Neutral Citation Number: [2019] EWFC 64

Case No: LV17C00867

IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION

Sitting at the Manchester Civil Justice Centre

Date: 16/04/2019

Before :

SIR MARK HEDLEY

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LV17C00867 VBC V AGM, AGF, AM, AF, AA, AB & AC (L)

LV17C02751 VBC V BM, BF, BA & BB

LV17C002656 VBC V CM, CF & CB

LV18C00070 VBC V DM, DF, DA & DB

LV18C00273 VBC V EM, EF, FF, EA, EB & EC

LV18C02752 VBC V EM, FF, FA, FPG & FPA

LV17C03139 XBC V GM, GF, GA & GSM

LV17C02519 XBC V IM, IF, IA & IB

LV17C02579 XBC V CM, HF, HA & HB

LV17C02573 XBC V JM, JF, JA, JB & JPG

LV18C02166 XBC V JM, JF, JA, JB & JPG

LV18C05644 YMBC V LM, LF, LA & LB

LV18C02144 YMBC V MM, MF, JMA & MA

MA18C00500 ZMBC V NM & NB

MA18C00618 ZMBC V OM, OF & OB

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Karl Rowley Q.C. and Lorraine Cavanagh Q.C. and Eleanor Keehan Instructed by and for Legal Services of VBC

Elizabeth Isaacs Q.C. and Sophie Smith instructed by FDR Law appeared on behalf of AGM

Taryn Lee Q.C. and Mark Steward Instructed by Watsons Solicitors appeared on behalf of AGF

Peter Birkett Q.C. and Danish Ameed Instructed by Higgins Miller appeared on behalf of AM

Jeremy Weston Q.C. and Samantha Birtles Instructed by KHFS Solicitors appeared on behalf of AF

Lorna Meyer Q.C. and Janet Reaney Instructed by Berkson Globe appeared on behalf of AA, AB and AC

Paul Storey Q.C. and Clare Grundy Instructed by KHF Solicitors appeared on behalf of BM

Stephen Jones Instructed by Susan Howarth & Co appeared on behalf of BF

Jo Delahunty Q.C. and Shaun Spencer Instructed by Hogans Solicitors appeared on behalf of BA, BB, IA and IB

Julia Cheetham Q.C. and Clare Porter-Philips Instructed by Hill & Company Solicitors appeared on behalf of CM

Richard Pratt Q.C. and Jamil Khan Instructed by Fiona Bruce Solicitors appeared on behalf of CF

Bansa Singh-Heyer and Prudence Beaumont Instructed by McAlister Family Law appeared on behalf of CB, HA and HB

Sarah Morgan Q.C. and Carl Gorton Instructed by HCB Group appeared on behalf of DM

Christine Johnson Instructed by Jones Robertson Solicitors appeared on behalf of DF

Simon Povoas Instructed by BDH Solicitors appeared on behalf of DA and DB

Andrew Moore Instructed by Butcher & Barlow Solicitors appeared on behalf of EM

Emma Greenhalgh Instructed by MI Banks Solicitors appeared on behalf of EF

Darren Howe Q.C. and Damian Sanders Instructed by Linder Myers Solicitors appeared on behalf of FF

Simon Povoas Instructed by BDH Solicitors appeared on behalf of EA, EB, EC and FA

Matthew Lord Instructed by Pluck Andrew & Co appeared on behalf of FPG

FPA appeared In Person

Frances Heaton Q.C. and Ginnette Fitzharris Instructed by and for Legal Services of XBC

Jane Sampson Instructed by MSB Solicitors appeared on behalf of GM

Ruth Henke Q.C. and Rachael Banks Instructed by Linder Myers Solicitors appeared on behalf of GF

Kate Burnell Instructed by Morecrofts Solicitors appeared on behalf of GA

Ruth Henke Q.C. and Kate Hughes Instructed by Linder Myers Solicitors appeared on behalf of GSM

Jane Cross Q.C. and Peta Harrison Instructed by Bell, Lamb & Joynson Solicitors appeared on behalf of HF

Frances Judd Q.C. and Lucinda France-Hayhurst Instructed by Butcher & Barlow Solicitors apeare don behalf of IM

Ian Dixon Instructed by Nyland Beattie Solicitors appeared on behalf of IF

Damian Garrido Q.C. and Jayne Acton Instructed by Alfred Newton Solicitors appeared on behalf of JM

Karen Wishart Instructed by Silverman Livermore Solicitors appeared on behalf of JF

Kate Burnell Instructed by BDH Solicitors appeared on behalf of JA and JB

JPG appeared In Person

Mark Senior Instructed by and for Legal Services of YMBC

Liz McGrath Q.C. and Lawrence Messling Instructed by Stephensons Solicitors appeared on behalf of LM

Leonie Caplan Instructed by Otten Penna Solicitors appeared on behalf of LF

Natasha Johnson Instructed by MSB Solicitors appeared on behalf of LA and LB
Sarah Morris Instructed by Borrow & Cook Solicitors appeared on behalf of MM

Fiona Halloran and Kate Brammall Instructed by Stephensons appeared on behalf of MF

JMA appeared In Person

Tammi Bannon Instructed by Paul Crowley Solicitors appeared on behalf of MA

Linda Sweeney Instructed by and for ZMBC

Cyrus Larizadeh Q.C. and Neil Christian Instructed by Poole Alcock Solicitors appeared on behalf of NM

Jo Delahunty Q.C. and Shaun Spencer Instructed by Temperley Taylor Solicitors appeared on behalf of NB and OB

Simon Bickler Q.C. and Joseph Lynch Instructed by Garratts Solicitors appeared on behalf of OM

Nicholas Stoner Q.C and Nazmun Ismail Instructed by Ayres Waters Solicitors appeared on behalf of OF

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(Hearing in Private)

Approved Judgment

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

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SIR MARK HEDLEY

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

PART I: INTRODUCTION

1. This case essentially concerns the welfare and future living arrangements for 25 children. Three of those have been very much the focus of this hearing, but the futures of the other 22 are equally affected. It is right that all should be named at the outset of this judgment.

2. The children involved are AA, age 15; AB and AC, age 14; BA, age 13; BB, age 8; HB, age 15;HA, age 10; CB, who is 2; DA, who is 6; DB, who is 4; EC, who is 10; EA, who is 9; and EB, who is 4; and FA, who is but a few months old. GA is 15 and FN is 12 (no proceedings were, however, instituted in respect of her); IB is 9 and IA is 4; JA is aged 3 and JB has not yet reached her first birthday; LA is 15 and LB is 8; MA likewise has not reached his first birthday; NB is 4 and OB is 6. I am grateful for the photographs which have been provided, which have served as a helpful reminder that there are

a large number of real children whose lives are really affected by all that is going on in this case.

3. In essence, the local authorities allege that there was a paedophile ring involving many respondents and others centred on the home of AGF and AGM and essentially organised by AGM, who systematically and over a number of years sexually abused AB and AC. The allegations demonstrate gross perversions, including every potentially erotic part of the body with penetration of all, penile, digital and by tongue. They include perversions which I have not previously encountered in evidence. Of course, any person found to have been involved in any such matter would inevitably pose a grave threat to any child in their care.

4. It is important to stress, however, that there is no evidence that any child involved in these proceedings, other than the three A girls, has in fact been abused; indeed quite the contrary. The evidence suggests that all have flourished in their family care.

5. This case is about risk and the likelihood of future significant harm to them.

6. This has been, in my experience at least, an unprecedently complex case. It involves four local authorities, 24 respondents and five intervenors, with 21 of those being named as alleged perpetrators. There are 49 parties in all to these proceedings. As I said, there are 25 named children, all of whom have guardians and most of whom were legally represented.

7. In the event, some 21 leading counsel have appeared, plus one junior, who took silk during the trial, together with some 35 junior counsel

and five solicitor advocates, there being some 30 firms of solicitors overall involved in this trial.

8. The whole trial has required a courtroom that can seat 120 people, although up to 156 could be present technically. It was in effect, 15 care cases being tried concurrently, as the essential evidence was common to all.

9. Disclosure was a continual issue. In the event, documents exceeding 42,000 pages were adduced in evidence. A further 12,000 were considered but not disclosed, and some were served but not put in evidence. Documentation essentially consumed the energies of two junior counsel for nine months and one junior counsel for some six months before that. In addition, there were 67 Achieving Best Evidence interviews to consider. Moreover, 150 electronic devices were seized, which yielded the equivalent of 800,000 pages of data. As much of this was delivered late by the police, the instructed expert was going to struggle with time, so 41 external hard drives every week for nine weeks were purchased by the local authorities to ensure that parties received the relevant information as quickly as possible. This continued into the hearing and added over £17,000 to the costs of the expert evidence.

10. Formidable though the undertaking of such a trial was, the role of the judge remained as it would have been in any care proceedings, that is to say: first, to manage and conduct the trial; secondly, to find the facts; thirdly, to discern and apply the law to those facts; fourthly, to exercise judgment as to whether the threshold criteria were satisfied; and, lastly, to exercise the discretionary powers of the court with the welfare of all children as the court's paramount consideration.

11. If ever a case merited a fully written judgment, then this was it. However, other considerations have come to bear on that. Repeatedly it has been emphasised to me the drastic effect that protective arrangements, which have been in place for 18 months now, have had on families. The lives of children have been disrupted and, for many of them, tender age prevents them understanding why. Older children are bemused and often angry, and, again, it is not hard to see why. This has been communicated both by parents and guardians, as well as in a letter to me from GA.

12. Although no child (other than the A girls) is in foster care, the disruption is real and protracted. In the end, I concluded that I owe it to all to give my judgment as soon as I reached a conclusion on all relevant issues, hence this oral judgment being given some 18 days after the conclusion of the hearing and before the Easter holiday. I have had the whole of the intervening time to reflect and prepare.

13. A distinguishing feature of this case has been the co-operation of all, and I mean all, throughout: the co-operation of families in the making of protective arrangements, which resulted in all children being in family placement with no use of foster care (save for the A girls); and that there have been very few welfare challenges during the proceedings; and the families and the parties in supporting unusual or even unique approaches as described later, so as to enable this trial to take place. I have received high levels of co-operation between counsel in terms of the order in which things were done, the formulation of joint documents, the agreed arrangements for the cross-examination of the girls, and a host of day-to-day trial management issues. There has been co-operation with a number of

external bodies, including the legal aid authority, and the court has received unstinting support from Her Majesty's Court and Tribunal Service, including from senior members of it, in providing and equipping a courtroom of adequate size, in affording a live link to the witness suite, in arranging for the girls' evidence to be given from a remote location, and through the good offices of Ms Karen Brandon, who has been involved in much of this, the upgrading of Wi-Fi to a high specification to permit a paperless trial in a very large court, as well as to provide it in the advocates' room, and one assumes that those investments will bring future undoubted benefits to the service. Moreover, the court has been provided with dedicated clerks in both Liverpool and Manchester. There has been a real determination to get this case done. The court has also had the benefit of an informal accommodation subcommittee, which has dealt with seating plans and those kind of precise arrangements.

14. Some of the intervenors were litigants in person, but Mr Matthew Lord, who acted for others, provided a level of assistance which meant they were in no way disadvantaged, and the court is grateful for that, as it is to the relevant local authorities who funded the taking of parties' statements of evidence, so as to ensure a smooth progress of the proceedings.

15. Finally, it is surprising perhaps that such a trial was given to a retired judge, but the plain fact is this case needed a High Court judge, the Division is seriously under strength, and my appointment was expressly approved by both the liaison judge, Mr Justice Hayden, and the then President, Sir James Munby.

PART II: PREPARATION FOR TRIAL

16. The police, the Q constabulary, first became involved in this case in 2017. The main allegations, however, emerged in the summer of 2017 and it was then that most of the local authority protective measures were put in place. As it developed, it became the most complex case of its type within the experience of that particular constabulary.

17. The position in January 2018, which was my first involvement in this case, was that arrests and interviews would take place in the summer, and that there could, therefore, be no substantial disclosure of documents until then. Charging decisions were expected in early 2019 and, of course, no one could offer any serious prediction as to when any criminal trial might in fact take place. It was, accordingly, accepted on all sides that the care proceedings could not wait upon the criminal proceedings but, of course, the care proceedings were dependent on police disclosure of evidence. In fact, the police did better than their then predictions. The arrests and interviews took place in the early summer of 2018 and the Crown Prosecution Service made a decision not to charge in September 2018, a decision which was not challenged by the police. Thus, disclosure was made rather earlier than had been feared. The only qualification the police have made to the decision not to take proceedings is that they would wish to take stock of the matter after this trial, and no doubt to that end will want to see this judgment. I acknowledge a high level of co-operation from the police in the preparation of this trial.

18. There clearly has been a very long delay in bringing this matter to trial from the inception of these proceedings. The details and reasons

for that were set out by me in a judgment given in open court on 26 April 2018, which will be appended to this judgment as Appendix 1. The one piece of good news is that we are now exactly where we would have hoped to have been when that judgment was given, and it is to the credit of all that the progress of the case has been maintained during that period.

19. It was inevitable that issues of disclosure would feature heavily in the preparations for trial. Because the A girls were highly visible, there were very large numbers of documents emanating from some 73 agencies. Considerable care had to be taken over disclosure, for whilst the test for disclosure was always relevance, there was a need for proportionality, and so the test of relevance was somewhat refined so that documents which were repeats of other documents but had come from different sources were not disclosed; if the information in the document was already available elsewhere, it was not disclosed; if it did not bear upon an issue relevant within the proceedings, it was not disclosed; and, wherever possible, private information was excluded from the documents. Hence the very large number of documents which in this case were not disclosed.

20. It was considered that this case should be conducted as a paperless trial, and this avoided a trial with probably over 200 lever-arch files being involved. The local authorities commissioned and paid for the CaseLines system, which we have used for documents. Everybody co-operated in a number of trials and practice sessions, including the judge it has to be said, and this led to numerous refinements and improvements in the system and, whilst I have heard very few complaints about the system, I have taken from that that it has

broadly worked well. I should just observe that the unique features of this case will skew the statistics for disposal of work, and it may be that this case should, in those circumstances, be relegated to a statistical footnote. The other advantage of using CaseLines was that it also meant that the trial was not interrupted when, for some time during the course of it, the HMCTS system went down for several days. The trial was not interrupted and was able to be continued.

21. As I said, accommodation was a real issue, given the large number of people entitled to attend. We began using linked courts in Liverpool, which was not always satisfactory for those in the court in which I was not present, and in any event, once the estimate of trial became known, those courts were simply not available. However, court 45 in Manchester, suitably adapted, has been made available, as has a specific advocates' room, as well as specialist arrangements to ensure the smooth running of the trial. I am grateful to all those who have been involved in achieving that end, both those who have acted, as it were, in the public eye and those who have acted behind the scenes, and I am grateful to everyone for their willingness to sit in unaccustomed places and to accept and abide by a workable seating plan.

22. A unique feature in this case was the early appointment of His Honour Judge Andrew Greensmith as the case management judge. He had two vital functions, the latter of which continued throughout the trial. First, all interlocutory applications were made to him, either to decide them, especially if they were urgent, or to refer them to me, should he think that necessary, and to deal with any

welfare issues that arose out of the protective measures that had been taken. The judge was aware of the substance of the case and on directions we sometimes sat together, thereafter with him dealing with any discrete welfare issues and my being able to concentrate on the preparations for trial. I, especially as a retired judge, found this both a helpful and an efficient arrangement. Nobody has indicated to the contrary, and it may be that the role of Judge Greensmith is not yet wholly exhausted.

PART III: THE MANAGEMENT OF THE TRIAL

23. This was the most complex trial in which I have ever been involved. Moreover, the evidence and indeed submissions of counsel were all taken at conversation speed. It had been agreed that, if it could be funded, real-time transcription by Epiq Global should be employed, and the full reasoning for this appears in the directions order made by me on 26 April 2018.

24. This is, of course, a case in which everybody is publicly funded and it was necessary, to make it work, for it to be an equal charge on all parties. There were negotiations with the legal aid authority and they agreed, subject to conditions set out in the letter of 7 August 2018. I strongly suspect that it will turn out to have been a sound business decision made by the legal aid authority. It is to be said that this system seems to have functioned well with a running transcript and an upload of the corrected transcript the following day, and has represented another example of the co-operative spirit that has permeated this trial.

25. It had been ordered and agreed at a **Re W** hearing that all three girls could and should give evidence, subject to their willingness at the time to do so. I think it may be helpful to set out the arrangements for their evidence and how it worked, given that there are no prescribed civil and family procedures for dealing with vulnerable witnesses.

26. We drew on the evidence of the experience of the Liverpool Crown Court pilot project. The court is grateful for a paper from Mr Richard Pratt QC, which provided a description of that. That has not been entirely followed, but it has proved useful.

27. By agreement with all, I had a separate pre-trial meeting with each girl in the place where they would actually give their evidence, the meeting being attended by me, the guardian's solicitor, the girls' intermediary and a court clerk, and it enabled some preliminary discussions to take place, as, for example, explaining to them that we all knew the position about lying and that was not going to be directly referred to in their evidence, and, of course, a recognition that they were, because of the number involved, not going to be able to see their ABE interviews and, therefore, would not be questioned about inconsistencies between those interviews and what they were saying. The proceedings were recorded by the guardian's solicitor and made available to all.

28. Two days were allowed for each witness from the remote location, and fortunately the bridge between the two was owned and facilitated by HMCTS. A recording was made for the families not present, since both the girls wished that and many family members wished rather to see the recording than sit through the evidence. There were some

problems with that, which I will mention in a moment.

29. Both AA and AC gave evidence, and we needed the second day in relation to both of them to accommodate both regular breaks and their capacity to concentrate. AB did not give evidence. She had indicated that she did not want to do so, but she had come to the pre-trial meeting and she did attend the guardian's solicitor's office on the day on which she was supposed to give evidence, but she maintained her stance that she was not willing to do so, and I took the view that that should be accepted, sufficient encouragement to her to do so having been offered.

30. There was a ground rules hearing, although they were for the most part agreed. It was agreed that there should be written questions, subject to the advice of the intermediaries, and approved by me, and, of course, the intermediaries were present throughout the giving of oral evidence. In the event, I was fairly relaxed about the asking of supplementary questions, but, of course, it has to be recognised that, given the extent of the ABEs in this case, it had to be accepted that the girls could not refresh their memories from them and thus also accepted that there could be no cross-examination as to previous inconsistent statements, although, of course, submissions to that effect would be allowed.

31. The evidence was taken by all counsel asking questions, together with me, being present with the witness in the remote location. The lead was taken by Ms Lorna Meyer QC, as advocate for the guardian of those children, and cross-examination on behalf of the grandparents was undertaken by Ms Taryn Lee QC and Ms Elizabeth Isaacs QC. All other respondents agreed that questions

on their behalf would be put by Ms Frances Judd QC, which meant that, of course, there were only four counsel involved in actually asking questions within the remote location. I indicated at the time, and repeat now, that the cross-examination was, in my view, a model of the style and tone in which it should have been done. In the event, all others watched satisfactorily on the screen in court 45. For the parties, the video failed, and in fairness the fee for it was waived, but the audio recording was satisfactory and so people were at least able to hear what had taken place.

32. Careful consideration then had to be given to all the other witnesses, many of whom did not feel able to give evidence of the sort of matters that were involved in front of 100 plus people. In my view, that was a reasonable concern, and in the end I offered witnesses the choice of whether to give evidence in the witness room or in the courtroom. Arrangements had been made to use a witness suite in the same building, which was made available for the whole three months of the trial. It was a room which was sufficient for the witnesses, for those counsel asking questions and for the judge. It facilitated a more speedy delivery of the evidence, but, of course, occasioned delays when it was necessary to change personnel in terms of those who were asking questions.

33. After about a week of the evidence, concerns were properly raised and articulated by Mr Richard Pratt QC over the way this was done. He as a criminal advocate expressed himself accustomed to the fact that there was no jury to be seen, but less accustomed to the fact that he could not see the judge either, and I agreed in those circumstances that we should try a different system the following week, with only

the witness in the witness room. In the event, the technology did not allow this to happen, and in the event that system of giving evidence applied universally throughout the trial, with the exception of a few police officers. It did mean the rather unusual circumstance that, for the greater part of the trial, the judge was not physically present in the courtroom. On reflection, I have to say that I preferred the system that we did in fact use, as I found being in the physical presence of the witness, and that includes the two children, preferable to observing them over the link. I do not suggest that this is a major issue. It was simply my personal impression.

34. There were two further issues that arose in respect of witnesses. Some, including the grandparents, wanted to give evidence in the courtroom. In fact, we endeavoured to explore that through Mr W, the electronics expert, but the plain fact was that he simply could not be heard throughout the whole courtroom, and, in fact, hearing witnesses was manifestly going to be a serious issue. The result was that every respondent and intervenor, as I say, gave evidence from the witness suite. It also had to be recognised that some witnesses had been so traumatised by all these events that they were unable to deal with certain parts of the evidence. Mrs P, the foster carer, was unable really to look in detail at her own diaries and DC R found it extremely difficult to deal with the content of the ABE interviews, and it should be mentioned that she has been withdrawn from all such duties ever since. This did, inevitably, result in some constraint on the range of cross-examination. In the event, unusual though they were, I thought the arrangements worked reasonably and that everyone was able to hear the evidence they wanted to and needed to

hear.

35. We made particular arrangements as to hearing time, sitting from 11.00 until 5.00, to relieve some of the pressure on security and the catering arrangements, and security further was made easier by cards for access being issued and for a single queue for this particular case. It turned out in the event that no restrictions were required on the oral or written submissions made by counsel, save for a request that the oral submissions should be completed within the period of three days. They were indeed completed well within that time.

36. At the end of the local authorities' evidence, they asked for time to consider their position, and a few days were given. They then lodged position statements indicating that they intended to continue against all respondents. There was then a submission made on behalf of all respondents and intervenors, save the grandparents, that the court should stop the proceedings on the basis that there was not a proper case to answer. That inevitably took time to prepare, argue, reflect and decide. In the event, those applications were refused, not because the court did not have power to make the orders sought, I found that it did, but that it should, in all the circumstances, hear the carers of children when considering proceedings under Part IV of the Children Act 1989. I set this all out in a judgment of 21 February 2019, which will be appended to this judgment as Appendix 2.

PART IV: THE UNCONTENTIOUS BACKGROUND

37. The parties in this case are connected either by blood or marriage and partnership. This family group is characterised by multiple relationships and frequent adult feuds. In respect of almost all

children, their birth parents had separated before these proceedings began. That said, children, as I have already indicated, have thrived. Some of the evidence has been tinged and in some cases tainted by a defensiveness borne of loyalty to the family when it has been perceived that the family has been under attack. In saying that, I am not saying that there has been a deliberate general cover-up of known abuse.

38. The glaring exception to thriving children has been the three A girls. Their mother, who herself had a profoundly dysfunctional family experience with her own mother, was a daughter of AGF. She was married to AF. They have six children, of whom these three are the youngest. The detailed history of that family is not germane to my purposes, but a number of matters need to be recognised.

39. That family home was characterised by chaotic behaviour and inadequate parenting, including domestic violence and serious neglect. There was regular involvement of Social Services, SCC, throughout, and although there is no positive evidence of child sexual exploitation, there is evidence that inappropriate and pornographic materials may have been available, and there is evidence of disinhibited sexual behaviour, leading to the question as to what children might have seen. The plain fact is that when these children were finally removed on 28 April 2009, they had suffered serious emotional and psychological damage, they were in a very poor physical condition, they had obvious learning deficits, in particular in relation to the twins, and they were almost entirely unsocialised, and a number of witnesses have used the word "feral" to describe their behaviour and condition. They were removed to the paternal

grandparents, but a few days later, on 1 May, the girls were placed with the maternal grandparents, AGF and AGM. Of course, what happened to them in that home is highly controversial, but the broad overall time frame is not. The other children, T, U and W, stayed with the paternal grandparents, although U finally moved to a residential placement, and they play no real further role in these proceedings.

40. These three girls remained at the maternal grandparents until 6 December 2010, when they were removed and placed in foster care. That came about because of an incident involving AGF and DM, who was the daughter of both AGM and AGF. Their time in foster care was extended because the maternal grandparents were having an extension built to their house to offer a permanent home to the girls. It seems, however, that some family members were given a version by the grandparents, which included this placement being only explained by the need to build the extension. Apart from some respite care, the children remained with the same foster parents until returned to the maternal grandparents on 10 April 2012. In other words, they were away for some 16 months.

41. There has been no investigation in this hearing of what happened in that placement. Two matters are, however, clear. First, there was no love lost between the foster carers and the maternal grandparents, as is readily apparent from the contemporary written evidence. Secondly, it was a very unhappy time for AA, as appears not only in that evidence but in her reaction to being asked about it in her oral evidence. Her reaction was, it appears, a replica of how other witnesses have described her behaviour when in distress and it was

sad to see. The girls then lived with the maternal grandparents from 10 April 2012 to 7 February 2017 when they were removed, a removal that is now undoubtedly permanent.

42. On 15 July 2016, AA had been accommodated overnight and had had some respite care but otherwise they had lived there for over six years. The placement was confirmed by a special guardianship order made in the County Court on 23 July 2012. That period of care, of course, included AA's transfer to B High School and that of the twins in the following year.

43. Whatever I may have to say about them, AGM and AGF must take substantial credit for the improvement in the visible welfare and well-being made by the girls over their time with them. That improvement was obvious to all and was undoubtedly the case. It was done at no small cost to themselves in the sense that they were dealing with children damaged seriously by their earlier experiences, who had low IQs and moderate academic potential, and at least in relation to AA, engaged in deliberately and sustained provocative behaviour, both at home and at school.

44. All was clearly not well with AA. Her behaviour at school, both at primary and high school, was unpredictable and sometimes extreme. Not only did she struggle to make friends, she was very demanding on adults. In due course, complaints emerged of AGM's physical harshness and AGF's uncomfortable touching, and on one occasion (the allegation made to an online counselling service) she was removed overnight but she stated that she wanted to return home. Matters came to a head when she made similar complaints again in early 2017 resulting in the removal of all three girls to foster care.

45. It is perhaps worth just setting out the history of the placements of these girls.

46. From birth until 28 April 2009, they were with their natural parents. For the next three days, they were with their paternal grandparents. From 1 May 2009 to 6 December 2010, they were with the maternal grandparents. For the 16 months after that, they were with foster carers. From 10 April 2012 to 7 February 2017, they were with the maternal grandparents. For their first 10 days in care, they were with Mrs D, whereafter they were placed with Mrs P on 17 February 2017.

47. So far as AA is concerned, she remained there until 11 August 2017, when she was moved to the home of Mrs E, where she remained until 18 December 2017, when again she was removed and placed with a specialist foster carer, Ms F, on 18 December 2017, where she remained until 31 December 2018, whereafter she was admitted to respite care, and there is still a substantial question mark over her future placement, though it is planned that she return to Ms F.

48. So far as AC and AB are concerned, they remained with Mrs P until late 2018 when they were moved to separate and individual therapeutic foster placements, where they remain. It is to be observed that a number of these moves took place quite close to the time of trial, and may or may not have had an impact on their evidence. AC has adjusted to the change more easily than has AB.

49. AA has thus had 12 changes of placement and AC and AB eight each. Whatever may have been the reasons, it would be idle to pretend they have not had a significant overall emotional impact on these girls.

50. No complaints, other than one made to Mrs D by AA about the twins, had been made by the twins until they had been in Mrs P's care for some time. Whereas AA did not really expand on her complaints during her stay with Mrs P, the twins undoubtedly did so. They effectively, and in the case of AB specifically, alleged a paedophile ring and reported abuse from the age of five onwards, and, as I have said, abuse of a particularly abhorrent nature. AC effectively alleged abuse against the maternal grandparents and seven others, essentially on an individual basis. AB alleged abuse against all those and against a further 12 involving multiple acts of abuse by adults acting together. How all these allegations came to be made will require careful examination. What is clear is that all girls, as between themselves, make rather different allegations.

51. It is common ground that there is no corroborative or supportive evidence for these allegations. There is no evidence of organisation, child pornography or regular association, nor do the girls effectively corroborate each other. This does not mean that there can be no evidential basis for a finding, but it does mean that that basis stands on the evidence of the girls, and in AB's case, effectively on hearsay evidence.

52. I should not end this review of the uncontentious evidential framework without some observations of the impact of these proceedings on all involved, and I do mean all. The impact on the A girls will necessarily be the subject of separate assessments.

53. The impact on every other adult must be recognised: on the professionals involved, on the police and particularly DC R, on the foster carers and particularly Mrs P, who in the course of her

evidence said that her family had been traumatised by the placement and they felt broken by the whole experience. The impact on all the respondents should be recognised, and should be recognised as perhaps having an impact on their evidence as well. And the impact on all those conducting the case, not least the judge, should be recognised. It would be idle to pretend that there has been none such, but, of course, it has been necessary to allow for that when reflecting on the substance of the case.

54. Although I have already adverted to it, I also have in mind the effect on the other 22 children, whose lives have been disrupted for up to two years, in the case of many of them the great proportion of their lives, both in terms of their home and parenting arrangements and their ability to understand and accept restrictions on parental contact. Many, as I say, have already endured parental break up, and all will be seriously, if hopefully not irremediably, affected.

55. The context then in which highly controversial issues have to be determined is complex. Undoubtedly we are dealing with very damaged girls who were placed with the maternal grandparents. Those members of the family who thought the grandparents were not up to it were in the end proved correct. However, even highly specialist and committed foster carers have found the girls as individuals highly demanding, let alone caring for all three of them. It is important not to lose sight of how truly demanding they were, how truly damaged they were and to consider how all this might affect the evidence.

56. Whilst the uncontentious facts of any case provide valuable context and may even indicate where probabilities lie, the court must be

astute to consider the contentious matters in their own right.

PART V: THE AA/IB AFFAIR

57. IB was born on 31 May 2009 and so he will soon be 10. His mother is IM, often referred to in the evidence as Auntie IM, and she in turn is the daughter of AGM. IB's father, with whom he currently lives, is IF. The parties married in 2008, but separated some three years later and remain apart. Happily, each parent has a proper regard for the other as a parent and in having an important place in the life of IB and of his younger brother, IA.

58. In August 2015, the maternal grandparents took the girls to France. Included in the party was IM and her two sons. During the course of the holiday, something happened between AA and IB. I am not invited to make any findings about it, but certain consequences are material to the main case. IB and his parents were distraught over it and that persists until now. Both parents were overcome by emotion when giving evidence about it. It still has a significant impact on IB too. As a result of it, AA became rather more isolated from the family. She could not be present when IM or IB was there. She could not go unsupervised into certain children's activities. She spent time alone with AGF on some occasions and, of course, the police were involved. There were formal interviews and an investigation, and it was not until ten months after their involvement, that a decision was taken on 14 June 2016 to take no criminal proceedings on the basis that they did not think that a sexual intent on the part of AA could be proved.

59. All this had an obvious impact on AA. She blamed IM and IB. She was extremely angry about it all, as indeed she told us in her oral evidence. And, of course, one has to recognise that she has given varying accounts of what took place between her and IB. It led to the involvement of the NSPCC and the creation of the AIM report of June 2017, and, of course, there was the admission in November 2017 to Mrs E, her then foster carer, as to her involvement.

60. I am not asked to make any formal findings, though some comment is required. Clearly something happened on that holiday and clearly IB was both frightened and offended, thinking that his personal integrity had been compromised. AA seems to have interfered with his bottom and seems in the end to have recognised that. I do not think it was inspired by sexual gratification other than to do something that involved a dominant role. AA was first surprised by the reaction of others and then, I think, was ashamed of what she had done. In my view, her denials are explained by shame and fear, her recognition coming in the less stressful circumstances of the NSPCC or the foster carer.

61. The only real remaining relevance of this incident to these proceedings is twofold: first, to explain an additional complicating factor to already complex family dynamics and why AA spent more time with AGF than did the twins; and, secondly, the impact this may have on AA's credibility. It must be a material factor to be considered alongside everything else when I come to my assessment of her evidence.

PART VI: THE OUTSTANDING FACTUAL ISSUES

62. The first question is whether these girls or any of them have in fact been sexually abused, for, if not, that is effectively the end of the case. That question will be answered in the course of my assessment of the girls individually and specifically in Part XII of this judgment. If they have been abused, then when, where and by whom? In considering those questions, I need to have the following matters in mind.

63. First, I am considering specific allegations against named people.

64. Secondly, I am, beyond that, under no obligation to answer every question that arises in this case.

65. Thirdly, I am bound to follow the evidence, together with its proper inferences, wherever it leads, but to go no further. To say that I do not know is a statement neither of judicial nor forensic failure; it is merely a recognition of the limits of the available evidence.

66. This is perhaps a useful moment to deal with the medical evidence in the case.

67. In accordance with usual police practice, the three girls were examined by an experienced forensic medical examiner, Dr M, who produced three reports, dated 11 May 2018. Her evidence was uncontroversial and admitted as an agreed report in respect of each girl. She found no sign of clinical injury in relation to any of the girls, following careful examination of anal and genital areas. She expanded on these matters in her report of 18 January 2019, responding to formal questions that had been put to her.

68. All that is, of course, entirely consistent with AA's allegations, as she does not suggest penetrative activity. There really is no further

comment medically to be made as far as she is concerned. It simply says nothing one way or the other.

69. The position with AB and AC is different, as they allege repeated penetrative activity. The absence of injury does not disprove that. In paragraph 12.4 of her earlier report and confirmed in her recent report, Dr M writes, and I quote:

"In respect of the anogenital examination, which did not reveal any evidence of injury, in no particular order the possibilities are:

"(a) vaginal and anal penetration occurred leaving no injuries;

"(b) vaginal and anal penetration occurred leaving injuries which have healed without trace by the time of the examination; and

"(c) vaginal and anal penetration did not occur."

70. In other words, the medical evidence is neutral and is consistent with any of the above possibilities. It is apparent that there is very little research material, understandably so, on this subject, in relation to children. Submissions have, however, been made that, given the vast number of alleged penetrations, running to hundreds if not over 2,000, it is beyond belief that there would be no signs of injury.

71. The absence of research, together with the experience of Dr M, simply does not allow her to offer any view on this and I shall content myself at this stage with the observation that if the abuse was remotely on the scale alleged, the medical findings are surprising, but not, of course, impossible. It actually proves nothing.

PART VII: THE LAW

72. The fundamental question in this case is whether the local authority can prove the threshold criteria so as to open the welfare jurisdiction of the court. **Section 31(2) of the Children Act 1989** reads as follows:

"A court may only make a care order or supervision order if it is satisfied --

"(a) that the child concerned is suffering, or is likely to suffer, significant harm; and.

"(b) that the harm, or likelihood of harm, is attributable to --

"(i) the care given to the child, or likely to be given to him if the order were not made, not being what it would be reasonable to expect a parent to give to him; or.

"(ii) the child being beyond parental control."

73. In this case, the local authority alleges sexual abuse against all three girls by or permitted by AGF and AGM. By reason of the special guardianship order made on 23 July 2012, they are to be treated as the parents for these purposes. The other cases are consequential upon that. Can the local authority prove abuse against the other respondents so as to show the likelihood of serious harm to any child with whom that respondent has a real connection? It is common ground that the burden of proof in these circumstances lies on the local authority making the allegation.

74. The general responsibility of the court is, if I may respectfully say so, vividly described by Baroness Hale in **Re B (Children) [2008] UKHL 35**. In paragraphs 31 and 32 of her speech she says this:

"In this country we do not require documentary proof. We rely heavily on oral evidence, especially from those who were present when the alleged events took place. Day after day up and down the country, on issues large and small, judges are making up their minds whom to believe. They are guided by many things, including the inherent probabilities, any contemporaneous documentation or records, any circumstantial evidence tending to support one account rather than the other, and their overall impression of the characters and motivations of the witnesses. The task is a difficult one. It must be performed without prejudice and preconceived ideas. But it is a task which we are paid to perform to the best of our ability.

"In our legal system, if a judge finds it more likely than not that something did take place, then it is treated as having taken place. If he finds it more likely than not it did not take place, then it is treated as not having taken place. He is not allowed to sit on the fence. He has to find for one side or the other. Sometimes the burden of proof will come to his rescue: the party with the burden of showing that something took place will not have satisfied him that it did. But generally speaking a judge is able to make up his mind where the truth lies without needing to rely upon the burden of proof."

75. I feel constrained to observe that, in my experience, it is not quite as straightforward as that, and the burden of proof perhaps has a greater role to play in practice on a day-to-day basis.

76. Baroness Hale then goes on to consider the requisite standard of proof. In equally trenchant language she says this at paragraphs 69 to 71:

"There are some proceedings, though civil in form, whose nature is such that it is appropriate to apply the criminal standard of proof. Divorce proceedings in the olden days of the matrimonial 'offence' may have been another

example. But care proceedings are not of that nature. They are not there to punish or deter anyone. The consequences of breaking a care order are not penal. Care proceedings are there to protect a child from harm. The consequences for the child of getting it wrong are equally serious either way.

"My Lords, for that reason I would go further and announce loud and clear that the standard of proof in finding the facts necessary to establish the threshold under section 31(2) or the welfare considerations in section 1 of the 1989 Act is the simple balance of probabilities, neither more nor less. Neither the seriousness of the allegation nor the seriousness of the consequences should make any difference to the standard of proof to be applied in determining the facts. The inherent probabilities are simply something to be taken into account, where relevant, in deciding where the truth lies.

"As to the seriousness of the consequences, they are serious either way. A child may find her relationship with her family seriously disrupted; or she may find herself still at risk of suffering serious harm. A parent may find his relationship with his child seriously disrupted; or he may find himself still at liberty to maltreat this or other children in the future."

77. I hope I might be permitted to say again something that I said in my judgment of 21 February of this year in paragraph 49:

"It is extremely important to underline that in family proceedings the cost of a mistake either way is equally serious. If I make a finding in this case against a parent when I should not have made a finding, not only would that be a gross injustice to the parent, but it would disturb, upset and possibly frustrate the lives of children throughout the whole of their childhood, if not beyond. If, on the other hand, I were to fail to make a finding when I should have made a finding, it would be to expose children immediately returned to

that person's care to wholly unacceptable risk of abuse in the future. The cost either way is equally grave, and that is an important factor to bear in mind when one is examining what the purposes of hearings under Part IV actually are."

78. The consequences of the application of the burden and standard of proof in these cases is sharply defined by Lord Hoffmann, and I take the liberty to quote from paragraph 2 of his speech in the same case:

"If a legal rule requires a fact to be proved (a 'fact in issue'), a judge or jury must decide whether or not it happened. There is no room for a finding that it might have happened. The law operates a binary system in which the only values are 0 and 1. A fact either happened or it did not. If the tribunal is left in doubt, the doubt is resolved by a rule that one party or the other carries the burden of proof. If the party who bears the burden of proof fails to discharge it, a value of 0 is returned and the fact is treated as not having happened. If he does discharge it, a value of 1 is returned and the fact is treated as having happened."

79. The task of the court, if not easy, is certainly clear. In relation to each allegation made against each named person, has the local authority proved it on the balance of probabilities? My legal duty extends no further than that, and both Lord Hoffmann and Baroness Hale have spelled out the consequences of such a finding.

80. During the course of the trial, in fact after the evidence of AGF and AGM but before that of any other respondent or intervenor, I was asked by Ms Sarah Morgan QC to give the following warning to all witnesses, which was termed a section 98 warning, and it was in these terms:

"In these proceedings you are not allowed to refuse to answer questions put to

you and you must answer them. It is almost certain that if the police ask for it, they will be allowed to have the evidence that you give to this court. If the police interview you again, they may ask you in that interview about the evidence you have given to this court. Whether any part of the police interview can then be used if there is a trial in the Crown Court will be decided by a Crown Court judge and not by a judge of this court."

81. I am bound to say that I had never come across such a request before, but I was assured by counsel that it was now common practice and that it enjoyed authoritative judicial support. My lack of understanding was that since the witness had no choice to make, what was the point of a warning? But it was submitted to me that it related to applications really by the police for the disclosure of material subsequently and it became apparent during the course of argument that there was a different practice between different counsel as to whether these were matters actually discussed with a client before giving evidence.

82. Rather than embark on a recondite debate, I offered to read the warning in open court in the presence of the respondents, or so that they would be required to be told of it. I was actually anxious not to address it personally to each respondent, since some were undoubtedly vulnerable and the terms of the warning are rather intimidatory, not a way that I would want them to start their evidence. No one demurred, so that was the course I took, adding to the second paragraph the words "and the judgment of the court", as I have no doubt the police will seek that in this case.

83. I should say something about ECHR Article 6. Article 6(1) is in these terms:

"In the determination of his civil rights and obligations or of any criminal

charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly, but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice."

84. There will, of course, be a very large number of people involved in this case who will have Article 6 rights. As appears, many of the things that have been done in this case are either unusual or even novel, and I am conscious that the trauma experienced by the witnesses, and I have particularly in mind the children and DC R and Mrs P, has led to an effective restriction of cross-examination in certain relevant areas.

85. I have had my obligations under Article 6 in mind throughout these proceedings, as well as in the trial. I have satisfied myself that where balances have had to have been struck, they have been proportionate to the harm suffered or likely to be suffered on either side or any side. I am also satisfied that the trial process, when viewed in the round, was compliant with the court's obligations under Article 6.

86. I have inevitably and rightly been given extensive authority on the question of investigating allegations such as these and the guidance currently in force for doing so. In one sense, they are not really matters of law, but are matters of judicial commentary on fact finding, but they are, of course, nonetheless helpful and authoritative for that. I do not think that the law is controversial and for that reason do not intend to embark on a long dissertation on the law.

87. There is a very helpful consideration of the recent issues by Lord Justice

Baker in the recent case of **Re S R (a child) [2018] EWCA Civ 2738**. It contains a review of the relevant authorities and the significance of the guidance. The learned Lord Justice refers to paragraph 1(1) of the current guidance, which is in these terms:

"This document describes good practice in interviewing victims and witnesses and in preparing them to give their best evidence in court. Whilst it is advisory and does not constitute a legally enforceable code of conduct, practitioners should bear in mind that significant departures from the good practice advocated in it may have to be justified in the courts."

88. He makes this point, which is, of course, crucial in the case with which I am dealing, and says this at paragraph 30:

"The importance of adhering to the guidance has been recognised repeatedly by this court [and then four cases are cited]. These four cases all concerned investigations in which interviews had been conducted in ways that purported to comply with the guidance but which in various respects manifestly failed to do so. The principles underpinning the guidance are, however, relevant to all investigations, which include interviews of alleged victims of abuse, whether or not the interviews purport to have been conducted under the guidance."

89. And I note that last phrase.

90. I must now turn to the investigation of these allegations, and in doing so will have the foregoing in the front of my mind. Although there were 67 ABE interviews, they were in truth merely the culmination of a process that had involved schools, NSPCC, other counsellors, the local authority and foster carers. The task of the court is not to conduct a quality control inspection of what has happened, although that will be a relevant matter, but to ask itself,

when all the evidence has been considered, whether any of it, and if so, what, may properly be treated as reliable.

91. A number of counsel were anxious for me to see certain parts of the judgment of Mr Justice MacDonald, following his hearing a long case in Birmingham last year, with some features similar to those that have arisen this case. That it would have been to my advantage so to do, I do not doubt. However, that judgment, still in draft, is not available to me and, accordingly, I have not had that advantage.

PART VIII: THE INVESTIGATION OF THE CASE

92. The investigation of this case has to cover everything really from the removal of the children on 6 December 2010 into foster care until the completion of the police inquiry in 2018. This involves a large number of people, but it also involves what was not said as well as what was said, so although the twins maintain that they were abused over a long period of time, they said almost nothing beyond a comment made to Mrs D, referred to later in this judgment, until some time in 2017 when they had for a while been with Mrs P. Why is that? AA had, of course, made earlier complaints but there were still many occasions on which she could have done, but did not. Why is that? Moreover, investigations do not just involve what was said but also the circumstantial evidence.

93. Repeated reference has properly been made to the Cleveland and Orkney inquiries, but to keep this case anchored in the real world, it must be remembered that for each of these inquiries, there have been many more excoriating local authorities for failing to take action when they should have done. Child protection work is today carried out in a rabid and unforgiving atmosphere, generated by a well-grounded public fear that too many children

are being abused in our society. It is unsurprising that investigators are not unaware of or unaffected by that atmosphere. That is, of course, why the court must never lose sight of the true lodestar of fact-finding, namely the reliability of the evidence.

94. I have been provided with a 61-page document entitled, "Chronology of breaches", which has been jointly prepared and agreed by 31 counsel acting for the respondents, and then adopted by all respondents and intervenors. It would, of course, be possible to conduct an exhaustive examination to see whether every incident and comment is fully justified. The applicants have not asked me to do that, not because they accept the schedule in its entirety, but because it simply is not possible to gainsay the proposition that there have been wholesale breaches of the guidance, and indeed ignorance or disregard of it, throughout the whole process. The schedule offers a fair picture of what has happened, without the need for close examination of its commentary.

95. It is important to say something generally about the investigators in this case. I am satisfied that without exception they were all well-intentioned and well-motivated. In each case, their primary concern was the welfare of the girls, rather than the pursuit of any purist agenda of their own. However, good intentions are not enough in an area where many of those involved could and should have known that it is sensitive, confidential and prone to error.

96. Of course, many of those involved would not have seen themselves as investigators, nor was there any reason why they should. That comprises those who worked with an online counselling service or the Christian youth club, the counsellors and befrienders at B High School, or those who worked for the NSPCC, other than perhaps those involved in the AIM report. The same would apply to foster carers. Those who should take the lead were

specialist safeguarding officers, social workers and police.

97. One thing that became apparent was that the training of many involved as investigators was either outdated and/or inadequate. Those who work in this area should always be versed in the current guidance and understand that it applies across the board and not just to ABE interviews. It is for that reason that the greatest of care must be taken where others, like foster carers, are allowed or even encouraged to take part in the gathering of information. The purpose of guidance is to enhance reliability, and if reliability is impugned at any early stage, then subsequent stages, even if correctly conducted, can compound that unreliability.

98. I intend to say nothing further about the investigation of AA's complaints, and the reasons for that are that some of what happened in relation to AB and AC will apply to her, that, where AA actually made complaints, and there is a certain consistency in her reported complaints, I was able to form a view of her in her oral evidence. I do not intend to rely on any particular facet of the investigatory process to found any specific finding in relation to AA. It is on the allegations made by AB and AC that the court must now focus its attention.

99. The social worker in this case, Mrs G, found herself in an impossible position. She was inexperienced and was assigned to a case that was challenging but reasonably thought to be within her capacity in 2015 in the light of the IB allegation. Her focus was on that and on AA, whom she saw as well supported at school, in receipt of NSPCC services and based in her grandparents' home. She saw her role as a supportive one to a child in need working voluntarily with the family. I do not think she ever saw herself as conducting an investigation. Even when the children were removed on 7 February 2017, her focus was on AA and her behaviour and complaint. The

decision to remove the children then was a reasonable one on the basis of the facts as then known.

100. A remarkable feature of this case is the difference between AA and the twins. Of course, there has been a very strong focus on AA, her needs and behaviour, in the evidence. That had been intensified after the IB affair and, in any event, AA tended to ensure that she had quite a high profile, whether at school or with the NSPCC or with voluntary groups; she was the chatty one in the family and at family gatherings, and she was also deliberately provocative in terms of her behaviour.

101. The position of the twins is quite different. They appeared to be sufficient to themselves. They posed no behaviour issues at school or elsewhere, and although they had educational needs, these children were really below the radar. There were no obvious warning signs. They were quite public in their social life, majorettes, the youth club, etc, and, of course, were very regular attendees at school. They were removed not because they had suffered harm but because they were thought to be at risk of it. It was, therefore, not surprising that they did not feature significantly on the social worker's radar. This, of course, all changed once AB and AC started talking and the whole case took on a wholly new and, in the event, much graver complexion.

102. Once this happened, Mrs G was, quite understandably, far out of her depth. I understand Ms H, who was in effect the social work line manager, to have recognised this and to have recognised that she did not receive the support that she would have needed; certainly that would seem to have been the case. What happened in effect was that although the local authority knew what was happening in the foster home, they left the police to take the lead in investigations and took little further effective responsibility.

103. In order to understand what happened during the summer of 2017, it is

important to have a clear picture of the foster carer, Mrs P. She gave evidence to me for over two days. I doubt there are many people who have been cross-examined by more Queen's Counsel at the same time than was she, and indeed I had to discourage cross-examination later because it became apparent that she was not handling it well. Nevertheless, a reasonably clear picture emerged. That picture is essential for in real terms, as will be seen, Mrs P was at the heart of the investigatory process.

104. The picture that emerged was this. She is a woman involved in a successful marriage with one child of similar age to AA, and she and her husband would have liked more. She had had a career in human resources and was clearly a competent and responsible person. She had some personal experience of child sexual exploitation, although the details of it were not investigated. They lived, in short, a successful middle-class life in a large house. They felt that they had something more to offer, and for that reason had explored fostering and had been accepted, and found themselves on the books of a private agency. These three girls were their first, and in the events that have happened, their last placement. During the course of this placement, she kept precise and detailed records, as befitted her professional background. She sent her records to the agency, who regarded them as confidential and did not disclose them. However, she kept a parallel record, which she disclosed to the police, and she was in very regular contact with the social worker.

105. What seems to have happened over these allegations was this. AB and AC began to talk, but talking was hard for them and they were given notebooks or diaries, and they had, in fact, already fallen into the habit of communicating by leaving notes around the place. In time, Mrs P made substantial one-to-one time with the two girls to talk about what they had

written down, to make her own record of those conversations, and to praise them for their bravery in saying what they did. In all this, she was motivated by a desire both to do her best for the twins and by a belief that what they were saying was, by and large, true and should be uncritically accepted.

106. It is important to note a number of matters about all this. First, there is generally no record of the questions that she asked, although undoubtedly she did ask them. The consequence of that is that it is difficult to work out what of what the girls were saying was truly spontaneous and what was elicited by question. It is important, also, to have in mind AA's reaction to all this. She was obviously acutely jealous of the attention that was being received by the twins, but she manifested an absolute determination to say nothing more than she wanted to say, and in due course she wanted to move placement for individual attention and made life sufficiently difficult for the family to ensure that that is just what she did. She clearly thought that she was being coached to say more, and indeed after her move, she made no more extensive allegations than she had at any stage before it.

107. Just for a moment, ignoring all the argument about guidelines, procedures and techniques, it is quite important to look at all this through the eyes of these twins. They had never felt so safe or so secure as they did in that foster home. They had never had such individual attention before as they had in that foster home. They had never been made to feel so important before as they were in that foster home. They had never been so praised or encouraged before, something that AC in her oral evidence specifically acknowledged. It follows that there was at least a serious risk of their taking the message that if they continued to make allegations, all these good things would continue, as indeed they did. All these matters are highly relevant to the issue of reliability.

108. Of course, the foster carer should never have been put in this position. What had happened, in fact, was that the local authority had assumed that the investigation was now the responsibility of the police and had limited their role to providing emotional support to the foster carer, something that seems to have been abdicated by the fostering agency who had the first responsibility for doing that. The police, meanwhile, concluded that the foster carer should be allowed to continue these conversations since the girls clearly had sufficient confidence to confide in her. It may be that they gave some advice as to the official guidance in these investigations, but I also accept the foster carer's evidence that the police would often ask her for extra detail and she would revert to the girls to get it. Moreover, these revelations had an increasingly oppressive effect on the foster carer, and I readily understand why she has described the effects of this placement on her and her family as she has, and I am not surprised at her reporting symptoms akin to post-traumatic stress disorder, or at her feeling unable to continue as a foster carer. All this has come at a very high cost to her and to her family.

109. It will be apparent that not only do I have considerable sympathy with Mrs P, but also that I regard her as well-intentioned and benignly motivated throughout. That, however, does not blind me to my real task, which is to form a view as to the reliability of the information that has emerged from this process, nor does it deflect me from considering, as described later, about what the twins may have learnt whilst they were in her home.

110. That brings me to the police investigation and the 67 ABE interviews. I do not intend to say very much about those nine that involved AA, as she adds nothing to what may be found elsewhere, just as she had added nothing specific whilst in foster care. I want to concentrate on the balance, namely the 23 with AC and the remaining 41 with AB. The arithmetic does not quite

work, but that is because some interviews cover more than one tape.

111. A detailed analysis of these interviews is simply unnecessary because the essential flaws are of a general nature. It is sufficient at this stage to refer to five specific matters.

112. First, there are multiple breaches of the guidance, and I will return to that in a moment.

113. Secondly, many of the interviews are conducted in a manner which conveys the expectation that the girls have specific allegations to make. Even where they have sought to say, as they did in relation to at least three respondents, that they had done nothing, the questioning continued and/or was renewed on another day until AB did indeed make an allegation. The later interviews, in particular, are underpinned by a clear assumption that there was more to say.

114. There is also a clear theme throughout these interviews as to keeping the girls on script as to what appears in Mrs P's account of their conversations. There really is little free narrative, and where there is, it is often brought back to the content of the diaries. On many occasions the twins were accompanied by Mrs P and there is no record of what was said during the break periods. One can only speculate. There was also an unusual number of breaks and, of course, the sheer number of interviews is itself problematic. All these raise serious questions as to the reliability of what is disclosed.

115. The submissions of counsel repeatedly refer to the formulaic evidence, especially of AB, and the lack of affect in the way it was given, and in fairness that applies to AC too. I accept that that is there to be seen. The formulaic manner may indicate unreality, as may the lack of affect. On the other hand, it is explicable as evidencing dissociative behaviour

subconsciously employed as a defensive technique. I would accordingly want to be cautious in an undue emphasis on this aspect of the evidence.

116. I want to revert to the question of guidance. The effect of the police evidence was that it was only guidance, and that, of course, is true, paragraph 1(1) of the guidance says so, but the whole paragraph must be read and understood. I found DI J's evidence helpful in understanding the approach of the interviewing officers. She was a very experienced ABE interviewer, who advised and reviewed in this case. She acknowledged that this was a very challenging enquiry, involving multiple allegations against multiple offenders by girls of lower functioning and capability. In her view, the ABE process was designed for reasonably articulate people, and so here, as in other cases, they would have to depart from the guidance, even if that had implications for the integrity of the evidence and also because the best interests of the child always came first. That was something echoed both in the evidence of the interviewing officers and of DI P, the officer in charge of the case. The essence of what she was saying was that all the police can do is to get the best evidence that the child can give. The court, inferentially, must make the best it can of what it has got. I think that did indeed reflect the police approach to this case, even though the current guidance does allow for lower ability witnesses. That did not seem to have been fully appreciated. It was apparent from DI P's evidence that he readily accepted the CPS view that the evidence did not justify charging anyone. I well understand why he might have taken that view. That said, I do want to acknowledge the high level of co-operation and assistance afforded to the Family Court. DI P personally attended most, if not all, of the principal directions hearings.

117. That is as much as I need to say about the investigation. In my view, the facts should be allowed to speak for themselves. My task, as I come to

consider the outstanding questions, is whether the information produced by this investigation is such that I can safely rely upon it to formulate my answers. Insofar as I have any further comment, I will save it for the epilogue to this judgment.

PART IX: THE LOCAL AUTHORITIES' WITNESSES

118. I have already referred to some of the witnesses but there are at least 12 professional witnesses who gave evidence and to whom I have not specifically referred. In each case I am satisfied that they were honest witnesses, doing their best to assist the court. Most were inevitably concerned with AA. I do not propose to rehearse their evidence, but merely to indicate that within it which has been of particular assistance.

119. Ms K was the social worker from SCC. She it was who provided the evidence of what the girls originally experienced in their original family home, and she it was who provided the evidence of placement with the maternal grandparents and the fact that SCC supported the making of the special guardianship order. Whilst she was not unrealistic about issues surrounding the family, she clearly took the view that the maternal grandparents were providing good enough parenting to these children in very difficult circumstances. Although she was aware of problems, she saw nothing to alert her to serious difficulties, nor was there indeed anything that she should have seen.

120. The witnesses from the NSPCC had between them done a good job for AA, and they had done it on two bases. In the first place, they had been involved with AA on the basis that she may have committed a sexual offence, namely that relating to IB. In my view, the AIM report produced was a fair

and helpful reflection of the work done with her.

121. They also did some work with her on the basis of her being a sexually abused child. That was based on what AA had said about AGF's behaviour to her. It gave AA a feeling that she had been listened to. None of them conducted investigatory work, that was never their function, so I rely on what was said only insofar as it shows consistency or inconsistency in what AA has said.

122. Again, I have been very cautious about attaching weight to what AA has said to the school staff. It is clear that Ms L and Ms M were very supportive of AA and very important to her. However, it was not their duty to investigate, and, again, what she says really only goes to consistency.

123. I should add that a part of that is what she didn't say. There were many occasions when she could have made a complaint but did not. Indeed, the overall impression that she created was that she was content living with her grandparents, as previously indicated. That must all form a part of my assessment of her.

124. I have also heard from three foster carers. Mrs D had all three girls for ten days after they were removed on 7 February as an emergency placement. She described the girls finding support in one another, being very pleasant and polite, and generally behaving like other children when they first came into care. AA did, however, say that there was some sexual activity between them and that they had been acting out "what he did to them". AA reported a comment from AC that, "Grandad opens his dressing gown and shows us his nappy". I do not doubt the evidence that Mrs D gave.

125. Mrs E and Ms F were successive foster carers to AA after she had left Mrs P. It is plain that AA was too much for Mrs E and she was placed with

Ms F as a therapeutic placement, and in the event she stayed there for over a year. AA, I think, made life impossible for Mrs E and made it clear that she did not want to engage or to stay. She did, however, make a striking comment on her first evening there, which Mrs E records as follows:

"AA replied that she was not going to say any more about private things and she was jealous of her sisters having private time and telling bad things about her grandad."

126. Mrs E wisely left it at that. Interestingly, Ms F reports both that AA was easy to deal with when she came, but also that she self-harmed, and she, Ms F, never understood what the triggers were, though she did remember a conversation in which AA mentioned having a husband, her grandfather. All of this, of course, paints a picture of a very troubled young woman. Whether it yields more, I will have to consider.

127. That brings me to the evidence of Ms N. In the event, she has turned out to be a most important witness. There are two reasons for that. First, she lived in the grandparental home with the girls from October 2012 until May 2015, and, secondly, she had a genuinely good relationship with all three girls, acknowledged both by her and them, and also abundantly apparent from other evidence. I am entirely satisfied that she was an honest and reliable witness. She was also an intelligent and observant witness, so that she could be relied upon for what she did not see as well as what she did.

128. I think I should set out what I took from her evidence.

129. She was one of the few witnesses to appreciate the individuality of each child. AA was bright, but had real difficulties with children of her own age. She kept diaries and wrote from the heart, but Ms N never saw anything of concern. She knew that AA could lie, but apart from one incident involving

the trampoline, had never known her lie about an adult.

130. AB was the wilder of the twins, being both more confident and more silly. AC was the quieter and sometimes hid behind AB. The twins were, as she put it, as thick as thieves and very girlie. They also regularly ganged up on AA. She also observed that family members were a bit dismissive of AA and the girls were not liked by the other children in the family, and they knew it. She described how all the children craved one-to-one time, which she tried to give them. She never observed sexual activity between the children.

131. She noticed a lot of physical affection in the home and that AA was closer to her grandfather than her grandmother, and often sought his approval. She had seen no physical discipline administered. She said that she had often gone upstairs, but never seen any adult other than the maternal grandparents do so. She describes a modest flow of visitors to the house. She was aware that the maternal grandparents sometimes struggled with their care of the children, who were, as she put it, quite a handful. She remembers AGF as having a temper, but not seeing him out of control.

132. In my judgment, Ms N gave me a fair and balanced picture of family life, and despite her obvious loyalty to the family, would not in her evidence have compromised the welfare of the girls.

PART X: THE A GIRLS

133. I have, of course, made frequent reference to the girls in this judgment, but must now draw some threads together and make an assessment of them and their evidence. I am conscious that I probably know a good deal more about AA than I do about the twins. I am also conscious that it is the twins who make the most serious and extensive allegations.

134. It will be apparent from what has gone before that by the time 2017 opens, all three are very troubled young people. The unchallenged evidence of life in the parental home dictates that they are indeed damaged children, physically, emotionally and psychologically, including sexually. However, that evidence does not allow me either to quantify that damage, other than to say it must be substantial, or to define it, other than to say it must be widespread.

135. Their physical condition had clearly improved dramatically by 2017, but I doubt the same could be said of their emotional and psychological condition. In AA's case, that is fairly easy to discern. Her behaviour, her difficulty with peer relationships and her evident regular distress announce such damage loud and clear. It is less obvious in the case of the twins, but, in my judgment, nonetheless real. Their deep engagement with each other, their obvious reticence at family gatherings, their craving for one-to-one attention and for security convey the same message as that of AA's more obvious behaviour. All this will be highly material in my assessment and in apparently contrasting ways.

136. On the one hand, I must make all the necessary allowances for girls who suffered as they have and for the communication difficulties that spring from that, as well as, particularly in the case of the twins, their educational deficits. On the other hand, I must exercise all necessary rigour, freed from the natural sympathy that I may feel for them, in coming to a decision on the actual reliability of what they have said.

137. With these preliminary matters in mind, I turn to my assessment of the girls individually.

138. Ostensibly, AA is the one who has been most damaged by her experiences of life. This can be seen in her erratic behaviour, social isolation,

aggravated, of course, by the IB incident, and her admitted use of pornography and obsession with masturbation. She has been very variable in what she has told or not told people and has demonstrated a capacity to lie or take an ambivalent stance, as was the case with IB. On the other hand, there is evidence that she told the NSPCC that her grandparents were trustworthy and she seemed very settled with them and her sisters.

139. Although many described her as bright, she has an IQ of 81, which is at the very lowest end of normal. She is and seems for many years to have been a prolific diary writer, as Ms N observed, though there are still areas of her life closed to all, as was apparent in her reaction in oral evidence to questions about her first period in foster care.

140. There were other unusual features found in AA. She talked of seeing films behind her eyes and of hearing voices, and talked to Mrs P of seeing people in her room. Those are potentially relevant matters, which I shall keep in mind when forming my ultimate conclusion.

141. There is a further matter to note, which may be of importance, and that is her evident predilection for masturbation, something it seems over which she could exercise little real control. All this clearly evidences the fact that she was emotionally a very mixed-up and damaged child. On the other hand, there are striking features of her presentation as well. When complaints were made, there is a consistency to them about her grandfather's handling of her, which she found increasingly uncomfortable. There is her absolute refusal, despite the attentions of Mrs P and the police, to expand on her complaints against her grandfather. There is her determination not to be drawn into complaints against anyone else apart from the grandfather, save insofar as she referred to her grandmother's physical harshness.

142. There were three points in the evidence which I found in this respect

particularly compelling. She described an occasion where I think she had done something wrong in the park and, back in the house, she was engaged in a battle with her grandmother to get her pants down so that she could be smacked on her bare legs. It was her descriptions of her feelings for her grandfather, her love of his attention and feeling as though she was being treated as his wife, and there was a part of her oral evidence where she dealt with pornography. She had finished the day before distressed, the subject of pornography having just been raised. She returned remarkably cheerfully the following day and cross-examination resumed. Her first response was to deny that she knew what pornography was. In the room we were in, I was actually sitting close to her. My strong impression was that she caught my eye, but however it may have been, she immediately admitted using pornography and the evidence that followed was more relaxed and spontaneous, in my view, than had been seen the day before. She also made the comment that she had watched porn: "It stopped me from thinking about someone". She later made clear that that someone was her grandfather.

143. I have reflected long and carefully on the complex and very damaged personality that is AA. I am aware of the need for caution when approaching her evidence. Nevertheless, in my view on the matters with which I am concerned, I find that it is potentially credible and must be considered as evidence of value in formulating my conclusions on the specific issues requiring determination in this case.

144. AC is one of a pair of identical twins. Since they find much of their solace in one another, it is easy to overlook the fact that each is a unique individual, and that is important in this case, as she and AB give very different evidence. She had a low profile in this case before she started to talk to Mrs P. I do not want to repeat, although I keep clearly in mind, what

I said earlier both about those discussions and the ABE interviews. I am clear in my mind that AC believed the truth of what she said then and believes it now. I am also clear in my mind that she would have had no idea, and indeed may still not understand now, as to what would be put in train as a result of what she has said.

145. In effect, she alleges ghastly acts of sexual abuse by her grandparents and seven other members of her family, whether by blood or partnership connection. She does not allege group abuse, but her allegations against her grandparents go far beyond anything alleged by AA, although they do include the same sort of things. She, of course, gave oral evidence.

146. There are a number of matters to be borne in mind about AC. First, she has no particular track record of lying in relation to any matters of importance. Secondly, she has a genuine educational deficit, which leaves her well adrift, even of AA. Thirdly, she has a significantly defective memory. This last point is important. I was much struck during her oral evidence by her inability to remember many things. I do not think it was a technique of evasion, but was a genuine failure to recall. That, of course, can be a feature both of damaged children who use this to protect themselves from the past and also of those with significant intellectual deficiencies. It was a feature noticed by both Mrs P and the police, and it may be important. In those circumstances, I propose to approach her evidence with considerable caution. Since I believe it to have been honestly given and maintained, I do not think I should dismiss it outright. However, its reliability is seriously called into question, both because of how her evidence was obtained and because of her learning and memory deficits.

147. In many respects, the evidence of AB poses the greatest difficulties of all. She makes allegations against her grandparents, against those named by AC

and against many others, including 12 who are respondents or intervenors in this case. Not only does she allege equally ghastly acts of abuse, but also that they were often performed in concert, with as many as 16 people at any one time.

148. In the circumstances which I have described, she did not give oral evidence. What she says is, therefore, hearsay, albeit admissible hearsay, upon which legally the court would be entitled to rely. If her evidence were taken literally, which I am sure it should not be, she has suffered many hundreds of incidents of abuse. However it is in fact read, she is clearly reporting sustained multiple abuse.

149. AB suffers all the deficiencies that I have described in AC. Like AC, I incline to the view that she both believed the truth of what she was saying, and probably still does, and had no concept of what she was turning loose. For all those reasons, whilst I am not prepared to dismiss her evidence outright, I recognise that in formulating my findings, I must approach it with the greatest of caution.

150. There is one other issue I must address in respect of AC and AB, and that is their exposure to pornography. Neither girl expressly acknowledges use of pornography (save one comment by AB to the police), but whilst they were living with the grandparents AA was using it regularly. They were all close to each other, and indeed from time to time the twins shared a room with her. Moreover, Ms H was clearly under the impression that they had accessed pornography whilst in the care of Mrs P. There are conflicts of evidence about this. Suffice it to say that I am satisfied that AC and AB have both had some exposure to pornography, both at the grandparents' home and in care, although the latter was brought to an end. It is, however, impossible to discern the extent or nature of what was viewed, and indeed the impression, if

any, that it made on either of them - I simply do not know.

151. That then is my assessment of the A girls and I can now turn to the first question: have these girls been sexually abused? If not, that is, of course, the end of the case. If they have, then the remaining questions arise and I will need to consider whether it can be shown that an organised paedophile ring can be demonstrated, and, of course, to give consideration to the evidence of each respondent and intervenor who gave oral evidence to me.

PART X1: WERE THE A GIRLS SEXUALLY ABUSED?

152. In the case of AA, this cannot be answered, save in the context of my assessment of the grandparents' evidence, since she always made it clear that any sexual contact of which she has complained has been with AGF and with no one else. Moreover, I have found that her evidence is potentially credible and worthy of close consideration. Accordingly, this part essentially focuses on AC and AB.

153. The girls, of course, say they were sexually abused. Everyone named by them denies that they were a perpetrator of such or indeed any abuse. It is, therefore, necessary to see whether there is evidence which is relevant to the issue that does not depend on any specific witness's evidence.

154. The local authorities submit on this point that the sheer range and detail of the evidence given by the girls is explicable only by lived experience. Moreover, they remind me of Dr C’s evidence, a psychologist whose evidence was agreed, that the assessment had:

> "... demonstrated that the twins, particularly AC, have a very poor understanding of the mechanics of sex."

155. The respondents have, of course, no obligation to advance any explanation but are equally entitled to do so. They have raised deliberate

fabrication, fantasy or lived experience suffered at unknown hands or any combination of those matters. I will bring all those matters into my consideration.

156. I start from the proposition already advanced. When these allegations were made, the girls believed, and probably still believe, that what they were saying was true. That, therefore, excludes deliberate fabrication, if indeed they ever had the intellectual equipment necessary to produce fabrication on this scale. It does not, of course, exclude fantasy. It never ceases to surprise me what humans can persuade themselves to believe, often in the teeth of direct conflicting fact.

157. I am satisfied that there is a real degree of fantasy in this case. Indeed, the more the allegations have developed, the more fantastic they have become. Two obvious examples are the sheer number of times that abuse is said to have occurred, which on a literal reading exceeds 2,000, and, in the case of AB, the numbers involved. It is simply the view of everyone who knew or had searched this house that some of the encounters described by AB just could not have happened.

158. This was a case, however much it was not intended, in which the girls found rich emotional rewards in making and continuing to make disclosures. The incentive to remember or dream (a word sometimes used) or fantasise more and more was very powerful when seen through the eyes of these two very damaged and very needy girls.

159. Mrs P reflects the evidence of Ms N in saying that these girls craved and competed for one-to-one time. Viewed from their perspective, what better way was there of getting that than doing what they did? Accordingly, I find that there is a significant degree of fantasy in the allegations that have been made. However, fantasy has to be grounded in some sort of knowledge.

What these girls have said, with all its vivid and ghastly detail, is simply not explicable as the result of an overactive imagination, and, in any event, they were simply not capable of that.

160. I have found that both girls have been exposed to pornography, although I do not know its detail and extent. Moreover, there is some evidence of sexual activity between the sisters, though this could not begin to account for what they have actually said. Clearly, they may have learnt from pornography sexual activity involving anal, genital organs and the mouth. Indeed, had they been exposed to pornography, it would be surprising had they not. Yet that would not explain some of the activity, especially the anal activity, which they relate. Where has that come from? It might be that they have extrapolated conventional sexual activity and applied it in style and form to other parts of the body, or it might be that they are relating lived experience.

161. Again, I have reflected with care on this issue. In my judgment, pornography has a part to play, as does transference of sexual activity from one part of the body to another. However, I am also satisfied that this cannot account for all that has happened. I am impelled to that conclusion for two reasons.

162. First, some of the intimate detail, particularly descriptions of internal physical feelings in their body, could not have been learnt save through experience, and one can see compelling examples in paragraph 110 of the written submissions of Mr Karl Rowley QC. They could not have been seen in pornography because they were felt and there is nowhere where they could have learnt them, and it is beyond their capacity to invent.

163. Secondly, the very fact that they produce highly developed accounts of sexual abuse suggests that it must be grounded in some experience, even if

that experience was a much lesser one than those described. It would be most surprising if these girls could say all of this, as it were, from cold.

164. Accordingly, I find that lived experience has contributed to what they have said. I have no way of knowing the point at which lived experience has become fantasy. Further, given the medical evidence, I have no way of knowing when or where in their lives such things have happened. I must, of course, consider whether any named alleged abuser may be proved to have done anything, but absent such proof, I may never know when, where or by whom such abuse has been perpetrated, nor indeed the nature and extent of it. That simply reflects the evidence available to me.

165. It is important that those conclusions are not used to fuel speculation or generate suspicion. This evidence simply tells us nothing of the extent of the abuse, let alone when, where and through whom it has occurred. Those matters can only now be addressed through my consideration of the evidence of the respondents.

166. Before that, however, there is one general issue to be considered, namely the evidence of a paedophile ring.

PART XII: WAS THERE AN ORGANISED PAEDOPHILE RING?

167. For AB's evidence to be true, given the systemic and multiple abuse that she described, there must have been a highly organised paedophile ring. Although AC's evidence is different, it is difficult, if true, to account for it otherwise than by involving some detailed organisation. Their evidence probably depends on AGM being the organiser of a ring, based in her home. Although not all the abuse is said to have occurred there, that is the apparent organisational hub of the ring.

168. These are very grave allegations, which I have very carefully considered. I am sadly all too aware that such rings have been found to and do exist. Contrary to all that we would like to believe (or do instinctively feel) human wickedness can and does extend to this sort of behaviour. It is not of itself a fantastical concept. If only it were. It, therefore, both merits and requires specific and detailed consideration, which indeed I have given it.

169. I have to say that I am entirely satisfied that no such ring has been proved to exist. Indeed, I think I have to go further and say I am satisfied that no such ring did ever exist. My reasons for that are essentially as follows.

170. First, although there was a very large number of mobile phones seized, they yielded no evidence of regular communications between those said to comprise the ring. In contemporary experience of establishing conspiracies, this is an extraordinary and powerful finding. There is no evidence of any other form of communication.

171. Secondly, the suggestion of mass attendance at the AGF/AGM home is wholly inconsistent with the clear evidence of Ms N, which I have accepted as true and accurate.

172. Thirdly, there is no reliable evidence of excessive visiting or parking of vehicles at or near that home.

173. Fourthly, these children were very visible children, with good attendance at school, many outside activities, and a watch kept on them both by Social Services and welfare authorities at school. In particular, there is no reference to unauthorised absences from school. The opportunities for abuse on the scale described were simply not there.

174. Fifthly, it has been shown to my satisfaction that many of the respondents could not or would not have been at this address at the times alleged, or, in

some cases, at all.

175. Sixthly, I have also already said that some descriptions of multiple abuse are simply fantastical and effectively impossible.

176. Seventhly, this allegation received no support from AA, who must have known it was going on, if it was, and who, whatever other failings she may have had, always felt and took responsibility for the overt safety and welfare of the twins.

177. It is essentially for these reasons that I have reached the clear conclusion that I have. In reaching that conclusion, I have placed no reliance on the evidence of the grandparents. It is to that and the allegations made specifically against them that I now turn.

PART XIII: THE ALLEGATIONS AGAINST THE GRANDPARENTS

178. Seeing and hearing AGF give evidence was to see and hear the drawbridge being pulled up, the portcullis down and all the shutters slammed firm. Such was the force of his denials that they were often started before the question was finished, or so it seemed. Of course, one has to bear in mind that in cases of this sort, the guilty and the innocent necessarily speak the same words of denial. The question is whether the denial is all there is to be said, or whether it is intended to conceal.

179. My distinct impression was that it was intended to conceal, such was its aggressive manner, but in the end that will depend on my evaluation of his and AA's evidence, when taken together.

180. The evidence of AGM was in effect an overriding determination to protect her husband, and, though I think to a lesser extent, herself. She

certainly knew what it was that was going on in this house, as appears later in this judgment..

181. However, before coming to any final conclusion, there are two other matters that require consideration.

182. AGF appears to have acquired, at least amongst the younger females of the family, the soubriquet of "AGF the perv" or some other variation of that. Those members have tried to play down the significance of that, saying it was no more than an adolescent prank. I reject that suggestion. This was far too offensive a suggestion to be employed as mere rudeness. Undoubtedly it had to them, at least, significance. On the other hand, I also accept that it had no connotations of child abuse. Even those in the family who disliked him most never suggested that.

183. In my judgment, it was simply a family acknowledgement that he was wholly insensitive to physical boundaries, which many female family members wished to be observed. Although it is true that no actual complaint was ever made to him, any man of ordinary sensitivity would have realised the effect that his effusive behaviour, hugs, cuddles and kisses, was having. It was obvious from his own evidence that he still has no idea what the fuss was all about.

184. The second matter relates to physical discipline. In the background are two comparatively serious assaults, perpetrated by AGF on his daughters DM and NM. Neither AGF nor AGM could really accept the gravity of those matters. In fact, the A girls' complaint, often but not always expressed, was really about hard open-handed smacking by the grandmother. She has denied hitting the twins and only hitting AA once in France. That was probably the only time when other family members were around, but as I have already said, I found compelling AA's account of that battle to get her trousers down

so that she could be smacked on the legs.

185. I find on the balance of probabilities that physical punishment was a part of the grandmother's armoury for discipline, but I also accept that it never went beyond bare-handed smacking.

186. AGF has a temper, and could shout in a manner that could frighten the girls. His temper and shouting was recognised by many family members. He may rarely have smacked the girls.

187. All that said, I am satisfied that physical discipline did indeed form a part of this family, though I go no further than the finding of open-handed smacking. I acknowledge in the context of this case that these girls, and in particular AA, could be very demanding, and I do not think that this matter, viewed on its own, would justify saying that the threshold criteria had been satisfied on that ground alone. Its relevance in this trial really goes to credibility.

188. I have set out my assessment of the evidence. I will come to my conclusions when I have reviewed the evidence of the other respondents.

PART XIV: THE CASE AGAINST THE OTHER RESPONDENTS

189. I do not propose to rehearse the evidence which each respondent and intervenor has given to me. I think it sufficient that I should acknowledge each individually with my assessment of what I made of their evidence and the extent to which it has shaped my conclusions. It will be convenient to take their evidence in the order in which it was given orally to me.

190. **DM** is the mother of DA and DB, whose father is DF and with whom they now live. She is expecting a baby by a new partner. She is the only daughter of both AGF and AGM. She is a person with significant difficulties of her

own. I do not think her evidence to me was wholly frank, but I recognise the almost impossible position in which she found herself. She remains quite dependent on her parents and was defensive of them to the point of trying to take the blame for teenage events upon herself. Apart from AB's comment about a pierced tongue, which this witness had, being uncomfortable inside her, there was no striking evidence about her relationship with the girls or the likelihood of her abusing them.

191. **CM**. She is the mother of HB and HA, of her marriage with HF, and those children live with him and his family. She is also the mother of CB, of whom CF is the father, and CB lives with his paternal grandmother.

192. There is no doubt that CM had had a difficult life, with the lowest point being an induced miscarriage and separation from HF. She is a daughter of AGM, and AGF has been involved in her life since she was about 11. She too was very defensive of her family, even though rather estranged from them, because when the girls arrived they effectively displaced her son, HB, in the affections of the grandparents, and it is not hard to see why, given the needs of the girls.

193. Whilst I approach her evidence with a degree of caution, there was nothing in it which directly or indirectly offered support to the evidence given by AB or AC. It is true that AB and AC got on well and saw a certain amount of HA, but whilst that affords evidence of opportunity, HA's presence makes the abuse less likely.

194. **HF**. He is the father of HB and HA and the former spouse of CM. He was the first witness amongst the respondents of whom I was satisfied that he was giving me wholly frank evidence. It was both his descriptions of how his marriage had failed and his open-mindedness to what might have happened that particularly impressed me. There are no doubt matters in his past that he

will regret, as there are issues for the present, particularly HB's relationship with his mother. Nevertheless, the clear impression I formed of his evidence was that it was honestly given.

195. **CF**. CF must try to forgive me, please, for saying that a not particularly attractive character emerged from his evidence, rather egocentric and entitled. However, that was because, as I am satisfied, he gave frank, warts and all, evidence. I am satisfied that he too was telling me the truth as he understood it, whilst he was giving his evidence. I should also say that I was not really convinced that the descriptions of him given by the twins accorded with reality.

196. **NM**. She is the mother of NB and the daughter of AGF, and made no attempt to conceal her dislike of him. Indeed, she made no attempt to conceal any of her feelings to the degree that, whilst I acknowledge the genuineness of what she said, I would exercise great caution in acting on any assertion made by her, though the assault by AGF when she was 13 is supported by other evidence. I should also record that I acknowledge the strength of the points mentioned about a tattoo.

197. **OM**. She is the mother of OB, of whom OF is the father. She is the daughter of AGF, thus a sister to NM. She, like her sister, faces allegations made only by AB, and like her sister, has had a difficult relationship with her father. I found her the most impressive witness amongst close family members, and while she clearly retained and demonstrated family loyalty, I felt she tried to exercise a fair balance in her statement and views.

198. **OF**. He is the father of OB, and I accept his evidence that he felt very much an outsider in the family. Not only are the allegations against him made by AB alone, but she initially asserted that he had done nothing. I found his comment that he felt torn between anger at the allegations and yet dealing

with a child "not of sound mind and who has been through a lot" fair and insightful. I acknowledge the strength of his points about what should have been seen if AB's evidence were true. In short, I find that he gave me essentially frank evidence.

199. **JMA**. She is an intervenor, allegations having been made against her by AB and AC, who are effectively her cousins. Her father, JPG, is the brother of AGM, but it is common ground in the family that they have had a difficult relationship for many years. She was a very unhappy witness, not just because of the allegations but because of other things in her life. She was also one of those most adversely affected career-wise by the facts of these allegations. She offered a realistic appraisal of this family and on the whole I was persuaded that she was trying to be frank with the court.

200. **JM**. She is the mother of JA and JB, whose father is JF. She is a daughter of JPG and a sister of JMA. The children live with the father and the paternal grandparents. She is a person who has always found life a bit of a struggle. Nevertheless, I thought she was trying to be frank with the court. I thought she offered a fair and accurate appraisal of the family and especially of AGM and AGF and the girls. I also think there is real force in her contentions as to what AB would have seen of her breasts in particular, had she been abused as AB alleges.

201. **MF**. He is the father of MA, whose mother, with whom MA lives, is MM. He has also had a relationship with JMA. I must confess that the longer he gave evidence, the less attractive and impressive a human being I found him to be, yet this was not because of the way he gave evidence but because of its substance. He did not hold back the unattractive. I could find nothing, the allegations of the twins apart, to suggest that he was not being straight with the court. I acknowledge also the point about his having tattoos, which are

mentioned neither by AB nor AC.

202. **LM**. She is the mother of LA and LB, whose father is LF. She is the daughter of JPG, and thus a sister of JMA and JM. She is a woman for whom work has always been very important and thus I pay attention to schedules designed to demonstrate that she simply could not have been around when she is said to have been abusing AB. I think she also has some weighty points about appearance and what would have been noticed had the alleged abuse occurred. Furthermore, I should record that I was convinced that she was essentially trying to be frank with the court.

203. **GSM**. This witness is an intervenor, being subject to allegations made only by AB. She is the current partner of GF. She presently has significant physical disability. She convincingly describes being on the periphery of the family and feeling unwelcomed by them. She has fair points to make about opportunities for abuse. She says that AA was the only one of the A girls that she really knew, and she observed that AA seemed to like being part of an extended family. Not only did her physical disabilities make abuse less likely, I was inclined to the view that she was being frank with the court.

204. **GF**. He is the father of GA, who lives with her mother, GM, her parents having separated in 2010. He is the son of FPG, who is sister of both AGM and JPG. He is now, and has been since 2010, the partner of GSM. His evidence, both of lack of opportunity to abuse and as to physical characteristics, I found compelling. My distinct impression was of someone seeking to be frank with the court.

205. **FF**. He is the father of FN, who lives with her mother, LN. He is also the father of FA, who lives with EM, the recent partner of the witness. I found his evidence to be essentially honest and that gave force to his evidence that his working commitments would have militated strongly against any real

opportunity to abuse AB, who alone makes allegations against him and they have not always been consistent, including saying that he did not abuse her. I also acknowledge the force of the submissions made about identification evidence in his case.

206. **FPG**. She is the sister of JPG and AGM, and the mother of GF, FF and FPA. She did maintain a reasonable relationship with AGM, who, with the girls, was a visitor to her home. She is an intervenor, as a result of allegations made by AB alone. She has a sufficiently wide family perspective to be able to describe the impact of these proceedings. They have been, as she has put it, heartbreaking. She found it hard to engage with the twins because they had very little conversation and would just stand and stare. She had the best opportunity to know the girls, and clearly she knew AA best, and, therefore, of course, opportunity to abuse them. Having carefully considered her evidence, however, I have found no reason to disbelieve it.

207. **JPG**. He is also an intervenor, albeit implicated by both AC and AB. He gave frank evidence about his use of pornography, which, as I find, did not involve an interest in children. He described a rather distant relationship with the household, which was of very longstanding, though not so distant as to preclude all opportunity for abuse. In the end, however, I have come to a similar conclusion as to his evidence as in the case of FPG. I have found no reason to disbelieve it.

208. **FPA**. She too is an intervenor, whose evidence disclosed a colourful and unusual sex life, but, as I accept, one that involved no interest in children. She had had an unhappy marriage, which had come to an effective end in 2015. She clearly had a significant relationship with AA, although AB alone makes allegations against her. Although aspects of her evidence came across

as defensive, it afforded no basis for supporting the allegations against her or for disbelieving her.

209. **BM**. She is the mother of BA and BB, whose father is BF and with whom they live. BF also gave evidence, though no allegations had been made against him. They had separated briefly but were re-united before these matters came to light and he remained supportive of BM. She too is a daughter of JPG. The allegations against her come from AB alone. The allegations have some difficulties in identification, both because of people named and because she has never lived in Y, as well as some items of description. Once again, careful reflection on her evidence has yielded nothing that tends to support the allegations made against her or to cause me not to believe her evidence.

210. **IM**. As will be apparent from Part V of this judgment, IM has been more deeply involved in all this than most. I do not intend to repeat what I said there, but concentrate here on the allegations made against her not by AA, but by AB and AC. She is the daughter of AGM and is often referred to in the evidence as IM or Auntie IM. She remembers having a consistently good relationship with the twins. She acknowledges that she has an anxiety disorder, which was clear from the giving of her evidence. I have to say, having seen and heard her as a witness, that I would approach her evidence with some degree of caution, but that said, found nothing in it which would support the allegations being made against her. Her evidence was supported by IF, against whom no allegations have been made.

211. That then concludes my review of the evidence. I hope I have made proper allowances in my assessments, both for entirely proper family loyalty and also for the intensely personal invasiveness of much of the evidence, both in police interviews and giving evidence to me. I have tried to give careful

consideration to each witness. Inevitably there were some to whom conclusions were come more easily than to others.

212. Accordingly, it is necessary to move on to the findings that I believe the evidence to require of me in this case.

PART XV: THE FINDINGS OF THE COURT

213. There are a number of matters with which this judgment has already dealt. First, I intend to say nothing further about the AA/IB affair. Secondly, I have already found that AB and AC have been the victims of child sexual exploitation to some degree. Thirdly, I have also, however, found that much of what is alleged is fantasy and it is not possible to identify the dividing line between fact and fantasy in this case. That is in part because, whilst I have found there has been an exposure to pornography, it is not possible to say what or how much, and, therefore, it is not possible to define the part it has actually played in these allegations or the extent to which they have extrapolated pornographic information and applied it to other parts of the body. I have also found, for the reasons given in Part XII, that there was no organised paedophile ring in this case.

214. Accordingly, the remainder of this part is confined to the question of what, if anything, can be proved against the named respondents in this case.

215. I want at this stage to say a further word about fact-finding. It is an art, not a technique. Like every worthwhile art, it is, of course, underpinned by technique and science. That is all that has been talked about in Parts XII and XIII of this judgment, but it does not stop there. Reliability is and remains the lodestar of fact-finding, and that, as we have seen, is underpinned by techniques of investigation and the science of reasoning.

216. The art, however, goes further. A lack of reliability may obscure truth, but it does not altogether eliminate its perception. So long as the judge remains alert to the dangers arising from unreliability and exercises the caution due to that, it may be possible to discern flashes of truth or incidents that have about them the ring of truth. Where the judge meets that, and, having exercised all due caution, is convinced of it, then the court has not only the right but the duty to act upon it. I make this comment because these allegations of sexual assault, coming uncorroborated from very damaged young people, as is the case here, are just those where what I have described may indeed occur.

217. I start with the 12 respondents or intervenors against whom AB alone makes allegations. I remind myself that her evidence has the status of admissible hearsay and that it is common ground that it has no independent support anywhere in the evidence. I have given this my closest and most anxious attention, but have come to the clear conclusion that I can make no findings of child sexual exploitation against any of the 12 respondents named by AB.

218. My reasons for this are essentially as follows.

219. First, although I have found that AB has been abused, the way in which the allegations have emerged have made it impossible safely to identify any individual perpetrator amongst those named.

220. Secondly, in respect of at least two of them, AB insisted at one stage that she had not been abused by them.

221. Thirdly, in several cases, as indicated, the identification is unconvincing, either because the opportunities needed to abuse as alleged (or anything like it) were not there and/or because physical descriptions were unconvincing, either in what was said to have been seen or indeed what was not seen but would be expected to have been seen.

222. Fourthly, in respect of several witnesses, I have expressly accepted their denials and, accordingly, those allegations must be untrue as against them.

223. Fifthly, I have expressly found that there was no organised paedophile ring, yet without such, much of what was alleged both in terms of frequency and the numbers involved simply could not reasonably have occurred.

224. Sixthly, despite the prolonged, repeated and penetrative abuse alleged, there is no medical evidence of any injury, which, as I have observed, is, at the least, surprising.

225. These reasons taken together simply do not permit any abuse alleged by AB against these respondents to be the subject of a specific finding of fact.

226. I turn then to those who are subject to allegations both by AC and AB. Here I have to take into account not only that the allegations are made by both, but that AC gave oral evidence in the trial. I have, therefore, reflected with particular care on these allegations and the evidence available about them. Having done so, I have again come to the conclusion that the evidence simply does not permit any findings of child sexual exploitation to be made against any named respondent or intervenor in that group. My reasons are essentially the same as those for not making findings against the other respondents named by AB alone. I should, however, add two further matters that are common to both groups.

227. AC and AB give very different evidence, not only as to those by whom they were abused but AC gives no evidence as to abuse by groups, and it is at the very least surprising that, if abused as alleged, they should have been treated so differently.

228. Secondly, AA gives no unambiguous evidence of any penetrative abuse, nor of abuse by anyone other than AGF. That gives rise to two further

comments.

229. First, all are agreed that AA mothered the twins and cared for them. It is to my mind inconceivable either that she would not have known of abuse on the scale alleged by the twins or would have colluded in it.

230. Secondly, on the other hand, I recognise that she exercised determined control over what she said and had, for her own reasons, decided to say nothing further. Whilst I can understand that in relation to any further abuse that she may personally have suffered, I simply do not accept that that would apply to abuse suffered by the twins.

231. In effect, and subject to the matter considered in the next part, that determines all matters outstanding against all respondents and intervenors other than AGM and AGF.

232. The case against them, as it has always been recognised, is very different, not least because of AA's evidence. It is important that the case of each should receive individual attention and I turn first to that of AGF.

233. The key evidence against him is that of the three A girls. I have already explained why I have serious reservations about the evidence of AB and AC. They made no allegations until they were in care, and very few indeed until they were with Mrs P. That said, their earliest comments related to AGF and were initially much in line with what was being said by AA. I, therefore, need very carefully to evaluate AA's evidence.

234. I should start by acknowledging all those factors that should inspire caution in my approach to that evidence. First, AA was a very damaged child when she left the home of her parents on 28 April 2009, ostensibly the most damaged of the three girls.

235. Secondly, that damage encompassed her physical, emotional, psychological,

intellectual and sexual welfare. No part remained unscathed.

236. Thirdly, she manifested that damage in unusually demanding behaviour, both at her grandparents' home and at both schools that she attended.

237. Fourthly, she demonstrated a capacity to tell lies, though not of this gravity, and to be inconsistent in her comments about the grandparents' home.

238. Fifthly, she has an IQ of 81. Thus, whilst many saw her as bright, she actually functioned intellectually at the lowest end of average.

239. Next, after the IB incident, she was effectively excluded from family events, and in particular she, of the three, most valued being in the extended family. She was both very angry and very distressed at this turn of events. Moreover, there is plenty of family evidence that the grandparents had a preference for the twins, something that would not have been lost on AA and would have provoked feelings of jealousy, and thus she may have been seeking someone to blame. Against that is the fact that AGF was probably her greatest support during those times. She was very selective as to when complaints were made. There were many occasions at school, to the social worker or the NSPCC when they could safely have been made. It is true furthermore that she greatly valued adult relationships and the making of potentially sexual complaints would certainly be a way to compel adult attention.

240. Overall, she was throughout the time with which I am concerned a very troubled young person who manifested that distress in many ways. None of this, of course, means that she cannot be telling the truth. What it does is indicate many grounds for caution in terms of whether to rely upon her evidence or any part of it. That, however, of course, is only one part of the picture. It is important to set against that factors in favour of concluding that

what she is saying about child sexual exploitation is true. Principal among those matters are the following.

241. First, I found her accounts of physical punishment to be essentially true.

242. Secondly, although her pattern of complaints may have been irregular, the substance of those complaints when she has made them has been fairly consistent. Moreover, she has determinedly refused to enlarge those complaints, even under real pressure, direct and indirect, during the investigation process so to do. She has also consistently maintained her stance in the face of pressure not to maintain it, not least from her grandmother. Her attitude towards the grandfather has been variable, viewed over the whole period, from positively seeking him out and valuing his approval to active rejection and a refusal to engage in contact. I have already referred to my impression as to how AA dealt with the issue of pornography in her oral evidence.

243. I found instructively compelling her very sad account of how she saw herself as her grandfather's wife and how she relished the treatment that she saw to have flowed from that and how she perceived her grandmother's reaction to it all. I also found compelling her account of why, having stopped after her initial complaint, AGF went back to touching her in a way she did not like. She said that he simply could not help himself. If that be true, it has other implications in this case. None of these matters demonstrate that what AA is saying is true. They are merely factors which must come into consideration in deciding whether or not I can rely on AA's evidence or indeed any part of it as being true. Alongside that, I must consider the evidence of the grandparents. As I have said, it is fundamentally defensive in character, advanced by a long series of denials. That was not, of course, the whole of their evidence, but it did represent their approach to the highly

contentious parts of it.

244. I must also consider this in the context of normal, healthy relationships between grandparents and grandchildren, especially where, as here, the grandparents are also performing a parental role and are doing so in, as everyone recognises, very difficult circumstances. There may properly be lots of physical contact with kisses and cuddles and it may properly be across genders. Where lavish expressions of affection shade into sexual contact is not always easy to define, though the parties involved are likely to and certainly should know when that line is crossed. Age will, of course, play a part. Pubescence and adolescence often require greater physical restraint on the part of adults.

245. I have considered all this with the utmost care and in the end I am satisfied that what AA has said about AGF in particular is true. That conclusion is driven in large part by my conclusions that certain parts of AA's evidence have the ring of truth about it and they are found in what I have already said. Principally amongst them are her accounts of punishment, her description of her relationship with AGF as a wife, her evidence about pornography and her explanation for AGF's behaviour, of which she complains. This is fortified both by the consistency in the content of her complaint, the maintenance of it throughout, and her refusal to expand it.

246. While there is, of course, an intellectual and rational component to the evaluation of evidence, there is also an instinctual one derived from seeing and hearing not just the individual parties who are in dispute, but of the whole of the evidence, oral and written, which has been deployed. Human memory can be very fickle, as has often been observed, and often as important as memory is the behaviour of the parties in the context provided by all the evidence. That is certainly the case here.

247. Accordingly, I find that AGF's behaviour frequently and increasingly crossed the line from spontaneous affection to sexual gratification. It must be stressed that this never involved any penetrative act. Such has never been alleged by AA. At its worst, it involved lying on top of her with his dressing gown open but wearing boxer shorts, and then fondling and kissing parts of her body in what must have been obvious to him as a sexual manner. This was the culmination of behaviour that was, of course, a transition from affectionate to sexual contact. I am satisfied that he knew of the relationship AA thought she had with him, and he encouraged it, both generally by encouraging her to sit with him and cuddle him, and more specifically like fondling her knee while he was driving.

248. Where this would have led had AA not been removed, I could not, of course, say. What I think I should say is that this was not calculated grooming for greater or wider sexual experience but simply an inability or refusal to restrain a quest for immediate gratification.

249. What then do I make of AC and AB's allegations against AGF? Given the views that I have already expressed, it would be unjust to use the findings that I have just made about AA to underpin findings of a wholly different order of sexual depravity alleged by the twins, and I am not prepared to do that. However, that is not the end of the matter, for AA told us that one matter that provoked her to action was that AGF had started to behave with the twins as he had with her. That is mirrored by the earliest allegation made by the twins after their removal, as, for example, describing him as opening his dressing gown and showing his nappy, as it was termed, and described by Mrs D, the carer before Mrs P.

250. I am satisfied that AGF had begun to behave with the twins as he had with AA. I am, however, prepared to go no further in my findings than I have

done with AA. That means I make no finding of penetrative sexual activity or of intentional grooming, just as I can make no finding of where it might have stopped, had they not been removed.

251. Clearly what I have found amounts to significant harm so far as section 31(2) of the Children Act 1989 is concerned. Clearly also there was a likelihood of further significant harm in the future. What that harm may have been, I do not know, but it was most unlikely to have been less than that already suffered.

252. And so I turn to the case of AGM.

253. As will be apparent, I do not make any finding of actual sexual misconduct against her. AA has never alleged it, and I have said all that I need to say about the reliability of the evidence of AB and AC.

254. Although I have made findings adverse to her about physical punishment, I have not, for the reasons given, concluded that that finding taken alone would satisfy the threshold criteria. However, I am satisfied that she remains deeply culpable for what has happened. I am satisfied that she knew of AGF's conduct towards AA and indeed resented some of it, especially some of the attention that he gave her. I am satisfied that not only did she choose to do or say nothing, but sought to dissuade AA from saying anything. She compounded all this by giving some knowingly false evidence to the court in her continuing determination to protect and support her husband.

255. I do not know whether she actually knew of his sexualised behaviour towards the twins, though I suspect she may have done. What I am satisfied of, however, is that in her behaviour she not only colluded in the abuse of AA but also created the space for it to happen to the twins as well. I am satisfied that that conduct, viewed in the round, amply satisfies the threshold

criteria.

256. In making those findings, which are, of course, highly critical of the grandparents, though falling far short of the allegations made against them in the threshold documents, I have not lost sight of the credit due to them as well. They assumed the care of three highly demanding and difficult children when they could easily have refused to do so. Although some in the family questioned their motives and capabilities, the evidence speaks with one voice as to the very significant physical improvements sustained by all three girls whilst in their care. Whilst it has all ended in tears, there are some benefits from their care that will serve these girls in the years ahead and fairness requires that that should be recognised.

257. An unhappy consequence of my findings in this case is to have left a substantial cloud of unknowing in relation to AB and AC, though not in the case of AA. I have found that the twins have indeed been sexually abused. While that is not remotely to the extent suggested by their disclosures, it is beyond that for which AGF has been found to be responsible. That is the inevitable consequence of my finding that some of what they described must have been derived from lived experience but that that lived experience is necessarily beyond that explicable by my express findings, as it must involve penetrative abuse.

258. Accordingly, we are left in the position of having two girls who are undoubtedly victims of child sexual abuse. However, the extent to which they have been abused, when, where and by whom they have been abused, remains unknown. It could just be an isolated act, or, more likely, something rather more extended.

259. The court, of course, can only travel where in good conscience the evidence leads. Quite often the evidence does not, indeed cannot, answer every

question in the case. That of itself is not unusual, even if the starkness of the unknowing is not usually quite so evident as it is here.

260. I much regret finding myself in this position, not because it represents forensic failure, it does not, but because of its potential consequences on the ground. It does not give complete closure to the family and leaves, or may do so, a cloud of suspicion.

261. All I can say is that there is nothing in the evidence that would allow any named respondent or intervenor to be treated as being under a cloud of suspicion, although no one can escape the cloud of unknowing. This gives a certain piquancy to the question of potential exoneration.

262. I should add that I had pre-circulated a note of my actual findings, as I thought it unduly harsh to expect parties to sit through a very long judgment without knowing its effective outcome. If, as I trust is not the case, there were any discrepancy between the note and this judgment, the contents of this judgment must always prevail.

PART XVI: EXONERATION

263. I have been asked by a number of parties, and indeed a number of guardians, to go beyond the findings made and expressly to exonerate named individuals from complicity in the matters alleged. The reason why named individuals might seek such a finding is clear enough. The reason why it is sought by guardians is so that now, or when they ask and can understand, children can receive a full explanation of why their lives were disrupted in the way they were and for so long as they were, without anything being said or capable of being inferred which would bring the integrity of their parents or carers into question.

264. Those are all legitimate aspirations, but they cannot be delivered irrespective of cost. Although I appreciate that all children named in this case may have access to this judgment in due course, the judgment is principally for those who make and respond to the specific allegations raised in this case. Not only can a judgment travel no further than the evidence allows, it must also be faithful to that evidence. If the court believes that criticism must be made, and it has weighed with the judge, then the parties should in fairness know that.

265. However, within that context, the quest for exoneration is entirely proper and requires careful consideration. It must not be driven by sympathy but by the evidence alone. If the court has concluded that someone did not do something alleged, as distinct from its not being proved that they so acted, then in common justice the court should say so. That is what I understand exoneration to mean in this context.

266. This matter has been considered in reported cases cited to me. I am not consciously acting differently to how the matters have been dealt with in those cases, even if I express myself individually.

267. I should make it clear that the legal consequences of exoneration are no different to those where the court has simply declined to make a finding. That is clear from the binary approach adopted by the House of Lords in Re B:

> if abuse is not proved against a named person, then it must for all purposes be treated as not having happened. Any such person is not and must not be treated as being left under a cloud of suspicion.

268. For the reasons which appear in the preceding part of this judgment, that is particularly important in this case.

269. So what is the test for exoneration? All parties agree that it is more than simply a finding that a specific allegation has not been proved against them. I suggested an analysis that whilst the legal burden of proof at all times remains on the local authority, a party seeking exoneration assumes an evidential burden to satisfy a court of their innocence on a balance of probabilities. No one sought to suggest that was wrong nor to argue for any particularly different approach.

270. How then should the court approach this matter? In my judgment, where the court accepts that a party has given frank evidence, specifically accepted by the court, then the court should say so, and assuming that evidence to be consistent with exoneration, the court should say that too. That is conceptually clear, simple, and in accordance with justice. On the other hand, where the court has heard evidence about which the court has doubts or indeed concludes that it has not been wholly frank, then, although declining to make a finding, it should go no further than that. Inevitably there will be some cases in the border lands and they will have to be resolved on their own facts. I stress, however, that no legal consequences flow from this.

271. Again, I have reflected on this with great care and I have come to the conclusion that a fair assessment of the evidence enables me positively to exonerate 15 named people. The reason for inclusion or exclusion from this list appears sufficiently in the above paragraph and in the assessment of each individual's evidence as appears in Part XIV of the judgment and to which I do not propose to add. I think I should say nothing more than to list the 15 names, using the order in which they gave evidence.

272. HF, CF, OM, OF, JMA, JM, MF, LM, GSM, GF, FF, FPG, JPG, FPA and BM.

273. I can only emphasise that the legal consequences for every named person

against whom no findings have been made are the same, and no future distinctions must be made between any of them on this basis in terms of their rights and abilities to care for their children.

PART XVII: EPILOGUE

275. I made it clear during the course of argument that I did not think it the place of a retired judge to be laying down guidelines or making general observations about the conduct of family business. My task was to try this case and to decide this case, no more than that. To that end, I have used as few adjectives as possible in the course of this judgment and let the facts speak for themselves. All that said, I recognise that given the unique complexity of this case, some observations are required which may have a wider currency than just this case.

276. In truth, this case has involved a huge financial outlay, borne in its entirety by public funds, and disproportionately so by the local authorities, in particular VBC, yet at the end it has produced findings of a wholly different dimension to those sought in the threshold documents. The question inevitably arises as to whether this case could or should ever have been started, or if started, been allowed to run its course.

277. The answer to that has to be sought in the light of current public concern about safeguarding. As I have observed already, safeguarding is conducted in a rabid and unforgiving atmosphere. Moreover, the allegations were of an unusually grave nature, and involved potentially a paedophile ring. Such matters have been wrongly ignored elsewhere, as we all know. In those circumstances, this juggernaut of litigation was understandably launched.

278. I have to say, I find it very difficult to criticise anyone charged with serious decision-making in this area for taking the view that responsibility for the

decision should be committed to and left with the court in a case with allegations such as these. Judges after all do not only give public reasons for the decisions they make, and confidentiality often prohibits other public services from so doing, but they are far better protected in terms of independent decision-making than is anyone else.

279. The consequence has been a huge outlay of public funding, but that may simply be one of the results of a public concern for effective safeguarding. There will have to be a very much wider debate in the public square before administrative decisions not to proceed in cases like this could reasonably be made. In particular, given that human fallibility is a universal quality, judges included, mistakes will be made, along with genuine errors of judgment.

280. As things stand, this case in the current climate became inevitable from the summer of 2017 onwards. Crucially, the court should resist the temptation to condemnatory judgment made possible only with the inestimable benefit of hindsight. That said, with the benefit of hindsight, I slightly regret giving the local authorities time for reflection in this trial. It is not that the time was not properly used, I am sure it was, but it reasonably raised expectations that the local authorities were going to withdraw some of their cases. I do not seek to criticise the local authorities for not doing so for the reasons I have given, but it did add to the already considerable emotional burdens on the respondents. On the other hand, with 15 of them now exonerated, it was their opportunity to give evidence that enabled that to happen.

281. One matter that did strike and concern me when hearing evidence from those responsible for safeguarding, whether at the school or in Social Services or the police, was a fairly extensive lack of familiarity with current investigatory guidelines. In the way in which things work, only a few people are allowed to investigate allegations. A crucial aspect of that is to determine not only the

content but also the reliability of what is being said. The guidelines are all about producing reliable evidence.

282. The current guidelines not only refine experience but address the issue of less able or less articulate interviewees. They are the ones most at risk of being exploited, sexually or otherwise. It follows that every investigator should be and remain familiar, and should be required to do so, with the current guidance. That was not the case here and it is something that should concern those responsible for safeguarding investigations in education, health, Social Services and the police. Of course, guidance is only guidance and, of course, there are times when the needs of interviewees will have to take precedence, and, of course, all that can be obtained is the best evidence that the child or vulnerable person can give. However, the purpose of the guidance is not to test the capacities of the interviewer but to ensure that the resulting evidence is reliable.

283. Those of us with criminal experience often feel that for the interviewee (and complainant) an acquittal is the worst possible outcome. Better were it that proceedings had never been instituted. I fully recognise that, in the decision to institute proceedings, there is more to be considered than the interests of the interviewee, and that explains my refusal to criticise the course of action taken here. That does not in any way reduce the importance of either securing reliable evidence or recognising that its reliability is uncertain and making decisions accordingly, as indeed the CPS have done in this case, albeit on a much more stringent standard of proof than that which applies in civil cases.

284. Another matter that caused difficulties in this case was recognising where responsibility lay for the investigations. In relation to AA, it lay jointly with the school and Social Services and so far as the AA/IB affair is concerned, with the police. In relation to the twins, it lay jointly with Social Services and the

police.

285. Although it may indeed be proper for one agency to defer to another, as the local authority did to the police over the twins, that is not a licence to abdicate responsibility. There was a continuing duty on the local authority to ensure that the girls' welfare was being properly addressed. That is at its clearest in terms of the role ultimately given to the foster carer, who was given an investigative role that was not her responsibility nor should it have been asked of her. I say nothing more about the details of that than has already been said, but the responsibility for that falls equally on the local authority and the police. There should have been closer liaison at a more senior level than fieldworker and detective constable. Working together is a concept both obvious and simple, but experience repeatedly shows that it is very difficult sometimes to deliver. The responsibility for doing so or seeing that it is done should belong to senior officers in the relevant agencies and not just left to busy and often not very experienced fieldworkers.

286. Ms Jo Delahunty QC urged on me the saying of something about the duty of social workers proactively to keep under review the protective arrangements during proceedings. This is particularly stark where, as here, such arrangements have been in place for two years, or in the case of three children, since their birth. As a matter of principle that must be right and, in fairness, both guardians and Social Services have been alert to that. Nowhere will that be more important than in a neglect case.

287. A single-issue case like this, however, does raise more difficult questions. In one sense, the risk never changes until judgment is given unless the social worker imposes their views on the merits of the case, and I can understand why they may be reluctant to do that. In my opinion, the duty proactively to review remains, as does the right of families to make an interim challenge, and both

have happened in this case. However, I would usually expect to see fewer changes in a single-issue case than in a neglect case for that very reason. There have, in fact, here been remarkably few challenges and a remarkably high level of co-operation over protective arrangements, which leads me to think that others may share my view on this.

288. I should end this judgment with two acknowledgements. The first is to acknowledge the demands and stress that this case has imposed on everyone, from JB and FA, the youngest children involved, to the judge, who is probably the oldest. The sheer volume of what has had to be handled, the sheer depravity of the allegations, the sudden involvement of the police and the sadness, anger and disruption generated by the taking of protective measures, not to mention that everyone has had this hanging over them for the better part of two years, all these things are vividly real and acknowledged by me as such.

289. In this case, most children have separated parents, many of whom separated for reasons unconnected with this case. All this was necessarily an extra burden for them. For some, all of this has produced life-changing consequences and no one will leave this case otherwise than profoundly affected by it. It will be of little comfort to reflect on the fact that this is the cost exacted by our society for having a sophisticated child protection system. Sometimes it is used more than it should have been, as Cleveland and Orkney demonstrate, and sometimes it is not used as it should have been, as can be seen from all the public inquiries cumulating in Peter Connelly. Whatever the position, the system comes with a human as well as a financial cost. No one involved in this case will ever doubt that. The public should be grateful to all lay people and professionals who have borne that cost, and I do not in any way underestimate it.

290. The second acknowledgement is of the extensive help and co-operation that I have received in this case. I think it helpful to set the context of this by

reference to Rule 1 of the **Family Proceedings Rules**. Rule 1.1 states as follows:

"These rules are a new procedural code with the overriding objective of enabling the court to deal with cases justly, having regard to any welfare issues involved."

291. That is followed by Rules 1.2 and 1.3, which provide:

"The court must seek to give effect to the overriding objective when it exercises any power given to it by these rules or interprets any rules."

292. And Rule 1.3:

"The parties are required to help the court to further the overriding objective."

293. That then is followed by saying in Rule 1.4(1) that the court must further the overriding objective by actively managing cases.

294. In my opinion, everyone, counsel and parties, have done all that reasonably could be required of them, and I am very grateful for that. It will be apparent that in many ways this case has been conducted in ways that are sometimes novel and often unusual, as have been described in this judgment. Lawyers at least have been out of our comfort zone, yet rightly so in the context of this case.

295. Without in any way detracting from my gratitude to everyone over this, I hope I may be allowed specifically to address my gratitude to counsel. It would be invidious to name anyone, as everyone has contributed. The case has been dealt with thoroughly, but not repetitiously, because of counsel's willingness to discuss and agree. Individual examples can be discerned in this judgment.

296. I have had to impose neither time limit nor page limit, but submissions, oral and written, have been accessible and relevant. The tone of the case has

remained balanced, and indeed good-humoured, something absolutely essential when dealing with material of the sort that has been involved here. There has been great sensitivity in the handling of witnesses, particularly of those who have been significantly adversely affected by their involvement in this case.

297. All this has been achieved without in any way counsel compromising their duty to safeguard and promote the interests of their individual clients. All that I wish to acknowledge and I am grateful for it.

298. That then is my judgment.

APPENDIX 1

(***Representation at this hearing differed from the headnote to the substantive judgment. A full copy of parties representation is lodged with the Court.)***

SIR MARK HEDLEY:

1. I have adjourned this matter into open court in order to give a judgment on the issue of timetabling and delay in this case. It follows, of course, that there will be an order that nothing may be reported which might reasonably lead to the identification of any child. As will be apparent from this judgment, no child is actually in foster care and therefore the effect of this order is to protect the confidentiality, in effect, of the parties in the case as well, at least at this stage.

2. In the summer of 2017 three young people made extensive allegations to the police of serious sexual abuse. Those allegations appeared to involve 32 adults of whom 21 were fairly quickly identified and 11 remain significantly unknown. Of the adults who were identified, they, between them, had extensive connections with at least 11 families and thus there were a substantial number of children of all ages involved in the enquiry and its consequences. This matter has been going on for a sufficient length of time that the court is now having to give thought to the position of children then unborn.

3. There were four Local Authorities involved and they were, of course, obligated, once the police had disclosed the essence of the allegations, to take immediate protective measures. In the society in which we now live, such action was wholly inevitable. Of

course, the taking of such action involves many adults who are not implicated in the allegations at all and involves a significant number of children in respect of whom no suggestion of sexual abuse has been made but who, by reason of the inter-family connections, are inevitably now to be treated as being at risk.

4. The overall result at the present time is that there are 10 sets of proceedings. There is one further family involved in respect of whom no proceedings have been taken for reasons that have been set out in a report made under section 37 of the Children Act and which, in the context of that particular case, are no doubt sufficient.

5. The fact that there are 11 presently unidentified potential defendants means, of course, that the categories of this case may not yet be closed. Because all the information came to light at different times over the middle and late summer of last year, protective proceedings were taken at different times. In some cases, interim care orders were made whereas in some cases a voluntary protective framework was put in place which did not justify the making of an interim care order. This is one of those cases in which it is very important that no inference is drawn from the fact that interim care orders were or were not made. Those matters were entirely dictated by the individual circumstances and care arrangement of each individual family.

6. There was a principal case management hearing before the Designated Family Judge on 12th December of last year. It was during the course of that hearing that the difficulties that confronted the trial of this matter became apparent; in particular, the question of the interrelationship between these proceedings and the police investigation and the consequences in terms of timetable that were inherent in that matter. The Designated Family Judge rightly concluded that her commitments did not permit her to undertake the trial of this matter and the question of who should try it was therefore directly brought into consideration. In due course, a suggestion was made that I might do so, notwithstanding having been retired for a little while, and I agreed that I would

take the next hearing which was in fact on 16th January of this year and form a view there as to the practicality of my trying the matter.

7. It is important to record at this stage the court's very profound gratitude towards all the families involved in this matter. There has been almost invariable co-operation throughout and a recognition that the irksome procedures that have been put in place were such as had to be put in place and had to be made to work in the interests of each of the individual children in this case. Although there have been very serious delays here, they would have been much more so had it not been for the co-operation which the families and their representatives have been able to give and it is a tribute to all that with the exception of the three young people who were the original complainants, there is no child in this case who is presently in foster care, but all are accommodated within their natural families.

8. When the matter came before me on 16th January, it became apparent that this was potentially an extremely complicated trial. There appeared to be some 32 parties to these proceedings, four Local Authorities and an estimate that a courtroom would have to be found which accommodated at least 105 people. On a worst case scenario basis, the Local Authorities were asking the court to set aside 15 weeks in order to try the matter. It will be understood that this was not an altogether straightforward matter in order to determine how this should work or who should try it. But, in the event, consultations with the Family Division Liaison Judge and the President of the Family Division resolved the matter that it should be tried by me.

9. I have raised the question of there being an Assistant Case Management Judge appointed in the case so that my availability, which cannot always be guaranteed at short notice, should not unnecessarily inhibit the preparatory stage of the case. The parties have unanimously expressed the view that such an appointment would make good sense and they have requested that that should be a Circuit Judge. I do not regard

it as my place to insist that that should be so, but I shall convey those views to the Designated Family Judge with a request that she might nominate a Circuit Judge to be the Assistant Case Management Judge here.

10. I mentioned that at heart of this lay the complexities involved in a huge police investigation on the one hand with a complicated Family law case on the other. It is right to say that these proceedings have raised very serious challenges for the police force involved. Notwithstanding the fact that they have been actively investigating this matter since last summer, they made it clear to me in evidence in January of this year that they would not be in a position to make any arrests before the early summer and they would follow that up rapidly with interviews of those who were arrested. They did not anticipate that any charging decisions would be made until early 2019 and thus, as a matter of inevitability, a trial as complex as this would be fortunate to get launched even in late 2019 at the earliest.

11. It was apparent to me and accepted by everybody that the welfare of these children simply could not accommodate timescales of that sort and thus it was essential that the Family proceedings were tried well in advance of the trial and indeed in advance, probably, of any charging decision in this matter. The difficulty then was the accessibility of the evidence so far as the Family proceedings were concerned. I wish to record that the investigating police force have been as helpful as they felt able to be, but the plain fact is that they object to any disclosure of the substantial material in this case to the parties until they have completed their programme of arrest and preliminary interview. I recognise – and no one dissents from the view – that in the ordinary course of events that is an entirely reasonable stance for the police to take because, of course, any disclosure before then reveals their hand prior to arrest and provisional interview.

12. It may well be that under certain terms of confidentiality – to which, of course, all parties have to agree – that the police will release to counsel or some counsel material

which will at least enable the Local Authorities to formulate the threshold document which is fundamental to the court having jurisdiction in relation to any welfare matter.

13. The consequences of all that are inevitably these. First, it will be the late summer of this year at the earliest before all parties know in reasonably complete detail the case that they will be required to answer. There will, in all inevitability, be disclosure issues which the court may have to adjudicate upon in relation to the evidence. The parties will inevitably want to reflect on the need to make Part 25 applications in respect of expert evidence and cannot, of course, do so until they have been in the position to identify the issues which directly concern their clients. There will be a need for the collation of evidence as well. There are issues relating to where and how a case of this magnitude can actually be accommodated and, of course, the issues are sufficiently grave that the principal participants in this matter may wish to instruct leading counsel, the Local Authorities having already done so.

14. There is in a case such as this an inevitable tension. On the one hand there is the desire to deal with matters expeditiously and being aware of what a substantial chunk of many of these children's childhood is being consumed by this litigation and aware too of the stress that the mere presence of litigation has in relation to all those adults who are involved in the lives of those children.

15. On the other hand, all those reasonable pressures have to be set against the need for the court to ensure, first, that it has all the requisite information upon which to make judgments which potentially will have life-changing effects on some of these children and their parents and also the need, in those circumstances, to ensure the maximum fairness for every party to put the best case that they wish to put before the court. In these cases there is only one trial and it is incumbent on the court to ensure that everyone has had a fair and full opportunity to put before that trial the case that they wish to advance. It will be readily apparent that those two tensions – the need for expedition

and the need for fairness – often pull in contrary directions and nowhere is that more true than in a case of this complexity.

16. The result of that is that this case has been listed for trial on Monday 7th January 2019. It was, in my judgment, the earliest date on which a full and fair trial could be conducted with the complexity necessarily inherent in these particular proceedings. It is, of course, way, way outside the statutory period of six months and I have adjourned this case into open court to give this judgment so that there shall be a full public explanation of why in this case it is going to be some 18 months from the institution of proceedings before a trial can be held. It is for others to say whether the court has got this balance right or not but at least for those involved in the matter there has been a recognition that really it would be difficult to do it more quickly than that.

17. The rules permit extensions to be granted in eight-week periods. They do make provision for composite extensions to be made. But in a case like this, I think it right and proper that the trial judge should re-visit this case shortly before the expiration of each eight-week period starting from today. It is most unlikely there would not be other work to do but even if there were not, it seems to me that the court should take some responsibility itself for ensuring that timetables are indeed being adhered to. It is comforting to observe that so far timetables have been observed and the court should, of course, acknowledge that the timetables for which the police contended on the last occasion are in danger not of being exceeded but of being foreshortened. The court is very grateful for that.

18. Lest there be any doubt about this matter, I remind everyone that part of the functions of the solicitors to the Guardians is to police compliance with these orders, and whilst I had no doubt that the Local Authorities will be astute to do that, it is, in the end, the responsibility of the Guardians not just to ensure that the lay parties comply with these directions, but that the professional parties do as well. I shall expect in the event of

any significant default in the timetable that one of the solicitors to one of the Guardians will notify the court and invite a short hearing to be listed.

19. That then is why a case which started last summer is only going to be dealt with next New Year. It is not a state of affairs which I welcome, but it is a state of affairs which I recognise is probably inevitable given the complexity and timescales of the police enquiry, the fact that it would be utterly artificial to try to deal with this matter without the evidence that has been accumulated by the police and yet, at the same time, affording to all parties every reasonable opportunity to put before the court the case they want to make.

20. It is sometimes easy for professionals and, in particular, judges, to overlook the magnitude of the decisions that are made in these cases, but the parties themselves will be only too aware of what is at stake and it is for that reason that the court's duty is to ensure that a fair and full hearing must be given the fullest possible weight and must be balanced against the children's need for early resolution. Sometimes one simply cannot accommodate both and choices, albeit uncomfortable choices, have to be made.

21. That is the judgment I propose to give.

- ***(For continuation of proceedings: please see separate transcript)***

APPENDIX 2

Thursday, 21 February 2019

(2.30 pm)

(Hearing in private)

JUDGMENT

SIR MARK HEDLEY:

1. I am currently engaged in trying what, for me at least, are uniquely complex care proceedings comprising some 15 cases involving four local authorities, 24 children, 21 alleged perpetrators of child sexual abuse, eight other parties, and of the alleged perpetrators, five are intervenors.

2. The whole case is about an alleged paedophile ring based around one family involving three girls, now aged 15 and 14. The trial began on 7 January with an estimated length of hearing of 15 weeks. The local authority case, subject to one expert, was closed on Friday, 8 February, and the local authorities asked for time to consider their positions.

3. On 13 February, each announced its intention to proceed against all respondents, and the consequence of this was an application by 19 of the 21 respondents, almost all made by leading counsel, which, although unique to the experience of us all, and although unprecedented in outcome, was nevertheless to invite me to dismiss the case at this stage against those 19 respondents.

4. The application was put forward principally by Mr Paul Storey QC. Others adopted his submissions on the law, and all parties who wished to, made their own submissions on the facts peculiar to their case.

5. The application was resisted by each local authority whose case was presented in a similar sort of way, that is to say that Mr Karl Rowley QC on behalf of VBC

presented the legal arguments and others made their submissions on the facts.

6. I also had submissions from Ms Lorna Meyer QC on behalf of the three girls to whom I have referred and from Ms Jo Delahunty QC on behalf of the guardians of four of the other children.

7. The essence of the applications depends on certain assertions of fact. There is no doubt that all the allegations in this case are based on the evidence given by those three girls. Two of them gave oral evidence and one did not. There is no external corroboration of their evidence and their evidence involves multiple allegations of perverted sexual abuse over many years, often conducted in group activity. There is no doubt that each of these three girls suffered an abusive background in their parental home, have been victims of emotional damage and suffer from educational deficits.

8. There has been a prolonged police inquiry over very many months, which has resulted in a decision to take no further action, the Crown Prosecution Service having agreed with the police that the evidence available did not meet the evidential threshold for a criminal prosecution.

9. The manner in which the allegations emerged has been the focus of much of the evidence, coming as it did from diaries which all three girls were encouraged to keep, followed up by long conversations with their foster carers and protracted and repeated ABE interviews, which were by far the longest that I have ever encountered in my experience, and one has to recognise that there are substantial arguments upon which a challenge to the reliability of the evidence can be advanced.

10. It was against the whole of this background that I thought it right to entertain and consider these applications and submissions. They were spread over three days, including inevitably some preparation and reading time.

11. It is important that the court rapidly gives the decision with sufficient reasons to

explain the course of action that it proposes to take. I fully recognise that the arguments which have been advanced to me would ordinarily merit a fully considered and written judgment. That is simply not practicable or fair, given the respondents who are actually waiting to give evidence in this case, and accordingly I have resolved that the interests of justice require me to give an ex tempore judgment which, taking into account intervening obligations in the Court of Protection and to my own Inn of court, I have effectively had one full day to prepare.

12. It is very important that I am cautious about disclosing any views I have about the actual evidence in this case, and this judgment will, therefore, inevitably be terse insofar as it refers to evidence. The reason for this is helpfully set out in the judgment of the Court of Appeal in the case of **Alexander v Rayson [1936] 1 KB 169** at a paragraph to be found on page 178 of the judgment of the court. Part of that paragraph reads as follows:

"At the conclusion of the defendant's evidence, the plaintiff's counsel submitted that there was no case to answer upon the two issues which at that stage had alone been presented to the court, that is to say the issues of no consideration and of illegality. Where an action is being heard by a jury it is, of course, quite usual and often very convenient at the end of the case of the plaintiff or of the party having the onus of proof, as the defendant had here, for the opposing party to ask for the ruling of the judge whether there is any case to go to the jury, who are the only judges of fact. But it seemed to be not unusual in the King's Bench division to ask for a similar ruling in actions tried by a judge alone. We think, however, that this is highly inconvenient for the judge in such cases is also the judge of fact and we cannot think it right that the judge of fact should be asked to express any opinion on the evidence until the evidence is completed. Certainly no one would ever dream of asking a jury at the end of a plaintiff's case to say what verdict they would be prepared to give if the defendant

called no evidence, and we fail to see why a judge should be asked such a question in cases where he and not the jury is the judge that has to determine the facts. In such cases, we venture to think that the responsibility for not calling rebutting evidence should be upon the other party's counsel and upon no one else."

13. I have nevertheless read the written submissions and considered them carefully in the context of the oral argument that has been advanced. The exigencies of time neither allow me to rehearse them all nor to be able to do full justice to their merits, but in setting out my conclusions there will no doubt be found to be substantial echoes of both.

14. The respondents in this case effectively divide into three categories. There are two respondents in respect of whom AA, AC and AB all make allegations. There are seven respondents in respect of whom AC and AB make allegations, and there are 12 respondents in respect of whom AB alone makes allegations. As AB was the only one not to give evidence, it is inevitable that the third group require particular care in the determination of this matter.

15. The parties have agreed with an analysis which has identified three questions that need to be determined at this stage. First, has the court the power at this stage to hear and determine an application to dismiss proceedings of its own motion under case management powers and/or in response to an application by a respondent that there is no case to answer or in some other respect?

16. Secondly, if the court has such a power, on what principles or basis should it be exercised? It is right to say that this particular question has never been considered because previous decisions made in the context of their own facts have never really fully determined the answer to question one, as the cases have been determined within that context of their own facts.

17. The third question is: if the principles are wide enough to cover the circumstances of

this case, should the court intervene in some or all of the 15 care cases that are being heard together here?

18. Before turning to those questions, I think it right that I should mention the relevance on my determination of the impact of the case upon the parties and children involved, as many respondents have sought to urge this consideration upon me.

19. There is no doubt that these proceedings and all that has gone on over the last 18 months has had a very significant impact on both children and respondents. That is apparent from the comments of guardians who have reported from time to time during the course of this case; it is apparent from respondents who have found themselves embarrassed and compromised in their employment by the presence of these allegations and, this is a remarkable matter, that whilst there are no children in this case in foster care, nevertheless the impact upon them of the proceedings, of altered arrangements, of interference with normal family life is both obvious, prolonged and recognised.

20. In April 2018, I adjourned into open court and gave a judgment, which is available, of course, to everybody who wishes to consult it. The purpose of the judgment was to explain both the length and the reasons for the delays and to set a timetable for the determination of the matter. It is right to say that that table has been broadly adhered to and that people find themselves now in the position in which 12 months ago they would have expected to find themselves.

21. It is also right to recognise that the substance of the trial has indeed made considerable demands upon everybody involved, and the court, as it has done in the past, acknowledges the co-operation that it has received, not only from the advocates but in fact from all the parties in this case. Further I recognise that those burdens and those obligations, if this matter were to continue, are likely to last up until Easter of this year before any final judgment is given.

22. I think also it is important to say something that was said in the Court of Appeal in the case of **A V East Sussex County Council and Chief Constable of Sussex Police [2010] EWCA Civ 743** at paragraph 25 in which, as it happens, I was giving the leading judgment, and these words appear:

"Social workers in these situations are in a very difficult place. If they take no action and something goes wrong, inevitable and heavy criticism will follow. If they take action which ultimately turns out to be unnecessary, they have caused distress to an already distressed parent. On the other hand, they are also invested with or have access to very draconian powers and it is vital if child protection is to command public respect and agreement such powers must be exercised lawfully and proportionately and that the exercise of such powers should be the subject of public scrutiny. This litigation demonstrates that child protection only comes at a cost: to an innocent parent who is subject to it based on an emergency assessment of risk and to public authorities who are held to account in a judicial setting for the exercise of their power. It is, however, a cost that has inevitably to be exacted if the most vulnerable members of our society, dependent children, are to be protected by the state."

23. That statement of principle seems to me to apply in all care proceedings and for so long as they are lawfully and properly conducted, the burdens implicit in them are a necessary cost which society exacts of its citizens for the purposes of having a proper child protection system. Accordingly, whilst I recognise that the impact on parties throughout these proceedings will have been grave, they will, for the reasons that I have given, only carry modest weight in the consideration of these applications.

24. That said, I turn to consider the three questions that have been identified for determination. The first, as I have indicated, is: has the court the power at this stage to hear and determine an application to dismiss proceedings?

25. The respondents contend that I have jurisdiction and they are supported in that assertion by Ms Delahunty on behalf of the guardians for four children. The local authorities contend that I do not have that jurisdiction.

26. The fact that, insofar as the combined experience of 20 Queen's Counsel, 35 juniors and myself are concerned, no application such as this has ever succeeded does not, of course, of itself require the conclusion that the court does not have jurisdiction. The argument of no jurisdiction is founded in a series of cases, which all parties have considered. I propose to take **Re R (Family Proceedings: No Case To Answer) [2009] number FLR 83** as an exemplar to illustrate the points that that group of cases make.

27. In paragraph 14 of the judgment of the Court of Appeal in that case, Lord Justice Thorpe says this:

"So if I were formulating a general test, I would be inclined to say that trial judges in preliminary fact-finding hearings involving serious allegations of domestic violence should never terminate the case without hearing all available evidence. It may be dangerous to say never, but I can only conceive of a termination that rested on a concession from the applicant that that was inevitable or appropriate at the conclusion of the evidence. So long as the applicant sails on into the gunfire, I think the judge has the obligation to hear the case out. His obligation derives from his responsibilities to the child. There are many obvious instances in which what may seem to be a frail case at the conclusion of the applicant's evidence nonetheless at the conclusion of all the evidence can be seen to be one that is not without substance and foundation."

28. At paragraph 17, Lord Justice Wall, as then he was, said this:

"We have now, of course, today heard full argument. However, having heard argument and read the various authorities submitted to us, I have to say that I entirely

agree with my Lord in finding it impossible to envisage circumstances in which a judge, hearing what I will in shorthand describe as Re L V M H fact-finding hearings within private law proceedings involving domestic violence should entertain an application that there is no case to answer."

29. And Lord Justice Stanley Burton, the third member of the court, said this:

"In agreement with my Lords, it seems to me that it is inappropriate in all circumstances but conceivably the rarest, such as Lord Justice Wall referred to, for a submission of no case to answer to be entertained. The child is in reality the subject of these proceedings and it is inconsistent with the status of a child and the need to make a decision which is in the interests of a child for a decision to be made on partial evidence."

30. Although that case clearly was focused on issues of domestic violence, there is nothing in those judgments which leads me to believe that the court would have come to any other conclusion had it been considering proceedings within Part IV as much as proceedings within Part II of the Children Act 1989. I think it is nevertheless a fair observation that those decisions can be read not necessarily as saying there is no jurisdiction but that, if there were, then it has no place in family law and particularly in the cases to which those cases relate.

31. Mr Paul Storey QC has maintained that that blanket prohibition, if such it be, simply will not do in the circumstances that we have today, and he adduces three particular reasons as to why that might be so. The first is he says that by the introduction of Family Proceedings Rules in 2010, and in particular in Rules 1.1 and 1.2, the court has considerably enhanced powers and responsibilities in terms of the management of a case, and, of course, he is alluding to the overriding objective and to the obligations of the court in the application of the overriding objective, and clearly the court must have those matters at the front of its mind.

32. Secondly, he says that that approach does not sit conveniently with the European Court approach in terms of the need to reunify children and parents speedily. He draws my attention to the case of **K and T v Finland [2001] 2 FLR 707**, and I have extracted from that paragraph 178 as perhaps being a convenient statement of the point that Mr Storey sought to make.

33. At page 178, the judgment of the Grand Chamber says this:

"The Grand Chamber, like the Chamber will first recall the guiding principle whereby a care order should in principle be regarded as a temporary measure to be discontinued as soon as circumstances permit and that any measures implementing temporary care should be consistent with the ultimate aim of reuniting the natural parents and the child (see in particular the above-mentioned Olsen v Sweden number 1 judgment). The positive duty to take measures to facilitate family reunification as soon as reasonably feasible will begin to weigh on the responsible authorities with progressively increasing force as from the commencement of the period of care, subject always to its being balanced against the duty to consider the best interests of the child."

34. I have that point and that balance firmly in mind.

35. Thirdly he says that the unique nature of the case with which we are involved may of itself require reappraisal of the earlier authorities to which I have been referred.

36. In my judgment, those submissions have force and I have come to the conclusion that the correct modern approach to this is to be found in the case of **Re T G (Care Proceedings: Case Management Expert Evidence) [2013] 1 FLR 1250.**

37. Paragraphs 24 to 28 are expressed in the typically trenchant language employed by the then President, Sir James Munby, and I have in particular in mind paragraph 27 where he says this:

"In this connection, that is to say dealing with evidence, I venture to repeat what

I recently said in **Re C (Children Residence Order. Application Being Dismissed at Fact-Finding Stage) [2002] EWCA Civ 1489**. These are not ordinary civil proceedings, they are family proceedings where it is fundamental that the judge has an essentially inquisitorial role, his duty being to further the welfare of the children, which is by statute his paramount consideration. It has long been recognised, and authority need not be quoted for this proposition, that for this reason a judge exercising the family jurisdiction has a much broader discretion than he would in the civil jurisdiction to determine the way in which an application should be pursued. In an appropriate case he can summarily dismiss the application as being, if not groundless, lacking enough merit to justify pursuing the matter. He may determine that the matter is one to be dealt with on the basis of written evidence and oral submissions without any need for oral evidence. He may decide to hear the evidence of the applicant and then take stock of where the matter stands at the end of that evidence."

38. "The judge in such a situation will always be concerned to ask himself: Is there some solid reason in the interests of the children why I should embark upon, or having embarked upon, why I should continue exploring the matters which one or other of the parents seeks to raise? If there is or may be a solid advantage for the children in doing so, then the enquiry will proceed, albeit it may be on the basis of submissions rather than oral evidence, but if the judge is satisfied that no advantage to the children is going to be obtained by continuing the investigation further, then it is perfectly within his case management powers and the proper exercise of his discretion so to decide and to determine that the proceedings should go no further."

39. I venture with becoming diffidence to add one further paragraph from that judgment, I having been a member of the constitution, and just refer to some words that appear at paragraph 82:

"In a highly conflicted case where permanent removal and placement are serious

possibilities, and that is increasingly the case with young children, it is only the judge upon whom the responsibility for case management should fairly rest. To leave it to the parties is to impose on them a burden potentially so onerous as to be unfair for especially on behalf of parents, no stone should be left unturned, however small it may seem. Of course, if that responsibility is to be discharged, it is essential both that the judge has had sufficient opportunity to master the case and also that judicial continuity is provided."

40. I cite that paragraph for two reasons. One, because it indicates that judicial case management is an art form rather than an application of scientific principles, and also because it seems to me that the court intended all its observations to apply right across family proceedings, even if the illustration in the language used by the President was actually taken from a private law case.

41. As I say, I have concluded that that properly represents the modern approach to case management and, accordingly, I am satisfied that the court does have jurisdiction to bring proceedings to an end at any time before the conclusion of the final hearing. I am satisfied that the combination of statute and rules give the widest powers of control of case and trial management to the individual judge.

42. This is not, I stress, to introduce a concept of an application of no case to answer in the conventional criminal sense. I accept unreservedly the assertion that that as a concept has no proper place in family proceedings. But that is not the end of the matter because I do accept that there is a place at any stage of the proceedings for the court to intervene in terms of case and child management power. Those interventions are exclusively the responsibility of the court, but I see no reason in principle why a respondent should not have the ability to invite the attention of the judge to it if, as is undoubtedly the case here, such an invitation would be a responsible use of advocacy.

43. I think it important to deal at this point with the question which again has been

addressed at some length which relates to the power to withdraw proceedings under Family Proceedings Rules 29.4(1) and 29.4(2). I think it is important to appreciate that Rule 29 does not confer on the local authority any new power at all. What actually is happening is that Rule 29.4(2) is imposing a restriction of permission on a power which otherwise every claimant in civil proceedings has, namely, subject to the question of costs, to discontinue their claim as of right. That right has been circumscribed by the requirement for permission. It is in those circumstances entirely unsurprising that there is not a specific equivalent right in respondents to make any such application, but it does not mean that that right does not exist by another route. Nor indeed is it remotely surprising that such applications are rarely made. In the ordinary case, a submission of no case to answer is likely to meet with a firm and summary refusal; Mr Storey even suggested occasionally brutal treatment. But be that as it may, that is undoubtedly the likely outcome, and where there is real merit in any such submission, the probabilities are that the local authority, with or without the encouragement of the judge, will apply to withdraw and the basis of withdrawal has become well established in a series of first instance decisions three of which I think are decisions of mine.

44. Accordingly, and for those comparatively brief reasons, I have concluded that I should entertain what I propose to treat as an invitation by the 19 respondents to use my case and trial management powers to bring these proceedings to a summary end now.

45. That then logically leads to question 2 in the proposed analysis, namely: if the court has a power, on what principles or basis should it be exercised?

46. Mr Richard Pratt QC in his submissions suggested that its application would be exceptional and sparing, and given that such application has never succeeded, he is likely to be right on that, but the question is whether the court can be more specific in identifying the principles upon which any such power would be exercised. In

order to do that, the court, in my judgment, needs to take a substantial step back from the current application and look at the very much wider canvas of judicial enquiry in proceedings under Part IV of the Children Act 1989.

47. The authorities use a variety of language to describe that process. Some say it is sui generis in civil proceedings, some say it is quasi inquisitorial, and no doubt there are other expressions that can be garnered from the authorities.

48. In order, I think, properly to understand what lies behind all this, and perilous though the expression so often has proved to be, it seems to me necessary to go back to basics and to ask: what is the purpose of proceedings under Part IV of the Act? It is, is it not, to determine whether any child or children are suffering or are likely to suffer significant harm, and, to paraphrase, that that harm accrues from a deficit in parenting, and, if so, then to protect and promote the welfare of those children using the principles set out in section 1 of the Act.

49. It is extremely important to underline that in family proceedings the cost of a mistake either way is equally serious. If I make a finding in this case against a parent when I should not have made a finding, not only would that be a gross injustice to the parent, but it would disturb, upset and possibly frustrate the lives of children throughout the whole of their childhood, if not beyond. If, on the other hand, I were to fail to make a finding when I should have made a finding, it would be to expose children immediately returned to that person's care to wholly unacceptable risk of abuse in the future. The cost either way is equally grave and that is an important factor to bear in mind when one is examining what the purposes of hearings under Part IV actually are.

50. Moreover, although a determination under section 31(2) to consider whether the threshold criteria are satisfied does not have at its heart the paramountcy of the welfare of a child, these proceedings, like any other proceedings regarding children, always have the welfare of the child as a relevant consideration, and that, of course,

must involve the welfare of every child who is subject to these proceedings, all 21 of them. I must consider and reflect on the promotion of that welfare even where the needs of the children are not only radically different the one from the other, but may actually conflict with one another, and that calls for very careful balances, of which this case may well provide a fairly vivid illustration.

51. That is the context in which the court then considers what is the nature of the hearing, what is the nature of the evidence that the court is to hear.

52. Well, evidence is dealt with in Rule 22 of the Family Proceedings Rules. Every party in this case, and indeed others as well, have filed witness statements, no doubt intending to say that which they wish the court to take into account in determining the matter, and, insofar as the respondents are concerned, all witness statements contain stout denials of abuse of these or any other children in the circumstances in which the allegations are raised.

53. So let me, if I may, first go to Rule 22.1, which is the basic provision for evidence:

"The court may control the evidence by giving directions as to the matters which the court is to take into account (iii), the court may permit a party to adduce evidence or seek to rely on a document in respect of which that party has failed to comply with a requirement of this Part."

54. I mention that simply because it underlines the importance of the court actually getting the evidence, even if the means of getting the evidence are not necessarily always as strictly prescribed by the rules.

55. One then goes to Family Proceedings Rules 22.2 and it says this:

"The general rule is that any fact which needs to be proved by the evidence of witnesses is to be proved (a) at the final hearing by their oral evidence and (b) at any other hearing by their evidence in writing."

56. And then one goes on to Rule 22.6, and sub-rule (1) says this:

> "If a party (a) has served a witness statement and (b) wishes to rely at the final hearing on the evidence of the witness who made the statement, that party must call the witness to give oral evidence unless the court directs otherwise or the party puts the statement in as hearsay evidence."

57. The combined effect of all that is that where parties have filed statements of evidence upon which they wish the court to rely at the final hearing, they are under an obligation to go into the witness box to confirm those statements and to answer questions about it. That is underlined, in my judgment, fairly firmly by section 98(1) of the Children Act. Generally speaking, in civil proceedings nobody is obliged to answer questions which might tend to incriminate them. It will be very obvious that in many Part IV proceedings, precisely such questions are at issue in the case.

58. Section 98(1) says this:

> "In any proceedings in which a court is hearing an application for an order under Part IV or V, no person should be excused from (a) giving evidence in any matter or (b) answering any questions put to him in the course of his giving evidence on the ground that doing so might incriminate him or his spouse or civil partner in an offence."

59. It seems to me that that section is drawn in clear terms and, if the compensating provisions in section 98(2) are not as clear as they might be in terms of their operation in practice, it is certainly my conclusion that every party in care proceedings is obliged to give evidence and to answer all questions that are put to them. Technically, of course, that could be enforced by committal proceedings, but the convention or practice of the court is not to do that, it is rather to draw an adverse inference from a failure to give evidence, that adverse inference being that the party has something to conceal which they are not willing to risk in those proceedings, and I have to say that, in my experience, both as the trial judge and as an occasional member of the Court of Appeal, I cannot recall any case in which a party has

refused to give evidence and has not had an inference drawn against them. Others' experience may, of course, differ.

60. With that said, may I return to the authorities and in particular to the case **of Re S-A-K (children) [2011] EWCA Civ 1834**, and, again, to some words of Lord Justice Thorpe, which are to be found in paragraph 7 of that judgment, and he says this:

"The protection of children in public law proceedings is primarily in the hands of other agencies, but when the case is brought into the judicial arena, the judge is an important partner in the process of child protection. Accordingly it is incumbent on any judge to dig deep, as deep as is reasonably practicable, before arriving at the conclusion that there is no danger to the child and that the child's account of abusive experience is incredible, not to be believed. It is not a case in which the judge can say that the child is mistaken. A rejection of the local authority's case inevitably carries the conclusion that the child had made a false allegation against her stepfather. That outcome should not be reached without the judge having the best available evidence."

61. Now, what does that mean in working practice in a trial under Part IV of the Children Act? In my judgment, it means that ordinarily any judge should hear all the available evidence, and that should include the evidence of all those with care of the children who are subject to the application.

62. There is a very good reason for that, as is readily apparent from guardians' reports in this case; they are the people who know the children best, they are the people who have the first responsibility for protecting the welfare of those children, and again, venturing my own experience in these matters, I have often found the evidence-in-chief of parents to be the most illuminating evidence in many a trial for good or ill, it has to be said.

63. If this is so, that is to say that the judge should hear all the available evidence

including that which I have described, it will be wholly unsurprising that applications of the sort made here are not usually made and do not succeed, and why it is said that they have no part in Part IV proceedings. But whilst that may be the case, it begs two questions, which it seems to me the court in good conscience should confront.

64. First: are there any circumstances in practice then where the court will intervene or is this simply a power which is devoid of practical expression? Secondly: how does all that fit with the concept of the local authority having the burden of proof in relation to the establishment of the threshold established under section 31(2) of the Act?

65. It seems to me that both questions require an answer.

66. Turning then to the first question about whether there could ever be circumstances in which such powers might be exercised, the fact of the matter is that there will be a very narrow basis for intervention, but two examples emerged in the course of the argument.

67. The first was where you have a case of brain injury, and an alleged shaking case might be a good example, where the only question is the medical evidence in the case and where the medical evidence effectively collapses during the course of the case. It seems to me that, provided that collapse has revealed a benign causation which renders the parents' evidence otiose, it would be entirely appropriate for the court to intervene. That it rarely does is because almost invariably in those circumstances the local authority, with or without the intervention of the court, makes an application to withdraw.

68. The second example that emerged was the possibility of it becoming apparent during the course of such a trial that the local authority social work department was motivated by a vendetta against the parents rather than being motivated by the best

interests of the child. It seems to me that in those circumstances the court would not only have the right but a positive duty to interfere and bring proceedings to an end.

69. I recognise that all this affords a very narrow basis for intervention, as it requires something which impinges on the integrity of the trial process. However, human rights and common justice require that the court should have this power for use as and when it may be necessary. Speculation about when and how it might actually be used is probably as unwise as it is potentially fascinating, and so one confronts the question about what are the implications of all this upon the obligation of the local authority to prove its case.

70. The position in the criminal law is fairly straightforward. That is to say, except in those rare cases where the burden of proof is reversed, as occasionally it is, there has to be a sufficient case based entirely on the evidence adduced by the Crown. In civil proceedings, the problem does not arise in practice because any person seeking in civil proceedings to make a submission of no case to answer will normally be put to their election to call no evidence and, accordingly, the problems that were raised by **Alexander v Rayson** do not arise in practice.

71. In family proceedings, that simply cannot be done. No person can be put to their election because they remain a compellable witness and one with an obligation to go into the witness box. Accordingly, since that cannot be done in family proceedings, in my judgment the proper time for the court to apply the burden and standard of proof is not at the conclusion of the local authority case but at the conclusion of all the evidence which the parties want to give and the court considers that it should hear, and therefore that time in this case has not yet arrived. That approach is wholly coherent with the essential and unique nature of family proceedings, whether described as sui generis, quasi-inquisitorial or whatever.

72. Now, I should stress that none of this must be read as inhibiting in any way the duty of a judge to control proceedings and to give such indications as he or she might

think right as to how a trial should develop. I am considering the specific circumstances of where there is a formal application formally resisted by other parties to the proceedings.

73. If it be right then that the broad approach is that these powers will only be used where there is something that impinges on the integrity of the trial process or otherwise is seen as to amount to an abuse of the process of the court, the necessary scope in relation to the third question will be very limited.

74. The third question, whether if the principles were wide enough to cover circumstances of this case, the court should intervene in some or all of the 15 care cases being heard before it, as I say, will necessarily give rise to narrow consideration not the least of which is that this is a case in which I am entirely satisfied that all the respondents themselves recognise the propriety and need to give evidence in this case in any event. In my judgment, my duty to these children requires that I should hear that evidence and consider it carefully as part of the overall consideration as to whether the local authority have, on the balance of probabilities, established the threshold criteria.

75. That said, I still think that I ought and, indeed, have reflected again in particular on the position of the 12 who are only accused by AB in relation to the fact that she didn't give evidence, as to criticisms of reliability, the impact on the parties, and, of course, the question of costs was raised, which at this stage of the proceedings I do not think can carry very much weight.

76. I appreciate that those acting for the seven respondents against whom AB and AC make allegations have sought to argue that they should not be treated differently to those against whom only AB has made allegations.

77. I respectfully disagree with that. I think there is a fundamental difference between the two. Nevertheless, it does seem to me that the position of those 12 requires

consideration.

78. I have explained why I am reluctant to or indeed should at all enter into any detail about the evidence and specifically any provisional view that I may or may not have formed about it.

79. Having reflected again with care on the position of all 19 respondents, but particularly those 12, I have in the end reached a clear conclusion that the continuation of these proceedings against all 19 respondents does not in any relevant way involve an abuse of or an incursion into the integrity of these proceedings. I say that with everything that I have said in this judgment clearly in mind. Indeed, I am satisfied that I cannot properly and fully discharge my duties to all of the children subject to these allegations without fully and carefully considering the evidence that each respondent is able to give.

80. Accordingly, and for the reasons set out in this judgment, I have concluded that, whilst I do have both the jurisdiction and the necessary powers to intervene in this case, it would be wrong to bring these proceedings to an end now. They must take their usual course.