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David J Rowlands
Chair Petitions Committee
National Assembly for Wales
Cardiff Bay
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CF99 1NA

30th May 2018

Dear Mr Rowlands

Re: Petition P-05-0751 - Recognition of Parental Alienation

Further to my evidence before the Committee in January 2018, I have been invited by the petitioner to respond to the recent letter to the Committee from the Minister for Children, Older People and Social Care dated 16 May 2018.

It is important to recognise that the alienated state in a child arises out of the behaviours of one or both caregivers. Such alienating behaviours are common, as evidenced in the research literature (Harman, Biringen, Ratajack, Outland, & Kraus, 2016; Harman, Leder-Elder, & Biringen, 2016). However, not all children exposed to alienating behaviours become alienated. There are many mitigating and mediating factors. It is important that these behaviours and factors are fully acknowledged and recognised by practitioners, including where the intervention of services and practitioners unwittingly perpetuates alienation.

It needs to be acknowledged that a child's resistance or refusal to spending time with a parent is a psychological defence and a sign that the child has underlying psychological distress. There is often a failure to recognise this distress when a child seems to be functioning well in other aspects of their life. While there is an appearance of coping, there is a risk of lifelong psychological dysfunction and harm. Failure to undertake an early assessment of the aetiology of the signs and symptoms in a child leads to inappropriate interventions which may themselves cause harm.

I agree that there is likely a sufficient range of powers to deal with cases where alienation is a factor. However, my experience as a psychologist who works within the Family Court in Wales suggests that that there is often a failure by front-line practitioners to identify alienation and contributory behaviours and take appropriate action at the earliest opportunity. It is rare that there is a recommendation for an early Fact Finding hearing to determine the veracity of allegations. It is rare to have children represented by a 16.4 Guardian at an early stage, despite this being recommended where:

- the child has a standpoint or interest which is inconsistent with or incapable of being represented by any of the adult parties
- where there is an intractable dispute over residence or contact, including where all contact has ceased, or where there is irrational but implacable hostility to contact or where the child may be suffering harm associated with the contact dispute
- where there are complex medical or mental health issues to be determined or there are other unusually complex issues that necessitate separate representation of the child
- where there are serious allegations of physical, sexual or other abuse in relation to the child



Chartered Psychologist

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To date, I have not worked on a case in Wales where there has **not** been an allegation of abuse in relation to the child. Ultimately, the majority of these allegations are found to have no basis or to be unproven. The presence of allegations serves to fracture the child-parent relationship, enabling the furtherance of an alienated state. The failure to act promptly and appropriately means that alienation becomes entrenched. Children remain at risk of significant harm and the likelihood of effective outcomes is reduced. Further, where the behaviours are identified at an early stage, practitioners often do not intervene appropriately and do not have access to the necessary interventions. In my experience, there is often a history of failed inappropriate interventions, which further exacerbate the alienation.

With regards to the training and skills of Cafcass Cymru practitioners and the supervision of their practice. It is evident from my work as an Expert Witness that there are cases where alienation is a factor which have not been correctly identified. This is most apparent where cases return to Court, and a newly appointed FCA or Guardian subsequently identifies the presence of alienation factors. There is inconsistency in the knowledge and skills of practitioners. Of concern are those cases which do not return to court due to the lack of care-giver resources, including funds, and a belief that the system is ineffective. These children then slip through the net, remaining at risk of harm and placement with an abusive parent.

I have worked with many local authority social workers and Cafcass Cymru FCAs and Guardians. Almost universally they have indicated to me that they do not have sufficient knowledge in how to intervene appropriately. Where they have the knowledge, they often find it difficult to put the case across in a manner where their recommendations are taken on board. I regularly receive calls from practitioners in Wales, asking for my advice on how to proceed. Practitioners indicate that the number of cases is growing, and that there are many more cases than the few suggested by the leadership at Cafcass Cymru. I would urge the Petitions Committee to seek evidence, anonymously, from front-line practitioners in Cafcass Cymru and local authority Children's Services who may feel unable to openly put their views across.

I am aware that there is often conflation of "implacable hostility" and alienation. There is a tendency to conceptualise cases as ones of conflict and hostility, apportioning equal blame to both parents, without adequately exploring the factors in the case. Hostility is often symptomatic of the alienation process, not causal as it is often conceptualised. In other cases, conflict and hostility is absent, yet the child is severely alienated.

It is to be hoped that the Cafcass Cymru proposed learning and development plan for 2018-19 will incorporate a sufficient understanding of the complexity in cases where alienation may be a factor, rather than conflating "implacable hostility" and alienation. I would urge Cafcass Cymru to consult with Cafcass in England who appear to have taken on board the input and feedback from experts, practitioners and stakeholders in the UK and elsewhere in the development of their Private Law Pathways. While I am not at liberty to comment on their proposed Pathways as they have not yet been finalised, proposals acknowledge the complexities and multiple interrelating factors that influence a child's resistance or refusal to spending time with a parent. These factors include alienation, conflict and domestic abuse.

With regards to the CAWAC. My understanding is that this is a tool used to assess the impact of a child living with inter-parental conflict. As already stated, alienation does not always involve conflict. My understanding is that this is an in-house tool, commissioned by Cafcass Cymru. I am not aware of any independent or peer reviewed literature which would enable a critical analysis of this tool and would welcome the opportunity to read any that is available. As a psychologist, I am required to use evidence-based and evidence-informed assessment tools and methods. The recent *Annual Research Review* by Harold and Sellers (2018) highlighted the need for a renewed focus on early assessment where there is a risk to child outcomes and the need for practitioner training using standardized assessment tools for profiling the quality of the inter-parental relationship. The validity and reliability of any test or tool used must be open to scrutiny, and my selection of any tool is often the subject of cross examination in the Court. It is not sufficient to state that a tool is valid and reliable, without the evidence to support this.

With regards to the use of the CAWAC in cases in which I have been instructed. The CAWAC has been used minimally. It has been used in cases where alienation is present, acknowledging the presence of conflict and the impact on the child, but failing to identify the root cause of the conflict and as a consequence, an appropriate way forward. It has also not been used in cases where alienation is present. In my experience its use is inconsistent. Perhaps Cafcass Cymru could produce figures around its use and effectiveness in leading to appropriate outcomes.

With regards to the *Social Service and Well-being (Wales) Act*. I have particular concerns that requests for assessments by parents who are perceived as “non-resident” are not sufficiently considered. Often a parent’s legitimate concerns about the emotional well-being and mental health of their child is dismissed as an issue of “contact”, with advice to seek legal advice and initiate Private Family Law proceedings. Further, there seems to be a lack of provision and early intervention for separating families where alienation may be a factor, with Local Authorities offering inappropriate support.

As a professional who has a duty to report safeguarding concerns, I have had a variable response from local authorities. Children who are alienated are a safeguarding concern. In most cases they are experiencing psychological distress. In some cases they have been subject to psychological abuse. While this is acknowledged by some practitioners in some local authorities, in others it appears to be dismissed without further investigation. While my duty is to report, I am faced with the knowledge that by reporting to authorities where there is insufficient knowledge, I may be exacerbating the situation for a child.

I have not had the opportunity to fully digest the Cascade report at this time, although I have noted the absence of some key journal articles in relation to the psychological effects on those who were alienated as a child. In addition, I am of the opinion that some important texts were sifted out by the selected methodology. It is important in considering alienation to consider structural factors which perpetuate it and protect children, such as shared parenting. I have included a short bibliography below.

In summary, I would urge the Petitions Committee to survey the child and family workforce – those in social care in local authorities and working for Cafcass Cymru; those who work in family support and in supervising parent-child time. I am confident that they would find a different picture to that portrayed by the Government and the leadership in its agencies.

Yours sincerely



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Cc: Paul Apreda

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