

# **Response to the Welsh Assembly Children's Committee on Parental Alienation for the evidence session on 5<sup>th</sup> June 2018**



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## **Introduction**

We thank the Committee for sharing with us the correspondence from the Minister and the research from CASCADE / Cardiff University. We have also reviewed the evidence session of the 1<sup>st</sup> May.

There is much assertion from Welsh Government / Cafcass Cymru that they recognise Parental Alienation and have the necessary tools to protect children from it.

We are very grateful to the Committee for their continued involvement with these complex and challenging issues about the protection of children in Wales. We believe that without the Committee's scrutiny the Welsh Government and Cafcass Cymru would not have now formally recognised Parental Alienation.

We are particularly pleased to note the Committee's action point from the 1<sup>st</sup> May evidence session to write to the Minister for Children and Social Care to ask for more detail of the future intentions of the Welsh Government and Cafcass Cymru to revise policies and pathways in relation to parental alienation, including training for staff. This is crucial in ensuring that social workers have the tools necessary to identify and tackle this insidious form of child abuse which is currently poorly understood by professionals.

## **Executive Summary / key points**

- Parental Alienation is NOT a 'syndrome' – it is an emotional and psychological abuse - primarily of the child - but also of the other ('Target') parent. Claims that the Family Justice and Child Protection systems already work well in recognising and dealing with Parental Alienation fly in the face of the facts. The Courts depend upon expert advice from Welsh Government to ensure they are making the right orders. This is a statutory duty under the Children Act 2004.
- Welsh Government / Cafcass Cymru currently have no systems in place and no structured training to recognise the emotional and psychological abuse of children through parental alienation in stark contrast to those of their opposite numbers in England (Cafcass). We were however delighted to hear in the evidence session on 1<sup>st</sup> May from Nigel Brown CEO of Cafcass Cymru that they

were now going to follow the proposed structure being adopted by Cafcass in England, and that this would be discussed in detail over the summer of this year with stakeholders through the Advisory Committee - of which we are a member.

- The literature review from Cardiff University is a confusing mixture that repeats the 'syndrome' mantra at various points and vacillates between suggesting that existing systems are already in place to tackle PA, denying that it exists / has any evidence base, and suggesting that more research needs to be undertaken.

### **NOT a 'syndrome'**

We welcome the Minister's clear statement to the Committee in evidence on 1<sup>st</sup> May that the Welsh Government recognise Parental Alienation and its effect on the child. However we were then surprised to hear him state that the Welsh Government preferred not to categorise this as a 'syndrome'.

The Welsh Government's position – despite the Minister's best intentions - remains confused and confusing. Our petition – and our evidence both to the Committee and to Welsh Government independently has **NEVER** used the term 'syndrome'. We see no merit in 'medicalising' a form of emotional abuse of children in that way, and cannot understand why Welsh Government consistently state in evidence to the Committee that it is NOT a 'syndrome'.

Our concern in relation to the use of the term 'syndrome' is that it demonstrates a lack of understanding of the reality of the issues. In a written statement coinciding with the Minister's evidence session to the Committee he said that:

*"We view parental alienation not as a syndrome or a classification, but as a set of behaviours. The most important issue for us is that these behaviours, when they occur, are appropriately dealt with using our family and parenting support programmes and the existing regulatory and legal frameworks."*<sup>i</sup>

Welcome as these comments and reassurance from the Minister are they stand in stark contrast to the words of Anthony Douglas CEO of Cafcass in England writing on the Cafcass 'blog' in November 2017<sup>ii</sup>

*'Recently in public we have been talking about the negative impact of parental alienation on children. I am glad we have brought this pernicious issue to the surface more. Many of our private law cases feature alienating behaviours in some form. They can cause significant emotional harm to children. However, I am worried that public debates can easily over-simplify a complex issue. Alienation is one type of adult behaviour which causes adverse childhood experiences. At worst it is emotionally violent. This is why I have suggested that alienation is a form of child abuse. It can have as devastating an impact as physical abuse and can lead directly to child or adolescent mental health problems and other impacts like disturbances to learning, such as not being able to concentrate in class.'*

## **Lack of training and systems for recognising alienation / public confidence**

The details of the training and development of Cafcass Cymru are not publicly available. We believe that this fact makes it very difficult for the Committee to properly scrutinise this important aspect of their work. We are aware however that the current Learning & Development Plan 2016-2019 has been published through a Freedom of Information request <sup>iii</sup> That document includes some significant information about the learning culture and the views of staff but includes nothing whatever about Parental Alienation.

The lack of transparency is also unfortunate for public confidence in the work of the organisation as this contributes to the feeling expressed to us by many parents that they have very little confidence in the professional judgement of Family Court Advisers. This is equally regrettable because children and parents depend upon Cafcass Cymru staff providing the correct assessment and advice to the Family Court to mitigate the conflict that they are experiencing around maintaining a positive relationship following divorce or separation. Our Welsh Dads Survey for 2017 included 110 responses about the personal experience of dealing with Cafcass Cymru services. The view was overwhelmingly a negative one with a ratio of negative to positive comments totalling 3.5:1 We always urge Cafcass Cymru – both in direct discussions and through our membership of the Advisory Committee to go the extra mile to make the way that they perform their work more relatable and understandable to parents as well as children.

More worryingly it seems that Cafcass Cymru staff have little confidence in the organisation in terms of training and development. In the foreword to the Learning & Development Plan 2016-2019 former CEO Gillian Baranski says:

*I am committed to CAFCASS Cymru being 'an open, outward-facing and dynamic organisation, enabling staff to be the best they can be'. Fundamental to this is building on our strong learning culture and providing the necessary training, learning and development to enable you to have the skills and knowledge to undertake your roles. **The people survey for 2016 identifies that only 51% of you think we do this well.** This is the year I am determined to turn that round.*

We are aware that individual FCAs have attended British Psychological Society approved training provided by Dr Sue Whitcombe. We are therefore asking the Committee to maintain its focus on the training aspect to ensure that frontline staff are equipped with the tools to be able to do their jobs effectively and to safeguard children appropriately.

Our sister charity Families Need Fathers is involved with Cafcass in England in detailed consultation on the development of a range of training, developmental and practice pathways – specifically around issues of parental alienation. We hope to be able to bring the learning from that experience into the development of more robust structures in Wales.

## **CASCADE literature review**

This is a curious and perplexing document that has clearly found favour within Welsh Government as evidenced by the Minister's comments in evidence to the Committee. We struggle to share his enthusiasm for the work which seems to have a number of fundamental flaws.

Firstly it repeats the 'syndrome' mantra though never fully explaining when it is using the term Parental Alienation Syndrome and when just the term Parental Alienation.

The review emphasises a lack of a robust definition – which again is a difficult concept because of the volume of literature on the subject and the clearly enunciated recognition of parental alienation by Cafcass in England. The listing of case law is somewhat helpful but is limited by the fact that publication of judgements are confined to cases heard at Circuit Judge level or above which is itself an extreme rarity with Private Law cases.

We urge the Committee and the Minister to review the presentation <sup>iv</sup> given to the Nuffield Foundation in 2011 by Professor Nick Bala of the Faculty of Law at Queen's University Canada – as this presents a concise overview of all of the issues that Cardiff University have struggled to come to terms with. That presentation draws upon the article published in the AFCC's Family Court Review <sup>v</sup> - which has consistently published articles from academics and practitioners about Parental Alienation.

We do however welcome Cardiff University's call for more research – particularly in a Welsh context – on the experience of Parental Alienation to drive and improve the response of child protection professionals at all levels within the system.

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<sup>i</sup> <https://gov.wales/newsroom/health-and-social-services/2018/parents/?lang=en>

<sup>ii</sup> <https://www.cafcass.gov.uk/2017/11/27/alienation-rarely-exists-isolation/?highlight=Parental%20Alienation%20pathway>

<sup>iii</sup> <https://www.whatdotheyknow.com/request/410123/response/996213/attach/4/CAFCASS%20Cymru%20Learning%20and%20Development%20Plan.pdf>

<sup>iv</sup>

<http://www.nuffieldfoundation.org/sites/default/files/files/Alienation%20UK%20July%2013%202011%20Bala%20Presentation.pdf>

<sup>v</sup> <https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1744-1617.2009.01296.x>