

# Ofsted Inspection of CAFCASS

## Submission from Support Not Separation, Disabled Mothers' Rights Campaign & Women Against Rape

### Introduction

The [Support Not Separation](#)<sup>1</sup> (SNS) Coalition (co-ordinated by Legal Action for Women) includes organisations of single mothers, women of colour, women with disabilities, rape/domestic abuse survivors, breastfeeding advocates, psychotherapists, men and social workers. We defend mothers and children against unwarranted separation and the devaluing of the mother-child relationship. We are in contact with hundreds of mothers and other primary carers, and children, family law professionals, organisations and concerned individuals.

In January 2017 Legal Action for Women published our Dossier [Suffer the Little Children & their Mothers](#)<sup>2</sup> which documented 56 cases of mothers fighting in the family courts to stop violent fathers having unsupervised contact or residence of children, and against children being forcibly taken into care and/or adopted. In July 2021 we updated this [research](#)<sup>3</sup> based on the experiences of 219 mothers of 411 children. At least **76% of the mothers had suffered domestic violence and many had been accused of “parental alienation” in family court when they reported the violence.**

The [Disabled Mothers' Rights Campaign](#)<sup>4</sup> DMRC, co-ordinated by WinVisible) brings disabled mothers together to defend our right to have and to keep our children. We campaign to stop the cruelty and discrimination we face from social services and the family courts which use mothers' requests for council support as an excuse to label us “unfit” and take our children from us. DMRC is part of the SNS coalition.

[Women Against Rape](#)<sup>5</sup> (WAR) is one of the member organisations in SNS. It has been particularly involved in documenting victims' experiences of “parental alienation” and this was at the forefront of its lobbying during the passage of the [Domestic Abuse Act](#). Since 1976 WAR has taken up thousands of individual cases, setting a number of legal firsts. It campaigns for justice, asylum, protection and compensation, and has won changes in the law such as getting rape in marriage recognised as a crime.

Together we have worked for decades with mothers fighting to keep their children (Legal Action for Women was founded in 1982). In the last 10 years a growing movement of mothers, especially single mothers, struggling to protect our children from violent fathers has exposed a family court system which backs these abusers rather than the victims of their domestic and/or child abuse.

---

<sup>1</sup> <https://supportnotseparation.blog/about/>

<sup>2</sup> <http://legalactionforwomen.net/wp-content/uploads/2017/01/LAW-Dossier-18Jan17-final.pdf>

<sup>3</sup> <https://supportnotseparation.blog/2021/07/21/new-research-showing-that-children-are-being-arbitrarily-removed-especially-from-mothers-who-report-fathers-domestic-violence-and-child-abuse-and-that-forced-adoptions-are-not-a-thing-of-th/>

<sup>4</sup> <https://winvisible.org/disabled-mothers-rights-campaign/>

<sup>5</sup> <https://womenagainstrape.net/>

Our evidence is based on extensive collective self-help casework with hundreds of women and on campaigning. We run monthly self-help meetings where mothers share their experiences and a number of organisations contribute their expertise. The mothers we work with have had extensive contact with multiple CAFCASS professionals across the UK.

Our submission will draw attention to CAFCASS' approach to:

1. "Parental Alienation" or "alienating behaviours"
2. Domestic Violence
3. Presumption of Contact and "parental alienation"
4. The fathers' lobby
5. Disability

## **The myth of "parental alienation" or "alienating behaviours"**

We are alarmed that the term "parental alienation" was used in Ofsted's inspection framework for monitoring CAFCASS. It is urgent for OFSTED to acknowledge the substantial and growing international recognition of the *illegitimacy* of so-called "parental alienation" – "parental alienation" should NOT be a feature of its monitoring. This is particularly crucial because CAFCASS continues to refer to "alienating behaviours" in their guidance and we know from our own research that CAFCASS officers continue to refer to "parental alienation" in their daily work with parents.

"Parental alienation" (referred to from now on as PA) was invented by a discredited [US psychiatrist](#)<sup>6</sup> who denied domestic violence and promoted *paedophilia* – a fact which is constantly ignored by those who perpetuate its use. PA has no basis in science and there is no agreed definition of PA. It is the product of an industry borne of misogyny in family courts that seeks to maintain the control of any father even those with a history of violence, over his ex-partner and children.

The term "alienating behaviours" (referred to from now on as AB) is simply "parental alienation" by another name at a time when PA has been rejected by a number of countries, including Scotland Italy and Spain and by the World Health Organisation and the United Nations (see below).

There is broad international official acknowledgement that abusive and violent behaviour by men against women and children in the home (as well as outside) is rife, so it is a scandal that CAFCASS continues to invoke PA or AB to allow fathers accused of domestic and/or sexual violence against mothers and/or children to get away with it. In fact, CAFCASS officers are often first to minimise domestic violence and accuse mothers of PA in their reports, continuing to "diagnose" "alienating behaviours", or attributing violence against the mother to a "toxic" relationship where victim and perpetrator are conflated. Once this happens, investigations, including criminal investigations, against the father for his violence against the mother and(or child/ren are usually dropped, and attention is shifted onto the mother to disprove that *she*, the victim, is not guilty of PA. Professionals are quick to dismiss children who refuse to see their father and have revealed sexual or

---

<sup>6</sup> <https://www.independent.co.uk/news/obituaries/dr-richard-a-gardner-36582.htm>

other violence by him, and instead blame mothers of PA to force children into unwanted contact, prioritising a father's "right to contact" over the child's expressed wishes, fears and safety.

CAFCASS has been a prime mover of PA in the family courts, and because they are supposed to represent the interest of the child, other social workers, psychologists and psychiatrists often take their cue from them. CAFCASS, along with other professionals, routinely dismiss the protective bond between mother and child, recommend the removal of children from their mother and the splitting of siblings. We have been involved in cases where they recommended that children go into foster care in order to force them into contact with fathers. It is not uncommon for CAFCASS to threaten children, who fear their fathers and/or have reported violence from them, with being taken from their mothers unless they submit to seeing their fathers.

Judges do not hear expert evidence on the devastating impact and lifelong trauma caused to children by being taken from their mother – their primary carer – and put into the "care" of strangers and/or of a man they fear. Children are ordered by courts into "therapy" to persuade them to set aside their fears and anger against violent fathers. Some we have worked with have even been threatened with adoption if they did not comply, which would deprive them of their mother altogether. This is child abuse.

There can be no "good practice" using PA/AB. Family courts have until recently evaded public scrutiny because of the rules on secrecy, and this has allowed PA claims by abusive fathers to mushroom.

Together with other women's organisations and individuals, we successfully fought against the inclusion of PA as a form of domestic abuse during the passage of the [Domestic Abuse Act](#)<sup>7</sup> and against its inclusion in the Act's [Statutory Guidance](#)<sup>8</sup>. This had been put forward in a blatant attempt to hijack legislation designed to protect victims of domestic abuse – overwhelmingly perpetrated by men against women and children – so that it would protect the perpetrator rather than the victim. This attempt was defeated and we will continue to fight against any attempt to use PA/AB to reinstate men's power over women and children.

Given CAFCASS's unique position in family court proceedings, it is of grave concern that they continue to refer to AB, using the concept of PA in all but name. OFSTED must address this during its monitoring of CAFCASS and question why CAFCASS are so hostile to women victims of domestic abuse who should be protected, for their own safety as well as the safety of their children, rather than punished.

## **Domestic violence is dismissed in favour of perpetrators**

Following the [Harm Report](#)<sup>9</sup> produced by the Ministry of Justice in June 2020, CAFCASS acknowledged the shortcomings in their response to children and families where there is

---

<sup>7</sup> <https://supportnotseparation.blog/2021/03/09/good-news-victory-against-parental-alienation-8-march/>

<sup>8</sup> <https://supportnotseparation.blog/2022/07/20/victory-parental-alienation-removed-from-the-domestic-abuse-act-guidance-notes/>

<sup>9</sup> <https://consult.justice.gov.uk/digital-communications/assessing-harm-private-family-law-proceedings/results/assessing-risk-harm-children-parents-pl-childrens-cases-report.pdf>

domestic abuse. Yet despite setting up a [Domestic Abuse Improvement Plan](#)<sup>10</sup> CAFCASS guidance and day-to-day practice of family court advisors largely disregards the fact that **domestic violence is a gendered crime** (as defined by CEDAW)<sup>11</sup>. **Two to three women every week are murdered by a partner or ex**, often despite women having reported to the police many times. Between April 2019-March 2020, **1.6 million women aged 16-74 experienced domestic violence**<sup>12</sup>. In the year to September 2021, police recorded **67,675 sex offences against children**<sup>13</sup>. These crimes were **committed overwhelmingly by men**, particularly the more serious domestic violence which causes lifechanging injuries, including rape of women and children. Nonetheless, CAFCASS' Domestic Abuse Practice Guidance disregards the evidence that the majority of perpetrators of domestic abuse are men, raising instead that men can be victims too. (Neither do they say that most violence against men is perpetrated by other men, not by women.)

CAFCASS' 66-page [DA Practice Guidance](#)<sup>14</sup> contains **only one reference to parents with a disability**. This again ignores the evidence: disabled mothers are more than twice as likely to suffer domestic abuse than non-disabled mothers<sup>15</sup>, twice as likely to attempt suicide as their abuse is more severe and frequent, and less likely to be able to escape abusive partners as it is harder to get the necessary support and resources to leave when you have a disability.

**Abusive fathers routinely accuse mothers of “alienating” their children when mothers report domestic or child abuse in order to avoid prosecution and maintain their control over women and children.** Despite **70-90%** of family court cases involving domestic abuse, only **1%** of court orders result in no contact<sup>16</sup>.

Research led by Dr Dalgarno<sup>17</sup> [University of Manchester] has revealed **patterns of trauma-inducing actions and behaviours by judges, lawyers, court officers**, and abusive partners in the family court. Her study reviewed 45 family court cases. All involved an initial report by the mother of some form of abuse by the father. The mothers had all either been accused of or warned about parental alienation or alienating behaviours. The **courts subsequently ordered some form of contact between the child and their father in 43 out of the 45 cases, including fathers with child sexual**

---

<sup>10</sup> <https://www.cafcass.gov.uk/about-us/our-reports-and-publications/domestic-abuse-practice-improvement-programme>

<sup>11</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/895173/assessing-risk-harm-children-parents-pl-childrens-cases-report\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/895173/assessing-risk-harm-children-parents-pl-childrens-cases-report_.pdf) This Ministry of Justice review 2020 confirmed that it is overwhelmingly women who are the victims of violence and men the perpetrators, and that the courts are biased against women and children. (According to ONS figures, in the year ending March 2018, 92% of defendants in domestic abuse-related prosecutions were men; 83% of victims were female and around 95% of calls to domestic abuse helplines in the same year were made by women.)

<sup>12</sup> Office for National Statistics (ONS) Crime Survey for England & Wales

<sup>13</sup> Jay, A. (2022) Report of the Independent Inquiry Into Child Sexual Abuse, 2022.

<sup>14</sup> <https://www.cafcass.gov.uk/sites/default/files/2023-10/DA%20Practice%20Guidance.pdf>

<sup>15</sup> <https://safelives.org.uk/knowledge-hub/spotlights/spotlight-2-disabled-people-and-domestic-abuse>

<sup>16</sup> All Party Parliamentary Group on Domestic Violence (2016) Domestic Abuse, Child Contact and the family courts, APPG Parliamentary Briefing

<sup>17</sup> E. Dalgarno, E. Katz, S. Ayeb-Karlsson, A. Barnett, P. Motosi & A. Verma (2023) 'Swim, swim and die at the beach': family court and perpetrator induced trauma (CPIT) experiences of mothers in Brazil, Journal of Social Welfare and Family Law, DOI: [10.1080/09649069.2023.2285136](https://doi.org/10.1080/09649069.2023.2285136)

**abuse convictions.** “She [Cafcass officer] told me actually, in the garden that if I didn't agree to contact, the judge would make a decision that I wouldn't like, and that was her threat to me on a change of residency...I was constantly accused of parental alienation...”

In the US, Prof Joan Meier<sup>18</sup> studied a decade of published judgements and found that mothers' claims of abuse, especially child physical or sexual abuse, increased their risk of losing custody, and fathers' cross-claims of “alienation” virtually doubled that risk.

**Contact with violent men endangers children and mothers**, causing physical and psychological harm, even death. The Sunday Mirror<sup>19</sup> documented **69 children killed** (2004-2020), **78% by fathers** with a history of violence (domestic and sexual) **who had been known to police, children's services, family courts.**

This evidence is ignored by many professionals in the family court. Instead, they take their lead from the misogynist fathers' lobby to peddle myths and misinformation about women and children falsely reporting rape and domestic violence. Crown Prosecution Service research showed that in a 17-month period, just six women were prosecuted for falsely reporting domestic violence, while there were **111,891 prosecutions for domestic violence**, that is, **0.005% were deemed “false”**. 35 women were prosecuted for false reports of rape compared to 5,651 prosecutions for rape, that is 0.62%. Three others were prosecuted for false reports of both rape and domestic violence<sup>20</sup>. In fact, the real number is even less; WAR has helped women who were accused of lying after a biased and negligent police investigation and went on to win compensation and the prosecution of their attacker. The real scandal is that rape has been practically decriminalised, with a conviction rate of under 1%, and cases that can take up to four years to reach court.

The family courts are even less accountable to the public as their hearings are not open to the public and have only recently opened up some courts to some reporters. They have evaded established rape and domestic violence laws, long fought for in criminal courts. **A single judge, often heavily influenced by CAF/CASS, has the power to rule on whether they believe a mother's testimony and many are invested in protecting “fathers' rights” regardless of the impact on children and their mothers.** Yet it is overwhelmingly mothers who are the primary carers of children and their first protectors.

The cost-of-living crisis, profiteering landlords, welfare cuts and zero hours contracts have impoverished mothers, especially single mothers, and forced many to stay with or go back to abusive men in order to protect their children from hunger and homelessness. Such financial dependence on a man's wage is an open invitation for men to abuse their power over women and children. CAF/CASS' approach reinforces men's abuse of power.

---

<sup>18</sup> [https://scholarship.law.gwu.edu/cgi/viewcontent.cgi?article=2712&context=faculty\\_publications](https://scholarship.law.gwu.edu/cgi/viewcontent.cgi?article=2712&context=faculty_publications)

<sup>19</sup> <https://supportnotseparation.blog/2021/02/28/children-killed-rises-to-69/>

<sup>20</sup> [https://www.cps.gov.uk/sites/default/files/documents/publications/pervverting\\_course\\_of\\_justice\\_march\\_2013.pdf](https://www.cps.gov.uk/sites/default/files/documents/publications/pervverting_course_of_justice_march_2013.pdf)

## Presumption of contact and PA hurt children and mothers

In 2014, following strong lobbying by fathers' organisations which deny domestic violence, the "[presumption of contact](#)"<sup>21</sup> – that children must have a relationship with both parents – was incorporated into the Children Act 1989. This has encouraged fathers to use the family courts to insist on contact with children, regardless of how much time/caring they had spent with the children previously, and whether or not they had been violent to the mother and/or the children.

As a result, children who are terrified of their father and do not want any relationship with him are being forced to see him or even live with him. If they refuse, CAFCASS officers too often recommend the children be put into foster care, separated from mother and siblings and/or be given to other family members – punishment to force them into contact with a man they are scared of. How can such cruelty be deemed to be for the welfare of the child? As the [London Victims Commissioner](#)<sup>22</sup> said: **this is "state sanctioned child abuse"**.

In our casework with hundreds of mothers and children each year, we have witnessed the growth of an industry backing men who invoke PA – it is becoming the normalised tactic whenever domestic abuse or child abuse is reported by mothers and/or children. In our recent self-help meeting, of eight women (of different races and nationalities), every single one was struggling against a man with a history of violence, including rape, against the mother, and in some cases also against the children. **All the mothers had been accused of "parental alienation" after raising concerns about the father's violence** and the impact of forcing children into unsupervised contact with a man they feared or hardly knew. In **two cases, the children were fostered after they refused to see their fathers**; 12-year-old twins were separated and put in foster care in order to **"persuade" them to see him**. As we write, another 12-year-old is threatened by Social Services and CAFCASS with being taken from his mother and put into foster care because he refuses to spend time with his violent father. To force a child into contact with a violent man by removing him from the care and protection of his mother is child abuse by the state.

**CAFCASS** should be the "voice of the child", but in our experience it **only "listens" to children who want contact with the father while ignoring children who do not want contact**, holding the mother responsible for the child's views, accusing her of PA or AB in order to dismiss the child's stated views. The **Harm Report's literature review**<sup>23</sup> confirms our experience, and highlights the fact that CAFCASS reports are often based only on very short meetings with the children, sometimes lasting no more than half an hour. A therapist who gave evidence said that in several cases:

Caftass workers and social workers have seemed to regard it as their role to persuade the child to agree to contact with their father, irrespective of the father's behaviour (this

---

<sup>21</sup> <https://supportnotseparation.blog/2023/01/23/evidence-to-presumption-review-panel-about-the-presumption-of-contact>

<sup>22</sup> <https://www.independent.co.uk/news/uk/home-news/family-courts-domestic-abuse-child-custody-a-9632361.html>

<sup>23</sup> <https://consult.justice.gov.uk/digital-communications/assessing-harm-private-family-law-proceedings/results/domestic-abuse-private-law-children-cases-literature-review.pdf>

includes cases where the father has been convicted of offences related to domestic abuse) and of the stated wishes of the child.

Studies<sup>24</sup> found that Cafcass reports failed to reflect women's accounts and concerns of abuse, minimising the abuse or not even mentioning it in their reports, and focusing instead on promoting contact.

A child's right to participate in decisions being made about them and the importance of considering their wishes and feelings when making decisions is acknowledged in legislation and guidance, including section 1 of the Children Act 1989, Article 12 of the United Nations Convention on the Rights of the Child, and Article 8 of the European Convention on Human Rights. Yet recent research from Nuffield Family Justice Observatory<sup>25</sup> suggests that, **of the 67,000 children involved, around half did not have an opportunity to formally voice their wishes and feelings** or be involved in decisions that could potentially be life changing. For two-fifths of children aged 10 to 13 in England, and a greater proportion of older teenagers, there was no indication that they had formally participated in proceedings.

MP Taiwo Owatemi described in Parliament<sup>26</sup> the devastating impact on their constituent of CAF/CASS siding with an abusive father:

Thanks to the deeply imbedded pro-contact culture of CAF/CASS, long since identified but allowed to run unreformed for years, an eight-year-old boy is now in the clutches of a man who beat and sexually assaulted my constituent throughout their marriage. Despite mountains of evidence proving his unfitness to have custody of the child, everything was pushed and CAF/CASS took his side, placing the blame on the boy's mother.

## Use of unregulated experts

An industry of unregulated<sup>27</sup> unscrupulous PA "experts" has developed, revered and elevated by CAF/CASS, social workers and judges. These "experts" recommend therapy for "parental alienation" as if it is an illness, usually for the mother and child, then offer to provide that therapy, often for a substantial fee. Yet the World Health Organisation ruled that PA is not a health condition or psychological illness. These same "experts" sit on regulatory or consultative boards reviewing CAF/CASS and family court procedures, leading to judgements biased against mothers<sup>28</sup>.

---

<sup>24</sup> Coy, Maddy & Scott, Emma & Tweedale, Ruth & Perks, Katherine. (2015). 'It's like going through the abuse again': Domestic violence and women and children's (UN) safety in private law contact proceedings. *Journal of Social Welfare and Family Law*. 37. 10.1080/09649069.2015.1004863.

<sup>25</sup> Hargreaves, C. et al (2023) Uncovering private family law: how often do we hear the voice of the child? Nuffield Family Justice Observatory: <https://www.nuffieldfjo.org.uk/resource/uncovering-private-family-law-how-often-do-we-hear-the-voice-of-the-child>

<sup>26</sup> <https://hansard.parliament.uk/search/MemberContributions?house=Commons&memberId=4779>

<sup>27</sup> <https://www.theguardian.com/global-development/2022/jun/12/parental-alienation-and-the-unregulated-experts-shattering-childrens-lives>

<sup>28</sup> For example, Dr Eia Asen who regularly provides "expert" testimony on "parental alienation" on fathers' behalf, sits on the [Family Division's Transparency Review](#), commissioned to look into media/public access and reporting in the family courts. <https://www.judiciary.uk/guidance-and-resources/update-family-divisions-transparency-review-2/>

It has also come to light through FOIs<sup>29</sup> that Cafcass has an in-house psychology service ‘that no one seemed to know about’ and worse CAFCASS does not know the names or CVs of any individual psychologists and have not checked out their suitability. This is a serious safeguarding concern.

## **The fathers’ lobby is embedded in CAFCASS**

Research by Dr Adrienne Barnett<sup>30</sup> shows a resurgence of “parental alienation” allegations after 2016, and a resurgence of misogynist fathers’ groups which deny domestic violence, especially Families Need Fathers (FNF). Families Need Fathers have repeatedly attacked mothers by accusing them of making “false accusations” of domestic abuse, claiming that it is a “motorway to legal aid” and, against all the evidence, that “there is widespread abuse of men and boys in the context of the family courts. ...” **Despite their blatant misogyny, Families Need Fathers and other similar father organisations have become embedded in the family court process: they are “stakeholders” of CAFCASS and on the Advisory Board of the Review of the Presumption of Parental Involvement.**<sup>31</sup>

In fact, academic studies such as that undertaken by Kaganas<sup>32</sup> reveal a worrying tendency by judges and court officers to placate fathers’ rights groups; others have raised concerns regarding what appears to be an alignment with the fathers’ lobby by both the judiciary and CAFCASS. We have protested since 2017 about the **regular attendance of CAFCASS senior officers at Families Need Fathers’ Annual Conferences where they and the President of the Family Court are regular keynote speakers**, including in 2020, 2022, and 2023. And yet, the Family Court President declined an invitation to attend the upcoming SHERA Research Group conference in 2024 [SHERA focuses on the health and rights of women and children].

## **Disability is seen as harmful to children**

On 25 Jan 2023 Channel 5 (with whom we worked closely)<sup>33</sup> aired its findings about the discrimination disabled mothers face in family court. Shockingly, they found that **parents with a learning disability are 54 times more likely to have their children taken into care** and those with physical disabilities are not much less. This confirms our experience of the discrimination and hostility faced by disabled mothers, including from CAFCASS which too often **sees the mother’s disability as harmful to children**. Instead of insisting, in the best interests of the child, that money to support the mother should be prioritised such as under **Section 17 of the Children Act and Section 12 of the Care Act**, CAFCASS usually recommend removal of the children, and tragically if they are young it leads to forced adoption when the mother has not even harmed her child.

Even more worrying is the tendency of CAFCASS to use **allegations of PA** (as we have already discussed) **alongside allegations of FII** (Fabricated Induced Illness) to remove

---

<sup>29</sup> <https://transparencyproject.org.uk/the-cafcass-in-house-psychological-service-our-unanswered-questions/>

<sup>30</sup> Barnett, A. (2020) Domestic abuse and private law children cases: a literature review. Ministry of Justice.

<sup>31</sup> <https://www.gov.uk/government/news/child-protection-at-heart-of-courts-review>

<sup>32</sup> Rosemary Hunter, Adrienne Barnett & Felicity Kaganas (2018) Introduction: contact and domestic abuse, *Journal of Social Welfare and Family Law*, 40:4, 401-425, DOI: [10.1080/09649069.2018.1519155](https://doi.org/10.1080/09649069.2018.1519155)

<sup>33</sup> <https://supportnotseparation.blog/2023/01/27/disabled-mums-speak-out-ch5-news/>



children from their mothers – we further highlighted this in a second programme with Channel 5<sup>34</sup>. In all cases CAFCASS had ignored or dismissed what the mother and/or the child were saying.

There is also a worrying trend for bodies such as CAFCASS to suddenly use made up terminology which is then taken up by the court. For example, there has been an increased use of claims in family court that help given to a disabled mother to care for her children amounts to “substituted parenting”. There is no research into where this term originated or any clear guidance on its use yet CAFCASS are increasingly using it as a pretext for removing children from disabled parents.

They routinely request assessments for disabled mothers known as Parent Assessment Manual (PAM), which should be done by social workers qualified in the mother’s disability and reference “substituted parenting”. According to a CAFCASS Guardian,

... a PAMS assessment would say parent requires X, Y and Z which would equate to *substitute parenting* (our emphasis). So, they’re using [substitute parenting] as a conclusion that’s being drawn about the level of support.

It seems that CAFCASS is more concerned with saving local authorities money than protecting the best interests of the child, which in most cases is to be with the mother rather than going into “care”. This is against the Children Act which includes Section 17 specifically to support children stay with their families, and against Section 12 of the Care Act which provides for support to enable disabled mothers to care for their children. CAFCASS routinely ignored S17 and S12 in favour of state “care”, foster care and even adoption to the detriment of children.

In addition, the Nuffield Foundation<sup>35</sup> confirms that supporting a disabled mother in her day-to-day needs, does NOT amount to 24/7 parenting by the state. But going into “care” does. A Cafcass guardian quoted from a family court judgement stated:

The reality is twenty-four-hour supervision would be parenting by the state, it’s [developmentally] and psychologically harmful . . .

We must also point out that this state “care” which is prioritised over supporting children to stay with their families is much more expensive. A major reason so many councils are going bankrupt is that they are paying extortionate amounts to a privatised child removal industry. For example, in 2022, Birmingham Council (now declared bankrupt) was spending £903,661 every week on 200 children living in residential care.<sup>36</sup> And just recently it was reported that Derbyshire Council’s spending on private residential care for children has risen from £14m in 2018 to a predicted £47m in 2024, so the Council is cutting £39m from other services which people need<sup>37</sup>.

---

<sup>34</sup> <https://supportnotseparation.blog/2023/11/28/tracey-norton-speaks-out-against-fii-fabricated-induced-illness/>

<sup>35</sup> <https://www.nuffieldfoundation.org/project/substituted-parenting-family-court>

<sup>36</sup> <https://www.birminghammail.co.uk/news/midlands-news/calls-child-care-home-firms-24071438>

<sup>37</sup> <https://www.derbyshiretimes.co.uk/news/people/derbyshire-council-leader-accuses-private-childcare-providers-of-profiteering-as-authority-considers-a-ps39m-savings-plan->

We are appalled that instead of reconsidering how budgets are allocated so that support for children and families which has been defunded over the last decades can be prioritised, there is a push to get more money for “child protection” ie child removal. This is not in the interest of children.

## Recommendations

- **CAFCASS must stop abusing “presumption of contact”** to force children into contact or even residence with violent fathers. The “presumption of contact” has caused much damage to children and their mothers and must be abolished.
- **CAFCASS must listen to children** and act on a child’s reasons for wanting no contact with fathers accused of violence. Desist from forcing children into unwanted contact – that is child abuse.
- **CAFCASS must stop backing fathers** to the detriment of children and women’s safety and recommend no unsupervised contact whenever there has been domestic abuse.
- **CAFCASS must remove all reference to “parental alienation”** or “alienating behaviours” from its guidance and policy documents.
- **CAFCASS must recognise the bond between mother and child** as vital to the wellbeing and protection of children.
- **CAFCASS must prioritise S17 of the Children Act and S12 of the Care Act** rather than use mothers’ need for support as an excuse to recommend the removal of their children.
- **CAFCASS must stop the use of “substituted parenting”** and prioritise supporting disabled mothers’ entitlement to resources and other help so they can care for their children.
- **CAFCASS must stop using so-called PA/AB “experts”**, regulated or not.
- **Misogynist fathers' organisations must be removed** from the CAFCASS board.

-----

## References of official rejection of “parental alienation”/alienating behaviours

A/HRC/53/36: [Custody, violence against women and violence against children](#)<sup>38</sup>-  
Report to the UN Human Rights Council by the Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem June-July 2023

“The report demonstrates how the unscientific and pseudo concept of parental alienation is used in family court proceedings by abusers as a tool to continue their abuse and coercion and to undermine and discredit allegations of domestic violence by mothers who are trying to keep their children safe . . . It also shows how the standard of the best interest of the

---

<sup>38</sup> <https://www.ohchr.org/en/documents/thematic-reports/ahrc5336-custody-violence-against-women-and-violence-against-children>

child is violated by imposing contact between a child and one or both parents and by prioritizing it, even where there is evidence of domestic violence”.

The Domestic Abuse Commissioner’s Report [The Family Court and domestic abuse: achieving cultural change](#),<sup>39</sup> July 2023

“This report aims to highlight the damaging use of the term or concept of so-called ‘parental’ alienation (and its synonym ‘alienating behaviours’, amongst other terms utilised to encompass the same concept) as counter-allegations in the Family Court, and the chilling effect it is having on victims and survivor’s ability to raise domestic abuse’. . . When custody decisions are made in favour of the parent who claims to be alienated without sufficiently considering the views of the child, the child’s resilience is undermined and the child continues to be exposed to lasting harm.”

[Domestic Abuse Act 2021 Statutory Guidance Consultation](#):<sup>40</sup> government response (accessible) Updated 13 April 2023

“Responses relating to removing reference in the guidance to parental alienation and alienating behaviours raised issue with the concept of ‘parental alienation’. Responses highlighted that ‘parental alienation’ and the related ‘alienating behaviours’ are widely contested terms. There is a growing body of evidence about false allegations and the impact that the fear of false allegations can have. . . It is argued that academic theories on the existence and prevalence of parental alienation should not be accepted without analysis of the impact on survivors of domestic abuse and their children. It was also highlighted that research indicates fears of such counter allegations have prevented survivors from disclosing domestic abuse to the court and accessing support services. . . . The consultation responses highlighted a lack of shared understanding of ‘parental alienation’ - its definition and implications, and how to approach it in practice. Therefore, explicit references to ‘parental alienation’ and ‘alienating behaviours’ have not been made in the finalised draft.”

The Ministry of Justice’s Harm Report June 2020

- an allegation of “parental alienation” meant that the parent who is the subject of the allegation is treated as an “alienator”, rather than as a protective parent with well-founded fears of abduction or violence.
- court professionals gave weight to the views of any child who wanted contact with a father, but dismissed the views of those who did not.
- allegations of “parental alienation” are taken more seriously than allegations of domestic abuse and other forms of harm.

[The World Health Organisation](#)<sup>41</sup> (WHO) February 2020

---

<sup>39</sup> [https://domesticabusecommissioner.uk/wp-content/uploads/2023/07/DAC\\_Family-Court-Report-2023\\_Digital.pdf](https://domesticabusecommissioner.uk/wp-content/uploads/2023/07/DAC_Family-Court-Report-2023_Digital.pdf)

<sup>40</sup> <https://www.gov.uk/government/consultations/domestic-abuse-act-statutory-guidance/outcome/domestic-abuse-act-2021-statutory-guidance-consultation-government-response-accessible>

<sup>41</sup> <https://reseauiml.wordpress.com/2020/02/23/world-health-organization-removes-parental-alienation-from-its-classification-index/>

WHO announced that it had removed this pseudo-scientific concept from its index and classification. “Indeed, the mere presence of this notion, wherever it is in the Classification, would favour its instrumentalization by its promoters and its use by violent men in family courts, as recalled in the [Collective Memo of Concern to: World Health Organization about ‘Parental Alienation’](#).<sup>42</sup> The alienation hypothesis inherently relies on two flawed assumptions: (i) that children do not ordinarily fear or resist a non-custodial parent without manipulation by the other parent, and (ii) that a child’s hostility toward or fear of the other parent, can in fact be caused solely by the favoured parent’s negative influence (or programming), regardless of the child’s own experience”.

End

Support Not Separation [sns@legalactionforwomen.net](mailto:sns@legalactionforwomen.net)

Disabled Mothers’ Rights Campaign [mumsrights@winvisible.org](mailto:mumsrights@winvisible.org)

Women Against Rape [war@womenagainstrape.net](mailto:war@womenagainstrape.net)

**7 March 2024**

---

---

<sup>42</sup> <https://www.learningtoendabuse.ca/docs/WHO-September-24-2019.pdf>