

By her judgment dated 30 July 2021 Mrs Justice Lieven has given leave for this redacted version of the judgment to be published on condition that the child must not be identified by name, sex or date of birth and the redacted parts of the judgment must not otherwise be published.

IN THE FAMILY COURT SITTING IN DERBY

Case No: DE19P00318

BETWEEN

ANDREW JAMES GRIFFITHS

Applicant

-and-

KATE ELIZABETH GRIFFITHS

Respondent

JUDGMENT ON FACTS

1. Litigation history

1.1. This case began as an application by Andrew Griffiths to spend time with his [child] in early June 2019. We are only at the stage of determining facts as a result in part of difficulties in securing court time and then a hearing listed in March of this year adjourned as a result of the fact I had to have an emergency operation. Sadly it has taken until now for this to be relisted, part of this in securing the availability of Counsel. It has taken 4 full days of court time and I have then received written submissions from both advocates. Ms Edmonds represents the Applicant father and Dr Proudman the respondent Mother, Kate Griffiths. Both have pursued their clients cases thoroughly. I have read a large bundle of evidence and seen separately a short

video and two photographs and heard oral evidence from both parents, a family friend, [two members of the mother's family and one of the father's].

- 1.2. Ms Griffiths chose to give evidence behind a screen and have special measures. I take the view any litigant who requests these should have them since the point of them is to enable a witness to give evidence comfortably. I should make it clear in allowing them I had not taken a view about the evidence before the hearing began.

2. The family history

- 2.1. The Father is now 50, the Mother 49. They met and formed a relationship in 2008. He was in a relationship with someone else in 2007. That ended he said and they moved in together. The Father was elected as an MP in 2010 [redacted]. During that relationship there were at least 2 periods of separation, and the Father had a long affair with someone else while he lived in London. In 2010 she appeared at the conservative party conference so that the Mother found out and at the same time later in 2011 discovered he had been sending sexual texts, sexting, someone else at this time. While Andrew Griffiths was an MP he would spend Monday to Thursday each week in London.
- 2.2. In July 2018 he was exposed as having sent sexual text messages to two women constituents by newspapers. At this time [child] was just a few months old and texts had been sent while [child] was a newborn. He never met these women but sent over 2000 texts of a sexual and violent nature over a short period and paid them sums of money. The parties separated then and following this the Father on two occasions was admitted to hospital having wanted to kill himself.
- 2.3. He has provided medical information as he received considerable assistance including 100 hours of therapy after this and this looked at the impact on him of childhood sexual abuse and the death of his Mother and poor health of his Father. He now considers himself mentally well and the reports suggest the causes of such behaviour was set off around anxiety that developed following a family wedding. At this stage I am unclear if his sexual needs and behaviour in his relationship with his wife and currently were explored. They obviously are considerable as evidenced by texts I have seen and submission and bondage a theme. [redacted]. He told the court he feels risky sexual behaviour was part of the effects of the abuse he had experienced.
- 2.4. The relationship has ended- Kate Griffiths said it gave her the excuse to get out of the relationship on the 3rd time he had been caught out and the parties are divorcing and resolving financial matters. [redacted]
- 2.5. The Father is now unemployed and he relates in significant debt. During this period after the exposure he hoped that his wife would support him as someone who had

experienced a mental breakdown and continue in the marriage, with the benefit he could continue his career. She alleges he put significant and undue pressure on her about this. She did not do so. He was not confirmed as MP perhaps unsurprisingly in 2019 but the Mother then put herself forward at the last minute and was selected, which he then supported and she was in due course elected. The Father now lives at his [relative's] home.

- 2.6. Face to face contact between Father and child began supervised by friends and family but there were difficulties and the Mother described the Father's behaviour as hostile and aggressive, which he denies. In the meantime she was unwilling to be involved in his mental health work. I note his psychiatrist suggesting contact with his child would be good for his mental health.
- 2.7. It is correct that her first concerns in correspondence about his contact were the seriousness of his mental health and it was only after difficulties led to proceedings by him in June of last year that concerns about his abusive behaviour were raised by her.
- 2.8. After court proceedings began contact has continued at a contact centre in [redacted] supervised, except during the first lockdown when it was by video, and a period of weeks at the end of the first lockdown when the Mother did not take [child] due to pandemic related concerns, about which the Father has applied for an enforcement order. He paid all the cost at first but it has been shared for some time, given the Father's then poor finances and that contact had begun by agreement. She has not agreed the Fathers [relative], to whom she used to be close, to join the contacts up until this time.
- 2.9. At the first court hearing the press arrived and wanted to attend. They were unable to as the hearing had already begun. I am sure all the parties are relieved they were not present in the hearing although what they could report would be very limited if anything.
- 2.10. The allegations the Mother makes were amplified in June of this year in response to a statement made by the Father in which he suggested the Mother's upset about his sexual texting was in effect made up since the texts referred to things which he suggested had been consensual in their sex life [redacted]. The Applicants Counsel is wrong to say his statement was in response to the Respondent Mother's allegations that she was fearful of him.
- 2.11. [redacted] Mrs Griffiths then made allegations that he had pressurised her into this activity and also of rapes which began when she was asleep. These further allegations were not formally put into what had become a much reduced Scott Schedule of Allegations. I prefer particularly when coercive and controlling

behaviour is in issue for each party to set out their version of their relationship with details about events of concerns. I do not consider it is necessary for the court to go through each and every allegation made to come to a proper picture of what the evidence tells it has happened.

3. The Law

- 3.1. At this stage each person who alleges a fact that they ask the court to find proved must prove that on the simple balance of probabilities. This applies to each parent who complains about the others behaviour . It is not for the person who is alleged to have behaved badly to prove they didn't behave that way. The inherent probability or improbability of an event remains a matter to be taken into account when weighing the probabilities and deciding whether, on balance, the event occurred (*Re B [2008]* UKHL 35 at [15]). It means something must be proved to have happened more likely than not. It is very different from the criminal standard of proof where a jury has to be sure an act has happened.
- 3.2. These facts matter because of the recognition that abusive behaviour is harmful to children either directly if they are hurt or caught in the cross fire or indirectly if they are present or in a home where it is happening. It also matters because it effects the capacity of a parent directly and indirectly if handover arrangements are fearful and raises concerns often about the capacity of a parent who has been abusive to undermine the parent with care. The definitions of domestic abuse which includes controlling and coercive behaviour are set out in part 12 J of the Family Procedure Rules and I set them out what is said there about this issue
- 3.3. “Domestic abuse is harmful to children, and/or puts children at risk of harm, whether they are subjected to domestic abuse, or witness one of their parents being violent or abusive to the other parent, or live in a home in which domestic abuse is perpetrated (even if the child is too young to be conscious of the behaviour). Children may suffer direct physical, psychological and/or emotional harm from living with domestic abuse, and may also suffer harm indirectly where the domestic abuse impairs the parenting capacity of either or both of their parents.”
- 3.4. Domestic abuse is defined as follows : “domestic abuse” includes any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, psychological, physical, sexual, financial, or emotional abuse. Domestic abuse also includes culturally specific forms of abuse including, but not limited to, forced marriage, honour-based violence, dowry-related abuse and transnational marriage abandonment

- 3.5. Controlling and coercive behaviour is defined as follows : “coercive behaviour” means an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten the victim; “controlling behaviour” means an act or pattern of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour;
- 3.6. The law requires the court to consider all of the evidence carefully and explain what evidence it accepted or not when coming to a conclusion. The rules about hearsay evidence are relaxed in family proceedings but if evidence is not direct I have to explain why I consider it is probative. A court can only make decisions on the evidence it is provided with and, if available, evidence that can be properly tested by questioning. Here for example a few samples of communications between these parents have been provided when it is obvious over the years there may have been many communications each day. The parents chose which witnesses to call, the Mother calling her [relatives] and a friend of both parents [L] and the Father his [relative].
- 3.7. Inevitably relationships are mostly conducted in private making it difficult when one parties word is the only evidence they have. The court has to look at what has been described as 'the broad canvas' of the evidence before it. The role of the court is to consider the evidence in its totality and to make findings on the balance of probabilities accordingly. Within this context, the court must consider each piece of evidence in the context of all of the other evidence (**Re T** [2004] 2 FLR 838 at [33]).
- 3.8. The court must bear in mind that a witness may tell lies during the hearing. The court must be careful to bear in mind that a witness may lie for many reasons, such as shame, misplaced loyalty, panic, fear and distress. The fact that a witness has lied about some matters does not mean that he or she has lied about everything (**R v Lucas** [1982] QB 720).
- 3.9. I also take into account that memory is fallible *Gestmin SGPS SA v Credit Suisse (UK) Ltd & Anor* [2013] EWHC 3560 (Comm) Leggat J ,”While everyone knows that memory is fallible , I do not believe that the legal system has sufficiently absorbed the lessons of a century of psychological research into the nature of memory and the unreliability of eyewitness testimony. One of the most important lessons of such research is that in everyday life we are not aware of the extent to which our own and other peoples memories are unreliable and believe our memories to be more faithful than they are .” ,...” It is essential that the balance of probability is put correctly into the scales in weighing the credibility of a witness; they are all

part of one judicial process. And in the process contemporary documents and admitted or incontrovertible facts and probabilities must play their proper part.”

3.10. The court is also conscious that human memory is not as good as we all might think – so when recalling events some time ago which may have been recounted or replayed in memory many times it is possible human nature might recall that in a better light or differently later. This means that contemporaneous accounts are often more accurate and reliable and clear evidence helpful.

4. General observations

4.1. As part of my evaluation of all of the evidence it is important for me to set out my conclusions about each of the parents and how that has affected my view of the evidence. I accept that Kate Griffiths had lived with her parents until her late 30s. They were and are all keen members of the conservative party and this is how she met Andrew Griffiths. I have heard from her parents as well. I am sure as a result of her background and life experience she did not understand the first part of her relationship with Andrew Griffiths was an “affair” as he describes and understood his previous relationship was over. They did meet in Hotel rooms as he said he still shared a home with the person he said was his ex -partner.

4.2. Both were subject to testing cross examination . While Kate Griffiths first statement, made with her earlier solicitors had not given as full a picture of events as she gave in evidence I found generally her evidence about Andrew Griffith’s behaviour to her rang true and was convincing . Her evidence has been carefully analysed by Mr Griffiths Counsel for my benefit. I accept for example she did not provide the multiple messages she referred to and I noted her explanation for only keeping some. I considered the range of evidence provided proportionate and did not form the opinion she was seeking to hide evidence or mislead the court.

4.3. She described how Andrew Griffiths undermined her confidence – describing her as a prude when she was unwilling to take part in sexual practices he preferred. [redacted] It is early evidence that his own needs took precedence I conclude right from the start.

4.4. She said he was a persuasive advocate and we know as an MP he would have been. I thought his responses in writing and orally about some instances eg the home over Christmas with detailed arguments about why the allegation could not physically have happened was a persuasive example of this. So too is the communication when his career is threatened by his own behaviour when he seeks to get her to go along with a picture to show she is standing by him which includes indirect threats she will be made homeless, and without money etc. His constant diminishing of her by

describing her as exaggerated and theatrical in court and in his evidence, was I consider part of this. It will have undermined her perception of situations. It included I find that he did accuse her of being frigid etc in order to persuade her to give in to his sexual demands. [redacted].

4.5. There is never any discussion of her sexual needs that I could see. [redacted]

4.6. On his own account he loves to socialise, the life they had of constituency and friends suited him but it involved a lot of drinking, something which he himself recognises in his messages is linked with his behaviour being violent on occasion. It seems to me this is likely to be a more significant and regular link. While now he has cut down on his drinking this is to do with links to his own mental health rather than his abusive behaviour to his wife which I consider he does not yet truly recognise as abusive or denies. I do not accept the description by his Counsel of him readily accepting he had been violent or responsibility.

4.7. I am sure the pair were a glamorous couple when together and they describe a busy constituency and social life with groups of friends they both spent time with often. Andrew Griffiths became a minister for a time, earning extra money and no doubt status. He was badly affected when that ended emotionally and financially. [redacted]

4.8. [redacted]

5. The court documentation

5.1. Mr Griffiths application was responded to by a form called a C1a which sets out allegations of harm and violence made by Kate Griffiths on the 19th June There were 27 allegations set out there. There is now a separate schedule of allegations from her and Andrew Griffiths response. These do not quite correspond with the allegations referred to in submissions.

5.2. [redacted] The rape allegations were never formally included, nor what findings were sought in respect of the sexual activity [redacted] – my view is that this is an allegation of coercive and controlling behaviour. The schedule and my findings in simple terms are attached separately

6. General comments

6.1. I found in general terms Kate Griffiths to be a fair witness and her account told without embellishment. This case has demonstrated the additional value of hearing the evidence from the person alleged of abusive behaviour. Andrew Griffiths was a lengthy responder to most questions wanting to put an answer “ in context”. There was something over familiar about his engagement with court questioning , in this way. This reflected his position in life prior to his fall and his personality I consider. I

note Dr Proudman's description of him like a lawyer presenting his own case with considerable attention to detail but in reality it felt more like a politician responding to debate or questioning. The effect I felt was to deflect providing the simple answer required which he understood might not have reflected well on him. It also I consider reflected a powerful person comfortable in a challenging setting which is relevant to consider the power imbalance in their relationship I am confident.

- 6.2. This context he provided was often a detailed description of how childhood events had caused his breakdown, which in itself does not explain or excuse earlier behaviour to his wife or others. He struggled to see or accept and did so reluctantly that putting his hands on his wife without her permission is in fact an assault and abusive, which I considered illuminating. His inability to recognise when his behaviour was unacceptable is graphically demonstrated by his failure to apologise to [the maternal family] after his own behaviour had ruined their Christmas visit for 6 months, and then in fact it was clear it was an apology in name only since though "fulsome" he didn't really seem to consider his own behaviour had been in any way to blame – and here I am ignoring the difference in evidence about whether he assaulted [a member of the maternal family] or they engaged in mutual pushing and shoving as he and his [relative] describe.
- 6.3. This was evidenced perhaps most graphically by his complete inability to accept any money from his [relative] and his unpleasant behaviour when she tried to contribute, which he accepted was unpleasant and angry at least. [This relative] came to court to support him but I am sure there were occasions when he was unpleasant and physical to her as Kate Griffiths described and the [father's relative] accepted in part and he did describe her as [redacted] and to professionals as someone with [redacted] we know. She is loyal and loves [Mr Griffiths] but also was a loyal friend to the Mother during their relationship I felt. It was sad she had not been able to carry on seeing [child] as she had done often at first and not allowed to go to the contact centre. She did not tell the complete truth about events in the family home on 3 occasions the Mother described. I preferred Kate Griffiths account of these. When money is handed over at Christmas she said he told his [relative] "you silly cow, why do you always do it" and was very angry "he just explodes". I note all likely were linked with [the relative] having drunk too much. I am confident she made the statement "I have made a monster" which she so strongly denied in court and on more than one occasion. It is a memorable thing to say and linked with her role as a quasi Mother to him. I accept the evidence of the Mother and [the mother's relative's evidence] about this. Yet while the relationship was ongoing she was able to acknowledge his poor behaviour in a text to the Mother. Kate Griffiths relies on these matters as evidence of the Father's abusive behaviour and that she was frightened by observing this. I accept she was understandably. In his own evidence Andrew Griffiths describes an occasion he puts his [relative] to bed and accepted a slap "but not in a violent or physical way."

- 6.4. I consider his insistence he always paid both for his [relative] and his wife was something that would be impossible to resist and something I considered he felt gave him extra power in those relationships.
- 6.5. I thought what I will call the sunscreen incident was instructive in this. He told the court more than once how he had paid for absolutely everything on an expensive holiday and this in his view entitled him to be very cross when his wife had not packed enough sunscreen for him. One could regard this as ordinarily petty incident but I felt it demonstrated he was in charge, deserved to be as he earned more money and paid for things and she -as he said- “looked after him” and he was furious if she didn’t do this right. So a constant reiteration by him that he loved his beautiful wife seemed to almost be his mitigation- I couldn’t have behaved that way because I loved her. He accepted about this incident going to the safe in the hotel room, getting out his wife’s passport and euros and throwing them at her and telling her to “fuck off home”. He described this in his oral evidence as “such an inconsequential row” “I was just a bit pissed off”. Yet he accepted pushing her onto the bed. He was asked whether he accepted this was an assault and there was a long pause as he thought about his answer, “I accept that was physical abuse because putting hand on someone is assault. I’m not sure it was verbal abuse”. He then went on to accuse his wife of exaggeration. “She has embellished in that push was not violent or forceful. Her reaction was more theatrical than it needed to be”. This demonstrated his undermining of her and her experience of what was an assault, him saying he thought she would be cross but not frightened. He went on with a long detailed description of how in his view there was no threat, it was a silly domestic row, tossing rather than throwing, “I think” I apologised. “I’m sure” I said sorry. His evidence was unconvincing. The way in which he dealt with this instructive. I consider this was a frightening loss of control as she relates which even on his own account he completely downplays. He was not in control of his feelings and this excessive response was worrying. He did not apologise for any of this I am sure, and would not given his evidence above, but as on other occasions the incident was ignored by him having shaken up his wife and upset her badly. This is not just part of not dealing with his feelings as his medical report suggests he has struggled to do. If it was he might be able to recognise it.
- 6.6. He was asked about the allegation that he threw a box [redacted] He accepted this has happened [redacted]. He accepted he threw the box at her and went over to her in temper but denied spitting. He thought he was so angry that spit would come from his mouth. He left her to pick up all the box and contents.
- 6.7. The evidence of [maternal family members] described unpleasant incidents at the family home when they were guests. [Maternal relative] also described how he had been brought a very expensive car as a present, “very kind” he said at the end of the year following the difficult Christmas in 2014. He had hoped to have the same close relationship with [Mr Griffiths] as he had with his own [relative] but this never happened. They had been late to Christmas lunch, something Andrew Griffiths said

he was often himself, but friends were waiting at the pub and he went over first. At the pub he had insulted [a maternal family member] who was understandably upset. His remark was insulting and I don't find it was a poorly directed joke or even "potentially a little rude" or a "smart alec comment" as he chose to put it. His wife was clear he was already cross [the maternal family] were late and she had warned them he was in a bad mood. That fitted in with his own evidence in which it was clear he was counting the hours until closing time at 2pm before he left home.

- 6.8. I am also sure he made it impossible for his wife to go back to check the dinner in his insistence they join in drinking, saying to this court "I'm not sure she asked a number of times" but he was clear he wanted her to have a drink and relax with many people coming up to them to say happy Christmas. His behaviour in the house on return is simply unpleasant. His description of his wife's upset then is instructive, "She could be highly strung- things got to her. She could get emotional. The food was burnt. I was frustrated she was upset" she had run to the room discovering lunch was burnt. I can't think of many people who had spent time on preparing a special meal who would not be upset if it was ruined – so his descriptions of her as highly strung and emotional are undermining her ordinary response. He accepts he said to his crying wife "if your [female relative] is going to be nasty cow she can bugger off out of my house". He suggests he would not have told them to leave but I think it was obvious he would. I note his reference to "my" house too. Actually he was the one who had created the atmosphere there.
- 6.9. He would already have had at least a few drinks. He went into the room and was abusive to his [female relative]. His description of this event in evidence did try to shift responsibility for it escalating – his wife for telling them he wanted them to leave, [a maternal relative] for being furious. Kate Griffiths said he called her [female relative] a "fucking miserable old bag" and I believed her. It is unsurprising [a maternal relative] might comment about his behaviour in 2011 – whether she used the word prostitute or whore is irrelevant. It is clear he did "face up" to [mother's relative] who understandably objected to his behaviour to his wife and I am also clear it was not just an "equal push and shove" between him and his [wife's] 74 year old [relative] whose evidence I prefer – it fits in with what we know about Andrew Griffiths behaviour. The whole tour around the room we had to go through in evidence as he sought to explain how impossible this was as described was instructive in ways not to do with the validity of what he said. I am confident this violent and unpleasant behaviour was very shocking to everyone. He had ruined everyone's Christmas by boorish and violent behaviour. It was only towards the end of evidence about this incident he accepted any responsibility but not for an assault, saying the two men were "two idiots" and it was "" we pushed each other." [The maternal relatives] were rather valiant in choosing to go again I felt.
- 6.10. Pushing [the member of the mother's family] was an assault. He chose not to apologise for his behaviour for 6 months when obviously they would not have come round until he did. He accepted at the end of the year he brought [the mother's

relative] an £8000 Jaguar car as an apology. [Mother's relative] chose to pay for half of it but described it as a nice gesture.

- 6.11. Even now he denies the reality of the abusive situation which upset everyone present and scared his wife.
- 6.12. The accounts given by Kate Griffiths of physical abuse I find proved. The reality is some of them are accepted at the time in texts accepting his behaviour at Grosvenor House, when he assaulted her, after the Smallwood Manor Ball when he threw food and a tray at her. He accepts then he has been abusive to her verbally and hurt her when drunk. His evidence now that the tray was not a throw at her and arguments were not one sided and did not end up in an assault. I prefer his text admissions and the evidence of Kate Griffiths. He said in oral evidence "it's violent behaviour to smash things, throw things, shout at people."
- 6.13. The tray was an example of his responding with detail about how what was alleged was not possible. It is a fact the tray broke. Some force would be needed for that. I am sure as a result of a throw at the Mother as she said.
- 6.14. I heard evidence about an occasion in January 2017 when there was an argument after an event. Kate Griffiths alleges her husband hit her with a blow and a picture was knocked from the wall. He denies any blow but accepts he knocked a picture off the wall which did dent the floor. We know from evidence his wife left. She described on a number of occasions leaving in her car and sitting in the co-op car park not sure what to do. He said of her that she drove drunk, and "she gave as good as she got" in what he said was a row. "She said she was scared because she needed a reason to leave home" which I thought odd. Why would she ever leave home unless distressed? There was a lot of explanation about how he felt her account was physically impossible and a denial and said he considered his behaviour "regrettable and silly". Again, this is an example of him minimising how he has behaved. There is evidence she called [Friend D] a couple of times, a mutual friend, but she didn't respond. Kate Griffiths describes how [Friend D] had made clear that if she revealed abuse to her she would have to report it and she was anxious about that particularly given her husband's public position. He was prepared to accept his wife's evidence he had called her fat and lazy but not that he said "I'm sorry I've hurt you" was an admission of his violent behaviour – which I consider it is. He said about his responses to texts in which she complained of the ear ringing "I thought Kate was putting this on, an example of her being theatrical. I was calling her bluff." She describes a perforated ear drum self diagnosed through google. I think he did act as she said, not helped by drink and this is another example of him undermining her experience. I don't accept the apology was for losing his temper as he said; his behaviour when he lost his temper was the issue. I accept he hit her ear and she complained of ringing. I am not persuaded there was a cut lip.

- 6.15. Later that year in June she alleged in an argument he knelt on her on the sofa and put his hands on her throat, trying to strangle her. As she escaped an earring was ripped from her ear. We know she went to see a mutual friend [L] who I considered completely believable. She had seen Kate Griffiths in a very distressed state, relating an argument had turned violent and seen blood from an injury. Andrew Griffiths account is that no assault took place, he put his hands around her to move off from the sofa and by accident something, perhaps a cufflink, caused the earring to be pulled from her ear. I could not see why he would ever need to touch her to get up. I preferred her account, it was consistent and the injury and distress witnessed. Again, why would she leave home late at night if it was a safe place and what happened only an accident? She described how she loved her husband and wanted to believe it wouldn't happen again.
- 6.16. I was concerned about an occasion they were both to attend a function, a concert. Andrew Griffiths took the keys off his wife he accepts, knew she was crying and upset and did not want to go and did not return them until after the event. In evidence he did not seem to understand this was unacceptable as it was and then claimed she had enjoyed herself then as if somehow that made his behaviour all right.
- 6.17. I heard a fair bit of evidence about his complaints the grass at home hadn't been watered from which I took when cross he would not give up on something, and how he would persist in trying to wear her down, also assisting me to make other findings about his behaviour.
- 6.18. He described an occasion just before [child's] birth when he denied pushing his wife, saying she was goading and provoking to him and he put his hands on her "in complete frustration" as he walked away brushing his teeth. Again a long explanation about he couldn't have been brushing his teeth and assault her in this way, and saying she "sat down with a flourish." My finding is he pushed her and she fell onto the bed. The language used is part of his undermining her responses. This was just before their baby was due and the argument about his continued wish she should move to London with him. I thought the fact he wanted to be able to have family time in London "like David Cameron" had not taken into account how she might feel as a new Mother. It is obvious she remained anxious during this pregnancy – [redacted]. Again notable to my mind there is no acknowledgement of this after this event.
- 6.19. In the written submissions filed on his behalf it is suggested that Andrew Griffiths readily accepts unacceptable behaviour to his partner then wife – that was not my perception of his evidence. He also said in his first statement "the allegations are vehemently denied or taken out of context."
- 6.20. I was concerned about him saying "shut the fuck up [child's name]" to his [child] then weeks old. I don't accept it is normal or ordinary or was said in a very quiet voice. His [child] was the object of his anger because [the child was] crying in just [the child's] first few weeks and [the father] was tired. I am not surprised Kate

Griffiths was anxious about this. I am aware there are lovely recordings of his contacts with [child] but concerned his temper was not controlled then

6.21. I considered his attempt to blame his second suicide attempt on her refusing Christmas contact an example of continuing coercive behaviour. She had good reason to be anxious about his mental health right then.

6.22. [redacted]

6.23. It is complex in the court process to decide what has happened behind the closed doors of a relationship and marriage. The nature of relationships including sexual relationships of people close to us remains for most of us completely unknown and the perceptions of one adult about what is ordinary and acceptable very different from another. I consider that is particularly true of sexual relationships where the expectations of someone addicted to pornography as Andrew Griffiths says he was and that of his partner then wife will have been completely different

6.24. I accept he undermined her self esteem it is obvious , including comments about what she wore. The emails show this and I accepted her evidence about this. I note she is now two years after their separation and someone now demonstrating competence in a challenging role I heard from in this hearing. She will come over differently now than she did then I am sure. I could not accept she was then engaged in or capable of “fighting her corner” as he said and I think the evidence of his [relative] about money would graphically demonstrate that he would get angry if someone went against his expressed wishes. I note his [relative] would continue to do so , very clear in her evidence she was not a victim, but that I consider this required guts to do, and I accept that she mostly gave money when her [relative] was not able to know.

6.25. She also did not at the start tick the box alleging sexual abuse but I consider like many survivors she did not want to make such allegations, and in reality she was forced to by the Fathers response to her claims of physical abuse saying “ I didn’t think he would stoop so low as to mention the sexual side of our relationship.” She is not unusual in this. She told the court the Father had told her she would not be believed as he was an MP. He said that he had done this “ to put into perspective “ their relationship when she complained of his behaviour as her statement “ gave a false impression of the relationship we had.”

6.26. What the position is or was about [redacted] and Kate Griffiths allegations of rape when asleep was then raised later in proceedings, as a clear response to his statement Most people would not choose to air such issues in the court arena of course and it does not surprise me that she did not, though it is clear she raised with Cafcass discomfort about their sexual life. [redacted]

6.27. Many people when a relationship ends in which they have been enmeshed on reflection might feel things they engaged in distasteful or regretful I am sure and

such feelings no doubt add to be the change of perspective the end of a relationship brings. For Kate Griffiths this happened in such a public and humiliating way.

- 6.28. I note too they broke up and in one of those times she had formed a relationship with another man and she chose to resume the relationship with Andrew Griffiths then knowing what his sexual preferences were.
- 6.29. I have as a result had to consider this very carefully. She told the court he would be persistent and pestering, told her “ I always get what I want” and put pressure on her to agree to this at the start She stated he had “trained her” in what he wanted , she had never said she was uncomfortable or refused to keep him happy. I prefer her account about this , and note it is obvious from the e mails that he was persistent in his demands for photographs, and about sexual matters. [redacted]
- 6.30. She did not file the years of telephone exchanges between them saying her earlier phone had been changed- though interestingly she had photoshopped a couple of exchanges from it – and that she and [paternal relative] would often delete their exchanges with each other and she deleted matters she considered embarrassing. [paternal relative] confirmed they would delete messages from each other. That suggested to me some anxiety about them being seen but I make no more of it than that.
- 6.31. [redacted]
- 6.32. Kate Griffiths is not unusual in being in love with a man and living with behaviour that she says she found humiliating and demeaning. They were both genuinely in love I am sure and both desperate to have a child and a family together. That depended on money provided from his greater income – and I note he refers to this as his money rather than their savings. Her not ending the relationship until the humiliation of the sexting is public does not seem to be to be unusual.
- 6.33. Her evidence about this sexual activity to the court included right at the start telling Cafcass she had been pressurised to engage in sexual activity. In court she said such pressure was her knowledge he would be angry and hostile if she did not. She did say she had on occasion indicated she was unhappy about this. I think the evidence of his behaviour in other ways – say not bringing him enough sunscreen as an example, means her account rings true. My assessment is this is pleaded as a pattern of controlling and coercive behaviour and I find it proved as such.
- 6.34. It seems to me that it never crossed Andrew Griffith’s mind that she would not do what he liked her to do. [redacted] So I accept she did occasionally voice her resistance but consider it would be ignored like her embarrassment at the start.
- 6.35. [redacted]

6.36. [redacted]

6.37. I also note the persistent and repeated requests for photographs that he sent. They clearly show he was pressuring her to take photographs for him and I consider she rightly says it made for an easier life if she went along with his sexual requests . About her responses she said, " I told him verbally at first, I laughed and said I don't feel comfortable with that" and " I wouldn't have dared say anything else. Occasionally I would say no when I was feeling brave enough". [redacted]

6.38. [redacted]

6.39. [redacted]

6.40. He described how he had engaged in what he described as sexually risky behaviour for many years as he enjoyed it. This included the two women in 2010/1 one of whom he had a long relationship with. He accepted he had threatened this woman he would go to the press if she spoke to his wife, rather controlling behaviour I consider. The description he gives about the events that led to his public disgrace in which he accepts he sent kinky and depraved messages to two women he did not know and said this had escalated as his mental health collapse was so serious, but also due to their responding in equal fashion – ie partly their fault. They did choose to complain and no doubt were paid for the story by the press but they also reported the impact on them of such persistent and unpleasant texts .He could not accept that or that in any way they were victims. He is entirely responsible for what happened.

6.41. Kate Griffiths very strongly denied she had ever given him oral sex as she found it unpleasant and denied the two occasions he mentions were initiated by her for his pleasure but instead something he insisted on. Her evidence about this was very clear and I preferred it. I regard this as a evidence of controlling and coercive behaviour.

6.42. On their wedding night she referred to rough sex [redacted]. I think her account must be true. [redacted] She was very distressed as she related this. He describes their relationship as fun, intimate and mutually pleasurable.

6.43. I note as well his comment in a message when he is trying to persuade the Mother to stay in an apparent relationship with him to save his career he refers to having " no sexual or touching rights", yet no man has such "rights" if a relationship is based on consent and again it says something important about his power and control over her.

6.44. She fought the election in 2019 on what I consider to be a platform suggesting she was a domestic abuse survivor and when in her evidence when she denied this she was not telling the truth. It is unclear why .

6.45. I accept that Kate Griffiths proved in her oral evidence to me and I find confirmed by Andrew Griffiths responses that he did rape her when sexual intercourse took place when he had already penetrated her when she was asleep. He told the court he accepted he may have attempted to arouse her while she was sleepy – which I felt corroborative. I have been referred to the concepts of consent shared by the criminal and civil legal jurisdiction. The difficulty of submission rather than consenting to sexual intercourse is a complex one. However unconscious the question of consent cannot arise [redacted] She describes crying as this happened and his never apologising or recognising what he had done. Sometimes she said she would grit her teeth and let him get on with it. On others he would stop. Indeed on occasion he would be cross and kick her out of bed. She was I find humiliated by this. I accept she was unable to date the occasions when this took place or the number of times. Over the years of their relationship this omission did not seriously concern me.

6.46. Andrew Griffiths adamantly denied these allegations saying he had never had any form of sexual contact that was not consensual . He told the court he felt the allegations could be a “nuclear option to make me abandon the case.” I could not accept there was sexual “give and take” in their relationship.

6.47. My findings are attached. This judgment is to assist Cafcass in the preparation of a s7 report about [child] I have ordered.

6.48. [redacted]

6.49. [redacted]

7. Enforcement

7.1. Having heard the Mothers evidence I was persuaded she did have reasonable excuse not to take [child] to contact for a period of weeks when she felt the amount of Covid 19 near the contact centre combined with the vulnerability of her parents made it unsafe. I did not hear evidence specifically as to what the incidence of infection was but it seems to me in the bigger picture that real anxiety about safety at this time was not out of the ordinary, indeed a number of people have never stopped shielding I am aware. I can understand Andrew Griffiths thought Kate Griffiths had resumed her work face to face but I was satisfied by her evidence that she did so remotely.

HHJ Williscroft

26th November 2020.

Schedule of findings

Incident	Date of Incident	Allegation by the Respondent	Applicant's Response	Judge's Findings
	March 2011	<p>Physical abuse</p> <p>In the Grosvenor Hotel Applicant pushes Respondent into wall – and shouts at her- she locks herself in bathroom - frightened</p>		Proved
	May/June 2011	<p>Physical abuse</p> <p>Assaulted on sofa - hands round neck – earlobe hurt – leaves home due to fear</p>		Proved
	25 th December 2014	<p>Physical and Verbal Abuse</p> <p>The Applicant physically and verbally abused the Respondent's [family members] on Christmas Day which caused the Respondent to feel frightened and intimidated by his behaviour.</p>		Proved
	August 2015	<p>Physical and Verbal Abuse</p> <p>On holiday in Corsica, the Applicant physically abused the</p>		Proved

		Respondent by pushing her onto the bed, throwing her passport at her with some euros and told her to “fuck off out of my sight and get the next plane home”.		
	21 st January 2017	<p>Physical Abuse</p> <p>The Applicant physically abused the Respondent following a night out. The Applicant hit the respondent and caused damage to a picture . The Respondent left the property that night.</p>		Proved-
	24 th / 25 th December 2017	<p>Physical Abuse</p> <p>The Applicant was physically abusive towards his [female relative] who was visiting over the Christmas period. The Respondent was present when the Applicant grabbed his [female relative] around her throat and pinned her to the wall. The Applicant was heard to tell his [female relative] to “drive off and kill yourself you silly cow” when she attempted to leave the property and threw the presents she had brought over</p>		<p>Proved – he grabbed his [female relative] and was angry with her – whether by throat or shoulders I am unclear</p> <p>He did throw her bag out and made the threat - I accept the threat had some justification since she was threatening to drive off. I cannot find he threw out presents which I know would as a routine by put around the tree.</p> <p>This was however a frightening incident.</p>

		at her. On this occasion the Respondent very much feared for her life.		
	2 nd April 2018	<p>Physical Abuse</p> <p>Whilst the Respondent was heavily pregnant the Applicant put pressure on her to move to London as soon as the baby was born. The Applicant became angry when the Respondent stated she did not wish to go and went to hit her. He then changed this and pushed her onto the bed</p>		Proved
	30 th April 2018	<p>Verbal Abuse</p> <p>The Applicant had returned from work and [child] was crying. He turned towards [child] and shouted "shut the fuck up [child's name]". The Respondent grabbed [child] and told the Applicant not to speak to [child] like that again. The Applicant then left to work</p>		Proved
	Date Unknown	<p>Physical Abuse</p> <p>The Applicant assaulted his [female</p>		I find the Applicant was angry with his [female relative] and this was a

		relative] when she was staying with the Respondent and Applicant. The Applicant threw his [female relative] across the bed and hit her. He then proceeded to throw the alarm clock over the room causing it to break.		frightening incident. He slapped her and t restraint was used and she was thrown onto the bed. Such anger would have been frightening to observe
	Date Unknown	Verbal and Physical Abuse On many occasions when the Applicant and his [female relative] were together at the property, there would be arguments between them and included physical violence on two occasions which were instigated by the Applicant. The Applicant also referred to his [female relative] as [redacted]		This is in reality a repeat of the above.
	Date Unknown	Physical Abuse The Applicant assaulted the Respondent by throwing a tray of food on her whilst she was sitting on the sofa. This caused damage to the floor and the Respondent		The actual claim is that he threw a tray of food at her not on her – I find this proved.

		was left to clean up the mess.		
10	Date Unknown	Physical Abuse The Applicant threw a box at the Respondent whilst they were trying for a baby. The Applicant also spat in the Respondent's face on this occasion.		Proved .
	Date unknown	on a number of occasions the Applicant raped the Respondent by inserting his penis into her while she was asleep		Proved
	Throughout relationship	The Applicant used coercive and controlling behaviour to ensure the Respondent submitted to his sexual demands which included submissive behaviour [redacted]		Proved
	After relationship ended	As a threat in order to persuade the Respondent to do as he wished the Applicant suggested he might reveal to [child] without the consent of the Respondent [redacted]		Proved