

P-05-751 Recognition of Parental Alienation

Response to the Senedd Petitions Committee – October 2019

OVERVIEW

On 2nd October 2019, the Charity was forwarded a copy of the Cafcass Cymru document *Children's Resistance Or Refusal To Spend Time With A Parent: Practice Guidance*.

We recognise that many front line Cafcass Cymru Family Court Advisers (FCAs) do a difficult and demanding job extremely well, placing the child first and working to reduce or eliminate the harmful effect of the Family Court process. Though clearly a move in the right direction we do not believe that this Guidance goes sufficiently far towards standardising the approach of FCAs, monitoring the effectiveness of assessment or the impact of work with children and families. It does nothing for the large minority of Private Law cases where Local Authority Children's Services social workers are the primary agent of the Family Court.

We find it unhelpful that Cafcass Cymru and Welsh Government cannot bring themselves to use the term parental alienation in the title of the guidance. We fear that this allows those who remain abuse deniers in relation to parental alienation to continue to marginalise and prevent a proper system of protection for children and parents in Wales from developing.

SPECIFIC POINTS

We were asked to put forward our views in light of this document addressing the following:

What are your thoughts on the attached document?

We are pleased to note that Cafcass Cymru has begun to recognise the emotional harm caused by parental alienation, where a child's resistance or refusal to spend time with a parent is not warranted by their experience of that parent. We acknowledge that in publishing this practice guidance, Cafcass Cymru practitioners have a more defined process to support their assessment of likely parental alienation than previously.

We are grateful to the Petitions Committee for their continuing scrutiny of this issue for without that we believe that Cafcass Cymru would not have moved even the small distance shown by this work towards protecting children from these harmful behaviours.

In regard to the document, we have the following observations:

1. The guidance fails to acknowledge the complexity that is often present in cases within proceedings. It suggests a distinction between domestic abuse and alienation (page 5) while later suggesting the perpetration of alienating behaviours is controlling behaviour used in the continuation of domestic abuse through family court litigation (page 8). There is increasing recognition of parental alienation as family and intimate partner violence (Harman, Kruk, & Hines, 2018) including current research by Dr E Bates which is beginning to highlight the prevalence and impact of post-separation abuse through active alienating behaviours.

2. There seems to be insufficient understanding of the factors which contribute to the emotional impact on the child (page 6). Absent is a recognition of the contribution statutory services and the legal process make to the emotional impact on a child. Delays, failure to identify behaviours as alienating at the earliest opportunity and to act promptly, contribute to the largest factor in embedding alienation in a child – the length of time a child is not having direct parent-child time. There is no guidance or recommendation on ensuring that safe parent-child time is maintained during the assessment process.
3. There is a failure to adequately acknowledge that **allegations** of abuse, neglect or domestic violence are a significant feature of alienation. This is clearly stated as a feature of justified rejection (page 7). A child’s justified rejection would be likely if there was **actual** abuse or domestic violence. A focus on allegations without seeking evidence or an early finding of fact risks identifying a child’s rejection as justified, when in fact the child may be alienated (Bernet, Gregory, Reay, & Rohner, 2017). In consideration of this, there is no reference made to the qualitatively different response between a child’s rejection of a parent when justified and unwarranted. We have noted in our practise that parents who are prevented from seeing their child, subject to false allegations and breaches of court orders, are scoring in the moderate to high range on the SafeLives DV Risk Indicator Checklist.
4. Similarly with reference to the child feeling unsafe or very unhappy in the care of a parent (page 7). An alienated child can appear very distressed even at the thought of spending time with a parent – this is the essence of alienation. Such a response is not a factor of their relationship with that parent. The suggestion is that this as an identifier of justified rejection – when it can also be an identifying factor in alienation. There is no reference to the qualitatively different response in a child, particularly the splitting, idealisation and devaluation which is present in alienation. This is a clinically relevant marker of likely alienation (Bernet et al., 2017)
5. The guidance suggests that there is a limited evidence base for effective intervention (page 13). This is not the case. While there is limited evidence for a specific intervention or protocol in the UK, there is much to support the elements required in a tailored intervention as reported in the Templer et al. (2017) paper referenced (page 19). Alienation cases are complex and it is unlikely that a single validated protocol will be forthcoming for all cases.
6. It is noted that “Cafcass Cymru does not provide advice or recommendations as to interventions when alienating behaviours has been found to be the key feature in the case” (page 13). We would ask what this means in practice when alienation has been determined. If Cafcass Cymru are unable or unwilling to offer advice or recommendations, when they do so in all other cases – how can they effect their responsibilities? This seems to suggest that Cafcass Cymru staff are not sufficiently trained to protect children from harm, which we sought to redress by raising our

petition. We would like reassurances on how Cafcass Cymru intend to address this issue in order that they can fulfil their statutory responsibilities.

7. There is insufficient acknowledgement of the impact of unwarranted and inappropriate influence and the likely discrepancy between a child's expressed views and their suppressed or influenced views. "The child's views should be reported directly, using their own words where possible, to bring this to life for the parents and court" (page 19). The child's views need to be clearly set within their individual context and experience, and need to be interpreted in light of this. There is an absence of understanding of children's behaviour around lying firmly established in the empirical evidence, particularly their willingness to lie in order not to upset someone they care about (Warneken & Orlins, 2015).
8. There is a lack of explanation in regards to how Cafcass Cymru will determine whether alienation "is so deeply entrenched that reintroducing time with the other parent (or 'forcing') a child against their expressed wishes would be very harmful" (page 20). While there is an indication that this will be undertaken on a case-by case basis (page 24), we remain concerned that practitioners have insufficient knowledge to carry out such a nuanced assessment. There is much evidence from practitioners who reintroduce children to a parent they profess to hate or fear, that distress is minimal, short-lived and far outweighed by the benefits of a continued loving, supportive parent-child relationship. It is the responsibility of a parent, or those with parental responsibility, to sometimes over-ride the expressed wishes of a child where it is clearly in the benefit of a child. It would not be acceptable for a child's refusal to attend school, or attend medical appointments to remain unchallenged or conceded to. We suggest that where all the evidence suggests that a child benefits from the involvement of two loving, caring, involved parents in their life, it would be unwise to give undue weight to a child's expressed views when these are clearly the result of alienation.

Does it adequately address the issues that you raised?

In petition P-05-751 we proposed that the Welsh Government:

- Recognise 'Parental Alienation' as emotional abuse of children
- Commission and fund mandatory training for professionals including Social Work and Cafcass Cymru staff, in recognising Parental Alienation including pathways to protect children from harm.
- Establish and fund a national campaign to inform children and families about Parental Alienation and the harm that it causes.
- Place a duty on Welsh Ministers to act to protect children from abuse and harm where Parental Alienation has been identified.



We accept that Cafcass Cymru are not in a position to tackle points 3 and 4 of the petition – which should be addressed to other areas of Welsh Government.

In terms of point 1 the simple fact that the guidance cannot bring itself to include the words ‘parental alienation’ in the title is indicative of the failure to properly engage and provide the leadership that front line staff need. We detect from our engagement with senior management team within Cafcass Cymru that they do not fully accept the reality, significance or prevalence of parental alienation in the way that they clearly do accept the reality of domestic violence when perpetrated against women. On that basis we do not feel that Cafcass Cymru fully recognise that parental alienation is an emotional abuse of children.

In terms of point 2 we are unclear of the status of this guidance for front line FCAs. We know from Cafcass in England that take up of online training modules about parental alienation has been vanishingly low and we would hope that Cafcass Cymru will take steps to ensure that training on parental alienation is established on a compulsory footing. We are aware that extensive training modules have been designed on domestic violence – indeed we have contributed directly to the training materials around understanding the experience of male victims of domestic violence and abuse.

Do you have further questions in response?

We would seek assurances from Cafcass Cymru on the following points

- How will the impact of this guidance and the prevalence of its use be monitored – both in terms of effectiveness for FCAs and in terms of the impact on children and families in Wales?
- Will Cafcass Cymru be commissioning training from experts in the field of parental alienation to support this guidance?

Is there anything additional that you would like the Committee to know at this stage, in response to this document or as an update to the Committee?

Our charity is developing a Parental Alienation Risk Indicator checklist in collaboration with professionals who are expert in this field to assist in the recognition of this form of abuse. We would be happy to share this tool when complete with the Committee and Welsh Government

We would also seek to encourage Cafcass Cymru to more explicitly recognise the reality that parental alienation is an integral part of an understanding of the wider coercive and controlling behaviour framework. This is true both for the alienated child and for the alienated parent. We recognise that this perspective challenges the feminist interpretation of coercive and controlling behaviours that appear to be prevalent in the approach taken by Cafcass Cymru and others.

Paul Apreda, National Manager – October 2019