

**IN THE EXETER COUNTY COURT**

**Case Number : EN13C00052**

Southernhay Gardens  
Exeter  
Devon  
EX1 1UH

BEFORE:

Date : 24<sup>th</sup> January 2014

**HIS HONOUR JUDGE TYZACK QC**

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**Devon County Council**

**Re: A & B (Children) (Fact-Finding)**

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**J U D G M E N T**  
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**APPROVED**

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**HIS HONOUR JUDGE TYZACK QC:**

1. This court has been dealing with a case involving a boy, A, who is 14, and a girl, B, who is 11. The court has been asked to decide whether serious allegations which the mother makes against the father are true. The allegations made by the mother are, without needing to go into all of the details, that the father physically, sexually and emotionally abused her during their 23 year relationship, during most of which they were married. She also alleges that as each of their five children were born, he similarly abused them.
2. No allegations of any kind were made by the mother, for example, to the police or social services prior to the separation in 2011, however, after the separation the mother sought help from agencies that specialise in helping and advising people, mostly women, who are the victims of domestic violence. These included the Child and Adolescent Mental Health Services (CAMHS) and the Domestic Violence and Abuse Service (DVAS).
3. Both organisations of course do invaluable work in the context of assisting children and vulnerable people, but it has been a consistent feature of the evidence that this court has heard that certain professionals working in those agencies habitually accepted, without question, the allegations made against this father by the mother. They invariably accepted what she told them, uncritically and without any attempt to examine or investigate the other side of the coin.
4. Exactly the same applies to teachers at schools attended by A and B. Safeguarding procedures were put in place at their schools which were completely unnecessary. Had anyone from the children's schools bothered to contact the father, they would have almost certainly realised that he presented no risk or danger, but inevitably the children were caught up in this hysterical and paranoid atmosphere.
5. There is a very real danger, in my judgment, of professionals treating the alleged victim's allegations as being completely truthful and the alleged perpetrator as a sort of pariah. All the allegations made by the mother in this case have been found to be completely untrue. She, herself, has, since the separation, been suffering from mental ill-health. She has been found to have influenced the younger children and has caused them to be caught up in her hysterical reaction to the father. The children have been seriously damaged in this process and currently have no relationship with their father.
6. It is not the purpose of this judgment, which is being delivered in open court and may be reported, to have the particular workers involved and named. The purpose is to cause all those who work in the area covered by this Care Centre, that is Exeter, North and East Devon, with people who allege that they are the victims of domestic violence, to examine with care the way they work.
7. The following points are offered as guidance:
  - (1) It is essential at all times for professionals to keep an open mind. Allegations of domestic violence are not proved simply by a person, however seemingly

credible, making an allegation or indeed several allegations.

- (2) Allegations of domestic violence are usually proved, either
  - (a) by the alleged perpetrator's credible confession or
  - (b) by a competent court's decision.
- (3) It may be unhelpful to award praise when disclosures of abusive behaviour are made, either by adults or children, because there is always the danger that such disclosures are not true.
- (4) It may also be unhelpful to children to carry out therapeutic work on them based on unproved allegations of domestic violence. The first task should always be, if possible, to establish the truth.
- (5) Professionals need to be vigilant in dealing with an alleged victim of domestic violence to ascertain whether he or she is suffering from mental ill-health and, if so, to recommend immediate referral to a suitably qualified doctor;
- (6) It is of course understood that agencies dealing with alleged victims of domestic violence are in no position to carry out any forensic investigation into the allegations, however, that does not mean that all allegations can simply be accepted at face value, uncritically, as if the alleged victim is speaking the truth. An appropriate examination of the allegations should always be carried out, with appropriate challenge to the implausible or the incredible, the far-fetched or the doubtful, and even after such a process an open mind should still be retained;
- (7) This court regards domestic violence, when proved, as being of the utmost seriousness. Often it involves the exploitation of the vulnerable by a dominant person. Often, when proved, it amounts to criminal behaviour. It causes massive distress, often injury, and when children are involved they too often suffer horrible abuse. Nothing that I have said above in any way diminishes the seriousness of this kind of behaviour and the court's attitude to it, however, it is almost as serious, in my judgment, for a person to invent allegations of domestic violence and still worse for a parent to influence children that abuse has occurred when it has not. This part of the judgment in this case is being delivered in open court because that is what I have found has happened in this case. The children involved have been so caught up in the toxic combination of the mother's false allegations, her hysterical reaction to the father and her mental ill-health that the children have been completely estranged from their father. It is going to require very skilled work to heal and restore;
- (8) Finally, this must not happen again in the area covered by this Care Centre.