



## Local Child Safeguarding Practice Review

“George and Oliver”<sup>1</sup>

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<sup>1</sup> George and Oliver are pseudonyms to protect the family’s identity.

## **1. Introduction**

- 1.1 This Child Safeguarding Practice Review (CSPR) was commissioned by Kent Safeguarding Children Multi-agency Partnership (KSCMP) after a significant safeguarding incident involving two siblings, both under the age of 13 at the time. They are known in the report as George and Oliver.
- 1.2 The family history is complex but in brief, the siblings' parents were separated. A private law application determined that there should be shared care between the two parents. The children lived with Father and under the agreement, Mother was granted extensive contact. Father did not engage fully with the court direction in relation to this and as a result, for several years hence, the family were party to private law family court applications, mainly regarding Mother's contact with the children.
- 1.3 In the summer of 2023, as part of an application made in 2021, a psychologist prepared a court report which concluded that Father was purposefully alienating the children from their mother. The court listed a hearing to consider Mother's request for an immediate discharge of residence with Father, for the children to live with her. Father was informed of this hearing.
- 1.4 Prior to the hearing taking place however, emergency services were called to a life threatening incident at the family home. Both children managed to get to safety. Police immediately suspected that Father was responsible, and he had fled from the scene. He was subsequently apprehended and remanded into custody and is now serving a lengthy prison sentence.
- 1.5 In the immediate aftermath, the children were assisted by a neighbour, and an ambulance crew transported them to hospital where they were treated for minor injuries. They were placed in foster care. Initially there was a view that the foster placement would assist a transition from Father's care to be reunited with their Mother. This however proved to be unworkable in the short term, and they remain in the care of the local authority. The care plan subsequently changed in line with the children's needs and wishes, and they remain in the care of the Local Authority.
- 1.6 The Kent Safeguarding Children Multi-agency Partnership Rapid Review Group were convened as a result of the incident and agreed there were grounds for a Child Safeguarding Practice Review due to the serious nature of the incident and the emotional and psychological harm caused to the children by their father. The latter was in the form of the life threatening incident but also recurrent alienating behaviours by him towards their mother. Therefore, arrangements were made to commission this review.

## **2 Terms of Reference and methodology**

- 2.1 The time period for the review is from July 2018 to the date of the significant incident in July 2023. This included an expectation that relevant information outside of that timeframe would be summarised to add context to the information.
- 2.2 Panel members requested specific information about the following areas.

- Professional and organisational recognition and understanding of domestic abuse in the form of coercive control and parental alienating behaviours. This includes the challenge of allegations and counter allegations from one parent to another.
- Understanding of Mother's mental health.
- Risk assessment in relation to significant information and changing circumstances which may impact the safety of children.
- Practitioners' understanding of private law proceedings and information sharing between agencies when there are private proceedings in place.

2.3 The report is based on panel meetings and discussions, the agencies' written submissions and a practitioner event with key staff that had worked with the family and knew them. The review has adhered to statutory guidance<sup>2</sup> and provides an analysis of the professional practice from a multi-agency perspective. The recommendations are offered as a means of improving and strengthening practice so as to prevent or reduce the risk of similar incidents in the future.

2.4 Engaging with family members was an important aspect of the review, as those in receipt of services can give valuable insights into what could be improved, as well as the positive help they received. Family views are summarised in Section 5.

### **3 The children's journey through services**

3.1 The agencies' submissions as part of the review process have been co-ordinated into a combined chronology and briefly summarised here. They detail significant interactions with all the family, including the children and both adults where relevant. This is not intended to be an exhaustive list of day-to-day contacts but highlights the main interactions. Not all this information would have been known to all practitioners at the time.

#### **Background information**

3.2 When George and Oliver were born, they lived with both parents at their home in Kent. It is not completely clear when the parents' relationship ended but they were separated by the summer of 2013. Services were involved as far back as 2012 when the children would have both been under the age of 3. A neuropsychologist was working with Mother about a head injury she had sustained some years earlier. The concerns were about the parents' acrimonious relationship, worries about Mother self-harming and domestic abuse.

3.3 In these early years Father obtained a non-molestation order<sup>3</sup> and prohibited steps order<sup>4</sup> and the children lived with him. There was a brief period of intervention from social care, but it was felt that the work with the neuropsychologist was sufficient to reduce the risks to the children. This was on the understanding that the neuropsychologist would contact the social worker if they felt there was further liaison required or there was a deterioration

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<sup>2</sup> Working Together to safeguard children 2023

<sup>3</sup> A non-molestation order is a court order that protects victims of domestic abuse from their abuser.

<sup>4</sup> A prohibited steps order is a court order that prevents a person from making certain decisions about a child's upbringing without the consent of the court.

in Mother's presentation.

- 3.4 In 2013 both adults made allegations of domestic abuse. Mother alleged that Father had tried to suffocate her and had caused her to pass out. Father made counter allegations saying that she had attacked him. He acknowledged that he smothered her, but claimed this was in self-defence. A social care assessment was conducted at that time and a Child In Need plan was in place.
- 3.5 Later in 2013, in a contested hearing, Father was granted a Residence Order<sup>5</sup> (now known as Child Arrangement Orders) for the children, with supervised family time for Mother. This was initially supervised by Father and, in principle at least, the parents agreed the shared care arrangements. It would appear that these were only adhered to sporadically by Father.
- 3.6 In 2017 there was a brief period of intervention by the Early Help Service in Kent to try and help the parents support positive contact. Family life at this point seemed to be characterised by private law proceedings to decide where the children should reside and the frequency of family time with their mother. Father was non-compliant with the direction of the court. The children's maternal grandparents also applied to court for contact, and this was granted, but it is not clear how much Father complied with this order. Records indicate that the court directed family time with the maternal side of their family was a struggle to realise.

### **Practice Episode 1: Significant Events in 2019 and 2020**

- 3.7 In 2019 concerns emerged about Father when there was an incident in a local park when he was there with George and Oliver, and he allegedly assaulted another child (aged 9). It was reported to the police and a strategy meeting was held but was agreed as No Further Action (NFA) as school were providing support to both families. There was no risk assessment in respect of the children who were in Father's care at that time.
- 3.8 School were noted to have a difficult relationship with Father and members of school staff (particularly female staff) did not feel comfortable meeting with him on their own. School made efforts to give both parents the support they needed and spent time with Mother ensuring that she was up to date with the children's progress and welfare.
- 3.9 At the same time Mother moved to London and was accessing therapy in her local area. She spoke openly about the pain of not seeing her children regularly and being on the receiving end of violence from her ex-husband. This was not followed up as a safeguarding concern with statutory agencies.
- 3.10 In March 2020, the first restrictions in relation to the global Covid-19 pandemic were introduced. Schools were closed to all but the most vulnerable of students and the children were at home with Father. In line with practice at that time, they received lessons online, work was sent home and there were regular phone calls from school to check on their welfare. As schools began to reopen in the summer of 2020, Father moved both children to a different school, where they completed their final years of primary education.

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<sup>5</sup> Child Arrangement Orders are court mandated orders which deal with where children should live and any contact arrangements when parents separate, are deceased, or otherwise are unable to care for their children.

Father gave the reason as bullying but there is no professional record of this.

- 3.11 There was a very thorough handover between schools and a face to face meeting took place with an exchange of information and records. In the first term of the new school, Father made allegations about Mother, claiming that she was physically and emotionally abusive to the children. He also accused a member of staff at the previous school of 'colluding' with Mother.
- 3.12 Along with these allegations about Mother, there were many examples of him seeking to undermine her. These included, asking school that the children don't make Mother's day cards and citing the reason as their mother not loving them and being abusive. He also objected to her attending a school play that the children were in at the end of term. School dealt with this by suggesting it would be best if Mother did not attend, after one of the children commented that they would 'not be able to concentrate' if she was in the audience.
- 3.13 In December 2020, Oliver started to see a paediatrician due to excessive weight gain and was also noted to have foot pain. There were a series of appointments with the paediatrician who gave advice about healthy eating and exercise. Oliver has now been discharged and issues with his weight are no longer a concern.

### **Practice Episode 2: Summer 2021 – Private Proceedings Initiated**

- 3.14 In the summer of 2021, Mother applied to court (private proceedings) to try and determine that the children should live with her. In her application she cited domestic abuse (physical, emotional, psychological) from Father, and emotional abuse towards the children. She further stated that Father was not adhering to the existing arrangements, and this was preventing her and the children spending quality time together. This application was not concluded at the time of the incident, some two years later.
- 3.15 In response, Father made counter allegations that Mother was physically and verbally violent and this impacted negatively on the children.
- 3.16 During the initial phase of the private law proceedings, it was recognised that the children needed their own representation by being joined to the proceedings and having their own solicitor. This was granted by the court and happened early in 2022. The children's expressed views at this time were that they were reluctant to spend time with their mother.

### **Practice Episode 3: Autumn 2021 – Transition to New School**

- 3.17 The children changed school in September 2021. There was a breakdown in communication as the transfer of information about their situation was not available to the new school. For example, they were not aware that Mother had Parental Responsibility (PR)<sup>6</sup> and they erroneously believed that she had no contact. This school were not aware of the private proceedings until November 2022.
- 3.18 In November 2021, Oliver began to be home schooled. This was accepted by the school

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<sup>6</sup> Parental Responsibility is legal concept that describes the legal rights and duties that parents with PR have in relation to their children.

as there had been a substantial rise in children being home schooled during and after the Covid-19 pandemic. In the first 18 months of Oliver being home schooled, there was no visit from the Elective Home Education (EHE) team. They were unaware that there may be safeguarding concerns and Oliver was therefore not prioritised. The significant rise in numbers also placed pressure on the teams. Their first visit was at the beginning of May in 2023, more is said about this later on in the timeline.

#### **Practice Episode 4: 2022 – Conclusion of Psychological Assessment as part of the ongoing Private Law Proceedings.**

- 3.19 During 2022, the private proceedings were ongoing. As part of this, a psychologist was instructed to complete an assessment of the parents and the two children. Father did not comply with the assessment and as a consequence, neither him nor the children were assessed. The report was available to the court towards the end of 2022 and concluded that there was evidence to suggest that Father was deliberately alienating Mother from her children.
- 3.20 As a result of this, the Guardian's assessment was that the children were at risk of significant harm. They recommended that Kent Integrated Children's Services prepare a s37<sup>7</sup> report.
- 3.21 In the same year, Father requested support with Oliver's emotional wellbeing, and he referred to Children and Young People's Mental Health Service (CYPMHS) in Kent. Father however, missed his window to contact the service to progress with the referral and therefore the contact was closed. Father made further contact later in the year and was signposted to community resources.

#### **Practice Episode 5: Early spring 2023 – Involvement of Kent Children's Services**

- 3.22 In February 2023 Kent Integrated Children's Services received the request for a s37 report about the children. The response was the local authority did not want to pursue an application for care proceedings as they did not feel it was in the best interest of the children. They did recognise the need for the parents to adhere to the contact arrangements and made clear recommendations for the children to have family time with Mother. Father however still consistently failed to comply with the order.
- 3.23 In April 2023 the court asked the local authority if they would object to a Family Assistance Order<sup>8</sup>. The local authority responded in May 2023 by saying that they would make a Child in Need Plan for 12 weeks to address how family time was adhered to. Child in Need meetings in Kent should ordinarily be held every 4-6 weeks in line with current guidance. There is no evidence that a Child in Need Meeting was held in June, so there was no mechanism used that brought together the parents and the children's networks to develop and discuss the child in need plan. The allocated social worker made many

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<sup>7</sup> The Children Act 1989 (s37) invites the LA to assess whether they should make an application for care or supervision orders in the case of private proceedings.

<sup>8</sup> A Family Assistance Order (FAO) is a short-term court order that provides extra support to families after a case has ended. The order can last up to 12 months.

attempts to ensure that contact took place, but Father did not adhere to the order. Agencies were aware of the Father's alienating behaviours at this time and continued to struggle to get Father to comply.

- 3.24 In early summer of 2023, Father contacted the police to say that Mother's partner had assaulted the children. This was a very historical allegation from many years previously and there was no investigation due to the statute of limitations. Other very historical allegations were also made but they too were NFA'd in the same vein.

### **Practice Episode 6: 2023 – Events in summer 2023, leading to the incident**

- 3.25 In June 2023, the court became so concerned about the welfare of the children they made an Interim Care Order to Kent without any prior notice, effectively making the children Looked After Children. Kent responded quickly and ensured that the correct processes were in place e.g. allocating an Independent Reviewing Officer and completing the Placement with Parent Regulations<sup>9</sup> (with Father).
- 3.26 Due to the information shared from the court arena about Father i.e. his lack of co-operation in court proceedings and strong suspicion that he had intentionally alienated Mother from her children, the Local Authority's care plan was to recommend that the children be reunited with their Mother. There was a recognition that this was likely to take some adjustment, and a transition plan of six weeks was recommended whereby the children would move to foster care first.
- 3.27 The local authority facilitated some family time between the children and their Mother at the beginning of July, but there are differing accounts of how that went. Mother said it went well but Father reported that Oliver said that Mother was 'volatile, slurred her words and zoned out'. The social worker spoke to the children who also said it went well but changed their account after returning to Father.
- 3.28 The plan to remove the children from his care was communicated to Father and the children just prior to the significant incident. There were no warning signs in this visit that alerted anyone to the severity of what Father was about to do, and he seemed to accept that this was the plan. The children had differing views at this meeting, Oliver wanted to move straight away but George was more circumspect.
- 3.29 At the same time, the Elective Home Education team terminated Oliver's home schooling due to there being no evidence that Father was able to demonstrate that school work had been completed. There was therefore an expectation from that team that Oliver would be enrolled in school within a certain time period. Due to the lack of education, they also referred Oliver to the Children Missing Education Team. Father also appeared accepting of this.
- 3.30 The day before the court hearing which would have determined the care plan, the events that led to this Child Safeguarding Practice Review unfolded. Father is now serving a lengthy jail sentence. The children were immediately placed with foster carers.

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<sup>9</sup> Placement with parents' regulations apply when children are subject to an Interim or full care order but remain in the care of their parents or someone else with parental responsibility

## 4 Analysis and Learning

- 4.1 The following analysis of practice is based on the narrative and chronology of events coupled with the Terms of Reference developed by Kent Safeguarding Children Multi agency Partnership at the start of the review. The analysis considers what was known and knowable at the time and seeks to avoid hindsight bias. The focus of this section is what the partnership can learn from the multi-agency collaboration for this family in the practice areas identified i.e. how agencies worked together, rather than individual practitioners or organisations. This then links to recommendations to strengthen practice in given areas.

### **Learning Point 1: Working with families where there is domestic abuse, coercive control and alienating behaviours**

- 4.2 Domestic abuse has been a significant area of practice focus for safeguarding partnerships for some time. The time and attention paid to strategic and operational approaches to it has resulted in considerable progress in recognising the harm to children and victims who experience all forms of domestic abuse. In tandem, legislation has sought to keep up with the recognition of differing types of domestic abuse.
- 4.3 This review has highlighted harm to the children and Mother from domestic abuse in the form of coercive control<sup>10</sup> and parental alienating behaviours<sup>11</sup>, which went unrecognised for a number of years. The gravity of these behaviours has been recognised in law which now acknowledges the devastating impact of these and thereby gives women and children some protection. For George and Oliver, the combination of domestic abuse, coercive control and alienating behaviours has had a lasting impact.
- 4.4 Information from the rapid review and the subsequent written submissions details agencies lack of familiarity with the concept of alienating behaviours. There was therefore a lack of recognition that these needed to be addressed. The many examples through the timeline suggest that Father was displaying these behaviours – e.g. he was non-compliant with specific court orders to make the children available to spend time with their mother, describing her to the children and professionals in almost entirely derogatory terms, suggesting to school that the children should not make Mother's Day cards, asserting that she had poor mental health that made her abusive, and ultimately avoiding assessment by the court directed psychologist.
- 4.5 There are many more examples, and these behaviours are classically indicative of a parent who was deliberately undermining the other in order to 'alienate' the children from the other parent. Moreover, through the process of this review, it has become clearer that Father was seeking to control Mother and professionals including those in the court arena. As a consequence of the behaviour not being recognised, Father's constant negative narrative went unchallenged.

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<sup>10</sup> Coercive control is a pattern of behaviour of e.g. assault, threats, humiliation and intimidation, that abusers use to harm, punish or frighten survivors. It doesn't relate to a single incident – it is a purposeful pattern of behaviour.

<sup>11</sup> Alienating behaviours are defined as actions taken when one parent tries to harm the relationship between their child and the other parent, often resulting in children forming significant attachment to one parent, at the expense of a healthy relationship with the other.



- 4.6 Another important lesson from this review is about domestic abuse between parents who have separated but where there is ongoing contact with children. This is a complex dynamic; the power imbalance is likely to be still present and practitioners need to consider how this should be assessed.
- 4.7 For this family, there is evidence of domestic abuse early on in the timeline, when Father acknowledged that he had smothered Mother but claimed that this was in self-defence. There was a referral to an Independent Domestic Violence Advocate (IDVA) for Mother and Children's Social Care explored it in an assessment, leading to a Child In Need plan but this was not investigated formally under s47<sup>12</sup> by either police or Children's Social Care. Mother often described feeling threatened and intimidated by Father as well as allegations of physical and emotional abuse. Professionals struggled to understand the significance of this and did not act robustly on that information. Since this time however, practice and legislation in relation to domestic abuse have moved on.
- 4.8 The Domestic Abuse Act 2021 recognises that separated women are at particularly high risk and so therefore are their children.<sup>13</sup> The legislation extends the controlling and coercive behaviour offence to cover post separation abuse. For many families, contact between fathers and their children provides a context and opportunity for domestic abuse to continue. Research<sup>14</sup> tells us that parental separation does not guarantee an end to domestic abuse and that for many women who separate from abusive partners, the domestic abuse continues beyond this.
- 4.9 Alienating behaviours are a relatively new concept and practitioners need to be supported by their organisations in recognising and tackling this. Practitioners also need to be cognisant of the fact that there may be more than one type of abuse and children need to be supported in dealing with the harmful effects of these. Training has already commenced in Kent's Integrated Children's services about alienating behaviours. The Partnership in Kent needs to ensure this is provided to its wider membership. **A recommendation is made to try and strengthen this area of practice in all agencies.**

### **Learning Point 2: Assessing parental mental health in the context of Private Law Proceedings**

- 4.10 The review sought to understand more about Mother and her mental health, particularly how this was viewed by professionals throughout the timeline. The rapid review process highlighted early on that too much was understood through Father's lens, with little independent evidence or corroboration of what he was reporting and had evidently coached the children to report.
- 4.11 Information from the review has confirmed that Mother occasionally sought support with her mental health. This was due to her distress at not seeing her children, the abuse she reportedly suffered from Father and the stress of the private law proceedings which she found extremely difficult. The only diagnosis recorded in relation to Mother is low level depression for which she was sometimes prescribed medication. There is also evidence

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<sup>12</sup> Section 47 of the Children Act 1989 requires local authorities to investigate children who may be suffering or likely to suffer significant harm. These can be joint investigations between the police and social care or single agency investigations.

<sup>13</sup> The Domestic Abuse Act 2021 came into effect in 2022.

<sup>14</sup> Children Experiencing Domestic Violence: A Research Review (Stanley 2011). Children's health and well-being, and service responses. [www.rip.org.uk/publications](http://www.rip.org.uk/publications)

that many years earlier, she had suffered a serious head injury which impacted on her personality (see paragraph 5.14). This did cause concern when the children were little, and these were explored with her neuropsychologist in 2012 but there was no diagnosis related to this as asserted by Father.

- 4.12 Mother's mental health was not robustly explored later on, and agencies seemed to have had a fixed view of this, leading to a lack of curiosity about how it continued to impact (or not) her behaviour in the latter half of the time line. This also allowed the continued 'exploitation' of these facts by Father within the court arena, as he maintained his narrative of Mother as 'aggressive and unstable'.
- 4.13 The lack of checks and balances in all agencies about Mother's mental state is stark in the information to the review. Information available to assist the court in the private proceedings did not corroborate Father's view of Mother having a diagnosed psychological condition which made her violent and aggressive. This was only challenged when the psychological assessment in November 2023 pointed to deliberate alienating behaviours by Father.
- 4.14 As this is a crucial element in how agencies viewed the family and decision making about the children, it is necessary to examine the reasons for this.
- No doubt Father's influence was a significant factor. His constant assertion that Mother was unfit to care for the children because of her poor mental health dominated the narrative. This served as a distraction from his own behaviour. The historical information supported Father's narrative, and this was not challenged or updated.
  - The above, coupled with his seemingly co-operative nature went in his favour. In the court arena and with other professionals (at least for the first private proceedings) he was willing to acquiesce to the court rulings that there should be a 'shared care' arrangement. He never fully co-operated and professionals were slow to attune to that reality.
  - The court's view of Mother possibly became fixed and even with counter evidence presented by Mother, there was an understandable reluctance to change tack so as not to create upheaval for the children.
  - Much of the information presented within this review was not shared widely amongst professionals, so no one agency held an overview of all the information in order to piece together Father's harmful behaviour.
  - The professionals who saw Father including education, health and social care did not raise concerns about the derogatory nature of Father's descriptions of Mother until towards the end of time line. This suggests that the likely impact of this for the children was not viewed through a safeguarding lens.
  - There was no exploration or link made between Mother's mental health and the abuse she stated she had suffered, which would have provided a different context and possibly led to a more trauma informed approach. This may also have led to more consideration of the children's needs in this situation.
- 4.15 In recognition that this is a wider problem in private law proceedings CAFCASS have updated their Domestic Abuse Practice Policy (issued September 2024). Section 11 of the policy specifically references parental mental ill health. It makes an important point in that parents must not be described as suffering from mental ill health 'unless clinically

diagnosed, without considering and understanding that a victim's feeling of anxiety and fear, behaviour, and actions maybe a trauma response to their experience of abuse.'<sup>15</sup>

- 4.16 The panel also discussed the complex gender bias associated with fathers who care for their children in families where the mother is largely absent. There is an ever changing picture of how men are involved with their children's care, but it is still the societal norm that (in the main) women are seen as the main carers. In this scenario it is possible that Father was able to exploit this bias by suggesting that the court considered Mother 'so bad' a parent, that they granted him custody in contradiction of tradition. This was explored as a notion in some of the written submissions (namely Education Safeguarding Services). Whilst this is supposition, there is merit in this hypothesis given the weight attributed to Father within that arena. This is intrinsically linked to alienating behaviours and the importance of considering aspects of intersectionality in relation to gender, but also speaks to supporting practitioners to draw on all available evidence. **Recommendations are made in section 6 to enhance this practice area.**

### **Learning point 3: Practitioners' understanding of Private Law Proceedings/Information sharing and the impact on children.**

- 4.17 Practitioners who contributed to the review acknowledged a deficit in their knowledge of Private Law Proceedings and what that meant for children. This hampered a rounded and more balanced view of parental behaviour which may have supported a better understanding of the children's lived experiences. Whilst the review has found that information was sought and shared by those agencies assessing the children's welfare (mainly social care and CAFCASS), the information from the wider network together with both parents was rarely brought together. The lack of multi-agency meetings to share the concerns and develop the CIN plan in 2023 exacerbated this issue.
- 4.18 Many agencies echoed the experience of practitioners in their written submissions, acknowledging that even if they were aware of the proceedings, this had not always featured in how in they supported the children. Agencies' experiences of Father and his negativity towards Mother were noted and were thought to be unhelpful to the children, but never recognised in their own right as a safeguarding concern. For those agencies aware of the proceedings, there was a pervasive belief that these were dealing with this i.e. the alienating behaviour and therefore there was no need to raise a concern elsewhere. This was coupled with what was noted earlier in the report e.g. that Father's narrative about Mother was rarely challenged.
- 4.19 It was identified at the practitioner event that professionals involved with families in private proceedings are often reliant on parents volunteering information to them. There is currently no systematic way that this information would be shared with them, and it is generally not recorded on school's safeguarding data bases. A further complication arises because parents understand that they should not share the information widely as instructed by the court. There is therefore a disconnect and a lack of opportunity to further the network's shared understanding of the child's experience of proceedings.
- 4.20 In terms of information sharing between agencies and agencies' contact with both

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<sup>15</sup> CAFCASS Domestic Abuse Practice Policy (2024) Section 11 P4.

parents, there is learning about the legal concept of Parental Responsibility. In this scenario both parents held Parental Responsibility which carries equal rights and responsibilities for each of them. They were both therefore entitled to be kept up to date about the children's progress and to be involved any major decisions about the children such as schooling, where they should live, contact arrangements and any issues regarding their health. Mother was often not informed about these important decisions, nor was she given opportunity to be involved in them. Agencies would benefit from having a greater knowledge of Parental Responsibility – what it means, who has it and in what circumstances it can be removed. **A recommendation is made to enhance practitioners' knowledge of this.**

**Learning point 4: Risk assessment in relation to significant information and changing circumstances which may impact the safety of children.**

- 4.21 From late in 2022, when the psychologist reported to the court that (in her view) Father had intentionally alienated Mother from her children, services were slow to respond robustly. The Guardian's analysis at that stage was that the children were at risk of significant emotional harm due to Father's lack of engagement in the court process and professionals' inability to meet with him, or the children, to undertake the necessary assessments.
- 4.22 A distinct pattern had emerged at this point (corroborated by a court expert) that was indicative of the risk of emotional harm as identified by the Family Court Advisor. Learning would suggest that a separate safeguarding referral to Kent ICS should have been considered in order that the local authority could assess the children's wellbeing under the Children Act (s17 or s47). Instead, the Family Court Advisor's approach (with the court's agreement) was to keep the matter solely within the court arena. The high number of requests to the local authority for s7 and s37 reports and various addendums added to the worrying pattern, as despite these interventions, there was no resolution over a number of years.
- 4.23 Delays between court hearings meant that the s37 report was not requested until February 2023. The report was submitted to court at the end of March. Whilst it was clear that the Local Authority did not intend to pursue a legal order at that time, there was no plan to address Father's behaviour as identified by the expert witness. The early learning from the rapid review process identified an issue about timely information sharing on the basis of joint understanding of risk between CAFCASS and local authorities. This is particularly pertinent when private proceedings are not successful in arbitrating between parents.
- 4.24 As this was apparent early on in this process, much work has been completed already and a training programme within Kent Integrated Children's Services has enhanced practitioners' knowledge of private proceedings. Better relationships have been forged with CAFCASS colleagues through their attendance. At least one session has been conducted about alienating behaviours and the impact of these on private proceedings. The focus going forward will be for the partnership to progress training and awareness raising for agencies in the wider partnership. **There is a recommendation to strengthen all agencies knowledge and practice in these areas.**

- 4.25 Towards the end of the timeline, the picture of the harm experienced by the children had become clearer. This required careful thought, planning and co-ordination of services in a very tight timescale. The court made an Interim Care Order to the local authority towards the end of June in 2023. Kent responded well in terms of ensuring several processes were in place as the children were now Looked After Children. Plans were made very quickly, leaving limited capacity to fully absorb all the historical information and make sense of it.
- 4.26 Given what has been noted throughout the timeline in response to Father's behaviour, it is unsurprising that his seeming acceptance of the situation was not assessed as risky. Father's established pattern of disguised compliance<sup>16</sup> (with no intention to comply) would not have been completely evident without a thorough interrogation of past information viewed from this perspective. Whilst this was available to practitioners and managers in theory, what was missing was the opportunity to think this through with others who knew the family and the Family Court Advisor. It is significant that the children's Family Court Advisor was on leave during this critical period. The work was covered by colleagues but without the first hand knowledge, this would have been challenging.
- 4.27 The lack of reflective supervision is highlighted in this period, and this was compounded by other factors such as the absence of the Family Court Advisor, the experience of the social worker and the systemic lack of knowledge, recognition and understanding about alienating behaviours.

#### **Learning point 5: Assessing children's lived experiences**

- 4.28 At the time of the significant incident, George and Oliver suffered a substantial and traumatic experience. Prior to that, for a considerable number of years they were denied a healthy relationship with their mother. This is a terrific burden for them both. We know from research that children living with parents in dispute can have a profound impact and are likely to have been negotiating some dissonance around this for many of their formative years.
- 4.29 In the written submissions there is evidence of direct work in the assessments conducted yet there is very little sense of who these children were. There was no exploration of wider family members (either Mother's or Father's), relationships that the children had, no expression of how they saw themselves, their unique identities, their sense of belonging or key friendships they may have had. Genograms provided to the review, gave only immediate family members. We know through the process of this review that they have wider family members on both sides that they spent time with. More was noted about the children at the practitioners' event where those that knew them were able to provide context as to how they lived their lives and how they are progressing. Whilst this was heartening, it was disappointing that more was not recorded about them in their own words, in order to keep them central to decision making and planning.
- 4.30 A genogram would have been a useful place to start some further exploration of the nuances of this family, including where they spent their time and who with. Whilst it cannot

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<sup>16</sup> Disguised compliance occurs when a parent attempts to maintain the appearance of complying with plans to safeguarding or promote the welfare of the child, but do not follow this through with meaningful action. Sometimes this may include a short period of improvement which is not sustained.

be concluded that this would necessarily have impacted on the outcome, it would have provided a more complete picture and enabled further understanding of the children and their lived experience. This in turn would have assisted in planning and may have led to increased intervention from statutory services at an earlier stage, that was more readily viewed through a child protection lens.

- 4.31 A genogram would have also assisted in exploring issues of intersectionality<sup>17</sup> as a helpful framework to aid practitioners' understanding of them. Many of the written submissions describe the children's ethnicity as White British but information from the review notes that their mother is of mixed heritage and there is a remarkable lack of information about her in the records.
- 4.32 Direct work with trusted adults empowers children to be able to tell their story and be part of the solution to resolving difficulties. This is particularly important when children are immersed in adult disputes as was the case here. Given what we know about Father it would have been very difficult for these children to be open and honest with professionals, and the likelihood that they were heavily coached seems strong in these circumstances. Good practice was noted when the children were joined to the private proceedings in 2022 so their voices would be more readily heard within the court arena. The slow recognition of Father's behaviour meant that this came late in the day when the impact of Father's negativity was entrenched.
- 4.33 Practitioners need to be skilled in eliciting the wishes and feelings of children and using their words and stories to assess risk and plan accordingly. Drawing on a wide range of information, practitioners (with help from their managers) should apply an analytical approach and consider parental behaviours which could be impacting children's wellbeing. **There is a recommendation to develop practice about the importance of considering intersectionality when consulting with and listening to children.**

## 5 Family Contribution

- 5.1 The lead reviewer met with all members of the immediate family during the process of the review. The family members spoke freely about what they considered the strengths and weaknesses of services offered to them. Unsurprisingly, some (the parents) accounts differ and offer varying interpretations of events, both from each other and from what was recorded by practitioners at the time. Where these were triangulated with other material from the review, these are referenced in the body of the report. Otherwise, the following is a summary of what was discussed and reflects how the family viewed things at the time.

### Learning from the children

- 5.2 The Lead Reviewer (supported by a member of Kent Safeguarding Children Multi-agency Partnership) met with George and Oliver at their home with the foster carers. Oliver chatted freely, whilst George was more reserved. Both children were engaged and

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<sup>17</sup> Intersectionality is the interconnected nature of social categorisations such as ethnicity, race, class, and gender as they apply to a given individual or group, regarded as creating overlapping and interdependent systems of discrimination or disadvantage

engaging and were pleased that they were being consulted about the review. They were clear that their wish was to remain in foster care with their current carers, at their current home and they described positive relationships with the different members of their household. Their contribution has helped inform some of the learning for practitioners from the review.

- 5.3 George and Oliver agreed that it had felt a long time coming that professionals had listened to them and what their wishes and feelings were acted on. Oliver (with George in agreement) felt that a number of professionals had not listened to them. Over the years, they had often said that they did not want to spend time with their mum but the courts, the FCAs, guardians and social workers had continued to make plans for them to spend time with her. It is really only since they have been in foster care that they have felt like they have been able to have more say in this. They have the means to contact their mother if they want to and they are happy with this, keeping this option open at the moment. They are in touch with their father. They are also in touch with members of their extended family on their father's side and see them regularly.
- 5.4 George and Oliver felt that one of the reasons court representatives did not listen was because they did not spend enough time visiting them. They remember very sporadic visits from FCAs and guardians over the years. They were unaware that they had been joined to the proceedings and therefore represented by their own solicitor via the guardian. They do not remember meeting their solicitor, therefore were not sure how that person could represent them.
- 5.5 Both children agreed that they liked the last year of primary school and preferred this one to their previous school. They thought the difference was that they felt heard in the latter one. The children are now both in secondary school and like this very much. They have lots of friends and there are plenty of subjects and activities that interest them there. They also have some special relationships, and they know which teachers and support staff will listen to them 'rant' and they know that they will be supported by them. This has been more available since the incident and they wondered why they had not received this support prior to it, given everything that was happening with the court case.
- 5.6 George and Oliver like different subjects in school but they did comment that the best teachers make a subject interesting even if that is not their favourite. They are pleased with their school as they feel heard there. George was meant to be going on a school skiing trip but sadly this had been cancelled through lack of take up.
- 5.7 Oliver also talked about a positive experience with a counsellor that he accessed via the GP. He was attending weekly or fortnightly in the period leading up to the incident. The counsellor would send a message and arranged to meet. This was proactive and provided a space for Oliver to talk things through.
- 5.8 Oliver was home schooled for about a year but had no strong feelings either way about this and liked both home schooling and school. Oliver was aware that Father was meant to produce evidence of school work but had not been able to and that is why a school place was sought.
- 5.9 Oliver and George had different views about attending their statutory CLA reviews. They both fill in the consultation papers but whilst Oliver is happy to go along and be in the

meeting, George prefers to write things down which are then passed to the foster carer and fed into the meeting. They have both developed good systems for making their views heard which reflects their different personalities. They are happy to be kept in touch about the conclusion of the review once it is ready for publication.

### **Parents' contributions**

- 5.10 Both parents spoke freely about what they considered the strengths and weaknesses of services offered to them. Where these were triangulated with other material from the review, these are referenced in the body of the report. Otherwise, the following is a summary of what was discussed and reflects how each parent viewed things at the time.

### **Mother**

- 5.11 The reviewers met with Mother and her partner towards the end of the review process. She was very keen to contribute, and the report is a richer piece of work for her contribution.
- 5.12 Mother said that she found the private proceedings 'traumatic' and each time she had to go back to court to try and impose the arrangements set by the court to spend time with the children, it came at an emotional cost to her. Father had custody from an early time, and that initial decision had set the scene. From then on, she felt that she was on the defence. She found being cross examined in the witness box traumatising and she attributed this to the adversarial nature of the court proceedings. In the latter half of the timeline, she found asking for help and support difficult as she felt this was used against her in court. She did have some counselling at one point, but she found talking about her situation re-traumatising, though it did help her understand other people's motivations. Mother would like to see family courts more open and transparent.
- 5.13 There were several delays to her application being heard – some due to the Covid-19 pandemic but also court delays as they tried to clear the backlog. Mother said she did not like being in a setting where she was viewed as a 'problem parent' and while she is willing to reflect, she is not good at reading situations which made life even more difficult in this arena.
- 5.14 In relation to her head injury, she said that she had acquired this many years ago (before she met Father) and this had changed her cognition, but she was still able to achieve a high academic standard. As a child she was bright with an excellent memory, but the head injury changed that and, whereas she was previously feisty, she was now more likely to retreat into herself. She is currently being assessed for Autistic Spectrum Disorder (ASD) and Mother thinks it is likely that she will be diagnosed as somewhere on the spectrum. She is a very logical person and if something doesn't appear logical, she will question it. She thought that professionals sometimes perceived this as a challenge.
- 5.15 Mother talked about mixed experiences with social workers. She felt that one of the early ones did not understand the situation correctly and the assessment went against her. This social worker misinterpreted issues around her culture and was very critical of her as a result but was missing the context of her experience of being parented by her mother who is Indian. There was however another one who understood the situation more accurately.



- 5.16 Mother's experience of schools was also mixed. One of the schools was very supportive and took time to update her. There were two others that did not take her Parental Responsibility seriously and did not check out information that Father had given them. This led to her not being updated about the children and their progress and not being involved when they had school plays. Mother felt that there was learning for agencies about understanding of parental responsibility and how they manage their communication when parents are separated.
- 5.17 In relation to contact with the children, she felt that there were times when it went well but the more time they spent with her and got to know and like her, the more Father would double down and alienate her. The situation at present is that she does not want to go against the children's wishes. It is however hard for her to understand that the children's wishes are adhered to exclusively, even when it is based on reasons that are factually incorrect.
- 5.18 Mother's partner also contributed and had much to say about the period after the children went to foster care. They found themselves in another court case and everything seemed to take so long. Mother's partner also said that he would have appreciated more information about what happens when children go to foster care as they were in the dark about what this meant for them and the children. Both adults thought that all agencies did not have sufficient knowledge of parental alienation and that this is an area for training that partnerships should implement on a mandatory basis.

### **Father**

- 5.19 Father is serving a lengthy custodial sentence and so the meeting took place in prison. He was extremely eager to contribute to the review as he felt that his voice needed to be heard.
- 5.20 In summary, Father said that he felt all services had let him down. He stated he believed that there is a disconnect between social services and CAFCASS and he felt it had been very hard for him to get across to everyone just how difficult his life has been.
- 5.21 Father said he found looking after two children as a single carer very hard and that he did not have any help. Father stated that at one point he was also trying to home educate Oliver, but he felt the EHE team were critical rather than helpful and his view was they did not understand how hard this was. In the latter court case (2021), he said he struggled with his mental health but did not ask for any help or support in relation to it.

## **6 Recommendations**

- 6.1 The review found that practitioners did not pay sufficient attention to the domestic abuse that affected the children in all its forms e.g. coercive control and alienating behaviours. *The review recommends Kent Safeguarding Children Multi-agency Partnership review their training and guidance to ensure that all partners equip their practitioners in dealing with families where coercive control and alienating behaviours is (or has been) a factor. Guidance should include the importance of professional curiosity about all relationships, exploring potential ongoing risks when parents separate, the need to be cognisant of history when assessing risk, and the need for ongoing contact arrangements to be kept*

*under review.*

- 6.2 Practitioners who took part in the review acknowledged their lack of in depth knowledge of Private Law Proceedings and therefore did not recognise the impact of these on the children. *The review recommends Kent Safeguarding Children Multi-agency Partnership adds to its training and development program to ensure that there are briefings, information and/or training available for frontline services on;*
- *The legislation governing Private Law applications including the different orders available to the court and what this means for children.*
  - *The impact of Private Law proceedings on children and their professional roles and responsibilities to support children who are subject to them.*
  - *The role of the Family Court Advisor and Children’s Guardians in courts.*
  - *The interface between Private Law proceeding and Public Law proceedings including legal concepts such as Parental Responsibility*
- 6.3 In light of the findings in this review about the limited knowledge of alienating behaviours, there was a lack of shared understanding of the children and their lived experience. Mother’s experience also went unrecognised. *The review recommends that professionals in the Partnership should be equipped with an understanding of intersectionality to properly identify and consider these factors when assessing and managing risks to children and families who experience multiple oppressions and disadvantage.*
- 6.4 For much of the timeline under review the family were involved in Family Court proceedings with little satisfactory resolution for the children. *Kent Safeguarding Children Multi-agency Partnership to share learning from this report with the judiciary, e.g., via relevant, local forums.*

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