



Safe not sorry:

Key issues raised by research about the impact of domestic violence on women and children and arrangements for child contact

Christine Harrison and Ravi Thiara
Centre for the Study of Safety and Wellbeing
University of Warwick



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Context – the literature review

1. Examined the risks posed for children's safety and wellbeing of the presumption of contact following parental separation
2. Drew extensively on what we know about domestic abuse and violence and its impact on women and children
3. Identified what will improve the safety and wellbeing of children when arrangements for child contact are made where there is a history of domestic violence

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Persisting concerns about violence and safety

- One quarter of children in the UK will have separated parents (Hunt and Macleod, 2008)
- 15% of separations lead to court applications, and in over 80% of these there will have been dv
- Acute fears about children's and women's safety when there is contact in the context of dv (Wassoff, 2007; Trinder, 2013)
- Yet, for these children, contact will be of little benefit (Sturge and Glaser, 2000)
- Current UK government reforms assume shared parenting



Grounding concerns in the evidence

Physical - pushing, shoving, punching, biting, scratching, pinching, slapping, shaking, suffocating, strangling, 'fun' fights, choking, cutting, burning, genital mutilation and 'honour' violence

Psychological and emotional - isolating, name calling, constant criticism, belittling, accusing, undermining, contradicting, swearing, hurting pets, undermining parenting threatening the children

Sexual - rape, demeaning sexual practices, forced sexual contact or acts with others, pimping, pornography, ignoring religious prohibitions, unsafe sex, forced marriage

Financial - stopping a woman from working, withholding money, gambling, taking money from women, not paying child maintenance, financial irresponsibility

- Women over 90% of victims
- Rarely only one form of abuse and escalates over time
- It happens where children are meant to be safe
- Pervasive and erodes aspects of children's lives that confer protection and resilience

- Interferes with/undermines the child's relationship with her or his mother
- Coercive control now a criminal offence

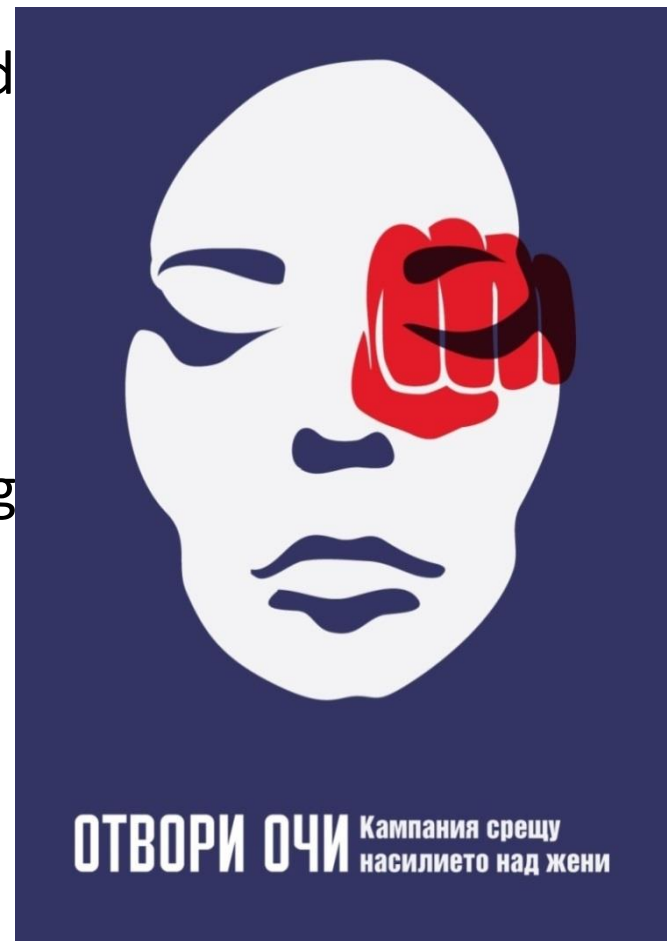
The extent and nature of domestic violence

- One of most frequently reported serious crimes – 25% of violent crime in the UK
- More likely to result in injury than other violent crime
- Often commences or escalates during pregnancy
- Women are abused between 30 and 35 before they take action
- Cuts across all class and ethnic groups
- For disabled women, black and minority ethnic women, refugee and asylum seeking women and lesbian women, discrimination increases fears about approaching agencies

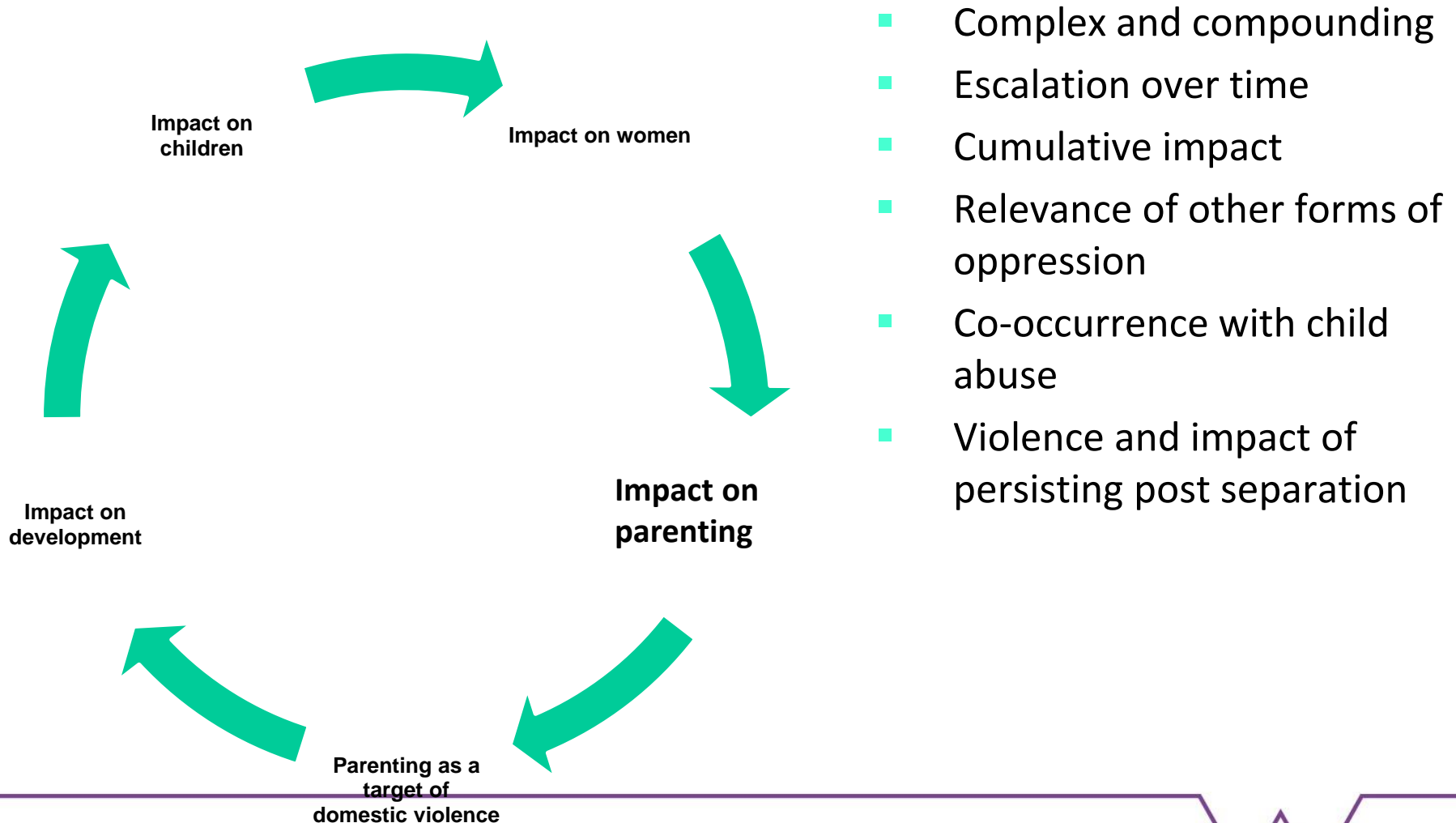


The impact on women of domestic violence

- Cause of physical injury and disability
- Implicated in miscarriage, still birth and foetal damage
- Significant psychological impact - fear, shame, isolation, loss of independence (Katz, 2015)
- Elevated use of alcohol/drugs as coping strategy (Tolman and Rosen, 2001)
- Increased likelihood of post-natal depression (Flach et al., 2011)
- Post-traumatic stress disorder (Jones, 2001)
- Undermines women's parenting (Thiara and Breslin, 2006; Lapierre, 2008)



Domestic violence affecting relationships between women and their children



Domestic violence and children

- Affects substantial numbers of children: Department of Health estimates 750,000 each year
- Nearly 25% of children during childhood (Radford et al, 2011)
- Where there is violence against women, in between 75% and 90% children will be witnesses (Morrison, 2009)

It used to happen behind closed doors. But I used to know and I would see the bruises she had before that (12 year old white girl , Mullender et al, 2002)

Domestic violence and the impact on children

- Children affected in many ways – some more than others
- Severity and chronicity are significant
- Age, gender, disability, stage of development
- Other aspects of discrimination and oppression
- Resilience and protective factors
- Aggression, destructiveness, defiance
- Anxiety, depression, fear, low self esteem
- Profound feelings of powerlessness

I feel so helpless
(ChildLine)

I am ashamed of
him. I can't tell
anyone because
they will know I
haven't got a
proper Dad
(ChildLine)

Responsibility Loss

Terror

Fear
Despair

Guilt

Anger Confusion

Helplessness

Hopelessness

Divided Loyalty

Sadness
Worry

Domestic violence and its impact on children, before and after separation

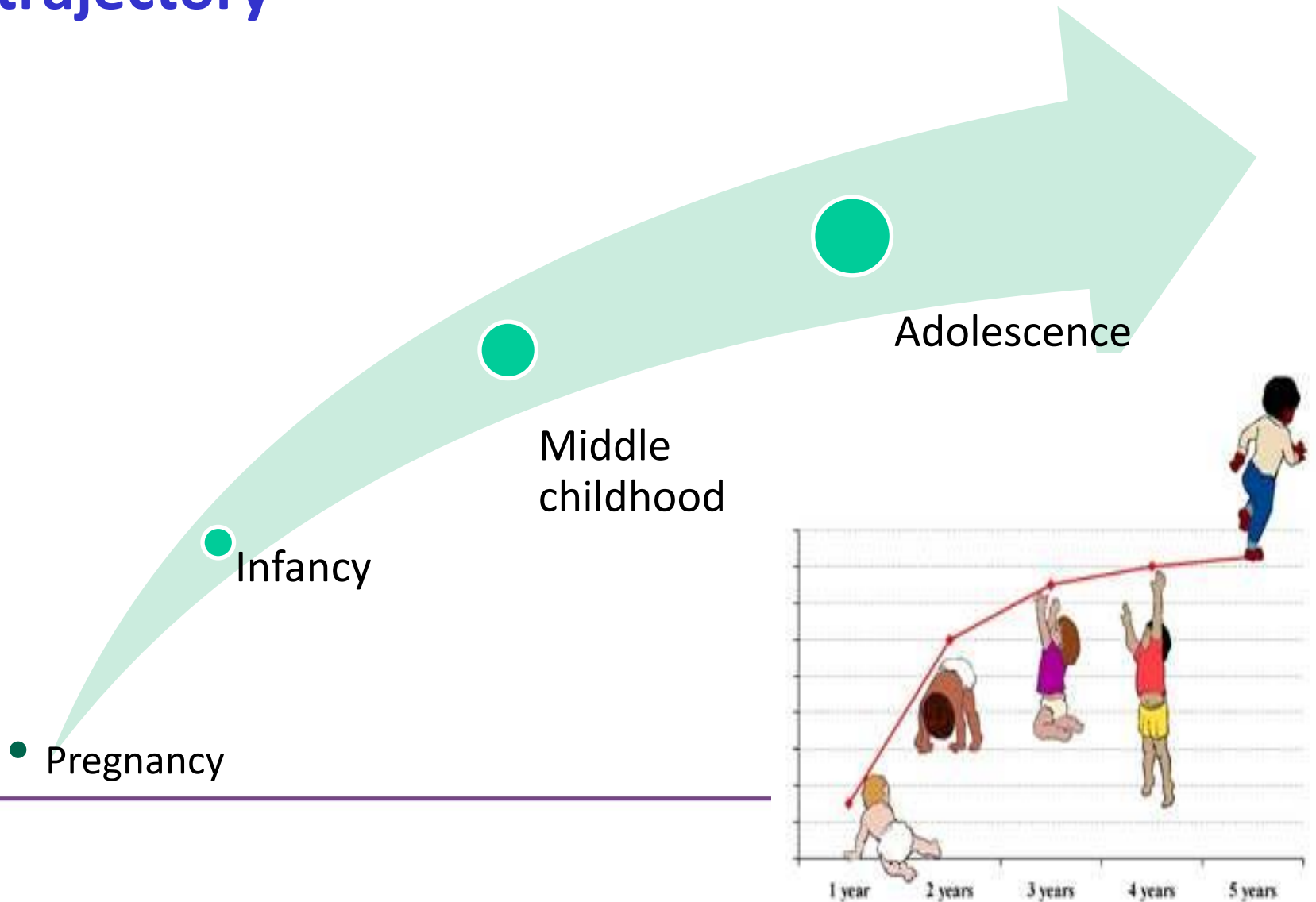
- A major source of adversity for substantial numbers of children (Mullender et al 2002): up to one in three (Radford et al., 2011)
- In 2014/2015 nearly 50% of children in need were exposed to dv
- This includes from coercive control (Katz, 2015)
- Direct and indirect violence can be pervasive, permeating every aspect of day to day life (Morrison, 2009)





- The complex impact of domestic violence affects emotional, social, psychological and behavioural development with short and long term implications (Postmus and Merritt, 2010)
- When children also face other forms of discrimination, such as poverty, racism or homophobia (Sokoloff and Dupont, 2005), the harmful impact of domestic violence can be exacerbated.
- May also include perpetrator's violence (for example, in the form of racist abuse towards a child).
- Women and children in perilous positions

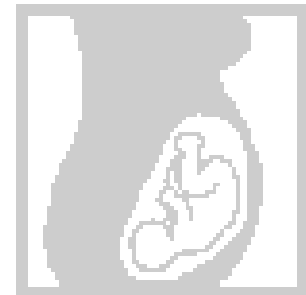
Thinking in terms of a developmental trajectory



Before birth

- Over 30% of violence commences during pregnancy
- 40% - 50% of women experiencing domestic violence are abused during pregnancy
- Pregnancy as a source of sexual control
- Violence implicated in decisions about termination
- Associated with elevated risk of miscarriage, intrauterine growth retardation, ante-partum haemorrhage and perinatal death, pre-term delivery
- Serious violence in pregnancy a risk factor for domestic homicide
- Attack on the relationship between a mother and her baby

We had a relationship for ten months, the last five months of which I was pregnant and the relationship broke down because of his violence.....very abusive...broken nose, black eye, broken ankle..it was very severe violence...this was while I was pregnant mother (mother attending supported contact centre)



Infancy

- Women frequently report:
 - being hit whilst holding babies
 - being prevented from responding to their babies
 - High levels of tension, anxiety and stress
 - Their babies' overt distress, crying and impact on sleep patterns
- Impact on neurological development
- Implicated in non-organic failure to thrive

He's only four but he remembers everything and that's so sad. That's the saddest thing of all (mother supervised contact)

He used to shove Joe in his bedroom (when he was 2) and shut the door so he couldn't get out. I don't think that gives you the right to be a father (mother supervised contact)

The middle years of childhood

- Intensification of behavioural and emotional impacts: withdrawal: behavioural difficulties: self esteem and confidence affected
- Indicative of complex and contradictory feelings
- Overlooked or misconstrued – ADHD?
- Problems in relationships with adults and peers
- Experiences of children parallel those of women – compromise of relationships
- Understandings shift and change

I might run away because of my dad, because he throws me against the wall. Sometimes he hits me, so I might run away and I'm not having a nice life (8 year old girl Canadian research)

He always used to say that she hit him first and she started it. But she didn't (Mullender et al., 2002)

Young people

- Feelings of responsibility, guilt and anger
- Despair and powerlessness
- Escape through educational attainment
- Escape through risky activities
- Youth homelessness and mental health issues
- Trying to intervene
- Directing anger toward mum – increase in estrangement
- The most distressed women and the most distressed young people

I was punching him and my mum was crying
(Thiara and Gill, 2012, p.44)

I used to feel I was bleeding inside (15 year old girl, Mullender et al., 2002, p.110)

The connections between domestic violence and child abuse

- Domestic violence often co-occurrence with child abuse: the more severe the domestic violence, the more likely the overlap
- Correlation of between 30% and 60% (Edleson, 1997)
- Where child protection conferences convened dv is known to be present in between 75% - 80% (DoH, 2015)
- Post-separation violence is very harmful and occasionally fatal (Women's Aid, 2016)

My dad used 2 hit me and my sisters and every week he used 2 come home drunk and hit me and my sisters... he hurts my mum and us and I feel sad and I don't want 2 see him again. Jay, young person writing on Barron's message board. (Barron, 2007:7)

The significance of post separation violence – contra-indicates contact

- Violence often commences or escalates after separation
- A UK study (Humphreys & Thiara, 2002), found that 76% of women using refuges experienced further abuse, and 36% persistent post-separation violence.
- Women and children living with post-separation dv the most distressed in the population (Bagshaw, 2007)
- Threats or proceedings used to protract conflict impede mothers' and children's recovery
- Murders of women and children where there is a history of dv often occur at separation (Smith et al, 2011), including during child contact (Women's Aid 2016)

He still follows my mum. He's always been standing outside and my mum kept telling the police but the police don't arrest him...(Thiara and Gill, 2012: 45)

Domestic violence and child contact

- Emphasis on the role of the father in the post-separation family has displaced considerations of children and women's safety and wellbeing, reinforcing persistent concerns about the failure of family courts to take account of domestic violence
- This minimisation has led to unsafe contact arrangements
- Domestic violence features in 60-70% of Child and Family Court Advisory and Support Service caseloads (Home Affairs Committee, 2008) and in 70-90% of cases going to the family courts (this includes public as well as private law proceedings) (HMICA, 2005).

Contact
at any
cost?

Judicial
failure to
protect?



A presumption in favour of child contact?

- Fewer than 1% of applications for contact are refused, even when there is a history of violence (Aris and Harrison, 2007; Giovannini, 2011).
- All professional groups involved are implicated
- Direct unsupervised contact is routinely granted when concerns about abuse are prevalent
- Pronounced lack of understanding about the effects of domestic violence on women and children.
- The foregrounding of fathers' rights, rather than the welfare of children, reinforces the presumption of contact in private law (Smart, 2004).

In general, non-resident parents applying for contact are likely to get it unless they withdraw, drop out or do not turn up (Thiara and Harrison, 2016, p8)

Listening to children's voices and children's perspectives on contact

- Children's wishes and feelings should be sought, represented and taken into account in the decision making process (Section 1(3) Children Act 1989)
- Latitude in how sought and taken into account (Caffrey, 2013)
- Complex mixture of feelings experienced by children affected by domestic violence: fear, dread and ambivalence are prominent (Buckley et al., 2007; Bagshaw et al., 2011; Thiara and Gill, 2012).
- A selective approach in court – children believed if they say they want contact, but likely to be ignored or over-ruled if they say they do not want contact (Holt, 2011).
- Children want to be consulted (Houghton, 2006, Bagshaw et al., 2011)



- Research provides clear examples of children having been coerced into having contact against their clearly articulated wishes (Harrison, 2008; Holt, 2011; Thiara and Gill, 2012).
- Children's also provide evidence that they experience harm as a result of contact arrangements, including from fathers' rigid requirements that do not recognise children's needs and more serious welfare concerns about direct abuse during contact (Holt, 2011):

He's just bold....he'll hit ya (Sean, aged 7) (Holt, 2011: 341)

Caffrey (2013: 379) concludes that 'it seems there is a pressing need to emphasise the capacity of children and babies of all ages to have and articulate wishes and feelings, which are important in terms of their safety and wellbeing'.

Child contact as a site of domestic violence

- Violence frequently intensifies after separation with sometimes fatal consequences
- Contact arrangements are used to perpetuate abuse against women (Hester and Radford, 1996; Radford et al., 1999), even when there are high levels of supervision (Aris et al., 2002; Harrison, 2008).
- Child contact often replaces the intimate relationship as the avenue for men to control women (Eriksson and Hester, 2001)
- Includes violence before, during and after contact

We lived in 13 different places, he kept following us so I kept having to move. He wanted us to live together again. He became more violent abusing me in the street in front of my son. (Celeste; Coy et al., 2012: 27).

Are women implacably hostile?

I haven't got a prison record, I'm not a drug user, I've never been violent and yet I'm looked at as if I'm implacably hostile, which is the term that is always used, because I don't feel happy with my child seeing his father (mother whose ex-partner had served a custodial sentence for domestic violence)

- Concepts of 'implacable hostility' and 'parental alienation' continue to have much traction among professionals (Radford and Hester, 2006; Harrison,
- There is very little evidence to support the concept of the 'implacably hostile mother', which has been described as a professional construct (Trinder et al., 2013; Barnett, 2014). Hunt and Macleod (2008) showed that implacable hostility is rare, present only in around 4% of cases.
- the reverse has been found – to a surprising degree, resident mothers who have experienced domestic violence try to promote contact (Hunt and McLeod, 2008; Thiara and Gill 2012; Morrison, 2015).



Minimising the impact of domestic violence

- At each stage of the judicial process factors combine to disqualify and marginalise women's accounts of domestic violence and its impact (Coy et al, 2012)
 - Women are often accused of using allegations of domestic violence to prevent contact, something that negates women's capacity to narrate their own experiences in credible ways
 - Even men with corroborated histories of violence are readily rehabilitated (O'Sullivan et al., 2006)
 - The attitudes of professional loom large - MacDonald's (2014) examination of welfare reports in 70 contested contact and residence applications considered how domestic violence was taken into account
- In the vast majority of cases contact was seen to be a desired outcome. In support of this, domestic violence was viewed as a mutual issue between parents and/or relegated to the past. **This separated dv from child welfare concerns in ways entirely at odds with the substantial research literature reviewed**

Men and their fathering

- Differences between public and private law in the construction of men and women
- An over-estimation of abusive men's parenting capacity (Radford and Hester, 2006).
- Men frequently blame others, including children, for their abusive behaviour and take little responsibility themselves (Harne, 2004 and 2011).
- Women often describe abusive men as having been disinterested in children's care before separation, and unfamiliar with children's developmental needs
- Reflected in sometimes neglectful care during contact (Kaye et al., 2008; Thiara and Gill, 2012)
- Viewing men's violence as past behaviour is dangerous for children and women

And they said to me, 'Oh, he's so lovely' and 'Oh, he's so attractive'. And I would think, hang on a minute. This is the man you know who beat me up. On two occasions he threatened or tried to rape me, has beaten up my daughter, has done lots of things (Mother attending supervised contact centre). (Harrison, 2008: 398

The Family Court

- Two changes introduced by the *Children and Families Act 2014* are relevant and may reinforce a presumption in favour of contact
 - Child Arrangements Order
 - Mediation prior to litigation
- Changes to ensure early consideration of dv have not been effective (MacDonald, 2014)
- A repeated finding is that women's health, wellbeing and self-confidence are undermined by domestic violence;; they find private law proceedings anxiety provoking, confusing, lengthy and disruptive (Kaye et al., 2008)
- Often impossible for women to meet evidential requirements Coy et al., 2012; Thiara and Gill, 2012)

The research suggests that risk and dangerousness are not adequately assessed leading to domestic violence being marginalised or ignored at every stage in the decision making process (Aris and Harrison, 2007; Kaye et al., 2008).

Child and Family Court Advisory and Support Service



- Plays a pivotal role in assessing the impact of domestic violence
- The Domestic Violence Toolkit was positively viewed and appeared to improve practice- concerns about withdrawal are acute
- Inconsistent practice amongst Cafcass workers and evidence of stereotyping of BME families (Prevatt-Goldstein, 2009)
- Need for greater understanding of the dynamic risks of domestic violence, particularly post-separation (Harne, 2009)
- Women have mixed experiences, but common view s include that Cafcass do not believe women, hold them responsible and do not spend enough time getting to know children
- Finding of Fact hearings – do not conform to Practice Direction 12J) and are not sufficiently effective (Coy et al, 2012)



The impact of changes to legal aid

- Legal aid vital to secure safety and justice for women and their children
- Lack of eligibility leads to debt and contributes to child poverty (Coy et al., 2012)
- The *Legal Aid, Sentencing and Punishment of Offenders Act 2012*, withdrew legal aid from private family law proceedings with exceptions for domestic violence
- Marked increase in proceedings where mothers and fathers are litigants in person (LIP) (Trinder et al., 2014).
- Impacts on how children's needs and interests are determined.



Many genuine victims of domestic abuse are unable to meet the restrictive criteria set by the Legal Aid Agency. (FCUPG, 2014: 9)

Lack of recourse to public funding and the children of women seeking asylum

- Limited options for safety and recovery for women and children
- Indefinite leave to stay under Domestic Violence Rule?
- Some local authorities will help, but a study of London refuges found that out of 223 women without recourse, only 19 women (with 16 children) were accepted for support
- Absence of settled immigration status for women, means that child contact and the threat of abduction can be used by abuser to prolong violence (Sharma and Gill, 2008)

The complex combination of political, economic and social factors that immigrant women experience makes them particularly vulnerable to domestic violence. (Voolma, 2014,

Domestic violence and the significance of harm

- Significance of chronicity and severity; mothers' resources; many moves
- Rarely only one form of abuse and escalates over time
- Happens where children are meant to be safe – induces terror and confusion
- Pervasive - systematically erodes aspects of children's lives that confer protection and promote resilience
- It often undermines the mother – child relationship

Findings support other research that suggests that family violence (domestic violence and child abuse) can lead to children feeling unsafe in the company of a violent parent, some for many years following violence. (Bagshaw et al., 2011)



What women want and need

- Diverse but coordinated range of services, based on strong inter-agency working (Laing and Toivonen, 2012)
- Services that build self-confidence and coping mechanisms - can also benefit children and help rebuild relationships between mothers and children (Humphreys et al., 2011)
- Empowering approaches (including advocacy and outreach) that enhance women's abilities to access services; this reduces social isolation and improves safety and mental health (Laing and Toivonen 2012)
- The inclusion of emotional support – and this enhances women's ability to benefit from other service (Hester and Westmarland, 2005)
- Support groups are regarded as particularly effective at providing emotional support (Abrahams, 2007; Thiara and Harris, 2014).

What children say they want and need

- ✓ To be safe and to feel safe
- ✓ Not to be viewed as passive victims
- ✓ Maintaining strong relationships with their mother or other adult/s, with help and support when necessary,
- ✓ Recognition of resilience and coping strategies
- ✓ Activities and emotional support that foster self-confidence and self esteem
- ✓ Being informed and actively involved in finding solutions and ways forward
- ✓ A range of different services to take account of diverse needs
- ✓ Services for mothers and children together and separately

It was the worst part of my life – constantly being shouted at, frightened, living in fear. You will never know what it is like.....thinking that every day could be your last day (16 year old Asian woman, Mullender et al., 2002)

Children need someone to talk to. Because if they're like me, sometimes I'm really sad and I need someone to talk to (9 yr old white girl, Mullender et al., 2002)

Survive, recover, surpass

- Naming, belief, safety
- Social and criminal justice
- Primary preventive anti-violence measures
- A range of interlocking services and interventions
- Practical and therapeutic help



The first principle of recovery is empowerment
(Herman, 2000: 132)