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Case No. ZW22C50451

Neutral Citation Number: [2024] EWFC 271 (B)

IN THE FAMILY COURT SITTING AT BARNET
AND IN THE MATTER OF THE CHILDREN ACT 1989
AND IN THE MATTER OF
CHILD A (A GIRL AGED 13)
CHILD B (A BOY AGED 11)
CHILD C (A GIRL AGED 8)
CHILD D (A GIRL AGED 6)

Date: 15 April 2024

Before:
HER HONOUR JUDGE McKINNEL

B E T W E E N:

A LONDON BOROUGH

Applicant

-and-

(1) A MOTHER

(2) A STEP-FATHER

(3) A FATHER

(4)-(7) A, B, C AND D (THROUGH THEIR CHILDREN'S GUARDIAN)

Respondents

Re K-K (Children : Fact Finding : retracted allegations)

Ms Tara Vindis for the Applicant Local Authority
Ms Lauren Bovington for the Respondent Mother
Ms Penny Howe KC and Ms Sandra Fisher for the Respondent Stepfather
The Father did not attend and was not represented
Ms Joanna Youll for Child A (separately represented)
Ms Victoria Roberts for the children through their Children's Guardian

Her Honour Judge McKinnell:

Background

1. This case concerns allegations of sexual abuse made by A, a girl aged 13, against her stepfather ("the Stepfather").
2. A has a brother ("B") aged 11. Their father has taken no part in these proceedings. A also has two step-sisters ("C" and "D"), aged 8 and 6 respectively. The Stepfather is the father of C and D. The Mother is the mother of all 4 children.
3. A made allegations in 2017, 2019, January 2022 and November 2022. The Mother was aware of the allegations in 2017/2019 but did not report them to the police, social services or any other professional. She spoke to A and the Stepfather about them at the time.
4. Having made allegations again on 18 January 2022, A retracted them. The only video recorded interview ("VRI") of A conducted by the police was a retraction interview on 19 January 2022.
5. After A made allegations again on 17 November 2022, the Mother shaved A's head as punishment for lying. B, C and D were all present in the home when this happened. A was understandably very upset when her mother shaved her head, not least because she was very proud of her hair. The Mother was arrested following the head shaving incident. The Stepfather was arrested in relation to the sexual abuse allegations. Bail conditions prevented the Mother and Stepfather from returning to the family home. Fortunately, the Maternal Aunt was able to move into the family home to look after the children. They remained living in the family home and the children were able to continue to attend their schools. Some sense of normality was retained for them. However, the children were living apart from the Mother and the Stepfather.
6. The children have missed the Mother and she has missed them. B, C and D have also missed the Stepfather. The Mother returned to live with the children in the family home on 6 October 2023. The Stepfather continues to live elsewhere. Both the Mother and the Stepfather want the Stepfather to return to live with the Mother and the children, including A, in the family home.
7. A has made, and retracted, allegations of sexual abuse against the Stepfather on several occasions over the years. A now says (and has said for some months now) that she lied and that the sexual abuse did not take place. A has given reasons for lying, including jealousy about the relationship between the Stepfather and the other children and wanting more of her mother's attention. Whilst A saw the Father regularly in the past, the Father has not wanted to spend much time with A after A told the Father's step-daughter in October 2022 that the Father was not that child's

real father. A has probably felt rejected by the Father. The Father's actions in reducing the time he spends with his daughter is surprising because I have been told that he is/is training to be a social worker. The Father rejected that description and told the local authority that he is an Uber driver [MB 1495]. Whatever his occupation, the Father ought to know the likely impact his decision would have on A. However, I have not heard from him. He has chosen to take no part in these proceedings.

8. Following the arrest of the Mother and the Stepfather, A has felt guilty about their arrest, their separation from the children, the impact of their arrest and absence on the children and the impact on family life. A has missed her mother. She wants things to go back to what they were before she made the allegations and before family life was disrupted as a result. On any view, A has had a lot to deal with.
9. The allegations are serious. They are set out in the Threshold Facts document (extract below, headed "Schedule A"), the evidence and in the helpful Chronology of Allegations and Retractions document drafted and updated by Ms Vindis. The last version is dated 19 January 2024. The allegations are relevant to welfare decisions concerning the children because the Stepfather and the Mother both want the Stepfather to return to live with the family. They are allegations that could re-surface again, as they have over the years. On 17 January 2024, I refused an application by the Stepfather to reduce the scope of the factual issues to be determined. In my ex tempore judgment I set out why the allegations of sexual abuse need to be determined now.

This hearing – Fact Finding

10. It was agreed that this hearing would be limited to a fact finding hearing. Once the facts have been determined, the parties will be better able to consider welfare issues, including the Stepfather's proposed return to the family home.
11. One of the experts gave evidence remotely. Otherwise, the hearing has been a fully attended (face to face) hearing. The father has been assisted throughout by a [language redacted] speaking interpreter. There was a change of interpreter after the second day. That change took place before the Stepfather gave his evidence. The Stepfather confirmed through his legal team at Court that he was happy with the second interpreter's interpretation which continued until the evidence closed and included the time when the Stepfather gave his own evidence.

The parties' positions

12. The Local Authority ("LA") seeks the findings set out in the Threshold document dated 19 January 2024 (SB2 54-57). The threshold allegations divide into three areas:
 - (1) Various acts of sexual abuse by the Stepfather against A when A was aged between six and ten;

- (2) The Mother's failure to protect A from sexual harm after A first told her about the sexual abuse in 2017;
 - (3) The Mother's shaving of A's head as a punishment related to the allegations of sexual abuse made again by A against the Stepfather in November 2022.
13. The Stepfather denies sexually abusing A. He says that the evidence cannot support a finding of sexual abuse.
14. The Mother accepts that the s.31 (Children Act 1989) threshold for making public law orders is met. She says that in the evening of 14 November 2022, and following A's November 2022 allegations of sexual abuse, she shaved A's head for lying. She regrets having done so. The Mother is neutral on the allegations made against the Stepfather. She says that if findings are made against the Stepfather, she will cooperate fully with the Local Authority in whatever course of action is considered appropriate in respect of the Stepfather. She denies prioritising her relationship with the Stepfather over A. She says that her main priority is the safety and wellbeing of the children. Her priority has been to be reunited with her children and to remain with them. She denies shaving A's head for refusing to apologise. She denies telling A that A was ruining the Mother's life or that she regretted A having been born. She says that prior to January 2022, the only allegations ever made to her were that (1) there had been a kiss between the Stepfather and A; (2) there had been a video shown of people kissing and (3) there had been a single "pat" on A's bottom. The Mother says that her response and reactions were not less than what would be expected of a reasonable parent. She says that she sought advice from her own mother and spoke to A's father. She says that it was not unreasonable not to report this to professionals at the time (namely in 2017/2018). She says that before January 2022, she was not aware of further allegations including that the Stepfather sucked A's neck, showed A his penis, asked A to lick his penis or showed A pornography on his mobile phone. She says that had A told her any of this, she would have reported it. She regrets shaving A's head as punishment for lying.
15. A is separately represented. A maintains that she has lied. She does not want to speak to anyone any more about the allegations. She wants things to go back to the way they were before the Mother and Stepfather were arrested. A wants the Court to accept that she lied when she alleged that the Stepfather sexually abused her. She was willing to come to Court to say that. No-one thought that she should.
16. The Guardian wants to ensure that the right outcome is reached on the best evidence. Having heard the evidence, the Guardian supports findings of sexual abuse being made against the Stepfather. She also supports the finding that the Mother failed to protect A from the Stepfather's abuse.

My decision

17. For reasons which I set out in this judgment, I find, more likely than not, that the Stepfather did sexually abuse A. In summary, I make those findings having

considered all the evidence and submissions. Whilst this judgment must be considered as a whole, in summary I make them:

- (1) Having considered the allegations made by A at the time and recorded in the contemporaneous documents which I refer to below and accept as accurate and reliable;
- (2) despite not having an ABE interview of A in which she makes the allegations;
- (3) despite the evidential difficulties in this case;
- (4) having made allowances for language differences (English not being the Stepfather's first language];
- (5) because I did not believe the Stepfather's evidence. I also consider that the Stepfather overstated his language/interpretation/understanding issues to explain a number of inconsistencies in his evidence and to distance himself from some of the evidence he has provided in this case, including to the experts during his parenting capacity and psychological assessments;
- (6) because I do not believe that the Mother has been entirely honest;
- (7) because the retractions, and A's position that she has lied, have to be seen in context;
- (8) because my assessment is that A is not a child who would make up the allegations;
- (9) because my assessment of A is that she is a truthful child who has not been believed, not been supported, not been protected and who has felt the pressure of her Mother's arrest and her siblings' separation from their parents. She is a child who wants to keep the family together and the people around her happy.

18. It is important that this judgment is read as a whole. I cannot refer to everything that I have read and heard but I have taken it all into account. Significance should not be attached to where I set something out in this judgment. I write this judgment having re-read the evidence and written submissions, having reflected on all the evidence and having had the opportunity to stand back and consider everything.

The law

19. The burden of proof is on the Local Authority. The parents do not have to prove anything. The Local Authority must prove any fact it wants to rely on. In proving any fact, the legal test is the balance of probabilities. In other words, "more likely than not." Where there is a dispute of facts, it is either proven or it is not. The Court cannot sit on the fence and say that it might have happened. Any findings must be based on evidence. Findings must not be made on suspicion or speculation.

20. The Court has to consider the evidence in the context of all other evidence. The Court should not consider a piece of evidence on its own. All the evidence is admissible notwithstanding its hearsay nature, including the Local Authority case records or social worker chronologies, which are often second or third hand hearsay. However, the Court should bear in mind that such evidence is hearsay and give it the

weight it considers appropriate. If a fact is in dispute, the best evidence is primary evidence.

21. The Court can consider written evidence even if the person who writes that evidence does not come to court. However, the Court has to remember that if someone does not come to court, that person cannot be asked questions if their written evidence is disputed/challenged and the Court does not have the opportunity to assess them as witnesses.
22. The expert's role is to provide an opinion. The Court's role is different. It is the Court, not the expert(s), who decides the case. It is the Court, not the expert, that finds the facts.
23. The evidence of the parties is important. When a party or witness gives oral evidence in court, the Court has a chance to assess whether that person is telling the truth. The oral evidence has to be considered against all the evidence and I remind myself of the fallibility of memories and/or oral evidence. The content, consistency and probability of oral evidence has to be considered against all the other evidence. As Peter Jackson LJ said (on 20 September 2021), although "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", in family cases "a witness's demeanour may offer important information to the court about what sort of person the witness truly is, and consequently whether an account of past events or future intentions is likely to be reliable": ***Re B-M (Children: Findings of Fact [2021] EWCA Civ. 1371***.
24. When approaching the fact-finding task, the Court has to consider memory, demeanour, inherent probabilities and contemporaneous documents and witness statements.
25. The court has to remember that if a witness lies about one thing, it does not mean that they lie about everything. People lie for lots of different reasons. They might be embarrassed; they might think it makes them or their case look or sound better and so on.
26. Discrepancies in evidence can arise for a number of reasons including lies designed to hide culpability, faulty recollection, confusion at times of stress or when the importance of accuracy is not fully appreciated. Differences in language can also lead to confusion and/or discrepancies in evidence/accounts.
27. On the issue of witnesses giving evidence in Court, Mr Justice Cotter stated in ***Muyepa v Ministry of Defence [2022] EWHC 2648 (KB) at paragraph 17***:

"The difficulty some witnesses will have in giving evidence (for a range of reasons) must be taken into account. The overriding objective sets out that it is the aim of the

Court to ensure a witness can give their best evidence, but the process often cannot be an entirely level playing field. Judges give due allowance for the fact that the court room is often an unfamiliar and frightening place for those who appear as parties or to give evidence, and that some witnesses will find the process more stressful and difficult than others particularly if they have a mental health issue such as depression.

Allowances must also be made for education and use of language. On the other hand some witnesses may be calm and assured, but calculated and accomplished liars.”

28. The Courts have endorsed a number of general principles set out in the ABE (Achieving Best Evidence) guidelines, including the desirability that interviews with young children should be conducted as soon as possible after any allegations are made and that a careful note is taken of the questions asked and what the child says. The child should be given the opportunity to recall freely, uninhibited by questions, what they are able to say.
29. The difficulties that arise in determining allegations of sexual abuse where there are gaps in the evidence and delay/passage of time affecting memories has recently been considered by the President in *Re J (Care Proceedings) [2024] EWCA Civ 22, 26.1.2024*.
30. Failure to protect must not be a “bolt on” finding. If a parent lives in the same household as the perpetrator, a finding of failure to protect is not inevitable.
31. The parties have helpfully provided the Court with an agreed Note of the Law dated 19 February 2024 which I have read and agree with.

The Evidence

The witnesses

32. I heard evidence from the following witnesses in the following agreed order:
 - (1) DL (a member of A’s school staff) on 24 January 2024 (Day 2);
 - (2) CL (a member of A’s school staff) on 24 January 2024;
 - (3) DC LU (a police officer) on 24 January 2024;
 - (4) PC M (a police officer) on 25 January 2024 (Day 3);
 - (5) TC (a duty social worker) on 25 January 2024;
 - (6) The Maternal Aunt on 25 January 2024;
 - (7) The Independent Reviewing Officer (“IRO”) on 26 January 2024 (Day 4);
 - (8) The Mother on 30 and 31 January 2024 (Days 5 and 6);
 - (9) The Stepfather on 31 January 2024, 1 and 2 February 2024 (Days 6, 7 and 8);
 - (10) Ms L (the parenting capacity assessor who prepared the parenting capacity assessment) on 5 February 2024 (Day 9) in respect of factual issues in her report only;
 - (11) Dr P (the expert psychologist) on 6 February 2024 (Day 10) in respect of factual issues in his report only.

The documents

33. The documents are contained in a main bundle (“**MB**”) comprising 1929 pages together with a supplemental bundle (second version) (“**SB2**”) comprising 282 pages. I have read, re-read and considered the documents in both bundles, focusing on those that were referred to during the fact finding hearing.
34. I received very helpful detailed written closing submissions from the trial advocates on 16 February 2024 (LA) and 20 February 2024 (other parties) together with an agreed Note of the Law dated 19 February 2024. Further oral submissions were made on 27 February 2024. I then reserved judgment to enable me to consider all that I have read and heard and to prepare this written judgment.

Police videos

35. I have viewed the retraction VRI of A, the Mother’s police interviews (outside her home on 17 November 2022 and at the police station on 18 November 2022) and the Stepfather’s police interview at home on 17 November 2022 when he was arrested. During her police interview on 18 November 2022 [**MB 644-667**] the Mother told the police that she shaved A’s head as punishment for lying. The police interview of the Stepfather at the station did not take place as planned because the Stepfather said that he needed an interpreter. By the time one was arranged, A had withdrawn her allegations.
36. I am grateful to counsel for their helpful documents and submissions. This has been a challenging case but one in which everyone has worked collaboratively to ensure that the Court has the best evidence and legal argument available.

The oral evidence (including some analysis)

37. I deal below with each of the 11 witnesses in turn but write this judgment having had the opportunity to stand back and reflect on all the written and oral evidence. This judgment must be read as a whole.
38. **DL** : DL was A’s head of year in January 2022 when A made allegations of sexual abuse against the Stepfather. DL prepared her short written statement from memory (having moved on from the school) but said that when she was sent the documents shortly before she gave her oral evidence, the documents she was sent helped to refresh her memory of the events of 18 January 2022. She told the Court that A had been speaking to girls in her form about things that had been happening at home and those girls (or at least one of them) brought A to speak to her. DL said that she would have logged the information straight onto the school’s safeguarding computer programme. She then made an online referral to social services [**MB 1634-1636**], which she said was the MASH (Multi Agency Safeguarding Hub) form. DL confirmed that the online referral was written in her own words, using the information that

came from A. DL said it was a summary of what A told her, not word for word. It records that :

"[A] informed me this morning that from the age of 6-9 step dad would take [A] to his bedroom and show her porn on his phone and say lets do an experiment.

At the age of 8 he called A into the living room (A couldnt recall where mum was) he showed A his penis and told her to lick it.

[A] has her own bedroom since September 2021 and when she is in her room and when she sleeps she puts a chair against the door to keep it closed.

[A] told friends that Stepdad was forcing her door at the weekend, she told me that it was because he wanted the laptop

.....

...

After asking whether i will report what she has said she said that everything is fine at home now. She is worried about being taken away" [MB 1636]

39. In her oral evidence, DL was clear that she completed the online referral "very soon because of the serious nature" of the allegations. She said that it "would have happened as soon after [A] told me that." Looking at other evidence, it appears that the MASH referral was completed before DL completed the school's safeguarding record timed at 12:36 on 18 January 2022 because the school's safeguarding record timed at 12:36 refers to the MASH referral [MB 1617]. In her evidence, DL said that it was more likely that she did the MASH referral before she filled in the school's safeguarding referral. I find that the MASH referral was completed by DL first, soon after she spoke to A on 18 January 2022 and before 12:36 on that day.
40. That online referral also records DL's (not A's) concerns regarding younger siblings. It also includes DL's description of A as :
- "a lovely young lady who has settled into [redacted] school smoothly. She is a popular and well respected member of her form group.
I have not had any reason to have contact with parents."*
- There is no mention of any issues with A's behaviour at school or with A not completing her homework. These were both reasons the Mother later put forward for shaving A's head.
41. When asked about the police record [MB 333] that "The teacher felt [A] would have said more, but when she was aware it was going to be reported she stopped", DL said that she could not recall what made her think that but she was confident that the information recorded in that police record was an accurate representation of the information that she provided.
42. When she was shown the LA's case note for B, C and D of the 18 January 2022, DL confirmed that it was an accurate record of what she told social services but she did not recall telling them that A had not told anyone about the abuse until she started at the school [MB 1478]. DL recalled other matters but not this. In fact, it is part of the Mother's case that [A] did make allegations against the Stepfather in around

2018. In addition, the LA's case note for A of the 18 January 2022 prepared by another social worker ("N O-N" who did not give evidence), records that:

'Around the age of 10 (roughly 2019)' [A] told her mum about [the Stepfather] sexually abusing her. [A] said mum had spoken to her and reassured her that if he had done it again then 'something big would happen'. A quoted that mum said to her ' she should not worry as she will protect her'. Since [A] told her mum in 2019 and mum spoke to [the Stepfather] he hasn't done anything to her since.' [MB 1479].

DL's said that she did not recall A saying that she had told the Mother and that the Mother had reassured A. The author of the case note for B, C and D ("ML") did not give evidence so the record [MB 1478] that A had not told anyone about the abuse before she started at the school has to be treated with a degree of caution. In fact, there is no dispute that prior to January 2022, A had complained to the Mother about the Stepfather's inappropriate behaviour towards A and that the Mother had spoken to the Stepfather about it at the time. I will return to that later in this judgment.

43. DL recalled A telling her that she did not feel safe in her bedroom and that she put a chair in front of her bedroom door. DL could not recall what made her think that A was anxious.

44. DL had had conversations with A before the 18 January 2022 allegations, but not about anything of note. DL described everyday difficulties in 11 year old girls' friendship groups and recalled that A's form had a lot of issues and a lot of big personalities. DL agreed that the sexual abuse allegations brought A attention within her form. She said that about $\frac{3}{4}$ of the form became aware of them but that that was after A had spoken to DL, the other two social workers and the police at school. DL did not know how many girls A actually told. DL told the Court that *"it was not my impression at the time that [A] was attention seeking. I was not getting the impression that she was telling lies to get [the Stepfather] out of the house or because she was jealous."* A did not retract the allegations to DL or tell DL that she had made it all up.

45. DL told the Court that A went home with the Mother on 18 January 2022. The next day (19 January 2022), and during the only ABE interview in this case, A retracted the allegations and told the police that she had lied and wanted attention. That did not match with DL's impression when she spoke to A at school on 18 January 2022. Whilst DL agreed with the Child and Family Single Assessment (conducted between 11 November – 12 December 2022) that A:

"has been described as wanting attention all the time and being the centre of everything. School have noticed that [A] does tend to exaggerate when telling a story." [MB 553].

In my judgment it does not follow that a child who likes being the centre of attention and who can at times exaggerate will also make up allegations of sexual abuse. It is notable that the December Assessment also records A's : *"school attendance as good, she is doing well academically and no concerns raised regarding her*

education.” The record that A has in the past “*also accused another student of touching her*” was not an accurate reflection of the evidence I heard on that issue.

46. DL said that she recalled the occasion on 15 November 2022 when A came to school with her head shaved. She said that she did not complete the school’s safeguarding record at [MB 1625]. She recalled the conversation she and CL (another member of school staff) had with A. A said that her head had been shaved because she was telling lies. DL could not recall whether A said that her head was shaved because A had not apologised. She also could not recall whether A said that the Mother told A that A was ruining the Mother’s life and that the Mother regretted that A had been born.
47. Throughout her evidence, DL was clear to say what she recalled and what she did not recall. For example, she said that she did not remember attending a strategy meeting on 18 January 2022, the record of which is part of the police disclosure at [MB 335]. However, she was clear that the words recorded in the Reason for Strategy Discussion [MB 467] (part of the LA’s Record of Strategy Discussion document relating to the 18 January 2022 meeting at MB 465-472] were her words and she was clear that she was the source of that information.
48. DL remembers sitting next to A during the joint s.47 (social worker) visit with CAIT (Child Abuse Investigation Team) on 18 January 2022. When she was taken to the LA’s Case Note of that visit [MB 1479 - 1481], DL said that she thought that A said more in that meeting than A had told DL privately. DL did not recall whether she received the Case Note after the meeting or whether she made any of her own notes. A had asked that DL stayed in the room with her. DL’s recollection was that the meeting took place at the end of the school day on 18 January 2022. That Case Note was created on 19 January 2022 (the day after the meeting) by a social worker who did not give evidence. DL did not recall being asked to provide any more information to the police or social services after that meeting on 18 January 2022.
49. DL told the Court that when A moved up to Year 8 in September 2022, DL was no longer A’s head of year. DL said that A could go and see her if she wanted to. She also said that she worked closely with the head of Year 8.
50. When DL was cross-examined (by the Stepfather’s counsel) about the questions she asked A when she spoke to her on 18 January 2022, DL was frank in saying that she did not remember the details of the questions she asked but said that she was trained in safeguarding and tried to stick to the guidelines including asking open questions. Later (and in response to questions from the Guardian’s counsel), DL told the Court that as a child protection officer, she had to have child protection training. That involved two days’ “*proper child protection officer training*” by a specific company including training on how to ask questions. She described having had training on the types of questions – open, not leading, allowing the child to use their own words, not putting words into the child’s mouth, asking who, what, when. She said that the training was extremely important in her role and that it was important to ask the right questions. She explained how she had to keep the child protection

training up to date, with child protection training every three years. She was first trained in 2006 and received training every three years after that. I had the clear impression that she understood the training, the reasons behind it and applied it. She understood its importance. DL told the Court that she had dealt with sexual abuse allegations before January 2022 and she felt competent to handle the allegations that A made in January 2022, having had specific training by a child protection officer. DL described her practice of using a pen and notebook to write down sentences, key words and sometimes exact words as she spoke to the child. She said that she did not have to type up notes because she could scan them in and attach them. The school's safeguarding record does refer [MB 1617] to a pdf document in A's name (recorded at 12:36 on 18 January 2022). A's school was not able to provide that pdf document. Whilst DL said that she could not recall following that training when she spoke to A, having heard her evidence I find, more likely than not, that she did follow her training. DL was a careful and impressive witness. She made it clear when she did not recall something. My assessment is that she was a diligent and effective designated safeguarding lead at A's school who knew and applied the guidelines on questioning children.

51. I found DL to be a very impressive witness. She was clear in what she did and did not recall. She had a clear understanding of her safeguarding role and whilst she did not conduct an ABE interview of A on 18 January 2022 when A made the allegations at school, I am confident and find that, more likely than not, DL followed the guidelines and training she had received (and had been updated) on questioning a child. She understood the importance of them. She understood the rationale behind them. She was an experienced, quietly confident, efficient and effective DSL. More likely than not, her questioning of A was appropriate and followed the guidelines. She said that A's account was given before the rest of the form was aware of the allegations. That does not sit well with the Mother's and the Stepfather's suggestion that A was attention seeking. DL's impression, both as the head of year and as an experienced and trained safeguarding lead, was that A was not attention seeking. DL was as an honest and reliable witness. I am confident in the accuracy of her oral evidence and in her contemporaneous documents including the online MASH referral she completed on 18 January 2022 [MB 1634-1636] and the Reason for Strategy Discussion [MB 467], both of which DL confirmed were in her own words.

52. CL : CL was a learning support co-ordinator at A's school. She joined the school in September 2022, when A moved into year 8. CL was responsible for A from then as A's year 8 head of year.

53. CL described her practice when speaking to children about their concerns at school. Sometimes she used a pen and pad. Sometimes she would speak to the child and make notes afterwards. It would depend on the child. Some children might feel nervous if she was taking notes at the time. CL told the Court about the September 2022 incident when A's thigh was touched by another pupil. During these proceedings, that incident has been put forward as an example of A making false allegations against a peer at school. However, by the end of CL's evidence, it was

clear that that characterisation of A making a false allegation against a peer was both unfair and inaccurate. CL was clear that both A and the other child involved told the truth and that their accounts matched. CL said that it was A's friends who caused the situation to blow up into a different allegation with A at the centre of it. However, the story that emerged was not the account that A or the other child involved gave. CL was clear that A and the other child told the truth and that there was nothing untoward in what had happened. No boundaries had been crossed. When A told the other child that she did not want to do something, the other child had respected that. CL was quite clear in her evidence that A had not exaggerated what had happened but that she enjoyed the attention it brought to her. The other child was popular in school and had shown an interest in A. CL's evidence, having worked in a girls' school, was that girls of A's age seeking and enjoying the attention of their peers was not unusual. She said that A was even able to turn the upsetting head shaving incident into a situation where she revelled in attention with her use of hijab to cover her head. A told her peers that it was her new look and they told her that she looked good in it. In my judgment, it is to A's credit that she turned such a terrible experience into a positive.

54. CL agreed with the Stepfather's counsel that A liked to say and do things to seek attention. She said that A liked to be in the centre of attention and liked and welcomed everyone around her asking her what was wrong. CL said that when A's head was shaved by the Mother, there was a lot of crowding around A. However, that attention was caused by the Mother's abusive action in shaving A's hair off rather than anything A had said or done. A had no choice in that.
55. CL confirmed that A was offered mediation to help with her peer group friendships. CL said that there were "*so many mediations within friendships.*" The friendship difficulties that A was experiencing in September 2022 were not described as being out of the ordinary or unusual in girls of A's age.
56. CL told the Court about the child protection training she has had and about how vital it is. She has received training over the last nine years. However, she is not trained as a child protection officer. She has had more general child protection training that is given to all staff. CL's evidence was that she has not had specific training about asking children questions or about recording what a child has said. CL is a relatively young (29) but enthusiastic and caring teacher who was born after the 1987 Cleveland Report. I wondered whether she had been trained about the need to avoid using the word "disclosures" to describe allegations. Mr Justice MacDonald has referred to this ongoing issue in ***P (Sexual Abuse: Finding of Fact Hearing) [2019] EWFC 27*** at paragraph 21 and in ***AS v TH (False Allegations of Abuse) (Rev 1) [2016] EWHC 532 (Fam)*** at paragraph 1. It is an ongoing issue in family court proceedings with a number of professionals in all areas wrongly referring to allegations as disclosures. It is a practice that, with appropriate training, should stop. CL was not the only witness who referred to disclosures rather than allegations.
57. CL opened the school safeguarding record dated 11 November 2022 which records one of A's peers being worried about A because A reported that the Stepfather

“touches her in inappropriate places at night.” [MB 1622]. A’s peer was left worrying about A when A cut off phone calls at night saying that the Stepfather was at her bedroom door. CL and DL spoke to A about it but A said it was not true and the conversation was brief. CL made a MASH referral. CL was clear that the section headed “Risk Assessment” was not written by her. It refers to *“unconvincing and retracted disclosures [being] incredibly common in sexual abuse cases.”* [MB 1622] Those were not CL’s words. CL was clear that A’s peer told her that the abuse of A was still happening. CL did not recall A’s peer saying that A’s siblings were being also being abused by the Stepfather. The source of that reference in the then allocated social worker’s statement dated 22 November 2022 [MB 50] and the police disclosure [MB 354] is not known and no finding is sought that A’s siblings were being sexually abused by the Stepfather.

58. CL could not recall if she was present when A made the allegation of sexual abuse against the Stepfather on 17 November 2022. She said that A *“told us bits and pieces. There came a time when she did not want to speak about it. She said she was answering the same question to everyone and repeating herself and it became difficult to speak to her about it.”*
59. CL told the Court that A alleged that she had been touched by the Stepfather who came into her room at night, took the duvet off her and looked for a laptop that was not there. A also alleged that the Stepfather came to her room at night and touched her in inappropriate places. CL did not recall anyone else being present when A told her that but did recall a social worker coming in and A then saying that she did not want to speak any more. At times, CL’s recollection was unclear.
60. CL recalled A coming into school on 15 November 2022 with a shaved head. A did not tell CL that her head had been shaved as a punishment. CL heard about that from others. CL did not recall A saying that her head was shaved for not apologising. She also did not recall A saying that the Mother regretted A being born. CL did, however, recall A saying that the Mother said that A was ruining the Mother’s life. CL remembered A saying that. CL recalled A telling her that the Stepfather fingered A. She did not recall A telling her about pornography. She recalled A telling her that the abuse stopped and that the mother knew about it but that nothing happened. It was put to CL (by the Mother’s counsel) that the peer who reported A telling her that the Stepfather came into her room at night was having her own problems at home. She was said to be living with her own stepfather and unhappy about it. CL was absolutely clear that that was incorrect. She said that the peer in question lives with her mother and does not have a stepfather.
61. CL told the Court that A came into school on 21 November 2022 (having been away from school for a few days) upset and tearful after the Mother and Stepfather had been arrested and A not being able to speak to her mother for the next two weeks. CL described A as *“sad, mainly sad because her mum had been arrested. She didn’t know what to do. Her main thing was that she wanted her mum in her house.”*

62. In her written statement dated 22 May 2023, CL states that on 28 November 2022 (a Monday, mistakenly recorded as 2023), “[A] reported she had spoken to mum she still hadn’t seen her mum but she felt better and things were in a positive place. [A] did express many times she missed her mum and she knew her siblings mixed (sic) her too.” [MB 764. Also referred to at MB 1627]. Of course, if the Mother did speak to A over the weekend of 26/27 November 2022, that would have been in breach of her bail conditions. It was after that date that A again (on 30 November 2022) retracted her allegations.
63. CL’s evidence was that on 30 November 2022 she was told that the Maternal Aunt had told the social worker that A said that she had lied about the allegations. However, when the school asked A whether she had told anyone else that the allegations were not true, A said that she had not. In my judgment, A’s response to the school has to be seen from the perspective of a child who was missing her mother, wanted things to go back to where they were before the Mother and Stepfather were arrested and felt bad about the impact her allegations had had on her siblings and family life. Context is important in this case.
64. CL confirmed that she was present when the previous social worker, TC, spoke to A in CL’s office on 30 November 2022. CL did not take any notes of that meeting and A had her back to CL throughout that meeting. After that meeting, A was off school unwell and when she returned, CL described A as having “become quite avoidant. She does not check in with me anymore which is a big change to how she used to be, she does not want to talk about this subject.” [MB 765].
65. CL was present when PC M came to speak to A on 5 December 2022 as a result of A’s retraction. CL’s evidence was that A seemed upset mainly about her siblings missing their mum. A “continuously reported” that she was not being pressurised into retracting her statement but still seemed quite low and tearful when speaking about the situation. [MB 765].
66. The CRIS (Crime Reporting Information System) report of the 5 December 2022 meeting is at [MB 374-376] (also at MB 1084-1086). There is no record of that meeting at school in the school’s safeguarding records. That is an omission on the school’s part. There is a record of it in the police disclosure documents. During that meeting, A gave various reasons for lying about the sexual abuse allegations including wanting to get the Stepfather out of the house, not seeing her own father very often (but then saying she sees him quite a lot) and wanting her mum and dad to get back together. In her evidence, CL said that she did not remember A saying that she wanted her mother and father to get back together. She also did not recall A telling the police officer that she had googled things [MB 375, 1085]. A told the police officer that she did not want anyone to get arrested or to lose their jobs and she wanted her mum and stepdad back and to live with her family. A told the police officer that “no one has put any pressure on her and no one told her to say she made it all up. [A] did not realise the consequences would be so dire and she regrets her actions.” [MB 375] CL agreed with the Stepfather’s counsel that during the 5 December 2022 meeting with the police officer, A was clear that the allegations were

not true and that A provided a consistent rationale for why she made the allegations in the first place.

67. CL told the Court that she believed that A wanted to put the allegations to bed and wanted normality again. She said that A wanted her mum and her siblings back together again. CL agreed with the Stepfather's counsel that if the allegations were untrue, A would naturally feel a sense of frustration at being asked about them again and again.

68. Towards the end of her evidence, CL said that she did not think that A was trying to seek attention from the adults around her. She said that it was normal for a girl of 11 or 12 to like attention. She said that it was important to girls that they were popular. They wanted to be liked. In effect, she was saying that A was no different to the other girls. She described A as "*calm, open, friendly, always polite, aside from these allegations not a child known for lying.*" CL did not raise any issues with A's behaviour, schoolwork or completion of her homework.

69. I accept CL as an honest and truthful witness. She struggled to remember some details but her recollection of events was good overall. She is not trained in asking children questions and sensibly took the advice of others about not questioning A.

70. **DC LU** : DC LU attended A's school on 18 January 2022. He spoke to the then allocated social worker, N O-N, and to DL before speaking to A. His "Details of Investigation" CRIS report [**MB 338**, also at **MB 253**] records:

"We spoke with staff member [DL] who informed us that [A] had disclosed to her that her step father had shown her his penis and asked her to lick it. [DL] said that [A] did not disclose anything further . We then spoke with [A].

....

..

I introduced myself to [A] and explained my role to her . The ASW;s (sic) introduced themselves and explained (sic) their roles.

I asked [A] to tell me what had happened with her step father .

She explained that he had done sexual things to her between the ages of 6-9 years old.

I asked her to tell me more and she said that when she was aged between 6-7 years old he came into her bedroom and got into bed with her and sucked her neck .

I asked her if anything else had happened and she said that when she was aged between 7-8 years old

she was downstairs in the living room. She said that her Mum and siblings were upstairs. She said that her stepfather showed her some pornography on his phone. She said that he then showed her his dick and asked her to lick it which she did .

She said that this was the last time anything happened and the year was between 2018-2019. She said that she told her Mum and her Mum said that she would protect her and nothing else has happened since.

She said that she rarely talks to him.

I asked [A] about the chair she uses to put against her bedroom door .She explained that she did this to stop her younger siblings coming into the room as they annoy her.” [MB 338-339].

71. DC LU told the Court that he had his police laptop with him during that meeting and his normal practice when on a joint visit to school was to make notes in a Word document on his laptop at the time and then later cut and paste them into a crime report. He described it as “*talking and typing*” and said that he typed a summary of what was said. He could not type every word a child said. His recollection was that he did that on 18 June 2022, writing up the report when he got back to the police station. The time stamp of 23:05 on 18 June 2022 records when he inputted the information onto the system at the police station by transferring the notes he typed at the time into the CRIS report. DC LU said that there are no other notes because he had his laptop with him at the time and was typing the information into a word document. He said that if there were any differences between what he recorded and whether the social workers recorded, he would “*stick with my note. These are my records. I have not seen what the social workers have written so I don’t know what they are saying.*”

72. DC LU’s CRIS report also records his conversation with the Mother. It states :

We then spoke with the mother and explained that [A] had made a disclosure.

Mother said that around 2017 [A] told her that her husband had gone into her bedroom and touched her bum. She said that she confronted him and he told her that he had gone in the room and patted his hand on the bed looking for her younger sister as she gets into bed with [A] and falls asleep.

She said that at the time she believed what [A] was saying but she discussed it with her ex husband who is [A’s] father. She said that he is a social worker and is close with [A]. She explained that her ex husband told her that [A] had told him that she does not like her step father and wants him out of the house . The mother said that she does not know the truth but thinks [A] may be doing this to get him out of the house as

she doesn’t have a good relationship with him.” [MB 339-340]

73. When asked about the accuracy of those reports, DC LU said that he was “*confident that what is recorded is accurate.*” I find that it is and I share DC LU’s confidence in his record of the 18 January 2022 meeting at school. The CRIS report contains the information that DC LU typed at the time and later cut and pasted into the CRIS document when he returned to the police station later that night. DC LU was (and is) an experienced CAIT police officer and he clearly understood the need to accurately record information whilst allegations were being investigated. It is regrettable that, like others, he refers to “disclosures” rather than allegations. However, that does not affect the accuracy of his records. He explained that after A retracted the allegations on 19 January 2022, he did not meet with the Mother again. He told the Court that he had never met the Stepfather.

74. DC LU could not recall anything beyond the CRIS report, including A's demeanour. He said that he would normally lead the interview and questioning of the child. This was not an ABE interview and there is no record of the questions DC LU asked. DC LU told the Court that he would have used his experience and set questions rather than writing out the questions he was going to ask. He said that he would have introduced himself to A to build up rapport and would have been quite informal when he spoke to her. He would have asked her to tell him what's been going on. He said that he would have used open questions. DC LU accepted that members of school staff must have told him about A putting a chair against her door. There is no record of how DC LU got that information. A went home with her mother that evening. The following day, A gave a short (15 minute) retraction interview. That is the only ABE interview in this case.
75. DC LU accepted that during the ABE interview, he asked A to repeat the allegations and he asked her whether she had been pressurised to retract her allegations or change her story. He said that A kept to the retraction. He agreed with the Stepfather's counsel that A gave a coherent narrative for making the allegations (not liking the Stepfather and not liking the way she was treated at home). DC LU said that he was involved in obtaining the initial information on 18 January 2022 and that at the ABE interview the "*scenario completely changed.*"
76. DC LU did not consider it unusual that A was unsure of the dates of the alleged abuse [MB 263]. His experience was that some children's concept of time was not always accurate. The Mother had told him that it was sometime in 2017 that A spoke to her about the Stepfather coming into her bedroom and touching her bottom, which the Mother then discussed with the Stepfather and was happy with the explanation.
77. DC LU has been with CAIT since 2015. He has completed his ABE training. He clearly knew the guidelines and why they had to be followed. He described his usual practice of questioning children and recording information at the time. I found him to be an honest, straightforward and reliable witness. I am satisfied that when he spoke to A on 18 January 2022, he conducted that questioning in a professional and appropriate manner.
78. **PC M** : PC M attended the family home on 17 November 2022 when the Stepfather was arrested. At the time, PC M had no direct knowledge of A's allegations against the Stepfather. She had no direct knowledge of what A had or had not said. The information she had about the allegations A had made against the Stepfather came from another police officer who had also been told about them by a different police officer. PC M was working with multiple hearsay. PC M arrested the Mother on 17 November 2022 when the Mother returned home with her sister from a shopping trip.
79. In her evidence, PC M confirmed that one of the Mother's bail conditions was that the Mother was not to contact the children directly or indirectly [MB 366]. Those bail conditions were in place when A told the school (on 28 November 2022) that she

had spoken to her mother – see paragraph 62 above. When the mother gave her evidence, she denied having spoken to A whilst the bail conditions were in place.

80. PC M visited the other children at their school on 18 November 2022 [MB 281-283]. She said that no concerns were raised by that visit.
81. PC M spoke to A at school on 5 December 2022. This was a few days after A told CL and a social worker at school on 30 November 2022 that she had lied when making the allegations against the Stepfather.
82. PC M said that she entered her CRIS report (MB 374-376, also at 289-291) relating to that meeting at 19:15 on 5 December 2022, the same day that she spoke to A at school in the presence of CL. During that meeting, A said that she had lied about the allegations. PC M said that she was able to add things to the CRIS report that she remembered because the meeting was fresh in her mind, having taken place on the same day. She was confident that her record set out in the CRIS report was accurate. She said that she believed that A was uncomfortable because A shrugged her shoulders and appeared smaller. PC M described how she wanted to observe how A reacted so she paused her typing to speak to A. PC M had been told by school staff that A said that no one else knew that she had lied about the allegations, not even her auntie [MB 374]. However, PC M's CRIS report records [MB 375]:

"[A] was asked how she disclosed the fact that she lied. She said she told her auntie because she felt guilty, and her auntie advised her to speak to her SW."

83. PC M agreed that there was an inconsistency in what A was saying. A told the school that she had not told anyone else that she had lied. That was clearly untrue because the Maternal Aunt told social services that A told her that she had lied and A told PC M that she had told her auntie that she had lied. I have reflected on this inconsistency in A's account. The fact that A gave inconsistent accounts about who she told does not mean that A has lied about other matters. A was a child in a very difficult situation, feeling the impact and pressure of her separation from the Mother whom she clearly loves, wanting family life to return to normal, feeling guilty about her siblings separation from their parents and telling adults that she had lied. The fact that she gave inconsistent accounts of who she told is one part of the evidential picture that I have considered. Like all the evidence, it has to be considered in context.
84. PC M told the Court that it was her practice when she visited children to record her notes contemporaneously on her work computer and later added them to her CRIS reports from her computer. She said that she took notes on the day that she visited a child and would take notes on her work computer while she was speaking to the child. At the time, she had been attached to the CAIT unit for about six months. She had been trained to interview witnesses but she had not been trained on how to interview children. She received that training at a later date. At the time, she wanted to know that A was safe. She also wanted to know whether A had been pressurised into changing her account. She said that the questions she asked were

along those lines and she confirmed that the CRIS report was a summary of what A told her rather than A's words. She agreed that she had no record of the questions she asked A. She agreed that that was problematic and agreed that she would have done that differently now that she had training in asking children questions. PC M did not hesitate in accepting those suggestions by the Stepfather's counsel. PC M also accepted that A gave a potentially plausible reason for having lied. She also accepted that her CRIS report was the outcome of lots of questions she asked A to try and ascertain whether A was telling the truth or whether there had been a forced retraction. She believed that A said that she did not realise what would come after the allegations. Her CRIS report records that : "[A] did not realise the consequences would be so dire and she regrets her actions." [MB 375] PC M said that she understood that A was referring to the parents (Mother and Stepfather) being arrested. She said that A spoke about the Mother being taken away and believed that A spoke about being separated from her mother. PC M told the Court that she remembered A "saying a lot that she was sorry, sorry for what she did." PC M agreed that the CRIS reports do not record an allegation that the Mother had tried to force A to withdraw her allegations but said that "I can't remember where I got that information but someone gave it to me" before she visited A at school on 5 December 2022. PC M told the Court that she had no reason to believe that A was not telling the truth on 5 December 2022. She described A's demeanour as "upset and crying at some point."

85. When she was asked why no retraction statement was done, PC M said that she spoke to her supervisors who said that it was not necessary because there was no initial account, no VRI and that it would not provide anything evidentially because there was no initial account.
86. When she was asked why no video recorded interview of A had been arranged between A making the allegations on 17 November 2022 and before she withdrew them on 30 November 2022 (13 days later), PC M spoke about resources and the need to prioritise police work. Priority had been given to safeguarding the children. She explained that once the children had been safeguarded, she had to attend a Crown Court trial in A Crown Court involving international child abduction and custody time limits. She said that she spoke to A at the earliest opportunity after that trial concluded. That was on 5 December 2022. By that time, A had withdrawn her allegations. PC M was not aware of any arrangements having been made for any other police officer to interview A before 5 December 2022. It is regrettable that an ABE interview of A was not conducted sooner. 13 days is a long time to wait, particularly in relation to allegations of sexual abuse that had been made and withdrawn in the past. The CRIS log dated 17 November 2022 sets out a list of actions to be done, including "VRI to be completed with victim to focus on the nature of the allegations and why she had previously retracted the allegations and said she had lied. [MB 272, also at MB 357]. PC M confirmed that had not been done. She said that the other children had been visited at home (on 18 November 2022) and that they all presented well and happy with nothing to indicate sexual harm. PC M accepted that further evidence that might have corroborated, refuted or shown inconsistencies in A's allegations at the time (including accounts from A's

school friends) was not obtained. The absence of an ABE interview at a time when A had made and maintained the allegations is one of the matters I have considered in this case. The police did not visit A again until 5 December 2022, despite the VRI being assigned as a task on 17 November 2022. By the time the police did visit A, A had withdrawn her allegations (on 30 November 2022).

87. PC M told the Court that at some point she had been made the OIC (Officer in Case). She said that she was a fairly junior member of the team and that the VRIs were expected to be done by her even though she was not ABE trained at the time. She said that it was normally the OICs responsibility to arrange for VRI statements. She agreed that when a child makes an allegation or gives an account, the police could go straight to a VRI. She readily agreed that it was best practice to get VRIs done quickly and that it was particularly important if there was a history of retractions and possible pressure to retract allegations. PC M spoke about the need to prioritise according to resources available with the main priority being to safeguard children. She agreed that the delay in the police seeing A until 5 December 2022 was regrettable and that it meant that the police did not get an account from A.
88. My impression of PC M is that she was an honest witness. She was a relatively new member of the CAIT unit, not trained in questioning children but given the responsibility to conduct a VRI of a child who had made, and in the past retracted, allegations of sexual abuse within the family home. At the same time, PC M was required to attend a Crown Court trial. The police appeared to be under pressure, needing to prioritise their work taking account of their resources. However, in all of this, the opportunity and time to conduct an ABE interview of A following the allegations of sexual abuse resurfacing in November 2022, which were made directly by A on 17 November 2022, even after her head was shaved on 14 November 2022 as punishment, was lost. There should have been an ABE interview of A soon after she made the allegations on 17 November 2022. 13 days later, and clearly upset by the Mother's separation from the children and feeling the impact of the allegations on family life, A again withdrew the allegations. A was not spoken to by the police until 5 December 2022. It was all too little, too late.
89. **TC** : TC was a duty social worker who spoke to A twice – on 17 and 30 November 2022. TC told the Court that she took handwritten notes on her notepad, writing down the information as it was given to her, pausing if she needed to. She said that she kept her handwritten notes contained in her notebook for some time and used them to prepare her statement. She told the Court that by the time she gave her oral evidence at this fact finding hearing, she had shredded her handwritten notes. The lack of handwritten contemporaneous notes is a feature in many cases. TC told the Court that she had taken her handwritten notes with her when she left the LA. I found that surprising. She told the Court that she did not have much recollection beyond her notes. Whilst she told the Court that she recorded certain words verbatim, it was clear that she did not. On reflection TC accepted that certain words such as “*pornography*”, “*penetrate*”, “*rekindle*” and “*intermittent*” were probably not words used by A [**MB 412-413**]. It would be very surprising if a child of A's age had used words like rekindle and intermittent. The LA had been unable to find TC's case

notes from the 17 or the 30 November 2022 meetings with A. TC produced her case notes and could not explain why they were not on the LA's system but were used in the LA's evidence. She was unable to tell the Court whether the information contained in the LA's documents was a summary or information cut and pasted from her case notes. However, she was clear that she used her original handwritten notes (which were not provided to the Court or to the parties) when she prepared her statement.

90. When she was taken to the undated Record of Outcome of s.47 enquiries [MB 531-536] completed by a different social worker, TC said that the information in that document about A (first two paragraphs under against the entry "[A's name redacted]") at MB 533 was probably copied and pasted from the case note she made at the time. That information is also contained in the social worker's first statement dated 22 November 2022 [MB 52], which TC said was an accurate record of her conversation with A. The Record of Outcome of s.47 enquiries also records [MB 532]:

"[A's] mother was contacted by the Multi-Agency Safeguarding Hub (MASH) on the 14th November 2022. Social work records indicated that [the Mother] sounded 'exasperated' during the telephone conversation, she questioned if the allegations were true and stated that it had been tense at home since the previous allegations. She explained that [the Stepfather] does not talk to [A] for fear of further allegations being made against him and that if [A] is downstairs, he will go upstairs. [The Mother] said that she did not know what to do in response to [A's] allegations and asked what support could be provided to help with [A]. [The Mother] shared that [A] has a lock on her door to ensure she feels safe and that she would prioritise her daughter above all else and just wants the truth."

However, that is not TC's record of the Mother's contact with MASH. TC did not speak to the Mother.

91. TC met A on 17 November 2022 at school. TC said that the meeting lasted an hour. TC was unable to recall what she discussed with DL before she spoke to A. She said that during that meeting, A told her that the Mother said that A was ruining her life and that she regrets that A was born. A told TC about her hair being cut as a punishment and about how A felt ashamed because she now had a bald head. A told TC that the Stepfather fingered her by inserting his fingers inside her and showed her pornography on his mobile phone. When she asked A what she saw, A said that she was shown how babies were made. A also said that the Stepfather never took his penis out and never tried to penetrate her with his penis [MB 413]. There is an inconsistency in what A has said about the Stepfather's penis, because A told DL on 18 January 2022 that at the age of 8 the Stepfather called A into the living room (A could not recall where the Mother was), showed A his penis and told her to lick it – see paragraph 38 above. I have taken this inconsistency into account.

92. In her oral evidence, TC was clear that A did not tell her that she had previously been pressurised to retract her statement. TC did not know how that information found

its way into the documents. She was clear that it did not come from her. Having considered all the evidence, it is not clear where the record (in the Child and Family Single Assessment dated 12 December 2022) that “[A] confirmed that the last time she disclosed [A] was pressurised to retract her statement” came from [547]. There is no basis for making a finding that A said that during the duty social workers’ school visit on 17 November 2022.

93. When TC was asked about the fact that her records do not record the questions she asked A, TC’s response was that she was not conducting an ABE interview. TC said that she had done ABE training some years ago, a few years before covid, but she could not recall when. She said that she was relatively experienced in asking children these sorts of questions, having been a front line social worker for 14 years. However, TC did not appreciate that the ABE principles apply to all questioning of a child who had made allegations of sexual abuse and throughout a forensic investigation. She was asked whether her training included recording what a child said and the questions that a child was asked. Her response was “*I can’t recall but it makes sense.*” I did not get the sense that TC had fully taken on board the ABE guidelines /principles or the fact that they do not just apply to the police’s ABE interview. The lack of understanding and effective training around questioning children was both concerning and a feature not only of TC’s evidence, but also the IRO’s evidence, which I deal with below.
94. TC did recall A’s demeanour during the 17 November 2022 school visit when A made allegations of sexual abuse against the Stepfather. This was three days after A’s head had been shaved. She said A presented as “*quite nonchalant, unfazed*” but could not recall what they were discussing when A presented in a nonchalant way. She described A as “*very composed, no hand actions, or dramatics in her account.*” TC also recalled that there was a time when A started crying but could not recall whether that was during the first or the second visit. TC said that she did not get the sense that A was trying to get the Stepfather into trouble or that she was attention seeking.
95. TC could not recall why she visited A at school on 30 November 2022. When she was shown the police record dated 30 November 2022 that records: “*another social worker [TC] is attending school and is going to try and find out if A has been pressured by the family*” [MB 286], she agreed that she had been tasked to see if A had been pressurised to say that the allegations were untrue. She said that the explanation that A gave around her retraction made sense. Her view was that it was a coherent rationale. TC could not recall A’s demeanour during the 30 November 2022 visit. She could not recall anything about the impact of A being separated from the Mother. She could not recall anything about the impact of A’s siblings being separated from their mother. She could not recall her line of questioning. TC did not create the Case Note relating to the visit to see A at school on 30 November, despite being the duty social worker who made that visit. The Case Note was created by someone else. TC said that she presumed that the person who created that document “*would have lifted it direct from the system.*” The LA’s record keeping in this case has been challenging.

96. TC clearly had difficulty remembering the details of her involvement in this case. Her response to a number of questions put on behalf of the Stepfather and the Mother was that she could not recall. She was part of a team of social workers brought in to assist the LA with their caseload. She did not record the questions she asked A. She did not record what A told her word for word. She clearly paraphrased and summarised the information A gave to her during their meetings. She said that when she prepared her case notes and her statement, she used her handwritten contemporaneous notes, which she has since shredded. She was clear that the record of A being pressurised to retract before did not come from her. At one point in her evidence, TC became a little defensive, asking whether she was being asked a leading question (she was being cross-examined on her records). She finished her evidence saying that she could not recall whether she was with A for an hour on the first visit on 17 November 2022 or on the second visit on 30 November 2022. Nor could she remember whether A was nonchalant during the first or the second visit. She remembered A crying on one occasion but could not recall if it was on the first or second occasion and she could not recall what was being discussed when A cried.
97. I accept TC as a truthful witness. Her recollection beyond her statement and the information recorded in the case notes that she verified was limited. She would benefit from refreshing her training around questioning children when allegations of abuse have been made. The guidelines and principles do not just apply to the ABE interview.
98. **The Maternal Aunt.** The Maternal Aunt was clearly an honest and reliable witness. She stepped in to care for the children at home when the Mother and Stepfather were arrested on 17 November 2022. She was careful not to speak to A about the allegations. She was clearly not given the full picture by the Mother. The Maternal Aunt focused on caring for the children. When A told her that she had not told the truth, the Maternal Aunt was keen not to discuss matters with A. She knew that she needed to involve the social worker and checked with A that A was happy with her making contact with the social worker. The social worker's note of her conversation with the Maternal Aunt on 30 November 2022 is: "*[A] told [the Maternal Aunt] that she lied about the allegations. [A] said she doesn't like her step dad and wanted him out of the house. [A] said he has never touched her.*" [MB 1499]. These conversations took place after A reported on 28 November 2022 that she had spoken to the Mother (see paragraph 62 above). When she was taken to the social worker's case note of that conversation, the Maternal Aunt told the Court that "*the bit about the Stepfather never touched her was added in. [A] said that she lied and did not want the Stepfather around.*" She later said that A said that she "*didn't want the Stepfather to be here.*" The Maternal Aunt also said that A did not use the word "*allegations.*" She said that A seemed a "*bit shaken. I thought something had happened at school.*"
99. The Maternal Aunt described A as a child who stayed in her room quite a lot before the allegations and after. She said that A was happier since the Mother had returned home. She said that A now gets involved in conversations. She described A as

“*very conversational, very outgoing.*” She said that A was a confident outspoken girl with leadership skills. She said that A liked her own space, did not like her siblings in her room, was private and did not want to be seen getting dressed. She said that A was the only child in the house who had a lock on their door.

100. The Maternal Aunt said that A was a child who cared about others and how they felt. She described the “*big impact*” the Mother’s arrest had on A. A felt that it was caused by her, cried and not knowing when she could see her mother “*caused a lot of pressure*” for A. She described how A cried even more when she saw her siblings upset. She said that A “*said that she felt guilty and did not want her siblings to see her as the cause of the mother not being there.*” She was worried that if A’s siblings found out why the Mother was not there, it would make A feel bad. She said that “[A] *wanted everything to go back to normal. There was a lot of guilt on her.*” The Maternal Aunt described how A wanted to come to court to “*defend*” her mum and make things better. The Maternal Aunt described A as being “*sad because her mother was not there.*” A did not say that she missed the Stepfather. She was more sad about the impact on her siblings.

101. The Maternal Aunt told the Court that she had not noticed A being withdrawn around the Stepfather before the allegations were made. Nor did she notice the Stepfather keeping out of A’s way and not talking to A. The Maternal Aunt did not have a clear picture of what was happening in the family home. It was the Mother’s evidence (and at times the Stepfather’s) that the Stepfather kept his distance from A and that A did not sit next to, or really spend any time with, the Stepfather in the family home. The Maternal Aunt did not live in the family home before the Mother and Stepfather were arrested and did not see the day to day dynamics between A and the Stepfather. The Maternal Aunt’s evidence was that A did not say that she was missing the Stepfather but she wanted him home so that they could be a family and A felt for her siblings. The Maternal Aunt also said that A misses her own father, does not see him as much as she used to and misses him. She said that A’s contact with her birth father stopped when A told the father’s stepdaughter that he was not her father.

102. When she was asked about the head shaving incident, the Maternal Aunt said that she was told that A was coming to stay with the Maternal Grandparents (“MGPs”). She thought that A asked to stay with the MGPs rather than A being sent there by the Mother. That’s what A had told her. The Maternal Aunt did not think that the Mother had shaved A’s head as a punishment. She recalled A being upset about her head being shaved. The Mother told the Maternal Aunt that the Mother had “*cut her hair off because she was misbehaving in school and was disruptive and it was affecting her education, she was not performing well, not listening to teachers and not doing her homework.*” She said she had asked the mother why A’s hair had been cut and that was what the Mother told her. The mother lied to the Maternal Aunt about her reason for shaving A’s hair. It was shaved off as punishment. A had not been misbehaving at school and there was no issue with A’s performance, homework or attitude towards her teachers. The teachers had nothing but praise for A.

103. In her oral evidence, the Maternal Aunt said that she knew about the allegations because the Mother had told her. However, she had not seen the documents, nor did she know all the details. The Maternal Aunt was a little embarrassed to speak about the details. She explained that she did not really ask about the details of the allegations because it was not her business. She said that the Maternal Grandfather was not told the details of the allegations either. She said that it was a cultural, respect thing. The Maternal Aunt said that she was getting her information from the Mother rather than from the social workers. For example, it was the Mother, not the social worker, who told her that the social worker had spoken to A at school. The Maternal Aunt did not discuss matters with A. I believed her evidence on this.
104. The Maternal Aunt did not know that A had made allegations against the Stepfather in 2017 and 2019 or that the Mother was aware of them at the time. It was clear that the Maternal Aunt was not fully informed about what had been, and was, going on in the family home. She did not have the full picture. Whilst she told the Court that she was close to A and that A trusted her, she readily accepted that in 2017 A had not told her that the Stepfather had touched her bottom or shown her videos of people kissing. She said *“A would tell me things but not that kind of thing.”* She also agreed that A did not tell her in 2019 that the Stepfather had sexually abused her or what the allegations were in 2022. She described not discussing all things as *“a cultural thing... a respectful thing in my culture.”* She told the Court that after her sister was arrested, her sister (the Mother) told her that the Stepfather *“showed [A] porn and videos and also tried to touch [A’s] bum and tried to have sex with [A].”*
105. I accept the Maternal Aunt’s evidence as honest and truthful. She was lied to by the Mother and she was not fully informed about what had happened. She did not ask for details because she did not consider it her business. She told the Court that she did not want to pry too much. However, when she did ask the Mother why A’s head was shaved, she was lied to. The Maternal Aunt is a credit to her family. She did not hesitate to step in and take care of the children so that they could continue to live in their home, attend their schools and be cared for within the family.
106. **The IRO :** The IRO’s evidence was confused, confusing and concerning. During her evidence she was unclear about what she was told and when. She said that she met A on 30 March 2023 but the meeting was not minuted or recorded.
107. The IRO spoke to the children on 5 January 2023 [**MB 1507 onwards - Case Note**], after A had retracted her allegations. This was the first time the IRO spoke to A. She described how she would take handwritten notes at the time and then transfer them to typed notes and would shred the handwritten notes. I have never understood why original documents are not uploaded to the system before being shredded or otherwise destroyed. She visited and spoke to the children on 5 April 2023 [**MB 1643 onwards - Looked After Statutory Visit**].

108. The IRO said that at the 5 April 2023 meeting with A, she “*probed it a bit more because [she] ...felt presented with an opportunity to ask [A] a bit more.*” She said that A was clear that she had made up the allegations and had not anticipated the split in the family. She said that A said that she wanted the Stepfather to leave the home but did not expect the Mother to also leave the home. She said that A felt responsible for the family splitting up. She went on to describe how she “*probed [A] further because [A] opened up the topic to me and this was the first opportunity to hear it first hand from [A] so I probed it further to explore her social knowledge and I was curious about how she had knowledge of sexual matters.*” None of this sounded appropriate in the light of the ongoing investigations in this case. When she was later questioned by counsel for A, the IRO denied conducting an interview process with A on 5 April 2023. When she was asked what she was doing on 5 April 2023, she said “*I don’t recall.*” The IRO’s evidence was that she did not wholly agree with the social worker’s Case Note record of the 5 April 2023 meeting with A at **MB 1645**.
109. There is no record of the conversation the IRO had with A on 5 April 2023 before the social worker came into the room. The social worker’s case note dated 5 April 2023 records [**MB 1645**] that : “*The IRO informed the social worker that prior to joining the conversation, [A] informed her that the sexual abuse did happen. At which point [A] quickly interrupted and said she did not say that.*”
110. On the head shaving incident, the IRO recalled the Mother telling her that the school had contacted the Mother and raised concerns about A not completing her homework. The Mother told her that A had lied and that she had shaved A’s head for lying about her homework. She told the IRO that she had never punished A for making the allegations against the Stepfather. In her evidence, the IRO confirmed that the record that the Mother “*did not shave [A’s] head because of the allegation she made against [the Stepfather], but rather because [A] had not been completing her homework and [the Mother] had been contacted by school*” [**MB 1514**] came from her. It was written up as part of the 14 March 2023 LAC (Looked After Child) review meeting which the Mother and the IRO attended.
111. It was striking that the IRO’s record of [A’s] views at the 15 December 2022 LAC Review [**MB 1442**] were identical to her record of the 5 January 2023 telephone discussion she had with A [**MB 1443**]. They were clearly cut and pasted. The words and the order of the words in the two entries are identical.
112. The IRO saw no difficulty in the fact that she had included information from 5 April 2023 [**MB 1512**] in the minutes of a meeting which took place on 30 March 2023 [**MB 1509**]. I found this surprising. Information that came after the meeting should have been included in a separate case note.
113. The IRO’s record keeping and understanding and implementation of the guidance relating to questioning children was poor. I treat her evidence with

caution. The IRO's evidence provided the Court with little assistance and raised significant concerns about the questioning of A. The IRO told the Court that she had had ABE training early on in her career, in the early 2000s, and that it had not been refreshed at any point. The IRO should not have questioned A in the way that she did or for the reasons she did including to satisfy her curiosity. When she was asked whether there was an accurate contemporaneous record of the questions she asked A or the answers A gave, the IRO's response was "*I can't comment on that.*" Whilst she thought she would have written a Case Note, none has been produced. The IRO's records that have been produced are poor with cut and pasted entries. Her memory of events was both poor and confused.

114. I will deal with the Mother's and the Stepfather's evidence in more detail.
115. **The Mother:** It was clear from the Mother's evidence that she wanted her children to grow up in a home with a mother and a father. She spoke about having brought the Stepfather into the household and having trusted him. She said that she believed A when she made the allegations in about 2018 (after the Mother had had her last child in December 2017) but she also believed the Stepfather's explanation and A when she said that she had lied about the allegations. The Mother accepted that she did not tell any professionals about A's allegations in 2017/2018 but she drove to the Stepfather's workplace in Hatfield to ask him about them. The Mother's evidence was that this happened before the family moved to the LA's area in November 2017.
116. When asked about the details of A's 2018 allegations, the Mother said that she could not recall everything that A told her. She said that A told her that when the Stepfather and A were in the living room, the Stepfather showed her a video of people kissing. A also said that one day when she was in her bed, the Stepfather came in and "*touched her bum.*" A also said that the Stepfather and A had kissed. The Mother said that she called her own mother and that she was "*shaking.*" She told the maternal grandmother what A had said and took the children to the maternal grandmother's house so that she could drive and see the Stepfather at work. The Mother said that the grandmother then called her and said "*[A] said that I had threatened her and that it was not true.*" The Mother said that A made the allegation against the Stepfather after the Mother had approached A about A kissing her younger brother.
117. The Mother told the Court that in around 2017, "*[A's] attitude was changing. She was becoming a teenager.*" However, in 2017, A was seven. The Mother tried to portray A as a child who started to misbehave and to "*start not being right.*" She said that the Father would say he was coming to see A but not turn up. She described A having "*outbursts*" and sought to tie them to A's relationship with her father. I did not believe the Mother's evidence that A became a challenging child.
118. The Mother said that when the police spoke to her about the allegations on 18 January 2022, the police officer said that the Stepfather had showed A pornography on his phone and had been to A's bed and tried to kiss her neck. The

police told her to bring A to the police station the next day. The Stepfather was told that he could not come home. When cross examined by the LA's counsel, the Mother said that when she spoke to the Stepfather that evening, she was not angry with the Stepfather. She denied saying horrible stuff to the Stepfather. The Mother was then shown her police interview transcript which records the Mother telling the police that she was "So, so angry. I said so much horrible stuff to [the Stepfather]. I was so angry. I came to the police station..." [MB 648]. The Mother was clearly trying to downplay the tensions and her anger in the home that night by saying that she was not angry with the Stepfather when she spoke to him that night. A was present in the house. In my judgment, it is likely that A was aware of the Mother's anger. The next day, A retracted her allegations. When the inconsistency in the Mother's evidence was pointed out to her, the Mother said: "I was angry at [the Stepfather] because I trusted him and brought him into the family home." I got the sense that the Mother felt guilty that she had introduced a man into the family who her daughter was alleging had sexually abused her. The Mother tried to suggest that the reference to saying "horrible stuff" to the Stepfather related to the 2018 Hatfield meeting. However, the police interview clearly links the "horrible stuff" said to the Stepfather to the January 2022 allegations and the police station visit. The Mother was not being honest in her evidence.

119. The Mother said that when she was told on 14 November 2022 that A had made the allegations again, she thought "oh no, not again." That is consistent with the Record of Outcome of s.47 Enquires which records [MB 532] that the Mother;

"sounded 'exasperated' during the telephone conversation, she questioned if the allegations were true and stated that it had been tense at home since the previous allegations. She explained that [the Stepfather] does not talk to [A] for fear of further allegations being made against him and that if [A] is downstairs, he will go upstairs. [The Mother] said that she did not know what to do in response to [A's] allegations and asked what support could be provided to help with [A]. [The Mother] shared that [A] has a lock on her door to ensure she feels safe and that she would prioritise her daughter above all else and just wants the truth."

The Mother said that she called her own mother and said : "Oh my god, it's happening again."

120. My strong impression was that the Mother did not want to believe A. Twice the Mother said that she had introduced the Stepfather into the household. She also said that she had never seen the Stepfather abuse A. I got the real sense that the Mother found it hard to accept that someone she had brought into the household could have abused her oldest child. After the MASH call on 14 November 2022, the Mother said that she called A after school and asked her to come straight home after school because they needed to talk.

121. The Mother's evidence about speaking to A about the allegations of sexual abuse was not entirely consistent. At one point in her evidence, when speaking

about the January 2022 allegations, the Mother said : *"In our culture, talking about sexual stuff is heavy on me. My mother would not speak directly about sexual stuff. When [A] came home, I couldn't discuss in depth because I did not feel comfortable about speaking about sexual stuff."* Later on, when speaking about the November 2022 MASH referral, the Mother said : *"I wanted [A] home from school. I wanted to discuss it with [A]. I knew more allegations had been made."*

122. The Mother's police interview conducted on 18 November 2022 (before A withdrew her allegations) records that on 14 November 2022 (the day that the Mother learned about the new allegations):

"... when she came back from school I'm like, "[A], you're going to get your sisters involved in social services and no one will ever believe you cos you keep on saying things and changing your mind. The police told you last time you can't say stuff to destroy somebody's life. So what you're saying is so big. It's going to destroy somebody's life. You can't keep on saying stuff and then retracting them. It's not true; it's not a joke; it's something serious", and I was talking (inaudible). I was so angry. I told her, "You know what, call your dad. I need to stay away from you", cos I needed space [Distressed].

Q Sorry, what did you-- you said, "call your dad" and what?

A "I need space from you". [MB 650, lines 6-14].

In her oral evidence, the Mother said that she wanted to give A space as well. I did not believe the Mother when she said that. It is clear that she was angry with A and wanted her out of the house. The Mother was not thinking about A's feelings when she sent her to stay with her grandparents the next day after school. She did not speak to A when she was at the maternal grandparents home, even before the Mother was arrested. That silent treatment (which I refer to below) would have been upsetting for A. The Mother's account given to the police close in time to the incident records (in the Mother's own words) that the Mother was so angry when she spoke to A on 14 November 2022 that she told A that what she was saying was not true, that she (the Mother) needed to stay away from A and that she (the Mother) needed space from A. The mother told A that her allegations are *"going to destroy somebody's life."* A told CL that the mother had said to her that A was ruining the Mother's life (see paragraph 60 above). The Mother clearly felt that lives were being ruined by the allegations. I believe she did tell A that A was ruining the Mother's life, as A reported to CL. All of this would have been very difficult for A.

123. The Mother told the Court that : *"If someone upsets me, I tend to shut down and not want to talk about it there and then and may not end up speaking about it."* She spoke about periods of time when she did not speak to the Stepfather including over an 8 month period. She later said *"If I fall out with someone, I block them."* I believed the Mother's evidence on this. A was old enough to know how the Mother behaved when she was upset or angry.

124. The Mother gave an account about how A told her that she made the allegation of sexual abuse against the Stepfather to make A's friend feel better. I did

not find the Mother's evidence on this credible. The Mother said that she told A to call the Father (A's biological father) to tell him to come and take A away. She said that A called the Father but he said that he was not coming. A had already been told that she was being sent away. The Mother said : "I was mad at [A]. I told her for that I was going to cut off [her] hair as punishment for lying." The Mother's evidence was that she knew that cutting A's hair would emotionally hurt her and make her feel bad but that she did not know that it was unacceptable because the Mother did not grow up in this country. She later accepted that it was emotionally abusive, although she seemed to be saying that she did not think it was emotionally abusive at the time. The Mother described being angry when she cut A's hair. She said that she felt guilty when she had finished it and that she felt bad when she saw A's head with all the hair shaved off. She said that A started crying. The Mother's actions in shaving A's head on 14 November 2022 undoubtedly caused A significant emotional harm. A went to school from home the next day. She went home to her grandparents, not her mother, after school on 15 November 2022. A would have been in no doubt about the Mother's feelings of anger towards her. A had effectively been sent away. Whilst the Mother sought to portray that as A's decision, I find, more likely than not, that it was the Mother who decided that A should go and stay with the maternal grandparents. The Mother told the Court that she did not speak to A between A going to school on 15 November and the Mother being arrested on 17 November 2022. Whilst she said that she did not speak to A again until supervised contact, I did not believe the Mother. A told the school on 28 November 2022 that she spoke to the Mother. I accept that record as accurate and find that the Mother did speak to A over the weekend of 26/27 November 2022. A had no reason to lie about that. The Mother knows that that was in breach of her bail conditions. Two days later, on 30 November 2022, A once again retracted her allegations. A did not see the Mother until supervised contact started on 7 December 2022. I am in no doubt that A felt the pressure of having made allegations which then led to the Mother being arrested and the siblings being separated from their parents. A saw her mother again on 7 December 2022. She has maintained her retraction since 30 November 2022.

125. In her oral evidence, the Mother seemed to recognise the pressure A was under whilst the Mother remained away from the family home and the children. When she was asked about it being too upsetting for A to be separated from the Mother she said "*probably*." When she was asked about A feeling really bad for her sisters and brothers because they were separated from the Mother, she said "*maybe*." She said that her sister told her that the children were fine. The Maternal Aunt's evidence was that the children were wondering where the Mother was and that she lied to them and told them that the Mother was on holiday. When she was asked whether she thought that A retracted the allegations because she felt guilty about the family's separation, the Mother said that she thought that A had not thought that the allegations would have led to the Mother being separated from the children. The Mother was asked whether her being away would have affected the timing of A's retraction. The Mother's response was "*probably*." When she was asked whether it was her view that the Stepfather had not acted in a sexually

inappropriate way to A, the Mother said : *"I have never seen it. I never thought about it. I never suspected it, so no."*

126. In her oral evidence, the Mother was taken to the record of the March 2023 LAC review [MB 1514]. The Mother's evidence was that during that meeting, she said that she cut A's hair off *"for many reasons, because she was not doing her homework, not behaving nicely, she said she lied and that's why I cut off her hair."*

127. The Mother was taken to the Case Note of the Child in Need Visit on 16 November 2022 including the reference to the record of the interview with the Mother. It records that the Mother told the social worker (who did not give evidence) that A refused to apologise and this made the Mother angrier so she told A that she was going to be punished and shaved her hair off [MB 1491]. In response, the Mother said *"Yes, she was lying and she was not apologising."* The Mother accepted that she shaved A's head for lying and for not apologising. I make that finding.

128. At times, the Mother struggled to see things through A's eyes. For example, she had to be asked three times how A would have felt if A had been told that she was ruining the Mother's life.

129. The Mother also maintained that she did not lie to her sister when she told her that she shaved A's hair because A's performance had gone down at school. That was clearly untrue but the Mother could not accept it. The school had no concerns about A's performance or homework. A's hair was shaved as a punishment for lying. In her police interview dated 18 November 2022 [MB 644-667] closer in time to the head shaving incident, the Mother told the police that she shaved A's hair as punishment for lying. The Mother lied to her sister about the reason for shaving A's head. She told the Court that she did not have to tell her sister or explain things to her sister. However, the reason she gave was not truthful. This was not about not opening up to everyone in the family (as the Mother suggested). It was about giving a false account/reason. I find that the Mother did lie to her sister. Even in her amended threshold response dated 18 January 2023 [SB2 52-53], prepared days before the start of this fact finding hearing, the Mother did not refer to A's alleged poor performance at school (which I do not accept as truthful) as the reason for shaving A's head. There was no mention of A's alleged poor school performance in the Mother's police interview on 18 November 2022, 4 days after A's head was shaved and when events would have been fresher in the Mother's mind.

130. When the Mother was asked about her wanting A to apologise for lying about the allegations, the Mother accepted that she did want A to apologise for that but said that was not the reason for cutting A's hair. She said: *"she lied. She wasn't remorseful. She was just staring and looking at me."* The LA's Case Note dated 16 November 2022 (relating to a home visit conducted two days after A's head was shaved and written up on 18 November 2022 by a social worker who did not give evidence) records under the heading "record of interview with parents" [MB 1491]:

I asked mum about [A's] hair, Mum admitted to shaving [A's] hair off. Mum said [A] denied telling her friends about the abuse and said it wasn't true. Mum said [A] refuse (sic) to apologise, and this made her angrier, so she told [A] she's going to be punished and shaved her hair off."

Having reflected on all the evidence, I accept the above Case Note as accurate. In her oral evidence, the Mother accepted that the above extract records what she told the social worker at the time. I find, more likely than not, that the Mother shaved A's head as punishment for lying and for not apologising for the reports of sexual abuse against the Stepfather. In her police interview, the Mother also referred to A not saying sorry [MB 650, lines 28-30 and MB 651, line 8]. Having considered all the evidence, I find that the Mother was not being honest with the Court about her reasons for shaving A's head.

131. When the Mother was asked about the incident when the Stepfather was said to have touched A's bottom when A was in bed, the Mother appeared to change her evidence. At first she said that the Stepfather would often look for C in the girls room and "*would cover the girls.*" This was the bedroom that A and C shared at the time. When the Mother was asked whether the Stepfather would cover A up, the Mother changed her evidence to say that "*A covers herself up to the top of her head*" and said that the Stepfather would not go to cover the girls but only to cover C. The Mother clearly changed her evidence. The Mother's evidence was that when she confronted the Stepfather at his workplace in Hatfield in 2018 about what A told her that the Stepfather had done to A, the Stepfather said that he had never shown A a video of people kissing, had never kissed A and had never touched A's bare bottom. Later, the Mother changed her evidence to refer to A's bottom rather than her bare bottom. She told the Court that during that conversation in Hatfield, the Stepfather said that the only time he remembered touching A's bottom was when he was trying to find C in A's bed.

132. The Mother also said that the Stepfather told her that the video of the people kissing was probably a pop-up that came up on his phone from a group chat. The Mother said that she had never seen the Stepfather sit close to A and that it sounded odd to her that A would have seen that. I also found it difficult to see how A could have seen a pop-up on the Stepfather's phone if they spent most of their time avoiding each other and did not sit next to each other. Later in his evidence, the Stepfather said that A did sit next to him. That contradicted what he had told others. It also contradicted the Mother's evidence about the physical and emotional distance between the Stepfather and A.

133. The Mother told the Court that A had her own bedroom in preparation for going to secondary school in the summer of 2021. When she was taken to the social worker's statement dated 22 November 2022 that states that a few days earlier, on 17 November 2022, the Mother "*shared that [A] has a lock on her door to ensure she feels safe*" [MB 51], the Mother said that that was "*not what I said to my recollection.*" She said that she was sure that she did not say that the lock was to ensure that A felt safe. There were times in her evidence that I believed the Mother.

This was not one of them. The Mother then tried to tie the word “safe” to “privacy”, saying that the lock was put on A’s door to give her privacy. I did not believe the Mother’s evidence on this. She went on to say : *“Feeling safe means several things – dressing up, brothers in the house, [A] being in her bedroom and feeling safe – she can dress up and feel safe... Sometimes her brother comes into the room when she is dressing up and arguing so I put a lock on there.”* However, the word “safe” is recorded as having been said by the Mother in the context of a discussion about A’s allegations of sexual abuse, not privacy. Having had the benefit of seeing the Mother give her evidence on the question of whether or not she told professionals that the lock was on A’s bedroom’s door to keep A “safe”, I am certain that the Mother lied when she denied using the word “safe” or using it in the context of the sexual abuse allegations. I am in no doubt that the Mother used the word “safe” as is recorded in the social workers’ statement dated 22 November 2022. The previous social worker’s statement was prepared shortly after the mother is recorded as having *“shared that [A] has a lock on her door to ensure she feels safe...”* DL (whose evidence I accept as truthful, accurate and reliable) had a clear recollection of A telling her that she did not feel safe in her bedroom and would put a chair in front of her bedroom door (see paragraph 43 above). Having considered all the evidence, and taking account of the fact that the previous social worker who prepared the statement did not give evidence and could not be challenged, I find that, more likely than not, A felt unsafe in her bedroom and that her feeling of unsafety related to the Stepfather. I also find that the Mother knew that A felt unsafe and knew that A felt unsafe from the Stepfather and that is why a lock was put on the inside of A’s bedroom door. It was put there to keep A safe from the Stepfather. My clear impression and assessment of the Mother was that she was not telling the truth about the reason for the lock being put on A’s bedroom door.

134. A may not have locked her door every night. It is unreasonable to expect a child of A’s age to be as fastidious in locking her bedroom door at night as, for example, an adult responsible for ensuring that the front door to a home is locked up. Whilst the Mother explained that she put a bolt on the inside of A’s bedroom door to stop A’s brothers going into her room to get A’s “stuff” (she gave an example of headphones), it did not explain what there was to stop the brothers going in when A was not inside the room. In other words, the brothers had free access to A’s belongings when A was not there but when A was in her bedroom, she was able to lock her brother’s out. The mother’s evidence was not credible and I did not believe her explanation for putting the lock on A’s bedroom door.

135. The Mother told the Court that she was at home full time between November 2017 and August 2021 and that when she returned to work in August 2021, she worked overnight as a night nurse when she had clients, between two and four nights a week, between 8pm and 7am the next day. She said that the children’s bedtime routine was that they would go to bed at 8pm but that if they were at secondary school, they would go to bed at 9pm. Before A moved into her own room in the summer of 2021, A shared a room with C, would sleep on the top bunk bed and would go to bed at 8pm.

136. I was surprised when the Mother told the Court that she had not read the Stepfather's Parenting Capacity Assessment report ("PCA") dated 20 December 2023 [MB 1909 - 1927]. It was prepared a month before the start of the Fact Finding hearing and was an assessment of her husband whom she wants to return to live in the family home. However, she was clear that she had read her own assessment and the assessment of the family but that she had not read the Stepfather's December 2023 assessment. I believed the Mother's evidence on this. Towards the end of the Stepfather's evidence, I asked him whether he had been through his December 2023 PCA. His response was "*my wife went through it with me.... My wife went through it with me but I do not recall what it is that she told me.*" When I reminded him that his wife's evidence was that she had not read that document, he said "*That's why I said I did not remember it that well. Whenever they send me a document I send it to her.*" For reasons which I set out in this judgment, I do not believe that the Stepfather had difficulty understanding the documents. I also did not believe his evidence that the Mother went through his December 2023 PCA with him. I believed the Mother's earlier clear evidence that she had not read it.

137. Whilst the Mother sought to rationalise and explain why A made the allegations against the Stepfather, saying that A missed her own father/was not seeing her own father as much, there is a significant leap between a child not seeing and missing her own father and making/repeating allegations of sexual abuse against her stepfather. The Mother spoke about A speaking rudely to the Stepfather over throwing food away and over a meal being ready. Stepping back, I do not accept the Mother's suggestions that the issues are linked. The Mother said that it was "*definitely right*" that the Stepfather and A avoided each other. The Stepfather's evidence on this was inconsistent. Having considered all the evidence, I find that A did avoid the Stepfather and that she did so because she felt unsafe around him due to the sexual abuse she experienced from him. When the Mother was asked whether she had seen aspects of the relationship where the Stepfather had cared for A, she said : "*I have not really seen it, I can't relate to it.*"

138. The Mother described how she was "*boiling*" after A first made the allegations in 2018. More likely than not, A would have been aware of the Mother's anger. The Mother's response was to drop the children off at the grandparents' home, drive to speak to the Stepfather in Hatfield, accept his explanations, let him return home, collect all the children apart from A from the grandparents' home and continue life with the Stepfather and the children, leaving A at the grandparents' home for a few days. A was seven or eight at the time. She was not a teenager plotting to get rid of her stepfather. She was a young child who, at the very least, was alleging that the Stepfather had kissed her, shown her inappropriate videos and touched her bottom when she was in bed. The Mother should have informed professionals. Instead, she limited who knew what even within the family and she prioritised the Stepfather, and her relationship with him, over A.

139. The Mother was clearly unhappy when A made the allegations again on 18 January 2022. After A spent the night at home on 18 January 2022, the Mother took

A to the police station where A gave a short retraction interview. When A made the allegations again in mid-November 2022, A was punished by the Mother shaving her head against A's wishes. The Mother then sent A to stay with the Maternal Grandparents. A would have been in no doubt that her mother was displeased and angry with her. A was given the silent treatment by the Mother, who did not speak to A between 15 November 2022 and her arrest on 17 November 2022. After that, bail conditions were put in place. When the Mother said that she was thinking about A when she sent her to stay with her grandparents, I did not believe her. More likely than not, the Mother was angry with A for making the allegations again and for the fact that professionals were once again involved.

140. The Mother's evidence that she believes A's retractions fails to take into account the circumstances surrounding A's retractions, including the Mother's response to those allegations. A has clearly felt responsible for, and guilty about, the Mother's absence from the family home. A has clearly missed her mother and wanted her home. A has clearly felt responsible for the family being separated and for her siblings separation from the Stepfather. A was humiliated and harmed by the Mother shaving her head as punishment for lying. Although A tried to make the most of it, it was clearly upsetting and caused A significant emotional harm. The other children were well aware of the punishment. In my judgment, there is a significant risk that the children will not report any wrongdoing out of fear of being punished, isolated or sent away as A was. The Mother was either unable or unwilling to see the context surrounding A's retractions. The Mother did however accept that A knew that the Mother loved the Stepfather and that the Mother wanted him to be part of the family. When it was suggested to the Mother that if A wanted the Stepfather out of the home, the best way would be to make and maintain the allegations, not to retract them because that would have the opposite effect, the Mother agreed. When it was suggested that it did not make sense for A to make the allegations and then retract them, the Mother's response was "*probably, I don't know.*" The Mother accepted that she was very angry with A after the police retraction interview on 19 January 2022. That anger was documented in the police disclosure [MB 360]. I did not believe the Mother when she said that she had not been angry with A the evening before or that she did not tell A that she was attention seeking or a brat. Those were unusual words for a child of A's age to use to describe herself. It is part of the Mother's and the Stepfather's case that A has been attention seeking.

141. The Mother described A as "*very confident, loves chatting...helpful, she's safe, not scared, loves socialising, loves me, loves her dad, very confident girl, outspoken.*" However, she has also described tensions within the household with A and the Stepfather not spending any time together and A spending a lot of time in her room when the Stepfather was living in the home. She also told the Court that when the Stepfather was spending time abroad, he would phone home and speak to the Mother and all the other children apart from A.

142. The Mother clearly undertook most of the caring role for the children. She told Dr P that she undertook about 90% of the caring role. She said that the

Stepfather had a business abroad but that it came to an end a few months after the Stepfather came to live in England in April 2016. That was not entirely consistent with what the Mother and Stepfather told Ms L.

143. The Stepfather spent 8 months abroad between 24 February 2021 and 15 October 2021 when he was unable to return to England due to travel restrictions during the covid-19 lockdown. The Stepfather was also abroad for 3 months between 28 February 2022 and 19 May 2022. I did not get a clear picture from the Mother or from the Stepfather about the Stepfather's business abroad. Nothing turns on it. I was also not told why the Mother and the Stepfather did not speak to each other for 8 months. It is surprising that neither of them could recall why that was. I did not believe either of them when they said they could not recall the reason. More likely than not, they did not want to tell the Court the reason for such a long period of not speaking.

144. The Mother's evidence was that the Stepfather first told her about A's inappropriate behaviour towards her siblings in 2017. During cross-examination by the LA's counsel, the Mother said that the Stepfather told her that he had seen A kissing B and C and that he had seen A with her hands in B's pants. She later (during cross-examination by the Stepfather's counsel) said that the Stepfather did not tell her that he had seen A's hands in B's underwear - "*just kissing.*" When she was cross-examined by the Guardian's counsel, the Mother said that the Stepfather "*said he thought [A] was doing something. He said he thought [A] might have had her hands in [B's] pants.*" The Mother said that she took the children to her parents' home so that she could go and speak to the Stepfather at his workplace in Hatfield. The Mother's evidence was that when the Stepfather told her about what he had allegedly seen A do, she wondered if the Stepfather had said it "*maybe because he did not like [A].*" She wondered whether the Stepfather had made it up. Having considered all the evidence, I believe that the Stepfather did make it up. A was horrified when the allegations were repeated to her during the family assessment. There are no reports of A's sexualised behaviour outside the home. If A was behaving as the Stepfather and the Mother alleged (and I do not accept that she was), that behaviour could have stemmed from her experiences at the hands of the Stepfather. The Mother described being angry with A and having an angry voice before she dropped the children off and left to speak to the Stepfather in Hatfield about A's allegations of sexual abuse. The Mother's evidence was that this was before the family moved to the LA's area in November 2017.

145. The Mother's evidence was that when she spoke to the Stepfather about A's allegation that he had patted her bottom when she was in her bed, he wondered if he had been looking for C in A's bunk bed. The Mother said that the Stepfather would have C's porridge and C would run and hide because she did not like it. She said "*that was what he thought it might be.*" The Stepfather gave a similar account when he gave his evidence. I did not believe their accounts. They did not make sense. Why would A, an older child who the Mother said was competitive with C, be in bed earlier than her five year younger sister who was still running around hiding to avoid eating her porridge before bed. I did not believe their evidence on

this. Having considered all the evidence, more likely than not, the Stepfather did touch A's bottom when A was in bed but not because he was looking for C. It was a deliberate touching, not looking for a child or a laptop, and it was wholly inappropriate.

146. The Mother agreed that A had behaved differently since the Stepfather had come to live with them. The Mother said that when she asked A about what the Stepfather had said he saw A doing to her siblings, A told her that it was not true and that the Stepfather was lying. The Mother told me that she saw A trying to kiss B and that she saw A with her hands inside B's pants. The Mother described being "very angry" at what A had done to B and said that she thought A might have learned it from her father. I did not find the Mother's, or the Stepfather's evidence about what they had seen A do to her siblings persuasive or credible. In the psychological assessment, the Stepfather told Dr P that he had not heard about the accusation of A putting her hand into B's underwear. The psychological assessment records that the Mother told Dr P that she was told this information by the Stepfather. There is an inconsistency between what the Mother told Dr P and the Court on the one hand and what the Stepfather told Dr P on the other. More likely than not, the Stepfather told the Mother in 2017/2018 that he had seen A's hands in B's pants to deflect from his own wrongdoing. I do not believe that the Mother or the Stepfather were being honest in their evidence about A's hands in B's pants. I do not accept that it happened. The Mother told the Court that she noticed the Stepfather spending time apart from A "pretty much straight away" after A made the 2018 allegations. She said that when the Stepfather came home, A would go upstairs.

147. The Mother denied that A told her about anything else in in 2017/2018 or 2019. She said that the only allegations she knew about before January 2022 were that the Stepfather and A had kissed, that A had seen a video of people kissing on the Stepfather's mobile phone and that the Stepfather had touched A's bottom when A was in bed (the porridge account). The Mother denied that A told her that the Stepfather had behaved in a sexual way, shown her porn, acted out what they saw in the videos, sucked A's neck or that A had licked his penis when he asked her to. She also denied that she told A that if the Stepfather sexually abused her again, then "something big would happen" or that "she should not worry as she will protect her." [MB 1479 - 18 January 2022 Case Note of CIN visit with DL present]. Those are both recorded as direct quotes. The social worker (N O-N) who created the record was not called. However, DL was present during that meeting. More likely than not, that record accurately records what A said during that meeting. More likely than not, A was accurately reporting what the Mother had told her after A first told the Mother in 2017/2018 what the Stepfather had done to her. Before A made the January 2022 allegations, none of the professionals were aware of what had happened in 2017/2018. Not even the Maternal Aunt was aware of the allegations.

148. In her evidence, the Mother said that she was not aware of the existence of the video of a young girl aged about 10 being pulled into the back of a car and raped. That was a video that the Stepfather told Ms L that he had been sent on his mobile

phone [MB 1920]. The Mother was not particularly surprised or concerned about that video (she thought it was probably from a “WhatsApp group of people from my country”) and said that she could not see the relevance of it to her or to her children. Later, the Stepfather denied getting material of that sort on his mobile phone.

149. Having had the opportunity to stand back and consider all the evidence, I do not accept that the Mother has given an entirely truthful account. I find that she knew more about the Stepfather’s actions than she admitted to. I find that she knew that A had alleged that the Stepfather had shown A his penis and asked her to lick it. The Mother clearly tried to keep the allegations within the family and even then not even telling her sister (the Maternal Aunt) the truth. I do not accept the Mother’s evidence that A is an attention seeking, lying child. In my judgment, the Mother’s and the Stepfather’s portrayal of A has been an attempt to deflect from the Stepfather’s wrongdoing. A’s retractions have to be seen in context, including the pressure that A was under after the Mother was arrested and separated from the children. My assessment of the Mother is that she clearly loves her children, very much wants the allegations to be untrue but was too quick to accept the Stepfather’s explanations. She should have reported the allegations to professionals, not kept them within a limited number of people in the family. Having considered all the evidence, and for reasons set out in this judgment, I find, more likely than not, that the Stepfather has sexually abused A. The Mother has been present in Court throughout the Fact Finding hearing. She has heard the Stepfather’s evidence. She must now know that he has not been truthful. Their evidence is internally inconsistent. It is also inconsistent with each other.

150. **The Stepfather** : Of course, I take into account the fact that English is not the Stepfather’s first language. At first the Stepfather told the Court that he learned English when he was at school. It was only when he was pressed that he reluctantly admitted that his education abroad was delivered in English. When pressed, he admitted that he studied in English until he was 20 years old. The Stepfather was assisted by an interpreter throughout the fact finding hearing. He confirmed that he was happy with the second interpreter used during the hearing. When I refer to the interpreter in this judgment, I am referring to the second interpreter.

151. During his evidence, the Stepfather corrected the interpreter’s interpretation on at least two occasions. On another occasion, the Stepfather began to answer a question before it had been interpreted into his own language. The Stepfather has been offered interpreters for assessments but has turned them down, saying that they are not helpful or needed. Yet he told the Court that he had difficulty communicating with Dr P because he did not have any interpretation assistance. He also said that he had difficulty understanding Dr P’s accent. I heard Dr P’s evidence. He does not have any particular accent. He was as easy to understand as Ms L and others in this case. It was odd that the Stepfather singled out Dr P’s accent for no discernible reason.

152. The Stepfather also said that Ms L did not get back to him when he asked whether the PCA sessions with the interpreter would be confidential. When Ms L

was later called to deal with the challenges to the facts she recorded in her report, she was able to provide a text message showing that she **did** get back to the Stepfather at 10:03 on 7 November [SB2 266] assuring him that the interpreters would maintain confidentiality. The text message is shown as read at 10:03 that day. Had Ms L not been called to deal with factual issues, that text would not have been seen by the Court.

153. The Stepfather signed a statement dated 27 March 2023 stating:

“I can confirm that I do not require an interpreter in these proceedings or to have any of the documents translated. I have understood the court hearings and I am able to read the court papers. I have been brought up to speak English alongside my language, I was taught in English at school right up to when I left secondary education.” [MB 423]

At the start of his evidence the Stepfather confirmed that that statement was true. In his evidence he said that his education in English ended in about 2003 when he was around 20 years old. He has also lived and worked in England since 2017. When he was cross examined about the above statement, the Stepfather said that his English was not good enough to read the papers in these proceedings. He said that whoever he was speaking to when he made his statement did not understand what he was saying. I did not believe that. It was a statement directed at his understanding. He was represented by competent solicitors when he signed that statement. He confirmed its contents at the start of his evidence. Later he sought to distance himself from it when he wanted to put discrepancies down to lack of understanding/language issues. He told the Court that most of the time he would send documents to his wife who would explain them to him in his own language. He then changed that to say that his wife “*always explained and interpreted things to me.*” I did not believe him when he said that English was “*so difficult for me to understand I struggle to understand.*” He said that in his country he was taught a bit in English but mostly in his own language. He then agreed that his education in his own country was formally delivered in English. I am in no doubt that the Stepfather has overplayed/exaggerated his language difficulties.

154. The Stepfather first raised the issue of an interpreter when the police tried to interview him following the November 2022 allegations. His interview was put off because there was no interpreter available. By the time an interpreter was arranged to attend the police interview, A had withdrawn her allegations. The Stepfather was never interviewed and the police decided to take no further action after A withdrew her allegations on 30 November 2022. It was notable that overnight the Stepfather changed his evidence. He blamed a lack of understanding or an interpretation/language issue. However, the inconsistency was in his words, spoken in his language, on a topic he was carefully taken through and which was interpreted by the interpreter he confirmed he was happy with. It was clear to me that rather than being a misunderstanding/language issue, the Stepfather had changed his evidence because he realised that he had been caught out.

155. Having considered all the evidence and what I observed in Court throughout this fact finding hearing, I have no doubt that the Stepfather has overstated his language/communication issues. He has blamed inconsistencies in his evidence in Court and in his assessments on language/communication issues. He started the second day of his evidence by trying, unprompted, to go back over his evidence from the previous day and to explain it away as a misunderstanding on timeframes. However, his evidence the day before, using his own words, in his own language, which were interpreted by the interpreter, and which he did not correct (as he had on other occasions) referred to the days (not months or years) after the 2017/2018 Hatfield discussion with the Mother. His evidence could not have been clearer. Having seen and heard the Stepfather's evidence and having considered it alongside all the other evidence in this case, it is clear to me that the Stepfather was not being truthful about his ability to speak and understand English. His difficulty was not in the language or in communicating. His difficulty was in telling the truth. He had an experienced, competent interpreter who interpreted what he said about the days following the Hatfield discussion. He changed that evidence after the overnight adjournment.

156. I did not find the Stepfather to be an honest or truthful witness. Ms L is a professional who knows full well the importance of accurately recording information given to her during an assessment. She reported that the Stepfather told her about a young girl aged about 10 being taken from the street, naked, pulled into the back of a car and raped [MB 1920]. In his oral evidence, the Stepfather insisted that he gave a completely different account. He said he told Ms L about the recording of a girl already seated in the back of an Uber and that the driver got out of the driver's seat and got into the back of the car but moved back into the driver's seat when a bystander challenged him. He told the Court that he did not tell Ms L that the child was pulled into the back of the car or that she was taken from the street or that she was naked or that she was raped. He said that in the video the UBER driver drove off. I am in no doubt that Ms L accurately recorded what she was told by the Stepfather during the assessment. Ms L is and was a far more reliable witness than the Stepfather. I reject the Stepfather's assertion that it was "a misunderstanding." Of course, the fact that he lied about the video does not mean that he sexually abused A.

157. The Stepfather told the Court that he did not see A put her hands in B's pants. He said that the Mother told him about it. When he was asked whether he thought he was told about it after the psychological assessment, he said "no, it was way back." The psychological assessment report is dated 9 June 2023. In it, Dr P records [MB 835]:

"When [the Stepfather] was asked about [A] kissing [B], he said he knew that [A] had tried to kiss [B], but not how he knew. [The Stepfather] said that he had not heard about the accusation of [A] putting her hand into [B's] underwear..... [The Mother] said in this assessment that she was told this information by [the Stepfather]."

Having reflected on all the evidence, it is clear to me that the Mother and the Stepfather were not giving consistent accounts about the hands in the pants incident. It added to my strong impression that the Mother and the Stepfather were not being truthful with the Court. Like Ms L, Dr P is a professional who knows how important it is to accurately record information that he is given during an assessment. I consider Dr P to be a more reliable witness than the Stepfather.

158. The Stepfather was asked about the time when the Mother attended his workplace in Hatfield. He told the Court that “*when she came, she did not tell me what happened.*” It was pointed out to him that in his written statement dated 10 January 2023 he stated : “*I remember my wife attending my workplace and telling me about the allegation that [A] had made to her. I was shaken by the details when her mother explained to me what [A] had said. I was shocked that she would make up such a story.*” [MB 166]. The Stepfather told the Court that the Mother told him that A had said he was teaching her how to kiss and showing her pornography. The Stepfather confirmed that the Mother was “*extremely angry.*” The Stepfather said that the conversation at his workplace was short and they both went home in their separate cars. He said that the Mother went to collect the children (apart from A) from the grandparents’ home. He said that A was allowed back home after a few days after she had said that she had been lying. He also said that he did not talk to the Mother about the allegations after A returned home from the grandparents’ house.

159. In his oral evidence on Day 6 (31 January 2024), the Stepfather was clear that the Mother talked to him about A “*after a few days*” following the Hatfield discussion. The words “*after a few days*” were the Stepfather’s own words, spoken in his own language and translated by the interpreter whom he did not correct. He repeated the words “*after a few days*” several times. He was clearly talking about a few days after the Hatfield discussion. According to the Mother, the Hatfield conversation took place in 2017 before the family moved to the LA’s area. They moved in November 2017. The Stepfather said it was in 2018. The Stepfather was carefully taken through what it was that he and the Mother spoke about at that time. The Stepfather clearly told the Court that a few days after the Hatfield discussion (in 2017 or 2018), the Mother told him that A had alleged that he had shown her pornography and kissed her. When he was asked how soon after that he was asked by the Mother about showing his penis to A, the Stepfather said that it was a few days after. He also said that A had told her own father and that the Father had told the Mother and that was how he was informed about it. Again, it was the Stepfather who said that it was a few days after the Hatfield discussion. The Stepfather was taken through the chronology carefully by the LA’s counsel and his clear evidence was that within a few days of the Hatfield discussion, he was told by the Mother that A had alleged that he had:

- shown her how to kiss;
- shown her pornography; and
- “*on top of that, I showed her my penis.*”

He could not have been clearer about what he was told and when he was told it. I believed his evidence on this. Having considered all the evidence, I am in no doubt

that the Mother knew more about A's allegations than she admitted to before they came to professionals' attention in January 2022.

160. The Stepfather told the Court that the Mother said that she wanted to involve the police. He said that his response was that it would help them to find out the truth. He also told that Court that after the Hatfield discussion, the Mother collected B, C and D from the grandparents' home but left A with the grandparents. It is notable that the isolation of A after the 2017/2018 allegations were made was repeated by the Mother following the November 2022 allegations.

161. When the Stepfather was asked about getting pop-ups from WhatsApp group chats on his phone that he would not want his children to see, he told the Court that he did not get them in 2018. He said that he had stopped being part of those groups a long time ago. He said that he would not have things like that on his phone because he would give his phone to his child, C, to watch Peppa Pig. He said that he told the Mother that. He told the Court that he was in WhatsApp groups with others from his country that talked about politics and that : *"the groups I belonged to did not have that type of material and I have a password for my phone."* There was an inconsistency between what he was telling the Court about pop-ups and what the Mother told the Court he had said about getting pop-ups of people kissing (see paragraph 132 above).

162. During his cross examination by the LA's counsel on Day 6, the Stepfather was asked what his response was when the Mother said that he had shown his penis to A. The Stepfather said : *"I said, have you asked her what I look like."* He said that the Mother told him that she could not ask her daughter what his penis looked like. The Stepfather wanted A to say what colour it was - brown or black. He told the Court that he *"wanted to get things right. I wanted to have proof so that things would be settled."* It was an odd thing for the Stepfather to ask the Mother to do. The Stepfather raised the issue of the colour of his penis with Dr P who recorded in his report: *"He said that [A] said that he got her to lick his penis, adding that she had said that his penis was brown."* [MB 869]. Dr P remembered the Stepfather saying this and said that the Stepfather said it in a way that suggested that they (Dr P and Ms L) should ask A what colour his penis was. I believed the Stepfather's evidence that he had a similar discussion with the Mother shortly after the 2017/2018 Hatfield discussion, including around asking A the colour of his penis, and that that discussion took place before the January 2022 allegations.

163. During his cross examination by the LA's counsel on Day 6, the Stepfather was asked whether the Mother had ever asked him if A had licked his penis. He said that she had. When he was asked when the Mother asked him that, he said : *"Around that time."* He was referring to the 2018 Hatfield discussion. When he was asked whether that was when A was out of the house, he said *"[A] may have been in but we were talking about it as adults, not around the children. It was not much later. Around the same time. I suspect [A] was in the house when discussed but [A] was not with us."*

164. The Stepfather also told the Court that the Mother asked him whether he had touched A's bottom. When he was asked when the Mother asked him that, he said (through the interpreter) "*around the same time, the same period. We were talking about the same things together.*" The Stepfather explained how he made C porridge before she goes to bed and that whenever C saw him stir the porridge, she would run upstairs and hide in the bedroom. He said that he started patting the top bunk bed to see if C was there, commenting (as did the Mother) that A covers her whole head. When he was asked whether he was at home (not at Hatfield) when he gave the Mother that explanation, he said, in his own words in his own language, "*Yes, after a few days, we were talking as adults.*" That not entirely consistent with the Mother's evidence about the Stepfather's explanation having been given during the Hatfield conversation.

165. The Stepfather also said that "*around that time*" the Mother told him that A had said that he sucked A's neck. When he was asked whether there was more than one conversation around this time, the Stepfather said "No."

166. The next morning (Day 7, on 1 February 2024), unprompted, the Father resumed his evidence by saying that the day before he was "*giving the whole scenario between 2018-2022.*" He did not say that in response to a question. It was clearly something he had thought about overnight. His attempt to generalise the evidence did not reflect the careful way in which he had been questioned about the timeframe of the discussions or his clear answers given the day before. He said that the Hatfield discussion was around teaching [A] how to kiss and showing her pornography. When the Stepfather tried to reframe his evidence, he told the Court that after the Hatfield conversation, there were "*at least two days of not talking.*" He said that he asked the Mother where this all came from and that the Mother told him that she saw A putting her hands in B's pants. Again, that was not consistent with what he told Dr P in June 2023 [MB 835]. The Stepfather also said that "*on the same day*", the Mother told him about him touching A's bum and that that was when he gave the explanation of making porridge for C and touching A over the duvet. His evidence that A, a child five years older than C, was already in bed when it was early enough for C to be eating porridge, was not credible and I did not believe it. When he was asked why he did not just ask A whether C was in her bed, the Stepfather said that he was not paying attention and said that A usually covered her head in bed. I did not believe the Stepfather's evidence about touching A's bottom in bed when he was looking for C to give C her nightly porridge.

167. The Stepfather's evidence about when he first heard about the penis showing and licking also changed overnight. On Day 6 he clearly said that the Mother asked him about it around the time of the 2018 Hatfield discussion. He said it was "*not much later, around the same time.*" On Day 7 he said that he first heard of these allegations when the police called him on 18 January 2022 to tell him that he could not go home because the child had made an allegation. He said that the Mother then called him and told him that she could not discuss it. He said that there was no conversation at the time and that they spoke about it when he returned home. He was unsure how long he was away from home following the January 2022

allegations. He was away for months. The Stepfather said that when they discussed it after he returned home, he asked the Mother if she had asked A what his penis looked like. He also said that he asked the Mother whether the police had asked A that question. That was not the same evidence that he had given the day before. Whilst the Stepfather tried to put the change in his evidence down to confusion, it was clear to me that he was changing his evidence. His evidence the day before had been clear. On Day 6 he said that the conversations took place within a few days of the Hatfield discussion, not (as he said on Day 7) years later in January 2022.

168. When the Stepfather was referred to the 18 January 2022 LA Case Note [**MB 1480-1481**] which records that he was spoken to by telephone by the social worker and the police, was informed about the concerns raised in the referral and “*denied these allegations*,” he said that he could not recall whether he was told about the allegations on 18 January 2022. He said that he denied the allegations but was unable/unwilling to tell the Court what allegations he was denying at the time. It was all very unsatisfactory. The Stepfather’s evidence was contradictory and evasive.

169. The Stepfather told the Court that the Mother did not tell him about the allegation A made that he put his fingers inside A’s vagina. He then went on to say that the police told the Mother about it and he came to know about it because his wife (the Mother) told him.

170. The Stepfather later told the Court that before the police became involved in January 2022, “*everything had settled and back to normal*.” He said that “[A] was always ok with me. She would hug me. She would talk.” On the one hand the Stepfather said that there were no problems at all in his relationship with A but on the other he said that A made up the allegations against him because she wanted him out of the home. His evidence was not consistent with the Mother’s evidence that A never sat next to him, would often leave the room when he came into it, would often go upstairs if he was downstairs and that the Stepfather was worried about being too close to A because he worried that A might make further allegations. The Stepfather also denied that he and the Mother argued about money or about A’s father. He said they did not have cross words or fall out. That was not what the Mother told professionals. I found it surprising that neither the Mother nor the Stepfather were able to remember why they did not speak for eight months, particularly when, on the Stepfather’s evidence, they did not argue. An eight month fall out is unusual in most relationships. In one as argument free as the Stepfather described, I would expect him to remember the reason for it. His evidence was not credible.

171. When the Stepfather was taken to the recent December 2023 PCA and was asked about his answers relating to A, including her personality and what she liked, the Stepfather said that he did not understand the questions that Ms L was asking. He then accepted that he told Ms L that he “*knows nothing about [A]*” [**E1914**].

172. The Stepfather denied telling Dr P that the Mother cut A's hair because A lied [MB 869]. He also denied telling Dr P that A had made the allegations because she was showing off. The Stepfather said that there must have been a failure of communication. He referred to the lack of an interpreter and said that Dr P's English was hard to understand. I do not accept any of that.
173. The Stepfather's evidence was inconsistent, lacked credibility and, on most issues, I did not believe him. Even allowing for the language difference and the stress of giving proceedings, I did not find him to be an honest or straightforward witness.
174. **Ms L:** It was agreed by all the parties that the evidence I heard from Ms L would be limited to the factual matters in her PCA reports that the Mother and/or the Stepfather disputed.
175. Ms L saw the Stepfather for the first PCA dated 13 June 2023 and for her second PCA dated 20 December 2023. Ms L is an experienced parenting capacity assessor. She told the Court that she felt that the Stepfather understood what she was saying and the questions which she was asking. She said that if she felt that he was not giving an answer that showed that he understood, she would ask the question in a different way. A telephone interpreter was present for the first session with the Stepfather. However, the Stepfather said that he did not find the interpreter helpful. He declined a telephone interpreter for the second session. Ms L did not recall the Stepfather saying that he could not hear the interpreter.
176. Ms L described how, for the first PCA, she made handwritten notes during her joint sessions with Dr P and the family and wrote them into her report "*quite soon after.... quite quickly..... when it was fresh in my mind.*" She typed her report as she went along rather than typing it all up at the end.
177. For the second report, Ms L said that she typed her note as she spoke to the Stepfather because it was just the Stepfather and her in those sessions. Sometimes she would stop talking to type before continuing. She said that her report was not verbatim but she put key points down. She said that there could be a few days between typing her notes and writing them into her report. However, it was unlikely to be a week because she liked to get the information into her report.
178. Ms L described how the Stepfather would need to be redirected to the question but she did not believe that was because of a language barrier. She said that he "*sometimes went off to other things... Once redirected to the question, he was able to answer. I was satisfied with his basic understanding.*"
179. On the sexual abuse allegations, Ms L reports [MB 961] that
- "[The Stepfather] also stated that the police had asked [A] what the colour of his penis was, and he repeated this several times lightly laughing when he did*

so”

That was not entirely consistent with the Stepfather’s evidence that he had asked the Mother to ask A this question and that the Mother had said that she could not ask her daughter that.

180. The Stepfather’s counsel put the Stepfather’s account of the video he described to Ms L (an Uber driver getting into the back seat of a taxi where a girl was sitting, no nakedness, no rape, driving off at the end). Ms L was clear that that was not what the Stepfather told her. She said that she was quite shocked and taken aback by what he said during the assessment session and that she sought some advice from her manager about it. She went back to it in their second session. It was clearly a memorable part of her session with the Stepfather. She recalled the Stepfather using the word rape. She also recalled him saying that the girl had been taken from the street, pulled into the back of the car and that the girl was naked. The contemporaneous note that Ms L produced during the fact finding hearing [SB2 176] supports Ms L’s recollection of this conversation. She said that what she recorded in her report [MB 1920] was accurate and that it was clear in her mind. She said that when she wrote the report, it would have been fresh in her mind. I accept Ms L’s evidence on this.

181. Ms L recalled the Stepfather telling her about being abroad for 8 months of the year to attend to business [MB 983]. She agreed that her focus was on parenting and that they did not spend a lot of time talking about his business abroad.

182. Ms L is a professional who understands the need for accurate reporting. She told the Court when she could not recollect something. The notes and text messages which she produced during the fact finding hearing supported her evidence. Having considered all the evidence, I found Ms L’s evidence on what the Stepfather said during the parenting capacity assessment sessions more credible than the Stepfather’s. The Stepfather has clearly said different things to different people during these proceedings.

183. **Dr P:** As with Ms L, it was agreed by all the parties that Dr P’s evidence would be limited to the factual matters in his psychological report dated 9 June 2023 that the Mother and/or the Stepfather disputed. Dr P was the only witness who gave evidence remotely.

184. Dr P also had handwritten notes which he used to write up his report. He provided those notes after he gave his evidence but before closing submissions. Dr P told the Court that he would write his handwritten notes into his report on the same day or a day or two after the session. He said that he used quotation marks where he was recording a direct quote from the person who made those remarks. One of the verbatim comments he said the Stepfather made was that A might have made the allegations up because she was “*showing off.*” [MB 869] Dr P said that he would not have written this in his report if the Stepfather had not said it. I am satisfied that the Stepfather did say it, that Dr P kept an accurate record of what he

was told during his assessment and that where he included direct quotes in his report, he was directly and accurately quoting what was said to him.

185. Dr P remembered the Stepfather saying that A had said that his penis was brown [MB 869]. He did not agree that the Stepfather's counsel's suggestion that the Stepfather had questioned whether the police had asked A that. Dr P had a clear recollection of the Stepfather saying that to him.

186. Dr P was confident that his report was accurate. His report states that the Stepfather found A kissing B, kissing C and "*he had also found [A] touching [B's] privates.*" [MB 861]. He recorded that in his June 2023 report. It contradicts the Stepfather's oral evidence that he had not seen A's hands in B's pants. I accept Dr P's report and evidence as accurate. I prefer it to the Stepfather's evidence.

187. Dr P said that it was hard to interview the Stepfather. He said that he "*focused on what he wanted to talk about and his English was not as strong as [the Mother's].*" He said that his English was "*strong enough to get frustrated with the interpreter, strong enough but not entirely fluent as if he had been brought up in this country.*" He described the Stepfather as "fairly fluent." He agreed with the Stepfather's counsel's proposition that understanding could be impacted by stress. When he was asked about whether he had any concerns about the Stepfather's ability to understand the three tenses (past, present, future), Dr P said "*not really. He spoke about things in the past - met the mother, past relationships- and about the future.....I felt he understood them.*"

188. Dr P was confident that the Stepfather told him that he spent quite a bit of time abroad and had a business in the named country. Dr P agreed that the focus of his assessment was not on the Stepfather's business abroad.

189. Dr P fairly accepted that there was scope for misunderstanding. However, he was confident that his record of what he was told was accurate. He later produced his file of records. During the submissions hearing, I asked whether there was anything in Dr P's notes that I needed to be referred to and I was told by all counsel that there was not. I take from that that Dr P's contemporaneous notes do not contradict the information contained in his report or in his oral evidence.

190. When Dr P was asked whether the Stepfather was stressed about the language issue, he said "*I think he was irritated by the whole process. He didn't think it was necessary because [A] had retracted and he felt that everyone should accept it and move on and he lacked insight into why it was continuing.*"

191. Dr P is an expert well known to the Court. He knows the importance of accurately reporting what is said during assessment sessions. He was confident that he would not have written something in his report if that was not what he was told. I am satisfied and find that Dr P accurately recorded what he was told by the Stepfather at the time. Having had the opportunity to consider all the evidence, it is clear to me that the Stepfather has said different things to different people. Dr P

said that it was hard to get information from the Stepfather to answer the letter of instruction. I also found it difficult to get a clear and consistent account from the Stepfather and that was even with the benefit of an interpreter that the Stepfather was content with and was able to correct at times during the hearing. The issue was not with interpretation or with Dr P's accent, which was perfectly easy to understand. The issue was with the Stepfather's honesty with professionals and the Court.

The retraction ABE interview on 19 January 2022 [MB 633 – 643]

192. During her ABE interview, A said that she did not know that her friend would tell the teacher about what she had said about her Stepfather. She did not know that she would end up speaking to the police about it. She said that she was worried that she was “gonna be in really big trouble” [MB 639]. She also said that she “thought everyone was gonna be mad at me.” [MB 640]. The transcript records that A was distressed at that point. That was consistent with the Mother's evidence about being very angry and “boiling” when A made allegations in 2017/2018. A denied that anyone had put pressure on her or forced her to change her story from the day before. She said that it was not that she did not like her Stepfather but that it was just that she was “being a brat, and I wanted attention.” [MB 641] She said that she did not really get along with her Stepfather. She spoke about not living with her father, her mother being at work and wanting to talk to her Mother, whom she said she did not really talk to that much [MB 642]. When I read and saw the ABE interview, I thought it unusual that a child of 11 would describe themselves as a brat. A was also worried that her allegations had led to the police being involved. She was worried about getting into trouble. The retraction interview, made after A had been at home overnight, raised more questions than it answered. Whilst it is understandable that the police did not take further action after it, when the allegations were made again in November 2022, including after A's head was shaved following allegations which were then repeated despite that harmful incident, the police should have arranged an early ABE interview. By the time they got round to looking at arranging an ABE interview, A had again retracted her allegations. The system has not worked for A in the way that it should have.

Analysis

193. I have already included some of my analysis of the evidence in the paragraphs above. I incorporate it into this section.

194. I have taken the matters set out in paragraphs 23-27 above into account when assessing all the witness evidence in this case, particularly the Mother's and the Stepfather's. Court rooms are unfamiliar and frightening places. Giving evidence is stressful and difficult. It is a pressurised environment with a lot at stake. English is not the Stepfather's first language. I have made allowances for all of that. I was keen to ensure that the Stepfather was assisted by an experienced and competent interpreter. He assured me through his counsel that he was happy with the (second)

interpreter who I observed to be interpreting for the Stepfather throughout the hearing.

195. There is no ABE interview in which A makes allegations of sexual abuse against the Stepfather. There is no corroboration by way of medical evidence, expert or otherwise. The Mother did not tell any professionals about A's allegations in 2017, 2018, 2019 or 2022. The only reason that professionals became aware of them was because A told one or two of her schoolfriends, who reported them to the teachers. A repeated the allegations to members of school staff (DL, CL), DC LU and to social workers who gave evidence (TC) and who did not (N O-N). CRIS reports and LA documents have been created using notes (typed and handwritten) at the time. A repeated the allegations even after her head was shaved by the Mother as punishment. When she repeated the allegations on 17 November 2022, A was living with the maternal grandfather and the maternal aunt. The Mother had not told either of them about the sexual abuse allegations A had made against the Stepfather. The Mother accepts that A told her in 2017 that the Stepfather had kissed her, shown her videos of people kissing and touched her bottom at night when A was in bed. It made the Mother "*boiling*" with anger and she went to confront the Stepfather about the allegations whilst he was at work in Hatfield.
196. The Mother was quick to accept the Stepfather's explanations given outside his workplace in Hatfield. Before she drove to Hatfield, she dropped A and her siblings off at the maternal grandparents home. On her own evidence, at that point she was "*boiling*." After the Mother and the Stepfather returned home, the Mother collected all the children except for A. When the Mother was angry, she gave people the silent treatment. She did that to A when she left her at the grandparents' home after the Stepfather had explained away A's allegations. A had made allegations, had seen her mother's reaction, was taken to her grandparents' home and was left there, seeing her siblings return home to live with the Mother and Stepfather. Nothing changed for A who was seven or eight at the time.
197. On at least two occasions, the Mother suggested that she did not believe that the Stepfather had abused A because she had brought him into the household. She also said that she had not seen the sexual abuse with her own eyes. Whilst I understand how difficult it must be for the Mother to hear those allegations, the Mother did not take steps to protect A. Instead, she left A at the grandparents' home, failed to inform professionals about the allegations A had made, let the Stepfather continue to live in the household and continued to leave him at home with A and the other children whilst she went to work at night. She put a lock on A's door to keep her safe. When A made the allegations again in January 2022, the Mother was again angry and had to deal with professionals' involvement. When the allegations were made again in November 2022, the Mother shaved A's head as a punishment, sent A to stay with the grandparents, did not speak to A on the telephone and effectively gave her the silent treatment before the Mother was arrested and bail conditions were put in place.

198. The only ABE interview of A was the retraction interview, which was conducted after A had returned home overnight on 18 January 2022 having made the allegations again. The Mother was angry that the allegations were made again. I am in no doubt that she let her feelings be known to A. The Mother had been angry before. I find she was angry again. When A told her school friends about the Stepfather, A did not think that the allegations would be passed on by her friends. I do not believe that A was looking to get the Stepfather out of the house. She knew that when she told the Mother in the past, there had been no change. The Stepfather told Dr P that A may have made the allegations because she was “*showing off.*” That was clearly untrue and baseless.
199. The Mother and the Stepfather do not have to prove anything. The burden of proof remains on the LA. However, they have put forward reasons for A making the allegations and those reasons have to be considered as part of the evidence. During the course of these proceedings, the Mother and Stepfather have suggested that A is a child who lies. They pointed to an incident in which A was said to have made allegations of sexual assault against another pupil at school. Having heard the evidence of CL, it is clear to me that A made no inappropriate allegations. CL was clear that what A and the other pupil told her about the incident was consistent with each other and did not show A to have made exaggerated claims. From the evidence I heard, any exaggeration came from A’s classmates. A received some attention as a result but it is clear to me that A did not seek it.
200. A is a model student. She is a polite, thoughtful, hardworking, considerate and intelligent child. She cares about others and wants to make people happy. I do not agree that she is a child who has lied when making the allegations. The explanations that she has given for making the allegations and the retractions have to be seen in context. I have thought very carefully about the allegations and the retractions. The context has to be considered. A is a child who has not been believed by her Mother and who has been treated badly when she made and repeated the allegations. She has felt the absence of her mother very strongly. She has been very upset by the impact of the allegations on her family including her Mother and her siblings. She clearly loves her mother very much. She wanted to come to court to “*defend*” her mother.
201. The impact of the Mother’s behaviour towards A (making no changes in the family home, believing the Stepfather, shaving A’s head, sending her away and giving her the silent treatment) has to be considered alongside what A said when she withdrew the allegations. A wants family life to return to normal. She wants her mother to live with her and her siblings. It is not surprising that she has maintained her retractions.
202. A is a girl who likes attention as much as any girl of her age. She turned the abusive head shaving incident into a positive by wearing hijab. Whilst it brought her attention, the attention stemmed from the Mother’s abusive action in shaving A’s head. I am sure that A would have preferred not to have had that attention. A made the best out of a terrible incident. That is to A’s credit.

203. There is no doubt that the Mother loves A. However, she has chosen to believe the Stepfather over A. The Mother has not been entirely honest with professionals or with the Court. I did not believe her when she said that she had seen A with her hands down B's pants.
204. The Stepfather has overstated his language difficulties. As I have already said, on at least two occasions he corrected the interpreter's interpretation. He also answered a question before it had been interpreted. Whilst I accept that he should (and did) have an interpreter during the hearing, including when he gave his evidence, it was clear that he sought to blame language issues when he gave inconsistent answers, was asked about difficult parts of his evidence or wanted to be less than honest. When he first gave his evidence about the discussions he had with the Mother at home in the days (not months or years) after the Hatfield discussion, he could not have been clearer about the timeline. He described it using his own words in his own language, interpreted by the interpreter whom he did not correct and using his own timeframe. The words came from him. He had clearly thought about his evidence overnight and in my judgment that was why, unprompted, as soon as he resumed his evidence the next day, he sought to say that he was speaking about the years (not days) between 2018 and 2022. His evidence lacked credibility. He was clearly changing his story. I am certain that there was no language difficulty. The Stepfather was not being honest.
205. There was also no language issue when the Stepfather told the Court that the Mother went through his recent December 2023 PCA report with him. This was said by the Stepfather as part of his overall case that he did not understand the documents and that the Mother would go through them with him. It was clearly not true because the Mother had not read that report. All of the Stepfather's statements are in English with no certificate of interpretation. His statement directed to deal with his understanding and need for an interpreter specifically states that he did not need an interpreter or for documents to be interpreted. The Stepfather's statement that there was a misunderstanding/confusion in preparing the statement about his understanding lacks credibility.
206. I have considered the Lucas direction throughout this case. My assessment of the Stepfather, and my finding, is that he has lied throughout these proceedings including in his oral evidence. I consider and find that he has lied to hide his wrongdoing. Having considered all the evidence, I find, more likely than not, that he has sexually abused A as A alleged in 2017 and since.
207. I have taken into account the fact that some of the primary evidence is lacking, with some of the social workers not being called to give evidence and some of the LA documents and record keeping being poor. I share the Guardian's concerns about the evidence gathering, and at times analysis, in this case. I have taken into account the fact that there is no record of the questions that A was asked by professionals (police, teachers and social workers) at school in 2022. There was no ABE interview in November 2022 despite it being on the police's action list. Had

the police conducted an ABE interview with A in the 12 days after she made the 17 November 2022 allegations, no doubt the police would have explored with A sensory/experiential information around the fingering allegation. Regrettably, the police did not visit A again until 5 December 2022, after A had withdrawn the allegations. There was no ABE interview as planned.

208. The ABE guidance has not been followed on a number of occasions when A was questioned. DC LU readily accepted that he breached the ABE guidelines when he conducted the retraction interview. He reminded A of what she had said, he asked closed questions, he tested repeatedly whether her retraction was accurate, he asked A whether anyone had put pressure on her to change her story. However, he was clear in his evidence that when he spoke to A at school on 18 January 2022 (the previous day) he used open questions. I accept his evidence on this. I am satisfied that the questions asked by DL and DC LU at A's school on 18 January 2022 were, more likely than not, appropriate and followed the ABE guidance. Standing back and having considered all the evidence that I have seen and heard, I am satisfied that the LA has discharged the burden of proof. I am satisfied and find that, more likely than not, the Stepfather has sexually abused A. I am also satisfied that the Mother knew more about the sexual abuse allegations in 2018 than she has said. I believed the Stepfather's evidence about the discussions they had in the days after the 2018 Hatfield discussion.

209. DL's evidence about what A told her in January 2022 and about how she prepared her notes and records at the time was clear and persuasive. I am satisfied that DL asked appropriate questions. She clearly knew the guidance on questioning children as did DC LU. I accept her contemporaneous records as accurate. I accept the accuracy of DC LU's records. He used his contemporaneous typed note to prepare his police record, as did PC M. Both DL's and DC LU's recorded accounts of their conversations with A include A saying that the Stepfather showed A pornography on his mobile phone, would join A in bed and suck her neck and on one occasion showed A his penis and asked A to lick it which A did. A also said that she had told her mother about what the Stepfather had done. When she gave her evidence, CL had a clear recollection of A telling her that the Stepfather had fingered her. A did not make that allegation in January 2022 when she was living at home. She made the allegation in November 2022 when she was staying with the maternal grandfather and aunt and after her head had been shaved by the Mother as punishment.

210. The IRO's questioning of A, on the other hand, was clearly inappropriate and misjudged. I was very troubled by the IRO's evidence that she asked A questions and probed her to satisfy her curiosity. That should never have happened.

211. The Mother lied to her sister and to the Court about the reasons for shaving A's head. It was not because A was misbehaving at school or not completing her homework. The Mother punished A because she thought that A was lying about the allegations.

212. A has clearly felt the pressure of her mother's anger, silent treatment and, after the Mother's arrest in November 2022, absence from the family home and the children's lives. More likely than not, that featured heavily in A's decision to retract the allegations. A felt guilty about the impact on her Mother, siblings and family life. She wanted things to go back to normal. A has been careful to tell professionals that she has not been pressurised into retracting her allegations. More likely than not, A was trying to protect her family from any suggestion of pressure when she told the teachers on 30 November 2022 that she had not told anyone else about lying about the allegations. Had A thought about it, she would have realised that the Maternal Aunt had asked her the night before whether she was happy with the Maternal Aunt making contact with the social worker (see paragraph 98 above). A was not a calculated child who had plotted the Stepfather's removal from the family home. She did not make up the allegations in November 2022 because her own father decided to spend less time with her in October 2022. The rift with her own father cannot account for the January 2022 allegations nine months earlier. A is, and was, a kind, thoughtful child who felt very sad and guilty about what had happened after her November 2022 allegations and wanted things to go back to normal. She wanted her mother home. A has consistently said that she wants her mother home and for family life to return to normal. She is a child who has, since the age of seven or eight, alleged that her Stepfather has sexually abused her. She has not been believed by her Mother or by her Father.

213. More likely than not, the Mother did speak to A before A retracted the allegations on 30 November 2022. Why would A make that up? The Mother cannot admit to it because it would put her in breach of her bail conditions at the time. A was clearly comforted by speaking to her Mother and that is likely to have influenced A to retract the allegations even if the Mother did not tell her to do so. A told the school that she felt happier after she spoke to her Mother. Why wouldn't she? She loves her Mother and wanted her home again.

214. The Stepfather has told different people different things, including about whether he gets pop-ups of adults kissing or pornography on his phone, about how close he was to A, about whether they spent time together or sat next to each other. He has lied about the video of the young naked girl being dragged into a car and raped, although I make it clear that that is not determinative. He has lied to the Court and to professionals. He had attempted to muddy the waters. He has made the task of getting to the truth of A's allegations more difficult. The one aspect of his evidence that I did believe was his evidence of Day 6 that he spoke to the Mother about more of A's allegations (including about showing A his penis and asking her to lick it and discussing what colour it was) in the days after the Hatfield discussion in 2018. TC's record [MB 413] that on 17 November 2022 A said that the Stepfather "never took his penis out" is at odds with the Stepfather's evidence that in the days after the 2018 Hatfield discussion, the Mother asked him about showing A his penis and asking A to lick it. It is also at odds with the Stepfather's evidence that he asked the Mother to ask A what colour it was and the Stepfather telling Dr P that A said that it was brown. TC's record may not be entirely accurate. She initially said that she recorded certain words verbatim but then accepted that A would not have used

works like “penetrate.” A may have said in November 2022 (after her head had been shaved and she had been sent away from the family home) that the Stepfather never took his penis out. However, I believed the Stepfather’s own evidence that in the days after the 2018 Hatfield conversation, the Mother was asking him about showing A his penis and asking A to lick it. I have considered all the evidence, not just what A said to the duty social worker (TC) on 17 November 2022.

215. My assessment is that the reason for the Stepfather’s lies and discrepancies is that he has lied to cover up his wrongdoing. More likely than not, when A told her Mother, and later her friends, school teachers, police and social worker, that the Stepfather had sexually abused her, she was telling the truth.

216. The police’s delay in conducting an ABE interview of A after the 17 November 2022 allegations has not been helpful. The Stepfather declined to be interviewed without an interpreter. The investigating officer was occupied in another trial. During that time, A felt the impact of the Mother’s separation. A felt guilty. She worried about her siblings. She was sad. She missed her mother. She cried a lot. During the following 12 days, A and her siblings experienced significant changes. The Mother and Stepfather were arrested. The Maternal Aunt moved in to look after the children. Bail conditions prevented the Mother and Stepfather from contacting the children. The children all missed their Mother. The younger children missed the Stepfather. A felt sad and guilty about the consequences of her allegations. She had been punished for making the allegations. It is perhaps not surprising that A withdrew her allegations. It is regrettable that the police did not conduct an ABE interview as planned in those 12 days.

217. Whilst the Stepfather submitted that the focus on the parents’ evidence and lack of credibility cannot shore up allegations that are lacking in their primary evidence, I am satisfied, having considered all the evidence, that the allegations of sexual abuse are proven on the balance of probabilities. There are contemporaneous records. There was evidence from witnesses to the allegations in January and November 2022. The accounts given by the Mother and the Stepfather to professionals have to be considered against all the evidence. The retractions, and the reasons A has given for the retractions, have to be considered in context. I have taken into account the fact that A is a competent child, separately represented and that my decisions on the facts go against the retractions she has maintained. However, having considered all the evidence and submissions, I am satisfied that A was telling the truth when she first made the allegations in 2017 and in the years since, including in January and November 2022.

Threshold Findings

218. Looking at the threshold findings sought, I find them all proven on the balance of probabilities. I am satisfied that the Stepfather also showed A his penis

and asked her to lick it when they were in the sitting room. Whilst the Stepfather took a risk in doing that whilst others were in the house upstairs, he is a man who clearly takes risks. He has sexually abused A whilst the other children were in the house. The fact that the Mother may have been present upstairs would not, in my judgment, have prevented him from taking that risk. It is neither possible nor necessary to put a date to each of the incidents of sexual abuse. I am satisfied that they happened as A described to others.

219. I am also satisfied that the Mother failed to protect A. In 2018, the Mother knew that A was saying that the Stepfather had sexually abused her by kissing her, showing her inappropriate videos, showing her his penis, asking her to lick his penis and touching her bottom when she was in bed. The Mother should have reported the allegations to professionals. She only spoke to her own mother, the Father and the Stepfather. She did nothing to protect A from the risks posed by the Stepfather. When the allegations were repeated in 2022 and professionals became involved, the Mother was angry with A and in November 2022 punished A by shaving her head. The Mother has not acted protectively towards A. She has prioritised the Stepfather over A.

220. I am satisfied and find that the Mother shaved A's head as punishment for lying and for not apologising for the reports of sexual abuse. The Mother told the Court about A's lack of remorse. She said that A was just staring and looking at her. The Mother then told B to get the clippers and set about shaving A's head. It was a cold, calculated, cruel punishment that took time to complete. There was time for the Mother to reflect but she pressed on. It also sent a clear warning to A and to her siblings about what could happen to them if the Mother believed that they were lying and refused to apologise, even when they made an allegation as serious as sexual abuse within the family home. The next day, A was sent to stay with her grandfather and aunt knowing that her own Father was not willing to take her in. I am in no doubt that the Mother failed to protect A and prioritised the Stepfather over A in 2017/2018 and in January and November 2022.

221. During her police interview [**MB 650**], the Mother told A that her allegations are going to destroy somebody's life. That was either a reference to the Stepfather's life or the Mother's life. Having considered all the evidence, I am satisfied and find that the Mother told A that A was ruining the Mother's life and that she regretted that A had been born. TC recorded that A told her that on 17 November 2022 [**MB 412**]. When she gave her evidence, TC told the Court that she had a clear recollection of A saying that at the time. I preferred TC's evidence on this to the Mother's. I did not believe the Mother's denial that she said those things to A.

222. For the reasons set out in this judgment, I find the threshold facts sought by the LA proven by the LA on the balance of probabilities.

223. That is my judgment.

224. I record that my draft judgment was circulated on 3 April 2024 with requests for corrections/clarification/nil returns by 10 April 2024. The final version of this judgment was circulated on 11 April 2024 in advance of judgment being handed down remotely on 15 April 2024.

HHJ McKinnell
Family Court at Barnet
15 April 2024

Postscript:

Publication of this fact finding judgment was put back pending the outcome of an appeal. On 10 September 2024, the Court of Appeal dismissed the Stepfather's appeal and refused the Mother permission to Appeal : see *In the Matter of K-K (Children) [2024] EWCA Civ 1025*.

SCHEDULE A

PARTICULARS OF THRESHOLD FACTS

5. The Second Respondent, Stepfather, sexually abused the child A causing significant harm in the following terms:
 - a. The Second Respondent, on various dates whilst the child was between 6 and 10 years of age, as reported by the child A to professionals on 18 January 2022 and 17 November 2022:
 - i. showed the child A pornography on his mobile phone [49, 50, 173, 235, 253, 333] that was described to the child A by him as '*where babies come from*' [51, 65, 222, 413, 533, 549, 727, 735, 841, 1018];
 - ii. inserted his finger and/or fingers into the child A's vagina [52, 65, 222, 256, 269, 533];
 - iii. would join the child A in bed and 'suck her neck' [50, 173, 253];
 - iv. on one occasion, entered the child A's room and asked her to 'lick his dick' an instruction the child followed [50, 172, 235, 253];
 - v. on one occasion, entered the child A's room and touched her bottom whilst she was in bed [254, 278, 655] and/or,
 - vi. on one occasion, in around 2017, kissed the child A and/or showed her video of people kissing [278,656].
6. The First Respondent Mother failed to protect the child A from sexual abuse and/or failed to respond timeously, adequately or at all to allegations made by the child A to her that indicated the child A was the victim of the Second Respondent's sexual abuse:
 - a. In or around 2019, the child A told her mother that the Second Respondent had sexually abused her on occasion (on a date unknown but presumed to be c.2019 [50, 173, 254, 413] yet she failed to alert social services or the police of these allegations.
 - b. On one occasion, in around 2017, the First Respondent Mother was informed by the child A that the Second Respondent had kissed the child A and/or showed her video of people kissing [278]. The First Respondent Mother did nothing save for asking the Second Respondent whether this had occurred.
7. On or around 14 November 2022, the First Respondent Mother shaved the child A's head as 'punishment for lying and for not apologising for the reports of sexual abuse

against her step-father' and that the child A was ruining the First Respondent's Mother's life and that she regretted the child A had been born [51, 412, 547].

EDWARD LAMB
Amended by TARA VINDIS
5 JUNE 2023/22 August 2023/19 January 2024