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**The Family Court Journal aims to provide a forum for sharing good practice and fostering debate about working with children and young people involved in family proceedings and related matters. Submissions are welcome from anyone with an interest in the family justice system. The views expressed by contributing authors are not necessarily those of the Editor or the Editorial Board.**

#### **Notes for Contributors**

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We are looking for articles on research findings, analysis of policy or law, case

studies or reports of innovative practice. Letters and suggestions for book reviews and films, etc are also welcome.



The Trade Union and Professional Association for Family Court and Probation staff

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## Editorial – John Mallinson

This edition of the Family Court Journal is a little overdue for which the Editorial Board apologises but better late than never. It does take quite a bit of time and effort to pull an edition together although worth every second.

The summer holidays are nearly over and it has been a time when children could take a break, relax and hopefully, for some of the time, parents could do the same. Maybe there were plans to go away for a while or have days out to create memories, see new sights and sounds, and have experiences that perhaps fulfil dreams. For some children, that will never happen for a multitude of reasons. There will always be disparities between families because opportunity and circumstances dictate. But then a sequence of shocking events suddenly hits the headlines and innocent children are at the centre of tragedy, cutting short a happy summers day away from their parents. Such events are not isolated incidents and the suffering of children continues to shock and sadden around the world.

Whilst cruel wars rage, in complete contrast, countries have come together to compete in a football tournament and more recently, the Olympics, showing that unity and good will can prevail in the face of competition and challenge.

In this edition of the Journal there is an article by Claire Waxman that reflects upon her work as London's Victims' Commissioner focussing on addressing the impact upon victims of abuse in criminal and Family Court proceedings

and the gradual changes in law that are set to try and offer them greater protection.

An article by Karen Woodall provides a reflective response to a piece in the previous edition of the Family Court Journal entitled *Failed by the Family Court* and the concerns raised by the work of unregulated experts and highlights therapeutic alternatives available for family's experiencing crisis.

The article entitled *For Baby's Sake* offers an account of an established initiative to offer families an opportunity to remain together whilst breaking the cycle of abusive behaviour between the parents.

The Family Drug & Alcohol Court is a newer project that channels the focus on substance abuse and offers therapeutic counselling and intervention in conjunction with special courts with judicial oversight.

Additional contributions include a short discussion regarding corporal punishment of children, an extract from a research paper regarding Peer Parental Advocacy in Child Protection reviews, plus a film and book review that provide some reflective insights.

## Family Court Reform for Victims

Claire Waxman OBE

*Since her appointment as London's Victims' Commissioner in 2017, Claire Waxman has seen improvements in the response to victims in the criminal justice system. Whilst Crown Court backlogs and limited resources are still negatively impacting upon victims' experience of the justice system, there has been increased collaboration and debate on the issues affecting victims of crime. This can be seen in the response to the Government's National Rape Review, the work to transform the criminal justice response to rape via 'Operation Soteria' and the Victims & Prisoners Bill which aims to strengthen victims' rights and was scheduled to receive Royal Assent in the coming months.*

Despite campaigning and advocating for change to the Family Courts' response to victims since her appointment, Claire Waxman perceives the pace for change as far too slow and certainly behind that of the criminal court. For example, the Youth Justice & Criminal Evidence Act 1999 prohibited the cross examination of sexual offence survivors by their alleged abuser<sup>1</sup> and allowed victims of domestic and sexual abuse to use *special measures* in criminal proceedings if the quality of their evidence was deemed to be impacted by their fear or distress. Yet, it was not until the introduction of the Domestic Abuse Act 2021 and hard campaigning by Claire Waxman and others over twenty years that victims in Family Courts could obtain the same special measures or be assured that

their abuser would not directly cross-examine them.

An article in the Family Court Journal entitled *Failed by the Family Court*<sup>2</sup>, the Domestic Abuse Commissioner's Report *Achieving Cultural Change*<sup>3</sup> and the Ministry of Justice Harm Panel Report 2020<sup>4</sup> all outline the major issues that victims face in Private Law proceedings. These reports alongside correspondence received at Claire Waxman's office, demonstrate how some victims are being retraumatised and harmed by their treatment at the hands of our Family Court system. This article will highlight some of Claire Waxman's work on family justice reform and focus on areas such as child sexual abuse and privacy rights which have not been so widely debated or covered in previous reports and articles.

### **Child Sexual Abuse & Family Courts.**

The challenges facing victims of domestic abuse in Family Courts were well documented by the Government's Harm Panel Report 2020 and well debated through the passing of the Domestic Abuse Act 2021. There has been less public scrutiny of cases involving children who disclose sexual abuse perpetrated by a parent.

The Crime Survey for England & Wales 2019 found that 5.8% of women and 4.3% of men who had experienced sexual abuse before the age of 16 years were abused by their father and 7.5% of women in the survey were abused by a stepfather<sup>5</sup>. 9% of child sexual abuse offences recorded by the police in 2022 were perpetrated by a parent<sup>6</sup>. There is no data however, on the charge and conviction rates for

parent to child sexual abuse. There is also no data on how frequently these cases are seen in private law proceedings and the Family Courts' findings in these cases.

The absence of data on the outcomes of private law proceedings which involve all abuse allegations is problematic. This is why the Domestic Abuse Commissioner called for and is now running a pilot project called the Family Court Review & Reporting Mechanism to understand the scale of domestic abuse in family court proceedings and the courts' response<sup>7</sup>. Unfortunately, this project will not include cases of child sexual abuse.

A lack of data means we cannot be assured these cases are being dealt with effectively or understand how these cases are handled in private law proceedings. The child sexual abuse cases that have come to the attention of Claire Waxman's office and to the support services and professionals she works with, are concerning. They involve children's experiences of sexual abuse, their wishes and feelings regarding parental contact being dismissed, minimised, and reframed by the Family Court as the consequence of *parental alienation*. The Harm Panel Report highlighted the use of '*alienation*' allegations and Sir Andrew MacFarlane, President of the Family Division, recently said that there has been a *complete surge in the number of cases in which it is alleged*<sup>8</sup>. Taken to its extreme, alienation allegations can lead to a transfer of '*live with*' [residency] arrangements to the accused parent against the child's wishes and with no, or limited contact with their safe and preferred parent.

A recent article by Dr Elizabeth Dalgarno, Lecturer in Healthcare Science and Director /Founder of the SHERA Research Group looked at 45 Private Law cases involving domestic abuse. It found that in the nine cases involving alleged child sexual abuse, all nine resulted in some contact with the perpetrator father with four of these cases resulting in the child being transferred to the father's primary care<sup>9</sup>. An upcoming Article will provide further insight into these cases<sup>10</sup>. The *parental alienation* response to child sexual abuse is so persuasive that an organisation called *We Stand*, who offer support to the safe carers of children who have experienced sexual abuse, now see parental alienation allegations in being raised in 100% of the family law cases in their service.

The Family Courts' response to child sexual abuse lags far behind the evolving understanding of how perpetrators operate and how victims respond. Evidence finds that this form of abuse involves high levels of emotional manipulation and grooming, enabling perpetrators to exploit their position as a primary attachment figure to silence and confuse the child<sup>11</sup>. A complex web of disclosures may emerge over time and be made in a variety of ways<sup>12</sup>. But these disclosures are least likely to be made to social workers and police<sup>13</sup>. A lack of understanding by family court professionals means these common features of abuse cases are misinterpreted as evidence that the supportive parent has coached the child as part of a high-conflict separation.

It is not unusual for child sexual abuse to co-exist with other forms of abuse against the child and /or domestic abuse against others in the household, creating an *abusive gender household regime*<sup>14</sup>. An allegation of parental alienation makes it impossible for the supportive parent to raise their own experiences of abuse or raise additional disclosures made by the child without entrenching any professional views of them as an *alienator* and jeopardising contact<sup>15</sup>. Victim parents are also caught between the 'three planets' of social care, police, and family court, all with their evidential thresholds and expectations of how victims should respond to safeguard their children. *Social care* demands that victims separate from domestic abusers due to the risks they pose but can push for contact with fathers where child sexual abuse has been alleged. *The police* require victims to report and evidence their abuse however, *family courts* expect victims of domestic and sexual abuse to facilitate contact and can look negatively upon safe carers who continue to report further disclosures<sup>16</sup>. This lack of joined-up practice makes it impossible for domestic abuse victims and parents of sexually abused children to prove to the authorities that they are working in the best interest of their children.

A culture of disbelief in response to child sexual abuse is not new. The Independent Inquiry into Childhood Sexual Abuse [IICSA] heard from nearly 6000 victims and survivors. The reports from the Inquiry highlight how child sexual abuse has been minimised or even condoned over decades. 47% of survivors who participated in the *Truth*

project said that no action was taken following their disclosures and only 5% of those who disclosed to an institution at the time of the abuse were believed<sup>17</sup>. Some of the research included analysis of statutory serious case reviews where a child had been severely abused and had previously disclosed sexual abuse. They found that commonly these disclosures were assumed to have been fabricated by the child. They conclude that the dominant social and political discourses around child sexual abuse have been of deflection denial and disbelief, sometimes using *mother-blaming* narrative such as allegations of alienation<sup>18</sup>. Unfortunately, without reform, the family justice system will continue the historical trend of failing to listen to and protect child sexual abuse victims which IICSA was intended to interrupt and transform.

### **Criminal & Family Justice response.**

The data and research on the criminal and family justice response to parent-child sexual abuse disclosures is limited. However, anecdotal evidence from survivors indicates that criminal proceedings are negatively impacted by family proceedings. Family Court cases must move quickly to safeguard children but criminal investigations particularly for the most serious sexual offences move very slowly. In 2022 /2023 the average length of time for all rape allegations [adult and child] from reporting the incident to charge was 421 days<sup>19</sup>. The backlogs in Crown Courts are likely to mean it would take at least another year from the point of charge for a trial to take place meaning children may well be waiting for over two years for a case to conclude.

If criminal proceedings are pending, and family proceedings do not make a finding for sexual abuse, or a counter allegation of parental alienation is made against the mother, the criminal investigation is likely to cease as the criminal burden of proof is considered to have been impacted. A family court Judge may even order a criminal investigation to come to a halt on the assumption that the allegations are false<sup>20</sup>. Furthermore, family court proceedings may issue orders for police records alongside third-party material such as counselling notes or social care /LA records, meaning an alleged abuser may have advanced insight into the details of an investigation before it is concluded.

The case law that is quoted in family court cases involving child sexual abuse also works against victims and their families when they disclose. This case law cautions the court to approach disclosures cautiously and consider information carefully for misinterpretation or fabrication [Baroness Hale: *Re B* [2010] UKSC (12) at 29]. It also tells the court that children are *poor historians* [Re K (Children) (2019) EWCA Civ 184] and that sexual abuse is defined by the intention of the abusive parent to feel sexual gratification [Re C (2022) EWFC 138] which is almost impossible to evidence.

The general societal attitude towards child sexual abuse and a lack of understanding amongst professionals of how children disclose, the timing of proceedings, the sharing of records and existing case law means that victim survivors face many barriers in being heard during family court

proceedings and that this may also have a knock-on impact on criminal justice outcomes. Even when there are convictions, victims can face obstacles in obtaining the protections they need which is why Claire Waxman sought legislative change via The Victims & Prisoners Bill and *Jade's Law*.

### **Jade's Law.**

On the 3<sup>rd</sup> October 2023, the Government amended the Victim & Prisoners Bill to include clause 16 which would introduce what had been referred to as *Jade's Law*, named after Jade Ward, who was murdered by her former partner in 2021 whilst her children slept in another room. Her family campaigned to change the law after her murderer was able to continue to take part in decisions relating to the children and they were forced to confront him via Family Court proceedings.

The Government's intention was to ensure that parents who kill a partner or ex-partner with whom they have children will automatically have their parental responsibility suspended upon sentencing via a Prohibited Steps Order. It means the burden is not on family members to make an application to the Court to ask for the parental rights of a killer to be removed. This was a change that Claire Waxman and other campaigners had been calling for since 2016 and she was pleased to see the Government had finally agreed to act.

With this clause added to the Victim & Prisoners Bill, Claire Waxman saw the opportunity to address the issue which had been raised with her where those



convicted of sexually abusing their own children retained their parental responsibility. This is the case even though at the point of sentencing, these offenders are issued with a *Sexual Harm Prevention Order* to minimise the contact they can have with children in the public domain. Claire Waxman has encountered terrible cases where children and mothers are spending large amounts of time, energy, and in some cases, financial resources trying to obtain the necessary protections from family courts. There is an example of a case below.

Claire Waxman worked with Baroness Shami Chakrabarti to draft an amendment which incorporated these child victims into the *Jade's Law* clause so that anyone who is convicted of sexually abusing a child in the family would be subject to a Prohibited Steps Order at the point of sentencing, automatically suspending their parental responsibility. The amendment received good support by the Liberal Democrats and Labour Party, being pushed to a vote which was narrowly lost.

One of the reasons why the amendment failed was because at the time of Claire Waxman's campaign, the MP Harriet Harman was calling for parental responsibility to be removed from *everyone* convicted of sexual offences against a child regardless of their relationship with the victim. This was via a different parliamentary Bill. Shortly before the amendment promoted by Claire Waxman was debated, the Government made a concession to Harriet Harman's amendment, committing to delivering an amendment via the Criminal Justice

Bill which would see the parental responsibility of those convicted of raping a child under the age of 13 years would automatically be suspended regardless of their relationship with the victim.

Whilst positive that the Government acknowledges and seeks to address this loophole, only 7% of recorded sexual offences relate to rape of a child under the age of 13 years<sup>21</sup>. If enacted, this reform will see most convicted sex offenders who abuse their own children maintaining their parental responsibility, meaning their victims, alongside their supportive family, will still be forced to apply for protection via the Family Court, sometimes incurring costs. Furthermore, with the current progress of the Bill, the remaining parliamentary timetable having expired prior to the upcoming General Election [*this article was submitted prior to 4<sup>th</sup> July 2024*], the Criminal Justice Bill may not receive Royal Assent. This is why Claire Waxman continues to call for strengthened safeguards for children who are sexually abused by a parent.

### **Case Study.**

Lucy's daughters were sexually abused by her ex-partner /their father. He was charged with multiple offences related to child sex abuse of children under the age of 13 years. Professionals dealing with the case told the mother that they felt the abuse had started before the children could even talk. Lucy felt forced to move away after the criminal trial and the family tried to heal from their horrific ordeal. However, the father made applications to the family court to locate her. He then served papers in an effort to continue

exercising his parental responsibility. He applied for contact on numerous occasions. Each time, the children had to endure questions from court professionals seeking their wishes and feelings about seeing their father.

Every time he made an application to court, the children became so distressed they had nightmares, suffered depression, bouts of anxiety and self-harmed. They were really confused by the very people who had told them they didn't have to see him anymore then returning to ask if they wanted contact with him.

It was only after an inordinate number of applications by the father over several years that the court finally granted the family a s91 [14] Barring Order to prevent the father making any further applications. But the damage had already been done. Their childhoods had been ruined by their father's abuse and the exercise of his parental rights. By the time the s91 [14] Barring Order had been made, the children were nearly adults.

The children never felt safe and Lucy was left feeling completely disempowered and undermined by the family court. By the time the children reached adulthood, Lucy had spent ten years in and out of family courts having to defend her family from a convicted child sex offender.

### **Unregulated Experts.**

After Claire Waxman raised the alarm over four years ago, the use of expert evidence in Family Courts has been under scrutiny. Since then, she has continued to raise her concerns regarding these experts especially

*alienation experts*, who are unregulated and unaccountable to the Health Care & Professionals Council [HCPC] and therefore not qualified to work in the NHS<sup>22</sup>.

In September 2023, Claire Waxman held a roundtable meeting in parliament where child victims and mothers who had been forcibly separated because of alienation claims, spoke about the impact of such expert assessments and decisions. The President of the Family Division has confirmed that alienation *is certainly not a syndrome*<sup>23</sup>. And yet the roundtable heard, upon the recommendation of those experts, that domestic or sexual abuse victims were compelled to undergo forms of therapy to *reunify* them with the abusive parent, the recommended therapy sometimes being undertaken via the expert's own practice or other affiliated practitioners. Mothers may seek out this therapy even though they consider it unnecessary in a desperate effort to resume or maintain contact with their children but invariably find it impossible to access because professionals they approach do not agree with the diagnosis or consider the course of treatment to be unethical. In the USA, this practice has been taken to an extreme with the use of *reunification camps*, a practice that has been outlawed in Arizona, Colorado, Utah, California, and Tennessee<sup>24</sup>.

As part of the Victim & Prisoners Bill, Baroness Chakrabarti tabled an amendment which would have prohibited experts in family courts from undertaking psychological assessments of victims unless they were registered

with the Health Care & Professionals Council. This is critical because the input of experts in family courts can have significant ramifications for children's lives but without regulation, there is no mechanism for accountability.

Although not accepted by the Government, and the amendment not pushed to a vote, Claire Waxman was pleased to see that the Minister, Lord Bellamy, stated that *something needs to be done* and confirmed that the Government would be instructing The Family Procedure Rules Committee to implement changes<sup>25</sup>. In the same week, the President of the Family Division, Sir Andrew MacFarlane, provided evidence to the Commons Justice Committee and stated that *it should be the norm to instruct people who are registered*. He confirmed that the Family Procedure Rules Committee would take on the issue which should be concluded within six months.

### **Children Conceived as a Result of Rape.**

Another issue facing victims in family courts is regarding the protection given to children conceived because their mother was raped by their biological father. The Victims & Prisoners Bill, for the first time, identifies those children who were conceived because of rape as *victims in their own right*, meaning they are entitled to victim services. This was informally known as '*Daisy's Law*' following the dedicated campaign work of a survivor called Daisy who had been adopted after her mother was raped at the age of 13 years. Daisy suffered significant consequences because of this rape and her subsequent conception yet was not

entitled to form of support. The campaigner Sammy Woodhouse has also been instrumental in obtaining better protections for these children. She became pregnant and had a child at the age of 15 years following sexual exploitation and abuse via a grooming gang in Rotherham and has spoken movingly about the impact on her son<sup>26</sup>.

In Sammy's case, her abuser was joined as a party in care proceedings after she went to the local authority for help with her son's additional needs. The perpetrator, who was convicted and imprisoned for 35 years for multiple crimes against her, did not have parental responsibility. Nevertheless, the local authority that they were legally required to contact the rapist and notify him of the proceedings involving the child. The perpetrator was then informed he could seek to have visits from his son via the family court and was also told he could be kept informed of all future proceedings<sup>27</sup>.

Sammy's case is not unique. In the case of *Re S [A Child] (2023)*<sup>28</sup>, a man was joined to care proceedings even though he had been charged with rape and sexual assault against the child's mother who was his niece and a minor at the time of the abuse. He had no parental responsibility and whilst the application was initially rejected by the judge, the father was granted the right to appeal on the grounds that the decision was contrary to Article 8 of the European Convention for the Protection of Human Rights. The appeal court judges found that the onus was on the court to find a justifiable reason for the father not to be joined to the proceedings rather

than the onus being on the father to establish a justifiable reason to be joined. The test, established through case law, if further evidence was needed of the 'pro-contact' culture that was identified by the Government's Harm Panel Report. Claire Waxman urged the Government to address this unjustified prioritising of perpetrator rights over victims of rape and their children.

### **Confidentiality.**

A final issue that Claire Waxman wished to highlight was the lack of safeguards for the privacy of victims in family court proceedings, especially in comparison to the criminal justice arena.

As part of the London Rape Review, Claire Waxman undertook interviews with victim-survivors of rape who had reported to the police in London. These interviews demonstrated that there were routine intrusions into victims' privacy, from the use of mobile phone data and third-party material such as social media and counselling records. Claire Waxman concluded that these practices were negatively impacting on victim attrition which was around 60% at the time. In her Rape Review recommendations, she called for more to be done to end the unnecessary and disproportionate intrusion into victims' privacy and for the CPS to only request therapy notes to show the impact of the crime<sup>29</sup>.

Following these recommendations and dedicated campaigning from Claire Waxman plus others, the protections afforded to victims are now far stronger in the criminal justice process. The Police, Crime & Sentencing Act 2022 brought in a code of practice on the

extraction of information for police which has helped to ensure that requests for victims' mobile phones are reasonable and proportionate and that phones are returned to victims within 24 hours. The Victims & Prisoners Bill, which is likely to receive Royal Assent in the coming months, has also clarified that police information requests from a third party about a victim of crime must only be made when reasonable and proportionate.

Furthermore, in April 2024, an amendment by Baroness Bertin was accepted by the Government meaning that going forward, police must now assume that counselling records are irrelevant to a case unless they are satisfied that such notes would add substantial value to the investigation.

These are welcome developments but they do not address the similar issues faced by victims in the family court. Right to Equality have highlighted that there are victims of rape in private law proceedings who have been ordered to disclose their medical records in full including giving access to the perpetrator<sup>30</sup>. These are often ordered when a victim-survivor describes experiencing trauma following domestic and /or sexual abuse or when allegations are made by the perpetrator that the victim-survivor is *mentally ill*. Those accused of abuse are rarely asked to share their personal information and so are free to use this request to further intimidate and harm their victims. Claire Waxman had heard that a victim-survivor whose counselling notes were requested and read out in court, meant she immediately stopped attending counselling. She had heard

of victims having to disclose their medical records from the time of birth and concerning, cases where the counselling records of children who have disclosed sexual abuse are being ordered for disclosure by the court, with little regard for their privacy rights or how this may impact on therapeutic intervention.

The lack of transparency in family courts means that we do not know how frequently these requests are made. This issue was briefly highlighted in the Harm Panel Report<sup>31</sup> but it is now time for the Government to consider this more closely and ensure that victims have the same privacy protections in both jurisdictions.

### **Conclusions.**

There are some positive developments in the family justice system's response to domestic and sexual abuse including the introduction and expansion of Pathfinder Courts, the Family Court Review & Reporting Mechanism being undertaken by the Domestic Abuse Commissioner and the expansion of the Transparency Implementation Group Reporting Project [TIG] for a further sixteen courts. All these initiatives are to be welcomed as they will provide greater insight into the experience of and response to victims in the family justice system.

Despite this progress, the current response to victims within the family justice system remains of significant concern and reform is well over-due. There is a need to expand the Review & Reporting Mechanism to include child sexual abuse allegations, review the way in which victims' personal data and information is utilised in private law

proceedings, introducing legislative change to remove the parental responsibility of anyone convicted of sexually abusing their own children, and address the cultural and legislative presumption of parental involvement at all costs. Claire Waxman will be calling on the Government, following a General Election, to deliver a Family Justice Bill to address these issues in full.

The findings of the Harm Panel Report were stark and far-reaching. They found that a pro-contact culture, limited resources, adversarial practices, and siloed working was enabling the continued harm of victims via family court proceedings. After the publication of this review, the former Secretary of State for Justice, Alex Chalk MP, speaking on behalf of the Government, said that the report should be a *springboard for the actions we will take to better protect and support children and domestic abuse victims throughout private family law proceedings*<sup>32</sup>. Four years later, meaningful change that was promised is still awaited whilst victims and children are still suffering every day in the family courts in England and Wales.

### **Post-Election [2024] footnote:**

This article was written in May 2024 before the dissolution of Parliament for the General Election. The Victim & Prisoners Act was given Royal Assent shortly after the General Election was called, and the amendment referred to as *Jade's Law* is now in legislation however, the Criminal Justice Bill did not pass. Therefore, convicted sex offenders continue to maintain their parental responsibility.

**Claire Waxman OBE was appointed as London's first Victims' Commissioner in 2017 by the London Mayor. In her role, she hears directly from victims and survivors of crime and amplifies their voices and experiences to reform legislation, policy, and practice. Since her appointment, she has undertaken an ambitious programme of research, engagement and advocacy including convening three victim summits, lobbying for key changes to Parliamentary Bills, influencing nationwide reform of the justice system for rape victims and advocating for a national Victim Care Hub.**

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## The treatment of children found to be harmed by parents in Private & Public Law cases.

Karen Woodall

In March 2024, *Family Law News* published an article submitted by legal professionals suggesting that research and media reports about cases based on mothers who had self-reported fleeing from the UK with their children to The Turkish Republic of Northern Cyprus due to fears of systemic failures in the UK Family Courts had not always disclosed that findings of serious harm were made against them by the Family Court <sup>1</sup>.

Later in March 2024, Sasha Lee [solicitor] and Alex Verdun KC [barrister] published an article in *Today's Family Lawyer* <sup>2</sup> which queried the lack of context for the claims made in the BBC programme *Mums on the Run – Failed by the Family Courts* [September 2023] which featured research from Manchester University <sup>3</sup> and raised concerns about the fear-mongering headlines that are used in media reports which suggest that children are routinely being forced into contact with abusive fathers. There have been a number of judgments published which describe the harm caused to children who are drawn into adult matters during family separation, demonstrating an awareness that this form of emotional and psychological abuse is very much 'alive' in the Family Courts.

I am a psychotherapist specialising in working with children who are found to be harmed by a parent in divorce and separation. My experience of working

in the Family Courts is at odds with the media report broadcast by the BBC and the Manchester University research paper regarding alleged systemic failures in the Family Courts in addition to an article in the last edition of the *Family Court Journal* [Winter 2023]. I reject the assertion that unregulated 'experts' are doing harm in such cases and seek to contextualise the issue from the perspective of treating children who have been found by the Family Court to have been abused by a parent. I hope to convince you that, as opposed to doing harm, treating experts are in fact resolving the complex therapeutic needs of children who are psychologically and emotionally bonded to an abusive parent.

Treatment of children who are strongly aligned in this way involves the use of relational psychodynamic theory to understand the problem of children's alignment with an abusive parent and a combination of approaches, including structural family therapy, to resolve it.

Intervention in cases where children are strongly aligned to an abusive parent is recognised as necessary because over time, this has an impact upon self-esteem, confidence, trust and dependency in relationships [Schore 2013; Steel, Boone & Van der Haart 2017; Draczynsk 2023]. Those children who are bonded to an abusive parent are captured in an asymmetric power dynamic and in the same way as children who are physically or sexually abused, they are typically unable to reject an abusing parent due to anxiety-based alignments [Shengold 1989]. Some



children who are emotionally and psychologically abused in this way are often unable to shift their presentation without being protected by the Court.

When the Court intervenes in family cases through a Finding of Fact – a process that was defined by the President of the Family Division in *Re: C [Parental Alienation] [2023] EWHC 345 [Fam]* as necessary in cases featuring issues such as parental alienation or domestic abuse, this provides a factual matrix which identifies the victims and perpetrators in disputed cases. This creates a framework for structured interventions with attachment-based theory at its core, delivered when children remained aligned to an abusive parent.

Evidence suggests [*Neutral Citation Number: 2023 EWHC 1864 (Fam)*] that children who remain aligned to an abusive parent benefit from intervention aimed at restoring the relationship with the rejected parent, the key being understanding why a child remains aligned, and acceptance that emotional and psychological abuse of children in divorce and separation is no less damaging than all other forms of abuse.

### **Understanding the child who aligns and rejects.**

In circumstances where a child is aligned with a parent who has caused them harm, the greatest risk to the child's medium and long-term emotional and psychological well-being is not whether the child is spending time with the parent who is rejected, but the psychological failure by the child to adjust which causes

them to act contrarily to the natural evolutionary imperative of remaining in close proximity to a primary attachment figure [*Fairbairn, 1943; Ainswirth, 1969; Bowlby, 1988; Benoit, 2004; Nolte, Guiney, Fonagy, Mayes, & Luyten, 2011; Fisher, 2017*].

The dilemma for the Court in finding that a child is strongly aligned to a parent who has caused them harm is how to intervene in a way that restores that child's relationship with a parent who is also capable of providing safe care whilst being rejected.

The child who is psychologically bound to an abusive parent is captured in a dynamic which is sometimes referred to as a 'trauma bond' [*Kobita, Tyrka, Kelly, et al 2008*]. A trauma bond is a recognisable psychological dynamic which is seen when a person forms a deep emotional attachment with someone who causes them harm. It often develops from a repeated cycle of abuse and positive reinforcement in situations where there is an asymmetrical power imbalance between two people [*Ferenczi, 1931, 1932, 1949; Bowlby, 1980; Dutton, Painter, 1981; Howell, 2014; Stark, 2023*].

Children who suffer from trauma bonds in divorce and separation are those who have been drawn into a pattern of harmful dynamics, whether intentionally or unintentionally created by either parent. This is sometimes a consequence of the psychological profile of that parent, and sometimes caused by the coercive and control strategies used by a parent. As a result, the child is often joined with the parent who is causing harm in a fused dyadic coalition against the other parent and resists efforts to improve or change that

behaviour [Haley, 1997; Vanwoerden, Kalpakci, Sharp, 2017].

### **The alienated child and attachment disruption.**

There must be a psychoanalytic formulation and clinical descriptions of the term *alienation* to understand the experience of the child who is trauma bonded. *Alienation* is a word that means 'the state of being, or the process of becoming, estranged from either oneself or parts of oneself' [Rycroft, 1995; p 6] is useful in terms of understanding what is happening to the child who aligns with an abusive parent while rejecting the other.

Attachment is the psycho-biological connection that develops between infants and their primary caregivers, it also provides a template for relationships as the child grows and attains adulthood [Bowlby, 1988]. Initial attachment bonds provide an infant with a sense of safety, enabling reliance on their primary caregiver for comfort at times whenever the child feels threatened. It also provides the child with a foundation to develop their own coping skills. Attachment is an instinctive behaviour for survival in infancy [Ainsworth, 1989; NICE, 2015]. The evolutionary imperative for attachment to caregivers is not dependent upon the quality of the care provided by the attachment figure. As Benoit [2004, p. 543] notes – *a normally developing child will develop an attachment relationship with any caregiver who provides regular physical and /or emotional care, regardless of the quality of that care. In fact, children develop attachment relationships even with the most neglectful and abusive caregiver.*

Children will typically develop separate and unique attachment bonds to each of their parents, where the family remains intact. However, in some post-separation families, the child's maintenance of attachment bonds may become difficult as they have to move between different care settings. This may become impossible because without the child developing the defence of ego-splitting, the ability to hold two realities in mind is lost and a split between true /false sense of self arises [Klein, 1946]. Fear of abandonment and the threat to attachment security drives a child to seek stability. A child who is exposed to anxiety about the potential loss of a caregiver is faced with the contradictory pressure of retaining one attachment figure at the cost of the other. Consequently, the child develops a 'true /false' sense of self as a defence mechanism [Klein, 1946; Winnicott, 1986; Fisher, 2017; Hinshelwood, 2018; Vliegen, Tang, Midgley, Lutyens, and Fonagy, 2023].

In clinical work, children who are aligned with parents who have caused them harm are observed to be coping by splitting off and projecting their anxieties onto the parent who is being rejected, trying to induce in that parent behaviours that justify the rejection. Klein [1946, p. 103] notes that *'the violent splitting of 'the self' and excessive projection has the effect that the person towards whom this process is directed, is felt as a persecutor'*. It is through the unconscious process of splitting and projective identification that the abused child disowns the feelings of overwhelming anxiety and powerlessness which are experienced when a child is in the care of a parent

who has harmed them and importantly, the child is able to ascribe their own feelings of anger and fear onto the parent they have rejected.

Whilst a child's hyper-alignment to one parent and subsequent rejection of or resistance to the other can sometimes be precipitated by overt parental behaviours such as inducing a child to believe they have been abused, making the child feel unsafe in the other parent's care, which can prompt a hostile narrative or encourage the child to make fabricated allegations. The child's behaviour is often driven by parental behaviours that are woven into the very fabric of the family system, and it is disruption to this system, created by family breakdown, that causes these pathological inter-psychic dynamics to be brought to the surface.

### **Treatment of alienation in children – resolution of the alignment and rejection dynamic.**

Children in circumstances where they have been trauma-bonded to an abusive parent will be hyper-vigilant and often unable to trust their own experiences due to the invalidating strategies of the abusive parent [Linehan, Koerner 1993]. In addition, when fear and anxiety has been at the core of the parent-child relationship, the child will continue to feel it is necessary to respond to parental behaviours, particularly those which are unpredictable [Haliburn, Mears, 2012]. Creating a stable and predictable environment for kinship care with the parent who has been rejected is therefore the first priority in treatment and it is imperative that parents who provide such placements

are aware of the ways in which their child's behaviour may be affected by the harm which has been caused to them. Therapeutic '*parenting training*' for parents who are in the rejected position provides awareness, education, and skills to help them respond to children who remain strongly aligned to abusive parents displaying behaviours consistent with disorganised attachment.

Structured therapy can work within a Court managed process which protects the child and then tests parental capacity to change their behaviours. Where progress towards restoration of the child's natural relationship with a rejected parent becomes stalled, the Court may consider removal from the parent found to be harming the child so that maladaptive defences can drop. Referred to as a '*transfer of residence*', it might better be understood as *removal from harm* and placement in kinship within the context of child protection.

### **Case Study – Josh.**

When he was eleven years old, Josh was removed from the care of his mother in private law proceedings although the management of his case was transferred to public law when the Local Authority placed him into foster care. Josh's mother was found to have caused him serious psychological and emotional harm by causing him to believe that his father was dangerous and preventing him from living normally by isolating him from the outside world. As a result, Josh was socially and developmentally much younger than his age and still very rejecting of his father due to believing his mother was

his only protector. Over subsequent weeks, with the dedicated help and commitment of his social worker, Josh recovered a relationship with his father to the point where he went to live with him and his wife. I worked with Josh's father for several years before and after he was removed from his mother's care and an account of the work undertaken is told in a book entitled *'Please let me see my son'* by Thomas Moore [2007].

Josh speaks with insight about his experience of being brought up by his mother. When reflecting on how it felt to be removed from her care, Josh realised that he had experienced a long process of psychological trauma which included being made to believe he was physically unwell when in fact his mother was suffering from Factitious Disorder. This psychiatric condition occurs when family members or caregivers falsely present others such as children, to be ill, injured, or impaired. Josh reflects on the moment when he finally realised that hatred of his father was rooted in his mother's control of how he experienced the world and that he was not actually physically unwell.

*'It was a glass shattering moment, to find that what I had believed was true, was in fact not true, and that my father was not the dangerous person I had always believed him to be, but a good man who wanted to give me love and support. At the same time, I came to see that all the time I had spent thinking that I was so unwell and weak and vulnerable, wasn't real, it was a delusion that I had no way of escaping'.*

Josh is now writing about his experiences whilst training to be a social worker and spoke recently at a seminar at the House of Lords <sup>4</sup>. He hopes to provide support for children and young people that will help to free them from being trauma bonded to a parent who is psychologically unwell.

Therapy with families affected by a child's rejection involves training the parent with whom the child now lives in skills so they can respond to disorganised attachment behaviour. This approach relies upon a once rejected parent tolerating the child's projections of hatred and fear whilst consistently reflecting-back positive responses. Caregiving to a rejecting child is often hampered by *'blocked trust'* which occurs when an abused child remains trauma bonded to the abusive parent and rejects incoming care from others. Blocked trust can result when a healthy circle of caregiving reciprocity [child accepts care, reflects-back positive responses thereby encouraging the parent to continue providing care] is flawed [Baylin, Hughes, 2014].

Compassion fatigue can overtake caregivers causing dissociation and disconnection from the child. Intensive support for parents plus education and guidance on recovery from disorganised attachment behaviours ensures that formerly rejected parents can utilise the attachment relationship to provide a child with the consistent caregiving which supports recovery. Protecting the child through supervised contact with a parent who has been found to have caused harm is key until the reflexive need in the child to regulate that parent is dramatically

reduced, ensuring that attachment focussed work can properly rebuild the child's integrated sense of self.

### **Conclusion.**

Cases where children are removed from the care of a parent who has been found to have caused serious emotional and /or psychological harm are treated using a social work model which incorporates psychoanalytical understanding, structural therapy, attachment focussed interventions, and training in therapeutic parenting to the formerly rejected parent.

Treatment takes place after a Finding of Fact hearing which guides the input of the therapist whilst the Court provides external structure for the management of power and control dynamics lying at the heart of such cases. Where children remain rejecting of a parent found to be good enough, and in circumstances where the child is trauma bonded to the abusing parent, structured trials of therapeutic work take place, sometimes after the child has been removed from a parent who lacks insight.

If the child needs to regulate who has been unpredictable and potentially frightening, then that causes the ongoing rejecting behaviour, which is called *blocked trust*. Unblocking the trust between the child and the rejected parent relies on the capacity of the parent to provide care for the child, which is rooted in therapeutic parenting, a skill taught to all parents who provide any element of kinship care after a child has been removed from the care of a parent found to have caused them harm. Therapeutic parenting offers an adaptive form of

care which can release the child from the disorganised attachment behaviours seen when a parent draws a child into adult matters, providing protection to the child from those harmful behaviours whilst ensuring that the child maintains some form of relationship with an abusive parent, even if limited to indirect contact, ensuring that the child can recover an integrated sense of *self*.

Ultimately, the child who has been abused after separation or divorce must find a way to relate to both parents even if the abusive parent does not change their behaviour. Whilst some children must be protected from a parent for a number of years, eventually they will have to encounter that parent and learn how to cope with the transition between healthy and unhealthy relationships. Working with parents in the rejected position to recover the attachment relationship with their child and then working alongside them to address the disorganised attachments which are seen in such situations, provides healing from harm in a system which is protective of the child's need for relational health. Oversight from the Court during the early phases of this work provides structural protection that enables effective work to take place away from the abusive dynamic that caused the problem in the first place.

Treating experts are working to heal children who are strongly aligned to parents who have caused them serious harm, through interventions which address relational trauma. Rather than being the cause of the problem, parents who were previously rejected, who themselves are found to be

victims of post-separation abuse, are the conduits through which this healing work takes place. This work supports children to recover from the effects of abuse in kinship care placements with their mother or father and in overseeing this process, the Family Court takes responsibility for ensuring that abused children in separation and divorce cases can recover from serious harm.

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## For Baby's Sake

Amanda McIntyre

*'He's had the best start in my family as far back as anyone can remember, and that is not an accident'*. This is how a father described the impact for his baby of *For Baby's Sake*, the programme that both parents join during pregnancy to break the cycle of domestic abuse and give their baby the best start in life. What is more, could a greater number of parents be given this opportunity? Those working in any capacity within the Family Court system, spanning Public and Private Law cases, must surely feel the poignancy of this question.

Teresa Thornhill recently retired after 33 years working in the Family Courts of England & Wales and its predecessor courts. Her book, published in March 2024 entitled *'In Harm's Way – the memoir of a Child Protection lawyer'* courageously confronts the challenges within the current system for children, parents and the professionals working within it. The book led the Rt. Hon Lady Hale, formerly President of the Supreme Court of the United Kingdom to reflect with empathy about *'all the terrible things that can happen to children and all the challenges facing lawyers and social workers in the child protection system which is meant to help and protect them but which struggles to do so...'* and to ask, *'It doesn't have to be this way, so what can be done about it'*.

In the aftermath of the tragic death of Peter Connelly [Baby P], this same question led our charity, now called The *For Baby's Sake* Trust, to decide to make a contribution. We wanted to

protect babies at risk or suffering, who were all the more vulnerable through not having a voice. Early consultations with experts, and those with lived experience, kept returning to domestic abuse, its prevalence during the first 1001 days from conception to aged two years, its complex impact on parents, babies and children, the challenges of seeking support and the lack of holistic responses.

A few years later, through research, multi-disciplinary and multi-agency collaboration, and our charity's care to create a safe and courageous space in which to design a new approach, we had created *For Baby's Sake*.

*For Baby's Sake* started working with families in 2015 at two sites, one within Hertfordshire, and the other in London including Westminster, and Kensington & Chelsea. At the same time, we commissioned a major evaluation of the first four years of the programme, led by Kings College London and conducted by leading academics from UK and Canada. In the final evaluation report, [Trevillion et al, 2020], the authors concluded that *For Baby's Sake* is 'the first programme to our knowledge to fill an important gap in provision' and to 'address existing limitations of whole-family interventions'.

The evaluation identified the programme's pioneering combination of features: [1] starting in pregnancy, continuing up until the baby is two years and putting the baby at the centre; [2] whole-family approach, working separately with both parents [those experiencing domestic abuse and those using abusive behaviours]



whether they are together as a couple or not; [3] each parent having their own *For Baby's Sake* Therapeutic Practitioner; [4] working therapeutically, building trust through non-judgemental relationships with each parent; [5] supporting each parent to understand and address often unresolved childhood trauma and gain new abilities to regulate their emotions, look after their emotional health, change behaviour patterns and build resilience; [6] equipping parents with insight and capacity to provide their baby with the sensitive care and attuned interaction that helps their baby to feel safe and develop emotionally and socially; [7] robust safeguarding of children and adults, through parents having trust in their practitioners to share how they are feeling and what is happening, holistic whole-family risk assessment and effective multi-agency teamwork.

Parents tell us how *For Baby's Sake* gives them what they need to make lasting changes. They are empowered not to be defined by their past, to break cycles of domestic abuse, become the parent they want to be, and give their baby the best start when they did not have that themselves.

Delivery of *For Baby's Sake*, including duration and the emphasis within the programme content, is tailored to each parent's needs. Tailored and adapted delivery makes the programme inclusive and sensitive to parents with diverse cultural contexts or characteristics such as neurodiversity, being young parents, having low literacy levels or learning difficulties.

The programme begins with a *Getting Started* phase when parents receive immediate support through risk and needs assessment alongside new understanding, tools and strategies to recognise domestic abuse, stabilise, improve physical and emotional safety, and reduce stress for parents and the baby.

The *Getting Started* phase also enables parents to decide if *For Baby's Sake* fits their particular needs and whether to proceed into the programme's modules which deepen the therapeutic work, and include: [1] attachment-focussed parenting starting in pregnancy and continuing postnatally, to meet the needs of babies and children to feel a sense of safety, security, belonging, and being understood; [2] Video Interaction Guidance, where the parent is recorded with their baby [and antenatally with their baby scan]. Watching brief clips of precious moments of connection with their baby enables the parent to see the bonds they are developing, and build capacity and self confidence in their parenting; [3] healthy expression of feelings: supporting parents to understand and process guilt and shame, not to dissociate from their emotions but to accept and express in a healthy way, and to support their baby and children with recognising and expressing their feelings too; [4] inner child: the programme's therapeutic core, guiding parents to discover what may lie at the roots of fears, insecurities, sabotaging life patterns. Parents tell us that this is transformational in helping them to make peace with the past and look after the *child within them*; [5] building

self-esteem, agency, healthy adult relationships, and co-parenting [together or apart].

Promising outcomes identified for the families who participated in the King's College London evaluation included: reductions in children's social care involvement from 70% of families at the baseline, to 30% of families at the two-year follow-up point; reductions in domestic abuse; improvements in parents' mental health; and most babies achieving their developmental milestones, including for emotional and social development, in line with the outcomes for babies at low risk, despite the heightened risk associated with domestic abuse.

The evaluation confirmed how the *For Baby's Sake* whole family model, with each parent having their own Therapeutic Practitioner, '*facilitates engagement of both mothers and fathers and supports 'comprehensive assessment and management of parenting risks'*'. The evaluation also pointed to signs that *For Baby's Sake* supported safe separation by parents, indicating that the programme could be helping to prevent post-separation abuse. Through having no goal in principle about parents staying together or separating, the programme has empowered many parents including those who had expected to stay in the relationship, to find personal growth which has led them to separate as a couple and continue to co-parent apart.

Professor Louise Howard of King's College London, who led the evaluation team, said: '*For Baby's Sake*' has developed using the

*evidence base on domestic abuse, pregnancy, trauma, and infant and perinatal mental health. The 'For Baby's Sake' team have worked with local government especially children's social care, and engaging parents with multiple-complex needs and histories of childhood trauma. Most of the people we interviewed for the evaluation who had remained with 'For Baby's Sake' over time, were able to identify ways that they had changed their behaviour and related these to aspects of the programme.*

*For Baby's Sake* has expanded from the original two sites with the Hertfordshire and London dual-Borough services expanding into other parts of London, East of England, and the South. A team has also been operating in Blackpool since just before lockdown in 2020. The programme also reaches smaller cohorts of families in around half a dozen additional local authority areas and we are prioritising our next regional expansion in the North-East, building on our presence in County Durham.

*For Baby's Sake* is designed particularly to reach parents with complex needs and trauma histories, often stretching back generations, and provide them with what they want, and need, to break the cycle. 75% of the parents we currently support have mental health needs, often alongside multiple other needs which may include substance misuse, lack of social support, and socio-economic pressures such as housing, employment, and debt support needs.

Over 70% of the parents we work with typically have six or more adverse

childhood experiences, spanning direct physical, sexual or emotional abuse and neglect, growing up in households affected by adversities such as domestic abuse, substance misuse or parental mental ill-health, plus community-level adversities such as racial prejudice, community violence, or poverty. At least one-in-seven of the parents we currently support experienced care during childhood [nationally, 1 in 140 children are currently looked after, based on Department of Education data for March 2023].

Impacted by unresolved trauma from childhood, many parents begin their 'For Baby's Sake' journey with a very insecure sense of self. The desire to give their baby a different start is typically the motivation to seek support, and shame tends to be the biggest barrier to seeking help. The programme-change mechanisms respond directly to this context, as exemplified by reflections from mothers and fathers collected through the evaluation and more recently as part of routine programme delivery and feedback.

**Whole family model: both parents are supported simultaneously.**

*'Even if you're not together, it's about being able to co-parent your child – which is massive'* - father.

*'If only one of us had changed, it wouldn't work. It's because we both changed that it's working for us'* - parent.

*'We were so, so lucky to be part of it...because our life would be completely different in a negative way. I don't think the girls would be as*

*happy as they are, I don't think we would be as happy as we are'* – mother.

**Recognising & addressing domestic abuse.**

*'I can make better decisions. You helped me to confront the fact that what was happening was not OK and has long-term impact on me and my baby'* – mother.

*'As a parent having to deal with domestic abuse and being honest about it, not having to hide, being transparent and not lying to myself. This was a big breakthrough for me'* – father.

**Both parents are empowered to build a more secure sense of self through programme content, duration and delivery, notably Inner Child work.**

*'I know myself better now and I like myself. I'm not beating myself up and stuck in the past'* – mother.

*'I realised for the first time in my life, my childhood was not my fault. I have always blamed myself for my behaviours and feelings when things went wrong. I thought back – why was I so bad as a child? I know now it wasn't my fault. Being able to look back, it's such a relief. Understanding where my feelings come from and not needing to do things because of my childhood. I can make adult choices'* – father.

**Both parents mentalise and attune with their baby, starting antenatally, notably through Video Interaction Guidance.**

*'I couldn't believe how much she [baby] loves me and how much she looks at me. The way she smiled at me, the way I smiled at her, because you*

don't see yourself with your child' – mother.

'Biggest impact it has had on me in terms of parenting is the need to put my focus on the children at all times. This was more difficult to do at the beginning but it came naturally towards the end of the Programme and I continue to do this' – father.

### **The strong therapeutic relationship between parents and For Baby's Sake Therapeutic Practitioners.**

'My practitioner recognised the distrust I had with all professionals and was patient and persevered. I learnt to trust him more and more and I also learnt to trust myself and be more open...made me review things more' -father.

'I am very grateful to you that you are not judgemental because people can be so judgemental to me. The positive emotions I have felt during sessions – positive, relief, not alone, like you are beside me' – mother.

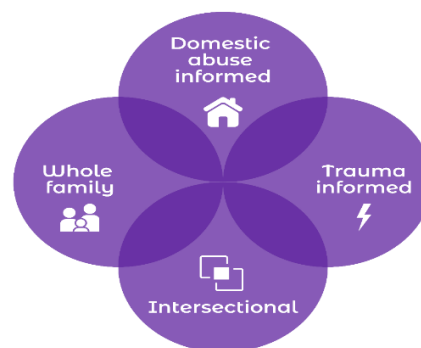
There is now recognition in the UK that a clearer understanding and stronger evidence is needed about effective responses to domestic abuse. *For Baby's Sake* remains at the forefront of evidence-based practice. In June 2023, Foundations [the national 'what works' centre for children and families] published an academic paper '*Rapid Review of Interventions Improving Outcomes for Children with Child Protection concerns who have been exposed to Domestic Abuse*' [Barlow, Schrader, McMillan, & Bowen – 2023]. This report identified *For Baby's Sake* as one of only three UK whole-family programmes working systemically with promising models of working. No UK

programme reached the evidence threshold for effective models of working. The evidence on *For Baby's Sake* was also assessed for having a low risk of bias [scoring 4 out of a maximum 5 for low bias risk].

*For Baby's Safe* is one of very few programmes cited for promising practice with transferrable lessons within two national reports by the National Child Safeguarding Practice Panel. *The Myth of Invisible Men* published in 2021, advocated investment, research, and the development of provision within children's social care to improve practices with men and fathers within high-risk families.

The Panel's research for its briefing paper *Multi-Agency Safeguarding and Domestic Abuse* [2022] included *For Baby's Sake* teams and hearing directly from parents we had supported. Resonating with the *For Baby's Sake* model, the briefing recommends four core practice principles that should underpin practice, emphasising that these are interlinked and interdependent.

#### Multi-agency safeguarding and domestic abuse Four core practice principles



Source: The Child Safeguarding Practice Review Panel  
Panel Briefing 2: Multi-agency safeguarding and domestic abuse  
September 2022

Blackpool, including the *For Baby's Sake* Blackpool service, is playing a significant role within the national 'Born into Care' collaboration led by Lancaster University, the Rees Centre at Oxford University, and the Nuffield Family Justice Observatory. This initiative has been understanding the scale and impact of babies being born into care, from the perspective of parents and professionals, developing guidance and support on sensitive and humane practice when the state intervenes at birth. A film *Born into Care – Blackpool* shares the learning of parents and professionals about being trauma-informed and strengths based. When parents' unresolved past trauma arises from the parents themselves having been taken into care or having had a baby previously removed, this can be especially triggering when those parents become 'parents' again and prepare for the birth of their baby.

As one of the *For Baby's Sake* therapeutic practitioners says in the film, *'You can say you are a trauma-informed service but unless you offer a really authentic response to that trauma and you understand that underpinning all of the challenges, all of the difficult behaviours and the risks you are concerned about, unless you understand that trauma is at the root of that, you aren't going to get very far'*.

The film is full of practical recommendations to support parents, starting in pregnancy when they have previously had babies removed, or are on a journey to their baby certainly or possibly being removed at birth. These include planning ahead, providing clarity, being inclusive to fathers, and understanding and responding to the

feelings of parents. As a member of the *For Baby's Sake* Blackpool Team says, *'the answers have come from the lived experiences of the parent.... we have to listen to their voice'*.

In all *For Baby's Sake* sites, we work closely with local authorities, courts and multi-agency partners when supporting families whose babies are within the care system or on the edges of care. One family's in-depth change story, shared below, illustrates how *For Baby's Sake* creates the potential for parents to make changes in their own lives, for themselves and their baby, and to engage positively with multi-agency safeguarding professionals.

Teresa Thornhill's work over three decades led her to call for long-term therapeutic support for disadvantaged parents which she argues would be *'so much more humane – and so much cheaper'* – than the current system and - *'might put an end to trauma being passed down through a generation'*.

The lessons from parents who have made extraordinary changes in their lives for themselves and their baby, testify to this potential. As one senior manager in children's social care said – *'For Baby's Sake has been absolutely wonderful for this family – together with the pre-birth assessment work and social care intervention – when we get the timing and support right, it really does change lives'*.

It's no easy task for parents to engage meaningfully with *For Baby's Sake* but it is transformational. As one parent says – *'You save lives, you saved more lives'*

than you can imagine by giving people a chance'.

**One Family's change story:  
Referral context and family  
background.**

Children's Social Care referred this family to *For Baby's Sake* after midwifery services identified support and safeguarding needs. Mum was pregnant with her fourth child while this was dad's first baby. Mum's three older children were placed together in long-term foster care as a result of an extremely violent relationship for many years with the biological father of all three children. In addition to the experience of the domestic abuse, the children experienced severe neglect and the impact of living with a parent clinically diagnosed with clinical depression.

Mum subsequently entered into a relationship with a long-term friend and within a couple of months of establishing an intimate relationship, they were expecting the baby with whom they were referred to *For Baby's Sake*.

The safeguarding pre-birth assessment was required to explore both mum and dad's parenting capacity, and ensure the unborn baby was safeguarded from risk of harm. An Initial Child Protection Conference concluded that the threshold was met to refer to the Public Law Outline. The unborn baby was considered at risk of neglect, given mum's historical capacity to meet the needs of her children and dad, at this time, being an unassessed risk with a history of substance misuse. Both parents admitted to smoking cannabis. Both had experienced significant and

traumatic Adverse Childhood Experiences.

**Parents' motivation and engagement  
with *For Baby's Sake*.**

Both parents joined *For Baby's Sake* with the motivation to break cycles of domestic abuse and traumatic adversities for their baby. They each worked with their own *For Baby's Sake* Therapeutic Practitioner and the impactful work included – [1] antenatal work, understanding why and how to avoid exposing their baby to toxic stress in utero, starting to communicate with their baby in utero and developing strategies to reduce stress and increase relaxation, to achieve the best outcomes for the baby, including being delivered full-term. [2] Understanding the impact of domestic abuse on adults and children who have grown up around parental abusive and violent behaviour. [3] Healthy Expression of Feelings – enabling each parent to explore their emotions and process feelings of shame and guilt. [4] Inner Child – enabling each parent to explore fully their Adverse Childhood Experiences and to create healing from unresolved trauma including a journey of understanding about inter-generational cycles and, for those particular parents, developing compassion towards their childhood carers. [5] Video Interaction Guidance – both parents undertook this individually. The video recordings, showing magical moments of parent-infant attunement, fostered each parent's ability to understand and respond to their baby's communication with them.

### **Engagement with the PLO process, parenting assessments, and safeguarding requirements.**

The *For Baby's Sake* support with emotional regulation helped to equip both parents to engage with multi-agency safeguarding partners and to demonstrate the changes they were making.

Shortly after the baby was born, mum and baby went into a parenting unit together as dad's drug test was positive. This was a painful and challenging time of separation but dad remained focussed and engaged consistently with *For Baby's Sake*, showing resilience and determination to be a dad.

Following a negative drugs test, dad was invited to join mum and baby at the parenting unit. With support from his *For Baby's Sake* Therapeutic Practitioner, dad accepted this invitation, describing it as '*the best Christmas present I could have hoped for*'.

A discussion around what it means to be valued, provided an opportunity for reflection with dad, as he was described within PLO paperwork as being 'vulnerable', which he had struggled to accept. Dad worked on the impact of his traumatic childhood which included his own father being physically abusive, dependant on alcohol and with a gambling addiction. He described his home as a 'poor' home where he experienced emotional harm, neglect and ultimately parental separation. He could remember some 'happy times' but mostly said that it was a difficult and disrupted childhood. He left school

at 15 years old and by this time was working full-time in a car wash. He was very clear that his baby's life should look and feel very different to his own growing up.

Dad became more self-accepting, willing to allow himself to be vulnerable and become more emotionally articulate, able to keep himself emotionally safe. He has made the link between understanding the past and its impact as key to bringing himself safely into a parenting role and learning to be warm, curious, affectionate, and consistently present for his son.

### **Parents breaking cycles of domestic abuse and giving their baby the best start in life.**

Mum developed new parenting capacity. She worked on the traumatic impact of her own childhood and also on coming to terms with what led to her older children being removed from her care. Through the *For Baby's Sake* whole family approach, working separately and in parallel with each parent, dad was supported to understand the impact on his partner of her older children being in care, and what this meant for her recovery from previously unresolved trauma, supporting the whole family's recovery journey.

Both parents have developed a language that enables them to articulate their emotions, to bring themselves fully into being parents. A co-parenting relationship that could so easily have been a toxic bond with harmful behaviours and unhealthy coping strategies has instead developed into the parents being

responsive and supportive partners for each other and their baby.

Both parents have created a sense of choice and control around the future and in being parents; both want to continue to build on this new sense of self and identity. They returned home following a period of positive assessment in a parenting unit and they have continued to sustain change for themselves and their baby. Having built this confidence and self-esteem, both are fully accessing activities within their local community, preventing isolation which is understood to have a significant impact on long-term outcomes for the emotional health of adults and children.

Mother's transformation is illustrated in her reflection – *working with For Baby's Sake has helped me to find my voice – and now I can't stop talking*'.

***The For Baby's Sake Trust [originally named the Stefanou Foundation] was set up philanthropically by Stelio Stefanou OBE, DL., in 2008. His founding vision was to tackle the root causes of disadvantage and vulnerability, focussing on very young babies who do not have a voice. Stelio chaired the charity for 14 years, providing inspirational leadership until stepping down from the Board in December 2022. Dame Lin Homer is now the Chair and Adam Shutkever is Vice Chair.***



## Birmingham & Solihull Family Drug & Alcohol Court [FDAC]

### Introduction

The Family Drug and Alcohol Court is an alternative to care proceedings where substance misuse is a significant feature impacting on parenting capacity and outcomes for children and families. Birmingham and Solihull FDAC was initially launched in 2021 during the Covid pandemic following the receipt of funding from the Department of Education to commence a two year pilot. Initially the target was to assess 30 parents each year. The pilot period was successful and Birmingham Children's Trust and Solihull Metropolitan Council agreed to continue funding the service with contributions from other partners including the Police & Crime Commissioner, Public Health, and Change Grow Live [CGL]. During 2023 – 2024, assessment numbers increased to 45, and in 2024 – 2025 the projected increase will be 55 assessments to offer those parents demonstrating motivation to engage and change with the opportunity to have intensive support and intervention during care proceedings with the aim of reunifying families where it is safe to do so.

The FDAC Team is multi-agency and based in the South of Birmingham. It is a trauma informed team that takes a relationship-based approach to supporting families in making holistic changes. The team consists of a team manager, administrator, senior practitioners, family support specialists, mental health specialist, substance misuse specialist, domestic abuse specialist, and a consultant clinical psychologist. There are three consistent

FDAC judges [HHJ Burgher, HHJ Hickman, and District Judge Bird]. There is also an additional list of three 'back-up' judges.

### Timeline and process

The FDAC team only accepts referrals from within the local authorities where there are families with substance misuse as a significant feature alongside other complicating factors such as domestic abuse and mental health, all of which are impacting on their parenting capacity and consideration is being given to commencing care proceedings.

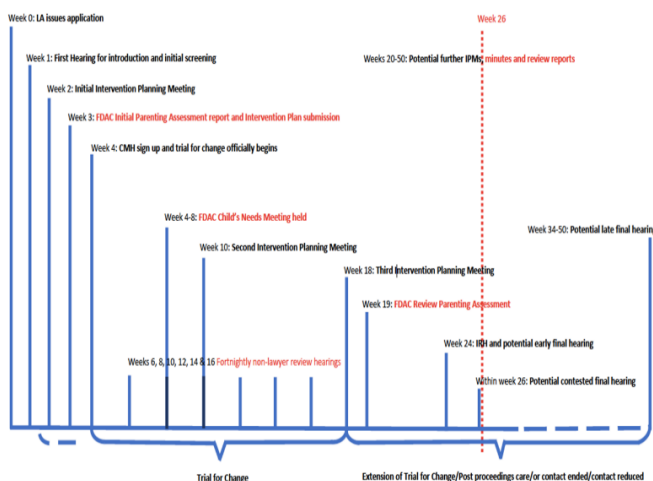
Prior to proceedings, and if the parents consent to a referral being made to the FDAC team, they will be triaged to determine their suitability for FDAC intervention. Given the intense nature of FDAC, parents need to fully understand and appreciate what will be expected of them. Parents are also advised that the FDAC model is based around abstinence from drugs and alcohol and they will be required to achieve this alongside being open, honest, and transparent throughout.

Upon the applications being made to court and the family being listed in the FDAC, the team will commence the initial stage of the parenting assessment within the first three weeks. During this time, the parents undertake a social work assessment, domestic abuse assessment, physical and mental health assessment, and substance misuse assessment. Then a formulation meeting is convened with the psychologist to determine suitability for the *Trial for Change*, the intensive part of the interventions.

If suitable for the *Trial for Change*, the parents will sign up to this along with the Judge at the 4 week point of proceedings, and the interventions and assessment commence. The plan is then reviewed at weeks 10 and 17. Alongside the interventions, the parents are asked to attend non-lawyer reviews on a fortnightly basis to meet with the Judge as evidence has shown that the Judge is a motivating factor and acts as an agent of change.

The child's timeframe remains central throughout the proceedings to ensure there is no unnecessary delay that will significantly impact on them. The FDAC Team file their final assessment and recommendations usually at week 19 however, if there is a need the extend the *Trial for Change* slightly, for example because there is a realistic opportunity of reunification, this will be sought by the courts and advocates. In terms of final recommendations, the team make a recommendation about whether it is safe or not for the child[ren] to be returned to the care of their parents along with an analysis. It is then the responsibility of the local authorities to determine the most appropriate care plan for that child.

#### FDAC Timeline



#### Interventions offered -

The team offers support and intervention under four categories and within these categories, the parents are required to attend between 3 – 5 appointments per week in groups, some 1 – 1 meetings, treatment provider appointments, family time appointments, etc. This is the clear difference between FDAC proceedings and standard proceedings due to the intensity of its format.

The intervention categories are abstinence, understanding and repair, strengthening relationships and child centred lifestyle.

There are also four groups that parents are required to attend as part of their interventions. However, the *Own my Life* domestic abuse programme is specific for women but the team recognised there was a gap in the service for fathers so there is a *Safe Families* programme that runs with the fathers who come through the FDAC.

*Abstinence* – includes introduction and eight-week goals, how stimulants work, health implications [physical /mental health], cognitive dissonance, triggers and cravings, cycle of change, transfer addiction, and relapse prevention.

*Understanding & Repair* – Emotional Wellbeing Groups comprise of – week [1] introduction to emotions [2] window of tolerance and mindfulness [3] distress tolerance [4] compassion focused therapy, self-sooth, and acceptance [5] self-compassion [6] emotional regulation skills [7] relationships – acceptance and validation [8] boundaries, assertiveness

and 'end or mend' [9] recap and looking onto the future.

*Strengthening Relationships – Own My Life* sessions comprise of – week [1] isolation, basic understanding of abuse [2] power and control, male beliefs [3] leaving an abusive relationship safely [4] cycle of abuse and victim blaming culture [5] increasing emotional safety [6] safety planning [7] risk assessment [8] traumatic assessment [9] effects of domestic abuse upon children [10] sexual violence [11] love bombing [12] reflections and impact of course.

*Parenting* – parenting group sessions comprise of – [1] introduction – *how we got here* – Local Authority concerns [2] Maslow's Hierarchy of Need [3] ACE's [4] impact of their lifestyle on their children [5] parenting styles [6] age and stages in children's development [7] boundaries and routine [8] role modelling [9] power and control [10] recap.

## Data

The three-year report has just been completed and statistics show some of the emerging data that recognises the impact the FDAC approach to proceedings has by supporting families to achieve and maintain change. It also evidences the holistic changes that are made and not only benefit the individual but also society as a whole.

69% of children are reunited with one or both parents or family and friends. 63% had not lapsed or relapsed. 52% achieved abstinence. 26% had returned to employment, education, or volunteering. 97% had no further arrests or cautions during proceedings or during the post-FDAC support period.

## Conclusion

Birmingham and Solihull Family Drug and Alcohol Court has gone from strength to strength since inception and has benefitted many families who would not have previously had this opportunity. The intensity of the approach to the interventions works especially when capturing the *window of opportunity* at the right time, enabling families to make positive changes and in many cases to be reunified when safe to do so.

The FDAC is now in its fourth year and has increased assessment numbers further. Newly qualified social workers have been provided with training in the FDAC approach and also drug and alcohol testing. Consideration is being given for a fourth Court and new peer mentors are being trained who have previously been through the FDAC so they can support the new families entering proceedings.

*Parent Feedback –*

***'I am so grateful for the opportunity to work with FDAC. This really works and I am grateful Birmingham have an FDAC. For FDAC to work, you have to want to do it, and change for your child. I am so grateful I had this opportunity and all the professionals involved have been a massive support to me throughout'*** C.A. 2024.

***'FDAC is amazing. It has given me growth I didn't know I was capable of. It has made me look internal, not just getting my child back but also look inside myself. I am a brand-new version of myself.'*** K.H. 2024.

***'The support you get, it's amazing, made the difference, they cover every area. I was failed before but not this time'***. L.E. 2024.

## A Brief Discussion of Smacking

John Mallinson

'Physical punishment has no place in raising children. Providing consistency, good routines, and being role models for our children in the values we would like them to display, creates good people'<sup>1</sup>.

'The evidence is absolutely compelling that physically punishing a child can be harmful to the wellbeing of both child and parent'<sup>2</sup>.

Attitudes towards the way we discipline our children have changed dramatically over the last 60 years or so and the use of smacking or other forms of corporal punishment, all intended to inflict deliberate pain or discomfort, is now illegal in 46 countries.

However, many people still endorse the practice of smacking and a survey in 2011 found that over 40% of UK parents said they had smacked their children.

But corporal punishment may do more harm than good. '*It has no positive effects that we know of*' [Keeshan 1967]. It may stop the unruly behaviour temporarily, but it does not treat the underlying causes. Unruly behaviour is a cry for help. These children do not want to act this way, but they have no choice. We don't always know for sure why these children behave in an unruly manner.

So why do we smack our children when they are going to receive worse punishment for things they do wrong when they are older. It seems we are teaching children that if they do

wrong, they will receive a little swat and that is all. There must be another way to teach children that their bad behaviour is not appropriate. How about sending children to their rooms? Does this only simulate going to jail. What does smacking simulate? When these children grow up and commit more serious crimes, they will expect the Court to give them a slap on the wrist and let them off. It doesn't work that way and they will be surprised to learn this.

It could be argued that corporal punishment only physically hurts our children and teaches them violence. Corporal punishment also triggers harmful psychological and physiological consequences. Children not only experience pain, sadness, fear, anger, shame and guilt, but feeling threatened also leads to psychological stress and the activation of neural pathways that support dealing with danger.

Many children who are physically punished have recurring nightmares or night terrors, and suffer flashbacks, bed-wetting, anxiety, school phobia and post-traumatic stress disorder. Some withdraw socially and become underachieving loners. A number of studies have found that physical punishment increases the risk of broad and enduring negative developmental outcomes. No study has found that physical punishment enhances developmental health. Most physical abuse of children occurs in the context of punishment.

Corporal punishment in all state-supported schools wasn't prohibited until 1986 although many schools had

taken the decision to phase out corporal punishment prior to that date. The prohibition was extended to cover private schools in England and Wales in 1998, in Scotland in 2000, and Northern Ireland in 2003. The prohibition is now enshrined in The Right to Free and Compulsory Education Act 2009 [RTE Act] and Article 17 states '[1] No child shall be subjected to Physical punishment or mental harassment'. The prohibition includes residential care institutions and in foster care arranged by the local authority and voluntary organisations, day care facilities and childminders.

Corporal punishment in schools will probably be a lived experience for people of a certain age. The punishment would often involve being struck across the hand or buttocks with a cane, a ping-pong paddle, plimsoll, or leather strap. Corporal punishment in some schools did extend to include girls who were perceived to have misbehaved but generally, they received periods of detention. Caning was described as being initially a very intense pain followed by the feeling of heat and then a duller longer lasting pain, sometimes in the past, such punishments being delivered onto bare skin.

The historical saying 'spare the rod, spoil the child' is a term familiar to previous generations. It is thought to mean that children will grow up to be maladjusted if they are not disciplined when young. The 'rod' may be metaphorical, therefore not actually be a tool to physically hit the child and the term is more likely to be parenting advice handed down through the generations to emphasise that poor

behaviour displayed by children needs to be challenged and addressed by appropriate means. Back in time, that might have involved physical punishment but as parents became better informed and aware of their parenting role, the physical element of punishment lost favour.

Corporal punishment by parents within the home remains legal but is under review. Parents don't have the *legal right* to smack their children unless deemed 'reasonable punishment'. If the physical contact is severe enough to leave a mark, scratch or bruise that parent can be prosecuted for assault or the child could be removed to a place of safety by the local authority. This is governed by Section 58 Children Act 2004.

Section 58 and the amended CPS Charging Standard means that any injury to a child caused by a parent or person acting in loco parentis which amounts to more than a temporary reddening of the skin, and where the injury is more than transient or trifling, the defence of reasonable punishment is not available.

Striking a child is already illegal in Scotland. The question being considered is whether smacking should now be made illegal in England and Northern Ireland. The Government says parents should be trusted to discipline their children. The Department of Education has indicated that *any form of violence towards a child is completely unacceptable and we have clear laws in place to prevent it.*

But health care professionals including doctors have said the current laws are

unjust and dangerously vague, claiming that children should be afforded the same protection as adults.

At present, as mentioned above, if a child is smacked, hit or slapped in England and Northern Ireland, a parent or carer may be able to argue that this was 'reasonable punishment' and not a breach of the law. The Children Act 2004 says it is unlawful to assault a child causing actual or grievous bodily harm, or cruelty. But the consequences to a child who is smacked can be wide-ranging and long-lasting way beyond childhood, having the potential to impact upon future relationships and parenting styles.

Professor Andrew Rowland, who leads on safeguarding at the Royal College of Paediatrics & Child Health [RCPCH] is regularly faced with 'extremely challenging' situations when talking to families about the rules regarding physical punishment of children with some forms of punishment being legal whilst some are not.

Changing the law in England and Northern Ireland will give parents and carers absolute clarity and ensure there are no instances where it is acceptable or lawful to smack a child. There is evidence from other countries including Germany, Romania and Sweden that changing the law can have a real impact. Worldwide, there are more than 60 countries that give children the same protection as adults from assault and violence.

There are calls for political leaders in England and Northern Ireland to make a commitment to end the physical

punishment of children, however, the UK Government has said there are no plans to change the law on smacking in England and Northern Ireland and said it would monitor the impact of changes in Scotland and Wales.

John Mallinson  
FCA /Editor, Family Court Journal

#### References:

- 1 Stephen Thomas, Headteacher, Ysgol y Bryn Llanelli Wales.
2. Dr Rowena Christmas, chair of the Royal College of General Practitioners, Wales.

## Professional notes: Law & Research

### ***The Perceived Impact of Peer Parental Advocacy [PPA] on Child Protection Practice [2023] - Cardiff University***

#### **Summary**

This report presents the findings from a mixed-methods evaluation of peer parental advocacy [PPA] in the London Borough of Camden. PPA is a form of peer advocacy whereby parents with lived experience of child protection give support to other parents to help them navigate and engage with the process. Research evidence suggests that parents can find the child protection system to be difficult, stigmatising and authoritarian. Proponents of PPA suggest that it has the potential to promote shared decision-making, improve relationships between social services professionals and families, and enable increased participation by parents.

This evaluation was conducted by the Children's Social Care Research & Development Centre [CASCADE] based at Cardiff University, with the aim of better understanding the perceived impact of PPA on child protection practice. The evaluation also focusses on developing a programme theory for the key elements of a successful PPA service.

#### **Objectives**

This evaluation aims to provide *insights* into the perceived impact of PPA on child protection practice in the London Borough of Camden by achieving the following objectives: understanding how it is perceived to impact decision-making, power relations and

relationships between professionals and parents engaged with child protection services; developing a programme theory that identifies enabling mechanisms to support future service delivery.

These objectives will be achieved by addressing the following research questions – [1] what are the key elements of the PPA service in Camden [2] what are parents' and professionals' experiences of the PPA service [3] what potential impacts [both positive and negative changes] do parents and professionals who work with PPAs identify [4] is it feasible to carry out an experimental or quasi-experimental evaluation in the future and if so, what would the key considerations for designing such a study be.

#### **Methods**

This qualitative study was carried out through a mixed-methods evaluation in which the theories developed focus on the context, the causes, and the outcomes rather than just the outcomes alone. This involved an interactive process to understand causal links between the effects of PPA and the specific contexts they operate in.

The data was collected via semi-structured interviews, focus groups, observations of child protection conferences, and in-person stakeholder workshops with parents, professionals, and peer advocates. The fieldwork was carried out in Camden as it is the first Local Authority to set up a PPA service in England.

The study was done in two phases that consisted of the following three elements:

**Phase [1]** Building Initial Programme Theory; Stages [1] identification of issues and context via a narrative review; [2] initial interviews, focussed groups, and observations to test assumptions and understandings [3] development of a logic model consolidating initial theory of effective PPA in Camden. **Phase [2]** Testing and Developing Refined Final Programme Theory; Stages [4] additional individual interviews and focus groups to test Initial Programme Theory [5] stakeholder meetings to present programme theory and obtain feedback [6] revisions to final programme theory based on feedback from stakeholders and interviews.

### Key Findings

The mixed-method evaluation concluded that the key mechanisms to successfully implement PPA programmes include: active engagement between the Peer Parental Advocate and the parent; advocates enabling effective parental communication and participation; building and facilitating trust between parents and CSC professionals; being supported by their Local Authority to do good work through training and effective oversight.

This evaluation contributes to an early evidence base in the UK on the successful implementation of advocacy programmes. The main findings from this evaluation demonstrate that: parental advocates may have a role in reducing the imbalance of power between parents

and professionals [particularly social workers], facilitating effective communication between parties, and helping parents to play a meaningful role in the decision-making process; the role of PPAs can *bridge that gap* between parents and professionals thereby generating trust between parties.

The COVID pandemic considerably impacted parental advocacy in Camden because parental advocacy activities were either reduced or moved online. The online meetings could be challenging due to participants lacking the necessary digital resources, stable connection or suitable devices which hindered engagement from parents.

While some participants suggested that peer advocates lacked the specialist knowledge to deal with certain aspects such as mental health or domestic abuse, others highlight the strength in reducing the power imbalance between parents and professionals in a more meaningful way. Consequently, there is an ongoing debate around the extent to which the peer advocates should be *professionalised*. The importance of effective recruitment, training, supervision and support needs to be taken into account in order to support parental advocates and mitigate the risk of advocates overstepping boundaries.

### Recommendations

[1] further investment and evaluation of PPA services in other Local Authorities. The research site was limited to Camden LA. The promising findings of the evaluation suggests a need for PPA



to be explored and evaluated in other local authorities where there may be different challenges, to assess whether the findings of this evaluation hold-up in other contexts; evaluating comparison groups – the evaluation found a clear preference from parents in respect of wanting an advocate with lived experiences. PPA should be evaluated more widely using a comparison group[s] who receive professional advocacy or no advocacy at all to help develop an understanding around whether the findings of this evaluation translate to other forms of advocacy; tailored support and supervision for PPAs – the findings highlight a need for robust, personalised support, training and supervision for peer advocates to ensure that challenges such as complex social work procedures or personal trauma are managed. This will in turn, enable advocates to engage in their roles more meaningfully.

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## Film Review

*'Aftersun'*

Directed by Charlotte Wells

This is the directorial debut of Scottish film maker Charlotte Wells. It is a film about love and loss, focussing upon the close relationship between a father and daughter. Their intimacy is touchingly portrayed but what makes the film distinctive is that we also see their relationship through the prism of memory. This means that facts, feelings and imaginations all meld together. On her birthday, Sophie as an adult is watching a home video she made of a summer holiday she spent with her separated father, Callum, in Turkey

many years previously when she was 11 years old.

In the video, we see Sophie filming her father, her surroundings and herself whilst asking him all manner of questions to help her make sense of herself and her family. Watching the video, Sophie is re-living different moments from the holiday but from her adult perspective so she is also filling in the gaps and imagining things that happened, based on her adult knowledge. This device enables us as viewers to observe the same events through the eyes of a child and of an adult at the same time. We are confronted by the fragmented nature of memory. The story is not linear so, as viewers, we have to piece together the narrative of events. This seems to mirror Sophie's own experience of trying to piece together her memories to make sense of things that happened in her childhood. Did she really dance with her father in a beachfront bar or is that just something she dreamt of doing? Do our memories play tricks on us to protect us from the pain of past events.

At the age of 11, Sophie was on the cusp of adolescence and her situation is carefully observed. We see how she moves between childhood naivety and starting to notice the behaviour of older young people around her in the holiday resort as they interact, push boundaries, flirt and become sexual. There are indications that all is not well. As viewers, we pick up on these, but we also notice that young Sophie, although affected, is too young to understand their significance. Children normalise the behaviour of the adults around them. It feels like we are on the edge of a precipice.

The film made me reflect on the ways that children we work with in the Family Courts later make sense of their own difficult past experiences such as separation and removal. Intense feelings of love and loss may form a prism through which significant events in their family life are re-viewed and re-interpreted. How essential it is for those children and young people to have a chance to explore and express what they are feeling at the time those events are happening and be helped to see them in a wider context. Even so, that process of making sense of the past continues into adulthood as we see with Sophie.

In *Aftersun*, the story is told with skill and subtlety. The closeness of the father /daughter relationship is beautifully depicted. There are moments in the film which are heart-warming, moments which are poignant, and others that will cause a sharp intake of breath. You will come away from this film wanting to discuss it more fully as it leaves many questions unanswered. This sense of ambiguity at the end emphasises the point that our memories, far from being a factual account of events, are a subjective collection of moments from the past .... filtered through our emotions.

Catrina Flynn  
Independent Social Worker

## **Book Review**

*'Foster'* by Claire Keegan

This beautifully written short story spans so much about feelings of loss and separation. It covers the experience of a girl under a private fostering arrangement in rural Ireland. Her name

and age aren't given. This anonymity serves to draw us into her trust and confidence as she navigates the very different conditions of worth as part of her new family life.

She was undiscovered through the demands of being part of a large family but slowly blossoms from the undivided attention of new carers. It is a short journey of gradual revelation and refinement of insight into how the social world works. An account of those first few steps from childhood, as well as a reckoning of what makes us feel valued and wanted.

We accompany the girl through the uncertainty of whether previous expectations will apply to this new set of circumstances. As social workers, we are always challenged by questions of resilience and adaptability of children in such situations. We can never know how most of the cases in which we play a role, will eventually unfold.

Claire Keegan has a way of emphasising how everyday habits and mannerisms, and moments of awkwardness and silence, can speak volumes for the belief we hold about ourselves and others. As the story unfolds, more is revealed about the background to the foster arrangement, and the child's contribution to the carer's state of mind following a loss of their own.

Claire Keegan's concept of lives in constant flux is framed within the shifting sands of circumstances which, more often than we dare admit, are simply beyond our control.

Paul Walker, Bank FCA

## And finally....

### *A Musing...*

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## Homage to the Family Court

If these walls could talk  
How they would chatter  
Of fears and aspirations shattered

If these walls could feel  
How they may sob  
For such a hard rewarding job

If these walls could sing  
How they may sound  
Of hope renewed and children found

If these walls could grow  
Their lichen moss.  
On corridors of grief and loss

If these walls could see  
How they would gaze  
On those who fair on life's hard stage.

Paul Walker

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The Editorial Board invites anyone reading this Journal to make contact, submit an article, send in details of a case or relevant experience, an interesting or controversial judgement, concerns about practice or commentary relating to codes and conditions of service, positive or negative. Book or film reviews that link in some way to our role are always welcomed, news about meetings, lectures, seminars, or training courses can be of interest. Submissions can name the author, be anonymous or sent as suggestions for the Editorial Board to undertake further research and create an article from the idea sent in. Anything submitted can be very brief or longer, serious, light-hearted, or even a quip. Cartoons are also welcomed.

The Family Court Journal is for all colleagues within Cafcass and further afield working with children and families, on the frontline or behind the scenes. The Journal strives to provide an interesting read that informs, educates, enthuses, entertains and most of all unites colleagues. It is also intended to stimulate new membership within Napo Family Court Section so please feel free to pass on a copy of the Journal in the hope that colleagues who have not yet become members will see that Napo is a credible, worthwhile, and focused trade professional association that works hard for the benefit of its membership.

The Family Court Journal needs to have a wide range of articles in each publication which will hopefully be produced at least biannually. However, this will only happen if sufficient material is received. The Editorial Board is doing its best to create articles, but it is hoped everyone will become equally invested. Time, commitment, and confidence are the key elements to creating a flow of ideas.