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Neutral Citation Number: [2020] EWHC 3107 (Fam)

Case No: BW10C00125

IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 16/11/2020

Before :

MRS JUSTICE LIEVEN

Between :

CUMBRIA COUNTY COUNCIL

Applicant

and

AT

First Respondent

and

CB

Second Respondent

and

T

(through his Children's Guardian)

Third Respondent

Mr Michael Jones (instructed by Cumbria County Council) for the Applicant
Mr Darren Howe QC and Mr Sonny Flood (instructed by BSG Solicitors) for the First Respondent
Ms Ginny Whiteley and Mr Jack Humphreys (instructed by Makin Dixon) for the Second Respondent
Mr Patrick Gilmore (instructed by Bendles Solicitors) for the Third Respondent

Hearing dates: 26 – 30 October 2020

Approved Judgment

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MRS JUSTICE LIEVEN

Mrs Justice Lieven DBE :

1. This case concerns T (“T” a boy aged 6, nearly 7). Cumbria County Council (“the LA”) apply for a care order in respect of T, who currently lives with his Mother, AT (“the Mother”). His Father is CB (“the Father”).
2. The central pleading in the LA’s schedule of findings is that:

“...the allegations made by [T] in relation to the Father engaging in and facilitating acts of sexual abuse are untrue, and that they are the result of either (i) the Mother deliberately fabricating false allegations of sexual abuse and inducing [T] to make false allegations of sexual abuse against the Father, or (ii) the Mother having developed an unreasonable and false belief that [T] was sexually abused by the Father.”
3. The Local Authority’s final position was an amalgam of the two alternatives as I explain below. The Local Authority does not seek any findings in relation to sexual abuse, its case being that an objective analysis of the evidence leads to a conclusion that the court could not find the allegations to be made out to the requisite standard of proof. The central issue in the case is therefore whether some or all of the allegations made by T have been caused by manipulation, pressure or coaching by the Mother, or whether she has developed an unreasonable belief that T has been sexually abused.
4. I am very grateful to all the counsel in this case. I should note that Mr Gilmore for the Guardian and Mr Jones for the Local Authority were advancing very similar arguments by the end of the hearing, which is why I do not refer separately to the Guardian’s position.
5. In order to determine this matter, it is necessary to set out in considerable detail the history of the allegations and their precise timing. It is a feature of the case that the vast majority of the alleged allegations have been made by T to the Mother alone, which the Mother then passed on to various agencies. The Mother kept a diary or notes of what she says T said to her. What is set out below includes the Mother’s evidence of the dates that she says T told her about the alleged abuse without any acceptance on behalf of the court as to the veracity of either the dates or of what the Mother alleges was said.
6. There were two incidents, one in March 2018 and one in 2020, which form the basis of allegations that the Mother makes against the Father. I heard evidence about them, and I will therefore make findings of fact. However, their significance is very much less than the issues around T’s alleged allegations of sexual abuse. The Mother also alleges that the Father was responsible for T having small quantities of cocaine found in hair strand tests dating back to around September 2018.

Factual History

7. The Mother is 35 and the Father 53. They commenced a relationship in 2012 and T was born in November 2013. The Mother says they only lived together for a relatively short period and the relationship ended in 2016. The Mother had bought her own house and lived there with T. The Father had regular contact with T seeing him a few times during the week and staying overnight once a week. The parents lived very close to each other in a small community.

8. The Mother describes a history of domestic violence and the Father having serious issues with alcohol. The police were called out on a number of occasions. The Father accepts in his response to the Mother's allegations that there were arguments and that he sometimes behaved badly but claims the arguments were two-way. Despite these problems the Father did have regular contact with T and the Mother supported this contact.
9. There was an incident in March 2018 when the Father took T to a local pub, Pub X. I have heard a number of witnesses to what happened but ultimately the precise details of the fight that occurred are of no relevance to the principal issues in this case. However, the Mother has sought findings in relation to this incident. It seems the Father was looking after T that day and had taken him to the pub, as he often did. They met some friends and T went home with one of them. The Mother phoned the Father and asked for T to come back to her. When T was brought back to the pub, one of the Mother's friends, RP, said she would take him home. The Father declined to hand him over and an argument ensued. The Father says that he was quite happy for T to go to the Mother but felt RP was interfering. I have no doubt that the Father had had a good deal to drink and was belligerent at best and aggressive at worst. The Mother then arrived, and an altercation broke out at which the Father was to some degree physically aggressive to RP. The Father says RP "ran into his arm" but this seems somewhat unlikely. A friend of the Mother, PO, then intervened at which stage the Father punched him, PO then hit the Father who came off the worse from the encounter.
10. The point of relevance for me out of this incident is that T was in the pub for most of the altercation. The Father says that T and the Mother had left by the time PO and the Father started to fight but if this is correct it was only by a few seconds and certainly not because the Father was restraining himself until T had left. It is very troubling that a young child, 4 at the time, was exposed to drunken violence in this way. However, I note that neither parent appeared to be particularly troubled at the time and the Mother did not seek to prevent the Father's contact, him taking T to the pub, or raise concerns with social services.
11. It is relevant that in January 2018 an anonymous phone call was made to the NSPCC raising concerns that T was being exposed to domestic violence, emotional abuse and substance misuse. It now transpires that this call was from the Mother's sister.
12. I have seen a series of text messages through the summer of 2018 between the Mother and the Father. It is apparent from the messages that the court does not have all of the communications between the parents and, as the Mother says, there must have been other electronic devices on which they were communicating. However, what I can glean from the messages I have seen is that the Father and Mother got on reasonably amicably most of the time. The Father seems to have been keener to maintain a close relationship, but the Mother accepts that they were friendly, albeit the Father was highly unpredictable both in his behaviour and in his general attitude to her.
13. The Mother says that she had not been well earlier in the year and had got some support from the Father, including in him helping her with T. The Father suggested that he thought their relationship was restarting.
14. In early September 2018 particular tensions seem to have arisen. The Father had given the Mother money to spend in Wales on holiday with T, but then demanded repayment

of this money. T was starting primary school in September and the texts suggest that the Father started to ask for more contact time with T and for “parity” in terms of contact. I accept the Mother’s evidence that the Father’s behaviour could be very erratic, and this seems to have been particularly the case in early September.

15. On 10 September T stayed overnight at the Father’s home, according to the Mother without her agreement. T started primary school on the 11th.
16. On 14 September the texts suggest that there was some dispute over contact arrangements. T had just started at primary school and the Father attended the school asserting, correctly, that he held parental responsibility. The parents were spoken to by the Headteacher but there is no note of what was said. On the same day the Mother contacted Rochdale CSC reporting that the Father was becoming awkward over contact with T and saying that he will take him from school. The Mother did not feel that the Father would follow through with this but that it was him ‘sounding out’.
17. According to the Mother, at some point during the day she noticed T putting his hand up an adult friend’s skirt. Later that day when putting T to bed he told her that he had a secret game with his daddy and he played with daddy’s willy and his daddy had played with his. The Mother rang her friend, HS, and told her about T’s conversation. She took a video of a conversation she then had with T about what he had said earlier. In this video the Mother is very clearly prompting T to repeat what she says T told her earlier. I do not in principle criticise the Mother for this as she had not been trained as to how to question a child. However, the video is essentially worthless in trying to establish either the truth of what T was alleging or, more importantly for my purposes, whether T had originally made the allegations at all, or whether he had been prompted into it by the Mother. What is clear from the video is that T does not appear to be in the least upset. I agree with Ms Whiteley that what T is describing sounds more like a silly game than a child recounting a frightening or worrisome experience.
18. The Mother then rang the NSPCC and I have seen a transcript of this call. The Mother started by setting out the problems with contact and then stated that T had been trying to put his hand up a friend’s skirt and had talked about his privates and the game he had been playing with his privates. The NSPCC quite appropriately advised her to ring the police.
19. Early the next morning the Mother contacted the police and gave them a similar account. The police passed on the allegations to Rochdale CSC.
20. The Mother said that she did not feel safe at home because T was due to have contact with his Father in the next few days. She decided to leave Y and move to Cumbria where she had family and friends for support.
21. On 18 September a Rochdale social worker visited T. The Mother reported to the social worker that the Father was a vile man, extremely aggressive and violent. The Mother stated that she thought Father would have been arrested by now. She stated that last year the Father came out as bisexual to her. Why the Mother said this was not investigated in cross examination, but the Father denies being bisexual. The Mother said that the police told her that the Father would be arrested.

22. On 20 September the Mother alleges that she took T to bed and he stated to her that he never wanted to discuss the ‘secret games’ again.
23. On 21 September T was taken to the police station for a pre-interview introduction. The Mother says that T said to her on that day that he will never tell his secrets again, he told her that daddy only plays with his willy over his trousers.
24. From around this date onwards the Mother alleges that T was constantly talking about willies and bums, front bums, sometimes trying to pull down pants and kiss bums along with trying to grope people. There is no evidence of this type of sexualised behaviour from anyone other than the Mother. JL, who the Mother and T were living with and the maternal grandmother, MG, say that T appeared to be very difficult at this time and quite distressed, but neither of them say anything about sexualised behaviour. I note at this point that it would be hardly surprising if T was acting in a difficult and disturbed way. He had been removed from his home and normal surroundings and from his Father, and his Mother, for whatever reason, was plainly in a very upset and highly stressed condition.
25. The Mother alleges that T told her he was not going to tell police officers about the secret game he plays with daddy and that him and daddy wash each other’s willies in the shower, he told the Mother that she is a stupid idiot and he hates her.
26. On 2 October T was subject to his first ABE interview. The Mother alleges that on this date T told her he is not telling anyone else his secret game and Father only washes his willy in the shower, he says the Mother is a stupid idiot and he hates her and she is worthless. Criticisms were made of the way that the ABE interviews were conducted. However, ultimately this is of little relevance to my consideration because T made very limited allegations in only one of the ABE interviews and no party is now suggesting that the Father did sexually abuse T. Although I am confident that the ABE Guidance was not followed in all respects, there is nothing to suggest that the conduct of the interviews was so poor that this led T to make further allegations.
27. On 5 October the Mother phoned Rochdale Children’s Services and said:

“[T]became very quiet and stated that he couldn’t tell [Mother] what he wanted to tell her as it is really naughty and really rude and he would be sent to prison. [Mother] reassured him and he told her that his daddy put his willy in his face and on his mouth. [T] explained that he hides from his daddy and makes himself not breath so that his daddy can’t find him. [Mother] reassured [T] and he went to bed. This morning [T] has stated that his daddy gets his willy out and it is massive and he puts it near his butt crack. [Mother] reassured him that he did not have to play these games ever again and [T] stated that he is so happy that he never had to play this game again. [Mother] has reported this to the police and they are reviewing the need for a further ABE interview.”
28. The Mother alleges that T stated he is scared when Father puts his willy in his mouth and it is rude, he would go and hide from his Father and try not to breath. I note that at this point that it does appear that after the first ABE interview, when T made no allegations, the allegations reported by the Mother start to become increasingly extreme.

29. The Mother alleges that on 7 October T told her about two bad men going into his Father's flat with NN, he stated that at the flat the men were both dead, both men were brown and older than his Father, the men played rude games with NN and they were all naked. They were all fighting and NN used his Father's nail clippers to cut off their belly buttons, they were screaming and there was blood and poo everywhere, special police with guns came round and a gun had been given to him to point at someone else's head. He had been told by his Father they had been shot. He had not seen this happen but blood was sprayed everywhere, he says he had been told these things by his Father and NN and they referred to him as a 'miscreant'.
30. On 9 October T had a medical examination by Dr Tee. She reported that redness was observed to the tip of his penis, scar and possible haemorrhoid on anal examination. She said that the finding of perianal scars are "*strongly suggestive of anal abuse in the absence of other convincing witnessed trauma...*". She advised that T should be referred to a sexual health clinic for screening.
31. On 12 October T had a second ABE interview. This is a somewhat controversial interview. T left the interview room for a few minutes and had a brief conversation with the Mother, when he returned he was asked '*You showed me that before, [puts dolls face to face] so where does daddy touch you.*' He responded by stating that his father touched him '*on my bum and on my willy.*' Mr Jones asserts, and it was not disputed, that this was an inappropriately leading question.
32. On 15 October the Mother called Rochdale Children's Services and is recorded as follows:

"[T] has told [Mother] that his older brother [NN] (35) also plays the secret game with him and there have been two other men in the property and they were brown. [T] states they were all naked."
33. The Mother alleges that T started talking to her about guns and how he had been hiding under the bed and NN tripped over a body and was sick.
34. On 16 October a referral was made to Cumbria CSC from Rochdale CSC. On 17 October there was an initial visit to Mother and T by Kim Taylor, an Independent Victim Support Worker (IVSA) appointed by Victim Support and the police to support T.
35. On 19 October Ms Burrow, the social worker from CCC, made her first visit to T and the Mother. It was only from 17 October that the Mother was given any advice as how to handle T's allegations. The Mother said that it was only much later that she was given any advice. However, MG said that she was present at meetings soon after Ms Burrow was appointed where Ms Burrow did give the Mother advice.
36. The Mother recounted the allegations that T had made to her, which are set out above. The Mother reported that T was also having nightmares and that T had been really angry but calmed down. The Mother said that T was told by the perpetrators that if he told anything he would be shot, and the police would lock him up. Ms Burrow said that even at that stage she was concerned about the extreme nature of what T was reporting, but the police were investigating and appeared to be suitably concerned and Dr Tee's report was corroborative of abuse having taken place.

37. On 13 November the Father issued his application for a child arrangements order in the Family Court. The Father had had no contact with T since early September. The Mother had raised concerns on 5 November with Ms Burrow that the Father would find out where she was living and might try to take T.
38. On 21 November the Mother alleges that T said to her that when they were playing rude games, daddy, NN and two of NN's friends put their willies in his bum. Mother states that it was difficult to speak to T, he had started wetting the bed, having nightmares and screaming. Mother alleges that T said he missed Father and loves him but that he is an idiot because he did rude things to him and was naughty. The allegations become increasingly extreme and bizarre from around this time onward. T allegedly said that the Father and NN used to put their willies in his bum every time they were at his Father's flat; that brown friends also put willies up his bum; referred to them putting cow's udders up their bums and how his Father used to put his willy up the two men's bums. He stated when he stayed at Father's home for a special treat (the Mother believed this was on 10 September 2018) NN and Father were there and there were two men tied up and they put their willies up his bum, Father and NN tied the men up and put a glass with lemonade up their bums, squirted a black bottle with chemicals in up their bottoms and there was blood and poo pouring out, T was under the bed when NN cut their belly buttons off and Father took ages to clean up the mess.
39. On 7 December T had a third ABE interview. Again, T made no allegations of abuse.
40. Mother alleges that on 8 December T asked her if she had smelled slug poo and told her he had and it was white powder in lines and he smelt it through a straw on a special mirror or off a rock outside. T said they used to make him smell it when he stayed over at daddy's. He said he had a secret game with his daddy and he played with daddy's willy and his daddy had played with his. The Mother advised Ms Burrow of these allegations during a home visit on 11th December.
41. Ms Burrow made a home visit on 30 January 2019 and the Mother told her that she had recorded T speaking about the allegations. Ms Burrow advised her that it was better not to record but to write down what he had said later. However, Ms Burrow did listen to the recording and her evidence is that it appeared that the Mother was questioning T rather than T leading the conversation.
42. The Mother alleges that on 3 February 2019 T said to her one night that when he was staying at Father's flat, NN and two men came round, they walked to JS's house and V's grandmother was in bed and it was very late. Daddy, NN and the bad men were all taking it in turns to put their willy in his bum and he kept trying to wrestle them. JS was watching but kept falling over and clapping his hands. JS then threw everyone out of his house but would not let T go so he had to wait in the living room and his Father picked him up.
43. On 12 February the Mother emailed Ms Burrow saying that T told her daddy used to put a stone in his mouth when he played rude games so he wouldn't scream. He used to call T a rat, miscreant, told him would be shot dead and sent to prison and said he would kill him if he ever told anyone. He used to hate it when daddy put his willy in his mouth as he couldn't breathe.

44. On 13 February drug test results from hair strand testing showed that there were traces of cocaine in T's system dating back to around early September.
45. The Mother alleges that on 19 February T stated to her that his daddy, NN and two bad men were baddies. According to the Mother T asked if he could see pictures of the two bad men on Mother's phone. The Mother then looked at a missing persons UK website and showed it to T. She says he saw a photo and smacked the phone out of her hand and screamed. She reported this to Ms Taylor who then told Ms Burrow on 22 February. The Mother *'said that she went onto the missing people UK website and was looking through some pictures, [the Mother] states that [T] saw the picture of a male and he freaked. [The Mother] further informed this male was from [Z]'*. The Mother also informed Ms Burrow that T had said that his brother had held a gun to his head.
46. Ms Burrow said that this incident increased the LA's concern because it seemed that the Mother had shown T randomly selected people on a missing persons website and this had seriously upset T. The Mother seemed more concerned to prove the Father guilty of sexual abuse rather than considering the emotional pressure that was being placed on T.
47. On 27 February T was seen on his own at school by Ms Burrow. She asked him about the Father, *'he said that 'daddy is kind of good' and that was 'cos I like him'*. T said that *'he had no worries about daddy and would like to see him and wanted to see him and mummy would be there or he would see him without mummy'*. This meeting is obviously important because it shows that when T was speaking about his Father away from the Mother he said he wanted to see him despite all the very extreme and frightening allegations that he had allegedly been making only days before. Ms Burrow saw none of the signs of fear and trauma that the Mother was reporting.
48. On 28 February the LA held a strategy meeting when concerns were discussed both about the risks posed by the Father, but also about the Mother's behaviour in trying to identify perpetrators. The Mother was spoken to about this but according to Ms Burrow she deflected responsibility and said it was the social worker who had caused distress to T by speaking about the Father.
49. On 15 March the initial child protection conference was convened. T became subject to a Child Protection Plan under the category of emotional harm. At the subsequent core group meeting the Mother was advised not to ask T questions but to reassure him if needed and then write down what he had said afterwards.
50. On 7 March there was a Court hearing.
51. On 21 March T was seen at home by Ms Burrow and he told her that Kim Taylor was getting him a worry monster. The Mother says that on 22 March T alleged that a friend of the Father's, PR, used to come round to daddy's flat with his brother and watched daddy, NN and the two bad men put their willies in his bum.
52. T was seen at school by Ms Burrow on 26 March. He was asked if there was anyone else who would go to play centre with him, he said he wouldn't go with his dad as *'I can't see my dad anymore'*. In the sad box, T said he feels *'sad at going to this place'*, said it was *'daddy's flat'*, asked why T said *'I've forgotten why'* then said *'because he's mean'*. T said at daddy's flat he *'just used to watch tv but he used to stop me, he used*

to make me do bad things'. T asked if there was anything that could make him happier - *'if daddy didn't do mean things to me'*. Ms Burrow said that T seemed unclear as to why he had put his Father in the sad section, and his behaviour was in contrast to the detailed allegations that the Mother was reporting.

53. On 2 April T was seen at home by Ms Burrow and was asked what made him happy - *'not going to daddy's flat'* and when asked why T said *'dad made me smell slug poo'*, asked what it looked like - *'green and slimy'*. T stated he was happy because he was *'not seeing my dad because my dad did rude games to me'*, asked what that meant T stated *'he just did that'*. T stated *'my dad would do rude games to me if I went to see him'*, and *'dad used to make me smell slug poo, he did rude things to me, he used to be not a good dad'*, and *'most nights used to sleep there on a Thursday and used to do rude games'*. Asked if he wanted to see Father, he stated *'no'*. He told Ms Burrow that she needed to *'tell the police so that the police can tell daddy off, daddy will get into trouble then no more rude games off daddy to me'*. T then told Ms Burrow that she needed to tell his mum so he could get a treat for being "a brave boy". Mother told Ms Burrow that T gets a treat when he goes to the dentist but she has not told him he would get a treat if he told her things. The suggestion that T was being given treats when he made allegations is a matter that Mr Jones referred to in Closing.
54. The following day Ms Burrow spoke to the Mother about the LA's concern that she was priming T to make allegations. On 5 April there was a Court hearing. On 10 April the Mother presented at CSC office to discuss indirect contact following the court hearing. The Mother presented with two black eyes and a cut lip. Mother stated that she was struggling and had drunk alcohol on Saturday and fallen into a door frame. She said that she was finding things difficult, had been to GP to ask for support and referred to First Step, and had also spoken to Birchall Trust. The Mother was again given advice as to how to handle whatever T was saying and this was put in a letter.
55. On 16 April a Section 37 report was filed within the private law proceedings.
56. On 24 April the Mother alleges that on this date T had told her in the car that other boys were also involved, he was talking about how daddy used to make him do roly pollies in his living room with no clothes on round and round in circles when the bad men came around. Mother alleges that T said the brown men always used to come every week and that strangers used to come as well who weren't friends with daddy or NN, they used to bring other boys, they were the same age as him apart from two who were 9 and 10 years old, they would make them all do rude games to each other and take photos. Mother alleges that T said that what's really weird is that they took pictures of him smelling slug poo. Mother alleges that T had said some of the boys would cry like babies when daddy and the other men put their willies in their bum but he was brave like daddy said, all of the strangers gave daddy money so he was rich.
57. On 25 April the Mother alleges that on this date, when driving back from school, T stated to her that one time daddy got him in a taxi and took him to someone's house, there was a boy and his daddy there, daddy put his willy in the other boy's bum in front of his daddy then he did it to T, the man gave daddy money. By this stage the allegations are not just extreme but begin to involve what can only be described as a paedophile ring.

58. On 3 May the Mother and Maternal Grandmother attend CSC offices to discuss their worries with CSC and the impact of the situation on T as they felt T had been sexually abused and was not being listened to.
59. Between 9 May and 1 July T put various notes into the worry monster and these were recorded.
60. On 13 May Dr Thornton's report was filed. Dr Thornton has worked in the field of sexual abuse since 1995 and has seen over 3000 complainants of sexual assault. She was instructed by the solicitor for the child in the private law proceedings to produce an independent medical report. She produced a very detailed report which concludes that examination of T's presentation neither confirms nor refutes sexual abuse having taken place. This report was subsequently shown to Dr Tee who did not disagree with its conclusions in respect of the urethral meatus (opening) but did not appear to express a view on the anal examination. Ultimately the degree of Dr Tee's agreement matters not at all, because the Mother does not seek to challenge Dr Thornton's conclusions.
61. There were two subsequent visits to T and his Mother by Ms Taylor. On 22 May Ms Taylor convened a meeting at school with the headteacher but deliberately excluded Ms Burrow.
62. On 29 May there was a professionals meeting. There was clear conflict in this meeting between Ms Taylor, who felt the "voice of the child" was not being listened to, and the Local Authority, in particular Ms Burrow, who expressed concern that the Mother was not being truthful.
63. On 6 June a Child Protection Conference took place. The Mother said that T had told her that daddy had him smelling white powder.
64. Kim Taylor, Mother's victim support worker, recorded the following visit:
"[T] then stopped what he was doing and asked if we were talking about his social worker because "she thinks mummy is lying and she's not, she's really not!" Before asking [Mother] to accompany me to the door, I asked [T] what he means by this and he told me "the rude games and things like that, but she's not lying, she's really not!"
65. On 12 June Ms Burrow took a toy from Father to school for T and recorded:
"I told [T] that I had not been to get the toy and that his father had given it to me so I did not know if there was anything else. [T] found the card in the bag and said "don't want that" and "put it in bin", he left the card on the sofa. [T] played with the toy. [T] was asked if he wanted me to open the card and show him. He said yes but did not want it to be read to him."
66. Shortly after a Core Group meeting, the Mother alleges that T started to refer to his Father at bed time. He started to say that daddy was a baddy and he shouldn't have done rude games. He went on to say daddy made other children do rude games as well. He said there were five boys involved, V was brought there by his dad and grandad and sometimes NN would bring him, NN's girlfriend's daughter F was there, but she did not join in the rude games. She would watch. Other children were strangers without

daddies and Q used to bring them. Q didn't do rude games but filmed them on his camera and took pictures. They had to wait in the bedroom to be called in. He listed V's dad (JS Junior), V's granddad (JS), PR, BA and KE. The Mother then states this took place on 2 July within her email dated 11 September.

67. The Mother sent a text message to a friend stating T had made another 'disclosure', that she was not sure what to do and that she did not want things 'thrown back on her' in the family court proceedings. The message in response states she must 'disclose his disclosure it is very important for T and for you'.
68. On 8 July the Local Authority issued these care proceedings. On 9 July T was seen in school by Ms Burrow who gave him a box of toys from his Father, he had requested and told T that his Father had said to say that he missed him.
69. On 7 August the Mother emailed Ms Burrow to inform her of allegations she states T made to her on 1st July. As I explain below, I consider the significant delay between the allegations of 2 July and reporting them to the LA is an indicator that the Mother either did not believe these allegations or had been instrumental in them being made at all.
70. On 7 November an Ecomap was completed with T by Ms Burrow:

"[T] was asked if that was everyone or if there was anyone else that he would like to see. [T] said "I know who I would not want to see, my dad" he then said "and would not want to see my dad's friend [NN] and his 2 friends and this person [Q] who used to drive us around". [T] then said "he used to drive us because dad crashed his car into our car on purpose and had his licence taken off him.""

71. On 26 November there was a Contact Planning meeting with CSC at which the Mother attends:

"At the meeting on 26th November [the Mother] brought along some writing completed by [T], the first was a letter [T] had wrote to the police stating his father had done rude games and a worry list for his worry monster. [T]'s worry list included; monsters, my dad, police gun, goblins, [NN] and the 2 bad men, window. [The Mother] said that [T] had wrote window as he does not like sleeping by the window as thinks his father is going to smash through the window.'

'[The Mother] was asked about where [T] had wrote the letter, she said that he had sat at the table, she was making tea and [T] said 'I've written a letter to give to the police can you give it to the police?' [The Mother] stated that she then said that she would give it to me to give to the police. I asked [the Mother] if she had helped [T] with the letter and his spelling and she replied that she had not, commenting "have you seen the spelling?" [The Mother] then commented that [T] is writing a lot at the moment.'"

72. It was agreed at the meeting that T could receive a birthday present from his Father at school and it was arranged for Ms Burrow to visit T at school on 3 January 2020 to give T the present from his Father.

73. On 2 December it is recorded that:

“[The Mother] attended the social work office on 2nd December with another note from [T] which she stated he had wrote independently on Saturday. This note was also addressed to the police ‘to the police my dad did rude games and put his willie in my bum from [T]’.”

74. On 3 December Ms Burrow attended school to give T a present from his Father:

“During discussions with [Mr B] and [Mrs R], [Mr B] said that [T] was aware that I was coming to give him a present from his father as [Mother] had wanted him to be prepared and had told [T] at the weekend that I was coming into school to give him a present.”

75. Ms Burrow saw T and he said he knew the social worker had come to give him present. T stated nobody at home had spoken to him about this. The LA point out this is evidence that the Mother was priming T not to tell the truth to Ms Burrow that she had told him about the visit.

76. The Mother states that on 5 December T had started building the Lego set, he was quite excited but also got easily frustrated:

“[The Mother] added that [T] said “this is the best batman Lego set ever but my dad is the worst dad ever”. [The Mother] reported worries about the police guns in the Lego set and that [T] said “this has police guns, my dad knows I like guns but not real ones”. [The Mother] stated that on 7th December 2019 [T] had wrote her a card and placed the police car with the police man in a box, he had hidden the guns inside the car, and he said “you don't have any Lego so you can keep these”. [The Mother] reports that on the 8th and 9th December 2019 [T] needed a lot of reassurance that ‘police don't shoot and kill people especially children, and that this is a reoccurring bedtime worry of [T]’. [The Mother] states that [T] has subsequently hidden the Lego at the back of his toy box and not played with it since, she claims that [T] has tried on the spaceman outfit and she asked him if he wanted to go out in it, he replied “jeeze mum, no”.”

77. On 7 January 2020, 3 days prior to Court hearing, the Mother emails the social worker with pictures completed by T:

“There are 2 pictures, the first picture is of [T] in bed with a monster and a goblin with him screaming with his arms in the air. The second picture he drew is a car he coloured in red. [The Mother] reported she asked him why he was scared of cars as she was thinking he was avoiding going to sleep and he replied that it was [Q] because he has a red sports car and he was taking children to his dad's. [T] then reportedly drew his father with his willy out and himself next to him, he said he was looking behind him scared. [The Mother] states that [T] then drew a trap, a hole with his

dad in because the sticks had broken. [The Mother] stated that she stopped him from drawing anymore, reassured him he was safe and put the drawings in the worry monster."

78. On 9 January the Local Authority filed its threshold document, this document seeks findings against the Mother.

79. On 10 January at the Court hearing, the Court recorded on the face of the order that:

"Indirect contact has been attempted by the Social Worker however it was apparent that [T] had been spoken to prior to the contact taking place which the Social Worker had concerns about. Further indirect contact was due to take place this week but has not been possible due to Mother providing pictures that [T] has drawn which cause some concern about his thoughts of Father at this time.

..... The Social Worker does seek to progress indirect contact but will file a statement given concerns that she has about [T]' view of his Father at this time."

80. On 20 January a Lego present is given to T, a camera, T responded positively to this:

"... he said "I used to live in [Y] and go to my dad's house". I asked [T] if I could tell his dad that he liked the camera and he said that I could."

81. On 11 February Ms Burrow visits T in school to complete direct work session. T asks if he will have to see his dad, says his dad is not nice. The case note reads as follows:

"[T] then said that my dad did rude games and asked me if I knew what rude games were, I told him that I did not know what rude games were and he asked if I wanted him to tell me, told [T] that it was up to him if he wanted to talk about anything. [T] then said "he put his willy up my bum". [T] was smiling as he said this and he said that he was scared to say anything because the police would tell him off and asked if he would get told off by the police. I told him that he would not get told off by the police. [T] then said "and he made me smell white powder". [T] also said that "my dad pointed a gun at me". I asked [T] when this had happened and he said "when I lived in [Y]". [T] said "do you know where my dad lives?" I told him I had not been to his dad's home and he said "he lives in [M Street]".....

....On the 1 to 10 scale [T] said that he was "10" today and that was "because I've told you about my dad". I asked [T] if anyone had asked him to say things to me, [T] paused and said "errm " he then said "no one has asked me to say this" [T] then said "not my mum", "not my grandma" "not my grandad or [D]" and named other family members saying that they had not asked him to say anything."

82. There were then four further court hearings.

83. On 29 June Ms Burrow saw T at school. Her notes include:

“After we finished the game of snap I asked [T] if he could draw me a picture of something that he had enjoyed or had made him happy. [T] started to draw what looked like some waves and a person. He said it was “a person being killed by a shark in the sea” [T] said “you might know him, it’s my dad”. Told [T] it would not be nice to be killed by a shark. [T] said “well he is an idiot, possibly an imbecile”. Said to [T] that he wouldn’t want a shark to kill him though and he said “yes I would, I hate him”. [T] then said “that’s why I am planning world domination”.

[T] said “I wish I could go back to [Y] and stab him, as that would make my life better”. Told [T] that was a very serious thing to say and that it would not make things better. I reminded [T] I had asked him to draw something that made him happy and he then said “That is my dad with an arrow pointed through him” and “well he is horrible really”. I asked [T] if he could tell me something nice and he said “got a new campervan today, my mum bought it”, [T] then drew the campervan and said his mum had saved up a lot of money to buy it.”

84. The Mother is notified of this exchange by the social worker. She states that everyone is blaming her and that the social worker needs to listen to T as he hates his father and what he did.
85. The Mother was extremely firm in her statements to the court up to September 2020 that she believed T had been abused, not just by the Father but by a number of other men. She sought for those other men to be joined in the proceedings and for findings to be made against them. It was only shortly before this hearing that she changed her position and no longer sought findings against either the Father or anyone else. The timing of this change of position appeared to coincide with the appointment of a new legal team.
86. I have set out this chronology in such detail because it is important to understand the pattern and development of the allegations in this case. A few points are very clear when the chronology is considered as a whole. Firstly, T’s allegations escalate and become more extreme and bizarre over time. Secondly, T initially seems attached to and relaxed about his Father, describing him as his “hero” according to the Mother, and telling Ms Burrow he wanted to see his Father. However, that changes to a position in June 2020 where he says that he wants his Father to be killed and he hates him. There can be no doubt that T has suffered real emotional harm through this long sequence of events, and that was not caused by any actions of the Father.
87. The final step in the chronology is that the Mother seeks findings that on 15 July 2020 the Father was heavily intoxicated and abusive to HS and threatened her. This is alleged to have taken place in Pub Y. Having heard HS and the Father’s evidence, I fully accept that the Father was very drunk and abusive.

The witnesses

88. The Mother largely gave her evidence in quite a flat manner, but at times becoming upset. She consistently reiterated that she was telling the truth and was only saying what

T had told her. Her position in evidence was that she no longer believed that the Father (or anyone else) had abused T. As I understand her evidence, she says that she did not believe T's more extreme and far-fetched allegations, but this did not lead her to question the underlying truth that T had been sexually abused by his Father and others, and that other children had also been abused.

89. There were parts of her evidence which were simply, to my mind, inexplicable. She said that she had believed T on 1 July 2019 when he told her that other children were also being abused, as well as all the other adults being involved. However, she did not report this to the social worker until 7 August. She claims that this was because she was frightened, but she had not been too frightened to tell the social worker T had made allegations about other adults and she pursued a case against those other adults, seeking to have them joined in this action, until September 2020.
90. I find it incomprehensible that if the Mother genuinely believed on 1 July that other children were being abused that she did not report that immediately to the police and social services.
91. Another aspect of her evidence which I found incomprehensible was her sudden change of position in September 2020 to saying that she no longer believed T and did not think that the Father had abused him. She explained this by saying that she had not really understood her previous legal advice and it was only when Mr Howe and Mr Flood became involved that she realised T was not telling the truth. I find this explanation exceptionally difficult to believe. Her new counsel team may have explained the legal position to her more clearly than those in the past. But this does not explain why she no longer believed any of the allegations that she says T made.
92. I find it exceptionally difficult to find the line between the Mother not being truthful and where she has so overdramatized the situation that she has lost any grip on truth and fantasy. Overall, I do not consider that she was a truthful witness in all material respects and had a far more active role in encouraging and embellishing what T was saying than she is prepared to admit.
93. The Father portrayed himself as an open and honest witness who was very prepared to give evidence about his drug use and watching pornography. He accepted that he watched pornography on his phone at home and with the Mother sometimes on the TV box at her house. However, he was adamant that T would never have seen this because he was always in bed with the door shut.
94. He accepts that he fairly regularly took cocaine, although he suggests that this was often with the Mother. However, again he says that T would never have seen him doing so and would not have seen him using the drug paraphernalia which was kept in the kitchen in a place T could not have got at it. He does accept that T might have had some passive exposure in his house, either from contact with surfaces or with him.
95. He accepted in his response to the allegations that he had on occasion behaved badly to the Mother, but not that he had been aggressive. In respect of the fracas in the pub on 15 March 2018, he says that RP ran into his arm and that T was out of the pub at the point when he hit PO. He denies being abusive or threatening to HS on 15 July 2020.

96. In my view, the Father was frank in those points in his evidence which he could see would do his case little harm, or where he had no choice but to be honest. However, he consistently sought to minimise his actions, both in terms of violence around T and more importantly for the purposes of this judgment, the potential for T to have seen pornography on the Father's phone. He sought to minimise both his alcohol and cocaine consumption. I will return to this in my conclusions.
97. MG, the Maternal Grandmother, was a straightforward and honest witness. I do not underestimate how difficult it must have been for her to give evidence in the proceedings, to some degree differing from her daughter's position. I accept all MG's evidence. This evidence did suggest that T seemed upset and difficult when he moved to Cumbria. She noted two incidents before September 2018 where in retrospect she had wondered about the Father's conduct. In the end this evidence mattered little, because no allegations are now being made against the Father.
98. Probably the most important aspects of MG's evidence was that she was clear the Mother had been advised from mid-October 2018 to be careful not to prompt T in allegations, and that she had not seen any sexualised behaviour by T at the time when the allegations were being made.
99. JL equally seemed an entirely honest witness who again recorded that T had been upset and difficult when he moved to Cumbria, but not that there was any sexualised behaviour.
100. The accounts of the fracas in the pub on 15 March 2018 varied in their detail between RP, PO and ED. The slight differences in my view make very little difference in respect of my findings. The Father was plainly drunk and aggressive when he was in charge of T.
101. Ms Burrow was allocated as T's social worker on 17 October 2018 as soon as the referral was made from Rochdale to Cumbria Children's Services. She has been his social worker throughout and therefore has met him on numerous occasions. She has been qualified since October 2015. Although her experience and training may not have fully prepared her for a case as complex as this one, overall I thought she had managed the situation remarkably well.
102. Ms Burrow was a calm, measured and careful witness. In my view she has acted in a very professional way throughout what has become a very difficult case. She started, very understandably, accepting what the Mother was telling her, but became increasingly sceptical as the allegations became more extreme and the evidence pointing to the Mother priming T became stronger. She said it was also notable that even when T made allegations to her he did not seem distressed. As will virtually always be the case there are some things that she might do differently, such as some of the note taking. However, I am fully aware of how hard-pressed social workers are and of the very difficult dynamics in this case.
103. She explained how the LA had initially accepted T's allegations as reported by the Mother and with the corroborative evidence of Dr Tee. However, after receiving the report of Dr Thornton it became clear that the forensic evidence did not confirm that sexual abuse had taken place. The LA considered there was insufficient evidence to establish that on the balance of probabilities abuse had occurred. The Mother refused

to accept the proposition that sexual abuse had not occurred. Following on from this, the LA began to consider that the Mother fed through allegations at specific times and that the detailed chronology of when allegations occurred supported a finding that the Mother was either fabricating allegations or acting unreasonably in accepting them.

104. Ms Taylor's role in this case is with hindsight a very unfortunate one, although I have no doubt that she intended at all times to do her best to support both T and the Mother. I can only describe her as being a "true believer", both in everything that T said and allegedly said, but also in whatever an alleged victim of sexual abuse or domestic violence says to her. She came across as being incapable of exercising independent judgement and keeping an open mind. She, to an unacceptable degree, blurred her own personal experiences with her approach to the role she was appointed to take with T and his mother.
105. Ms Taylor also overstepped her professional remit, questioning the approach of CAFCASS, the local authority and the court.
106. I am not carrying out an investigation into Ms Taylor's actions or her training. However, what happened in this case does raise concerns over both the training and the supervision of Ms Taylor.

The law

107. The law that I have to apply in making findings of fact is relatively straightforward and summarised by Baker J (as he then was) in *Re JS* [2012] EWHC 1370 at [36]:

"36. In determining the issues at this fact finding hearing I apply the following principles. First, the burden of proof lies with the local authority. It is the local authority that brings these proceedings and identifies the findings they invite the court to make. Therefore the burden of proving the allegations rests with them.

37. Secondly, the standard of proof is the balance of probabilities (Re B)[2008] UKHL 35

38. Third, findings of fact in these cases must be based on evidence. As Munby LJ, as he then was, observed in Re A (A Child) (Fact-finding hearing: Speculation) [2011] EWCA Civ 12 :

"It is an elementary proposition that findings of fact must be based on evidence, including inferences that can properly be drawn from the evidence and not on suspicion or speculation."

39. Fourthly, when considering cases of suspected child abuse the court must take into account all the evidence and furthermore consider each piece of evidence in the context of all the other evidence. As Dame Elizabeth Butler-Sloss P observed in Re T [2004] EWCA Civ 558, [2004] 2 FLR 838 at 33:

"Evidence cannot be evaluated and assessed in separate compartments. A judge in these difficult cases 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 local authority has been made out to the appropriate standard of proof.”

....

*42. Seventh, the evidence of the parents and any other carers is of the utmost importance. It is essential that the court forms a clear assessment of their credibility and reliability. They must have the fullest opportunity to take part in the hearing and the court is likely to place considerable weight on the evidence and the impression it forms of them (see *Re W and another (Non-accidental injury)* [2003] FCR 346).*

*43. Eighth, it is common for witnesses in these cases to tell lies in the course of the investigation and the 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, and 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] QB 720).”*

108. I have also derived considerable assistance from cases concerned with allegations of sexual abuse by children and how the courts should approach such allegations.
109. In *VBC v AGM and others* [2019] EWFC 64 Sir Mark Hedley was dealing with multiple allegations of child abuse concerning a large number of children and many adults. At [86] to [117] the Judge sets out the difficulties of evidence gathering and the reliability of evidence in such cases and in particular the problems for foster carers and social workers in finding themselves in the role of investigators.
110. A number of cases deal with the critical importance of ABE interviews being conducted correctly and in accordance with the ABE Guidance. *Re SR (A Child) v Cambridgeshire CC* [2018] EWCA Civ 2738 at [28] to [49] and extensive passages from the judgment of MacDonald J in *AS v TH (False Allegations of Abuse (Rev 1))* [2016] EWHC 532 (Fam). These cases focus on the importance of following the relevant Guidance and learning the lessons, and remembering them, of the Cleveland Inquiry.
111. There is a passage in the judgment of Hughes LJ (as he then was) in *Re B (Allegation of Sexual Abuse: Child’s Evidence)*, which has a particular resonance in this case:

“34. ... Painful past experience has taught that the greatest care needs to be taken if the risk of obtaining unreliable evidence is to be minimised. Children are often poor historians. They are likely to view interviewers as authority figures. Many are suggestible. Many more wish to please. They do not express themselves clearly or in adult terms, so that what they say can easily be misinterpreted if the listeners are not scrupulous to avoid jumping to conclusions. They may not have understood what was said or done to them or in their presence.

35. For these and many other reasons it is of the first importance that the child be given the maximum possible opportunity to recall freely,

uninhibited by questions, what they are able to say, and equally it is vital that a careful note is taken of what they say and also of any questions which are asked. All this and many other similar propositions, most of them simple common sense, are set out in nationally agreed guidelines entitled Achieving Best Evidence...”

112. The issue in the present case is not the reliability of the ABE interviews because, firstly, T made minimal allegations in those interviews and, secondly, no one is now arguing that the allegations that T did make were true. There were errors in the way the ABE interviews were undertaken, the way the Mother and Ms Taylor seemed to have acted as evidence gatherers, and Ms Taylor’s unquestioning belief in and support of T’s allegations. However, the real issue in the present case is rather that children are highly suggestible and as a generality more so as they are younger. This makes it critically important that all concerned are fully alive to the importance of not leading or encouraging the child into making allegations.
113. Certainly, the caselaw shows that there are many examples of professionals who have received training, still asking children wholly inappropriate questions, encouraging them (albeit inadvertently) to make allegations, and then believing those allegations even when wider circumstances ought to have been bringing great caution to the situation.

Submissions and Conclusions

114. This case is difficult because it involves trying to establish what the Mother was thinking at various different points in the chronology where the evidence is almost entirely the Mother’s own reporting at the time. I would have benefited from a psychological assessment of the Mother, but Mr Jones told me that the psychological service approached by the Local Authority had advised that assessment work and intervention with the family was only possible after the court had made its findings of fact. Looking back with the benefit of hindsight, I do not think that this was the most helpful approach. As the trial turned out, I was not being asked to determine facts about whether T was sexually abused, but rather I was trying to determine the reasonableness of the Mother’s apparent belief in T’s allegations, and whether she had exaggerated or encouraged T’s allegations. This problem has arisen because of the Mother’s very late change of position in the litigation, and I must do the best that I can with the evidence, and particularly the chronology, that I have. However, the psychological assessment which all agree should follow this judgment will be critical in determining what orders I make in respect of T.
115. The starting point is that no party now seeks to argue that either the Father or anyone else abused T. However, it is important to note that the Mother only accepted this shortly before the trial.
116. There are, on my analysis, three alternative positions I could take: (a) that the Mother deliberately fabricated T’s allegations and knew throughout that they were untrue; (b) that the Mother may have initially reasonably believed them, but that at least from the date of Dr Thornton’s report that belief became unreasonable; or (c) that the Mother reasonably believed the allegations throughout until reaching a proper understanding with the benefit of Mr Howe’s advice in September 2020.

117. The Mother now accepts that from the receipt of Dr Thornton's report a reasonable parent would have been more open to alternative explanations and that her parenting of T has fallen below that expected of a reasonable parent. She therefore accepts that the section 31(2) threshold criteria are met. However, she says she did not receive appropriately skilled advice and support and there was a dispute between the core group of professionals. She accepts she and T need expert help to manage the consequences but not that T should be removed from her care.
118. I make clear here that I do not intend in this judgment to reach any conclusions about T's future care. I find that the Mother has fallen seriously below the standards of parenting that should have been expected and that he has been significantly harmed by that. But it does not follow that he should be removed from the Mother's care. That decision must follow a further hearing and psychological evidence. I do note however that the Mother's concessions come very late in the day at the cost of great harm to T as well as a huge waste of social work and legal resources.
119. Having considered all the evidence very carefully I have reached the conclusion that, on the balance of probabilities, (b) in [115] above is the correct finding. T probably did make some initial comment to the Mother that was open to an entirely innocent explanation. The Mother may have seen him putting his hand up a woman's skirt, which is not unusual for small children, and he said something about daddy touching his willy in the shower. The Mother, with a tendency to over dramatization which was referred to both by MG and by her sister in the NSPCC phone call, took T's comments and let them spiral out of control. The Mother then fed those allegations and encouraged T to make more allegations. In my view there came a time, when the Mother was at the very least embellishing the allegations, possibly in a very ill-judged belief that this was helping T by stopping the Father having contact. After Dr Thornton's report in May 2019 the Mother's belief in whatever allegations T was actually making and her pursuit of allegations against the Father (and others) was no longer reasonable and has caused T significant harm. I do not accept that the Mother was the innocent actor that Mr Howe seeks to portray in his Closing Submissions.
120. The initial allegations on 15 September came at a time when the parents were in conflict and there had been a considerable change because T had just started at primary school. However, I agree with Mr Gilmore that there is no single strong catalyst that would have led the Mother to have made up the allegations and then leave her home and job all as part of a pure fabrication. There were arguments about money and the Father had been asking for more contact and "parity", and this may have put pressure on the Mother. However, the Mother had supported contact with the Father in the past, even in the face of what many would consider as totally unacceptable behaviour by him.
121. The surrounding evidence supports T having said something to the Mother. She spoke to HS and made the video recording on the same day. She then made a considerable sacrifice by giving up her house and work and moving to live with JL. There is then a long history of her reporting allegations to the police, social services and Ms Taylor. This would all amount to a very complicated fabrication and one that was damaging to the Mother herself and, as such, seems inherently unlikely. The Mother did not strike me as someone who would have deliberately and in a calculated manner, made up the initial allegations. However, right from the start the Mother was encouraging T to make allegations, and seemingly praising him for doing so. I suspect that from mid-

September T thought his Mother wanted him to make ever more extreme allegations against his Father and that was a good way for T to get attention and praise.

122. I am also very influenced by the fact that Ms Burrow, who has had numerous conversations with the Mother over the last 18 months, was not of the view that the Mother had simply fabricated the whole thing.,
123. The Mother's fears will then have been strongly reinforced by the report of Dr Tee, which appeared to confirm whatever T alleged. I accept Mr Howe's argument that any parent when receiving that report would have assumed that the worst was true.
124. The Mother's belief that T had been sexually abused will have been further reinforced by Ms Taylor. Ms Taylor unquestioningly believed everything the Mother recounted to her and therefore that T had been abused. It was plain from Ms Taylor's evidence that she continues to believe this, even though the Mother does not. I have no doubt that Ms Taylor believes she was doing the best for T and the Mother and intended nothing but good. However, she has, I am afraid, seriously confused her role and undoubtedly made a difficult situation very much worse. It was apparent from her evidence that she took an unquestioning approach towards allegations of sexual abuse and saw her role as giving total support to the alleged victim. That support included not contemplating the possibility that T and/or the Mother were not being truthful or had become confused. The effect of her conduct was to affirm the Mother in the strength of her beliefs and probably to make T more worried and more fearful of his Father.
125. I was at one point concerned about the very role of ISVAs and that the Home Office Guidance left ISVAs to be in a position of conflict. However, the advocates told me that the kind of problems that arose with Ms Taylor's role had not arisen in other cases to their knowledge. I therefore accept that the tension in Ms Taylor's role and conduct is something of a one off.
126. Ms Taylor wholly failed to understand the importance of her being impartial, as referred to in the Home Office Guidance, in the sense that she needed to keep an open mind about the allegations, and that she could support T and his Mother without reinforcing the allegations. She was a whole-hearted believer in anything T and the Mother told her and to a very worrying degree brought her own personal experience into her role.
127. In my view, there were a number of extremely unfortunate consequences to this. Firstly, she reinforced and possibly heightened all the Mother's fears without retaining any professional impartiality and distance. Secondly, she may well have heightened T's fears particularly by strongly encouraging his use of the worry monster and plainly making him feel that "feeding" the worry monster was to be praised. I am not a child psychologist and I have not heard expert evidence. It is however easy to see that a worry monster, although sometimes undoubtedly useful for young children, may become a way of encouraging further allegations and "disclosure" and feeding a young child's imagination.
128. Thirdly, Ms Taylor was highly critical of the criminal and family justice system and plainly encouraged the Mother to think that any contact with the Father was unacceptable. In taking this approach she reinforced and encouraged the Mother's antagonism to the Family Court process. Her convening of a meeting without Ms Burrow was wrong. I fully accept that professionals must be able to criticise and

question judicial decisions, but Ms Taylor appears to have little or no understanding of the considerations that the court will have been balancing when deciding that indirect contact should take place. I am not conducting an investigation into the training and supervision of ISVAs, but it is clear that something went seriously wrong in this case.

129. Ms Taylor's role matters to the findings I need to make, because certainly until April/May 2019 she will have been playing an important role in reinforcing the Mother's belief that T had been abused by his Father.
130. However, from the middle of 2019 the Mother's belief in T's allegations ceased to be reasonable and the evidence suggests very strongly that she was either exaggerating or even fabricating T's allegations. On 13 May Dr Thornton's report was filed which set out why T's presentation neither confirmed nor refuted sexual abuse. I can accept that this might not have immediately led the Mother to revise her position. However, in the light of that report, any reasonable parent would have started to question in their own mind what T was allegedly saying.
131. The evidence shows that the Mother was involving T in effectively backing up what she was saying, as referenced by the conversation with Ms Taylor on 6 June when T says that Ms Burrow is wrong to say that the Mother is lying, rather than T. This can only have been said because the Mother was quite inappropriately discussing the position with T. There are then the extreme allegations which are supposed to have been made by T on 1 July involving other children. I cannot tell whether the Mother made up these allegations or whether she encouraged T to make ever more extreme allegations. I accept Mr Jones's submission that by mid-2019 the Mother was becoming increasingly frustrated and angry with the court process and the Local Authority and was therefore wanting the allegations to become more extreme in order to support her case for no contact. If she had genuinely believed the allegations involving other children, then in my view she would have reported them. She had never previously held back from reporting allegations because she was scared of either the Father, NN or anyone else. Possibly she was doubtful of the truth of the allegations, possibly she was conscious that she was leading T into making more extreme allegations. The evidence suggests that the Mother had little or no understanding or interest in the way that her leading questions could lead T into making wild allegations. Without a psychological assessment of the Mother, I cannot conclude with any confidence what was in her mind from May 2019 onwards. I can however conclude, without any doubt, that from a point in mid-2019 it had ceased to be reasonable to accept T's allegations at face value.
132. These conclusions are reinforced by the events later in 2019. By 26 November the Mother was reporting T being worried by "monsters, my dad, police gun, goblins, NN and the 2 bad men, window". Any reasonable person can see that by this time T was so upset, confused and traumatised that what he was saying had to be considered with great care and that his fears were becoming very confused with frightening fantasies. Yet the Mother persisted in believing him and persisted in pursuing allegations against a whole range of men up to September 2020.
133. I also consider that the Mother was actively encouraging and guiding T's allegations. There is a fine line between the Mother simply making up allegations and her allowing her own imagination to run wild and then feeding that to T. The objective evidence supports the former but, on balance, given what I know of the Mother's character, I find

that the Mother led and reinforced what T was alleging rather than in a calculated manner made things up.

134. By 1 July what T was reported to be saying amounted to an allegation of a paedophile ring. I do not think any 5 year would have got to the stage of making up a story about numerous men and other children, being filmed and being paid, without a great deal of adult encouragement. He could not have got these details from watching some pornography on his Father's phone. Further, there are details of precisely how people take cocaine, which again strongly indicates that his Mother was guiding what he said or embellishing it. I do not accept Mr Howe's argument that T got whatever sexual knowledge might have been reflected in these conversations from watching pornography on the Father's phone. I think these lurid allegations are far more likely to have been made up by the Mother, possibly with T simply acting as an echo chamber. However intelligent T is, that does not mean he can make up a paedophile ring.
135. I also think that letters T wrote to the police were written with the strong encouragement and assistance of the Mother. The handwriting, spelling and grammar is significantly better than that in the letter to Santa of a similar date. It is not inconceivable that T was forming his letters better, but I am only considering the matter on the balance of probabilities. In my view, the Mother is more likely than not to have given T considerable help in writing these two letters. By this stage the Mother was determinedly seeking to support the allegations.
136. It may be that the Mother having gone down the line of wholeheartedly supporting T's "allegations" then felt that she had no choice but to escalate them and provide supporting "evidence". If she started by genuinely believing that T had been abused, then psychologically it may have been much easier to do everything she could to reinforce this story rather than step back and start to act in a more rational manner. This may fit in which the descriptions of the Mother having a tendency to overdramatize. Again, these are matters more for a psychologist than a judge considering the matter without psychological evidence.
137. Although I accept that T may have seen some pornography on the Father's phone, not least because there may well have been times when the Father was so out of it on alcohol, cannabis and cocaine, that he will have had no idea what T was doing, I do not think this is the explanation for what T was allegedly telling his Mother. The details are too intricate, and the chronology does not fit, for some inappropriate viewing of pornography to be the explanation for T's alleged allegations.
138. I have dealt with the factual allegations made by the Mother against the Father under the chronological account above. I do not need to say more about them.
139. I find that T did come into contact with cocaine at the Father's house, but it is not possible to say whether he was in the care of his Mother or his Father, or both, at the time. Both parents took cocaine at times. The Mother said at one point she had not taken it for years but told the Social Worker she had taken it in January 2018. I do not think the Mother was a truthful witness in this regard. I accept the Father's evidence that the Mother took it with him in August 2018 as he was very straightforward about this. I do not find that the Father tried to force T to take cocaine. I therefore find both parents are responsible for T's exposure to cocaine in or around September 2018. I accept that since T left Y there is no evidence that he has been exposed to cocaine.

140. In respect of the March 2018 fight, on the balance of probabilities T was probably (just) out of the pub when the Father hit PO. However, this is irrelevant given that the Father was plainly drunk and aggressive in the pub when he was supposed to have been looking after T. I note that the Mother appears to have had no problem with the Father having continued contact with T after this, so the incident reflects badly on both of them.
141. Equally I accept the Father was drunk and aggressive to HS in July 2020.
142. For these reasons I find the case made by the Local Authority in respect of the Mother to be made out on the balance of probabilities. In my view, the most appropriate way forward is for a psychological assessment of the Mother to be undertaken, and for steps to be taken towards establishing indirect contact, in the first instance, between T and his Father.