

IN THE CENTRAL FAMILY COURT

Case No. ZC23P01066

Neutral Citation Number: [2024] EWFC 232 (B)

Courtroom No. 1

First Avenue House  
42-49 High Holborn  
London  
WC1V 6NP

Thursday, 29<sup>th</sup> February 2024

Before:  
HER HONOUR JUDGE LYNN ROBERTS

B E T W E E N:

A FATHER

and

A MOTHER

MS F DOWSE appeared on behalf of the Applicant Father  
MS A STOUT appeared on behalf of the Respondent Mother

RE D AND B: COERCIVE AND CONTROLLING COUNTER ALLEGATIONS

JUDGMENT  
(Approved)

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*This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court.*



HHJ ROBERTS:

1. D and B are twins born in 2014 so they are now nine and a half. The parents are Mr F and Ms H. Mr F is the applicant in these proceedings and he is represented by Ms Dowse. Ms H is the respondent and she is represented by Ms Stout. Both counsel have put their clients' cases thoroughly and with determination and skill and I am most grateful. Time was lost during the hearing, much of the third day for reasons beyond any of our control. As a result, this judgment which I am giving on the afternoon of the fourth day, not long after the ending of submissions, will not deal with every point or document even if that were desirable or possible. Nor, it is fair to say, have I had time to edit what I want to say as I would wish. However, I have come to very firm conclusions and am confident that what I am going to say sufficiently explains how I have reached them.
2. This is a fact-finding hearing within the context of cross-applications for Children Act 1989 child arrangements orders and Family Law Act 1996 proceedings brought by Ms H. The proceedings started with a flurry of applications from the end of June into August 2023, initially by the father, then the mother. The applications which remain to be determined are the father's applications for child arrangements orders, prohibited steps orders and specific issue orders in relation to both boys, and the mother's application for a non-molestation order for herself and for a child arrangements order and prohibited steps order in relation to the boys. There were proceedings briefly brought by the father in the High Court but I do not think I need to be concerned now with those.
3. The litigation started after the mother removed the boys from the family home in [The town that the children lived in during the parties' relationship] on 23 June 2023 without warning to the father and she took the boys with her to live in a refuge initially, in another area. There was a hearing before me on 23 August 2023 when it became clear there was a need for a fact-finding hearing because it was the mother's case that she and the children have been the victims of the father's domestic abuse, in particular, coercive and controlling behaviour, which the father denied. It was apparent that Mr F intended to make allegations of domestic abuse, in particular, coercive and controlling behaviour against Ms H he having said there was abuse concerning the children in his original application.
4. I made orders for the preparation of the evidence. I ordered that supervised contact should take place between the father and the children each week. I refused the father's application that the boys should immediately be returned to their primary school in [The town that the children lived in during the parties' relationship], thereby implicitly approving the transfer of the boys to a school in the area in which they are now living. I adjourned the application for a non-molestation order and listed the case for further directions in November.
5. I do not know quite what happened on that day but the hearing was before HHJ Cox on 15 November. It was recorded that there was a police investigation into the father's conduct taking place. The length of the fact-finding hearing was extended. Cafcass were asked to prepare a report which was to be informed by this judgment as well as by their own enquiries. The children's previous school was directed to provide disclosure of their records. Police disclosure was also ordered. Contact was increased in length and still to be professionally supervised.
6. As I understand it Ms H and the children have been re-housed in another area whilst Mr F remains in the former family home. Mr F is white and Ms H is black. The twins are therefore of dual heritage with D being very fair and B having a darker complexion and dark hair. Both parties have made allegations against the other. The mother's allegations can be divided into three categories: that the father was controlling emotionally, verbally,

financially and physically abusive to her. She alleges that the respondent was emotionally abusive to her and the children because of the way he treated her in front of the children and the way he encouraged the children to treat her, and that he was excessively controlling of the children and aggressive and physically abusive to them. The father's allegations can be divided into these categories: he alleges that the mother was emotionally abusive, threatening, coercive and controlling of him and financially abusive to him, that the mother was emotionally abusive of the children and that she was physically abusive of the children.

### **The Law**

7. I must have regard to Practice Direction 12J which specifically deals with cases where the Court has to determine whether there has been domestic abuse and what the consequence of such findings if they are made should be. As the President of the Family Division sets out in the Court of Appeal judgment of *Re H-N and Others* [2021] EWCA Civ 448, when I approach this fact-finding hearing, I must apply the ordinary civil law. The burden of establishing proof is on the parent who makes the allegation. It is for that parent to satisfy the Court on the balance of probabilities that the account of the event that they give was more likely than not. It is a binary analysis in which each allegation is either found to be proved or not proved.
8. The President reminds us in that case that it has been recognised for over 20 years now that there can be serious consequences on children being exposed to domestic violence in their homes. That is one of the main reasons why the Courts try to establish the facts of what has happened when one or both of the parents say that domestic abuse which is a wider term has taken place. Contact going forward must be safe for the children and for the parent with whom they live. I have in mind the guidance in *Re H-N* and in Practice Direction 12J and, in particular, about the widening definition of domestic abuse. The President said, in *Re H-N*:

“There are many cases in which the allegations are not of violence but of a pattern of behaviour which it is now understood is abusive. This has led to an increasing recognition of the need in many cases for the Court to focus on a pattern of behaviour and this is reflected by PD12J”.
9. I have also re-read the key parts of the case of *F v M* [2021] EWFC 4 in which Hayden J carefully analysed allegations of coercive and/or controlling behaviour which was an issue which had not figured much in the Court of Appeal cases prior to that decision in 2021. Turning back to *Re H-N*, in paragraphs 31 to 32, the President says:

“The circumstances encompassed by the definition of ‘domestic abuse’ in PD12J fully recognise that coercive and/or controlling behaviour by one party may cause serious emotional and psychological harm to the other members of the family unit, whether or not there has been any actual episode of violence or sexual abuse. In short, a pattern of coercive and/or controlling behaviour can be as abusive as or more abusive than any particular factual incident that might be written down and included in a schedule in court proceedings...It follows that the harm to a child in an abusive household is not limited to cases of actual violence to the child or to the parent. A pattern of abusive behaviour is as relevant to the child as to the adult victim. The child can be harmed in any one or a combination of ways for example where the abusive behaviour:

- i) Is directed against, or witnessed by the child
- ii) Causes the victim of the abuse to be so frightened of provoking an outburst or reaction from the perpetrator that she/he is unable to give priority to the needs of her/his child
- iii) Creates an atmosphere of fear and anxiety in the home which is inimical to the welfare of the child
- iv) Risks inculcating, particularly in boys, a set of values which involve treating women as being inferior to men.

It is equally important to be clear that not all directive, assertive, stubborn or selfish behaviour, will be ‘abuse’ in the context of proceedings concerning the welfare of a child; much will turn on the intention of the perpetrator of the alleged abuse and on the harmful impact of the behaviour. We would endorse the approach taken by Peter Jackson LJ in *Re L (Relocation: Second Appeal)* [2017] EWCA Civ 2121 (paragraph 61): ‘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”, where “coercive behaviour” is defined as behaviour that is “used to harm, punish, or frighten the victim...” and “controlling behaviour” as behaviour “designed to make a person subordinate...” In cases where the alleged behaviour does not have this character it is likely to be unnecessary and disproportionate for detailed findings of fact to be made about the complaints; indeed, in such cases it will not be in the interests of the child or of justice for the Court to allow itself to become another battleground for adult conflict.’

10. The President goes on to explain in the next paragraph of *Re H-N* that:
- “...definition of ‘domestic abuse’ makes reference to patterns of behaviour not only in respect of domestic abuse refers to a ‘pattern of incidents’ not only in relation to coercive and/or controlling behaviour but to all forms of abuse including physical and sexual violence”.

It will be necessary for me to look at each bit of evidence as well as the totality of evidence.

11. I have re-read the case of *B-M (Children: Findings of Fact)* [2021] EWCA Civ 1371. In particular, paragraph 25 is of assistance. It says:
- “No judge would consider it proper to reach a conclusion about a witness’s credibility based solely on the way that he or she gives evidence, at least in any normal circumstances. The ordinary process of reasoning will draw the judge to consider a number of other matters, such as the consistency of the account with known facts, with previous accounts given by the witness, with other evidence, and with the overall probabilities. However, in a case where the facts are not likely to be primarily found in contemporaneous documents the assessment of credibility can quite properly include the impression made upon the Court by the witness, with due allowance being made for the pressures that may arise from the process of giving evidence. Indeed, in family cases, where the question is not only ‘what happened in the past?’ but also ‘what may happen in the future?’, a

witness's demeanour may offer important information to the court about what sort of a person the witness truly is, and consequently whether an account of past events or future intentions is likely to be reliable".

12. In this case, I have carefully considered all the evidence and my appraisal of the way the witnesses have given their evidence has been but one part of the whole. I have also given myself a *Lucas* direction by which I mean that I am taking into account the fact that a witness may lie about one matter but that does not mean they are lying about other matters necessarily.

### **The Evidence**

13. Each of the mother and father have provided the Court with several statements and each have attached numerous exhibits to their statements. They disagree about the particular incidents which are dealt with in their allegations but also disagree profoundly about the nature of their relationship. A person who has been subject to domestic abuse including possibly coercive and controlling behaviour can react to what has happened to him or her in various ways. For example, she or he can take a long time to realise their situation and give the impression of a happy relationship to others in the meantime. She or he can be intimidated by their partner either directly or subtly so that they feel unable to be honest about how they feel to outsiders and within the relationship. It is sometimes the case that a traumatised person's memory is affected and that can affect the evidence they give. A person in this position can find it hard to give evidence about their experiences because it is so painful to relive what has happened.  
I have had all these points and many others in mind when considering the evidence. My duty is to decide this case on the evidence.
14. I am going to summarise much of the evidence. Mr F's first statement was made in support of his application for the children's whereabouts to be ascertained and for the children to be returned to their home and school. He set out how the school had become involved in their home life in the previous six months and that B had complained about their mother being nasty and shouting and calling him names. He sets out that he had learned from the Local Authority after 23 June that the mother had alleged that he had been emotionally abusive of her and financially controlling. He sets out that he believes Ms H is an extremely anxious person and when anxious, she became aggressive to him. He states she is "impatient" and "snaps at the children" and he denies abuse or controlling her.
15. In the mother's first statement which was in support of her applications for a non-molestation order and a prohibited steps order, she set out some of her allegations against the father such as that the father would not allow her to have a bath more than once a week and "...now only allows the children to have baths once a week". That he keeps the household short of money though he has large sums and savings and made her use up her savings on general household outgoings in order to keep control of her. She said the children have been trained by their father to regard the home and car as their father's only. That he expected sex in return for expenditure on holiday. That he has trained them not to listen to anything she says.
16. She alleges that he has encouraged the children to belittle and make fun of her, to disobey her, not to do their homework with her. She says the father did not allow her to have breakfast with the children and does not allow her to attend football training or similar. He does not allow the children to have friends in the house. He tracks her whereabouts, follows her internet history, accesses her emails and checks her Oyster card to find out where she

- has been. He has forbidden her to have friendships with men save for one homosexual man. Her family is not welcome. She says he has not allowed her to use the household machines such as the washing machine. She alleges constant verbal abuse and belittling including in front of the children. She says he rewards the children for being nasty to her and he pinches her in the night. She alleges he is also controlling toward the children, treating them like babies, not allowing them to choose their cards, that he is particularly hard on B who wets himself and shuts them in the bathroom. She says he shouts in their faces and squeezes their faces making them cry and he hits them on their bottom and legs.
17. The father's second statement was limited in length by the judge and he denies the allegations. There is then a statement by the mother in relation to holidays which I do not need to deal with. The mother's second statement was made in response to the father's first statement. She says that the children have not been allowed to have friends over since 2018, that the father has always favoured D who looks more like his side of the family, that B's asthma has been worsened by her not being allowed to Hoover effectively. She says B has told her that their father has told them that their mother does not love them and that B got very angry when talking about this.
  18. She says that very rarely she was allowed to use the washing machine or the dishwasher but generally, this was not permitted as the father says she did it wrong. He piled belongings on the kitchen table where he required her to sit to make it difficult for her to sit down for family meals. She says that the children had gone into school and repeated what their father has said about her. She sets out the difficulties she had in leaving with the boys such as only the father had access to the doorbell camera and it made it harder for her to do anything which the father would not know about. That she had been seeing a counsellor before leaving; something which she did not tell Mr F about. She knows that he has found out and presumes that he must have done so by tracking her movements.
  19. Since leaving, she has sought help for herself and the boys. They are now playing with other children and attending outside activities. She denies that she is overanxious and sets out some of her achievements. She repeats the allegations of financial control and gives a detailed example of when she believes he was tracking her movements. Amongst her exhibits is a letter from her therapist whom she had been seeing for a year before she and the children left the family home. This is a crucial document and I will return to this.
  20. In her third statement of 8 September, she sets out her allegations which she wishes to be determined by the Court. The first allegation relates to emotional abuse, controlling behaviour and physical abuse. She shows a video. Much of it is a repeat of what she has said before. In allegation two, she sets out controlling behaviour and financial abuse, not being allowed to have baths, her friends and family being made unwelcome by Mr F and him pinching her in the night. Allegation three concerns controlling behaviour: being tracked, watching her comings and goings and not allowing her access to the doorbell camera. Allegation four is also of controlling behaviour: not allowing her mother to use the appliances when her mother came to support her after she had had a caesarean giving birth to the twins; Mr F not allowing her to store things appropriately.
  21. Allegation five is of emotional abuse, that Mr F encouraged the children to belittle her, that he tells them negative things about her and does not intervene if they hit her. Allegation six being that Mr F regularly threatened to remove the children and throw her out, that he keeps reminding the children that it is his house and his car. Allegation seven is headed "Verbal abuse" but it actually refers to the mother's view that the father has been gaslighting her over the years telling her that she has misremembered things as well as being insulting to her.

22. Allegation eight alleges that Mr F excessively controlled the children. She gives examples of how he micromanaged them, preventing them having fun or developing independence. Allegation nine is of aggression and physical abuse to the children and she describes him getting distressed and angry and behaving inappropriately. Allegation 10 concerns the unfortunate holiday which the family took in the summer of 2020 to Croatia and what the mother says was emotional abuse by the father to her there.
23. In Mr F's third statement, he first deals with the mother's allegations. Allegation one he denies and gives a very different account of the day and, in effect, describes events before the videos which the mother exhibits. He says that before the video even started; these were the videos about the day when it snowed, he said that the mother had already behaved so badly that she had spoiled the start of the day. He denies that he has prevented the mother from attending football practice. He refers to the mother allowing him to attend Spurs matches which I understand was his main leisure activity. He says that he took the boys out without her "...to avoid the arguments she would start when we were together". He denies having booked a stadium tour for the boys' 2023 birthday by which time, of course, the family had split up.
24. He then deals with parts of the mother's second statement. He denies the allegations. He explains that he said that the mother was causing trouble between the children when she caused conflict between the boys and himself. He says that she used to show them videos at bedtime individually which caused them to argue. He says he told the mother off for calling him or the children names or being aggressive or mean to him. As for her allegations about not being allowed to have breakfast with the children, he says that the mother used to distract the boys at that time looking to start an argument. He says that on the mornings the mother took the boys to school, she shut him out of the kitchen. He says she tried to intimidate him by standing over him when he was trying to prepare his lunch, particularly in 2023. He denies the mother's allegation that he had coached B to allege that the mother had scratched him in June 2023.
25. Then he turns to the mother's third statement. He denies the allegation about not allowing the mother to have baths. He says or implies that it was her choice that she had a bath each week. He denies checking the water meter as the mother alleges. He denies having the sort of level of savings which the mother has alleged. He denies pinching her to stop her snoring and accuses the mother of gaslighting him which I think was, as he explained in his oral evidence that she had once said to him at the beginning of the relationship to nudge her if she snored and now thinks it was wrong that she is complaining because he had done just that.
26. He denies preventing the children having friends over and says it was the mother who did not want the friends over because she did not want to tidy the home in preparation. He pointed out that the Maternal Grandmother, the mother's mother had stayed several times. He denies that he tracked the mother's location and explains the incident when Ms H was questioned by him as to why she was in Victoria when it was not where he expected to be and gives a very different version from the Mother's. He denies the allegations in allegation four. He denies he stopped the mother's mother from using the appliances. He said that it was the mother's fault that she did not have space for her belongings and that she is a hoarder. He said that there was nothing wrong with the Hoover but the mother had not worked out how to use it properly. He denied preventing her from using the appliances. However, he said that if he ever had asked her not to do something it was because she used to break or damage things. He, however, denies being controlling and denies being controlling over the fan or the heating in the home.



27. He denies allegation five and exhibits a video of Ms H calling him to video D in order to show the school how D hurt his mother. He says that it was the mother's way to start arguments with him in front of the children. The boys then asked him why their mother had called them nasty names or had hurt them and he told them that the mother should not do those things and it was wrong. He denies that he had coached the children to be negative about their mother. He says that in his view, the mother was paranoid. He says that children would ask him why their mother was mean to them and he would say to them that it is not how a mother should be with their children. He said that the mother was causing trouble between the children and he told her to stop behaving in that way.
28. He denies hitting the boys but says he has tapped or slapped them when they were fighting or kicking him. He says the mother did the same. He also says that the boys have reported the mother pulling their hair and digging her nails into them. He worries that the mother now has the children living only with her and that she is turning the boys against him and says they used to have a very good relationship. He says that he provided the mother the ability to gain access to the doorbell camera when he installed it in April 2023. He says that the mother would start arguments in front of the children but would then tell him not to argue in front of them which he could not understand. He says he did not denigrate her to them but he spoke up if her behaviour towards him or the children was wrong.
29. He refers to the examples of the mother putting her finger up at the doorbell camera. On the first occasion he saw her do that, he said to the boys that "Mummy is swearing at the doorbell camera". He says that Ms H and her family had made false allegations. He denies making threats to remove the children and kick the mother out of the home. He denies allegation seven and says that, in fact, it was the mother who gaslit him. He denies being overcontrolling of the children. He said that the mother's behaviour caused him stress which made him more impatient with the boys and led to him shouting more at the boys. He gives a very different account of the ending of the holiday in Croatia which is the mother's allegation 10.
30. In his fourth statement, he sets out his allegations against the mother. Allegation one is of emotional and verbal abuse. He says this started in 2015 and got worse in lockdown. He says he confided in friends and he wanted to end the relationship from 2022. Allegation two, he says that the mother was controlling and coercive towards him and was emotionally abusive. He gives the example of the Croatian holiday. He says that the mother often arranged weekends away but would not allow him to come which upset the boys. He gives an example of the mother controlling him when they were in Ireland. Her mother was babysitting the boys and he says that she unreasonably told him where to stand at a festival. He gives another from March 2023, the "Tesco incident", when he says she unreasonably insisted he rushed home so she could go out and he had not known she was going out.
31. Allegation three, he says that the mother's denial of direct contact to him after she left was emotional abuse and controlling behaviour. I think this allegation is completely misconceived as, of course, it was the Court who made those decisions. Allegation four, he says that it is coercive and controlling behaviour because the mother has lied in her statements to the Court and manipulated the authorities. He says he is the victim and not the perpetrator. Allegation five is that the mother has financially abused him because she would not contribute to household bills and kept her financial details a secret and tried to mislead him as to how much money resulted from the sale of her flat.
32. Allegation six is of coercive and controlling behaviour because he says she would control the interactions with the children and explains that she shut him out of the kitchen on the two weekdays and the Sundays when she gave the children breakfast. He says that she caused conflict between the children at bedtimes and he had to step in to resolve the

- arguments. Allegation seven is of emotional abuse. He says that she called him names every day which upset the children. He tried to record her mocking him but he was too scared. He said that the mother made him feel pointless.
33. Allegation eight is of coercive and controlling behaviour. He said that the mother hoarded and was very untidy. She did not like his friends or family coming around. She was careless with household items. She prevented the boys having friends around but told the boys that it was their father who was preventing such visits. Allegation nine is that the mother threatened and intimidated him and he said that she threatened to leave with the children. He suggested they live apart and she told him how to drive.
34. Allegation 10 is of emotional abuse of the children. He says that she called them unpleasant names. She said that he favoured D which was not true. She said it in front of the children. He says that the mother and her mother encouraged the boys to say nasty things about him when they visited a cousin. He said that she put the children's toys out of reach to tease them. Allegation 11 is that the boys had told him that she had hurt them by scratching them, pulling them and pulling their hair.
35. The mother's final statement responds to Mr F's allegations made against her and she goes through each allegation. She denies them. She puts them in context. I consider I have insufficient time to set out the contents of that statement on each point but I have read what she has said and taken it into account. Similarly, I have looked at the exhibits to which I have been referred but I have insufficient time to detail them. Generally, I can say that I disagree with Ms Dowse's submission that Mr F's case is proven in many ways in the exhibits he has produced, and I shall return to that point.

### **My Analysis**

36. This is a complex case. I have no doubt that both parents love their boys very much and want to spend as much time with the children as possible and they want the best for their boys. However, for many years, particularly the last three before the separation, they have caused or allowed the boys to live in what I consider to have been an overwhelmingly toxic atmosphere. I surmise that things were not too bad when the mother was at home for the first five years of the children's lives but things got worse when she returned to work and worse again after the holiday in Croatia.
37. The causes of this misery are, of course, in dispute. On the one hand, Mr F describes it as a chaotic and unhappy home where the mother behaved in such a way to him and to the children to amount to abuse of all of them. On the other hand, Ms H describes a chaotic and unhappy home where the father not only behaved in an abusive way to herself and to the children but has sought to defend himself by wrongly portraying her as the abuser and by manipulating the boys and others to support this plan. It is, of course, the case that a man can be the victim of domestic abuse as much as a woman can. I have approached this case with an open mind as to whether either of these parties are victims of the other's behaviour.
38. Some of the complexity arises from some of the evidence, for example, of the school which suggests that while it is clear that both parents were struggling with the care of the boys, it was the mother who shouted and called the boys names much more than the father did. The mother's case is that this evidence reflects that the father, as part of his coercive and controlling behaviour presented family life in this way to the school but also coached the boys to talk about their home life and their mother in this way. In this case, where the allegations are many and the papers are over 1,000 pages, it is not possible to determine each allegation.
39. I am also aware that there will undoubtedly have been some behaviour by each parent which was upsetting for the other parent. There are no absolutes here. What I am going to do,

- however, is determine the big issue that I have set out here. Is Ms H an abusive partner and parent who behaved in a coercive and controlling way towards the father and the children or is Mr F an abusive parent and partner who behaved in a coercive and controlling way towards the mother and the children? The outcome of this determination is very important for the boys as it will be relevant to their future relationships with each of their parents.
40. Having considered all the evidence and heard the witnesses, I am firmly of the view that Ms H has proved her case and that Mr F has not proven his. I find that Mr F has been coercive and controlling of Ms H and of the children in an extreme way and I am in no doubt that this has caused the mother and each of the boys' considerable harm and suffering. It is not possible that both Mr F and Ms H have given honest accounts and my consideration of all the evidence had led me firmly to this view. Ms H has experienced domestic abuse for several years and, in particular, Ms H and both boys have been subjected to gross emotional abuse and manipulation. What they have experienced is well described as "coercive and controlling behaviour" perpetrated by Mr F.
  41. One of the evidential difficulties in this case as is often the case for a person who has been the victim of domestic abuse and has fled, the mother has not had access to as much material as has the father. In particular, she has not been able to rely on electronic data for the most part. She told me, for example, that she had deleted her WhatsApp she left in June 2023 because she feared that Mr F would use it to track her. Similarly, she obtained a new phone. Mr F on the other hand appears to have access to or kept messages throughout the relationship and other communications. Thankfully, I was not provided with all of these but I am aware that Mr F has been able to select those which he believes have supported his case. Despite this, there has been crucial evidence which has corroborated Ms H's case within these messages.
  42. It was Ms Dowse's submission that Mr Fs' exhibits proved his case but I do not agree. For example, the messages exchanged at page 329 are more supportive of Ms H's case than Mr F's. Ms H's case does not mean she was never allowed to use the appliances or that she was never allowed to have breakfast with the boys. As she says in these messages:

"You just want a domestic to take care of the children and control when I can interact with them while you gradually make it more difficult for me to do simple things like have breakfast, to help them get ready, use the washing machine, dishwasher".
  43. Mr F responds that:

"I wanted an equal partner. You know the reason I said 'Leave the dishwasher to me' is that you kept breaking plates. The washing machine, I just asked you not to wash my stuff as you kept using the softener on my gym kit which ruins it. It is not about control, it's just about being practical".
  44. The sort of domestic abuse which the mother was subjected to was gradually imposed and was about repeated criticism which, no doubt, increased, so that all she could do was to follow the rules that the father imposed. Adding Ms H to the football group's WhatsApp before she left does not add anything to the evidence. Showing that Mr F spent money on the family in other exhibits which I was asked to look at does not detract from the mother's allegations of financial abuse which I will return to. The occasion when Ms H mistakenly picked up Mr F's debit card instead of her own one morning. Mr F cancelled it before 9.10am that morning which may have been sensible but he could perhaps have asked Ms H first if that is what had happened. However, it does not take the case any further.

45. Mr F exhibits an exchange of messages soon after the disastrous Croatian holiday dating from August 2020 during which Mr F says that he loves Ms H and refers to the mother shouting at him all the time. I do not think she disputes that she shouted. What he also says in this exchange is “You just wind me up and make me say things” which in my extremely long experience is a typical thing said by an abuser to the person abused, that it is the fault of the abused person that the abuser has behaved in this way. Mr F exhibits WhatsApps between himself and the grandmother from 2019 in which it was submitted that the Maternal Grandmother referred to Ms H as “the boss”. That is not what the WhatsApp says and however one interprets this light exchange, it is not evidence that The Maternal Grandmother, in Ireland, considered on any real experience that Ms H in [The town that the children lived in during the parties’ relationship] was the person in control of life there.
46. One of the most worrying aspects of this case for me, and I speak now as the designated family judge for this court, which for the laypeople means I am in charge of this court, not just as the judge determining this case is the fact, and I find it is a fact that the father chose to defend himself against Ms H’s allegations of coercive and controlling behaviour by making the same allegations against her. I find this is a cynical attempt to manipulate the Court and it is to be deprecated. If this, and I have seen it elsewhere, becomes the practice, then the Family Court will grind to a halt.
47. Ms H has been subject to bullying by litigation. She told me of the impact on her of receiving constant overbearing letters from Mr F’s solicitors, clearly on instructions. I saw how some were unreasonable in their relentless requests for information. Going forward after this hearing, I expect a different tone in the correspondence and I consider that Mr F’s solicitors should not send more than one substantive letter a week to the mother or her solicitors, save in an emergency. The letters should no longer seek to exert control by Mr F through solicitors of the mother and the children which is what I find they were designed to do post separation.
48. I think it is very relevant that when Mr F started these proceedings, he did not put into his C1A form any allegations of abuse perpetrated against himself but only in relation to the children. I do not accept his argument that he was focusing on the children then. I am sure he did not any put allegations of abuse by Ms H against him because he did not have any allegations to make.
49. There is no set way that a victim of abuse should behave when giving evidence. My impression of Mr F is that he is not somebody who finds it easy to show his emotions in such a situation and that is not a criticism. He almost broke down once when giving evidence when he described reading about the horrible conditions of the temporary home where the boys had been living after they left his home. He made a very few concessions about how he could have behaved better but it was my view he did so when he had to because of the evidence. Generally, I was unable to form any conclusions about the honesty of Mr F’s account from how he gave evidence about his experiences. However, it was very clear that he lacked insight into his own behaviours and the impact of his behaviours on the mother and the children. In one of his statements, he wrote:
- “The children would ask me, ‘Why is Mummy mean to them?’ and I would say that it is not how a mummy should be with their children”.
50. He told me that he had to explain it in this way because the children kept asking “Why do you go out and leave us with Mummy who hurts us?”. I do not believe that is what the children said. I am quite satisfied that if the children got hurt when their mother was caring for them it probably happened as she was trying to protect them from each other because they constantly fought or when she protected herself from their attacks which by 2023 were increasing. If the children ever did ask him such a question, this was not a response

- designed to assist the children but to reinforce an idea that their mother had behaved badly to them.
51. The recording Ms H made on the day of the snow which records Mr F saying amongst other things, “Everyone needs to know how horrible you are” to the mother, is chilling. I am sure this was said in the children’s earshot and was designed both to upset the mother and as part of the father’s wish to turn the boys against their mother. I dismiss the father’s allegation that this followed Ms H pushing him over beforehand and trying to exclude him from going out with the boys into the snow. This is pure fabrication. I accept that the mother was busy getting ready for the day and, in the later videos, I saw the hot drinks which she had been preparing.
  52. The mother has not been able to show me other occasions when the father said such things but I have no doubt that this was an example of the many occasions when the father said such awful things to her in front of the children. It was significant that even when the father made concessions, he blamed the mother’s behaviour for making him behave badly. I agree with Ms Stout that the bullying letters sent to the mother since these proceedings started are typical of the controlling and relentless way he sought to control her during the relationship. By the end of the trial, I was clear that Mr F is a man who is on top of every detail of the case and that his case is one which he has carefully constructed and which was a false case. The description of the father as “controlling” is wholly accurate.
  53. In contrast, it was very clear to me that as the mother gave her evidence, she was talking about her experiences. She found being cross-examined difficult and I found that was because she was having to think about very painful events, because she was embarrassed at the person she had become when living with Mr F and because she recognised how difficult it was to explain what went on in that home. Ms H was able to say things she had done which she regretted on several occasions when it was not necessary to do so. She has reflected on the past 10 years and has acquired now a degree of objectivity about what happened. Her evidence about the impact on the boys was that she was acutely aware that damage had been caused and that she failed the boys for allowing them to live in this situation for so many years. She was also very aware and acknowledged how upset the boys were by being taken away from their father, their home, their school to the refuge. She said:

“I do understand how heartbreaking it has been for him. It was not to hurt him but to protect the children and myself”.
  54. She also told me that the move had only been planned for a couple of weeks. This seems to be an important point for the father but I am not sure why. I accept her evidence and there is nothing to suggest a longer plan or that her mother knew about it. Her evidence since the very start of these proceedings and, indeed, as I shall return to, since she first started opening up to her therapist in July 2022 has been consistent. I am sure that Ms H has given honest evidence to the Court.
  55. I disagree with points put on behalf of Mr F that the mother had no need to go to a refuge as she did and to take the boys, that she was not under threat or fear. This is a complete misrepresentation of what emotional abuse and coercive and controlling behaviour are and the impact on a person living in that way. Similarly, why supervision had to be in place for Mr F to see his children. Ms H was not saying that the children were at risk of physical violence or threats. She is not saying she had been subjected to physical violence and not subjected to many threats. I do believe her evidence of the threats that Mr F made to her when she left but this was not of physical violence. It was, I interpret, that he would put her through what she has now gone through over the last seven months. However, of course, Mr F envisaged a different outcome.

56. It is also worth me pointing out at this stage that before Ms H and the children left in June 2023, the situation was that the family home was in Mr F's sole name as was the car. Ms H's flat had been sold, all the proceeds and her savings used on household expenses and general living costs. Both parents were working but I understand that Mr F earns more which is not surprising as Ms H took five years out of work to care for the twins. She may have managed to start a small savings pot. Most of the childcare and the running of the home was undertaken by Mr F which was his choice. The boys were increasingly hostile toward their mother from whose care they were generally excluded.
57. If Mr F's case is right and he and the boys had been under Ms H's coercive and controlling behaviour for the last many years, she was very bad at it and she has failed to achieve anything by it. If, on the other hand, these things have resulted from the boys and their mother being under the coercive and controlling behaviour of their father, it is easier to understand how, prior to 23 June 2023, this was a household where Mr F's rules were what matters when Ms H after 10 years in the relationship had no legal ownership of the home, where most of the childcare and the running of the housework was done by Mr F which is what he wanted but was against her wishes and the children's behaviour was increasingly disturbed and out of control.
58. Both parties have produced evidence from third parties to support their case. Mr F has a letter from his sister which adds little evidentially. She reports clutter in the family home after the mother and the boys left. She says that Mr F told her about being called names by Ms H and her mother which he said started with the Croatia holiday and how he said that she also did this to the boys. His sister says that Mr F had told her about the ending of the Croatia holiday and how Ms H had shouted at him that he wanted her dead so he could have the children. It is not clear when Mr F told her this and she did not make a statement or give evidence, though I am told that it was the father's wish that she did but he was not permitted to do so. She says that Mr F has told her that Ms H does not like visitors, that she visited on the boys' birthdays in 2022 after their celebrations and did not feel welcome.
59. He also attached a letter from an old friend, Ms T dated 27 September 2023 who says that Mr F has been telling her of his unhappiness over Ms H's behaviour to him since about 2016. She said that he felt bullied and manipulated, that she called him names and behaved in a childish and unreasonable manner. She then says that they were not really in contact much but earlier in 2023 he had told her that he had become very concerned about the welfare of the boys, that Ms H was calling them names and they were scared to be left with her when Mr F went out. I have no witness statement. She has not come to court and I accept that this was not permitted by the previous judge so there is nothing in that.
60. It is of note that both women speak of Mr F's complaints about name-calling. There is very little detail about anything else. Ms H has accepted that she behaved childishly, for example, by sticking her finger up at the doorbell camera which she says, and I accept, Mr F used to monitor her comings and goings and to which she had no access. It was Mr F who told the boys that their mother had just sworn at him through the doorbell which was wholly unnecessary. The evidence supports Mr F's unhappiness in their relationship since at least 2020, maybe earlier but mostly, this is self-reporting and does not support findings of domestic abuse but at its highest, some bad behaviour by Ms H which this judgment puts into context. This is not because there is some higher standard that a man has to prove when he is the victim of domestic abuse, it is because Ms H has not been a perpetrator of domestic abuse against Mr F.
61. Ms H has produced a letter from Ms S dated 21 July 2023. She is the psychotherapist whom Ms H has been seeing for the previous year on a weekly basis. Ms S has also not done a witness statement and did not give evidence. In this letter, Ms S says:

“Ms H self-referred to the Priory through her work health insurance requiring help managing symptoms of anxiety and depression as a result of her relationship with her partner who she described as ‘very controlling’. She stated this had been having a negative impact on her self-esteem and she was particularly concerned about the effect the difficult atmosphere at home was having on her two young children. Examples of coercive and controlling behaviour that Ms H mentioned included her partner monitoring her movements, refusing to put her name on the mortgage, threatening to evict her, imposing rules within the home such as not allowing her to come into the kitchen during the children’s breakfast time and making extremely derogatory comments about her telling the children that Mummy is ‘stupid’, ‘pathetic’ and ‘useless’”.

62. Later in the report Ms S says:

“She has been hoping to find a way that herself and her partner could end things amicably and she has consistently prioritised the welfare of her children and stated the desire to minimise the upset the breakup would inevitably cause. For that reason, even after reaching the conclusion that she was in a relationship of coercive control, she had been highly reluctant to leave the family home abruptly and until very recently, was tolerating a home environment that was becoming more abusive and controlling while she investigated potential ways forward that would cause the least harm to the family including considering the possibility of having to remain in the family home for up to a year after separation until things could be officially agreed. Ms H finally took the very difficult decision that it was crucial to remove herself and the children as a matter of urgency when the negative impact of the unhealthy home environment on the children became more apparent and their behaviour both at home and at school deteriorated”.

63. In my judgment, this is very important evidence from a professional. There is nothing in Ms H’s character or behaviour to make me think that Ms H planned back in July 2022 when her therapy started that she would make up all these allegations which are consistent with all her allegations in order to be able to produce such a letter in proceedings which she had not yet thought of. By the time this letter was written, Ms H had had 42 sessions with the therapist and I think it is much more likely that Ms H has discussed with the therapist over that year the experiences which she has now told the Court about. I find this is reliable corroboration of Ms H’s case. It is also important to note that the therapist notes the improvement in Ms H’s mental health and well-being since she left despite the difficult circumstances of her living arrangements and the pressure of the proceedings and the correspondence. I agree that this is supportive of the impact of living with Mr F on Ms H’s wellbeing before she left.

64. Evidence from the school: the evidence from the school shows that the school became concerned about the boys in the autumn term of 2022 but that things became more worrying in March 2023. B reports concerns more frequently than D and is clearly distressed by the arguments and shouting between his parents, how he and D fight and hurt each other, how his parents shout and push them but this was said more about the mother than the father. I remind myself that B has recently been diagnosed as having ASD and the noise and chaos of

- home life must have been particularly distressing for him at a time when the parents were not aware of this condition and how it would have affected him.
65. It is Ms H's case that by the time the school records start meaningfully, Mr F was manipulating them by telling them derogatory things about their mother and encouraging them to say such things to the school. It is also her case, supported by the evidence, that Ms H was very quiet in the meetings and did not express what she was experiencing or what the boys were going through. This is not surprising as Ms H has only felt able to tell professionals other than her therapist what was really going on in any detail since she has left.
66. It is Mr F's case that the boys just reported what was happening to them and that he told the school about the domestic abuse he was experiencing. I do not accept this. On 24 March 2023, Mr F had a meeting on his own with the school and he expresses that he is now worried that they will split up and "She will take the boys away". I formed the view that Ms H's case on the evidence from the school is to be preferred. There are various things said in the school's notes as well which are probative of Ms H's case. For example, the school that the notes that the boys had been away in May 2023 to Centre Parcs with their mother and grandmother. They describe lots of shouting and name-calling and said, "She learnt from her mum"; one of the boys said.
67. I think it is most unlikely that such a phrase would have been originated by either of these then eight-year-old boys. It is much more likely and I find that the father said it to them and they have repeated it. There was a meeting at the school with both parents and the boys on 9 June 2023. B said on the following Monday:  
"Mum wouldn't share meeting notes with Dad after the meeting until Sunday. Dad repeatedly asked and she didn't send until Sunday. He doesn't understand why she did that".
68. This is adult information inappropriately shared by the father with B. On 21 March 2023, there is a note:  
"Both boys said Mum had got angry but they couldn't quite pinpoint the specific cause. Dad was there and told D not to get involved. The boys told me they try to help each other to relax and feel better about the situation. Dad has told them it is not normal and not how mums should act towards their children. They think their situation isn't normal. Dad has requested an individual meeting with me this week as he wants to share some concerns in private".
69. I cannot understand a reason why a loving parent would say such a thing to young children about the other parent in their situation if it was not to influence them against their mother. There is reference to name-calling. This is an area of the father's case which I think has been greatly exaggerated though I am sure there was some name-calling. Ms H told me that she and the boys referred to themselves as "The Three Little Pigs" and there was a reference to "Peppa Pig" which, sadly, all children seem obsessed with. It is very common for parents to use terms as "Piggy" or "Pig" to their children in an affectionate way. On 30 March 2023, B told the school that Ms H had been calling him "horrible names" such as "Pig". The school rang Mr F and Mr F tells the school that "Mum does call 'Pig' but it is usually in jest". The school, however, were very concerned, they told him at this point. Then, on 22 June 2023, B says of his mother, at school:  
"She calls me names like 'Horror' and, I think, 'Pig' one time. She calls Dad names too".



70. On this occasion, B also spoke of being scratched and this led to the school involving the Local Authority of the former family home. However, I do not need to go into that as the involvement of [that Local Authority] ended when the boys moved to the refuge and I will say a little about that later. Ms H and the boys then had the support of the Local Authority of the refuge and the mother told me in evidence that that support or the support then of the Local Authority where they now live has now ended as it was not thought to be necessary because of improvements made. I am quite satisfied that any scratch resulted from Ms H trying to protect the boys from each other or herself. When Mr F was challenged about telling the boys that their mother's behaviour was not normal, he said that he was trying to explain the situation to them, that their mother should not be calling them names, that it was not the right behaviour, but this was emotionally abusive behaviour by the father.
71. Ms H's evidence which I believed was:  
"Mr F encouraged the boys as to what to say at school. Afterwards, he would ask them 'Did you remember to say this?'. He encouraged them to write in diaries all about how awful I am and then told them to bring it into school. He is still doing this now by way of birthday cards and letters. The boys do not understand they are being manipulated".
72. She also told me she might say to Mr F "This is disgraceful behaviour" and he would respond by saying "You are calling me a disgrace" which is not what happened. Ms H explained about the "Little Pigs" the Percy Pig pyjamas and how it was said rarely. She said she had said to D "This is horrific behaviour" or "Don't behave like a horror", not "You are a horror" and that she did so when he had started on B which is the usual pattern.
73. She thinks she once referred to B doing fake crying which she clearly now regrets, before his recent diagnosis. She now understands that the exaggerated way he cries is related to his ASD. She told me in evidence she did not regularly call the children names or did not do it in an abusive way and is not doing it now. She was referred to B talking about it in supervised contact on 1 October and said that Mr F still gets the boys to say things. She said:  
"He constantly told them 'She's calling you names', 'She does not love you'".
74. Referring to B:  
"I don't know if he will ever believe I love him again as so many times he's been told the other. Mr F has ways of leading the children on to things. It is very hard to explain. They are so used to saying things on demand".
75. Mr F denies this behaviour and gave evidence that what the boys reported was true but I do not think so. It is of note that the first time B, as far as I can see, told a professional about his father having caused a bruise which lasted a week but also a mark which lasted two years was when B was in the refuge. I am not making a finding that the father did cause such an injury but it is significant that when away from Mr F, B spoke about this to the police and to the social worker from the Local Authority of the refuge. I also note that when the boys were at the refuge, B said to the social worker from the Local Authority of the refuge:  
"Dad tells him stuff about his mum that is not true. For example, that Mum and them fight each other and they would go to jail".

76. I am not aware of B ever saying anything like this to a professional when he was living with his father. I know that Ms H has complained about the school counsellor who was mainly involved in these matters.
77. On balance, I conclude that the school was manipulated by Mr F directly and by telling the boys bad things about their mother and encouraging them as to what they were to say at school and then checkup up afterwards that they had done so. The school, specifically the counsellor, never understood the context of what they were dealing with and it may well be that the counsellor lacked the training and experience about the domestic abuse in all its forms to look below the surface of what the boys were saying or why Ms H was saying so very little. These conclusions are based on what I have just set out but also on my overall interpretation of the evidence.
78. I have just referred to the diaries which their father gave to B and D. Mr F gave these to them in May 2023, I believe, and they took them to Centre Parks in Belgium over the half-term holiday. The Maternal Grandmother, Ms H's mother, gave evidence that when they left Centre Parcs, each boy had only written on the first page of their diaries. Mr F, however, has produced several pages of B' diary and quotes various things which B has written, allegations against the mother and The Maternal Grandmother. Ms H told me that the boys do not say negative things about their father in his earshot but they have always been encouraged to listen and report back. She said that the boys know that their father requires a full report on everything to do with her.
79. She confirms that her mother did not say any of the things B alleges and has written in his diary but B could have misunderstood some things. For example, she recalls her mother telling her that she must be an idiot for allowing Mr F to treat her as he did in a conversation after the boys were in bed. This has been reported by B in his diary that his mother called him "a bloody idiot", or his grandmother, I cannot remember, which did not happen. I believe Ms H. Most eight-year-old boys do not want to keep diaries and it is significant that their father gave them the diaries just before the holiday which he was not participating in. I find this was part of his manipulation of the boys and that the entries after the first page were not done of the boys' own volition.
80. The police evidence does not assist greatly in determining matters at this fact-finding hearing. It arises from after Ms H left. There is a dispute as to whether Ms H has cooperated properly with the police or not in the furtherance of her complaint about the father's behaviour to them. I do not need to resolve this and cannot do so. It is, though, important for me to note that the boys told the police on 23 June that they wanted to go home. They wanted to go back to their school and they wanted to be with their father. They were clear about which parent they wanted to be with.
81. I will touch on the information from the Local Authorities. I do not have time to go through it properly. [The Local Authority where the children lived during the relationship] completed a report after the mother and boys had left but this was done without any conversation with the mother so is of limited use. It is also the case that the boys have told the social worker from the Local Authority of the refuge that they were sad and wanted to be back with their dad.
82. Ms Dowse picked out one aspect of the Cafcass safeguarding letter which suggested that some of the difficulties in this family may have resulted from the rawness of the situation and the inability of the parents to separate out their issues from child arrangements. There is much more, however, in the analysis of the Cafcass officer and in the advice to the Court. The office says they have:
- "...identified significant concerns in relation to B and D's emotional well-being with them making allegations against both of their parents

which is very concerning. It appears to me that they have lived with their parents in a toxic environment”.

83. The officer reports that Ms H felt that she had no choice other than to leave but that “The impact on the boys has been significant and that they are likely to feel a sense of confusion, loss and separation”. I agree, that is how they would have felt in June 2023 and for some time afterwards.
84. The other evidence I have other than from the parents is from the maternal grandmother and I heard her give evidence. She is a very important witness. She is a retired and experienced nurse and I found her to be a wholly straightforward witness. She was able to be objective about the four people involved: the parents and the children. I thought she was honest and frank and I believe what she told me. She came over to assist the family after Ms H gave birth to the boys by C-section but discovered that she was not allowed to use any of the kitchen equipment. It may not have been said to her by Mr F but she was left in no doubt that it was not to happen which made her feel surplus to requirements.
85. She observed that Mr F inspected all the equipment on his return from work and that the Hoover and mop were in cupboards which she and the mother were not to go into. She understood that he had a system to make the best use of the appliances from observing the water meter and he, therefore, did not want anyone else to use them. She noted he was angry when she wanted to sterilise the bottles at 10.00am because he wanted to do it and he wanted to do it at 10.00pm. Although she was a nurse, she was not allowed to give Ms H her anticoagulant injection, that it was for Mr F to do that.
86. When The Maternal Grandmother visited again in 2016, she was babysitting when the parents went out and took the opportunity to have a big cleanup. She says that on his return, Mr F was not happy and she says he sulked for days. She describes how when the boys were toddlers, they visited Ireland with their parents and how Mr F did not let B enjoy his ice cream cone because it was making a mess. She noted he found mess at mealtimes upsetting and kept telling the boys off for it. She observed that Mr F did not provide enough food for the family when he did the weekly shop and objected if more was put in the fridge or freezer. She found that he did not treat them in an age-appropriate way but kept them in cots and using toddler cutlery when they had far outgrown them and were at school. She says this of what she observed:

“The applicant insisted on a minute breakdown of their day when he came home. It sounded like an interrogation of both children. I have previously seen the boys unprompted give a report back of every detail of their day as they perceive it”.
87. The Maternal Grandmother deals with the Croatian holiday in July 2020 which she says was very unpleasant as the applicant was obsessively checking on the respondent’s whereabouts and describes being left in charge of the boys who were in the pool and she does not swim, whilst Mr F went to check on where the respondent was. He also prevented them from enjoying looking around the shops as he followed them in and made them feel uncomfortable. She says he told D not to kiss her as he said, “Nanny’s mouth smells”, which she concedes may have been because of Covid concerns but which was an awful thing to say. She observed on this holiday that Mr F favoured D over B which is just what Ms H has told the Court as well. She describes various behaviours by Mr F on the holiday which were unfortunate such as distracting the children from the last-night show which they were all attending to watch football on his phone. I prefer her evidence over that of Mr F. The Maternal Grandmother was clearly a witness of truth.

88. The Maternal Grandmother sets out the poor behaviour of Mr F in relation to Ms H being unwell on the five-hour drive when she was the driver on the way to the airport and then how he shouted at Ms H for asking him to drive her to the hospital in London. She reports that Mr F shouted that he hated her and that she was ruining his life but she also recalls being told, she was not sure who by, that Ms H had said on the way to hospital that Mr F wanted her to die so he could have the children. This was honest evidence. It was not particularly supportive of her daughter but she told me what she was aware of.
89. She describes the trip she and Ms H took to Belgium with the boys to Centre Parc and how the boys' behaviour had got worse she had noticed from her last trip and how they attacked each other and their mother. She told the boys off about this, rightly. She heard that B wrote on the first page of his diary that "Nanny was rude" and assumes that this related to that telling-off and told me that "rude" is a word Mr F often uses. She confirmed that when they left Belgium, the boys had only written on the first pages of their diaries.
90. Under cross-examination, The Maternal Grandmother told me of a very frightening incident when B ran off back to the chalet in Belgium and they did not know where he was and how frantically she, Ms H and the staff and, indeed, D were looking for him. When he was found in the chalet watching television both she and Ms H did shout at him about what he had done and he did cry. I make no criticism of her or of Ms H for this as any parent or grandmother would have done the same. She confirmed she does not swear and certainly never called D "a bloody idiot". She had not called B "an embarrassment to the family". My impression of this lady was very much that, as she said, she is not somebody who swears. I accept her evidence which was compelling and very significant.
91. I turn, now, in less detail to the allegations.

### **Ms H's Allegations**

92. Her first two allegations cover very serious controlling behaviour by Mr F of Ms H. I find the allegation proven. The videos which Ms H has produced of the family in the snow, particularly, the one in the garden, is of great significance. I find this behaviour of Mr F was typical of how he treated Ms H. He wanted to exclude her from the family activity. He wanted the boys to think negatively about their mother. Mr F's explanation of how he only behaved in this way because of the mother's previous behaviour is a clear nonsense.
93. I also find that Mr F then tried to hurt Ms H by throwing icy snowballs at her even when she asked him to stop and he pushed her. This is not a case of serious physical abuse in this at all. However, I remind myself that one of the ways that the boys have been affected by Mr F's behaviour is to attack their mother physically. Therefore, Mr F should have been extremely careful not to model any physical abuse at all. I do find that he pinched her when she snored at night. This was an example of Mr F's rigidity of thinking. He told me that when they first got together, Ms H told him to nudge her if she snored and he thought it was unfair that she was now saying something else. He could not understand that situations change. People change. People change their minds. Ms H became chronically short of sleep because of the constant interruptions because Mr F was always, she says "pinching", he says "nudging" her at night.
94. I find that Mr F did exclude Ms H from family activities such as football practice. It is the case that Ms H could have physically walked to football but she was so much under Mr F's control and so very wary of causing his displeasure or upsetting the boys who were programmed always to support their father she could not go. Similarly, he prevented her from sitting down and having breakfast with the children. His explanation that this was because Ms H distracted them unreasonably and caused arguments is not credible. It was all part of Mr F distancing the boys from their mother. I find Ms H was generally not allowed

- to have a bath other than on Sundays. This tallies with what the Maternal Grandmother says about Mr F checking the water meter. Mr F denies this and suggests that Ms H chose only to bath once a week which I do not find credible. Ms H is clearly a lady who is concerned about her appearance.
95. Part of allegation two is that Ms H says her family and friends felt unwelcome at the family home. I think it is most likely that the family and friends of both parents felt unwelcome at the family home because the atmosphere there was so toxic and because the place was a mess. I do not make a finding against either party on this issue. What is of more concern is that the boys did not have friends around and Ms H alleges this was because Mr F made it clear this was not welcome. On the balance of probability, I find this proven as Mr F's attitude to outsiders as described by the Maternal Grandmother was far from welcoming and Ms H, I know, is now having the boys play with other friends which was not happening before.
  96. Allegation three. On the balance of probability, I find the allegation that Mr F tracked Ms H to be proven. It appears it was the father who set up all the electronic devices and the incident in Victoria was quite sinister and not how a partner in a healthy relationship behaves. I believe Ms H when she told me that the doorbell video was only accessible by Mr F and that he used it to keep a watch on when she went in and when she went out. Her behaviour in sticking a finger up at Mr F was, as she said, "childish" but does not constitute any form of domestic abuse and signified, I think, the beginning of Ms H finding defiance very deep in herself and which led to her being able to leave. I also accept Ms H's evidence that she never told Mr F anything about her counselling and, therefore, that he can only have found out about it from scrutinising her movements or accessing her private emails.
  97. Allegation four. It is quite obvious from the evidence of The Maternal Grandmother that Ms H was prevented from using the washing machine or the dishwasher except when it suited the father. Mr F told me that Ms H broke a couple of plates so it was agreed that in future, he would be responsible for the dishwasher. No. I find that Mr F created so much pressure on Ms H about such matters that she felt constricted in how she could behave and what she could do. That is not how a healthy or normal relationship works. It was controlling.
  98. There is no evidence that Ms H was a hoarder. There is evidence that Mr F made it as difficult as possible for her to store her belongings or those of the boys. The flat was clearly too small for the four people to live in and the family should have moved a long time ago. I do not understand that it was finance which stopped this happening. The conditions in this home were poor and I prefer Ms H's evidence as to why they were in this state.
  99. Allegation five. There is copious evidence of Mr F encouraging the children to belittle Ms H, to speak ill of her and to ill-treat her. I have dealt with some of this already. I do not find that Ms H belittled the children by name-calling and I find this is an allegation largely manufactured by Mr F as I have already set out. I am sure that on occasions call one or other of the children "Piggy" or told them off for their behaviour, and rightly so as their behaviour sounds dangerous and harmful to themselves and to others. However, I do not find this was done to belittle them. The saddest point of this hearing was when Ms H said that Mr F had told B so many times that his mother did not love him that she fears she may never be able to convince him that this is not true.
  100. Allegation six. Ms H alleges that Mr F threatened to make her leave the property and to keep the children. I believe her. She was acutely aware that the property was in Mr F's name, and most couples in this position with eight-year-old twins would have moved to a larger property in joint names. She knew she was in a very difficult position. I do not think it at all likely that Ms H threatened to leave the home with the children. When she finally did this, she did it secretly because she was aware that Mr F would have tried to stop her as,

indeed, he did by his many court applications and through the Local Authority. I think it very unlikely that Ms H would have made such a threat as it would have made her difficult decision even more difficult to achieve.

101. Allegation seven is verbal abuse of Ms H by Mr F including gaslighting her. Her account in her statement is credible and her assertion that she has come to understand the techniques he has used on her during her therapy also is convincing. It sadly fits with a pattern of behaviour which Mr F has used on his family over the several years. It is particularly to be deprecated but supported by the evidence I have already dealt with that he has said to the children “Mummy is the worst mummy in the world”.
102. Allegation eight is of particular concern as well as it raises all sorts of issues for the future. Ms H says that Mr F excessively controlled the children. I have already found that Mr F manipulated the children into writing false events in their diaries and into making false allegations at school, also supported by the diaries. Ms H is very worried about the long-term impact on the boys, particularly in B who because of his sensitivities and ASD diagnosis will find it much harder to work out the truth.
103. Ms H expands on this allegation by setting out that the children have been unable to develop as they should as Mr F has not let them choose their clothes or make their own breakfast. He still requires them to walk in a certain way more suitable for very young children and does not allow them to have access to many of their toys and books which are boxed up. She says he was hypervigilant about the children not causing a mess when doing craft activities. The father completely denies all this and blames the hoarding which he accuses the mother for there being insufficient room for the boys to have their toys and books out. I prefer the mother’s account. It seems to me that order is very important to Mr F and he seems to be a person with many anxieties. Ms H describes how he will not drive abroad though he will at home. I have no doubt that he too has suffered from the very stressful circumstances in this home but his attempts to impose control and order on the home and those within have been very harmful to these children and to Ms H.
104. Allegation nine is of the physical abuse of the children. The boys have reported to the school that their parents and have pushed them and otherwise, their mother has hurt them, for example, by scratching. Mr F has reported this about the mother but did not report that he was the one who used physical discipline against both boys. Mr F has described “tapping” and “slapping” the boys but does not think slapping is hitting which, of course, it is. The boys have reported the boys pushing them. Since leaving the home, B has reported some further past behaviour by Mr F which is of concern. B was upset because shortly before they went to the refuge, he says his mother scratched him deliberately. I am sure she did not.
105. Both parents have struggled to manage the behaviour of the twins. I am sure that when separating them when they have been fighting, both parents have had to intervene physically and, no doubt, one or both of the boys have got hurt during this. Ms H has been on courses to help her manage the behaviour and for contact in future, it will be important that Mr F does the same course. I do not consider this is a case where I should find physical abuse of the children against either parent. The boys’ behaviour must be addressed and it appears from Ms H’s evidence and that of the Local Authority that it is improving. Neither boy should be at risk of harm from each other. Their mother should not be at risk of physical harm from either boy. Neither parent should use physical discipline. I am sure both parents have shouted at the children but Ms H has now learned different techniques to manage their behaviour going forward.
106. Allegation 10. This allegation concerns the ending of the family holiday which the Maternal Grandmother ought to have participated in in July 2020. It was a most unfortunate situation.

I am sure that Mr F was particularly anxious about the prospect of the flight home being missed by any or all of them. Alternative travel arrangements both to the airport and then home could have been arranged. It would have been much better if Mr F could have conceded that he could have behaved better. He was not able to do so. Both parents clearly said unpleasant things to the other when back in London and before Ms H got to casualty. I am not going to make a finding that this was emotional abuse.

### **The Allegations by Mr F**

107. I do not find these to be true and I find that they have been manufactured in a cynical attempt to defend himself against Ms H's allegations. This was a very poor decision by Mr F because it causes me even more concern for the future relationship between the boys and their father than it would have done if I had just been asked to make findings and made findings on Ms H's allegations. The fact that Mr F has constructed a whole carapace out of false allegations will be a very significant factor in the welfare aspect of this case because unless Mr F faces up to his conduct and can be assisted to make major changes, there will always be a serious risk that that the boys will once again be embroiled in his false allegations and his false narrative. The damage to their emotional and psychological health if this behaviour continued or was repeated would, in my judgment, be of the most serious kind.
108. Allegations one and two. I do not find that Ms H emotionally and verbally abused Mr F as he describes in 2016 to 2023. The fact that Mr F describes the holiday to Croatia being, in effect, the last straw does not tie up at all with Ms H's evidence of the Maternal Grandmother's evidence about that holiday. I am sure that it was Mr F's behaviour which was unacceptable and not Ms H's although the journey back to the airport and what then happened in London was bad behaviour on both sides. I also find that Ms H did not intimidate or control Mr F. Mr F gives as an example that Ms H told him to stay in one place when they were out at a festival in Ireland. Having heard about the festival from Ms H, this was sensible advice and so far from being "controlling behaviour" as defined in the Domestic Abuse Act 2021. It is hard to think of anything more distant.
109. The example of Ms H getting very upset when Mr F went to Tesco when she was expecting to go out and for him to look after the children is also a very poor example of controlling behaviour. In any event, I am sure Ms H's evidence that Mr F knew full well that she was due to go out and that he went to Tesco on purpose is the correct one. The sticking up of her finger at the doorbell I have dealt with; childish behaviour and not emotionally abusive, not coercive, not controlling and not domestic abuse.
110. Allegation three. This allegation is misconceived. Ms H was right to limit contact with the father in the light of the abuse I have found and which she, of course, knew most about. Furthermore, it was the Court which made the decisions on the arrangements for contact. Allegation four is also misconceived and, as will now be apparent, another allegation which applies to the applicant and not the respondent. I do not know nor should I know what the legal advice to Mr F has been but I think the lawyers need to learn from this case that it is not appropriate to include such allegations in a domestic abuse case.
111. Allegation five. This allegation is again an allegation which I have found against the applicant who has tried to turn it against the respondent. It was the applicant who financially abused the respondent and this allegation is frankly ridiculous in the context of the financial circumstances of this family. I have accepted the respondent's case that she did not work for five years, that she was, therefore, dependent on the applicant for five years but had to use her savings, her redundancy money, the proceeds of the sale of her flat to supplement the family, the household and to buy what she and the children needed when the

- applicant did not provide sufficiently. I agree with Ms Stout that Mr F's real complaint here is that he had not had sufficient control over the mother's finances.
112. Allegation six. I reject Mr F's description of family life and I have preferred Ms H's. This is another example of Mr F distorting what has happened in this family. In particular, here, I prefer Ms H's evidence that Mr F would shut himself up with the boys at bedtime to get them to report to him and to shut Ms Mayer. She tried to spend some time with them and enjoyed showing them photos at bedtime; not videos but talking about the memories that the photos invoked. I accept her evidence that she did, on occasion, refer to him making himself indispensable but I do not find she did so in a mocking way more than on maybe one occasion. The recordings I have listened to really do not prove anything. I do not accept Mr F's account and the sliver of truth in the centre of this allegation really does not amount to domestic abuse.
  113. Allegation seven. This allegation is not proven and I have been clear that I prefer Ms H's evidence. I am sure both parents, on occasion, shouted and they have called each other names. However, this is a theme which Mr F has particularly worked on to create a false narrative. I find no evidence of Ms H belittling him and it is an inversion of what happened in this relationship. Mr F is not a victim of domestic abuse.
  114. Allegation eight. The home was too small. Mr F prevented Ms H from tidying her things and the boys' things. Both parties became uncomfortable about having people home. I do not find Ms H controlled the condition of the home or who could visit. Allegation nine: I have dealt with this false allegation earlier. The point is that Ms H did not make these threats because she did not feel strong enough until June 2023 to leave, and she was too frightened of being prevented from taking the children with her if Mr F threw her out to make such threats.
  115. Allegations 10 and 11. I have dealt with these false allegations earlier when dealing with Ms H's allegations. I am aware, for example, of B telling the school in the spring of 2023 that Ms H had pushed him off the sofa. Ms H does not think this happened and I accept this is not something that she would do on purpose. I have seen a video of how she responded when D was hurting her on the sofa and it was to shrink from him, not to push him off the sofa. This is an example of B being manipulated by his father to make false reports about his mother at a time when Mr F was very worried in relation to the children as to what would happen if he and Ms H physically separated.
  116. It is Mr F who has emotionally abused and manipulated the children. I have found this was not a case where findings of physical abuse against the children should be made, that it was Mr F who used physical discipline against the children, not Ms H. Both parents when trying to separate the boys who were fighting occasionally hurt the boys, and that was inevitable. The boys' behaviour resulted, in part, because of the emotional abuse and manipulation of the boys by their father but also because they were constantly exposed to shouting and conflict between their parents.
  117. It is to be wholly deprecated that a perpetrator of coercive and controlling behaviour has sought to manipulate the respondent and the Court by making false allegations in the way Mr F has. Ms Stout said in closing that his incredibly detailed examination of everything that Ms H did in June 2023 could demonstrate how he had behaved in the relationship and had been in control and that what Ms H did on 23 June 2023 was to take back control. I completely agree.
  118. I am sure that Mr F had no idea Ms H in 2023 was capable of taking such a step. I accept Ms H's evidence that she only started this plan about two weeks before she left. It is not an example of somebody who is in control of everything. Her actions were justified and in the interests of the children and were made in desperation. I disagree with the submission made



on behalf of Mr F that Ms H could have agreed to a 50/50 arrangement with no need for a fact-finding hearing. I disagree that there was no need for supervision. This is not about physical threats. This case has been about the pernicious impact of coercive and controlling behaviour on a mother and on the children, on the erosion of this mother's sense of self until with the assistance of therapy, she was able to form the resolve to remove herself and the children from a very harmful situation.

119. That is the end of the judgment.

**End of Judgment.**

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This transcript has been approved by the judge.