

# Recognizing the Father as the Victim in Domestic Abuse Cases

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## The Facts

The father and mother began their relationship in 2006 and had 3 children. In 2018, they separated. Initially, they shared care of the children. Relations between the parents deteriorated when the father began another relationship in 2019. The mother began making allegations against the father including that he had sexually abused her and their daughter and emotionally abused her and the children. Over a period of years, the mother continued to make escalating allegations, in which time contact became increasingly intermittent and eventually stopped.

The father issued proceedings in October 2020. These were ended by the Court on 15.06.22, without any finding of fact, the court determining it was not necessary or proportionate to do so despite allegations of sexual abuse having been made by the mother and one child (shortly before this hearing on 06.06.22). The elder children were left to decide if they wanted to see their father. No order was made for the younger child to spend time with the father. The father engaged in a risk assessment (despite the absence of a finding of fact hearing). Further allegations continued to be advanced by the mother. The father issued a second application on 16.02.23 which resulted in this finding of fact hearing.

Throughout proceedings, one of the children's mental health was in decline, and she became seriously unwell. She received inadequate treatment from psychotherapist Aimee Dover, who had not yet qualified at the point she began working with the child. The Court's Judgment contained a series of adverse findings against Ms Dover, criticising her professional conduct. These included evidence of significant enmeshment and alignment between Ms Dover and the mother; that Ms Dover was plainly "out of her depth" in treating the child, lacking the necessary expertise or experience to address the allegations being made or to provide appropriate therapeutic support. She failed to refer the child for specialist psychiatric intervention, and her note-taking was found to be wholly unreliable

The mother made clear to professionals that they should not share information about this child with the father, and he was not told that she had made attempts on her life, and had been removed from mainstream education to be home schooled by the mother. The child made escalating allegations against the father, which mirrored those of the mother. In 2023 the child tragically committed suicide.

The father was denied the opportunity to participate in his daughter's funeral, notwithstanding this had been agreed with the mother's legal representatives and despite having made the arrangements which included a separate service for himself and his family to attend. On the eve of the funeral, he was given only 29 minutes' notice by the mother's legal representatives that an application had been issued seeking to prevent the funeral he had organised and only 9 minutes before the hearing he received copies of what was described as his daughter's suicide letters. He was unrepresented and required to attend a telephone hearing at short notice. The mother was represented by Ms Charlotte Proudman.

The police had investigated the mother's and the child's allegation and took no further action. The family were known to children's social care. Despite the serious escalating and evolving allegations (often made shortly before significant court hearings), the mother's refusal to work with the local authority in May 2023, the deteriorating mental health of one of the children and the father repeatedly raising concerns about the safety of the children in the mother's care, public law proceedings were not issued.

The Judgement sets out the findings sought by both parents. In summary, the mother alleged physical, emotional and sexual abuse of herself, emotional abuse of the children, and sexual abuse of one child. The father alleged that the mother had engaged in acts that alienated the children from him. The Court found in favour of the father.

## Discussion

### *The Imbalance in Public and Legal Discourse*

Much of the necessary and important focus in recent years, both in public dialogue and legal reform, has rightly been placed on the impact of domestic **abuse on families**. **Whilst the reforms have general application, in reality the focus in public dialogue, amongst professionals and lawyers, and in Court, has been on abuse suffered by mothers and children** at the hands of male partners. This has led to critical and necessary changes in the way the courts handle domestic abuse cases, particularly those involving female victims, to ensure their safety, and that of the children, is prioritized.

However, this necessary focus carries a significant risk: professionals, lawyers and the court may subconsciously default to a narrative where the **father is assumed to be the perpetrator** and the mother the victim. This can lead to the genuine abuse suffered by a father being minimized, overlooked, or even dismissed, especially when the father is presenting as the victim of emotional or psychological abuse. Whilst there is increasing recognition of different types of abuse (re H v N sets that out with clarity), there remains a real risk that men are less willing or able to articulate that they are the victims of non-physical abuse and when they do, they are often not listened to.

### *The Reality of Paternal Victimization*

This specific case (detail) powerfully illustrates just how **fathers can be and indeed are the victims of domestic abuse** and that abuse perpetrated by a **mother against a father** is as pervasive and damaging as abuse from a father, the more so where there is a lack of professional curiosity to understand what is actually happening within a family, rather than falling back on well-rehearsed stereotypes about the nature of abuse and the gender of perpetrators. In this case the abuse was wide ranging, including:

- **Psychological and Emotional Harm:** Abusive tactics such as manipulation, acts tending to alienate a child from a parent, controlling behaviour regarding the children, and relentless undermining of the father's role can inflict severe psychological damage on a father and the children, and destabilize their relationship.
- **Controlling Litigation and Process Abuse:** A persistent feature of abusive behaviour in family cases is the misuse of the court process itself, commonly known as litigation abuse. This can involve the mother generating repeated, unfounded applications or allegations to inflict constant legal and financial distress upon the father, exhausting his resources and diverting judicial focus from her own harmful conduct. Short notice/emergency applications, where the Court is persuaded to deal with matters without all of the relevant evidence, or the opportunity to properly scrutinise that evidence or see it challenged can lead to damaging outcomes for children and parents.

In this specific case, the court determined that the late service upon the father of the most sensitive and life-changing notice of a court hearing by the mother, who was legally represented, was to gain some "litigation advantage" and fundamentally breached the father's Article 6 rights (the right to a fair trial). Notably, and by way of example, the father was deprived of his agreed right to separately convene a funeral for his daughter so that he and his family could attend the following day. Despite that agreement, he was notified of a hearing to determine this issue only 29 minutes before it commenced—a hearing that

Ms Tickle, a journalist, was made aware of significantly earlier than both the father and those representing the child. This culminated in the father, while suffering unimaginable grief, receiving copies of his daughter's suicide notes (for the first time) just nine minutes before the start of the hearing, forcing him to participate unrepresented from his living room, over the telephone, experiencing the event as a surreal and devastating unreality. The experience of the mother contrasted starkly. She was legally represented by Ms Proudman, junior counsel. She had had the opportunity to prepare a statement in support of her application. She had appended evidence from the child's counsellor, who has now been discredited for her involvement in these proceedings, a decision that was upheld by the court of appeal **[Re: E (A Child) (Disclosure to Regulator & Naming of a Witness in a Judgment) [2025] EWFC 423**.

- **The Child's Welfare:** When a mother's abusive control extends to manipulating the child's perceptions or actively destroying the child's bond with the father, this constitutes significant emotional harm to the child and must be identified as abuse.

### *Lessons in Gender Neutrality and Procedural Integrity*

This case delivers several critical lessons, primarily that whilst the case demonstrates the family justice system remains **alive to the fact that domestic abuse is suffered by both genders** and is not confined to mothers so must professionals, journalists and the public as a whole.

While the progress emanating from the **Harm Report (2020)** and the **Domestic Abuse Act (2021)** is undeniable—having done much to expose the historic tendency to minimize abuse, dismiss allegations, and to improve victims' experiences—this momentum has generated an unintended consequence: a persistent **tendency to focus on women as victims rather than on victims, regardless of their gender**. This case powerfully illustrates the profound harm that occurs when abuse perpetrated by a mother against a father is overlooked or downplayed.

### *Procedural Integrity and the Need for Resources*

Furthermore, this case underscores the vital importance of the court process in conducting a **proper and thorough investigation** into allegations of domestic abuse.

We are currently at risk of compromising this investigative integrity due to the urgent need to **reduce the amount of court time** made available to such complex cases. Whilst the limited resources available must be acknowledged, the necessity of achieving justice cannot be compromised. The outcome of a fact-finding hearing provides the essential springboard to determine the **future welfare of the children**, who remain our paramount concern in all

actions within the Family Division. Sacrificing the depth and quality of the investigation risks fundamentally undermining the court's ability to safeguard the child's welfare.

This case emphatically highlights the **importance of legal representation** in complex, high-stakes family proceedings involving serious allegations of domestic abuse.

No parent facing allegations of this nature—with the profound complexities involved and the far-reaching consequences for their relationship with their child—should be deprived of legal representation. If a parent lacks the resources to fund their defence or participation themselves, **funding should come from the public purse** (Legal Aid).

As was the case here, the father did not have the benefit of legal aid throughout most of the proceedings, only being granted legal aid about **two weeks before the commencement of the fact-finding hearing**. This placed him at a massive disadvantage, particularly when contrasted with the mother, who was legally represented by Counsel

This is a case where for a period the father had received pro bono representation from an experienced and diligent solicitor, but lawyers cannot be expected to use their own resources to fund cases of this complexity anymore than a consultant doctor could or should be expected to conduct complex surgery/treatment at his or her own expense. There needs to be parity for both parties to have the same access to justice and all the resources necessary to properly and fairly present their case. Pro bono representation is no substitute for properly funded legal representation.

### *Short-Term Savings, Long-Term Cost*

The decision to limit funding and seek **savings from the legal aid and family justice system carries a significant risk:**

- **Short-term gain is highly likely to result in considerable long-term loss.**

Too frequently, those who stand “accused” are unable to produce the evidential material necessary to satisfy the merits test for legal aid. By contrast, the “accuser” is often able to rely upon (untested) professional reports and documentation that establish their position as a “victim.” The absence of adequate representation in complex family proceedings, such as the present case, results in poorly prepared evidence, repeated adjournments, and procedural unfairness—as demonstrated by the breach of this father’s Article 6 rights. These deficiencies undermine the court’s ability to reach a just and accurate determination, which is indispensable to safeguarding the welfare of the child, the court’s paramount concern. In practice, the systemic and welfare costs of remedying flawed initial findings far exceed the expense of

providing timely and effective legal aid at the outset. Although the exceptional funding route is sometimes available, it offers no certainty, and the time and resources required to pursue it impose an additional burden upon the “true” victim. Meanwhile, the “false” victim may exploit the imbalance to gain procedural advantage, often resulting in decisions such as the suspension of contact when the “true” victim remains unrepresented.

**June Venters KC and Rachel Temple**, who represented the father in this case say:

This case stands out as a powerful reminder of why courts must investigate thoroughly, why assumptions about perpetrators of domestic abuse can never be taken at face value, and why legal representation remains vital. It highlights the human cost when these safeguards are absent, and the value when they are upheld.

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