

ENGLAND AND WALES / JUDGMENT

A (A Child) (Fact-finding: domestic abuse and alienating behaviour), Re

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Case Number ME22P00922 Neutral Citation Number: [2026] EWFC 58 (B) IN THE FAMILY COURT, SITTING AT CANTERBURY Before: RECORDER CRAGG KC Re A (A Child) (Fact-finding: domestic abuse and alienating behaviour) F -and- M A Applicant 1 st Respondent 2 nd Respondent Date of hearing:- 25, 26, 27 February 2026 Ms MCINTOSH appeared on behalf of the Applicant Ms COOIL appeared on behalf of the First Respondent Mr STYLES appeared on behalf of the NYAS case worker Approved Judgment This judgment was handed down remotely at 10am on 9 March 2026 by circulation to the parties or their representatives by email. This judgment was given in private. The judge gives permission for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of this judgment the anonymity of the children and members of their family must be strictly preserved. If the judgment is to be reported or published, there is a requirement to ensure that no reporting restriction will be breached. This is particularly important in relation to any case involving a sexual offence, where the victim is guaranteed lifetime anonymity (Sexual Offences (Amendment) Act 1992), or where an order has been made in relation to a young person. All persons, including representatives of the media and legal bloggers must ensure that this condition is strictly complied with. Failure to do so may be a contempt of court.

BACKGROUND

1. The court is concerned with A, who is currently 10 years old, with a date of birth of 5 September 2015. The Applicant is F, who is A's father, and the 1st Respondent is M, who is A's mother. A is separately represented by her NYAS caseworker. 2. In this case, mother and father separated in early 2022 and A has continued to live with her mother.
3. After the parents separated, there were some periods of contact between F and A after the separation, but save for some contact at a school sports day in the summer of 2022, the last time that they had any meaningful direct contact was in or about April 2022. Attempts at indirect contact have not been successful.
4. These proceedings have been ongoing for a significant period of time. F made an application for a child arrangements order, a specific issue order and a prohibited steps order in respect of A as long ago as July 2022.

5. On 22 July 2022, A wrote a note which said 'I sometimes think about a person going to my bottom place and a man looking at my bottom'. Further notes followed which included references to A wanting to hurt herself and people putting fingers up children's bottoms. A section 47 assessment, which is referred to further below, was conducted by the local authority, where it is said that M believed that F had sexually abused A during their relationship. A did not repeat the allegations made to the mother as part of this investigation. M also raised concerns about F's sexual misconduct towards her to the police in August 2022. F denies any non-consensual conduct.
6. A was joined as a party to the proceedings by order dated 30 May 2023.
7. By 2023, M had become increasingly concerned about A's behaviour and she sought an autism assessment. She explained to a psychologist in August 2023 that A was demonstrating some compulsive behaviours. The psychologist found that A demonstrated some autistic traits but did not meet the threshold for an ASD diagnosis. In late 2023, the SENCO at A's primary school referred A and M for a 10-week therapeutic programme. This was to help manage A's symptoms of emetophobia (fear of vomiting) and her challenging behaviours.
8. The report writer in relation to this programme noted that A and her mother have a very secure attachment relationship. A appeared to rely heavily on M to support her in expressing her feelings. A was said to want to please and say what she believes others expect of her, and has demonstrated a sophisticated ability to mask and avoid. She had developed a pattern of mistrust relating to people outside her close family circle. 9. In January 2024, NYAS applied for a global psychological assessment to be undertaken. That application was granted by the court on 22 February 2024 and the court approved the instruction of Mr R in June 2024. He prepared his first report in August 2024 and an addendum report in August 2025. His summary is referred to below (for information only at this stage of the proceedings) and he gave evidence at the fact finding hearing on factual matters relating to his meetings with A and M, which evidence is set out also below.
10. In October 2024, A and M attended two sessions of therapeutic play and in one session A handed over a written letter that mentioned physical abuse and a suggestion of sexual abuse. As a result, a referral was made to Early Help at the local authority and during the hearing the court heard evidence from the Early Help worker.
11. On 12 November 2024, A said to the then NYAS case worker that she did not want to see her father. A made allegations that F had slapped and strangled her, and she stated that she did not want to see her father. A repeated the allegation of F strangling her during a video call with her maternal grandparents and this was explored in evidence as well.
12. On 7 December 2024, it is alleged that A told M that F had asked her to touch his penis. Some months later this was also recorded in A's journal.

13. This matter was listed for a combined fact-finding and welfare final hearing by HHJ Sarah Davies at a hearing on 16 December 2025. At the same hearing, the judge decided which of the parents' allegations should be determined by the court. NYAS was not required to file a further Section 7 report but the case worker would give oral evidence at the final hearing. At the pre-trial review hearing in January 2026, NYAS was directed to meet A at her school in advance of this hearing. As set out below, NYAS has prepared a report of that meeting, which in fact took place at A's home.
14. The case came before me on 25 February 2025, listed for a three-day hearing whereby I would make findings of fact at the end of day 2 on the various schedules of allegations filed by both parties, and then go on to hear further evidence before making a final ruling on the case. However, on the first day of the hearing, all parties submitted to me that it would only be appropriate for there to be a fact-finding hearing at this stage.
15. Firstly, it was pointed out that the President had given a judgment on 20 February 2026 in Re Y (Experts and Alienating Behaviour: The Modern Approach) [2026] EWFC 38 (see below) which was relevant to cases such as this, where there were allegations of domestic abuse made by one party and allegations of parental alienation made by another. In effect, the President set out a procedure for such cases which required expert evidence only to be ordered at a point when the court had completed its fact-finding exercise in relation to the allegations made, as appropriate.
16. Secondly, it was pointed out that the report from NYAS (also see below) concluded that A had an absolute point of view that she would not meet with her father, and that contact at the present time would not be appropriate without the necessary therapeutic work. On that basis I agreed with the parties and the hearing proceeded as a fact-finding hearing only.
17. A bundle and supplementary bundle were prepared for the hearing. The material before me included the applications and orders made in the case; the Scott Schedules of allegations; witness statements from the mother and the father and other witnesses, and a number of reports and assessments as referred to in this judgment. I have seen copies of some of the notes and journal entries written by A.
18. All the material was considered when coming to this judgment. This judgment cannot refer to each piece of evidence and refers to the most important evidence in relation to each allegation.
19. On the part of M, the allegations against F are serious and are set out fully below. They involve (a) an allegation that F asked A to touch his penis in the bath; (b) an allegation that F strangled A; (c) an allegation that F had held A under water in the bath and banged her head on a tap; (d) an allegation that F had failed to feed A; and (e) an allegation that F had locked M and A out of the house and had locked A in an attic. All these allegations are said to have happened at a time before F left the family home in 2022 and have emerged as a result of disclosures made by A to M or to professionals. They are considered more fully below.

20. The allegations against M made by F are to the effect that she (a) has encouraged and pressurised A to make false allegations, with a motivation of preventing contact between F and A, and of frustrating these court proceedings;
 - (b) has attempted to manipulate professionals with a similar aim, and to undermine A's relationship with professionals in a way which has been emotionally harmful to A; (c) has sought to control the outcome of any professional assessments and all court processes; (d) has attempted to derail the court process by causing delay; and (e) has discussed F with A in false and negative terms. Again, these allegations are considered more fully below.
21. The summary of Mr R's psychological assessment of F, M and A states that there is no evidence that F or M have a diagnosable mental disorder, mental illness, personality disorder or learning disabilities. The assessment did, however, raise some concerns in relation to M's psychological and emotional well-being and functioning. M's attitude towards A's relationship with her father, her and her relationships with professionals were said to be specific areas of concern.
22. Mr R recommended that M would benefit from individual psychotherapy to explore attachments and relationships and the source of her anxiety. He also recommended that M and A would benefit from engaging in therapy together.
23. Mr R recommended that M and A should be given every support available to begin rebuilding A's relationship with F. He stated that he thought this should begin with supported time for them facilitated by a trained professional, such as a family support worker or family therapist. This should be someone who could offer positive comments and reflective feedback as they rebuild their relationship.
24. A recent report by the NYAS caseworker, dated 20 February 2026 — the week before the hearing — has been produced. The caseworker had met A separately from her mother on that day.
25. A said that she had recently changed schools as she was worried that F might come to her previous school and take her. She said that she had no positive memories of F. She referred to an incident which she said happened when she was six, where she says that her father strangled her. She described that her father had wanted to hug her but instead strangled her. She made it clear that she does not wish to see her father and would not accept indirect contact such as being sent cards. She mentioned further incidents of a negative nature concerning her father, including that when she was two years old and her mother was not present, her father did not give her breakfast. She believed that she remembered this incident.

26. The caseworker's assessment is that A's expressed fear of F appears significant. The caseworker notes that some of the incidents she described lack contextual clarity, and A was unable to provide detail when this was gently explored in certain instances. The caseworker's view was that there needs to be careful consideration of the reliability, interpretation, and possible influence on memory formation, particularly given the passage of time and absence of contact.
27. A's resistance to contact appeared entrenched and absolute at this stage. Any attempt to impose contact without preparatory therapeutic work would likely exacerbate her anxiety and could cause emotional harm. The key issue, it is said, is how and whether contact can be introduced in a way that safeguards A's well-being. The immediate priority should be emotional support and stabilisation rather than enforcement of contact.
28. There is a section 47 report completed on 6 October 2022, following a referral from the police, regarding A, who was then aged 7. The introductory paragraphs of the report state that M had reported that A was writing sexualised notes about bottoms, which she had found concerning. M provided information to the effect that A had seemed uncomfortable in F's company. By this time the relationship of M and F had ended some months earlier and F had left the family home.
29. The report records initial problems starting any assessment because M was very upset and wanted to delay any assessment until after a non-molestation application against F had been completed. A home visit was carried out on 14 September 2022 when M continued to be very upset. It was recorded that M appeared to be confident in her view that F has sexually abused their daughter.
30. The analysis in the report notes that A's fascination with bodies is not unusual in a child of her age. A number of professionals spoke to A but she did not make any disclosures that indicated that she is or has been harmed by somebody. Although M told the assessor that A and her father did not get along, when the assessor spoke to A it is recorded that she talks positively of her father, that she misses her father, and would like to see him.
31. It is recorded that A understood the underwear rule. A said that she tells her mother about all her worries. A said that F did not do anything when she was naughty, as she was not naughty at F's house. A wanted to see her father and said she would like her father to take her swimming. A said that she slept in a bed with her mother. There was a discussion about the notes about bottoms that she had written, and A said she only wrote these notes when she was worried. It is recorded that A was presenting well at school.
32. It is recorded that A said that she does not like it when F is mean to mummy. She knows about this because her mum tells her. It is recorded that in terms of sexual harm this was not substantiated at the time of the report however in terms of emotional harm that it was felt that there is a risk to A both from M's overall presentation and from the acrimonious relationship between M & F. It is not known what M is actually saying to A when they are alone. It was unanimously agreed that the threshold for substantiating allegations of sexual

abuse had not been met, but potentially the threshold for emotional harm was met. It was agreed to continue to support A through the completion of a children family assessment with the view that a further strategy discussion might be necessary in the future.

33. Although M was recorded as appearing confident that F had sexually abused A, she also said that she was not accusing F of anything. There were concerns about M's presentation, as she was very emotional when talking about A and the relationship with F. The assessor spoke to F, who commented that M was quite controlling with A and that A was not able to be a normal child. F was said to be taken aback by what was happening.
34. It was recorded that M had made a number of allegations to the police about F. The report does question M's claims of experiencing domestic abuse from F. It is reported that an apparent lack of awareness was a worrying statement, as M works as a teacher and safeguarding would be a significant factor in her line of work. It is noted that there was no historical evidence from health or school that A had been previously mistreated or unhappy.
35. It is said that A and her father are now experiencing separation issues which may have impacted on A's social and emotional development. The view expressed is that at that stage of the assessment A is not at risk of sexual abuse by her father, as the father is no longer in the family home. There was no current evidence in the relevant records. It is noted that A may need time to process. The report concludes that the case should be closed as A was not considered to be a child in need (she has since been assessed as a child in need)
36. Other reports and expert views are referred to in this judgment below. EVIDENCE Mother's evidence
37. M has made a number of witness statements in this case. She alleges that F has been abusive, including sexually abusive, towards both M and A, and she does not want A to have contact with F. She details the increasing anxiety faced by herself and by A about the prospect of F having contact with A.
38. In oral evidence M was first asked about A's recent change of school. She said that A had asked to start a new school after the recent half term. It was put to her that as the parents have shared parental responsibility she should have consulted with F before moving A's school. She accepted that nothing had been raised with F about concerns at school.
39. She said that she was looking after A, and A had refused to attend school, and that she had consulted with the social worker. She said she was not ignoring F. She thought that he would be fine with it, but A did not want him to know. She said that F could have been proactive and found out for himself. She was shown an email in which she had asked the school not to tell F about the change of school.
40. M confirmed that A is now at her third primary school. A was also moved school when she was seven. M confirmed that she had not consulted with F in relation to either of those moves.

41. She was asked about the previous court order of 16 December 2025 in which the recitals specifically said that the parties had agreed to consult before any action was taken in relation to A about things like education. M said that she had not seen this order. It was pointed out that this recital repeated what had been in previous orders.
42. In relation to the suggestion that A was scared of being removed from school by F, she agreed that he had not seen A since 2022 and that during these proceedings he had not tried to take the child from school. M said that a boy at school had had the experience of being taken from school and that A suffered from anxiety as a result. She said that she had told A that that would never happen to her, that she had nothing to be scared of, and that it was not the reality. She denied that she had allowed A to be in a state of fear about her father.
43. It was pointed out that in the section 47 report from 2022, A had spoken positively about her father to social workers. A had reported good things about her father, such as that he gives her kisses and cuddles, and that F did not do anything when she was naughty because she was not naughty at F's house. It was noted that this approach from A was not replicated in the NYAS caseworker's report from 20 February 2026, where A was said to have had nothing positive to say about her father. M thought that A in 2022 had not had a chance to reflect on the behaviour of F. She said A now knows that some things that he did, like locking A in a room, were not the right thing to do. M said this change of attitude in A did not come from her but comes from A growing up.
44. M was taken to the Single Point of Access referral, in which she had written that A wrote letters in July and August which she said professionals told her suggested that A had been sexually abused. M said that A had always written letters. She believes what A says. She accepted that it was possible that some things might not be true if she had not seen specific evidence of them.
45. It was put to her that the first time allegations of sexual abuse of A by F were made was after F made his application in 2022, on 18 July 2022, and that the referral made by M was made in August 2022. She denied that the referral had been made to obstruct F's application. M noted that she had never said that it was F who had abused A.
46. M was asked about the 2022 section 47 report in which it was recorded that she appeared to be confident that in her view F had sexually abused their daughter. She said that this was an incorrect record of what had happened. She said that social workers had told her that she had to name somebody and if she did not in relation to the alleged sexual abuse she would be seen as part of the problem and complicit. The only person she could think of naming was F. She accepted that she did not know whether F had sexually assaulted A in 2022. She said that social services had made her make an allegation against a named person and she had stuck with the same thing and repeated it. She pointed out that she had stated that she wanted to know who had abused A.

47. M was asked about the first allegation, which states that A wrote in her journal that when in the bath F had asked her to touch his penis. M accepted that she did not know if this was true.
48. M was taken to the section 47 report at page 352, where it is concluded that there is no evidence either way that A was sexually abused at that time in 2022 and that A had made no disclosures at that time. In relation to the first allegation, M confirmed that she had not pressurised A into writing the note in her journal.
49. It was put to M that she had been encouraging A to write down memories and make disclosures, even though expert advice had been received that A might not be ready to share her worries. It was suggested that the aim was to prevent any contact with the father, but M denied that this was so. She denied that she had negative feelings about F or that she had put pressure on A about these matters.
50. In relation to the first allegation, M clarified that although the allegation was that, when A had been in the bath, F had asked her to touch his penis on 7 December 2024, the written note of this was not in fact made until some months later. It was pointed out to M that 7 December was the day after a court hearing on 6 December 2024, and that the timing of this allegation could not be a coincidence. M said that A did not know when the court hearings were held and maintained that the timing was not a coincidence, and had made the allegation orally to her on that day.
51. M was asked further questions about the first allegation by counsel on behalf of NYAS. She was asked whether her account was that A had recorded the incident in her journal after making the allegation to M, or whether M's position was that F had actually done the act described by A. M said that she understood the difference between the two matters but did not know the answer.
52. In relation to the second allegation, A had alleged that F had strangled her. This was referred to in her journal. The allegation states that A demonstrated what had happened when she recounted the incident to her maternal grandparents during a video call. The allegation is dated 6 May 2025 (but it was accepted that the date the allegation was made was November 2024). M accepted that she was not present when the alleged strangulation took place.
53. In relation to the strangulation allegation, it was noted that in the Section 37 report of December 2025, different accounts had been given as to where the strangulation occurred – either in the kitchen or the bathroom. M said that the bathroom and the kitchen are in the same area of the house and that the incident could have happened on the borderline between the two rooms.

54. The next allegation is that A shared with her Early Help worker that F had held her under water so that she could not breathe and she banged her head on the tap. This allegation is dated 31 March 2025 and was written in a journal on 30 May 2025. As with the previous allegations, if this is true it must have happened before F left the home in 2022, and M accepted that she had not witnessed it.
55. The same position applies in relation to the last two allegations: the occasion when A said F failed to feed her; and the instances at the family home when A said she was locked out of the house by F and locked in the attic by F.
56. M said that she did not make negative comments about F and had not said that F is nasty and that he lies. She denied that she had encouraged A to make sexual allegations.
57. M was asked about the first time she had contacted Children's Services and had been told to go away. She thought this would have been within a day or two of 20 July 2022, which was when she had received notes from A. She explained that the delay of three weeks before she reported the matter to the police was because by that time she had more notes from further conversations. She said that the person who had put pressure on her to name F was the author of the Section 47 report.
58. When asked about the Section 47 report, M said that her main complaint was that it had proceeded at a time when she was seeking protective orders from the court, and she had wanted those orders to be in place before the Section 47 report proceeded. She did not identify any other complaints about the report.
59. M said that she largely believed everything that A said to her. Sometimes she took a holistic view to consider how A had reached the conclusions she had. M confirmed that it was still the case that A would not sleep without her, although work was being carried out with CAMHS on this issue.
60. M was taken to the court order of April 2025, in which it was recorded that she had withdrawn her agreement to support the work identified by the psychologist, Dr R, between F and the child. M agreed that this was because of further disclosures that had been made by A.
61. M said that in relation to any further therapeutic work identified by the court, she would abide by any court decision if she was assured personally that it was safe for such work to be carried out and if A consented to it. She would facilitate the process if she thought it was safe to do so.
62. M was asked about an extract in Mr R's report which referred to a worrying exclusivity and over-involvement of M in relation to A, described as a result of M's anxiety. Mr R said that M appears to try to vet everything A comes into contact with. This included placing restrictions on the time Mr R spent with A and positioning herself as a mediator as to what A would be willing to do in terms of meetings.

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63. It was said that M told Mr R that if he wanted to see A he should not mention the father, as it would cause significant upset. M denied this account and set out a number of ways in which she was dissatisfied with the way Mr R had interacted with A. She denied that she had said that the father should not be mentioned, and instead said that she had been seeking advice from Mr R as to how the issue of the father could be addressed with A. However, Mr R did not provide her with this guidance.
64. My impression of M's evidence was that she has a very close bond with A and is wholly devoted to her. I was concerned that when M was asked questions as to what she believed should happen on a number of matters, she sometimes dissembled and it was difficult to obtain a straight answer from her.
65. For example, she was asked about whether she would be supportive of therapeutic work being carried out with A, if this was directed by the court with a view to establishing whether contact with F could be recommenced. Her approach was to say that it would depend on what A felt, and she would not make A do something she did not want to do, and that M would be supportive of it if she felt it was safe for A. My impression was that M was, to an extent, reserving to herself a veto on such work, even if this was recommended by professionals, if in her view it was not in A's best interests. It was noted that she had previously withdrawn from recommendations for therapeutic work, as recorded in the court order of April 2025.
66. I was also concerned that M had moved A from her current school without any consultation with F, given that they share parental responsibility. I am sure that M understands what this means, but it is clear that she took it upon herself to ignore agreements recorded in court recitals on this issue, moving A without consulting F, as she felt this was the correct thing to do. M's explanations that she was doing what A wanted and that F could have found out about the move himself were disingenuous, in my view.
67. M was clear that she had never willingly named F as the alleged perpetrator of sexual abuse against A, and that she felt pressure to name him by social services. However, it seems to me that the s47 report, for example, carefully records the times when M seemed to be alleging that F was the perpetrator and the times that she seemed uncertain and stated that she was not making allegations against him. The report's conclusions appear to leave this issue open and there is no sense in the conclusions that M was being pushed to name anybody in particular as the perpetrator. Maternal grandmother's evidence
68. Mrs JM is A's maternal grandmother. She has provided a witness statement which deals with a number of matters.

69. First, Mrs JM states that on 12 November 2024, during a FaceTime call, A ran off and M heard A say to M: "Daddy strangled me, Mummy. I've just remembered that – Mummy, I have never told you this before." Mrs JM says she was shocked. Mrs JM states that A said that Mrs JM and the grandfather asking to put their arms around her on the call had reminded her of this.
70. Second, Mrs JM says that on 20 March 2025 she was looking after A in the evening. A told Mrs JM that she did not like mummy going out as it reminded her of when mummy went out and daddy was looking after her and did mean things to her.
71. Third, Mrs JM states that on 17 January 2026, A and M visited Mrs JM's house. A was excited about Mrs JM's new bathroom with a shower, replacing the existing bath, with an over-bath shower. Mrs JM says she had seen how difficult it is to encourage A to go into the bathroom at her own home.
72. Lastly, Mrs JM's statement says that A does not like leaving Mrs JM's home because she says she is scared about memories of daddy. A also says that there are monsters.
73. When answering questions from counsel, Mrs JM confirmed that she had not seen F strangling A. She had never witnessed F doing mean things to A. She did not know why A found it difficult to go into the bathroom. She did not know what A's memories of her father were, or the reasons for them. She did not know why A said that there are monsters.
74. Mrs JM had never heard A say anything before 12 November 2024 about being strangled. She had understood that A would have spoken to her mother about this. Mrs JM had not followed up the issue, as far as she could remember, though she would probably have asked if A was OK.
75. Mrs JM remembered that A had referred to F putting his arms around her and hugging her and that she could not move. It was not anything about putting hands around her neck or a ligature. She said that she had never seen any mistreating treatment from F but she did think there was a lack of attention from him towards A. Father's evidence
76. F has made a number of witness statements in this case to the effect that the allegations against him are untrue and that all he wants is to resume contact with A. He has reached the view that M has deliberately pressured A into making false allegations against him, and is deliberately trying to delay the court proceedings.
77. F gave oral evidence during the hearing. He accepted that there were a number of professionals who had spoken to A alone without M being present. He accepted there were at least six and there may have been more. Nevertheless he was of the view that M has tried to control the process. The way she has done this is malicious and malevolent, and she has done it very carefully and cleverly.

78. In relation to the allegation that A had touched his penis, F accepted that this happened when A was three or four years old. He accepted that the allegation was made in mid-December 2024 to Ms B (the Early Years worker, see below) verbally. However, the first time that he found out about the allegation was when he received the report from Ms B dated 2 April 2025. He accepted that he had not included any information about how this allegation may have come about in his witness statement, for example that of 30 June 2025. In that statement he simply denied all allegations of alleged sexual abuse and/or harm to A. F did not explain as to why he had not raised the incident before, but said he had been racking his brains to think about anything which could be relevant.
79. F explained that he liked to have a bath and from the time shortly after A was born she would come in the bath with him. He would have the bath very hot. After a while M would bring A and his older son D into the bathroom and they would get in with him. F recalls an occasion when A would have touched his penis. He did not ask her to do this. When they got out of the bath F said he told M about this and she just laughed it off and carried on with what she was doing. He accepted that he did not mention it in the section 47 report process.
80. In relation to the allegation that he had strangled A, F accepted that this was not an allegation that M had made to professionals on A's behalf, and that it came from a note to Ms B from A. F had thought about the allegation now that it had been indicated how it was said he put his arm around A, as described by Ms B in her evidence (see below). He noted that there was no description in the evidence of the maternal grandmother. F said that he and A used to like playing games jumping out on each other. He said he may have been hiding behind the fridge which was close to the bathroom in the kitchen and grabbed A and scooped her up for a cuddle. He may have been on his knees at the time as they played lots of jumping out games. He can picture it in his head and the incident was not malicious. He had not mentioned this in previous statements as he understood that the allegation about strangling related to him putting his hands round A's neck. It was not until Ms B gave evidence that he realised what was actually being discussed.
81. In relation to the allegation that he had held A underwater and bumped her head on the tap, he vaguely remembers a situation. The taps came out of the middle of the bath rather than at the end. A and D used to play a game of holding their breath under the water and there may have been a time when A bumped her head on the tap. He did not hold her under water at any time. He had not asked D about this as he did not want to involve D, who is now 16, in these proceedings.
82. In relation to the allegation that F had locked M and A out of the house, F recalled that the living room door handle came off on occasion and that would mean that A and M could not access the room; this had happened on a couple of occasions. They would bang on the door and he would put the handle on the door and open it. They had not been upset. There might be an occasion when he was in the shower and he locked them out of the house, but when they telephoned him he let them in. He does not recall there being 20 minutes of banging and calling.

83. F was asked about a police interview dated 22 November 2022. M had complained about him attempting to have sex with her when she was asleep. F's account was that he remembered waking up and he had been on top of her and she was tapping him. He thought it was an erotic dream. He had apologised to M and did not think she was frightened. There was also an allegation that F had touched M on her vagina and he said this was a mistake, but he said M always wore pyjamas or knickers.
84. F said that when he moved out in 2022 he thought it was just for a few days but then decided not to go back to the family home. He saw A on four occasions every other Sunday after he left. On two of these occasions he took A swimming, which he thought might also be relevant to the bath allegation as she was very excited about going swimming with him and he had taught her to swim. The contact came to an end. F explained that there was an allegation that he had been stalking M but this was not true. There were then non-molestation proceedings which he agreed to and gave an undertaking. Contact came to an end during this process. He had turned up at school on one occasion. He also went to the sports day and said that secretly he knew A loved the fact that he was there.
85. When asked questions about the recommendations of Mr R about therapy and a paediatric psychologist for A, and a referral made to CAMHS for A, he agreed that all of these were appropriate, including a play therapist. He accepts that these proceedings have been plagued by delay for various reasons including the lack of availability of report writers and solicitors. He accepted that M was not to blame for these delays and that she had turned up at all the hearings. He did say that there were some things she had not done and she had not complied with all of Mr R's recommendations.
86. He accepted that A was now working with a therapist because of a general anxiety disorder and symptoms of emetophobia, and that the NYAS report about her wishes and feelings, for example not wanting to see him, was a fair report. He believed that A is under such stress that she cannot have a safe space to speak about her true feelings. He would like social services to be involved and to build a relationship with A so that she can tell them everything, and for them to be involved for some time. He thought that part of her trauma is being ripped from her father and family. He does believe that M has manipulated A to make allegations maliciously and deliberately to get back at him. He accepted that M and A have a close relationship but M does not allow A to get close to anyone else. He thought that M did believe some of the lies in her head.
87. He accepted though that if he had had A in his care and read Ms B's report which referred to the likelihood of sexual abuse, he would have been very worried, and also if he had seen some of A's notes. He would have been going wild and he would have been worried about contact with the other parent. Ms B's report made him very worried. He had even thought about whether M was abusing A.

88. In relation to the allegation that he did not feed A and would have breakfast without feeding her, he pointed out that before they started nursery he was the primary carer during the day and would provide her with lunch and snacks, although M did most of the cooking when she got home. It may well have been the case that he ate breakfast quickly in the morning as he worked as a bus driver and had to go on the bus run. When he left the home, however, M or R the childminder would be there and would have had more time to feed A.
89. In relation to the allegation that he had locked A in an attic, F pointed out that there was no attic in their house. There was an attic at his mother's house and there were lots of toys in it as it was a converted loft room with a door at the bottom of the stairs which could be locked. D and E, his niece, would be there and the children would play in the loft room and sometimes the older children would lock A in the room and F would go and unlock it. This caused her distress and he recalled her crying. However she quickly returned to playing with the other children.
90. He said that he thought emotional harm was being caused to A because M is feeding her a story which consists of lies with the intent of stopping contact with the family. M has been providing information to A which is false, which she expects A to pass on to professionals. F said that he would cooperate with any therapy recommended by professionals. The point of the proceedings was for him to have contact with A as he thinks she needs him. He did think that M was manipulating the process as a delaying tactic.
91. My impression of F's evidence is that he is clearly incredibly frustrated about the length of time the proceedings have taken. He has a genuine belief that A needs him and should spend time with him, and believes that the apparent change between what A wanted in 2022 as reported in the section 47 report and what is now reported in the current NYAS report is due to the actions of M. He has a genuine belief that M is deliberately feeding A false information to give to professionals, and a genuine belief that she is intent on subverting the various assessment processes as well as the court process. To an extent it is understandable that he feels this way given the manner in which events have unfolded over the last four years.
92. In relation to the serious allegations made against him, it is the case that it is unfortunate that he has not offered the explanations before court during his evidence. He has had the benefit of legal advice for some time and should have been aware that something more than a blanket denial of the allegations would have been helpful to the court and to professionals.
93. However, the explanations that F provided in relation to the three main allegations against him were all plausible and made sense, and I did not get the impression that these were fabricated accounts that he had invented at the last minute to mislead the court. It seems to me that in relation, for example, to the strangling allegation, F simply had not thought that something other than hands around the neck was being proposed. In relation to the allegation concerning A touching his penis, it may have been the case that the incident he related, when this happened, was of no particular import to either him or M at the time.

94. In general, I thought that F was doing his best to assist the court with his accounts. Early Help worker evidence
95. Ms B is an Early Help worker who met with A to help her explore her worries, fears and experiences. On 3 February 2025, Ms B wrote a letter as a summary of A's voice to aid the CAMHS assessment, to which she had made a referral.
96. She started by setting out a chronology drawn from A's memories. A is recorded as saying that when her parents separated and she no longer saw her father, she felt "a bit shocked and sad" because the family had been planning a holiday to France.
97. There is a discussion about A's fear of vomiting and her fear of sleeping alone, as she gets scared about monsters under the bed. She also has a fear of sharks.
98. A said that she felt worried that her father was going to hurt her — that he would not be kind, that he would wrap his arms around her so she could not breathe, and that she was nervous he would lie to her. She talked about a number of concerns about her father, including him wrapping her tightly, tickling her and not stopping, and that he once fell asleep on the sofa and forgot to pick her up from school.
99. A said that she did not want to see her father in the future, including at a place of her own choosing and with someone supporting her. 100. There is also a family summary assessment dated 11 December 2024, although it appears this was sent to M and F on 2 April 2025, based on the print-out date. This document sets out again some of A's fears, and also records a conversation Ms B had with T. 101. Ms B recorded in the report what is said to be the view of the child and adolescent psychotherapist, Mrs SM. This states: "At this time it is CAMHS's view that you present with a profile where there is a strong possibility of sexual abuse and a degree of neglect." 102. Ms B records that she had asked Mrs SM to explain how she and her colleagues reached this conclusion. In the report Ms B states that Mrs SM explained that, based on A's high levels of anxiety, her not wanting to see her father, feeling sick at the smell of her father, the known connection between emetophobia and trauma, the way A thinks about genitals, her need to wear shorts while showering, her speaking of not liking her father putting her to bed, and her always wanting to be with her mother — it had been deduced that sexual abuse and neglect was the most likely analysis of A's emotional and behavioural presentation. 103. In oral evidence Ms B was taken to the letter referred to above dated 3 February 2025 which she said she had written as a means of A's voice being heard for a CAMHS appointment. Ms B said she had met A about 6 times on her own and twice at home with her mother as well. She had met with M on her own first of all as M felt A might be uncomfortable meeting more professionals. She said that A did not like meeting professionals at her school. Ms B said she met them at home and they said it was OK to meet at school. 104. Ms B was taken to the Early Help review and family plan which had been prepared by her and sent to the parents on 2 April 2025. 105. Ms B was asked about the first allegation of the mother that A was strangled by F. Ms B said that this had been first mentioned by A in a note which M had given her the first time they met. This was in

November 2024. M told Ms B she had not read the note before she gave it to Ms B. Ms B said she had asked A about this allegation of strangling. She said that F had come out of the bathroom and A demonstrated a kind of headlock, which Ms B said was not what you would envisage as strangling. 106. Ms B confirmed that she had recorded what A had told her about being in the bath with F, and that A said that he told her to go under the water, he moved her, she was holding her breath, she felt he was holding her down, and she went up and hit her head on the tap. 107. Ms B agreed that the allegation about A being held under the water could be an example of playing around and there was not an allegation of anything specific. It could be interpreted in a number of ways. She accepted that her record of the incident did not record A saying that she could not breathe. Ms B said that ultimately it was not known what was informing A's presentation but she just needed support for her fear. 108. Ms B also confirmed that she had recorded that A had told her about the time when F, her father, had locked A and M out of the house whilst he was in the shower. 109. Ms B was asked about the entry where it is recorded that it is CAMHS's view that A presents with a profile where there is a strong possibility of sexual abuse and a degree of neglect. Ms B said this was the view of the child psychotherapist Mrs SM (see below) and she had checked with Mrs SM that she was happy to include this in the report, and she was. Ms B said she is not qualified to have a view and no disclosure had been made to her by A. There is a paragraph in the report which goes on to explain Mrs SM's view (as referred to above). 110. Ms B was asked as to whether M had manipulated A into making false allegations or whether M had made them up. Ms B confirmed that M is very anxious. She thought that M's primary aim is to protect and look after A and she was doing all she could to protect A. She was presenting as having a fear of harm to A and she could sometimes come across as pushing an agenda. Ms B had formed no conclusions as to her motivations, other than that A was not well and in need of therapeutic support and CAMHS was the right place to get this. She confirmed that she had had no contact with M or A after she sent the report on 2 April 2025. 111. Ms B confirmed that she would have read the section 47 report from 2022 when she first met A and M. She would have seen the conclusions that allegations of sexual abuse were not substantiated. In relation to M, she would have spoken to her initially about A's emetophobia and anxiety, and she received the note about strangling. She would have had other discussions with the mother and there would have been follow-up emails from the mother where M raised additional information about matters which had arisen in their conversations. These were not before the court. 112. In relation to the allegations about A saying that she had touched F's penis, this was first brought to Ms B's attention in December 2024. M had told her about this. Ms B had explored this for clarification with A and had concluded that A had been of an age where it was not inappropriate to have a bath with her father – she would have been preschool age. A did not make any disclosures about this and what was said could be innocently explained by a father bathing his child. 113. Ms B had later been contacted by the SATEDA (domestic abuse charity) worker about nothing being done about this issue, and Ms B was told that M was saying that A had been asked by F to touch his penis. Ms B confirmed that this was not what she had been told. Ms B tried to create an environment with A where she could share this information if she wanted to, but she did not. 114. Ms B was taken to the

record made by Mrs SM of the telephone conversation between Mrs SM and Ms B on 25 February 2025 and confirmed that it was recorded that there is no evidence to support sexual abuse against A. It is only A's words and what she shows about dad that indicates sexual abuse. 115. Ms B was asked about the record of her meeting with A in January 2025 where Ms B had asked A how she felt when dad had left home. Ms B had recorded that A was a bit shocked and was sad because they were going on holiday to France. Ms B said that although A was surprised, she was also quite ambivalent about it being a loss. She was quite detached and was more concerned, it seemed, about the holiday to France. 116. Ms B said that even a year ago, conversation about her father made A feel unsettled. A did have irrational fears about monsters and sharks and she had developed fears about a number of things. The main point for Ms B was to work on this so she could make a CAMHS referral. A's anxiety levels had become disabling. There were worries about F – for example, if she saw a similar car to his she would be afraid that she would see him. Ms B said that she could understand these concerns as A had not seen her father for some time. A never said that dad was the monster. The instance that A described about being wrapped up in a rug was logged in her memory as negative but it could have been part of play. Everything that had been shared by A could not be substantiated from a safeguarding point of view and there was no tangible evidence of harm. Child psychotherapist evidence 117. Mrs SM is a child psychotherapist who works for CAMHS who has seen A on a couple of occasions. She has seen A for CBT. A is not formally diagnosed with emetophobia but she has a presentation consistent with this. 118. Mrs SM was asked about the entry in Ms B's report which recorded that in the view of CAMHS, A presented with a profile where there is a strong possibility of sexual abuse and a degree of neglect. Ms B had said that she had checked this formulation with Mrs SM. 119. Mrs SM said she did not remember saying exactly this. She said all the evidence was of possible trauma and that A presented as very anxious. She did not remember saying there was a possibility of sexual abuse and a degree of neglect. She was not aware of the Section 47 report or the investigations. 120. She said that for her, the child's presentation is the most important thing. A presents as anxious but it is not known what is the cause of the trauma. It is right that in her notes it is recorded on 27 December 2024 that M and the GP had referred A to CAMHS, and one of the reasons she had written for the referral was alleged previous sexual abuse by father. 121. Mrs SM was also asked about a telephone call she had with Ms B on 25 February 2025, when Ms B had contacted her before she saw M and A in the extended assessment appointment. In that conversation, Ms B told her she believed there may have been neglect whilst F was living with A. Ms B said there was no evidence to support sexual abuse towards A, and that it is only A's words and what she says about acts that indicates sexual abuse. 122. The extended assessment appointment took place on 28 February 2025 and Mrs SM has made a note of this. It was right that A looked to mother for facial cues when unsure, and also questioned mother when she shares information about A with which she does not remember or agree. It was also right that M had an emotional response when they were talking about connecting difficult feelings about F and feeling sick. 123. It was right that M had become tearful and that A became very concerned about her mother. Mrs SM agreed that M had been emotional and that A was

worried about her mother, and said they are together in their anxiety. M could not say whether this was because of sexual abuse. 124. There was a second appointment on 15 April 2025, and CBT to deal with anxiety related to fear of vomiting was the main reason. Psychologist's factual evidence 125. Mr R was asked about specific factual issues raised in his report. He confirmed that at paragraph 6.67 of his report it was his understanding that M appears to gradually escalate her concerns while engaging an increasing range of services, from her general practitioner and school to social services, the police, and finally to the domestic abuse charity. 126. At paragraph 6.68 he confirmed his understanding that she continued to take these reports to professionals – to a doctor, a social worker, the police, and the domestic abuse unit. She made so many repeated reports to different agencies that the social worker who completed the assessment and the multi-agency meeting registered their concerns about her well-being. Her accounts to these agencies continued to allege that A had witnessed domestic abuse and violence and that there was evidence of possible sexual abuse, this being after the assessment was completed and disregarding the conclusions of the section 47 assessments and multi-agency reviews, which found that there was no evidence to support these allegations. Mr R said that this was his understanding and he had read the section 47 report referred to. 127. At paragraph 6.72 of his report, Mr R recorded the following:- “There is a quite worrying exclusivity and over-involvement and I believe that this is a direct result of mother's anxiety. [M] appears to try to vet everything with which [A] comes into contact. When I attempted to see [A], [M] put a number of constraints on my time with her. She ruled out school immediately beforehand, telling me that she would not speak to me at school. She positioned herself as a mediator, informing me that [A] would be unlikely to want to meet me or speak to me otherwise. She informed me that if I wanted to see her I should not mention her father or it would cause her significant upset.” 128. Mr R said that effectively he had asked M to guide him and they had had a negotiation. He said that they had met on two occasions, at the beach and the park, on consecutive days. He said that he had spoken to M on the phone or by video call beforehand to set things up. It was at this time that she had told him that he should not mention A's father. Mr R said he soon realised that he needed to be guided to get the best out of the meetings. He agreed that M was very prescriptive. There was a dialogue but he picked up that he had to listen to M. It was definitely prescriptive, he said; he had to work with that or it would not work – he had to go with this or go nowhere. 129. He confirmed that he did not usually see young children of primary school age on their own. He would have preferred to see children at school but that was ruled out, which was restrictive. It is generally a good place to meet children in a separate environment. He was told by M that A would not see him at school. There was a positive interaction at the beach and the park. 130. Mr R said that it did not happen that A was given M's bank card and that M suggested he and A go for an ice cream. He would not have gone for an ice cream on his own with her – why would he do that after the meeting had been so carefully set up by the mother? He does not remember talking on the phone about goggles as suggested by the mother. He would not have taken calls during the meeting. He did not leave the park with them as suggested. He stayed in the park and then left in the opposite direction to the train station. 131. M was very clear that he should not speak to A

about the father. He said that he was staggered by what was now being said about what happened in the park, as this would be against his practice. He was clear that M wanted him to see A on her terms. She was setting up the parameters and setting the agenda. 132. He noted that on the second occasion they met, A met him before M arrived, as she arrived on her bike, and he said this was revealing as A was acting differently to how her mother said she would act with him. She met him with confidence for just a few minutes. He said it was unusual and restrictive to be guided in the way that M had done. Paternal grandmother evidence 133. The paternal grandmother Mrs T gave evidence and confirmed that A had been trapped in the attic in her house maybe 3 or 4 times first. She had been scared the first time this had happened. It is a loft room with lots of toys. The children were often there at Christmas or Easter. The adults would tell the children to unbolt the door and they would do it. M was aware as to what was happening. They would go back to playing with the children after a short while. The lock on the loft room door had been changed to stop this happening. THE LAW IN RELATION TO FACT-FINDING 134. I distil the principles below on which I determine the issues in this fact finding hearing as follows:-

- (a) The burden of proof lies, throughout, with the person making the allegation. In this case, both the mother and the father make allegations against each other on which they seek adjudications;
- (b) In private law cases, the court needs to be vigilant to the possibility that one or other parent may be seeking to gain an advantage in the battle against the other. This does not mean that allegations are false, but it does increase the risk of misinterpretation, exaggeration, or fabrication;
- (c) It is not for either parent to prove a negative; there is no 'pseudo-burden' on either to establish the probability of explanations for matters which raise suspicion;
- (d) The standard of proof is the civil standard – the balance of probabilities. The law operates a binary system, so if a fact is shown to be more likely than not to have happened, then it happened, and if it is shown not to cross that threshold, then it is treated as not having happened; this principle must be applied, it is reasonably said, with 'common sense';
- (e) The court can have regard to the inherent probabilities of events or occurrences; the more serious or improbable the allegation the greater the need for evidential 'cogency';
- (f) Findings of fact in these cases must be based on evidence, including inferences that can properly be drawn from the evidence and not on suspicion or speculation; it is for the party seeking to prove the allegation to "adduce proper evidence of what it seeks to prove";

- (g) The court must consider and take into account all the evidence available. My role here is to survey the evidence on a wide canvas, considering each piece of evidence in the context of all the other evidence. I must have regard to the relevance of each piece of evidence to other evidence and to exercise an overview of the totality of the evidence in order to come to the conclusion whether the case put forward by the person making the allegation has been made out to the appropriate standard of proof;
- (h) The evidence of the parties themselves is of the utmost importance. It is essential that the court forms a clear assessment of their credibility and reliability;
- (i) It is, of course, not uncommon for witnesses to tell lies in the course of a fact-finding investigation and a court hearing. The court must be careful to bear in mind that a witness may lie for many reasons, such as shame, misplaced loyalty, panic, fear, and distress. I am conscious that the fact that a witness has lied about some matters does not mean that he or she has lied about everything (see *R v Lucas* [1981] QMs B 720);
- (j) That my function in resolving disputes of fact in the family court is fundamentally different from the role of the judge and jury in the Crown Court. As the Court of Appeal made clear in *Re R* [2018] EWCA Civ 198:- The primary purpose of the family process is to determine, as best that may be done, what has gone on in the past, so that that knowledge may inform the ultimate welfare evaluation where the court will choose which option is best for a child with the court's eyes open to such risks as the factual determination may have established" ([62]).
- (k) At all times, I must follow the principles and guidance at PD 12J of the Family Procedure Rules 2010. EXPERTS AND ALIENATING BEHAVIOUR: THE MODERN APPROACH 135. The *Re Y* (Experts and Alienating Behaviour: The Modern Approach)

[2026] EWFC 38 judgment, handed down by Sir Andrew McFarlane (President of the Family Division) on 20 February 2026 (less than a week before the start of this hearing), concerned two children whose mother was found in 2019 to have alienated them from their father, based almost entirely on the evidence of an unregistered psychologist. 136. The children were immediately transferred to their father's care and had no contact with their mother for five years. The mother's Part 18 application to set aside those findings was ultimately granted, and this judgment sets out the modern framework that courts must now follow in cases involving alleged alienating behaviour. 137. Paragraphs 40-46 are at the heart of the judgment. McFarlane P sets out the Family Justice Council's December 2024 Guidance, the full title of which is Family Justice Council Guidance on responding to a child's unexplained reluctance, resistance or refusal to spend time with a parent and allegations of alienating behaviour. 138. The guidance is unequivocal that there is no evidential basis for what had previously been termed 'parental alienation syndrome.' The proper focus, instead, is on alienating behaviour as a question of fact — something the court must determine through evidence, not something a psychologist can diagnose. 139. Paragraph 41 sets out the three elements that must all be established before a court can conclude that alienating behaviours have occurred:-

- (a) The child is reluctant, resisting, or refusing to engage in a relationship with a parent or carer;
- (b) That reluctance, resistance, or refusal is not consequent on the actions of that parent (which would make it an Appropriate Justified Rejection, or "AJR"), and is not caused by any other factor such as the child's ordinary alignment, affinity, or attachment to the other parent ("AAA"); and
- (c) The other parent has engaged in behaviours that have directly or indirectly impacted on the child, leading to the reluctance, resistance, or refusal. 140. Paragraph 42 gives particular attention to element in (b)) and the concept of AAA — defined in the guidance as reasons why children may naturally favour or reject a parent, which are typical emotional responses to parenting experiences rather than the result of psychological manipulation. The significance of this definition is substantial: it requires courts to first consider whether a child's response to a parent is a normal, understandable attachment reaction before leaping to a conclusion of alienation. 141. Paragraph 43 addresses domestic abuse directly. The guidance states that alienating behaviours will not be found in cases where findings of domestic abuse are made that have resulted in a child's Appropriate Justified Rejection, or in protective behaviours, or a traumatic response on the part of the victim parent. McFarlane P reinforces this by quoting paragraph 44 of the guidance, which makes plain that a child who is reluctant or refusing contact with an abusive parent may simply be found to have a justified response — and in that case, the allegation of alienating behaviour fails. 142. Paragraph 44 reaffirms the established case law that it is for the court, not the expert, to determine whether a fact-finding hearing is required where domestic abuse is alleged. Paragraph 45 follows from this with a statement of fundamental principle: the factual matrix in alienating behaviour cases is a matter for the court alone, not for expert psychological evidence. Any expert or CAFCASS officer advising on welfare must work from findings already made by the court, and not the other way around. 143. Paragraph 46 draws on Chapter 7 of the FJC guidance concerning experts. It makes clear that experts must not be asked to step into fact-finding or the determination of alienating behaviours. Only HCPC-registered practitioner psychologists should be instructed, and even then only after findings have been made. The guidance explicitly warns against narrowly framed instructions focused solely on alienating behaviour, which risk confirmatory bias. 144. Paragraph 75 distils the framework into a practical step-by-step approach that courts should now follow in every case where a child is reluctant to spend time with a parent:- Step 1 — The starting point should always be the child's unexplained reluctance, resistance, or refusal to spend time with a parent (element (i)). It is that behaviour which triggers the court's inquiry, not the competing allegations of the parents. Step 2 — The court's attention then moves to element (ii): is the reluctance or refusal a consequence of the estranged parent's behaviour? This requires the court to consider whether that parent has been abusive to the child or to the caring parent. Step 3 — Only if the court finds that the estranged parent has not behaved in a way that would make the child's reaction an Appropriate Justified Rejection, and that the child's reaction is not explained by ordinary alignment, affinity, or attachment (AAA), does

the court proceed to element (iii). Step 4 — It is only at element (iii) that the court asks whether the caring parent has engaged in alienating behaviours that have directly or indirectly caused the child's reluctance, resistance, or refusal. Step 5 — Where domestic abuse and alienating behaviour are both alleged, the fact-finding process must address domestic abuse first. Only then can the court assess whether the child's refusal to engage with the estranged parent is an Appropriate Justified Rejection, the result of protective behaviour, or a traumatic response. Step 6 — Courts must not determine the issue of alienating behaviour without first establishing the underlying factual matrix, and in particular whether domestic abuse occurred. Step 7 — No expert should be appointed to advise in reluctance, resistance, or refusal cases unless and until there is clarity — through findings if necessary — about both parents' past behaviour and, if domestic abuse is proved, whether the child's reaction to it is appropriate. FINDINGS ON ALLEGATIONS 145. Thus, the starting point, as set out in Re Y, is whether there is a child's unexplained reluctance, resistance or refusal to spend time with a parent. All parties have agreed that that is the case here, as A is declining to spend any time with her father, as set out in the very recent NYAS caseworker report. Therefore, I turn to the domestic and sexual abuse allegations made against the father first of all. 146. The first allegation concerns A's account, made orally it is said and then recorded in her journal, that when she was in the bath F asked her to touch his penis. M's evidence is that this disclosure was made to her by A on 7 December 2024 for the first time, and was recorded in her journal some months later. F denies that he ever asked A to touch his penis whilst in the bath. 147. F does, however, say that he recalls a time when A would have been three or four years old when he was in the bath with her, and A did touch his penis, but that this was something which simply occurred as they were both in the bath together. It is notable that F did not include this account in any of his statements for this case, despite having become aware of the allegation almost a year ago. F explained that this explanation had come to him as a result of racking his brains and thinking back to events which might explain why such an allegation had been made. 148. This is an allegation of sexual abuse and I bear in mind what the documentation says in that regard. The section 47 report, prepared in 2022 before this allegation was made, records that allegations of sexual abuse at that time were unsubstantiated. I also note the reports prepared by Ms B, in which she recorded that it was CAMHS's view that A presents with a profile where there was a strong possibility of sexual abuse and a degree of neglect. Ms B said that this was the view of Mrs SM and that she had checked with Mrs SM that she was content for this description to be included in the report. However, when this was put to Mrs SM, she said she did not recall saying this and that she would not have worded her comments in this way. She said that although it was her view that A's anxiety and other symptoms were caused by trauma, no conclusions had been reached in her mind as to the cause of that trauma. 149. I also note that Ms B said that the first time the allegation about A saying she had touched F's penis was brought to her attention was in December 2024, via M. Ms B said that she had explored this for clarification in her meetings with A and had concluded that, given A had been of an age where it was not inappropriate to have a bath with her father – she would still have been of pre- school age – A had not made any disclosures about this, and that what was said could be

innocently explained by a father bathing his child. Ms B said she had later been contacted by the SATEDA worker asking why nothing was being done about this issue, as M was saying that A had been asked by F to touch his penis. Ms B confirmed this was not what she had been told, and she then attempted to create an environment with A where A could share this information if she wished to, but she did not do so. 150. It is difficult to reach a firm conclusion about this allegation. It appears to relate to an incident six or seven years ago when A would have been three or four years old. The evidence from Ms B is that there could be an innocent explanation for what happened, and that A has not made a disclosure to her even though attempts were made to create an environment in which she could do so. M did not witness the incident. Albeit belatedly, F has presented an account which may explain what happened. 151. In my view, it seems likely from the evidence that A did in fact touch F's penis in the bath when she was three or four years old and bathing with him. However, on the evidence before me as set out above, I cannot conclude on the balance of probabilities that F asked A to touch his penis. Accordingly, this allegation has not been established. 152. The second allegation is that A has alleged that F strangled her. She has referred to this in her journal. A demonstrated what had happened when she recounted the incident to her maternal grandparents during a video call in November 2024. 153. It must be noted that when Ms B first met M, she was given an envelope containing a letter from A which alleged that F had strangled her. I also heard evidence from the maternal grandmother, who said that during a video call with A in November 2024, the grandmother heard A say: "Mummy, I've remembered that daddy strangled me." 154. Ms B said that she had asked A about this incident and that A had said that F had come out of the bathroom, held her, and had demonstrated a kind of headlock with his arm around her neck and upper body – which Ms B said she would not characterise as strangling. The maternal grandmother also described the action as a kind of hug, but had not described this in her witness statement. 155. M did not witness the incident. F, in his evidence, gave an account which he had not given before. He said this was on the basis that he now understood what kind of hold was said to be involved. He described an instance from when A was much younger, when he came out of the bathroom on his knees and put his arm around her in the way that has been described. 156. In my view, given the way in which the evidence on this issue has developed, it is not possible for me to find on the balance of probabilities that F strangled A in the sense that is usually meant by that description – namely, putting his hands around her neck and squeezing. On the balance of probabilities, it is my view that there was some kind of hold on A by F which could have been part of play as explained by F, but this does not constitute strangling in the way the allegation envisages. Ms B demonstrated what A believed had happened when she was much younger and again formed the view that this was not what would normally be considered to be strangling. 157. I am aware that this allegation is something which A has felt important enough to record in writing, but it is not something which I can find on the balance of probabilities to have occurred in the sense alleged. 158. The third allegation is that A alleged to her Early Help worker that her father had held her underwater and she could not breathe. She also wrote about this experience in her journal on 30 May 2025. It has not been established when this happened (other than it would have

been before F left the family home in

2022) but A would have been very young. Ms B accepted that this could be an example of playing around and there was not an allegation of anything specific. She accepted that her record of the incident did not record A saying that she could not breathe. F gave an account of how he regularly bathed with A and that she played a game of holding her breath under water with his son D. Taking into account all the evidence in relation to this allegation which in essence alleges that F used force to hold A under water, it has not been established on the balance of probabilities that it occurred. 159. The fourth allegation is that A shared with her Early Help worker that her father would fail to feed her. This is referred to in her journal. A told the early help worker that her father would make breakfast for himself but would not make food for A, and would eat it in front of her. On the balance of probabilities I find this allegation not proved. Although father said that sometimes he would have a quick breakfast before he went out to his job as a bus driver, I accept his evidence that he would not have left A alone and there would have been others who could provide her with breakfast. 160. The fifth allegation is that A recalls instances at the family home when she and her mother were locked out of the house by her father, and she was locked in the attic by the applicant. The allegation is that these things were done deliberately by father. I find these allegations not established on the balance of probabilities. I accept the father's account that there may have been occasions where, for a short period of time, mother and A were locked out accidentally. I accept the account of F and his mother that it was other children who would have locked A in the loft room of the paternal grandmother's house, and that F would have quickly let her out when this happened. 161. On that basis I conclude that A's reaction in not wanting to spend time with her father is not based on the father's behaviour such as to make the child's reaction an appropriate or justified one. 162. Having reached that conclusion, I need to consider whether mother has engaged in alienating behaviour that has directly or indirectly impacted on A, leading to her reluctance, resistance or refusal to engage with father. To do that I must consider the allegations made against mother by father. 163. The first allegation is that M has and continues to discuss F with the child in false and negative terms, and in particular but not limited to telling the child that: (a) the applicant is mean to the respondent despite the child not seeing or hearing this but being told this by M; (b) the applicant had been nasty to M despite the child not seeing or hearing this but being told this by M; (c) F lies, which lies were not witnessed or heard by the child but discussed with her by M, and in particular (1) the cup that belonged to the household but the applicant said belonged to him whilst the respondent claimed it belonged to her, and (2) the respondent telling the child that the applicant lied about which party said the parents should split up. It is said that these allegations are motivated by M's desire to portray F to the child in negative terms in order to damage her relationship with F and prevent the court from granting contact. 164. These allegations are largely taken from the reports in this case where A has told various professionals that, for example, her mother has told her that F is mean or nasty to her (the mother), although A has not witnessed this. Likewise,

the alleged lies have been identified in the various reports when A has told professionals, for example, that a particular cup belonged to her whereas F believes it is a cup of the household, and the child reporting to professionals about what her mother has said about who said the parents should split up. M has denied in evidence, in writing and before the court, that she has told A, for example, that F is mean or nasty to her. In my view, the matters reported in the reports as said by A provide insufficient material for me to be able to find that these allegations have been proved on the balance of probabilities, and there is no corroborating evidence that the things alleged to have been said by M were in fact said by her. Although this allegation is said to be motivated by M's desire to portray F in negative terms in order to damage her relationship with her father and prevent the court from granting contact, this is an assertion for which there is no evidence to support it. 165. The second allegation is that M has and continues to encourage and pressurise the child to make false disclosures relating to F, including but not limited to: (a) allegations of sexual assault by F against the child in 2022; (b) further and more recent allegations of sexual assault by F against the child disclosed in December 2024 relating back to 2022; and (c) other allegations of harm such as F (1) shutting the child's arm in a cupboard and hurting her; (2) strangling the child; (3) slapping; (4) not stopping tickling; (5) rolling the child up in a rug; (6) locking the child and M out of the house whilst the applicant took a shower; and (7) leaving the child at school. The key to this allegation is that M continues to encourage and pressurise A to make false disclosures relating to the applicant. However, M denies that she has used any encouragement or pressure towards A to make any allegations. None of the expert reports conclude that M has encouraged or pressurised A to make false disclosures. 166. It is not necessarily the case that the disclosures made by A are true, but it is not a straightforward thing to allege that A has been encouraged to make false disclosures by M. It is the case that at times professionals have noted that A should not be encouraged to make further disclosures as it is not good for her emotional health. It is also the case that there are reports that express concern about emotional harm being done to A through the demonstration of anxiety and emotion displayed by M, and the way that this can upset A. Whatever the position about this, and whether or not M is or has been too zealous about making referrals of A to various agencies, it is my view that there is no evidence that she has encouraged or pressurised A to make false disclosures of the nature described in this allegation and this allegation has not been established on the balance of probabilities. 167. This allegation also states that M's actions were emotionally harmful to the child. There is evidence that professionals believed that emotional harm could be caused to A by M because of her anxiety, but there is nothing in these reports which suggests professionals believe that the child was making false disclosures at the behest of M, or that it was the pressure or encouragement to make false disclosures which was emotionally harmful to A. This allegation also states that M's actions are motivated by ensuring (a) that the court does not allow F contact with the child, and/or (b) ensuring that the court processes are delayed as much as possible. Again, this is premised on the basis that there has been encouragement and pressure on A to make false disclosures, which I have found is not the case on the balance of probabilities, and therefore the question of M's

motivation is not something I need to consider. 168. The allegation that M is motivated to encourage and pressurise A to make false disclosures so as to ensure that the court process is delayed as much as possible is not supported by any evidence. As F accepted, the majority of the unfortunate delays in this case are in relation to the production of reports and the availability of witnesses which have had nothing to do with M, who has attended court on every occasion during these proceedings. 169. The third allegation is that M has actively sought to regulate the child's interaction with professionals, such as for example but not limited to: (a) putting a number of constraints on Mr R's time with the child, and in particular that he should not mention F to the child; (b) M's conduct in trying to regulate professionals' interaction with the child seeks to undermine the child's relationship with professionals and is emotionally harmful to her; and (c) M's motivation in seeking to regulate professionals' interaction with the child is motivated by M's desire to control the outcome of any professional assessments and all court processes. 170. The evidence of Mr R was compelling that M was only really prepared to accept his involvement, as Mr R put it, on her terms. Mr R said that he decided to go along with this as otherwise it would not have been possible to carry out his work. He was very clear that he had been told that he should not refer to F while speaking to A. I accept the account that he gave in relation to the paragraph set out above in his report about M being prescriptive and restrictive in relation to his involvement. I reject M's evidence about, for example, encouraging A to go off and have an ice cream with Mr R, and I accept Mr R's evidence that this would never be part of his practice to do, especially in circumstances where he had carefully negotiated with M to be able to speak to A. I note that Mr R said that he would rarely see primary age children by themselves in any event. 171. On that basis on the balance of probabilities I find that paragraph (a) of this allegation is made out. In relation to other professionals, it is in fact the case that many of them have been able to speak to A alone where this has been appropriate, and F accepted that this was the case for at least six professionals. While I do accept that M has strong views as to what is best for A and believes, it seems to me, that as her mother she should be a kind of gatekeeper for A's interaction with professionals, I do not accept that she seeks to undermine the child's relationship with professionals as alleged, even if the professionals would prefer her to be less prescriptive and restrictive. On the balance of probabilities I find that M's actions in trying to regulate professionals' interaction with A do not seek to undermine A's relationship with those professionals, as alleged. 172. There was no evidence, for example, from Ms B, who saw M on a number of occasions between December 2024 and March 2025, that M was seeking to undermine Ms B's relationship with A. Again, although M has been very involved in all the assessments which have taken place, I do not find that there is any evidence that she is motivated to control the outcome of any professional assessments. There is no evidence from the various professionals and experts involved that this is the case, and even in the case of Mr R, he does not say that he believed M was trying to control the outcome of his assessment. On the balance of probabilities I do not find that M had this motivation as alleged 173. The fourth allegation is that M has in the past and continues to attempt to derail the court process so as to create even more delay. As already noted, there have been an unfortunate

number of delays in these proceedings which in fact have had nothing to do with M. This was accepted by F in evidence, who has already accepted that M had attended all the court hearings. In my view, on the balance of probabilities, it has not been established that M has attempted to derail the court process. It may well be, as set out in this allegation, that delay is emotionally harmful to A, but the delay is not primarily the responsibility of M. This allegation also says that M is motivated by her conviction that she needs to stop the court from allowing the applicant to have contact with the child. Again, there is no evidence that she has caused the delay, and therefore on that basis, on the balance of probabilities, I find that this allegation is not substantiated. 174. The fifth allegation states that M has in the past and continues to disclose false and negative allegations to professionals, as set out in allegations one and two above. I have already dealt with these allegations above. In this allegation there is another incident referred to, which refers to M discussing with a support worker that F hurt A's arm by shutting it in a cupboard, where in fact it was A who deliberately hurt F's arm, which M knew to be the case at the time of the incident. There are competing accounts in the documents about this and it is not possible for me to reach a conclusion that this allegation has occurred on the balance of probabilities. In any event, the allegation states that M is motivated by the desire to portray F to the professionals in as negative a light as possible, and motivated by preventing contact from proceeding, and that the conduct is emotionally harmful to the child. As I have found on the balance of probabilities that the allegation as described has not been substantiated, I do not need to consider further the motivation alleged. 175. In summary, I accept that the reports at times show a concern that M is overly emotional in relation to A and what M believes is harm that has been caused to A. I also repeat that it was my impression during her evidence that she thought she knew best in relation to any therapeutic input that was appropriate for A. I find that, as alleged, she did seek to put a number of constraints on Mr R's time with A; this is supported by Mr R's evidence. However, in my view, on the balance of probabilities, it has not been established that M discusses F with the child in false and negative terms, nor that M encourages or pressurises A to make false disclosures relating to the applicant, nor that she has sought to undermine A's relationships with professionals or control the outcome of professional assessments or court processes. It has not been established on the balance of probabilities that M has attempted to derail the court process and to create more delay, nor that she has deliberately disclosed false and negative allegations to professionals. 176. On that basis my conclusion is that the factual underpinning for F's allegation that M has been involved in alienating behaviour has not been established. FINAL REMARKS 177. I do not doubt that both parents love A and want what is best for her. Having made these factual findings the court can now move on to the welfare aspect of this case as there is a factual basis from which to make decisions even if those decisions are not ones which either parental party may agree with or find easy to accept. 178. I announced my decisions on the allegations on both sides at the end of the hearing on 27 February 2026 and both parents will need time to reflect on those findings. 179. From the findings I have made I would comment that at this stage there would appear to be no safeguarding reason why A should not spend time with

F. However the most recent report from NYAS indicates that this is unlikely to be possible at the present time and this is an important issue that the parties and the Court will have to decide how to deal with. 180. It may be that the parties can find a way forwards without the need for a final hearing but that can be explored at the forthcoming directions hearing which it is agreed should take place shortly, with details to be included in the order that accompanies this judgment. END OF JUDGMENT 35

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