

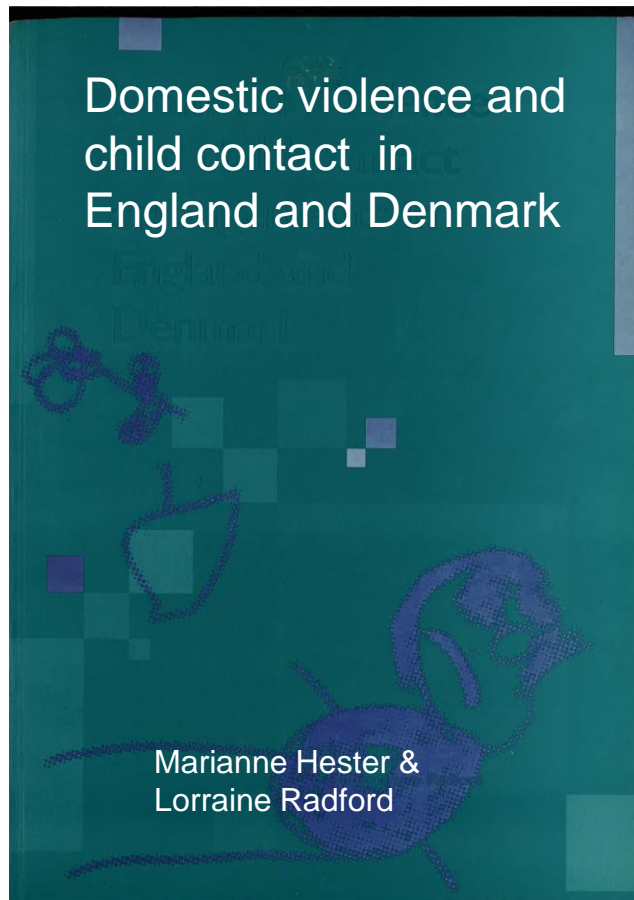
International Perspectives on Post-separation Violence

Safety for Women and Children - the Three Planet Problem

Marianne Hester

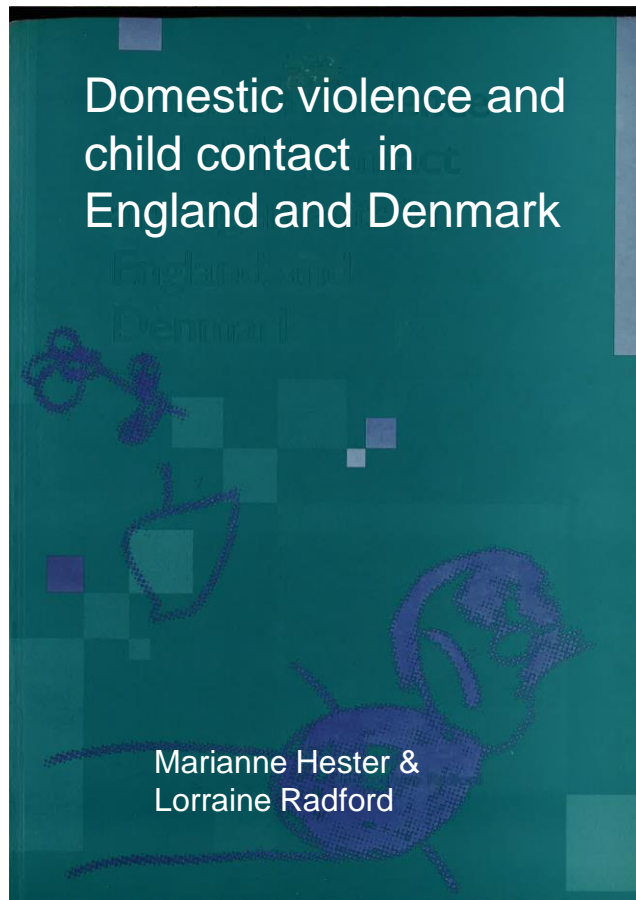
Centre For Gender and Violence Research

Background



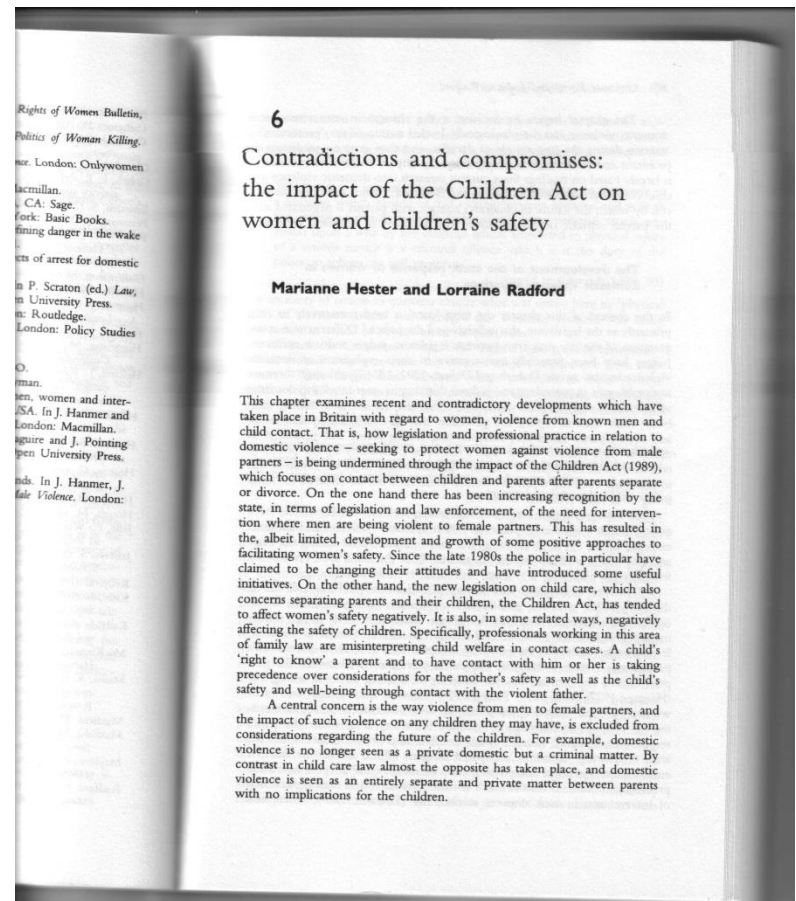
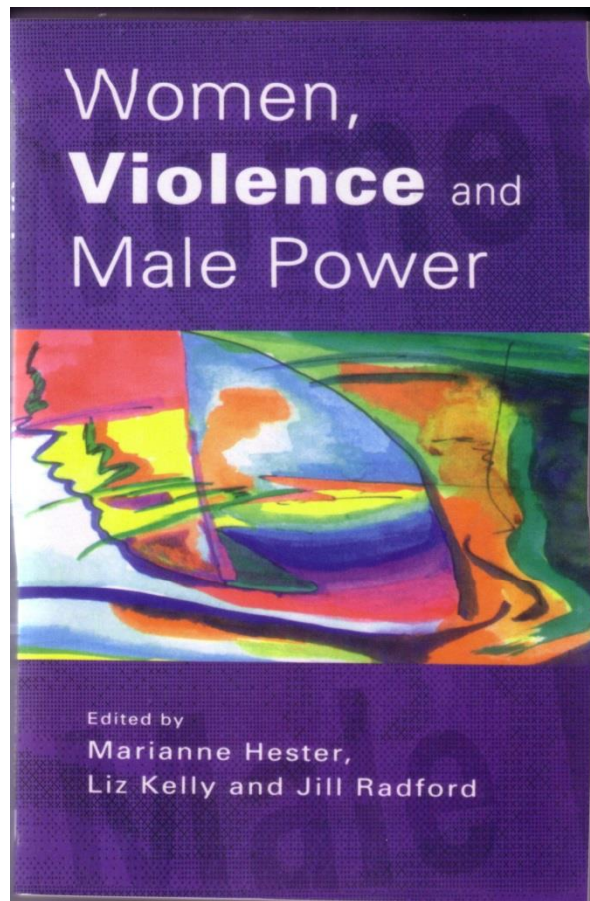
- 1980s – children and domestic violence (Jaffe, Wolfe, Wilson etc)
- 1989 – UK Children Act (protection and post-separation contact)
- 1989 onwards – Hester & Radford research

findings



- violence does not stop on separation - men use post-separation contact to continue domestic violence & abuse...
- Mothers try hard to ensure contact
- There should be presumption of NO contact unless it is safe
- Family courts – lack knowledge of DV, future focused, presume contact

🌿 Contradiction – child protection & child contact



two planets in contradiction

**Child protection:
CHILD**

**Child contact:
PARENTS**

But three planets, not two

**Domestic violence:
ADULTS**

**Child protection:
CHILD**

**Child contact:
PARENTS**

Domestic violence planet – most developed planet re safety

Domestic violence:
considered a crime
(civil and criminal law);
range of support
mainly violent
male partner



What happens on the DV planet?

1. Refuges/shelters to enable women and children to escape from violent men
2. Other support and advocacy services – mainly for women
3. Criminalisation of domestic violence – making domestic violence a crime like any other violent crime.
Protection Orders
4. Perpetrator programmes to challenge and change violent and abusive behaviour



Working together is effective

- From 1999 to 2010 domestic violence **DECREASING** in UK
-due to combination of service input (DV victim intervention/support; criminal justice; multi-agency co-ordination).
-combination of support for women and focus on male perpetrators **decreases domestic violence**



BUT...cuts and DVA

Since 2010 DVA Crime Survey England & Wales shows flat-lining or increase in DVA.

- *In 2008/09* 6% of women and 4% men said they experienced any domestic abuse (mostly partner, also family)
- *In 2013/14* 8.5% of women and 4.5% men said they experienced any domestic abuse (mostly partner, also family)

Since 2010 – cuts in services and fragmentation of response, alongside increase in pressure on families, has increased DVA.

————→ need to re-build co-ordinated response?



13%^{vi}

of respondents have stopped running/closed an area of service due to lack of funding (17)

SERVICE CLOSED

Specialist refuges help women and children escape, cope and rebuild their lives after domestic violence.

find your

way



nearly **half** of these had to close down children's work



37%^{vii}

of respondents were running services without dedicated funding (49)



65% of these were being run using reserves (32)



24% of these were run by unpaid volunteers (12)



 Austerity – rationing –
emphasis on high risk



🌟 Also – professionals losing sight of victim need

Middlesbrough MARAC Pilot 2014

To better understand the cases that fail to progress to position of ‘increased safety’



The problem

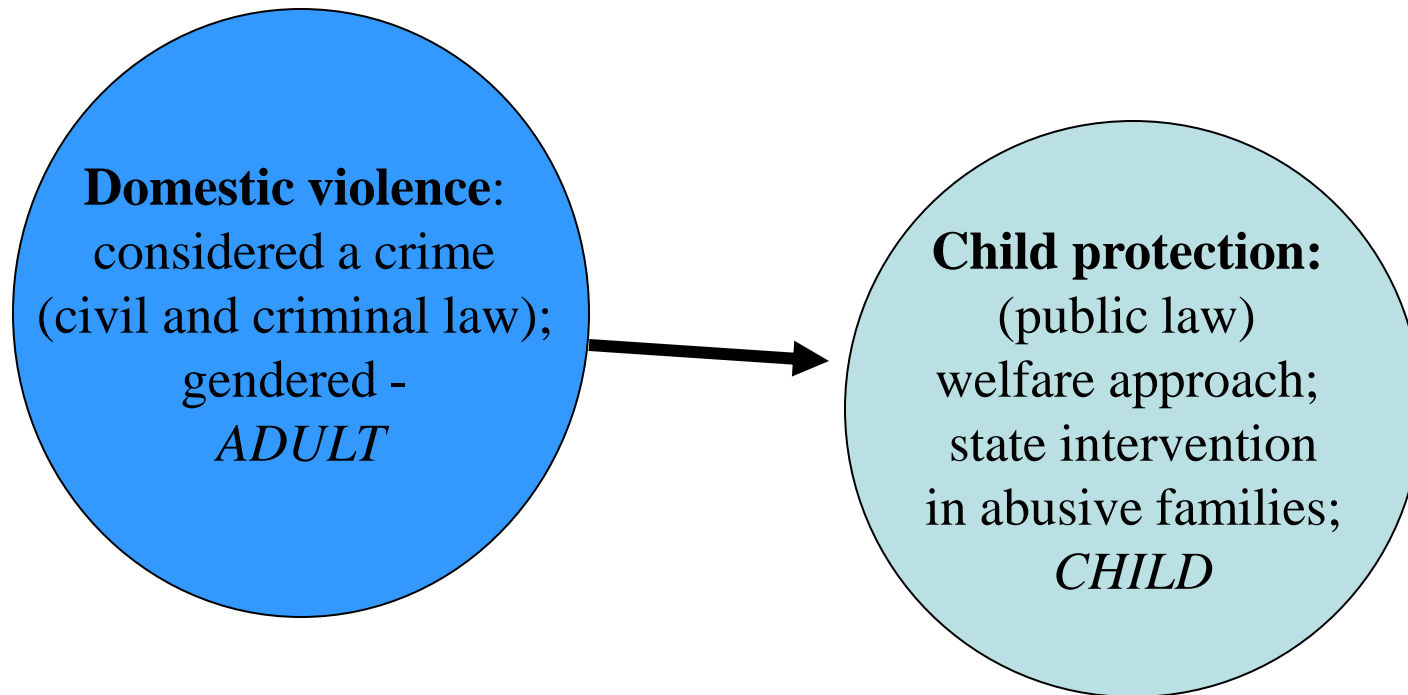
- Agencies had offered services and actively pursued a problem solving approach to the victim's situation; most victims had engaged at some level with this support though no demonstrable reduction in risk had occurred.
- Frequent reporting of risk (by the victim), but there were no corresponding actions to manage, divert or assess the perpetrators motivation, or needs. As agencies repeatedly work toward a safer position, there was a danger that the victims were perceived to be obstructing progress
- As the 'risk' escalates the ability of the victim to 'cope' and engage with a support plan diminishes. As services increase efforts to engage and move forward, the victim becomes overwhelmed and starts to withdraw or engages in 'forced compliance' for a short period of time resulting in unsustainable actions being progressed. Many of these victims held the view that no-one could help them, and nothing would make a difference.

Domestic violence planet – most developed planet but being undermined

Domestic violence:
considered a crime
(civil and criminal law);
range of support
mainly violent
male partner



🌿 domestic violence and child protection



Separate development:

Domestic violence – perceived as power & control, increasingly criminalised

Child abuse – perceived as family dysfunction, welfare approach with de-criminalisation

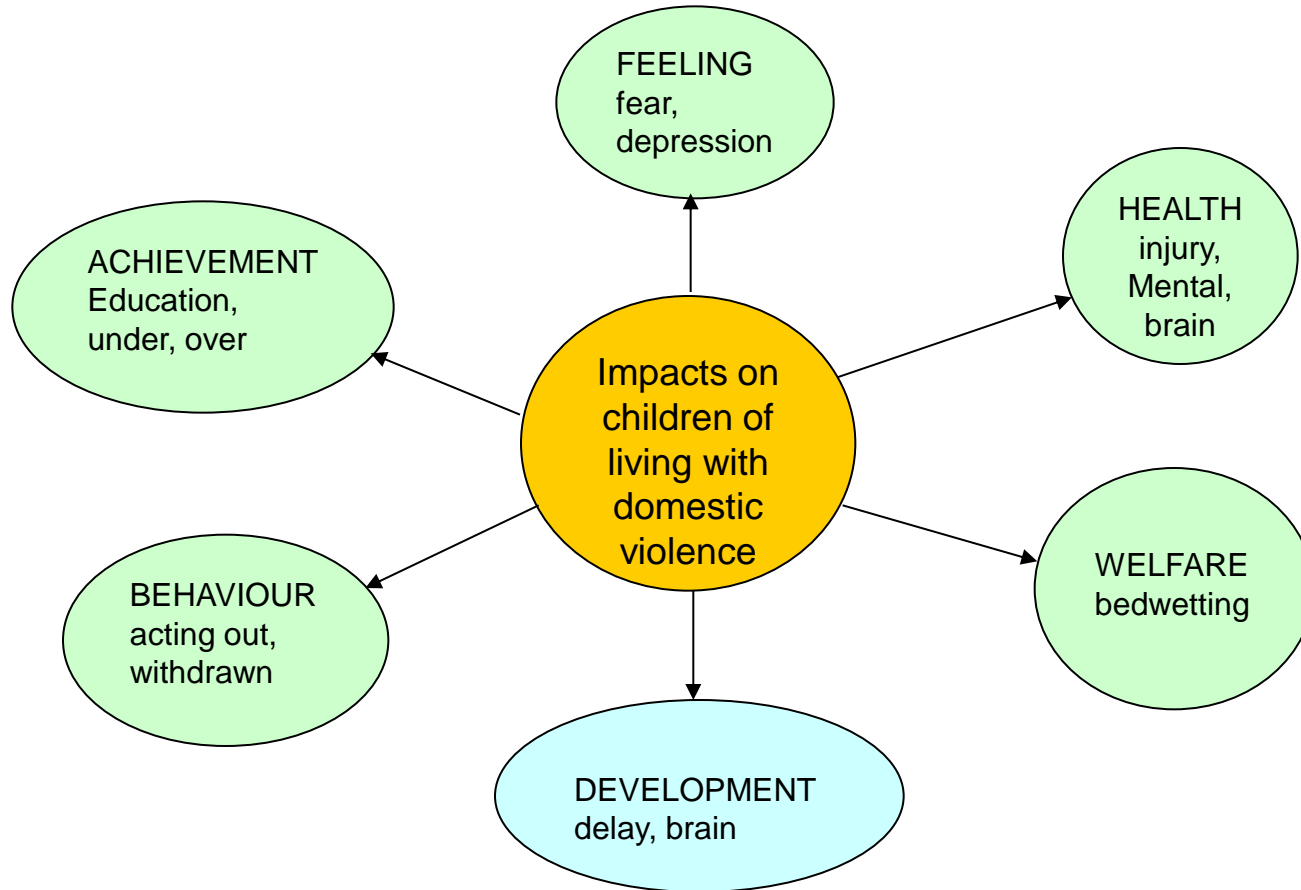


Domestic violence as main context for child abuse

- men's violence to female partners is the *most common context* for child abuse;
- *male domestic violence perpetrators* are more likely to be abusive to children and more extremely so;
- the *more severe the violence to a female partner*, the *more severe the abuse of children* in the same context
- children may experience *multiple forms of abuse in the context of domestic violence.*



🌟 Impacts on children



BUT not all children (resilience), and not all the same (age, gender, ethnicity, disability)

Dobashes' warning!



Mothers...

- Expectation that woman will eventually leave or exclude the abuser.
- Responsibility for protecting children is placed on mothers
- Dynamics of gender violence ignored
- ...mother 'failure to protect'



Fathers

- men's violence to female partners is the *most common context* for child abuse;
- *male domestic violence perpetrators* are more likely to be abusive to children and more extremely so;
- the *more severe the violence to a female partner*, the *more severe the abuse of children* in the same context
- **children may experience *multiple forms of abuse*.**



Difficult on child protection planet to focus on violent men

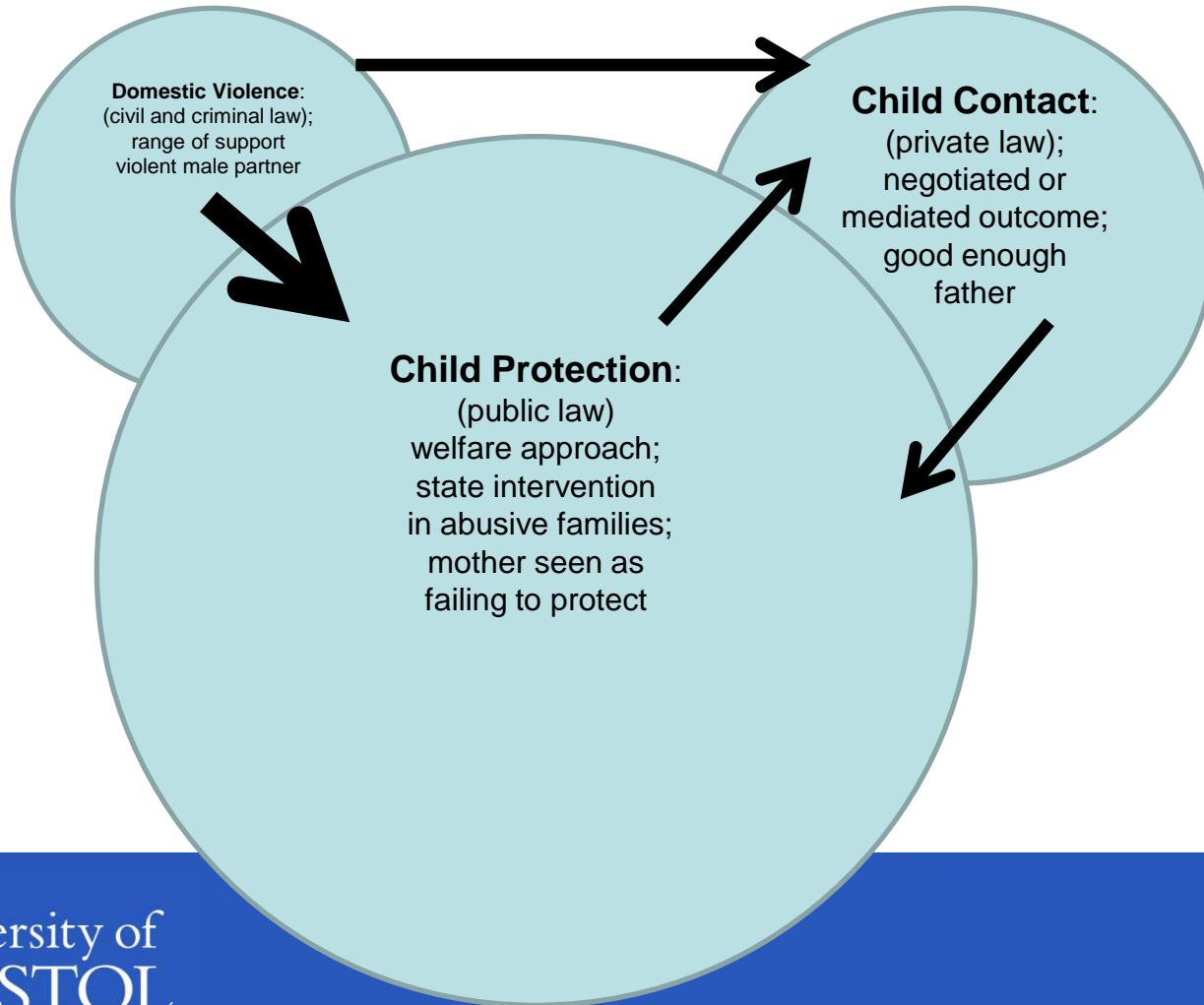
- Difficult and dangerous to deal with
- Disappear
- Manipulate practitioners
- Fathering & perpetrator programmes?
(see *Farmer 2006, Kelly et al 2015*)



🔥 The Evolved 'Three Planet' Model

Kerss, 2015

- Decrease in DV planet with austerity approach.
- Child protection statutory, 'only aspect that has to be done'



UK Homicide reviews

- The majority (68%) of women killed in Birmingham by ex/partners homicides have been killed when they have sought help or tried to leave.
- Most of the women (84%), and all those who had children, had previously contacted the police for help with domestic violence, some directly contacting children's social work as well.
- However, **where children have been in the household, abused mothers who have been killed have universally been required by child protection services to end a violent relationship, without further protection being put into place** for the family at this most dangerous time. At the same time, victims had been judged poorly if they failed to end the violent relationship.

[Birmingham City Council 2016]



Homicide reviews (cont.)

- Homicide reviews have revealed **fundamental lack of understanding of the complexities of Coercive Control** that pervades practitioners across the criminal justice, family justice, health and **child protection** sectors.
- Such a gap in understanding has led to, in particular, the **construct of statutory professional cultures that fail to respond in an empathetic and empowering way towards victims and their children**, and conversely, in some cases, **mitigate against effective safeguarding** (Birmingham City Council, 2016).



Three planet model: pressure points

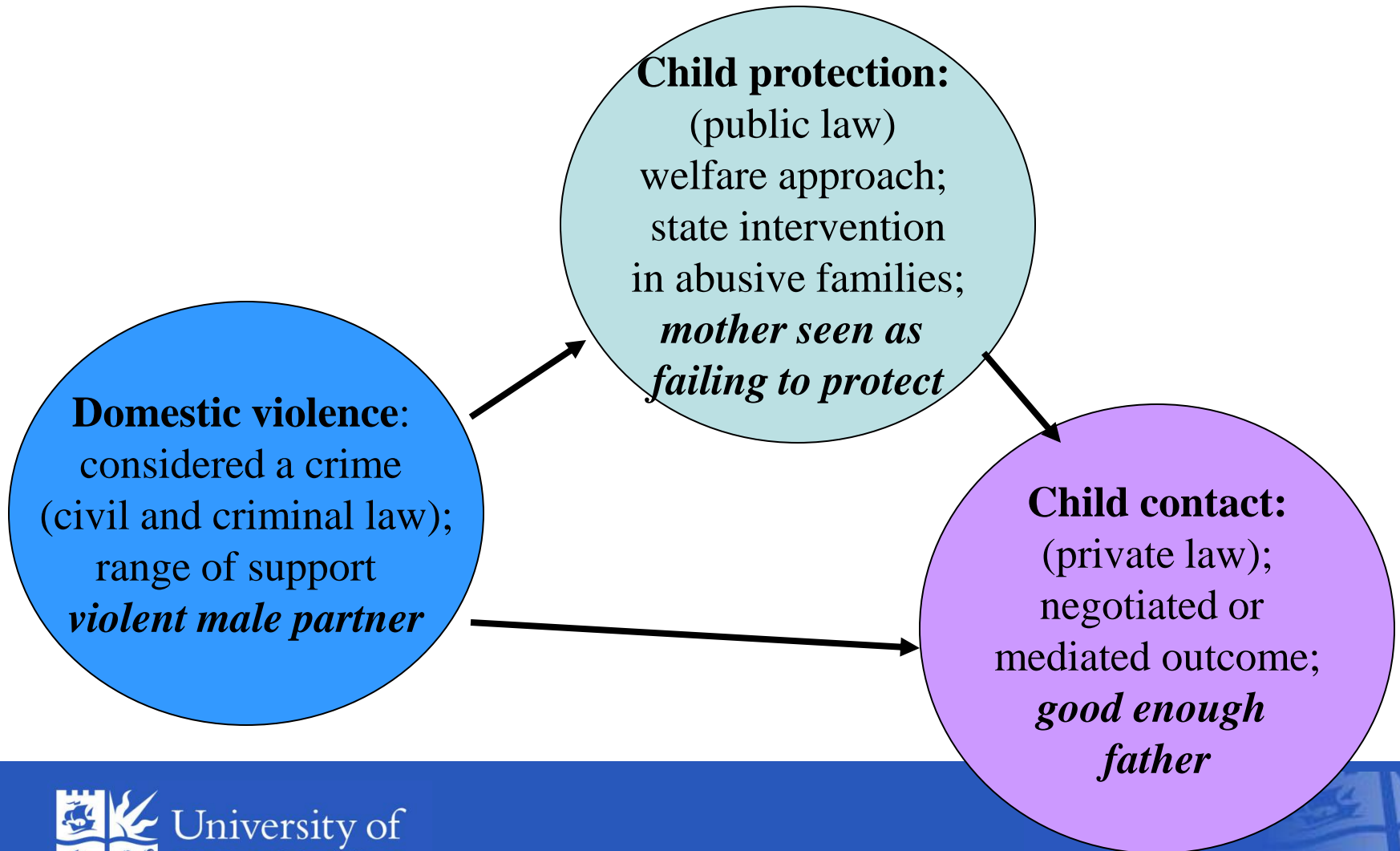
Child protection planet:

- Failure to protect
- DV as emotional abuse
- Causing or allowing the death of a child
- 'Toxic trio' – DV minimalised, dynamics not understood

Domestic violence planet:

- Just a domestic
- And men too
- Prevalence without impact or severity
- Women seen as not engaging

🌿 ...and child contact?



Change over time – England & child contact

| | Ideological | Pragmatic |
|--|--------------------|------------------|
| Phase one 1989 to late 1990s | X | |
| Phase two Late 1990s to early 2000s | | X |
| Phase three early 2000s to date | X | |



✿ Ideological approach: Phase One & Three

- not evidence or research based...
[pressure from father's groups,
traditional/patriarchal views of judiciary]
- emphasising child contact above children's safety and welfare
- best interests of the child are always best served by contact with both parents



🌟 More pragmatic approach: Phase Two (very short!)

[pressure on Family Courts – review of case evidence – Re V, L & M]

- Acknowledging there are links between domestic violence and possible harm to children post-separation
- Mothers ‘hostility’ may be reasonable
- Fathers need to prove they can parent safely



Ideological approach: Phase Three

- Some asking about DV – but still seen as in the past or only about parents
- emphasising child contact above children's safety and welfare
- best interests of the child are always best served by contact with both parents
- Renewed emphasis on ‘mothers hostility’ and PAS re-emerging [father’s groups and traditional/patriarchal judiciary]



Tension between right to know & right to safety:

- emphasis on children's right to know their two parents \longrightarrow increase in (abusive) fathers' rights
- compromises children's right to safety and protection
- Undermines mothering and women's safety



🌿 From 2014 – further shrinking of the state

- Family Court as last resort
- Emphasis on Mediation
- Legal Aid restricted

- Acknowledgement of DVA – but in reality?
- Focus on contact as paramount



Homicides....



🔥 Saunders 2004:

DV & contact, & child murder

- Saunders (2004) examined homicides of 29 children from 13 families killed in the context of contact/access or residence/custody :
 - Domestic violence was involved in at least 11 of the 13 families.
 - In five of the cases contact had been ordered by the courts.



🌿 Women' Aid 2016: another 19 child homicides

- 19 children in 12 families killed by fathers, also perpetrators of domestic abuse.
- All of the perpetrators had access to their children through formal or informal child contact arrangements.
- 2 mothers also murdered, and 7 of the fathers committed suicide
- **All 12 fathers were known to statutory agencies as perpetrators of domestic abuse. At least 11 of the 12 fathers were known to the police as perpetrators of domestic abuse**

A father who has abused his child(ren)'s mother is routinely seen as a “good enough” dad. The impact of abuse on the whole family, particularly persistent, coercive and controlling behaviour which continues after the relationship has officially ended, is routinely misunderstood.



2016 - recommendations:

For Government, family court judiciary and Cafcass to urgently act upon:

- Further avoidable child deaths must be prevented by putting children first in the family courts - as the legal framework and guidance states.
- There is an urgent need for independent, national oversight into the implementation of *Practice Direction 12J - Child Arrangement and Contact Orders: Domestic Violence and Harm*.

NEW GUIDANCE ON REDUCING CONTACT
PRESUMPTION



Three planet model: pressure points

Domestic violence planet:

- Just a domestic
- And men too
- Prevalence without impact or severity
- Women seen as not engaging

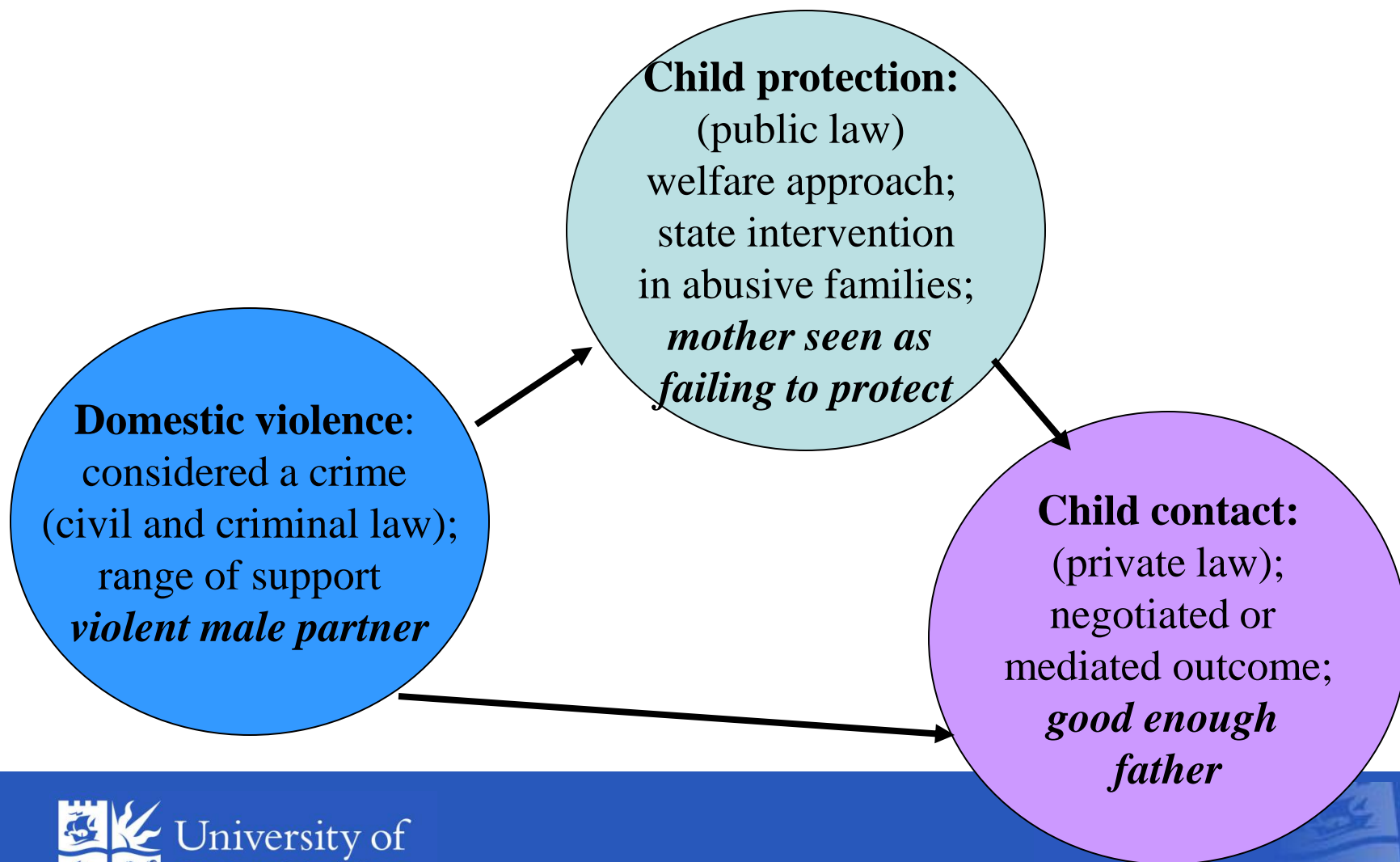
Child protection planet:

- Failure to protect
- DV as emotional abuse
- Causing or allowing the death of a child
- 'Toxic trio' – DV minimalised, dynamics not understood

Child contact planet

- Future focus
- Best interests of child
- Contact paramount
- Good enough father
- Right to two parents
- Sabotage
- Parental Alienation

🌿 Life beyond three planets?



Conclusion

Tackling domestic violence and abuse effectively requires:

- Consistency and coherence of approach with in-depth common understanding of domestic violence
- Co-operation by a range of agencies at senior and practitioner levels and with resources
- Co-ordination of involvement and provision

→ **Need to bring the ‘three planets’ into line**

- **Dealing with perpetrators, victims and children**



References

- Hester, M. (2011) The three planet model – towards an understanding of contradictions in approaches to women and children’s safety in contexts of domestic violence. *British Journal of Social Work*. 41, 837–853.
- Radford, L. & Hester, M. (2015) More than a mirage? Safe contact for children and young people who have been exposed to domestic violence. In *Domestic Violence and Protecting Children: New Thinking and Approaches*, Stanley and Humphreys (Eds). London: Jessica Kingsley Publishers.

