

**IN THE FAMILY COURT AT BOURNEMOUTH**

Bournemouth Combined Court  
Courts of Justice  
Deansleigh Road  
Bournemouth  
BH7 7DS

**RE V AND W (CHILDREN: FINDING OF FACT)**

BEFORE:

**MR RECORDER VEAL**

**Legal Representation**

Ms Emma Harman (Counsel), instructed by Ellis Jones, on behalf of the Applicant Father  
Ms Amy Oke (Counsel), instructed by Trethowans, on behalf of the Respondent Mother

**Other Parties Present and their status**

None known

**Judgment**

Judgment date: 23 June 2023  
Hearing dates: 19 – 23 June 2023

Reporting Restrictions Applied: No

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## **Mr Recorder Veal:**

### **Introduction**

1. To anyone hearing my judgment now, or reading it later, it might be thought that it is very unusual for the Court to make a swathe of serious findings against a mother, of domestic abuse perpetrated by her against a father. However, it is my role to set aside stereotypical views of domestic abuse when hearing cases in the Family Court. This case underlines, in my judgment, the need to approach each and every case with no preconceived views as to who might be an abuser, and who might be a victim.
2. In this case, I have significant concerns around the irrational and unpredictable behaviour of the mother. I need to set out with care why I say that is, and that will take some time. However, in fairness to both parents, I wanted them to know from the outset, in broad terms, the conclusions I have reached so that they are not kept in limbo until I have finished.
3. The Court is concerned with V, who [...] is now four, rising five, years old, and W, who [...] is now two years old. The children's mother is A, and their father is B. I mean no disrespect to either of them, but I am going to refer to them as the mother and the father throughout my judgment.
4. The father issued these proceedings on 29 June 2022, at which time he sought a Prohibited Steps Order and a Child Arrangements Order. On 4 July 2022, Deputy District Judge Lowe made a number of orders, including that the mother's contact with the children needed to be supervised by an independent social worker pending a contested hearing. She also made a Prohibited Steps Order to prevent the mother from removing the children from the jurisdiction, and she gave other directions as well. Separate Family Law Act 1996 proceedings were issued under case number BH22F00201 which were then consolidated with these proceedings.
5. On 21 July 2022, an interim Child Arrangements Order was made at the contested hearing by District Judge Miles, as a result of which the parties were to share the care of the children. The requirement for the mother's contact to be supervised fell away but, since then, an independent social worker has facilitated handovers.
6. On 9 December 2022, District Judge Lacey determined that a Fact-Finding Hearing was not necessary. That appears in part to have been based on the recommendations of Cafcass's Part 1 child impact report dated 5 December 2022, which set out that, if the parties wished to continue with the shared care arrangement, the need for a Fact-Finding Hearing was reduced.
7. However, in the Part 2 of the child impact report in February 2023, Cafcass identified that the shared care arrangement was reported by the parents no longer to be working, and so Cafcass determined that it was therefore unable to safely make recommendations absent a Fact-Finding Hearing. Within these proceedings, allegations had been made by both of the parties against the other.
8. On 8 March 2023, Recorder Sharp KC revisited the question of whether a Fact-Finding Hearing was necessary. The recitals to that order confirm that the mother did not pursue her allegations against the father, and that was on the basis that he does not present any risk to the children while they are in his care. The Court, however,

determined that it was necessary, or to use the Judge's word, "essential," for a Fact-Finding Hearing on the allegations made by the father.

9. The father's allegations are allegations of physical abuse, verbal abuse, coercive and controlling behaviour and psychological abuse. The majority of those behaviours are ones which he alleges were perpetrated by the mother against him, but some are also said to involve abuse of the paternal grandmother, and some involve the alleged exposure of the children to the risk of harm.
10. It is relevant, however, to say that the mother made allegations against the father of controlling and coercive behaviour, including financial abuse, isolation of the mother from sources of support, and persuading her to withdraw allegations that she had made to the police to resume their relationship. She made also allegations of sexual abuse, including an allegation of rape in April 2020, and she made allegations of physical and emotional abuse, including removal of the children from her care and covert recording of her.
11. The case has been listed before me this week to consider the father's allegations, but I summarise the mother's allegations, which are not pursued, in that way in order to provide some wider context.
12. I have read very full bundles of evidence and I have been assisted during the course of the hearing by the parties' legal representatives. I have heard evidence from a number of witnesses, and I will come back to those shortly as well. The fact that I do not mention something in my judgment does not mean that I have not fully considered it, but the parties will appreciate that it is impossible for me to refer to absolutely everything that I have heard and read.
13. Looking briefly at their objectives within these proceedings, the parties' positions are, in summary, these. The father seeks that the children live with him and spend time with the mother provided it is safe for them to do so. The mother seeks that the children live with her and spend time with the father, albeit, as I have said, she does not raise safeguarding concerns in respect of the father's care of the children.
14. There is no dispute in relation to the jurisdiction of the Court: both children are habitually resident in England. It is also undisputed that both the mother and the father have parental responsibility for the children.

### **Legal framework**

15. In this case, domestic abuse has been raised as an issue. That engages Practice Direction 12J to the Family Procedure Rules. Guidance has been given by the Court and in particular consideration has been given to cases involving allegations of domestic abuse by the Court of Appeal in cases called *Re H-N & Ors (Children) (Domestic Abuse: Finding of Fact Hearings)* [2021] EWCA Civ 448 and in the more recent case of *Re K* [2022] EWCA Civ 468.
16. An examination of principles applicable during Fact-Finding Hearings has also been helpfully set out by Mr Justice Cobb in a decision of the High Court in the case of *Re B-B* [2022] EWHC 108 (Fam), in particular at paragraph 26 of his judgment. The allegations in this case are wide-ranging, but I come to consider them in clusters.

17. Section 1 of the Domestic Abuse Act 2021 confirms that behaviour is abusive if it consists of any physical or sexual abuse, violent or threatening behaviour, controlling or coercive behaviour, economic abuse, psychological, emotional or other abuse. It does not matter whether the behaviour consists of a single incident or a course of conduct. That definition has been incorporated into Practice Direction 12J at paragraph 2A.
18. The practice direction provides further assistance at paragraph 3 with what coercive or controlling behaviour is. It says this, that:

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

“controlling behaviour” means an act or pattern of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour...”
19. Those definitions, and domestic abuse in more general terms, were further considered in *Re H-N* and I have in mind that which is set out in particular at paragraphs 25 to 34 of the judgment. Within those paragraphs is a reference to the judgment in *Re L (Relocation: Second Appeal)* [2017] EWCA Civ 2121, in which Peter Jackson LJ made the point that:

“Few relationships lack instances of bad behaviour on the part of one or both parties at some time and it is a rare family case that does not contain complaints by one party against the other, and often complaints are made by both. Yet not all such behaviour will amount to domestic abuse.”
20. Pursuant to paragraph 29 of Practice Direction 12J, the purpose of the Fact-Finding Hearing is to permit the Court, wherever practicable, to make findings of fact as to the nature and degree of any domestic abuse that is established, and its effect on the children, the children’s parents, and any other relevant person. It is helpful to have firmly in mind why that is important and how the Court’s findings fit in to the overall task that the Court performs in these proceedings.
21. The issues for the Court focus primarily on V and W and their needs. In determining questions about their upbringing, it is the children’s welfare throughout their childhood that is of paramount consideration.
22. The concept that domestic abuse is harmful to children speaks to a great extent for itself. If any explanation were needed it can be found in paragraph 4 of Practice Direction 12J and paragraph 31 of *Re H-N*.
23. Other fundamental principles which come from Section 1 of the Children Act 1989 include these: that any questions about the children’s upbringings are ones that the Court should try and resolve without delay because delay is likely to prejudice their welfare. The Court will not make any order unless it concludes it will be better for the children than not making an order.

24. And, importantly, this: subject to any questions about risk of harm the presumption is that the involvement of both of their parents in V and W's lives will further their welfare. When parents live separately, it follows from that that the starting point is that children should remain in contact with the parent that does not administer their day to day care. That starting point is of course subject to their welfare. Making an order for no direct contact is a serious and draconian order. The Court should not do so unless it is satisfied that it is both necessary and proportionate to do so and that no other less radical form of order will achieve the essential end goal of being in the children's welfare interests whilst also promoting the involvement of each of their parents in V and W's lives.
25. When coming to its ultimate conclusions, the Court will have regard to the considerations referred to in Section 1(3) of the Children Act 1989, and that will be the subject of further exploration in due course.
26. For present purposes, however, it is helpful if I further identify that, if domestic abuse is found in a case, paragraphs 35 to 37 of Practice Direction 12J deal with additional factors which need to be considered at the welfare stage. Those include the physical and emotional welfare of the parent with whom the children live before, during, and after contact.
27. Given that it has been indicated on behalf of the father that he may seek an Occupation Order at this hearing, I have reminded myself also of the provisions of Section 33 of the Family Law Act 1996.
28. Article 8 of the European Convention on Human Rights is engaged and so any order that the Court makes is weighed against the right of those affected to respect for their private and family life, and their home.

(adjournment)

#### *Evidence*

29. In resolving disputed issues of evidence in this court, where a person asserts a particular fact, it is that person who has to prove it. Because the father makes the allegations, which I am to determine, he has to prove them. At no stage does the burden reverse. The mother has to prove nothing.
30. The standard of proof is the balance of probabilities. In other words, if it is shown that any particular fact is more likely than not to be true, then it is treated as having happened. If it is not proved, then the fact is treated as not having happened. The Court is entitled to take into account inherent probabilities and improbabilities in deciding whether or not a fact is proved, but has to base its findings on evidence, including reasonable inferences, and not speculation: *Re B [2008] UKHL 35*.
31. The Court has regard to the totality of the evidence and does not compartmentalise it. My role is to survey the evidence on a wide canvas, considering each piece of evidence in the context of all of the other evidence. It is in that way that I come to the conclusion whether the case put forward by the father has been made out to the appropriate standard of proof: *Re B-B*.

32. I remind myself that it is common for witnesses to lie in the course of an investigation or a hearing. They may do so for a variety of reasons. For example, shame, misplaced loyalty, fear, or distress. It does not follow that, just because they have lied about one thing, they have lied about everything: *R v Lucas* [1981] QB 720.
33. Witnesses may also be fallible, and that goes to the reliability of their testimony rather than their credibility. I have in mind that a witness's recollection of events is a process of fallible reconstruction, which can be affected by external influences and supervening events, moulded perhaps also by the process of this litigation, with past beliefs being reconstructed to make them more consistent with present beliefs and motivated perhaps by a desire to give a good impression: *Gestmin SGPS SA v Credit Suisse (UK) Limited & another* [2013] EWHC 3560 (Comm).
34. It is also important to consider whether discrepancies in evidence arise because of lies designed to hide culpability, lies for other reasons, or from faulty recollection, or confusion at times of stress, or when the importance of accuracy is not fully appreciated. The possible effects of delay and repeated questioning on memory and hearing the accounts of others should also be considered. A desire to iron out wrinkles may lead to a process of what the courts have called “story creep” without any necessary inference of bad faith: *Lancashire County Council v C, M & F (Children – fact finding)* [2014] EWHC 3 (Fam).
35. In general terms, I have in mind also that the courtroom is an alien environment for most witnesses, and in particular in the emotionally charged atmosphere of a contested family dispute. I do not make the assessment of a witness's evidence solely by virtue of their behaviour in the witness box: *Re M (Children)* [2013] EWCA Civ 1147.
36. It is often unreliable to draw a conclusion from a witness's demeanour as to whether they are telling the truth. An approach of that sort may reflect conscious or unconscious bias or prejudice. The objective and reliable approach that the Court adopts is to focus on such matters as the internal consistency of the evidence, its logicity and plausibility, details given or not given, and consistency against other sources of evidence, including what the witness may have said on a previous occasion, and other probable or known facts. However, where facts are not likely to be found in contemporaneous documents, my assessment of credibility does include the impression made on the Court by the witness, with due allowance being made for the questions that may arise from the process of giving evidence: *Re B-M (Children: Findings of Fact)* [2021] EWCA Civ 1371.
37. I have heard direct evidence from witnesses during the hearing, of things that they have said, done, and experienced themselves. There has also been what lawyers call original evidence, for example, evidence of things said which are relied upon for the fact that they were said rather than necessarily for the truth of what was said. I have also been taken to hearsay evidence, matters not experienced by the relevant witnesses directly, but which are relied upon for the truth of their contents, to which the Court will generally speaking attach less weight, in particular when hearsay is in competition with direct evidence.
38. The Court approaches propensity evidence with some care. However, if evidence is relevant and admissible, in circumstances in which there is a pattern of behaviour, conduct on one occasion may be taken into account in going to show that conduct of

striking similarity is more likely to be true on other occasions: *R v P (Children: Similar Fact Evidence)* [2020] EWCA Civ 1088.

39. In the context of Practice Direction 12J, and as confirmed in a number of cases from the higher courts such as *Re R (Children)* [2018] EWCA Civ 198, *F v M* [2019] EWHC 3177 as well as *Re H-N*, the parties need to appreciate that the purpose of proceedings in the Family Court is not to establish guilt or innocence, but to establish the facts insofar as they are relevant to inform welfare decisions about the children. The Court guards against becoming distracted by criminal law concepts.
40. Because one of the father's allegations involves the mother having made false allegations of rape, I have in mind the principles set out by Mr Justice MacDonald in a case called *Re P (Sexual Abuse: Finding of Fact Hearing)* [2019] EWFC 27, which further develops his judgment in *AS v TH (False Allegations of Sexual Abuse)* [2016] EWHC 532 (Fam). Cases of sexual abuse create particularly acute forensic difficulties, and not least because the abuse is not commonly witnessed by third parties. Allegations may emerge some time after the abuse is alleged to have occurred and long after any physical evidence has disappeared.
41. I have regard also to the dangers of making assumptions in the context of sexual allegations, assumptions as to what kind of person is a victim and the kind of person who may be a perpetrator, how a victim might react, and how a perpetrator might react: *Crown Court Compendium, June 2022, Chapter 20*. In the context of serious sexual abuse, there is no typical victim and no typical offender. Delay in reporting such behaviour does not mean it is untrue. Late complaint does not render an allegation untrue any more than a timely one renders it true. Equally, just because someone who says that they have been a victim of serious sexual abuse has given inconsistent or incomplete accounts in the past does not mean that their allegation is untrue.
42. Just because someone consents to sexual intercourse on one occasion that does not mean that they must have consented to sexual intercourse on other occasions. There is a difference between consent and submission. A person consents if they agree to something when they are capable of making a choice about it and they are free to do so. Consent can be given enthusiastically or with reluctance, but it is still consent. But when a person gives in to something, against his or her free will, that is not consent, that is submission. They may submit due to threats, out of fear, or by persistent psychological coercion, and in those situations, they do not have free choice and that does not amount to consent freely given.
43. In overall terms then, when considering whether the case has been proved to the requisite standard there is an overarching importance in the Court standing back from the case to consider the whole picture and asking itself the ultimate question, whether that which is alleged is more likely than not to be true, avoiding in the case of multiple allegations of capitulating to suspicion.
44. Failure to find a fact proved does not equate without more to a finding that an allegation is false. The Court may conclude that it is unsure whether it is more probable than not that the event occurred and the burden of proof has been discharged or not discharged. I have already referred to what is sometimes called the binary effect. That said, in a case where there is much suspicion and speculation on

some matters as well as satisfactory proof on others it would be artificial and misleading to suppress all reference to the one whilst giving prominence to the other.

45. In a case called *Re A (A Child) (No 2)* [2011] EWCA Civ 12 Lord Justice Munby, as he then was, said that it may be relevant to record matters of suspicion which may inform the welfare decisions that ultimately the Court may have to make.

### **Issues of fact and the evidence**

46. In this case, I have heard evidence and read evidence from the parties themselves, the paternal grandmother, M, the paternal aunt, N, and a gardener named P. There is a statement within the bundle from a friend of the mother called R, which I have read, but I have not heard live evidence from her and so her evidence stands as hearsay.
47. A number of factual issues are not in fact in dispute, and those include briefly these. The parties met in November 2017, initially on Tinder and then personally. The mother was a qualified lawyer in [her native country] but had moved to England to develop her English. In about December 2017, the parties started cohabiting and the mother became pregnant. The mother had to go to [her native country] for several months during her pregnancy and then returned to England about two months before she was due to give birth. V was then born, as I have already said, on 30 August 2018. The parties, I understand, married on 24 November 2018, and W was born on 27 January 2021.
48. What I do not doubt, having heard their evidence, is that both parents clearly love their children very much indeed.
49. My overall impression of his evidence was that the father gave evidence in a way which was articulate, clear and considered. Although it is urged upon me that he was at times evasive, in general terms I do not agree. He answered every question asked of him in a manner which was pretty straightforward, in my assessment, at times adding context as he went. He appeared to be able to accept criticism of himself and express regret for things which, with the benefit of hindsight, he might have done better.
50. I accept the submission that family members called by the father are more likely to be aligned with his position in these proceedings. That said, my view of both M and N was that they were clear in their evidence and told the Court in their own different ways about the things that they had experienced. The paternal grandmother was, as I suspect she may be in day to day life, fairly business like in the way in which she delivered her testimony, but showed warmth when speaking, for example, about the father or the children. The paternal aunt came across as a down to earth, kind, and likeable person.
51. In cross-examination, it seemed to be suggested that P had been put up to giving evidence by the father and, indeed, that was something also submitted to me on behalf of the mother. He himself said that he had offered up some of his evidence to “help,” that being his word, the father. However, I was not left in any doubt that he was a witness of truth.
52. It is a fact that English is not the mother’s first language. She was assisted during the course of her evidence by an interpreter in order to give her best evidence during the



course of this week. Of course, it was right that she was assisted in that way, but what that meant was that I needed to look elsewhere for evidence of how well she was able to communicate during the course of her relationship with the father, in particular because she gave some answers that indicated that she had not appreciated, at the time, that things would be interpreted as they were.

53. The mother told the Court that she would send text messages to the father to tell him how she felt because she could then use Google Translate to write messages which she could not express verbally to him. She seemed to row back from that slightly when taken to evidence of spelling errors in the text messages, which I infer Google would not have made. Within the evidence, I have also seen and heard transcripts and recordings of the mother in dialogue with others, including the father and the police. Although the mother said she was not treated fairly by the police, because she was not offered an interpreter, it appears that she was provided with one on the one occasion when she asked. In any event, it is apparent from the evidence that she was able to communicate effectively verbally. Although the mother denied that she was fluent in English, she was taken to a school admission document which she prepared dated July 2022, in which she herself had said she was fluent.
54. Furthermore, during her evidence the mother had a tendency to start answering questions in [her native language] before counsel had finished asking the question. Whilst that led to some hiccups, because the interpreter was trying to listen to and translate for two people at once, it was apparent to me that the mother was having little trouble understanding what was being said to her in English. Although I do, of course, make some allowance for the mother's English having improved over time, on balance I have reached the conclusion that the parties were able to communicate in English effectively from the start of their relationship and that the mother's English was fairly fluent, as she stated herself, by the time these proceedings began.
55. When I come, therefore, to consider the overall impression made by the mother whilst she was giving her evidence, it seems to me that she was intelligent, articulate, and able to express herself imaginatively. She would, as I have said, start to answer questions before questions had been put, and on numerous other occasions she would answer a different question than to that which had been asked. In those ways, it seemed to me that she would seek to control her narrative.
56. It is a feature of this case that the father is one of the owners of a family business, as is the paternal grandmother. The late paternal grandfather had been one of the founders of the business but, since his sudden death, the father has run that business with the paternal grandmother. Although I understand that the paternal grandmother may have stepped back a little in 2020, she did not retire completely, and she has continued to play an active role in the management of the business since then.
57. The paternal aunt, N, works in the company's sales team. She does not report to the father and said that she does not communicate with him day to day. The paternal grandmother said that there were daily communications between the three of them, and that she needed to speak to the father all the time. In terms of geography, the father is based in a different office to that where the paternal grandmother and the paternal aunt are based, and so I did not consider what the paternal grandmother and the paternal aunt to have said to be inconsistent with one another.

58. Aside from the business context, the father and the paternal grandmother both said that they have a close relationship with one another. I understand that the paternal grandfather, sadly, died suddenly [...], and that may well have strengthened their bond. The mother says that she met the paternal grandmother about four times in 2017. Surprisingly, in my judgment, she did not recall if the father spoke about his mother much at that stage, and said that he did not speak much about her before she went to [her native country] in late 2017 or early 2018. However, the mother did agree that the father was a caring and supportive son to the paternal grandmother, which was a positive quality.
59. The father did not consider, when it was put to him, that the parties' relationship was problematic right from the start. He spoke of the mother as being the love of his life and, while she was pregnant with V and in [her native country], he worked day and night to try and ensure that her visa application was processed so that she could join him permanently in England.
60. The mother said that, when she came to the UK when she was seven months pregnant, she was scared, in fear, and did not know if it was the right thing to do. She said that the father did not want her to have V in [her native country], telling her that if he were born there it would be more difficult to bring him to England because he would require a visa too. She said that, in consequence, she gave birth to V alone and had no one with her or to help her except for the father.
61. The father said that he told the mother during the early months of their relationship that he wanted to put a pre-nuptial agreement in place. He said she was initially fine with that, and the mother said that the pre-nuptial agreement was never a big problem for her. The father accepted that he shared heads of terms with the paternal grandmother and had not told the mother that he was doing so. He said that he felt he had a duty to protect the family assets as well as his own. In my judgment, that was not unreasonable given the business context that I have already described and the context, which the mother appeared to have understood.
62. However, it appears that the mother later discovered emails on the father's phone with the paternal grandmother about the pre-nuptial agreement. She told the Court that she was upset that he had shared details about the parties' private life with the paternal grandmother. I have not seen those emails, but the mother's evidence was that she considered that the father had shared drafts of the agreement and more detail than he had said. For her part, the paternal grandmother said that she did not have a big input into the pre-nuptial agreement, but she thinks the mother thought that she had had more involvement than she did. She accepted that the father had emailed her about the agreement.
63. The mother said that the father threatened that, if she were not to sign the pre-nuptial agreement, she would need to go back to [her native country]. The father for his part denies making that threat. I have struggled on balance to reconcile the mother's evidence with the fact that she did not, in fact, ever sign the pre-nuptial agreement. She says that that was on advice from a solicitor.
64. The father accepted that the mother relied on him financially, that English was not her first language and that she was isolated at the initial stages of the parties' relationship. The paternal aunt accepted, too, that the mother had a limited support network. It appears, however, that, within time, the mother did grow a support

network. I have already mentioned her friend R who was also from [her native country] but from whom, as I have said, I have heard no live evidence. There is also a reference to the mother having a gym membership, for example. I appreciate, of course, that the parties had a young child from the start of their relationship, and that another came along in due course as well, and no doubt the fact of being a mother occupied a fair proportion of the mother's time.

65. The mother made a number of allegations during her evidence about the level of financial control that the father exercised. She told the Court that she did not have a bank account. It appears that she asked to be employed by the family business, and said that her was salary paid into the father's account but then he would not give her the cash. Although she accepts having had a credit card, that was linked to an account in the father's name, she said, and he controlled everything that she spent and would ask her about everything she would buy.
66. Although it is accepted that the mother was not named on utility bills which might have enabled her to apply for bank accounts in her own name, the father said that the mother did not ask to be set up on utility bills initially and that she had the credit card. He said he got her driving lessons and bought her a car. He did not accept that the mother could be characterised as vulnerable.
67. The father told the Court that the mother appeared to have trust issues from day one, even prior to the discussions about the pre-nuptial agreement. He gave examples of her trying to get his phone to look through it, including in the middle of the night. He tried to put her mind at rest that there was nothing going on with anyone else. He said that it felt like she was accusing him all the time. However, he said that he was very much in love and excited about having a child and he felt that they could work their problems through.
68. The father alleges that the mother would verbally abuse him throughout their relationship. He said she would fly into rages, screaming uncontrollably, hurling abuse at the father or sometimes the maternal grandmother, and sometimes also in the presence of the children. He said she would go from one extreme to the other regularly and quickly and that the children were often present. He described how V would become withdrawn and stare vacantly and said sometimes that: "Mummy is very scary." The father said that it had an impact on him too. He always had a knot in his stomach and he lost confidence. He said that it impacted every area of his life and he felt he was not allowed to be a father. If he showed care for his son, that would trigger the mother, and anything relating to the paternal grandmother triggered her. He said he withdrew from the business and stopped socialising as much. The paternal grandmother and the paternal aunt gave similar accounts in terms of their observations of the change in the father's demeanour during the course of his relationship with the mother.
69. The mother accepted calling the father a "mummy's boy" and "enmeshed" with the paternal grandmother. She denied doing so in order to humiliate him. When taken to messages in May 2020 with the paternal grandmother, and in June 2020, in which the mother spoke of the paternal grandmother and the father being enmeshed and that the paternal grandmother was overbearing and emotionally dependent on the father, she again denied that her intention had been to upset or demean the father.

70. It is common ground that the relationship between the mother and the paternal grandmother was a toxic feature of the relationship. The paternal grandmother thought that the relationship between the two was not as difficult at the time of V's birth, but it became so later. The mother, for her part, said that she felt excluded by the father's family and that she had no voice whatsoever.
71. The paternal aunt said that their family was a close one and not just because they worked in the same business. She described the relationship between the mother and the paternal grandmother as one whereby the mother would be "triggered" by the paternal grandmother and that the mother would watch her every move, albeit not in a surveillance sense. It would create a mood, she said, which was tense and it would feel like they were having to "tread on eggshells," a phrase that I note the paternal grandmother used as well.
72. The mother said she was never jealous of the paternal grandmother. The mother would not accept that the paternal grandmother was supportive of her, saying instead that she interfered a lot. She said that got worse after V's birth. She would come to the house and tell her all the things she had to do and that everything that she was doing was wrong.
73. The mother's evidence about her wanting to breastfeed V is relatively limited in terms of the relevance to the allegations before me, save that she says that the paternal grandmother would not allow the mother to breastfeed V. The father said that, sadly, the mother was not able to breastfeed for more than about two months. The paternal grandmother denied having insinuated that the mother should stop breastfeeding.
74. The mother alleges, and the paternal grandmother denies, that the paternal grandmother would remove V from the mother's care. If he was crying, the mother said that the paternal grandmother would tell her to do things in a certain way or she would let him cry and not give him back. When the father came home, he was the only person that the mother could talk to about these things, she said, but he would suggest that the mother was lying about the paternal grandmother's behaviour.
75. When the parties were living in their first house, which I understand was a semi-detached townhouse, the father said that the paternal grandmother would come to the house, ring the doorbell and then let herself in with a key that she had had for some time. That was because the parties might be a number of floors up. The father denied that the paternal grandmother would turn up unannounced, and the paternal grandmother gave similar evidence saying: "I would not like anyone to do that to me so I would not do it to her." When the mother told him that she did not like that the paternal grandmother had a key, the father says that he asked his mother for it back and the paternal grandmother confirmed that she did so.
76. It was put to the mother that the paternal grandmother was a trigger which would make her lose control and become aggressive. That was something which she did not agree with.
77. Although the tension between the mother and the paternal grandmother was a toxic feature of the relationship, the father, in his evidence, described that the greatest concern for him in fact was that the mother would seek to restrict his own ability to have a relationship with his children. He alleges that the mother would control the time he would spend with the children. For example, he would not be permitted to

put V to bed. He said that he was not permitted to be a father to the children and was seldom left on his own with them. The first time the mother ever went to the gym and left him alone with the children was 29 June 2022.

78. The mother denied controlling how or how much time the father spent with the children, saying that he would spend a lot of time with the children when he came back from work. He would pick V up from nursery on a Friday and take him for a bike ride. She said that the father had a paranoia about her relationship with V. She said in messages in early August 2021 that she did not want the father to take him to the paternal grandmother's, but that that was something to do with Covid-19 restrictions in place at the time, despite the fact that it had been something that she had apparently agreed. I note that all Covid-19 restrictions were lifted in England on 19 July 2021.
79. The mother, in fact, criticises the father for not permitting her to teach the children about her heritage. He denied that, saying that both parties had agreed it would be fantastic for the children to be bilingual. He said, by reference to the message which the mother relies on, however, that there were times when the mother would talk in [her native language], and sometimes it was when the mother was more angry or upset that she would use more [of that language]. Because he himself was trying to learn [the mother's native language], he said he was unable to keep up. He said V would present as upset, but the father would not understand what the mother was saying to him. He said: "I felt a bit of a lemon and was trying to understand."
80. The father alleges that the mother would accuse the father of being too close to the paternal grandmother's house when out cycling with V and would demand that the father would use Strava on a bike ride so she could see where he had been, and to ensure that the father had not taken V to see the paternal grandmother. Even though he did, the father said that the mother would say, when he showed her the route that he had taken, that he had stopped the recording and restarted it and that made him feel like there was nothing that he could do to keep her happy. It was not until after the third couples' therapy session that he said that the mother agreed that he could take V on a bike ride.
81. On 27 April 2021, the mother said that messages she sent restricting the father's bike ride with V was again to do with Covid-19 restrictions in place at the time. The mother said that the father never used Strava when he went out with V. On 25 July 2021, the mother said in a message: "If you don't do Strava, unfortunately I can't trust you." The following context is clear that she did not want the father to take V to see the paternal grandmother. The mother said that this was a cherry-picked message at the time of Covid-19 restrictions, although I again make the observation about when those were lifted.
82. Returning to the chronology, a few days after they got married in November 2018, the father, mother and V joined the paternal grandmother and paternal aunt on a family holiday in Dubai. It does not appear to me that it was ever intended as the parties' honeymoon.
83. The paternal aunt described it as having been lovely for some of the time, but difficult at others due to the mother's behaviour. It was said by the mother that the paternal grandmother had refused to give V back to the mother when he was crying, which the paternal grandmother, for her part, denies. Another example was that the

mother criticised the father, paternal grandmother, and paternal aunt for having discussions about cancelling a boat trip in her absence. The paternal grandmother did not accept that they had intended to isolate the mother. She was in the bathroom when the topic came up and that was because the paternal aunt was having problems with her ears, and so it was a suggestion which had been made while they were talking around the table to cancel the boat trip and a firm decision to cancel would not have been made until the mother's return.

84. On 5 December 2018, the paternal aunt described a time when the father arrived at her birthday meal at the paternal grandmother's house without the mother because she had not wanted to come. However, after a short while, the mother arrived and held her finger on the door buzzer for a prolonged period, perhaps as much as 10 minutes, although that is denied by the mother, and then screamed at the father. The father then had to take the mother home and he says that that ruined the atmosphere of the meal.
85. In December 2018, the father states that the parties were driving to Cornwall for a holiday just after Christmas. The father was driving and V was also in the car. The father alleges that the mother became angry about the paternal grandmother and lost control, digging her nails into his skin and pushing his face into the window. They drove in silence after that because he said he was in shock; he could not believe it had happened. Whilst he said he had no lasting injuries, it was disconcerting. The mother's rage and anger would come from nowhere. He did not think at the time to take any photos of his injuries and he said he did not go to the police because the mother was his wife.
86. The mother denies there being an argument at all and said that she did not do the things alleged of her. She says that the father has made it all up. She told the Court that she had proof of that on her mobile phone, but that that was not an audio recording. The proof that she said that she has shows that it was a very happy journey. That evidence is not before the Court, despite the mother having made numerous statements within the context of these proceedings.
87. In March 2019, the paternal aunt says that she bought a toy frog for the bath for V when she had been shopping in London. When she took it around for V, she says that they had been having a lovely time but then the mother grabbed the present out of the bag and said: "That is too old for him, that will hurt him." The paternal aunt said that that made her feel like she had done something wrong, and that she had been trying to harm V with a gift.
88. The mother says that she had no intention of upsetting the paternal aunt. In a text message to her afterwards on 20 March 2019, the mother described that things had "started too intense and went out of control," and she apologised to the paternal aunt. What is also apparent from that apology was that the mother's real concern was with the paternal grandmother.
89. In April or May 2019, it appears that the parties went to couples' therapy. The mother says they went to couples' counselling because of the paternal grandmother's interference. They spoke at length about the paternal grandmother having a key to the parties' house. The paternal grandmother, she said, had gone to the hospital without the mother's permission when she just given birth to V and had not even had time to have a shower.

90. The mother said the father used to shout and scream at her and humiliate her, telling her that she could never do anything right and that he called her bad names. The father did not accept that he had anger issues at that time, but accepted that there were times when he cried. He was taken to an audio recording made by the mother on or about 12 June 2019 of part of an argument in which the father can be heard saying to the mother that she has “a very dark side” and calling her a “twat.” In my assessment of the audio recording made by her, the father was clearly angry with the mother on that occasion. He accepted that he swore at the mother and was derogatory of her.
91. The context, though, he says is that they had been watching a video of the time when V was born. I understand from his evidence that, when he was born, V was not breathing initially and a crash team had had to intervene. The father described that as a very emotional thing and had thought it a special moment, but went on to describe that the mother then started shouting at him that the father had taken more photos of V with the paternal grandmother on that day than of the mother with V. The father said he was taken aback. It had been nothing to do with his mother and so, unfortunately, he said, it escalated into an argument. There is very little other evidence that I have been taken to of the father becoming angry in the same way.
92. On 31 July 2019, the father alleges that he was trying to put V in his cot when the mother became upset. He did not know why she was then shouting and screaming. He says the mother's behaviour was becoming so extreme by this time that he set his phone to record when she became angry. However, when she realised that the father's phone was recording, he said that the mother demanded that he delete the recording. She then tried to wrestle the phone from his hand and then bit his hand, leaving indentations in his skin. He says that shocked him, leaving him in fear. She then deleted the recording.
93. The mother accepted that the argument took place. She says that the father was being abusive, with him calling her a “smelly cunt,” which he denies. He says he did not call the mother a “cunt” at any time, it was not part of his general vocabulary, but the mother was verbally abusive with him too during arguments, he said.
94. For her part, the mother denies the remainder of the allegation made by the father. She said that she used to like the father spending time with V and helping her. She denied even that the father tried to record her, and that the allegation was completely made up by the father. She said that she went to bed crying and, on the next day, the mother went on Google to find family law advice because she was isolated and had no support. She could not pay a solicitor due to the economic control which I have described she says was exerted but had, however, some free legal advice. She accepted she did not report the matter to the police or her GP, saying that the father also booked her GP appointments.
95. In August 2019, the paternal aunt describes a time when the mother changed her mind about not attending an event at Silverstone. When the father told her that there was no longer a ticket for her, the mother hid the father's car keys and, during the journey to the event, the mother sent a text to the father saying that she would leave him if he did not return to pick her up.

96. On 21 August 2019, the paternal aunt was holding V when he started to cry. She says that the mother grabbed V out of her arms with such force that it scratched her arm. Afterwards, the mother sent a text to the paternal aunt which included this: "It might be rude to take my baby back when he is crying, but I think it's much more rude to keep a crying baby and don't give him back to his mother." She went on to say that she wanted, by sending the text, to set some boundaries.
97. That was then followed by a time when the mother is said to have made a scene on the occasion of V's first birthday about a present which the paternal aunt had bought for her nephew.
98. At V's party on the following day, the mother is described as having shouted and screamed in front of guests about the father and paternal grandmother talking about her and that, the paternal aunt said, made the atmosphere awkward and embarrassing. The paternal grandmother was clear that they were not talking about the mother, but about the balloons at the party.
99. In August 2019, the mother says that the father threatened to take V if the parties separated. The father denied that. The father knew that the mother had taken legal advice because she was unhappy in the marriage.
100. On 24 September 2019, the paternal aunt describes a meal at a restaurant with the maternal family who were visiting. She described the mother as "frosty." At the end of the meal, the father leaned across the table with V in his arms so that the paternal grandmother could say goodbye to him, at which, the paternal aunt says, the mother launched herself at the paternal grandmother, accusing the paternal grandmother of kissing V on the mouth and snatching V back from the father. The paternal aunt told the mother it was a kiss on the cheek to which she hissed: "He's my baby, not yours."
101. The mother says the paternal grandmother was going to kiss V on the lips. The paternal grandmother told the Court that she does not even kiss her own children on the lips. She too was clear that it was the mother who had removed V from the father. The mother says the father practically threw V at her, although she could not explain why he would do such a thing. The paternal grandmother said that the whole incident ended the evening in a very sad way.
102. Between September and December 2019, the parties attended more couples' therapy sessions.
103. The first police involvement as I understand it was on 17 October 2019. The police were called by the mother after an argument. The father says the mother had slapped him, but that is not recorded in the police disclosure. He denies threatening to remove V from the mother's care.
104. The mother denied in cross-examination buying the recording device discovered in the property in November 2019. That was despite her having, on the face of it, admitted to buying a recording device when interviewed by the police. She attributed that to not having had an interpreter in the police interview, and the unfairness I have already mentioned that she alleges of the police's interview process.



105. During the period from 2019 to 2021, the father says that the mother would throw and smash objects in the presence of V. He fairly accepted that there were no third party reports from neighbours whilst they were living at the property in which they lived initially, which was a semi-detached town house, but he said that that had been a very well insulated property.
106. On 18 December 2019, the father alleges that the mother threw a glass at him in the kitchen which shattered everywhere. He says it did not hit him. V overheard the commotion and was distressed, he said, but there were not any reports made to the police.
107. The mother denies that this happened at all. The mother says that the messages at the time, in which the father says that there is glass on the kitchen floor, have been cherry-picked. The mother accepted that V was upset, as she herself said in the messages, but not because he had witnessed the incident alleged. It appears there was a disagreement over text on the following day about finances.
108. It seems that the parties then went on to spend Christmas 2019 with the paternal family, and that there were some family gatherings after Covid-19 restrictions were lifted in 2020 as well.
109. The father was taken to text messages which he sent in March 2020 in which he had sent the mother a link to a Christian website in order to try and explain how he felt. During the course of his evidence, he said that in hindsight that had possibly been insensitive, and he apologised. The context was, he said, that he would be playing with V and the mother would demand to know what the father had been saying to his son. He said that that dynamic was so difficult he tried to talk to the mother, but she would become enraged and he could not have a sensible discussion with her. So, in a sense of desperation, he sent the message to the mother. He said he experienced a sense of fear and that he had a knot in his stomach about it.
110. In or about April 2020, the father says the mother told him she was pregnant. He told the Court that the parties had agreed not to have more children because of difficulties that they were experiencing in their relationship. He thought she was on the pill and that she had obviously stopped taking it. An argument ensued between the two of them. The mother says that there was no intimacy during the course of that period but the father denies that. The paternal grandmother, for her part, denies ever saying that the mother had become pregnant deliberately.
111. This provides the context for an allegation later made by the mother of rape at the time that W was conceived.
112. In her ABE interview dated 10 September 2021, the mother alleged that the father, after an argument, put her up against a wall in the kitchen and digitally penetrated her without her consent. She says that she told the father that she did not want to have sex whilst they were in the kitchen. She also said that they had “ended up having sex” but she told the police that that was on the sofa in the lounge. It appears that some minutes had passed between the parties being in the kitchen and them being in the lounge. It does not appear that the mother says that she restated to the father in the lounge that she did not want to have sexual intercourse with him because, she says, she had already made herself clear in the kitchen. The mother accepted not having disclosed this to anybody at the time.

113. During the course of this hearing, the mother told the Court that the father was never violent towards her in order to have sex with her, but she just did as the father requested, and that she was distressed when on the sofa. When taken to her police statement dated 22 June 2022, in which she said that the father hit her on numerous occasions as a result of her not wanting sex with him, she told the Court that he did not hit her such as to cause injury.
114. In her statement of 1 July 2022 in these proceedings, she said she did not report the rape at the time because she did not understand what she had experienced constituted rape until she went to the police in September 2021. She said she understood that it was her duty to have sexual intercourse with the father, and that she had never heard of a case in Her native country of a husband raping his wife.
115. However, that appears to be inconsistent with the mother's ABE interview on 10 September 2021 in which the police asked the mother about an email which she had sent them in which the mother had told the police about her having been sexually assaulted by the father. When asked what she meant by "sexually assaulted," she told the police this: "What I mean is I do not want to have sex with him, and he force me to have sex with him."
116. When I had asked the mother about her legal training in [her native country], she was very clear about what she had studied, which included criminal law but not criminology. When I asked her specifically whether any of her studies included studies about sexual offences, she was strangely vague, in my assessment, in her answer.
117. The father was interviewed under caution on 22 October 2021, and during that he told the police that there was never an occasion when he digitally penetrated the mother in the kitchen. He told the Court that the parties regularly had sex on the sofa, but principally at the beginning of their relationship. His account in interview, as it was during this hearing, was that he never had non-consensual sex with the mother.
118. On the evening of 25 April 2020, the father says he was playing with V in the bath, which made the mother angry and she yanked V's legs. They had an argument that evening as a result, and on the following morning, the father says that the parties woke up and that argument resumed.
119. During the course of that, the father says the mother slapped him hard across the face. He could not remember, but thought that V was probably still asleep. He says he took himself off to the beach at 05.45am to avoid the mother escalating matters.
120. The father says that he had started to keep a diary when the mother's behaviour became odd and strange, and the father's diary entry for that day says this: "Bad argument this morning. She slapped me hard across the face. I am at work now after being on the beach since 05.45am. Last night she screamed at me for playing with V in the bath while she said she wanted to get him out. She walked out but then as I was getting him out she came in and pulled his legs back into the bath. Totally out of order! I told her to fuck you and went out for an awesome drive."
121. The mother's position is that the allegation is fabricated and it simply did not happen.

122. One of the father's allegations is that the mother would threaten to take the children to [her native country] which is why he applied for a Prohibited Steps Order on an urgent basis in these proceedings. The father said it was a constant theme. I have seen messages on 26 April 2020 in which the mother indicated that she would take V to live with her in [her native country.] The mother says that this is out of context, that she never made a threat of that sort and that the message was cherry-picked.
123. On 5 May 2020, the paternal grandmother describes a time when she and the father were having a board meeting. She and the father were at opposite ends of the table in the office and the other attendees were on a video link. The paternal grandmother says that the mother suddenly barged into the office and announced that she was really upset that the paternal grandmother was there because of Covid-19 restrictions in force at the time.
124. However, the paternal grandmother told the Court, they were permitted to work and that social distancing was in place. What then happened was that they tried to defuse the situation, she said, by leaving the room, but it was embarrassing because the other directors all witnessed what was going on via the link. The mother then locked the father and paternal grandmother in the father's office and demanded to speak to the paternal grandmother. She did not let them out, she said, for 15 minutes, and the paternal grandmother characterised that as strange and scary behaviour.
125. The mother says that this never happened and that the paternal grandmother had simply made it all up. She recalls going to the office on one day with some sandwiches.
126. On 10 May 2020, which was Mothering Sunday, the father tells the Court that the mother made a comment that he was jealous of her family because the maternal aunt was able to have children, whereas the paternal aunt could not, to which the father replied that the comment was "sick and nasty" and that he was not jealous. He says that the mother then hit him hard across the face and broke his sunglasses in the process. At the time, he says, he was driving and V was in the vehicle, and the force of the mother striking him meant that he struggled to maintain control of the van.
127. The mother denies being in the van with him on that day or saying what she is alleged to have said. She denies hitting him in the face and breaking his sunglasses.
128. The father was cross-examined about the time at which he took photographs of his damaged sunglasses, which was at 08.50 in the morning. He told the Court that the parties would often go out really early because V would wake. He dropped the mother and V home and took the photograph afterwards. He accepted that he not reported the incident to the police at the time.
129. The father says that, later on the same day, there was a second argument while the parties were out. When they got home, the father took V into the house whilst the mother remained behind. He later discovered that she had slashed the driver's seat five times with a knife. He did not see her do that, but she was the last person to have been in the van. When the father challenged her about that, she initially denied it, he said, but later admitted it.
130. The mother said in cross-examination that she definitely did not slash the van's seats. She accepted that the seats were damaged, but it was not she who had caused the

damage. Her recollection was that the parties had had an argument during the evening in the house, and that argument had been about her getting pregnant on purpose. She said that the father had been drinking a lot. He swore at her, humiliated her, and then left.

131. The father does not accept that, but does accept that he took the van out, away from the house and out of sight of the mother, in order to take a photo of the damaged seat at about 11.35 that evening. He says he then hid that photograph in a password protected file on iCloud, because the mother would access his phone. He says he taped the seats up with gaffer tape.
132. In the early hours of 11 May 2020, it is common ground that the mother phoned the paternal grandmother four or five times and demanded to know if the father was at her flat. The paternal grandmother said she told the mother that she did not know where the father was. She says that there was no discussion at any point about the father drink driving.
133. At 01.07 that morning, the mother sent a text message which said this: “So [the father] left his pregnant wife at home with their son to go to sleep at his mum's house. He doesn't get any call and his mum pretends he is not there. Well done dear husband for keeping sharing our marital relationship and issues with your mum!” That is followed by some applause emojis, presumably meant sarcastically.
134. The mother said that she telephoned the paternal grandmother who told her that the father had been there but had left. She told the Court that she contacted the paternal grandmother out of concern for the father's welfare but, when asked why that answer was at odds with the text message, she said that she was upset that the father was sharing information with his family.
135. The father says that the mother also ripped up family photographs. In her statement dated 15 July 2022, the mother admitted ripping up some photographs (plural). In cross-examination, the mother accepted ripping up one family photograph in 2018 when upset about the father and paternal grandmother, but then doubled down further and said that she could not remember whether it was a family photograph or not later in her evidence. The mother did not recognise the photographs exhibited by the father as being ones which she ripped, and in any event she denied doing this to hurt the father.
136. On 15 May 2020 the father said in a message: “You've hit me in my face twice in front of our son, you are out of control, knifing my car seat.”
137. The mother did not, in her response, deny what he had said, but neither did she admit the allegations. Her response was: “I feel sorry for you to be so blinded by your mum.” And then: “It's better you get your things and go to your apartment.” She told the Court that that was, using her words, a “silent denial,” by which she meant the father was fabricating all of this, blinded by his mother because he was fabricating it with the paternal grandmother.
138. The mother accepts breaking a mug on one occasion, when she said the father wanted her to have sexual intercourse with him. She said that every time the parties had an argument he would try to have sex with her. On this occasion, she said he tried to press his penis to her bottom, so she threw a mug on the floor. That is denied by the

father. When asked how throwing a mug on the floor would stop unwanted advances, she said: “That was my reaction at the time, and he stopped.”

139. When asked about the mug which the father alleges the mother broke on 15 June 2020, the mother gave lengthy evidence that she had gone to bed early and she had asked the father to bring her a glass of water in bed, which he did. She said that there was no argument at all that night. The mother said that the photographs of broken crockery throughout the house taken by the father late that evening were fabricated evidence despite the metadata being available. She confirmed that the photographs were taken in her house, but she did not hear anything being smashed that night.
140. On 29 June 2020, the mother sent a message to the father saying that, unless they were to move house by January 2021, she would go to [her native country] to have her baby. She told the Court that that was because she had serious problems with her knees and that the stairs in the townhouse were making it worse. She disagreed that the messages were demanding or unreasonable because they were already looking at moving house and she never said that she would take V or that the father could not go to [her native country with them]. The parties moved to a different property, it seems, in November 2020.
141. In a WhatsApp exchange with the father on 1 December 2020, the mother appears to have been upset because, on the paternal grandmother's birthday, the paternal grandmother bought a present for V. The mother said that the context was that the paternal grandmother was buying multiple presents for V and that the parties had agreed boundaries to stop that. That appears, however, to be inconsistent with the messages themselves, in which the father says that he had never heard of boundaries of this sort in other families and that the only way to avoid the mother being irritated to death by the paternal grandmother and the paternal aunt would be to never be in one place together ever again.
142. On 12 December 2020, the father alleges that the mother became angry during a conversation regarding the paternal family. P says that he heard the mother, as she came out of the door, shouting at the father as he was going to his car. He characterised it as the sort of argument that normal people have. The father said that, as he was trying to leave, the mother had followed him and kicked the van repeatedly. The gardener did not see that but told the Court that he had quickly retreated through a gate when he had initially heard the argument. The father accepted in cross-examination that there was a height difference in the damage shown in the photographs of the side of the van. The father's evidence was that V witnessed this incident and that it had not been reported to the police. The mother denied following the father out of the house and shouting at him. She thought the argument was two-sided. The suggestion that the van was kicked by her, she says, was totally fabricated.
143. On 17 December 2020, the father alleges that the mother cut his lip and scratched his face during an argument. The father denied that he went to retaliate by striking her with a laptop. The mother recalls that there was an argument when the father was offending her and shouting, “Smelly cunt,” right in her face. She said that she was heavily pregnant and her first reaction in self-defence was to slap his face. She denies causing injury.

144. In messages between the parties on that day the parties made, broadly speaking, the same allegations against each other and gave similar responses then that they do in these proceedings, and it is clear from the context that the argument was again about the paternal family. The father said in his message that this was the third time she physically attacked him and only days after kicking his van.
145. The mother did not respond to the latter point, but denies injuring the father to the extent that he had alleged, saying: "I slashed your face because you called me a cunt. I did not even hurt you. There was no blood." It was put to her that the reference in the following message from the mother about the use of her nails was inconsistent with the idea of a slap. She said that it would have been impossible to have caused any harm and that it was an open handed slap in self-defence. The mother accepted that hitting someone in response to verbal abuse is not generally an acceptable response. She said that had been aggressive behaviour from the father and she considered her response was proportionate.
146. In early 2021, P said he was tending to some flowerbeds in the communal area serving the three houses where the parties lived. He said he could see the parties' house and could see V on a bicycle on the driveway, cycling up and down. He said he was slightly concerned that V was unsupervised and purposely carried on working where he was in order to keep an eye on V because he could see him out of the corner of his eye each time he rode up and down.
147. P says that, after a while, the mother emerged from the house and shouted at V and grabbed hold of his arm aggressively. He recalled V crying and being distressed and was left wondering what V had done to deserve that response from the mother. He accepted, however, that he had not reported the matter to the police at the time or indeed to the father and that he would have done had the incident been more serious than it was.
148. The father told the Court that, whilst there was an electric gate at the entrance to the communal area serving the three houses in the development, their house did not have its own gate at the access to their own driveway. P was cross-examined on the basis that there was not much traffic. He did not agree with that proposition in that he said that there was construction work going on in the neighbouring houses. The father said that there were a number of car users in a neighbouring house, tradespeople going up and down as well as a blind corner in the roadway.
149. The mother, in her written evidence, describes a time on 27 January 2021 when she was supervising V when he was riding his bike on the drive. She said she was sat down feeding W. She described how V fell off his bike and she ran to assist V with W in her arms. That case was put to P in cross-examination. He was adamant, however, that, on the occasion he had been describing, he did not see the mother with W and that what he had seen was quite different to that which was described by the mother.
150. The mother denied ever leaving V unattended on the drive. She said she could see him and that she was supervising him. She said there was no traffic at the time as P had described. She said that V was crying because he had fallen off his bike and hurt himself, not that he had become upset as a result of the way in which she treated him and that P was lying about that.

151. On 28 and 29 March 2021, the father alleges the mother threw a glass of water over him while he was in bed, threw salt in his hair, and threw a chair across the hall when she was out of control. The mother denies all of that. The mother suggests that the father's diary entries have been fabricated in the context of these proceedings, he having had a short window, as I understand in the context of the police investigation, in which to make a diary, and that she has evidence on her mobile phone to rebut the allegation. Again, that evidence has not been adduced in preparation for this hearing.
152. On 26 April 2021, the father says the mother threw a glass at him in the driveway which then smashed. He told the Court that the mother did not clear it up, and as he was clearing up the glass later that day a piece of it went into his eye which necessitated his attendance at Accident and Emergency. The mother's position is that the father had left to go to work early, and that she and the children had gone to [a theme park]. When she was at [the theme park], she received a message from the father whilst he was at work, saying that he had something in his eye.
153. In a text message exchange between the parties whilst the father was at the hospital, the mother said: "I can't believe it. I feel so sorry," to which he responded, "So stop throwing things that break!" The mother says that these messages were sent much later on in the evening, and that they were cherry-picked. She then said in the witness box that she dropped a vase on 26 April 2021; I am bound to say that I have searched in vain for reference to that in her statements.
154. In messages dated 27 April 2021, the mother said: "If you want to get divorced then you have to allow the kids to return to [my native country] with me. You have to buy a house for us there, and you go to [my native country] twice a year to see them. When they are old enough to travel on their own with airport assistance, they come here once a year." The father accepted in cross-examination that the mother was restricted in terms of her ability to return to [her native country].
155. On 22 June 2021, the father says that the mother had banged on a locked door so hard during an angry outburst that she dented it with her wedding ring and damaged the door frame. He says that she wore a plain wedding band and asserts that her hitting the door caused a dent shown in the photograph that he has exhibited. He says that, during the course of the mother's pregnancy with W, the parties sometimes slept separately, and that he purchased locks for the doors in order to protect himself from the mother's outbursts. It was her inability to get into the room which had caused her to bang on the door as she had.
156. The father accepted that texts between the parties during the course of that day had been pleasant. It seems also, however, that 22 June 2021 was a time when the father had started to discuss the mother's behaviour with his GP. The father said that he spoke to his doctor about the mother's anger and shouting. The father said he went to his GP because he did not have anyone else to speak to about his worries.
157. The mother said that it was in fact she who purchased the door locks from Amazon for her own protection and she had had them delivered to the father's work address. She said that she had intended to buy them in a way which meant that the father would "ideally" not know about them, but they were delivered to the father's work address in error. The mother referred to the Amazon proof of purchase which is in the bundle, but I note that the account used to buy the locks was in fact the father's. She did not accept that she banged on the father's door or caused any damage.

158. The mother was asked whether she had a problem with the paternal grandmother wearing perfume, to which her response was that it was not that she was wearing perfume. The mother said the paternal grandmother used to put her perfume on the children. She accepted she never saw the paternal grandmother doing that but could smell her perfume in her living room on three occasions and she said the atmosphere spoke for itself.
159. When taken to messages from the mother dated 5 July 2021 in which she suggested that the reason why V smells of perfume is because the paternal grandmother must have abused him, the mother initially denied that she had accused the paternal grandmother of abusing V despite the terms of that message. She then said that English is not her first language and that was not what she had meant. She accepted that the father appeased her by saying that he would ask the paternal grandmother not to wear perfume as part of his proposal to enable him to take V to see the paternal grandmother.
160. The mother did not accept that her behaviour was irrational even when taken to messages on subsequent dates, including 2 August 2021 in which she suggested that the paternal grandmother had a mental problem because she would not stop wearing perfume or that she did it on purpose. The mother says that the message are cherry-picked but she has not provided any further context.
161. On 9 August 2021, the parties separated as a result of an incident involving the paternal grandmother. The father alleges that the mother physically assaulted the paternal grandmother, slapping her on each side of her face, causing swelling and a laceration to her lip and bruising to her right eye socket.
162. The father explains that the background to this was that over the previous months, and in particular over the weekend of 7 and 8 August 2021, the parties had been discussing the children's relationship with the paternal grandmother. In couples' counselling, he said he appreciated that he had become a shell of who he had been. However, he was hoping that one day they would be able to fix it. He said: "I didn't want to give up." The mother felt sidelined by the paternal grandmother; whereas the father says it was the paternal grandmother who was the one who was pushed away.
163. The father said that the mother did not want the father or the children to have a relationship with the paternal grandmother; his view was that the paternal grandmother had had almost no contact with W since his birth. The upshot of the discussions was, according to the father, that the mother had reluctantly agreed that the paternal grandmother could spend some time with W. On the evening of 8 August 2021, however, the mother told the father that she was nervous about the paternal grandmother spending time with W, and she had sought to impose a number of rules around the meeting.
164. On the morning of Monday, 9 August 2021, the father was at work early when he started to receive messages from the mother which he says initially tightened the rules around the paternal grandmother's anticipated contact with W further, and then told the father that the meeting between the paternal grandmother and W could not take place at all. The father says he was upset but trying to work and so he turned his phone off for about half an hour.



165. Shortly before 08.00am, the father can be seen on CCTV at his office speaking to someone. He confirmed that that was the paternal grandmother, and it is clear from the context that that must be right. I do not think that the live evidence given by the paternal grandmother about her not having spoken to the father that morning is as significant as is submitted on behalf of the mother. The paternal grandmother's witness statement is clear that she was speaking to the father. She was not taken back to it and I am not satisfied that, with the passage of time, it was not simply a question of her having forgotten.
166. Although the sound quality of the CCTV is not good, I have listened to it several times. I am satisfied that the father was relaying to the paternal grandmother the gist of the discussions that he had been having with the mother over the previous few days. He described that the mother was anxious about the paternal grandmother spending time with the children and can be heard saying that the mother had told him: "I do not want us to argue every time you see your mum."
167. During that call, at 08.00am, the mother presented at the door of the father's office because, she told the Court, she was anxious and she had been having panic attacks about the time the paternal grandmother used to take V from her and not return him. The mother accepted she was upset when she arrived. She says that that was because she overheard the father making plans with the paternal grandmother to take the children away from her. She said that the father got on his knees asking for forgiveness.
168. In the CCTV, my assessment is that the mother became immediately angry that the father was having a conversation with the paternal grandmother. She can be heard saying: "You're talking to your mum now!" She spoke of him doing so behind her back, to which the father responded multiple times: "I am trying to make it work!" He also seemed to say that he had no one else to talk to about it. In any event, when the mother did not stop shouting at him, he left at 08.01am. He said in his evidence that that was his way of attempting to deescalate the situation.
169. The mother did not agree that he was trying to defuse the situation, or that he was trying to keep the mother happy and allow W to spend time with the paternal grandmother. She maintained that the father was on his knees asking for forgiveness. In my judgment, she is wrong about that. Having watched the footage, he did not get onto his knees at all at that stage in the CCTV footage, and the context is different later on; I will come back to that.
170. Within about a minute of the father leaving, the mother can then be seen in the CCTV going through messages on the father's work computer. The father denied that there were messages on the computer about plans to remove the children from the mother's care, or in which the paternal grandmother called the mother a narcissist. After about ten minutes, the mother finally fetched the children, who had presumably been in the car, and she continued to look at the father's computer until he returned at 08.28am.
171. V was left, effectively, to his own devices during this period in the workshop. The mother had her back to him, and indeed both children at one point, and was paying no attention to the things that V was doing at all, which included rooting through bags and equipment in the workshop. At one point, V can be seen climbing on top of W in his carrycot. The mother did not accept that she had failed to prioritise the children's welfare, nor did the mother agree that she had been invading the father's

privacy, either on that day by looking through his computer, or by checking his phone regularly on other occasions.

172. When the father returned, she immediately started to argue with him again, shouting in the presence of both of the children, and the father was unable to get a word in edgeways. The father can be seen initially holding his hands together, and then holding his arms out in an effort to try and get the mother to stop shrieking. However, she continued to do so, and at one point turned to V and said at high volume: “Your grandma is a narcissist! Your grandma will destroy our family!”
173. Although W does not appear to be crying in the mother's arms, in my judgment V looked visibly distressed, but quietly so. It is right that the father crouched down in a way which approximated him being on his knees, but appearing to try and give V a hug, but also not really knowing what to do. The mother did not stop shouting at the father, saying things like: “I can’t believe you called your mum. How dare you!” until he drove off at 08.31am. She then went back into the workshop and looked through some bags before finally leaving herself.
174. The mother accepts that her behaviour was inappropriate. She says that she had never behaved in a similar way in front of the children on any other occasion. She says that she had read messages between the father and the paternal grandmother in which plans were being made to take the children from her. There is no evidence before me about that, and the context that I just described from the CCTV is at odds with that statement. The mother agreed she was upset, but she said she had not raised her voice at the children. She did not agree that she was “livid,” despite that being the word she used about herself in police interview.
175. The mother accepted then dropping the children off at home and leaving them in the care of the cleaner. She said she did meditation for a long time and then went to find the father, because she was scared about the plans he was making. There was a point at which the mother returned to the father's office when he was not there, and the father said that his PA had described the mother as being calm at that stage.
176. The mother accepted that she then went to speak to the paternal grandmother. The paternal grandmother initially reported to the police, and explained in her statement in these proceedings, that the mother had come to her house at about 11.40 in the morning and had told her that she needed to talk to her. Once she was inside the house, the paternal grandmother described the mother as having “exploded,” starting to argue with her about seeing the parties’ children. She said that the mother slapped her once across the left side of her face.
177. Because workmen were laying slabs in the back garden she says that the two of them went upstairs to the lounge because she did not want the workmen to hear. Bizarrely, the paternal grandmother says, the mother said something about her not liking that the paternal grandmother was wearing perfume, to which the paternal grandmother had said that she was in her own home and she could do what she liked. At that, she says, the mother slapped her hard to the right side of her face, causing some swelling to her lip. She says that she suffered whiplash as a result and went on to have some physiotherapy.
178. The mother denied being angry with the paternal grandmother or confronting her because the father and the paternal grandmother had been talking about her. She

described herself to this Court as “super calm” and that there was no arguing. When asked why she told the police that there had been an argument, she said that she had been calm on arrival and that it was the paternal grandmother who shouted at her and the mother had then left. She denied that this was a continuation of what had been shown in the CCTV because of the time which had elapsed in between the two events of that morning. The whole incident, she said, including the comments about the perfume, are fabricated.

179. The paternal grandmother telephoned the father at 11.47 that morning and told the father that the mother had attacked her. He said that he could hear fear in the paternal grandmother's voice. He said he was in utter shock and said he would call the police.
180. The father then did telephone the police at 11.51 and reported the matter. He told the police that the paternal grandmother had reported to him that the mother had just hit her on both sides of her face. The paternal grandmother also phoned the police herself. It was put to her that she would have called the police first in that situation, and her response to that was that she had never previously had cause to phone the police at all. She denied that she and the father had concocted a plan to report the mother to the police.
181. The paternal aunt says that she went to assist the mother and to be with her because her mother had been in a state of shock. The paternal aunt took photographs of the paternal grandmother, which I have seen. It was put to the father that he had sided with the paternal grandmother and that he had known that the mother was angry that day. He said he was terrified of the mother and so he had not tried to get her account.
182. The mother said she could see no injuries in the photographs taken by the paternal aunt and that she did not injure the paternal grandmother. Her position is that the father, the paternal grandmother and the paternal aunt all colluded to make the whole thing up so that the father could have custody of the children.
183. The mother was then arrested on 9 August 2021 on suspicion of that assault of the paternal grandmother, and also in respect of allegations made by the father to the police about the mother's coercive and controlling behaviour. In interview under caution on that evening the mother denied having struck the paternal grandmother across the face. She told the police that the paternal grandmother was trying to control the father to take W to see her, but that the mother did not want to be far away from the baby. She had gone to speak to the paternal grandmother and the only contact she made with her was to kiss her on the cheek. When asked by the police what sorts of issues the mother was experiencing in her relationship with the father she said: “The only issue in our relationship is his mum.”
184. CPS later took a decision, on 28 October 2021, to charge the mother in respect of the allegations of coercive and controlling behaviour, she having been released from bail under investigation on 3 September 2021. No further action was taken on 9 August 2021 in respect of the assault on the paternal grandmother on the basis that there were no visible injuries and that there was a straightforward denial of the offence by the mother in interview.
185. The mother relies on the latter decision of the police in these proceedings. Of course, the police look at such matters with an eye on whether there is a realistic prospect of a conviction in accordance with the Code for Crown Prosecutors and to the criminal

standard of proof. I consider matters through a different lens, applying the civil standard of proof and having had the benefit of hearing live evidence.

186. On 10 August 2021, the mother made allegations to the police about controlling behaviour on the part of the father.
187. On 12 August 2021, the mother replied for a Child Arrangements Order in case number BH21P00728 and the father made a cross-application. Additionally, the father applied for a Non-Molestation Order which was resolved by the mother giving undertakings.
188. At a hearing on 13 August 2021, orders were made including a shared care order. The mother was represented at that hearing. The mother accepted that she wanted the children to be in her full-time care and to have contact with the father.
189. On 7 September 2021, the mother made allegations for the first time to the police that the father had raped her, including on the occasion when W was conceived. On 10 September 2021, the mother was ABE interviewed in respect of her allegations of rape, amongst other things, and I have already set out the parties' accounts in that respect. The father says that that was a false allegation which is indicative of the mother's controlling behaviour.
190. The mother denied that she made the allegation as a result of disappointment that the police had not dropped the investigation against her for coercive and controlling behaviour four days earlier. She said that she was aware that a criminal conviction for rape would probably have resulted in a custodial sentence for the father, but that she had wanted the police to know that it was she who was the victim.
191. The police determined that no further action would be taken on the conclusion of its investigation on the basis that it did not meet the evidential test and the allegation did not merit any further investigation. That was communicated to the mother on 25 October 2021. There is nothing in the police disclosure that I have been able to find to suggest that the mother would not have supported a prosecution, however.
192. Following the parties' separation in August 2021, it appears that some of the tensions eased. Both the paternal grandmother and the paternal aunt accepted that, during this period, the mother did not seek to interfere at times when they saw the children.
193. One of the father's allegations is that the mother has sought to change V's middle name so as to remove the paternal grandfather's name, L. He says that he had agreed to add in her family name and not to remove the name L. The mother said that was also what she had agreed so that V, in other words, would be known as [...]. A deed poll document produced by the mother, however, does appear to remove the name L and replace it with her family name. Of that, she said it was written in a hurry, and then changed her mind about that and told the Court that it was a draft. She also denied disposing of the paternal grandfather's wedding ring.
194. The mother says that, before V was admitted to hospital in October that year, the father sent messages via his mobile being very nice to her. She says that he offered to repair her washing machine and other things that were damaged and that financially he was very generous at that time.

195. V, it seems, was admitted to hospital in October 2021 because he was struggling breathing. He had been taken to hospital by the father and the paternal grandmother was left looking after W. The parties both met at the hospital and no discussions, the father said, were had on that day regarding the court proceedings.
196. The father says, however, that on the next day the mother apologised to him. The mother says that the father sent her a message saying that he was so sad that the parties could not be back together. The mother talks of a walk on the beach with the father in November, and the children then being returned by the father to the mother's care.
197. By reference to notes from couples' therapy on 13 November 2021, the father confirmed that the mother had instigated those sessions. It was suggested to him that he was rushing to reconcile, but he said no, that in fact he had huge hesitancy. He raised the fact of the false allegation of rape during the sessions because he wanted to know how to rebuild trust with the mother, particularly because she had said that W was the result of that. He told the Court that he did not know how somebody could make something like that up, or how he could forgive that and move forward.
198. The mother accepted that the purpose of the therapy was to work through the parties' problems. She agreed that she did not raise her allegation of rape with the therapist. When it was pointed out that the sexual assault would be a big problem to work through, the mother said she instead raised it with her own therapist. She denied that the father had raised it at all.
199. The father says that the mother persuaded him to withdraw his Child Arrangements Order application. He says that he met the mother and she had pleaded with him, saying that she would change and wanted to make a go of it. He says she apologised for the false rape allegation, something which the mother does not accept. He says that he believed she was sorry at that time and, for the sake of the children, decided that he would give it another go. The mother says that it was the father who put pressure on her to reconcile. She says that that was because his plan had failed and that he wanted the police to stop their investigation of him.
200. It was common ground that the mother and father resumed living together in November or December 2021. On 22 November 2021, the parties formally withdrew their allegations against the other. The father said that the emails that were sent to the police were written by the parties at the same time and that the parties had agreed that the mother would send hers before the father sent his. The mother suggested that the father pressured her to send the email, which the father denies.
201. In any event, the correspondence resulted in there being no further action taken by the police against the father on the mother's allegations of controlling behaviour and the prosecution against the mother for controlling and coercive behaviour was not pursued. For present purposes, of course, that means that no findings have been made within the context of the criminal justice system.
202. Both the Children Act 1989 and Family Law Act 1996 proceedings were concluded by consent on 17 January 2022 with applications by both parties being withdrawn and the undertakings in the Family Law Act proceedings being discharged. Both parties were legally represented.

203. The paternal grandmother says she saw the children intermittently after that, she says on the mother's terms. The paternal grandmother babysat during an anniversary dinner when the mother and father went to London and when they were at therapy once. They spent Christmas together with the maternal family also there.
204. In February 2022, the father said that he tried to leave the mother. He told the Court that she had not made the changes that she had promised. On a particular day she had smelt W's toy and she told him that it smelt of the father and so he panicked about her behaviour. She then told him that she wanted to meet the next day.
205. The mother denied the allegations made by the father between March and May 2022, set out in his statement of 28 June 2022, that the mother would tell him that she was excluded if the father spent time with the children alone, or that she imposed restrictions on the father putting V to bed, or how many books he could read to V.
206. Covert recordings made by the father of the mother from April 2022 were made, he says, for his own protection as a result of the mother's horrendous allegations. The father accepted that, because he was making the recordings, he could have deliberately behaved more carefully, but he said in fact they were end-to-end recordings and a true reflection of life with the mother. He describes that he had been so scared to live through the investigation around the false rape allegation. He says: "I could not have gone through that again, it broke me, and I needed something to be able to tell the truth. At the same time I was trying to reconcile our marriage and trying to make it work, but also living in fear."
207. On 20 May 2022, at a couples' therapy session, it appears that, whilst it was not the focus of the whole session, the false rape allegation was raised and the father was trying to move on from it. He said that it was earth shattering that these things had been said and that it was important to raise them in therapy because he was trying to come to terms with someone making something up that was so wicked. The mother denied that the still photograph taken from the CCTV on that day showed the mother as being angry during the course of that session.
208. On 14 June 2022, in a recording, although the mother denied it for reasons which I did not understand, it appeared that the mother was attempting to initiate sexual intercourse with the father. The father refused, however, saying that he was trying to work through problems of their past. The father said to the mother that she had lied about his having raped her. She did not deny it, but instead said to him that he had lied to the police, which he then denied. She told the Court that the father was manipulating her, as he is the Court.
209. Then, in a discussion about W, the father asked: "What if W knows his mother made up that he is the result of rape?" Her response was: "Well that is just the consequence of you calling the police to his mum."
210. In cross-examination, the mother told the Court that that was because she did not know what rape was before she spoke to the police. Although she was asked why she had been trying to initiate sexual intercourse with someone whom she alleged had raped her, the mother's response was that his refusal was a way of the father punishing her and manipulating her.

211. In the same recording, the father says: "When you get angry... you've hit me so many times." The mother appeared to accept that, saying: "You have humiliated me so many times. That's why you got me angry." It appears from the same recording that she thought the children might learn the whole story one day. She denied that she was the one that was going to tell them.
212. On 18 June 2022, it appears from another recording that the mother apologised to the father for what happened to him with the police and what he went through. She said that she did not have many options and had not expected those repercussions. When the father pointed out that she had attended an ABE interview about it, her response was that he had called the police on her.
213. By the end of June 2022, the father said he felt that the mother's behaviour was getting more extreme, uncontrolled, and scary. The mother had stopped couples' therapy and he felt all hope was lost, and he was worried about the children in terms of safeguarding. There is some consistency between that evidence and the letter that I have seen from V's nursery dated 15 July 2022.
214. On 29 June 2022, the father applied for a Non-Molestation Order, in case number BH22F00201. Non-Molestation Orders were made against both parties in fact in those proceedings on 4 July 2022 for a period of a year. They have been varied since, amongst other things to permit parties to correspond with one another in respect of matters relating to the children via the OurFamilyWizard app. As I have already said, the father also issued Children Act 1989 proceedings on the same day. He sought a Prohibited Steps Order to prevent the mother from removing the children from the jurisdiction and an interim order that care of the children be shared.
215. On the same day, whilst the mother was at the gym, the father left the home with the children.
216. In fact, the mother alleged that the father had slapped her three times across the face in front of V because he did not want her to go to the gym, but that she had gone anyway. She maintained that evidence in cross-examination despite being given the opportunity to retract the allegation twice. However, this morning before submissions were made, the Court was told that the mother wished to retract that allegation and applied through counsel to amend the court record to reflect that the three slaps never happened.
217. The mother says the father had arrived home late. She had wanted him home by 05.30 and he accepted that he had been caught up at work. She said that he had been coming home late every day and that she was doing everything at home. She accepted that he was providing for the family, however.
218. In the recording of their conversation, the mother then said to him that she was going to the gym, that it would be good for her mental health, and his response was: "Good, go for it." There is no point in the recording when it appears that the father told her that she could not go to the gym and no evidence, of course, given the mother's retraction of her allegation this morning, of the father having slapped her in the face.
219. The recording continues beyond the point at which the mother left the house and the father put the children in the car and he is then heard asking his solicitors to serve the proceedings. He then sent the mother a message at 08.15 that evening saying this:

“Hi A, I am sorry it has come to this, but I have gone somewhere [...] with the boys. I have had no choice but to do this in order to safeguard the boys and myself. Please check your email urgently.” He then signposted her to her emails and the service by his solicitors of the application.

220. There is no reference in the mother's responses to the father's messages of any assault, unsurprisingly as we have discovered today. The mother suggests that these proceedings were meticulously planned. It was put to the father that his very lengthy statement in support of his applications is inconsistent with the sort of emergency application that he was purporting to make and that the proceedings were carefully orchestrated.
221. Although the father's answer to that line of questioning was not particularly clear, I have in mind that these were not the first set of proceedings that the parties have brought against each other and so it was not a question of the parties starting from scratch. Additionally, it is not unusual in the Court's experience for there to be some element of planning in terms of how a person might exit a toxic relationship.
222. The proceedings were served on the mother on the evening of 29 June 2022. In her first statement in these proceedings, the mother said she did not see any emails until 30 June 2022 at 04.00am. In cross-examination, she initially said that she saw the email but was unable to download the file because of lack of mobile reception. On the face of it, that is at odds with the download confirmation from the father's solicitors which confirms that the files were downloaded by the mother four minutes after the father sent his WhatsApp message.
223. On that same evening of 29 June 2022, about an hour later, the mother made a report to the police that the father had physically assaulted her that evening before she went to the gym. She also made an allegation of assault on 10 March 2022. The account given by her is different to that heard in the recording made by the father. Whilst she referred to the father's text, there was no mention of the email from the father's solicitors.
224. The police considered that the mother was displaying odd behaviour in that she was saying that her children were missing, but her phone was turned off and in her car. The mother said that it had run out of battery. The mother denied lying to the police about the assault in order to force the police to locate the children and return them to her care, or alleging weekly rapes and domestic violence in order to have the father arrested. The father was arrested by the police on 30 June 2022, but ultimately the police concluded that they would take no further action.
225. As I have said, the father initially applied for a shared lived with order. It was put to him that he did not have concerns about the children's welfare whilst in the care of the mother. He said that he was, in effect, seeking to pick up in these proceedings where the last proceedings had finished up, which was with a shared care arrangement, and he was concerned about false allegations being made if he asked for a live with order. He now says that, in hindsight, he should have applied straight away for an order that the children live with him. The father accepted that the mother could be a good mother as long as she was not stressed and that there was not something triggering her. However, he is clear now that she presents a risk to the children in terms of her unpredictable behaviour. The father did not accept that there had been no safeguarding concerns since the current shared care arrangements had



been in place. He told the Court that V had reported to him that the mother gets very angry and he himself says that V has a lot of angry outbursts, albeit that the school does not seem to have raised concerns in that respect.

226. The mother confirmed in her oral evidence that she has no safeguarding concerns when the children are in the father's care. She says that he wants to exclude her from the children's lives. When I asked her why she says the shared care arrangement is not working and why she seeks a live with order, she told the Court that that was because she still felt very controlled by the father, and because the children need more stability in order to process trauma, which she says that they suffered on two occasions when the father removed the children from her care.

### **Analysis and findings**

227. I have set out the evidence in that way because I think it is important that the background is set out in chronological order. There is no criticism of the parties, but their statements do not present matters in that way.
228. Standing back and looking at the evidence overall, and re-evaluating the provisional views that I have already expressed, there are a number of overarching conclusions that I reach. It is necessary for me to articulate my findings in a linear way. In reality though, the strands of information which inform my decisions are intertwined, and each of the answers I give is informed by the whole context.
229. The notion that the mother was conditioned in some way by the father to embark on their relationship, and then coerced and controlled by him throughout it, is, in my judgment, not only inherently improbable on the facts of this case, but also simply not borne out by the evidence that I have heard and read. On the other hand, on balance, the Court does take the view that the mother has perpetrated coercive and controlling behaviour against the father throughout their relationship.
230. The factors which feed into my conclusions are manifold.
231. At the start of their relationship it may well have been the case that both parties were somewhat naive. The mother had fallen pregnant quickly after their relationship started. Nothing that I say is intended to minimise the trepidation that the mother no doubt felt in uprooting herself from her home and family in [her native country] in order to move to England where she knew very few people and where she would need to raise a child.
232. However, the fact that she did so cannot in any way be characterised as abuse. Her situation was borne of circumstance. She had months before V's birth in [her native country] to consider whether what she was about to do was the right thing to do. She no doubt had her support network around her at that time. I have referred to her apparent intelligence. She knew that realistically the father would not be able to move to [her native country]. His ability to provide for their family and, more than that, to sustain what must have been a better than average standard of living, depended on his ability to continue to work within the successful family business which was firmly based in England. Having come to England with her eyes open, the mother soon gave birth to V and then no doubt she had her hands full in raising a small child whilst the father worked.

233. The Court has heard a lot of evidence about the mother's allegation of financial abuse. Given that the mother is not seeking findings in relation to that, I am not proposing to make one. However, were I being asked to, it seems to me that the Court would have needed to consider whether the mother had financial means in [her native country] and whether it was possible to extract her money from that country, and it would have been helpful also to receive bank and credit card statements. On the face of it though, the mother had a good lifestyle. That she was, to a great extent, dependent on the father for money does not, of itself, establish abuse. He was, after all, the main breadwinner, and she was caring for the children, which is a fairly normal domestic arrangement.
234. There is no doubt in my mind that the father, the paternal grandmother, and the paternal aunt presented as a close-knit family. In their evidence, they came across as caring and supportive of each other, and they worked together on top of all of that. It cannot have been a surprise to the mother when she entered the family dynamic that that is what she found.
235. It is also very clear to me that, whilst each of them may well be capable of harbouring fairly fixed views, in almost all other respects, the mother and the paternal grandmother are like chalk and cheese. Whereas the paternal grandmother comes across as being fairly stoic and unlikely to suffer fools gladly, the mother presents as a person more likely to wear her heart on her sleeve. The strong characters of each of them clashed.
236. However, this is not, in my judgment, simply a story of the mother not seeing eye to eye with her mother-in-law. She developed a heightened state of dysregulation around anything to do with the paternal grandmother. That was, in my judgment, abnormal. For his part, the father found himself mediating between the two women in his life. It is alleged that the mother called him a “mummy's boy,” and I have seen at least one message in which she said exactly that. That was not, in my judgment, said in jest. It was name calling designed to upset him.
237. Another theme which emerges from the evidence is about the extreme and unhealthy levels of anxiety that the mother appears to have if the children are removed from her care, even for very short periods. That comes across from everybody's evidence, including hers. Of course, the father alleges that the mother would restrict the ways in which he could spend time with the children. The evidence from the paternal grandmother and the paternal aunt is that the mother would be triggered if a child started crying when in their arms, and the mother characterised the paternal aunt's failure to immediately return V as rude.
238. In response to my questions, the mother told the Court about what she characterised as trauma suffered by the children by virtue of the father removing them from her care. There is no evidence of trauma of the type which she contends for in the evidence before me, and on balance the reason why that is the case is that it is wholly inconsistent with the fact that the children have grown up in the care of their father as well. If they spent time with him rather than the mother, there would have been no material change of circumstances liable to cause them upset.
239. The imbalance in the way in which the parties communicated, and the triggering of dysregulated behaviour on the part of the mother that the paternal grandmother has, or which the prospect of the children being out of her care has, is neatly illustrated by

the events of 9 August 2021. By that time, the parties had been living together for about three years and the problem had festered and grown over all of that time.

240. I have set out with some care the evidence about what happened in the father's workplace on that morning. Although the paternal grandmother denied calling the mother a narcissist, and I do not need to resolve that issue, I note that the mother had called the paternal grandmother a narcissist before, on 31 May 2020. That appears to have been a descriptor that the mother would use of the paternal grandmother, and indeed of the father, given a message sent to him also on 29 June 2020.
241. In my judgment, she went looking in the father's private communications with the paternal grandmother for reasons to justify her unwillingness to promote the children's relationship with the wider paternal family, and then took the father to task about what she had read when he returned to his workshop. The fact that she was prepared to take him to task about it at all, of course, again undermines the suggestion by her that the father was the controlling party in the relationship.
242. In my judgment, that was part of a pattern whereby the mother was trying to drive a wedge between the father and the paternal grandmother. Whether that was borne of jealousy or hatred of the paternal grandmother is, in many ways, neither here nor there. It was quite wrong of her to have done so, and its effect was to isolate the father and the children from his wider family, albeit that arguably she did not achieve what she set out to do or quite to the extent that she had intended.
243. The mother told the Court that the father and the paternal grandmother had been hatching a plan to remove the children from her care. In my judgment, that is obviously wrong, and the evidence which I have already described is consistent with the idea that the father was trying to broker a deal with the mother to unlock the deadlock around the children being able to spend some time with the paternal grandmother.
244. More than that, however, I am not left with the sort of continuing suspicion referred to in *Re A* that the mother may simply have misunderstood what was going on, or that she was paranoid about what the father and the paternal grandmother might be up to. I am satisfied that the mother came to court and simply lied about what she said she heard the father discussing with the paternal grandmother in order to paint a picture of him as the abuser, and of her as the victim.
245. That CCTV evidence also highlights another issue which in my judgment permeates the evidence as a whole. That is that the mother, when in states of heightened emotion or dysregulated behaviour, appears to be unable to promote anyone else's interests above her own, even those of V and W. She was livid and she had lost control.
246. It was not the subject of evidence in court during the course of this week, but the Court is often told about the effects of parental acrimony on children. That is that children caught in the centre of their parents' conflict will often feel conflicted themselves and that may manifest itself in many ways and perhaps not straight away. For example, it may be that a child starts to give mixed messages, telling one parent one thing and the other something else. On other occasions a child may start to align with his or her primary caregiver.

247. I have already said that, on 9 August 2021, I consider V to have appeared to be distressed whilst W was quiet. The concern that the Court has about that is that that might tend to suggest that hearing the mother shouting and screaming at the father was normal. The father, on the other hand, can be seen in the CCTV trying to be the peacemaker, in stark contrast to the behaviour of the mother.

248. Paragraph 4 of Practice Direction 12J says this:

“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.”

249. In paragraph 31 of *Re H-N* the Court said also this:

“It follows that harm to a child in an abusive household is not limited to cases of actual violence to the child or to the parent. A pattern of abusive behaviour is as relevant to the child as to the adult victim. The child can be harmed in any one or a combination of ways. For example, where the abusive behaviour (i) is directed against or witnessed by a child, (ii) causes the victim of the abuse to be so frightened of provoking an outburst or reaction from the perpetrator that he is unable to give priority to the needs of the child, (iii) creates an atmosphere of fear and anxiety in the home which is inimical to the welfare of the child, and (iv) risks inculcating, particularly in boys, a set of values which involve treating women as being inferior to men.”

250. In my assessment, and despite the difference in their physical size, the mother threatened and intimidated the father, punished him by physically assaulting him and used the children as a weapon against him, in addition to the attempts made to distance the father from his family. She did so in order to control outcomes for herself. The idea that coercive and controlling behaviour is an insidious form of abuse is consistent with the evidence in this case that the father did not, at the start, keep corroborating evidence of everything that was going on, but that he started to keep records in diaries, photographs and covert recordings, which he secreted away from the mother, as the abuse worsened.

251. I accept his evidence about that. His diary contains positive reflections of the mother and everyday comments as well as details of the abuse, and in my judgment is unlikely to have been fabricated. Although the mother told the Court on numerous occasions that the father has cherry-picked his evidence, she has of course had ample opportunity to prepare her evidence for trial and with the benefit of able legal representation. I have inferred that she has not provided wider context before entering the witness box because it does not in fact assist her, at least to the extent that she appears to urge the Court to accept.

252. So it is that I turn to the particular allegations.

253. Allegation 1a [December 2018 physical abuse] is one which the Court finds proved on balance. The father has given a consistent and detailed account of exactly what happened on this occasion. When considered in the light of the chronology that I have outlined, it is likely that by this time there were arguments between the parties in relation to the paternal grandmother. There is ample evidence in the case that discussion of the paternal grandmother would trigger dysregulated behaviour from the mother, which at times would cause her to react in a way in which there was no thought about the consequences of her behaviour. It is right that he did not take a photograph of his injuries, but I have just dealt with the Court's view that, as one of the earlier incidents, the father may not at this time have started to keep corroborating evidence. That was what he told the Court, in fact.
254. The mother says that the father has made these events up and that she has proof of a happy journey. This is evidence which she could have, but has not, adduced had it really assisted her. On balance, I prefer the father's more cogent evidence. It is an unattractive submission that an accident would have been caused had the assault taken place as alleged. It was a matter of chance, in my judgment, that an accident was not caused. The potential consequences of the mother's assault could, given that the father was driving at the time, have resulted in a serious accident which put both parties and V at risk.
255. Allegation 1b [10 May 2020 physical abuse] is proved for similar reasons. The father has produced photographic evidence of his broken sunglasses which he took after dropping the mother and V home. The mother denies now even being in the car, and she relies on her contemporaneous "silent denial," which is not a concept which I really understood, even when it was explained by the mother.
256. Again, I prefer the father's evidence, not least because it would have been unlikely that the father would have been spending much, if any, of that day, a Sunday during the height of the Covid-19 pandemic, with anyone beyond the mother and V. Whilst he might have wished to spend time with the paternal grandmother on Mothering Sunday, her evidence was that she was in a bubble with the paternal aunt and her partner, and so it is more likely that she spent her day with her daughter. That is consistent with her evidence that the father was not at her house later that day.
257. It is also consistent with the assertion that no one other than the mother had the opportunity to have slashed the van seats. In my judgment, the arguments which the parties had on that day were so significant that the father absented himself from the situation for a significant part of the day. The father confirmed a few days later what the mother had done, including that the mother's behaviour had played out in front of V, to which her response was that she felt sorry for him, not that she had not done what was alleged.
258. Turning to Allegation 1c [31 July 2019 physical abuse], for reasons which will become increasingly apparent as I work through the allegations, the credibility of the mother's allegations is affected by inconsistency, whereas the father's evidence has been clear and consistent for some time. What is also right is that the father has on numerous occasions demonstrated that he is capable of acting protectively and removes himself from situations which expose the children to conflict. The CCTV evidence of 9 August 2021 is an example of that.

259. The mother says in the context of this allegation that there was an argument. On balance and in my judgment, I prefer the evidence of the father that that was initiated by the mother, in particular because V was present and therefore I do not accept that the father would have called her a “smelly cunt” at that point as alleged. Although the mother did not deny in her witness statements that the father had been making a recording, that was something she seemed to deny during the hearing. What I do not completely follow is why the father did not make any subsequent records of what had happened after the mother had wrestled his telephone from him, given that he says that he had intended to record it initially. On balance I do not consider, therefore, that the father has proved the biting, although I do record a suspicion that the mother bit him in accordance with *Re A*. This is in any event an incident of the mother exposing the father and V to emotional harm.
260. Allegation 1d [26 April 2020 physical abuse] is one which the mother simply denies. It is one, however, which the father proves on balance in terms of his being slapped across the face by the mother. His account was clear, consistent, and he has produced his contemporaneous diary entry. Again, he took himself out of the situation and went for a walk on the beach.
261. The mother accepts arguing with the father in relation to Allegation 1e [12 December 2020 physical abuse] and I accept the father's evidence that the argument related to the paternal family. P referred to it as the sort of argument that normal people have. Were it only an argument, the Court might consider it difficult to say that the argument constituted abuse on the evidence before it. However, what is significant, in my judgment, is the damage to the van. Although there is a height difference in terms of the marks on the side of the van, the higher of the two would in my assessment still be capable of having been caused by a kick. I accept the father's evidence that one or both of the marks shown in the photographs were caused by the mother. She did not deny kicking in the van when the father messaged her about it a few days later. What then follows from that is that her behaviour must have become dysregulated during the argument. I accept the father's evidence that V was present, and that presents an additional concern in terms of the mother's ability to prioritise his welfare when she is angry.
262. Allegation 1f [17 December 2020 physical abuse] is proved. The mother admits slapping the father in the face. Whilst I do not accept her account of what in fact happened, in my judgment had the father called her a “smelly cunt,” that would not have justified her slapping him in self-defence. The proportionate reaction would have been to remove herself from the situation. What she did do would have been likely to have caused an escalation of the situation and, on her evidence, were she as fearful of the father as she contends for, she would have put herself in a greater position of danger by slapping him.
263. I do not, however, believe the mother's evidence. Again, the father's account is consistent with the contemporaneous messages sent afterwards. What is of very real concern about those is that the mother appears to minimise the injury which she admits causing, for all the world as if she was in control of the consequences of her lashing out. In my judgment she lost control and it was a matter of chance that the injury was not worse than it was. On balance, the mother lacks insight into the effect that her abusive behaviour has.

264. There is plenty of evidence in support of Allegation 1g [2019 – 2021 throwing and smashing objects]. In relation to 18 December 2019, the father's explanation that V was distressed because the mother had thrown a glass when in a dysregulated state is far more consistent with the text message exchange at the time than the mother's explanation. Although the mother accepts breaking a mug on another occasion, I do not accept that that was to stop unwanted sexual advances from the father. I will come to her rape allegation shortly, but in my judgment it is implausible that throwing a mug on the floor would prevent a serious sexual assault. On 15 June 2020, I do not accept that the broken crockery seen all around the house was somehow staged by the father whilst she was in bed and, on balance, I prefer his evidence that the mother had broken that in anger. The father's evidence about the various incidents on 28 and 29 March 2021 are again all well corroborated and the mother's position that the evidence has been fabricated is, in my judgment, unlikely. The father's evidence about his having to attend A&E as a result of the injury he sustained when clearing up the smashed remains of a glass the mother threw at him is consistent with the other evidence in the way in which the mother's evidence is not. All of those instances suggest, in my view, that the mother had either lost control or that she deliberately set out to frighten or intimidate the father.
265. I have set out already a number of concerns which flow from the CCTV evidence on 9 August 2021. What is clear in my judgment was that the mother was livid, and at the focal point of that anger were the father and paternal grandmother. Although the mother suggests that she was “super calm” when she arrived at the paternal grandmother's house, I just do not believe her. In my judgment she went there to confront the paternal grandmother and within moments of her arrival her anger again got the better of her.
266. There is a consistency between the evidence that the paternal grandmother gave about the mother mentioning her perfume and the mother's own evidence about the paternal grandmother's perfume. Although there is no independent evidence of the physiotherapy that the paternal grandmother said she had afterwards, and I have struggled to see marks on the paternal grandmother's cheeks in the photographs that have been exhibited, there is clear injury to her lip. I have directed myself about similar fact evidence and note that the slaps alleged by the paternal grandmother bear a striking similarity to the slaps which the mother administered to the father. I therefore find that the mother had a propensity to slap people in the face when she was angry.
267. All three members of the paternal family gave evidence of how shaken and fearful the paternal grandmother was. I can understand that entirely. After all, someone had walked into her house, her safe place, and physically assaulted her [allegation 1h physical abuse]. In all the circumstances, to have suggested to the police against that backdrop that the mother merely kissed the paternal grandmother on the cheek is downright audacious, lacks remorse, and shows no insight into the effect that her abuse has caused.
268. Allegation 2a [anger and verbal abuse] is to a great extent proved based on the findings that I have already made. There is evidence of the mother calling the father a “mummy's boy,” as I have already said, and I accept that the mother told the father and paternal grandmother that they were enmeshed as a form of abuse, given the evidence which I have rehearsed. Those were not innocuous comments, but designed to demean the father. The events of 5 May 2020 are ones which the mother says are

made up. However, given the way in which the paternal grandmother presented when giving her evidence generally, on balance I considered her to be a credible witness, and indeed one unlikely to have fabricated something so odd.

269. As for Allegation 2b [22 June 2021 anger], I am bound to say that the mother's evidence that she bought the locks for her protection, intending to keep the purchase under the radar, but using the father's Amazon account and having them delivered to the father's work address by accident, was bordering on the ridiculous. The father's account that he bought them is consistent with the way in which they were purchased and with his other evidence, namely that the mother became so angry when trying to get into his room on 22 June 2021 that she damaged the door with her wedding ring when she was banging on it. The fact that there may have been pleasant texts earlier in the day is nothing to the point. I accept the father's evidence that the mother's temper could go from zero to 100 in very little time at all.
270. Turning to Allegation 3a [isolating the father and the children from the paternal family], there is no shortage of evidence in the chronology that I have carefully set out of the mother seeking to drive a wedge between the father and the wider paternal family. I accept that the mother has presented as dysregulated and irrational at family functions, has made the paternal aunt feel that she has done the wrong thing when she had not, that she punished the father for giving her unwanted ticket to the racing to the paternal aunt, just taking a few of the examples that I have gone through. I have already dealt with the fact that the mother told V that the paternal grandmother is a narcissist and that she destroyed photos of sentimental value to the father. I accept too the father's evidence that the mother tried to airbrush the paternal grandfather's name from V's name, and the mother's evidence about the deed poll changed during the course of her giving it. In reality the problem was the mother herself and her behaviour, which was far from normal. If she herself felt excluded or isolated, in my judgment, she only had herself to blame.
271. Moreover, what I have already said about the mother's anxiety about allowing the children to leave her care is consistent with other evidence in the case including the father's evidence that the mother regulated his ability to spend time with his own children. I do not accept, as she told the Court, that the mother's concerns about the bike rides with V were at all times Covid-19 restriction related. The restrictions had been relaxed on a number of the occasions referred to, as I have already said. Far more likely was what she said in July 2021, which was that she did not trust the father and she demanded therefore that he use Strava. The disagreement on 25 April 2020 was about the fact that the father was playing with V, to take another example. I therefore find Allegation 3b [controlling the time that father spent with the children] proved.
272. When I come to Allegation 3c [false allegations of rape], the starting point is that the mother first reported the rape in September 2021, almost a year and a half after it was alleged to have occurred. There would by then have been no physical evidence save that, as I understand the allegation made by her, the mother of course says that W was the result of it.
273. I have directed myself already in relation to late reporting of sexual abuse. When I consider that in this case, in my judgment, I simply do not believe the mother when she seeks to persuade the Court that she did not know until the police told her in September 2021 that rape could take place in the context of a marriage. There are



multiple reasons for this. I have referred to her being intelligent and articulate, that she had a formal legal education in [her native country] and had studied crime, and I infer that she would likely have learnt about sexual offences during her studies. Her evidence is internally inconsistent with the idea that she threw a mug to prevent the father engaging in non-consensual sex with her. It is also inconsistent with the evidence that she reported the sexual assault to the police online before they had spoken to her about that same report.

274. When I consider the mechanics by which she alleges that she was raped, that involves on her account a move from the kitchen to the lounge, during the course of which she put up no resistance, save that she says she told the father in the kitchen that she did not consent. Her account is short of any real detail, but assuming for a moment that she did not consent, why did she then end up in the living room, instead of maintaining her position that the father's advances were unwanted? That would be inconsistent with almost every other finding I have made so far in terms of the mother being the more controlling party of the two, in terms of her willingness to speak her mind, and in terms of her anger when she does not get what she wants. On balance, that the father never had sexual intercourse with the mother that was non-consensual, is, in my judgment, more likely. That then brings me to the timing of her report to the police.
275. Had she genuinely been the victim of the serious sexual assault that she alleges, I would have expected her to have reported it on one of the many opportunities that she had to do so earlier. If she had not reported it to the police at the time, she could have done so when she reported the father to the police on 10 August 2021 for coercive and controlling behaviour, or within her Children Act application a couple of days later. As it was, the report was made almost immediately after the police determined that they would take no further action against the father on the mother's allegations of coercive and controlling behaviour.
276. In my judgment, the truth of the matter was that the report was made, as the mother confirmed herself on 14 June 2022, in retaliation for the father having reported the mother to the police for the assault of the paternal grandmother. While she apologised on 18 June 2022, it is instructive that the mother maintained her lies throughout this hearing and told the Court that she wanted the police to know that it was she who was the victim. She was not the victim though, and she knew it.
277. Her report was calculated to inflict maximum damage on the father. It could have potentially deprived him of his liberty and indeed his family. It is difficult to conceive of anything which she could have alleged in order to punish him more. That she is then still willing to allow the parties' children to learn that W was conceived as a result of rape demonstrates, in my judgment, that the mother remains vindictive and has zero insight into the psychological harm caused to the father already and into the potential for harm to the children in the future.
278. My views in this respect are reinforced by the mother's evidence about 29 June 2022 which of course she applied to correct on the fifth day of this hearing after she had been through the witness box. Had it not been for the fact that she accepted that the allegation that she made was not true, my finding would have been that, aside from the fact that there is no evidence in the recording made of any pressure put on her by the father not to go to the gym, or of the physical assault which she then alleged to the police, her whole allegation was completely inconsistent with the idea that the

father wanted her to leave the house so that he could leave with the children. That is before one even considers why she would have left the children in the care of someone who had just assaulted her. I would have determined on balance therefore that the assault did not take place as she alleged, as she now admits that it did not.

279. I am invited to find that the evidence of the mother was an act of desperation in the wake of the children having been removed from her care. I do not agree, particularly in the light of the evidence around service of these proceedings. I am satisfied on balance that the report to the police was another act of punishment against the father.
280. I have set out multiple examples of the mother threatening to take one or both of the children to [her native country]. She studied family law and told the Court that she had a particular interest in the international relocation. She must know therefore how difficult and expensive it can be to have a child returned to the jurisdiction once they have left even when the removal was unlawful. In my judgment the father proves Allegation 3d [threats to take V to her native country], which is also an example of her using the children as a weapon.
281. Allegation 4a [the mother losing control, screaming or shouting in front of the children] is proved by the reasons of the findings I have already made. The mother admitted ripping up some photographs. In any event I cannot see that anyone else would have done so. On balance the father proves that allegation and it forms part of my finding that the mother did so in order to punish him.
282. P was a clear and straightforward witness, and told the Court in no uncertain terms that the incident he saw in 2021 was not that being described by the mother. I accept his evidence and find Allegation 4b [2021, physical and verbal abuse of V] proved too.
283. It is a sad day when the Court comes to say, of another qualified lawyer, that she has an uncomfortable relationship with the truth. Not only has she lied to the Court from wall to wall, but she has also lied to the police in making false allegations against the father in a manner which the Court can only characterise as vindictive. Moreover she has manipulated and abused the father, the children, and the wider family over a period of five or more years.
284. Were she qualified in England I would have felt dutybound to refer her conduct to the relevant regulatory body as being inconsistent with the principles of honesty and integrity that right minded members of the public should expect from members of the legal profession. Given that she is qualified in [her native country] and regulated by an organisation called [...] I will hear submissions about whether the Court should make a similar reference to that organisation, in particular given the potential for the mother to potentially try and use her qualification to cross-qualify in this country.
285. It is also clear to see, standing back, how, by continuing to tell her lies to the very end of this hearing, the mother has used these proceedings as a vehicle to perpetuate her abuse of the father. That has to stop.
286. It follows from the findings that I have made, having heard the evidence, that on balance the current shared care arrangement is unlikely to be the right one for the children when the Court looks to the future. In my judgment, that the father proposed

that way forward at all was more likely than not to have been because he wanted to keep the peace.

287. Decisions cannot be made in the Family Court on the basis of when parties or witnesses appear to be emotional during the course of hearings and I have directed myself already in terms of the demeanour of witnesses. However, having made the findings I have based on the evidence that I have described, I do observe that the father appeared during the hearing to be in tears, firstly, when it came to the evidence of the false allegation of rape having been made against him and, secondly, when he was listening to the mother's evidence of the assault on the paternal grandmother. Those were two parts of the evidence which were deeply personal and, it seems to me, that this provides a small window on the effect of the abuse perpetrated by the mother against him.
288. When the Court then comes to consider paragraphs 35 to 37 of Practice Direction 12J, I am bound to say at this stage that the Court has very real concerns about the predictability of the mother's behaviour and her ability to promote the children's welfare above her own interests.
289. V is almost five and W is two. They rely on their parents to meet most of their day-to-day needs. As I have said, the Court can assume that they would wish to have the involvement of both of their parents in their lives, but that is subject to questions about risk of harm. The care that they would wish to receive needs to be both safe and predictable, and they need their parents to set them a good example.
290. The father has spoken of the effects of the domestic abuse perpetrated against him by the mother. She has demonstrated to me no remorse for, and precious little insight into, the effects of the damage that she has caused. Taking those things together, I am on balance concerned about the mother's capacity to provide those standards of good enough parenting. She may need to undertake work in order to address the effects of the domestic abuse that she has perpetrated and her anger management issues. In those respects, given that she has shown little capacity during this hearing for introspection, the ball will be very much in her court.
291. That therefore concludes my judgment and I will hear submissions in terms of the way forward.

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This Transcript has been approved by the Judge.

The Transcription Agency hereby certifies that the above is an accurate and complete recording of the proceedings or part thereof.

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