

IN THE FAMILY COURT SITTING AT NOTTINGHAM

Before His Honour Judge Lea

B E T W E E N:

A LOCAL AUTHORITY

Applicant

- and -

THE MOTHER

First Respondent

- and -

R, S and T

(Children acting through their children's guardian)

Second to Fourth Respondents

ADDENDUM JUDGMENT

Mr. Cleary for the Local Authority

Miss. Silvers for the First Respondent

Miss. Maclean for the Second to Fourth Respondents

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.

1. In my fact-finding judgment dated 24th October 2018 I made findings against the mother that she forced R to have vaginal and anal intercourse with her and that each of these incidents of sexual assault occurred on more than one occasion. I did not deal with the finding sought by the local authority that the father

and Z (the father's nephew) were at times present during these sexual assaults and that Z took photographs.

2. I also found as a fact that the mother fellated R but did not deal with the finding sought that this happened in the presence of S, T and Z.

3. I did not deal with the finding sought that the father took R to a shed in the garden where Z engaged in sexualised contact with R.

4. I now in this short judgment consider whether the local authority has proved on the evidence the facts that it seeks.

5. In my judgment of 24th October 2018 I set out in detail the legal approach that I took to the activity of fact-finding. I do not repeat that but have applied the same approach in dealing with these 3 findings.

6. R is the witness relied upon by the local authority to prove these additional allegations. Notwithstanding his learning difficulties I found his accounts of abuse to be credible. He would not have the ability to fabricate these matters. The mother chose not to give evidence to contradict what he had said and neither the father nor Z engaged with the Court process. It can be argued that T has made no disclosures so there is no corroboration of what R said in terms of his involvement as a spectator of abuse. The fact that T has not disclosed does not mean that he was not present, it means that he has not spoken of it. The allegations of family members being present and of photographs being taken must be seen in the context of my findings of familial sexual abuse with a lack of sexual boundaries and where sexual activity in groups was not uncommon. Thus, for example, we have the photographs of R in bed with his naked mother and Z.

7. I accordingly find these additional allegations proved on the balance of probability.

HHJ LEA