Neutral citation number: [2024] EWFC 229 (B)

IN THE FAMILY COURT

Date:13 August 2024

Before:

MR RECORDER HOWE KC

- -

Between:

A LOCAL AUTHORITY **Applicant**

- and –

(1) THE MOTHER
(2) THE FATHER
(3) THE CHILDREN
(By their Children's Guardian)

Respondents

Ms Reagan Persaud (instructed by **the Local Authority Legal Dept**) for the **Local Authority**
Ms Phillipa Hildyard (instructed by **Sugare & Co Solicitors**) for the **Mother**

Mr Dan Foster (instructed by A&N Care Solicitors) for the **Father**
Ms Emma Clough (of Brearleys solicitors on behalf of the Guardian) for the Children

JUDGMENT

The Parties and the Applications

1. These proceedings concern 3 boys. To preserve their anonymity, I will refer to them as James, Joshua and Jordan. I will refer to their mother as 'the Mother' and their father as 'the Father'. For the purposes of this judgment, it is not necessary to give their ages save to say that James is in his early teenage years but Joshua and Jordan are younger. I have also changed the name of the country where the parents met and where, the Mother alleges that they married.
2. In November 2023, the Local Authority issued applications for care orders seeking interim care orders for all three boys. Its plan was for the continued removal of James from the care of the Father, James having entered foster care as a result of the police exercising their powers under section 46 Children Act 1989. The applications were granted. James stayed in foster care and Joshua and Jordan remained in the care of the Father. By the time of the next hearing just a week later, the Local Authority sought the removal of Joshua and Jordan from the care of the Father but this was not agreed by the Court.
3. A further application to remove Joshua and Jordan from the care of the Father came before the court on 3 May 2024 and was granted. They were then placed with the Maternal Grandparents.
4. The Local Authority now seeks final care orders for all three boys, with a care plan of foster care for James and continued placement with the Maternal Grandparents for Joshua and Jordan, with a gradual introduction of care by

the Mother once some therapeutic interventions, recommended by the Court appointed psychologist, have begun. There is also a plan to consider, under looked after child reviews, when it might be appropriate for James to join his brothers in the Mother's care; James not currently wanting to leave foster care in City A to move to the care of his grandparents and mother in City B.

5. The Mother supports the Local Authority's plans, as does the Children's Guardian. The Father opposes the plans and denies that the threshold criteria pursuant to section 31(2) Children Act is met and, on that basis, asserts that the Court must return all three children to his care.
6. The Local Authority has been represented by Ms Persaud. The Mother has been represented by Ms Hildyard, the Father by Mr Foster and the children by Ms Clough.

The Hearing

7. This has been a quite extraordinary and difficult case. It has been difficult because, for reasons I will explain, the allegations made by James against the Father that were the trigger for the issue of these proceedings are at the 'lower end of the scale', to use that expression, both in terms of the allegations of inappropriate sexual behaviour and in terms of the excessive punishment suggested. Some of the allegations made, in my judgment, fall short of meeting requirements of section 31(2) even if I were to find them proved and other allegations of general neglect are also very much on the borders of being matters that, if proved, meet threshold.
8. It has been an extraordinary case because, for reasons I will come onto, I find the Father to have been dishonest with the Court on a very wide range of topics. When I come to my findings, I will conclude that he has lied about his own family background and its membership in a truly inexplicable way. He has lied about the nature of his relationship with the Mother. He has lied about the religion he was born into. He has lied about how he came to be a citizen of

the United Kingdom and has lied about aspects of his student and working life. For reasons I will explain, I have concluded that the Father has been so dishonest with the court that I must be cautious before accepting his accounts unless it is corroborated by other evidence.

9. However, just because he has chosen to lie to the court about himself and the many other issues I address in this judgment, that does not mean that he is lying when he denies all the allegations made against him by James. A very careful assessment of all the evidence has been necessary in reaching my conclusions.
10. It has also been an extraordinary case as despite, as I find him to be, the Father being an intelligent and well-educated man, he has wilfully and deliberately rejected all attempts to assess him. He attended for just one meeting with the psychologist so that assessment could not be completed. He refused to be assessed by a psychiatrist and his engagement with the Local Authority has been minimal, rejecting the first allocated social worker for what I find to be no good reason at all and then, when challenged by the co-allocated social worker, rejecting her also. This has resulted in a hearing that has concentrated on whether, or not, the threshold criteria are satisfied but there has been far less focus on whether there has been any change in the father's parenting capacity since these proceedings were issued, as it is his case that there are no changes that he needs to make. His case is a simple one. James is lying about how the father behaved in the home and, when any person from outside of the home has recorded something with which the Father disagrees, that person is also lying.
11. The Local Authority was represented by Ms Persaud. The Mother by Ms Hildyard, the Father by Mr Foster and the Children by Ms Clough.

The Background

12. In describing the relevant factual history to these proceedings, it will be necessary for me to address matters upon which the parties are not agreed. When providing a chronological account of why it is these children came to be the subjects of interim care orders, I will make findings of fact on the matters that are not agreed, where such a finding is necessary to decide the applications before me. When making my findings I apply the following essential legal principles:

    (a) The burden of proof rests on the party making the allegation.

    (b) The standard of proof is the simple balance of probabilities.

    (c) Any findings I make must be based on evidence, including inferences that can properly be drawn from the evidence but not on suspicion or speculation.

    (d) The evidence cannot be evaluated and assessed in separate compartments. I must have regard to the relevance of each piece of evidence to other evidence and exercise an overview of the totality of the evidence in order to come to my conclusions.

    (e) The evidence of the parents is of the utmost importance and it is essential that I form a clear assessment of their credibility and reliability. They must have the fullest opportunity to take part in the hearing and the court must take into account any vulnerabilities that any witness may have that will impact on their ability to engage in the hearing. The court should make such participation directions as are appropriate to assist the parties to give their best evidence.

13. Although I will set out my findings on contested facts at the relevant point in the chronology, I have done so having taken into account all the evidence I have heard, and read, and I have not compartmentalised the evidence on any single issue. I have taken a step back and considered all the evidence and the

helpful written submissions before reaching any determination on the contested issues.

14. The parents agree that they met in Tunisia in 2009. The Mother was there studying for a qualification to teach English as a foreign language. The Father was born in Tunisia and was a Tunisian national. It is the Mother's case that when she met the Father, and married him just 10 days after meeting, she met his two brothers and his mother. The Father's written and oral evidence was that he has no siblings, he was never married to the Mother and she never met his own mother. He said this is all a fantasy invented by the Mother. The Mother told me that when she learned she was pregnant with her first child, she converted to Islam to prevent her and the baby being rejected by the Father's family.

15. Dealing first with the Father's family and its members, I have been provided with photographs that the Mother had in her possession and screen shots from Facebook. The Father was cross-examined by all parties, and asked questions by the Court, about images seen that, the Father accepted, included photographs of him. What he denied was that the other persons seen in the photographs were his brothers and his mother. He accepted that the Mother was in one of the photographs but he claimed not to know who was the older woman sitting between them. This same person appears in a photograph on Facebook that the Mother tells me is the Father's brother's page and she says the older woman is the Father's mother. There are also photographs of the Father, that he accepts were taken in Berlin, in which he is standing with the two men that the Mother says are his two brothers.

16. It was put to the Father that it is an extraordinary coincidence that one of the men he met and who appears in a photograph with him in Berlin, a man he says he does not know and who took a photograph of him because he is "lucky to be very popular", is in my judgment the same man who appears in a

photograph with a woman that the Father denies is his Mother. The Father told me that he has travelled extensively and there are very many photographs of him on social media with people he had never met before the photograph was taken. However, in my judgment, the older woman in the photograph sitting between the Father and the Mother is, without doubt, the same woman who appears in the photograph with the man the Mother says is the Father's brother and that same man appears in a photograph that the Father accepts was taken in Berlin. In the photographs taken in Berlin is another man who the Mother told me is the Father's other brother and I, without any hesitation, accept her evidence.

17. The Father's oral evidence about his own family of birth, in my judgment, lacked any credibility. He sat in the witness box denying what was very obviously the truth and did so in a grandiose manner appearing to be immune to the ridiculousness of the answers he was giving to the questions asked. It was an astonishing performance that has led some of the advocates to question whether the Father's mental health is poor. I understand why some have raised this possibility but I, for reasons I will come to, have reached the conclusion that the Father is a narcissist who has become so out of touch with how he presents to others that his capacity for dishonesty is without limit, if it serves the purpose of self-aggrandisement.

18. I accept the Mother's evidence. I find that the Father was born in Tunisia. He has two brothers and a mother who the Mother met on many occasions when she lived there. I also accept the Mother's evidence that she spent significant periods of time with the Father's aunt. The Mother's evidence is supported by that of the social workers who were able to contact one of the men the Mother said was a brother of the Father and this man confirmed that he had a brother who lived in the same city as the Father and his oldest child was named James.

19. The Father denies that he was every married to the Mother. When he gave his oral evidence, a number of documents were put to him. Within the bundle I have documents purporting to be a decree nisi, a decree absolute and a letter from Coop solicitors, that states they act for the Father who is seeking a divorce. I also have copies of emails passing between the Mother and Father in which both parents refer to each other as 'habibty', a term of endearment.
20. The Father accepts he instructed Coop Legal Services to negotiate child arrangements and financial matters with Mother but he denies that he was ever married to the Mother and denies instructing Coop Legal services to seek a divorce.
21. The Mother says she married the Father just 10 days after meeting him and they married because he was Muslim and it was difficult for them to live together in Tunisia unless they were married. I accept the Mother's evidence. I do not accept that the divorce obtained, with the father as the petitioner in 2017, was a mistake by the solicitors acting without his instructions. The date matches the period when it is agreed that the parents finally separated due to the Mother's addiction to alcohol and painkillers.
22. The Father denied that he was ever Muslim. He told me he was Christian and always had been. The Mother's evidence was that Father and his family were Muslim and she converted to Islam when she became pregnant with James. She told me that the Father lost his faith when Joshua and Jordan were born as she suffered from complications during her pregnancy that required her to spend many months in hospital and Jordan was born with a condition that, amongst other things, affects his mobility. She said the Father could not accept that a loving God would make his children suffer in this way and this resulted in the Father rejecting his religion of birth.
23. Father was asked a number of questions about this issue but he steadfastly refused to accept that he was ever a follower of Islam. On his own website,

that was put to him when he gave his oral evidence, he describes himself as being the child of parents one of whom is of an African country that does not exist today and the website says his mother can trace her ancestral heritage back to the days of the Russian monarchy. He describes himself as growing up as an 'Englishman'. However, in my judgment, he was raised as a Muslim within a Muslim family. James was circumcised, in my finding due to the Father's Muslim faith at the time but Joshua and Jordan were not circumcised as the Father had by then rejected his religion of birth.

24. The woman in the photographs, that I find to be the Paternal Grandmother, is wearing a hijab and I have been shown an email from the Father to the Mother from 2010 in which he speaks of taking time off work at Eid for religious reasons. I accept the evidence of the Mother and I find that the Mother converted when she became pregnant because the Father was of the Muslim faith, as were his family.

25. It was of concern to Dr Downs, the psychologist who saw the Father for just one interview, when the Father described himself during that interview as 'White British" when he was actually born in North Africa. The Father identifies as gender neutral and has dyed his hair blond, wears heavy black eye make-up, lip stick, nail varnish and some clothing that can be said to be more of a female style. The Father's appearance, and his expression of his gender identity, is relevant as, he says, James became embarrassed about how his Father looked and this is, says the Father, why James has made allegations so he can now live with his mother. When the Father was asked if he was wearing white make-up to give the appearance of having lighter skin, he initially denied that he was and said it was "his natural skin tone". This was a quite ridiculous lie as it was obvious to all in court that the Father was wearing a pale or white foundation and when I asked him again, he accepted that he

was. I will return to this issue of the Father's expression of his gender identity when I consider the Local Authority's threshold allegations.

26. During his oral evidence, I asked the Father what was the basis upon which he applied for a visa to enter the United Kingdom. The Mother's evidence was that she arrived in England prior to James's birth and Father arrived shortly after on a spousal visa. Father's first answer was that he obtained a visa on the basis that he was the father of James so had article 8 rights to private and family life, but he then said he could not remember. The Father was challenged on the basis that James was not born when he entered the country, and on the basis that it was not credible that he could not remember how he got permission to enter the UK and remain living here, but the Father continued to say he was not sure. In my judgment he recognised the error of his first answer and then sought to rely on poor memory to avoid answering the question.
27. I do not accept the Father's evidence. I do not accept that he cannot remember how he obtained a visa. In my finding, he was able to enter and live in the UK because he was married to the mother. The Mother has produced an email sent by the Father's mother that refers to them being married. I accept the Mother's evidence.
28. Upon arriving in the UK, the Father moved in with the Mother at her parents' home. James was born, they moved to another city and then Joshua and Jordan were born. The Mother suffered injury to her back and was prescribed codeine. When this was stopped, she turned to alcohol and became addicted to alcohol and the codeine that she was able to obtain.
29. When the Mother gave her oral evidence, she said that she did not agree with the Father's methods of punishing the children. She told me that she was the softer parent but said the Father would threaten to put the children outside in the garden and, on one occasion, did put James outside in the dark. The medical notes for this period in 2017 contain recordings from a family support

worker who was involved with the family. She noted the parents were disagreeing about how to manage the children's behaviour as, when Jordan hit Joshua, rather than trying to defuse the situation the Father would encourage Joshua to hit back. The Mother also described the Father as not listening as he "thinks he knows best".

30. Social care had become involved in 2016 due to the Mother's addictions and the impact it had on her parenting. The Father accepted that the parents lived together until they separated in March 2017. The children remained in the care of the Mother with the support of her parents. The Mother went into rehab in June 2019. The children moved to live with their father on 12 December 2019.

31. In her closing submissions, Ms Clough on behalf of the children, identified that after the parents separated in 2017, the children experienced changes of carers on four occasions. As the Maternal Grandparents live in different area, changes of carers meant changes of school. Therefore, these three boys have experienced a disrupted childhood that was, at that time, primarily due to the Mother's misuse of substances. The Mother accepts this and expresses remorse; remorse that I accept as genuine. In his closing submissions, Mr Foster refers to the harm the children suffered in the care of their mother as being relevant to my determination of the allegations now made against the Father. Whilst I accept this history is of relevance in understanding the background and to how the children might react and behave, in my judgment these events that took place in and prior to 2019 are not matters to be addressed in a threshold finding in 2023 and 2024. The harm the Local Authority alleges that led to the applications to the court all arose when the children were in the care of the Father.

<u>The Emergence of Allegations against the Father</u>

32. James started at Cherry Tree Primary School (not its real name) on 6 January 2020. On 3 February 2020, James told a teacher “I’m anxious. I don’t think my Dad’s safe”. He said he was worried as “Dad leaves me at night to look after my brothers and he swears and threatens to hit us.” James said he goes “to the pub to see friends, but I don’t know if that is true because my dad tells lots of lies.” James is recorded as saying he is worried because when they are in the car dad swears at other drivers and says that they are the “kind of people” who are hacking him. James is recorded as saying his dad hit Joshua. He said he did not see it but Joshua was crying and told him. James said he told his mother and she said to tell school or social services, a conversation the Mother accepted had taken place. James is recorded as asking the school not to tell his dad as he was worried that dad could hit him.
33. When the Father was asked by the school about the allegations made by James, Father said that James wanted to live with his mother and was making-up these things for it to look as if the Father was not caring for him properly. Father did accept leaving the children alone in the house to go to the shop but denied leaving them to go on a night out and denied hitting Joshua, although he is recorded as accepting that he did threaten to hit him.
34. When the Father was asked about this recording during cross-examination, he denied that he was a man who swears with any regularity. He also denied threatening to hit the children even though the school recording states that he admitted this at the time. Had this been the only recording that the Father said was inaccurate, his denial might be more persuasive but the Father’s response to almost all matters that might be seen to be contrary to his case are that the maker of the record had got it wrong. I have to carefully consider whether there is a consistency in the hearsay evidence provided in the bundle and also consider whether it is supported by other evidence. Having done that, although the maker of this recording was not called to give oral evidence, I

accept it as accurate recording of what the Father said on the day and my reasons for accepting the recording, as will become clear as I move on through the chronology of the case, is that I do not accept that so many professionals who have encountered this father will be careless in their recording.

35. On 11 January 2021, staff from the Cherry Tree Primary School attended the Father's home, as they had been unable to make contact with the Father and wanted to check on the children and whether they wanted to attend school during the lockdown. When staff arrived they found Jordan and Joshua home alone. The children were asked where their father was and they said that he had gone to the shop with James. The front door was found to be locked and the back gate was locked. When asked if they had keys, the children said the father had locked the door and taken the key. Jordan has mobility difficulties due to his birth injury and uses a walking frame and wheelchair. The member of staff waited for 35 minutes before the Father returned. The police had been called due to the children being locked in and when they were called to be informed that Father had returned, they said they would still be attending
36. The school recordings note the Father as saying "he doesn't see a problem as the children said that they did not want to go to the shops and are old enough to stay at home." Father was recorded as agitated and asking questions such as "what are you doing here?", "why are you here" and "what's going to happen now".
37. It was Father's evidence that when the police attended after the school staff had left, they did not see any difficulty with him locking the children in the home and going to a shop. Having heard the evidence, and accepting the recording that identifies that the children were locked in the home for at least 35 minutes while the school staff member was waiting, in my judgment it was dangerous and neglectful to lock two 6 year old children in a house, particularly when one of those children has special needs and would be

unable to escape were anything to happen that required him to get out of the home quickly. It was of significant concern to the Court that the Father, during his oral evidence, showed no insight into the risks to which he exposed his young sons by locking them into the home in the way that he did.

38. What then occurred is an example of what has become a pattern of behaviour from this father, that he would come to repeat up to and throughout these proceedings. The Father wrote to the school and included in his correspondence was “I thereby inform you that nobody from your school is welcome here” and he asserted that James has “asked never to speak to Ms X again’, referring to the member of staff who attended the home on 11 January 2021. During his oral evidence, the Father asserted that he sent this letter because James was upset about the school having called the police. In my judgment, the police were called for a legitimate reason, as a result of the Father’s neglectful parenting. There was no cause for James to be upset, particularly if the Father was truthful in his evidence that when they arrived the police were unconcerned by his actions.

39. The school, rightly in my judgment, made a referral to the Local Authority following what occurred on 11 January 2021 and the receipt of Father’s letters. Father made a complaint about the member of staff who visited the home so the Head Teacher at the school took over the safeguarding role for the children. However, on 25 April 2021, Father called the school to tell them that he was removing James from that school. In the note taken by the school of that phone call, it is recorded that Father said “following the incident”, referring to the visit in January, “James no longer felt comfortable at the school and did not wish to attend”. The school suggested that James could enrol at the same school as Joshua and Jordan but the Father did not agree and said there was no point in James attending a new school as he was due to transfer to High School in the Autumn. The school informed the father that if he intended

to home school James, then he would need to write a letter advising of this so he could be assessed for his suitability to deliver home education. The note records that the school did not agree that it would continue to provide home school as it had during lockdown.

40. In his oral evidence, Father accepted that he withdrew James from school, asserted that James was unhappy and said that home learning was one of the options available to James due to Covid. I do not accept the Father's evidence as the record states that Father was told that home learning was not now available. I accept the submissions on behalf of the Local Authority and the Guardian that it was not in James's best interests as he missed the opportunity to transition to High School with his friends and classmates. The events of January 2021 were, in my judgment, no justification for withdrawing James from this school.

41. James joined High School in September 2021 and there were no reports of any concerns. On 15 August 2022, the family GP referred James to Mindmate, that is a service that considers referrals to CAMHS. The GPs' referral describes James as suffering anxiety that his Father attributes to the care he received from his mother. The referral states that when upset, James would "threaten not wanting to be here". The referral notes Father's description of James as "generally very anxious and worried".

42. In his oral evidence, Father describes James as having mental health difficulties so it is surprising to read the letters from Mindmate stating that they had been unable to contact the Father by telephone to discuss James and what service he may require. Mindmate wrote to the Father inviting him to contact them but, as they received no contact, Mindmate wrote to the GP on 29 December 2022 inviting the GP to see James and to refer to them again if there was a need.

43. In his oral evidence, Father said he received no communications of any kind from Mindmate. I asked him if he had called the GP to chase this up and he said that he had. If that is correct, it is inexplicable that Mindmate had formed the view that the Father was failing to respond to them. As I have already described, Cherry Tree school were unable to contact Father so had visited his home. There is an emerging pattern of Father failing to respond to communications. I do not accept that Mindmate's correspondence is inaccurate and I find that although father was presenting James as requiring a mental health service, he then neglected that perceived need by failing to engage when the service was offered.
44. I have considered why it might be that the Father would fail to engage. The referral to Mindmate was made by the GP on 15 August 2022. On 13 September 2022, James attended school and complained about how he was treated by his father. The Local Authority's chronology summarises what occurred as follows: 'High School shared that James went into school at 5pm and said he didn't agree with his dad's punishments. He wouldn't go back home. He said he had to sit on the naughty corner and stare at the floor for 30 minutes then a further ten minutes in the morning. Dad had a meeting with someone from the safeguarding team, things improved a little after this according to James. Dad said he would refer to Mindmate to help James. James said no support was put in place. Dad called the head of year and said he didn't want anyone to support him in school as he was going to find someone externally'.
45. In the statement provided by Mr Grant, the safeguarding officer from the school, he summarises the recordings held by the school concerning this event. After James had complained on 13 September, a meeting was arranged with Father on 14 September. At that meeting Father said that James had been arguing with him and misbehaving and was made to sit in the naughty corner as a punishment. Father explained the Mother's history and how he thought

James's behaviour was more difficult after contact. The school suggested that a member of its safeguarding team checked-in with James regularly and Father agreed to this but then on 3 October 2022 told the school that he did not want anyone providing support to James as a referral had been made to Mindmate.

46. On 14 September, James had told the school that his relationship with Father was not good and they argued daily. James spoke of his feelings of anger and was happy to work on this with school staff. On 20 September 2022, James had a session about his feelings and said that one of the strategies he had to manage his feelings was to listen to music and to watch Youtube on his phone, but was unable to do this as Father had broken James's phone during an argument. When Mother gave her oral evidence, she said that she'd had regular telephone contact but it stopped as a result of Father smashing James's phone. Jordan spoke to the social worker about Father smashing James's phone in an argument and now they could not speak to their mother any more. In his oral evidence, the Father said he had confiscated the telephone but had not broken it. James's account was of the phone being broken in an argument, and this is corroborated by Jordan who told the social worker about this at a later date. James was speaking about having no phone in the context of not being able to use it to manage his feelings when he was being asked about this topic by the school safeguarding support staff, Ms Swann.

47. When James was told by Ms Swann, on 10 October, that Father had told the school not to provide him with any support, James was upset and said that Father was not going to get him any support and was not going to support him himself, which in my judgment then proved to be true. In the same conversation, Ms Swann records James telling her that Father had taken away his phone and would not give it back until he "has worked on his anxiety" and this made James feel like running away again. It has not been suggested by any party that a phone was smashed by Father but then replaced and that phone

then confiscated. It appears that James has given two accounts within a month of why he has no access to a phone and on that basis I am unable to find the allegation that F smashed the phoned proved. However, as the evidence I have is incomplete as to whether it was a different phone that was then confiscated, I take the view that it would be wrong to conclude that James had lied.

48. By April/May 2023, Mr Grant, safeguarding officer, found that James would frequently approach the safeguarding office upset, low in mood and often verbalised about his poor relationship with his father, and he complained about the punishments he endured.

49. On 11.05.23, when school conducted a home visit due to James not attending school, the following recording was made “Parent came to the door and checked to see that it was locked and shouted something, but I couldn’t make out what he said. I stood in the rain for another couple of minutes and then knocked the door again, parent shouted something again so I waited another minute and then posted the attendance letter. As I was turning the car around, I could see through the glass in the door that the parent had retrieved the letter and was reading it. He then opened his front door, held the letter in the air and tore it into pieces. He then threw the paper on the ground”. When he gave his oral evidence, the Father said he did not remember this event but he accepted there would have been no other adult in the home other than himself. This is, in my judgment, yet another example of the Father ignoring important correspondence about his child and avoiding contact with professionals.

<u>The Allegations that Triggered the Issue of Proceedings</u>

50. In September 2023, police informed the Local Authority that there was a concern that James was involved in the selling of cannabis, a concern that was not shared by the school although the school were worried about the

relationship between James and the Father, because James was embarrassed about how Father dresses. The school advised that the Father does not engage with the school and will ignore door knocks if visited.

51. On 16 October 2023, James spoke to Mr Grant and said he had something serious to share but was worried that he would get into trouble with his father. James was reassured that he would be protected but even then James said he was worried about the repercussions, which he said would be his Father would change his school. Mr Grant asked James if he could write down what he was worried about. James reported that he had to kiss his Father's hand whilst on his knees and this had started a few months before. He said he believed his Father got a 'kick' out of making him and his siblings kiss his hands. James said the Father had made Joshua kiss his hand the day before. James also reported that his father makes him feel uncomfortable and scared and has been encouraging him to have sex since he was 10 or 11 years old.

52. It appears from the statement of Mr Grant that James went home on 16 and 17 October 2023. The statement records that, on 19 October, James told Mr Grant that when he'd got home on 17 October, his Father was angry as he had not taken out the bins so he was made to stand and face the wall and he had been told he would have to do that all night or do two dances for his father. Mr Grant records that James was visibly upset when describing how his father had told him to move his body and shake his bottom as he danced. James said he felt uncomfortable around his father and said Father had once spanked him on the bottom when he was in the kitchen. James also said that his father had told him and his brother that he would live forever as he couldn't die and that he, his brothers and Father all had superpowers. James told Mr Grant that he was worried his dad would do something bad because he had spoken to the school about what was going on.

53. In her first statement in these proceedings, the social worker, Ms Rashid, records that “once these concerns were shared with dad (on 18/10/2023), James was too afraid to go home and he stayed with friends. Initially this was with dad’s consent and clear advice was provided to James’s friends parents to call the police if dad turned up and behaved aggressively and if James was scared”. On 19 October James was again very distressed and, when told that he might have to return home, he alleged that Father tells him that he has killed people and that Father tells James that he is his slave. James also reported that his father told him that he does not like virgins so James lied to his Father and said that he had had sex with someone so his father wouldn’t ‘have a go at him’.
54. James again stayed at the home of his friend on the night of 19 October and was there again on 20 October when the Father attended at the address. Throughout his oral evidence the Father complained that he did not know where James was staying and it was put to Ms Rashid when she gave her oral evidence that she had not shared this information with the Father. Ms Rashid produced her file notes that records she told Father where James was staying on 18 October. She was very clear in her evidence that she had told Father and advised him not to attend the address. I accept her oral evidence as it is supported by the content of her file note.
55. In her closing submission on behalf of the Local Authority, Ms Persaud describes the Father’s attendance where James was staying on 20 October as an attempt by the Father to control and influence James. The social work chronology summarises what happened in the following way:

    ‘Father went to James's friend's house and insisted that he wanted to speak to James and take him home. This was despite him knowing that he was under police protection at that time and he was advised against visiting the friend's home. He remained there for two hours with the younger children also in the car. He was described as manipulative, telling James his brothers were missing

him to get him to talk to him and return home. He was also getting Jordan and Joshua to urinate in the street rather than taking them home. The police were called and eventually Father left upon their advice.'

56. On 18 October 2023, Jordan and Joshua were seen at school by Ms Rashid and did not share any worries about life at home with their father. Jordan was more talkative than Joshua but they were both prepared to have a discussion. When Ms Rashid saw them again on 25 October 2023, Jordan told her that their Father had told them not to talk to visitors at school. When Father was asked about this, he denied telling them not to speak to social workers specifically but accepted that he had told them they did not have to speak to anyone who made them feel uncomfortable. I accept the submission made by Ms Persaud that Father put the children under pressure not to speak to the social workers and, had the Father been able to speak to James on 23 October 2023, in my judgment it is likely that he would have put pressure on James not to speak further or even to retract his allegations.

57. In its findings document, the Local Authority seeks findings on reports made by James to Mr Grant and during his video recorded interview. The findings document is very broadly drawn in relation to other matters and, as I have said in the early paragraphs of this judgment, contains allegations that I do not consider meet the high bar needed to satisfy threshold. I am very mindful of the decision of the Mr Justice Hedley in *Re L (care: threshold criteria) [2007] 1 FLR 2050*, at paragraph 50:

"…society must be willing to tolerate very diverse standards of parenting, including the eccentric, the barely adequate and the inconsistent. It follows too that children will inevitably have both very different experiences of parenting and very unequal consequences flowing from it. It means that some children will experience disadvantage and harm, while others will flourish in atmospheres of loving security and emotional stability. These are the

consequences of our fallible humanity and it is not the provenance of the state to spare children all the consequences of defective parenting. In any event, it simply could not be done."

58. And at paragraph 51: "significant harm is fact-specific and must retain the breadth of meaning that human fallibility may require of it" but that "it is clear that it must be something unusual; at least something more than the commonplace human failure or inadequacy".

59. These passages were approved by the Supreme Court in Re B (a Child) [2013] UKSC 33, in which the following appears at paragraph 28:

"In the present case Mr Feehan seeks to develop Hedley J's point. He submits that: 'many parents are hypochondriacs, many parents are criminals or benefit cheats, many parents discriminate against ethnic or sexual minorities, many parents support vile political parties or belong to unusual or militant religions. All of these follies are visited upon their children, who may well adopt or 'model' them in their own lives but those children could not be removed for those reasons.'

I agree with Mr Feehan's submission"…

60. I accept I am looking at the totality of the evidence and that one event may appear minor but when taken with other matters can be causative of significant harm. However, there are many matters pleaded in this case that are not just commonplace but are very frequently encountered by children and in my judgment are unnecessary for me to determine, given the other more serious matters in the threshold document that may meet the requirements of section 31(2) if I find them proved.

61. The allegations that I consider I do not need to determine are:

2(g), (h) and (i):

The father shouts at James. **[Q16]**

The father has sworn at James – for instance, calling him a 'f..king idiot'. **[Q17]**

The father has told James that James is stupid, that he is better than James and that James doesn't deserve his time. **[Q17]**

4(a), (b),

In 2020, the father would, on occasion, swear at other drivers in the presence of the children. **[U85, PDF 889]**

In the presence of the children, the father has had an argument with a person about a new car, has had an argument with a person over where they live, and has had an argument with a gentleman over where items were placed. The father told the children that these were people 'in the wrong' which is the narrative Jordan has since developed. **[E109, PDF 448]**

62. Mr Foster took the Father through each allegation in the threshold document as drafted at the start of this hearing. The Father told me that he never spoken negatively about the Mother, even though Joshua told Dr Downs that Father speaks about Mother in a way that makes Joshua sad. When conversations took place about telephone contact between the boys and their mother at the parenting assessment session on 5 December 2023, it is recorded that the Father's answers were vague and he deflected the conversation onto his complaints about the content of the Mother's statement. As is set out in Ms Persaud's closing submissions, just three days later, the social worker had a conversation with Jordan and Joshua about phone contact with their mother and they said "no, we don't need this. This is what the visits to grandparents are for. We only spoke to her usually just before we went to visit. We see her on the visits we don't need phone contact." It is submitted that this is clear evidence of the children having been coached by the Father. The Father denied influencing the children but I do not accept his denial. I agree that the children were likely to be repeating language that was not their own and was a script given to them by the Father. I can see no reason why Jordan would lie to Dr Downs about Father's attitude towards the Mother and I find it likely that the

children had learned not to share information with their mother as this would enrage the father. In his police interview, the Father described the Mother as not an “existing person” in the children’s lives, a comment that demonstrates, in my judgment, the Father’s attitude towards the Mother.

63. As was first mentioned by James in 2020, it was the Father’s use of what the children consider to be harsh punishments that was causing James distress. The Mother told me that the children had not told her about Father using harsh punishments. James has been the most vocal about being made to stand in the naughty corner for periods of 30 minutes or one hour but Jordan and Joshua have also talked of the same punishment and the same periods of time. Jordan and Joshua have told one of the social workers that they were made to stand in the naughty corner. Jordan said for up to half and hour and Joshua said for up to an hour.

64. Father’s evidence was that he did use the naughty corner but only for short periods of time to make the children think about their behaviour and “what they could do better”. He said that many parents use a naughty corner strategy and he has done nothing wrong but using it.

65. At various times Jordan and Joshua have said that James is lying in the allegations he makes against the Father. The Local Authority assert that this is further evidence of the Father coaching the children. In a recording at page 501 of the bundle, Jordan is reported as saying “Dad said James lied at school”. During contact in November 2023, the younger boys told James that he needed to admit he had lied and say sorry that he had lied. However, the younger boys themselves have reported Father use of the naughty corner for periods of time that the social workers consider to be excessive.

66. I have to ask myself if requiring a child to face a wall for up to an hour is causative of significant emotional harm and, in my judgment, whilst harsh it might be an appropriate punishment for a grave indiscipline for a younger

child, it is not obviously an act that would always be harmful. After all, punishments are supposed to be unwelcome and something a child would wish to avoid by behaving better in the future. However, this it is just one part of a complex picture within the Father's household.

67. James has described the Father making him kneel, or the Father pushing him to the floor to kneel, and requiring James to kiss his hand. He also alleged that, on 15 September 2023, the Father had made Joshua kiss his hand. When interviewed by the police, the Father denied that he had made James kiss his hand, although when spoken to by the social worker on 18 October 2023, the Father is recorded as saying this is a game rather than a punishment.

68. It is an unusual allegation and James explains it in his interview as something the Father does to degrade him, along with calling him small.

69. James has also reported the Father making sexual comments to him, such as "of course you want to see me in the shower", asking if James was excited by walking into the bathroom when the Father was urinating and asking James if he wanted to "get with him", leading James to believe his father was asking him if he wanted sex. As part of a punishment, James has reported that Father made him dance and 'twerk', a movement that can be considered to be sexually provocative but also degrading if this is being done as a form of punishment.

70. Father asserts that all these allegations are untrue and that James is lying because he's embarrassed of his Father and of his Father's appearance.

71. In her oral evidence, the Mother agreed that James became embarrassed about Father but the Father himself told me that there had been no real changes to his appearance. If the Father is correct that he has always worn make-up and female style clothing, then his suggestion that James is lying because of this is difficult to understand. There is no other evidence of James expressing views

that might lead him to tell such serious lies due to an attitude of growing intolerance.

72. Father suggests that James's intolerance of him has arisen as a result of James spending time with a friend who is Muslim and as a result of this friendship James wanting to present as more masculine, whereas the Father states that James had been questioning both his own gender identity and sexuality. All other parties submit that, save for the Father's evidence, there is no support from any other source that James has expressed himself as female, non-binary or gay.

73. There is however evidence of the Father painting the finger nails of Jordan and Joshua, in October 2023, and James told the school that if they refused, the Father would make them sit in the corner. There is also reference to Father buying glittered footwear for the younger boys and Jordan wearing his old footwear as he did not wish to wear the sparkly boots the Father had purchased. The Guardian submits that this demonstrates the Father projecting his own wishes onto his children and, if true, is a form of control.

74. As described earlier, on 3 May 2024, the court granted an application made by the local authority to remove Jordan and Joshua from the care of the father. The concerns that led to that application are summarised in the Local Authority's written opening:

'The care of the twins also deteriorated in the father's care during proceedings with Cherry Tree Primary school noting, in particular:

From January 2024, the twins both appeared very tired in school. C134

They often came into school with unkempt hair (not brushed for days). C134

Sometimes, their uniform were stained. C134

One week, they had their PJs on under their uniform. C134

In March 2024, Joshua appeared pale, weak and extremely exhausted. Some days, he could not stop himself from falling asleep. C134

In the last few weeks of April, when Joshua was questioned about home, he would ‘freeze and shrink into his chair’. When the worker told Jordan that they would need to speak to the father about how tired he is feeling, he looked visibly worried. C139’

75. The Father’s relationship with the social workers had broken down. It was his evidence that the children were tired at school as they were not sleeping due to the fear that the social worker might visit. When the Court had refused to sanction the removal of the youngest children, a safety plan had been put in place and, it is submitted by all parties other than the father, that he failed to comply:

    (a) By not allowing Ms Rashid to speak with the children, or go into the home. C33 (118).

    (b) By telling the children not to speak to professionals C15 (100).

    (c) Exposing Jordan and Joshua to views he has about James saying James has lied and needs to apologise.

    (d) By discussing the proceedings in front of the children including at contact.

    (e) By attempting to meet James by hanging around contact centre knowing he would be coming, and this was also frightening to James.

    (f) By not attend all meetings including a PEP 13.03.2024. C100 (185). Not attended 2 x health needs assessments 21.02.2024 and 20.03.2024 saying it was arranged too early in the morning C101 (186).

    (g) By not informing the school when the children were off school due to illness.

76. The Father's behaviour around the local authority's attempts to set up family time visits is relied upon by the Local Authority and the Guardian. James was to meet with his brothers at a Starbucks coffee shop but the Father parked his car outside so James, when seeing the Father, did not want to attend. On 1 December 2023, the social worker decided to change the venue of contact to try to ensure that James was not discouraged from attending by seeing the father and made plans for the contact to take place in an office that was just a few minutes away from Starbucks. The Father initially refused on the basis that the boys did not want to go into an office but then said contact in the office would be acceptable for the following week, but he had not had enough notice for it to happen that week, so no contact took place.
77. There were further attempts to arrange sibling contact when the younger boys remained in the care of the father but he insisted on sitting in a café where, in the evidence of the social workers, he could be seen by James. When he was challenged about his behaviour during his evidence, the Father saw nothing wrong with how he had behaved and denied that he acted deliberately to sabotage contact between the siblings. What is clear is that he failed to follow the advice of the social workers and I will need to come to a conclusion about why an intelligent man is likely to have behaved in this way.
78. The Local Authority submits that many of the Father's behaviours are motivated by his desire to control. He sought to exclude the social worker Ms Rashid from involvement with the family on the basis of her religion and in a position statement drafted on his behalf for a hearing on 29 April 2024, that states that is was approved by the Father, it is alleges that:

> "The Father considers that the social worker is Muslim and is imposing her religious views upon the family. The Father advises it should not be permissible for a social worker to try to impose her religion upon him/his children throughout the

running of the case and assign herself as the main social worker to a child who the Father perceives to have problems particularly because of a Muslim friend. There is a level of subjectivity that has been ongoing since the SWs involvement".

79. When he gave his oral evidence, the Father denied that he had approved this document or that the content was drawn from his instructions. Unsurprisingly, his solicitors then applied to come off the record, an application that I refused as the Father was in the middle of his evidence and Mr Foster was content to continue to act as he had not been instructed when the document was drawn.

80. The Local Authority highlights that, irrespective of the content of the position statement, the Father had expressed anti-Muslim views just a few days before. The school record an incident when the Father attended and interrupted a class as he did not agree with the accuracy of what the teacher was saying. The statement then describes:

> "Father shared his frustrations around a Muslim member of staff during this conversation. The teacher shared "I then asked him about the complaint he made about the RE Curriculum. Father said he hasn't an issue about the RE curriculum. I reminded him that he came into the front office to complain on Tuesday morning. He said no, he has an issue with the member of staff who is Muslim as she promotes her own religion and no others and had a poster on class on her own religion for weeks on end until he spoke to management, and they took it down. I explained that he has got this wrong as it was not her taught that, it was me. He argued this and said it wasn't me. It was me when he originally complained, however I no longer cover that class and Mrs KH does who is a Muslim. He never complained to management, and we never took a poster down

as it was a working big curriculum book where the content changes weekly. Father argued this. He then went onto say he does not like this member of staff because she is Muslim, and he does not talk to them anymore because all they try and do is convert you to their religion. I asked who's them? and he said Muslims."

81. Mr Foster submits that I must be cautious about accepting hearsay evidence contained in the school recordings that the Father does not accept. He denied he said these things and said he'd made a complaint about the teacher to the Headteacher at the school. However, I cannot ignore the similarity between what he is recorded as saying in the school and what appeared in the position statement for the hearing referred to above. I do not accept the Father's denial. I accept that he has voiced anti-Muslim views as was recorded by the school and his denial is yet another example of his unending capacity for dishonesty. The Father refused to work with Ms Rashid and the Local Authority allocated an additional social worker, not because there was any truth to the Father's complaints about Ms Rashid but because it had to take a pragmatic view and have a worker in place that might have some success monitoring the younger children at home and building a relationship with them.
82. The Local Authority submits that the Father's anti-Islamic views are harmful for the children as they have an Islamic family on the paternal side.
83. In addition to the allegations of emotional harm raised by the Local Authority, it also alleges that the Father has caused physical harm as "he has assaulted James to ensure that James is controlled by him/frightened of him". When James gave his video recorded interview, he alleged that the Father had put him in headlocks using his legs, squeezed his arm and hand until James thought it would be crushed, squeezed his body until he found it hard to breath, put his legs in painful positions that would lead to James walking with

a limp for a period afterwards or would leave a bruise. James told the police that the Father would do this even though James was begging him to stop.

84. The Father submits that James is telling lies and his account should be rejected. He relies on the maternal grandfather having insinuated that James “would be lying about things as he is a difficult child and "hard work". He also stated that he has become arrogant like his dad and thinks everyone should do what he wants’. This was later clarified, in the mother’s statement, as the maternal grandmother in fact considering James to be more of a ‘*fantasist*’ than a liar.

85. The Father alleges that Ms Rashid told him, when James first made his allegations, that she knew James was lying. Ms Rashid denied that she said any such thing. During her oral evidence she explained that she knew it was her responsibility to keep an open mind while a child’s allegations were investigated.

86. It is submitted that the Grandfather’s view of James being a ‘fantasist’ is fatal to any suggestion that James is a credible witness. I do not accept that submission. James has lived in a home with a father who, in my judgment, has been dishonest with the court on a very wide range of matters. I accept that I was sceptical about the Father’s academic qualifications that were then shown to be accurate when he brought his qualification certificates to court. However, having a doctorate does not transform him into an honest witness on all matters. It has been difficult for the Court to understand why the Father has been dishonest about his marriage to the mother or about his own family of birth. He has denied coaching his children about what to say and what not to say but they have reported this very thing to professionals. When Joshua and Jordan were removed from the Father’s care, he is recorded as telling them “I told you she was going to take you from me”. This comment explains why the

boys were seen to “freeze”, “tense up” and appear nervous when they were asked about their home life.

87. I have explained that the Father’s unjustified complaints led to the allocation of an additional social worker but, once that step had been taken, I am satisfied that the Father spoke about Ms Rashid in such a way as to cause Jordan and Joshua unnecessary anxiety. Part of the safeguarding agreement was that there would be unannounced visits to the home, that were carried about by two workers and that number included Ms Rashid. On one such visit, Joshua and Jordan were seen to be running around the home distressed, with Jordan seeming particularly disturbed. Father said that he did not want the children to have “bad thoughts’ and I am satisfied from the evidence of both social workers that the children would have heard all that was said. In my finding, rather than seeking to assist the children by reassuring them about social work visits and the role of the social workers, the Father did the opposite. He then relied on anxiety he had caused himself as reason why there should not be visits to the children, in a similar way to how he behaved with the school, relying on James being upset about the police attending as reason why school staff should not visit. In my judgment this was deliberate and dishonest manipulation by the Father.

88. Another example of a step the Father took to control was on 1 March 2024 when he said the following about Ms Rashid: “I do not want her texting me. I have told you I do not want anything to do with her. We want nothing to do with her ever again”. I accept that this was heard by the children and that Joshua was seen to try to defuse the situation by interrupting by saying goodbye to Ms Ogden who had been permitted to enter the home.

89. In my judgment, the Father sought to maintain control over the children throughout the time when they remained in his care. I have already described his behaviour around the family time visits and the actions he took to sabotage

those visits. His oral evidence that he needed to be close by in case Jordan needed assistance with toileting was absurd, as Jordan attends school and is able to manage his toileting himself and there would have been supervisors present to assist had these family time sessions taken place.

90. The Father told me that he 'repudiated the contract of expectations' as he took the view the Local Authority was not doing what it had agreed. In my judgment, this repudiation of the safeguarding agreement was the Father rejecting any further scrutiny as he was losing his ability to control.

My Findings Concerning Significant Harm

91. I have very carefully reviewed the evidence relied upon by the Local Authority in support of the findings it seeks and reviewed with equal care the Father's evidence and submissions in reply. It is for the Local Authority to prove its case to the required standard and not for the Father to prove that the allegations are false.

92. One of the allegations relied upon concerns James's report that the Father encouraged James to have sex. The allegation is pleaded in the following way:

> 'The respondent father has encouraged James to have sex since he was around the age of 9 or 10 years old. This has included telling James that he doesn't like virgins and that James shouldn't be a virgin, and buying James condoms when he was too young to be having sex'.

93. The Father admits that he has had a conversation with James about him protecting himself by using condoms if he has sex, but Father denies that he encouraged any sex to take place and denied any conversations about virgins.

94. In her closing submission on behalf of the children, Ms Clough submits that James is telling the truth on all matters because:

- He has repeated his allegations made at school to the police and never deviated from the same.
- There is no evidence he has exaggerated. For example James denies his father hit him.
- The complaints are quite specific in nature and not the most serious of allegations.
- The Father admits the use of punishments such as standing in a corner referred to by James.
- The Father admits telling James to use condoms.
- CPOMs refers to James speaking of condoms and sex toys when aged 10 years and 8 months old. This correlates with James's allegation that his father spoke to him about sex 4 years ago and buys him equipment.
- James refers to his father lying and the Court will assess father's credibility but it is considered by the Guardian that there is evidence to substantiate this assertion by James.

95. It is correct that James told the school that his father lies all the time but I have to look at James's own evidence and decide if he is speaking the truth about how his Father behaved towards him. I accept the submission that the allegations made are not of serious assaults, be them of a physical or sexual nature. The allegation made that Father required the children to kiss his hands is an unusual allegation. My assessment of James in the video recorded interviews is that he appeared uncomfortable in a way I would expect a boy of his age to be when speaking of these matters but he did not seek to exaggerate or embellish his account. There were a number of occasions when the officer was seeking more information about what James saw when walking in on the Father in the shower or when urinating. James did not take the opportunities given to him to make more serious allegations.

96. I also take into account the observations of school staff and the social workers that James appeared to be genuinely fearful of his father. The Father did not act on the advice he was given to stay away from the home of James's friend where he was staying under police protection. The Father attended the address and I accept the Local Authority's submission that it is more likely than not that this was done to try to intimidate James and to act om the fear that he knew James was feeling.
97. Although the Local Authority have characterised some of the allegations as the Father posing a risk of sexual harm to his children, I find that I am not able to use such a label. James's evidence to the police was that he was worried what the Father might do and James interpreted what the Father had said, such as whether he wanted to 'get with' him as an invitation for sexual activity but in my judgment this comment, and asking whether he was excited, or wanting to see him showering, or not liking virgins, can equally be seen as comments made to undermine, belittle and control James. These remarks can be interpreted as being an attack on James's sexuality as much as they can as being an invitation to engage in sexual activity.
98. I found the Mother to be a witness who answered the questions put to her directly and I detected no attempts to mislead. She accepted her own culpability for the harm caused to her children by her own behaviours and I thought her desire to now do better to be entirely genuine. She told me the Father would belittle her during their relationship and said "he constantly put me down". I accept the Mother's evidence. It was not challenged that Mother and James had a close relationship. Indeed, it was relied upon by Father as a reason why James would lie about him. The Mother told me that James had never told her that he questioned his gender identity or his sexuality. The Mother does not believe the father to be telling the truth when he asserts that James has questioned his identity and sexuality. I accept the Mother's evidence

and I do not accept the Father's evidence that James had been expressing the worries about himself that the Father alleges. James was speaking to staff at school, particularly Mr Grant but also other staff and he did not share that he had any identity concerns with them or with the mother.

99. I do not accept that James has lied about the Father out of embarrassment. If the father is correct and has expressed himself as he does now, then there has been no change for James to mark by the making of false allegations. However, I accept the Mother's evidence that the Father's appearance changed most markedly during Covid lockdowns. I note that James complained to the school in February 2020, about the Father's punishments, so this was before the first lockdown commenced at the end of March of that year. I also consider that James being open with his Mother about his embarrassment by the Father's appearance is an indication that he was able to discuss this and seek support rather than to invent allegations. I have found the Father to be the person who lacks credibility and I reject his claim that James has invented his allegations to achieve his goal of living with the mother.

100. In my judgment, the Father has caused emotional and physical harm to James. He has sought to control him by making comments that undermined him as a growing adolescent boy. He suggested that James found him attractive, most likely to undermine James's own gender and sexual identity. He made him stand in corners for excessive periods of time and kiss his hand to demonstrate to James that he might be growing older but it was still the Father who was in charge. In my judgment, James was correct to associate these comments with the Father's ego. The Father caused James to suffer distress and fear by holding James in positions that demonstrated the Father was still stronger than him. I accept that James was caused pain and bruising during these physical assaults that took place.

101. I accept the evidence of James when he told of the Father telling him that he had killed people. There is reference in the evidence to the Father selling a car because he was being followed by Mi5. James told the Guardian that the Father thought that Mi5 were spying on him. On his own website he states he used to work in military intelligence, although he provided no timescale in his oral evidence for when he was engaged in such work. I accept that the Father told James that Mi5 were spying on him. I found this father to be a man who seeks to inflate his own importance by the telling of the most ridiculous lies. James told the Guardian that his father lies. He said he lied about being Muslim, about having brothers and not being married. I agree with James. The Father has lied about these things.

102. When looking at the revised threshold document, I find allegations 2(a), 2(b), 2(c), 2(d), 2(e) and 2(f) proved on the balance of probabilities. I find it proved that the Father has spoken to the children in a manner that is emotionally harmful for them. The Father has exposed the children to conflict with professionals but in my judgment the harm done is not confined to exposure to those conflicts as when the Father comes into contact with a professional who disagrees and challenges him, the Father has rejected that professional, causing interruption and disruption to services provided to support the children, a clear example of this being the safeguarding support being provided to James at school by Mr Grant that the Father then vetoed and then did not engage with Mindmate. I find allegations 4(c), 4(d), 6(a), 6(b), 12(b), 12(c), 12(d) and 12(e) proved.

103. I have accepted that the Father left the children at home unsupervised and this exposed them to a likelihood, in that it was a risk that could not be sensibly ignored, of physical and emotional harm.

104. I find the Father has inappropriately punished the children and find allegations 5(a), 5(b) and 5(c) to be proved. These punishments were, in my

judgment, inappropriate because of the impact they had on James's emotional welfare when taken together with the Father's other behaviours that were designed, in my judgment, to undermine and control him. I would expect a parent of a teenager to impose a 'grounding' or send the young person to their bedroom but the use of a punishment more suited to a much younger child was, in my judgment, a further attempt to belittle James and, in my finding, when taken with the other threshold findings, was causative of significant emotional harm.

105. I am not satisfied that the neglect of dental care meets the threshold given the correspondence that I have been seen. Similarly, the wearing of old grubby shoes is not a matter that meets the requirements of section 31(2).

106. I am not satisfied that the Father is a sexual risk to his sons in terms that he may sexually assault them or expose them to sexually harmful material. What I have found is that the Father made inappropriate comments to James to undermine and control him.

107. The Father has not been so challenged by Jordan or Joshua but I accept they would be likely to suffer emotional and physical harm as the Father had begun to treat them in the same way as their older brother, the making of them kiss his hand and by seeking to sabotage their relationships with professionals are just two examples.

108. I do not accept that Jordan and Joshua's presentation at school deteriorated as a result of any action taken by the social workers. To be clear, on any issue where the evidence of the social workers conflicts with that of the Father, I prefer the evidence of the social workers. It may be that the boys were not sleeping well and this accounted for their tiredness at school but if this tiredness arose as a result of anxiety and fear, that anxiety and fright was caused by the Father giving the boys an untruthful narrative and by his failure to follow the terms of the safeguarding agreement that was then in place.

109. It follows that I find the threshold criteria pursuant to section 31(2) Children Act 1989 to be satisfied. I have considered whether the Father's actions in not promoting contact between the children and their mother. In my judgment, the evidence is not clear as to when there were times that the boys needed protection from their mother and when were the times that the relationship required more active support. I make no findings under paragraph 8 save for the finding I have already made about the Father making disparaging remarks about the Mother to the Children.

110. I also make no findings about harm being caused to the children by them being denied a relationship with paternal relatives. There are very many families in which an estrangement occurs and children may not see the relatives from that side of the family at any time during their minorities. Although that is not ideal, it happens for a multitude of reasons and I have no explanation from the Father as to why he denies the existence of his brothers. It may be that they know too much about him, and any contact with them by someone who is now in the Father's life would undermine how the Father has sought to reinvent himself, if that is what he has done. I can make no finding about his motivation but I do find that he is a man who has sat in the witness box and told me lie after lie after lie.

111. In my judgment, any professional working with this Father should check every assertion made by him before acting upon it. I am particularly concerned by this man working in education and having influence over the academic and careers decisions of young people. I will hear submissions as to whether this judgment should be disclosed to any professional bodies associated with the Father's areas of work.

<u>The Welfare Decision</u>

112. The Local Authority, Mother and Children's Guardian agree the care plans and I have summarised those care plans at the beginning of this judgment. James is older and has developed his own life in the city where he lives. Jordan and Joshua live with the maternal grandparents and are happy and settled there. The mother will join that household once some early sessions in the proposed course of therapy have taken place. Whether James can or should join that household will be considered as part of ongoing reviews.

113. I take the welfare of the children as my paramount consideration and have assessed their welfare by reference to the matters set out in the welfare checklist. I have found the threshold criteria to be met. The Father has been assessed by a psychologist and the social work team has prepared a parenting assessment. Both assessments have been limited by the Father's reluctance to engage.

114. The opinions of Dr Downs, who was only able to see the Father for one interview, are summarised in the Local Authority's written opening:

(a) Father's psychometric testing shows he has a trait like style towards self-enhancement as well as a desire to create a favourable impression.

(b) Father has a significant personality trait of narcissism. Narcissistic traits are associated with feelings of superiority which are often founded on false premises, and egotistic self-involvement, and the expectation that others will recognise their specialness. They have a tendency to maintain an arrogant, self-assurance, and often subconsciously benignly exploit others to their own advantage.

(c) Given that some of the things Father says may not be factually correct, (such as his marriage with M, his background being Egyptian, etc), he may have a thought disorder.

(d) Father appears to lack insight into his own shortcomings due to a trait-like tendency towards self-enhancement. His narcissistic personality traits may make it difficult for him to empathise with the children and separate their needs from his own, and prioritise their needs.

(e) If Father has a thought disorder, this may have significant implications for the children in terms of his ability to make decisions, assess risk and provide appropriate care e.g. not abiding by the contract of expectations and having inappropriate conversations with the children, that is likely to cause the children significant anxiety as they would feel pressured to side with their father. It will almost certainly make it difficult for them to explore, acknowledge and articular their own thoughts, wishes and feelings without worrying about how this might be perceived by Father and worrying about the consequences of this.

(f) Dr Downs could not identify any support or therapy that could be given as the Father did not engage fully for her to complete the assessment. In any event, given he does not believe himself to have psychological difficulties, she is not optimistic about his ability to engage in a meaningful way with any work.

(g) The expert has concerns about Father's ability to mentalise and empathise with the children due to the difficulty in separating their needs from his own.

(h) For repairing James and Father's relationship, Father needs to try to meet James 'where he is at' right now and understand his perspective. A family therapist input may assist. However, there is concern about Father's ability to engage with this at the present time.

115. The Local Authority completed a parenting assessment of the Father. It identified that he had provided care for the children for a 5 year period since 2019, when the Mother was unable to provide good enough care. It identified that loving relationships were observed during family time. However, Father denied that he had ever harmed his children or that he needed to change any aspect of his parenting. He maintained this position in his oral evidence. The Father's family time with Jordan and Joshua has been positive but, in my judgment, the Guardian accurately described the position at paragraphs 41 and 42 of her report:

> "The Father's behaviour towards professionals throughout the court process has been concerning. He initially would not work with the social worker Ms Rashid and now he will not work with the social worker Ms Ogden. He has also refused to engage with me and the psychologist and therefore, he is an unassessed risk. The children have been exposed to his challenging towards professionals and when Jordan and Joshua were removed from his care, the situation was much more traumatic for the children due to him not cooperating with the Local Authority and the police had to be involved.

> The Father has been able to evidence a commitment to making change in the best interests of the children. He does not accept the allegations made by James and has no insight regarding the concerns raised by the Local Authority. Ms Ogden provides a detailed analysis of the impact on the children of his mental health problems, challenging behaviours towards professionals, lack of openness and honesty, his lack of cooperation with professionals and why this poses a significant risk to children."

116. The Father refused to be assessed by a psychiatrist so I have no evidence that his dishonesty is a feature of a thought disorder that would form the basis of a psychiatric diagnosis. I have to proceed on the basis of the harm that I have found this father has caused to his children and the likelihood, as I find it to be, of that harm occurring again. The Father denies that he has any deficiencies as a parent. He accuses his children of lying if they have said anything that contradicts his own evidence and states the same about any professional or other witnesses if they report an event that he now denies. In my judgment, the risk of the children suffering similar harms occurring again in the absence of the Father demonstrating change is high.

117. I have considered the competing realistic options for the care of these children. The Father seeks their return to his care. In his oral submissions, Mr Foster tried his best to sugar-coat the Father's evidence by submitting that some work would be required before James could be returned to the care of the father. In my judgment, the Father really does not accept that anything needs to change.

118. Jordan is the child who is most loyal to his Father and the Guardian was unable to establish reliable views from Jordan about where he wanted to live. Joshua told the Guardian that he was 'okay' about living with his

grandparents. When she gave her oral evidence, the Guardian told me that Joshua was now expressing a reluctance to attend for Family time with the father and some friction about this had arisen between him and Jordan, indicating to me that Jordan is still aligned with his father and would probably wish to return to his care. The Guardian supports there being some direct work with Jordan and Joshua to help them understand the decision of the court if the Local Authority care plans were approved.

119. I have carefully considered the risks and benefits of the children of being returned to the Father or them being cared for as proposed in the Local Authority's plans. It is a comparison between these scenarios as there are no other proposals being made. In my judgment, the likelihood of harm being caused to the children if returned to the care of the father is high given the lack of any change and, when considering all the matters set out in the welfare checklist, I find that the making of care orders to be necessary and proportionate interferences with the private and family lives of the children and the parents.

120. I approve the care plans and I make full care orders.

121. The plans for the Father's contact with Joshua and Jordan are that it be reduced to monthly for a period of two hours, or for a longer period if the Father has proposed a suitable activity. It is proposed that it will be supervised. In my judgment there needs to be a very tightly drawn and unambiguous contract of expectations prescribing how the Father is, and is not, to behave during the family time sessions. In my judgment he is very likely to try to exert control. It is not open to him to repudiate the safeguarding agreement that is imposed to protect the children from harm. It is my expectation that the Local Authority will carefully consider the risks and benefits of family time if the Father breaches the terms of the safeguarding plan that I have seen.

122. James does not wish to have contact with his Father and has not done so since he left the Father's care. He is now of an age when his wishes and feelings carry significant weight, particularly as I have found there was good reason for him to complain to his school about how he was treated by the Father at home. The Local Authority seeks permission to refuse contact between James and the Father. In the circumstances, I grant that permission as in my judgment trying to force James to see the Father would be harmful to him and he will, with the assistance of the Local Authority, have to come to an understanding of his life story and decide for himself in the future what relationship he wishes to have with his father. His contact with the Father will be the subject of ongoing review while he remains the subject of a care order.

123. I will hear further submissions concerning any applications for disclosure of this judgment or any reports from these proceedings.

124. That is my judgment.

Recorder Howe KC

12 August 2024.