subset of DPP) to support parents or carers to offer their children trauma informed parenting. Dr Lane clarified in oral evidence that she considered that ‘C’s mother may not be suitable for intensive DDP one to one work but may be suitable for P.A.C.E. work which is lighter and less intense.
175. Dr Lane was particularly clear in her evidence that if ‘C’ returned to the care of her mother, without the mother having first completed the necessary therapeutic work, there was an enhanced risk of placement breakdown and an escalation in ‘C’s behaviour. ‘C’ would likely to go missing from home and that would put her in an extremely vulnerable scenario.

176. C's current foster placement has provided a degree of stability, which had previously been difficult to achieve. The evidence demonstrates improvements in relation to 'C's presentation, school engagement and behaviour. Although challenges remain, the Court accepts the Guardian's evidence that this placement has diverted 'C' from an extremely concerning trajectory. The Guardian told the Court that 'C' has come a long way for a child who seemed lost, rejected, confused and upset: "She was on a railway to destruction. Her current carer picked her off that track." The Guardian told the Court, "['C'] has become hardened over time. She was quietly spoken, meek and shy. Over time, she is very much more challenging."
177. In this Court's judgement, a move for 'C' from her current placement at this stage would carry obvious and substantial risks. In particular, the Court accepts the evidence of Dr Lane and the Guardian that a return home before therapeutic work has been completed would create a significant risk of placement instability, emotional harm and breakdown of progress. Conversely, maintaining the current placement, whilst aiming to strengthen 'C's relationships with her mother, siblings and father, offers the greatest prospect of long-term stability.
178. The findings made by the Court reveal serious failures by the mother to protect 'C' and findings of direct harm by the mother to 'C'. The Court acknowledges the evidence demonstrating the mother's own vulnerabilities, including the coercive and controlling influence of 'SF'. The mother has moved significantly from her original position. She accepts the need for therapeutic intervention and acknowledges that she is not presently able to meet all of 'C's needs without support. The evidence also demonstrates some progress in the relationship between mother and daughter. 'C' spends substantial unsupervised time with her mother and siblings and those arrangements have generally proved positive.
179. Having considered the relevant factors in the statutory welfare checklist under s1(3) Children Act 1989 and analysed the advantages and disadvantages of the realistic options, having undertaken the necessary balancing exercise in which each option for the children is evaluated to the degree of detail necessary to analyse and weigh its own internal positives and negatives, having then compared each option side by side against the competing options, this Court comes to the clear conclusion that long term foster care for 'C', in accordance with the Local Authority's plan, is the option which best meets the children's needs. In this Court's judgment, a Care Order, with the care plan that 'C remains in Local Authority foster care, in her current placement, is the only realistic option that could meet her needs. For these reasons and for the reasons articulated by the Local Authority and the Guardian, a Care Order is necessary, in 'C's best interests and is the proportionate response to the risks.
180. In this Court's judgement the mother's future capacity to meet 'C's needs is likely to be enhanced by appropriate therapeutic work for 'C' and for the mother, P.A.C.E.-informed parenting support; a Care Act assessment and practical support, family therapy and attachment-focused intervention.
181. Whilst 'C's father does not put himself forward to care for 'C', it is apparent that 'C' continues to value a relationship with him. There have been periods of inconsistency. He too would benefit from trauma-informed parenting support as recommended by Dr Lane.
182. In this Court's judgement, the Local Authority's plan for 'C' to remain in her present foster placement under a Care Order best meets 'C's needs.
183. Equally, the care plan must properly reflect the therapeutic needs identified by Dr Lane and endorsed by the Guardian. The Court expects the care plan to reflect the need for the Local Authority to ensure that 'C' receives a CAMHS assessment as a matter of priority. The therapeutic intervention offered must be consistent with Dr Lane's recommendations, namely for individual, non-standard, flexible trauma-informed therapeutic work for 'C', delivered slowly, steadily and gently, with proactive, assertive engagement on the part of the clinician, trust and rapport building being an essential part of the work. If equivalent provision cannot

be delivered within a timescale consistent with 'C's welfare needs, the Court would expect the Local Authority to utilise external or privately commissioned therapeutic resources to avoid further delay for 'C'.

184. Further, the Local Authority is expected to assist the foster carer in undertake P.A.C.E.-informed training at the earliest opportunity. The mother too should undertake P.A.C.E.-informed parenting training, beginning with the course already identified by the Local Authority. The Local Authority should thereafter consider whether more intensive DDP-informed support, family work or other attachment-focused intervention is required. 'C's father should similarly be offered P.A.C.E.-informed parenting support.
185. Subject to clinical assessment and therapeutic timing, there should be structured work directed towards strengthening and repairing the relationship between 'C' and her mother. Any family work should proceed at 'C's pace and under professional guidance, informed by Dr Lane's recommendations.
186. Further, the evidence demonstrates a need for a Care Act assessment in respect of the mother having regard to her evident physical health difficulties, housing instability and practical support needs. Local Authority Children's Services and Adult Services should work together to ensure completion of the Care Act assessment, identification of appropriate care and support services, assistance with practical daily living needs and support to enabling the mother to engage effectively in therapeutic and parenting work. Such support is not solely for the mother's benefit. It is also directly relevant to maintaining and strengthening 'C's relationship with her family.
187. The Court invites the Local Authority to prepare an amended care plan setting out its commitment to provide the therapeutic recommendations for 'C', the expectation that family therapeutic work be progressed when clinically appropriate and setting out the expectation that a Care Act assessment for the mother be completed. The amended care plan should reflect the Local Authority's commitment to 'C's foster carer being offered the next available P.A.C.E. training. The recommendation from Dr Lane that EMDR therapy should be offered to 'C' at a later point in her therapeutic journey, if advised, should also be reflected in the amended care plan together with the Local Authority's commitment to source a mentor for 'C when 'C' is ready to engage. Further, the Court invites the Local Authority to set out in its amended care plan the care plan the Local Authority's commitment to life story work, which includes an explanation about the father's absence from 'C's life before the proceedings began.
188. In respect of contact, 'C's relationships with her mother and siblings are important. The existing pattern of frequent and meaningful contact should continue, subject to 'C's wishes and welfare. The Local Authority should actively support those relationships and keep under review opportunities for increased family time, where consistent with 'C's welfare.
189. Contact between 'C' and her father should continue in accordance with 'C's wishes and feelings and with appropriate support from the Local Authority.

Conclusion

190. The Court has found on the evidence that 'C' has suffered very significant harm. She is now in a placement which is meeting her day-to-day needs and which is providing a degree of stability that was previously absent. Her welfare requires that placement to continue under a final Care Order.
191. Equally, 'C's future welfare depends upon the provision of therapeutic intervention that has been recommended for a considerable period but has yet to be delivered. 'C's recovery will not be achieved through placement alone. It will require therapeutic support, trauma-informed parenting, practical assistance for her mother and sustained work to strengthen family relationships.

192. The Court therefore:

- (a) finds each of the Local Authority's threshold allegations proved;
- (b) makes a final Care Order;
- (c) approves the Local Authority care plan in respect of 'C's placement and contact;
- (d) invites the Local Authority to file an amended care plan addresses the matters set out in paragraph 187 of this judgment.

His Honour Judge Middleton-Roy
24 August 2026