



Inquiry into Domestic Violence: Home Affairs Committee

Submission from *Families Need Fathers*

- 1) Executive Summary
- 2) Nature of FNF and our cause
- 3) Our concern about domestic violence
- 4) The evidence on domestic violence
- 5) The safety of children
- 6) The need for decisions to be fair and evidence based
- 7) Domestic violence and child contact
- 8) Services to victims of domestic violence and their children
- 9) Conclusion

1. Executive Summary

In our submission we would draw attention to the evidence and research which has been produced on domestic violence, which sheds vital light on the safety of children through looking at the bigger picture. We emphasise the importance of gender neutrality, in all aspects, including cultural attitudes, provision of support services etc. bearing in mind the effects which a lack of it can have on the welfare of children and their parents.

Within this we address the terms of reference provided by the Home Affairs Committee.

2. The nature of Families Need Fathers (FNF) and our cause

FNF is principally a service-providing charity, helping children who are prevented from seeing enough of a parent, by supporting that parent, unless there are reasons against this. We also lobby in the way that charities are permitted to do.

Our aim is to end the assumption that following parental separation the children will only have one significant parent, and replace it by the best blend of both parents for the children. We believe in equality of responsibility and respect diversity. We are opposed to discrimination of any sort. The parenting arrangements for the children should depend on their needs, wishes, and the practicalities of each situation, and not the parents' gender or any stereotype of any other group to which they may belong.

3. Our concern about domestic violence

We are fully supportive of the importance of focus upon domestic violence that is driven by human welfare, and especially child welfare, concerns. The use of violence between adults or by an adult on a child is repugnant and the law and other agencies should deal with it robustly.

However, we are opposed to the abuse of arguments and 'evidence' about domestic violence as a tool in gender politics, especially where this may lead to children not having a proper relationship with both their parents, as regularly occurs.

A shortfall in concern about domestic violence and abuse exposes people to risk. An overshoot may prevent children having a proper relationship with loved and loving parents. Public policy needs to be proportionate, and individual decisions must be based on proper, full and fair examination of the evidence.

4. The evidence on domestic violence

The definition of Domestic Violence can vary widely, and could incorporate a broad range of behaviour, of differing severity levels.¹ The Women's Aid classification, for instance, includes significantly milder negative behaviours which could be said to belittle the experiences of genuine victims, not to mention diverting limited resources from people in real need - female and male. Overall, the evidence is clear. Behaviour that is common, if unpleasant, is broadly gender neutral (the British Crime Survey 1996 found that "men appear to be at equal risk to women of domestic assault").² As behaviour becomes more harmful it also becomes less common, and proportionately more male on female.³ At no point, however, does it become wholly male on female.

This evidence is regularly misrepresented, and a common form of argument is used. The definition of domestic violence or abuse is said to 'include' appalling behaviour. The male on female predominance is asserted, and the contrary minority is discounted. Then this pattern is applied to statistics of behaviour that is more common. In this way a misleading impression is given of the incidence and nature of domestic violence or abuse.

The abundance of false allegations worsens this misrepresentation. In the florid emotions that accompany family division, dishonest statements can start to fly, especially if there are advantages to be gained – financial, emotional, control of housing, and above all 'possession' of the children. Inevitably, some allegations, as well as some denials, will be false. This is often ignored.

Focus upon public education and awareness-raising is vital for an issue of such gravity as Domestic Violence; this must be balanced and representative of the reality of gender neutrality.

Members of this charity who claim to have been assaulted by their partner or ex partner, or who are the victims of what they claim are false allegations, lack confidence that they are treated in a non-discriminatory way. We support training for all relevant professionals, such as the police and staff in CAFCASS, in how to deal better with domestic violence. This must, however, be accompanied by anti-discrimination messages and recognition, in the training, of the fact that both men and women can be victims of both violence and of malicious accusations. This is not currently the case.

¹ "Any criminal offence arising out of physical, sexual, psychological, emotional or financial abuse by one person against a current or former partner in a close relationship, or against a current or former family member," as defined by the Crown Prosecution Service.

² 'Domestic Violence: Findings from a new British Crime Survey' Home Office Research Study 191, p. 38

³ Scottish Crime Survey 2000, via Women's Aid

An example of good practice is the recent campaign by Surrey Police exposing the “fiction” that only women suffer domestic abuse. This type of practice should be promoted more widely.

5. The safety of children

FNF is fully supportive of attempts to prevent children from being direct and indirect victims of domestic violence and abuse. Both individual decisions and policy must be free of gender or other stereotypes.

The leading evidence of the prevalence of child abuse is the research published in 2000 by the NSPCC⁴. In a sample which contained a higher than expected proportion of children whose parents had separated, the overwhelming majority had experienced abuse-free childhoods and were close or very close to both their parents. The pattern of ‘maltreatment’ that had been inflicted on a significant minority did not conform to the stereotypes. Most types of abuse were broadly gender neutral (with the exception of sexual abuse, which was, however, rare and the perpetrator often not the father) and some were more often inflicted by mothers than fathers.

The current concern about the safety of children on contact is based on prejudice, not evidence. The assertion made by Women’s Aid that the family courts should be more stringent in awarding contact to fathers because 29 children had been killed⁵ is highly selective. An examination by Lord Justice Wall reduced the number to 3 deaths in two incidents over a ten year period⁶. The issue still, however, reverberates and is used to drive an argument that there needs to be more vigilance in making contact arrangements. In fact, pro-rata time spent on contact is safer than time spent in the charge of resident parents and their new partners. Using NSPCC figures, over this same period, some 800-1,000 children may have been killed overwhelmingly by parents or carers, and in ‘residential’ rather than ‘contact’ situations.

Sometimes, parents who have lost control with drastic and tragic consequences to their children’s welfare, have done so due to the stress of having to deal with greater demands than they can cope with. This is recognised in institutional daycare or social work support. A common resource, however, which is often wasted, is the other parent. All proposals need to be checked for safety, but the involvement of non-resident natural parents to relieve the stress on the resident parents should be regarded as a potential safeguarding measure for, globally, they prevent more abuse than they inflict.

⁴ ‘Child Maltreatment in the UK: A Study of the Prevalence of Child Abuse and Neglect’, Cawson et al., NSPCC, 2000

⁵ ‘Twenty nine child homicides: Lessons still to be learnt on domestic violence and child protection’, Women’s Aid, 2004

⁶ ‘A Report to the President of the Family Division on the publication by the Women’s Aid Federation of England entitled ‘Twenty-Nine Child Homicides: Lessons still to be learnt on Domestic Violence and Child Protection with particular reference to the five cases in which there was Judicial Involvement’, Lord Justice Wall, Feb 2006

Absolute safety is impossible to attain. Over-protectiveness is bad parenting. Decisions about the parenting of children in divided families should always be considered for their safety, but reasonable precautions need balancing against the proven benefits to children of the involvement of both their parents.

6. The need for decisions to be fair and evidence based

All allegations need to be taken seriously and investigated with the speed, thoroughness and even-handedness that their gravity requires. This requires proper evaluation of evidence and a measured, thoughtful, and evidence-based response. The protocols in private law for assessing whether children should have relationships with both their parents should be aligned with the best practice in public law.

The use of false allegations to prevent a child from having a relationship with a loved and loving parent is child abuse, perjury and an attempt to pervert the course of justice, as well as domestic violence against the alleged perpetrator. It should be treated and sanctioned as such. In the absence of sanctions false allegations become a legitimate tactic in the dispute and broaden the scope for conflict. The significant lengths of time often involved whilst 'fact-finding' hearings or CAFCASS reports are undertaken must be borne in mind, as this can be extremely harmful to the child who is denied contact with a parent who may be the victim of false allegations.

The assumption that female allegations should be presumed true and male denials presumed false needs to be replaced by an examination of the evidence, free of gender stereotypes.

7. Domestic violence and child contact

Children should be allowed to spend time with both their parents and their wider family unless this presents a risk *to the child*. If there is thought to be a risk to someone else, other means to protect him or her should be used. Decisions about the benefits to children of relationships with their parents should be based on an assessment of the *future* risks and benefits and only on what has happened in the past if that is relevant to the future.

Children should be required to see a parent in a contact centre, or under supervision, only where there is evidence that otherwise there would be a risk to the child. The objective should be to assess that risk and this should be followed by normal and free contact unless there are clear indications otherwise.

Furthermore, it is almost impossible for grandparents and extended family to be made party to a case. This is a Human Rights issue given that part of the Human Rights Act, to which the Family Courts must comply, Article 8: 'the right to respect for private and family life', is not being applied when only contact with non-resident parents is dealt with and not the extended family. We would argue that this is Domestic Abuse of the children by the family courts, on the very children that they are charged to protect.

8. Services to victims of domestic violence and their children

The 'Gender Equality Duty' demands that services by public bodies should be provided without gender prejudice, discrimination or bias - it is discriminatory for services and support, including financial and refuge services, to be available only to some sections of the population, for example, to women alone.

Government guidance on sentencing should include provision of anger management and counselling services, and such 'perpetrator programmes' should be available to both men and women. Public money and charitable status should not be available to agencies which discriminate in their services by sex, race, disability, sexuality or other unacceptable grounds, or which promote negative stereotyping of a section of the population. Any gender stereotyping organization should be excluded from involvement in interagency services.

In this line, the existence of discrimination in the provision of legal aid in cases of domestic violence allegations is unjust. Whilst emergency applications for ex-parte injunctions can be granted by legal aid solicitors automatically, defendants in these proceedings *cannot* get legal aid (unless it includes an Occupation Order) to cover representation.

Of great importance is communication with men enabling male victims to acknowledge their experiences of legitimate abuse, particularly considering that female on male domestic violence tends to be more often emotional/psychological. Barriers to the acknowledgement of female on male abuse must be broken down.

It is not discriminatory to provide separate services to women and men or, where appropriate, other groups for whom special services are needed to meet special needs, but they must be proportionate to need.

9. Conclusion

The system as a whole is deeply flawed. Many allegations result from the adversarial nature of the legal processes. These encourage parents to seek 'possession' of the children, which can involve attacking the character, conduct, and parenting of the other in order to gain that possession. If shared parenting was considered to be the right of a child in cultural and legal terms, rather than a 'defeat' for one parent seeking a dominant position in the life of a child, allegations would diminish.

The issue of Domestic Violence should be treated with the utmost vigilance, legally, professionally, and culturally. Its consequences can be tragically destructive, and even fatal. Its wrongful interpretation and skewed presentation however, can also result in tragedy if inaccurate stereotypes are generated, leading to loving parents and their children being unjustifiably denied a loving relationship.

Families Need Fathers